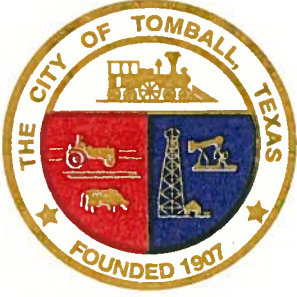


Development Guide

A Guide to Development and Building
in the
City of Tomball





City of Tomball

GRETCHEN FAGAN
MAYOR

January 25, 2010

The Engineering and Planning Department has produced the *Tomball Development Guide: A Guide to Development and Building in the City of Tomball* to assist local landowners, architects, engineers, developers, and other interested parties understand the significant phases of the development and building process in the City of Tomball and its extraterritorial jurisdiction (ETJ). 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.

The *Tomball Development Guide* is broken into six sections: Introduction, Pre-Development / DRC Meetings, Zoning, Platting, Site Plans, Permitting, Contacts, and Applicable Standards. Each section explains in detail how to navigate the development process in Tomball and addresses the necessary steps in obtaining City permits.

This guide, along with City staff, is available to assist you in whatever way possible during the planning and construction of your project. If at any time we can assist you, please let us know.

Thank you,

A handwritten signature in black ink, appearing to read "Mark McClure", written over a horizontal line.

Mark McClure, P.E.
Director of Engineering & Planning

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1.0 INTRODUCTION

This guide has been developed to assist local landowners, architects, engineers, developers, and other interested parties understand 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.

Development in Tomball is regulated in order to promote public health and safety, and protect public and private property. Regulations and procedures have been developed to establish rules and implementation for development. This guide is intended to help applicants through the development process.

The development process can be broken down into four basic steps. Zoning, the first step, identifies permitted uses and development regulations for the property. The second step, Platting, submission and approval, identifies the subdivision of land and any proposed public dedications such as right-of-way or easements. The third step, the Site Plan process, involves the review and approval of the actual plans for construction of public infrastructure contained within the public dedication areas and improvements on the site. Construction plans indicate exact locations of connections to City infrastructure and include site details that address existing and proposed paving, grading, drainage and utility improvements. The fourth step, the Permitting process, addresses the review and approval of building plans for conformance with minimum building standards to ensure the safety of future property owners and occupants.

Project Elements

Every project must be:

1. ZONED for the intended use;
2. Located on a Recorded 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 / DRC Meetings

The path that each development will need to follow will depend on how many project elements are already in place. In order to determine the correct path, the City strongly recommends that applicants schedule a **PRE-DEVELOPMENT MEETING** with the Engineering & Planning Department. This meeting should occur prior to the submittal of any development plans to the City. 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. Pre-Development Meetings are held weekly on a first come first serve basis. To schedule a Pre-Development Meeting, contact the Engineering & Planning Department at (281) 290-1405.

The City also offers **DEVELOPMENT REVIEW COMMITTEE (DRC)** meetings every Wednesday afternoon to discuss specific questions pertaining to codes and regulations applicable to larger or more complex developments. More complicated development projects are often affected by multiple City ordinances, codes, and requirements of various Departments within the City. The City of Tomball's DRC is comprised of representatives from the City Manager's Office, Engineering & Planning Department, Fire Marshal's Office, Building Permits & Inspections Department, Public Works Department, and other City officials, as applicable. Topics traditionally covered in a DRC meeting include zoning, platting, utility availability, right-of-way and easement dedications, drainage requirements, building code compliance, and fire code compliance. The applicant is encouraged to bring any relevant site development data 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 DRC meeting to help facilitate the technical dialogue that must take place when considering pursuing a project and avoid potential confusion when plans are submitted.

To schedule a DRC meeting, download the [DRC Meeting Request Form](#) online and return it via email to Brandy Pate, bpate@ci.tomball.tx.us, or fax it to (281) 351-4735. For questions about the DRC meetings, contact the Engineering & Planning Department at (281) 290-1405.

3.0 ZONING – DETERMINING LAND USE

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.

The City of Tomball's [Zoning Ordinance](#) 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 will be 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* contained in Section 38 of the Zoning Ordinance, to determine whether the proposed use, of the property, is allowed within that district.

3.2 Zoning Verification Request

In order to determine that Tomball's Zoning Ordinance permits a proposed project on a property, the applicant may request a zoning verification letter. 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. It is important to remember that the City's Zoning Ordinance is only enforceable in the corporate city limits. All properties located in the ETJ are exempt from the City's Zoning Ordinance, 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 a viable Zoning Ordinance can not 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 Engineering & Planning Department oversees this continual change process.

- The first step in the zoning change process (which establishes an actual amendment to the Zoning Ordinance) will be to contact the Engineering & Planning Department to discuss the nature of the zoning request. The Engineering & Planning Department 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 assigned a zoning case number and will be scheduled for public hearings before the Planning & Zoning Commission (P&Z) and City Council.

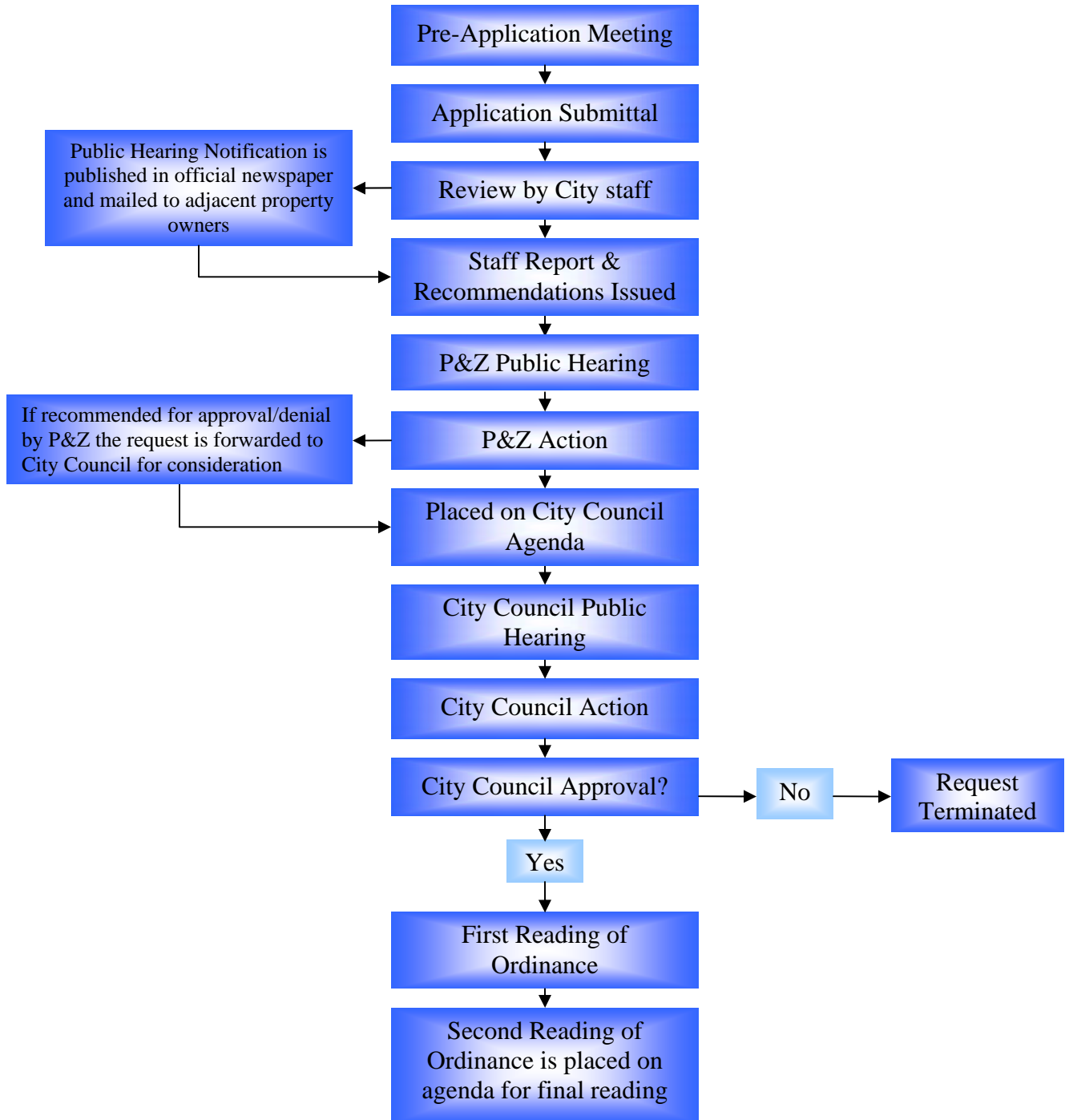
3.4 Public Hearings

Public hearings will be held before the City's Planning & Zoning Commission and City Council, respectively. Each body will hear the request 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 decide the final disposition of the case and if approved will conduct two readings of the rezoning ordinance before the change is final.

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 7:00 p.m., unless otherwise stated. The meetings are held at Tomball City Hall, 401 Market Street, Tomball, Texas 77375.

3.5 City of Tomball

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 70](#), titled “Plats and the Subdivision of Land”. 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. Furthermore, Section 70-3(a) states that:

It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the city or within the extraterritorial jurisdiction of the city, unless and until a preliminary and final plat of such subdivision has been approved in accordance with the terms of this chapter.

Unless and until a preliminary and final plat, plan or replat of a subdivision shall have been first approved in the manner provided herein by the commission, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted herein.

In addition, it shall be unlawful for any official of the city to issue any permit for such improvements, or any aspect thereof, or to serve or connect said land, or any part thereof, with any public utility which may be owned, controlled, or distributed by the city.

Provided further, it shall be unlawful for any person to serve or connect any lot, tract, or parcel of land within any such subdivision with any utility service or facility unless and until a final plat of such subdivision has been approved in accordance herewith.

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, setback lines, 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. Plats are reviewed and approved by City Council and filed with the County Clerk of Harris or Montgomery County. The platting overview is provided as a quick overview of the requirements. Detailed requirements are outlined in Chapter 70. Questions or clarifications should be directed to the City Engineer.

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. Tomball's subdivision ordinance ([Chapter 70](#)) 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. Future property owners must be guaranteed a parcel with access to public right-of-way and utilities suited for the intended use.

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, unless and until a preliminary and final plat have been approved by Tomball City Council. Additionally, City 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 **PRELIMINARY PLAT MEETING** with the Engineering & Planning Department prior to submitting a plat. It is strongly recommended that the property owner, surveyor, and/or engineer attend the Preliminary 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 Types of Plats

Plat approval is generally divided into three (3) distinct phases:

1. Master Plan
2. Preliminary Plat
3. Final Plat

- **Master Plan:** A Master Plan is required when large and/or complicated sites are proposed for development. The developer, engineer, and/or surveyor are required to review the Master Plan concepts with City staff for coordination purposes prior to submittal of the Master Plan. The Master Plan is generally a one-line concept plan detailing the general layout of streets, lots, open space, public facilities, utility locations, drainage plan, and other facilities, as applicable.
- **Preliminary Plat:** All unplatted property must go through the preliminary plat process. The Preliminary Plat provides a general layout of the proposed subdivision with existing and proposed features. The Preliminary Plat is mutually beneficial to both the developer and the City in that it provides an opportunity for the developer to explore the feasibility of the project while allowing the City to provide initial direction on the availability of City services. In addition to the plat drawing, a Preliminary Plat submittal must include topographic information, a preliminary water and sewer layout, and a preliminary drainage analysis. If the proposed development is to be phased, this will need to be shown on the Preliminary Plat. The Preliminary Plat must address development issues on the entire parcel owned by the developer, even if the developer plans to only develop a portion of the property at this time. The Preliminary Plat (along with any staff comments) goes to the Planning & Zoning Commission for approval. If public improvements are proposed an “Agreement with Developer for Construction of Public Improvements” must be executed with the City.
- **Final Plat:** Upon completion of the Preliminary Plat process, the developer may proceed with submittal of a final plat. The Final Plat shall conform to the Preliminary Plat as approved by the Planning & Zoning Commission and incorporate any and all changes, modifications, corrections, and conditions imposed by the prior approval. The Final Plat and staff comments are reviewed by the Planning & Zoning Commission and then considered for approval by City Council. A Final Plat will not be presented to City Council for consideration until all recommended conditions of the Preliminary Plat have been incorporated. A Final Plat may include certain replats, abbreviated plats, amending plats, or vacating plats.

4.3 The Platting Process

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

1. Mandatory Preliminary Plat Meeting with City staff.
2. Formal submission of the application, plat, development plans (if required*), and the payment of filing fees (refer to the [Plat Application and Fee Schedule](#) 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 final plat for City Council consideration. City staff shall confirm that such contingencies have been fully addressed prior to placing the plat on a City Council agenda.
6. City Council approval of plat.
7. 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 recommend approval, with or without contingencies, or denial of the plat for failure to meet specific requirements. 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. City staff will then place an item on the next available City Council agenda to consider approval of the Final Plat. Once City Council approves the plat, appropriate City signatures will be obtained and the plat, along with current tax certificates, will be sent to Harris or Montgomery County for recordation. For subdivisions located within the City of Tomball's ETJ, a suitable "Guarantee of Performance" shall be provided for water, wastewater, and drainage facilities prior to the City forwarding the City-approved plat to the appropriate County Commissioner's Court. After the plat is recorded, the plat applicant or owner will be notified and provided a copy of the final recorded plat. Original plat mylars are kept on file with the City of Tomball.

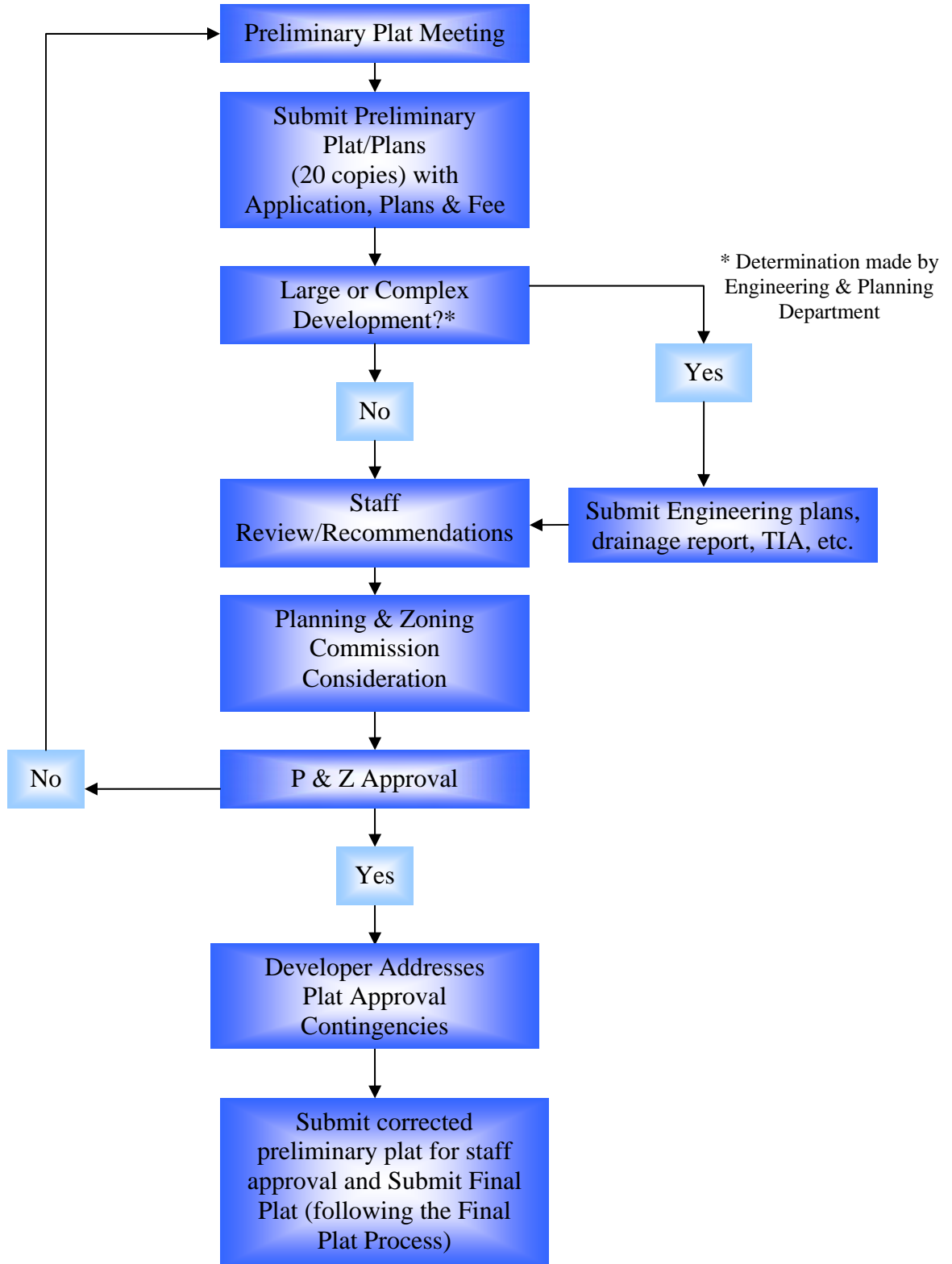
The [Plat Application and Fee Schedule](#) can be found on the City of Tomball's website.

Note - In conjunction with the plat submittal, some projects, such as residential subdivisions, may require the concurrent submission of engineering plans, drainage reports, traffic impact analysis (TIA) studies, and other applicable plans in order to adequately review the project. City staff will review the drainage report and preliminary plans for construction of subdivision improvements for consistency with the Preliminary Plat package and compliance with City ordinances, standards, and comprehensive plans. The developer shall incorporate City staff comments in the final plans. The drainage report shall address the existing and proposed drainage improvements for the development.

Improvements associated with Public Infrastructure require the developer to execute an Agreement with the City to clearly outline the roles, responsibilities, and cost appropriation for the improvements. A sample template of the Agreement titled "Agreement with Developer for Construction of Public Improvements" is provided on the City's website. Typically the agreement is prepared by the City Engineer with detailed plans, specifications, and cost estimates provided by the developer. Once the Agreement is in its final draft form, the City Engineer coordinates the legal review by the City Attorney prior to placing the Agreement on City Council's agenda for consideration. It should be noted that any City participation requested by the developer is subject to City Council approval and funding availability.

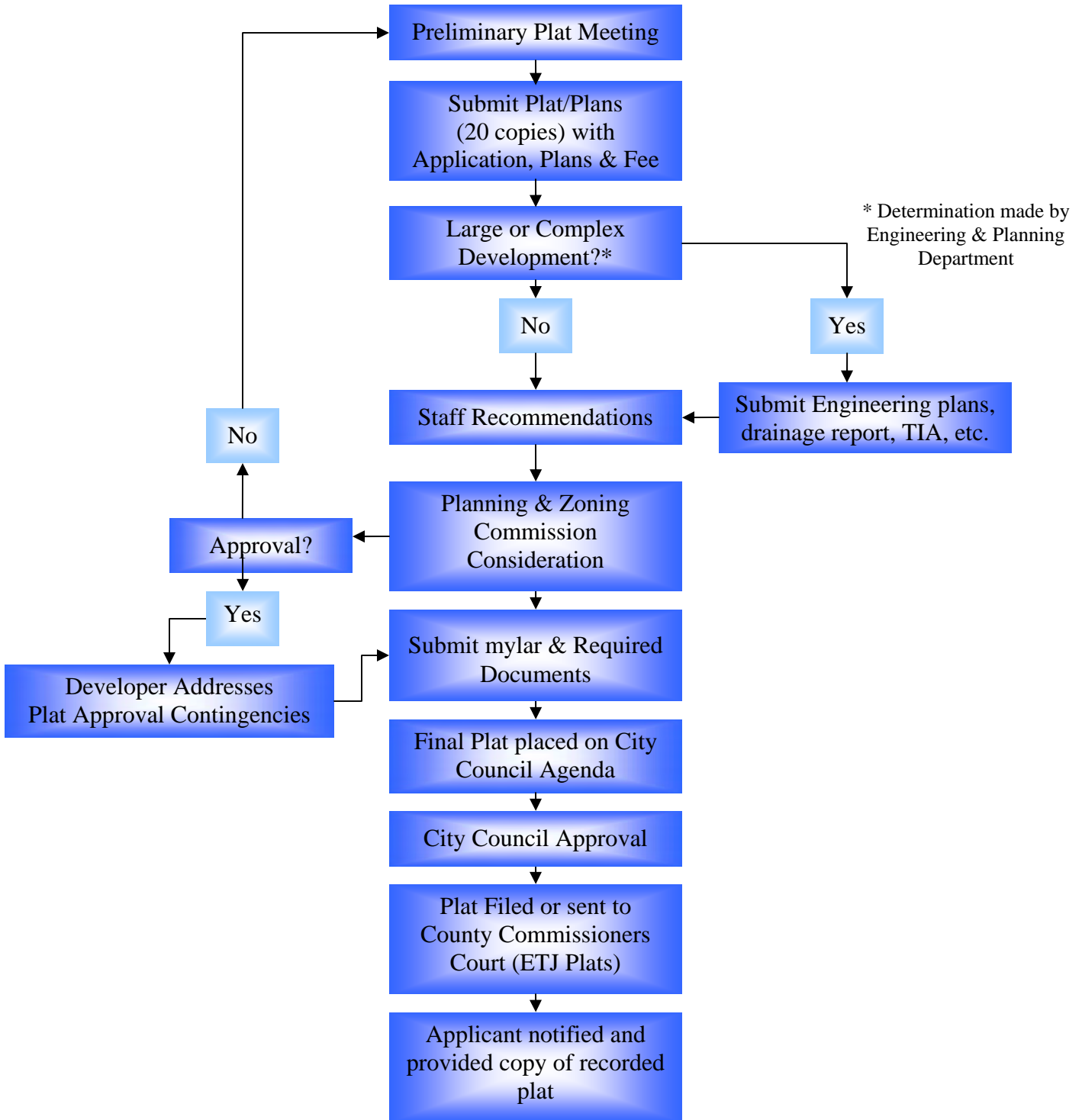
4.4 City of Tomball

Preliminary Plat Process Flowchart



4.5 City of Tomball

Final Plat Process Flowchart



5.0 SITE PLANS

City policies, standards, and regulations on land use and development are designed to help ensure public health and safety, and protect 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.

5.1 Plan Review

Once zoning and platting issues are addressed, 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 Department 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 thirty (30) days from time of complete application submittal. 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 Division reviews the site plan submittal for compliance with the Zoning Ordinance and Subdivision Regulations and routes the plans to the Engineering Division for review of 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 site plans are approved by the Engineering & Planning Department, the applicant will submit the approved plan set, along with a [Building Permit Application](#) and all required plans (floor plans, building elevations, structural, foundation and electrical) and documents, to the Department of Permits and Inspections. The Permits and Inspections Department is responsible for the code compliance of all construction in the City of Tomball. The [Residential Plan Submittal Guidelines](#) and [Building Permit Fees](#) are posted on the City's website. Refer to Section 6.4 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 engineering plans, including landscaping, screening/buffering, exterior building elevations, and all supporting documents and fees must be submitted to the Engineering & Planning Department for review prior to the construction of any development. The site plan submittal will be reviewed by the Engineering & Planning Department 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), Dimensional Control, 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 the Zoning Ordinance, building height limits, lot area/width/depth, building setbacks, lot coverage, density, off-street parking, landscaping, and screening/buffering/fencing. All site plans will be reviewed for consistency with the Comprehensive Plan and other planning related issues.

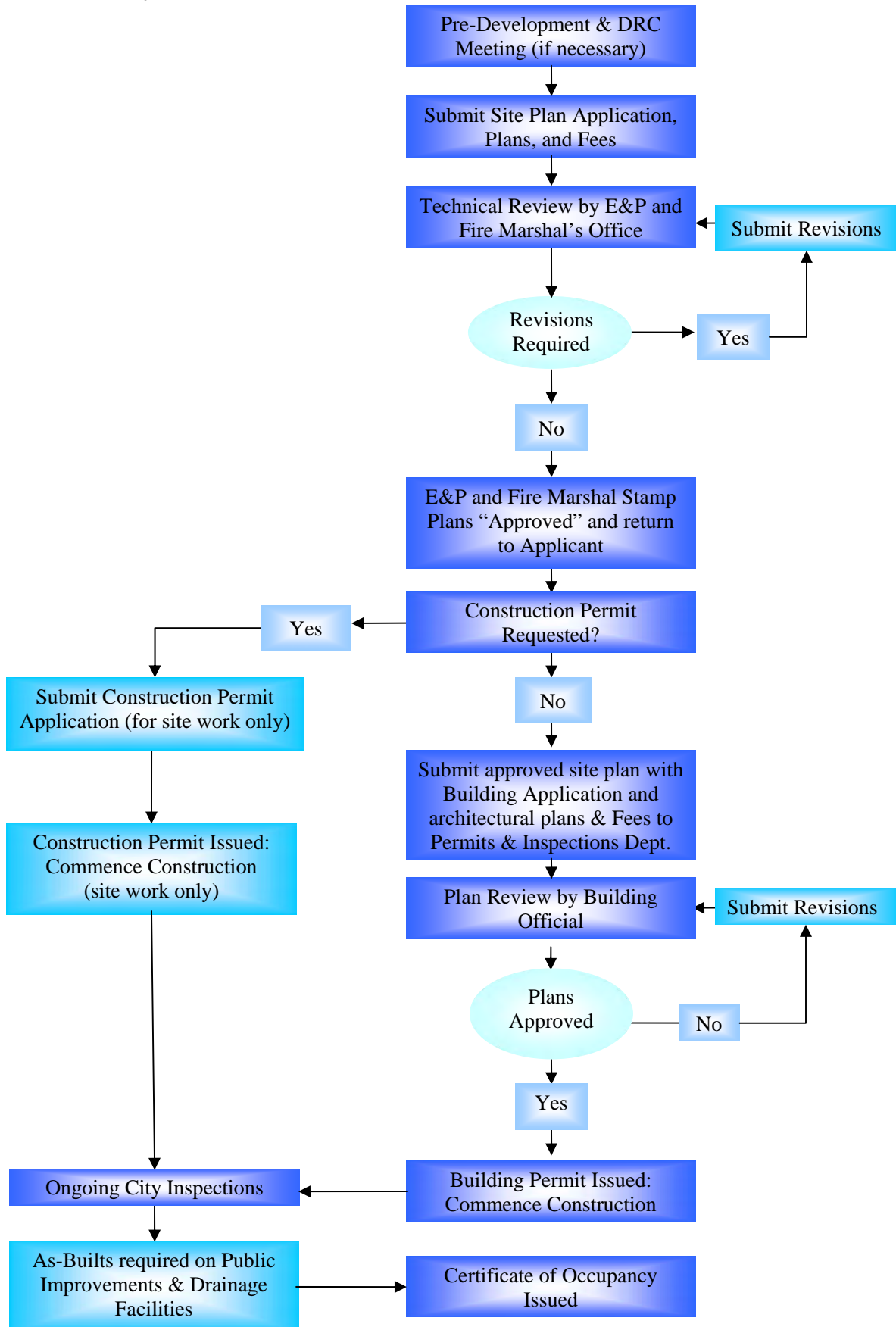
The Fire Marshal's Office will review the site plan for fire hydrant location, emergency vehicle access, fire sprinkler requirements, and other fire code issues. Additional information for the [Fire Marshal's Office](#) can be found on the City's website. (In addition, the Fire Marshal will review the 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 Department, 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 Department of Permits and Inspections. The Permits and Inspections Department is responsible for the code compliance of all construction in the City of Tomball. The [Commercial Building Permit Process Checklist](#) and [Building Permit Fees](#) are posted on the City's website. Refer to Section 6.4 Building Permits for additional information on the building permit process.

5.4 City of Tomball

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. Construction permits are not required if the developer would like to wait for the Permits and Inspections Department to review building plans and issue a building permit. All construction permits are issued by the Engineering & Planning Department.

The [Construction Permit Application](#) can be downloaded at the City of Tomball's website. The Construction Permit fee is two (2) percent of the value of the construction cost and is due at the time of construction permit issuance. Impact fees may be required at the time of permitting for water, sewer, and drainage per Ordinance No. 2009-12, (Infrastructure Master Plan and Impact Fee Determination).

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 will 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 purposed 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 will be required as applicable to the project.

For additional information, refer to the Code of Ordinance Chapter 38: FLOOD DAMAGE PREVENTION, as amended under Ordinance No. 2007-07.

6.3 Erosion and Sediment Control Management Permit

This permit is required for all land-disturbing activities, including clearing and grubbing, that require the uncovering of 5,000 or more square feet, excluding emergency activities, nursery and agricultural operations, and activities on lots less than one acre in size and used for single-family and two-family residential purposes. A bond, letter of credit, or refundable deposit is required with the submission of the permit for the amount equal to the erosion and sediment control activities. A separate permit is not required for a development/project that is issued a construction permit or a building permit, but the bond, letter of credit, or refundable deposit must be submitted in the name of the City of Tomball. For additional information refer to Ordinance No. 2009-30 (adopted October 19, 2009).

Please contact the Engineering & Planning Department at (281) 290-1405 for more information on Floodplain and Erosion and Sediment Control permits.

6.4 Building Permits

A Building Permit is a legal document that gives permission to start construction of a building project in accordance with approved drawings and specifications. 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. Refer to the [Residential Plan Submittal Guidelines](#) and [Commercial Building Permit Process Checklist](#) for the submittal requirements.

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 Department. After the Permits and Inspections Department receives the building permit application and plan set, the Building Official will ensure that the site plans have the Engineering & Planning Department'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 Inspection Line at (281) 290-1480. A Building Inspector will then be notified to inspect each part of the project as it progresses in order to ensure that the work is done safely and in accordance with the approved plans and codes.

6.5 Departmental Inspections / Certificate of Occupancy

Before a Certificate of Occupancy (CO) can be issued, the Engineering & Planning Department, Fire Marshal's Office, and Permits and Inspections Department 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 City Engineer.

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 or land use ordinances, as well as the structural and fire and life safety codes of the City; thereby assuring the applicant that his/her business structure is ready for occupancy. This document is required of all tenants in both existing structures and newly constructed commercial buildings and is obtained through the Permits and Inspections Department.

7.0 CONTACT INFORMATION

For questions regarding the development process, contact the appropriate department(s). All of the official's offices are located at the Public Works Building located at 501 James Street, Tomball, Texas 77375.

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Fire Marshal
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Phone: (281) 290-1440
Fax: (281) 290-1439
Email: dsang@ci.tomball.tx.us

8.0 APPLICABLE STANDARDS

8.1 City of Tomball

- CODE OF ORDINANCES:
 - Chapter 14:BUILDINGS AND BUILDING REGULATIONS, as amended under Ordinance No. 2007-13
 - Chapter 30:ENVIRONMENT, as amended under Ordinance No. 2008-23
 - Chapter 34:FIRE PREVENTION AND PROTECTION, as amended under Ordinance No. 2008-03
 - Chapter 38:FLOOD DAMAGE PREVENTION, as amended under Ordinance No. 2007-07
 - Chapter 66:STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
 - Chapter 70:PLATS AND THE SUBDIVISION OF LAND
 - Chapter 82:UTILITIES
- Ordinance No. 2008-01, ZONING ORDINANCE, Adopted February 4, 2008
- Ordinance No. 2009-08, 2009 MAJOR THOROUGHFARE PLAN, Adopted March 16, 2009
- Ordinance No. 2009-12, INFRASTRUCTURE MASTER PLAN AND IMPACT FEE DETERMINATION, Adopted June 1, 2009
- Ordinance 2009-30, EROSION AND SEDIMENT CONTROL, Adopted October 19, 2009
- Ordinance No. 2009-33, TOMBALL COMPREHENSIVE PLAN – VISION 2030, Adopted December 7, 2009
- 10-Year Infrastructure Master Plan and Impact Fee Determination 2007-2017
- Standard Construction Details and Specifications
- Traffic Impact Analysis Guidelines
- Tomball Livable Centers Downtown Plan
- Development Agreement Template

Copies of the above mentioned City standards and regulations may be obtained from the Engineering & Planning Department or the City's website at www.ci.tomball.tx.us.

8.2 State of Texas

- [Architectural Barriers Texas Accessibility Standards \(TAS\)](#)
- [Texas Commission on Environmental Quality \(TCEQ\)](#)
- [Texas Department of Licensing and Regulation \(TDLR\)](#)

8.3 Federal Government

- [Federal Emergency Management Agency \(FEMA\)](#)
- [United States Army Corps of Engineers \(USACE\)](#)