

New Business Item No. 4

4. **CONSIDERATION AND POSSIBLE ACTION – FIRST READING OF ORDINANCE NO. 2000-T-13 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING SELECTED PROVISIONS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION, PUBLICATION AND AN EFFECTIVE DATE. *Mr. Mike Hodge, Assistant City Manager.***

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: October 10, 2011	ITEM NO.: Ordinance No. 2000-T-13
DATE SUBMITTED: September 28, 2011	DEPT. OF ORIGIN: Planning
PREPARED BY: Lata Krishnarao	PRESENTOR: Mike Hodge
REVIEWED BY: Mike Hodge	REVIEW DATE: September 28, 2011
SUBJECT: Unified Development Code (UDC)– Amendment T-13	
EXHIBITS: Modified Sections of the UDC T-13; Modifications to the Land Use Matrix; Proposed UDC Amendments-Presentation at the Joint Workshop on July 18, 2011.	
EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A	AMOUNT BUDGETED: N/A PROJECT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A	
To be completed by Department: <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

The purpose of this joint public hearing is to the review proposed changes to the Unified Development Code. Staff reviews the Unified Development Code on an annual basis, and as needed. These changes are considered minor changes by staff and include clarifications and modifications.

These changes were discussed at a joint workshop on July 18, 2011 and at a joint public hearing on September 19, 2011.

The attachment titled “Memo from July11, 2011 workshop explaining the changes” discusses the need for the proposed modifications. Council's input at the workshop and the joint public hearing has been incorporated as follows:

1. Upon Planning Director’s approval and appropriate screening, permit the dumpster to be located in the front yard, if the dumpster cannot be located in the side and rear yard as required.

2. Section 2.6.1.1 (B) (1) has been rewritten to clarify that the frontage requirement applies to lots in all zones.
3. Section 2.2.3.5, has been reworded to clarify the effective date of the Conditional Use Permit and that the extension of time is one year from the date of approval of the CUP. Section 2.2.3.5 (b) (5) has been separated as Section 2.2.3.5 (c).

The UDC text has been amended accordingly and attached as an exhibit.

STAFF RECOMMENDATION

Approve the amendments.

ORDINANCE NO. 2000-T-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING SELECTED PROVISIONS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, on the 19th day of September, 2011 a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 19th day of September, 2011, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed amendments to the Unified Development Code, whereby the Commission recommended approval of the amendments, with condition, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "B"; now, therefore,

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

Section 1. That certain provisions of the Unified Development Code are hereby amended as shown in Exhibit "A" attached hereto and made a part hereof for all purposes.

ORDINANCE NO. 2000-T-13

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall become effective immediately upon final passage.

ORDINANCE NO. 2000-T-13

PASSED and APPROVED ON FIRST READING this the 10th day of
October, 2011.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the
24th day of October, 2011.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Modified Sections of the UDC T-13

Section 2.2.3.5 Abandonment, Expiration and Revocation

(a) **Abandonment.** A Conditional Use once established, that remains vacant for a continuous period of six (6) months, shall be deemed abandoned, and shall not thereafter be re-established except upon approval of a new application for a Conditional Use Permit. In determining whether a conditional use has been abandoned, the City shall apply the standards applicable to abandonment of a non-conforming use in Section 2.7.3.6 of this Code.

(b) **Time of Expiration.** A Conditional Use Permit shall expire if:

- (1) A building permit, if any, for the use has not been approved within one year of the date of approval of the permit
- (2) The building permit subsequently expires;
- (3) The use has been discontinued for a period exceeding six months; or
- (4) A termination date attached to the permit has passed.

(c) **Extension:** City Council may, upon recommendation of the Planning and Zoning Commission, extend this time frame by up to one additional year from the date of approval of the Conditional Use Permit.

(d) **Revocation.** The City Council may revoke any Conditional Use Permit that is in violation of any condition imposed on the use in accordance with the procedures of Article 7 of this Chapter 2.

Section 2.2.5.2 Variances

(a) Purpose, Applicability and Effect.

- (1) The purpose of a variance is to vary one or more zoning standards made applicable to a use authorized under this Chapter. A variance application shall not be used as a means of amending the text of the City's zoning regulations or of changing a zoning district classification of the property for which the variance is sought. A variance application cannot be used as a means to contest the applicability of a standard to a development application, an exemption determination, or a decision on a development application.
- (2) A variance application is applicable only within the City limits of Pearland.
- (3) The granting of a variance petition in whole or in part authorizes the petitioner to submit a development application that complies with the standard as varied or modified, and authorizes the decision-maker to evaluate the application using the varied standard, for the duration of the variance.
- (4) Variances from the requirements of Chapters 2, 4, and 5 shall be decided by the Zoning Board of Adjustments, and variances from the requirements of Chapter 3 shall be decided by the Planning and Zoning Commission.

(b) Application Requirements.

- (1) A variance application shall contain a detailed written statement of the reasons why the standards to be varied should not be applied to the use identified in the application, and shall be accompanied by the fee established by the City Council. The application also shall be accompanied by illustrations or other documents showing the effect of the requested variance on the proposed development.
- (2) A variance application shall be filed with the Zoning Board of Adjustment. No development application that is dependent upon approval of the pending variance application shall be accepted for filing until a final decision has been reached on the variance application.
- (3) ~~An application for a variance to a use in a zoning district for which an application for a zoning amendment is pending may not be accepted for filing until a final decision has been reached on the zoning amendment.~~
- (4) A variance application may not be accepted for filing until a plat of the property has been approved, unless determined otherwise by the Planning Director.

(c) Processing of Petitions and Decision.

- (1) The Zoning Board of Adjustment shall conduct a public hearing on the variance application in accordance with Chapter 1. Personal notice shall be provided in accordance with Chapter 1, Article 2 of this UDC.
- (2) The Zoning Board of Adjustment shall approve, conditionally approve, or deny the variance application.

- (3) A variance application shall be decided within forty-five (45) days of the official filing date, unless the application is tabled or there is a lack of quorum. In either case, the ZBOA shall then have an additional forty-five (45) days to decide the application. Any additional time period that the ZBOA needs to decide an application must be agreed upon by the applicant, and the ZBOA shall decide the application within the agreed-upon timeframe.
 - (4) The applicant for a variance bears the burden of proof to demonstrate that a variance to the standards applicable to a particular use should be granted.
 - (5) The applicant shall be notified of the decision on the variance petition in the manner provided in Chapter 1 of this UDC.
- (d) **Criteria for Approval.** In deciding the variance application, the Board shall apply the following criteria:
- (1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land such that the strict application of the provisions of this Code to the proposed use would create an undue hardship or inequity upon or for the applicant, as distinguished from a mere inconvenience, in developing the land or deprive the applicant of the reasonable and beneficial use of the land;
 - (2) The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
 - (3) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
 - (4) Granting the variance application will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
 - (5) Granting the variance application will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;
 - (6) The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;
 - (7) The request for a variance is not based exclusively on the applicant's desire for increased financial gain from the property, or to reduce an existing financial hardship; and
 - (8) The degree of variance requested is the minimum amount necessary to meet the needs of applicant and to satisfy the standards in this section.
- (e) **Expiration and Extension.**
- (1) A variance to a standard applicable to a particular use shall expire within 90 days of the date the variance petition is granted, unless the property owner or applicant files a complete application for a building permit with the City within

such period. The Board may extend the time for filing the building permit application for good cause shown, but in any event, the expiration date for the variance shall not be extended beyond one (1) year from the date the variance was granted.

- (2) If the building permit expires, the variance also shall expire. If the building permit is extended, the variance also shall be extended.

Section 2.4.2.10 MF, Multiple-Family Residential District

- (a) **Purpose.** The Multiple-Family Residential District (MF) is intended to permit the development of multiple-family (apartment) residences and associated uses. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and non-residential development or high-traffic roadways.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
 - a. Minimum Gross Site Area - Every tract that is developed for multiple-family use shall have a minimum gross site area of twenty thousand (20,000) square feet.
 - b. Minimum Site Width - Every tract that is developed for multiple-family use shall have a minimum site width of one hundred twenty-five feet (125').
 - c. Maximum Project Coverage - Forty percent (40%)
 - (2) Size of Yards:
 - a. Minimum Front Yard – Twenty-five feet (25')
 - b. Minimum Side Yard
 1. One-Story Building: Ten feet (10').
 2. Buildings Over One-Story: Ten feet (10'), with an additional five feet (5') for each story thereafter.
 3. Every part of a required yard or court shall be maintained as open space, provided that ordinary projections may extend into a side yard or court a maximum of twenty-four inches (24"). Also see Section 2.6.1.1(f)(2).
 - c. Minimum Rear Yard – Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).
 - (3) Maximum Number of Dwelling Units: Sixteen (16) dwelling units per gross acre of land used for residential purposes.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height **except as allowed by Conditional Use Permit.**
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.
- (g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.
- (1) In all areas where multiple-family units are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.
 - (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
 - (3) The minimum dimension of any common area shall be eighty feet (80').
 - (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
 - (5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
 - (6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.
 - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
 - (8) The landscaped buffer required in this Subsection (n) below may be counted toward meeting this common open space requirement.
- (h) **Maximum Percentage of Efficiency Units.** A maximum of twenty-five percent (25%) of the dwelling units within a multiple-family development shall be efficiency units.
- (i) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 4 of this UDC. Screening elements shall be consistent in color and material with the multiple-family development.
- (j) **Parking.** Parking shall be provided as required in Chapter 4, Article 2, Division 1 of this UDC.
- (k) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (l) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). The location of such containers shall be

limited to the side or rear of the development, whichever has the least impact on the view from the adjacent roadway(s) and development(s).

- (m) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area. Other landscaping requirements shall be provided in conformance to Chapter 4, Article 2, Division 2 of this UDC.
- (n) **Adjacent to a Single-Family or Nonresidential Use or Zoning District.** When a multiple-family development is established on a tract of land that is adjacent to a single-family development, to property zoned for single-family use, to a nonresidential use, or to property zoned for nonresidential use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscape buffer may be counted toward other landscaping requirements, but shall not be counted toward landscaping required in the front yard area.
- (o) **Single-Family Uses.** Any single-family development that occurs within the MF Zoning District shall meet the requirements of the R-3 Zoning District.
- (p) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MF Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.
- (q) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

Section 2.4.2.11 MH, Manufactured Home Park District

- (a) **Purpose.** The Manufactured Home Park District (MH) is intended to provide basic and uniform regulations and performance objectives to establish reasonable standards and safeguards to insure the safety, health and welfare of the occupants and users of manufactured home park areas. These requirements shall be used in conjunction with the other mobile/manufactured home regulations as set in Chapter 4, Article 2, Division 6 of this UDC.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
 - a. Minimum Gross Site Area - Every residential tract that is developed for manufactured home uses shall have a minimum gross site area of three (3) acres.
 - b. Minimum Site Width - Every residential tract that is developed for manufactured home uses shall have a minimum site width of one hundred fifty feet (150').
 - c. Maximum Project Coverage - Thirty percent (30%)
 - d. Minimum Site Depth - Every residential tract that is developed for manufactured home uses shall have a minimum site depth of two hundred fifty feet (250').
 - e. Minimum Lot Area - Six thousand (6,000) square feet.
 - f. Minimum Lot Width - Sixty feet (60').
 - g. Minimum Lot Depth - Ninety feet (90')
 - (2) Minimum Size of Dwelling Unit: Every dwelling unit in this district shall have a minimum floor area of six hundred (600) square feet.
 - (3) Size of Yards:
 - a. Minimum Front Yard - Ten feet (10')
 - b. Minimum Side Yard - Ten feet (10')
 - c. Minimum Rear Yard - Ten feet (10'); twenty feet (20') when adjacent to a thoroughfare or collector roadway (see Subsection (l) below).
 - (4) Maximum Number of Dwelling Units: Five (5) dwelling units per gross acre of land used for residential purposes.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.**
- (1) There shall be storage facilities which shall not be within any required yard with a minimum capacity of two hundred (200) cubic feet per mobile home space. These shall be provided for each space or in compounds located within one

hundred feet (100') of each space. Wherever provided, storage facilities shall be constructed of non-combustible materials.

(2) Additional accessory buildings, including an office(s) for the manufactured home park, community facilities, house for the owner/manager of the manufactured home park, not exceeding ten percent (10%) of the gross site area shall be permitted behind any building line, provided, however, such accessory buildings shall be solely for the convenience and necessity of the inhabitants of the park.

(3) Also refer to Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.

(g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.

(1) In all areas where a manufactured home park is developed, there shall be at least six hundred (600) square feet of common open space per dwelling unit.

(2) The minimum area of any common open space shall be six thousand (6,000) square feet.

(3) The minimum dimension of any common open space area shall be eighty feet (80').

(4) Each common open space area shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.

(5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.

(6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required open space.

(7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.

(8) The landscaped buffer required in this Subsection (m) below may be counted toward meeting this common open space requirement.

(h) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

- (i) **Parking.** A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. Parking shall also be in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (j) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (k) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). Such containers shall not be located within side or rear yard areas.
- (l) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (m) **Adjacent to a Single-Family or Nonresidential Use or Zoning District, Adjacent to the Roadway.**
 - (1) When a manufactured home park is established on a tract of land that is adjacent to a single-family development, to property zoned for single-family use, to a nonresidential use, or to property zoned for nonresidential use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy.
 - (2) Along all roadways adjacent to a manufactured home park, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.
- (n) **Single-Family Uses.** Any single-family development that occurs within the MH Zoning District shall meet the requirements of the R-3 Zoning District.
- (o) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MH Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.
- (p) **Multiple-Family Uses.** Any multiple-family development that occurs within the MH Zoning District shall meet the requirements of the MF Zoning District.
- (q) **Street Right-of-Way.** All streets within the site shall have a sixty-foot (60') minimum right-of-way to provide sufficient access for oversized vehicles. Such roadways shall be designed and constructed consistent with the City's standards for minor collector streets.
- (r) **Mobile/Manufactured Home Space Improvements.**
 - (1) Paving - All wheels of structural supports shall be placed on an approved foundation as set forth by the Building Inspection Department.
 - (2) Sanitary Facilities - Refer to requirements within Section 4.2.6.7 of this UDC.

- (3) Anchoring Devices - Each mobile home space shall be provided with tie-down anchors as provided by State and Federal Regulations.
- (4) Utilities - All utility service shall be underground.
- (s) **Other Regulations.** The development shall conform with all applicable provisions of the Mobile Home Ordinance No. 179 (and subsequent amendments) of the City of Pearland and all other applicable City and State Regulations.
- (t) **Mobile Home Replacement.** A mobile home as defined herein is one that was constructed before July, 1976. A manufactured home as defined herein is one that has been constructed after July, 1976. Any mobile home that is deemed a legal, conforming use and that is in need of replacement shall only be replaced with a manufactured home constructed after July, 1976.
- (u) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

Section 2.4.3.1 SPD, Spectrum District

(a) **Purpose.** The purpose of the Spectrum District is to provide a visually cohesive district that allows for diverse land uses within one overall District and to provide a zoning district that is consistent with the recommendations within the City's adopted *2004 Comprehensive Plan Update*. The Spectrum District is comprised of five (5) Sub-Districts that provide areas for these different land uses in a compatible manner. The requirements for development within each district are contained herein. The Sub-Districts are as follows:

- (1) District S1: The Beltway District: The S1 Sub-District is intended for nonresidential development that typically desires high visibility from major thoroughfares. Retail uses such as shops and restaurants should be the primary uses within this Sub-District. A "mall-like" setting, either indoor or outdoor, would be ideal for these locations. Pedestrian circulation should be a prime consideration. In addition, science and technology related office uses (also referred to as "tech-flex") and/or "Class A" office uses developed within a business park or corporate campus would also be appropriate. In addition, development should respect natural features such as creeks and drainageways by integrating such features into the overall design of the site(s).
- (2) District S2: The Mixed Use District: The S2 Sub-District is appropriate for a variety of land uses, including hotels, a conference center/convention center, tourism-oriented uses, commercial, light industrial, and science and technology related uses. This wide variety of acceptable uses is intended to allow for optimum market flexibility for development within the S2 area. Any commercial and/or light industrial uses developed should be within a business park or corporate campus with buildings and parking situated such that a feeling of open space is created, and business activities should take place wholly within buildings. Development should also respect natural features such as creeks and drainageways by integrating such features into the overall design of the site(s). Walkability and pedestrian-orientation is important for this site due to its central location within the overall Spectrum District.
- (3) District S3: The Mixed Use–High Density Residential District: The S3 Sub-District is intended for Traditional Neighborhood Design (TND), which is characterized by a vertical mix of nonresidential and residential uses, with retail and/or office uses on the ground floor and residential uses above. In addition, consistent with other areas of the Spectrum District, commercial, and light industrial science and technology related uses developed within a business park or corporate campus would also be appropriate within the S3 area. Compatibility with residential uses should be an important design consideration.
- (4) District S4: The Light Industrial and Science & Technology District: The S4 Sub-District is intended for light industrial uses that may have some business activity that takes place outside and/or some outside storage of materials. To maintain the quality of the Spectrum District, however, such outside activity and/or storage should be screened. The S4 Sub-District should provide positive transition between development within the S5 Sub-District (discussed below)

and the S2 Sub-District. Design guidelines should ensure that businesses provide an aesthetically pleasing view from the planned roadways.

- (5) District S5: The Light & Heavy Industrial District: The S5 Sub-District is intended for light or heavy industrial development that may have outside business activity and outside storage. Much of the development to the south and west of the Spectrum District area is characterized by heavy commercial and industrial businesses, and the S5 Sub-District should provide transition between these existing uses and the development within the S4 Sub-District. Design guidelines should be established to ensure that future development provides an aesthetically pleasing view from the planned roadways.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
- (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Size - One (1) acre (43,560 square feet).
- b. Minimum Lot Width - One hundred feet (100').
- c. Minimum Lot Depth - Two hundred feet (200').

(2) Size of Yards:

- a. Minimum Front Yard - Fifty-five feet (55') along Kirby Drive; fifty feet (50') along Spectrum Drive; twenty feet (20') along all other roadways
- b. Minimum Side Yard – Twenty-five feet (25')
- c. Minimum Rear Yard – Twenty-five feet (25')
- d. Landscaped Buffer Permitted - The landscaped buffer required within the Spectrum District may be located within the required front yard area.

(d) **Exterior Materials Standards:** The front facades of all structures facing onto a thoroughfare or collector shall be a minimum seventy percent (70%) masonry, as defined in Subsection (1) below. The side facades of such structures shall be a minimum fifty percent (50%) masonry. The following materials meet the masonry requirements within the Spectrum District.

(1) Primary Exterior Materials:

- a. The primary exterior materials permitted shall be limited to the following:
 1. Brick Masonry
 2. Concrete Masonry Units
 3. Glass Block
 4. Pre-Cast Concrete

5. Cast Stone (and stone veneer)
6. Tilt-Slab
7. Stucco
8. Wall Panel Systems,
9. Spandrel Wall Systems

(2) Coloration:

- a. All coloration of exterior materials shall conform to the Color Chart, available in the City's Planning Department and according to Section 2.4.5.1 (d) (3).
- b. Corporate trademark colors can only be used as accent colors and shall be limited to a maximum of one percent of the total exterior surface. Such colors may be applied to subordinate building elements (such as canopies, subordinate entry forms, and architectural details).

(e) **Perimeter Fencing:** Perimeter fencing shall be used to provide security and/or visual separation of sites at individual property lines and shall meet the following requirements.

(1) Permitted Materials:

- a. Solid masonry,
- b. Stucco,
- c. Wrought iron,
- d. Living/landscaped screen,
- e. Chain link when such fencing is not visible from any thoroughfare or collector and when such fencing is visually covered by live landscaping elements or screened with a living/landscaped screen.

(2) Standards: When a perimeter wall is used as a screening wall, it shall be a masonry wall.

(3) Prohibited Materials:

- a. Barbed wire and similar materials (in quality and appearance),
- b. Pre-engineered interlocking concrete systems,
- c. Wood.

(4) Use & Location: Perimeter fences shall not enclose the yard space of any property between the building and Spectrum Drive or Kirby Drive. Fences fronting these roads shall not be closer to the street than the building line adjacent to the applicable street.

(f) **Screening:** Screening shall meet or exceed the following requirements.

(1) Standards:

- a. Required - Screening walls are required for the following:
 1. Service loading dock areas
 2. Outside storage
 3. Refuse and/or recycling areas and containers
 4. Mechanical and utility equipment areas
 5. Roof apparatus (including ventilation, HVAC, or other such equipment), which shall be completely screened from all sides by screening walls of the same material and color as the main building.
- b. Height
 1. Detached screening walls shall be a maximum height of eight feet (8').
 2. Attached screening walls shall be a maximum height of fourteen feet (14').
- c. Use - Gates for screening enclosures shall be solid metal on a metal frame, and shall be kept closed when the screened area is not in use.

(2) Materials & Characteristics:

- a. Materials - Screening walls that are attached to the primary structure shall be constructed of the same finish material as the dominant exterior material of the primary structure.
- b. Detached Screening - Areas to be screened (except parking areas) that are detached from the primary structure:
 1. By a distance of more than thirty feet (30') shall be screened with masonry walls that conform to the masonry material standards of this Spectrum District.
 2. By a distance of more than fifty feet (50') may be screened with an evergreen landscape screen comprised of plant materials that form a one hundred percent opaque screen.
- c. Parking Area Screening - Parking area screening shall be accomplished with a berm and/or planted edge of evergreen shrubs and trees. Berms used for parking lot screening shall not exceed four feet (4') in height and shall have a slope from the street of four feet (4') in height to one foot (1') in distance (4':1'). The total parking lot edge concealed by drifts of planted shrubs shall not be less than seventy-five percent (75%).
- d. Roof-Mounted Utility Equipment - Roof-mounted utility equipment shall be screened with a material that is consistent in color and finish of the structure upon which the equipment is located.
- e. Variation of Screening Walls Required - All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in

the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length

(g) Landscaping Requirements.

(1) Landscape Buffer: The required minimum landscape buffer shall be provided along the street rights-of-way according to the following:

- a. Along Kirby Drive - A minimum thirty-foot (30') landscape buffer shall be provided along the street R.O.W.
- b. Along Spectrum Drive - A minimum twenty-foot (20') landscape buffer shall be provided along the street R.O.W.
- c. Along State Highway 288 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
- d. Along Beltway 8 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
- e. Screening walls and parking areas shall not be located within this landscape buffer.
- f. Retaining walls may be constructed along the perimeter of this landscape buffer.

(2) Berms: Berms shall only be located within the landscape buffer when they are used to screen parking areas. In such cases, berms shall have maximum slope from the street of four feet (4') in height to one foot (1') in distance (4:1).

(3) Retaining Structures: Retaining walls, planter walls, and other retaining structures shall be constructed of the same material as the primary on-site structure.

(4) Natural Drainage: Natural drainage patterns shall be maintained where possible. Grass swales or storm sewer pipes shall be used in landscape areas. Open, concrete channels or flumes shall not be permitted.

(5) Parking Lot Landscaping:

a. Landscaping & Screening

1. The requirements for landscaped areas herein may be met by one large landscaped area or by smaller landscaped areas throughout the parking area.
2. Landscaped areas shall be provided at a ratio of twenty-five (25) square feet per space. Landscape areas shall not be provided such that areas are only around the perimeter of the parking lot.
3. Landscape islands shall be a minimum of six feet (6') in width and one hundred and seventy (170) square feet in area, measured by the inside curb dimension.

4. The design of landscaping areas shall allow a minimum clearance of four feet (4') between the front edge of the curb and the trunk of trees planted within such areas.
5. Parking spaces shall be within one hundred feet (100') from a landscaped parking island.
6. Parking area landscaping shall be designed with asymmetrical geometries that lend informality to the overall aesthetic; large landscape islands with varying geometries are preferred to a rhythmic pattern of a single small island every few spaces.
7. Parking area screening shall conform to the requirements of subsection (f)(2)c. of this District.

b. Canopy Trees

1. Canopy trees shall be provided at a ratio of one (1) canopy tree per three thousand (3,000) square feet of the total parking lot square footage.
2. Canopy trees shall be planted within the landscaped areas (those required above). If sufficient space is not available within the landscaped areas, canopy trees may be located along the parking lot perimeter.

(6) Street Landscaping: Along the street right-of-way frontage of any parcel and within the required landscape buffer, one (1) two-inch (2") caliper tree shall be planted for every fifty feet (50') of frontage. Trees may be clustered together, however, the number of trees required shall not decrease.

(7) Detention/Retention Facilities: Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.

(8) Irrigation: All landscape areas shall be properly irrigated.

(h) **Building Layout.**

(1) Primary Structures: Primary structures must have their most significant architectural elements facing the street.

(2) Outside the Required Landscaped Buffer: All structures located within the Spectrum District shall be located outside of the required landscaped buffer.

(3) Structures With Loading Areas and/or Service Bays:

- a. The loading areas and/or service bays of a structure shall be located to the side of the structure that does not face the roadway, with the following exception.
- b. When any structure with loading areas and/or service bays is on a lot that consists of an entire block, bays that must face the street must not face

the more major roadway. Major and minor roadways shall be identified on the Site Plan for the tract to be developed.

- (4) Accessory Structures: Accessory structures shall not be located in the front yard of any site unless such structures are intended as guard or other security structure.

(i) **Site Access.**

- (1) Access Within One Site: Adequate access from different areas within a site shall be provided such that vehicles are not required to enter the street to move from one area to another on the same site.
- (2) Access From Site-to-Site: Adequate access between sites shall be provided such that vehicles are not required to enter the street to move from one site to another site; cross-access shall be required.
- (3) General: Access shall be provided in accordance with the City's Engineering Design Criteria Manual.

(j) **Parking.**

(1) Parking Area Locational Requirements:

- a. A ten-foot (10') landscape edge shall be provided between the parking area and the building. This requirement does not apply to loading/unloading areas.
- b. Parking lots may be constructed within the building setback area, but shall not be constructed within the landscape buffer.
- c. Parking structures shall not be constructed within the building setback area or within the landscape buffer.

- (2) General: Parking shall be provided in conformance with **Chapter 2, Article 5, Division 2 and** Chapter 4, Article 2, Division 1 of this UDC.

(k) **Sidewalks.** Sidewalks and pedestrian access shall be required for the development of all lots within the Spectrum District, and shall meet the requirements of Chapter 3, Article 2, Division 7 of this UDC.

- (1) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of a public right-of-way. This easement may be within the required landscaped buffer.
- (2) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the State Highway 288 frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.
- (3) Construction Criteria: Construction criteria for the required sidewalk:
 - a. Minimum six feet (6') wide.

- b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
 - c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
 - d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
 - e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
 - f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- (4) Connection to the Building: A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. The connecting sidewalk shall be accessible, readily visible, and paved.

(l) Lighting.

- (1) Uniformity: Standards, poles, and fixtures shall be a single color, uniform in design throughout the site. When development is adjacent to Kirby Drive and/or Spectrum Drive, lighting shall be uniform along the roadway(s).
- (2) Prohibited Poles: Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.
- (3) Height: Standards, poles, and fixtures shall be no taller than the height of the building being served.
- (4) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
- (5) Accent Lighting:
 - a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.
 - b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(m) Building Design.

- (1) Building Form: All portions of a structure shall have a unified design treatment. For example, a structure with an office portion and a warehousing portion should be consistently designed such that the office portion is not visibly different on the exterior of the structure.

(2) Roof Form:

a. Roof-to-Wall Connections

1. Roof-to-wall connections that replicate the qualities of residential or smaller scale construction are not permitted; therefore, residentially scaled overhangs and soffits are not permitted.
2. Flat roofs shall be concealed with a solid parapet. Building walls capped with a gravel stop are not permitted.

- b. Prohibited Exterior Treatment - No roof shingles are permitted (concrete, slate, asphalt, wood, asbestos, or clay) except for retail uses where such roofing is part of a corporate or thematic design.

(3) Definition of Building Entrances:

- a. Recesses, Protected Doorway - The door for public access in to the structure shall be architecturally projected (or recessed) from the structure within an architectural expression of entry. The architectural variation shall conform with the guidelines set forth in Section 2.4.5.1 (d) (1) b.

- b. Coordinated With Landscaping - All public entries into the structure must bear a relationship to the landscape development of the site. Pathways leading to the entry must be articulated within the landscape design, through the use of such devices as a widened pathway with accent planting, a plaza, or a water feature.

- c. Pedestrian Relationship - Architectural devices such as decorative paving, banners, flags, sculptures, decorative walls, or other special architectural details of the building meant for the close view of the entry participant shall be used to enhance entrances.

(n) **Retail Arcades/Canopies:** Retail uses shall provide pedestrian arcades or canopies in front of retail structures.

(1) Arcades - Arcades shall:

- a. Have a minimum dept of ten feet (10'),
- b. Be supported by masonry columns clad with the same material as the dominant exterior material of the retail use behind, and
- c. Be an extension of the architectural character of the retail spaces by having architectural tie ins such as bands, opening articulation, and/or rhythmic modulation of openings.

(2) Canopies - Canopies may be provided in lieu of arcades if the canopy maintains a pitched or curved roof form, has the same depth dimension as an arcade, and is supported by masonry supports clad with the dominant exterior material of the retail use.

(o) **Glass.** Windows and other wall openings must be defined by function and structure and must be consistent in form, pattern, articulation, and color.

(1) Reflective glass shall not be permitted; glass shall not have a reflectivity that exceeds twenty-seven percent (27%)

(2) Glass shall have a character of transparency. Tinted glass may be used, however, the tinting shall not reduce the light transmission to less than thirty-five percent (35%).

(p) **Signage.**

(1) General Standards: The following standards shall apply to all signs.

a. Permitted Signs

1. On-Premise Ground Signs, for the purpose of business identification
2. On-Premise Building Signs, for the purpose of business identification
3. On-Site Directional Signs
4. On-Site Information Signs

b. Prohibited Signs

1. Roof-mounted signs
2. Signs extending above a roofline or parapet wall
3. Signs attached to exterior glass

c. Unified Design - Signs within one development shall conform to a unified design.

(2) Ground Sign Standards:

- a. One (1) ground sign shall be permitted for each site.
- b. Sites with multiple street frontage shall be permitted one (1) sign per street frontage.
- c. Signs shall be constructed of the same material as the site/building identified;
- d. Signs shall be surrounded by a landscape bed(s) that extend a minimum of three feet (3') from the base of the ground sign structure

(3) Building Signs:

- a. The total area of all building signs on the front facade of a structure shall be equal to a maximum of thirty percent (30%) of the total front façade area.
- b. The total area of all building signs on facades other than the front façade (i.e., back and side facades) shall be equal to a maximum of 15% of the total front façade area.

(q) Special Requirements by Sub-District.

(1) Height: Permitted heights within the Spectrum District are as follows:

- a. District S1, The Beltway District - Maximum of ten (10) stories
- b. District S2, The Mixed Use District - Maximum of six (6) stories
- c. District S3, The Mixed Use–High Density Residential District
 - 1. Maximum of six (6) stories for structures with nonresidential uses only
 - 2. Minimum of four (4) stories for structures with a mixture of residential and nonresidential uses
- d. District S4, The Light Industrial and Science & Technology District - Maximum of four (4) stories
- e. District S5, The Light & Heavy Industrial District - Maximum of four (4) stories

(2) Outside Storage: Outside storage is permitted within the S-4 Sub-District and the S-5 Sub-District, and shall be screened in accordance with the requirements of Subsection (f) of this Spectrum District.

(3) Residential Uses: Residential uses are permitted within the S3 Sub-District with the following requirements.

- a. Setbacks – There shall be no front yard setback; the width of the required sidewalk (see below) shall provide adequate setback.
- b. Sidewalk – A sidewalk that is a minimum of eight feet (8') in width shall be provided along all street rights-of-way.
- c. Mixed Uses Required – Residential uses are permitted only as a component of a mixed use structure, wherein retail and/or office uses are located on the first and/or second floor of the structure.
- d. Common Open Space/Density – Shall comply with the open space/density requirements of the Multi-Family District (MF).

(4) Science & Technology Related Uses - Landscaping: All structures used for science, technology, and/or industrial buildings shall be required to have landscaping elements incorporated around a minimum of thirty percent (30%) of

the perimeter; this calculation shall be made exclusive of loading areas not visible from a roadway.

- (r) **Utilities.** All utility service lines shall be located underground. Above-ground lines are allowed only upon a determination made by the Planning Director that they will be adequately screened or obscured from view and that underground placement is not desirable.
- (s) **Cumulative, Conflicts.** All standards set forth herein are cumulative in nature. Where properties contain more than one use, the requirements for each use shall be met. In areas where requirements set forth in existing Codes of the City of Pearland and/or in other regulations within this UDC and the requirements set forth within this Section 2.4.3.1 are in conflict, the more extensive/restrictive requirements shall be met.

Section 2.4.3.2 C-MU, Cullen-Mixed Use District

- (a) **Purpose.** The Cullen Mixed Use District (C-MU) is intended to provide a district that allows for the continuation and limited growth of specific nonresidential land uses that have been in existence along Cullen Boulevard for a long period of time, while also respecting the residential uses that have developed and now co-exist with the nonresidential uses.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations for Residential Uses.**
- (1) Size of Lots:
 - a. Minimum Lot Area – Seven thousand (7,000) square feet
 - b. Minimum Lot Width – Seventy feet (70')
 - c. Minimum Lot Depth – One hundred feet (100')
 - d. Maximum Lot Coverage – Sixty percent (60%), but may be permitted seventy percent (70%) with a variance from the ZBA.
 - (2) Size of Yards:
 - a. Minimum Front Yard – Twenty-five feet (25')
 - b. Minimum Side Yard
 1. Interior Lot: Seven feet and six inches (7'-6");
 2. Corner Lot: Twenty-five feet (25') when abutting a street right-of-way.
 3. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting shall not exceed twelve inches (12") into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24") into the required side yard, except that no projections shall be permitted closer than twelve inches (12") to a common property line.
 - c. Minimum Rear Yard – Twenty feet (20')
- (d) **Area Regulations for Non-Residential Uses.**
- (1) Size of Lots:
 - a. Minimum Lot Size - Twenty-two thousand and five hundred (22,500) square feet in area.

- b. Minimum Lot Width - One hundred and fifty feet (150').
- c. Minimum Lot Depth - One hundred and twenty-five feet (125').

(2) Size of Yards:

- a. Minimum Front Yard - Twenty-five feet (25')
- b. Minimum Side Yard
 - 1. Ten feet (10'), except as provided below.
 - 2. Twenty-five feet (25') if side yard abuts a residential zoning district.
- c. Minimum Rear Yard - Twenty-five feet (25')

(e) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height, except as may be allowed by CUP.

(f) **Nonresidential Use Regulations.** All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building

(g) **Residential Adjacency Considerations:**

(1) Screening Standards: Adequate screening shall be provided between nonresidential and residential uses. It shall be the responsibility of the later-established use to provide and maintain such screening (e.g., if a residential use is established adjacent to an existing nonresidential use, the residential use shall be responsible for providing and maintaining screening). Screening elements shall consist of the following, including a combination thereof:

- a. Landscape Elements – Landscape elements permitted shall consist of shrubbery having year-round foliage:
 - 1. That is at least seventy-five percent (75%) opaque; and
 - 2. That is a minimum of six feet (6') in height; and
 - 3. That is a maximum of eight feet (8') in height; and
 - 4. That is not located within any required visibility triangle.
- b. Built Elements – Built elements permitted shall consist of a masonry wall:
 - 1. That is at least seventy-five percent (75%) opaque; and
 - 2. That is a minimum of six feet (6') in height; and
 - 3. That is a maximum of eight feet in height; and
 - 4. That is not located within any required visibility triangle; and
 - 5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.

- (2) Outside Storage: Outside storage (refer to *Definitions*, Chapter 5 of this UDC) shall be prohibited unless otherwise permitted by CUP.
- (h) **Parking**. Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.

Section 2.4.3.3 G/O-MU, Garden/O'Day-Mixed Use District

(a) **Purpose.** The Garden/O-Day Mixed Use District (G/O-MU) is intended to provide a district that allows for the continuation of specific nonresidential land uses that have been in existence along Garden Road and O'Day Road for a long period of time, while also respecting the residential uses that have developed and now co-exist with the nonresidential uses. This district is also intended to help preserve the stability of neighborhoods adjacent to the G/O-MU District boundaries.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2;

(3) Upon the granting of an Industrial Use CUP pursuant to (i) below, permitted uses as authorized in the Land Use Matrix for M-1 or M-2 districts.

(c) **Area Regulations for Residential Uses.**

(1) Size of Lots:

a. Minimum Lot Area - Six thousand (6,000) square feet

b. Minimum Lot Width - Sixty feet (60')

c. Minimum Lot Depth - One hundred feet (100')

d. Maximum Lot Coverage - Sixty percent (60%), but may be permitted seventy percent (70%) with a variance from the ZBA.

(2) Size of Yards:

a. Minimum Front Yard – Twenty-five feet (25')

b. Minimum Side Yard

1. Interior Lot: Seven feet and six inches (7'-6");

2. Corner Lot: Equal to the front yard when abutting a street right-of-way.

3. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting shall not exceed twelve inches (12") into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24") into the required side yard, except that no projections shall be permitted closer than twelve inches (12") to a common property line.

c. Minimum Rear Yard – Twenty feet (20')

(d) **Area Regulations for Non-Residential Uses.**

(1) Size of Lots:

- a. Minimum Lot Size - Twenty-two thousand and five hundred (22,500) square feet in area.
- b. Minimum Lot Width - One hundred and fifty feet (150').
- c. Minimum Lot Depth - One hundred and twenty-five feet (125').

(2) Size of Yards:

- a. Minimum Front Yard - Twenty-five feet (25')
- b. Minimum Side Yard
 - 1. Ten feet (10'), except as provided below.
 - 2. Twenty-five feet (25') if side yard abuts a residential zoning district.
- c. Minimum Rear Yard - Twenty-five feet (25')

(e) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.

(f) **Nonresidential Use Locations.**

- (1) Nonresidential uses shall be located on lots that have frontage on Garden Road or O'Day Road.
- (2) All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building.
- (3) Parking areas shall not be located directly adjacent to any adjoining residential use(s), regardless of the establishment of screening in conformance with (g)(1) below. If parking is located on the side of a lot that is adjoining a residential use(s), the parking area shall be set back from the screening mechanism by a minimum of fifteen feet (15').

(g) **Residential Adjacency Considerations:**

- (1) Screening Standards: Adequate screening shall be provided between nonresidential and residential uses. It shall be the responsibility of the later-established use to provide and maintain such screening (e.g., if a residential use is established adjacent to an existing nonresidential use, the residential use shall be responsible for providing and maintaining screening). Screening elements shall consist of the following, including a combination thereof:
 - a. Landscape Elements – Landscape elements permitted shall consist of shrubbery having year-round foliage:
 - 1. That is at least seventy-five percent (75%) opaque; and
 - 2. That is a minimum of six feet (6') in height; and
 - 3. That is a maximum of eight feet (8') in height; and
 - 4. That is not located within any required visibility triangle.
 - b. Built Elements – Built elements permitted shall consist of a masonry wall:
 - 1. That is at least seventy-five percent (75%) opaque; and

2. That is a minimum of six feet (6') in height; and
 3. That is a maximum of eight feet in height; and
 4. That is not located within any required visibility triangle; and
 5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.
- (2) Outside Storage: Outside storage (refer to *Definitions*, Chapter 5 of this UDC) shall be prohibited unless otherwise permitted by CUP.
- (h) **Parking**. Parking and loading shall be provided in conformance with **Chapter 2, Article 5, Division 2 and** Chapter 4, Article 2, Division 1 of this UDC.
- (i) **Industrial Use CUP**.
- (1) Eligibility. Properties located on Garden Road or O'Day Road that were formerly zoned Light Industrial District (M-1) or Heavy Industrial District (M-2) and which were rezoned to Garden/O-Day Mixed Use District (G/O-MU) when the UDC was adopted in 2006, are eligible to seek one of two Industrial Use CUPs, either an M-1 CUP or an M-2 CUP, based upon the properties' previous zoning.
 - (2) Effect.
 - a. The M-1 CUP would add all permitted uses allowed in the M-1 zoning district as listed in the Land Use Matrix in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-1 district would require a separate CUP to authorize.
 - b. The M-2 CUP would add all permitted uses allowed in the M-2 zoning district as listed in the Land Use Matrix in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-2 district would require a separate CUP to authorize.
 - (3) Applicable requirements. The zoning district regulations applicable to a property zoned G/O-MU with an Industrial Use CUP shall be determined by the primary use of said property. If the primary use is a G/O-MU use, then the regulations for the G/O-MU district shall apply. If the primary use is an M-1 or M-2 use, then the regulations for the appropriate industrial district shall apply. If the use is permitted in both the G/O-MU district and the industrial district, then the less restrictive regulations shall apply.
 - (4) Expiration. The abandonment and expiration provisions of Section 2.2.3.5 shall not apply to any Industrial Use CUP.

Section 2.4.3.4 OT, Old Townsite District

- (a) **Purpose.** The purpose of the Old Townsite District (OT) is to:
- (1) Promote good building and streetscape design.
 - (2) Reinforce existing land use patterns and character.
 - (3) Categorize area into zoning districts as per the UDC with modifications.
 - (4) Promote downtown as a walkable, pedestrian friendly district.
 - (5) Promote multiple types of development and uses.
 - (6) Set forth general provisions and architectural regulations to ensure quality of streetscape and building construction.
 - (7) Allow reduced parking ratios, shared parking and flexibility to encourage re-use of existing buildings.
 - (8) Allow flexibility in building codes and façade requirements to encourage relocation and re-use of existing buildings.
 - (9) Emphasize mixed uses and focus on the streetscape and public spaces to create pedestrian-friendly mixed-use developments.
- (b) **Proposed Zoning Districts.** The OT is comprised of three zoning districts – Old Townsite General Business District (OT-GB), Old Townsite Single Family Dwelling District (OT-R), and Old Townsite Mixed Use District (OT-MU).

(1) **Old Townsite General Business District (OT-GB)**

- a. **Development Standards.** All development standards of the General Business District (GB), Section 2.4.4.4 of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: For yards abutting Main Street and/or Broadway Street required front yard shall be determined by the existing street right of way. The minimum front yard required shall be such that the front setback line is at a distance of sixty feet (60') from the centerline of Broadway and/or Main Street. Zero feet (0') for yards abutting Main Street and/or Broadway Street with one hundred and twenty feet (120') right of way. Twenty-five feet (25') along other streets.

Minimum Rear Yard: Twenty feet (20'); Twenty-five feet (25') if abutting a residential zoning district; seven and a half feet (7.5') if abutting an alley.

Minimum Lot Width: Fifty feet (50')

Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

Maximum Height: None.

- b. **Permitted Uses.** All Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this chapter, permitted in the GB zone, Section 2.4.4.4 of the UDC with the following exceptions:

Uses Commercial uses permitted ~~in GB zone permitted~~ on all floors, but required on first floor even for parking structures unless institutional / governmental uses are proposed.

Residential on upper floors allowed by a Conditional Use Permit (CUP).

Institutional / governmental uses permitted with City's approval by a CUP.

- c. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with Section 2.5.3.1 of the UDC with the following exceptions:

Minimum Front Setback – Accessory building shall be located behind the front building setback line established by the primary building.

Minimum Side Setback - Five feet (5').

Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.

Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.

Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.

- d. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.

- e. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approvals from the City and in conformance with Development Guidelines specified below under Section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.

- f. **Outdoor Seating.** Outdoor seating for restaurants, may be permitted, as accessory and adjacent to the principal building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an

approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.

g. **Parking.** **OnOff** street parking shall be subject to the following:

1. No parking shall be permitted in the front yard.
2. Non-residential uses in existing structures may be permitted to reduce by 50% the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.
3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
4. Stacked parking (parallel parking without the access aisle) for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area.
A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(2) **Old Townsite Residential District (OT-R)**

a. **Development Standards.** All development standards of the Single Family Dwelling District (R-4), Section 2.4.2.8 of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: Twenty feet (20').

Minimum Rear Yard: Twenty feet (20'); seven and a half feet (7.5') if abutting an alley.

Minimum Lot Width: Fifty feet (50')

Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

b. **Permitted Uses.** **All Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this chapter. permitted in R-4 district, townhomes and duplexes.**

All uses allowed in the OP district may be permitted with a Conditional Use Permit; all institutional uses allowed by a Conditional Use Permit.

- c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multi-family developments and shall meet the following requirements:

In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities. Facilities, such as pedestrian ways and swimming pools, may be counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').

- d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of Chapter 2.5.3.1 of the UDC with the following exceptions:

Minimum Front Setback – Seventy-five feet (75').

Minimum Side Setback - Three feet (3').

Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.

Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.

Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.

- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.

- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approval from the City and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.

- g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.
- h. **Parking.** OnOff street parking shall be subject to the following:
 1. No parking shall be permitted in the in the front yard.
 2. Non-residential uses in existing structures may be permitted to reduce by fifty percent (50%) the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.
 3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
 4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(3) **Old Townsite Mixed Use District (OT-MU)**

- a. **Development Standards.** All development standards of the General Business District (GB) of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: Zero feet (0').

Minimum Rear Yard: Twenty feet (20'); seven and a half feet (7.5') if abutting an alley.

Minimum Side Yard: Five feet (5') for detached structures; 0 feet for attached structures

Minimum Lot Width: Fifty feet (50')

Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate

ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

Maximum Height: Forty feet (40') or 3 stories, whichever is lesser.

b. **Permitted Uses.** All uses permitted in the Office and Professional District (OP), Townhouse Residential District (TH), and Single Family Dwelling District (R-4). Uses allowed in Multi Family District (MF) by a CUP. Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this chapter, and accessory uses as authorized in Article 5, Division 3 of this chapter.

c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multi family developments and shall meet the following requirements:

In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities. Facilities, such as pedestrian ways and swimming pools, may be counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').

d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of section 2.5.3.1 the UDC with the following exceptions:

Minimum Front Setback – Accessory building shall be located behind front building setback line established by the principal building.

Minimum Side Setback – Three feet (3').

Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.

Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.

Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.

- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property. feet (25') wide driveway to access the rear of the property.

- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with approval from City staff and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.
- h. **Parking.** **OnOff** street parking shall be subject to the following:
 - 1. No parking shall be permitted in the in the front yard.
 - 2. Non-residential uses in existing structures may be permitted to provide 50% of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet parking the requirements of the UDC, unless specified herein.
 - 3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
 - 4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(c) **Development Requirements**

All development requirements specified in the UDC will apply, with the following additional requirements and exceptions:

1. **Drive-Thru Facilities.** New drive-thru windows should not be located on the façade facing the primary streetscapes.
Drive-thru facilities shall not hinder pedestrian flow or adjacent buildings and their functions.
2. **Utilities.**
 - a. For new building construction and significant building renovation (of over fifty percent of the value of the existing building and improvements) all utilities within the property shall be required to be underground, unless:
 1. The utility is required to be above ground to operate properly, or
 2. All above ground lines are located in the rear or other areas of the property where they are not prominently visible from the front of the property or any roadway, and all poles are wholly obscured, as determined by the Planning Director.
 - b. Location of above ground utility equipment shall avoid conflict with pedestrian movement and visually shield the equipment.
3. **Building Elevations.**
Rear facing buildings and loading docks are prohibited on street facades for the following streets – Main, Broadway, Grand, Orange, Mykawa, Walnut, and Galveston.
4. **Concealed Equipment.** All equipment shall be located in rear yards or otherwise screened. Equipment shall include AC compressors and window and wall units, electric and utility meters and boxes, irrigation and pump pools, permanent barbecues, satellite dish antennas less than forty eight inches in (48”) in height or diameter, loading docks, service areas, trash disposal facilities and backflow devices. Antennas over forty-eight inches (48”) shall require a CUP.
5. **Projecting Façade Elements.** Projecting façade elements include awnings, canopies, balconies, colonnades and arcades. These shall be permitted on city streets after approval by the City and on TX DOT ROW, if permitted by TXDOT and approved by City. The following requirements shall apply:
 - a. Not to project closer than two feet (2’) to the curb.
 - b. Eight feet (8’) minimum clearance between sidewalk and bottom of awning or canopy; ten feet (10’) minimum clearance between sidewalk and bottom of balconies, colonnades and arcades.
 - c. May project in public ROW if approved by the City.
 - d. Eight feet (8’) minimum depth of sidewalk from building face to the inside column of colonnade or arcade.
 - e. Minimum two feet (2’) between outer column face of colonnade or arcade and curb.
6. **Façade Regulations.** Shall meet all requirements of the UDC, except that wood and hardy plank will be permitted for facades.

7. **Transparency Requirements.** For non-residential facades facing public street, park, plaza or public space a minimum of fifteen percent (15%) of overall façade must be transparent. For non-residential, a minimum of twenty five percent (25%) of façade wall area is required to have store front windows on ground floor.

For residential buildings (both single family and multi-family) a minimum of 15% of façade is required to comprise of window area.

A lesser percentage of transparency for overall façade or store front windows for all buildings may be permitted by a CUP.

Remodeling or repair of existing buildings may be exempt from these requirements. Any new addition or construction shall be required to comply with these requirements.

8. **Windows, Skylights and Doors.** Windows, skylights and doors shall be oriented vertically for facades facing public areas including streets.

9. **Signs.** The following regulations shall be applicable to signs in the Old Townsite district:

- a. The total area of all wall and freestanding signs shall not exceed 2 square feet per linear foot of building frontage, up to a maximum of 200 sq. ft. Maximum area of all ground signs shall not exceed 75 sq. ft. All other requirements of the UDC regarding signage shall be applicable.
- b. Projecting signs and awning signs shall be permitted in addition to wall signs upon approval by the City. Projecting signs shall have a minimum of eight (8) feet clearance above finished grade. Projections shall not be allowed on City right-of-way. All other requirements of the UDC regarding signage shall be applicable.
- c. A freestanding or monument sign shall have landscaping around its base.
- d. Signs shall be constructed and/or finished using the following materials:
 - i. Painted, ~~enameled or powder coated~~ metal, or prefinished aluminum.
 - ii. Cold cathode tube (neon) or illumination by LED replica, limited to the face of the sign.
 - iii. Carved relief in stone, cast stone or brick.
 - iv. Wood or carved wood which is painted or sealed.
 - v. Any sign made of other materials not mentioned may be proposed for consideration and approved for usage on a one-on-one basis under a Conditional Use Permit (CUP).
- e. All sign components, including support structures, shall comply with the City of Pearland color palette approved specifically for the Old Townsite

district, a copy of which shall be available in the City's Planning Office and is attached hereto as Appendix B.

- f. A business that is affiliated with an entity that has a logo that is recognized on a regional, national, or international basis, as determined by the Planning Director, may use said logo in its signage without regard to the color palette, so long as the logo is limited to less than four square feet in size.
 - g. A-frame or sandwich board signs shall be allowed with the following restrictions:
 - i. No more than one shall be allowed per business, it shall be placed such that a minimum of four feet of clear sidewalk shall be maintained at all times, and shall be sufficiently weighted or anchored to prevent movement by wind or other elements.
 - ii. No such sign shall exceed eight square feet per face or four feet in height. The entire sign structure shall be included in the total sign area.
 - iii. Such signs are displayed only during the hours that the establishment is open for business.
 - h. Awning signs shall be allowed, and the maximum height of letters, graphic, and logos thereon shall be twelve inches.
 - i. Attached marquee signs shall be allowed with the following restrictions:
 - i. No more than one shall be allowed per business.
 - ii. No such sign shall exceed six feet in height or thirty-two square feet in sign area.
10. **Outdoor Activities or Uses.** No outdoor commercial activities or uses shall be permitted in any OTS District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.
- a. Outdoor Display and Outdoor Seating. Outdoor display and outdoor seating in all districts within the Old Townsite may be permitted by a CUP.
 - b. Outdoor storage, as defined by Section 5.1.1.1., is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way that is greater than twenty feet (20') in width.
11. Building and roof colors shall comply with the color palette described in this section. This shall include all portions of the building, including without limitation window/door trim, fascia, and soffit.

(d) **Development Recommendations**

- 1. **Mixed Use Development.** Mixed uses are encouraged on each block. Active uses such as shopping or dining are encouraged on street.
- 2. **Accentuate Primary Entrance.** Accentuate primary entrance (for both existing and new buildings) with architecture features such as:

- Art
 - Breaking the building's rhythm
 - Detail work
 - Lighting
 - Projecting façade elements
 - Recessed entries
 - Signage
 - Shelter pedestrian as they enter and exit.
 - Well lit entrances.
3. **Response to Human Scale:** Developments are encouraged to address the scale of pedestrian, and create active storefronts by using lights, quality materials, and creative displays. Encourage lower floors to be architecturally different from but still compatible with the upper floors through level of detail and design.
4. **Alleys and Side Streets.** Alleys and side streets are encouraged to be the primary access for parking lots and loading docks behind the building.
5. **Landscape Features Permitted with City's Approval.** *(Need to determine the official/board or staff responsible)*
- a. Flowerpots in street-scape.
 - b. Hanging baskets in new light poles.
 - c. Store owners to have option of creating planting beds.
 - d. City to work with property owners to place landscape features in appropriate places.
- (e) **Relaxation of Building Codes.** To encourage re-use, rehabilitation of existing buildings (built prior to adoption of this ordinance) and relocation of buildings into the area the Building Official may approve relaxation of certain building codes as per the guidelines adopted by the City. *(Guidelines to be adopted by the City)*
- (f) **Non-conforming Buildings.** Buildings constructed prior to the adoption of this ordinance (if removed or destroyed due to any cause) can be rebuilt on either the existing footprint or per this ordinance. Buildings constructed after the adoption of this ordinance will be required to comply with this ordinance.
- (g) **Street Amenities.** The City will formulate a streetscape plan as per the recommendations of the Old Townsite Plan. *(This plan needs to be adopted)*. Once the standards have been adopted the property owner will be responsible for installation of street furniture (lights, benches, signs, tree lighting, etc.) when the property is developed. The streetscape guidelines may include - street amenities, pedestrian lighting, street furniture, public art and signage.
- (h) Unless specified herein under Section 2.4.3.4, all other requirements of the UDC will apply.

Section 2.4.4.1 Residential Retail Nodes

(a) **Purpose.** Residential Retail Nodes are intended to provide limited retail and personal service operations for customers from immediate residential neighborhoods only. These nodes, at specific locations recommended by the Future Land Use Plan, and targeted to approximately five (5) acres, should be designed in a manner that does not adversely affect the neighborhood character, have minimum impact on surroundings, and preserve the stability of neighborhoods adjacent to the Residential Retail Nodes.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2, Chapter 2.

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) Size of Lots:

a. *Minimum Lot Size* - Twelve thousand and five hundred (12,500) square feet.

b. *Minimum Lot Width* - One hundred feet (100').

c. *Minimum Lot Depth* - One hundred feet (100').

(2) Size of Yards:

a. *Minimum Front Yard* – Twenty-five feet (25')

b. *Minimum Side Yard* - Ten feet (10')

c. *Minimum Rear Yard* - Ten feet (10')

(d) **Height Restrictions.** Height of building will be restricted by the setbacks from property line adjoining residential zones or uses as shown in Figure 2-1 (b) and shall not exceed thirty-five feet (35').

(e) **Nonresidential Use Locations.**

(1) Nonresidential uses shall be located on lots that have frontage on a collector or thoroughfare.

(2) All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building.

(f) **Residential Adjacency Considerations:**

(1) Screening Standards: Adequate screening shall be provided between

nonresidential and residential uses and zones. It shall be the responsibility of the non residential use to provide and maintain such screening. Screening elements shall consist of all of the following:

a. *Buffer* - There shall be a twenty-five foot (25') wide landscaped buffer along the property line that is adjacent to residential use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, shrubs and trees as per (b) below. This landscaped buffer may be located with the required yard/setback area.

b. *Landscape Elements* – Landscape elements permitted shall consist of shrubbery having year-round foliage:

1. That is at least seventy-five percent (75%) opaque; and
2. That is a minimum of six feet (6') in height at planting; and
3. That is a maximum of eight feet (8') in height; and
4. That is not located within any required visibility triangle.

c. *Built Elements* – Built elements permitted shall consist of a masonry wall:

1. That is one-hundred percent (100%) opaque; and
2. That is a minimum of six feet (6') in height; and
3. That is a maximum of eight feet in height; and
4. That is not located within any required visibility triangle; and
5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.

(h) **Outside Storage.** Outside storage (refer to *Definitions*, Chapter 5 of this UDC) shall be prohibited unless otherwise permitted by CUP.

(i) **Outside Uses and Activities.** All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building. Outdoor seating for restaurants and cafés and similar uses shall be permitted by a CUP.

(j) **Parking.** Parking and loading shall be provided in conformance with **Chapter 2, Article 5, Division 2 and** Chapter 4, Article 2, Division 1 of this UDC. However, total

number of parking spaces should not exceed 75% of that required by Chapter 4, Article 2, Division 1. The remaining 25% of required parking area shall be maintained as landscaped open space and developed as parking if required by the city at a later date.

(k) **Outdoor lighting.** Outdoor lighting shall not create conflict with the reasonable use and enjoyment of adjoining property. The fixtures shall be shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. The height of lighting and all mounting structures shall not exceed the height of the building or twenty feet (20'), whichever is less.

(l) **Other considerations.**

- (1) Distance from other existing, designated or proposed non-residential uses, zones or nodes along local, collector or thoroughfare streets.
- (2) Existence or provision of pedestrian access, including but not limited to walkways, bikeways, trails, and traffic controls, to promote safe pedestrian friendly access and environment.
- (3) Submittal of a site plan showing the layout of the buildings, activities, buffers, parking, driveways and other elements as required by the P & Z Commission and City Council to assist in evaluating the impact of the development on surrounding uses.
- (4) Hours of operation to be approved as part of the CUP.
- (5) Location of drive through windows and similar elements not in yards adjacent to residential zone or use.
- (6) Unless otherwise specified in this section, the development in these nodes shall conform to all other requirements of the Office Professional zone.

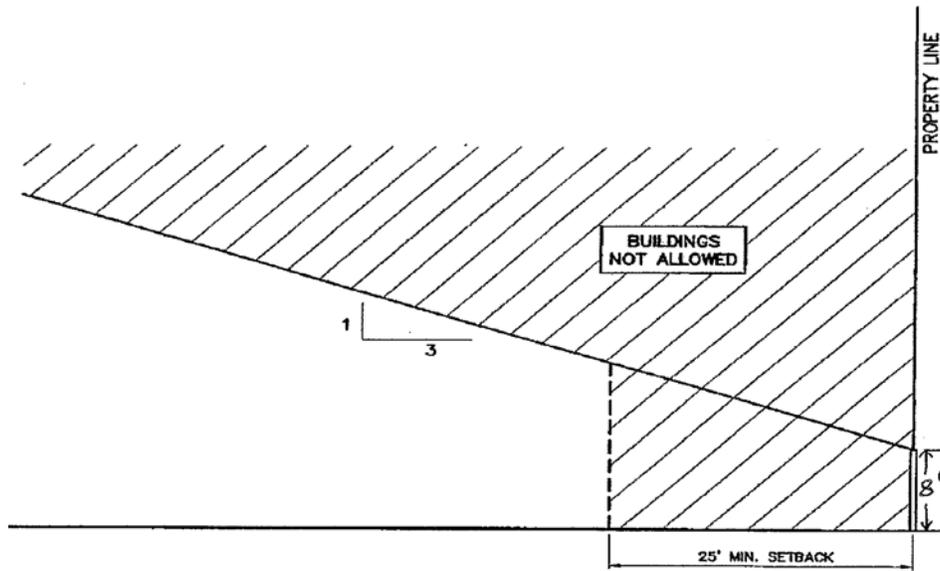


Figure 2-1 (b) Height Restrictions

Section 2.4.4.2 OP, Office & Professional District

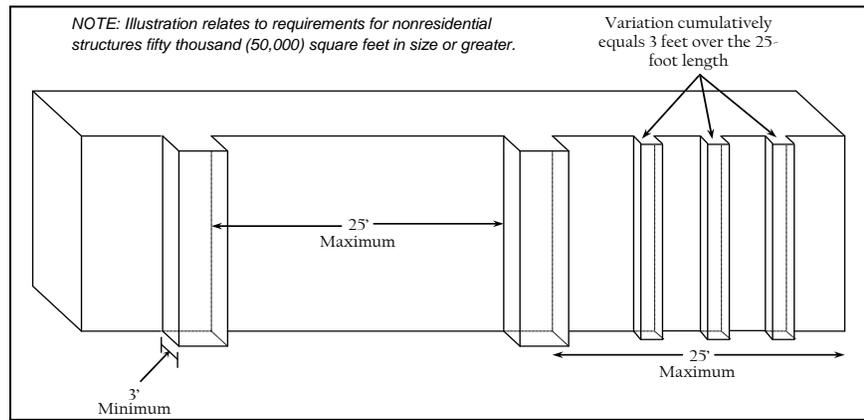
- (a) **Purpose.** The Office & Professional District (OP) is intended to permit a wide variety of business, professional and organization office needs of the community together with desirable associated uses.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
 - a. Minimum Lot Size - Twelve thousand and five hundred (12,500) square feet.
 - b. Minimum Lot Width - One hundred feet (100').
 - c. Minimum Lot Depth - One hundred feet (100').
 - (2) Size of Yards:
 - a. Minimum Front Yard – Twenty-five feet (25')
 - b. Minimum Side Yard - Ten feet (10')
 - c. Minimum Rear Yard - Ten feet (10')
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.**
1. No outdoor commercial activities or uses shall be permitted in the OP District without a temporary permit issued by the City's Building Official, pursuant to the City Building Code, unless expressly authorized herein.
 2. Outdoor storage, as defined by Section 5.1.1.1., is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with **Chapter 2, Article 5, Division 2 and** Chapter 4, Article 2, Division 4 of this UDC.
- (h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (i) **Refuse Containers.** All refuse and refuse containers shall be **placed in the side or rear yard (or front yard upon a finding by the Planning Director that no suitable location exists in the side or rear yard) and shall be** screened from the view of

adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s).

- (j) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (k) **Adjacent to a Single-Family Use or Zoning District.** When an office/professional development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

Section 2.4.4.3 BP-288, Business Park District-288

- (a) **Purpose.** The Business Park District-288 (BP-288) is intended to permit large office complexes/campuses and retail development in locations with good visibility and roadway access; visibility and access are inherently provided by State Highway 288. These regulations are also intended to create high quality development that enhances the City's image as a desirable place to live, work, and shop.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
 - a. Minimum Lot Size - One (1) acre (43,560 square feet).
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - Two hundred feet (200').
 - (2) Size of Yards:
 - a. Minimum Front Yard – Twenty-five feet (25')
 - b. Minimum Side Yard - Twenty feet (20')
 - c. Minimum Rear Yard - Twenty feet (20')
- (d) **Height Restrictions.** No building shall exceed sixty-five feet (65') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Building Facade Standards.** Requirements are applicable to all structures and facades visible from State Highway 288 except single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.
- (1) Building Articulation:
 - a. Building articulation, as defined within Chapter 5 of this UDC, shall be provided as follows:
 1. All nonresidential structures fifty thousand (50,000) square feet in size or greater shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.



2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') in vertical or horizontal length.

(2) **Building Materials:** Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.

(3) **Building Colors:** Façade materials shall not consist of colors classified by the City as fluorescent, iridescent, or dayglo.

(f) **Detention/Retention Facilities.** Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term “amenity” is defined within Chapter 5 of this UDC.

(g) **Lighting.**

(1) **Uniformity:** Standards, poles, and fixtures shall be a single color, and shall be uniform in design throughout the site.

(2) **Prohibited Poles:** Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.

(3) **Height:** Standards, poles, and fixtures shall be no taller than twenty feet (20') in height.

(4) **Walkway Lighting:** Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.

(5) **Accent Lighting:**

a. Uplighting shall be concealed or positioned to screen the light source from adjacent property and rights-of-way.

b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(h) **Screening Standards.**

(1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from State Highway 288.

a. Mechanical and Utility Equipment

1. Screens shall be of a color and material that is consistent with the primary on-site building.
2. Roof-mounted equipment may be screened with an architectural element that is an extension of the building on which it is located, such as a parapet wall.

b. Vehicle Loading and Unloading Areas - Screens shall incorporate shrubbery having year-round foliage and/or a fence, wall, or architectural element of the building that has a minimum six foot (6') height and is a maximum seventy-five percent (75%) opaque.

c. Refuse, Refuse Containers, and Recycling Containers - Screens shall consist of a solid fence, wall, or architectural element of the building with a minimum six foot (6') height.

(2) Screening Elements Required: All fences and walls visible from State Highway 288 shall be:

- a. Constructed of masonry or other materials approved by the Planning Director or his designee.
- b. Consistent in color and design with the building architecture.
- c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Residential Subdivision Fences:

- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
- b. Wood rail fencing shall be permitted for perimeter fencing for large individual residential lots and for large-lot residential subdivisions, which shall mean subdivisions with lot sizes of at least one-half acre in size.

(4) Variation of Screening Walls Required: All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length.

(i) **Buffering Standards.**

(1) Site Elements Required to Be Buffered: The following site elements shall be visually buffered from the public view from State Highway 288:

a. Parking Areas - Outdoor parking areas located within one hundred feet (100') of the State Highway 288 right-of-way.

- b. Fuel Pumps - Fuel pumps located between the street and the building.
 - c. Drive-Up Windows - Vehicle drive-up windows facing the street.
- (2) Buffering Elements Required: Required buffering shall be a maximum of three feet (3') in height and shall be provided by one or more of the following:
 - a. Freestanding masonry wall.
 - b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming.
 - c. Shrubbery having year-round foliage that is a maximum seventy-five percent (75%) opaque.
- (3) **Adjacent to a Single-Family Use or Zoning District**: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.
- (j) **Utilities**. All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not be prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are noticeable shall be made by the Planning Director.
- (k) **Outdoor Activities or Uses**.
 - (1) No outdoor commercial activities or uses shall be permitted in the BP-288 District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.
 - (2) Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (l) **Parking**. Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (m) **Access**. Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (n) **Landscaping Standards**.
 - (1) Minimum Percentage of Landscaping: A minimum of fifteen percent (15%) of the front yard area, or the yard adjacent to State Highway 288, as applicable, shall consist of landscaped open areas.

(2) Tree Requirements: Trees are required along State Highway 288 as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot, adjacent to State Highway 288.

- a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.
- b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.
- c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
- d. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.
- e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.

(3) Required Interior Site Landscaping:

- a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
- b. No parking space shall be more than fifty feet (50') from a tree.

(4) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

Section 2.4.4.4 NS, Neighborhood Service District

- (a) **Purpose.** The Neighborhood Service District (NS) is intended to permit a limited area of service establishments and retail stores for the benefit of adjacent and nearby residential development and in which district all trade is conducted indoors and in such a manner as to be capable of placement adjacent to residential districts without changing the character of the latter.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
 - a. Minimum Lot Size – Twelve thousand and five hundred (12,500) square feet in area.
 - b. Minimum Lot Width - One hundred feet (100').
 - c. Minimum Lot Depth - One hundred feet (100').
 - (2) Size of Yards:
 - a. Minimum Front Yard – Twenty-five feet (25')
 - b. Minimum Side Yard
 1. Ten feet (10'), except as provided below.
 2. Fifteen feet (15') if side yard abuts a residential zoning district.
 - c. Minimum Rear Yard
 1. Ten feet (10'), except as provided below.
 2. Fifteen feet (15') if rear yard abuts a residential zoning district.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Outdoor Activities or Uses.** No outdoor commercial activities or uses shall be permitted in the NS District without a temporary permit issued by the City's Building Official. Refer to the City Building Code.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with **Chapter 2, Article 5, Division 2 and** Chapter 4, Article 2, Division 1 of this UDC.
- (h) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (i) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).

- (j) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.

- (k) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

Section 2.4.4.5 GB, General Business Retail District

- (a) **Purpose.** The General Business Retail District (GB) is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly within an enclosed building but may incidentally display merchandise wholly under a permanent part of the main business structure, such as a marquee.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
 - a. Minimum Lot Size – Twenty-two thousand and five hundred (22,500) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and twenty-five feet (125').
 - (2) Size of Yards:
 - a. Minimum Front Yard - Twenty-five feet (25')
 - b. Minimum Side Yard
 1. Ten feet (10'), except as provided below.
 2. Twenty-five feet (25') if side yard abuts a residential zoning district.
 - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed the incidental display of merchandise out of doors subject to the following limitations:
- (1) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.
 - (2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of the holiday celebration. The sale of goods in relation to special,

local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to one (1) event per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:

- a. That there is an adequate off-street parking area, approved by the City; and
 - b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.
- (3) No other type of outdoor activity or uses shall be permitted in the GB District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.
- (4) Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC, and as specified below.
- (g) **Parking.** Parking and loading shall be provided in conformance with **Chapter 2, Article 5, Division 2 and** Chapter 4, Article 2, Division 1 of this UDC.
- (h) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (i) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (j) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
- (k) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.
- (l) **Alcoholic Beverages.** The sale, dispensing, and otherwise handling of alcoholic beverages directly to the consumer for consumption on the premises shall be permitted only if incidental and secondary to the sale of food for human consumption on the premises, which shall be construed to mean that at least fifty percent (50%) of

gross receipts must be from sales of food for consumption on the premises. This regulation shall not apply to private clubs operating within hotels and motels.

Section 2.4.4.6 GC, General Commercial District

- (a) **Purpose.** The General Commercial District (GC) is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage areas.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
 - a. Minimum Lot Size – Twenty-two thousand and five hundred (22,500) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and twenty-five feet (125').
 - (2) Size of Yards:
 - a. Minimum Front Yard - Twenty-five feet (25')
 - b. Minimum Side Yard
 1. Ten feet (10'), except as provided below.
 2. Twenty-five feet (25') if side yard abuts a residential zoning district or a public right-of-way.
 - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed outdoor activities or uses subject to the following limitations:
- (1) Except as provided below, out of doors display, storage and sale of merchandise, equipment and vehicles shall be permitted.
 - (2) Out of doors display, storage and sale of merchandise, equipment and vehicles shall not be permitted on property adjacent to a residential zoning district.
 - a. Such activities/uses shall be permitted on such property upon City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said activities/uses.
 - b. Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

- (g) **Parking.** Parking and loading shall be provided in conformance with **Chapter 2, Article 5, Division 2 and** Chapter 4, Article 2, Division 1 of this UDC.
- (h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
- (j) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

Section 2.4.4.7 M-1, Light Industrial District

- (a) **Purpose.** The Light Industrial District (M-1) is intended to permit a wide variety of light industrial, manufacturing, wholesale and service type uses.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
 - a. Minimum Lot Size - Forty thousand (40,000) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and fifty feet (150').
 - (2) Size of Yards:
 - a. Minimum Front Yard - Thirty-five feet (35')
 - b. Minimum Side Yard - Twenty-five feet (25')
 - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height.
- (e) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (f) **Parking.** Parking and loading shall be provided in conformance with **Chapter 2, Article 5, Division 2 and** Chapter 4, Article 2, Division 1 of this UDC.
- (g) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (h) **Special Conditions.**
- (1) Landscaped Open Area:
 - a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
 - b. Adjacent to a Single-Family Use or Zoning District - When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

(2) Materials Storage:

- a. No materials storage, including but not limited to waste materials, raw materials, construction materials, and salvaged materials or finished product storage, shall be permitted unless:
 1. completely screened from streets or public rights-of-way and any adjacent non-industrial zoning districts by:
 - [a] a solid wall or fence not less than eight feet (8') in height, or
 - [b] a vegetative screen dense enough to be completely opaque year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months; and
 2. located upon a surface that is acceptable to the City Engineer.
 - b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residentially zoned property.
 - c. Materials shall not be stored or stacked higher than the height of the screening wall. Refer to screening wall requirements within Chapter 4, Article 2, Division 4 of this UDC.
- (i) **Performance Standards.** No land or building shall be used or occupied within this district which does not comply with the following standards relating to radioactivity and electromagnetic disturbances, noise, vibrators, odors and glare.
- (1) Radioactivity or Electromagnetic Disturbance: No activity shall be permitted which emits dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
 - (2) Direct or Sky-Reflected Glare: No glare shall be permitted whether from floodlights or from high temperature processes such as combustion or welding or otherwise.
 - (3) Compliance With Other Regulations. All industries will comply with any appropriate federal and/or state standard as well as any others specified by this UDC or any other City Codes, such as adopted noise or hours of operation regulations.

Section 2.4.4.8 M-2, Heavy Industrial District

- (a) **Purpose.** The Heavy Industrial District (M-2) is intended to permit any manufacturing, assembly, processing, storage and/or distribution, sale and repair incidental to industrial use allowed by law.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
 - a. Minimum Lot Size - Forty thousand (40,000) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and fifty feet (150').
 - (2) Size of Yards:
 - a. Minimum Front Yard - Thirty-five feet (35')
 - b. Minimum Side Yard - Twenty-five feet (25')
 - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed sixty feet (60') in height.
- (e) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (f) **Parking.** Parking and loading shall be provided in conformance with **Chapter 2, Article 5, Division 2 and** Chapter 4, Article 2, Division 1 of this UDC.
- (g) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (h) **Special Conditions.**
- (1) Landscaped Open Area:
 - a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
 - b. Adjacent to a Single-Family Use or Zoning District - When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be

located with the required yard/setback area. The exception to this requirement shall be when an M-2 industrial development is established adjacent to an M-1 industrial development.

(2) Materials Storage:

a. No materials storage, including but not limited to waste materials, raw materials, construction materials, and salvaged materials or finished product storage, shall be permitted unless:

1. completely screened from streets or public rights-of-way and any adjacent non-industrial zoning districts by:

[a] a solid wall or fence not less than eight feet (8') in height, or

[b] a vegetative screen dense enough to be completely opaque year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months; and

2. located upon a surface that is acceptable to the City Engineer:

b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residential zoned property.

(i) **Performance Standards.** No land or building shall be used or occupied within this district which does not comply with the following standards relating to radioactivity and electromagnetic disturbances, noise, vibrators, odors and glare.

(1) Radioactivity or Electromagnetic Disturbance: No activity shall be permitted which emits dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(2) Direct or Sky-Reflected Glare: No glare shall be permitted whether from floodlights or from high temperature processes such as combustion or welding or otherwise.

(3) Compliance With Other Regulations. All industries will comply with any appropriate federal and/or state standard as well as any others specified by this UDC or any other City Codes, such as adopted noise or hours of operation regulations.

Section 2.5.4.2 Criteria for Home Occupations

(a) **Criteria for Allowed Home Occupation Uses.** The allowed uses under a customary Home Occupation shall comply with the following criteria.

- (1) No person other than ~~members of the family~~those residing on the premises shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the Home Occupation.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- (4) There shall be no on premises sales in connection with such home occupation.
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and not in a required front yard.
- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 2.5.3.1 Area Regulations for Accessory Structures (All Districts)

(a) **Location of Accessory Structures on Smaller Lots.** On properties less than one (1) acre in size and zoned or utilized for residential use, accessory structures shall only be permitted to locate as follows:

(1) Garages, carports, swimming pools and structures that typically accompany pools (such as bath houses, cabanas, and covered patios next to a pool), shall be entirely behind the imaginary line that incorporates the rearmost front face at least five (5) feet in length of the principal building. That portion of any such accessory structure that is located in front of the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building shall comply with the side setback requirements applicable to the principal building.

(2) All other accessory structures shall be located behind the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building, and shall be no closer than **threefive feet (35')** to a common property line, **or three feet (3')** upon approval of the building official, and shall not encroach on any dedicated easements. (See *Figure 2-4*, on page 2-~~145~~**150**.)

(b) **Location of Accessory Structures on Larger Lots.** On properties one (1) acre or greater in size and zoned or utilized for residential use, accessory structures shall be permitted anywhere on the property so long as such structures: (1) are set back at least one hundred (100) feet from the front property line; (2) are no closer than three feet (3') to a common property line; and (3) do not encroach on any dedicated easements.

(c) **Screening for Accessory Buildings.** Accessory buildings in non-residential zoning districts shall be screened from public view in conformance with the requirements within Chapter 4, Article 2, Division 4 of this UDC.

(d) **Garages and Carports.** Garages and carports shall adhere to all requirements of this Section 2.5.3.1, except that front, rear, and side yard setbacks shall meet the following:

(1) Garages or carports accessed from an interior side yard shall have a minimum setback of twenty feet (20') from the side lot line.

(2) Carports or garages accessed from a side or rear yard, facing a public street, or from a side or rear alley shall have a minimum distance equal to the required yard for the main building or twenty feet (20'), whichever is greater.

(3) For these requirements, carports shall be measured from the roof nearest to the street or alley (see *Figure 2-3*).

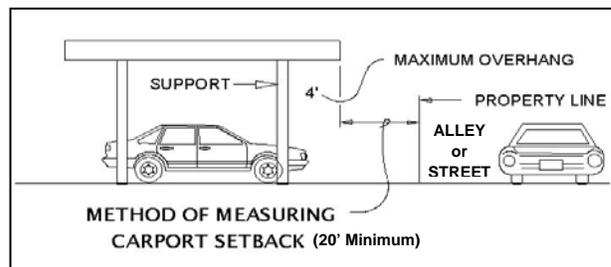


Figure 2-3: Carport Setback

(e) **Accessory Buildings Without a Main Building.** Accessory buildings are not permitted without a main structure except in the Suburban Development (SD) District.

- (f) **Height of Accessory Buildings.** Accessory buildings shall not exceed the height allowed in the specific zoning district, except taller accessory buildings (including accessory dwellings) may be allowed in certain zoning districts by Conditional Use Permit (CUP) (see Article 2, Division 3) if there is no adverse impact upon adjacent properties.
- (g) **Size of Accessory Buildings.** The total floor area of all accessory structures shall not exceed fifty percent (50%) of the square footage of the livable area of the residence on the premises, or five percent (5%) of the lot area, whichever is greater. This requirement shall not apply to swimming pools or barns and related structures necessary for farming and ranching purposes.
- (h) **Number of Accessory Buildings.** There shall be no more than three (3) accessory buildings on any residential lot, excluding swimming pools. Lots that are ten (10) acres or greater in size are exempt from this requirement.
- (i) **Trailers Used for Accessory Uses.** No permanent use of an accessory trailer(s) is permitted. Accessory uses for residential purposes (e.g., recreational vehicles, motor homes) are permitted, but for a period of time not to exceed sixty (60) days per calendar year. Trailers for nonresidential accessory uses are permitted with the following conditions:
- (1) The trailer is an accessory use of an existing business.
 - (2) The trailer is designed for use as an accessory use, not as a primary use.
 - (3) The trailer does not occupy a required parking space.
 - (4) The accessory trailer shall not be permitted for more than fourteen (14) days for each six-month (6-month) period of time.
 - (5) The accessory trailer meets all of the requirements of the City's electrical codes if electricity is provided to said trailer.
 - (6) The trailer is not being used for advertising/signage purposes, as is prohibited in Chapter 4, Article 2, Division 5 of the UDC.

Section 2.6.1.1 Area & Building Regulations

(a) **Measuring Setbacks & Lot Dimensions.** All setback measurements shall be made in accordance with *Figure 2-4* and *Figure 2-5* (on the following page).

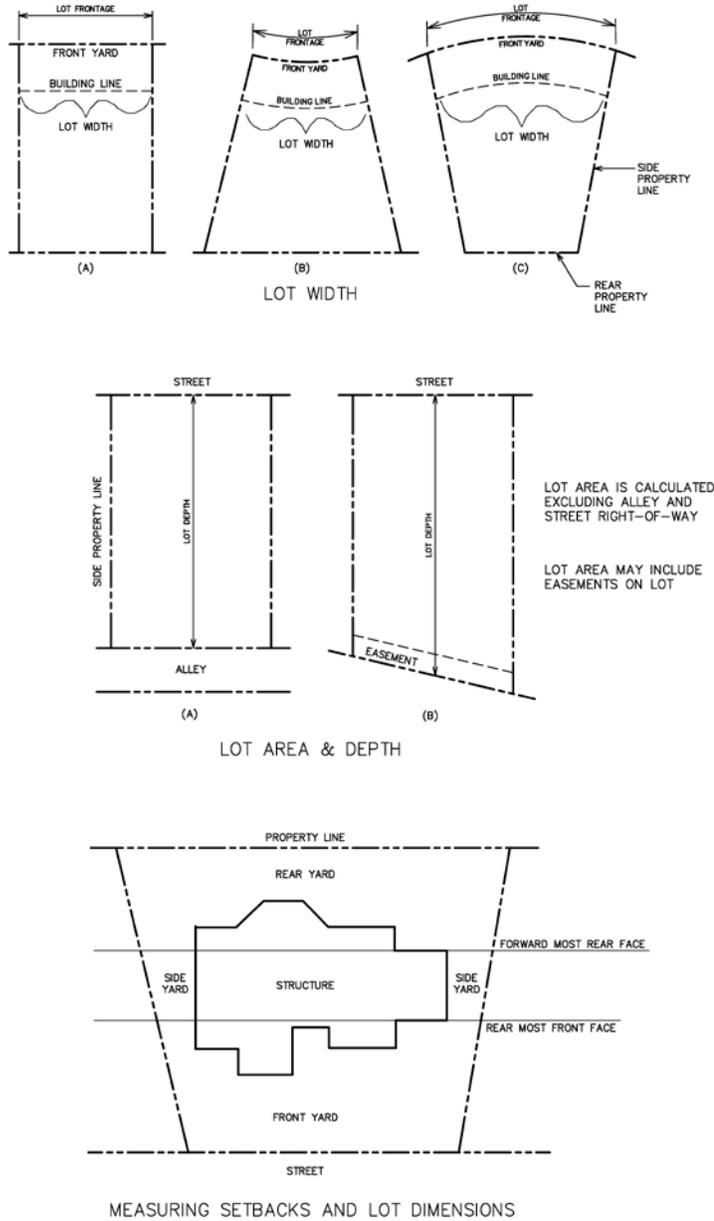


FIGURE 2-4: MEASURING SETBACKS AND LOT DIMENSIONS

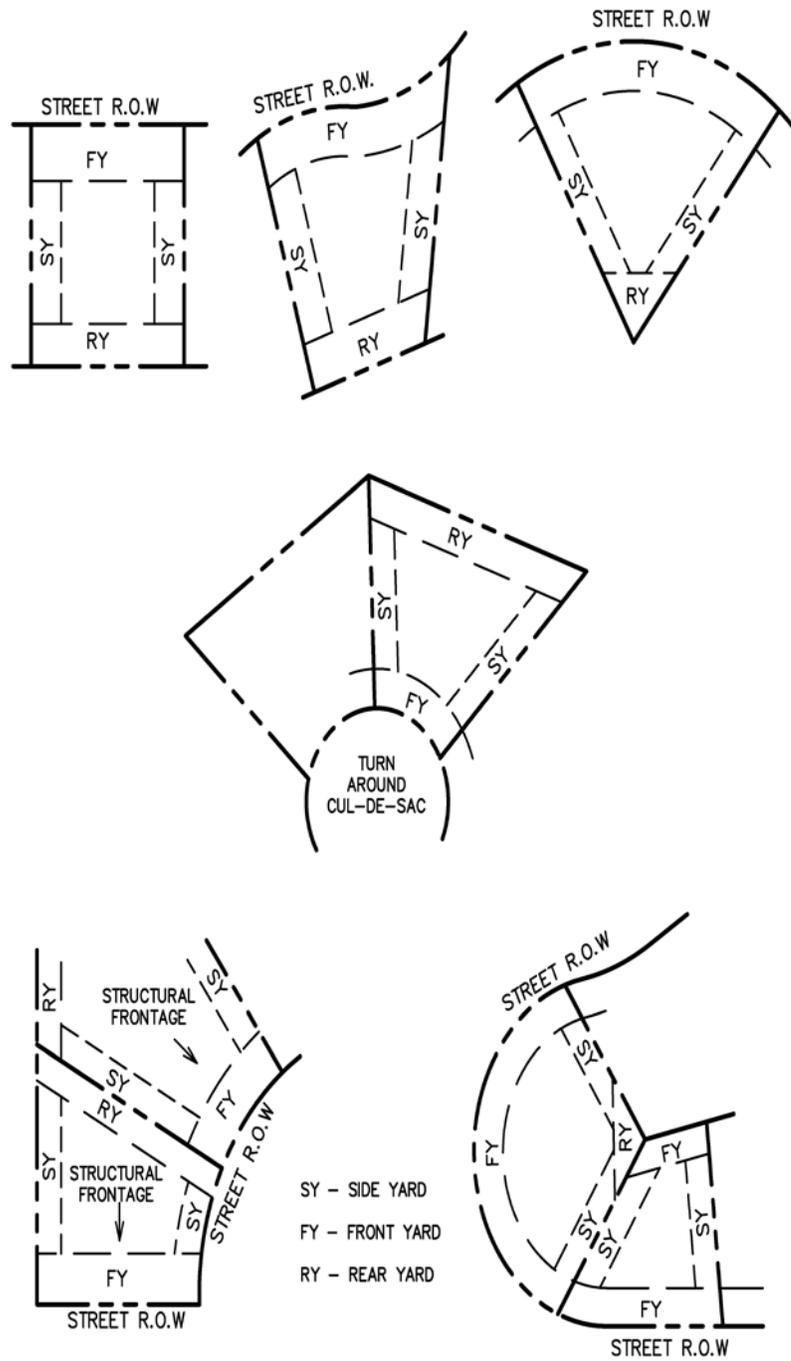


FIGURE 2-5: MEASURING SETBACKS AND LOT DIMENSIONS

(b) **Configuration of Lots.** Figure 2-6 illustrates the various types of lots that are discussed within this UDC.

(1) Flag lots (i.e., lots with minimal, or panhandle type, frontage) shall not be permitted in residential districts unless otherwise approved by the **ZBA Planning and Zoning Commission**.

(2) Flag lots in nonresidential and mixed use zoning districts shall be permitted upon approval by the Planning & Zoning Commission, provided such lots shall have a minimum frontage of fifty feet (50') and a

(3) No flag lot shall be permitted to have frontage adjacent to the frontage of more than one (1) other flag lot on the same street. See **Section 4.2.2.4 for landscaping requirements for flag lots.**

(4) Double frontage lots in residential zoning districts shall only be permitted if access is limited to one street frontage.

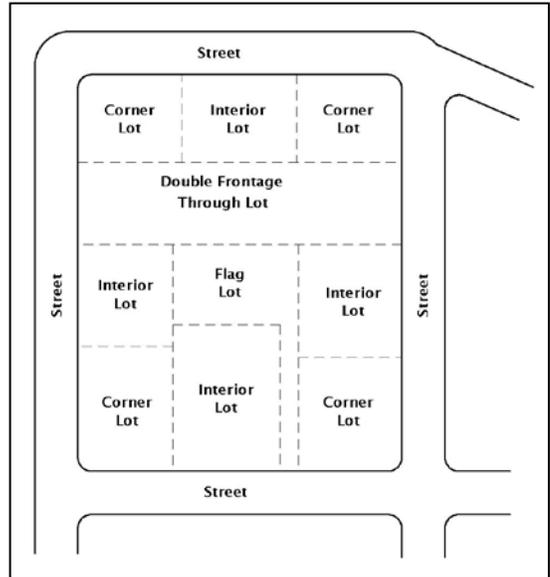


Figure 2-6: Types of Lots

(c) **Building Setbacks.**

(1) All setbacks established on a recorded plat shall be enforced, even if such setbacks exceed the required setbacks in this Code.

(2) Setbacks established on a recorded plat shall only be changed through replat proceedings.

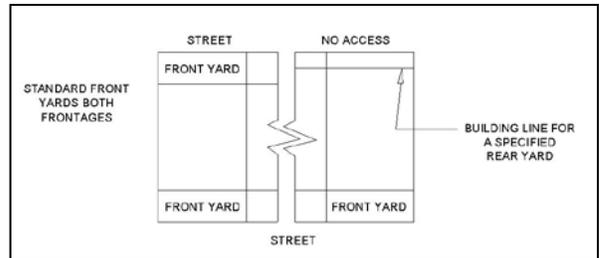


Figure 2-7: Front Yards on Double Frontage Lots

(d) **Front Yards.**

(1) **Corner Lots:**

a. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a construction plat. (Also see (f)(1).)

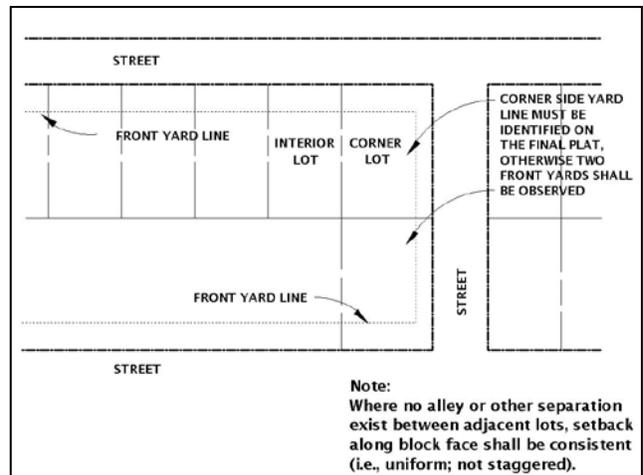
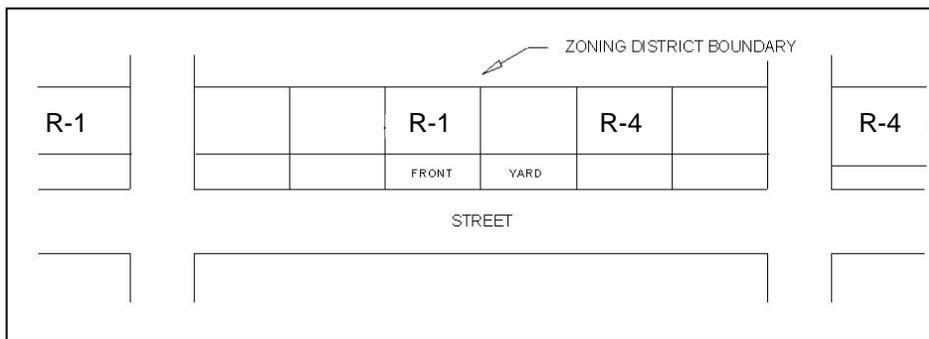


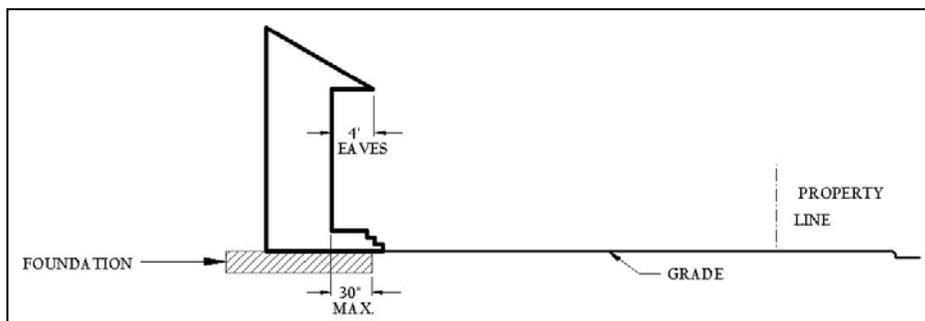
Figure 2-8: Identification of Side and/or Rear Yards

- b. Where single-family and duplex lots have double frontage (frontage that extends from one street to another), or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed (*Figure 2-7*).
- c. The side and/or rear yards in the case of single-family and duplex uses



shall be identified and the front of the structure shall not face the side or rear yard (*Figure 2-8*).

- (2) **Frontage Divided by Zoning Districts:** Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (*Figure 2-9*).



(3) **Measuring Front Yards and Encroachments:**

(See *Figure 2-10*.)

- a. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building.
- b. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4').

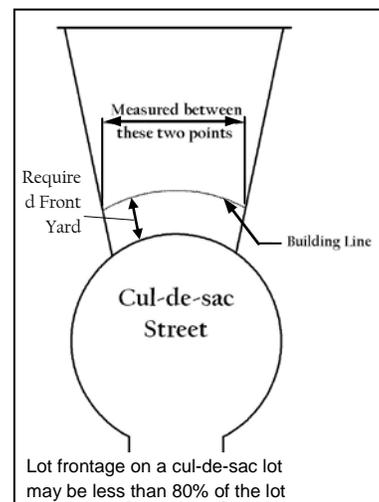


Figure 2-11: Measuring Lot Width of a Curved Lot

- c. Subsurface structures, platforms or slabs may not project into the front yard to a distance greater than thirty inches (30").
- (4) Curved Front Building Line: Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or “eyebrow” portion of a street) shall be measured as the linear distance of the curved front building line (see *Figure 2-11*), and shall be shown on the Final Subdivision Plat. Lot frontage shall not be less than eighty percent (80%) of the lot width, except on cul-de-sac lots (see *Figure 2-4*) and knuckle lots. Lot widths for all lots shall be as set forth in the respective zoning district for each lot.
- (5) Front Yards in Relation to Pump Islands:
- a. Gasoline service station pump islands (and their canopy structures) that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street.
 - b. For pump islands (and canopies) that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') (in order to prevent vehicles stacking into the street).
 - c. Pump islands (and their canopies) may extend beyond the front building line as described above (provided that all other requirements of this Code are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street.
- (e) **Yards in Relation to Future Rights-of-Way.** Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, the front, side, and/or rear yard shall be measured from the future right-of-way line.
- (f) **Side & Rear Yards.**
- (1) On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after the effective date of this Code, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, the building line may be designated as a side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards) on the final plat. On lots which were official lots of record prior to the effective date of this Code, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
 - (2) Measuring Side/Rear Yards and Encroachments:
 - a. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting shall not exceed twelve inches (12”) into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24”) into

the required side yard, except that no projections shall be permitted closer than twelve inches (12") to a common property line.

- b. Air conditioning compressors and similar accessory equipment are permitted in the side or rear yard.
- c. A canopy may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet (5') from the adjacent property line.

(g) **Open Storage Areas.** Open storage of materials, commodities or equipment, where allowed in the specific zoning district, shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display as defined in Chapter 5. Also refer to screening requirements and special requirements for open storage in Chapter 4, Article 2, Division 4 (Screening).

(h) **Sight Visibility.**

- (1) Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:
 - a. At street intersections within nonresidential and mixed use zoning districts, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot, measured from the corner of the property line in both directions.
 - b. At street intersections within residential zoning districts, clear vision must be maintained for a minimum of fifteen feet (15') across any lot, measured from the corner of the property line in both directions.
 - c. At an intersection with an alley, clear vision must be maintained for ten feet (10').
 - d. Shrubs and hedges that are typically less than thirty inches (30") in height at maturity, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.
 - e. A limited number of single-trunk trees having a clear trunk (branching) height of at least five feet (5') may be located within sight visibility areas provided that they are spaced and positioned such that they will not produce a visibility-inhibiting effect when they attain mature size.

Section 2.7.3.7 Special Exceptions for Nonconformities

(a) **Exceptions Criteria.** Upon written request of the property owner, the Zoning Board of Adjustment (ZBA) may grant special exceptions to the provisions of this code, limited to and in accordance with the following:

- (1) Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming.
- (2) Expansion of the gross floor area of a nonconforming structure or a conforming structure on property that is conforming, provided that such expansion does not decrease any existing setback.
- (3) ~~Change from one nonconforming use to another, r~~Re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
- (4) Construction of a new structure on the same property where a nonconformity already exists, whether it is a nonconformity in an existing structure or of the property itself, provided the new structure assumes the existing nonconforming status and no nonconforming use is expanded into the structure.
- (5) In granting special exceptions under this Section 2.7.3.7, the ZBA shall avoid doing so merely to allow a convenience or convey an advantage to the applicant but instead shall endeavor to reduce the nonconforming nature of the nonconforming use whenever possible and so may impose such criteria as are necessary to bring the property into further compliance with this code, protect adjacent property owners, and to ensure the public health, safety and general welfare, including specifying the period during which the nonconforming use may continue to operate or exist before having to conform to the standards of this Code.

(b) The ZBA may grant special exceptions for the following:

- (1) To interpret the provisions of this chapter in a way so as to carry out the intent and purpose of this chapter, adjust districts where the street layout actually on the ground varies from the street layout as shown on the maps.
- (2) To reduce the parking and loading requirements in an amount not exceeding thirty-three percent (33%) of the normal requirement in any of the districts whenever the character or use of the building makes unnecessary the full provision of parking or loading facilities, as contrasted with merely granting an advantage or a convenience, as in the following situations:
 - a. Housing specifically designed and intended for use by the elderly, disabled, or other occupants typically having a lower expectation of automobile ownership;
 - b. Adaptive reuse or restoration of an historically or architecturally significant structure;

- c. Expansion of a nonprofit, public or social service use on an existing site; and
 - d. Conversion of a nonconforming use to what would otherwise be a conforming use, except for the parking and loading requirements.
- (3) To allow off-site parking where all or part of the minimum number of parking spaces required in Chapter 4, Article 2, Division 1 (Parking) of this UDC are located within three hundred feet (300') on a lot or tract of land that is legally separate from the property containing the principal use served by the parking area, provided that:
- a. Both lots or tracts are under the same ownership; or
 - b. It can be established that two or more uses, applying jointly and concurrently for the special exception, will be sharing a parking area that may be on property that is not under the same ownership as one or more of the uses to be served by the parking, where the shared parking area has a capacity of at least the minimum number of spaces for the use having the greatest minimum requirement, where all uses have their primary need for parking during offsetting periods so that the parking area will be utilized by only one principal use at a time, and where the arrangement is documented through a long-term lease or other written agreement.
- (4) To allow the reconstruction of a nonconforming building which has been damaged to the extent of more than fifty percent (50%) of its replacement cost.
- (5) To allow a change to another nonconforming use. If no structural alterations are made, any nonconforming use of a structure or structure and premises in combination may, as a special exception, be changed to another nonconforming use, provided the Zoning Board of Adjustment finds that the proposed nonconforming use is not more nonconforming in the district than the previously existing nonconforming use.
- (6) To allow the City to issue a building permit for expansion of a preexisting nonconforming use that is not in compliance with the Future Land Use Plan Map and/or zoning district when the Zoning Board of Adjustment determines that this special exception will not adversely impact water, wastewater, drainage, and street transportation systems, and is in accord with all City codes and applicable Comprehensive Plan policies, including those pertaining specifically to land use compatibility.
- (7) To allow for the reasonable reduction, to the minimal amount possible, of requirements related to the following improvements to allow for compliance with the City's adopted requirements for development (and their spirit and intent), but also to allow for the use and enjoyment of property within Pearland (also see Article 1, Division 3 of Chapter 4 for triggers related to these improvements):
- a. Landscaping - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2;
 - b. Screening/fencing - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 3, Division 4;

- c. Façade requirements - As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.
- (8) To allow for a reasonable amount of time for a nonconforming use to be brought to a lesser-nonconforming status or to a conforming status by allowing an applicant to make improvements to an existing, developed property or building over a period of time, instead of requiring such improvements to be made immediately, or prior to a Certificate of Occupancy.

Section 3.1.1.1 Authority, Purpose & Applicability

(a) **Authority.** The procedures of this Article 1 are authorized under the authority of Texas Local Government Code, Chapter 212 (including Subchapter B) and the City's charter. The provisions of this Article expressly extend to all areas inside the City limits and throughout the City's extraterritorial jurisdiction.

(b) **Purpose.**

- (1) The provisions of this Chapter are intended to implement standards and requirements provided for herein, and shall be minimum requirements for the platting and developing of subdivisions within the City of Pearland and its extraterritorial jurisdiction, as authorized by State statute.
- (2) The subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. Through the application of these regulations, the interests of public and private parties are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this chapter further the possibility that land will be developed in accordance with existing physical, social, economic and environmental conditions.
- (3) The provisions of this Chapter are intended to implement the following objectives:
 - a. Promote the development and the utilization of land in a manner that assures an attractive and high quality community environment in accordance with the Comprehensive Plan and the Zoning Ordinance of the City of Pearland;
 - b. Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the standards which shall be required;
 - c. Protect the public interest by imposing standards for the location, design, class and type of streets, walkways (sidewalks), alleys, utilities and essential public services;
 - d. Assist orderly, efficient and coordinated development within the City's limits and its extraterritorial jurisdiction;
 - e. Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;
 - f. Ensure the most efficient and beneficial provision of public facilities and services for each tract being subdivided;
 - g. Provide for compatible relationships between land uses and buildings;
 - h. Provide for the circulation of traffic throughout the municipality;
 - i. Provide for pedestrian circulation that is appropriate for the various uses of land and buildings;

- j. Prevent pollution of the air, streams, bodies of water, and aquifers; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;
- k. Preserve the natural beauty and topography of the municipality, and ensure development that is appropriate with regard to these natural features;
- l. Establish adequate and accurate records of land subdivision;
- m. Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future developments and citizens within the City and its extraterritorial jurisdiction;
- n. Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;
- o. Encourage the development of residential areas that meet a wide range of income levels.

(c) Applicability.

- (1) The provisions of this Chapter 3 apply to any non-exempt (see Section 3.1.1.3) division of land, combination of separate land parcels, and/or development of land within the corporate boundaries of the City and within its extraterritorial jurisdiction.
- (2) No permit shall be issued for any building or structure on a property until a subdivision or a development plat has been approved and filed for record with the following exceptions:
 - a. Permits for repair or remodeling of an existing structure or for site improvements (parking areas, driveways, etc.) which involves no increase in square footage **of any structure or paving**; or
 - b. Demolition permits, or permits for removal of a structure from a parcel or tract.
 - c. A building permit may be issued for a Public Educational Facility prior to platting, but no certificate of occupancy shall be issued until after approval and recordation of the final plat.
- (3) Notwithstanding any UDC provision to the contrary, a permit, variance, or special exception may be granted for an unplatted lot zoned **or used for residential uses** and on which exists a structure used for residential purposes, to allow the expansion of said structure or the construction or expansion of an accessory structure located on the same lot, upon the determination by the Planning Director that the following conditions are met:

- a. The lot's configuration has remained unchanged since February 27, 2006;
- b. The lot has frontage on a public road or a private road built to the City's standards;
- c. The total value of the work being permitted does not exceed fifty thousand dollars (\$50,000.00), as determined by the Building Official;
- d. A survey of the lot prepared by a licensed surveyor for the State of Texas is filed with the City of Pearland in hard copy and electronic form with the following information:
 1. the corners and boundaries of the lot;
 2. the location of all existing structures and easements;
 3. the location and width of all abutting rights-of ways; and
 4. a floodplain statement for the lot;
- e. Any public dedication required by the City is achieved by separate conveyance to the City prior to the issuance of the permit; and
- f. No such permit was issued for the subject lot in the three (3) years prior to the issuance of the permit being sought.

(d) **Subdivision Rules.** The provisions of this Chapter 3, the standards governing water and wastewater facilities applicable to plats in Chapter 30 of the City Code of Ordinances, and the technical standards contained in the Engineering Design Criteria Manual (EDCM), as adopted by the City Council and as may be amended from time to time, constitute the subdivision rules of the City of Pearland, which apply to applications for plat approval inside City limits and within the City's extraterritorial jurisdiction.

Section 3.1.2.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Master Plat.
- (b) **Submittal.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (c) **Prior Approved Applications.** An application for a Master Plat shall not be approved unless all zoning amendments, including a request for a Planned Development District, which are necessary to authorize the proposed uses have been approved and remain in effect for the land included in the Master Plat. Where applicable, approval of a Cluster Development Plan also is required prior to approval of a Master Plat application. If the Cluster Development Plan includes details regarding the phasing of the development, then no Master Plat will be required for said development.
- (d) **Accompanying Applications.**
 - (1) An application for a Master Plat may be accompanied by an application for rezoning approval, including a request for a Planned Development District, or a Cluster Development Plan, where applicable. The rezoning application and the Cluster Development Plan shall be decided first. The applicant must execute a waiver of the time period required for Master Plat approval.
 - (2) An application for a Master Plat may be accompanied by an application for approval of a Preliminary Subdivision Plat or Preliminary Development Plat for the first phase of the project, provided that the application for Master Plat shall be decided first.

Section 3.2.6.4 Specific Street Standards

- (a) **EDCM Standards Met.** In addition to the requirements of the Engineering Design Criteria Manual (EDCM), the requirements of the street standards in this Section shall be met.
- (b) **Arrangement of Streets Not Shown on the Thoroughfare Plan.** For streets that are not shown on the City's Thoroughfare Plan, such as local residential streets, the arrangement of such streets within a subdivision shall:
 - (1) Provide for the continuation or appropriate projection of existing streets or street stubs from or into surrounding areas – every twelve hundred feet (1,200'), there shall be a projection that would allow for such continuation;
 - (2) Conform to any plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
 - (3) Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and
 - (4) Not conflict in any way with existing or proposed driveway openings (including those on the other side of an existing or planned median-divided thoroughfare, in which case new streets shall align with such driveway openings such that median openings can be shared).
- (c) **Discouragement of Through Traffic on Residential Streets.** Residential collector streets and local residential streets shall be laid out such that their use by "cut through" traffic will be discouraged, with the development of a hierarchical street system and such measures as circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions.
- (d) **Transitions of Right-of-Way Width.** Wherever the right-of-way width of a residential local or collector street must transition to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of the street intersection.
- (e) **Residential Subdivisions Abutting or Containing Streets Classified as Major or Minor Thoroughfares.** Where a residential subdivision abuts or contains an existing or proposed street which is or will be classified as a major or minor thoroughfare, the Planning and Zoning Commission may require measures to provide adequate protection of the residential properties and create separation of through traffic from local traffic. These measures may include marginal access streets, shared access driveways, reverse or double-lot frontage (lots which back on the a major or minor thoroughfare or major collector), or deep lots with rear service alleys. Where a lot is allowed direct access to a street classified as a major collector or major or minor thoroughfare, said lot shall be greater than one acre in area, have a shared access drive with the adjoining lot(s) if the lot has less than four hundred feet (400') of frontage, and require the approval of the City Engineer. Lots which existed in their present configuration prior to February 27, 2006 may be exempted at the discretion of the City Engineer. Direct access to a thoroughfare from a

residential lot shall be prohibited unless the lot is in an existing subdivision and has no frontage or other means of access to another road.

- (f) **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except where their control is required by the City and approved by the Planning and Zoning Commission.
- (g) **Configuration Shall Reduce Minimal Offsets.** Intersecting streets onto an existing or future divided roadway must be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening).
- (h) **Intersections.** A street intersection with a classification of secondary thoroughfare or above shall be at a ninety degree (90°) angle and shall be tangent to the intersecting street for at least one hundred feet (100'). All other street intersections shall be laid out so as to intersect as nearly as possible at a ninety degree (90°) angle or radial to the centerline of the intersecting street for the full right-of-way width of the intersecting street, and tangent to the intersecting street for at least fifty feet (50'). No street shall intersect at an angle that is less than eight-five degrees (85°).
- (i) **Right-of-Way Widths.** Street right-of-way widths shall be as shown on the Thoroughfare Plan and as defined by the corresponding roadway cross-sections on the Thoroughfare Plan and in the City's EDCM.
- (j) **Half Streets.** Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this Code and the Thoroughfare Plan, and where the Planning and Zoning Commission makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The Planning and Zoning Commission may also find that it would be more practical, or cost effective, to delay construction of the other half of a street until when the adjoining property is developed.
- (k) **Maximum Length of a Block or Street Segment.** The maximum length of any proposed block or street segment (including a looped street) shall be twelve hundred feet (1,200'), except sixteen hundred feet (1,600') shall be permitted along major thoroughfares, and the minimum length of any proposed block or street segment shall be six hundred feet (600'), as measured along the street centerline and between the point(s) of intersection with other through streets (i.e., not dead-end streets or cul-de-sacs). Where no existing subdivision or topographical constraints control, the blocks shall not be less than 600 feet in length. However, in cases where physical barriers, nature of development, or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased at plat approval by the Planning and Zoning Commission to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.
- (l) **Maximum and Minimum Length of a Cul-De-Sac Street.** A cul-de-sac, or approved turn-around, shall not be required for streets less than one hundred fifty feet (150') in length and with no more than four (4) lots with frontage on each side of

that street upon determination by the City that there will be no adverse impact on circulation of traffic and public safety. Cul-de-sac streets shall not exceed six hundred feet (600') in length. The closed end of a residential cul-de-sac street shall have a cul-de-sac bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The closed end of a non-residential cul-de-sac streets shall have a cul-de-sac bulb with an outside pavement diameter of a least ninety feet (90') and a right-of-way diameter of one hundred feet (100'). The length of the cul-de-sac shall be measured from the centerline of the street intersection to the centerline of the cul-de-sac bulb. Alternatives to cul-de-sac bulb may be accepted by the City Engineer when a hardship exists.

- (1) **Exception:** Dead-end streets with a turn-around may be extended to a maximum length of one thousand two hundred feet (1,200') if platted and constructed with a minimum right-of-way of sixty feet (60') and a pavement width of thirty-six feet (36'), measured from back-of-curb to back-of-curb, or if an acceptable all-weather emergency access street fitted with a key box is provided at the end of the cul-de-sac turnaround. All roadway and property line diameters referenced above shall apply.

(m) **Variations Allowance for Overlength Streets or Cul-De-Sacs.** The Planning and Zoning Commission may approve variations for overlength streets or cul-de-sacs up to seven hundred and fifty feet (750') in length, whether temporary or permanent, upon considering the following:

- (1) If there are alternative designs that are feasible and that would, if used, reduce the proposed overlength street or cul-de-sac;
- (2) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and
- (3) Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures.
- (4) Whether the allowance of such overlength street or cul-de-sac preserves the spirit and intent of these regulations.

(5) Recommendation of the City Engineer.

(n) **Dead-End Streets.** Except when recommended by the City Engineer, no public dead-end streets will be approved unless they are provided to connect with existing streets (including stubbed-out streets) or future platted streets on adjacent land.

- (1) In the case of dead-end streets which will eventually be extended into the adjacent property, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with the appropriate temporary street easement) is provided at the end.
- (2) A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in Subsection (l) above.

- (3) A note shall be placed on the final plat clearly labeling any temporary dead-end streets (if any) that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street may be and is intended to be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a fifty-foot (50') distance. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.
 - (4) No dead-end private street shall extend further than seven hundred feet (700') for multiple-family developments.
 - (5) Permanent streets one hundred and fifty feet (150') or less in length (measured from centerline of intersecting through street to end of paving) may be platted as dead-end streets if no more than four (4) lots on each side adjoin the proposed dead-end street. Streets providing access to more than four lots on each side or more than one hundred and fifty feet (150') in length must have an approved turnaround pursuant to Section 3.2.6.4(l) above.
- (o) **Names of Extensions of Existing Streets.** New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable.
 - (p) **Construction of Streets.** All streets shall be constructed in accordance with paving widths and specifications as set forth in the EDCM of the City of Pearland at the time at which the preliminary plat application is officially submitted and deemed a complete application.
 - (q) **Street Grades and Horizontal Curves.** Minimum and maximum street grades and horizontal curves will conform to standards set forth in the EDCM.
 - (r) **Pavement Widths and Rights-of-Way.** Pavement widths and rights-of-way shall be as follows:
 - (1) Major thoroughfare streets shall have a right-of-way width of at least one hundred and twenty feet (120') with a pavement width of at least two (2) thirty-six-foot (36') sections with a fourteen-foot-wide (14') raised median.
 - (2) Secondary thoroughfare streets shall have a right-of-way width of at least one hundred feet (100') with a pavement width of at least two (2) twenty-four-foot (24') sections and a twenty-foot-wide (20') raised median.
 - (3) Primary collector streets shall have a right-of-way width of at least eighty feet (80') with a pavement width of at least forty-four feet (44').
 - (4) Secondary collector streets shall have a right-of-way width of at least sixty feet (60') with a pavement width of at least thirty-eight feet (38').
 - (5) Residential streets shall have a right-of-way width of at least fifty feet (50') and a pavement width of at least twenty-eight feet (28').
 - (6) Rural lot (lot having an area of 0.625 acres or more) streets shall have a right-of-way width of at least seventy feet (70') with a pavement width of at least

twenty-five feet (25'). Upon the approval of the City Engineer, the right-of-way may be reduced to fifty feet (50') as long as ten foot (10') drainage easements are provided on both sides of the right-of-way.

- (7) Open ditches and asphalt streets are prohibited except in areas developed in conformance with residential lot sizes that are one-half (1/2) acre or more in size. Additional drainage easements may be required for streets with open ditches by the City Engineer.
- (s) **Curbs and Gutters.** Curbs and gutters, or ribbon curbs, where approved, shall be installed in the subdivision on both sides of all interior streets and on the subdivision side of all streets forming part of the boundary of the subdivision, according to the EDCM.
- (t) **Street Names.**
 - (1) New streets in a subdivision shall be named in a way that will provide continuity of street names and prevent conflict or confusion with existing street names in the City, in the City's extraterritorial jurisdiction or in a neighboring jurisdiction. A proposed new street name is in conflict with this subsection where:
 - a. It duplicates or sounds phonetically similar to the name of a street already in use within the City or the City's extraterritorial jurisdiction or designated as a future extension in the current Thoroughfare Plan;
 - b. It differs from an existing street name in the City or the City's extraterritorial jurisdiction by the addition of an auxiliary designation including "avenue", "way", "boulevard", etc.; or
 - c. The street to be named is an extension of or is in substantial alignment with an existing street in the City, the City's extraterritorial jurisdiction or a neighboring jurisdiction and the proposed street name is different from the existing street name.
 - (2) Renaming of existing streets shall also be in accordance with this Section 3.2.6.4.
- (u) **Street Signs.** Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the City, and shall be installed according to City standards.
- (v) **Streetlights.** Streetlights shall be installed by the developer at all intersections and at the ends of cul-de-sacs, and shall have no greater distance than two hundred and fifty feet (250') between them within or abutting the subdivision.
- (w) **Access Management.** Access management standards and requirements related to TxDOT roadways and City roadways shall be in accordance with the EDCM and Chapter 3, Article 2, Division 7 (Driveways) of this Unified Development Code.
- (x) **Screening Along Roadways.** Screening requirements for roadways shall be in accordance with the zoning districts outlined in Chapter 2 of this UDC; or with Chapter 4, Article 2, Division 2; or with Chapter 4, Article 2, Division 4, whichever is most applicable.
- (y) **Pedestrian Connectivity.** Pedestrian connectivity and access shall be provided between subdivisions, schools, cul-de-sacs (i.e., bulb-to-bulb access) and park

areas. In cases where a subdivision is constructed in a location that is adjacent to another subdivision, pedestrian access shall be provided such that adjacent development can connect to such access at a later date, when development occurs. Gated subdivisions may be exempt from this requirement upon approval by the Planning Director. Also refer to Section 3.2.11.1 (sidewalks).

- (z) **Conformance with the Comprehensive Plan.** Streets and the layout of streets shall be consistent with the adopted Comprehensive Plan, and specifically the Thoroughfare Plan, to the furthest extent possible.

Section 3.2.13.1 General

(a) Easements for New Development.

- (1) For new development, all necessary on-site easements shall be established on the Final Subdivision Plat or Final Development Plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the City, for which they are being provided. Such easements may be permitted to be established by separate instrument only in limited circumstances, and only if requested by the entity providing services with the easement, and only if permitted by the City Engineer.
- (2) The ownership, maintenance, and allowed uses of all designated easements shall be stated on the plat. Examples include, but are not limited to, the following: a water, wastewater or drainage easement, which is dedicated to the City for a water or wastewater line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the City and fire suppression and emergency medical service providers for access purposes; and an electrical, gas or communications easement, which is dedicated to the specific utility provider that requires the easement; and so on.

- (b) **Fencing Encroachments.** No structure or equipment shall be placed within any easement dedicated pursuant to this chapter unless the person or entity wishing to place such structure or equipment has first obtained written consent to encroach from all holders of the right to use said easement. A wall, fence or screen shall be permitted over any utility easement only if approved by the City Engineer and provided that the easement remains fully accessible to the City for maintenance and repair purposes. A wall, fence or screen shall be permitted over any drainage easement if the water flow within the easement is not adversely affected by the wall, fence or screen. In addition to all other remedies provided by Chapter 1, Article 2, Division 6 of this Unified Development Code, the City may summarily remove any wall, fence or screen erected in violation of this section, and the City shall not incur any liability or assume any duty to compensate the owner or replace the wall, fence or screen.

Section 3.2.13.2 Utility Easements

(a) **Minimum Width.**

- (1) The minimum width for City utility easements shall be ten feet or as otherwise required by the City Engineer or by the EDCM.
- (2) The minimum width for City drainage easements shall be as required by the City Engineer.
- (3) The width of easements for other utility providers, such as for gas, electric, telephone or cable television, shall be as required by that particular entity.
- (4) It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies. Wherever possible, easements shall be centered on the property line or along front or side lot lines rather than across the interior or rear of lots, particularly where no alleys will be provided behind the lots.
- (5) It shall be the applicant's responsibility to obtain approval of appropriate easement widths for easements required by/for other entities, and to provide proof of such approval to the City.

- (b) **Location.** ~~Where alleys are not provided in a~~ Within residential subdivisions, a minimum ten foot wide utility easements shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line, for the potential placement of utility facilities only where required by the City Engineer. "Wet" utility easements shall be provided along the front of all lots platted pursuant to this chapter. "Dry" utility easements may be provided along the rear of lots, if approved by the City Engineer. (See Chapter 5 for definitions of "wet" utilities and "dry" utilities.)

Section 4.2.2.4 Required Landscape Area Standards for Nonresidential, Multiple-Family, & Single-Family Development

- (a) **Meaning of “Landscape Area”.** Landscape area shall mean the area (greater than one foot in width) within the boundary of a lot or parcel that is comprised of pervious surface integrated with living plant material, including but not limited to trees, shrubs, flowers, grass, or other living ground cover or native vegetation. For the purposes of meeting the requirements of this division, undeveloped portions of the site cannot be considered landscaped area. Landscaped areas shall be bounded by raised or ribbon curbs.
- (b) **Establishment of Minimum Percentages.** A minimum percentage of the total gross lot area of property (excluding any required detention facilities) on which development, construction or reconstruction occurs after the effective date of the ordinance from which this division derives shall be devoted to landscape in accordance with the requirements in *Table 4-4*; provided, however, that these requirements shall not apply to the development, construction or reconstruction of single-family detached residential structures.

Table 4-4

Required Landscaping By Land Use Type

<i>Land Use</i>	<i>Percent Landscaped Area Required</i>
Multiple-Family	15
Office and Professional Uses	15
Mixed Use	15
Retail and Commercial	15
Industrial or Manufacturing	10
All Other Nonresidential Uses	10
Note: Percentages are based on the total gross lot area.	

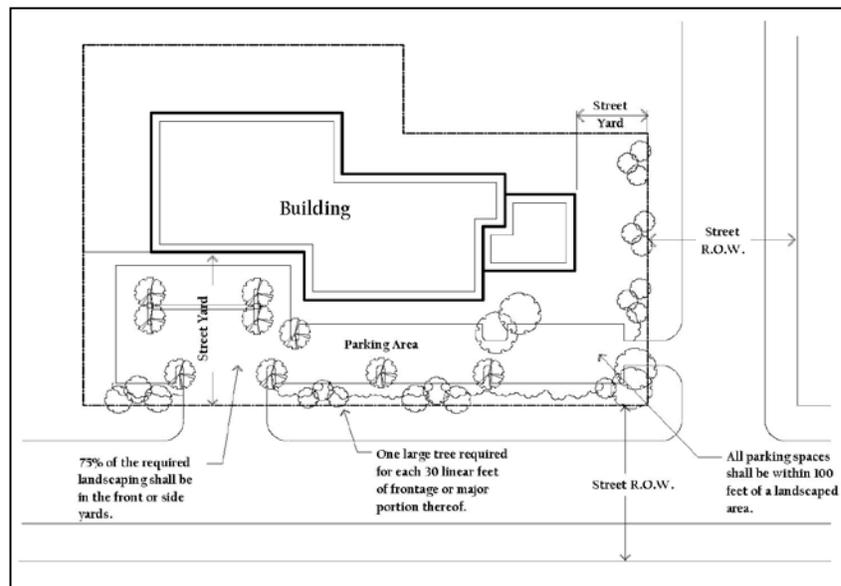
- (c) **Minimum Requirements.** The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e.g. heat, noise, air pollution). Trees listed in Section 4.2.3.9 (e) with a minimum two inch (2”) caliper measured twelve inches (12”) from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch (1”) for each fifteen feet (15’) of frontage. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6’).
- (d) **Screening of Parking Areas.** Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property.

- (1) Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm.
 - (2) The side yard of any lot that contains a parking area abutting a property used or zoned for a nonresidential use shall provide a screen of hedges, berms, or fences so as to provide a screen for a minimum of thirty-five percent (35%) of the length of the parking lot. The required side lot screening may be grouped and dispersed randomly.
 - (3) Screening between nonresidential and residential lots shall be provided in conformance with Division 4 of this Article.
 - (4) The minimum number of shrubs shall be equal to the total caliper inches of street trees required under this division multiplied by five (5). Shrubs and berms shall be maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.
 - (5) A nonresidential development that has a shared parking area with an adjacent nonresidential development shall not be required to screen such shared parking area in relation to the abutting side yard. The alternate side yard, however, shall be screened in accordance with Subsection (d)(2) above.
 - (6) Each required tree and required landscaping shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').
- (e) **Interior of Parking Areas.** Interior landscaping shall be required to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments.
- (1) In addition to street trees required under Subsection (c) above, trees in Class I or II of the Guidelines with a minimum two inch (2") caliper shall be provided within or adjacent to the parking area at tree islands that:
 - A. are at least nine feet (9') wide;
 - B. each have a square footage at least equal to the total area of one parking space;
 - C. are located so that no parking space is further away than one hundred feet (100') from a tree island.
 - (2) Tree islands must be protected from vehicle intrusion by curbs or similar structures. Two feet (2') of the tree island may be counted as part of the required depth of the abutting parking space.
 - (3) The total caliper inches shall equal one inch (1") for each five (5) parking spaces.
 - (4) Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two inch (2") caliper.

(f) **Large Tracts.** On large tracts of land, exceptions to this division may be granted by the Planning Director to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this division is met, and it is located along rights-of-way or in strategic environmentally sensitive areas.

(g) **Landscaping On-Site and Related Location.**

- (1) The landscaped area required by Section 4.2.2.4 shall be placed upon that portion of a tract or lot that is being developed, except that upon approval of a Conditional Use Permit authorizing such, the landscaping required herein may be placed on an adjacent lot or tract owned by the same entity as the subject property, with said placement documented by a written agreement approved by the City Attorney and recorded in the real property records of the county in



which the property is located.

- (2) Seventy-five percent (75%) of the area required by *Table 4-4* shall be installed in between the front or side property lines and the building being constructed. Clustering the remaining required landscaping along property lines abutting a lower intensity land use is encouraged.
- (3) Undeveloped portions of a tract or lot shall not be considered landscaped.

(h) **Landscaping Within Parking Areas.**

- (1) No parking space shall be located more than one hundred feet (100') from a portion of the required landscaping.
- (2) Each landscape island within a parking lot shall contain a minimum square footage equivalent to one parking space of pervious area, shall be at least nine feet (9') wide, and shall allow at least three feet (3') between any trees within the island and the edge of the island.

- (i) **Tree Credits.** Tree credits shall be given pursuant to Article 2, Division 3 of this Chapter of the UDC. No credit toward the landscaping required by this division shall be given for trees required for mitigation pursuant to Section 4.2.3.7 of this UDC.
- (j) **Landscaping Within Single-Family Developments.** The following are minimum landscaping requirements for single-family lots and developments.
- (1) Tree By Lot Requirements: Each single-family lot shall have two (2) large shade trees placed thereon with a minimum two-inch (2") caliper, measured at twelve inches (12") above the root ball, and a minimum six feet (6') in height at the time of planting.
 - (2) Additional Requirements: Each single-family lot shall have at least three (3) out of the following four (4) options:
 - a. Two (2) ornamental trees a minimum six feet (6') in height at the time of planting;
 - b. Four (4) evergreen shrubs, equal in size to at least a five-gallon-container-size shrub;
 - c. Eight (8) small shrubs, equal in size to at least a two-gallon-container-size shrub; and
 - d. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by building(s) and/or driveway area(s).
 - (3) Street Tree Requirements: In addition to the requirements in (1) and (2) above, trees are required along all streets within single-family developments as follows:
 - a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each forty feet (40') of frontage.
 - b. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
 - c. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.
 - d. At the time of planting, a minimum of twenty feet (20') shall be provided between individual trees.
- (k) Flag lots. Landscaping requirements for flag lots in commercial districts shall be similar to other lots, and the frontage of the lot for the purpose of calculating landscaping shall be the widest portion of the lot. Required street trees shall be provided on site and in the front yard or along the pole portion of the lot.
- (l) **Location Exception.** Developments located in M-1 and M-2 zoning districts and Public Educational Facilities shall comply with all requirements herein regarding quantity of landscaping, but are exempt from the requirement of locating landscaping within landscape islands in the interior of parking areas.

- (m) **Approved Trees.** Only trees belonging to the species listed in Section 4.2.3.9 (e) will satisfy the tree planting requirements of this section.
- (nn) **Preservation Credit.** Preservation of existing trees and shrubs may be given credit towards required landscaping, at the discretion of the Parks Director.

Section 4.2.5.9 General Exemptions

(a) **Generally.** Notwithstanding any other provision in this UDC to the contrary, the following signs shall be exempt from all sign requirements contained in the UDC except for location restrictions, unless modified below, and any requirement for the sign specifically listed herein.

(b) **Exemptions.**

- (1) **Warning/Safety Signs.** Signs that have as their sole purpose the protection of life or property, including without limitation emergency exit, fire lane, or no trespassing, are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft²) in size.
- (2) **Utility Location Signs.** Signs erected by a governmental entity or private utility company to mark the location of utility transmission lines or similar facilities are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft²) in size.
- (3) **On-site directional and informational signs** not exceeding two square feet (2 ft²) in size.
- (4) **Historical/Memorial Signs.** On-premise attached or ground signs that commemorate a person, event, or structure are allowed so long as no advertising whatsoever is contained thereon and they do not exceed eight square feet (8 ft²) in size.
- (5) **Vehicle for Sale Signs.** Signs placed on motorized vehicles advertising them for sale are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft²) in size or four signs per vehicle.
- (6) **Outdoor Merchandise Display Signs.** Signs affixed to outdoor equipment or machinery such as vending machines or gasoline pumps with instructions for use, or signs located immediately adjacent to merchandise displayed for sale outdoors, are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed one square foot (1 ft²) in size.
- (7) **Human Signs.** Signs carried or wholly supported by humans are allowed so long as they do not exceed thirty-two square feet (32 ft²) in size.
- (8) **Flags.** The official flags of any governmental entity are allowed so long as the flag pole is no greater than thirty-five feet (35') in height if mounted on the ground, or twelve feet (12') in height if mounted on top of a building, and the flag does not exceed one hundred square feet (100 ft²) in size.
- (9) **Unlit Political Signs.** Political signs that are not lighted are allowed provided they do not exceed eight feet (8') in height or thirty-two six square feet (32 36 ft²) in area.
- (10) **Signs facing the interior of athletic stadiums or fields or facing the exterior of athletic stadiums or fields operated by nonprofit organizations or governmental entities.**

Section 4.2.1.2 Minimum Requirements & Standards

(a) **Minimum Requirements for Off-Street Parking.** Requirements are as follows:

- (1) Parking on grass or other non-paved area in any zoning district is prohibited except for agricultural machinery or equipment in the SD or RE zoning districts.
- (2) For any multiple-family, duplex, or townhome dwelling unit or condominium where leasing offices are provided on the site, visitor parking must be provided as per the office parking requirements outlined in this section. Where clubhouses are provided on the site, appropriate off-street parking must be provided as per the eating and drinking establishments requirements outlined in this section.
- (3) For residence halls, fraternity buildings, and sorority buildings, additional parking spaces may be required by the Planning and Zoning Commission for fraternity and sorority buildings as a condition of the Site Plan approval where the building does not provide permanent sleeping facilities for all members of the organization.
- (4) The requirements for schools ~~within Table 4-1~~ shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events including visiting of parents or other personnel. Such requirements will be calculated based on the applicable parking requirements for the individual uses.
- (5) For any restaurant, eating and/or drinking establishment where permanent outdoor seating areas including decks, patios, or other unenclosed spaces are provided, those areas shall be included in the calculation of gross floor area and total number of seats. Establishments having only outdoor dining consisting of fewer than sixteen (16) seats shall provide a minimum of four (4) parking spaces.
- (6) In addition to required parking spaces, a day care center or pre-elementary school shall provide a driveway having a length sufficient for temporary parking of at least three (3) vehicles whereby the temporary parking spaces do not block access to the other required off-street parking spaces. In lieu of the driveway required herein, a day care center or pre-elementary school located within a development with shared parking, such as a multiple-occupancy center or an integrated business development, may provide three (3) clearly designated temporary parking spaces located not more than one hundred feet (100') from the main entrance of the day care center or pre-elementary school.
- (7) Parking requirements for recreation and amusement facilities that have any combination of the outdoor uses ~~listed in Table 4-1~~ on the same premises shall be calculated based on the sum of the minimum requirements for the individual uses proportionate to the indoor and outdoor areas allocated for each use.
- (8) For developments within Development plats, as permitted under Chapter 3, Article 1, Division 4, where access and frontage is provided by access easements, the following requirements will apply:

- a. Minimum access easement width of twenty-six feet (26');
- b. Fifty feet (50') of separation between the adjoining street curb line and the edge of the entrance to the first parking bay;
- c. Twenty-four feet (24') aisle width between adjoining parking bays, or the parking bay and edge of the parking lot;
- d. Thirty-six foot (36') minimum depth of parking bays containing two rows of parking;
- e. Ten-foot (10') minimum width raised islands at each end of each parking bay and along the both sides of access easement, separating the parking bays from access easements or drive aisles; and
- f. Four-foot wide sidewalks should be provided along both sides of all access easements and at other areas designated for pedestrian access.

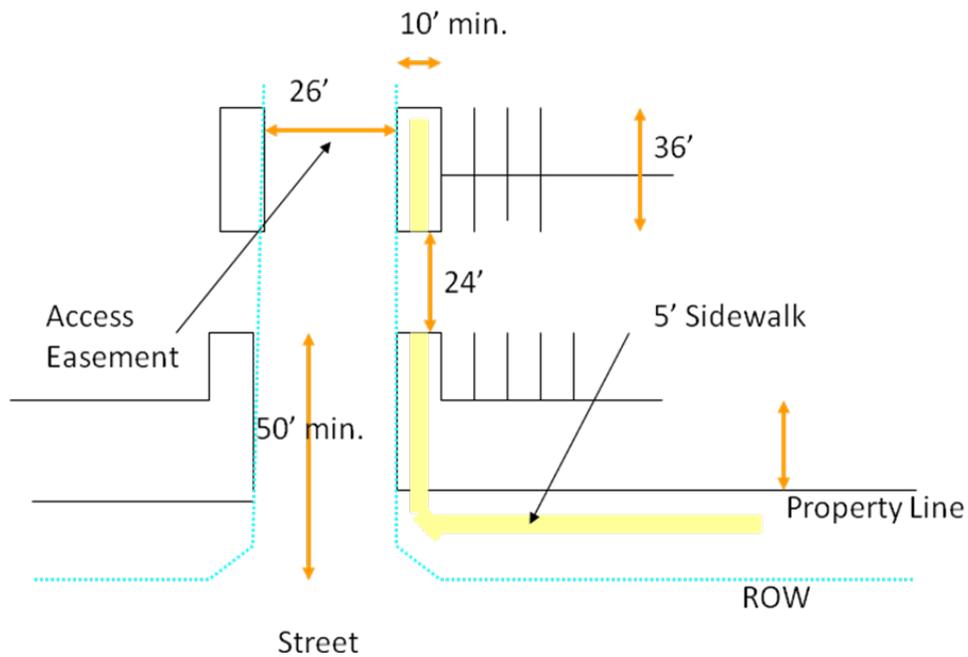


Table 4-1 Reserved

Required Number of Parking Spaces By Type of Use

Type of Use	Number of Spaces Required
All other places of public assembly not specified	1 space for each 4 seats of capacity in the main area containing fixed seating

All other schools not specified	1 space for each classroom plus 1 for each 15 students
All other uses not specified – Also see Section 4.2.1.2(c)	1 space per 165 square feet of gross floor area
Assembly hall	1 space for each 4 seats of capacity in the main area containing fixed seating
Auto parts store	1 space for each 200 square feet of gross floor area
Bank, savings and loan or credit union	1 space per 200 square feet of gross floor area
Barber and/or beauty shop	1 space for each 200 square feet of gross floor area
Bookstore	1 space for each 200 square feet of gross floor area
Bowling alley	5 parking spaces for each bowling lane
Bus depot	1 for each 100 square feet of floor area
Business support service	1 space for each 200 square feet of gross floor area
Church	1 space for each 4 seats of capacity in the main area containing fixed seating
Clothing store	1 space for each 200 square feet of gross floor area
Conference center/convention center	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, based on maximum design capacity whichever is less
Convenience store	1 space for each 200 square feet of gross floor area plus 1 space for each gasoline/diesel pump
Dance, assembly and exhibition halls without fixed seats	1 space for each 100 square feet used for assembly or dancing
Day care center or pre-elementary school – Also see Section 4.2.1.2(a)(6)	1 space per 300 square feet of gross floor area
Department store	1 space for each 200 square feet of gross floor

	area
Elementary school	1 space per 20 students and 1 space per staff faculty member
Funeral home or mortuary	1 parking space for each 50 square feet of floor space in slumber room parlors or individual funeral service rooms
General merchandise store	1 space for each 200 square feet of gross floor area
Grocery store	1 space for each 200 square feet of gross floor area
Group home	4 spaces
High school and/or vocational school	1 space for every 3 students, faculty and staff, based on maximum design capacity
Hospital	1 space per bed
Hotel or motel	1 parking space for each sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein
Junior high school	1 space per 15 students and 1 space per staff faculty member
Laundry service	1 space for each 200 square feet of gross floor area
Library	1 space for each 300 square feet of floor area
Lodging houses and boarding houses	1 space per each 2 persons capacity of overnight sleeping facilities
Manufacturing plant	1 for each 1.5 employees in the maximum work shift
Medical or research laboratory	1 for each 1.5 employees in the maximum work shift
Medical or dental clinic	4 spaces for each treatment room
Multiple family, duplex, or townhome dwelling unit or condominium - Requirements below [Also see Section 4.2.1.2(a)(2)]	

Efficiency unit	1½ spaces
One-bedroom unit	2 spaces
Two-bedroom unit	2½ spaces
Three-bedroom unit, or more bedrooms	1 space per bedroom
Multi-use Occupancy	1 space for each 200 square feet of gross floor area
Office and professional uses	1 space for each 300 square feet of gross floor area
Pharmacy	1 space for each 200 square feet of gross floor area
Product repair service	1 space for each 200 square feet of gross floor area
Recreation and amusement facility - Requirements below [Also see Section 4.2.1.2(a)(7)]	
Arcade	1 space per 200 square feet of gross floor area
Driving/archery/shooting range	1 space per 200 feet of gross floor area of indoor facilities, plus 1 space per tee or target
Fairground, exhibition, carnival	1 space per 500 square feet of outdoor site area, plus 1 space per 4 fixed spectator seats
Go-carts and all-terrain vehicles	1 space per 2 vehicles, plus 1 space per 4 spectator seats
Golf course	1 space per 150 square feet of gross floor area of indoor facilities, plus 5 spaces per green
Miniature golf	1 space per 200 square feet of gross floor area of indoor facilities, plus 1 1/2 spaces per hole
Rodeo, circus, auto/motorcycle racing	1 space per 3 spectator seats
Skateboarding, water slide	1 space per 200 feet of gross floor area of indoor facilities, plus 1 space per 2 persons

	design capacity of outdoor facilities
Sport fields, swimming pool, private parks and playgrounds	1 space per 100 square feet of gross floor area of indoor facilities plus 1 space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable
Tennis and other sport courts	2 spaces per court
Residence halls, fraternity buildings, and sorority buildings – Also see Section 4.2.1.2(a)(3)	1 space per person capacity of permanent sleeping facilities
Residential care facility	1 space per each two persons capacity
Restaurant, eating and/or drinking establishment – Also see Section 4.2.1.2(a)(5)	4 spaces, plus 1 space for each 100 square feet of gross floor area, or 4 seats, whichever is less
Retail uses not otherwise specified	1 space for each 200 square feet of gross floor area
Sanitarium, convalescent home, home for the aged or similar institution	1 parking space for each 2 beds
School auditorium	1 space for each 4 seats of capacity in the main area containing fixed seating
Self-storage or mini-warehouse	4 spaces plus one space per 10,000 square feet of storage area
Shopping centers, malls, and multi-occupancy uses over 3 acres in size	1 parking space per 200 square feet of floor space
Single-family attached and detached dwelling units (including manufactured or industrialized housing unit)	2 parking spaces per dwelling unit
Sports arena	1 space for each 4 seats of capacity in the main area containing fixed seating
Stadiums	1 space for each 4 seats of capacity in the main area containing fixed seating
Student center	1 space for each 300 square feet of floor area

Take-out or drive-through eating establishment with no indoor dining	1 parking space for each 50 square feet of floor space used or designated as customer service and waiting area, or 4 spaces, whichever is greater
Theater	1 space for each 4 seats of capacity in the main area containing fixed seating
Vehicle repair facility (office spaces calculated based on office requirements)	1 space for each 200 square feet of floor area devoted to vehicle repair, excluding office space
Vehicle sales or rental dealer	1 parking space for employees and customers per 3,000 square feet of open sales lot and enclosed floor area devoted to the sale, display, or rental of motor vehicles, mobile homes, or trailers
Warehouse (office spaces calculated based on office requirements)	1 space for each 2,000 square feet of gross floor area excluding office space

(b) **Minimum Requirements for Off-Street Stacking.** Off-street stacking requirements for drive-through facilities shall be as follows.

- (1) A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- (2) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.
- (3) For retail operations, other than restaurants, banks and kiosks that provide drive-up service, including pharmacy and dry cleaners, a minimum of three (3) stacking spaces for each service window shall be provided.
- (4) For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish and drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes and streets.
- (5) For each automated self-service car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
- (6) For each wand-type self-service car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying

and other detailing, unless a separate area and shade structure is provided, outside of circulation aisles, for these activities.

- (7) For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.
 - (8) For restaurants with drive-thru service, a minimum of five (5) stacking spaces shall be provided for the first (or only) window, and if applicable, a minimum of two (2) stacking spaces for each subsequent window.
- (c) **New or Unclassified Uses.** When a proposed land use is not classified in this section, the parking requirements will be based on the minimum standard which applies to a specified use which is most closely related to the proposed land use, as determined by the Director, based on parking studies prepared by qualified professionals.
- (d) **Parking on the Same Lot Required.** Except as provided in Chapter 1, Article 1 for circumstances that may be approved by the Zoning Board of Adjustment as a special exception, all required off-street parking spaces shall be located on the same lot or tract as the principal use being served by the parking area. All required parking shall be on a paved surface. In such cases where parking is located on a separate lot, the following is required:
- (1) The parking is provided on a separate, conforming parking lot located not more than 500 feet away from the premises of the use for which parking requirements the parking lot is fulfilling, and which shall be conveniently usable without unreasonable:
 - a. Hazard to pedestrians;
 - b. Hazard to vehicular traffic;
 - c. Traffic congestion; or,
 - d. Detriment to the appropriate use of other properties in the vicinity;
 - (2) A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned, including the owner/agent of the principal use utilizing the parking and the owner/agent of the lot on which the parking is to be provided. Such written agreement shall assure the continued availability of and access to (i.e., via an easement, etc.) the off-street parking area for the principal use it is intended to serve.
- (e) **Off-Street Loading Requirements.** In all zoning districts there shall be provided, in connection with appropriate allowable uses, off-street loading facilities in accordance with the following: Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended or designed for the use shall be provided with off-street truck loading or unloading berths at least 12 feet wide, 14 feet high and 35 feet long in accordance with the following table. There shall be sufficient space to ensure that all maneuvering required to utilize the loading space will not include street right-of-way.

<i>Table 4-2</i>	
<i>Table 4-2</i>	
Square Feet of Aggregate	Required
10,000 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 320,000	5
320,001 to 400,000	6
400,001 to 490,000	7
For each additional 90,000 over 490,000, additional berth	1

Section 5.1.1.1 General Definitions

(a) **General Definitions.** The following definitions are intended to provide descriptions for words and terms used within this UDC. Absent any conflict, words and terms used in this UDC shall have the meanings ascribed thereto in this Chapter 5. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter 5 shall control. For any definition not listed in this Chapter 5 of this UDC, the definition found within the latest edition of Webster's Dictionary shall be used.

...

(36) AUTO REPAIR (MINOR): Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, **mufflers**, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under *Automobile Repair (Major)* or any other similar use.

...

(283) OFFICE, PROFESSIONAL AND GENERAL BUSINESS: An office or group of offices used for the provision of executive, management, administrative services, or any other vocation involving predominately mental or intellectual skills **requiring postsecondary education**. Specifically excludes any activity involving sales of personal property and veterinary clinics.

...

Primary Agricultural Uses

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Agricultural Field Crops or Orchards	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Description: An area used for the growing of farm products, vegetables, fruits, flowers, trees and/or grain and including incidental and/or necessary accessory structures or uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine or other animals and not including any type of agricultural animal husbandry as specifically defined.																														
	Parking: No additional parking required.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Agricultural Animal Husbandry	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	P	P	P	P	C	P	P
	Description: The breeding, judging, care and/or production of farm animals. See other applicable city ordinances.																												
	Parking: No additional parking required.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Bulk Grain and/or Feed Storage	P																											C	P	P
	Description: An area used for the storage of corn, grain and food stuffs for animals and livestock.																													
	Parking: No additional parking required.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Farm (Ranch, Livestock)	P	P	P	P	P	P	P	P	P	P	P	S1	S2	S3	S4	S5	P	P	P	P	P	P	P	P	P	P	P	P	P
	Description: An area used for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing animals on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of husbandry specifically prohibited by ordinance or law.																												
	Parking: No additional parking required.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Feed & Grain Store/Farm Supply Store												S1	S2	S3	S4	S5				C							C	P	P	P
	Description: An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.																													
	Parking: 1 space per 300 square feet of gross floor area of store, if applicable.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Flour and Other Grain Mills												S1	S2	S3	S4	S5													P	P
	Description: A building in which grain is ground into flour, or the grinding equipment itself. Also known as a corn mill or flour mill.																													
	Parking: 1 space per 2,000 square feet of gross floor area, plus offices at 1 space per 300 square feet.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
Livestock Sales, Wholesale												S1	S2	S3	S4	S5																
	Description: An area used for the sale of farm animals such as horses, cattle, and sheep, and includes the necessary accessory uses for housing animals on the premises during the time of sale.																															
	Parking: 1 space per 2,000 square feet of gross floor area, plus offices at 1 space per 300 square feet.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
Stable, Commercial												S1	S2	S3	S4	S5																
	Description: A facility used for the rental of a stall space or spaces, or for the sale or rental of horses or mules.																															
	Parking: One space for each 5 horses that can be boarded at the maximum capacity on the property.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Dwelling - Industrialized Home	P	P	P	P	P	P	P					S1	S2	S3	S4	S5	C	C	P		P								
	Description: A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.)																												
	Parking: Two parking spaces per dwelling unit																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Dwelling - Mobile Home												S1	S2	S3	S4	S5													
	Description: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.																												
	Parking: Two parking spaces per dwelling unit																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Dwelling - Multiple-Family										P											C	C							
	Description: A residential building designed for occupancy by three or more families, with the number of families not to exceed the number of dwelling units. The residential building contains dwelling units that are designed to be occupied by families living independently of one another, exclusive of hotels or motels.																												
	Parking: Efficiency Unit = 1.5 spaces, One-Bedroom unit = 2.0 spaces, Two Bedroom unit = 2.5 spaces and Three bedroom unit, or more = 1 space per bedroom.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Dwelling - Patio Home								P				S1	S2	S3	S4	S5				P									
	Description: A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.																												
	Parking: Two parking spaces.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Dwelling - Single-Family Detached		P	P	P	P	P	P	P	P	P							P	P	P	C	C	C							
	Description: A single-family dwelling unit with no attached wall(s) or dwelling unit(s).																												
	Parking: Two parking spaces.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Dwelling - Town House									P											P	C								
	Description: One of a group of no less than three (3) nor more than twelve (12) attached dwelling units, separated by a fire rated wall, each dwelling unit located on a separate lot.																												
	Parking: Two Parking spaces per dwelling unit																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Dwelling - Two-Family								C	P	P									C	C	C	C							
	Description: A residential building containing two attached dwelling units, each designed to be occupied by one family (i.e., the building is occupied by not more than two families).																												
	Parking: Two Parking spaces per dwelling unit																												

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Private Street Subdivision	P	P	P	P													P	P											
	Description: A street designated for use by specified property owners, maintained by or on behalf of those property owners, and not dedicated to nor intended for access by the general public.																												
	Parking: No additional parking required.																												

Accessory and Incidental Uses

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Accessory Structure (Business or Industry)												C	C	C	C	C	C	C		P	P	C	P	P	P	P	P	P	P
	Description: A subordinate building to a building used for nonresidential purposes that does not exceed the height of the main building and does not exceed thirty percent (30%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main nonresidential use (also see Accessory Use).																												
	Parking: <u>Varies depending on the use of the accessory structure.</u>																												

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Accessory Structure (Residential)	P	P	P	P	P	P	P	P	P	P							P	P	P			C							
	Description: A subordinate building to a building used for nonresidential purposes that does not exceed the height of the main building and does not exceed thirty percent (30%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main nonresidential use (also see Accessory Use).																												
	Parking: <u>No additional parking required.</u>																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Accessory Dwelling	P	C	C	C	C	C	C	C	C	C	C						C	C	C			C								
	Description: A subordinate building that is detached from the primary on-site structure, is used as a residence, is incidental to the main structure (i.e., the building area must be significantly less than that of the main structure), and is not involved in the conduct of a business.																													
	Parking: <u>Two additional parking spaces.</u>																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Farm Accessory Building	P	T	T	T	T	T	T	T	T	T	T	T	T	T	T	C	T	T	T	T	T	T	T	T	T	T	T	P	P	P
	Description: <u>An accessory building used in the operation of a farm, which may include barns, corrals and shade structures.</u>																													
	Parking: <u>No additional parking required.</u>																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Servant, Guest, Caretakers or Security Quarters	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Description: A subordinate building that is detached from the primary on-site structure, is used as a residence, is incidental to the main structure (i.e., the building area must be significantly less than that of the main structure), and is not involved in the conduct of a business.																													
	Parking: <u>Two additional parking spaces.</u>																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Off-Street Parking Incidental to Residential Main Use	C	P	P	P	P	P	P	P	P	P	P						P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Description: <u>Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main nonresidential use or in the vicinity of such lot or tract, and located within the same zoning district as the main residential use or in an adjacent parking district.</u>																													
	Parking: <u>Varies depending on the type of residential use.</u>																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Off-Street Parking Incidental to Nonresidential Main Use	C	C	C	C	C	C	C	C	C	C	C						P	P	C	P	P	P	P	P	P	P	P	P	P	P	P
	Description: Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main nonresidential use or within the vicinity of such lot or tract, and located within the same zoning district as the main nonresidential use or in an adjacent parking district.																														
	Parking: <u>Varies depending on the type of use.</u>																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Social & Recreational Building, including homeowners association neighborhood Recreation centers	C	C	C	C	C	C	C	C	C	P	P			P			P	P	C	P	P	C	P	P	P	P	P			
	Description: <u>A building used for social and recreation events. Examples include a clubhouse or recreation center maintained by a homeowners association in a neighborhood or similar housing community.</u>																													
	Parking: <u>One space for each 200 square feet of gross floor area.</u>																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Onsite Detention Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Description: An on-site detention facility as defined within the City's Engineering Design Criteria Manual (EDCM).																													
	Parking: No additional parking required.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Off-site Detention Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Description: An off-site detention facility as defined within the City's Engineering Design Criteria Manual (EDCM).																													
	Parking: No additional parking required.																													

Entertainment & Recreational Uses

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Commercial Amusement, Indoor												P					C	C		P	C		C	T	C	P	P		
	Description: An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all portions of the activity takes place indoors, including, but not limited to, a bowling alley, ice skating rink, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, billiard parlor, indoor range and video arcade.																												
	Parking: <u>Bowling Alley</u> : 5 4 spaces per each bowling lane, <u>Billiard/Pool Facility</u> : 2 spaces per pool table, <u>Indoor Miniature Golf Course</u> : One space per 200 square feet of gross floor area for indoor, plus 1 ½ spaces per hole, <u>Gun Range/Archery</u> : One space per 200 feet of gross floor area of indoor facilities, plus one space per tee or target, <u>Skating Rink</u> : One space for each 150 square feet of rink area, <u>Indoor Game Courts</u> : Three spaces per court, <u>Walk-in Theater</u> : One space per 4 seats, plus one space for each employee, <u>Video Arcade</u> : One space for each 200 square feet of gross floor area, plus one space per 3 persons that the facility is designed to accommodate at maximum capacity, <u>Other Uses</u> : One space for each 200 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Commercial Amusement, Outdoor												C					C	C		C	P		C	C	C	P	P		
	Description: An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place outdoors, including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, and amusement park.																												
	Parking: <u>Miniature Golf Course</u> : One space per 200 square feet of gross floor area for indoor, plus 1 ½ spaces per hole, <u>Amusement Park</u> : One space per 3 persons that the facilities are designed to accommodate at maximum capacity, <u>Skateboarding, Water Slides</u> : One space per 200 square feet of gross floor area of indoor facilities plus one space per four persons designed capacity of outdoor facilities, <u>Sports Fields, Swimming Pool</u> : One space per 100 square feet of gross floor area of indoor facilities plus one space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable <u>Other Uses</u> : One space for each 200 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Country Club/Private Golf Course/Public Golf Course	C	C	C	C	C	C	C	C	C	P	P		P	P	P		P	P		P	P			P	P	P	P	P	
	Description: An area containing a golf course and/or a clubhouse, which may also contain adjunct facilities such as a dining room, swimming pool, tennis courts or other recreational or service facilities.																												
	Parking: 1 space per 150 square feet of gross floor area of indoor facilities, plus 4 spaces per green.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Dinner Theatre												C					C	C		P	C		C	C	T	C	P	P	
	Description: <u>A restaurant that presents a play during or after dinner, which meal may be included in the ticket price.</u>																												
	Parking: <u>Four spaces, plus one space for each 100 square feet of gross floor area, or one space for every four seats, whichever is less.</u>																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Park and/or Playground (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	T		
	Description: A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.																												
	Parking: One space per 100 square feet of gross floor area of indoor facilities plus one space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Park and/or Playground (Public; Municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P		
	Description: Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in the City of Pearland's Code of Ordinances.																												
	Parking: One space per 100 square feet of gross floor area of indoor facilities plus one space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Private Club																	C	C		C	C		C	C	C	T	T	C	C
	Description: <u>An establishment where membership is limited and is not open to the general public. A private club is typically organized by a common interest or goal shared by its membership.</u>																												
	Parking: One space per 200 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Temporary Outdoor Amusement /Activity	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
	Description: A temporary outdoor event or amusement activity such as a carnival, festival or craft-fair. Refer to City of Pearland's Special Events Ordinance. Approval of a Temporary Commercial Permit is required.																														
	Parking: Varies depending on use.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Tennis or Swim Club (Private, For Profit)	C	C	C	C	C	C	C	C	C			P	P	P			P	P	P	P	P	C	P	P	P	P	P			
	Description: A recreational area containing a swimming pool or tennis courts or both with related facilities and/or clubhouse, all of which facilities are available to the public through a private membership.																													
	Parking: Two spaces per tennis court																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Tennis Court (Private/Lighted)	P	P	C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	P	C	C	C	C	C	C	P		
	Description: A lighted tennis court for the use by members of a club or by a household at a residence.																													
	Parking: Two spaces per tennis court																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}	C																											C		
	Description: An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. For the purpose of this definition, "temporary" means a maximum three-month time period.																													
	Parking: Two spaces per space or campground.																													

Automobile Uses

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
All Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales												S1	S2	S3	S4	S5																
	Description: An establishment that sells all-terrain vehicles (ATV's), motorcycles and go carts.																															
	Parking: One space for employees and customers per 3,000 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair)												S1	S2	S3	S4	S5	C															
	Description: The use of any building or other premises for the primary inside display and sale of new or used accessories and/or parts for automobiles, panel trucks or vans, trailers, or recreation vehicles. This definition expressly does not include a "Wrecking or Salvage Yard"; this is separately defined herein.																															
	Parking: One space per 200 square feet of gross floor area.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
Auto/Leasing Combined with Auto Dealer												S1	S2	S3	S4	S5																
	Description: A facility or area used primarily for the leasing new or used motor vehicles, typically on an intermediary basis between an auction house and a used car dealership. Does not include used car sales.																															
	Parking: One space per 200 square feet of gross floor area.																															

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1
Auto Glass Repair/Tinting											S1	S2	S3	S4	S5	C			C						C	P	P	P
	Description: A shop that repairs damage windows or provides tinting services for vehicles.																											
	Parking: One space per 200 square feet of gross floor area.																											

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1
Auto Interior Shop/Upholstery											S1	S2	S3	S4	S5	C			C					C	P	P	P	
	Description: An establishment that repairs or rebuilds the interior of the passenger compartment of automobiles, including the upholstery of seats.																											
	Parking: One space per 200 square feet of gross floor area.																											

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1
Auto Paint Shop & Body Repair											S1	S2	S3	S4	S5											P	P	P
	Description: An establishment that primes, paints or powder coats vehicles or automobile parts. This use includes Auto Body Repair.																											
	Parking: One space per 200 square feet of gross floor area.																											

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1
Auto Parts Sales (With Outside Storage or Display)											S1	S2	S3	S4	S5										C	C	P	P
	Description: An establishment that sells and installs auto parts and accessories. All outdoor storage will have to meet screening requirements of the Unified Development Code.																											
	Parking: One space per 200 square feet of gross floor area.																											

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Auto Repair (Minor)												S1	S2	S3	S4	S5	C			C						C	P	P	P
	Description: Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; muffler repair, emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under Automobile Repair (Major) or any other similar use.																												
	Parking: One space per 200 square feet of gross floor area, excluding office space.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
Auto Sales/Dealer (New - In Building, Auto Servicing and Used Auto Sales as accessory uses only) Combined auto lease												S1	S2	S3	S4	S5				C									P	P	P	P
	Description: A paved area for the display for sale of motorized and non-motorized vehicles accompanied by an on-site office with staffing during normal business hours.																															
	Parking: One space for employees and customers per 3,000 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Auto Wash (Full Service/Detail Shop)												S1	S2	S3	S4	S5	C			C						C		P	P	P	P
	Description: Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle or comes back to retrieve it later, or the owner waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.																														

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Motorcycle Sales/Dealer (New/Repair)											S1	S2	S3	S4	S5															
																C	C											P	P	P
	Description: A dealership specializing in the sale and repair of motorcycles.																													
Parking: One space for employees and customers per 3,000 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.																														

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity)											S1	S2	S3	S4	S5															
										C	C	C								P						C	P	P	P	P
	Description: A commercial parking lot that houses vehicles less than one (1) ton capacity.																													
Parking: One space for each 200 square feet of gross floor area.																														

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Tire Retreading and Capping											S1	S2	S3	S4	S5															
																													P	P
	Description: An establishment that refurbishes used automobile tires by remolding and attaching new treads.																													
Parking: One space for each 1.5 employees in the maximum work shift.																														

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Tire Sales (Outdoors, With Open Storage)											S1	S2	S3	S4	S5															
																												P	P	P
	Description: A retail business that sells tires for vehicles also includes accessory installation. All outdoor storage will have to meet screening requirements of the Unified Development Code.																													
Parking: One space per 200 square feet of gross floor area.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts													
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2				
												S1	S2	S3	S4	S5																	
Transfer Station (Refuse/Pick-up)																															C	P	P
	Description: A transfer station is a building for the temporary deposition of some wastes. Transfer stations are often used as places where local waste collection vehicles will deposit their waste cargo prior to loading into larger vehicles or containers.																																
	Parking: One space/each employee on the largest shift.																																

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts													
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2				
												S1	S2	S3	S4	S5																	
Truck (Heavy) and Bus Rental or Sales																															P	P	P
	Description: The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.																																
	Parking: One space for employees and customers per 3,000 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.																																

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts													
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2				
												S1	S2	S3	S4	S5																	
Truck or Freight Terminal																															P	P	P
	Description: A location used for the transfer of freight or truck hauls typically located near a railway or other transit hub.																																
	Parking: One space for each employee on the largest shift																																

Office Uses

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Clinic, Medical or Dental												S1	S2	S3	S4	S5															
												P	P	P	C	C	P	P				P	P	P	P	P	P	P	C		
	Description: An institution, public or private, or a station for the examination and treatment of out-patients by an individual or group of doctors, dentists, or other licensed members of a human health care profession.																														
Parking: One space for each 300 square feet of gross floor area																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Credit Agency												S1	S2	S3	S4	S5															
												P	C	C	P	P						P	P								
	Description: <u>A company that assigns credit ratings for issuers of certain types of debt obligations as well as the debt instruments themselves and in some cases, the servicers of the underlying debt.</u>																														
Parking: One space for each 300 square feet of gross floor area																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Emergency Care Clinic												S1	S2	S3	S4	S5															
												P	C	C	C	C	C					C									
	Description: <u>A facility that is not a hospital emergency department which delivers ambulatory medical care to patients on a walk-in basis with or without a scheduled appointment.</u>																														
Parking: One space for each 300 square feet of gross floor area																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Financial Institution (No Motor Bank Services)												P	P	P	P	P	P	P		P	P	C	P	P	P	P	P	C	
	Description: An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds, examples of which include banks, saving and loans, and credit unions.																												
	Parking: One space for each 200 square feet of gross floor area																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Financial Institution (With Motor Bank Services)												P	C	C	P	P	P	P		P	P	C	P	P	P	P	P	C	
	Description: An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds, examples of which include banks, saving and loans, and credit unions. This establishment provides services via a drive-up window, also known as motor bank services.																												
	Parking: One space for each 200 square feet of gross floor area																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Office, Parole-Probation, Bail Bonds												C	C	C	C	C	C	C		C	C	C	C	P	C	P	P	C	
	Description: An office for conducting the supervision of recently paroled convicts for the purpose of successful integration into society. This use includes entities that issue bail bonds.																												
	Parking: One space for each 300 square feet of gross floor area																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Office (Other than listed)												P	P	P	P	P	P	P		P	P		C	P	P	P	P	P	C	
	Description: A building or rooms used for conducting the affairs of a business, profession, service, industry or government other than those which are specifically listed in this Title. Some examples include a real estate office, law office, financial services office, and medical/dental/optical offices.																													
	Parking: One space for each 300 square feet of gross floor area																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)												C	C	C	C	C	C	C		P	P		C	P	P	P	P	P	C	
	Description: An Office for a veterinary professional/group used for the medical or surgical treatment for animals or pets. This use does not allow for the usage of outdoor pens.																													
	Parking: One space for each 300 square feet of gross floor area																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Office/Clinic, Veterinarian (Animal Hospital, With Outside Pens)												C	C	C	C	C	C	C		P	P		C	P	P	P	P	P	C	
	Description: An Office for a veterinary professional/group used for the medical or surgical treatment for animals or pets. This use allows for the usage of outdoor pens for shelter or care of animals.																													
	Parking: One space for each 300 square feet of gross floor area																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Security Monitoring Company (No Outside Storage)															P	P	P	P		P	P		C	P	P	P	P	P	C	
	Description: A company that provides alarm monitoring and response for places of business or residential customers.																													
	Parking: One space for each 300 square feet of gross floor area																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Telemarketing Agency																	C			C		C		C		C	P	C	
	Description: A business which contacts potential customers via telephone in an attempt to convince them to purchase a product/service or answer a survey.																												
	Parking: One space for each 300 square feet of gross floor area																												

Personal & Business Uses

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Ambulance Service															C	C				C	P					C	P	P	P
	Description: Provision of private (not operated by the City of Pearland) emergency transportation which may include mobile medical care, and the storage and maintenance of vehicles.																												
	Parking: One space for each 200 square feet of gross floor area																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Automatic Teller Machine (ATM)												C	C	C	P	P	P	P		P	P		P	P	P	P	P	P	P
	Description: An unattended machine that dispenses money when a bank card is used.																												
	Parking: No additional Parking is required.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Bed & Breakfast Inn	C	C	C	C	C	C	C	C	C	C		C	C	C			P	P	C	P	P		P	P	P	P	P			
	Description: A dwelling occupied as a permanent residence by an owner or renter. Within the dwelling, sleeping accommodations in not more than five (5) rooms for transient guests are provided and breakfast is provided, both for compensation. The period during which accommodations and breakfast are provided generally does not exceed seven (7) days.																													
	Parking: One parking space for each sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Check Cashing Service												C	C	C						P				C	C	P	P	P	P	
	Description: <u>An establishment that cashes customers' checks for a fee.</u>																													
	Parking: One space for 200 square feet of gross floor area.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Extended Stay Hotel/Motel												P	P	P	C					P	C		C	C		P	P			
	Description: A multi-unit, extended stay lodging facility consisting of efficiency units or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this UDC.																													
	Parking: One parking space for each sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
												S1	S2	S3	S4	S5																
Funeral Home																																
	Description: A place for the storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.																															
Parking: If funeral services are conducted, one space for each 4 fixed seats or one space for each 100 square feet of non-fixed seating area in the gathering room, whichever is greater. If operated otherwise, one space for each employee on the largest shift.																																

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
												S1	S2	S3	S4	S5																
Gym/Health Club (Physical Fitness; Indoors Only)																																
												P	P	P			C	C		P	C	C	C	P	C	P	P	C				
	Description: <u>A business that provides exercise facilities such as exercise equipment or fitness classes for the use and benefit of by its patrons.</u>																															
Parking: One space per 200 square feet of gross floor area.																																

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
												S1	S2	S3	S4	S5																
Hotel/Motel																																
	Description: <u>An establishment providing accommodations, meals, and other services for travelers and tourists.</u>																															
Parking: One parking space for each sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein.																																

Use	Residential Zoning Districts	Mixed Use Districts	Old Town	Non-Residential Zoning Districts
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Laundromat (Self-Service Laundry)	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
																				P	C		C		C	P	P	P	
Description: A facility that allows patrons to use coin operated machines for washing and drying clothing.																													
Parking: One space per 200 square feet of gross floor area.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town		Non-Residential Zoning Districts										
Seamstress, Tailor or Laundry Dry Cleaning (Retail Only - Drop Off/Pick Up)	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
																	P	P		P	C	C	C	C	P	P	P		
Description: An establishment that launders or dry cleans garments that are dropped off by its patrons for that purpose. This use also includes alteration of clothing or custom tailoring services.																													
Parking: One space per 200 square feet of gross floor area. No delivery vehicles can occupy required parking spaces.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town		Non-Residential Zoning Districts										
Rehabilitation Care Facility (Halfway House)	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
																				P	C		C		C	P	P	P	
Description: A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.																													
Parking: Four spaces per unit.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town		Non-Residential Zoning Districts										
Rehabilitation Care Institution (Commercial)	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
																				P	C		C		C	P	P	P	
Description: A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.																													
Parking: Two spaces per unit.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Studio or Learning Center for Fine or Performing Arts												P	C	C			C	C		P		C		C		P	P	P	P
	Description: An establishment that allows for the tutoring of individuals in a variety of functions. Examples include martial arts studio, dance or drama studio or tutoring center and learning centers.																												
	Parking: One space per 200 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Studio - Tattoo or Body Piercing																											C	C	C
	Description: An establishment whose practices placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin and/or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.																												
	Parking: One space for each 200 square feet of gross floor area.																												

Personal & Business Uses

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Antique Shop (No outside storage)												C	C	C			P	P		P	P	C	P	P	P	P	P	C	
	Description: A business which sells items whose value is greater than original purchase price because of age or extrinsic value.																												
	Parking: One space per 200 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Antique Shop (With outside storage)												S1	S2	S3	S4	S5															
												C	C	C			C	C				C	C								
	Description: A business which sells items whose value is greater than original purchase price because of age or extrinsic value. All outdoor storage will have to meet screening requirements of the Unified Development Code.																														
Parking: One space per 200 square feet of gross floor area.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Animal Hospital (No Outside Pens)												S1	S2	S3	S4	S5															
																	C					C							C	P	C
	Description: <u>An establishment that provides emergency veterinary medical services (including medical, surgical, dental, and diagnostic procedures) to animals, whether domestic, wildlife or livestock.</u>																														
Parking: One space per 200 square feet of gross floor area.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts													
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2				
Art Museum, Dealer, or Studio												S1	S2	S3	S4	S5																	
												P	P	P			P	P				P	P				C		C	C	P	P	C
	Description: An establishment that exhibits or sells artwork.																																
Parking: One space per 200 square feet of gross floor area.																																	

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
<u>Astrology, Hypnotist or Psychic Arts</u>												S1	S2	S3	S4	S5															
	Description: <u>Any person who practices, teaches, or professes to practice the business of astrology, hypnotism or the psychic arts and sciences for a fee, gift, donation, or otherwise.</u>																														
Parking: <u>One space per 300 square feet of gross floor area.</u>																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Bakery (Wholesale)												P	P	P			P	P		P	C		C	C	C	P	P	C	
	Description: A manufacturing facility that is used for the production and distribution of baked goods and confectioneries to retail outlets.																												
	Parking: One space for each 2,000 square feet of storage and one space for every 200 square feet of sales area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Food Sales On or Off Premise												P	P	P			P	P		P	P	C	T	P	P	P	P	C	
	Description: An informal restaurant, not exceeding fifty (50) seats, outdoor and indoor, offering a range of food, snacks, meals, coffee, and/or other beverages such as a café, doughnut store, yogurt store or ice cream shop. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit take-out or drive-through windows.																												
	Parking: Four spaces, plus one space for each 100 square feet of gross floor area, or one space per four seats, whichever is less.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Cafeteria												C	C	C			C	C		P	P	C	T	P	P	P	P	C	
	Description: An informal restaurant, exceeding fifty 50 seats, outdoor and indoor, offering a range of food, snacks, meals, coffee, and/or other beverages. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit take-out or drive-through windows.																												
	Parking: Four spaces, plus one space for each 100 square feet of gross floor area, or four seats, whichever is less.																												

Parking: One space for each 200 square feet of gross floor area plus one space for each gasoline/diesel pump.

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts																		
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2									
Convenience Store (Without Gasoline Sales)												S1	S2	S3	S4	S5	C	C				C	C				C	C	C	P	C	C	C	P	P	P	C	
	Description: Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries. Does not include or offer any automobile repair services.																																					
	Parking: One space for each 200 square feet of gross floor area.																																					

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts															
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2						
Copy/Printing Shop												P	P	P			C	C				P	P				C	P	P	P	P	P	P	C	
	Description: An establishment which primarily reproduces, in printed form, individual orders from a business, profession, service, industry or government organization. Off-set, letter press, and duplicating equipment are used, but no rotary presses or linotype equipment are used. Related services might include faxing, digitizing, graphic reproducing, and report assembling.																																		
	Parking: One space for each 200 square feet of gross floor area.																																		

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts																
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2							
Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing) &												P	P	P															P				P	P	C	
	Description: A store over selling a wide variety of goods, which are arranged into departments.																																			
	Parking: One space for each 200 square feet if store is under 25,000 square feet or One space for each 300 square feet of gross floor area if greater or equal to 25,000 square feet.																																			

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Stone Monuments – Fabrication and Outdoor Storage																	C	C				C						C	C		
	Description: <u>An establishment that produces or manufactures monuments, statues, or other display objects made from stone or similar substance, and may store said objects outside subject to the requirements of the Unified Development Code.</u>																														
	Parking: One space per 250 square feet of gross floor area.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Tavern																	C	C				C						C	C		
	Description: <u>A facility which derives more than 50% of its revenue from the sale of alcoholic beverages for consumption on the premises where the same are sold.</u>																														
	Parking: One space for each 50 square feet of public seating and waiting area (including areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.																														

Institutional Governmental Uses

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Adult Day Care Center(Business)																	C	C		P	C	C	C	C	C	P	P		
	Description: <u>A group program which is licensed by the State of Texas and designed to meet the needs of functionally and/or cognitively impaired adults through an individual plan of care. These structured, comprehensive programs provide a variety of health, social, and other related support services in a protective setting during any part of a day, but less than 24-hour care. Adult day care services are dedicated to keeping adults needing assistance healthy, independent, and non-institutionalized. Adult day centers generally operate programs during normal business hours five days a week. Some programs offer services in the evenings and on weekends.</u>																												
	Parking: One space for 200 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Antenna (Commercial or Non-Commercial)												S1	S2	S3	S4	S5													
	See Telecommunications Regulations, Chapter 2, Article 5, Division 5 of the UDC																												
	Description: An antenna used for the transmission or receipt of telecommunications signals.																												
Parking: No additional parking required.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Assisted Living Facility												S1	S2	S3	S4	S5													
										C							C	C		P	C		C	P	C	P	P		
	Description: A congregate residence facility for four (4) or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).																												
Parking: 1 space per each two persons capacity																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Auction House												S1	S2	S3	S4	S5													
																			P	C		C	P	C	P	P			
	Description: An establishment that conducts live auctions of personal property on behalf on the property owners in exchange for a portion of the price paid at auction.																												
Parking: One Space per 200 square feet of gross floor area																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Child Day Care Center (Business)												P	P	P			C	C		P	C	C	C	P	C	P	P		
	Description: Licensed operation providing care for seven (7) or more children less than fourteen (14) years of age for less than 24 hours a day at a location other than the permit holder's home. This definition is in conformance with Texas State law, Chapter 745, Licensing, Subchapter B, Child Day-Care Operations Chart.																												
	Parking: One space per 300 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Child Day Nursery	P	P	P	P	P	P	P	P	C	C	P						P	P	P	P	P	C	P	P	P	P	P		
	Description: Also commonly referred to as a Registered Family Home or Child Care in a Place of Residence. A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under thirteen (13) years of age, excluding the caretaker's own children. Child day care can be provided for six (6) additional children before and/or after the customary school day. However, the total number of children, including the caretaker's own, provided care at such facility does not exceed twelve (12) at any given time. This definition is in conformance with Texas State law, Chapter 745, Licensing, Subchapter B, Residential Child-Care Operations Chart.																												
	Parking: No additional parking required.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Church, Temple, or Place of Worship	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	C	P	C	C	C	P	C	P	P		
	Description: A building for regular assembly for religious public worship which is used primarily for and designed for such purpose, along with accessory activities which are customarily associated therewith, such as a place of residence for ministers, priests, nuns or rabbis on the premises, and that is tax exempt as defined by State law. For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition. Also see Institution of Religious, Educational or Philanthropic Nature.																												
	Parking: One space for each 4 seats of capacity in the main area containing fixed seating <u>or one space for every 100 square feet of gross floor area in the main worship area if no fixed seating exists.</u>																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Civic Center (Municipal)												S1	S2	S3	S4	S5															
													P	P																	
	Description: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention or entertainment facilities owned or operated by a municipality.																														
Parking: One space per 200 square feet of gross floor area.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Civic Club												S1	S2	S3	S4	S5															
													P	P																	
	Description: A civic club is an establishment that has a common interest and participates in civic events around the community and elsewhere.																														
Parking: One space per 200 square feet of gross floor area.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Community/ Group Home	P	P	P	P	P	P	P	P	P	P	P						C	C			P		P			P					
	Description: A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Local Government Code). The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.																														
	Parking: Four spaces required.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts								
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1
Community or Social Buildings	C	C	C	C	C	C	C	C	C	C		P	P			C	C	C		P		P						
	Description: A building or complex of buildings that house cultural, recreational, athletic, food service or entertainment facilities owned or operated by a governmental agency or private nonprofit agency.																											
	Parking: One space per 200 square feet of gross floor area.																											

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts								
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1
Convent or Monastery	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P		
	Description: A place of dwelling and/or study for persons under religious vows.																											
	Parking: One space per person capacity of permanent sleeping facilities.																											

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts								
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1
Day Camp (For Children)	C									C	C											P	P		P	P	P	
	Description: A facility utilized for the organized recreation and instruction of children, including outdoor activities in the vicinity of the facility, on a daytime basis (i.e., no overnight stays).																											
	Parking: One space per 300 square feet of gross floor area.																											

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts								
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1
Institution of Religious, Educational or Philanthropic Nature	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	C	P	P		P	P	P	P	P		
	Description: A nonprofit, religious, or educational semi-public or public use, such as the Salvation Army, Habitat for Humanity, or an outreach religious facility.																											
	Parking: One space per 200 square foot of gross floor area.																											

Parking: Varies depending on the use.

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Home for Alcoholic, Narcotic or Psychiatric Patients												S1	S2	S3	S4	S5															
										C													C	C			C	C			
	Description: An institution offering in- or out-patient treatment to alcoholic, narcotic or psychiatric patients.																														
Parking: One space per each two beds.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Hospice (Defined Under Household Care Facility)	P	P	P	P	P	P	P	P	P	P	P						C	C			P		P		P					
	Description: A dwelling unit which provides residence and care to persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition shall be consistent with that of "assisted living facility" in Texas Health and Safety Code Section 247.002 as it presently exists or may be amended in the future.																													
	Parking: 4 parking spaces.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Hospital (For Profit)										C		P			P	P							C	P	C		C	P	P	P	P
	Description: A building or portion thereof, used or designed for the housing or treatment of sick or injured patients where they are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas. This definition does not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons. Said building houses a business operation intended to make a profit for the financial gain of the shareholders/owners of the operation.																														
	Parking: One space per bed.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
Municipal Public Administration Offices	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
	C	C			C	C	C	C		C	C	S1	S2	S3	S4	S5	P	P	C	P	P		P		P	P	P	P	P
	Description: An office for Public and Administrative offices.																												
	Parking: One space for 300 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
Nursing/ Convalescent Home (Defined Under Skilled Nursing Facility)	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
										P		S1	S2	S3	S4	S5				P	C		C	C	C	P	P		
	Description: (Also referred to as Long-Term Care Facility or Skilled Nursing Facility.) A facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.																												
	Parking: One parking space for each two beds.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
Penal or Correctional Institutions	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5												P	P
	Description: A place for the confinement of persons in lawful detention, especially persons convicted of crimes.																												
	Parking: One parking space for each two beds.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
School - Elementary, Junior High or High School (Public or Parochial)	C	C	C	C	C	C	C	C	C	P	C		C	C	C		C	C	C	P	P		P	P	P	P	P		
	Description: A school under the sponsorship of a public or religious agency which provides elementary or secondary curricula, but not including private business or trade/commercial schools.																												
	Parking: <u>Elementary</u> One space per 20 students, plus one space per staff faculty member. <u>Junior High school</u> One space per 15 students and 1 space per staff faculty member. <u>High School</u> One space for every 3 students, faculty and staff based on maximum design capacity																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
School - Other Than Public or Parochial	C	C	C	C	C	C	C	C	C	P	C		C	C	C		C	C	C	P	P		P	P	P	P	P		
	Description: A school under the sponsorship of a private agency or corporation, other than a religious agency, which offers a curriculum that, is generally equivalent to public elementary and/or secondary schools.																												
	Parking: Three spaces per classroom for Elementary & Junior High school, Nine spaces per classroom for High School.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Sheltered Care Facility										C										C						C	C		
	Description: A nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.																												
	Parking: One space per two beds.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Studio for Radio and/or Television (No Tower[s])												S1	S2	S3	S4	S5														
	Description: A building or portion of a building used as a place for radio or television broadcasting.																													
Parking: One space per 300 square feet of gross floor area.																														

Utility and Related Uses

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Cellular Communications Tower/PCS {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
	Description: <u>A wireless communication facility. Examples include without limitation: antenna tower structures; roof-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.</u>																														
	Parking: No additional parking beyond the principal use.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Electric Power Generating Plant																													C	C
	Description: <u>A facility that generates electricity from mechanical power produced by solar, gas, coal, hydraulic power sources or nuclear fission and that is properly licensed by the authorities having jurisdiction.</u>																													
	Parking: <u>One space per 1000 square foot of gross floor area.</u>																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Electrical Substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Description: <u>A facility for transforming electricity for distribution to individual customers.</u>																													
	Parking: <u>No parking required.</u>																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
												S1	S2	S3	S4	S5																
Franchised Private Utility (Other than those listed)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
	Description: A utility such as one distributing heat, electricity, telephone, cable television or similar service and requiring a franchise to operate in the City of Pearland.																															
	Parking: <u>One space for each 1.5 employees at peak work shift.</u>																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
												S1	S2	S3	S4	S5																
Gas Transmission & Metering Station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
	Description: <u>A pipeline or system of pipelines which transport gas through a facility that has equipment to measure and record the volume of gas that flows through it.</u>																															
	Parking: <u>One space for each 1.5 employees at peak work shift.</u>																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2			
												S1	S2	S3	S4	S5																
Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
	Description: <u>A freestanding structure which supports antennae that transmit or receive any portion of the electromagnetic spectrum.</u>																															
	Parking: <u>No additional parking required beyond that which is required for the principal use(s) on the site.</u>																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
	Description: A building or portion of a building used as a place for radio or television broadcasting.																												
	Parking: One space per 300 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Sanitary Landfill (Private)																												C	C
	Description: A private lot or premises used for the disposal of garbage, trash, refuse or waste material (other than sewage) which is officially sanctioned by proper authorities of the jurisdiction in which it is located.																												
	Parking: One space for each employee at peak work shift.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Sanitary Landfill (Public)																												C	C
	Description: A lot or premises used for the disposal of garbage, trash, refuse or waste material (other than sewage) which is officially sanctioned by proper authorities of the jurisdiction in which it is located.																												
	Parking: One space for each employee at peak work shift.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P
	Description: <u>A device smaller than 4' in diameter which:</u> <u>1. Incorporates a reflective surface that is solid, open mesh, or bar-configured;</u> <u>2. Has the shape of a shallow dish, cone, horn or cornucopia; and</u> <u>3. Is used to receive electromagnetic signals.</u>																												
	Parking: <u>No additional parking required.</u>																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Satellite Dish (greater than 4' in diameter) (See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P
	Description: <u>A device larger than 4' in diameter which:</u> <u>1. Incorporates a reflective surface that is solid, open mesh, or bar-configured;</u> <u>2. Has the shape of a shallow dish, cone, horn or cornucopia; and</u> <u>3. Is used to receive electromagnetic signals.</u>																												
	Parking: <u>No additional parking required.</u>																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Telephone Exchange Switching Relay & Transmitting Equipment	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Description: <u>A central system of switches and other equipment that establishes connections between individual telephones.</u>																												
	Parking: <u>One space, plus an additional space for each 300 square feet of office space.</u>																												

	Parking: One space per 300 square feet of gross floor area.
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Use	Residential Zoning Districts										Mixed Use Districts					Old Town		Non-Residential Zoning Districts													
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Construction Contractor with Storage Yard												S1	S2	S3	S4	S5															
	Description: A facility for the storage and maintenance of contractor's supplies and operational equipment, including accessory office uses. All outdoor storage will have to meet screening requirements of the Unified Development Code.																														
Parking: One space per 500 square feet of gross floor area.																															

Use	Residential Zoning Districts										Mixed Use Districts					Old Town		Non-Residential Zoning Districts													
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Contractor's Office/Sales, No Outside Storage including Vehicles Combined into General Office												S1	S2	S3	S4	S5															
	Description: A facility for the office of a contractor's supplies and operational equipment, including accessory office uses.																														
Parking: One space per 300 square feet of gross floor area.																															

Use	Residential Zoning Districts										Mixed Use Districts					Old Town		Non-Residential Zoning Districts													
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)												S1	S2	S3	S4	S5															
		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P
	Description: An onsite office used by contractors during the construction of any building project.																														
Parking: No additional spaces required.																															

Use	Residential Zoning Districts										Mixed Use Districts					Old Town		Non-Residential Zoning Districts													
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
Dance Hall or Night Club												S1	S2	S3	S4	S5															
												C		C														C	P		
	Description: An establishment offering to the general public facilities for dancing and/or entertainment.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Laboratory, Medical or Dental															P	P	C	C		P	C		C	P	C	P	P	P	P
	Description: A facility that conducts general medical or scientific research, investigation, testing, or experimentation, provides radiological or medical testing, or creates prosthesis or artificial dental work.																												
	Parking: One space per 300 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Liquefied Petroleum Storage & Sales																											C	C	C
	Description: A facility or system which includes tanks, piping or gas equipment that is used or intended to be used for the storage, dispensing, or sale of liquefied petroleum gas.																												
	Parking: One space per 500 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Locksmith/Key Shop																	C	C		C		C		C		C	P	P	P
	Description: A business that repairs or makes keys and locks.																												
	Parking: One space per 300 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Lumber Mill/Yard																											P	P	P
	Description: A plant where timber is sawed into boards and/or stored on the premises for sale.																												

	Parking: One space per 500 square feet of gross floor area.
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Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Manufactured Home Display, Sales and/or Rental (New or Used)												S1	S2	S3	S4	S5												P	P	P
	Description: A business that sells or rents and displays manufactured homes.																													
	Parking: One parking space for employees and customers per 3,000 square feet of open sales lot and enclosed floor area devoted to the sale and display of manufactured homes.																													

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Medical Device Assembly												S1	S2	S3	S4	S5												C	P	P
	Description: A facility that conducts minor medical assembly, investigation and testing.																													
	Parking: One space per 300 square feet of gross floor area.																													

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Milk Depot – Wholesale												S1	S2	S3	S4	S5												P	P	P
	Description: A facility where milk is accumulated and stored before it is transported for retail sale.																													
	Parking: One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office.																													

Use	Residential Zoning Districts										Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Mini-Warehouse/Self Storage												S1	S2	S3	S4	S5											C	C	C	C
	Description: A facility with enclosed storage space, divided into separate compartments, which is provided for use by individuals or businesses in exchange for the payment of rent, typically on a monthly basis.																													

	Parking: One space per 50 storage units, spread throughout the development, plus a minimum of 5 spaces on the outside of the security fence for customers. If truck or trailer rental is conducted as an accessory use, one space for each rental vehicle shall be added to the required number of spaces.																													
Use	Residential Zoning Districts											Mixed Use Districts					Old Town		Non-Residential Zoning Districts											
Moving and Storage Company	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
																												C	C	P
	Description: A business that stores and moves possessions for customers on an as needed basis.																													
	Parking: One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office, plus one space for each moving truck.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town		Non-Residential Zoning Districts											
News Printing/Book Binding	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
																												C	C	P
	Description: A facility that prints newspapers, flyers, or other printed matter or performs book binding.																													
	Parking: 1.5 spaces for each employee on the largest shift.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town		Non-Residential Zoning Districts										
Office Warehouse Storage or Sales(Defined Under Storage or Wholesale Warehouse)	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
																												P	P
	Description: A Building or facility used for the storage and/or distribution of wholesale items/products																												
	Parking: One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town		Non-Residential Zoning Districts											
Outside Storage	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
																												C	C	P
	Description: The outdoor storage of tools, equipment, merchandise, or inventory related to the operation of a business.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Plumbing or Carpenter Shop (No Outside Storage)																	C	C		C			C					C	P	P	P
	Description: A business that provides plumbing or carpentry services.																														
	Parking: One space per 300 square feet of gross floor area.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Printing Equipment, Supplies and Repairs																	C	C		C			C					C	P	P	P
	Description: A business that sells printing equipment and supplies or repairs printing equipment.																														
	Parking: One space per 300 square feet of gross floor area.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Propane Sales (Retail)																	C	C		C			C					C	P	P	P
	Description: An establishment that sells propane fuel to end users.																														
	Parking: One space per 300 square feet of gross floor area.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Railroad, Bus, Light Rail Passenger Station (Public)												C	C	C	C	C	P			P			C					P	P	P	P
	Description: A station or assembly area used for patrons to await the arrival of their train or bus prior to boarding said mass transit vehicle.																														
	Parking: One space per 100 square feet of gross floor area.																														

Industrial Uses

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Airport & Heliport/Helipad & or Landing Field	C											S1	S2	S3	S4	S5	C	C		C	C		C	C	C	C	C	C	C
	Description: An area reserved or improved for the landing or take-off of aircraft other than rotary wing aircraft. A landing facility for rotary wing aircraft subject to regular use and which may include fueling or servicing facilities for such craft.																												
	Parking: One space per 300 square feet of gross floor area.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Asphalt Batching Plant												S1	S2	S3	S4	S5	C	C		C		C				C	P	P	P
	Description: A permanent manufacturing facility engaged in the production of asphalt.																												
	Parking: One space for each 1.5 employees in the maximum work shift.																												

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts								
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1
Auto Assembly or Auto Parts Manufacturing												S1	S2	S3	S4	S5										C	P	P
	Description: <u>A facility engaged in the manufacture or assembly of automobiles or their parts.</u>																											
	Parking: One space for each 1.5 employees in the maximum work shift																											

Use	Residential Zoning Districts	Mixed Use Districts	Old Town	Non-Residential Zoning Districts
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Animal Processing	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
																	C	C		C		C				C	C	P	P
Description: The processing of animals, typically from whole animals into parts or animal products. Examples of this use include animal slaughtering or poultry processing, tanning, curing, treating, or storage of skins or hides or a rendering plant.																													
Parking: One space for each 1.5 employees in the maximum work shift.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
Bio-Tech, High-Tech Manufacturing	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
															P	P	C	C						C				C	P
Description: A facility that manufactures and develops products using advanced processes in the fields of engineering, technology, and medicine.																													
Parking: One space for each 1.5 employees in the maximum work shift.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
Chemical Packing and/or Blending	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
																													C
Description: A facility that blends and packs various chemicals for transportation or sale.																													
Parking: One space for each 1.5 employees in the maximum work shift.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
Clothing												SPD																			

Light Manufacturing Process	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5	C	C									P	P	
	Description: A use engaged in the processing, manufacturing, compounding, assembling, packaging, treatment, or fabrication of materials and products, from previously manufactured materials. Such use is capable operating in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, odor, etc. This use includes manufacturing assembly.																												
Parking: One space for each 1.5 employees in the maximum work shift.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
Manufacturer of Chlorine or Other Toxic Gasses	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													C
	Description: A facility that manufactures chemicals such as chlorine, acid, ammonia or other toxic gases.																												
Parking: One space for each 1.5 employees in the maximum work shift.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5													C	C	P
	Description: A minor concrete plant which produces less than 1.5 yards per batch of cement mixed.																														
Parking: One space for each 1.5 employees in the maximum work shift.																															

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														P
	Description: A facility that houses manufacturing, storage, and assembly operations including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant, publishing and bindery																													

PROPOSED UDC
T-13 AMENDMENTS

Presentation at the
Joint Workshop on
July 18, 2011

Proposed Modifications (Minor)

PROPOSED UDC T-13 AMENDMENTS

Joint Workshop – July 18, 2011

Proposed Modifications (Minor)

Proposed changes are in red. Deletions area shown as strike-outs. Additions are shown in red, underlined text.

1. **Section proposed to be changed:** Section 4.2.5.9. (c) (1) (a) Temporary Signs (Political Signs)

Explanation: Change UDC to meet state statute for political signs.

Proposed Change:

Section 4.2.5.9 General Exemptions

(a) **Generally.** Notwithstanding any other provision in this UDC to the contrary, the following signs shall be exempt from all sign requirements contained in the UDC except for location restrictions, unless modified below, and any requirement for the sign specifically listed herein.

(b) **Exemptions.**

- (1) Warning/Safety Signs. Signs that have as their sole purpose the protection of life or property, including without limitation emergency exit, fire lane, or no trespassing, are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft²) in size.
- (2) Utility Location Signs. Signs erected by a governmental entity or private utility company to mark the location of utility transmission lines or similar facilities are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft²) in size.
- (3) On-site directional and informational signs not exceeding two square feet (2 ft²) in size.
- (4) Historical/Memorial Signs. On-premise attached or ground signs that commemorate a person, event, or structure are allowed so long as no advertising whatsoever is contained thereon and they do not exceed eight square feet (8 ft²) in size.
- (5) Vehicle for Sale Signs. Signs placed on motorized vehicles advertising them for sale are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft²) in size or four signs per vehicle.
- (6) Outdoor Merchandise Display Signs. Signs affixed to outdoor equipment or machinery such as vending machines or gasoline pumps with instructions for

use, or signs located immediately adjacent to merchandise displayed for sale outdoors, are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed one square foot (1 ft²) in size.

- (7) Human Signs. Signs carried or wholly supported by humans are allowed so long as they do not exceed thirty-two square feet (32 ft²) in size.
- (8) Flags. The official flags of any governmental entity are allowed so long as the flag pole is no greater than thirty-five feet (35') in height if mounted on the ground, or twelve feet (12') in height if mounted on top of a building, and the flag does not exceed one hundred square feet (100 ft²) in size.
- (9) Unlit Political Signs. Political signs that are not lighted are allowed provided they do not exceed eight feet (8') in height or thirty-~~two~~ six square feet (~~32~~ 36 ft²) in area.
- (10) Signs facing the interior of athletic stadiums or fields or facing the exterior of athletic stadiums or fields operated by nonprofit organizations or governmental entities.

2. **Section proposed to be changed:** Section 2.4.4.2. (i) Refuse Containers

Explanation: Include the requirements of the refuse container section for the OP zone to be in line with all the other zones. This requirement was inadvertently left out when the UDC was written.

Proposed Change:

Section 2.4.4.2. OP, Office Professional

- (i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.

3. **Section proposed to be changed:** Section 2.4.2.10. (d) Additional height for multifamily developments.

Explanation: Allow additional height for multi-family with the approval of a CUP, similar to other commercial zones.. The additional height would allow screening of roof top equipment by a parapet or other features.

Proposed Change:

Section 2.4.2.10. MF, Multiple-Family Residential District

- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height. Additional height may be approved through a Conditional Use Permit (CUP).

4. Section proposed to be changed: Section 2.5.4.2. Home Occupation

Explanation: Clarification on who is allowed to work at a home occupation. Currently “members of the family” does not include non members who may be residing in the house.

Proposed Change:

Section 2.5.4.2 Criteria for Home Occupations

(a) **Criteria for Allowed Home Occupation Uses.** The allowed uses under a customary Home Occupation shall comply with the following criteria.

- (1) No person other than ~~members of the family~~ those residing on the premises shall be engaged in such occupation.

5. Section proposed to be changed: Section 2.7.3.7 (a) (4) Special Exception for Nonconformities and Sections 2.4.2.5 – 2.4.2.8.

Explanation: Allow building permits for attached or detached additions on a lot used for single family residential use where a building with non conforming yards exists when the new additions meet our current code. Also allow additions in subdivisions platted prior to February 27, 2006, to follow the requirements of the previous Land Use and Urban Development Ordinance.

Proposed Change:

Section 2.7.3.7 Special Exception for Nonconformities

(a) **Exceptions Criteria.** Upon written request of the property owner, the Zoning Board of Adjustment (ZBA) may grant special exceptions to the provisions of this code, limited to and in accordance with the following:

- (1) Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming.
- (2) Expansion of the gross floor area of a nonconforming structure or a conforming structure on property that is conforming, provided that such expansion does not decrease any existing setback.
- (3) Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

(4) Construction of a new structure on the same property where a nonconformity already exists, whether it is a nonconformity in an existing structure or of the property itself, provided the new structure assumes the existing nonconforming status and no nonconforming use is expanded into the structure.

(5) For new expansions to existing single family residential structures in existing platted subdivisions platted prior to February 27, 2006, if the expansions conform to the to the regulations that existed at the time of development, a building permit may be granted without the approval of a special exception from the ZBA.

Sections from the Land Use and Urban Development Ordinance will be added under corresponding zones (R-1, R-2, R-3, and R-4). These regulations will be applicable to the developments platted prior to February 27, 2006.

Example for R-1 zone

For lots contained within subdivisions approved prior to February 27, 2006, the following regulations shall apply.

1. Area requirements:

(a) Minimum lot size - Every lot within the zoning district shall be at least 8,800 square feet in area.

(b) Minimum lot width - Every lot within this zoning district shall be at least 80 feet in width, measured at the front building line.

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

(d) Where a lot having less area, width, and/or depth existed in separate ownership upon the effective date of this Ordinance, the erection of one single family dwelling shall be permitted.

2. Yard (setback) requirements:

(a) Front yards shall be at least twenty-five (25) feet, provided that the front yard shall be at least twenty (20) feet on lots within the arc of a cul-de-sac and thumbnail lots.

(b) Rear yards shall be at least twenty (20) feet.

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

Corner lot: There shall be a minimum yard of at least twenty feet (20') adjacent to the side street of a corner lot. If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

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

Accessory buildings, as permitted herein, shall be allowed in required side yards, provided, however, that no accessory building may be closer than three (3) feet to a common property line and shall not encroach on any dedicated easements.

6. **Section proposed to be changed:** Section 2.5.3.1 (a) (2) Location of accessory structures.

Explanation: Change our code to meet the newly adopted building codes. The building code requires building to be at least 5 feet from the property line, and 3 feet only if they have fire walls

Proposed Change:

Section 2.5.3.1 Area Regulations for Accessory Structures (All Districts)

- (a) **Location of Accessory Structures on Smaller Lots.** On properties less than one (1) acre in size and zoned or utilized for residential use, accessory structures shall only be permitted to locate as follows:
- (1) Garages, carports, swimming pools and structures that typically accompany pools (such as bath houses, cabanas, and covered patios next to a pool), shall be entirely behind the imaginary line that incorporates the rearmost front face at least five (5) feet in length of the principal building. That portion of any such accessory structure that is located in front of the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building shall comply with the side setback requirements applicable to the principal building.
- (2) All other accessory structures shall be located behind the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building, and shall be no closer than three feet (3') to a common property line, upon approval of the building official, and shall not encroach on any dedicated easements. (See *Figure 2-4*, on page 2-~~145~~ 150.)

7. **Section proposed to be changed:** Section 2.4.3.4 (c) (9) Old Townsite sign code

Explanation: Remove enameled or powder-coated metal to allow painted metal of any type. Also, permit prefinished aluminum. Allow substitution of cold cathode tube (neon) with illumination by LED replica.

Proposed Change:

Section 2.4.3.4 OT, Old Townsite District

9. **Signs.** The following regulations shall be applicable to signs in the Old Townsite district:
- a. The total area of all wall and freestanding signs shall not exceed 2 square feet per linear foot of building frontage, up to a maximum of 200 sq. ft. Maximum area of all ground signs shall not exceed 75 sq. ft. All other requirements of the UDC regarding signage shall be applicable.
 - b. Projecting signs and awning signs shall be permitted in addition to wall signs upon approval by the City. Projecting signs shall have a minimum of eight (8) feet clearance above finished grade. Projections shall not be allowed on City right-of-way. All other requirements of the UDC regarding signage shall be applicable.
 - c. A freestanding or monument sign shall have landscaping around its base.
 - d. Signs shall be constructed and/or finished using the following materials:
 - i. Painted, ~~enameled or powder-coated~~ metal, or prefinished aluminum
 - ii. Cold cathode tube (neon) or illumination by LED replica, limited to the face of the sign.
 - iii. Carved relief in stone, cast stone or brick.
 - iv. Wood or carved wood which is painted or sealed.
 - v. Any sign made of other materials not mentioned may be proposed for consideration and approved for usage on a one-on-one basis under a Conditional Use Permit (CUP).

8. Section proposed to be changed: Section 4.2.3.7 (a) Tree mitigation clarification

Explanation: Clarify that trees intended for mitigation are not to be counted toward other landscaping requirements. These were two separate ordinances. Since both of them were included in the consolidated UDC, there has been some confusion.

Proposed Change:

Section 4.2.3.7 Tree Replacement Requirements

- (a) In the event that it is necessary to remove a Protected Tree, the applicant, as a condition to issuance of a building permit, shall be required to replace the tree(s) being removed with replacement trees as defined herein. Trees used for mitigation purposes may not be counted toward any of the other landscaping requirements. This mitigative measure is not meant to supplant good site planning.

9. Section proposed to be changed: Section 2.6.1.1 (b) Flag lots

Explanation: Since flag lots were introduced recently there is some confusion regarding the placement of front yard landscaping requirements for flag lots. Clarify that

landscaping is required for flag lots along the front yard or pole, in lieu of street frontage. Also, clarify how the width of the lot would be measured.

Proposed Change:

Section 2.6.1.1 Area & Building Regulations

(b) **Configuration of Lots.** *Figure 2-6* illustrates the various types of lots that are discussed within this UDC.

- (1) Flag lots (i.e., lots with minimal, or panhandle type, frontage) shall not be permitted in residential districts unless otherwise approved by the ZBA. Flag lots in nonresidential and mixed use zoning districts shall be permitted upon approval by the Planning & Zoning Commission, provided such lots shall have a minimum frontage of fifty feet (50'), and no flag lot shall be permitted to have frontage adjacent to the frontage of more than one (1) other flag lot on the same street.

a. Landscaping requirements for flag lots in commercial districts shall be similar to other lots, and the frontage of the lot for the purpose of calculating landscaping shall be the widest portion of the lot. Required street trees shall be provided within the site and in the front yard or along the pole portion of the lot.

- (2) Double frontage lots in residential zoning districts shall only be permitted if access is limited to one street frontage.

Add Section 4.2.2.4 (c) under landscaping as a cross reference.

For landscaping on flag lots refer to section 2.6.1.1 (b) (1) (a)

10. Section proposed to be changed: Section 3.2.6.4(M) Specific Streets

Explanation: This is a minor code change that will alleviate the confusion of the use of a word “variance”, as this specific change is approved by the Planning and Zoning Commission and not the ZBA. Also, the approval of these modifications would require the City Engineer’s approval.

Proposed Change:

(m) **Modifications Variances for Overlength Streets or Cul-De-Sacs.** The Planning and Zoning Commission may approve modifications variances for overlength streets or cul-de-sacs up to seven hundred and fifty feet (750') in length, whether temporary or permanent, upon considering the following:

- (1) If there are alternative designs that are feasible and that would, if used, reduce the proposed overlength street or cul-de-sac;
- (2) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and

- (3) Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures.
- (4) Whether the allowance of such overlength street or cul-de-sac preserves the spirit and intent of these regulations.

(5) Approval of the City Engineer.

11. Section proposed to be changed: Section 3.1.1.1(C) **Applicability.**

Explanation: This minor code change will clarify that if remodeling occurs, the property will not have to be platted, if no additional square-footage is added or no additional pavement.

Proposed Change:
Section 3.1.1.1(C) **Applicability.**

- (2) No permit shall be issued for any building or structure on a property until a subdivision or a development plat has been approved and filed for record with the following exceptions:
- a. Permits for repair or remodeling of an existing structure or for site improvements (parking areas, driveways, etc.) which involves no increase in square footage of structure or paving; or
 - b. Demolition permits, or permits for removal of a structure from a parcel or tract.
 - c. A building permit may be issued for a Public Educational Facility prior to platting, but no certificate of occupancy shall be issued until after approval and recordation of the final plat.

12. Section proposed to be changed: Section 3.2.13.1(b)

Explanation: Allows the City Engineer to approve the location of fences over utility easements.

Proposed Change:

- (b) **Fencing.** ~~A wall, fence or screen shall be permitted over any utility easement provided that the easement remains fully accessible to the City for maintenance and repair purposes.~~ Fences over utility easements will be permitted, if approved by the City Engineer. A wall, fence or screen shall be permitted over any drainage easement if the water flow within the easement is not adversely affected by the wall, fence or screen. In addition to all other remedies provided by Chapter 1, Article 2, Division 6 of this Unified Development Code, the City may summarily remove any wall, fence or screen erected in violation of this section, and the City

shall not incur any liability or assume any duty to compensate the owner or replace the wall, fence or screen.

13. Section proposed to be changed: Section 2.6.1.1(B)(1) **Area & Building Regulations**

Explanation: The ZBA decides whether a flag lot is permitted, but typically the Planning and Zoning Commission addresses plat and lot issues. This change will enable the P & Z to approved flag lots in residential zones.

Proposed Change:

(b) **Configuration of Lots.** *Figure 2-6* illustrates the various types of lots that are discussed within this UDC.

- (1) Flag lots (i.e., lots with minimal, or panhandle type, frontage) shall not be permitted in residential districts unless otherwise approved by the Planning and Zoning Commission ZBA. Flag lots in nonresidential and mixed use zoning districts shall be permitted upon approval by the Planning & Zoning Commission provided such lots shall have a minimum frontage of fifty feet (50'), and no flag lot shall be permitted to have frontage adjacent to the frontage of more than one (1) other flag lot on the same street.

14. Section proposed to be changed: Section 2.4.3.4(1)(B) Permitted Uses

Explanation: Removes zoning information from the Old Town Site as they are now in the Land Use Matrix.

Proposed Change:

(1) Old Townsite General Business District (OT-GB)

.....
b. Permitted Uses. ~~All uses Permitted or conditionally uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2; with the following exceptions: commercial uses in the GB zone, Section 2.4.4.4 of the UDC with the following exceptions: Uses permitted in GB zone~~ permitted on all floors, but required on first floor even for parking structures unless institutional / governmental uses are proposed. Residential on upper floors allowed by a Conditional Use Permit (CUP). Institutional / governmental uses permitted with City's approval by a CUP.

15. Section proposed to be changed: Section 2.4.3.4(2)(B) Permitted Uses

Explanation: Removes zoning information from the Old Town Site as they are now in the Land Use Matrix.

Proposed Change:

(2) Old Townsite Residential District (OT-R)

.....

b. Permitted Uses. Permitted or conditionally uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2. All uses permitted in R-4 district, townhomes and duplexes. All uses allowed in the OP district may be permitted with a Conditional Use Permit; all institutional uses allowed by a Conditional Use Permit.

16. Section proposed to be changed: Section 2.4.3.4(3)(B) Purpose, Applicability and Effect

Explanation: Removes zoning information from the Old Town Site as they are now in the Land Use Matrix.

Proposed Change:

(3) Old Townsite Mixed Use District (OT-MU)

.....

b. Permitted Uses. All uses permitted in the Office and Professional District (OP), Townhouse Residential District (TH), and Single Family Dwelling District (R-4). Uses allowed in Multi Family District (MF) by a CUP. The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

17. Section proposed to be changed: Section 2.5.2.1 The Land Use Matrix

Explanation: Reduces the big box parking from 1/200 SF to 1/300 SF. Update is combining the parking information from Section 4 with new land use matrix.

Proposed Change:

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts						
	SD	RE	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD	C-MU	G/O-MU	OT-R	OT-P	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
Department Store <input type="checkbox"/> (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing) <input type="checkbox"/> Combined Home												P	P	P							P		P	P	C	
Description: A store over 25,000 square feet selling a wide variety of goods, which are arranged into departments.																										
Parking: One space for each 300 square feet of gross floor area.																										

18. Section proposed to be changed: Section 2.5.2.1 The Land Use Matrix

Explanation: City Attorney has recommended that oil drilling be permitted in all zones with a Conditional Use Permit due to existing mineral rights.

Proposed Change:

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts											
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2		
												S1	S2	S3	S4	S5															
Petroleum or petroleum product extraction, refining, manufacturer,,	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Description: The excavation of sand, gravel, minerals or other resources from the earth.																															
Parking: One space for each 1.5 employees in the maximum work shift.																															

19. Section proposed to be changed: Section 2.5.2.1 The Land Use Matrix

Explanation: Gold Exchange Stores are under Pawn Shop along with Payday loans, as these uses are more aligned with a Pawnshop than a typical jewelry store. Jewelry Store is its own use, but it might be advantageous to include this use under general retail.

Proposed Change:

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts										
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2	
												S1	S2	S3	S4	S5														
Pawn Shop/Pay Day Loan/Gold Exchange												P	P	P			C	C		P		C			P	P	P	P	P	C
Description: An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations. This use includes establishments that primarily buy gold from customers.																														
Parking: One space per 300 square feet of gross floor area.																														

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
Jewelry Store												P	P	P			C	C		P		C			P	P	P	P	C
Description: A retail business that allows the purchase of jewelry such as rings, necklaces or bracelets in display cases. A jewelry store also allows for patrons to sell used jewelry as an ancillary use to the jewelry store operation.																													
Parking: If less than 25,000 square feet, one space per 175 square feet of gross floor area. 2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.																													

Use	Residential Zoning Districts											Mixed Use Districts					Old Town			Non-Residential Zoning Districts									
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	SPD					C-MU	G/O-MU	OT-R	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
												S1	S2	S3	S4	S5													
General Retail Store, Other than listed Combined: Camera Shop (Retail Only); Gift or Card Shop (Retail Only); Hobby Shop (Retail Only)												P	P	P			C	C		P	P	C	P	P	P	P	P	C	
Description: A facility for the retail sale of general merchandise to the general public for direct consumption and not for wholesale. This use does not include any of the uses specifically mention in this title.																													
Parking: One space for 200 square feet of gross floor area.																													

20. Section proposed to be changed: Section 3.2.13.2 Utility Easements

Explanation: The requirement for having 10-foot utility easements along the front of lots is not needed for residential. Change in the language to allow the decision to fall on the engineer.

Proposed Change:

(b) **Location.** ~~Where alleys are not provided in a residential subdivision, a minimum ten foot wide utility easement shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line, for the potential placement of utility facilities. Utility easements within residential subdivisions will be determined by the City Engineer.~~ “Wet” utility easements shall be provided along the front of all lots. “Dry” utility easements may be provided along the rear of lots, if approved by the City Engineer. (See Chapter 5 for definitions of “wet” utilities and “dry” utilities.)

21. Section proposed to be changed: Section 3.1.2.2(C) Master Plat Application Requirements

Explanation: This change will allow the elimination of the additional Master Plat process, if the Cluster Plan delineates phasing, thereby shortening process.

Proposed Change:

Section 3.1.2.2 Application Requirements

(a) **Responsible Official.** The Planning Director shall be the responsible official for a Master Plat.

(b) **Submittal.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.

(a) **Prior Approved Applications.** An application for a Master Plat shall not be approved unless all zoning amendments, including a request for a Planned Development District, which are necessary to authorize the proposed uses have been approved and remain in effect for the land included in the Master Plat. Where applicable, approval of a Cluster Development Plan also is required prior to approval of a Master Plat application. A Master Plat will not be required if a Cluster Development Plan has delineated phasing of the development.

22. Section proposed to be changed: All sections within chapter 2 referring to the Parking Standards.

Explanation: Redirecting parking information to the land use matrix.

Proposed Change:

(j) **Parking.** Parking shall be provided as required in ~~Chapter 4, Article 2, Division 4 Chapter 2, Article 5, Division 2~~ – Land Use matrix of this UDC.

23. Section 2.2.3.5 – Use language same as 2.2.5.2 (e). Extension by CC upon PZ recommendation (beyond 2 yrs.) Add 2.2.3.5 (d) or change (b) to expiration and extension.

Section proposed to be changed: 2.2.3.5 (b)

Explanation: Allowing City Council, upon recommendation of Planning and Zoning Commission, to extend a Conditional Use Permit will save an applicant from having to reapply if they are unable to commence their project within the initial timeframe of the CUP. Currently there is no provision to extend the CUP beyond the six months.

Proposed Change:

- (b) ~~Time of Expiration~~ Expiration and Extension. A Conditional Use Permit shall expire if:
- (1) A building permit, if any, for the use has not been approved within one year of the date of approval of the permit;
 - (2) The building permit subsequently expires;
 - (3) The use has been discontinued for a period exceeding six months; or
 - (4) A termination date attached to the permit has passed.
 - (5) City Council, upon recommendation from the Planning and Zoning Commission, may extend the time frame to apply for a building permit for one additional year beyond the original expiration date.

24. Section proposed to be changed: Section 3.1.1.1(C) (3)

Explanation: Exempt properties that are not only zoned residential but also used for residential uses to expand with a survey vs. plats, especially for annexation areas. Pros (annexation areas) and Cons (long term).

This is a substantial policy change in regard to allowing residential uses in non-residential zoning districts to continue to expand without platting as long the meet the requirements of 3.1.1.1(C)(3).

Proposed Change:

(c) **Applicability.**

(3) Notwithstanding any UDC provision to the contrary, a permit, variance, or special exception may be granted for an unplatted lot zoned residential **or used for residential** and on which exists a structure used for residential purposes, to allow the expansion of said structure or the construction or expansion of an accessory structure located on the same lot, upon the determination by the Planning Director that the following conditions are met:

- a. The lot's configuration has remained unchanged since February 27, 2006;
- b. The lot has frontage on a public road or a private road built to the City's standards;
- c. The total value of the work being permitted does not exceed fifty thousand dollars (\$50,000.00), as determined by the Building Official;

d. A survey of the lot prepared by a licensed surveyor for the State of Texas is filed with the City of Pearland in hard copy and electronic form with the following information:

1. the corners and boundaries of the lot;
2. the location of all existing structures and easements;
3. the location and width of all abutting rights-of ways; and
4. a floodplain statement for the lot;

e. Any public dedication required by the City is achieved by separate conveyance to the City prior to the issuance of the permit; and

f. No such permit was issued for the subject lot in the three (3) years prior to the issuance of the permit being sought.

25. Section proposed to be changed: - *One non conforming use to another – special exception – similar to a use variance.*

Explanation: This is essentially a use variance which is not legal in the State of Texas.

Proposed Change:

2.7.3.7 (a) (3) *Re*-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

Additional wording change relating to Variances:

Section proposed to be changed: 2.2.5.2 (b) (3)

Explanation: The current wording implies that an applicant may seek a use variance, which is not the intent of the statement. The intent of the statement is to inform individuals that if they are first seeking a zone change, prior to applying for a variance, the zone change must be complete prior to commencing variance proceedings.

Proposed Change:

2.2.5.2 (b) (3) An application for a variance ~~to a use in a zoning district for which an application for a zoning amendment is pending~~ may not be accepted for filing ~~if there is a zone change pending on the subject property~~ until a final decision has been reached on the zoning amendment.