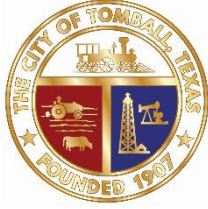


**NOTICE OF SPECIAL JOINT CITY COUNCIL AND PLANNING &  
ZONING COMMISSION MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, May 06, 2024  
4:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, May 06, 2024 at 4:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): +1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 881 4644 7304 Passcode: 262926. The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- C. New Business
  - 1. Presentation and discussion by Freese and Nichols, Inc. regarding the Unified Development Code.

D. Adjournment

**CERTIFICATION**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 2nd day of May 2024 by 6:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

\_\_\_\_\_  
Tracylynn Garcia, TRMC, CMC, CPM  
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1019 for further information.

# City Council Agenda Item Data Sheet

**Meeting Date:** May 6, 2024

**Topic:**

Presentation and discussion by Freese and Nichols, Inc. regarding the Unified Development Code.

## Background:

**Origination:** Community Development Department

### Recommendation:

**Party(ies) responsible for placing this item on agenda:** Community Development Department

**FUNDING (IF APPLICABLE)**

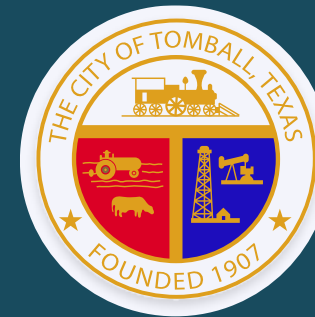
Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
 Staff Member Date City Manager Date



Item 1.



# CITY OF TOMBALL DEVELOPMENT CODE UPDATE

**Joint City Council and Planning &  
Zoning Commission Workshop**

**May 6, 2024**

# Project Team



**Shad Comeaux, AICP**  
*Project Manager*



**Alexis Garcia, AICP**  
*Assistant Project Manager*



**Erica Craycraft, AICP, LEED**  
*Green Associate*  
*Code Lead*



**Caroline Stewart**  
*Project Planner*



**Shubhangi Rathor, AICP**  
*Project Planner*



**Kaleb Otems**  
*Project Support*

# MEETING AGENDA

1

PROJECT INTRODUCTION

2

DEVELOPMENT CODES 101

3

DIAGNOSTIC OVERVIEW

4

PROPOSED CODE OUTLINE

5

DISCUSSION & NEXT STEPS

# Project Introduction

# Project Introduction

- Purpose of the Code Update
  - Evaluate the existing development-related ordinances
  - Update and streamline the ordinances and processes
  - Reflect the upcoming comprehensive plan and align with best practices
- Project To-Date
  - Initiated project kickoff
  - Conducted stakeholder interviews
  - Developed the draft Diagnostic Report
  - Preliminary drafting of updated uses, districts, and general provisions (“Module 1”)

## CHAPTERS REVIEWED

Chapter 50 Zoning

Chapter 40 Subdivision

Chapter 34 Signs

Chapter 38 Streets, Sidewalks,  
and Other Public Places

- Article V Street and Drainage Facilities
- Article VI Right-of-Way Management

Chapter 26 Manufactured  
Homes/Recreational Vehicles

Chapter 10 Building Regs

- Article VIII Flood Damage Prevention Standards

# Schedule

Month	2024												2025				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May

## Phase 1: Diagnostic

- Project Kickoff
- Existing Ordinances Review
- Stakeholder Input
- Draft Diagnostic Report
- **Joint Workshop**

## Phase 2: Code Drafting

- Drafting Modules – Staff Review
- Preliminary Draft – Staff Review
- Complete Discussion Draft

## Phase 3: Adoption and Training

- Joint Workshop Review
- Revised Draft
- Joint Public Hearing to Consider Adoption
- Final Deliverables

# Development Codes 101

# Future Land Use vs. Zoning

Future Land Use Map	Zoning
Purposes	
<ul style="list-style-type: none"><li>• Outlook for the future use of land and the character of development in the community.</li><li>• Macro-level, <b>general development plan</b>.</li></ul>	<ul style="list-style-type: none"><li>• Basis for applying unique land use regulations and development standards in different areas of the City.</li><li>• Micro-level, <b>site-specific focus</b>.</li></ul>
Uses	
<ul style="list-style-type: none"><li>• <b>Guidance for City zoning and related decisions</b> (zone change requests, variance applications, etc.).</li><li>• Baseline for monitoring the consistency of actions and decisions with the City’s adopted Comprehensive Plan.</li></ul>	<ul style="list-style-type: none"><li>• <b>Regulating development</b> as it is proposed, or as sites are proposed for the future (by the owner or the City) with appropriate zoning.</li></ul>
Inputs and Considerations	
<ul style="list-style-type: none"><li>• Inventory of existing land uses in the City.</li><li>• Developing better area character and identity as a core planning focus along with basic land uses.</li><li>• The map includes a notation required by Texas Local Government Code Section 213.005: <b>“A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries”</b>.</li></ul>	<ul style="list-style-type: none"><li>• <b>Future land use map is referred to for general guidance</b>.</li><li>• Other community objectives, such as economic development, redevelopment, flood preservation, etc.</li><li>• Rezoning should be consistent with the Comprehensive Plan.</li></ul>

# The Basics

Typically, there are three key elements involved in managing land development within Texas communities:

ZONING  
REGULATIONS

SUBDIVISION  
REGULATIONS

COMPREHENSIVE  
PLAN



# Legislative Authority

In Texas, the **Texas Local Government Code (TLGC)** provides cities with the authority to manage land development.

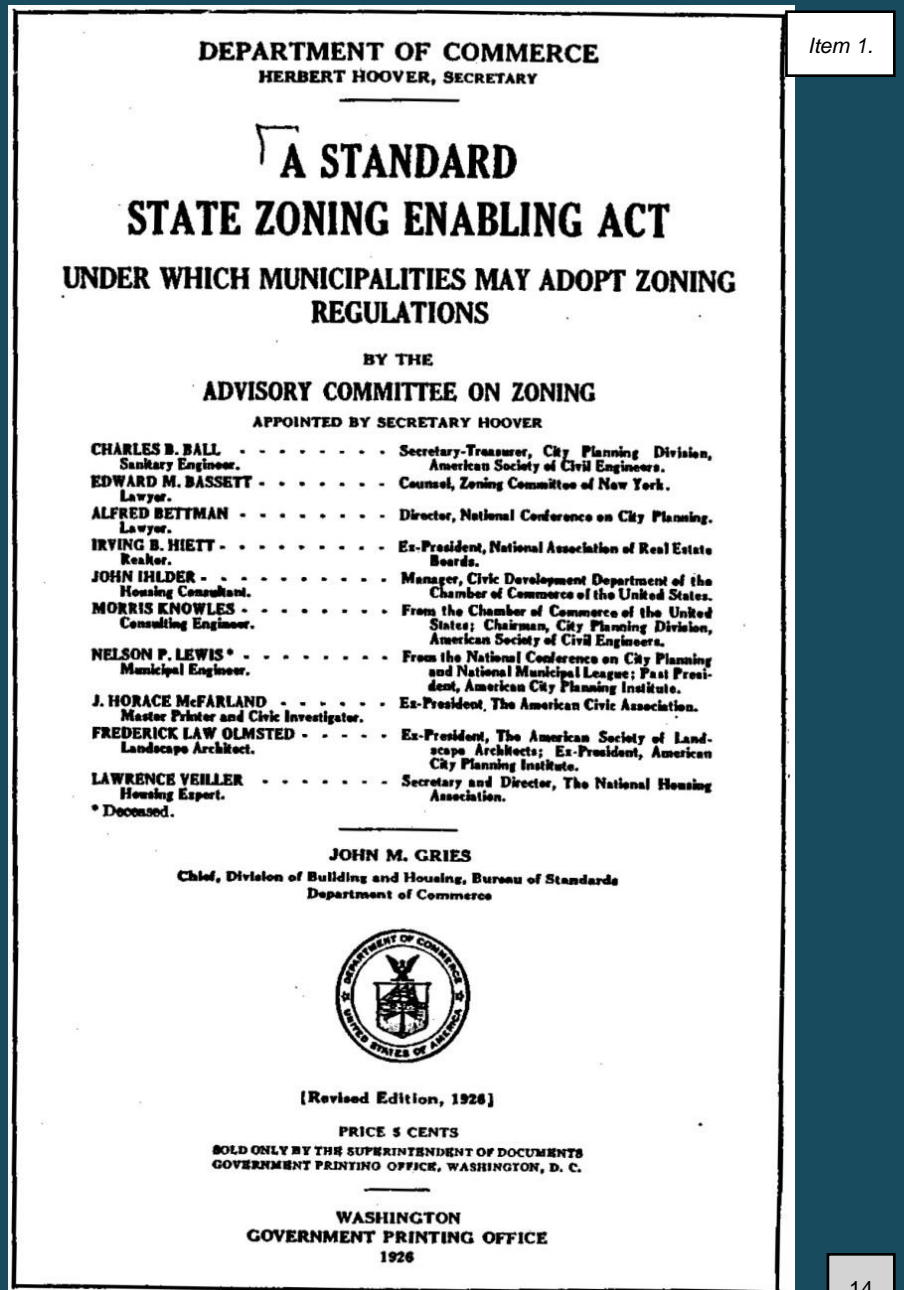
**Chapter 211**  
ZONING

**Chapter 212**  
SUBDIVISIONS

**Chapter 213**  
COMPREHENSIVE  
PLANS

# Zoning & Subdivision Ordinances

- The legislature adopted the national model for zoning enabling legislation known as the [Standard Zoning Enabling Act \(1920s\)](#) Herbert Hoover, Secretary of Commerce
- This is the foundation for zoning statutes enacted by nearly every state
- Subdivision regulations follows a similar path



# Zoning Authority (TLGC 211.004)

Zoning regulations must be adopted in accordance with a *Comprehensive Plan*, and

Zoning regulations must be specifically designed to do the following:

Lessen congestion

Secure safety from fire, panic, and other dangers

Promote health, safety, and general welfare

Provide adequate light and air

Prevent overcrowding and avoid undue concentration of population

Facilitate the adequate provision of transportation, water, sewer, etc.

# Specifics About Zoning

- Accomplishes objectives stated in the *Comprehensive Plan*
- Is a *police power measure*
- ***Regulates*** the use of land, including:

Permitting/prohibiting types of land uses

Regulation of lot size

Regulation of building size and height

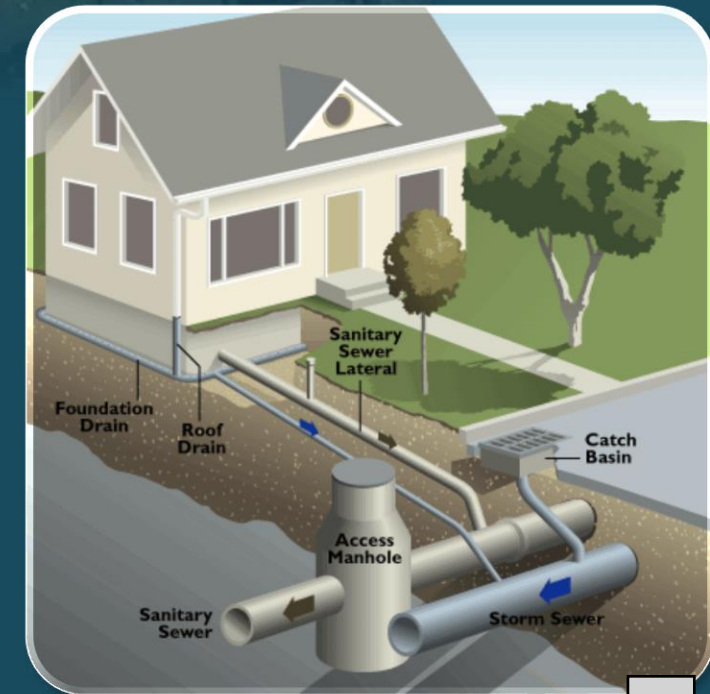
Regulation of buffers between land uses

# Purpose of the Subdivision Ordinance

- Organizes raw land into *buildable lots* or to *combine existing lots*
- Method of *land ownership recordation*
- Require *adequate public improvements/infrastructure*
- Procedures for *plat approval*



Item 1.



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# Subdivision vs. Zoning

## Subdivision

- Subdivision review is **objective**
  - Does it meet the standard or not?
- **Enforceable in the ETJ**
- Subdivision review **helps to enforce zoning** (e.g., correct district, lot dimensions)

## Zoning

- Zoning is **subjective**
  - Discretion in rezonings, PDs, SUPs, etc.

# Diagnostic Overview

# Overview

Reviews select existing development-related City ordinances to identify potential issues and provide recommended actions to alleviate the issues.

GOALS OF THE UPDATE

- 1. Provide coordination between the different regulations and standards.
- 2. Create a user-friendly format.
- 3. Simplify the development process.
- 4. Ensure a legally sound document.



# Development of the Diagnostic

- Based on a review of the existing regulations.
- Informed by the ongoing Comprehensive Plan update.
- Interviews with frequent code users:
  - City Staff, including the Community Development, Code Enforcement, Public Works, and Fire Departments
  - Residential and commercial developers, homebuilders, and engineers
  - Local residential and commercial real estate professionals



# Outline of the Diagnostic

- **Chapter 50** Zoning
- **Chapter 40** Subdivision
- **Chapter 34** Signs
- **Chapter 38** Streets, Sidewalks, and Other Public Spaces
  - **Article V** Street and Drainage Facilities
  - **Article VI** Right-of-Way Management
- **Chapter 26** Manufactured Homes/Recreational Vehicles
- **Chapter 10** Building and Building Regs
  - **Article VIII** Flood Damage

Example Diagnostic Recommendations Table

Article Title	
Section	Recommendation
Section 1-1	<ul style="list-style-type: none"><li>• </li><li>• </li><li>• </li></ul>
Section 1-2	<ul style="list-style-type: none"><li>• </li><li>• </li><li>• </li></ul>

*For each Section, a list of recommendations is made, or no issues have been identified is noted.*

*More issues will be identified and resolved through the drafting process.*



# Key Themes

- Create a User-Friendly Code
  - The City's development regulations should be well-organized, well-written, and easy to use.
- Process Clarification and Codification
  - The process of approval should be simplified to the extent possible.
- Connectivity and Walkability
  - Prioritize pedestrian-friendly design elements and promote developments to foster well-connected transportation networks.
- Creating Livable Places
  - Incorporate design standards that encourage active street life, diverse public spaces, and amenities that foster a sense of community to enhance overall livability

# General Observations

- The most significant updates are recommended to Zoning, Subdivision, and Signs Regulations.
- Most revisions are envisioned to be updates – not a complete rewrite.

***The Diagnostic Report is not an exhaustive list, and other updates will be made during the drafting process.***

# Chapter 50 – Zoning

## Key Recommendations

- Clarify **nonconforming** use and structure regulations
- Convert **building materials** requirements to an incentive-based system to comply with current State law restrictions
- Consider adding a second MF district as an optional tool to allow smaller-scale "**Missing Middle**" housing options (e.g., two to four units)
- Consider additional language that incentivizes PD developments to provide **positive benefits** to the City
- **Modernize and consolidate** land use classifications

# Chapter 40 – Subdivision

## Key Recommendations

- Delegate preliminary and final plat approval authority to City Staff
  - The State Legislature authorized administrative approval for all plats.
  - Consider if certain final plats should still go to the Planning & Zoning Commission.
- Add minimum access points for larger subdivisions
- Add a maximum cul-de-sac length and minimum connectivity index requirement

# Chapter 34 – Signs

## Key Recommendations

- Redefine sign types (e.g., on- and off-premise signs) to remove First Amendment conflicts
- Limit new pole signs to certain locations
- Revisit the maximum sign area, and consider reducing the maximum size

### Content Neutrality

The First Amendment's protection of free speech and case law (e.g., Reed v. Town of Gilbert) requires that cities limit sign regulations to the "time, place, and manner" in which signs are displayed.

# Chapters 38, 26, and 10

## Chapters:

- **Chapter 38** – Article V. Street and Drainage Facilities, and Article VI. Right-of-Way Management
- **Chapter 26** – Manufactured Homes/RVs
- **Chapter 10** – Flood Damage Prevention

## Key Recommendations

- No major issues identified
- Minor updates to align with best practices and consistency throughout the code

# Proposed Code Outline

# Unified Development Code

- Recommendation to combine the development regulations into a Unified Development Code (UDC) format
- A UDC combines development code sections into one document
  - One shared set of general provisions and definitions
  - Helps ensure consistency between different regulations
  - Often easier for users to navigate

# Proposed UDC Outline

## Article 1. General Provisions

- 1.01. Establishment
- 1.02. Approval Entities
- 1.03. Universal Procedures and Provisions

## Article 2. Zoning

- 2.01. Zoning Procedures
- 2.02. Zoning Districts
- 2.03. Permitted Uses and Use-Based Standards
- 2.04. Zoning Development Standards

## Article 3. Subdivision

- 3.01. Subdivision Procedures
- 3.02. Plat and Plan Types
- 3.03. Public Improvements
- 3.04. Subdivision Development Standards

## Article 4. Definitions

- 4.01. Usage and Interpretation
- 4.02. Terms Defined

### Chapters to maintain in the current location:

- Chapter 10 - Flood Damage Prevention
- Chapter 38 - Article V. Street and Drainage Facilities, and Article VI. Right-of-Way Management

# Discussion & Next Steps

# Discussion

- Do you agree with the recommendations?
- Did anything stand out?
- Is there anything you would add?
- What would you like to see achieved through the code update process?
- Do you have any questions about the report or the process?



# Next Steps

- Update the Diagnostic based on feedback from today
- Work with City Staff to prepare each of the four modules
- Present the complete draft code to the P&Z and Council at a Joint Workshop
  - Early 2025
  - City Staff to share updates on the process in the meantime



# Thank You!