

Development Guide

A Guide to Development and Building
in the
City of Tomball



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1.0 INTRODUCTION

This guide has been developed to assist local landowners, architects, engineers, developers, and other interested parties with understanding the significant phases of the development review process in the corporate limits and extraterritorial jurisdiction (ETJ) of the City of Tomball. With the numerous codes, policies, regulations, and procedures involved in securing development approval, this guide has been prepared to provide a basic understanding of the major City requirements when seeking to develop property within the City of Tomball and its ETJ.

Project Elements

Every project within the City limits must be:

1. ZONED for the intended use;
2. Located on a PLATTED lot or legally subdivided lot;
3. Approved through the SITE PLAN APPROVAL and/or a BUILDING PERMIT process;
4. INSPECTED during and upon completion of construction; and
5. Issued CERTIFICATE OF OCCUPANCY (if applicable).

Each of these elements has a specific process. Summary details of each process are provided in this guide.

The reader is advised that additional permitting requirements may apply to specific projects. All construction projects should be carefully reviewed for any additional federal, state, or county requirements.

2.0 Pre-Development Meeting

The City strongly recommends that applicants schedule a **PRE-DEVELOPMENT MEETING** prior to submitting plans to the Community Development Department. The purpose of this meeting is to determine the necessary steps for each project and to provide the necessary information to successfully complete each step. Topics traditionally covered in a Pre-Development meeting include zoning, platting, utility availability, right-of-way and easement dedications, drainage requirements, building code compliance, and fire code compliance.

The City of Tomball's Pre-Development Meeting is comprised of representatives from the Community Development Department (including Engineering, Planning, and Building Divisions), Fire Marshal's Office, and other City Officials, as applicable.

The applicant is encouraged to bring any relevant site development information such as a site plan, plat, or other documents to the meeting. It is also strongly recommended that the property owner or their representative bring the project engineer, architect, and/or surveyor to the Pre-Development meeting to help decipher the technical dialogue when considering a project in Tomball.

To schedule a Pre-Development Meeting, contact the Community Development Coordinator at (281) 290-1405.

3.0 ZONING

3.1 Zoning Overview

Importance of Zoning

Zoning is an important land use and development tool for many municipal governments. Authorized by state law, zoning allows the City to develop distinct districts for the purpose of regulating the use and development of land. Through the zoning process, the City attempts to ensure compatible land use patterns, minimize conflicts between land uses, protect public and private property, and enhance the natural and built environments.

[Chapter 50 - Zoning](#) defines the geographic area, regulates the allowable land uses, and defines standards of development for each zoning district.

Uses Allowed in the Current Zoning

When considering the use of a property, the first step is to review the City of Tomball's [Zoning Map](#), locate the subject property, determine what zoning district the property is located within, and review the *Use Regulations (charts)* contained in [Section 50-82](#), to determine whether the proposed use, of the property, is allowed within that district.

3.2 Zoning Verification Request

The purpose of the zoning verification letter is to obtain written confirmation from the City of Tomball regarding the zoning district(s), permitted uses, and other information requested regarding the zoning of a property. In order to determine if zoning permits a proposed project on a property, the applicant may request a zoning verification letter. It is important to remember that Chapter 50 - Zoning is only enforceable in the corporate city limits. All properties located in the ETJ are exempt from the City's Zoning, but may be subject to other City codes and regulations (i.e. platting, signage, etc.).

The [Application for Zoning Verification](#) can be downloaded from the City of Tomball's website.

3.3 Zoning Changes

Options to Change Current Zoning

If the applicant determines that the proposed use conflicts with the allowable uses within the existing zoning district, the applicant/owner may request to change the designated zoning of the site to one that will accommodate the proposed use. This request may entail:

- Expansion of existing adjacent zoning boundaries;
- Change of the existing district to another standard zoning district;

- Establishment of a Planned Development District (Planned Development districts are unique zoning districts designed to allow creative site design, flexibility in use, or additional regulation not provided for within the standard zoning districts); or
- Conditional Use Permit (in specified zoning districts, certain uses are allowed only with specific conditions and restrictions. Requests to utilize land for one of these uses requires a Conditional Use Permit to be approved by City Council).

Application for a Zoning Change

The City recognizes that zoning cannot be static; it must change with the changing needs of the public, the demands of changes in technology, or the manner of doing business. The staff of the Planning Division oversees this continual change process.

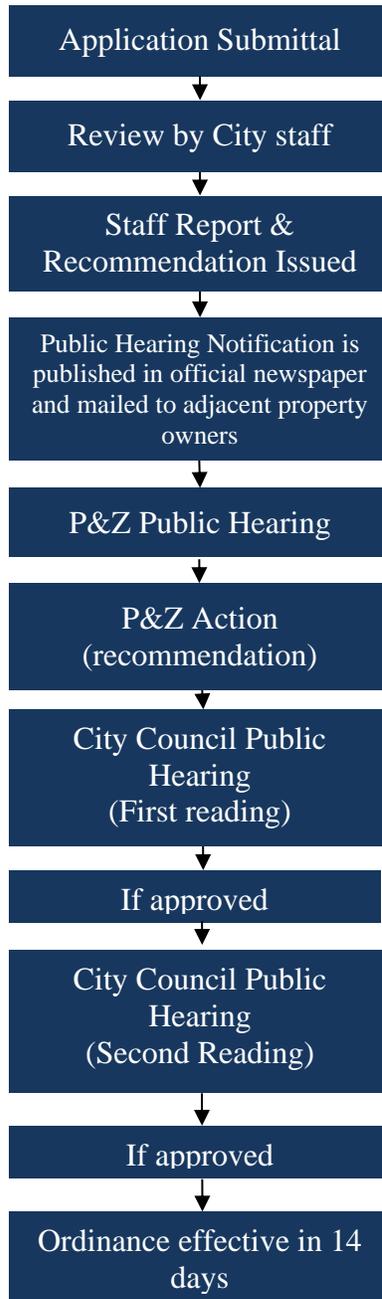
- The first step in the zoning change process (which establishes an actual amendment to Chapter 50 - Zoning) will be to contact the Planning Division to discuss the nature of the zoning request. The Planning Division will answer any questions pertaining to the zoning process and will help explore the feasibility of a request. Each request will be reviewed for its compatibility with the existing land uses, zoning patterns, and [Tomball Comprehensive Plan](#).
- The second step will be the submission of a [Rezoning](#), [Planned Development](#), or [Conditional Use Permit Application](#). Each application provides a comprehensive checklist of the submittal requirements. Based upon the [Submittal Schedule](#) the case will be scheduled for public hearings before the Planning & Zoning Commission (P&Z) and City Council.

3.4 Public Hearings

Public hearings will be held before the City's Planning & Zoning Commission and City Council, respectively. Each body will hear the request, staff recommendation, and receive public input before reaching a decision on the matter. The Planning & Zoning Commission will make a formal recommendation to City Council regarding approval or denial of the request. City Council will conduct the first reading of the ordinance and consider the case. If approved, a second reading of the ordinance will be conducted. If the second reading is passed, the ordinance will be effective 14 days from that date.

The Planning & Zoning Commission meets on the second Monday of every month at 6:00 p.m. and City Council meets on the first and third Mondays of each month at 6:00 p.m., unless otherwise stated. The meetings are held at Tomball City Hall, 401 Market Street, Tomball, Texas 77375.

3.5 Zoning Process Flowchart



4.0 PLATTING – THE SUBDIVISION OF LAND

4.1 Platting Overview

“Platting” is the process required by the Texas Local Government Code to obtain an approval of a subdivision of real property. By definition, a “Plat” is the written depiction of the lots, blocks, and reserves created by the subdivision of real property, which must be recorded in the Official Public Records of Real Property of Harris or Montgomery County, after it has received the requisite approvals. By definition, “Subdivision” is the division of land without regard to the transfer of ownership. The City has further codified the platting process and requirements in [Chapter 40](#), titled “Subdivisions”. The City has specifically defined “Subdivision” to mean the division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out or realignment of new streets, or other public or private access ways, with or without lotting, shall constitute a subdivision. Subdivision shall also include the resubdivision and replatting of land or lots that are part of a previously recorded subdivision. An "addition" is a subdivision as defined herein. The term "subdivision" shall also include the division of land whether by plat or by metes and bounds description and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

In general terms, a plat is a map of a parcel of land identifying the location and boundaries of street rights-of-way, individual lots or parcels, and other site information. The plat shows features such as lot lines, utility easements, land dedicated for public use (e.g. streets and parks), ownership, and metes and bounds (boundary dimensions). A plat also establishes the lot, block, and subdivision name (legal description) used in real estate transactions. A plat is a legal document complete with a drawing of the property boundaries, metes and bounds, an owner's statement dedicating streets to the public, an owner's certification statement, a title block, approval statements, and a location map. A plat is not the property survey required by a mortgage company when closing the sale of a property. The platting overview is provided as a quick overview of the requirements. Detailed requirements are outlined in Chapter 40. Questions or clarifications should be directed to the Engineering Division.

Importance of Platting

The manner in which land is subdivided, how streets are designed, and how the lots are laid out have a lasting effect on the physical character of the City. Chapter 40 regulates all subdivisions of land within the City and its ETJ to ensure that the public health and safety, and public and private property are protected. Street, water, sanitary, and storm drainage systems must be adequately sized, designed, and constructed to meet the public’s needs.

When to Plat

There are several situations that require the platting of property. Generally, a plat is required if:

- The property has never been platted;
- An existing platted lot is subdivided;

- It is necessary to make changes to a previously recorded plat due to an error or omission; and/or
- The owner desires to relocate, add, or remove lot/building lines between adjacent lots.

It is unlawful for any person or entity to subdivide any tract, lot, or parcel of land within the City or within Tomball's ETJ, until a preliminary and final plat have been approved by the Planning and Zoning Commission and recorded with the respective County. Additionally, permits may not be issued on land that has not been legally subdivided.

All plats must be prepared by a Registered Public Land Surveyor (RPLS) licensed by the State of Texas.

The City requires that applicant's schedule a **PRE-PLAT MEETING** with the Community Development Department prior to submitting a plat. It is strongly recommended that the property owner, surveyor, and/or engineer attend the Pre-Plat Meeting. This meeting is intended to provide a dialogue between City Staff and the applicant regarding subdivision requirements, land use, development regulations, and the platting process.

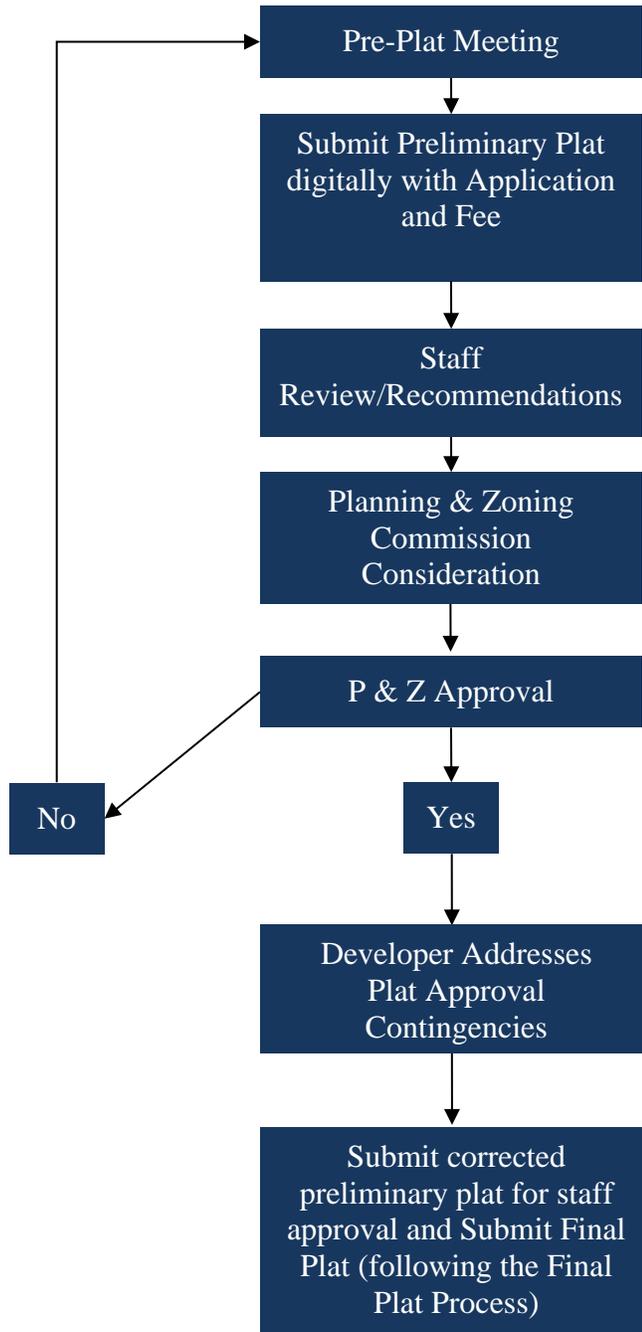
4.2 The Platting Process

Both the Preliminary and Final plat process consists of seven (7) general steps:

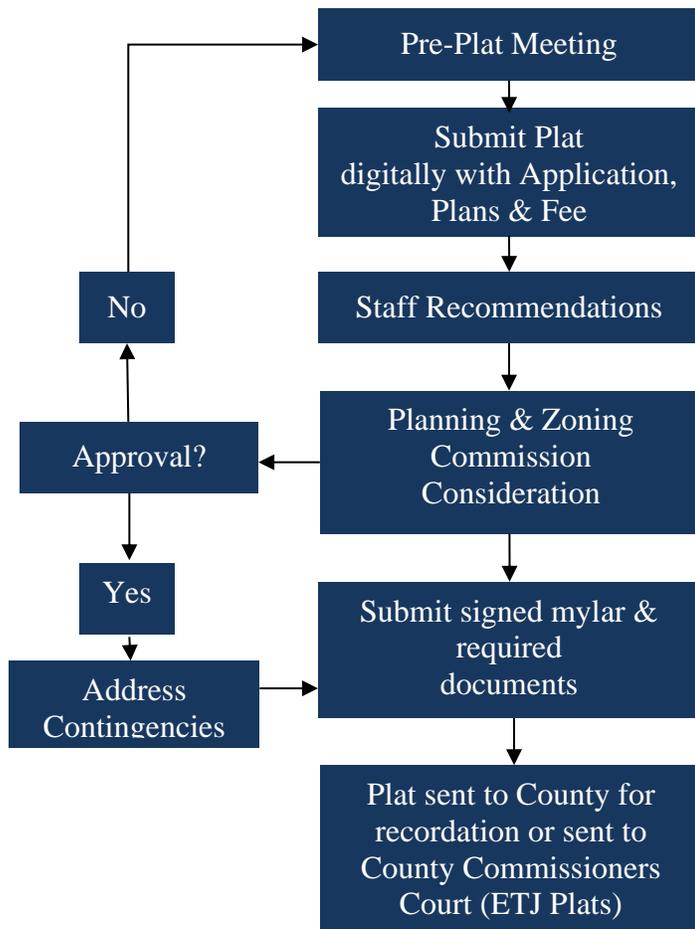
1. Mandatory Pre-Plat Meeting with City staff.
2. Formal submission of the application, plat and the payment of filing/review fees (refer to the [Plat Application](#) on the City of Tomball's website for all submittal requirements).
3. Technical review by City staff for formal recommendations to the Planning & Zoning Commission with regard to compliance with City ordinances.
4. Consideration by the Planning & Zoning Commission.
5. Developer shall address approval contingencies prior to submittal of the plat for consideration. City staff shall confirm that such contingencies have been fully addressed prior to allowing a Mylar to be printed.
6. Recordation with the County Clerk of Harris or Montgomery County or sent to Harris or Montgomery County Commissioner's Court if located within the City's ETJ.

The Planning & Zoning Commission will either approve, with or without contingencies, or deny the plat for failure to meet platting requirements. Recommended approvals are valid for a period of six (6) months. Once all conditions have been met and the Planning & Zoning Commission approves the Final Plat, the applicant will submit a signed and sealed mylar with signatures of all owners and lien holders, as well as current tax certificates stating that all taxes have been paid to date. Appropriate City signatures will be obtained and the plat, along with current tax certificates, will be sent to Harris or Montgomery County for recordation.

4.3 Preliminary Plat Process Flowchart



4.4 Final Plat Process Flowchart



5.0 SITE PLANS

City policies, standards, and regulations on land use and development are designed to ensure public health and safety, and to protect both private and public property. Site plan review allows City Staff to review projects for land use, zoning, transportation, drainage, environmental and safety considerations. Site plan reviews also determine if the proper infrastructure is in place to service the development in accordance with City requirements (applicable codes and ordinances).

Although City Staff reviews plans for these issues, the ultimate responsibility for the construction documents rests with the Design Professional preparing the plan. The reader is advised that additional permitting requirements may apply to specific projects. All construction projects should be carefully reviewed for any additional federal, state, or county requirements.

We are currently accepting digital submittals of all applications. You will submit all applications, plans, and any supporting documents to www.tomballtx.gov/secure/send. Please contact the Community Development Coordinator for log in and password information.

5.1 Plan Review

Once any platting and zoning matters are addressed (if applicable), a site plan application must be submitted for all projects within the City limits. There are two basic types of site plan review: 1). [Single-Family Site Plan Application](#) for all single-family (one dwelling) and duplex (two-family) developments/projects, excluding residential subdivisions; and 2). [Site Plan Application](#) for all nonresidential developments, residential subdivisions, and multi-family developments. A site plan submittal must be approved by the Engineering, Planning, and Fire Divisions prior to submitting a building permit application.

Each site plan application provides a complete list of submittal requirements; not all requirements listed may be applicable to every project. Additionally, depending on the nature of the project, additional plans or documents may be required in order to adequately review the submittal. Additional requirements may include a Traffic Impact Analysis (TIA), drainage report, photometric study, required permits by federal, state, or county agencies, etc. The initial review will take approximately ten (10) business days from time of complete application submittal and payment. If the application is incomplete or inaccurate, the project may be delayed until corrections or additions are received.

5.2 Single-Family Site Plan Applications

Single-Family Site Plan Applications are required for all new single and two-family homes, additions to existing single and two-family homes, decks, detached garages, carports, patios, and accessory structures over 200 square feet. The Planning and Engineering Divisions will review the site plan submittal for compliance with the zoning subdivision regulations and any proposed public improvements, drainage, utilities, grading, etc., if necessary. If it is found that the proposal does not meet the City's requirements, the applicant will be notified and alternatives will be discussed to address any issues. Once the single family site plans are approved by the Engineering and Planning Divisions, the applicant will submit the approved plan set, along with a [Residential Building Permit Application](#) and all required plans (floor

plans, building elevations, structural, foundation and electrical) and documents, to the Building Division via the online digital process. The Building Division is responsible for the code compliance of all construction in the City of Tomball. Refer to Section 6.3 Building Permits for additional information on the building permit process.

5.3 Site Plan Applications (Nonresidential, Residential Subdivisions, and Multi-Family)

A Site Plan Application, along with complete civil plans, including landscaping, screening/buffering, exterior building elevations, and all supporting documents and fees must be submitted to the Community Development Department for review prior to the construction of any development. The site plan submittal will be reviewed by the Engineering & Planning Divisions and the Fire Marshal's Office for conformance with codes and regulations applicable to site development.

Tomball's Engineering Division will review the site plan for drainage, utilities, paving and grading, traffic impacts, and other civil engineering related issues. The following sheets must be included in the plan set for review: Cover, Recorded Plat, General Construction Notes (including the City's general, water, sewer, storm, gas, and detention notes), Site Plan, Paving and Grading, Drainage, Detention (if required), Utilities, Landscaping, Irrigation (if proposed), Storm Water Pollution Prevention Plan (SWP3) (including erosion and sediment controls plan), and Details (including water, sewer, gas, storm, paving, SWP3, etc.). Applicable sheets must be signed and sealed by a Professional Engineer.

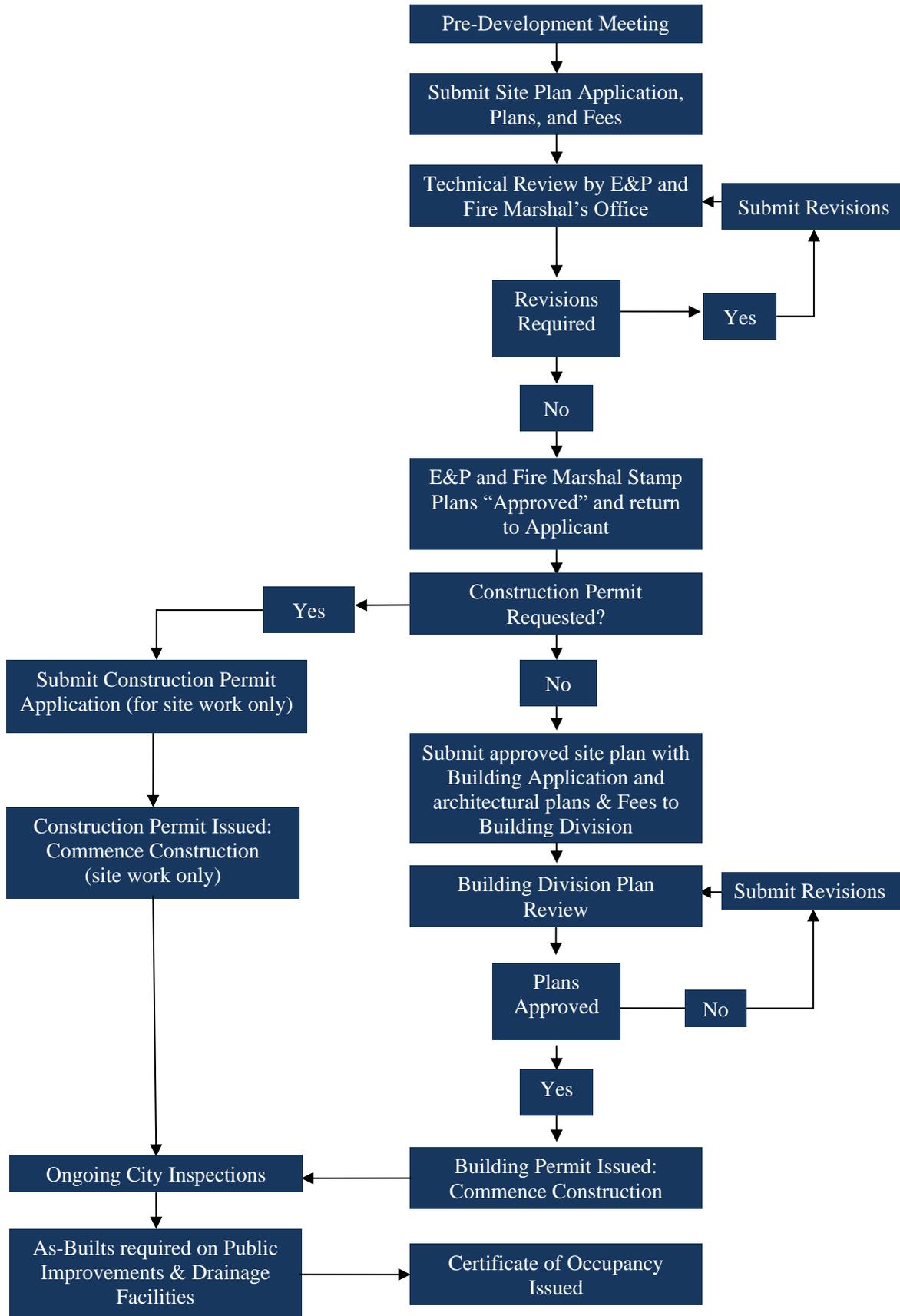
The Planning Division will review the site plan for compliance with Chapter 50-Zoning, building height limits, lot area/width/depth, building setbacks, lot coverage, density, off-street parking, landscaping, and screening/buffering/fencing.

The Fire Marshal's Office will review the site plan for fire hydrant location, emergency vehicle access, fire sprinkler requirements, and other fire code issues. Additional information for the [Fire Marshal's Office](#) can be found on the City's website. The Fire Marshal will also review the architectural plans during the building permit process.

If it is determined that the project does not meet the City's requirements, the applicant will be notified and alternatives may be discussed to address any issues.

Once the site plans are approved by the Engineering, Planning, and Fire Divisions, the applicant must submit the approved plan set with the [Building Permit Application](#) and all required plans (floor plans, building elevations, structural, foundation and electrical), and documents to the Building Division. The Building Division is responsible for the code compliance of all construction in the City of Tomball. Refer to Section 6.3 Building Permits for additional information on the building permit process.

5.4 Site Plan Process Flowchart



6.0 PERMITTING

6.1 Construction Permits

A construction permit is a permit of convenience to allow the developer to begin site work upon approval of the site plan, but prior to the issuance of a building permit. This permit is for work that is generally located outside of the building footprint. This would include all grading, paving, utilities, detention, storm water, landscaping, irrigation, screening, etc., that is located on public or private property, as reflected on the approved site plans. All construction permits are issued by the Engineering Division.

The [Construction Permit Application](#) can be downloaded from the City of Tomball's website. *Note that Impact fees may be required at the time of permitting for water, sewer, and drainage. A performance guarantee, per Section 40-108 of the Tomball Municipal Code, may be required prior to issuance of a permit. The performance guarantee shall equal 120% of the cost of the proposed public improvements and any storm water management components including, but not limited to, public utility extensions, public roadways, detention ponds and erosion controls. An Engineer's estimate of those improvements will need to be approved by the Engineering Division prior to filing the performance bond. Also, as-builts for the public improvements needs to be submitted to the Engineering Division and a maintenance guarantee equal to 100% covering the same items listed above, except for erosion controls, will need to be posted upon acceptable completion of the improvements and will be held by the City for the one-year warranty period.

6.2 Floodplain Development Permit

This permit is required when a developer wishes to build in or alter the character of property located within a special flood hazard area. This permit is for all structures including manufactured homes and for all development including fill and other activities within a designated floodplain. If any proposed grading or improvements involve property in the floodplain, a hydraulic flood study performed by an engineer licensed in the State of Texas may be required. The applicant's engineer will submit the study and supporting hydraulic data to the City's Floodplain Administrator. This information will be reviewed by City staff and subsequently submitted (if necessary) by the City Floodplain Administrator to the Federal Emergency Management Agency (FEMA) for approval. The appropriate FEMA applications forms and fees shall be provided to the City by the developer. FEMA will review and submit its findings to the City in the form of a "Conditional Letter of Map Revision (CLOMR)", including submittal to the City of all required engineering and surveying data and payment of all fees to satisfy the conditions in the CLOMR for the purposes of issuance by FEMA of a "Letter of Map Revision" (LOMR). All correspondence shall be directed to the City Floodplain Administrator for submittal to FEMA. A detailed study may also be required for development areas that do not yet have a mapped floodway but have been identified as flood prone areas. After construction, elevation certificates and/or flood proofing certificates may be required as applicable to the project.

For additional information, refer to [Chapter 10, Article VIII – Flood Damage Prevention](#).

Please contact the Engineering Division at (281) 290-1491 for more information on Floodplain Permits.

6.3 Building Permits

Building permitting is the process through which the City ensures compliance with all codes and ordinances relative to the construction of buildings and building sites. Generally, such permits will fall into one of two categories: 1) residential; or 2) commercial.

The permitting process includes the review and approval of construction and site plans, the payment of permit fees, the issuance of a Building Permit, scheduled inspections of the work in progress, and approval at its completion. Building permit applications will not be accepted until the site plans are approved by the Engineering & Planning Divisions. After the Building Division receives the building permit application and plan set, the Building Official will ensure that the site plans have the Engineering & Planning Division's stamps of approval and that the Building Plans match. The Building Official will route the plans to the Fire Marshal's Office for review and approval. Once the Fire Marshal and Building Official approve the building plans, the permit may be issued.

Plan review fees are due at the time of submittal of the building permit application. Building Permit Fees, including tap and impact fees are due at the issuance of a building permit. Additionally, all contractors are required to present a Certificate of Liability Insurance with the City of Tomball listed as the Certificate Holder. After the Building Permit is issued, the applicant is ready to start construction. All requests for building inspections must be submitted through the City's [Building Inspections](#) webpage.

6.4 Departmental Inspections / Certificate of Occupancy

Before a Certificate of Occupancy (CO) can be issued, the Engineering, Planning, Fire, and Building Divisions will conduct final inspections of the project to determine if it was constructed according to the approved plans. Prior to a request for a CO, as-builts for all Public Improvements and drainage facilities must be accepted by the Engineering Department.

Once all final inspections and approvals have been obtained from the various City departments, the owner or tenant may request a CO. The building cannot be occupied until the CO has been issued. A CO is a document that permits a business to operate in a specific location. The process of issuing a CO ensures that a business complies with zoning and/or land use ordinances, as well as the structural and fire and life safety codes of the City; thereby assuring the applicant that their business structure is ready for occupancy. This document is required of all tenants in newly constructed commercial buildings and is obtained through the Building Division.

7.0 CONTACTS

For questions regarding the development process, contact the Community Development Department. Staff contact information can be found on the Community Development Department page of the City of Tomball website (www.tomballtx.gov).