

ORDINANCE NO. 509-268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY BEING 3305 ACRES OF LAND, MORE OR LESS, LOCATED IN THE DUPUY AND ROBERTS SURVEY, A-726, BRAZORIA CO.; J. CRAWLEY SURVEY, A-174, BRAZORIA CO.; WILLIAM MORRIS SURVEY, A-344, BRAZORIA CO.; T.C.R.R. CO. SURVEY, SECTION 3, A-678, BRAZORIA COUNTY; T.C.R.R. CO. SURVEY, SECTION 4 (JOHN W. MAXCY), A-675, BRAZORIA CO.; OBEDIAH PITTS SURVEY, A-717, BRAZORIA CO.; H.T. & B.R.R. CO. SURVEY, SECTION 80 (J.S. TALMAGE), A-564, BRAZORIA CO.; H.T. & B.R.R. CO. SURVEY, SECTION 81, A-300, BRAZORIA CO.; H.T. & B.R.R. CO. SURVEY, SECTION 82 (J.S. TALMAGE), A-565, BRAZORIA CO.; H.T. & B.R.R. CO. SURVEY, SECTION 83, A-305 IN BRAZORIA CO. AND A-761 IN FORT BEND CO.; H.T. & B.R.R. CO. SURVEY, SECTION 84 (R.B. LYLE), A-538 IN BRAZORIA CO. AND A-767 IN FORT BEND CO.; S.G. HAYNIE SURVEY, A-212 IN BRAZORIA CO. AND A-620 IN FORT BEND CO.; FRANKLIN HOOPER SURVEY, A-198, FORT BEND CO.; GEORGE W. MCDONALD SURVEY, A-577, FORT BEND CO.; I.C. STAFFORD SURVEY, A-668, FORT BEND CO. AND THE H. LEVERING SURVEY, A-279, FORT BEND CO, TX. (**APPLICATION NO. 621**) FROM CLASSIFICATION OF SUBURBAN DEVELOPMENT (SD) TO SINGLE FAMILY DWELLING DISTRICT (R-1 THROUGH R-4), MULTI-FAMILY DISTRICT (MF), OFFICE PROFESSIONAL, NEIGHBORHOOD SERVICES DISTRICT, COMMERCIAL AND LIGHT INDUSTRIAL (MF, OP, NS, GB, C, M-1) AND GENERAL BUSINESS, PLANNED UNIT DEVELOPMENT (PUD) AT THE REQUEST OF KNUDSON & ASSOCIATES, AGENT FOR PEARLAND INVESTMENTS LIMITED PARTNERSHIP, OWNER, PROVIDING FOR AN AMENDMENT OF THE LAND USE DISTRICT MAP; CONTAINING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Knudson & Associates, agent for Pearland Investments Limited Partnership, Owner, filed on October 12, 1998, an application for amendment to Ordinance No. 509 pursuant to Section 28 of Ordinance No. 509, the Land Use and Urban Development Ordinance of the City, for approval of a change in the land use as provided for in said Section 28, said property being legally described in the original application for amendment attached hereto, and made a part hereof for all purposes, as Exhibit "A"; and

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WHEREAS, on the 23rd day of November, 1998, a joint public hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached thereto and made a part hereof for all purposes, as Exhibit "B", said call and notice being in strict conformity with provisions of Section 28.3 and 28.4 of Ordinance No. 509; and

WHEREAS, on the 23rd day of November, 1998, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed amendment application by Knudson & Associates, agent for Pearland Investments Limited Partnership, owner, whereby the Commission recommended and approved a change of classification for the property described in Exhibit "A" from its existing classification of Suburban Development (SD) to Single Family Dwelling District (R-1 through R-4), Multi-Family District (MF), Office Professional, Neighborhood Services District, Commercial, and Light Industrial (MF,OP,NS,GB,C,M-1) and General Business, Planned Unit Development (PUD); and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, the City Council considered this application, and concurred with the recommendation of the Planning and Zoning Commission, at a regular meeting on December 14, 1998, and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the

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case of the application of Knudson & Associates, agent for Pearland Investments Limited Partnership, owner, facts were presented which, in the judgement of the City Council, would justify the approval of said application; now, therefore,

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

I.

The following described property located within the corporate City limits of the City of Pearland, Texas, and presently classified as Suburban Development (SD) to Single Family Dwelling District (R-1 through R-4), Multi-Family District (MF), Office Professional, Neighborhood Services District, Commercial, and Light Industrial (MF,OP,NS,GB,C,M-1) and General Business, Planned Unit Development (PUD).

Being 3305 acres of land, more or less, located in the Dupuy and Roberts Survey, A-276, Brazoria Co.; J. Crawley Survey, A-174, Brazoria Co.; William Morris Survey, A-344, Brazoria Co.; T.C.C.R. Co. Survey, Section 3, A-678, Brazoria Co.; T.C.R.R. Co. Survey, Section 4 (John W. Maxcy), A-675, Brazoria Co.; Obediah Pitts Survey, A-717, Brazoria Co.; H.T. & B.R.R. Co. Survey, Section 80 (J.S. Talmage), A-564, Brazoria Co.; H.T. & B.R.R. Co. Survey, Section 81, A-300, Brazoria Co.; H.T. & B.R.R. Co. Survey, Section 82 (J.S. Talmage), A-565, Brazoria Co.; H.T. & B.R.R. Co. Survey, Section 83, A-305 in Brazoria Co. and A-761 in Fort Bend Co.; H.T. & B.R.R. Co. Survey, Section 84 (R.B.Lyle), A-538 in Brazoria Co. and A-767 in Fort Bend Co.; S.G. Haynie Survey, A-212 in Brazoria Co. and A-620 in Fort Bend Co.; Franklin Hooper Survey, A-198, Fort Bend Co.; George W. McDonald Survey,

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A-577, Fort Bend Co.; I.C. Stafford Survey, A-668, Fort Bend Co. and the H. Levering Survey, A-279, Fort Bend Co., TX.

II.

The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed changes has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

III.

The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

IV.

The City Council of the City of Pearland finds and determines that certain portions of Section 17 of the City's *Land Use and Urban Development Ordinance* are inapplicable to the aforementioned PUD and shall not apply. Such application, due to special circumstances not contemplated by the City's *Land Use Ordinance*, would be contrary to public interests, thus resulting in unnecessary hardships to the landowner.

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V.

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

VI.

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

VII.

The City Secretary is hereby directed to cause to be prepared an amendment to the official Land Use District Map of the City, pursuant to the provisions of Section 2 of Ordinance No. 509, and consistent with the approval herein granted for the reclassification of the herein above described property.

VIII.

This Ordinance shall become effective after passage and approval on its second and final reading.

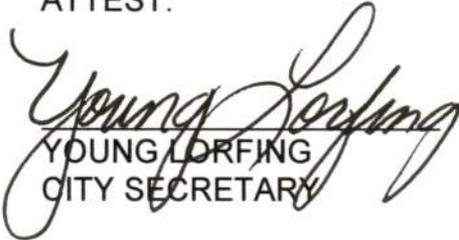
ORDINANCE NO. 508-268

PASSED and APPROVED ON FIRST READING this the 14th day of December, A.D., 1998.



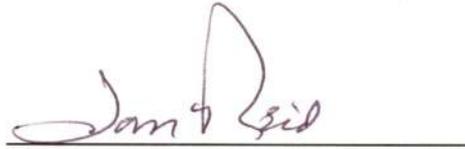
TOM REID
MAYOR

ATTEST:



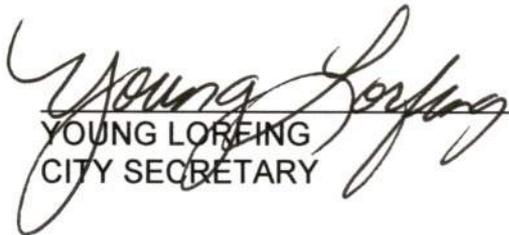
YOUNG LOREING
CITY SECRETARY

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



TOM REID
MAYOR

ATTEST:



YOUNG LOREING
CITY SECRETARY

APPROVED AS TO FORM:



DARRIN COKER
CITY ATTORNEY

AFFIDAVIT OF PUBLICATION

The Pearland Reporter News
2404 South Park
Pearland, Texas 77581

State of Texas
Brazoria and Harris Counties

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

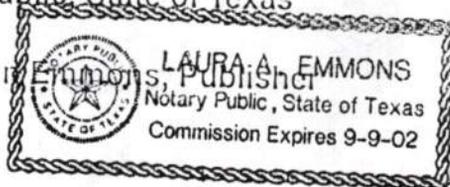
No. <u>1</u>	Date <u>10-14</u>	19 <u>98</u>
No. _____	Date _____	19 _____
No. _____	Date _____	19 _____
No. _____	Date _____	19 _____
No. _____	Date _____	19 _____

Joan Cummings
Editor

Subscribe and sworn to before me this 15 day of Oct
19 98

Laura Ann Emons
Notary Public, State of Texas

Laura Ann Emons, Publisher



LEGALS

its easterly extension to a point for corner on the centerline of State Highway 288, width varies;

THENCE, SOUTHERLY, 8808 feet, more or less, along said centerline of State Highway 288 to a point for corner on the southerly line of County Road 92, 40 foot wide, a dedicated road as shown on aforementioned ALLISON-RICHEY GULF COAST HOME CO.'S PART OF SUBURBAN GARDENS;

THENCE, WESTERLY, 17,230 feet, more or less, along the southerly line of said County Road 92 and its westerly extension, to a point for corner on the easterly right-of-way line of Farm to Market Road 521;

THENCE, NORTHEASTERLY, 9521 feet, more or less, along said easterly right-of-way line, to a point for corner on the centerline of Clear Creek, same being the most southerly corner of a 7.0 acre tract of land described in File No. 9548587 of the Official Records of Fort Bend County Texas;

THENCE, NORTHEASTERLY, 926 feet, more or less, along the south line of said 7.0 acres and the centerline of Clear Creek to a point for corner at the southeast corner of said 7.0 acres;

THENCE, NORTHERLY, 224 feet, more or less, departing said centerline of Clear Creek, along the easterly line of said 7.0 acres to a point for corner on the aforementioned southerly right-of-way line of Farm to Market Road 2234;

THENCE, SOUTHEASTERLY, 1848 feet, more or less, along said southerly right-of-way line to a point for corner on the of Fort Bend and Brazoria County line;

THENCE, NORTHEASTERLY, 577 feet, more or less, along said county line, to a point for corner at the common corner of Brazoria, Fort Bend and Harris Counties;

THENCE, NORTHEASTERLY, 2426 feet, more or less, along the of Brazoria and Harris County line, to a point for corner in the aforementioned centerline of Clear Creek;

THENCE, EASTERLY, 8250 feet, more or less, along the

centerline meanders of Clear Creek to a point for corner on the northerly line of aforementioned Lot 3, Block 10 of said ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, same being on the aforementioned common survey line of the T.C.R.R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, EASTERLY, 453 feet, more or less, along said north line of Lot 3, Block 10 and said common survey line to the POINT OF BEGINNING and containing 3559 acres, more or less.

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Young Lorfing
City Secretary

Public Notice

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS

Notice is hereby given that on the 9th day of November, 1998, at 7:00 p.m., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria and Harris Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, on the request of City of Pearland, owner, to consider the adoption of a General Land Use plan on the following described property, to wit:

DESCRIPTION OF 3559 ACRES, MORE OR LESS SHADOW CREEK RANCH

Being 3559 acres of land, more or less, located in the Dupuy and Roberts Survey, Abstract 726, Brazoria County; J. Crawley Survey, Abstract 174, Brazoria County; William Morris Survey, Abstract 344, Brazoria County; T.C.R.R. Co. Survey, Section 3, Abstract 678, Brazoria County; T.C.R.R. Co. Survey, Section 4 (John W. Maxcy), Abstract 675, Brazoria County; Obediah Pitts Survey, Abstract 717, Brazoria

County; H.T. & B.R.R. Co. Survey, Section 80 (J.S. Talmage), Abstract 564, Brazoria County; H.T. & B.R.R. Co. Survey, Section 81, Abstract 300, Brazoria County; H.T. & B.R.R. Co. Survey, Section 82 (J.S. Talmage), Abstract 565, Brazoria County; H.T. & B.R.R. Co. Survey, Section 83, Abstract 305 in Brazoria County and Abstract 761 in Fort Bend County; H.T. & B.R.R. Co. Survey, Section 84 (R.B. Lyle), Abstract 538 in Brazoria County and Abstract 767 in Fort Bend County; S.G. Haynie Survey, Abstract 212 in Brazoria County and Abstract 620 in Fort Bend County; Franklin Hooper Survey, Abstract 198, Fort Bend County; George W. McDonald Survey, Abstract 577, Fort Bend County; I.C. Stafford Survey, Abstract 668, Fort Bend County and the H. Levering Survey, Abstract 279, Fort Bend County, Texas; said 3559 acres, more or less, being more particularly described as follows:

BEGINNING at the common north corner of Lots 3 and 4, Block 10 of the ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, SEC.'S 3&4, T.C.R.R. SURVEY AND SEC. 82, H.T. & B.R.R. CO. SURVEY & OBEDIAH PITTS SURVEY, a subdivision of record in Volume 2, Page 99 of the Plat Records of Brazoria County, Texas (B.C.P.R.) also being on the common line of the aforementioned T.C.R.R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, SOUTHERLY, 782 feet, more or less, along the common line of said Lots 3 and 4, to a point for corner on the southerly right-of-way line of Farm to Market Road 2234, 160 feet wide;

THENCE, EASTERLY, 1578 feet, more or less, along said southerly right-of-way line and

AFFIDAVIT OF PUBLICATION

The Pearland Reporter News
2404 South Park
Pearland, Texas 77581

State of Texas
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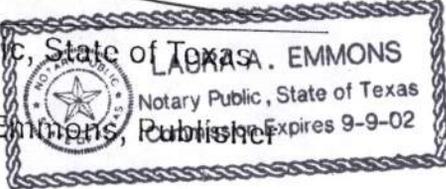
I, Joan Cummings, hereby certify that the notice hereby appended was published in Brazoria and Harris Counties in the REPORTER NEWS, a newspaper of general circulation in Brazoria and Harris Counties, for 1 issues, as follows:

No. <u>1</u>	Date <u>11-24</u>	19 <u>58</u>
No. _____	Date _____	19 _____
No. _____	Date _____	19 _____
No. _____	Date _____	19 _____
No. _____	Date _____	19 _____

Joan Cummings
Editor

Subscribe and sworn to before me this 25 day of Nov.
19 98

Laura Ann Emmons
Notary Public, State of Texas
Laura Ann Emmons, Notary Public, State of Texas
Expires 9-9-02



Public Notice

NOTICE OF A RE-CONVENED JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS REGARDING DESIGNATION OF DRILL SITES AND OTHER MATTERS

Notice is hereby given that on the 14th day of December, 1998, at 7:00 p.m., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria and Harris Counties, Texas, will reconvene a Joint Public Hearing originally convened and adjourned on November 23, 1998, in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, on the request of Knudson & Associates, agent

for Shadow Creek Ranch Development Co., L.P., owner, for an amendment to the Land Use and Urban Development Ordinance of Said City from Classification Suburban Development (SD) to Single Family Dwelling District (R-1 through R-4), Multi-Family District, Office Professional (OP), Neighbor-hood Services, General Business, Commercial, & Light Industrial (MF, OP, NS, GB, C, M-1), on the following on the described property, to wit:

DESCRIPTION OF 3559 ACRES, MORE OR LESS SHADOW CREEK RANCH TAX INCREMENT REINVESTMENT ZONE

Being 3559 acres of land, more or less, located in the Dupuy and Roberts Survey, Abstract 726, Brazoria County; J. Crawley Survey, Abstract 174, Brazoria County; William Morris Survey, Abstract 344, Brazoria County; T.C.R.R. Co. Survey, Section 3, Abstract 678, Brazoria County; T.C.R.R. Co. Survey, Section 4 (John W. Maxcy), Abstract 675, Brazoria County, Obediah Pitts Survey, Abstract 717, Brazoria County; H.T. & B.R.R. Co. Survey, Section 80 (J.S. Talmage), Abstract 564, Brazoria County; H.T. & B.R.R. Co. Survey, Section 81, Abstract 300, Brazoria County; H.T. & B.R.R. Co. Survey, Section 82 (J.S. Talmage), Abstract 565, Brazoria County; H.T. & B.R.R. Co. Survey, Section 83, Abstract 305 in Brazoria County and Abstract 761 in Fort Bend County; H.T. & B.R.R. Co. Survey, Section 84 (R.B. Lyle), Abstract 538 in Brazoria County and Abstract 767 in Fort Bend County; S.G. Haynie Survey, Abstract 212 in Brazoria County and Abstract 620 in Fort Bend County; Franklin Hooper Survey, Abstract 198, Fort Bend County; George W. McDonald Survey, Abstract 577, Fort Bend County; I.C. Stafford Survey, Abstract 668, Fort Bend County and the H. Levering Survey, Abstract 279, Fort Bend County, Texas; said 3559 acres, more or less, being more particularly described as follows:

BEGINNING at the common north corner of Lots 3 and 4, Block 10 of the ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, SEC.'S 3 & 4, T.C.R.R. SURVEY AND SEC. 82, H.T. & B.R.R. CO. SURVEY & OBEDIAH PITTS SURVEY, a subdivision of record in Volume 2, Page 99 of the Plat Records of Brazoria County, Texas (B.C.P.R.) also being on the common line of the aforementioned T.C.R.R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, SOUTHERLY, 782 feet, more or less, along the common line of said Lots 3 and 4, to a point for corner on the southerly right-of-way line of Farm to Market Road 2234, 160 feet wide;

THENCE, EASTERLY, 1578 feet, more or less, along said southerly right-of-way line and its easterly extension to a point for corner on the centerline of State Highway 288, width varies;

THENCE, SOUTHERLY, 8808 feet, more or less, along said centerline of State Highway 288 to a point for corner on the southerly line of County Road 92, 40 foot wide, a dedicated road as shown on aforementioned ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS;

THENCE, WESTERLY, 17,230 feet, more or less, along the southerly line of said County Road 92 and its easterly extension, to a point for corner on the easterly right-of-way line of Farm to Market Road 521;

THENCE, NORTHEASTERLY, 9521 feet, more or less, along said easterly right-of-way line, to a point for corner on the centerline of Clear Creek, same being the most southerly corner of a 7.0 acre tract of land described in File No. 9548587 of the Official Records of Fort Bend County, Texas;

THENCE, NORTHEASTERLY, 926 feet, more or less, along the south line of said 7.0 acres and the centerline of Clear Creek to a point for corner at the southeast corner of said 7.0 acres;

THENCE, NORTHERLY, 224 feet, more or less, depart-

Creek; along the easterly line of said 7.0 acres to a point for corner on the aforementioned southerly right-of-way line of Farm to Market Road 2234;

THENCE, SOUTHEASTERLY, 1848 feet, more or less, along said southerly right-of-way line to a point for corner on the Fort Bend and Brazoria County line;

THENCE, NORTHEASTERLY, 577 feet, more or less, along said county line, to a point for corner at the common corner of Brazoria, Fort Bend and Harris Counties;

THENCE, NORTHEASTERLY, 2426 feet, more or less, along the of Brazoria and Harris County line, to a point for corner in the aforementioned centerline of Clear Creek;

THENCE, EASTERLY, 8250 feet, more or less, along the Centerline meanders of Clear Creek to a point for corner on the northerly line of aforementioned Lot 3, Block 10 of said ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, same being on the aforementioned common survey line of the T.C.R.R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, EASTERLY, 453 feet, more or less, along said north line of Lot 3, Block 10 and said common survey line to the POINT OF BEGINNING and containing 3559 acres, more or less.

Without limitation of the ability to address any aspect of the above, the hearing will be reconvened for the purpose of determining the location of oil and gas drill sites, and for the consideration of written or oral testimony with respect to the reasonableness thereof.

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Young Loring
City Secretary

APPLICATION NO. 621

AFFIDAVIT OF PUBLICATION

The Pearland Reporter News
2404 South Park
Pearland, Texas 77581

State of Texas
Brazoria and Harris Counties

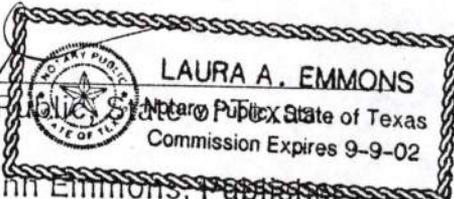
I, Joan Cummings, hereby certify that the notice hereby appended was published in Brazoria and Harris Counties in the REPORTER NEWS, a newspaper of general circulation in Brazoria and Harris Counties, for 1 issues, as follows:

No. <u>1</u>	Date <u>Dec 2</u>	19 <u>98</u>
No. _____	Date _____	19 _____
No. _____	Date _____	19 _____
No. _____	Date _____	19 _____
No. _____	Date _____	19 _____

Heather Longstone
Editor

Subscribe and sworn to before me this 3 day of Dec
19 98

Laura Ann Emmons
Notary Public, State of Texas
Commission Expires 9-9-02
Laura Ann Emmons, Publisher



LEGALS

of Pearland, Brazoria and Harris Counties, Texas, will reconvene a Joint Public Hearing originally convened and adjourned on November 23, 1998, in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, on the request of Knudson & Associates, agent for Shadow Creek Ranch Development Co., L.P., owner, for an amendment to the Land Use and Urban Development Ordinance of Said City from Classification Suburban Development (SD) to Single Family Dwelling District (R-1 through R-4), Multi-Family District, Office Professional (OP), Neighborhood Services, General Business, Commercial, & Light Industrial (MF, OP, NS, GB, C, M-1), on the following on the described property, to wit:

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Being 3559 acres of land, more or less, located in the Dupuy and Roberts Survey, Abstract 726, Brazoria County; J. Crawley Survey, Abstract 174, Brazoria County; William Morris Survey, Abstract 344, Brazoria County; T.C.R.R. Co. Survey, Section 3, Abstract 678, Brazoria County; T.C.R.R. Co. Survey, Section 4 (John W. Maxcy), Abstract 675, Brazoria County; Obediah Pitts Survey, Abstract 717, Brazoria County; H.T. & B.R.R. Co. Survey, Section 80 (J.S. Talmage), Abstract 564, Brazoria County; H.T. & B.R.R. Co. Survey, Section 81, Abstract 300, Brazoria County; H.T. & B.R.R. Co. Survey, Section 82 (J.S. Talmage), Abstract 565, Brazoria County; H.T. & B.R.R. Co. Survey, Section 83, Abstract 305 in Brazoria

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BEGINNING at the common north corner of Lots 3 and 4, Block 10 of the ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, SEC.'S 3 & 4, T.C.R.R. SURVEY AND SEC. 82, H.T. & B.R.R. CO. SURVEY & OBEDIAH PITTS SURVEY, a subdivision of record in Volume 2, Page 99 of the Plat Records of Brazoria County, Texas (B.C.P.R.) also being on the common line of the aforementioned T.C.R.R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, SOUTHERLY, 782 feet, more or less, along the common line of said Lots 3 and 4, to a point for corner on the southerly right-of-way line of Farm to Market Road 2234, 160 feet wide;

THENCE, EASTERLY, 1578 feet, more or less, along said southerly right-of-way line and its easterly extension to a point for corner on the centerline of State Highway 288, width varies;

THENCE, SOUTHERLY, 8808 feet, more or less, along said centerline of State Highway 288 to a point for

LEGALS

corner on the southerly line of County Road 92, 40 foot wide, a dedicated road as shown on aforementioned ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS;

THENCE, WESTERLY, 17,230 feet, more or less, along the southerly line of said County Road 92 and its easterly extension, to a point for corner on the easterly right-of-way line of Farm to Market Road 521;

THENCE, NORTHEASTERLY, 9521 feet, more or less, along said easterly right-of-way line, to a point for corner on the centerline of Clear Creek, same being the most southerly corner of a 7.0 acre tract of land described in File No. 9548587 of the Official Records of Fort Bend County, Texas;

THENCE, NORTHEASTERLY, 926 feet, more or less, along the south line of said 7.0 acres and the centerline of Clear Creek to a point for corner at the southeast corner of said 7.0 acres;

THENCE, NORTHERLY, 224 feet, more or less, departing said centerline of Clear Creek; along the easterly line of said 7.0 acres to a point for corner on the aforementioned southerly right-of-way line of Farm to Market Road 2234;

THENCE, SOUTHEASTERLY, 1848 feet, more or less, along said southerly right-of-way line to a point for corner on the Fort Bend and Brazoria County line;

THENCE, NORTHEASTERLY, 577 feet, more or less, along said county line, to a point for corner at the common corner of Brazoria, Fort Bend and Harris Counties;

THENCE, NORTHEASTERLY, 2426 feet, more or less,

LEGALS

along the of Brazoria and Harris County line, to a point for corner in the aforementioned centerline of Clear Creek;

THENCE, EASTERLY, 8250 feet, more or less, along the Centerline meanders of Clear Creek to a point for corner on the northerly line of aforementioned Lot 3, Block 10 of said ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, same being on the aforementioned common survey line of the T.C.R.R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, EASTERLY, 453 feet, more or less, along said north line of Lot 3, Block 10 and said common survey line to the POINT OF BEGINNING and containing 3559 acres, more or less.

Without limitation of the ability to address any aspect of the above, the hearing will be reconvened for the purpose of determining the location of oil and gas drill sites, and for the consideration of written or oral testimony with respect to the reasonableness thereof.

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Young Lorfing
City Secretary

APPLICATION NO. 621

Public Notice

NOTICE OF A RE-CONVENED JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS REGARDING DESIGNATION OF DRILL SITES AND OTHER MATTERS

Notice is hereby given that on the 14th day of December, 1998, at 7:00 p.m., the City Council and the Planning and Zoning Commission of the City

LEGALS

the 23rd day of November, 1998, at 6:30 p.m., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria and Harris Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, on the request of Sylvia Clark, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development (SD) to Single Family Dwelling District (R-1) on the following described property, to wit:

Lot 2, Blk. 2, Hickory Creek Place subdivision, according to the plat recorded in Vol. 11, pg. 1-2, plat records of Brazoria Co., TX

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

Young Loring
City Secretary

APPLICATION NO. 529

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS

Notice is hereby given that on the 23rd day of November, 1998, at 6:30 p.m., the City Council and the Planning and Zoning Commission of the City of Pearland, Brazoria and Harris Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, on the request of Abel & Concepcion B. Salinas, owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development (SD) to Single Family Dwelling District (R-1) on the following described property, to wit:

Lot 7, Blk. 7, Hickory Creek Place subdivision, according to the plat recorded in Vol. 11, pgs. 1-2, plat records of Brazoria Co., TX (601 I Kelly Drive)

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

LEGALS

City of Pearland, Brazoria and Harris Counties, Texas, will conduct a Joint Public Hearing in the Council Chambers, City Hall, 3519 Liberty Drive, Pearland, Texas, on the request of Knudson & Associates, agent for Shadow Creek Ranch Development Co., L.P., owner, for an amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development (SD) to Single Family Dwelling District (R-1 thru R-4), Multi-Family District, Office Professional, Neighborhood Services, General Business, Commercial, & Light Industrial (MF, OP, NS, GB, C, M-1) on the following described property, to wit:

DESCRIPTION OF 3559 ACRES, MORE OR LESS SHADOW CREEK RANCH TAX INCREMENT REINVESTMENT ZONE

Being 3559 acres of land, more or less, located in the Dupuy and Roberts Survey, Abstract 726, Brazoria County; J. Crawley Survey, Abstract 174, Brazoria County; William Morris Survey, Abstract 344, Brazoria County; T.C.R.R. Co. Survey, Section 3, Abstract 678, Brazoria County; T.C.R.R. Co. Survey, Section 4 (John W. Maxcy), Abstract 875, Brazoria County; Obediah Pitts Survey, Abstract 717, Brazoria County; H.T. & B.R.R. Co. Survey, Section 80 (J.S. Talmage), Abstract 584, Brazoria County; H.T. & B.R.R. Co. Survey, Section 81, Abstract 300, Brazoria County; H.T. & B.R.R. Co. Survey, Section 82 (J.S. Talmage), Abstract 585, Brazoria County; H.T. & B.R.R. Co. Survey, Section 83, Abstract 305 in Brazoria County and Abstract 781 in Fort Bend County; H.T. & B.R.R. Co. Survey, Section 84 (R.B. Lyle), Abstract 538 in Brazoria County and Abstract 767 in Fort Bend County; S.G. Haynie Survey, Abstract 212 in Brazoria County and Abstract 620 in Fort Bend County; Franklin Hooper Survey, Abstract 198, Fort Bend County; George W. McDonald Survey, Abstract 577, Fort Bend County; I.C. Stafford Survey, Abstract 668, Fort Bend County and the H. Levering Survey, Abstract 279, Fort Bend County, Texas; said 3559 acres, more or less, being

LEGALS

record in Volume 2, Page 99 of the Plat Records of Brazoria County, Texas (B.C.P.R.) also being on the common line of the aforementioned T.C.R.R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, SOUTHERLY, 782 feet, more or less, along the common line of said Lots 3 and 4, to a point for corner on the southerly right-of-way line of Farm to Market Road 2234, 160 feet wide;

THENCE, EASTERLY, 1578 feet, more or less, along said southerly right-of-way line and its easterly extension to a point for corner on the centerline of State Highway 288, width varies;

THENCE, SOUTHERLY, 8808 feet, more or less, along said centerline of State Highway 288 to a point for corner on the southerly line of County Road 92, 40 foot wide, a dedicated road as shown on aforementioned ALLISON-RICHEY GULF COAST HOME CO.'S PART OF SUBURBAN GARDENS;

THENCE, WESTERLY, 17,230 feet, more or less, along the southerly line of said County Road 92 and its easterly extension, to a point for corner on the easterly

LEGALS

right-of-way line of Farm to Market Road 521;

THENCE, NORTHEASTERLY, 9521 feet, more or less, along said easterly right-of-way line, to a point for corner on the centerline of Clear Creek, same being the most southerly corner of a 7.0 acre tract of land described in File No. 9548587 of the Official Records of Fort Bend County, Texas;

THENCE, NORTHEASTERLY, 926 feet, more or less, along the south line of said 7.0 acres and the centerline of Clear Creek to a point for corner at the southeast corner of said 7.0 acres;

THENCE, NORTHERLY, 224 feet, more or less, departing said centerline of Clear Creek; along the easterly line of said 7.0 acres to a point for corner on the aforementioned southerly right-of-way line of Farm to Market Road 2234;

THENCE, SOUTHEASTERLY, 1848 feet, more or less, along said southerly right-of-way line to a point for corner on the Fort Bend and Brazoria County line;

THENCE, NORTHEASTERLY, 577 feet, more or less, along said county line, to a

LEGALS

point for corner at the common corner of Brazoria, Fort Bend and Harris Counties;

THENCE, NORTHEASTERLY, 2428 feet, more or less, along the of Brazoria and Harris County line, to a point for corner in the aforementioned centerline of Clear Creek;

THENCE, EASTERLY, 8250 feet, more or less, along the Centerline meanders of Clear Creek to a point for corner on the northerly line of aforementioned Lot 3, Block 10 of said ALLISON-RICHEY GULF COAST HOME CO.'S PART OF SUBURBAN GARDENS, same being on the aforementioned common survey line of the T.C.R.R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, EASTERLY, 453 feet, more or less, along said north line of Lot 3, Block 10 and said common survey line to the POINT OF BEGINNING and containing 3559 acres, more or less.

At said hearing all interested parties shall have the right and opportunity to appear and be heard on the subject.

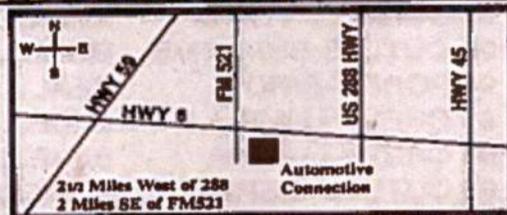
Young Loring
City Secretary

APPLICATION NO. 621

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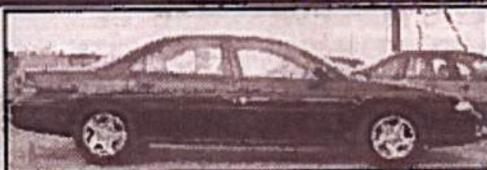
AUTOMOBILE

AUTOMOBILE



15022 Hwy. 6 • Arcola • (281) 431-3335

BANK REPOSSESSES



1996 Dodge Intrepid
Auto, Black, Loaded!
\$6,995



1996 Buick Regal
4 Dr., Low Miles
\$9,995



1995 Plymouth Voyager
\$5,995



1994 Ford F-150 XLT
\$8,995

CITY OF PEARLAND
ZONE CHANGE APPLICATION
Revised 3/5/96

XX Change in Zoning Classification from: Suburban Devel. to: Planned Unit Development

Change in Regulations in Section #: _____

Specific Use for: * _____

Property address: See attached Legal Description

Lot: _____ Block: _____ Subdivision: _____

Metes & Bounds Description:
(unplatted property only; attach survey) See attached Legal Description

Tax I.D. number: 88-0394143

Proposed use of land within requested designation: Mixed Use Development

Record owner's name: Pearland Investments Limited Partnership

Owner's mailing address: 5195 Las Vegas Blvd. So.
Las Vegas, NV 89119

Owner's telephone number: (702) 736-6151

Agent's name: Gary Cook

Agent's mailing address: 10777 Westheimer, Suite 1100, Houston, TX 77042

Agent's telephone number: (713) 267-9330

PETITION: As owner/agent, I hereby petition the City for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City of Pearland. *On a Specific Use Permit request to allow a residential use in a business zone (OP, NS, GB), I acknowledge that such use may be incompatible with current and future uses on properties in my vicinity

Owner's signature: _____

Agent's signature: Gary W. Cook

Fees paid: \$ _____

Date paid: 10/12/98

Received by: Via Fax

Application number: _____

582

23 November 1998

Mayor and City Councilmembers
City Hall
Pearland, Texas 77581

RE: Zone Change Application No. 621

The above referenced application was reviewed by the Planning and Zoning Commission at a regular meeting held on Monday, November 23, 1998. The owner requested acceptance of the amendment to the Land Use and Urban Development Ordinance of said City from Classification Suburban Development to Single Family Dwelling District (R-1 through R-4), Multi-Family District (MF), Office Professional, Neighborhood Services District, General Business, Commercial, and Light Industrial (OP, NS, GB, C, M-1) and Planned Unit Development (PUD), on the following described property, to wit:

Owner: Shadow Creek Ranch Development Co., L.P.

Agent: Knudson & Associates
8588 Katy Freeway, Suite 441
Houston, Texas 77024

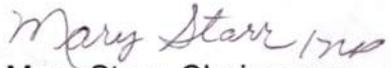
Legal Description: Being 3333 acres of land, more or less, located in the Dupuy and Roberts Survey, A-726, Brazoria Co.; J. Crawley Survey, A-174, Brazoria, Co; William Morris Survey, A-344, Brazoria Co.; T. C. R. R. Co. Survey, Sect. 3, A-678, Brazoria Co.; T. C. R. R. Co. Survey, Sect. 4 (John W. Maxcy), A-675. Brazoria Co., Obediah Pitts Survey, A-717, Brazoria Co.; HT & B RR Co. Survey, Sect 80 (J. S. Talmage), A-564, Brazoria Co.; HT & B RR Co. Survey, Sect. 81, A-300, Brazoria Co.; HT & B RR Co. Survey, Sect. 82, (J. S. Talmage), A-565, Brazoria Co.; HT & B RR Co. Survey, Sect. 83, A-305 in Brazoria Co. and A-761 in Fort Bend County; HT & B RR Co. Survey, Sect. 84 (R.B. Lyle), A-538 in Brazoria, Co. And A-767 in Fort Bend Co.; S. G. Haynie Survey, A-212 in Brazoria Co and A-620 in Fort Bend Co.; Franklin Hooper Survey, A-198, Fort Bend Co.; George W. McDonald Survey, A-577, Fort Bend Co.; I.C. Stafford Survey, A-668, Fort Bend Co. And the H. Levering Survey, A-279, Fort Bend Co., TX;

A motion was made by Commissioner Nghiem Doan, and seconded by Commissioner Jack Mathis to approve Application No. 621.

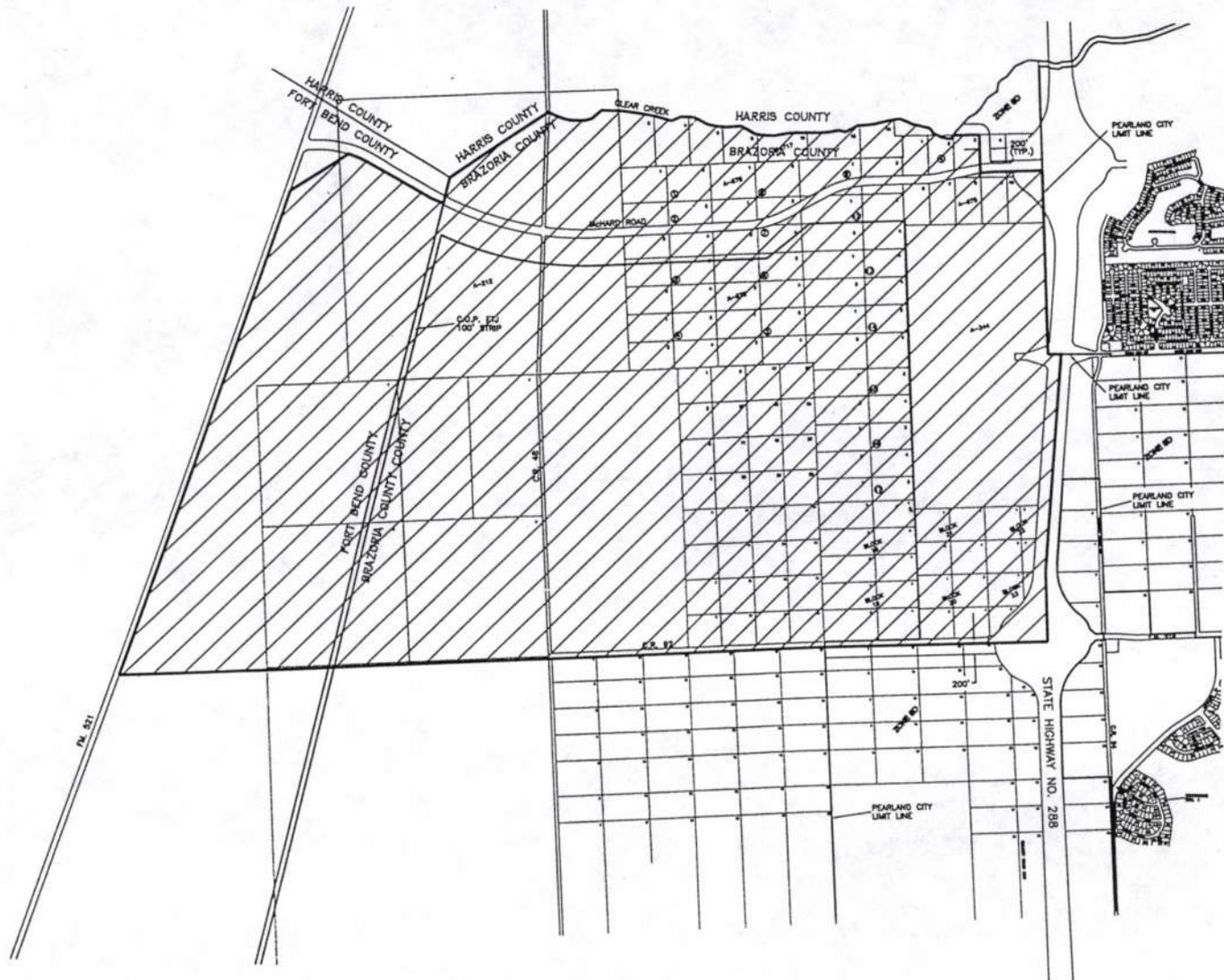
The motion passed by a vote of 4 to 0 to approve the Planned Unit Development as presented.

Please read this information into the official records of the City of Pearland and provide a written copy to the City Secretary for the same purpose.

Sincerely,

A handwritten signature in cursive script that reads "Mary Starr".

Mary Starr, Chairperson
Planning & Zoning Commission
City of Pearland



SD SUBURBAN DISTRICT
 PUD PLANNED UNIT DEVELOPMENT DISTRICT

OWNERS: PEARLAND INVESTMENTS LIMITED PARTNERSHIP

 City of Pearland, Texas	
ZONE CHANGE FROM SD TO PUD	
App. No. 582	Scale: HORIZ: 1" = 2000' VERT: 1" = 100'
Date: OCT., 1998	CAD FILE: 98-8235
Drawn By: J.E.B.	Checked By: D. SMITH
SHEET 1 OF 1	



SD SUBURBAN DISTRICT
 PUD PLANNED UNIT DEVELOPMENT DISTRICT

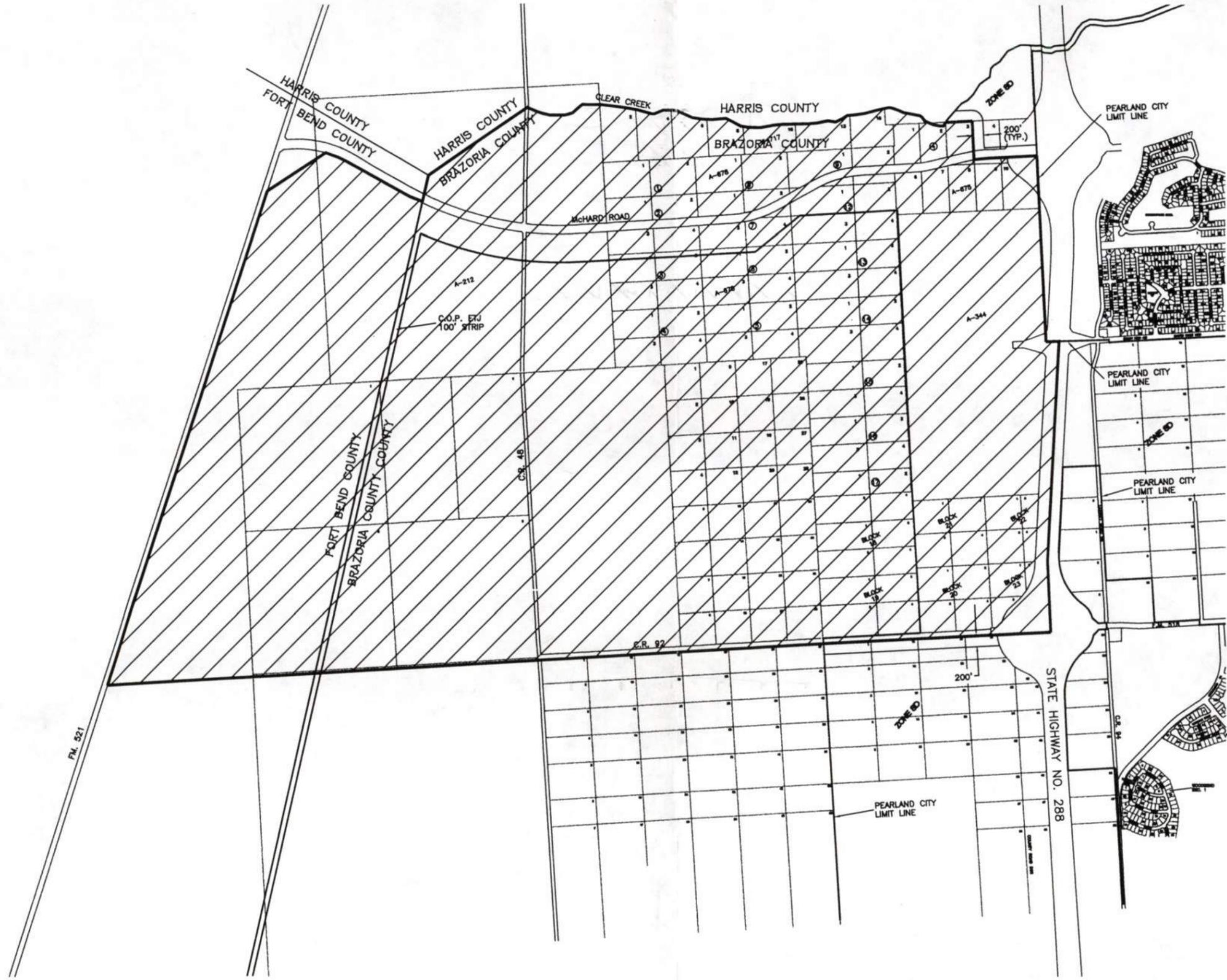
OWNERS: PEARLAND INVESTMENTS LIMITED PARTNERSHIP



City of Pearland, Texas

**ZONE CHANGE
 FROM
 SD TO PUD**

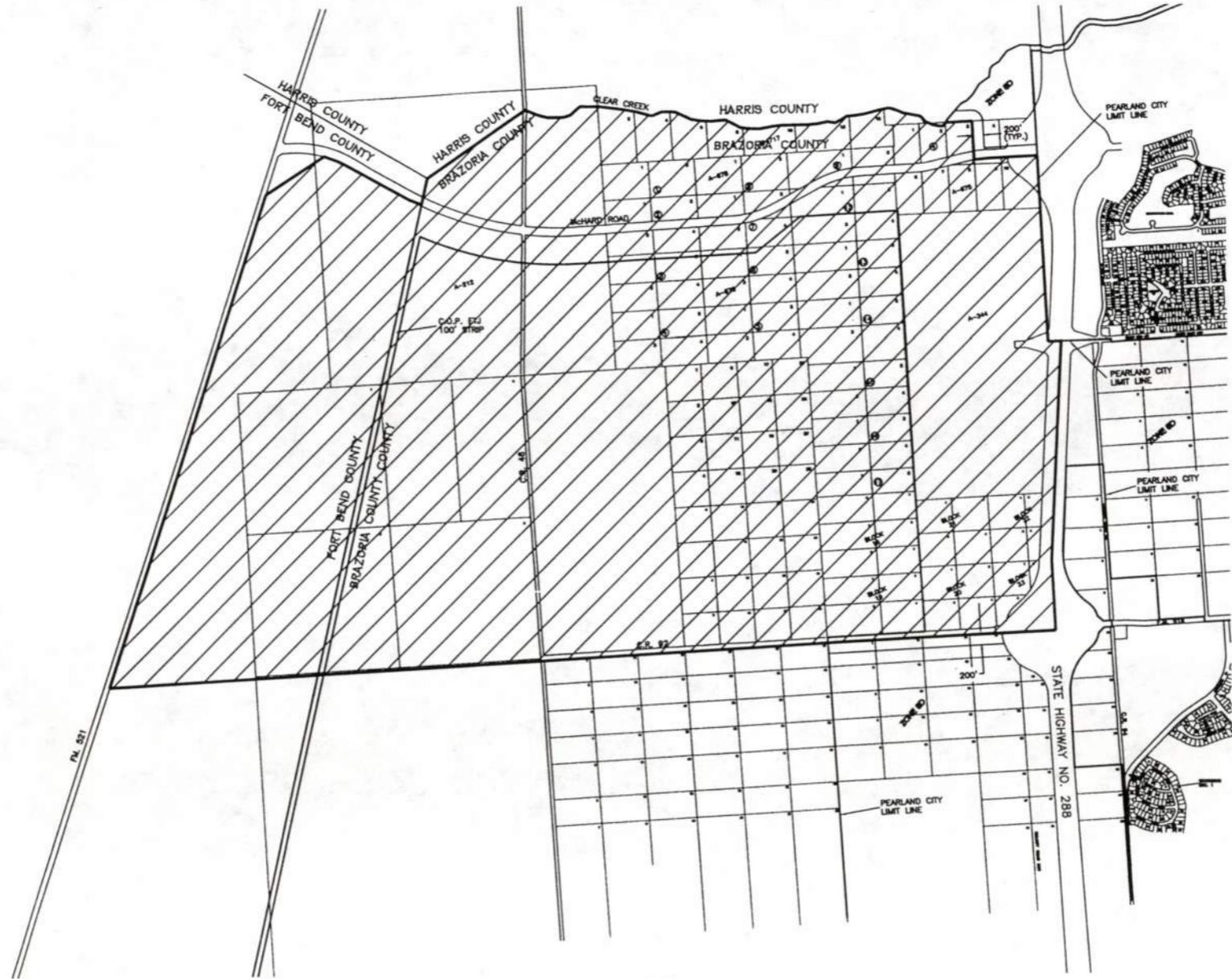
App. No.: 582	Scale: HORIZ. 1" = 2000' VERT. 1" = "	SHEET
Date: OCT., 1998	DRAWN BY: J.E.B.	1
Checked By: D. SMITH	CAD FILE: 98-8235	
OF 1		



SD SUBURBAN DISTRICT
 PUD PLANNED UNIT DEVELOPMENT DISTRICT

OWNERS: PEARLAND INVESTMENTS LIMITED PARTNERSHIP

 City of Pearland, Texas		
ZONE CHANGE FROM SD TO PUD		
App. No.: 582	Scale: HORZ: 1" = 2000' VERT: 1" = 100'	SHEET 1 OF 1
Date: OCT., 1998	CAD FILE: 98-8235	
Dwn By: J.E.B.		
Chkd By: D. SMITH		



SD SUBURBAN DISTRICT
 PUD PLANNED UNIT DEVELOPMENT DISTRICT

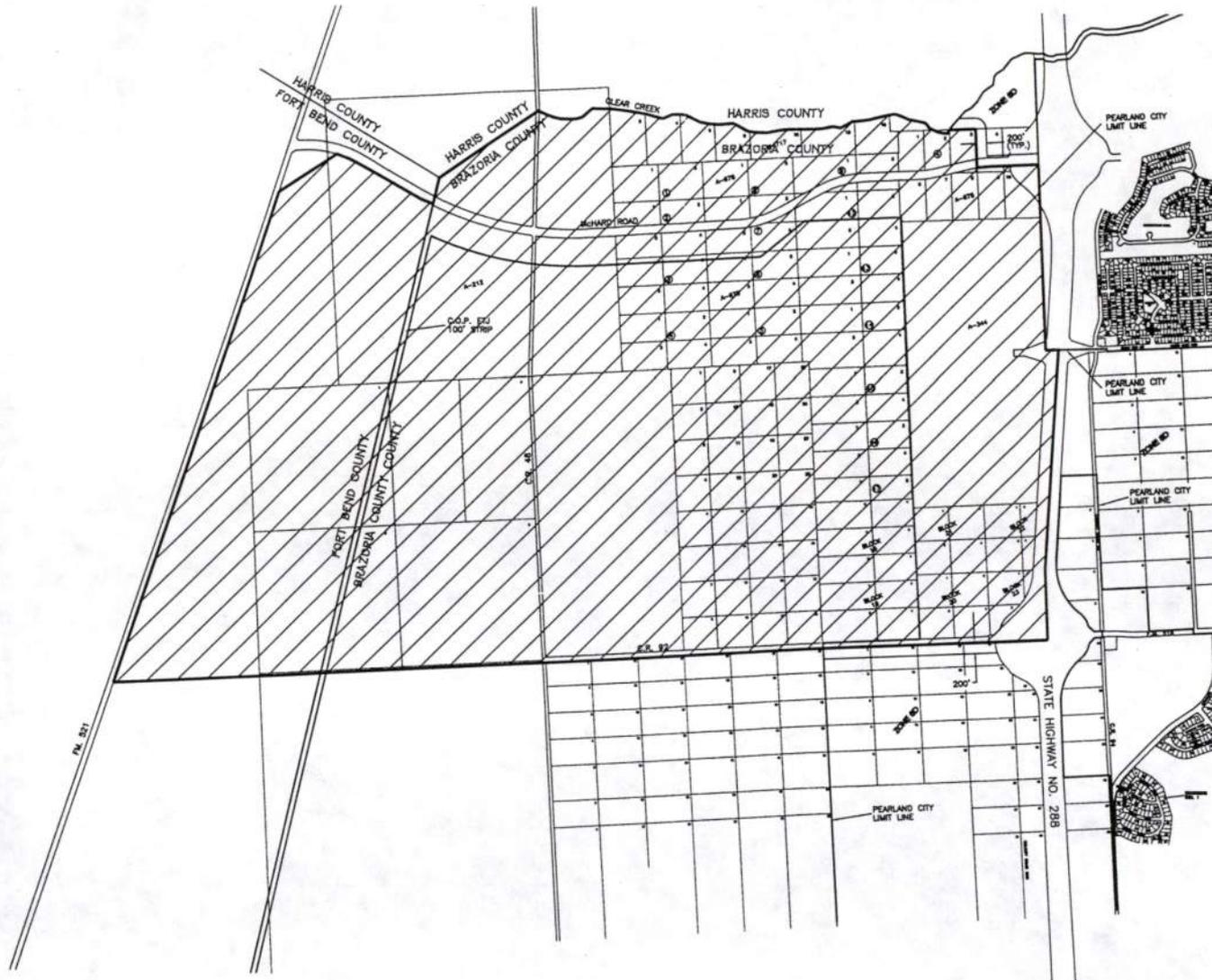
OWNERS: PEARLAND INVESTMENTS LIMITED PARTNERSHIP



City of Pearland, Texas

**ZONE CHANGE
 FROM
 SD TO PUD**

App. No.: 582	Scale:	SHEET 1 OF 1
Date: OCT., 1998	HORIZ: 1" = 2000' VERT: 1" = ...	
Drawn By: J.E.B.	CAD FILE:	
Checked By: D. SMITH	98-8235	



SD SUBURBAN DISTRICT
 PUD PLANNED UNIT DEVELOPMENT DISTRICT

OWNERS: PEARLAND INVESTMENTS LIMITED PARTNERSHIP



City of Pearland, Texas

**ZONE CHANGE
 FROM
 SD TO PUD**

App. No. 582	Scale: HORIZ: 1" = 2000' VERT: 1" = 100'	SHEET 1 OF 1
Date: OCT., 1998	CAD FILE: 98-8235	
Drawn By: J.E.B.	Checked By: D. SMITH	

EXHIBIT "A"
ORD.NO. 509-268

SHADOW CREEK RANCH

Planned Unit Development

City of Pearland

City Council
&
Planning and Zoning Commission

Knudson & Associates
8588 Katy Freeway, Suite 441
Houston, Texas 77024
(713)463-8200

September 8, 1999

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I. Project Description

The Planned Unit Development ("PUD"), Shadow Creek Ranch, is an approximately 3305-acre mixed-use project located within the City of Pearland, Texas. The development proposes to provide a wide variety of housing choices, both in design and price range, surrounded by adjacent recreational amenities and open space. The strong community character of the proposed development will be achieved by creatively mixing land uses, administering high quality architectural and design standards, and providing a variety of civic and recreational amenities.

The development consists of residential, civic, commercial, recreational, and industrial uses, including facilities such as schools, churches, a hospital, day care, senior and assisted living housing, library, fire station/police annex, parks and trails, and significant open and green space. Table 1 below illustrates the composition of land uses proposed by the Shadow Creek Ranch Development Company (the "Master Developer").

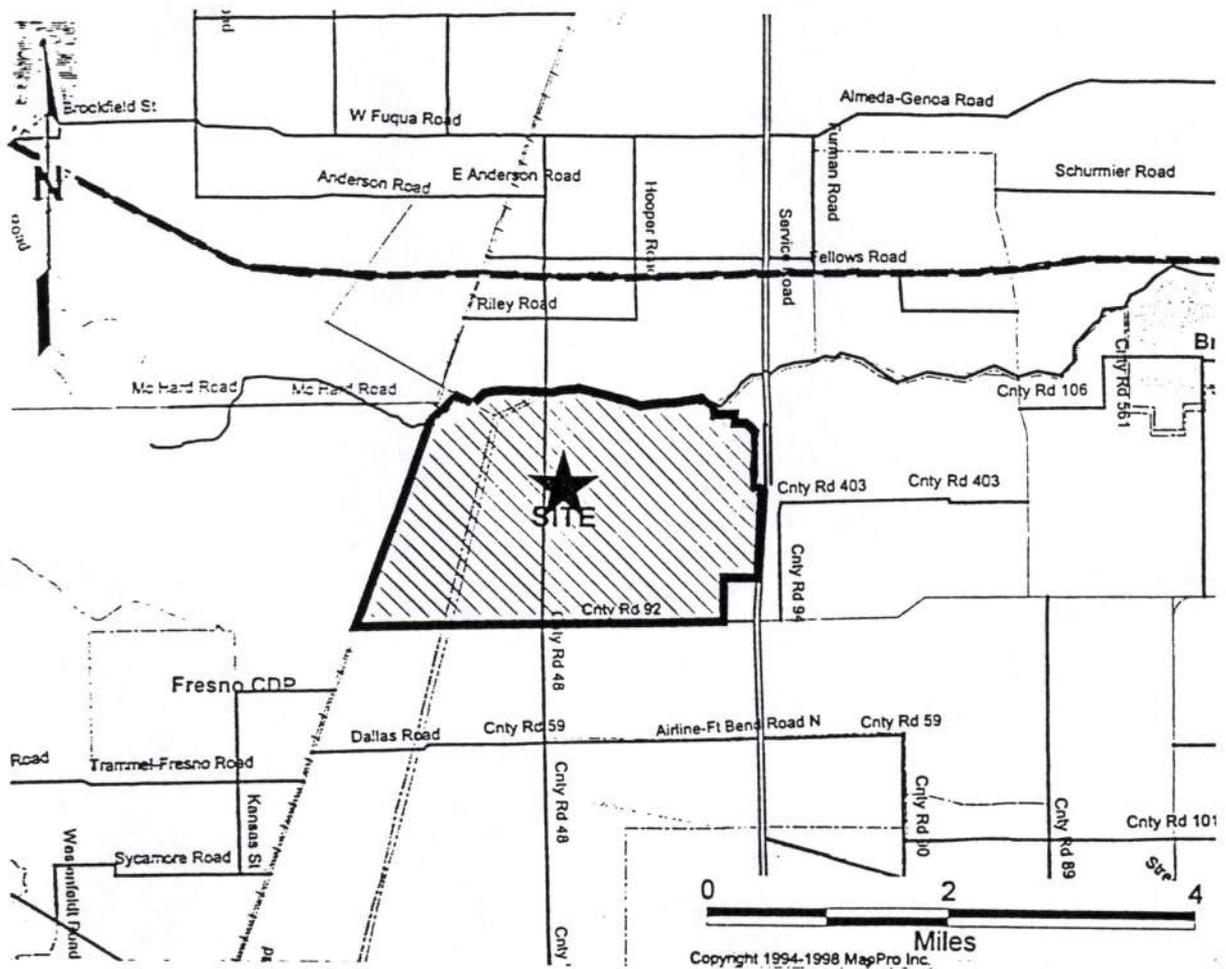
Table 1: Shadow Creek Ranch: Composition of Land Uses

Use	Acres
Single Family Residential (incl. Townhouse & Cluster)	1546.1
Multi Family Residential	192.8
Assisted Living Residential	46.6
Commercial	285.4
Institutional/Civic	262.4
Industrial	31.9
Parks/Recreation/Open Space, Includes:	429.2
HL & P Easements	
Pipeline Easements	
Neighborhood Rec. Centers	
Parks/Open Space, includes drill sites	
Visitor Center	
Ditches	
Right-of-Ways	230.8
Proposed Lakes (Includes Existing Ponds)	265.0
Sewage Treatment Plant Site	12.8
Water Pump Station	2.0
Total =	3305

The Planned Unit Development will provide a high quality community through the employment of a harmonious mix of land uses.

The PUD Plan ordinance will establish a comprehensive land use plan and zoning regulations to guide future improvements in the Shadow Creek Ranch development. The plan and ordinance will provide a flexible, creative, and imaginative guideline for development. It will ensure the character and quality of the community, and promote the efficient use of land, through land use controls, design standards, and quality planning, while offering to potential residents, businesses, and visitors a high degree of amenities, housing choices, and open space. Furthermore, the PUD provisions will ensure the long-term aesthetic continuity of the development and preserve the character of Shadow Creek Ranch over time. Figure 1 below illustrates the location of the development.

Figure 1: Location Map



II. Existing Conditions

The Planned Unit Development, Shadow Creek Ranch, is located within the City of Pearland, Texas. The property is bounded by F.M. 521 on the west, Clear Creek on the north, State Highway 288 on the east, and County Road 92 (the extension of F.M. 518) on the south. The legal description of the property, Exhibit 1, follows. The majority of the site lies in Brazoria County, with 630 acres in the western section, along F.M. 521, lying in Fort Bend County.

Development of the site is impeded by the presence of many planning constraints including being encumbered by five easements. The necessity to master plan the site becomes more critical because of these constraints. The site is crossed by two H.L. & P. utility easements and three pipeline easements, limiting the amount of developable land and development flexibility. The easements include a 150-ft. H. L & P easement that travels from the north to the south, and an 80-ft. H. L & P easement, which runs diagonally southeast to northwest. Additionally, three pipeline easements of 55, 30, and 20 feet run east to west crossing the northern, central, and southern portions of the site. The burden of the three easements described above are best alleviated through a master planned development that seeks to maximize the efficient and flexible use of developable land. These existing conditions and features are depicted in the aerial photograph in Figure 2, which follows.

The proposed Shadow Creek Ranch development site is currently vacant and unimproved, consisting primarily of flat coastal plain. The land was zoned as a Suburban Development District at the time of annexation. The draft Comprehensive Plan for the City of Pearland indicates that the City has begun to plan for community facilities, future land use, transportation, and parks in the western portion of the City in the vicinity of the site. Consistent with the Comprehensive Plan draft, the proposed Shadow Creek Ranch development includes commercial uses, including office and retail, civic, parks, open space, residential, and light industrial land uses. Not only is the proposed plan for Shadow Creek Ranch clearly in accordance with Pearland's Comprehensive Plan draft, the development also seeks to support many of the same specific goals as the City has

outlined for the area in particular, and furthermore, for Planned Unit Developments in general.

The primary property owner of the subject site is Pearland Investments, Limited Partnership, which currently controls the majority of the approximately 3305 acres proposed for development. The Developer is Shadow Creek Ranch Development Company, Limited Partnership, which has expended considerable time, expense and effort to “block up” this sizeable acreage. More than 45 separate acquisitions have occurred, an assembly of more than 119 parcels. The large holdings currently controlled by one owner will further ensure the orderly and planned development of the site, consistent with a master planned community. The large holdings will also provide a significant opportunity for the City to encourage master-planned growth in an area that would have been unlikely to develop in a planned, quality manner, due to fragmented ownership and lack of infrastructure and services. The Shadow Creek Ranch Development is also a unique opportunity to develop a significant portion of the City in an effective and quality manner, and thus this project has the potential to set the standards by which Pearland will grow.

EXHIBIT 1
Legal Description
City of Pearland, Texas
Shadow Creek Ranch Planned Unit Development

Being 3305 acres of land, more or less, located in the Dupuy and Roberts Survey, Abstract 726, Brazoria County; William Morris Survey, Abstract 344, Brazoria County; T. C. R. R. Co. Survey, Section 3, Abstract 678, Brazoria County; T. C. R. R. Co. Survey, Section 4 (John W. Maxcy), Abstract 675, Brazoria County; Obediah Pitts Survey, Abstract 717, Brazoria County; H.T. & B. R. R. Co. Survey, Section 80 (J.S. Talmage), Abstract 564, Brazoria County; H. T. & B. R. R. Co. Survey, Section 81, Abstract 300, Brazoria County; H. T. & B. R. R. Co. Survey, Section 82 (J. S. Talmage), Abstract 565, Brazoria County; H. T. & B. R. R. Co. Survey, Section 83, Abstract 305 in Brazoria County and Abstract 761 in Fort Bend County; S.G. Haynie Survey, Abstract 212 in Brazoria County and Abstract 620 in Fort Bend County; Franklin Hooper Survey, Abstract 198, Fort Bend County; George W. McDonald Survey, Abstract 577, Fort Bend County; I. C. Stafford Survey, Abstract 668, Fort Bend County and the H. Levering Survey, Abstract 279, Fort Bend County, Texas; said 3305 acres, more or less, being more particularly described as follows:

BEGINNING at the common north corner of Lots 3 and 4, Block 10 of the ALLISON - RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, SEC.'S 3 & 4, T.C.R.R. SURVEY AND SEC. 82, H. T. & B. R. R. CO. SURVEY & OBEDIAH PITTS SURVEY, a subdivision of record in Volume 2, Page 99 of the Plat Records of Brazoria County, Texas (B.C.P.R.) also being on the common line of the aforementioned T.C.R.R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, SOUTHERLY, 782 feet, more or less, along the common line of said Lots 3 and 4, to a point for corner on the southerly right-of-way line of Farm to Market Road 2234, 160 feet wide;

THENCE, EASTERLY, 998 feet, more or less, along said southerly right-of-way line and its easterly extension, to a point for corner on the west line of the J. Crawley Survey, Abstract 174, Brazoria County, Texas;

THENCE, SOUTHERLY, 3482 feet, more or less, along the west line of said J. Crawley Survey to a point for corner on the centerline of Hughes Ranch Road, also being the southwest corner of said J. Crawley Survey;

THENCE, EASTERLY, 421 feet, more or less, along the southerly line of said J. Crawley Survey and along said centerline of Hughes Ranch Road, to a point for corner on the centerline of State Highway 288;

THENCE, SOUTHERLY, 2426 feet, more or less, along said centerline of State Highway 288 to a point for corner on the easterly extension of the south line of that certain called 202.51 acre tract described in Clerk's File No. 98-022936, Official Records, Brazoria County, Texas (B. C. O. R.);

THENCE, WESTERLY, 2588 feet, more or less, along said easterly extension and the south line of said 202.51 acres, to a point for corner on the common line of aforementioned William Morris Survey and the T.C.R.R. Co. Survey, Section 4, also being on the east line of Block 17 of the aforementioned ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS;

THENCE, SOUTHERLY, 370 feet, more or less, along said common survey line and the east line of said Block 17, to a point for corner, same being the southwest corner of said William Morris Survey and an interior corner of said T.C.R.R. Co. Survey, Section 4;

THENCE, SOUTHERLY, 2520 feet, more or less, along the east line of Blocks 17, 18 and 19 and the west line of Blocks 20 and 21 of said ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, to a point for corner on the southerly line of County Road 92, 40 foot wide, a dedicated road as shown on aforementioned ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS;

THENCE, WESTERLY, 7090 feet, more or less, along the southerly line of said County Road 92, to a point for corner on the west line of aforementioned H. T. & B. R. R. Co. Survey, Section 80 and the east line of the H. T. & B. R. R. Co. Survey, Section 84 (R. B. Lyle), Abstract 538 in Brazoria County and Abstract 767 in Fort Bend County;

THENCE, NORTHERLY, 20 feet, more or less, along the common line of said H. T. & B. R. R. Co. Survey, Section 80 and Section 84, to a point for corner, same being the common corner of said H. T. & B. R. R. Co. Survey, Section 80 and Section 84 and aforementioned H. T. & B. R. R. Co. Survey, Section 82 and Section 83;

THENCE, WESTERLY, 5280 feet, more or less, along the common line of said H. T. & B. R. R. Co. Survey, Section 83 and Section 84, to a point for corner on the east line of aforementioned Franklin Hooper Survey, same being the common west corner of said H. T. & B. R. R. Co. Survey, Section 83 and Section 84;

THENCE, SOUTHERLY, 158 feet, more or less, along the common line of said H. T. & B. R. R. Co. Survey, Section 84 and the Franklin Hooper Survey, to a point for corner, same being the southeast corner of said Franklin Hooper Survey and the northeast corner of the A.B. Langerman Survey, Abstract 555, Fort Bend County, Texas;

THENCE, EASTERLY, 2636 feet, more or less, along the common line of said Franklin Hooper Survey and said A.B. Langerman Survey, to a point for corner on the easterly right-of-way line of Farm to Market Road 521;

THENCE, NORTHEASTERLY, 9667 feet, more or less, along said easterly right-of-way line, to a point for corner on the centerline of Clear Creek;

THENCE, NORTHEASTERLY, 1327 feet, more or less, along the centerline of Clear Creek to a point for corner on the aforementioned southerly right-of-way line of Farm to Market Road 2234;

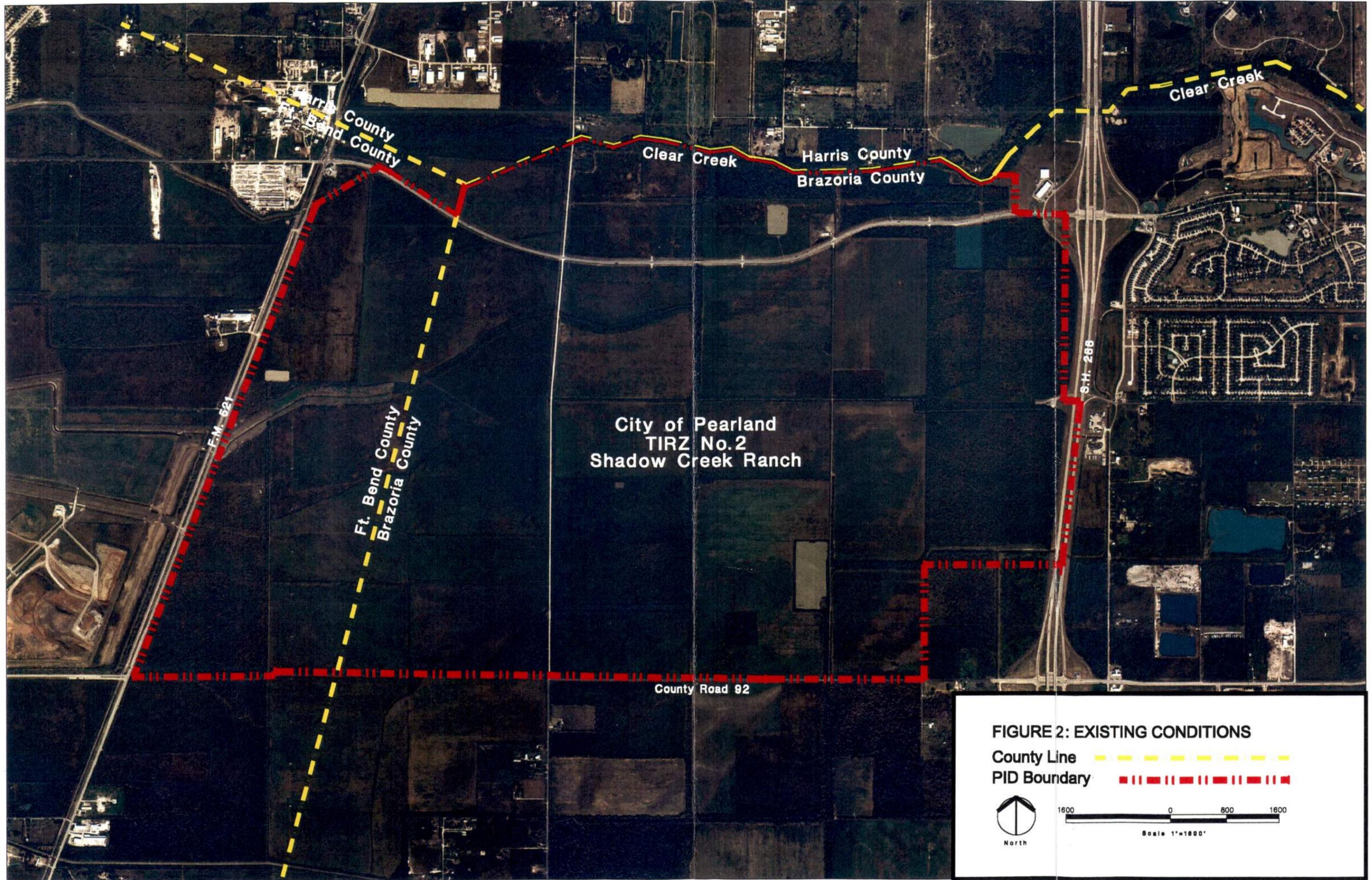
THENCE, SOUTHEASTERLY, 1519 feet, more or less, along said southerly right-of-way line to a point for corner on the of Fort Bend and Brazoria County line;

THENCE, NORTHEASTERLY, 577 feet, more or less, along said county line, to a point for corner at the common corner of Brazoria, Fort Bend and Harris Counties;

THENCE, NORTHEASTERLY, 2426 feet, more or less, along the Brazoria and Harris County line, to a point for corner in the aforementioned centerline of Clear Creek;

THENCE, EASTERLY, 8250 feet, more or less, along the centerline meanders of Clear Creek to a point for corner on the northerly line of aforementioned Lot 3, Block 10 of said ALLISON-RICHEY GULF COAST HOME CO'S PART OF SUBURBAN GARDENS, same being on the aforementioned common survey line of the T. C. R. R. Co. Survey, Section 4 and the Dupuy and Roberts Survey;

THENCE, EASTERLY, 453 feet, more or less, along said north line of Lot 3, Block 10 and said common survey line to the POINT OF BEGINNING and containing 3305 acres, more or less.



III. Shadow Creek Ranch: Planned Unit Development

A. Goals, Objectives, and Strategies

The goals of the Shadow Creek Ranch Planned Unit Development are to provide guidelines for fostering the creation of a planned long-term development that provides variety and choice, strong character, long-term sustainability, a balanced community, and orderly growth. The development is envisioned as a collection of neighborhoods. The stated goals will ensure the long-term sustainability of each neighborhood, and thus preserve the character of the entire community. Furthermore, the goals reflect the flexibility and creativity required to achieve a high quality mixed-use development built over a long term. The goals and objectives outlined below are intended to facilitate a successful future, offering variety, amenity, and certainty for this community.

Goal	Objective
<ul style="list-style-type: none">• Variety and Choice	<ul style="list-style-type: none">• Provide a broad range of housing options, lifestyles, and opportunities for recreational activities.
<ul style="list-style-type: none">• Strong Character	<ul style="list-style-type: none">• Provide high quality planning, architecture, and creative design and aesthetic standards.
<ul style="list-style-type: none">• Long-Term Sustainability	<ul style="list-style-type: none">• Provide the certainty produced through land use controls, while planning for flexibility needed to create a series of quality neighborhoods.
<ul style="list-style-type: none">• Balanced Community	<ul style="list-style-type: none">• Provide compatible and functional land uses for employment, shopping, living, and recreational activities.
<ul style="list-style-type: none">• Orderly Growth	<ul style="list-style-type: none">• Provide certainty through mechanisms that guarantee orderly and controlled growth, through careful and respectful application of flexible regulations.

The goals and objectives outlined for the Shadow Creek Ranch PUD, outlined above, will be achieved through the implementation of a series of planning strategies. Variety and choice will be achieved by creating a community of mixed land uses that offer a wide range of choices. The variety offered for single family attached and detached residential units is intended to appeal to a broad spectrum of buyers and lifestyles by providing employment centers, shopping, commercial and office sites, recreational uses, aesthetic open space, lakes, trails, and other community and neighborhood amenities.

The community's strong character will be ensured through guidelines and controls for architectural and design aesthetics, open space and landscaping, perimeter treatments and neighborhood amenities, such as sidewalks and neighborhood recreation spaces.

Long-term sustainability will be provided for the community through the adoption of a land use plan and ordinances that provide maximum flexibility, while also protecting residents and property owners by mitigating and buffering incompatible land uses through open space, landscaping, or fencing between land uses.

A balanced community will be accomplished by mixing compatible and functional land uses that provide employment, shopping, living, and recreational activities.

Orderly growth will be achieved through master planned development. This type of development will allow for controlled and ordered growth that is consistent in character and content, providing residents, businesses, and visitors with a clear sense of community.

Thus, the planning strategies that will be implemented in the Shadow Creek Ranch development will ensure both the current and the future success of the community and its neighborhoods, providing flexible land use controls, high quality planning, thoughtful architectural and aesthetic guidelines, and numerous and meaningful neighborhood recreation spaces.

The following figures: Figure 3, Public Amenities & Beautification Map and Figure 4, Streets and Signals Map, illustrate the high quality of the development. The planned utilities are represented in Figures 5, 6, and 7.

LEGEND

- PARKS / ATHLETIC FIELDS
- PEDESTRIAN / GREENBELT



NOLAN RYAN EXPRESSWAY / S.H. 288

FIGURE 3
 a public amenities & beautification map for
SHADOW CREEK RANCH
 prepared for
SHADOW CREEK RANCH DEV. CO., L.P.

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KERRY R. GILBERT & ASSOCIATES, INC.

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 0 250 500 1000

Land Planning Consultants
 15810 Park Ten Place
 Suite 160
 Houston, Texas 77084
 (281) 579-0340

JULY 28, 1999
 KGA #03301-010



SCALE: 1" = 1300'

LEGEND

NOTE: THE PROPOSED T.I.R.Z. IMPROVEMENTS ARE SUBJECT TO CHANGE PER FINAL GOVERNMENTAL AGENCY APPROVALS, AND DO NOT REQUIRE PLAN AMENDMENTS.

- | | | | |
|---|---|---|---|
|  | 80' R.O.W. WITH 28' PAVEMENT |  | 100' R.O.W. WITH 2-25' PAVEMENT SECTIONS (8\"/> |
|  | 80' R.O.W. WITH 2-25' PAVEMENT SECTIONS |  | 160' R.O.W. - FUTURE WIDENING OF EXISTING MCHARD ROAD |
|  | 100' R.O.W. WITH 2-25' PAVEMENT SECTIONS (7\"/> | | |
|  | LOCATION OF STREET SIGNAL |  | 100' R.O.W. WITH 4-12' LANES AND A 14' CONTINUOUS TURN LANE |
| | |  | PRIMARY ENTRY MONUMENT |

FIGURE 4

SHADOW CREEK RANCH
MASTER PLAN

STREETS & SIGNALS MAP

LJA Engineering & Surveying, Inc. 

2929 Briarpark Drive Suite 500 Houston, Texas 77042-3703 Phone 713.953.5200 Fax 713.953.5026

1545-1803 JUNE 1993

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NOTE: THE PROPOSED T.I.R.Z. IMPROVEMENTS ARE SUBJECT TO CHANGE PER FINAL GOVERNMENTAL AGENCY APPROVALS, AND DO NOT REQUIRE PLAN AMENDMENTS.

LEGEND

- PROPOSED WATER LINE
- CITY WATER LINE
- ▲ PROPOSED WATER PLANT

FIGURE 5

SHADOW CREEK RANCH
MASTER PLAN

WATER IMPROVEMENTS MAP

LJA Engineering & Surveying, Inc.

2929 Briarpark Drive Phone 713.953.5200
 Suite 500 Houston, Texas 77042-3703 Fax 713.953.5026

1545-8803 JUNE 1997



NOTE: THE PROPOSED T.I.R.Z. IMPROVEMENTS ARE SUBJECT TO CHANGE PER FINAL GOVERNMENTAL AGENCY APPROVALS, AND DO NOT REQUIRE PLAN AMENDMENTS.

LEGEND

- PROPOSED SANITARY SEWER
- PROPOSED FORCE MAIN
- ◆ PROPOSED LIFT STATION
- INTERIM SEWAGE TREATMENT PLANT

FIGURE 6

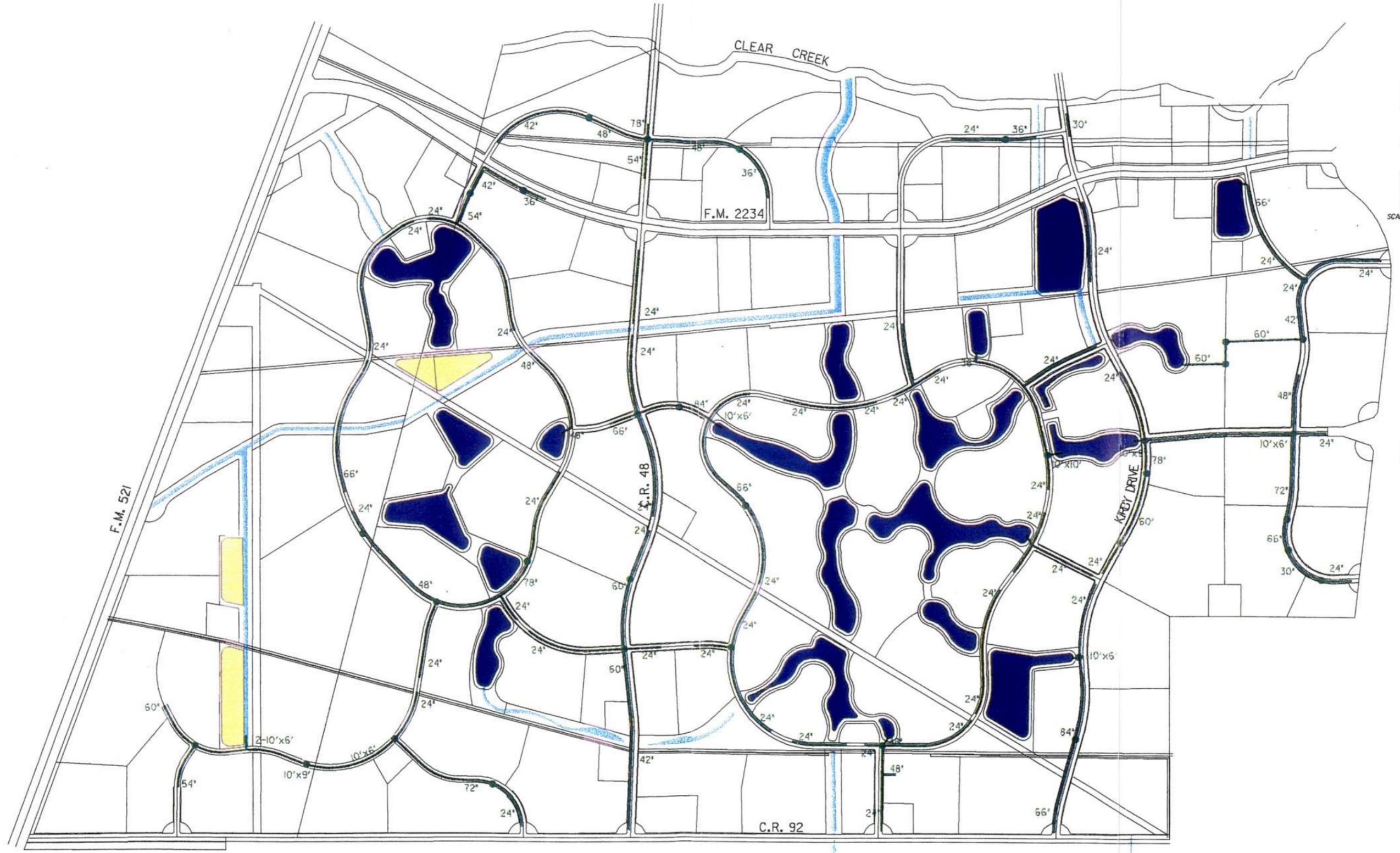
SHADOW CREEK RANCH
MASTER PLAN

SEWER IMPROVEMENTS MAP

LJA Engineering & Surveying, Inc.
 2929 Briarpark Drive Suite 900 Houston, Texas 77042-3703
 Phone 713.953.5200 Fax 713.953.5028

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SHADOW CREEK RANCH 1545-9803



SCALE: 1" = 1300'

U.S. 288

LEGEND

-  PROPOSED STORM SEWER
-  PROPOSED WET DETENTION AREA
-  PROPOSED DRY DETENTION AREA
-  PROPOSED CHANNEL IMPROVEMENTS

NOTE: THE PROPOSED T.I.R.Z. IMPROVEMENTS ARE SUBJECT TO CHANGE PER FINAL GOVERNMENTAL AGENCY APPROVALS, AND DO NOT REQUIRE PLAN AMENDMENTS.

PROPOSED DIVERSION CHANNEL (CHANNEL RIGHT-OF-WAY TO BE ANNEXED INTO THE ZONE IN THE FUTURE)

FIGURE 7

SHADOW CREEK RANCH
MASTER PLAN

STORM WATER IMPROVEMENTS MAP

LJA Engineering & Surveying, Inc. 

2829 Briarpark Drive Suite 500 Houston, Texas 77042-3703 Phone 713.953.5200 Fax 713.953.5026

1815-1803 AUG. 1999

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SHADOW CREEK RANCH 1545-9803

B. Assumptions and Choices

The Shadow Creek Ranch Development is an important opportunity for the City of Pearland to begin to promote balanced and well-planned growth. The magnitude and quality of the Shadow Creek Ranch development may serve as a standard from which the City can approach future planned unit developments. The development will also provide high quality housing, office space, shopping opportunities, civic spaces, and open space amenities for both residents and citizens of Pearland.

C. Development Schedule

The proposed Shadow Creek Ranch Planned Unit Development will be built out over a projected period of fifteen years, with completion anticipated in 2014. Due to the discrete mix, the broad variety of uses, and the size of the project, it is anticipated that the project will be completed in phases, each constituting a village. Each village will have all the qualities of an independent, successful community, including commercial amenities, a range of housing opportunities, and prominent open space. Figure 8 illustrates the development phases of the planned unit development graphically, as an overlay to the proposed plan.

LEGEND

- COMMERCIAL - RETAIL, OFFICE, RESTAURANT
- COMMERCIAL - CONVENIENCE STORE
- INDUSTRIAL
- SCHOOL
- CHURCH
- HOSPITAL/MEDICAL
- DAY CARE
- MUNICIPAL
- VISITOR / INFORMATION CENTER
- DRILL SITE / PARK
- UTILITY / IMPROVEMENTS
- NEIGHBORHOOD RECREATION CENTER / PARK
- LAKE
- ASSISTED LIVING/ SENIOR HOUSING
- MULTI-FAMILY
- 55' x 115'
- 60' x 115'
- 65' x 115'
- 70' x 120'
- 80' x 120'
- 90' x 130'
- PATIO
- CLUSTER
- TOWN HOME

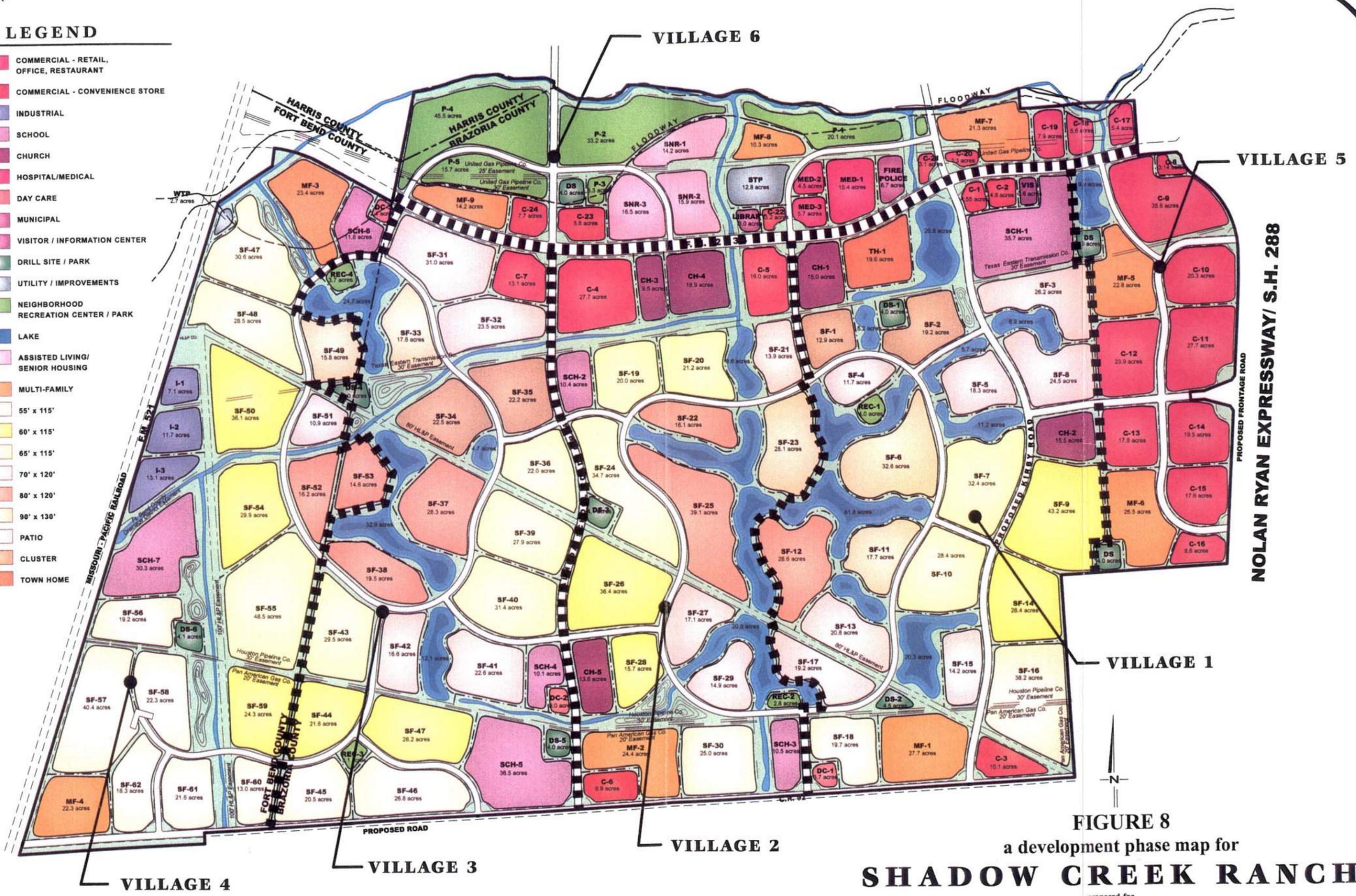


FIGURE 8
 a development phase map for
SHADOW CREEK RANCH
 prepared for
SHADOW CREEK RANCH DEV. CO., L.P.

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SCALE
 0 250 500 1000

JULY 28, 1999
 KGA #03301-010

IV. Shadow Creek Ranch: Existing and Proposed Land Uses

A. Existing Land Uses

The site of the Shadow Creek Ranch PUD is currently vacant and undeveloped.

B. Proposed Land Uses

Land Use Districts - General

For the purpose of this Planned Unit Development Land Use Ordinance, the PUD is divided into fifteen land use zones, as follows in Table 2:

Table 2: Land Use Districts

District Abbreviation	District	*City of Pearland Land Use District Category
R-1	Large Lot, Single Family Detached Residential	R-1
R-2	Large Lot, Single Family Detached Residential	R-1
R-3	Medium Lot, Single Family Detached Residential	R-2
R-4	Medium Lot, Single Family Detached Residential	R-3
R-5	Small Lot, Single Family Detached Residential	R-3
R-6	Small Lot, Single Family Detached Residential	R-4
R-7	Patio Homes	R-4; Patio Homes
R-8	Cluster Homes & Townhomes	Patio Homes
MF	Multi-Family Dwelling District	MF
MF - S	Multi-Family Senior/Assisted Living District	MF
OP	Office and Professional District	OP
NS	Neighborhood Service District	NS
GB	General Business District	GB
C	Commercial District	C
M-1	Light Industrial District	M-1

*Note: The third column represents the compliant land use as defined in the City of Pearland's *Land Use and Urban Development Ordinance, 1994*.

Each land use district is provided with outlined goals and objectives to be achieved through application and each land use district must meet the specific requirements and the general conditions, which follow.

Land Use Map and Regulations

The Planned Unit Development, Shadow Creek Ranch, is divided into a broad spectrum of land uses, as shown on the Proposed Land Use Map, attached as Figure 9. In combination with the Land Use Map, the following regulations will be used to determine the compliance of proposed land uses in the Shadow Creek Ranch development.

Land Use Changes/Regulatory Compliance

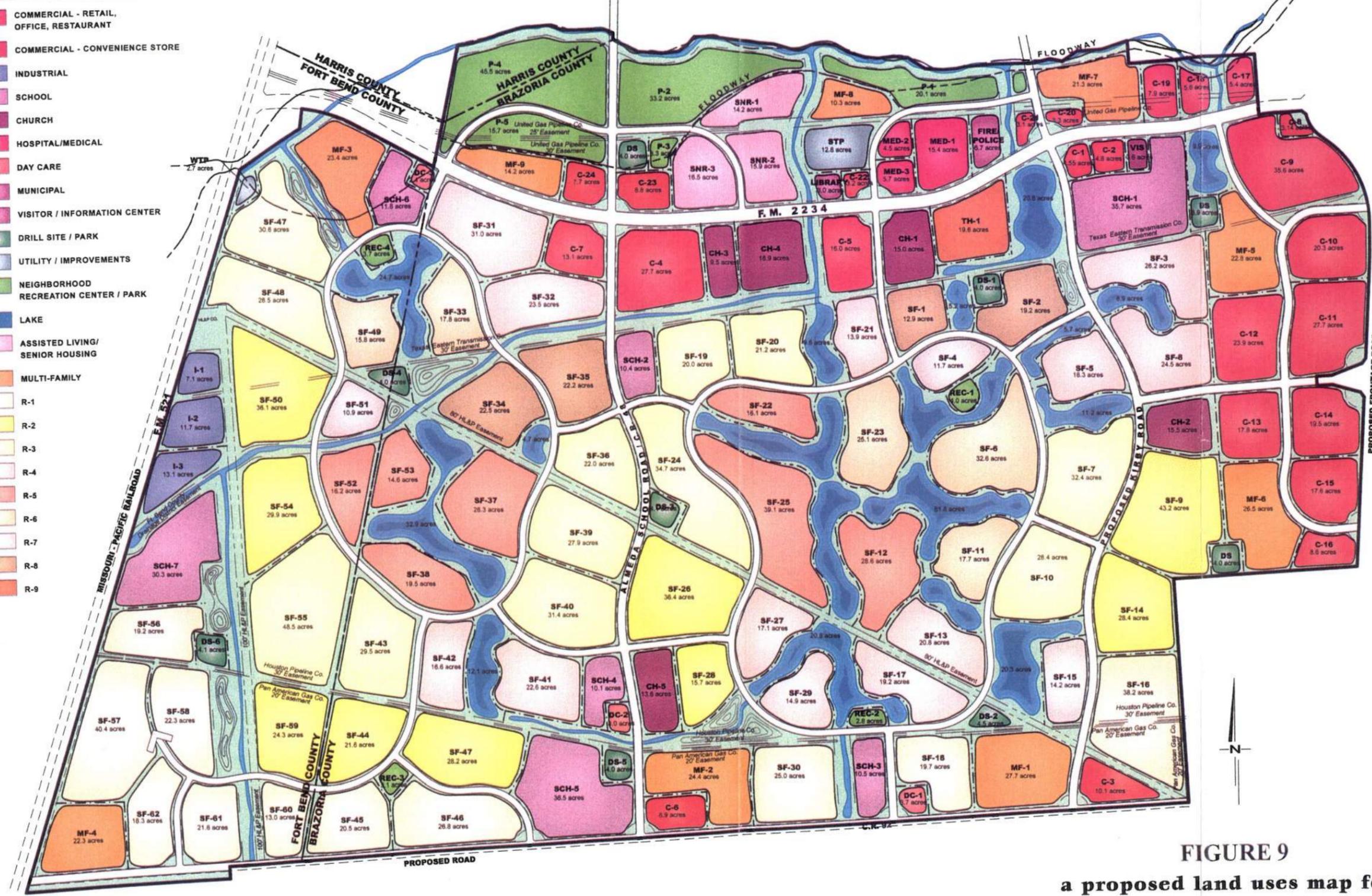
Land use shall be regulated on a total acreage basis and by a finite cap on the number of dwelling units. Each land use category may be increased in acreage by up to 15%, as long as the total number of dwelling units does not exceed 12,723. The percentage land use area change is required to assure the success of the development based on two important issues: first, the long-term development of the site over fifteen years; and second, the need to maintain the ability to modify land use categories slightly to continue to remain competitive in the real estate market over time.

Land uses may be interchanged within the boundaries of the planned unit development provided they are in compliance with the acreages defined in Table 3, page 23, subject to the above referenced 15% allowable increase and that the uses are in agreement with the land use compliance matrix illustrated in Figure 11. If the proposed modification of a land use is not compliant with the adjacent land uses, buffer zones must be created as defined below through either landscaping, compliant uses, or fencing. If a proposed land use is requested to be increased in area by more than 15%, a variance must be requested and approved by the City of Pearland's Planning and Zoning Commission.

KERRY R. GILBERT & ASSOCIATES, INC.

LEGEND

- COMMERCIAL - RETAIL, OFFICE, RESTAURANT
- COMMERCIAL - CONVENIENCE STORE
- INDUSTRIAL
- SCHOOL
- CHURCH
- HOSPITAL/MEDICAL
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- NEIGHBORHOOD RECREATION CENTER / PARK
- LAKE
- ASSISTED LIVING/ SENIOR HOUSING
- MULTI-FAMILY
- R-1
- R-2
- R-3
- R-4
- R-5
- R-6
- R-7
- R-8
- R-9



NOLAN RYAN EXPRESSWAY/ S.H. 288

FIGURE 9
 a proposed land uses map for
SHADOW CREEK RANCH
 prepared for
SHADOW CREEK RANCH DEV. CO., L.P.

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 0 250 500 1000

SEPTEMBER 1999
 KGA #03301-010

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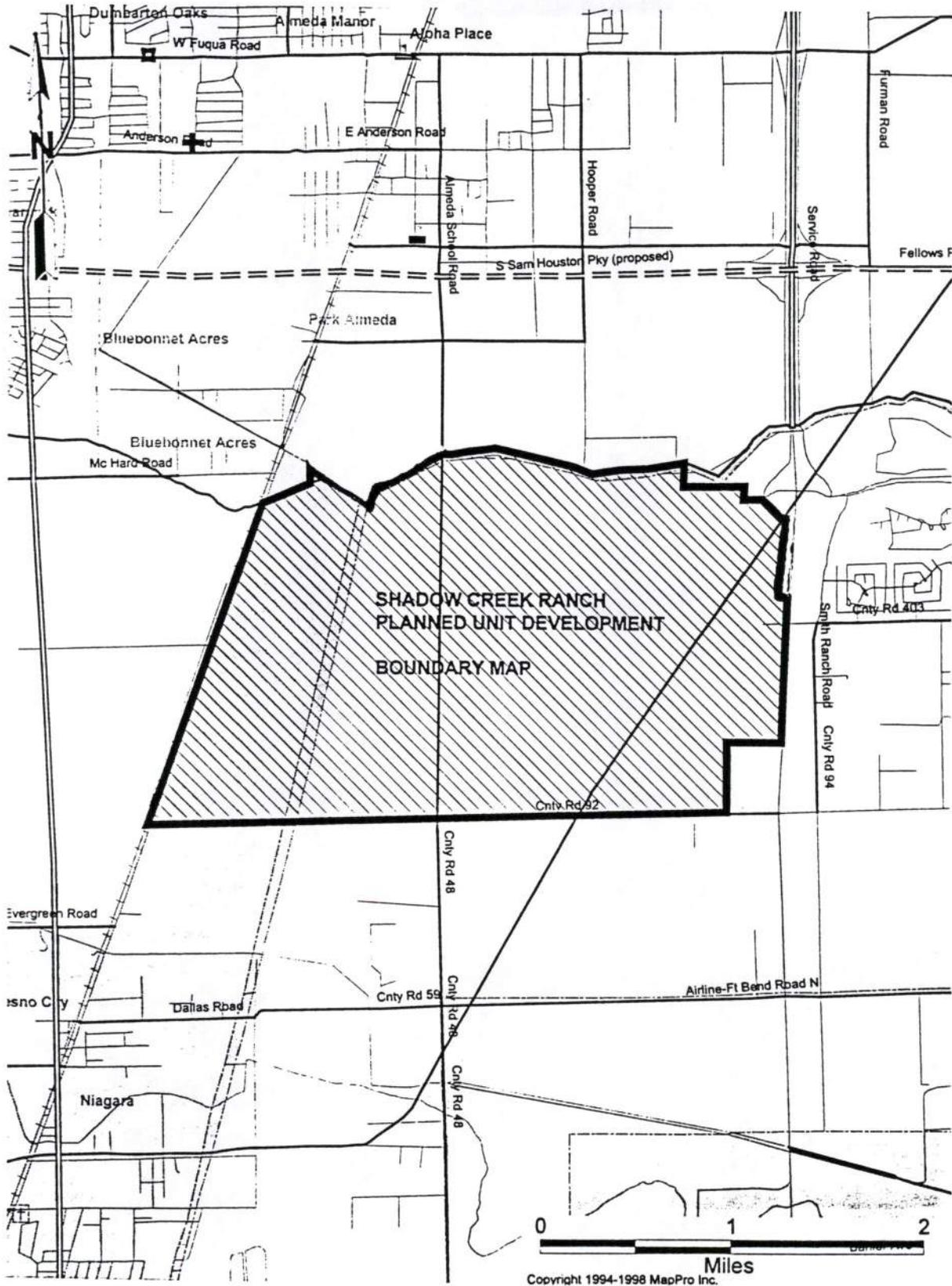
Table 3: Shadow Creek Ranch: Acreage per Land Use

Land Use	Acres	Percentage of Total Acreage
Single Family Residential (incl. Townhouse & Cluster)	1546.1	46.8%
Multi Family Residential	192.8	5.8%
Assisted Living Residential	46.6	1.4%
Commercial	285.4	8.6%
Institutional/Civic	262.4	7.9%
Industrial	31.9	1.0%
Parks/Recreation/Open Space, Includes:	429.2	13.0%
HL & P Easements		
Pipeline Easements		
Neighborhood Rec. Centers		
Parks/Open Space, includes drill sites		
Visitor Center		
Ditches		
Right-of-Ways	230.8	7.0%
Proposed Lakes (Includes Existing Ponds)	265.0	8.0%
Sewage Treatment Plant Site	12.8	0.4%
Water Pump Station	2.0	0.1%
Total =	3305	100.0%

Boundaries

For the purpose of this ordinance, the boundaries of the Planned Unit Development are as illustrated in Figure 10, which follows.

Figure 10: Planned Unit Development Boundary Map



Compatible Land Use Ordinance – General

Compatible adjoining uses are defined as uses that are not in conflict with abutting uses. Uses that are compliant as defined by the Compliant Use Matrix, Figure 11 which follows, are not subject to providing either landscape buffer zones or use buffer zones. Provided that the desired land use is not listed among the compliant uses a landscape, open space, fence or wall buffer zone or a use buffer zone must be executed. Each land use district has specific requirements that apply to the required buffer zones in the case of non-compliant adjacent land uses.

Figure 11: Compliant Use Matrix

Use	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	MF	MF-S	INST	NS	GB	OP	C	M-1
R-1		A	A	A	A	A	A	B	C	C	A	C	C	C	C	D
R-2	A		A	A	A	A	A	B	C	C	A	C	C	C	C	D
R-3	A	A		A	A	A	A	A	B	B	A	A	C	C	C	D
R-4	A	A	A		A	A	A	A	B	B	A	A	C	C	C	D
R-5	A	A	A	A		A	A	A	A	A	A	A	C	C	C	D
R-6	A	A	A	A	A		A	A	A	A	A	A	C	C	C	D
R-7	A	A	A	A	A	A		A	A	A	A	A	C	C	C	D
R-8	B	B	A	A	A	A	A		A	A	A	A	C	C	C	D
MF	C	C	B	B	A	A	A	A		A	A	A	A	A	A	C
MF-S	C	C	B	B	A	A	A	A	A		A	A	A	A	A	C
INST	A	A	A	A	A	A	A	A	A	A		A	A	A	A	C
NS	C	C	A	A	A	A	A	A	A	A	A		A	A	A	A
GB	C	C	C	C	C	C	C	C	A	A	A	A		A	A	A
OP	C	C	C	C	C	C	C	C	A	A	A	A	A		A	A
C	C	C	C	C	C	C	C	C	A	A	A	A	A	A		A
M-1	D	D	D	D	D	D	D	D	C	C	C	A	A	A	A	

Required Buffer

- A** Compliant Land Use - No Buffer Zone is Required
- B** Non-Compliant Use - One of the two (2) following buffer zone treatments are required: (1) a 10' landscape or open space buffer zone; or (2) an 6' fence or wall constructed based on the Development Design Guidelines.
- C** Non-Compliant Use - The following buffer zone treatment is required: a 25' landscape or open space buffer zone.
- D** Non-Compliant Use - The following buffer zone treatment is required: a 50' landscape or open space buffer zone.

The Land Use Districts are subject to the following provisions.

Land Use – Residential Districts

Residential land uses encompass both attached and detached single family and multi-family uses. The following district abbreviations, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, MF, and MF – S are subject to the following residential land use provisions:

R-1 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-1 Dwelling District provides for large lot, single family detached dwellings. The district is the most restrictive of all residential districts, requiring large lots, and encourages a grouping of dwelling units to achieve larger open space areas and community recreational uses.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix – Figure 11.

1. Area Requirements:

- (a) Minimum Lot Size – Every lot within the zoning district shall be at least 10,000 square feet in area.
- (b) Minimum lot width – Every lot within this zoning district shall be at least 80 feet in width, measured at the front building line.
- (c) Maximum Coverage – No more than 60% of the total lot area shall be covered by structures.

2. Yard Requirements (Setbacks)

- (a) Front yards shall be at least twenty-five (25) feet.
- (b) Rear yards shall be at least twenty (20) feet.

- (c) There shall be one side yard of at least five (5) feet, with an aggregate adjacent dwelling separation of fifteen (15) feet.

Every part of a required side yard shall be open and unobstructed. Accessory buildings must meet all setback requirements. Additionally, the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed forty-eight (48) inches into the required side yard, except that no projections shall be permitted closer than twelve (12) inches to a common property line.

3. Height Restrictions:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings:

Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, that no structure shall be allowed in any dedicated easement, or setback.

R-2 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-2 Dwelling District provides for large lot, single family detached dwelling units, and encourages a grouping of dwelling units to achieve larger open space areas and community recreational uses.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix – Figure 11.

1. Area Requirements:

- (a) Minimum Lot Size – Every lot within the zoning district shall be at least 8,000 square feet in area.
- (b) Minimum lot width – Every lot within this zoning district shall be at least 80 feet in width, measured at the front building line.
- (c) Maximum Coverage – No more than 60% of the total lot area shall be covered by structures.

2. Yard Requirements (Setbacks)

- (a) Front yards shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth.
- (b) Rear yards shall be at least twenty (20) feet.
- (c) There shall be one side yard of at least five (5) feet, with an aggregate adjacent dwelling separation of fifteen (15) feet.

Every part of a required side yard shall be open and unobstructed. Accessory buildings must meet all setback requirements. Additionally, the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed forty-eight (48) inches into the required side yard, except that no projections shall be permitted closer than twelve (12) inches to a common property line.

3. Height Restrictions:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings:

Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, than no structure shall be allowed in any dedicated easement, or setback.

R-3 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-3 Dwelling District provides for medium lot, single family detached dwelling units, and encourages a grouping of dwelling units to achieve larger open space areas and community recreational uses.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix – Figure 11.

1. Area Requirements:

- (a) Minimum Lot Size – Every lot within the zoning district shall be at least 8,000 square feet in area.
- (b) Minimum lot width – Every lot within this zoning district shall be at least 70 feet in width, measured at the front building line.
- (c) Maximum Coverage – No more than 60% of the total lot area shall be covered by structures.

2. Yard Requirements (Setbacks)

- (a) Front yards shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth.
- (b) Rear yards shall be at least twenty (20) feet.
- (c) There shall be one side yard of at least five (5) feet, with an aggregate side yard of at least ten (10) feet.

Every part of a required side yard shall be open and unobstructed.

Accessory buildings must meet all setback requirements. The ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side

yard, and roof eaves projecting not to exceed forty-eight (48) inches into the required side yard, except that no projections shall be permitted closer than twelve (12) inches to a common property line.

3. Height Restrictions:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings:

Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, that no structure shall be allowed in any dedicated easement, setback.

R-4 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-4 Dwelling District provides for medium lot, single family detached dwelling units, and encourages a grouping of dwelling units to achieve larger open space areas and community recreational uses.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix – Figure 11.

1. Area Requirements:

- (a) Minimum Lot Size – Every lot within the zoning district shall be at least 7,000 square feet in area.
- (b) Minimum lot width – Every lot within this zoning district shall be at least 60 feet in width, measured at the front building line.
- (c) Maximum Coverage – No more than 60% of the total lot area shall be covered by structures.

2. Yard Requirements (Setbacks)

- (a) Front yards shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth.
- (b) Rear yards shall be at least twenty (20) feet.
- (c) There shall be one side yard of at least five (5) feet, with an aggregate side yard of at least 10'.

Every part of a required side yard shall be open and unobstructed. Accessory buildings must meet all setback requirements. The ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed forty-eight (48) inches into the required side yard, except that no projections shall be permitted closer than twelve (12) inches to a common property line.

3. Height Restrictions:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings

Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, than no structure shall be allowed in any dedicated easement, or setback.

R-5 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-5 Dwelling District provides for small lot, single family detached dwelling units, and encourages a grouping of dwelling units to achieve larger open space areas and community recreational uses, and higher densities.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix – Figure 11.

1. Area Requirements:

- (a) Minimum Lot Size – Every lot within the zoning district shall be at least 6,000 square feet in area.
- (b) Minimum lot width – Every lot within this zoning district shall be at least 60 feet in width, measured at the front building line.
- (c) Maximum Coverage – No more than 60% of the total lot area shall be covered by structures.

2. Yard Requirements (Setbacks)

- (a) Front yards shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth.
- (b) Rear yards shall be at least twenty (20) feet.
- (c) There shall be one side yard of at least five (5) feet, with an aggregate side yard of at least ten (10) feet.

Every part of a required side yard shall be open and unobstructed.

Accessory buildings must meet all setback requirements. As permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches

into the required side yard, and roof eaves projecting not to exceed forty-eight (48) inches into the required side yard, except that no projections shall be permitted closer than twelve (12) inches to a common property line.

3. Height Restrictions:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings:

Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, than no structure shall be allowed in any dedicated easement, or setback.

R-6 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-6 Dwelling District provides for small lot, single family detached dwelling units, and encourages a grouping of dwelling units to achieve larger open space areas and community recreational uses, and higher densities.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix – Figure 11.

1. Area Requirements:

- (a) Minimum Lot Size – Every lot within the zoning district shall be at least 6,000 square feet in area.
- (b) Minimum lot width – Every lot within this zoning district shall be at least 50 feet in width, measured at the front building line.

- (c) Maximum Coverage – No more than 60% of the total lot area shall be covered by structures.

2. Yard Requirements (Setbacks)

- (a) Front yards shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth.
- (b) Rear yards shall be at least twenty (20) feet.
- (c) There shall be one side yard of at least five (5) feet, with an aggregate side yard of at least ten (10) feet.

Every part of a required side yard shall be open and unobstructed.

Accessory buildings must meet all setback requirements. As permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed forty-eight (48) inches into the required side yard, except that no projections shall be permitted closer than twelve (12) inches to a common property line.

3. Height Restrictions:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings:

Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, than no structure shall be allowed in any dedicated easement, or setback.

R-7 SINGLE FAMILY DWELLING DISTRICT – PATIO HOMES AND CLUSTER HOMES

Purpose of District

The R-7 Dwelling District provides for small lot, single family patio homes, and encourages a grouping of dwelling units to achieve larger open space areas and community recreational uses.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix – Figure 11.

1. Area Requirements:

- (a) Minimum Lot Size – Every lot within the zoning district shall be at least 5,000 square feet in area.
- (b) Minimum lot width – Every lot within this zoning district shall be at least 50 feet in width, measured at the front building line.
- (c) Maximum Coverage – No more than 60% of the total lot area shall be covered.
- (d) Common recreation areas for Patio Homes and Cluster Homes shall exist as greenways, trails, parks, recreation areas, and other passive and active open space amenities provided throughout the Shadow Creek Ranch Development. Based on the Development’s provision of 1577 square feet of open space per unit, no specific requirements shall apply to common recreation areas for this residential district.

2. Yard Requirements (Setbacks)

- (a) Front yards shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth.
- (b) Rear yards shall be at least twenty (20) feet.

- (c) There shall be one side yard of at least five (5) feet, with an aggregate side yard of at least ten (10) feet.

Every part of a required side yard shall be open and unobstructed.

Accessory buildings must meet all setback requirements. As permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed forty-eight (48) inches into the required side yard, except that no projections shall be permitted closer than twelve (12) inches to a common property line.

3. Height Restrictions:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings:

Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, that no structure shall be allowed in any dedicated easement, or setback.

R-8 SINGLE FAMILY DWELLING DISTRICT – TOWNHOMES

Purpose of District

The R-8 Dwelling District provides for maximum density single family dwelling units and appropriate open space. The R-8 dwelling district shall be located to provide a buffer between low-density single family residences and less restrictive residences and business related districts.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix – Figure 11.

1. Area Requirements:

- (a) Minimum Lot Size – Townhouse/Condominiums/Cluster – 2,700 sq. ft.
- (b) Minimum Lot Width: Townhouse/Condominiums/Cluster – 30 ft.
- (c) Maximum lot coverage of 70% if underground or multi-level parking is provided.
- (e) Common recreation areas for Townhomes shall exist as greenways, trails, parks, recreation areas, and other passive and active open space amenities provided throughout the Shadow Creek Ranch Development. Based on the Development's provision of 1,577 square feet of open space per unit, no specific requirements shall apply to common recreation areas for this residential district.

2. Yard Requirements (Setbacks)

Every lot within this district shall have front yards of at least twenty (20) feet and rear yards of at least ten (10) feet. There shall be required building separations a minimum of ten (10) feet. This shall allow for zero lot line on one side.

Condominiums are not required to meet setback requirements if they are attached.

The common recreation area provisions above are not applicable to Cluster Homes given that they are developed in clusters of four (4) units, on lots with a minimum width of one hundred (100) feet and a minimum depth of two hundred (200) feet.

3. Height Restrictions:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings:

Accessory buildings shall be permitted in the rear yards; provided, however, than no structure shall be allowed in any dedicated easement.

5. Density

Density in this district shall not exceed twelve (12) dwelling units per acre.

MF MULTI-FAMILY

Purpose of District

The MF dwelling district is intended to permit high-density multi-family dwelling units.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix – Figure 11.

1. Area Requirements:

- (a) Minimum site area: Every residential lot within the zoning district shall be at least sixty-five thousand (65,000) square feet in area, and every nonresidential lot shall be at least twenty thousand (20,000) square feet.
- (b) Minimum site width: Every site within this zoning district shall be at least one hundred twenty-five (125) feet in width, measured at the front building line.
- (c) Maximum Site Coverage: 70%, including parking and driveways.
- (d) Building area ration: There shall be at least two thousand seven hundred fifty (2,750) square feet of site area for each multi-family or apartment dwelling unit.
- (e) No more than twenty-five (25%) percent of the total apartment complex shall be efficiencies.

- (f) Yard requirements: Every site within this district shall have front and rear yards of at least twenty-five (25) feet.

Such site shall have minimum side yards of at least ten (10) feet for one-story buildings and an additional five (5) feet for each story thereafter.

Every part of a required yard or court shall be maintained as open space; provided that ordinary projections may extend into a minimum side yard or court not more than twenty-four (24) inches.

- (g) Fences and Screening: Fences and screening shall be provided and maintained as set forth in the Developer's design guidelines.
- (h) Parking as required by the City of Pearland's Land Use and Urban Development Ordinance, Table V.
- (i) Accessory buildings: Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, that no structure shall be allowed in any dedicated easement, or setback.
- (j) Access is required as defined by the City of Pearland's Land Use and Urban Development Ordinance.
- (k) Refuse Containers: All refuse and refuse containers shall be screened from view of adjacent public streets, and meet the Developer's design guidelines.
- (l) Common Recreational Area: In all areas where Multi-Family Dwelling units are constructed, there shall be at least 600 sq. ft. of common recreational space per dwelling unit. The minimum area of any common recreational space shall be 6,000 sq. ft. Each common recreational area shall be within 300 feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common recreational area shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.

Facilities, such as pedestrian ways and swimming pools, may be included as part of the required recreational space. Off-street parking areas and service drives are not included.

2. Density

Maximum density shall not exceed 19.36 dwelling units per acre. Building Site Ratio – 2250 square feet per dwelling unit.

MF – S MULTI-FAMILY SENIOR

Purpose of District

The Multi-Family Senior Residential District is intended to permit senior housing and assisted living housing. This district is intended to be used in correspondence with other permissive districts, and is flexible in location and compliance.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix, Figure 11.

Area Requirements, Yard Requirements, Height, Access, and Lot coverage requirements are subject to the same requirements as the City of Pearland’s Land Use and Urban Development Ordinance, land use regulations for GB General Business District, Planned Unit Development, Section 13.5, p. 36.

Density. Maximum density shall not exceed 40 dwelling units per acre.

Refuse containers. All refuse and refuse containers shall be screened from view and are subject to the Developer’s design guidelines.

Land Use – Commercial

Commercial land uses encompass neighborhood-oriented services, large scale commercial activities, and office and professional uses. The following district abbreviations NS, OP, GB, and C, are subject to the following land use provisions:

NS NEIGHBORHOOD SERVICE DISTRICT

Purpose of District

The Neighborhood Service commercial district is intended to permit areas for service establishments and retail stores placed for the benefit of adjacent and nearby residential development. All trade in the district must be conducted indoors and in such a manner as to be compatible with adjacent residential districts without changing the character or otherwise disrupting the intended functioning of the latter.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix, Figure 11.

1. Area Requirements

The Neighborhood Service commercial land use district of the planned unit development is required to meet the area requirements as defined by the City of Pearland's *Land Use and Urban Development Ordinance* for Planned Unit Developments.

2. Outdoor Activities and Uses

No outdoor commercial activities or uses shall be permitted in the neighborhood service district other than mobile refreshment stands, accessory parking and loading and the placement and servicing of refuse containers for permitted uses. Passive recreational uses are also permitted.

3. Building Line

Every lot within this district shall have front building line of at least twenty-five (25) feet, side building lines of at least fifteen (15) feet; provided, however that side building lines meet the abutting uses listed in the compliant use matrix, Figure 11.

4. Parking and Loading

Parking and loading shall be subject to the general requirements of the Land Use and Urban Development Ordinance, City of Pearland, Section 19 and Tables IV, V, VI.

5. Refuse Containers

All refuse and refuse containers shall be screened from view of all public streets, and are subject to the Developer's design guidelines.

GB GENERAL BUSINESS (RETAIL)

Purpose of District

The general business district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly within an enclosed building but may incidentally display merchandise wholly under a permanent part of the main business structure, such as a marquee. Intended to create large areas of compatible and mutually supportive activities.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix, Figure 11.

1. Area Requirements

The General Business land use district of the planned unit development is required to meet the area requirements as defined by the City of Pearland's *Land Use and Urban Development Ordinance* for Planned Unit Developments.

Refuse containers. All refuse and refuse containers shall be screened from view and are subject to the Developer's design guidelines.

All other requirements of this district follow the provisions provided in the City of Pearland's Land Use and Urban Development Ordinance, p. 35-36 for Planned Unit Developments.

OP OFFICE AND PROFESSIONAL DISTRICT

Purpose of District

The OP office district is intended to permit a wide variety of business, professional and organization office needs of the community together with desirable associated uses.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix, Figure 11.

1. Area Requirements

The Office Professional land use district of the planned unit development is required to meet the area requirements as defined by the City of Pearland's *Land Use and Urban Development Ordinance* for Planned Unit Developments.

Refuse containers. All refuse and refuse containers shall be screened from view and are subject to the Developer's design guidelines.

All other requirements of this district follow the provisions provided in the City of Pearland's Land Use and Urban Development Ordinance, p. 35-36 for Planned Unit Developments.

C COMMERCIAL DISTRICT

Purpose of District

The commercial district is intended to permit a wide variety of businesses characterized by those uses that require an extensive amount of land for the conduct of business.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix, Figure 11.

1. Area Requirements

The Commercial land use district of the planned unit development is required to meet the area requirements as defined by the City of Pearland's *Land Use and Urban Development Ordinance* for Planned Unit Developments.

Refuse containers. All refuse and refuse containers shall be screened from view and are subject to the Developer's design guidelines.

All other requirements of this district follow the provisions provided in the City of Pearland's Land Use and Urban Development Ordinance, p. 35-36 for Planned Unit Developments.

Land Use – Industrial

Industrial land use is identified as M-1, light industrial uses, including manufacturing, wholesale and service type uses.

M-1 LIGHT INDUSTRIAL

Purpose of District

The light industrial district is intended to permit a wide range of light industrial, manufacturing, wholesale and service type uses.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix, Figure 11.

For the purpose of the M-1 land use district area, yard, height, and access requirements are subject to the Planned Unit Development requirements of the City of Pearland's *Land Use and Urban Development Ordinance*.

The following conditions also apply:

1. Parking

As required in Section 19 and Tables IV, V, and VI of the City of Pearland's Land Use and Urban Development Ordinance.

2. Special Conditions

As required in Section 15.5, p. 39 of the City of Pearland's Land Use and Urban Development Ordinance.

3. Performance Standards

As required in Section 15.6, p. 39 of the City of Pearland's Land Use and Urban Development Ordinance.

Land Use - Institutional/Community Facilities

Institutional and Community Facilities shall be subject to the PUD guidelines, the Compliant Use Matrix, Figure 11, as well as the Developer's design guidelines.

General Conditions

Additional Allowed Uses: See Compliant Use Matrix, Figure 11.

V. Shadow Creek Ranch: Regulations

In addition to the previous land use regulations, and in order to preserve the aesthetic quality, continuity, theme and character of the development, the Developer shall prepare a comprehensive set of architecture and design guidelines that will become the basis for all construction and development within Shadow Creek Ranch. The comprehensive design guidelines shall cover such standards as perimeter wall design, monumentation, entries, signage program, landscaping, architectural character, and other elements that are important to the aesthetic qualities of the development.

The architecture and design guidelines will apply to all structures and infrastructure designed and completed within the boundaries of the Planned Unit Development. Additionally, no building shall be constructed which has not received architectural and design approval by the Master Developer.

Oil and gas drilling and production sites are limited to the sites designated on Figure 9. After balancing the goals of this Planned Unit Development, including the safety and welfare of the community, and the reasonable requirements of mineral interest owners, the designated sites have been found to be situated to provide adequate access to such underground minerals through established modern drilling methods. All such drilling is further subject to the terms of the City of Pearland Code of Ordinances, Ch. 21 – Oil and Gas, as may be amended. In addition, all regulatory requirements of other State, Local, and Federal agencies having jurisdiction shall be met.

VI. Glossary

The following glossary of terms used in this Planned Unit Development Ordinance are from the City of Pearland's *Land Use and Urban Development Ordinance*, 1994. The glossary from the *Land Use and Urban Development Ordinance* are made part of this Planned Unit Development Ordinance by reference and attachment.

ABUTTING: Having property or district lines in common, or two objects in immediate contact.

ACCESS: Means of approaching or entering a property. Includes a right of passage to and from an adjacent street.

ACCESSORY USE: An "accessory use or structure" is one customarily a part thereof, which is clearly incidental and secondary to permitted use and which does not change the character thereof, including, but not limited to garages, living quarters for servants, bathhouses, greenhouses, tool sheds, or swimming pools. All accessory uses shall be limited to a maximum of 30% of the primary use.

AGRICULTURAL ANIMAL HUSBANDRY: The breeding, judging, care and/or production of farm animals.

AIRPORT: An area reserved or improved for the landing or take-off of aircraft other than rotary wing aircraft.

ALLEY: A public way which is used primarily for vehicular services access to the back or side of properties otherwise abutting on a street or highway.

ANTIQUÉ SHOP: A business which sells items whose value is greater than original purchase price because of age or extrinsic value.

APARTMENT: See Dwelling - Multi-Family.

APARTMENT HOTEL: See Hotel.

ART STUDIO OR GALLERY: Where objects of art are created or displayed for the public enrichment or where said objects of art are displayed for sale (including the teaching of both painting and sculpting).

BLOCK: A rectangular space bordered or enclosed by a street or streets and occupied by or intended for buildings a minimum length of any side of 300 feet.

BOARD OF ADJUSTMENT: The Zoning Board of Adjustment of the City of Pearland.

BOARDING HOUSE: A building, built and/or used for residential purposes, where meals are served for compensation to a person or persons not residing in the building.

BUILDING: A "building" is any structure built for the support, shelter, or enclosure of persons, chattels or movable property of any kind and which is affixed to the land, the word "building" shall include the word "structure". This does not include fence unless they are structurally a part of the building.

BUILDING AREA: Area of the building site left to be built upon after the required yard area has been provided.

BUILDING CODE: All regulations adopted under Chapter 7 of the Pearland Code of Ordinances.

BUILDING HEIGHT: The vertical distance measured from grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.

BUILDING INSPECTOR: See Enforcing Officer.

BUILDING LINE: See setback line.

BUILDING OFFICIAL: That individual designated by the City Manager to insure compliance with the Building Code of the City of Pearland, Texas.

BUILDING PERMIT: An instrument in writing signed by the Enforcing Officer authorizing described construction on a particular lot.

BUILDING SIGN: Means a sign attached against building fronts, awnings or exposed walls, or parallel to the face of the building atop a marquee.

CAFE, RESTAURANT OR CAFETERIA: A commercial eating establishment where snacks or meals are vended for consumption primarily on the premises. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit "take out" windows.

CERTIFICATE OF OCCUPANCY: A written instrument executed by the Building Official authorizing a described use of a lot, as set forth in the Building Code.

CHURCH: A building used for religious public worship.

CITY: The City of Pearland.

CITY ENGINEER: The Pearland City Engineer or his authorized representative.

CITY MANAGER: That person holding the office of City Manager under the terms of the Pearland Charter, or an authorized representative.

CITY SECRETARY: That person holding the office of City Secretary under the terms of the Pearland Charter, or an authorized representative.

CLINIC: An institution, public or private, or a station for the examination and treatment of out-patients by an individual or group of doctors, dentists, or other licensed members of a human health care profession.

COMMERCIAL AMUSEMENT: An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge or wherein any portion of the activity takes place in the open including, but not limited to a golf driving range, archery range, miniature golf course, bowling alley, game room, billiard parlor.

COMMERCIAL VEHICLE/TRUCK: Every vehicle designed, maintained or used primarily for the transportation of property with a weight in excess of fifteen hundred (1,500) pounds.

COMMON PROPERTY: A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in a Planned Unit.

COMMON WALL: An approved fire rated wall separating two dwelling units.

CONDOMINIUM: Two or more dwelling units on a lot with individual ownership of a unit rather than of a specific parcel of real property, together with common elements. See Article 1301a, Tex. Rev. Civ. Stat.

CONVENT: A place of dwelling and/or study for persons under religious vows.

CORNER LOT: A lot abutting upon two (2) or more streets at their intersections.

COUNTRY CLUB: An area of twenty (20) acres or more containing a golf course and/or a clubhouse and available to a private specific membership, which club may also contain adjunct facilities such as a dining room, swimming pool, tennis courts or other recreational or service facilities.

CUL-DE-SAC: A local street having but one inlet/outlet to another street and terminated on the opposite end by a vehicular turnaround.

DANCEHALL/NIGHTCLUB: An establishment offering to the general public facilities for dancing and/or entertainment.

DAY NURSERY: An establishment where children, separated from their parents or guardian, are housed for care or training during the day or a portion thereof on a regular schedule more often than once a week; does not include a public school, private school, kindergarten or registered family home.

DENSITY: The measure of the degree to which land is filled with residential dwelling units designed to accommodate a family group. Measurements allow inclusion of internal streets and public ways required to be dedicated in calculating density per acre. Streets dedicated and accepted prior to platting of the property shall not be counted. All density calculations should be made using gross acreage.

DEPARTMENT STORE: A store selling a wide variety of goods, which are arranged into departments.

DIRECTOR OF PUBLIC WORKS: As defined by City Charter authorizing same position.

DISTRICT: A zoning district under this Ordinance.

DORMITORY: Any structure specifically designed to house student tenants associated with a university, college or school, public or private.

DRAG STRIP: An establishment where a pre-established race course of at least 1/4 mile in length is located.

DRIVE-IN/REFRESHMENT STAND: Any place or premises used for sale, dispensing or serving of food and/or beverages to consumers in automobiles or on foot, or at an outdoor patio or table where indoor tables are not provided.

DUPLEX: A residential building containing two attached dwelling units designed for occupancy by not more than two families.

DUMPSTER: A large, metal refuse receptacle specifically designed to be emptied by heavy machinery and otherwise stationary.

DWELLING/DWELLING UNIT: A "dwelling or dwelling unit" is any building or portion thereof which is designed or used exclusively for residential purposes.

DWELLING, SINGLE FAMILY: A residential building, other than a mobile home, designed for occupancy by one family or individual.

DWELLING, SINGLE-FAMILY DETACHED: A single family dwelling unit.

DWELLING, MULTI-FAMILY: A residential building designed for occupancy by three or more families, with the number of families not to exceed the number of dwelling units.

EFFICIENCY APARTMENT: An apartment without a bedroom separate from other living quarters.

EMERGENCY VEHICLE: Any vehicle meeting the requirements for emergency vehicles under

State Law or City Ordinance.

ENFORCING OFFICER: The designated Enforcing Officer of the City of Pearland or his designated representative.

FAMILY: A "family" is an individual or any number of persons related by blood or marriage or not more than four (4) unrelated persons living as a single housekeeping unit.

FAST FOOD SERVICE: An establishment which prepares and sells food on the premises primarily for consumption elsewhere. This definition does not include drive-in restaurants as herein defined.

FENCE: Any structure or hedge greater than thirty (30) inches in height and of any material, the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, mark a boundary, or provide decoration. All walls except for dikes and retaining walls for the purpose of diverting water and retaining soil would be classified as a fence.

FLOOD WAY: The portion of a water course that is subject to periodic flooding.

FLOOR AREA: The sum total area of all floors as calculated from measurements to outside walls.

FREE STANDING SIGN: Means a sign supported solely by posts or structures other than a building.

FRONT YARD: A yard between an adjacent street and the entrance side of a principal structure on a lot.

GARAGE, REPAIR: An establishment where motor vehicles receive maintenance, repair or where auto body repair takes place. Such shall not include salvaging.

GASOLINE SERVICE STATION: An establishment where gasoline is sold and dispensed into motor vehicle tanks.

GRADE (Adjacent Ground Elevation): The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet distant from said wall. In case walls are parallel to and within five feet of a public sidewalk, alley or public way, the grade shall be the elevation of the sidewalk, alley or public way.

GROSS LEASABLE AREA: The total floor area of a building which is designed for tenant occupancy and use, including basements and mezzanines, and measured to centerlines of joint partitions and to outside of exterior walls, excluding mechanical equipment, storage, restrooms, stairwells, elevator shafts and other common areas.

¹GROUND SIGN: A sign which is supported by one (1) monolithic structure which is not less in width than one-half (1/2) the maximum sign height, set upon the ground and is not part of a building, including ground signs that advertise for more than one occupancy on the premises (multi-tenant).
HARDWARE STORE: A store in which the primary items offered for sale are ware such as fittings, tools, machinery, utensils and other similar objects.

HEAVY MACHINERY SALES: The sale, trade and/or transfer of any motor propelled machinery used for excavation and/or construction purposes.

HEIGHT OF BUILDING: The vertical distance from the "Grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

HELIPORT/HELIPAD: A landing facility for rotary wing aircraft subject to regular use and which may include fueling or servicing facilities for such craft.

HOBBY SHOP: See Speciality Shop.

HOMEOWNERS ASSOCIATION/PROPERTY OWNERS ASSOCIATION: An incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or home owner in a planned unit or other described land area is automatically a member, (b) each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge, if unpaid, becomes a lien against the property.

HOSPITAL, SANITARIUM, NURSING OR CONVALESCENT HOMES: A building or portion thereof, used or designed for the housing or treatment of sick, aged, mentally ill, injured, convalescent or infirm persons, provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

HOTEL: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, and which are not directly accessed from an outside parking space.

INTEGRAL RESIDENTIAL DEVELOPMENT: The combining of various types of residential development to achieve the highest and best use of the property.

KENNEL: Any building, lot or premises on or in which dogs or cats (at least eight weeks of age) are kept, or any building, lot, or premises where dogs or cats are housed or accepted for boarding, for which remuneration is received. This term does not include a veterinary clinic.

KINDERGARTEN: Any school, private or parochial, whether operated for profit or not, attended by children during any part of a day, which provides a program of instruction for children below the first grade level in which constructive endeavors, object lessons and helpful games are prominent

¹Revised 11-28-94; Ord. No. 509-56

features of the curriculum.

LABORATORY: An establishment equipped for experimental study in a science or for testing and analysis.

LANDSCAPED: Adorned or improved by contouring land and placing thereon live flowers, shrubs, trees, grass or other vegetation.

LIGHT INDUSTRIAL (M-1): Major appliance and machinery sales and service, printing plants, engraving shops, plumbing shops, sheet metal fabricating, laundries, electrical contractors, mechanical contractors (includes heating, air conditioning) and carpet cleaners (on premise cleaning).

LIGHT MANUFACTURING PROCESS: Light manufacturing process which does not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which does not generate noise or vibration at the boundary of the district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

LOT: As used herein, a "lot" is each physical and undivided tract or parcel of land as shown on a duly recorded plat, and the word "lot" shall include the word "plot." In zoning districts requiring a side yard setback between like-zoned lots, 'lot' shall include the combination of two or more adjacent platted lots allowing a building to cross side yard setback lines. A person combining lots in such a manner shall provide an acknowledged declaration of intent for two or more lots to be treated as one lot for building purposes. The Building Official shall file said declaration in the deed records of the county in which the lots are located.

LOT COVERAGE: That portion of the lot covered by a building structure.

LOT MEASUREMENT:

- a. Area of the lot shall be the net area of the lot, expressed in square feet or acreage and shall not include portions of any public street or alley.
- b. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear (the mean horizontal distance between the front and rear lot line).
- c. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

MANUFACTURING, PROCESSING and FABRICATION: Activities or facilities including, but not limited to beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, planing mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, precision instruments manufacturing, and research laboratory.

MARQUEE: A roof-like structure projecting over the entrance to a building. It may also project over a sidewalk adjacent and parallel to the front wall of a building.

MARQUEE SIGN: Means a sign with slots or wires for inserting individual letters so that a message about products sold or services provided on the same premises may be changed. A marquee sign may be part of a building, ground or freestanding sign provided it does not exceed seventy five (75%) of the area of the sign.

MINI WAREHOUSE: Enclosed space rented to members of the general public for storage of motor vehicles, trailers, boats, bulky household goods, and sundry personal property.

MOBILE HOME: A movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis over roads and highways, connected to utilities and designed without a permanent foundation, without regard to whether such is placed on a permanent foundation or not. It may consist of one or more units placed on a permanent foundation or not. It may consist of one or more units that can be telescoped and expanded later for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit. See Article 5221f, Tex. Rev. Civ. Stat.

MOBILE HOME SPACE: A division of a "MH" mobile home zoned lot for use by a single mobile home.

MONASTERY: See Convent.

MOTEL: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, and which are accessed by and adjacent to an outside parking space.

MULTIPLE BUILDING COMPLEX: More than one (1) principal structure on a building lot.

NONCONFORMING USE: Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this ordinance or amendments thereto, which does not conform, after the passage of this ordinance or amendments thereto, with the regulations of this ordinance.

OCCUPANCY: Any utilization of property.

OFF-PREMISES PORTABLE SIGN: Means an off-premise sign which is a portable sign.

OFF-PREMISE SIGN: Means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

OPEN SPACE: Area, excluding parking, street, alley, service walk or other service areas, but including any side, rear, or front yard or any unoccupied space on a lot that is unobstructed to the sky, except for the ordinary projections of cornices, eaves, lattice work or trellises.

ORCHARD: An area of two (2) acres or more which is used for the growing of farm products, vegetables, fruits, trees and/or grain and including incidental and/or necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine or other animals and not including any type of agricultural animal husbandry as specifically defined.

PARKING AREA: An off-street area for the temporary storage of motor vehicles, whether free, for compensation or as an accommodation for clients or customers.

PARKING LOT (Commercial Auto): Area, enclosed or unenclosed, sufficient in size to store automobiles, pickups and/or trucks and permitting ingress and egress of vehicles to a street or alley.

PARKING LOT (Truck Storage): A place where one or more trucks are parked or stored.

PARKWAY AREA: That portion of the public right-of-way lying primarily between the edge of the pavement or curb and the private property line.

PATIO HOME: A single family detached dwelling unit placed on the lot so that it sits along the side lot line, so as to provide maximum usable open space for the private use of occupants of each residential unit.

PAWN SHOP: An establishment where articles are traded in exchange for money plus a right to redeem such articles within a given amount of time upon repayment of such money with interest.

PERMITTED USE: A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit. This term does not include conditional uses.

PERSON: A natural person, his heirs, executors, administrators, or assigns and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PERSON IN CHARGE: Any person who has real or apparent care, custody, and control of real property or buildings located thereon.

PERSONAL SERVICE SHOP: An establishment for the purpose of supplying limited personal services, including but not limited to: cleaning and laundry collection station, interior decorating, watch and jewelry repair, art gallery, library, museum, studio for professional artwork,

photography, dance or fine arts, including teaching of applied and fine arts; this definition does not include massage parlors, barber shops, beauty shops, or hairdressers.

PLANNED UNIT DEVELOPMENT (PUD): A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features.

PLANNING COMMISSION: The Planning and Zoning Commission of the City of Pearland, Texas.

PLOT. See Lot.

PORTABLE SIGN: Shall mean any sign designed or constructed to be easily moved from one location to another, including, but not limited to, signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, A-frame, or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this chapter, trailer signs and signs on benches are 'portable signs'.

PRINT SHOP: Establishment utilizing off-set, letter press, duplicating equipment, but no rotary presses or linotype equipment.

PRIVATE CLUB: An establishment where food and/or drink is offered for sale or consumption to a private specific membership.

PROFESSIONAL OFFICE: An office occupied by a doctor, lawyer, dentist, engineer, or any other vocation involving predominately mental or intellectual skills requiring post-secondary education. Specifically excludes any activity involving sales of personalty. Does not include veterinary clinics.

QUADRUPLEX: Four single-family dwelling units joined by common sidewalls.

REAR YARD: An interior yard extending along the full length of the rear lot line and defined by a line along and parallel to the rear lot line.

RECREATION CENTER: An indoor business establishment used for recreation and social activities.

RECREATION SPACE/FACILITIES: Any open or enclosed area which is available to inhabitants of an occupancy for passive and/or active recreational pursuits. This term includes, but is not limited to, swimming pools, recreation rooms, ball courts, grass areas, playgrounds and any other area both open to all inhabitants of the occupancy and not required for another purpose, such as walkways, parking areas, and landscaping.

REFUSE CONTAINER: Any container, including dumpster, used as temporary storage of

routinely collected waste.

REFUSE DUMP: A place reserved or used for the dumping or accumulation of refuse or discarded matter.

REGISTERED FAMILY HOME: A facility that regularly provides care in the caretaker's own residence for not more than seven (7) children under 14 years of age, including the caretaker's own children, and which is properly licensed by the Texas Department of Human Resources as a Registered Family Home, and which is operating in full compliance with prescribed Minimum Standards for Registered Family Homes, as promulgated by said Department."

ROOMING and LODGING HOUSE: A group of rooms for lodging provided for compensation either in a converted single family home or in a structure specifically designed for such purpose and where no cooking facilities are provided in individual living units.

SALVAGING: Auto wrecking yard, junk yard, salvage products processing and sales, used auto parts.

SEAT: One (1) sitting space equal to eighteen (18) inches of bench or pew width if other than an individual chair.

SECURITY DWELLING: An accessory dwelling incidental and subordinate to the primary use. The function of a security dwelling would be the protection and security of the primary use served.

SERVICE ESTABLISHMENT: Establishments including but not limited to: barber and beauty shops, hairdressers, shoe repair, tailor shops and health studios.

SETBACK LINE: A line which marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a building plot.

SHALL: As used in this Code, is mandatory and not directory.

SHOPPING CENTER OR INTEGRATED BUSINESS DEVELOPMENT: A commercial development such as a strip center, mall, multi-tenant office building, commercial center, or industrial complex in which two (2) or more separate businesses occupy a single or multiple structures which share on-site parking and common driveways.

SIDE YARD: An interior yard extending along and parallel to the side lot line separating two (2) tracts of land.

SIGN (BILLBOARD): A sign which is subject to regulation under the provisions of the Federal Highway Beautification Act. 23 U.S.C.A. Section 131 et seq., as amended.

SIGN POLE TYPE (On-Premise): A sign, on the premises owned or controlled by an

establishment, which sign is supported by a single vertical support anchored or set into the ground.

SIGN, REAL ESTATE: A sign whose purpose is to advertise for sale a parcel of real property or an estate in land, including rentals.

SITE PLAN: A scaled drawing showing the use of the land, to include locations of buildings, drives, sidewalks, parking areas, drainage facilities and other structures to be constructed in relation to surveyed boundaries.

SPECIALTY SHOP: An establishment for the purpose of supplying limited specialty items including but not limited to: antiques, art objects and supplies, ceramic supplies, books, camera and photo supplies, candy, florist, gifts, greeting cards, framing, stamps and coins, stationery, and tobacco.

STORAGE AND WAREHOUSES: Commercial storage, crating service, petroleum products storage, truck terminal, warehouse.

STREET: The entire width between property lines when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic. This definition shall include public as well as private streets.

STRUCTURE: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. See Building.

STRUCTURE, PRINCIPAL: The principal structure which fulfills the purpose for which the building plot is intended.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

SUPERMARKET: A retail market primarily selling foods and household merchandise, and which may also offer other items and/or services in limited quantities.

TEMPORARY SIGN: Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials with short life expectancies. A portable sign shall not be considered a temporary sign.

TENNIS OR SWIM CLUB: A recreational area containing a swimming pool or tennis courts or both with related facilities and/or clubhouse, all of which facilities are available to a private specific membership.

THEATRE: An establishment charging admission to the general public for the privilege of observing a live, televised, or motion picture performance.

TOWNHOUSE: One (1) of a group of no less than three (3) nor more than twelve (12) attached dwelling units, separated by a fire rated wall, each dwelling unit located on a separate lot. No single group shall exceed two hundred and forty (240) feet in length.

TRUCK: See Commercial Vehicle.

VARIANCE: A legal modification of the district provisions such as yard, lot width and yard depth, signs, setback, off-street parking and loading regulations, height, access and screening granted due to the peculiar conditions existing within a single piece of property.

VARIETY STORE: A store selling a large variety of non-food items of low unit value.

VETERINARY CLINIC: A place where a veterinarian maintains treatment facilities for diseased or injured animals, including boarding facilities.

VISIBILITY TRIANGLE: A triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points thirty-five (35) feet back from their intersection (such curb lines being extended if necessary to determine the intersection point). Visibility triangle shall also mean a triangle sight area, on each side of a driveway where private driveways open into public streets, which shall include that portion of public right-of-way and any lot within a right triangle with the right angle at the point where the curb break begins and the sides forming the right angle being fifteen (15) feet long, one of which extends back along the adjacent curb and the other back toward the private property or parkway.

WHOLESALE DISTRIBUTOR: Alcoholic beverage distributor; wholesale equipment and furniture; wholesale groceries, meats, fish and poultry; wholesale produce; wholesale supply house; wholesale laundry and dry cleaning plant.

WRECKING YARD/SALVAGE YARD: A yard or building where motor vehicles, parts of motor vehicles, or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as scrap or processed metal.

YARD: Yards as required in this ordinance are open spaces on the lot or building plot on which a building is situated and which are open and unobstructed to the sky by any structure except as herein provided. In measuring a yard for compliance with this ordinance, the minimum horizontal distance between the lot line (street R.O.W. line) and the main building shall be used.