

AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JULY 18, 2011, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP:

- 1. COUNCIL INPUT AND DISCUSSION:** REGARDING UNIFIED DEVELOPMENT CODE- AMENDMENT T-13. *Ms. Lata Krishnarao, Planning Director.*

III. ADJOURNMENT

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

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

AGENDA OF: July 18, 2011	ITEM NO.: Workshop Item No. 1
DATE SUBMITTED: July 11, 2011	DEPT. OF ORIGIN: Planning
PREPARED BY: Lata Krishnarao	PRESENTOR: Lata Krishnarao
REVIEWED BY: Mike Hodge	REVIEW DATE: July 11, 2011
SUBJECT: Unified Development Code – Amendment T-13	
EXHIBITS: Proposed UDC T-13 Amendments	
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 workshop is to review proposed changes to the Unified Development Code. Staff examines the Unified Development Code on an annual basis, and as needed. These changes are considered minor changes by staff and include clarifications and modifications that do not propose any policy changes.

The amendment process requires a joint workshop with the Planning and Zoning Commission and City Council, prior to a joint public hearing and two readings of the ordinance. The Planning and Zoning Commission has discussed these changes and are in favor of these changes.

STAFF RECOMMENDATION

Consider the proposed amendments.

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.