MINUTES OF A SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON THURSDAY, JULY 1, 1993, IN THE CITY COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

The meeting was called to order at 7:04 p.m. with the following present:

Chairman	Richard Tetens
Commissioner	Pat Lopez
Commissioner	Jack Womack
Commissioner	Patsy Eilers
Commissioner	Robert Larsen
Commissioner	Emil Beltz (entered Chambers at 7:23 p.m.)
Division Director - Planning, Public Works, & Parks	Richard Burdine
Chief Engineer	John Hargrove
Chief Building Official	Don Guynes
Asst. to City Secretary	Sharon Parks

Absent from the meeting: Commissioner Helen Beckman.

APPROVAL OF MINUTES

Commissioner Robert Larsen made the motion, seconded by Commissioner Patsy Eilers, to approve the minutes of the Special Meeting of June 14, 1993.

Motion passed 4 to 0 (Commissioner Jack Womack abstained).

Commissioner Pat Lopez made the motion, seconded by Commissioner Eilers, to approve the minutes of the Public Hearing of June 15, 1993.

Motion passed 4 to 0 (Commissioner Womack abstained).

NEW BUSINESS

FINAL PLAT OF 518 DIXIE PLAZA, 28.2271 ACRES, A REPLAT OF LOTS 18

& 19, GEORGE W. JENKINS SUBDIVISION, VOL. 79, PAGE 616, BRAZORIA COUNTY DEED RECORDS, LOTS 5-12, S.W. NARREGANG SUBDIVISION, VOL. 3, PAGE 53, BRAZORIA COUNTY PLAT RECORDS, AND ALL OF THE WISE SUBDIVISION, VOL. 17, PAGE 99, BRAZORIA COUNTY PLAT RECORDS IN THE W.D.C. HALL LEAGUE, ABSTRACT NUMBER 70, PEARLAND, BRAZORIA COUNTY, TEXAS

Mr. Al Lentz, agent for 518 Dixie Plaza, stated the proposed use of the lots on the Plaza.

Commissioner Pat Lopez made the motion, seconded by Commissioner Robert Larsen, to approve the final plat of 518 Dixie Plaza.

Motion passed 5 to 0.

AMENDMENTS TO THE LAND USE & URBAN DEVELOPMENT ORDINANCE

Division Director Richard Burdine suggested the following alterations to the proposed Zoning Ordinance Revisions:

b. **Section 20 - Landscape Regulations**

Section 20.1 Applicability to Districts

The landscape requirements of this section shall be minimum standards for and be applicable to the following districts, MF, MH, OP, NS, GB, C, PUD, M-1, M-2, and specific uses as permitted by Section 23 hereof. The landscape requirements shall also apply when:

1. There is an enlargement exceeding 1,000 square feet in area of the exterior dimensions of an existing nonresidential or multi-family residential building for which a building permit is required; or

2. There is an existing parking lot which is expanded in area to provide additional parking spaces.

c. **Section 22 - Sign Regulations**

Section 22-11. Prohibited signs, advertising, lighting (abandoned signs)

12. Signs which no longer advertise a bona fide business conducted, or a product sold, shall be removed or have blank faces installed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within thirty (30) days after written notification to do so from the Building Official. Upon failure to comply with such notice with the

time specified in such order, the Building Official is authorized to file a complaint in Municipal Court and/or cause removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building or structure to which sign is attached or upon which it is erected.

d. **Section 28.5 Vote Required in the Event of Protest**

If a proposed change to a regulation or boundary is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths (3/4) of all members of the City Council entitled to vote on the question. The protest must be written and signed by owners of at least 20 percent of either:

1. The area of the lots or land covered by the proposed change; or

2. The area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

In computing the percentage of land area, the area of streets and alleys shall be included.

e. **Revise Table III to allow dwellings in Neighborhood Service, General Business and Commercial Zoning Districts by Specific Use Permit**

Under "Primary Residential Uses" which are Single Family Dwelling Detached, Single Family Dwelling - Attached Town Houses, Two Family Dwelling and Multi-Family Dwelling, the Commission asked that the foregoing dwellings not be allowed in a Commercial (C) District.

Also the Commission asked that Multi-Family Dwellings not be allowed in Neighborhood Service (NS) and General Business (GB) Districts.

Commissioner Robert Larsen made the motion, seconded by Commissioner Pat Lopez, to recommend to the City Council that the Amendments to the Land Use & Urban Development Ordinance, items a through e, be approved with all of the above corrections.

Motion passed 6 to 0.

Division Director Richard Burdine commented that he forgot to mention the issue of the sign height which is related to the Ordinance revisions.

A lengthy discussion followed regarding various sign heights, square footage of signs, neon signs, and shopping center signs.

Commissioner Emil Beltz made the motion, seconded by Commissioner Jack Womack, to amend the motion on Section 22, Sign Requirements, to recommend to City Council to allow for a maximum thirty (30) foot sign instead of a fifteen (15) foot sign, Section 22-4 (1) Height Restrictions.

Motion failed 2 to 4.

Commissioner Robert Larsen then made a motion to amend the motion on Section 22 , Sign Requirements, to recommend to City Council to leave the height at fifteen (15) feet, Section 22-4 (1) Height Restrictions.

Motion failed due to lack of a second.

Commissioner Patsy Eilers made a motion, seconded by Commissioner Pat Lopez, to amend the motion on Section 22, Sign Requirements, to recommend to City Council to allow for a maximum twenty-five (25) foot sign, Section 22-4 (1) Height Restrictions.

Motion passed 4 to 1 (Commissioner Emil Beltz abstained)

REVISIONS TO THE THOROUGHFARE PLAN ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF PEARLAND

Division Director Richard Burdine commented on the Highway 35 Bypass meeting with the Texas Department of Transportation and federal funding for the Hughes Road project (Hwy. 518 to where Hughes Road ends).

Other projects that might be included in the federal funding are the expansion of Dixie Farm Road from Highway 35 to Beamer and the county link from Highway 35 to County Road 100 to Highway 288, Mr. Burdine stated.

Mr. Burdine is also looking into funding from the Congestion Mitigation Air Quality Funds for a grade separation bridge over the railroad tracks in one or more locations in Pearland.

Due to so much opposition from the citizens, Mr. Burdine is recommending that Scott St. not be a location for the East/West Major Thoroughfare between Beltway 8 and 518.

Additional items under consideration by Mr. Burdine are collector streets and optional corridors to tie into the Thoroughfare Plan, as well as the traffic problem at O'Day and Harkey Rd.

DIRECTOR'S REPORT

Division Director Richard Burdine stated he didn't have a report.

ADJOURNMENT

The meeting adjourned at 8:55.p.m.

Minutes of the meeting approved and/or corrected this 27th day of July, A.D., 1993.

Richard Tetens, Chairman

ATTEST:

Pat Jones, City Secretary

City of Pearland

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(713) 485-2411 • Fax (713) 485-8764

MEMORANDUM

To: The Planning and Zoning Commission

From: Richard Burdine, Division Director, Planning, Public Works and Parks

Subject: Zoning Ordinance Revisions and Thoroughfare Plan Update

Date: June 28, 1993

The following are some alterations to the proposed Zoning Ordinance Revisions addressed at the Public Hearing held by the Planning and Zoning Commission on June 15. These alterations are the result of citizen comments during and after the Public Hearing and my discussions with the City Attorney.

Section 20.1 has been revised to clarify when landscaping requirements apply to existing nonresidential and multi-family residential uses:

Section 20.1. Applicability to Districts.

The landscape requirements of this section shall be minimum standards for and be applicable to the following districts, MF, MH, OP, NS, GB, C, PUD, M-1, M-2, and specific uses as permitted by Section 23 hereof. The landscape requirements shall also apply when:

1) there is an enlargement exceeding 1,000 square feet in area of the exterior dimensions of an existing nonresidential or multi-family residential building for which a building permit is required; or

2) there is an existing parking lot which is expanded in area to provide additional parking spaces.

In Section 22-11. Prohibited signs, advertising, lighting.
the addition of item 12 is proposed to address the issue brought up at the Public Hearing about abandoned signs:

12) Signs which no longer advertise a bona fide business conducted, or a product sold, shall be removed or have blank faces installed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within thirty (30) days after written notification to do so from the Building Official. Upon failure to comply with such

notice within the time specified in such order, the Building Official is authorized to file a complaint in Municipal Court and/or cause removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

On recommendation of the City Attorney, Section 28.5 has been rewritten use the wording of state law (copy attached) to the fullest extent possible:

Section 28.5. Vote Required in the Event of Protest.

If a proposed change to a regulation or boundary is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths (3/4) of all members of the City Council entitled to vote on the question. The protest must be written and signed by owners of at least 20 percent of either:

(1) the area of the lots or land covered by the proposed change; or

(2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

In computing the percentage of land area, the area of streets and alleys shall be included.

Some of the Commission members expressed reservations about the extent to which Table III was amended to allow residential uses by specific use permit. You may wish to review this item before the meeting.

5. Alcoholic beverages

Where classification of property was made by duly enacted zoning ordinance prohibiting sale of beer in defined areas, unless classification was shown to be unreasonable, arbitrary, or discriminatory, ordinance was a valid regulation, and it was immaterial whether area involved in suit to enjoin enforcement of ordinance was wholly commercial or partly residential and partly commercial. Eckert v. Jacobs (Civ.App.1940) 142 S.W.2d 374.

Where zoning ordinance which prohibited sale of beer in defined areas defined the areas by reference to an official "Use District Map" which was attached to, and by reference made a part of, ordinance, and map was always available for public inspection and its correctness was not questioned, the ordinance, so far as zoning classification was concerned, was sufficiently definite to readily disclose classification of property, and ordinance was valid. Id.

Where nonconforming restaurant in apartment zone was permitted to sell beer under old zoning ordinance, but new zoning ordinance prohibited sale of beer in all zones having a residential classification, the sale of beer as an incident to restaurant business was not protected as a nonconforming use, and restaurant operator was not entitled to renewal of beer license. City of Dallas v. Haworth (Civ.App. 1949) 218 S.W.2d 264, ref. n.r.e.

6. Variances and exceptions

The granting of a permit by the Board of Adjustment to an orphans' home in a district from which home was otherwise prohibited as a variance from the terms of the ordinance is not void for unreasonableness. Driskell v. Board of Adjustment (Civ.App.1946) 195 S.W. 2d 594, ref. n.r.e.

§ 211.006. Procedures Governing Adoption of Zoning Regulations and District Boundaries

(a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting and enforcing the regulations and boundaries. A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

(b) In addition to the notice required by Subsection (a), a general-law municipality that does not have a zoning commission shall give notice of a proposed change in a zoning classification to each property owner who would be entitled to notice under Section 211.007(c) if the municipality had a zoning commission. That notice must be given in the same manner as required for notice to property owners under Section 211.007(c). The governing body may not adopt the proposed change until after the 30th day after the date the notice required by this subsection is given.

(c) If the governing body of a home-rule municipality conducts a hearing under Subsection (a), the governing body may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing. Notice requirements prescribed under this subsection are in addition to the publication of notice required by Subsection (a).

(d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

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Prior Law:
Acts 1927, 40th
Acts 1985, 69th

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(1) the area of the lots or land covered by the proposed change; or

(2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.

(f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

Revisor's Note

(1) The revised law omits "restriction" for the reason stated in Revisor's Note (2) to Section 211.003.

(2) The revised law refers to the "governing body" of a municipality rather than to the "legislative body" for the reasons stated in Revisor's Note (1) to Section 211.003.

(3) The source law refers to the governing body of "such" municipality. The reference covers a municipality that wants to adopt zoning regulations and zoning districts under this chapter. The revised law clarifies this matter.

(4) Article 1011d of the source law refers to the manner in which the regulations and boundaries are to be "determined, established, and enforced" and "amended, supplemented, or changed." Article 1011e of the source law refers to the authority by which the regulations and boundaries may be "amended, supplemented, changed, modified, or repealed." The revised law refers to the "adopting" regulations and boundaries, and those other references are omitted because they are made unnecessary by Section 211.002.

(5) Subsection (c) of Article 1011e of the source law refers to notice of a "proposed change" that must be given to certain property owners. The "proposed change" to which the revised law refers is a change in zoning classification. The revised law clarifies this matter.

Historical Note

Prior Law:
Acts 1927, 40th Leg., p. 424, ch. 283, §§ 4, 5.
Acts 1985, 69th Leg., ch. 894, § 1.

Vernon's Ann.Civ.St. arts. 1011d, 1011e, 1011e–1(a).

Law Review Commentaries

Annual survey of Texas law:

Property—Land utilization. Paul B. Larsen, 21 Southwestern L.J. (Tex.) 9, 10 (1967).

Restrictions on land use. Jesse B. Heath, Jr. and Barton R. Bentley, 32 Southwestern L.J. (Tex.) 95 (1978).

Land use and due process: Current federal and state procedures. 9 St. Mary's L.J. 846 (1978).

Land-use regulation for the protection of public parks and recreational areas. Travis C. Broesche, 45 Texas L.Rev. 96 (1966).

Rezoning: Should it be legislative or judicial function? Jerry L. Harris, 31 Baylor L.Rev. 409 (1979).

Time control, sequential zoning. 25 Baylor L.Rev. 318 (1973).

Zoning. N. Alex Bickley, 24 Southwestern L.J. (Tex.) 209 (1970).

ORDINANCE NO. 509-B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE LAND USE AND URBAN DEVELOPMENT ORDINANCE OF THE CITY OF PEARLAND BY AMENDING SECTION 3 THEREOF TO ADD AND REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 20, LANDSCAPE REGULATIONS; PROVIDING MINIMUM STANDARDS FOR LANDSCAPING; BY AMENDING SECTION 22, SIGN REGULATIONS; AND BY AMENDING TABLE VII THERETO; REQUIRING PERMITS; RESTRICTING SIZE, LOCATION, SPACING AND TYPES OF SIGNS GENERALLY AND BY ZONING DISTRICT; PROHIBITING CERTAIN SIGNS; PROVIDING FOR ABATEMENT OF UNSAFE SIGNS; REQUIRING REGISTRATION; PROVIDING FOR APPLICATION OF PROVISIONS TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY; BY AMENDING SECTION 28.5 CONCERNING THE VOTE REQUIRED IN THE EVENT TO A PROTEST; BY AMENDING TABLE III TO ALLOW CERTAIN RESIDENTIAL USES IN COMMERCIAL ZONING DISTRICTS BY SPECIFIC USE PERMIT; PROVIDING A PENALTY FOR VIOLATION; HAVING A SAVINGS CLAUSE; HAVING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council has received the recommendations of the Planning and Zoning Commission concerning the matters herein dealt with, which recommendations were made after the holding of a public hearing before said Commission and before the holding of a public hearing before the City Council on such matters; and,

WHEREAS, notices have been published of the times and places of said public hearings held before the Planning and Zoning Commission and City Council concerning the changes herein made, which public hearings have been duly held; and,

WHEREAS, the City Council has determined that the amendments to the Land Use and Urban Development Ordinance of the City of Pearland herein made are in the best interest of the health, safety and general welfare of the citizens of the City of Pearland; and,

WHEREAS, the Legislature under Chapter 216, V.T.C.A. Local Government Code, has established limitations upon the regulations of signs, particularly with respect to the removal of non-conforming signs; and,

be easily moved from one location to another, including, but not limited to, signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, A-frame, or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this chapter, trailer signs and signs on benches are 'portable signs'.

(7) 'On-Premise sign' means a sign identifying or advertising a business, person or activity, and installed on the same premises as such business, person or activity.

(8) 'On-premise portable sign' means an on-premise sign which is a portable sign.

(9) 'Sign' means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, ~~flag~~ or ~~any~~ other thing that is designed, intended or used to advertise, or inform~~. or attract.~~

(10) 'Temporary Sign' means any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials with short life expectancies. A portable sign shall not be considered a temporary sign.

(11) 'Shopping center or integrated business development': ~~A composite arrangement of shops and stores which provide a variety of goods and services to the general public, when developed as an integral unit. The term shopping center also includes shopping malls.~~ A commercial development such as a strip center, mall, multi-tenant office building, commercial center, or industrial complex in which two (2) or more separate businesses occupy a single or multiple structures which share on-site parking and common driveways.

(12) 'Boarding House': A building, built and/or used for residential purposes, where meals are served for compensation to a person or persons not residing in the building.

(13) 'Lot': as used herein, a "lot" is each physical and undivided tract or parcel of land as shown on a duly recorded plat, and the word "lot" shall include the word "plot." In zoning districts requiring a side yard setback between like-zoned lots, 'lot' shall include the combination of two or more adjacent platted lots

appropriate, of special structural elements such as building facades, walls, planters, foundations, berms, walkways and irrigating systems.

(c) Building outlines, parking areas and arrangements, fences and structural features to be constructed on the site.

(d) Landscape plans shall be prepared at a scale of 1" = 40' or larger scale and on a sheet size of 24" x 36". The plan sheets shall contain a scale, north arrow, name and address of the landscape architect, designer, or architect and the site owner and/or developer. The plans shall also identify the development and provide a brief description of the property and its location.

Section 4. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 20.3 to read as follows:

Section 20.3. Minimum Landscape Requirements.

Up to ten (10) percent of the entire area of the site not covered by buildings and not a part of the right-of-way or dedicated public streets or three (3) percent of the gross area of the site, whichever is greater, shall be required as landscaping to meet the requirements of this section.

(a) The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e. g. heat, noise, air pollution). Trees in Class I or II of the Guidelines with a minimum two inch (2") caliper measured twelve inches (12") from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.

(b) Landscaping ~~may~~ shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property, as required by the Planning and Zoning Commission. The number of shrubs shall be equal to the

(f) Landscaping may be required by the Planning and Zoning Commission to interrupt front building lines unbroken for a distance in excess of two hundred (200) feet.

(g) Existing trees of larger than ten (10) inches in caliper measured twelve (12) inches from the ground shall be noted on the landscape plan. When possible, existing trees should be included in the landscape plan.

Credit toward required caliper inches of street and parking lot trees may be given by the Planning and Zoning Commission for the preservation of existing on-site trees (including any to be transplanted) when requested and depicted on the landscape plan. The Planning and Zoning Commission may give credit of up to three caliper inches (3") for each caliper inch of on-site trees preserved.

In order to be eligible for credit, an existing tree shall be in Class I through III in the Guidelines, in good condition, and be true to species, habitat and form.

(h) Artificial plants and trees shall not be considered in the satisfaction of the requirements of this section.

Section 5. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 20.4 to read as follows:

Section 20.4. Maintenance.

The owner and tenant of the landscaped premises and their agents, if any, shall be jointly and severally responsible for the maintenance of all landscaping in conformance with an approved landscape plan in a good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. Failure to maintain the landscaped premises, after written notice allowing up to sixty days to bring the premises into conformance, shall be grounds for the revocation of the Certificate of Occupancy by the Building Official.

Section 20.5. Landscape Construction.

Prior to the issuance of a Certificate of Occupancy all approved landscaping must be in place, or if seasonal considerations

effective date of this ordinance.

(c) A sign that has as its purpose the protection of life and property.

(d) A sign or marker giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers, or water lines or other public utilities.

(e) A sign erected by an agency of the state or a political subdivision of the state, which may or may not be located on public property.

(f) A sign erected solely for and relating to a public election, but only if:

1. the sign is on private property;

2. the sign is erected no sooner than the ~~60th~~ 30th day before the election and is removed no later than the ~~15th~~ 7th (Missouri City used 10th) day after the election;

3. the area of the sign does not exceed thirty-two (32) square feet per sign face;

4. the sign does not exceed six (6) feet in height.

5. the sign is self-supporting.

(g) On-site directional and informational signs not exceeding two (2) square feet, ~~provided such directional signs do not contain advertising and are not used as such.~~

(h) One unlighted or indirectly lighted sign with names and/or street numbers so long as the area of such sign does not exceed one (1) square foot for each dwelling unit.

(i) Bulletin boards not over sixteen (16) square feet per face in area for public, charitable or religious institutions when the same are located on the premises of such institutions.

sponsored by a group or organization using publicly owned facilities. No such signs shall be allowed under any circumstances on a public street. These signs shall not exceed thirty-two (32) square feet per sign face.

Section 8. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by amending Section 22-2, subsections (6), (7) and (8) to read as follows:

Section 22-2. Application for Permit.

Applications for permits shall contain or have attached thereto the following information:

(1) Name, address and telephone number of the person or company which will own the sign.

(2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(3) Two (2) sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences and sidewalks.

(4) Two (2) sets of plans and specifications showing method of construction and attachment to the building or ground, size, type, height, construction materials, wind load calculations and such other information as the Building Official may require.

(5) Name, address and telephone number of person, firm, corporation, or association erecting the sign.

~~(6) For portable signs, the name, address and telephone number of person, firm, corporation or association using the sign for advertising. Also, the number of days of sign usage being requested.~~

~~(7)~~ (6) Zoning classification of the property.

~~(8)~~ (7) Such other information as the Building Official shall require to show compliance with this and all other ordinances of the City.

(a) In the case of a sign erected on a building, the frontage of the building on the street which the sign faces.

(b) In the case of a free standing sign more than three hundred (300) feet from an intersection of any public street, the frontage of the street closest to the sign, or if equidistant from two (2) or more streets, the longest such frontage.

(c) In the case of a free standing sign less than three hundred (300) feet from an intersection, the frontage to be used in calculation shall be the street upon which the largest business building on such property faces.

(2) If a use has street frontage on more than one street, but not on a corner, such business shall be entitled to signs as allowed by Table VII on each street.

Section 11. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by deleting Section 22-7, subsections (2) through (7) to read as follows:

Section 22-7. Portable sign limitations.

(1) It shall be unlawful for any person to erect, structurally alter, or relocate any portable sign within the City or its extraterritorial jurisdiction.

~~(2) Exception: Each lawfully operating business shall be allowed the use of one (1) on-premise portable sign for ninety (90) days during each calendar year; provided, however, that each usage of such portable sign shall be in increments of no less than fourteen (14) consecutive days. Such sign shall be required to comply with all other provisions of this ordinance.~~

~~(3) A portable sign use permit shall be obtained by each business for each use of a portable sign. Specifically, a use permit will be required in the following situations:~~

~~(a) Prior to installation and use of a portable sign.~~

~~(b) Prior to use of an existing installed portable sign by a different business located in the same shopping center.~~

cross examination shall be permitted.

Section 12. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 22-8, to read as follows:

Section 22-8. Wind loads.

~~All~~ Freestanding signs, and building signs that extend above the roof line, shall be designed, constructed and installed to withstand a wind pressure of not less than thirty (30) pounds per square foot per sign face.

Section 22-9. Obstruction to doors, windows or fire escapes.

No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

Section 22-10. Signs not to constitute traffic hazard.

No sign shall be erected or maintained in such a manner as to obstruct free and clear vision; or at any location where by reason of position, shape, color, degree, manner, or intensity of illumination it may interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. No sign shall be erected or maintained in a visibility triangle as defined in Section 3 of the Zoning Ordinance of the City of Pearland.

Section 13. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 22-11, subsections (3), (7) and (8) to read as follows:

Section 22-11. Prohibited signs, advertising, lighting.

(1) No person shall attach any sign, paper, other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility

pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices are prohibited.

Section 22-12. Compliance with other Codes.

All signs shall comply with all other City Codes, including the Electrical and Building Codes.

Section 22-13. Maintenance.

All signs, together with all supports, braces, guys and anchors shall be kept in good repair by the owner of the sign or the person in charge of the premises. Failure to keep a sign in good repair as defined in the Pearland Building Code shall be deemed cause for removal if the owner of the sign or person in charge thereof fails to make such repairs within thirty (30) days of notice from the Building Official of deficiencies.

Section 22-14. Unsafe signs.

If the Building Official shall find that any sign is unsafe and is a menace to the public, he shall give notice to the permittee thereof in the same manner as is provided in the Building Code for notice of unsafe buildings. If the permittee fails to remove or repair the sign within the time provided in such notice, such sign may be removed at the expense of the permittee. The Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

Section 14. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 22-15, subsection (2) to read as follows:

Section 22-15. Replacement or repair of sign.

(1) When any sign, or a substantial part of it, is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign, it may not be replaced, reerected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this ordinance.

(2) For purposes of Subsection (1) of this section, a sign or substantial part of it is considered to have been destroyed only if

within ~~eight (8)~~ six (6) years after the effective date of this ordinance, be removed or made to conform, except that those signs for which the conformity date is required to be extended or for which financial compensation is required under state or federal law shall be extended for so long as the conformity date extension or financial compensation continues to be required by state or federal law; provided, however, all on-premise and off-premise portable signs shall be removed or made to conform within ninety (90) days after the effective date of this ordinance.

(3) Unsafe signs: If such preexisting sign is found to be unsafe and a menace to the public by the City Building Official, ~~a sign use permit shall not be granted.~~ such sign shall then be subject to the requirements of Section 22-14, "Unsafe signs."

~~(4) A sign use permit will be valid for a period of three (3) years and shall be renewed at the end of that period.~~

Section 16. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland be amended by revising Section 22-17 to read as follows:

Section 22-17. Builder/Subdivision and Subdivision Identification Signs.

~~Builder/Subdivision signs will be permitted with the following restrictions:~~

(1) One builder/subdivision sign may be located at the main entrance of any new subdivision. ~~If the main entrance is not on a major thoroughfare,~~ four (4) additional directional ~~the~~ signs may be located off-site at ~~an~~ appropriate locations. ~~on the nearest major thoroughfare.~~

(2) The maximum area of a builder/subdivision ~~for such~~ sign shall not exceed 130 ~~sq. ft.~~ square feet (two sides maximum).

(3) The maximum area of a subdivision directional sign shall not exceed 32 square feet (two sides maximum), with a length to width ratio not to exceed 3:1.

~~(3)~~ (4) Such sign(s) ~~shall require an annual use permit and~~ shall be removed after a period of five years or when the subdivision is

	permits are allowed in these districts.	
MF, MH	On-premise building sign(s); On-premise free standing sign.	120 square feet

Zoning District	Sign Type	Maximum Area of All Signs Allowed for a Business With Frontage
OP	On-premise signs only: 1. Building sign 2. Free standing sign (marquee sign allowed).	120 square feet
NS	On-premise building, free standing, and marquee ~~and portable~~ signs allowed.	2 square feet per lineal foot of building frontage up to a maximum of 160 square feet
GB	On-premise building, free standing, and marquee ~~and portable~~ signs allowed.	2 square feet per lineal foot of building frontage up to a maximum of 200 square feet
C, M-1, M-2	On-premise building, free standing, and marquee ~~and on-premise portable~~ signs allowed.	2 square feet per lineal foot of building frontage up to a maximum of 300 square feet
PUD	On-premise building and free standing signs located and described on the site plan.	Limited only by site plan and zoning limitations
~~M-1, M-2~~	~~On-premise free~~	~~2 square feet of sign~~

Section 19. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland, be amended by revising Section 28.5 to read as follows:

Section 28.5. Vote Required in the Event of Protest.

In the event of a written protest against such proposed amendment, supplement or change, signed by owners of twenty percent (20%) or more of the ~~owners of the~~ lots or land included in such proposed change ~~and~~ or signed by owners of twenty percent (20%) of the lots ~~of~~ or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council.

Section 20. THAT Ordinance 509, the Land Use and Urban Development Ordinance of the City of Pearland, be amended by revising Table III - Table of Uses, on the lines on page 70 (as currently paginated) in "Primary Residential Uses" which are, "Single Family Dwelling Detached", "Single Family Dwelling - Attached Town Houses", "Two Family Dwelling" and Multi-Family Dwelling" to read as follows:

	SD	R1	R2	R3	R4	MF	MH	OP	NS	GB	C	M1	M2
Single Family Dwelling Detached	S	YES	YES	YES	YES	YES	S	S	S	S	S	NO	NO
Single Family Dwelling - Attached Town Houses	NO	NO	NO	NO	PUD	YES	NO	S	S	S	S	NO	NO
Two Family Dwelling	NO	NO	NO	NO	NO	YES	NO	S	S	S	S	NO	NO
Multi-Family Dwelling	NO	NO	NO	NO	NO	YES	NO	NO	S	S	S	NO	NO

Section 21. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are declared to be severable.

PASSED, APPROVED and ADOPTED on first reading this _____day of_____, A. D., 1993.

_____
Mayor

ATTEST:

_____
City Secretary

PASSED, APPROVED and ADOPTED on second and final reading this _____day of _____, A. D., 1993.

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

AGENDA - SPECIAL MEETING OF THE PLANING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD THURSDAY, JULY 1, 1993, AT 7:00 P.M., IN THE CITY COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. **CALL TO ORDER**

II. **APPROVAL OF MINUTES:** Special Meeting of June 14, 1993 and Public Hearing of June 15, 1993

III. **NEW BUSINESS**

1. CONSIDERATION AND POSSIBLE ACTION - **FINAL PLAT OF 518 DIXIE PLAZA**, 28.2271 ACRES, A REPLAT OF LOTS 18 & 19, GEORGE W. JENKINS SUBDIVISION, VOL. 79, PAGE 616, BRAZORIA COUNTY DEED RECORDS, LOTS 5-12, S.W. NARREGANG SUBDIVISION, VOL. 3, PAGE 53, BRAZORIA COUNTY PLAT RECORDS, AND ALL OF THE WISE SUBDIVISION, VOL. 17, PAGE 99, BRAZORIA COUNTY PLAT RECORDS IN THE W.D.C. HALL LEAGUE, ABSTRACT NUMBER 70, PEARLAND, BRAZORIA COUNTY TEXAS

2. CONSIDERATION AND POSSIBLE ACTION - **AMENDMENTS TO THE LAND USE & URBAN DEVELOPMENT ORDINANCE**

   a. Section 3 - Definitions - To revise the definition of boarding house, lot and shopping center

   b. Section 20, Landscape Regulations

   c. Section 22 - Sign Requirements

   d. Section 28.5 - Vote Required in the Event of Protest - To revise in accordance with state law

   e. Revise Table III to allow dwellings in Neighborhood Service, General Business and Commercial Zoning Districts by Specific Use Permit

3. CONSIDERATION AND POSSIBLE ACTION - **REVISIONS TO THE THOROUGHFARE PLAN ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF PEARLAND**

V. DIRECTOR'S REPORT

VI. ADJOURNMENT

POSTED: 28th DAY OF June, A.D., 1993 5:00 P.M.

REMOVED: 7th DAY OF July, A.D., 1993.