

AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JUNE 6, 2011, AT 6:00 P.M., 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I PURPOSE OF THE WORKSHOP:

A. COMMISSION INPUT AND DISCUSSION: UNIFIED DEVELOPMENT CODE AMENDMENTS

- 1) *Presentation by Lata Krishnarao, Planning Director*

This site is accessible to disabled individuals. For special assistance, please call Young Lorfinq at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.

I, Judy Krajca, Planning Secretary of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 3rd day of June 2011 A.D., at 5:30 p.m.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of June 2011.

Part I

UDC T-13 Amendments

UDC T-13 AMENDMENTS

April 29, 2011

These are the first set of changes and include clarifications and corrections.

Staff has identified the following policy changes that will be included in the next few workshops:

1. Buffer requirement between residential and non residential including scaled height restrictions, similar to residential retail nodes.
2. Exempt properties that are not only zoned residential but also used for residential uses to expand with a survey instead of plats, especially for annexation areas.
3. Undergrounding of overhead utilities – private developments and public infrastructure projects.
4. Expansion of non-conforming residential uses without any additional permits for annexation areas.
5. Night lighting standards.
6. Parking incentives to save larger/protected trees.
7. BP 288 – refer to COD for color palette. Other parcels in BP 288 zoned GC or GB – should they be under COD requirements.
8. Expiration for PDs

Proposed Modifications

1. **Section proposed to be changed:** Section 2.4.5.1 (g) (7). Detention in front yards.

Explanation: Should add that fountains and enhanced landscaping are required. Increase the required landscaping by 100% if detention is in the front yard.

Proposed Change:

Section 2.4.5.1 COD, Corridors Overlay District

(g) Landscaping Standards.

- (1) Minimum Percentage of Landscaping in the Required Setback Area: A minimum of fifteen percent (15%) of the required setback area shall consist of landscaped open areas with a permeable surface.
- (2) Minimum Percentage of Landscaping Generally: A minimum of fifteen percent (15%) of the gross lot area shall consist of landscaped open areas.
 - a. Landscaping elements shall be established along the outside (i.e., the side nearest the right-of-way) of all required screening elements (refer to Subsection (h) below).
- (3) Tree Requirements: Trees are required along all specified major thoroughfares as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot adjacent to the specified roadways:
 - 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, except for Public Educational Facilities, which are exempt from this requirement.
- 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 three feet (3') shall be provided between a tree trunk and the back of any curb and eight feet (8') 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.

(4) 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 designed and intended for the parking of passenger vehicles driven by customers, patrons, or employees shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. Public Educational Facilities and industrial uses located in M-1 and M-2 zoning districts shall be exempt from this requirement so long as the overall landscaping requirement is met onsite.

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

(6) 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 and may count toward (g)(1) above.

(7) Detention/retention facilities located in front yards: When a detention/retention facility is located in a front yard, the facility shall be incorporated into the design of the development as an amenity. The following minimum design criteria shall be met:

- a. The pond shall be wet bottom and incorporate fountains.

b. Enhanced landscaping with twice the amount of required ornamental trees and shrubs in the front yard.

c. The minimum height of all shrubs shall be 24" at planting in these areas.

d. Detention not to be located in the 30' landscaped buffer or the required front yard.

These requirements may be modified by the Planning Director based on site specific features.

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

Explanation: Change UDC to meet state statute.

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 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.

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

Explanation: Change the requirements of the refuse container section for the OP zone to be in line with all the other zones.

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.

4. UDC T-13

Section proposed to be changed: Section 2.4.2.10. (d) Refuse Containers

Explanation: allow additional height for multi-family with the approval of a CUP.

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).

5. UDC T-13

Section proposed to be changed: Section 2.5.4.2. Home Occupation

Explanation: Clarification on who is allowed to work at a home occupation.

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.

6. 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.

a. For new expansions to 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.

- 7. 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.

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.)

- 8. Section proposed to be changed:** Section 2.6.2.1 (c) (a) Façade Materials

Explanation: There is a discrepancy between the sections of UDC regarding the use of EIFS. While the definition clarifies the EIFS can only be used for masonry trim, the text under Section 2.6.2.1 contradicts the definition. Staff is proposing to clarify this and remove the use of EIFS as a masonry material other than trims.

Current definition:

Masonry: Brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block and stucco. EIFS (exterior insulation and finish systems) shall be included within this definition only for the purpose of masonry trim.

Proposed Change:

Section 2.6.2.1 Applicability & Requirements

(c) Materials Permitted.

- (1) Allowed by Right: For the purpose of this section masonry materials allowed by right are brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, and split face block, and stucco. ~~and EIFS (exterior insulation and finish systems).~~
- (2) May Be Allowed by CUP: New technologies not addressed or contemplated by these regulations may also be allowed by CUP, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein.
- (3) Trim Materials: Architectural metal and EIFS (exterior insulation and finish systems) may be utilized for window and door trim, fascia, or soffit.

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

Explanation: Replace enameled or powder-coated metal with 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).

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

Explanation: Specify that trees intended for mitigation are not to be counted toward other landscaping requirements.

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.

11. Section proposed to be changed: Section 4.2.5.3 (5) Builder or Model Home signs.

Explanation: Change the sign code to remove temporary builder and subdivision identification signs due to NSP program.

Proposed Change:

Section 4.2.5.3 On-Premise Ground Signs

- (5) Subdivision, Builder, or Model Home Sign: A sign advertising ~~a new residential subdivision under active construction and sales or~~ a model home therein shall be allowed subject to the following conditions:
 - a. The sign must be located on: ~~(1) a lot on which a model home is located; or (2) a lot, tract, or reserve that is not intended for sale and the maintenance of which is the responsibility of the builder, developer, or homeowners association.~~
 - b. The sign may not exceed ten feet (10') in height or thirty-two square feet (32 square feet) in area per sign face.
 - c. ~~Only one sign in this category is allowed per three hundred feet (300') of local street frontage. Signs on model home lots do not count against this limit.~~
 - d. ~~“Active construction and sales” means: (1) the subdivision has lots for sale; (2) there is at least one (1) pending building permit for new construction of a home within the subdivision; and (3) There is a model home in the subdivision open during regular business hours where potential buyers may review and select available home floor plans, options, and upgrades.~~

- e. All signs erected pursuant to this subsection must be removed within five (5) years.

Subdivision and Builder sign shall be permitted under the city wide sign plaza program.

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

Explanation: Specify 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)

13. 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 variance, as this goes to Planning and Zoning Commission and not the ZBA. Also, the approval of these modifications would require the Fire Marshal and City Engineer's approval.

(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.

14. 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.

....

(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.

15. 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.

(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 allowed, 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.

16. Section proposed to be changed: Section 3.1.6.1(C) Purpose, Applicability and Effect

Explanation: Allows for permits to be approved when plat is approved.

Division 6 - Minor Subdivision Plats

Section 3.1.6.1 Purpose, Applicability and Effect

- (a) **Purpose.** The purpose of a Minor Subdivision Plat is to simplify divisions of land under certain circumstances by authorizing administrative approval of a plat.
- (b) **Applicability.** An application for approval of a Minor Subdivision Plat may be filed only in accordance with state law, when all of the following circumstances apply:
 - (1) The proposed division results in four or fewer lots;
 - (2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Unified Development Code; and
 - (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way widening and easements shall be permitted as part of a Minor Subdivision Plat. The term “municipal facilities” shall not include water lines for firefighting purposes and fire hydrants connected thereto which are located in easements on private property.

17. Section proposed to be changed: Section 3.1.7.4(C) Purpose, Applicability and Effect

Explanation: Allows for permits to be approved when plat is approved.

Section 3.1.7.4 Amending Plats

- (a) **Purpose.** The purpose of an amending plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of state law.
- (b) **Applicability.** The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:

- (1) Correct an error in a course or distance shown on the preceding plat;
 - (2) Add a course or distance that was omitted on the preceding plat;
 - (3) Correct an error in a real property description shown on the preceding plat;
 - (4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) Correct an error in courses and distances of lot lines between two adjacent lots;
 - (8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - (9) Relocate one or more lot lines between one or more adjacent lots;
 - (10) Make necessary changes to the preceding plat to create four (4) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat; or
 - (11) Replat one or more lots fronting on an existing street.
- (c) **Effect.** Upon approval by the Director, an amending plat may be recorded and is controlling over the recorded plat without vacation of that plat. **Approval of an Amending Plat authorizes the Planning Director to record the plat, and further authorizes approval of an application for a building permits or Site Preparation Permit for any lot in the subdivision.**

18. Section proposed to be changed: Section 3.1.7.2(E) Replats Without Vacation

Explanation: Allows for permits to be approved when plat is approved.

Section 3.1.7.2 Replats Without Vacation

(a) **Applicability.** A replat of all or a portion of a recorded plat may be approved in accordance with state law, without vacation of the recorded plat, if:

- (1) The replat is signed and acknowledged by only the owners of the property being replatted; and
- (2) The replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

(b) **Notice and Hearing.** Published notice of the public hearing on the replat application shall be given in accordance with Article 2, Division 2 of Chapter 1. The hearing shall be conducted by the Planning and Zoning Commission in accordance with Article 2, Division 3 of Chapter 1.

(b) **Partial Replat Application.** Any replat which adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision Chapter 3: Subdivision Regulations Page 3-29 name and recording information, and must state on the replat the specific lots which have changed along with a detailed "Purpose for Replat" statement.

(d) **Criteria for Approval.** The replat of the subdivision shall meet all approval criteria for a Final Subdivision Plat.

(e) **Effect.** Upon approval of the application, the replat may be recorded and is controlling over the previously recorded plat for the portion replatted. **Approval of a Replat authorizes the Planning Director to record the plat, and further authorizes approval of an application for building permits or Site Preparation Permit for any lot in the subdivision.**

19. 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.

(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.

20. 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.

(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.

21. 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.

(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.~~

22. 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.

(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.~~

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

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

| 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 | S1 | S2 | S3 | S4 | S5 | 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) Combined Home | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | P | P | P | | | | | | | | | | | | | | | | |
| | 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. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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

Explanation: Requires a Conditional Use Permit for Oil Drilling in all zones.

| 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 | S1 | S2 | S3 | S4 | S5 | C-MU | G/O-MU | OT-R | OT-GB | OT-MU | RRN | OP | BP-288 | NS | GB | GC | M-1 | M-2 |
| 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 |
| | 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. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

25. 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.

| 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 | S1 | S2 | S3 | S4 | S5 | C-MU | G/O-MU | OT-R | OT-GB | OT-MU | RRN | OP | BP-288 | NS | GB | GC | M-1 | M-2 |
| Pawn Shop/Pay Day Loan/Gold Exchange | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 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 | S1 | S2 | S3 | S4 | S5 | C-MU | G/O-MU | OT-R | OT-GB | OT-MU | RRN | OP | BP-288 | NS | GB | GC | M-1 | M-2 |
| Jewelry Store | | | | | | | | | | | P | P | P | | | C | 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 | SRK-12 | R-1 | R-2 | R-3 | R-4 | TH | MF | MH | S1 | S2 | S3 | S4 | S5 | C-MU | G/O-MU | OT-R | OT-L | OT-M | RRN | OP | BP-288 | NS | GB | GC | M-1 | M-2 |
| 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. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

26. 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.

(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.)

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

Explanation: This change will allow the Cluster Plan to replace the Master Plat, if it delineates phasing.

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. A Master Plat will not be required if a Cluster Development Plan has delineated phasing of the development.

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

Explanation: Discussion: Should this be allowed in the Residential Districts?

| 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- | OT- | MU | RRN | OP | BP-288 | NS | GB | GC | M-1 | M-2 | | | | | | | |
| | | | | | | | | | | | | S1 | S2 | S3 | S4 | S5 | | | | | | | | | | | | | | | | | | | | | |
| Hospice (Defined Under Household Care Facility) | P | P | P | P | P | P | P | P | P | P | P | | | | | | C | C | | | | 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. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

29. **Section proposed to be changed:** 2.4.2.10 MF Multiple-Family Residential District
2.4.2.11 MH, Manufactured Home Park District
2.4.3.2 C-MU, Cullen-Mixed Use District
2.4.3.3 G/O-MU, Garden/O’Day-Mixed Use District
2.4.3.4(1)(j) OT, Old Townsite District
2.4.3.4(2)(i) Old Townsite Residential District (OT-R)
2.4.3.4(3)(i) Old Townsite Mixed Use District (OT-MU)
2.4.4.2(l) OP, Office & Professional District
2.4.4.4(l) NS, Neighborhood Service District
2.4.4.6(k) GC, General Commercial District

Explanation: Limit the height of lighting within Commercial and Multi-Family Districts.

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.

.....
(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.

(r) **Lighting Height:** Height: Standards, poles, and fixtures shall be no taller than the height of the building being served or a maximum of 20 feet if the building is less than 20 feet in height. Additionally, a Conditional Use Permit can be submitted for increased lighting height.

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.

.....

(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.

(v) **Lighting Height:** Height: Standards, poles, and fixtures shall be no taller than the height of the building being served or a maximum of 20 feet if the building is less than 20 feet in height. Additionally, a Conditional Use Permit can be submitted for increased lighting height.

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.

.....

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

(i) **Lighting Height:** Height: Standards, poles, and fixtures shall be no taller than the height of the building being served or a maximum of 20 feet if the building is less than 20 feet in height. Additionally, a Conditional Use Permit can be submitted for increased lighting height.

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.

.....

(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.

(j) **Lighting Height:** Height: Standards, poles, and fixtures shall be no taller than the height of the building being served or a maximum of 20 feet if the building is less than 20 feet in height. Additionally, a Conditional Use Permit can be submitted for increased lighting height.

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

Explanation: *Redirecting parking information to the land use matrix.*

...

(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.

30. 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: By 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.

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 Planning and Zoning Commission, may extend the timeframe to apply for a building permit for one additional year beyond the original expiration date.

Part II

UDC T-13 Amendments

UDC T-13 – Part II

Policy Changes

- 1. Buffer requirement between residential and non residential including scaled height restrictions, similar to residential retail nodes. Allow parking and pools after the 25' landscaped buffer.**

Section proposed to be changed: Division 7 – Residential Adjacency Standards

Explanation: This is a substantial policy change in regard to commercial buildings next to protected single-family residences. An example would be a hotel not being able to have a 15 story building directly on the building line adjacent to a single family residence. I have included two examples, example 1: uses a 2 to 1 ratio and example 2: uses an angled method. 15-foot tall buildings or below are exempted.

EXAMPLE 1:

Chapter 4, Division 7 – Residential Adjacency Standards

Section 4.2.7.1 Residential Adjacency Standards

(a) Applicability

1. All property to be developed for nonresidential or multifamily uses that are located adjacent to property which is zoned RE, SR-12, SR-15, R-1 thru R-4, unless such adjacent property is developed with a nonresidential use, shall conform to the residential adjacency standards.
2. For purposes of this Subsection:
 - a. Property is “adjacent” to other property if the properties share a common property line or are separated only by a street right-of-way or easement.
 - b. “Property subject to the standards for this Subsection” means the property that is described in Subparagraph (a) of this Paragraph (1) that must conform to the residential adjacency standards of this Subsection.
 - c. “Protected property” means residential property that is developed for sale or designated for such development, and single-family residential property, as those types of property are described in Subparagraph (a) of this Paragraph (1).

(b) Building Height And Setback Requirements

a. Proximity Slope

- i. Except as otherwise provided in this Paragraph (2), no building subject to the standards of this Subsection shall exceed the height of a line drawn from the property line of a protected property at a 2:1 slope directly into the property subject to the standards of this Subsection. For example, a 20-foot high building must be set back 40 feet from the property line of the protected property, if both the property line of that property and the grade of the building subject to the standards of this Subsection are at the same

elevation. The Proximity Slope limitation contained in this Subparagraph (1) applies to architectural projections above rooflines.

ii. The Proximity Slope limitation contained in Subparagraph (1) does not apply when non-residential buildings, such as schools and churches, are built on the protected property.

iii. Notwithstanding the Proximity Slope limitation contained in Subparagraph (a), a one story building up to 15 feet in height may be constructed to the applicable setback line that is established for the zoning district in which the property subject to the standards of this Subsection is located or which is established by Paragraph (d)(i).

b. Changes in Grade. Notwithstanding the Proximity Slope limitation contained in Paragraph (a) above, if the natural slope of the ground rises or falls from the point of origin of the slope line, the actual building height may be greater or lesser by the difference in grade.

c. Exceptions

i. The following structures may project a maximum of 12 feet above the Proximity Slope:

A) Chimney and vent stacks.

B) Roof structures for the use of solar panel units, elevators, stairs, tanks, ventilation and similar necessary mechanical equipment.

C) Visual screens which surround mounted mechanical equipment.

D) Skylights.

E) Whip and mounted antennas.

ii. Church steeples, utility transmission lines and towers, wireless communication facilities when attached to a utility transmission line pole or tower, small wind energy systems, and municipal utility facilities such as water towers are exempt from the maximum height provisions.

d. Building Setback. In addition to the required building setback line, no building setback on property subject to the standards of this Section shall be less than the required building setback for the protected property.

i. Waiver. The requirements of this Paragraph (2) may be waived by the City Council by a CUP for:

i. Any mixed-use development that contains a significant residential element.

EXAMPLE 2:

Section 4.2.7.1 Residential Adjacency Standards

Chapter 4, Division 7: RESIDENTIAL ADJACENCY STANDARDS

Section 4.2.7.1 Residential Adjacency Standards

(a) Non-residential and multi-family residential parcels adjacent to single family parcels shall conform to the following standards along the common property line:

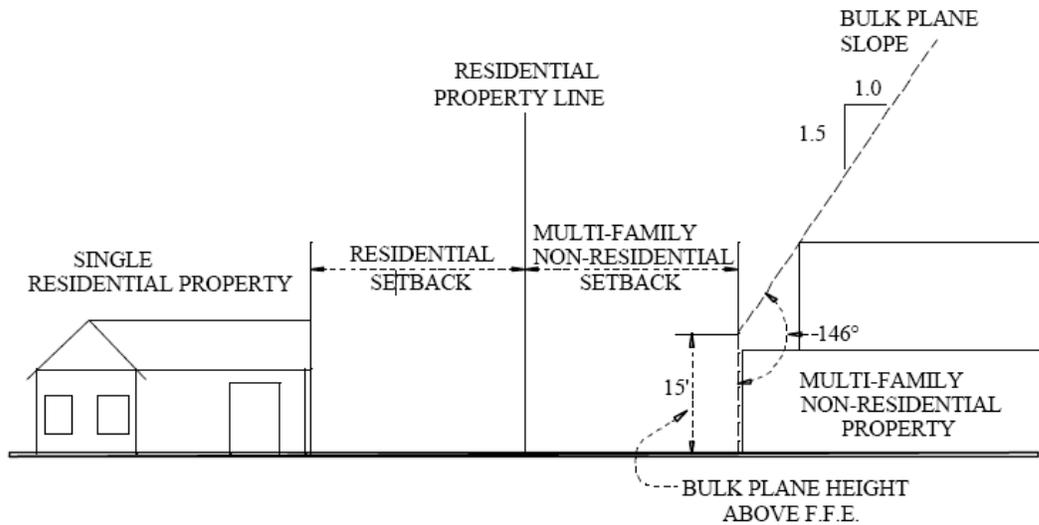
(b). SETBACK AND HEIGHT LIMITATIONS

(1). The maximum height of any structure at any point along the front, side, or rear setback line shall be 15 feet. The height is measured from the finish floor elevation. The bulk plane steps back from the 15 foot height at an angle of 146 degrees or 1 foot horizontally for each 1 foot, 6 inches of additional elevation to the maximum building height (see Figure 2.1). All parapet walls of flat roofed structures must remain behind the bulk plane setback line. Gable ends and sloped roof overhangs may extend through the bulk plane.

(c) The following structures may project a maximum of 12 feet above the bulk plane setback line:

- i. Chimney and vent stacks
- ii. Roof structures for the use of elevators, stairs, ventilation, and similar necessary mechanical equipment
- iii. Visual screens that surround mounted mechanical equipment
- iv. Skylights
- v. Antennas

c. Church steeples, utility transmission lines and towers, and municipal utility facilities such as water reservoirs, are exempt from the maximum height provisions.



2. 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).

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

Explanation: 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).

(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.

3. *Undergrounding of overhead utilities*

Section proposed to be changed: _____

Explanation: The terminology of the poles being obscured is vague and hard to enforce.

*Proposed Change: **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 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 leaving no more than the top 1/3rd of the pole visible from roadways, public or private). Any determination on whether utilities are prominent shall be made by the Planning Director.*

4. *CUP for expansion of non conforming residential upon annexation.*

Explanation: If residential properties are annexed into the City Limits and zoned non-residential they will be non-conforming, and unable to expand. With the CUP option, they would be able to expand, subject to Council approval.

Proposed Change: Add an additional section of the code. **Expansion of existing residential structure allowed by CUP:** Existing residential homes may be allowed to be enlarged or modified with the approval of a Conditional Use Permit. Enlargements or modifications must be consistent with the overall character of the area and meet a base zoning district determined at the time of CUP submittal, and the developmental regulations associated with that zoning district.

5. Explanation: Limit the height of lighting within Commercial and Multi-Family District.

SectionS proposed to be changed:

- 2.4.2.11 MH, Manufactured Home Park District
- 2.4.3.2 C-MU, Cullen-Mixed Use District
- 2.4.3.3 G/O-MU, Garden/O'Day-Mixed Use District
- 2.4.3.4(1)(j) OT, Old Townsite District
- 2.4.3.4(2)(i) Old Townsite Residential District (OT-R)
- 2.4.3.4(3)(i) Old Townsite Mixed Use District (OT-MU)
- 2.4.4.2(l) OP, Office & Professional District
- 2.4.4.4(l) NS, Neighborhood Service District
- 2.4.4.6(k) GC, General Commercial District

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

.....
(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.

(r) **Lighting Height:** Height: Standards, poles, and fixtures shall be no taller than the height of the building being served or a maximum of 20 feet if the building is less than 20 feet in height. Additionally, a Conditional Use Permit can be submitted for increased lighting height.

(k) **Spill-Over Lighting**

a. Lighting Standard. No lighting from a property subject to the standards of this Section shall create greater than 0.5 of one foot-candle at the property line of a single family residentially zoned property.

b. Redirecting/Screening of Light Sources. All sources of light, including security lighting, illuminated signs, vehicular headlights and other sources, shall be directed away from single family residential properties or screened so that the light level above is not exceeded

6. Parking incentives to keep larger trees. *Being researched.*

7. Directory/Directional Signs.

Section proposed to be changed: 4.2.5.1 (c)

Explanation: Traffic control/directional signs are necessary to facilitate the flow of vehicular traffic within a development. The current UDC does not address this type of signage.

Proposed Change: Add an additional type of exempt signage.

(18) Private traffic control: Signs on private property containing no advertising which directs the movement of traffic, warns of obstacles or overhead clearances, controls parking, indicates tenants by name, also including entrance and exit signs, subject to the following height and size restrictions: maximum height 3', maximum square footage 3 sq. ft.

8. One non conforming use to another – special exception – similar to a use variance.

Section proposed to be changed: 2.7.3.7 (a) (3)

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

Proposed Change: 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: An application for a variance 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.

9. **Scenic City –Being** researched. *To be discussed at the workshop.*
10. **Façade requirements –This** was discussed May 16, under item #8.