

Article 5. Subdivisions and Planned Developments

TABLE OF CONTENTS

ARTICLE 5.	SUBDIVISIONS AND PLANNED DEVELOPMENTS	5-1
Sec. 501.	Minor Subdivisions	5-1
501.01	Minor Subdivisions, General Standards.	5-1
501.02	Minor Subdivisions, Limitations.	5-1
501.03	Dividing Property Among Immediate Family and Heirs.....	5-1
501.04	Application Requirements and Permitting Procedures.	5-2
Sec. 502.	Major Subdivisions	5-2
502.01	Major Subdivisions, General Standards.....	5-2
502.02	Major Subdivisions, Defined.....	5-3
502.03	Types of Major Subdivisions and Planned Developments.	5-3
502.04	Application Requirements and Permitting Procedures.	5-5
Sec. 503.	Conventional Subdivisions	5-5
503.01	Maximum Number of Lots.	5-5
503.02	Minimum Lot Size.	5-5
503.03	Minimum Lot Width, Setbacks.....	5-5
Sec. 504.	Conservation Subdivisions	5-5
504.01	Purpose.....	5-5
504.02	Minimum Standards.....	5-6
504.03	Application Requirements.....	5-6
504.04	Open Space Standards.....	5-8
504.05	Allowed Uses of Open Space.....	5-9
Sec. 505.	Planned Unit Developments	5-9
505.01	Purpose and Intent.....	5-9
505.02	Planned Unit Developments, Defined.....	5-9
505.03	General Standards.....	5-10
505.04	General Development Requirements for PUDs.....	5-11
505.05	Applications for PUD Approval.....	5-11
Sec. 506.	Planned Residential Development (PRD)	5-12
506.01	Purpose and Intent.....	5-12
506.02	Minimum Development Standards.....	5-12
506.03	Allowed Uses.....	5-13
506.04	Open Space Amenity Requirements.	5-13
506.05	Rezoning procedures.....	5-16
506.06	Application for Preliminary Plat and Final Plat Approval.	5-16
Sec. 507.	Planned Commercial Development (PCD)	5-16

507.01	Minimum Development Standards.....	5-16
507.02	Allowed Uses.....	5-17
507.03	General Requirements.....	5-17
Sec. 508.	Planned Manufacturing Development (PMD)	5-17
508.01	Minimum Development Standards.....	5-17
508.02	Allowed uses.....	5-17
508.03	General Requirements.....	5-17
Sec. 509.	Planned Senior Housing Development.....	5-18
509.01	Purpose and Intent.....	5-18
509.02	Age Restrictions.....	5-18
509.03	Minimum Development Standards.....	5-18
509.04	Land Use Composition.....	5-20
509.05	Ownership control.....	5-20
509.06	Compliance with the U.S. Department of Housing and Urban Development.....	5-21
509.07	Special Use Approval Required.....	5-21
509.08	Criteria for Special Use Approval.....	5-23
Sec. 510.	Community Unit Planned Developments (CUPD)	5-23
510.01	Purpose and Intent.....	5-23
510.02	General Requirements.....	5-23
510.03	Special CUPD District Development Regulations for Uses within a CUPD.....	5-26
510.04	Density.....	5-26
510.05	Applications for CUPD Approval.....	5-27
Sec. 511.	Commercial Outdoor Recreation Development (CORD)	5-27
511.01	Purpose and Intent.....	5-27
511.02	General Requirements.....	5-27
Sec. 512.	Designated Conservation Areas.....	5-27
512.01	Purpose.....	5-27
512.02	Designation of Conservation Areas.....	5-27
512.03	Allowed Uses in Conservation Areas.....	5-28
512.04	Prohibited Uses in Conservation Areas.....	5-28
512.05	Natural Resource or Conservation Easement Required.....	5-28
512.06	Ownership of Land in Conservation and Natural Resource Easements.....	5-29
Sec. 513.	Natural Resource Easements.....	5-29
513.01	Natural Resource Easements; Creation.....	5-29
513.02	Natural Resource Easements; Guidelines.....	5-29
Sec. 514.	Conservation Easements.....	5-30
514.01	Conservation Easements; Creation.....	5-30
514.02	Conservation Easements; Guidelines.....	5-30
Sec. 515.	Owner’s Association.....	5-31
515.01	Homeowner’s Association; When Required.....	5-31

515.02 Nonresidential Owner’s Association..... 5-32

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Article 5. Subdivisions and Planned Developments

Article 5 presents the different ways that land can be subdivided and developed, including minor and major subdivision approaches, conventional subdivisions, conservation subdivisions, and different types of Planned Residential Developments.

Sec. 501. Minor Subdivisions.

501.01 Minor Subdivisions, General Standards.

- (a) A "minor subdivision" is one in which no public improvements (such as new streets, a change to an existing street, or the extension of, stormwater drainage facilities or public utilities including water, sewer, or gas lines) are to be made.
- (b) Recombination lots do not constitute a minor subdivision, provided:
The combination or recombination of portions of previously platted lots results in an outcome where the total number of lots is not increased and the resultant lots are equal to the standards of this Development Code.
- (c) See Section 502.02 (b).
- (d) See Section 402.04(e).

501.02 Minor Subdivisions, Limitations.

- (a) A "minor subdivision" is any division of a tract or parcel of land into less than 4 lots, building sites, or other type of division for the purpose, whether immediate or future, of sale, legacy, or building development, and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.
- (b) Large lot splits.
The division of land into parcels of 5 acres or more where no new street is involved or no new utility improvements are required may be submitted for approval on a final plat if the subdivider chooses to forego preliminary plat review.

501.03 Dividing Property Among Immediate Family and Heirs.

- (a) Immediate family.
Subdividing property among immediate family shall comply with the following:
 - (1) The Community Development Director shall have the authority to waive certain regulations herein for special circumstances involving the subdividing of parcels of land to permit the subdivision of land with access frontage on a private easement road set forth in Article 9 of this Development Code wherein property is divided and transferred by gift from a property owner to members of his immediate family for the specific purpose of building a permanent residence for the family member receiving the gifted property.
 - (2) This authorization shall be limited solely to a property given to a landowner's immediate family which shall consist of spouse, children, grandchildren, parents, grandparents, siblings, nieces and nephews.
 - (3) Minimum Standards.
 - a. Maximum number of subdivided lots: 6

- b. Minimum lot size: acres
- c. A subdivision of land among family where lot frontage and access is from a private easement road as provided for herein shall not constitute a major subdivision as defined in this Article.

- (4) The subdivided lots shall not be for resale or for speculation upon completion of a dwelling and shall not be subdivided again for a period of 5 years.
- (5) Any request for more than 6 lots shall be reviewed by the Community Development Director and then submitted to the Planning Commission with comments and recommendations for final determination.
- (6) Appeals.

In the event that the request for subdivision among family members is disapproved by the Community Development Director, the decision denying such may be appealed to the Planning Commission within 30 days of the denial, in accordance with the provisions set forth in the "Appeals" Division of Article 11 (Procedures and Permits).

(b) Heirs.

Subdividing property among heirs shall comply with the following:

- (1) The Community Development Director shall have the authority to waive the subdivision regulations herein under special circumstances of a particular plat involving the subdividing of parcels of land where probated personal Last Wills and Testaments dictate the dividing of property among heirs.

- (2) Minimum Standards.

In special circumstances of this nature, the following standards shall apply:

- a. There shall be no more than one dwelling house on a 5 acre or less parcel of land; and
- b. No more than 6 parcels may front on a private easement road.

- (3) Any request for more than 6 lots shall be reviewed by the Community Development Director and then submitted to the Planning Commission with comments and recommendations for final determination.

- (4) Appeals.

- (5) In the event that the request for subdivision among heirs is disapproved by the Community Development Director, the decision denying such may be appealed to the Planning Commission within 30 days of the denial.

501.04 Application Requirements and Permitting Procedures.

For application requirements and permitting procedures, see the "Project Approval Division of Article 11 (Procedures and Permits) of this Development Code regarding the preliminary and final plat application review process for minor subdivisions.

Sec. 502. Major Subdivisions.

502.01 Major Subdivisions, General Standards.

The following do not constitute a major subdivision:

- (a) Recombination of lots does not constitute a major subdivision, provided:

The combination or recombination of portions of previously platted lots results in an outcome where the total number of lots is not increased and the resultant lots are equal to the standards of the county.

- (b) The division of land whereby all parcels are 25 acres or greater in size.

502.02 Major Subdivisions, Defined.

- (a) The following are included in the definition of a major subdivision:
 - (1) A "major subdivision" is any subdivision that does not qualify as a "minor subdivision" under Section 501. Major Subdivisions are any divisions of a tract or parcel of land into 44 or more lots, building sites, or other divisions for the purpose, immediate or future, of sale, legacy or building development; or
 - (2) Any division of land into 2 or more lots involving a new street or a change in existing streets; or
 - (3) Any division of land involving the extension of water, sewer, or gas lines including resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.
- (b) Other qualified major subdivisions:
 - (1) If it is determined by the Community Development Department at the time minor subdivision approval is being pursued by a subdivider, that the subject proposed minor subdivision is contemplated to be further subdivided by the subdivider or his/her transferees within a 2 year period of time from the date the first subdivision approval is obtained, and whereby, through said subdivisions of land, there is created 44 or more lots, building sites or other divisions, then the major subdivision requirements must be met at the very first instance by the original subdivider.
 - (2) If it is determined by the Community Development Department at the time minor subdivision approval is being pursued by a subdivider, that the subject property of the proposed minor subdivision was derived as the result of a previous subdivision of land, which was approved under the minor subdivision requirements, and said previous subdivision of land occurred within 2 years from the current pursuit of minor subdivision approval and the result of approval of the current minor subdivision in conjunction with the previous subdivision would yield 44 or more lots, building sites or other divisions of land, then the current subdivision of land shall be subject to the major subdivision requirements.

502.03 Types of Major Subdivisions and Planned Developments.

- (a) Major subdivisions and planned developments fall into the following categories for the purpose of development regulation.
 - (1) **Conventional Subdivisions:** Subdivisions in which the minimum lot size allowed for the zoning district determines the maximum number of lots in the subdivision, and all of the lots meet the minimum lot size for the zoning district as shown in Article 2 of this Development Code. Common open space outside of the lots may be created, but is not required, with the exception that designated conservation areas, as defined by this Article in Section 512, are required to be protected.
 - (2) **Conservation Subdivisions:** Subdivisions in which the maximum number of lots that would be allowed in a conventional subdivision under the property's zoning is the

determining factor for the maximum number of lots in the subdivision, but the minimum lot size may be reduced due to a higher level of development standards (i.e. enhanced development quality) and in order to create substantial conservation areas and recreational amenities for the subdivision residents.

- (3) **Senior Housing Developments:** Developments with specialized design and amenities oriented toward senior citizens and associated resident age-based restrictions.
- (4) **Planned Unit Developments (PUDs):** Developments which permit greater flexibility and encourage more creative and imaginative design for development of residential, commercial, or manufacturing areas than conventional zoning regulations.
- (5) **Community Unit Planned Developments (CUPDs):** Developments that are large, planned and mixed use in nature, including both residential and commercial components, located in areas in the county that can physically and environmentally accommodate development of an urban character and where sufficient transportation infrastructure, utility infrastructure, and governmental services are either planned or readily available to support the development.
- (6) **Commercial Outdoor Recreation Developments: Developments that encompass active and/or passive outdoor recreation activities.**
- (7) **Other Planned Developments:** Developments which include manufactured home parks, apartment buildings and complexes, and condominiums. For the purposes of this Article, planned developments other than the above defined types of Planned Unit Developments are controlled by the provisions of their respective zoning districts, or as specified herein.

(b) Permanent Protection Required.

All conservation areas in a conventional subdivision, conservation subdivision or PUD that are required to be protected by the provisions of this Article, shall be permanently protected from further subdivision, development, and unauthorized use, by the method described in Section 512 of this Article.

(c) Summary Table.

Table 5-1 presents a summary of the requirements of this Article as they apply to each of the types of major subdivisions and developments. Refer to the text of this Article for specific provisions. For specific regulations pertaining to a CUPD or CORD, refer to Section 510 and 511. For requirements in Other Planned Developments, as described above, refer to the provisions of their respective zoning districts.

Table 5-1: Summary Comparison of Subdivisions & Developments

	Conventional Subdivision	Conservation Subdivisions	Planned Unit Developments	Senior Housing Developments
Approval	By right in R-R, R-1, R-2 and R-3 Districts	By right in A-1, R-R, and R-1 Districts	PUD zoning required	By Special Use Approval in R-2 and R-3 Districts
Max. Number of Lots	All lots must meet minimum standards for the zoning district	Per maximum density calculation or yield plan and Master Plan Approval	Per PUD zoning approval	Per Master Plan Approval

Max. Number of Lots with Frontage on Existing Public Street	Four (4)	Per Master Plan Approval	Per PUD Zoning Approval	Per Master Plan Approval
Minimum Lot Size: Public Water + Septic	Per zoning district (See Table 4-1)	1 acre or per Health Department requirements, whichever is greater for each lot	Per Planned Development type	N/A (Public water and sewer requirements)
Minimum Lot Size: Public Water & Sewer	Per zoning district	Per Master Plan Approval	Per Planned Development type	Per Master Plan Approval
Conservation Areas to be Protected Permanently	When applicable	Yes	Yes	When applicable

502.04 Application Requirements and Permitting Procedures.

For application requirements and permitting procedures for major subdivisions, see the Project Approval Division of Article 11 (Procedures and Permits) of this Development Code regarding the preliminary and final plat application review process for major subdivisions.

Sec. 503. Conventional Subdivisions.

503.01 Maximum Number of Lots.

The maximum number of lots in a conventional subdivision shall be determined by the minimum lot size requirements of the zoning district in which the subdivision is located, with the exception of lots served by on-site sewer (septic tank) which shall also be subject to the approval and lot size standards of the Health Department.

503.02 Minimum Lot Size.

In a conventional subdivision, the minimum total lot area and the minimum lot area per dwelling unit required by Article 4 (Lot and Building Standards) establishes the minimum lot sizes for each lot.

503.03 Minimum Lot Width, Setbacks.

The lot width and setback requirements of Article 4 (Lot and Building Standards) apply to each lot in a conventional subdivision.

Sec. 504. Conservation Subdivisions.

Conservation subdivisions, as defined herein, are allowed in accordance with the Principal Use Table in Article 2 (Table 2-1) with respect to residential use, provided that a Conservation Subdivision Concept Master Plan has been approved by the Board of Commissioners at the time of the rezoning of the property or by Planning Commission as part of the development review process as of the effective date of this Development Code.

504.01 Purpose.

The purposes of a conservation subdivision include:

- (a) To provide residential subdivisions which permit flexibility of subdivision design in order to promote environmentally sensitive and efficient uses of the land.
- (b) To allow clustering of houses and structures on less environmentally sensitive areas to effectively reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (c) To encourage the development of residential communities that are density neutral based on standard zoning and conventional development standards, but designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes.
- (d) To enhance land, water, air, and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging the conservation of environmentally sensitive areas and the provision of open space.
- (e) To reduce infrastructure maintenance costs due to efficient community design.
- (f) To provide open space and pedestrian linkages among residential communities and to encourage recreation opportunities.
- (g) To preserve and protect contiguous undeveloped areas within the development.
- (h) To preserve in perpetuity unique or sensitive natural resources such as groundwater, flood-plains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

504.02 Minimum Standards.

This Section sets forth the minimum standards for conservation subdivisions, including minimum lot sizes and buffer widths. For comparison, the minimum standards for a conventional subdivision are also included.

- (a) Minimum lot sizes.
 - (1) Conventional Subdivision: Minimum 2 acres (typical of A-1 and R-1)
 - (2) Conservation Subdivision:
 - a. 1.5 acre with private water (well) and septic, or as required by the County Health Department.
 - b. 1 acre with public water and septic or as required by the County Health Department.
 - c. As per master plan approval with public water and sewer.

- (b) Minimum buffer widths.

Minimum buffer widths below are required between lots in a conservation subdivision and an adjoining existing public road right-of-way.

- (1) Conventional Subdivision: None required.
- (2) Conservation Subdivision: 100 feet or as approved by Planning Commission per condition of zoning approval.

504.03 Application Requirements.

At the time of development review (i.e., preliminary plat), or zoning action (i.e., rezoning) for the development of a conservation subdivision, the following items shall be provided in addition to the zoning or development application.

(a) Yield Plan.

At time of development review or if a zoning action is proposed, a Yield Plan at the same scale and size as the Site Analysis map and conservation Concept Master Plan, prepared by a registered landscape architect, engineer or land surveyor must be provided to determine the maximum allowable net density for the development.

A Yield Plan shall contain the following information with respect to the tract:

- (1) A topographic map prepared from aerial or field data of a contour interval of 5 feet or less;
- (2) Exact boundary lines of the tract with bearings and distances;
- (3) The location, width and names of all existing or platted streets, easements or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, wetlands, utilities and other significant natural and man-made features;
- (4) Proposed street rights-of-way and pavement locations and widths;
- (5) Proposed lot locations with preliminary lot dimensions noted and designed to the requirements and standards for conventional subdivision design in the underlying zoning district of this Development Code;
- (6) Proposed location of storm water detention or retention facilities;
- (7) Graphic scale and north arrow;
- (8) Notation in table format as to the number of lots on the Yield Plan, the total acreage of the property, minimum lot size, average lot size; and
- (9) Any additional information as may be reasonably required to permit an adequate evaluation of the proposed Yield Plan to accurately determine the maximum number of lots.

(b) Site Analysis Map.

At time of development review, or if a zoning action is proposed, an existing features site analysis, sealed by a registered engineer or landscape architect, must be provided to identify areas that are most significant for designation as conservation areas.

The existing features site analysis shall include the following information:

- (1) Property boundaries
- (2) Topographic contours at intervals no greater than 2 feet
- (3) Delineation of streams, rivers, lakes, wetlands and other hydrologic features to include the source of this information
- (4) All conservation areas labeled, as described in Section 512;
- (5) General soil types, locations and characteristics;
- (6) Identification of tree lines, woodlands, open fields or meadows;
- (7) Delineation of steep slope areas (i.e. greater than 25% and at least 5,000 square feet contiguous area);
- (8) Identification of known cultural resources, including a brief description of historical and archeological features and structures;

- (9) Identification of existing roads, structures and easements; and
 - (10) Identification of open space in adjacent developments including potential connection to existing trails and greenspace
- (c) Concept Master Plan and Conservation Subdivision Preliminary Plat.

Based on the density determination (calculation shown in table format on the yield plan) and the existing features site analysis, an overall Concept Master Plan showing development of the entire tract shall be submitted by the developer for review and approval in accordance with the preliminary plat and/or rezoning requirements and procedures of Article 11 (Procedures and Permits) of this Development Code.

A Concept Master Plan shall include the following information:

- (1) Delineation and specifications of conservation areas including calculations and exclusions, and any "pocket parks," "greens," play areas, or trail system to be constructed.
- (2) Delineation of residential development lots indicating lot size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.
- (3) Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).
- (4) Designation on each proposed lot of a minimum 25,500 square feet (not including house and pavement footprints) of soil areas suitable for residential septic systems based on a Level II (or higher) Soil Scientist Report, prepared by a Georgia licensed Soil Scientist or other professional licensed by the State of Georgia to perform soil analysis.

504.04 Open Space Standards.

- (a) Minimum Area.

The minimum area of open space preserved shall be determined by the net density from the yield plan and the actual lot size.

For example: if the net density for a 50-acre A-1 property computes to be one lot per 2.38 acres (21 lots) per the yield plan and the average lot size proposed by the concept master plan is one acre, then 21 acres will be in lots, about 2.5 acres in right-of-way and the remaining 26.5 acres will be in perpetual open space. This will vary from one subdivision to the next but open space shall be at least 50% of the total site.

- (b) Physiographic characteristics.

The types of land area included in the open space shall include all primary conservation areas and such secondary conservation areas as appropriate. See Section 512 of this Article for descriptions of conservation areas.

- (c) The open space shall be an integrated part of the project rather than an isolated element and fragmentation of the open space shall be minimized. Individual open space parcels generally shall be larger than 3 acres, have a length to width ratio of no less than 4:1 and a width of at least 75 feet. Exceptions may be made for entrances to trails and other particular uses as deemed appropriate by the county.

- (d) The open space shall be directly accessible to the largest practical number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.
- (e) Where practical, open space areas shall also be configured to provide a landscape buffer between adjoining property outside the conservation subdivision and the house sites within the subdivision. With the exception of approved fences and signs, a 50-foot landscape buffer shall be maintained between structures and the exterior boundaries of the subdivision. The intent is to decrease potential conflicts between various land uses (e.g., residential vs. agricultural uses).
- (f) See also the open space ownership and management requirements of Section 515.

504.05 Allowed Uses of Open Space.

- (a) Uses of open space may include the following, subject to additional restrictions in Section 512:
 - (1) Conservation of natural, archeological or historical resources;
 - (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - (3) Walking or bicycle trails;
 - (4) Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests;
 - (5) Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;
 - (6) Easements for drainage, access, and sewer or water lines, or other public purposes;
 - (7) Underground utility rights-of-way; and
 - (8) Other conservation-oriented uses if approved by the Board of Commissioners.
- (b) Non-permitted uses of open space include the following:
 - (1) Roads and non-permeable paved surfaces unless approved otherwise by Harris County;
 - (2) Above-ground utility rights-of-way unless approved otherwise by Harris County; and
 - (3) Other uses inconsistent with the purposes of these regulations and this Development Code.

Sec. 505. Planned Unit Developments.

505.01 Purpose and Intent.

The intent of Planned Unit Development (PUD) zoning is:

- (a) To permit greater flexibility and, consequently, more creative and imaginative design for development of residential, commercial, or manufacturing areas than is generally possible under conventional zoning regulations; and
- (b) To promote more economical and efficient use of land while providing a harmonious variety of housing choices, higher level of amenities, and preservation of natural qualities of open spaces;

505.02 Planned Unit Developments, Defined.

Planned Unit Developments include land development projects comprehensively planned as an entity through a concept master plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features. Planned Unit Developments are initially approved through the rezoning process for the following zoning districts, unless specified otherwise.

The following types of planned unit developments are permitted in Harris County:

- (a) Planned residential development: A planned development whose primary or principal land use is residential.
- (b) Planned commercial development: A planned development whose primary or principal land use is commercial.
- (c) Planned manufacturing development: A planned development whose primary or principal land use is manufacturing.
- (d) Community unit planned development: A planned developments that contain a mix of uses, including residential and commercial components.
- (e) Planned Senior Housing Development: A planned development whose primary or principal land use is residential, limited to a population 55 years of age or older, in accordance with HUD. A Planned Senior Housing Development is not a zoning district but is permitted as a special use in certain residential zoning districts as indicated in Table 2-1 of this Development Code.

505.03 General Standards.

- (a) Planned Unit Development Districts are separate zoning districts and shall follow the same amendment procedures as other zoning districts. Unless otherwise stated in this Article, the development standards and the land uses that are presented with the application for amendment, shall, if approved, become the standards for the subject property and shall become a part of the zoning approval.
- (b) Any PUD that was approved prior to the adoption of this Development Code or amendments to the Code shall continue to be developed under the provisions and conditions of zoning approval that applied at the time of rezoning unless a new application for PUD approval is brought for zoning approval under the provisions of this Development Code.
- (c) Allowed Uses.
 - (1) Within the PUD zones, a variety of housing types and land uses may be permitted in an orderly relationship to one another and to existing land uses, as well as with due regard to comprehensive planning within Harris County.
 - (2) In Planned Unit Developments (PUDs), uses that are allowed are established through approval of the planned development and are not indicated in the Use Tables. The allowed uses will correspond with uses allowed in the various zoning districts under which the PUD is developed.
- (d) The regulations and development plan requirements for each PUD are intended to evaluate each application on its own merit.
 - (1) It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations. It should be emphasized that those

provisions are not to be used to circumvent the intent or use of conventional zoning standards.

- (2) Certain development standards, including but not limited to height limitations, nonresidential building densities, interior setbacks, and total tract coverage, shall be approved conditionally by the board of commissioners.
- (e) No general PUD Districts are to be created under this ordinance. The regulations for PUD Districts existing at the time of passage of this ordinance shall be the same as those of the PRD, PCD, and PMD Districts, whose primary uses are similar.

505.04 General Development Requirements for PUDs.

- a. Structures and open spaces shall be arranged in such a way as best serves the needs of residents and commercial users of the planned development, and to minimize any adverse effects on the neighboring districts.
- b. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the greatest extent possible.
- c. Recreation and amenities.
At least 50% of the area remaining after the development of buildings, parking, right-of-way, and utility and drainage easements, shall be developed to serve the uses of the development with, including but not limited to, landscaping, patios, walks, play areas, recreation, and other uses consistent with the character of the planned development.
- d. Setbacks.
 - 1. Building setbacks and buffers shall recognize and honor existing, adjacent land development.
 - 2. However, in no case shall a building be constructed closer than 35 feet from the planning development district boundary.
 - 3. Setbacks from any adjoining roadway right-of-way shall be the same as those for the individual uses relative to the appropriate, individual zoning designation when the lot abuts a major/arterial or secondary/collector roadway.
 - 4. When a respective lot abuts a minor or local street then the setback may be reduced upon approval by the Board of Commissioners.
- e. Adequate screening and separation between different land uses shall be provided by buffering or other acceptable methods.
- f. Vehicular access to the planned development shall be from streets capable of supporting existing and projected traffic. No streets or access roads within the planned development shall connect to the public street system in such a way as to encourage the use of secondary/collector streets or minor/local streets as thoroughfares.
- g. The planned development shall include provisions for safe and convenient pedestrian access and circulation.

505.05 Applications for PUD Approval.

Applications for a Planned Unit Development shall comply with the applicable requirements set forth in the Project Approval Division of Article 11 (Procedures and Permits) of this Development Code.

Sec. 506. Planned Residential Development (PRD)

506.01 Purpose and Intent.

- (a) To encourage development in areas of the county that have the required infrastructure and are capable of supporting the residential, recreational, and commercial features.
- (b) Principal land uses shall be residential, with secondary commercial uses permitted with limitations detailed in this Section 506.03.

506.02 Minimum Development Standards.

- (a) Minimum total development area: 100 acres
- (b) Residential Lots.
 - (1) Minimum Lot Size: ½ acre
 - (2) Minimum Setbacks:
 - a. Front: 30 feet
 - b. Rear: 30 feet
 - c. Side: 15 feet
 - d. Side Streets: 20 feet
- (c) Commercial Lots.
 - (1) Standards for commercial development shall adhere to regulations set forth in Table 4.1 of Article 4 of this Development Code.
 - (2) Minimum of 10% of the net development area shall be designated for C-1 or C-3 commercial development. This area may be set in reserve, with natural vegetation, until such time that commercial development is feasible yet shall be easily accessible by pedestrian traffic from residential areas and highway traffic from development access points.
 - (3) To ensure completion of the required commercial component, a PRD development must be phased as described below.
 - a. 25% of planned residential units may be constructed prior to 50% completion of commercial construction, and no more residential units shall be constructed until 50% of commercial development is complete. 100% of commercial development shall be completed prior to 75% residential completion.
- (d) Infrastructure.
 - (1) All PRD lots shall have public water and public sewer; No septic tanks shall be permitted.
 - (2) Developer shall be responsible for all costs to connect to public water and public sewer, regardless of political boundaries, to include all taps, fire plugs, and main, as well as the cost for any property or easement acquisition.
- (e) Buffers.

A minimum 100 foot undisturbed vegetative buffer shall be maintained around the perimeter of the development outside of road rights-of-way.

(f) Housing composition.

75% of the dwelling units shall be single family units, at minimum.

(g) Roads.

(1) Curb and gutter.

Roads within residential and commercial development areas shall have curb and gutter and shall have a minimum right-of-way width of 55 feet, including 20 foot paved surface, and 2.5 foot curb and gutter.

(2) Utility easements shall be on either side or both sides of paved road surface (including curb and gutter) and may fall within the right-of-way.

(3) In the absence of curb and gutter, roads shall meet minimum regulations as set forth in Article 9 in the Development Code.

(4) No on-street parking shall be permitted in residential or commercial development areas without adequate parking space provided between curbs (i.e. width of paved surface would increase from 20 feet to 34 feet or greater). On-street parking shall comply with applicable provisions set forth in Article 6, Parking and Loading Requirements, of this Development Code.

(h) Utilities.

All utilities shall be underground.

506.03 Allowed Uses.

(a) Uses in a PRD Development shall be evaluated upon review of the rezoning request and development plan in accordance with Section 505.03 and the criteria in this section.

(b) Principal land uses:

(1) Residential, including R-1, R-2, R-3 districts.

(2) Residential development shall comply with housing composition requirements in Section 506.02(f).

(c) Secondary land uses:

(1) Commercial:

a. C-1, C-3 district uses

b. Commercial development shall comply with percentage requirements in Section 506.02.

(2) Other: CORD district uses.

506.04 Open Space Amenity Requirements.

(a) Applicability.

PRD shall have a minimum of 3 open space amenities, without duplication, as described in this section. At least 2 of the amenities shall be located on land suitable for residential or commercial development.

(b) General provisions for open space.

- (1) Land designated as open space on the approved development plan shall be maintained as open space and may not be subdivided or used for development.
- (2) Access for a public or private street shall be provided to all designated open space with a minimum of 20 foot wide access to the open space areas. Lakes or ponds within the development used as open space shall provide adequate community access to at least 50 percent of the shoreline and an undisturbed natural buffer of 20 feet from the full pond mark and beyond the required access corridor. The required 20 foot undisturbed natural buffer shall not be included in the calculation of Minimum Open Space as set forth in this article.
- (3) Open spaces shall be designated on plat as either public or private open space.
 - a. Private open space is provided for benefit to owners and guests of owners within the development;
 - b. Public open space is provided for benefit to the public at large.
- (c) Minimum open space dedication.

Open space shall be dedicated in accordance with the table below. Percentages are based on total land area in the development. Roads, medians, buffers and road shoulders are not considered open space, but are included in the total development area for these calculations.

Table 5-2: Minimum Open Space Requirements

Minimum Density*	Minimum Percent Open Space
2.0 acres and greater per unit	20%
1.0—2.0 acres per unit	25%
Less than 1.0 acre	35%

*Minimum density is calculated by dividing the total development area by the total number of dwelling units.

- (d) Open space amenities.

All required open space shall be classified in accordance with this Section.

 - (1) Playground. Playground is for active recreation use and provides sunny and shaded play areas, shelter(s), benches, gymsets, swings or similar play equipment. Playgrounds may stand alone or be incorporated into other types of open space. Minimum size 25,000 square feet.
 - (2) Square. Square is an area for passive recreational use. Squares shall be bounded by streets on a minimum of 50% of their perimeter, yet are encouraged to be completely bounded by streets or lanes. Squares are intended to be formal or semi-formal, be maintained with canopy trees and a landscaped understory or ground cover and have features that encourage use by residents. Minimum size 10,000 square feet.
 - (3) Green. Green is an open space for active recreation use. Greens shall be completely open with grass cover to provide space for ballfields and other recreation activities that require relatively large open areas. Greens shall contain no structures and be bounded by streets on no more than 1 side. Minimum size 150,000 square feet.

- (4) Park. Park is a open space for passive or active recreational use. Parks shall incorporate features that promote use such as shelters, tables, benches, and walking paths. Natural features such as streams can be incorporated into parks. Where feasible, parks should include a majority of the area covered with canopy trees with limited understory growth and/or landscaping to promote aesthetics and safety. Parks may include golf courses and water features. Minimum size 100,000 square feet.
 - (5) Greenway. Greenways are large irregular open spaces designed to incorporate natural settings such as creeks, or other natural or manmade features. Greenways can be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenway shall connect points of interest such as other amenities, or areas of other civic use. Minimum width 75 feet.
 - (6) Agricultural reserve. Agricultural Reserve is for active farming in the form of food or forage crop cultivation. Agricultural Reserves shall contain multiple forms of agricultural production including community gardens. Minimum area 3 acres.
- (e) Open space ownership and maintenance.
- (1) Open space in a PRD may be owned by one or a combination of the following methods:
 - a. Fee simple ownership by a land or open space conservancy;
 - b. Common ownership by a permanent Homeowners Association;
 - c. Common ownership by individual property owners within the subdivision;
 - d. Individual private ownership that maintains the open space in accordance with the purposes of this section (only in the case of Agricultural Reserve open space); and
 - e. Deed restricted open space easements on individual private properties.
 - (2) In all cases, development rights shall be restricted; oversight and enforcement will be provided by a land or open space conservancy.
 - (3) The owner of open space will be responsible for the upkeep and maintenance of open space.
 - (4) In the case of common ownership by a Homeowners Association (HOA), the restrictive covenants shall provide that in the event the HOA fails to maintain the open space according to the standards of this section, the Board of Commissioners may demand that the deficiency of maintenance be corrected, or upon reasonable notice, enter the open space to maintain it. The costs of such maintenance may be charged to the owner, HOA, or to the individual property owners that make up the HOA, and may include administrative costs and penalties. Such costs shall become a lien on all properties within the PRD.
 - (5) The developer shall place in a conspicuous manner upon the Final Plat of the subdivision a notation concerning control of open space and shall record in the deed records of Harris County a permanent non-revocable easement and a declaration of covenants.
 - (6) The developer will provide proof of formation, registration and incorporation of the HOA with the Secretary of State to the Community Development Director prior to approval of a Final Plat.

- (7) HOA or similar legal entities that are responsible for the maintenance and control of open spaces shall be established by the developer who shall record in the deed records of Harris County in the office of the Clerk of Superior Court a declaration of covenants and restrictions that will govern the HOA or similar legal entity. A copy of such document shall be provided to the Community Development Director and shall include, at a minimum, the following:
- a. A provision for the establishment of the HOA or similar legal entity prior to approval of a Final Plat.
 - b. The HOA or similar legal entity has clear legal authority to maintain and exercise control over such common open space.
 - c. The HOA or similar legal entity has the power to assess and compel contributions from property owners within the development to cover the cost of maintenance and upkeep of open spaces. Assessments levied shall become a lien on the property, if unpaid.
 - d. Open space restrictions are perpetual.
 - e. The HOA or similar legal entity must have the ability to adjust the assessment to meet expenses.
 - f. The HOA or similar legal entity must be responsible for liability insurance, applicable state, county, and municipal property taxes and maintenance of open spaces and other facilities under its control.
 - g. It shall be expressly stated within the restrictive covenants or HOA operating documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants and restrictions or to correct any deficiencies prior to transfer of control to the HOA Board of Directors.
 - h. It shall be the responsibility of the developer to identify an appropriate land or open space conservancy and to record in the deed records of Harris County in the office of the Clerk of Superior Court an arrangement for control or oversight of open space maintenance in a land trust or similar conservation-oriented non-profit organization that is bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.

506.05 Rezoning procedures.

Applications for a Planned Unit Development (Rezoning Procedures) shall comply with the applicable requirements set forth in the "Approval of Text Amendment or Zoning Change Division of Article 11 (Procedures and Permits) of this Development Code.

506.06 Application for Preliminary Plat and Final Plat Approval.

Applications for Preliminary Plant and Final Plat Approval shall comply with the applicable requirements for subdivisions set forth in the "Project Approval" Division of Article 11 (Procedures and Permits) of this Development Code

Sec. 507. Planned Commercial Development (PCD)

507.01 Minimum Development Standards.

- (a) Minimum development area: 50 acres.

- (b) Maximum residential density: 1 dwelling per net residential acreage.
- (c) Minimum development standards shall be as specified in approved development plan in accordance with the requirements herein.

507.02 Allowed Uses.

- (a) Uses in a PCD Development shall be evaluated upon review of the rezoning request and development plan in accordance with Section 505.03 and the criteria in this section.
- (b) Primary or principle land use: Commercial.
Uses of property and buildings in this district are the same as those permitted in C-1, C-3, C-4 Districts
- (c) Secondary uses: Residential and CORD District uses.
Uses of property and buildings in this district are the same as those permitted in R-1, R-2, R-3, and CORD Districts.

507.03 General Requirements.

- (a) The associated rezoning procedures and required Concept Master Plan shall be in accordance with the provisions of the "Approval of a Text Amendment or Zoning Change" Division of Article 11 (Procedures and Permits) of this Development Code.
- (b) Once the Concept Master Plan and rezoning request have been recommended for approval by the Planning Commission and approved by the Board of Commissioners; or, if the existing zoning is appropriate, preliminary and final plat procedures as set forth in the "Project Approval" Division of Article 11 (Procedures and Permits) of this Development Code shall apply.

Sec. 508. Planned Manufacturing Development (PMD)

508.01 Minimum Development Standards.

- (a) Minimum development area: 100 acres.
- (b) Maximum residential density: 1 dwelling per net residential acreage.

508.02 Allowed uses.

- (a) Uses in a PRD Development shall be evaluated upon review of the rezoning request and development plan in accordance with the "Approval of a Text Amendment or Zoning Change" Division of Article 11 (Procedures and Permits) of this Development Code, the criteria in this section, and applicable use regulations of Article 2 (Use of Land and Structures).
- (b) Primary or principle land use: Manufacturing.
Uses of property and buildings in this District are the same as those permitted in M-1 and M-2 Districts.
- (c) Secondary uses: Residential, Commercial, and CORD District uses.
Uses of property and buildings in this District are the same as those permitted in R-1, R-2, R-3, C-1, C-3, C-4, and CORD Districts.

508.03 General Requirements.

- (a) The associated rezoning procedures and required Concept Master Plan shall be in accordance with the provisions of the "Approval of a Text Amendment or Zoning Change" Division of Article 11 (Procedures and Permits) of this Development Code.
- (b) Once the Concept Master Plan and rezoning request have been recommended for approval by the Planning Commission and approved by the Board of Commissioners; or, if the existing zoning is appropriate, preliminary and final plat procedures as set forth in the "Project Approval" Division of Article 11 (Procedures and Permits) of this Development Code shall apply.

Sec. 509. Planned Senior Housing Development.

509.01 Purpose and Intent.

Senior Housing Developments provide a development opportunity for neighborhoods with specialized design and amenities oriented toward senior citizens.

The intent of Senior Housing Developments is:

- (a) To meet the need for senior housing in Harris County;
- (b) To allow senior citizens to live and remain in Harris County through different life cycle stages;
- (c) To provide a range of housing choices that can enable seniors of various abilities and income levels to live without leaving established networks of nearby family and friends;
- (d) To provide senior housing project design that meets the safety and physical access needs of residents;
- (e) To provide senior housing with opportunities for social, recreational, and other services that contribute to the independence and well-being of seniors; and
- (f) To provide housing for seniors properly located near services, shopping, transportation, and support networks.

509.02 Age Restrictions.

- (a) One or more persons who are seniors aged 55 and over.
- (b) A spouse of a qualified resident senior citizen.
- (c) Exception.

Notwithstanding the other provisions of this section, one unit may be occupied by a project superintendent or manager and his/her immediate family, provided that at least 80% of the units have at least one occupant who is aged 55 or over."

509.03 Minimum Development Standards.

Table 5-3: Planned Senior Housing District Development Standards

Zoning District	Min. Lot Area	Lot Width at Building Line	Minimum Setbacks			Max. Building Height	Max. Lot Coverage
			Front	Side	Rear		
R-1 (Low Density Residential)	20,000 sf	80 ft	25 ft	<i>Interior Lot: 10 ft</i> <i>Side Street: 25 ft</i>	25 ft	<i>Principal Bldg:</i> 2.5 stories or 35 ft	40%

Zoning District	Min. Lot Area	Lot Width at Building Line	Minimum Setbacks			Max. Building Height	Max. Lot Coverage	
			Front	Side	Rear			
						<i>Accessory Bldg:</i> 2 stories or 25 ft		
R-2¹ (Medium Density Residential)	10,000 sf	60 ft	25 ft	<i>Interior Lot:</i> 5 ft <i>Side Street:</i> 15 ft	25 ft	<i>Principal Bldg:</i> 2.5 stories or 35 ft <i>Accessory Bldg:</i> 2 stories or 25 ft	50%	
R-3 (High Density Residential)	<i>Detached single-family dwelling unit</i>	6,500 sf	35 ft	10 ft	<i>Interior Lot:</i> 5 ft <i>Side Street:</i> 10 ft	3 stories or 50 ft	50%	
	<i>Attached single-family structure</i>	2 acres; not to exceed 20 units/acre	22 ft per dwelling	0 ft	0 ft		0 ft	100%
	<i>Multi-dwelling unit structure</i>	2 acres; not to exceed 20 units/acre	100 ft	N/A	N/A		N/A	50%

- (a) Minimum total development area: 100 acres.
- (b) Standards for Commercial Lots.
Standards for commercial development shall adhere to regulations set forth in Table 4.1 of Article 4 of this Development Code.
- (c) Buffers.
A minimum 30-foot undisturbed vegetative buffer around the perimeter of the development outside of road rights of way.
- (d) Infrastructure.
 - (1) All planned senior housing developments shall be connected to public water and public sewer; No septic tanks shall be permitted.
 - (2) Developer shall be responsible for all costs to connect to public water and public sewer, regardless of political boundaries, to include all taps, fire plugs, and main, as well as the cost for any property or easement acquisition
- (e) Building design standards.
All dwellings shall incorporate accessibility standards which shall include the following:
 - (1) A step-free feature to at least one entrance of the unit.
 - (2) 36-inch wide, clear passage doorways throughout the unit.

¹ Applies to single- and two-family lots

- (3) Wheelchair, step-free access to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g., living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection.
- (4) Reinforced bathroom walls to allow for future installation, if necessary, of grab bars.
- (f) Roads.
 - (1) Curb and gutter.
Roads within all residential and commercial development areas shall have curb and gutter and have a minimum right-of-way width of 55 feet, 20 foot paved surface, and 2.5 foot curb and gutter.
 - (2) Utility easements shall be on either side or both sides of paved road surface and may fall within the right-of-way.
 - (3) Roads shall also meet all applicable regulations in Article 9 (Project Design and Construction Standards).
- (g) Parking.
On-street parking within residential or commercial development areas must provide adequate parking space provided between curbs (i.e. width of paved surface would increase from 20 feet to 34 feet). On-street parking shall comply with applicable provisions set forth in Article 6 (Parking and Loading Requirements) of this Development Code.

509.04 Land Use Composition.

- (a) Allowed uses shall be in accordance with approved development plan, in accordance with applicable provisions of this article and Article 2 (Use of Land and Structures).
- (b) Residential Uses.
A range of residential housing types is permitted to accommodate various abilities and income levels of residents. Appropriate housing types include, but are not limited to single family detached, single family attached, townhomes, multi-family dwellings, and others, as approved by the Board of Commissioners during the application review process.
- (c) Commercial Uses.
Commercial land uses compatible with senior housing districts include, but are not limited to medical, health, and/or dental offices; pharmacies; restaurants/cafés; Market/convenience store; salon/spa/barber shop; amenities.
- (d) Mixed Uses.
Senior housing districts may provide for a mix of uses on the first floor of multi-family buildings or within a senior housing district.
- (e) Required Amenities.
Alternative amenities appropriate for seniors may be substituted for required residential amenities of comparable cost. Amenities and services appropriate for senior housing districts include but are not limited to clubhouses with group dining facilities, meeting rooms, or computer rooms; pavilion buildings; passive recreational greenspace; walking trails constructed to ADA standards; gardens; wellness center; and inter-faith chapel.

509.05 Ownership control.

- (a) All of the land in a planned senior housing development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.
- (b) The use of common open space and open green space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.
- (c) Owner's associations, including homeowner's associations, covenants or similar private agreements shall comply with the provisions of Section 515.

509.06 Compliance with the U.S. Department of Housing and Urban Development.

- (a) The organization established for the management of the development shall comply with the U. S. Department of Housing and Urban Development (HUD) rules and regulations for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.

(1) Deed Restrictions.

Approval of a special use for a development consisting of senior housing shall be conditioned upon either the placement of restrictive covenants on the deeds or the developer/organization established for the management of the development, ensuring and enforcing compliance. These restrictions shall run in perpetuity with the land and in either case:

- a. Occupancy shall be limited to persons in accordance with age restrictions as noted in section above as well as state and federal housing guidelines; and
- b. No further development of the parcel including increasing the number of dwelling units or enlarging the permitted buildings is allowed without first applying for and receiving a revised special use approval.

509.07 Special Use Approval Required.

Because planned senior housing developments allow housing types and nonresidential uses that may not otherwise be allowed in a zoning district, approval of a special use is required. An application for a senior housing development shall follow the zoning process for special use approval as prescribed in the Procedures and Permitting Article of this Development Code with the following modifications:

- (a) All such special use approval applications shall be accompanied by a Development Plan in accordance with the requirements listed in this section. The Development Plan shall provide all information necessary to demonstrate that it achieves the criteria provided in this section and Section 509.08, as applicable.
 - (1) If the special use approval application is approved by the Board of Commissioners, then such zoning approval shall be conditioned to the applicant achieving development in substantial conformity with the Development Plan, including any modifications or conditions approved by the Board of Commissioners pursuant to its deliberations on the application.

- (2) Development Plan approval shall not constitute entitlement to permits.
- (3) The Development Plan shall include the following information:
 - a. A location map showing the boundaries of the property and identifying the current zoning of the property, as well as zoning on adjacent properties.
 - b. A plan showing applicable details, to include lots, streets and rights-of-way, setback lines, dwelling sizes, off-street parking, on street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetland boundaries, topography and open space.
 - c. Specifications, calculations and applicable percentages for common open space, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.
 - d. Elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.
- (4) Each applicant for a senior housing development shall provide evidence of the unified, single ownership of the entire parcel, consistent with the provisions of Section 515.
- (5) Phasing Plan.
 - a. A phasing plan shall be submitted with the Concept Master Plan, and approved by the Community Development Director, unless the entire development is to be completed at one time.
 - b. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the traditional neighborhood development over a number of years, including the sequence, timing and responsibility for construction of each building, support facilities, infrastructure and utilities.
 - c. Revision of the phasing plan is permitted and must be approved by the Community Development Director prior to each construction phase.
- (6) Concept Master Plan.
 - a. A Concept Master Plan shall be included in the overall Development Plan and submitted with the special use application process and prior to submittal of an application for a Land Disturbance Permit.
 - b. The purpose of the Concept Master Plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with applicable zoning conditions.
- (7) Building Plans.

Prior to issuance of a building permit for any occupied structure to be located within a senior housing development, the builder shall provide architectural plans and elevations at a scale no smaller than 1/8" = 1'-0" that demonstrate compliance with the approved Development Plan and any conditions added thereto by the Board of Commissioners during Special Use permit approval.
- (8) Other Requirements.

The applicant shall adhere to all other applicable requirements of this Development Code and other applicable requirements of Harris County. In any case where the

standards and requirements of this Section conflict with other provisions of the Harris County Code of Ordinances, the requirements of this section shall govern.

509.08 Criteria for Special Use Approval.

The following is a list of criteria that will be used by the county to determine the suitability of a proposed senior housing development in addition to the standards for approval of a special use contained in the Procedures and Permits article of this Development Code:

- (a) Whether the site includes appropriate amenities, such as recreational facilities, game rooms, meeting rooms, lounges and exercise rooms.
- (b) Whether the site has reasonable transportation access to medical services, shopping, religious and cultural activities, recreational facilities, libraries, municipal buildings, and social services patronized by seniors.
- (c) Whether the site is served by public water and public sanitary sewer facilities that are adequate to accommodate the additional demand placed upon them by the proposed development.
- (d) Whether the public roads outside the project site are adequate to bear the additional traffic that will be generated by the senior housing development and meet current engineering standards with respect to roadway width and alignment and have acceptable sight distances at the site entry/exit and at intersections in the vicinity of the site.

Sec. 510. Community Unit Planned Developments (CUPD)

510.01 Purpose and Intent.

The Community Unit Planned Development seeks to:

- (a) Encourage large, planned mixed use developments, including both residential and commercial components, at locations within the County that can physically and environmentally accommodate development of an urban character and where sufficient transportation infrastructure, utility infrastructure, and governmental services are either planned or readily available to support the development.
- (b) Promote mixed-use developments that encourage the integration of diverse land uses and promote sustainable economic growth and the creation of jobs.

510.02 General Requirements.

- (a) Allowed Uses.
 - (1) Uses of property and buildings in this District are the same as those permitted in A/O, R-1, R-2, R-3, C-1, C-3, C-4, CORD and M-1 Districts.
 - (2) Individual buildings within a CUPD may be used for any or a combination of land uses permitted in this District except that M-1 uses shall not be combined with R-1, R-2, R-3 or A/O uses within a single building.
 - (3) Notwithstanding anything to the contrary contained herein, when there are multiple, primary uses contained within a building, the following shall apply:
 - a. The setback requirements that normally apply between different uses shall not apply to require any separation of the uses within a building; and
 - b. The parking requirements for the building shall be the total of the individual parking requirements for the different uses contained therein, provided, however,

that the parking requirements, if any, for any commonly used areas within the building shall be no greater than the requirement for that use within the building requiring the least amount of parking.

(b) Minimum area.

The minimum area permitted to be zoned for a CUPD is 500 acres.

(c) Green space.

(1) Each CUPD shall have a minimum of 20% of the gross acres of the CUPD dedicated or set aside as green space.

(2) For the purposes of these district regulations, the term "green space" shall mean a public or privately-owned area within the property outside of any principal building, parking area or the landscaped grounds of any single-family residence, which is open to the sky and set aside and intended for the outdoor enjoyment of occupant(s) within or visitors to the property, including but not limited to natural areas subject to conservation easements or limited to open space pursuant to recorded covenants, and which may but is not required to include such pedestrian-oriented improvements as landscaping, sidewalks, walkway paths, pergolas, gazebos, bikeways, golf cart paths, exercise or play equipment, swimming pools, cabanas, ball fields, benches and golf courses and 50% of any flood plain or other areas inappropriate for construction.

(3) Greenspace shall not include any areas included within the right-of-way of any roads, parkways, parking lots, or other paved surfaces. The gross acres set aside as greenspace shall not include or be made up of more than 50% of water bodies, lakes, ponds, streams, or retention ponds. This shall be clearly demonstrated graphically and in a table on the CUPD master plan.

(d) Accessory uses.

A property in the CUPD district may contain any accessory structure or use customarily related to and subordinate to any principal use permitted herein.

(e) Density.

Overall density is permitted to be greater in a CUPD district than in other districts to (a) create an environment less dependent on automobile travel and (b) support infrastructure costs associated with such developments and (c) consolidate development on less land to preserve more green space and open land.

(f) Requirement for sewer and water.

(1) Any lot, other than single-family residential lots, and any single-family residential lot smaller than two acres in size shall be served by either a public or private sanitary sewer system.

(2) Single-family residential lots 2 acres or greater in size may be served by septic tanks, but no septic tank may serve more than 1 single-family lot.

(3) All structures, whether residential or commercial, shall be served by public water.

(g) Compliance with special CUPD district regulations.

Uses within a CUPD shall be required to comply with the development regulations for that use contained elsewhere in this ordinance, (including but not limited to minimum lot size, density, minimum lot width, minimum setbacks, maximum coverage by principal buildings, maximum building height, minimum floor area of a dwelling unit, screening and buffers)

except to the extent that there are different regulations for that aspect of the development of property within the CUPD set forth elsewhere in the Special CUPD District Regulations in which case the Special CUPD District Regulations shall apply, control over and supersede the development regulations set forth elsewhere in this ordinance.

(h) Requirements for common ownership.

Property within a CUPD may be owned by multiple property owners and still retain its status as a CUPD provided that there is a property owners association or other organization which is responsible for the control and maintenance of those portions of the property that are available to be used by all owners of property within the CUPD.

(i) No requirement to abut a public street.

Notwithstanding any provision to the contrary contained herein, no use within a CUPD shall be required to abut or be accessed by a public street provided that said use abuts or is accessed by a private street maintained by a mandatory membership property owners association or other organization that is responsible for the control and maintenance of the private street. With the exception of street width and curb and gutter requirements, all private streets must be built to comply with County standards. Private drives and private alleyways shall not be considered streets.

(j) Perimeter set-back requirement.

(1) Except as provided for below, the building setback line adjacent to the exterior boundary of the CUPD shall be 100 feet.

(2) Notwithstanding the above, where the exterior boundary line of the CUPD is adjacent to a state or federal highway, or major transportation corridor, arterial or collector street, the building setback line shall be 50 feet.

(k) Perimeter buffer.

There shall be a 100-foot natural buffer or planted buffer around the perimeter of the CUPD with the exception that there shall only be a requirement for a 20-foot natural buffer, planted buffer or planted landscape strip around the perimeter of any property zoned CUPD where the property within the CUPD, directly adjacent to said buffer or strip, is designated for non-residential or non-industrial uses and said property fronts on a state or federal highway, major transportation corridor, arterial or collector street. All buffers shall comply with any adjoining zoning uses.

(l) Interior buffer.

(1) Except as may be otherwise provided for herein, there shall be a 25-foot natural or planted buffer or planted landscape strip separating residential uses from industrial or commercial uses within the CUPD.

(2) Notwithstanding the above, this requirement for a buffer or landscape strip may be waived administratively by the board of commissioners or its designee in situations where residential use(s) abuts commercial use(s) and it is determined the commercial use(s) will serve the residential areas within the CUPD, will be physically configured in a way where they are accessible to pedestrians, will serve as a focal point for community interaction, and will not have an adverse impact on surrounding residential use(s).

(m) General buffer guidelines.

- (1) All buffers may be disturbed to accommodate utility installation, grading, the installation and maintenance of a fence, berm, wall or walking trail, and other construction activities provided that it is re-planted upon the completion of the activity which disturbs the buffer.
- (2) A fence or wall (no thicker in its widest part than 48 inches) shall be permitted to be constructed along the outer exterior boundary of any buffer area. Walking trails are permitted within buffer areas.
- (3) Dead, diseased and overgrown or overplanted trees, shrubs and other landscaping may be removed from all buffer areas to preserve buffers in a neat, attractive and healthy condition, fit on a long-term basis for its intended purpose as a buffer.

510.03 Special CUPD District Development Regulations for Uses within a CUPD.

Table 5-4: CUPD District Development Standards

Zoning District		Min. Lot Area	Lot Width at Building Line	Minimum Setbacks			Max. Building Height	Max. Lot Coverage
				Front	Side	Rear		
R-1 (Low Density Residential)		30,000 sf	100 ft	25 ft	Interior Lot: 10 ft Side Street: 25 ft	25 ft	Principal Bldg: 2.5 stories or 35 ft Accessory Bldg: 2 stories or 25 ft	40%
R-2² (Medium Density Residential)		15,000 sf	75 ft	25 ft	Interior Lot: 7.5 ft Side Street: 15 ft	25 ft	Principal Bldg: 2.5 stories or 35 ft Accessory Bldg: 2 stories or 25 ft	50%
R-3 (High Density Residential)	<i>Detached single-family dwelling unit</i>	6,500 sf	35 ft	10 ft	Side Street: 15 ft	15 ft	3 stories or 50 ft	50%
	<i>Attached single-family structure</i>	2 acres; not to exceed 20 units/acre	22 ft per dwelling	0 ft	0 ft	0 ft		100%
	<i>Multi-dwelling unit structure</i>	2 acres; not to exceed 20 units/acre	100 ft	N/A	N/A	N/A		50%

510.04 Density.

Since property zoned to a CUPD will likely be developed over a period of years due to the large minimum size requirements for a CUPD, the permitted development densities within a CUPD shall not be reduced and the development standards applicable to the CUPD shall not be made more restrictive from what is in effect for the property at the time it was zoned to a CUPD use.

² Applies to single- and two-family lots

510.05 Applications for CUPD Approval.

Applications for Community Unit Planned Development shall comply with the applicable requirements set forth in Section 1112 of Article 11 (Procedures and Permits) of this Development Code.

Sec. 511. Commercial Outdoor Recreation Development (CORD)

511.01 Purpose and Intent.

- (a) The objective of this district is to provide areas for private recreational facilities and activities. This does not include seasonal hunting rights between consenting parties.

511.02 General Requirements.

- (a) No CORD district may be created which contains less than 5 acres.
- (b) Minimum standards for development in CORD shall be in accordance with individual uses and zoning district regulations set forth in Article 4, and any additional regulations provided in Article 3 of this development code.
- (c) Associated rezoning procedures and required Concept Master Plan shall be in accordance with the provisions of Section 506.05.
- (d) After a Concept Master Plan and rezoning request has been recommended for approval by the Planning Commission and approved by the Board of Commissioners; or, if the existing zoning is appropriate, preliminary and final plat procedures as provided in this Development Code shall apply.

Sec. 512. Designated Conservation Areas.

512.01 Purpose.

The purposes of this Section, among others, are as follows:

- (a) To recognize the current development rights of property owners established through zoning;
- (b) To conserve open land, including those areas containing unique and sensitive natural features such as stream buffers and wetlands, by setting them aside from development;
- (c) To reduce erosion and sedimentation by the retention of existing vegetation;
- (d) To enhance water quality of streams and waterways, and to protect valuable groundwater resources; and
- (e) To provide notification to future property owners of natural resources that must be protected on their property.

512.02 Designation of Conservation Areas.

Conservation Areas, as defined herein, are required to be protected in a conservation subdivision, a PUD, or any new subdivision. All shall be clearly and specifically located on a master plan, preliminary plat or site development plan, as applicable. These areas are defined as follows:

- (a) Floodways within the 100-year Floodplain.

These areas are designated on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a preliminary plat for a subdivision or site development plan for a multi-family or nonresidential project.

(b) Flood Hazard Areas.

All areas within the 100-year floodplain but lying outside any floodway, wetland or other designated primary conservation area fall under this category. The boundaries of the 100-year floodplain are designated as the "flood hazard area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a preliminary plat for a subdivision or site development plan for a multi-family or nonresidential project.

(c) Required Stream Buffers.

Natural vegetative stream buffers along the banks of all perennial streams and other state waters, as required by the Soil Erosion, Sedimentation and Pollution Control provisions of the Erosion Control and Stormwater Management Article of this Development Code.

(d) Wetlands.

Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

512.03 Allowed Uses in Conservation Areas.

The following requirements apply only to land set aside under conservation or natural resource easements in fulfillment of the provisions of this Article.

- (a) Areas identified as conservation areas shall remain in their natural, undisturbed state. Such undisturbed areas include floodways, required stream buffers, and designated wetlands and wetland buffers.
- (b) Flood hazard areas outside of the floodway may be used for natural (unpaved) trails and for agricultural uses such as cultivated farmland and pasture, provided that no fence or structure shall be constructed that would impede the free flow of flood waters.

512.04 Prohibited Uses in Conservation Areas.

The following uses are not allowed in conservation areas:

- (a) Roads and non-permeable paved surfaces except necessary road crossings or as approved otherwise by Harris County;
- (b) Above-ground utility rights-of-way except necessary utility crossings or as approved otherwise by Harris County; and
- (c) Other uses inconsistent with the purposes of this Article.

512.05 Natural Resource or Conservation Easement Required.

Conservation areas that are required or intended to be protected under the provisions of this Article must be included within an easement, as follows:

All conservation areas in a conservation subdivision, PUD, conventional subdivision, multi-family or nonresidential development that are required to be protected by the provisions of this Article

shall be permanently protected from further subdivision, development and unauthorized use as follows:

- (a) By a permanent natural resource easement in a conventional subdivision, multi-family or nonresidential development; or
- (b) By a permanent conservation easement in an open space subdivision or a planned unit development.

512.06 Ownership of Land in Conservation and Natural Resource Easements.

Land within a conservation or natural resource easement may be included within the lots in a subdivision, on land owned by a homeowners' association or other entity that meets the provisions for an Owners' Association as described herein, or may be transferred to a nonprofit conservation organization or land trust organized under Georgia law.

Sec. 513. Natural Resource Easements.

513.01 Natural Resource Easements; Creation.

- (a) The natural resource easement, when required, shall be shown on the final subdivision plat and recorded with the Clerk of the Superior Court at the same time as the final plat.
- (b) When included within the lots in a subdivision, the natural resource easement shall be granted at no cost to a homeowners' association or other entity that meets the provisions for an Owners' Association as described herein, or to a charitable organization, charitable association or charitable trust that qualifies as a "holder" under the Georgia Unified Conservation Easement Act. Should a homeowner's association or other Owner's Association cease to exist at any point in time, any natural resource easements that were granted to such an organization must be transferred to a charitable corporation, charitable association or charitable trust.
- (c) The natural resource easement shall grant a third-party right of enforcement to the Tax Assessor's Office to enforce, at its discretion, any of the terms of the natural resource easement.

513.02 Natural Resource Easements; Guidelines.

The following guidelines must be incorporated into any natural resource easement in a form acceptable to the County Attorney:

- (a) The easement specifically and clearly identifies the boundaries of the property subject to the easement through reference to the easement area shown on the final subdivision plat;
- (b) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Article to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures and uses made of the property;
- (c) The easement provides for the right of the holder of the easement to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
- (d) The easement provides for the maintenance of the open space; and

- (e) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of the County.

Sec. 514. Conservation Easements.

514.01 Conservation Easements; Creation.

- (a) The conservation easement, when required, shall be created subject to the provisions of O.C.G.A §44-10-1, et seq., which is known as the "Georgia Uniform Conservation Easement Act."
- (b) The conservation easement shall be approved by the Board of Commissioners and shall be granted at no cost to a charitable corporation, charitable association or charitable trust that qualifies as a "holder" under the Georgia Uniform Conservation Easement Act.
- (c) Such "holder" shall be approved by the Board of Commissioners on the basis of their past experience as a "holder" of conservation easements and their lack of an ownership or corporate relationship with the owner or developer of the project.
- (d) The conservation easement shall grant a third-party right of enforcement to the Tax Assessor's Office to enforce, at its discretion, any of the terms of the conservation easement.
- (e) The conservation easement may not be granted to the owner of the property to which the easement will apply, including a homeowners' association holding natural resource conservation areas as common open space in an open space subdivision or planned development.
- (f) An undivided property ownership interest in the common open space shall be granted to each property in an open space subdivision or planned development.

514.02 Conservation Easements; Guidelines.

The following guidelines are required to be incorporated into any conservation easement, at a minimum, in a form acceptable to the County Attorney:

- (a) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph;
- (b) The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and the responsibilities of the property owner and easement holder;
- (c) The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description, survey plat or reference to the easement area shown on the final subdivision plat;
- (d) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Article to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;

- (e) The easement provides for the right of the easement holder to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
- (f) The easement provides for the maintenance of the open space; and
- (g) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of all entities having either a property right or enforcement right in the easement.

Sec. 515. Owner's Association.

515.01 Homeowner's Association; When Required.

For any residential development that is subdivided into 4 or more separate parcels, such as a single-family detached subdivision, and that contains common open space, a natural resource easement, a conservation easement or other lands or structures in common ownership, a homeowner's association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

- (a) When proposed, documentation of a Homeowners Association shall be submitted to the Community Development Department with the preliminary plat, as required in Section 1110.02 of Article 11 (Procedures and Permits) of this Development Code.
- (b) Membership in the homeowner's association must be mandatory for each property in the development.
- (c) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
- (d) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.
- (e) The homeowners' association shall be formed under the provisions of the Georgia Property Owners' Association Law (O.C.G.A. § 44-3-220, et seq.), and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Law (O.C.G.A. § 44-10-1, et seq.) if it is to act as a holder of a conservation easement.
- (f) The documents creating the homeowner's association must provide that an adequate reserve fund for the association will exist at the time that control of the association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than two month's payment of the normal monthly dues assessment per dwelling unit established by the association, times the number of existing dwelling units.
- (g) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:
 - (1) Equal access and right of use to all shared facilities;
 - (2) Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;
 - (3) Tax liability in the case of default;
 - (4) The method of assessment for dues and related costs;
 - (5) Where appropriate, party wall maintenance and restoration in the event of damage or destruction;

- (6) Animals, including household pets;
 - (7) Signs;
 - (8) Exterior items such as fences, lawn ornaments, and landscape areas and buffers;
 - (9) Building improvements;
 - (10) Outside storage;
 - (11) Overnight parking of vehicles;
 - (12) Decorations and holiday lighting; and
 - (13) Trash collection containers.
- (h) For subdivisions, the homeowner's association must be formed and incorporated at the same time a final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed homeowner's association documents is to be submitted with an application for final subdivision plat approval.

515.02 Nonresidential Owner's Association.

For any nonresidential development that is subdivided into 4 or more separate parcels, such as an office park, and that contains common open space, a natural resource easement, a conservation easement or other lands or structures in common ownership, an association of the property owners that is consistent with the pertinent requirements for a homeowners' association, above, shall be required.