

Present: Jerry, Charles, Ron, Susan, Darrell, Neil

Lata, Angela

AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JULY 6TH, 2009, AT 6:00 P.M., IN THE 2nd FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I CALL TO ORDER @ 7:00 p.m.

II PURPOSE OF THE WORKSHOP:

1. COMMISSION INPUT AND DISCUSSION: REGARDING FUTURE LAND USE PLAN. *Presented by Ms. Lata Krishnarao, Planning Director.*

- a. Formulate Recommendations on:
 - i. Residential Retail Nodes – Comment 13
 - ii. Cullen Mixed Use District – Comment 25
 - iii. Garden/O-Day Mixed Use District – Comment 25
 - iv. David L Smith Project – review land use and zoning. “Office uses” – Comment 17
 - v. Explore more commercial zoned land – but not strip centers. “Office uses” – Comment 20
- b. Staff summary regarding recommendations regarding Industrial Retail Nodes and public involvement discussed at the last meeting.
- c. Future meeting/workshop dates and topics.

III ADJOURNMENT @ 10:30 p.m.

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.

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 1st day of July 2009 A.D., at 5:30 p.m.

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Judy Krajca, Planning Secretary

Agenda removed _____ day of 2009.



CITY OF PEARLAND

PLANNING & ZONING

MEMO

DATE: July 6, 2009

TO: Planning & Zoning Commission

FROM: Lata Krishnarao, AICP, Planning Director

SUBJECT: Future Land Use Study Update:
Comment # 4 - Add retail as a component within
manufacturing

P & Z Workshop of June 29, 2009

At this workshop, P & Z discussed comment #4 - Add retail as a component within manufacturing and concluded that there was no need to add these nodes to the FLUP due to the following reasons:

1. Lack of market or need for these nodes, due to lack of sufficient roof tops.
2. Will cause reduction and erosion of manufacturing zoned land with very minimal or no benefits.
3. The locations of some of the nodes are not certain since the roads have not been built yet.
4. Existence of retail and commercial areas, generally within 1.5 miles of the proposed nodes.
5. Need to address nodes on a case by case basis, with the PD option.
6. Need for nodes along certain north/south roadways at intersections with Bailey Road and McHard Road may be addressed already by minor and major nodes. Will discuss this when major and minor roads are reviewed.
7. Will increase the pressure to open our established subdivisions to commercial interests. Nodes will take over some neighborhoods.
8. Nodes have to be zoned. The areas with prior zoning and new added nodes will have a dual zone causing conflict.
9. Nodes should contain only full or complete tracts with the same prior zoning.

Future P & Z Workshops

At the next workshop on July 6, 2009, the following topics need to be discussed:

- i. Residential Retail Nodes - Comment #13
- ii. Cullen Mixed Use District - Comment #25
- iii. Garden/O-Day Mixed Use District - Comment #25
- iv. David L Smith Project – review land use and zoning. “Office uses” – Comment # 17
- v. Explore more commercial zoned land – but not strip centers. “Office uses” - Comment # 20

The schedule of future P & Z workshops with the topics has also been included in your package.

P & Z - FUTURE MEETING DATES AND TOPICS - DRAFT

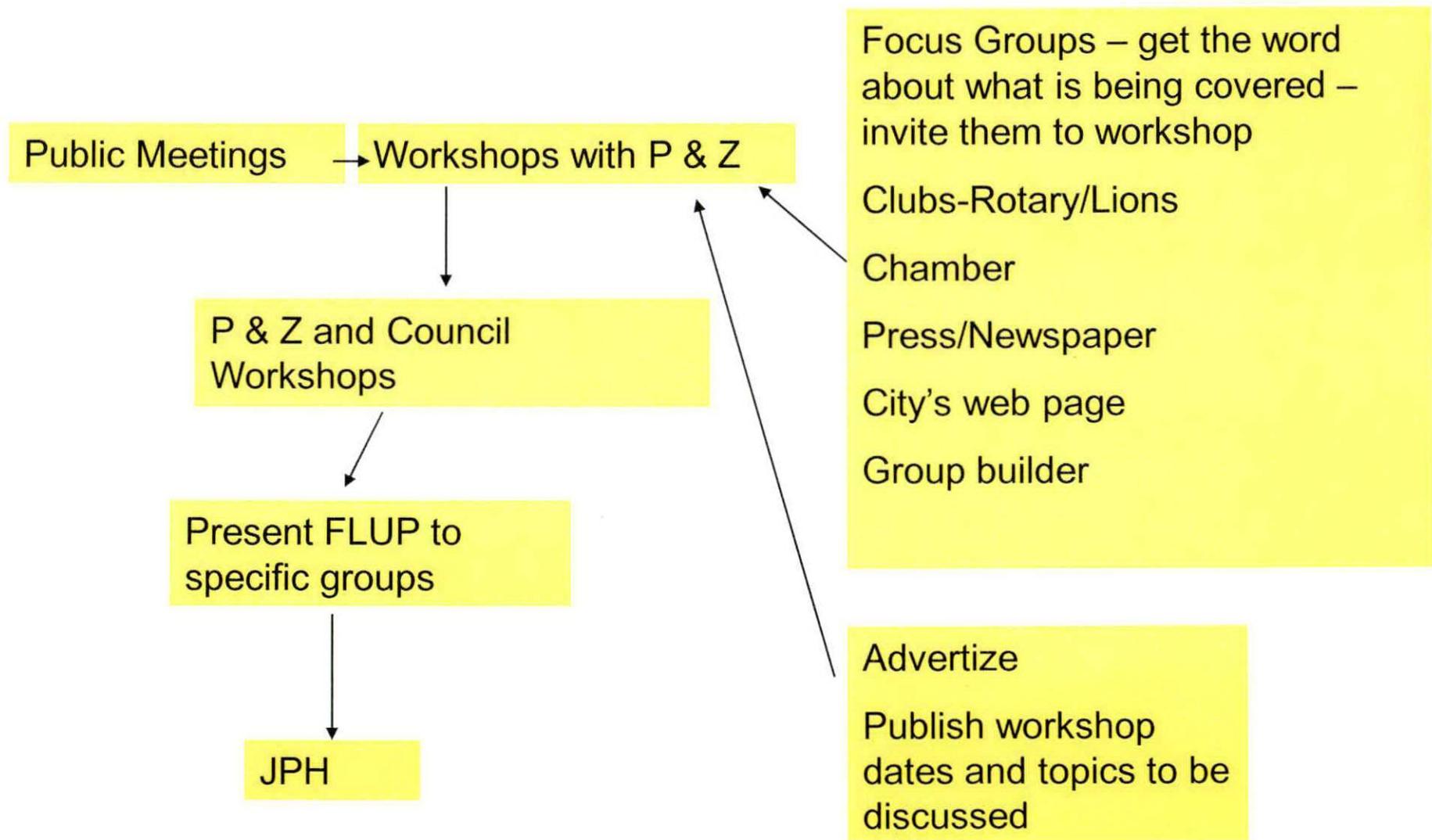
June 26, 2009

The issues highlighted in pink indicate the ones that have been discussed by council, but would need to be reviewed by P & Z before they start making final recommendations to the FLUP, and those in blue indicate the issues that need recommendations from the P & Z. P & Z can request any technical information prior to any workshop, and staff will provide that.

COMMENT #	COMMENT/TOPICS	WORKSHOP DATE FOR P & Z
4	Review COD standards in M-1 and M-2, especially along SH 35. Relax or flexible transparency. Ex. Turbocare. Planning	June 15 – JPH June 29, 2009 – other recommendations
12	Add retail as a component within manufacturing. Planning	June 29, 2009
13	Add neighborhood nodes within residential – 5 acres total for each node. List of uses in this node. Justify the spots designated. Approved as CUPs. Planning	June 29 & July 6, 2009
3	Between SH 35 and RR, south of 518, industrial park with internal roads for truck routes. Engineering	June 29, 2009
17	David L Smith Project – review land use and zoning. “Office uses”. Planning	July 6, 2009
20	Explore more commercial zoned land – but not strip centers. “Office uses”. Planning	July 6, 2009
25	Modify Cullen Mixed Use District to reinstate previous zoning. Examine Garden/O’Day MU also. Planning	July 6, 2009
26	Differentiate between minor and major nodes in the FLUP. Planning	July 13, 2009
16	Residential zoned parcels along Broadway – rezoned to commercial/retail. Planning	July 20, 2009
18	Commercial on Broadway between 521 and 288. Planning	July 20, 2009
14	Identify hard to develop vacant land – detention, flood plain etc. Engineering	July 20, 2009 (?)

COMMENT #	COMMENT/TOPICS	WORKSHOP DATE FOR P & Z
5	Retain industrial along Mykawa and Main, north of FM 518 and along McHard. Planning	July 27, 2009
6	Stop retail at Oiler, add minor node at SH 35 and Dixie Farm. Planning	July 27, 2009
7	Clean up conflicts in McHard – M-1, M-2, and FTZ. Planning	July 27, 2009
9	Annexation of 1000' south of Bailey Avenue and land south of Southern Trails. Planning/Legal	August 3, 2009
10	Pearland Parkway and airport – commercial uses. Planning	August 3, 2009
1	Identify areas in the Land Use Plan that need to change. Planning	August 17, 2009
24	Analysis of detention for vacant industrial and commercial zoned properties and their use as parks/trails Engineering	August 17, 24, 2009 (?)
15	Address future use of vacant parcels. Planning	August 17, 24, 31, 2009.
22	Highest and best use of land. Planning	August 17, 24, 31, 2009.

Public Involvement

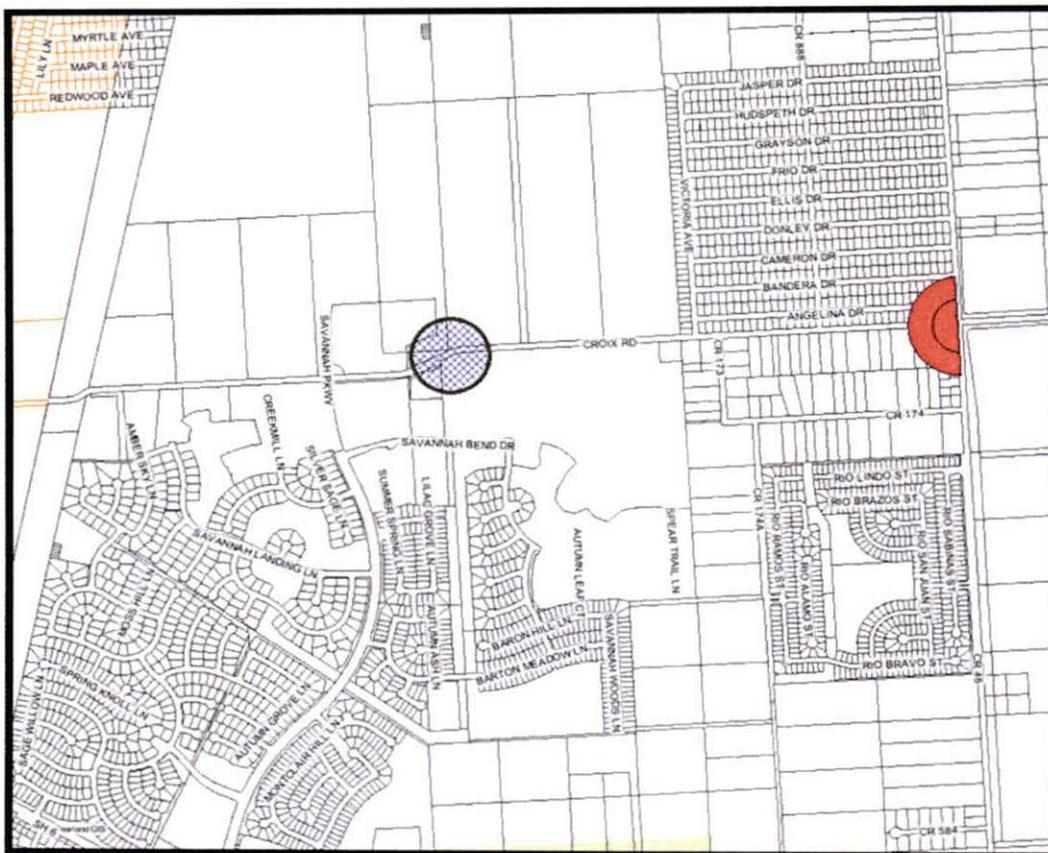


Council Comment #13
Add Neighborhood Nodes Within Residential

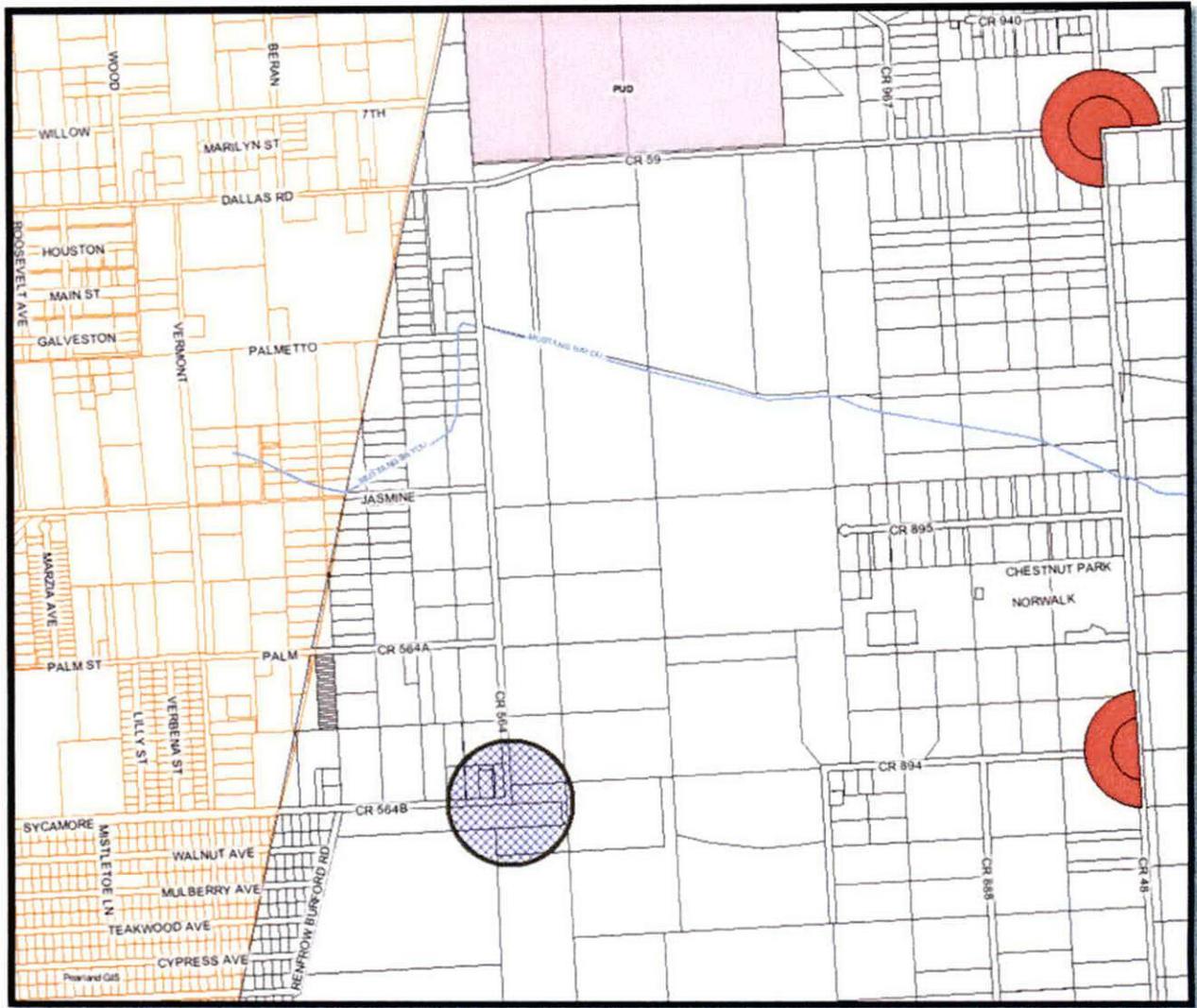
Explanation – 5 acres total for each node. The thoroughfare plan was reviewed and intersections where there were 2 collector streets or higher were considered.

Staff Analysis: Staff considered minor neighborhood retail nodes at the intersections of 2 collector streets or higher. Below are recommendations for each intersection. Staff recommends that these nodes be limited to 5 acres and be approved by a CUP. Proximity to existing commercial uses was a consideration in the recommendation.

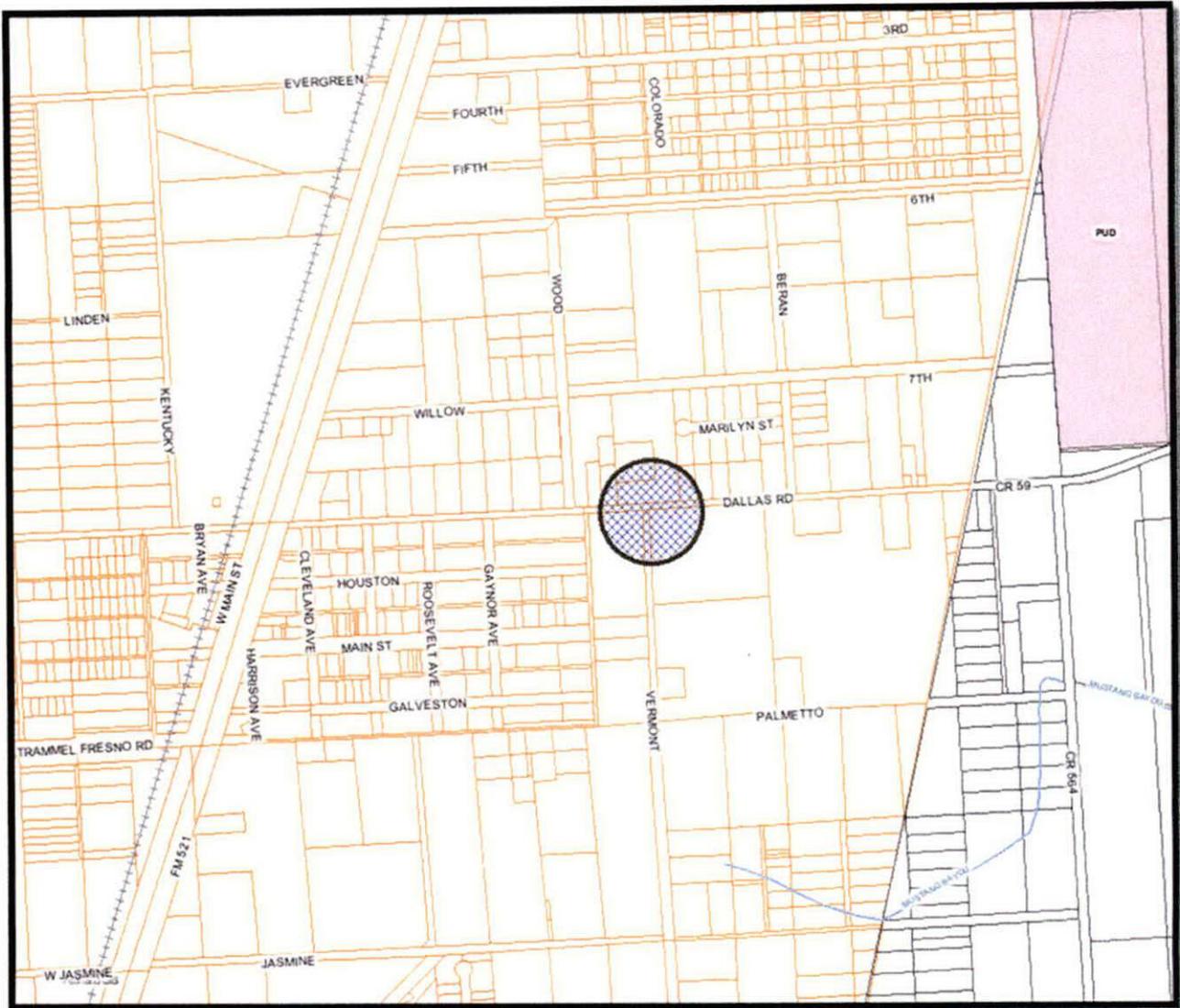
Recommendation: Intersection #1 at Croix and Savannah Parkway. Savannah Lakes Elementary is on the North East Corner (NEC) and on the South East Corner (SEC) there is a Water Tower. The North West Corner (NWC) and the South West Corner (SWC) are undeveloped at this time. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit. The existing land plan for Savannah does not show this node, however staff recommends keeping this node if future development deviates from land plan.



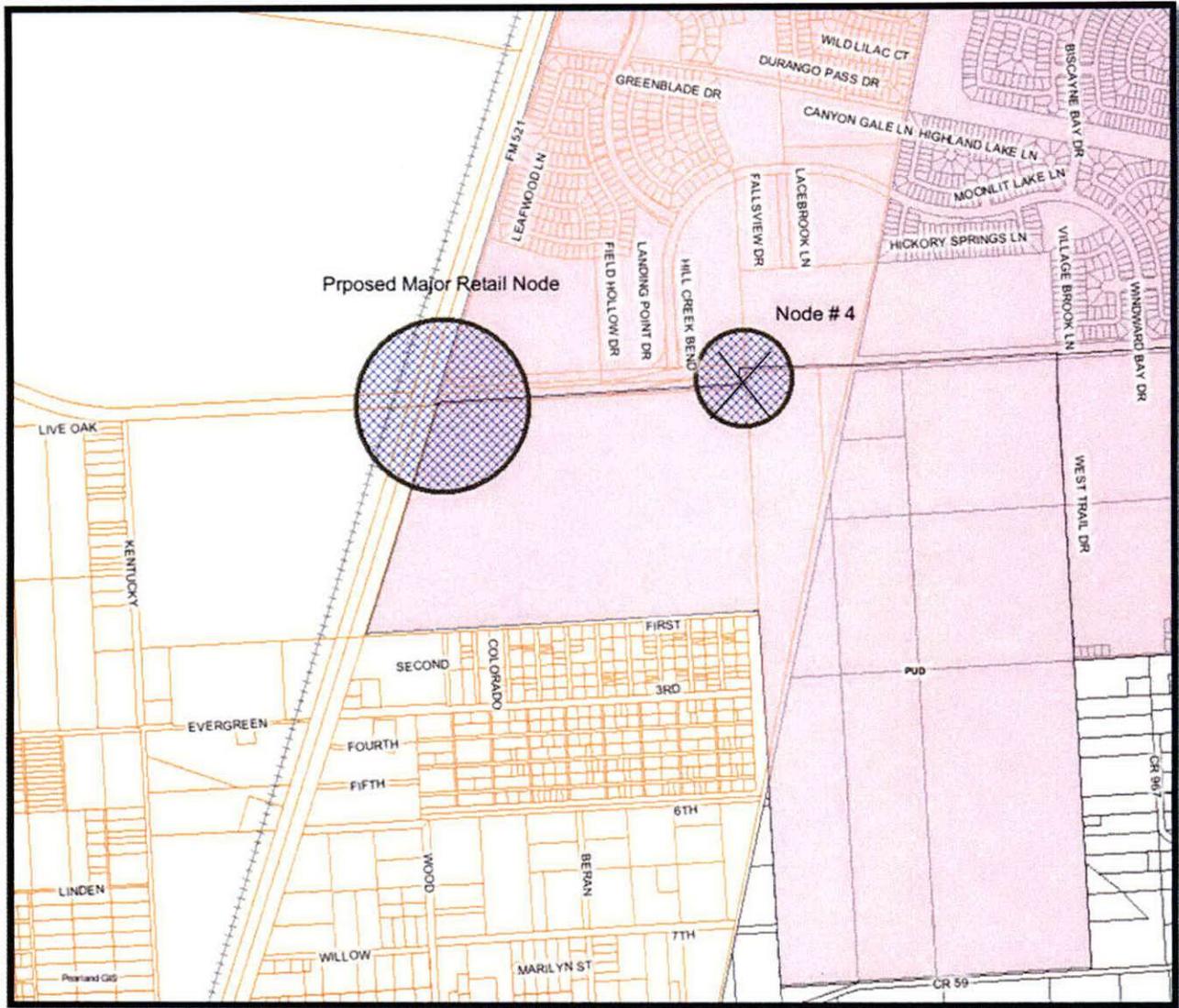
Recommendation: Intersection #2 at 546 and 546B (Woodfin and Sycamore). The NWC of the intersection has a Single Family Dwelling (SFD) on it, and the remainder of the intersection is undeveloped. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit.



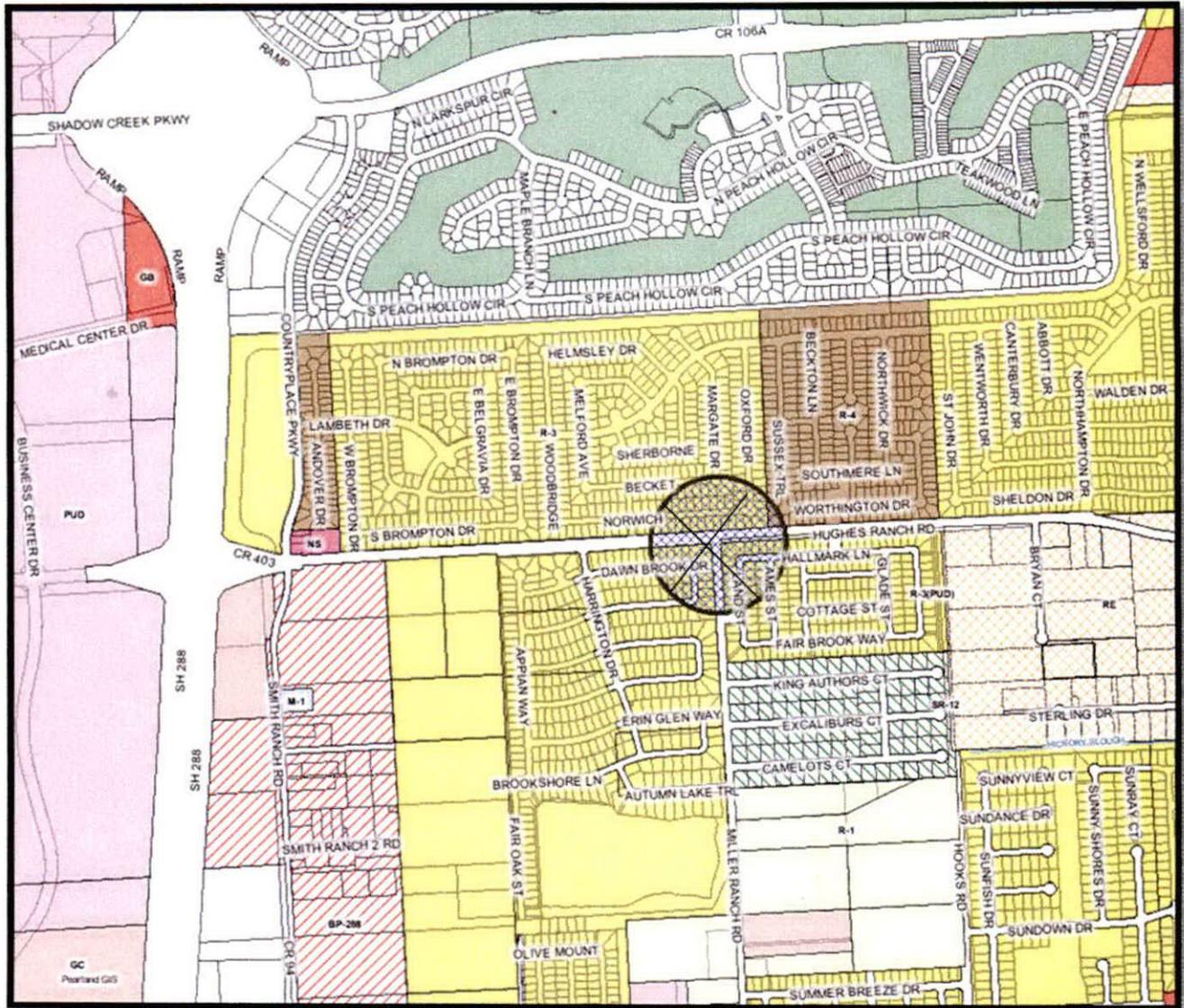
Recommendation: Intersection #3 at Dallas and Vermont, There is one SFD on the SWC. The remainder is of this intersections is undeveloped. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit.



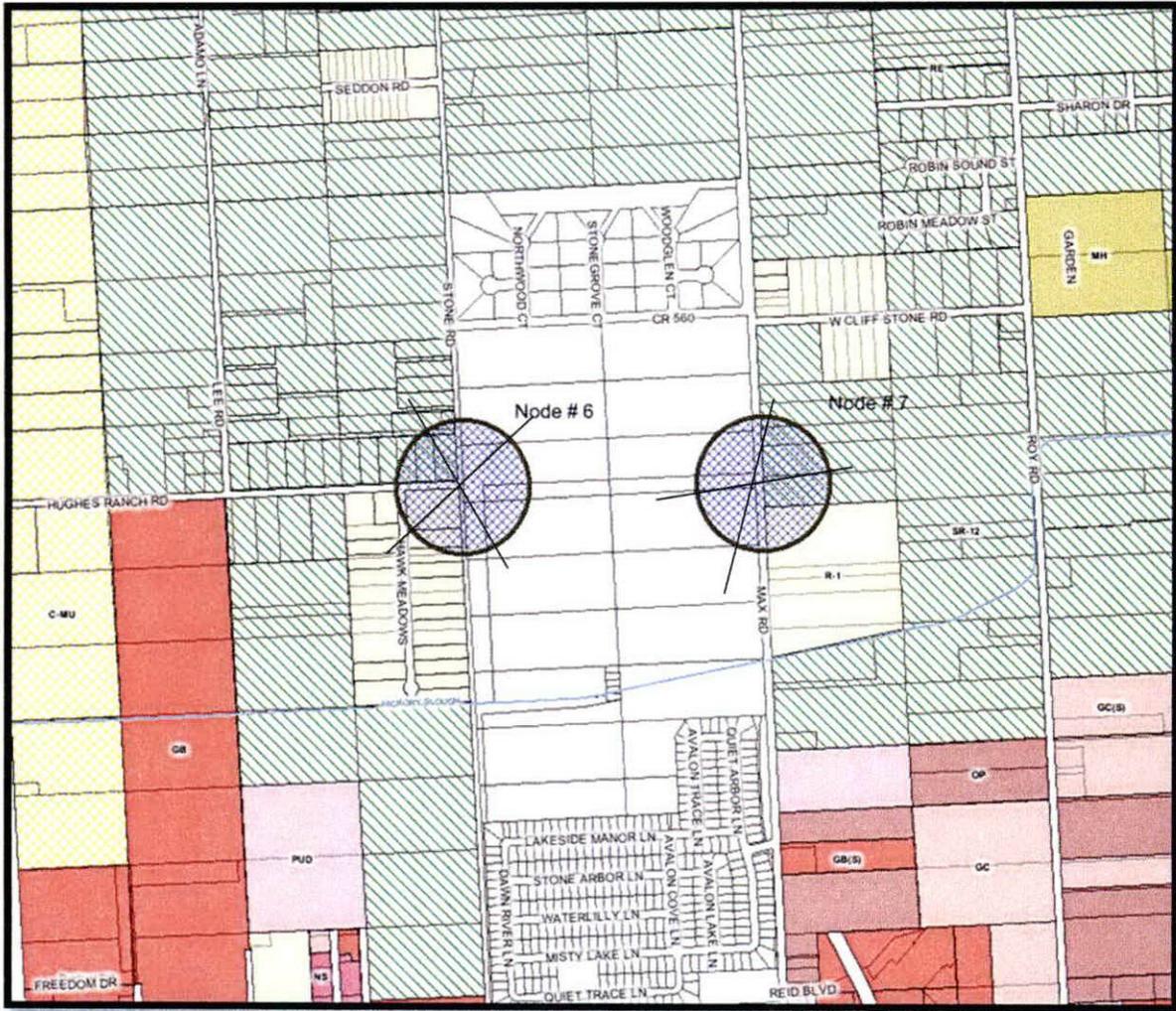
Recommendation: Intersection #4 at Broadway and Hill Creek Bend. This location did not meet the criteria due to the proximity of the proposed major commercial node at Broadway and 521. In Addition, it is part of Shadow Creek Planned Development.



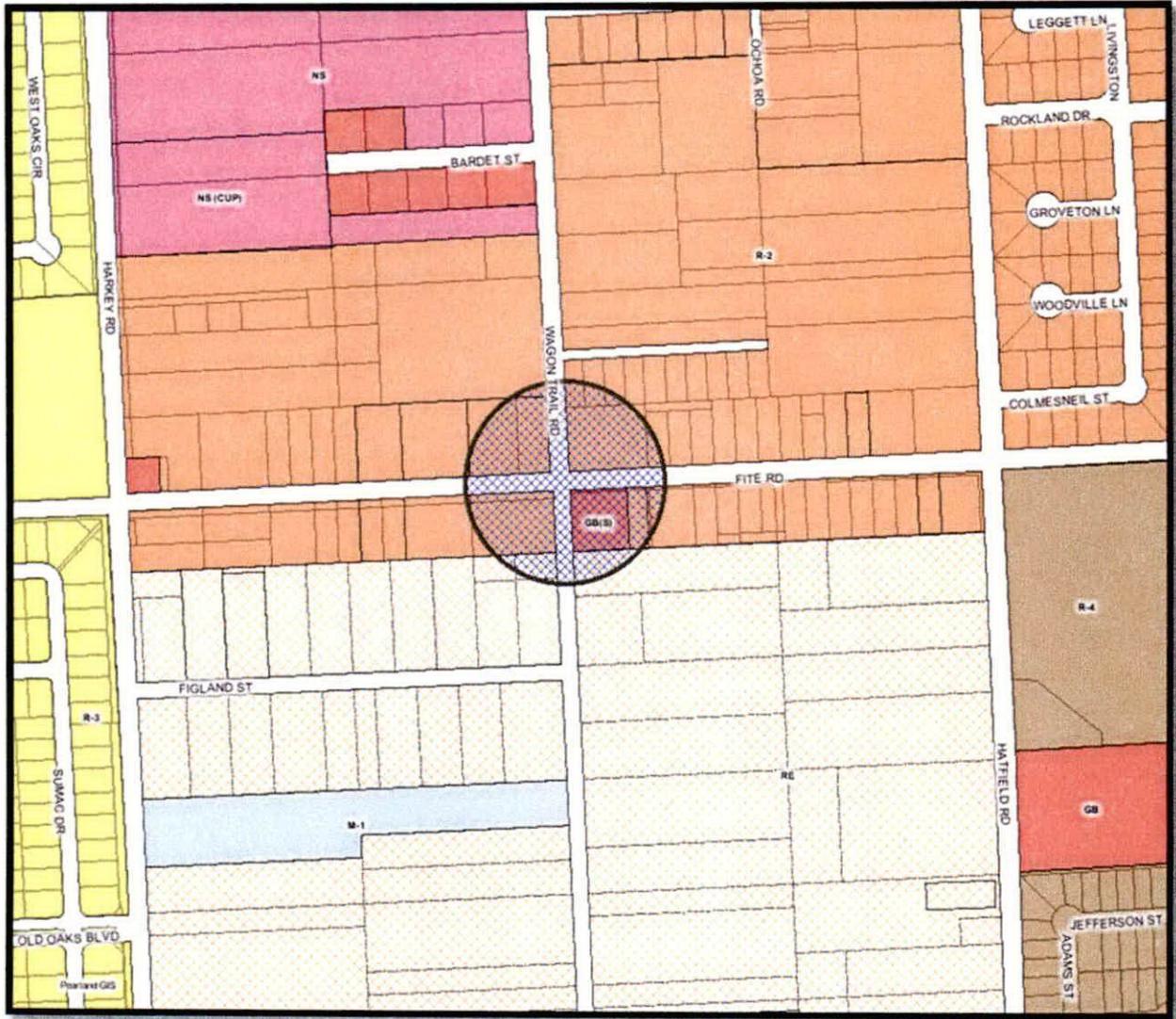
Recommendation: Intersection #5, Hughes Ranch and Miller Ranch. This location did not meet the criteria due to the development of SFD's on each corner of the intersection and it is too close to Highway 288.



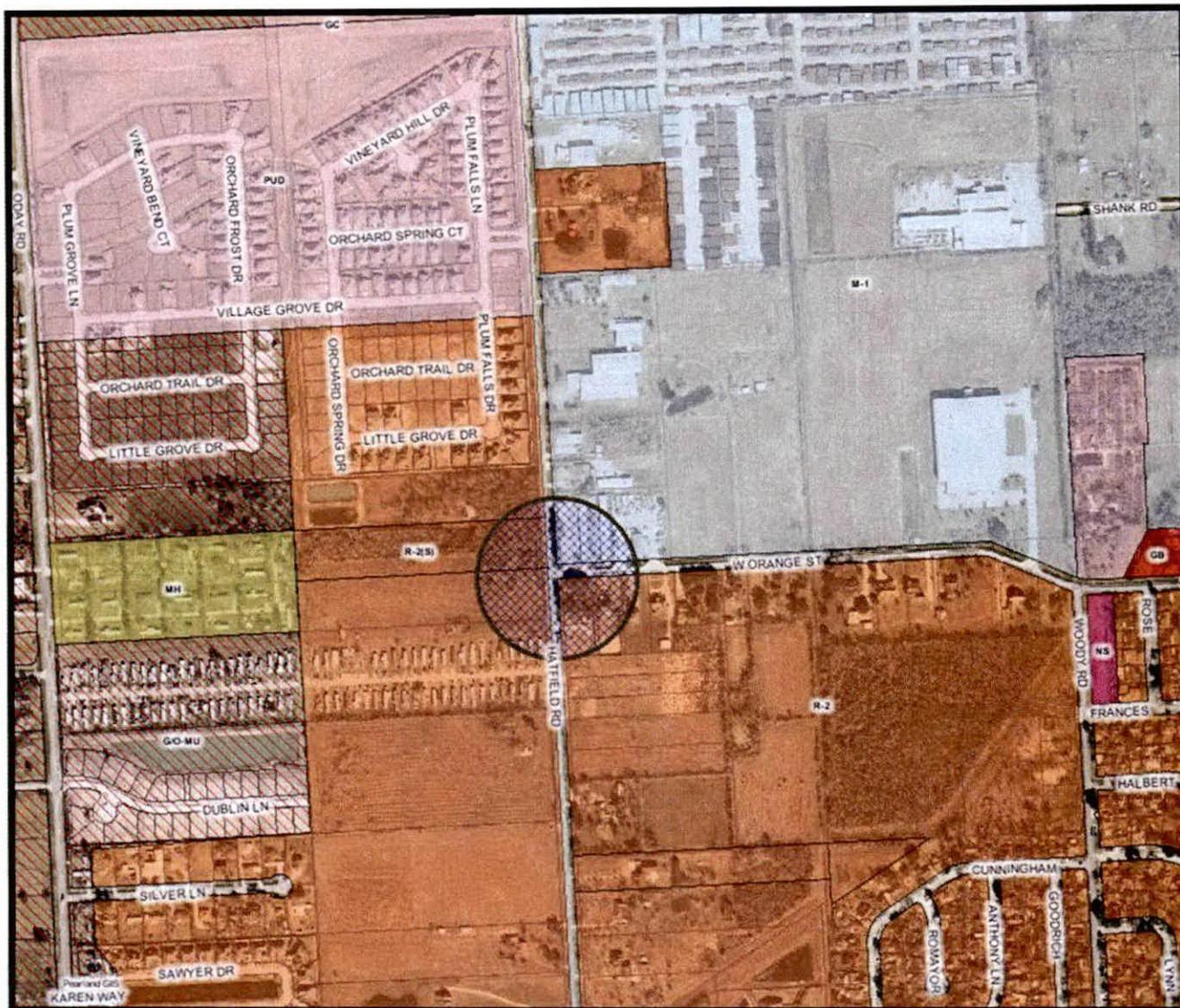
Recommendation: Intersection #6, Stone Rd and Hughes Ranch Road. Intersection #7, Hughes Ranch Rd. and Max Rd. Node #6 did not meet the criteria due to the development with SFD's and Nodes #6 and #7 are too close in proximity of the General Commercial and Mixed Use Zoning Districts located off of 518/Broadway.



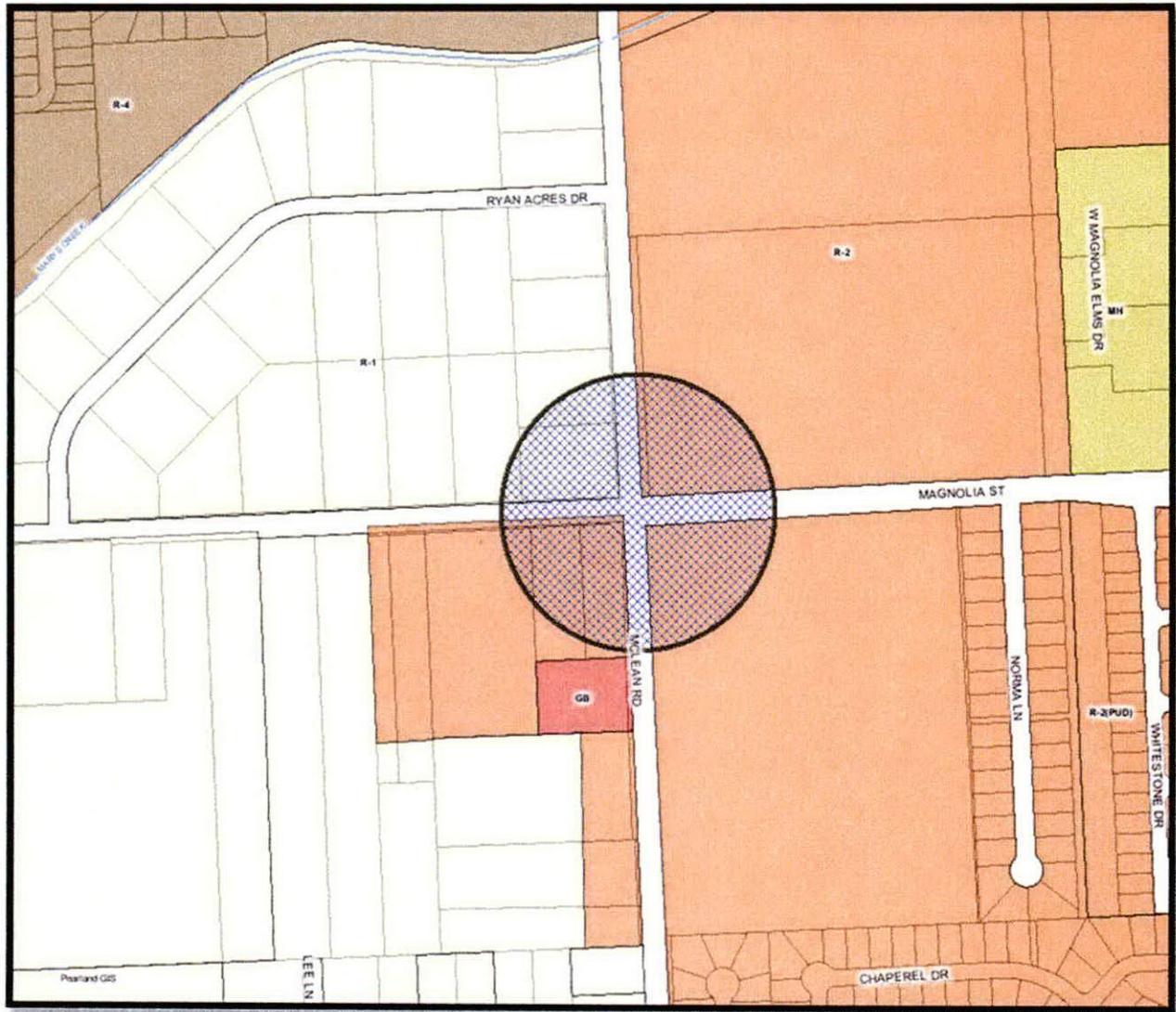
Recommendation: Intersection #8, Wagon Trail and Fite Rd. The SWC has GB zoning and Ellis Automotive is located there. The SWC corner has R-2 Zoning and CarTech is currently located there (a Legal Non-Conforming Use). The NWC and the NEC are Zoned R-2 and there are mobile homes on each parcel. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit. In addition, the SEC is currently zoned General Commercial.



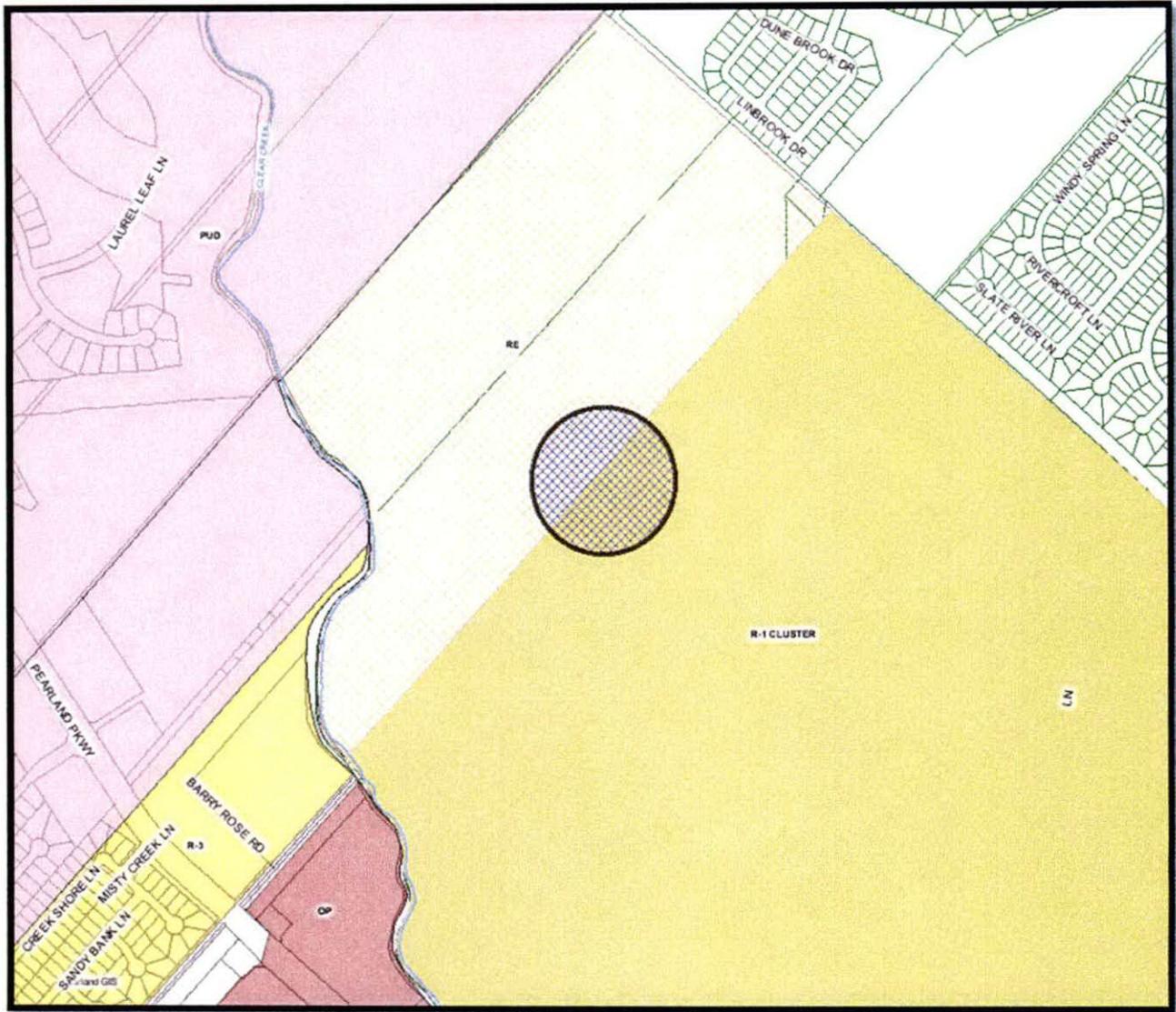
Recommendation: Intersection #9, Hatfield and W. Orange, The NEC is zoned M-1 and is developed, The SEC has a SFD, and the NWC and SWC are currently undeveloped. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit.



Recommendation: Intersection #10, Mclean and Magnolia, This intersection is zoned R-1 and R-2 and there is a parcel close to the intersection that is zoned GB with a church located on that parcel. There is one SFD on the SEC, the NEC, NWC, and SWC are vacant land. This location fits the criteria for adding a minor neighborhood retail node due to being located on 2 collector streets and the future uses could be approved as a Conditional Use Permit.

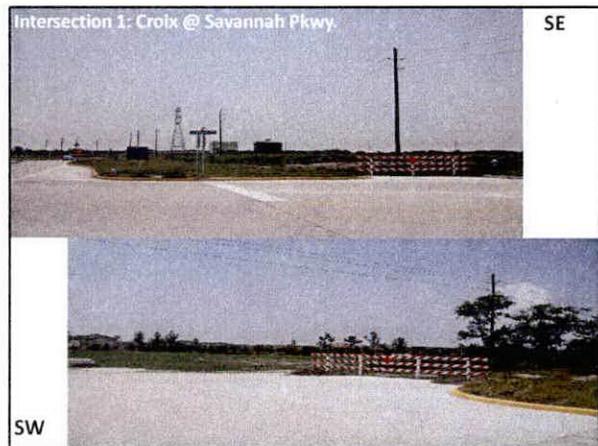
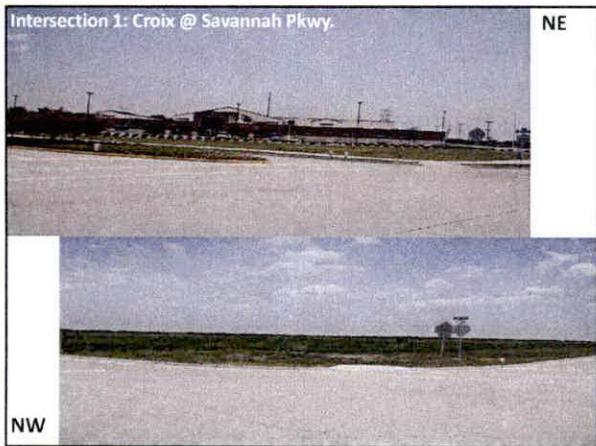


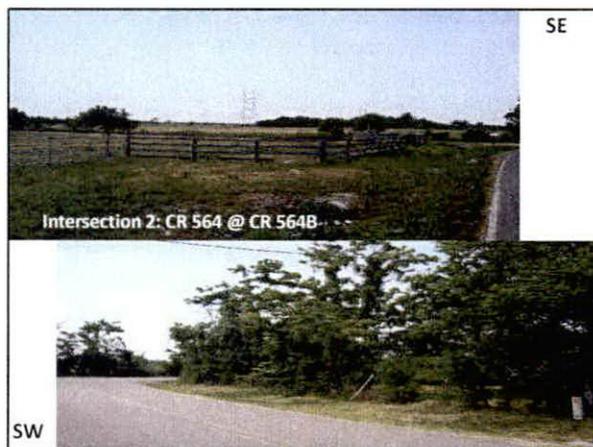
Recommendation: Intersection #11- To be determined. The current Cluster Development Plan approved includes RE and R-1 Cluster and does not propose any roads in this area yet. There may be a potential for the addition of a minor neighborhood retail node if plans change for this area.

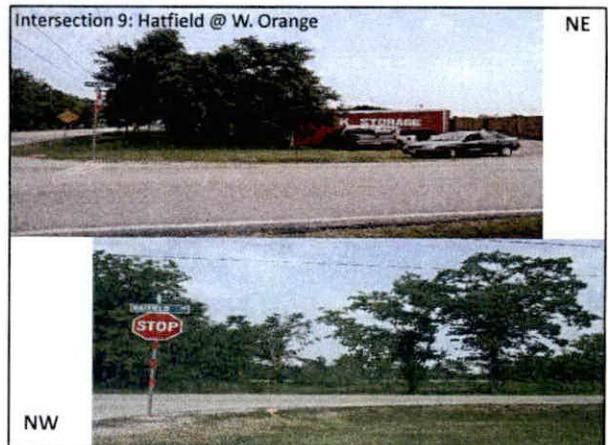
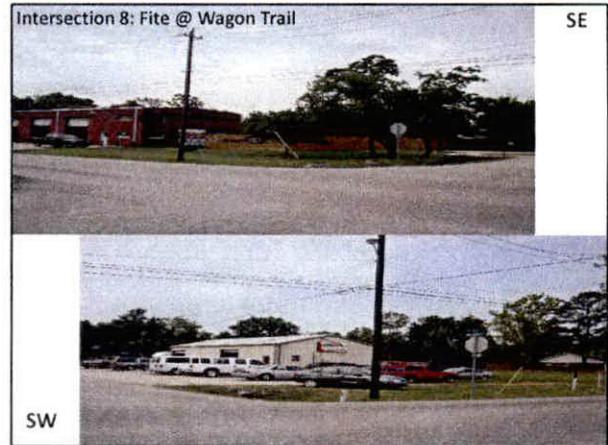
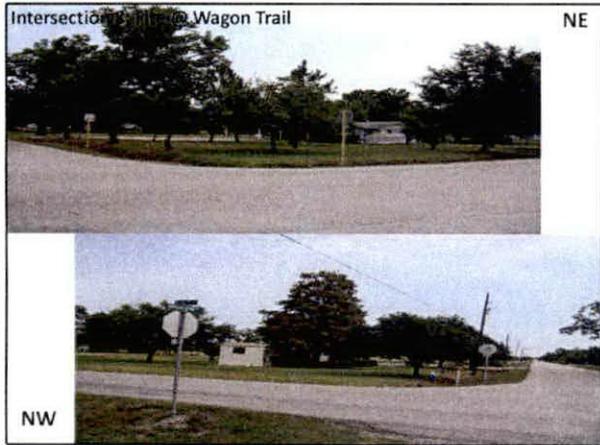


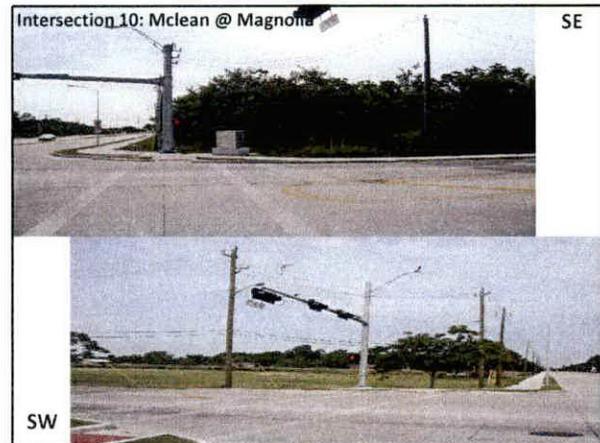
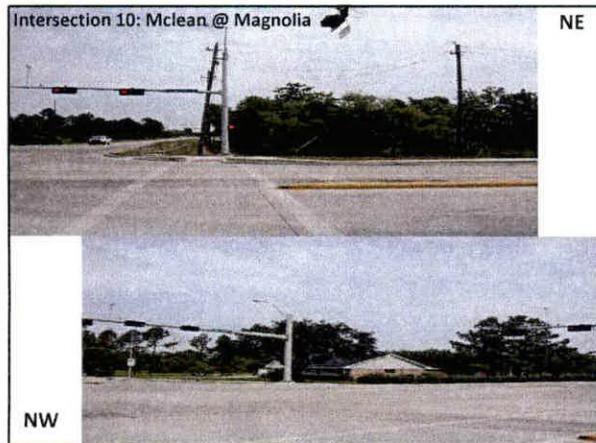
Comment 13

Neighborhood Retail Nodes









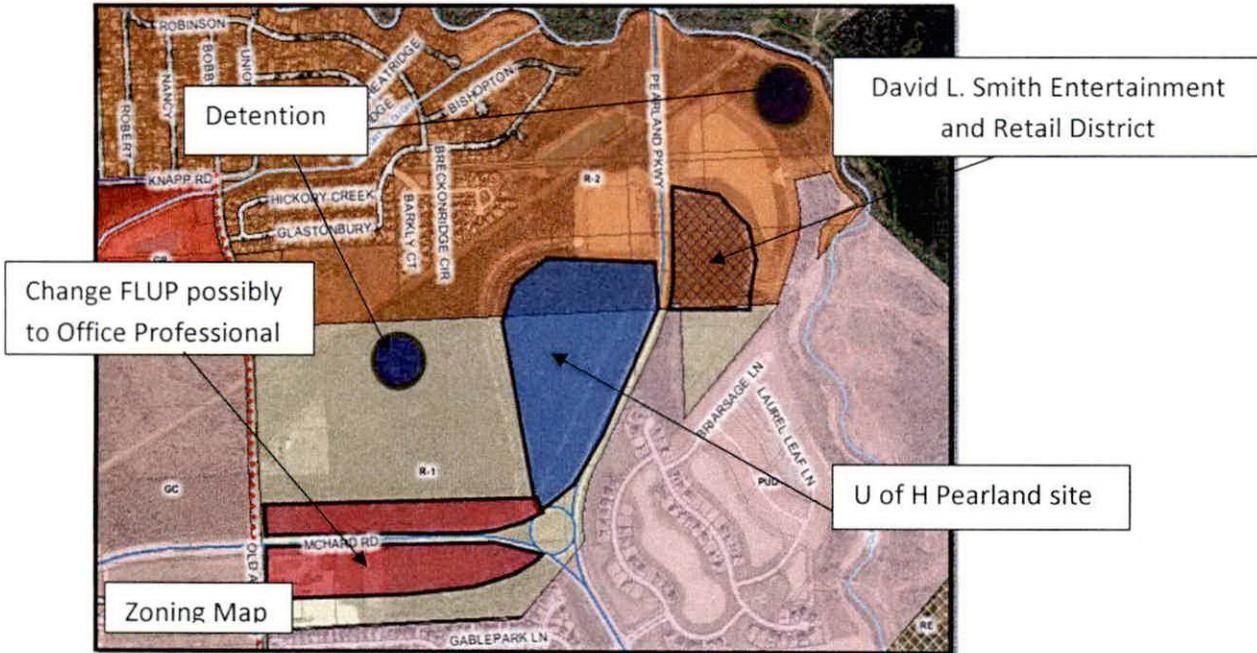
Council Comment #17:

David L. Smith Project – Review Land Use and Zoning.

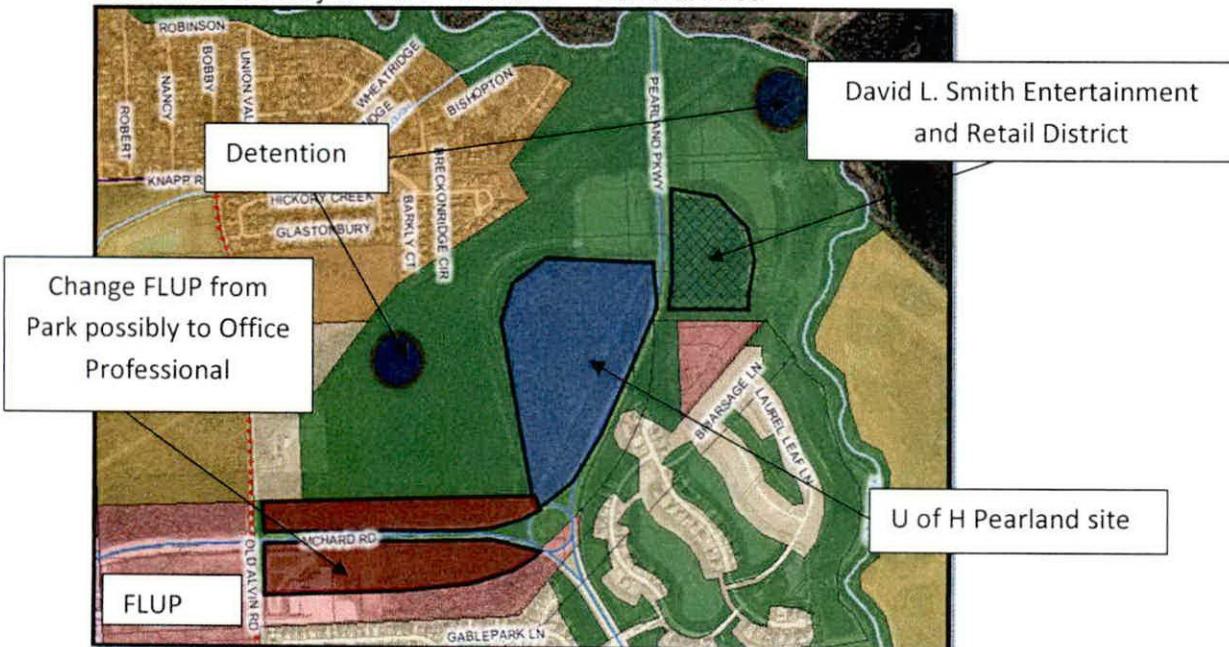
Explanation: Currently, the comprehensive plan calls for an area along Pearland Parkway north of McHard to be designated as a retail and entertainment district, known as the David L. Smith Project.

Staff Analysis: Staff sees this as an ideal location for such a district, especially considering its proximity to Beltway 8 and the future University of Houston – Pearland Campus.

Recommendation: Add a dot to both the zoning map and FLUP designating this area as the site of David L. Smith Entertainment District to reflect the comprehensive plan.



Pearland Parkway North of McHard – General Area



Pearland Parkway North of McHard – General Area



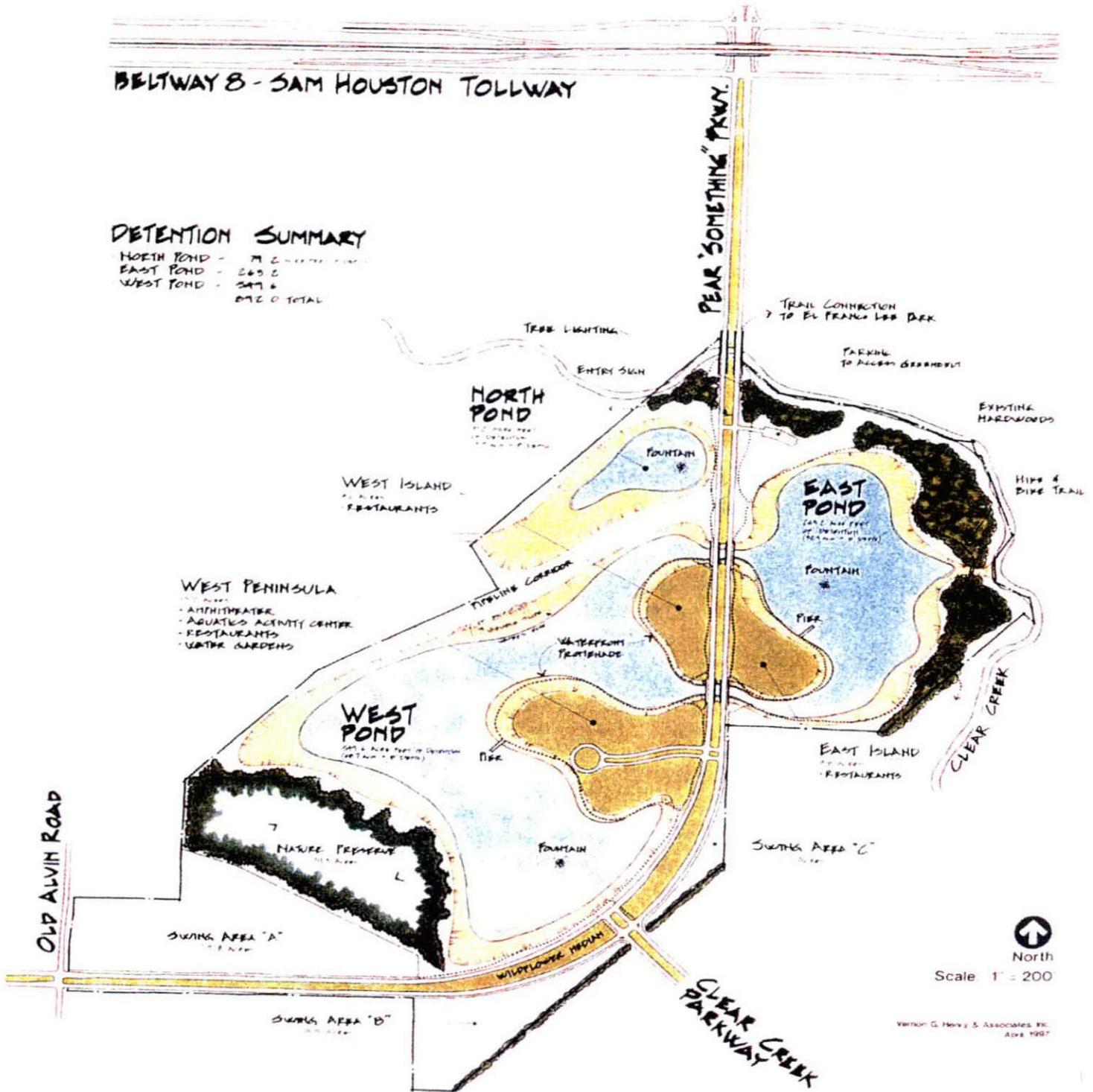
David L. Smith Project

PRELIMINARY MASTER PLAN

BELTWAY 8 - SAM HOUSTON TOLLWAY

DETENTION SUMMARY

NORTH POND	-	71	0
EAST POND	-	265	0
WEST POND	-	347	6
		683	6
		683	0



Version G. Henry & Associates, Inc. April 1997

Comment #20:
Explore More Commercial Zoned Land. (Not Strip Centers).

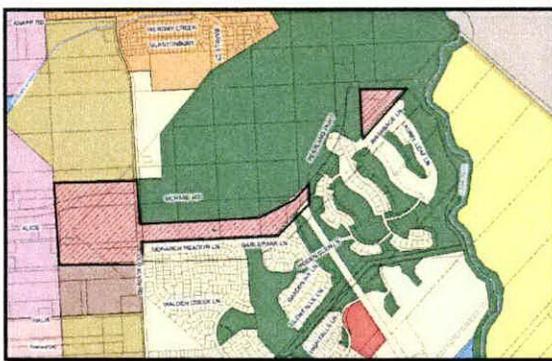
Explanation: Staff interprets this to include exploration of areas where office complexes could develop.

Staff Analysis: Currently, there is a specific land use category, Office, which pertains to only office development. Only one area of Pearland, along north of McHard, at Pearland Parkway is designated with that category. The Comprehensive Plan indicates that the zoning category corresponding to this designation needs to be developed.

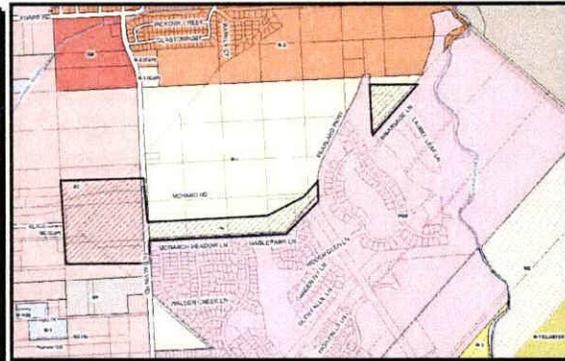
Recommendation: Explore other areas to be developed for office use. If the council desires to preserve the current land being used for offices, then the Future Land Use plan can be modified to show these parcels under office designation.

The current zoning categories that permit office uses are located are NS, OP, GB, and GC zones. These are shown as Retail, Offices, and Services, or Business Commercial in the Future Land Use Plan. Since these zones permit a wide variety of other uses, the current zoning or land use designation will not protect these uses from converting to other retail/commercial uses. Therefore, in addition to identifying these areas in the Future Land Use Plan, a separate zoning category could be created to allow only offices and similar uses.

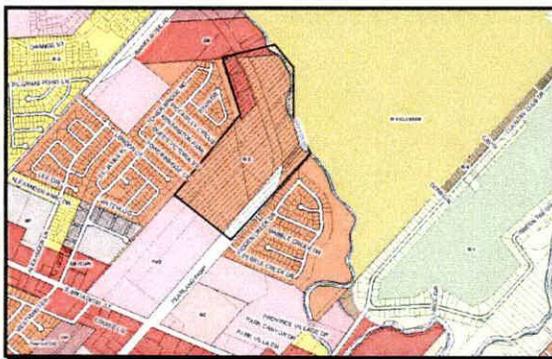
Staff feels that this category can be expanded along McHard Road, in proximity to the U of H site and along Pearland Parkway.



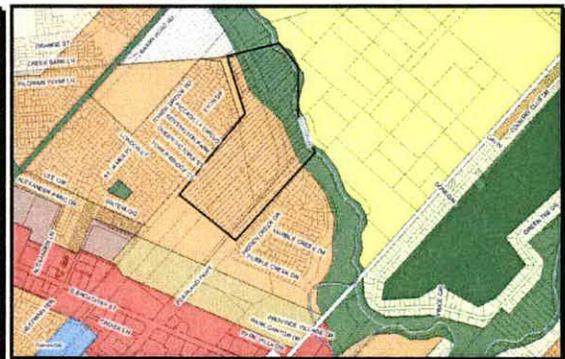
Comprehensive Plan



Zoning



Zoning Map



Comprehensive Plan

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

AGENDA OF: 6-01-09	ITEM NO.:
DATE SUBMITTED: 5-28-09	DEPARTMENT OF ORIGIN: PLANNING
PREPARED BY: Lata Krishnarao	PRESENTOR: Lata Krishnarao
REVIEWED BY: Mike Hodge	REVIEW DATE: May 29, 2009
SUBJECT: Unified Development Code (UDC) Amendments Regarding Mixed Use Districts and Office Zone.	
EXHIBITS: Attachment 1- Comment 20 from Land Use Study, Attachment 2 – Comment 25 and supporting documents from Land Use Study	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department: <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

Staff is recommending changes to two areas of the UDC:

- a. Amendments to the existing mixed use districts of Cullen Mixed-Use District (CMU) and Garden/Oday-Mixed Use District (G/O).
- b. Addition of a new zone – Office Zone.

Italicized text indicates the text in the UDC. Additions are highlighted in red, and deletions are highlighted in red with a strikethrough. Changes to the Land Use matrix are highlighted in yellow.

Amendments to the existing mixed use districts of Cullen Mixed-Use District (CMU) and Garden/Oday-Mixed Use District (G/O).

At the Land Use workshops in April, 2009, Council had directed staff to re-examine the uses allowed in Garden-Oday Mixed Use and Cullen Mixed Use districts (see attachment 2 at the end of this report).

When these two districts were created in 2006, with the adoption of the UDC, the intent was to allow continuation and expansion of existing non-residential uses, in a manner that was compatible to existing residential uses. Subsequent to a land use survey of these areas by staff, most of the existing non-residential uses were permitted by right. Therefore, as evident from the table below, while an existing use was permitted, a similar or less intense new use was excluded from locating in these districts. Additionally, for C-MU zone, the maximum non-residential footprint was limited to 20,000 square feet.

Recently, in April, 2008, the G/O-MU district was amended to permit retention and expansion of existing manufacturing.

In the following UDC text regarding the two zones, staff has highlighted some requirements that the Council may want to re-consider, in light of the proposed improvements and recent developments along Cullen.

The following table shows the portion of the Land Use Matrix pertaining to these zones. Staff recommendations are highlighted in yellow. The recommendations are based on the following considerations;

1. Since the council has indicated that development of strip centers is not a preferred goal for the city of Pearland, the uses that traditionally tend to locate in strip centers have been excluded. The thought is that exclusion of these uses would deter construction of strip centers.
2. Hours of operation – Uses that traditionally operate round the clock have been excluded, since these districts abut residential districts or contain residential uses.
3. Uses that have potential for outdoor storage and display have been excluded.
4. A majority of the additional uses added are proposed with a CUP to ensure that the Council and P & Z get an opportunity to review each development and assess its merits and appropriateness.

Types of Uses	C-MU	G/O-MU
Agricultural Field Crops	P	P
Agricultural Animal Husbandry ☐☑	C	C
Bulk Grain and/or Feed Storage		
Farm (Ranch, Livestock) ☐☑	P	P
Feed & Grain Store/Farm Supply Store ☐☑		
Flour and Other Grain Mills		
Livestock – Wholesale		
Livestock Sales		
Crops or Orchard	P	P
Stable, Commercial		
Stable (Private, Principal or Accessory Use)	C	C
Boarding or Rooming House ☐☑		
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family) ☐☑		
Dwelling - HUD-Code Manufactured(Mobile) Home ☐☑		
Dwelling - Industrialized Home ☐☑	P	P
* Dwelling - Mobile Home ☐☑		
Dwelling - Multiple-Family ☐☑		
Dwelling - Patio Home ☐☑		
Dwelling - Single-Family Detached ☐☑	P	P
Dwelling - Town House		
Dwelling - Two-Family ☐☑		
Home Occupation ☐☑	P	P
Private Street Subdivision	P	P
Accessory Structure (Business or Industry) ☐☑	C	C
Accessory Structure (Residential) ☑☐	P	P
Accessory Dwelling ☐☑	C	C
Farm Accessory Building	C	C
Off-Street Parking Incidental to Residential Main Use	P	P
Off-Street Parking Incidental to Nonresidential Main Use	P	P
Servant, Guest, Caretakers or Security Quarters	C	C
Social & Recreational Building, including homeowners association neighborhood recreation centers	P	P
Onsite Detention Facility	P	P

Types of Uses	C-MU	G/O-MU
<i>Off-site Detention Facility</i>	C	C
<i>Billiard/Pool Facility (Three or More Tables)</i>	C	C
<i>Bingo Facility</i>	C	C
<i>Bowling Alley (Air-Conditioned and Sound Proofed)</i>	C	C
<i>Commercial Amusement, Indoor</i> ☐ ☑	C	C
<i>Commercial Amusement, Outdoor</i> ☐ ☑	C	C
<i>Country Club</i> ☐ ☑	P	P
<i>Dinner Theatre</i>	C	C
<i>Driving Range (Golf)</i>	C	C
<i>Drag Strip/Race Track</i> ☐ ☑		
<i>Fairgrounds</i>		
<i>Gaming Establishment</i> ☐ ☑	C	C
<i>Golf Course (Miniature)</i>	C	C
<i>Golf Course (Private)</i> ☐ ☑	C	C
<i>Golf Course (Public)</i> ☐ ☑	C	C
<i>Park and/or Playground (Private)</i>	P	P
<i>Park and/or Playground (Public; Municipal)</i>	P	P
<i>Private Club</i>		
<i>Recreation Center (Private, For Profit)</i>	C	C
<i>Rodeo Grounds</i>		
<i>Skating Rink</i>		
<i>Swimming Pool, Commercial</i>	C	C
<i>Swimming Pool, Private (Use Only By Resident)</i>	P	P
<i>Temporary Outdoor Amusement/Activity*</i>		
<i>Tennis or Swim Club (Private, For Profit)</i>	P	P
<i>Tennis Court (Private/Not Lighted)</i>	P	P
<i>Tennis Court (Private/Lighted)</i>	C	C
<i>Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}</i>		
<i>Travel Trailer/RV Park/Campground (Short-Term Stays) {Travel Trailer Defined}</i>		

Types of Uses	C-MU	G/O-MU
<i>All Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales</i>		
<i>Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair) ☐ ☑</i>	C	
<i>Auto Assembly</i>		
<i>Auto Body Repair</i>		
<i>Auto/Leasing</i>		
<i>Auto Glass Repair/Tinting</i>	C	
<i>Auto Interior Shop/Upholstery</i>	C	
<i>Auto Muffler Shop</i>		
<i>Auto Paint Shop</i>		
<i>Auto Parts Manufacturing</i>		
<i>Auto Parts Sale (With Outside Storage or Display)</i>		
<i>Auto Parts Sales (Indoors Only; With Repair Bays)</i>	C	
<i>Auto Rental ☐ ☑</i>		
<i>Auto Repair (Major) ☐ ☑</i>		
<i>Auto Repair (Minor) ☐ ☑</i>	C	
<i>Auto Sales/Dealer ☐ (New - In Building, Auto Servicing and Used Auto Sales as accessory uses only) ☑</i>		
<i>Auto Wash (Full Service/Detail Shop) ☐ ☑</i>	C	
<i>Auto Wash (Self-Service) ☐ ☑</i>		
<i>Auto Wrecker Service</i>		
<i>Bicycle Sales (New/Repair)</i>	C	C
<i>Boat Sales (New/Repair)</i>		
<i>Bus or Truck Storage</i>		
<i>Gasoline Station ☐ ☑</i>		
<i>Limousine/Taxi Service</i>		
<i>Motor Freight Transportation, Storage, & Terminal</i>		
<i>Motorcycle Sales/Dealer (New/Repair)</i>	C	
<i>Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity</i>		
<i>Personal Watercraft Sales (New/Repair)</i>		
<i>Tire Retreading and Capping</i>		
<i>Tire Sales (Outdoors, With Open Storage)</i>		
<i>Transfer Station (Refuse/Pick-up)</i>		

Types of Uses	C-MU	G/O-MU
<i>Transit Terminal</i>		
<i>Truck and Bus Rental</i>		
<i>Truck Sales (Heavy Trucks)</i>		
<i>Truck or Freight Terminal</i>		
<i>Clinic, Medical or Dental</i> <input type="checkbox"/>	<i>P</i>	<i>P</i>
<i>Credit Agency</i>		
<i>Emergency Care Clinic</i>	C	
<i>Financial Institution (No Motor Bank Services)</i> <input type="checkbox"/>	<i>P</i>	<i>P</i>
<i>Financial Institution (With Motor Bank Services)</i> <input type="checkbox"/>	<i>P</i>	<i>P</i>
<i>Financial Services (Advice/Invest)</i>	<i>P</i>	<i>P</i>
<i>Insurance Agency Offices</i>	<i>P</i>	<i>P</i>
<i>Office, Brokerage Service</i>	<i>P</i>	<i>P</i>
<i>Office, Legal Service</i>	<i>P</i>	<i>P</i>
<i>Office, Medical/Dental {Defined Under Medical Facilities}</i>	<i>P</i>	<i>P</i>
<i>Office, Parole-Probation</i>		
<i>Office, Professional and General Business (other than those listed)</i>	<i>C</i>	<i>C</i>
<i>Office, Real Estate</i>	<i>P</i>	<i>P</i>
<i>Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)</i>	<i>C</i>	<i>C</i>
<i>Office/Clinic, Veterinarian (No Animal Hospital, With Outside Pens)</i>	C	C
<i>Security Monitoring Company (No Outside Storage)</i>	P	P
<i>Telemarketing Agency</i>		
<i>Travel Agency, Bureau or Consultant</i>	<i>P</i>	<i>P</i>
<i>Ambulance Service</i> <input type="checkbox"/>		
<i>Automatic Teller Machine (ATM)</i>	<i>P</i>	<i>P</i>
<i>Automobile Driving School (including Defensive Driving)</i>	P	
<i>Barber/Beauty Shop/Tanning Studios (No Related School/College)</i>	<i>P</i>	<i>P</i>
<i>Barber/Cosmetology School/College</i>		
<i>Bed & Breakfast Inn</i> <input type="checkbox"/>	<i>P</i>	<i>P</i>
<i>Check Cashing Service</i>		

Types of Uses	C-MU	G/O-MU
<i>Dance/Drama/Music School (Performing Arts)</i>	C	C
<i>Extended Stay Hotel/Motel</i> ☐ 📖		
<i>Funeral Home</i> ☐ 📖		
<i>Health Club (Physical Fitness; Indoors Only)</i>	C	C
<i>Hotel/Motel</i> ☐ 📖		
<i>Laundromat (Self-Service Laundry)</i>		
<i>Laundry/Dry Cleaning (Retail Only - Drop Off/Pick Up)</i>	P	P
<i>Mailing Service (Private)</i>	C	C
<i>Martial Arts School/Studio/Tutorial/Clubs/ Learning centers</i>	C	C
<i>Pharmacy (Retail Only)</i>	P	P
<i>Rehabilitation Care Facility (Halfway House)</i>		
<i>Rehabilitation Care Institution (Commercial)</i>		
<i>Seamstress or Dressmaker (Retail Only)</i>	P	P
<i>Studio - Tattoo or Body Piercing</i>		
<i>Antique Shop</i> ☐ (No outside storage) 📖	P	P
<i>Antique Shop</i> ☐ (With outside storage) 📖	C	C
<i>Apparel Shop</i>	C	C
<i>Animal Hospital (No Outside Pens)</i>		
<i>Art Museum and/or Dealer</i>	P	P
<i>Art Studio and/or Gallery</i> ☐ 📖	P	P
<i>Art Supply Store</i>	C	C
<i>Bakery or Confectionery Shop (Retail Sales, Inside Service Only)</i> 📖	P	P
<i>Bakery or Confectionery Shop (Retail Sales, With Drive-Thru Service)</i> ☐ 📖	C	C
<i>Bakery (Wholesale)</i> ☐ 📖		
<i>Book/Stationery Shop (Retail Only)</i>	P	P
<i>Business Service Retail (Provides wares and/or service in support of professional occupations)</i>	C	C
<i>Café</i> ☐ 📖 (see below)	P	P
<i>Cafeteria</i> ☐ 📖	C	C

Types of Uses	C-MU	G/O-MU
Camera Shop (Retail Only)	C	C
Cigars, Tobacco Shop (Retail Only)		
Carpenter Shop	P	P
Catering Service	P	P
Coffee, Donut and Similar Food Sales Shop (For On- or Off-Site Consumption)	P	P
Computer Sales	C	C
Consignment Shop	C	C
Convenience Store (With Gasoline Sales) ☐ ☑	C	C
Convenience Store (Without Gasoline Sales) ☐ ☑	C	C
Copy/Printing Shop ☐ ☑	C	C
Department Store ☐ (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing) ☑		
Drapery/Blind Shop	P	P
Electronic Goods Store (Retail Only)	C	C
Florist Shop (Retail Only)	P	P
Food Store/Supermarket ☐ ☑		
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)	C	C
Furniture Repair and Upholstering (No Outside Storage)		
Garage and/or Yard Sales	P	P
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)	C	C
Gift or Card Shop (Retail Only)	P	P
Handicraft & Art Object Sales Shop	P	P
Hardware Store ☐ ☑	C	C
Hobby Shop (Retail Only)	P	P
Home Improvement Center		
Ice Cream/Yogurt Shop (For On- or Off-Site Consumption)	P	P
Itinerant Vendor/Seasonal Vending	C	C
Jewelry Store	C	C
Key Shop	C	C
Market - Open Air (i.e., Flea Market)		

Types of Uses	C-MU	G/O-MU
<i>Meat and Fish Market (Retail Only)</i>		
<i>Medical Appliances & Sales</i>	C	
<i>Motion Picture Theater (Indoors)</i>		
<i>Optical Shop</i>	C	C
<i>Outside Display {See related regulations in applicable zoning districts}</i>		
<i>Paint, Wallpaper Shop (Retail Only)</i>	<i>P</i>	<i>P</i>
<i>Pet Shop-Small Animals, Birds or Fish</i>		
<i>Personal Custom Services, Tailor, Millinery, Etc.</i>	C	C
<i>Pharmacy/Drug Store (Retail Only)</i>	<i>P</i>	<i>P</i>
<i>Piano and Musical Instruments (Retail Only)</i>	C	
<i>Restaurant (With Drive-In and/or Drive-Thru Service)</i>	C	<i>C</i>
<i>Restaurant (With No Drive-In or Drive-Thru Service)</i>	<i>C</i>	<i>C</i>
<i>Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed; No Outside Storage)</i>	<i>C</i>	<i>C</i>
<i>Shoe Store (Retail Only)</i>	<i>C</i>	<i>C</i>
<i>Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)</i>	<i>C</i>	<i>C</i>
<i>Stone Monuments - Retail Sales Only (indoors)</i>	<i>C</i>	<i>C</i>
<i>Stone Monuments – Fabrication and Outdoor Storage</i>	<i>C</i>	<i>C</i>
<i>Studio, Decorator & Display of Art Objects</i>	<i>C</i>	<i>C</i>
<i>Studio, Photographer, Artist, Music, Drama, Dance</i>	<i>C</i>	<i>C</i>
<i>Studio, Health Reducing or Similar Service</i>	<i>C</i>	<i>C</i>
<i>Tavern</i>		
<i>Variety Store</i>		

Types of Uses	C-MU	G/O-MU
Video Rental and/or Sales	C	C
Adult Day Care Center(Business) 		
Antenna (Commercial)		
Antenna (Non-Commercial)		
Assisted Living Facility 	C	C
Auction House		
Child Day Care Center (Business) 	C	C
Child Day Nursery 	P	P
Church/Temple/Place of Worship 	P	P
Civic Center (Municipal) 		
Civic Club		
Community /Group Home 	C	C
Community or Social Buildings 	C	C
Convent or Monastery 	P	P
Day Camp (For Children) 		
Day Care	C	
Day Nursery		
Exhibition Hall		
Fraternal Organization 	C	C
Fraternity or Sorority House 	C	C
Governmental Building or Use (County, State or Federal)	C	C
Home for Alcoholic, Narcotic or Psychiatric Patients		
Hospice (Defined Under Household Care Facility)	P	P
Hospital (Non-Profit) 		
Hospital (For Profit) 		
Institution of Religious, Educational or Philanthropic Nature	C	C
Library, Public		
Mortuary/Cemetery (Including Mausoleum/Crematorium)	C	
Municipal Public Administration Offices	P	P
Museum (Indoors Only)		
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)		
Penal or Correctional Institutions		
Public Assembly (Auditorium, Gymnasium, Stadiums etc.)		
Rectory/Parsonage	C	C

Types of Uses	C-MU	G/O-MU
<i>Retirement Housing for the Elderly</i>		
<i>School - College or University</i>		
<i>School - Elementary (Public or Parochial)</i>	C	C
<i>School - High School (Public or Parochial)</i>	C	C
<i>School - Junior High (Public or Parochial)</i>	C	C
<i>School - Other Than Public or Parochial</i>	C	C
<i>School - Trade or Commercial {Defined Under School, Commercial Trade}</i>		
<i>Sheltered Care Facility</i>		
<i>Studio for Radio and/or Television (No Tower[s])</i>		
<i>Cellular Communications Tower/PCS {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}</i>	C	C
<i>Electric Power Generating Plant</i>		
<i>Electrical Substation</i>	C	C
<i>Franchised Private Utility <input type="checkbox"/> (Other than those listed) <input checked="" type="checkbox"/></i>	C	C
<i>Gas Transmission & Metering Station</i>	C	C
<i>Public Utilities (Other than those listed)</i>	C	C
<i>Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}</i>	C	C
<i>Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}</i>	C	C
<i>Sanitary Landfill (Private)</i>		
<i>Sanitary Landfill (Public)</i>		
<i>Railroad Team Track or Freight Depot</i>		
<i>Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}</i>	P	P
<i>Satellite Dish (greater than 4' in diameter) (See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC)</i>		

Types of Uses	C-MU	G/O-MU
<i>Telephone Business Office</i>		
<i>Telephone Exchange Switching Relay & Transmitting Equipment</i>	C	C
<i>Utility Shops or Storage, Yards and Building</i>		
<i>Pet Care Facility/Animal Kennel (With Outdoor Pens) </i>		
<i>Pet Care Facility/Animal Kennel (With Indoor Pens) </i>	C	C
<i>Appliance Repair  </i>	C	C
<i>Book Binding</i>	C	C
<i>Building Material Sales</i>		C
<i>Cabinet Business</i>		C
<i>Cannery Wholesale</i>		
<i>Cattle Feedlot (CAFO)</i>		
<i>Chemical Packing or Blending</i>		
<i>Cleaning, Dyeing or Laundry Plant, Commercial  </i>		
<i>Communication Equipment Sales/Service (Installation and/or Repair – No outdoor sales or storage or towers/antennae)</i>	C	C
<i>Construction Contractor with Storage Yard</i>		
<i>Contractor's Office/Sales, No Outside Storage including Vehicles</i>		
<i>Contractor's Temporary On-Site Construction Office (only with permit from B.O.)</i>	P	P
<i>Dance Hall or Night Club  </i>		
<i>Drive-In Theater</i>		
<i>Electronic Assembly</i>	C	C
<i>Exterminator Service/Company (No outdoor sales or storage)</i>	C	C
<i>Fur/Hide Tanning and Finishing</i>		
<i>Furniture/Appliances - Open Storage & Retail Sale</i>		
<i>Gravestone/Tombstone Sales</i>		
<i>Heavy Machinery Sales, Storage & Repair  </i>		

Types of Uses	C-MU	G/O-MU
<i>Heating & Air-Conditioning Sales/Services</i>		C
<i>Home Sales office-temp(for new subdivision)</i>		
<i>Laboratory, Scientific or Research {Defined Under Scientific and Industrial Research Laboratories}</i>	C	C
<i>Laboratory, Medical or Dental</i>	C	C
<i>Lawnmower Sales and/or Repair</i>		
<i>Liquefied Petroleum Storage & Sales</i>		
<i>Loading or Storage Tanks</i>		
<i>Locksmith</i>		
<i>Lumber Mill/Yard</i>		
<i>Machine Shop</i>		
<i>Manufactured Home Display, Sales and/or Rental (New or Used)</i>		
<i>Mattress Making and/or Renovating</i>		
<i>Milk Depot - Wholesale</i>		
<i>Mini-Warehouse/Self Storage</i>		
<i>Moving and Storage Company</i>		
<i>News Printing</i>		
<i>Office Warehouse Storage or Sales(Defined Under Storage or Wholesale Warehouse)</i>		
<i>Outside Storage</i>		
<i>Pawn Shop</i>		
<i>Pet and Animal Grooming Shop</i>	C	C
<i>Petroleum Products Bulk Storage (Wholesale)</i>		
<i>Pipe Processing</i>		
<i>Pipe Storage Yard</i>		
<i>Plumbing Shop (No Outside Storage)</i>	C	C
<i>Printing Equipment, Supplies and Repairs</i>	C	C
<i>Propane Sales (Retail)</i>		
<i>Quick Lube/Oil Change/Minor Inspection</i>	C	
<i>Railroad, Bus, Light Rail Passenger Station (Public)</i>	P	
<i>Railroad Team Tracks, Freight, Depot or Docks</i>		

Types of Uses	C-MU	G/O-MU
<i>Railroad Tracks & Right-of-Way</i>	C	C
<i>Reproduction of Blueprints</i>		
<i>Sheet Metal Shop</i>		C
<i>Storage of Used Lumber and Building Materials</i>		C
<i>Taxidermist</i>		
<i>Tool and Machinery Rental (Indoor Storage only)</i>		C
<i>Tool and Machinery Rental (with Outdoor Storage)</i>		
<i>Trailer Home Sales or Rental Only</i>		
<i>Transfer Storage & Baggage Terminal</i>		
<i>Upholstery Business</i>		C
<i>Vacuum Cleaner Sales and Repair</i>		
<i>Welding Shop</i>		
<i>Wholesale Trade - Nondurable Goods</i>	C	C
<i>Wood Working Shops</i>	C	C
<i>Acid Manufacturer</i>		
<i>Airport <input checked="" type="checkbox"/>, Heliport/Helipad <input checked="" type="checkbox"/> or Landing Field</i>	C	C
<i>Animal Slaughtering or Poultry Processes</i>		
<i>Ammonia Manufacturer</i>		
<i>Asphalt Batching Plant <input type="checkbox"/> <input checked="" type="checkbox"/></i>		
<i>Bio-Tech, High-Tech Manufacturing</i>	C	C
<i>Carbon Black Manufacturer</i>		
<i>Cement, Lime, Gypsum or Plaster of Paris Manufacturer</i>		
<i>Chemical Packing and/or Blending</i>		
<i>Clothing Manufacturing</i>	C	C
<i>Commercial Extraction of Soil, Sand, and Gravel</i>		
<i>Concrete Batching Plant <input type="checkbox"/> <input checked="" type="checkbox"/></i>		
<i>Dumps and Landfills</i>		
<i>Hazardous Emissions (as Determined by Enforcing Officer & Other Objectionable)</i>		

Types of Uses	C-MU	G/O-MU
<i>Explosives Manufacturer and/or Storage</i>		
<i>Glue or Fertilizer Manufacturer</i>		
<i>Heavy Manufacturing Process</i>		
<i>Light Manufacturing Process</i>	C	C
<i>Manufacturer of Chlorine or Other Toxic Gasses</i>		
<i>Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those listed in Section 2.4.4.6 and Section 2.4.4.7 of this UDC</i>		
<i>Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)</i>		
<i>Petrochemical Plant</i>		
<i>Petroleum or Petroleum Product Extraction, Refining, Manufacturer, or Bulk Storage</i>		
<i>Rendering Plant</i>		
<i>Storage or Processing of Sand, Sulfur, Gravel, Cement or Similar Material</i>		
<i>Tanning, Curing, Treating, or Storage of Skins or Hides</i>		
<i>Warehouse & Distribution Facility</i>		
<i>Wrecking or Salvage Yard (Auto, Steel)</i>		
<i>Wrecking or Salvage Yard (Building Materials)</i>		

Staff is also recommending that the definition of café' be modified to differentiate it from a restaurant use. Based on the seating provided by different establishments listed below, the seating has been limited to a maximum of 50 seats. All these definitions and proposed modifications are included below:

Starbucks – 50 Seats (including approx. 20 seats outdoors)

Shipleys - 20 seats (including 2 outdoors)

Pear Tree - 62 seats (including 12 outdoors)

McDonalds – 92 seats (none outdoors)

Section 5.1.1.1 General Definitions

~~(a) (65) CAFÉ OR CAFETERIA: A commercial eating establishment where food, snacks or meals are vended for consumption primarily on the premises. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit take-out or drive-through windows.~~

(a)(65) CAFÉ OR CAFETERIA (includes coffee shop, bistro and similar uses): An informal restaurant, not exceeding 50 seats (outdoor and indoor), offering a range of food, snacks, meals, coffee, or other hot and cold beverages. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit take-out or drive-through windows.

Current Definitions in the UDC for Restaurants – No Changes Proposed:

(a)(328) RESTAURANT (WITH DRIVE-IN SERVICE OR DRIVE-THRU SERVICE): An eating establishment where food or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises. An area may also be provided for the consumption of food the premises.

(a)(329) RESTAURANT (WITH NO DRIVE-IN OR DRIVE-THRU SERVICE): An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

Areas of Concern in the Existing Regulations for C-MU District:

Section 2.4.3.2 C-MU, Cullen-Mixed Use District

(a) Purpose. The Cullen Mixed Use District (C-MU) is intended to provide a district that allows for the continuation and limited growth of specific nonresidential land uses that have been in existence along Cullen Boulevard for a long period of time, while also respecting the residential uses that have developed and now co-exist with the nonresidential uses.

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

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

(c) Area Regulations for Residential Uses.

(1) Size of Lots:

- a. Minimum Lot Area – Seven thousand (7,000) square feet
- b. Minimum Lot Width – Seventy feet (70')
- c. Minimum Lot Depth – One hundred feet (100')
- d. Maximum Lot Coverage – Sixty percent (60%), but may be permitted seventy percent (70%) with a variance from the ZBA.

(2) Size of Yards:

- a. Minimum Front Yard – Twenty-five feet (25')
- b. Minimum Side Yard
 1. Interior Lot: Seven feet and six inches (7'-6");
 2. Corner Lot: Twenty-five feet (25') when abutting a street right-of way.
 3. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting shall not exceed twelve inches (12") into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24") into the required side yard, except that no projections shall be permitted closer than twelve inches (12") to a common property line.
- c. Minimum Rear Yard – Twenty feet (20')

(d) Area Regulations for Non-Residential Uses.

(1) Size of Lots:

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

(2) Size of Yards:

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

~~(3) Maximum Non-Residential Building Footprint Size: Twenty thousand (20,000) square feet.~~

(e) Height Restrictions. No building shall exceed thirty-five feet (35') in height.
Additional height by CUP?

(f) Nonresidential Use Regulations.

~~(1) Nonresidential uses shall be located on lots that have frontage on Cullen Boulevard. Nonresidential developments with internal streets may locate nonresidential uses along such streets.~~

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

~~(3) Parking areas shall not be located directly adjacent to any adjoining residential use(s), regardless of the establishment of screening in conformance with (g)(1) below. If parking is located on the side of a lot that is adjoining a residential use(s), the parking area shall be set back from the screening mechanism by a minimum of fifteen feet (15').~~

(g) Residential Adjacency Considerations:

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

elements shall consist of the following, including a combination thereof:

a. Landscape Elements – Landscape elements permitted shall consist of

shrubbery having year-round foliage:

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

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

1. That is at least seventy-five percent (75%) opaque; and
2. That is a minimum of six feet (6') in height; and
3. That is a maximum of eight feet in height; and
4. That is not located within any required visibility triangle; and
5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.

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

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

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

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

and now co-exist with the nonresidential uses. This district is also intended to help preserve the stability of neighborhoods adjacent to the G/O-MU District boundaries.

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

- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
- (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2;
- (3) Upon the granting of an Industrial Use CUP pursuant to (i) below, permitted uses as authorized in the Land Use Matrix for M-1 or M-2 districts.

(c) Area Regulations for Residential Uses.

- (1) Size of Lots:
 - a. Minimum Lot Area - Six thousand (6,000) square feet
 - b. Minimum Lot Width - Sixty feet (60')
 - c. Minimum Lot Depth - One hundred feet (100')
 - d. Maximum Lot Coverage - Sixty percent (60%), but may be permitted seventy percent (70%) with a variance from the ZBA.
- (2) Size of Yards:
 - a. Minimum Front Yard – Twenty-five feet (25')
 - b. Minimum Side Yard
 1. Interior Lot: Seven feet and six inches (7'-6");
 2. Corner Lot: Equal to the front yard when abutting a street right-of way.
 3. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting shall not exceed twelve inches (12") into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24") into the required side yard, except that no projections shall be permitted closer than twelve inches (12") to a common property line.
 - c. Minimum Rear Yard – Twenty feet (20')

(d) Area Regulations for Non-Residential Uses.

- (1) Size of Lots:
 - a. Minimum Lot Size - Twenty-two thousand and five hundred (22,500) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and twenty-five feet (125').
- (2) Size of Yards:
 - a. Minimum Front Yard - Twenty-five feet (25')
 - b. Minimum Side Yard
 1. Ten feet (10'), except as provided below.
 2. Twenty-five feet (25') if side yard abuts a residential zoning district.
 - c. Minimum Rear Yard - Twenty-five feet (25')

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

(f) Nonresidential Use Locations.

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

(g) Residential Adjacency Considerations:

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

a. Landscape Elements – Landscape elements permitted shall consist of

shrubbery having year-round foliage:

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

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

- 1. That is at least seventy-five percent (75%) opaque; and*
- 2. That is a minimum of six feet (6') in height; and*
- 3. That is a maximum of eight feet in height; and*
- 4. That is not located within any required visibility triangle; and*
- 5. That is not constructed with any of the following materials:*

surface

painted or coated concrete, chain link, concertina wire, barbed wire,

corrugated metal, or fiberglass panels.

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

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

(i) Industrial Use CUP.

(1) Eligibility. Properties located on Garden Road or O'Day Road that were formerly zoned Light Industrial District (M-1) or Heavy Industrial District (M-2) and which were rezoned to Garden/O-Day Mixed Use District (G/O-MU) when the UDC was adopted in 2006, are eligible to

seek one of two Industrial Use CUPs, either an M-1 CUP or an M-2 CUP, based upon the properties' previous zoning.

(2) Effect.

a. The M-1 CUP would add all permitted uses allowed in the M-1 zoning district as listed in the Land Use Matrix in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-1 district would require a separate CUP to authorize.

b. The M-2 CUP would add all permitted uses allowed in the M-2 zoning district as listed in the Land Use Matrix in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-2 district would require a separate CUP to authorize.

(3) Applicable requirements. The zoning district regulations applicable to a property zoned G/O-MU with an Industrial Use CUP shall be determined by the primary use of said property. If the primary use is a G/O-MU use, then the regulations for the G/O-MU district shall apply. If the primary use is an M-1 or M-2 use, then the regulations for the appropriate industrial district shall apply. If the use is permitted in both the G/O-MU district and the industrial district, then the less restrictive regulations shall apply.

(4) Expiration. The abandonment and expiration provisions of Section 2.2.3.5 shall not apply to any Industrial Use CUP.

Addition of a New Zone – Office Zone.

As part of Land Use study (see attachment 1 at the end of this report), it was discussed that a new zone "Office" need to be. The purpose of this new zone would be:

1. To provide a zoning district that would be appropriate for areas shown as "Office" in the Land Use Plan - along Pearland Parkway and McHard (see attachment 1).
2. Provide a zone with uses that would be appropriate for areas along busy thoroughfares, but adjacent to single family developments, that would serve as a transition zone.
3. Address the need expressed by the Council for a zone that would encourage higher quality commercial/office development other than retail/service uses in strip centers, in some of the limited vacant land remaining in the city.

It is staff's opinion that the current OP zone, due to the variety of office, retail and service uses permitted, and being designated as an appropriate zone for "Retail, Offices, Services" land use category, does not meet the purpose stated above. Therefore a new zoning district is proposed.

While recommending appropriate uses for this zone hours of operation, traffic generation, nature and intensity of the use were considered, in context of adjacency to residential districts and uses.

As indicated earlier in the definition, the size of cafes has been limited by restricting the total number of seats (indoors and outdoors) to 50. Uses requiring a drive through window are permitted by a CUP to evaluate the effect on adjoining residential.

Section 2.4.4.1 O, Office District

(a) **Purpose.** *The Office (O) District is intended to permit a wide variety of professional and organizational office uses where hours of operation, traffic generation, and the nature and intensity of use are less than the needs of the Office Professional (OP) District. The intent of the office (O) Zoning District is to facilitate creation of a transitional buffer between the non-residential and residential uses.*

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

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

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

(c) Area Regulations.

(1) *Size of Lots:*

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

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

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

(2) *Size of Yards:*

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

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

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

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

(e) Outdoor Activities or Uses.

1. *No outdoor commercial activities or uses shall be permitted in the O District without a temporary permit issued by the City's Building Official, pursuant to the City Building Code, unless expressly authorized herein. Chapter 2: Zoning Regulations.*

- 2. *Outdoor storage not permitted in this zone.*
- 3. *Uses with Drive-through windows shall require a CUP.*

- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 4, of this UDC.
- (h) **Access.** Access shall be provided in accordance with the City’s Engineering Design Criteria Manual.
- (i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s).
- (j) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (k) **Adjacent to a Single-Family Use or Zoning District.** When an office/professional development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five foot (25’ 15”) 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.

Types of Uses	OP	O
Agricultural Field Crops	P	P
Agricultural Animal Husbandry <input type="checkbox"/>	P	
Bulk Grain and/or Feed Storage		
Farm (Ranch, Livestock) <input type="checkbox"/>	P	
Feed & Grain Store/Farm Supply Store <input type="checkbox"/>		
Flour and Other Grain Mills		
Livestock – Wholesale		
Livestock Sales		
Crops or Orchard	P	P
Stable, Commercial		
Stable (Private, Principal or Accessory Use)		
Boarding or Rooming House <input type="checkbox"/>		

Types of Uses	OP	O
<i>Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family)</i> <input type="checkbox"/>		
<i>Dwelling - HUD-Code Manufactured(Mobile) Home</i> <input type="checkbox"/>		
<i>Dwelling - Industrialized Home</i> <input type="checkbox"/>		
<i>* Dwelling - Mobile Home</i> <input type="checkbox"/>		
<i>Dwelling - Multiple-Family</i> <input type="checkbox"/>		
<i>Dwelling - Patio Home</i> <input type="checkbox"/>		
<i>Dwelling - Single-Family Detached</i> <input type="checkbox"/>		
<i>Dwelling - Town House</i>		
<i>Dwelling - Two-Family</i> <input type="checkbox"/>		
<i>Home Occupation</i> <input type="checkbox"/>		
<i>Private Street Subdivision</i>		
<i>Accessory Structure (Business or Industry)</i> <input type="checkbox"/>	P	P
<i>Accessory Structure (Residential)</i> <input type="checkbox"/>		
<i>Accessory Dwelling</i> <input type="checkbox"/>		
<i>Farm Accessory Building</i>	C	C
<i>Off-Street Parking Incidental to Residential Main Use</i>	P	
<i>Off-Street Parking Incidental to Nonresidential Main Use</i>	P	P
<i>Servant, Guest, Caretakers or Security Quarters</i>	C	C
<i>Social & Recreational Building, including homeowners association neighborhood recreation centers</i>	P	
<i>Onsite Detention Facility</i>	P	P
<i>Off-site Detention Facility</i>	C	C
<i>Billiard/Pool Facility (Three or More Tables)</i>	C	
<i>Bingo Facility</i>	C	
<i>Bowling Alley (Air-Conditioned and Sound Proofed)</i>	C	
<i>Commercial Amusement, Indoor</i> <input type="checkbox"/>	C	
<i>Commercial Amusement, Outdoor</i> <input type="checkbox"/>	C	
<i>Country Club</i> <input type="checkbox"/>	P	C
<i>Dinner Theatre</i>	C	
<i>Driving Range (Golf)</i>	C	C
<i>Drag Strip/Race Track</i> <input type="checkbox"/>		
<i>Fairgrounds</i>		

Types of Uses	OP	O
Gaming Establishment <input type="checkbox"/>	C	
Golf Course (Miniature)	C	
Golf Course (Private) <input type="checkbox"/>	C	C
Golf Course (Public) <input type="checkbox"/>	C	C
Park and/or Playground (Private)	P	P
Park and/or Playground (Public; Municipal)	P	P
Private Club	C	
Recreation Center (Private, For Profit)	C	
Rodeo Grounds		
Skating Rink	C	
Swimming Pool, Commercial	C	
Swimming Pool, Private (Use Only By Resident)	P	
Temporary Outdoor Amusement/Activity*		
Tennis or Swim Club (Private, For Profit)	P	C
Tennis Court (Private/Not Lighted)	P	C
Tennis Court (Private/Lighted)	C	
Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}		
Travel Trailer/RV Park/Campground (Short-Term Stays) {Travel Trailer Defined}		
All Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales		
Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair) <input type="checkbox"/>		
Auto Assembly		
Auto Body Repair		
Auto/Leasing	C	
Auto Glass Repair/Tinting		
Auto Interior Shop/Upholstery		
Auto Muffler Shop		
Auto Paint Shop		
Auto Parts Manufacturing		

Types of Uses	OP	O
<i>Auto Parts Sale (With Outside Storage or Display)</i>		
<i>Auto Parts Sales (Indoors Only; With Repair Bays)</i>		
<i>Auto Rental</i> ☐ 📖		
<i>Auto Repair (Major)</i> ☐ 📖		
<i>Auto Repair (Minor)</i> ☐ 📖		
<i>Auto Sales/Dealer</i> ☐ (New - In Building, Auto Servicing and Used Auto Sales as accessory uses only) 📖		
<i>Auto Wash (Full Service/Detail Shop)</i> ☐ 📖		
<i>Auto Wash (Self-Service)</i> ☐ 📖		
<i>Auto Wrecker Service</i>		
<i>Bicycle Sales (New/Repair)</i>		
<i>Boat Sales (New/Repair)</i>		
<i>Bus or Truck Storage</i>		
<i>Gasoline Station</i> ☐ 📖		
<i>Limousine/Taxi Service</i>		
<i>Motor Freight Transportation, Storage, & Terminal</i>		
<i>Motorcycle Sales/Dealer (New/Repair)</i>		
<i>Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity</i>		
<i>Personal Watercraft Sales (New/Repair)</i>		
<i>Tire Retreading and Capping</i>		
<i>Tire Sales (Outdoors, With Open Storage)</i>		
<i>Transfer Station (Refuse/Pick-up)</i>		
<i>Transit Terminal</i>	C	C
<i>Truck and Bus Rental</i>		
<i>Truck Sales (Heavy Trucks)</i>		
<i>Truck or Freight Terminal</i>		
<i>Clinic, Medical or Dental</i> ☐ 📖	P	P
<i>Credit Agency</i>	P	P
<i>Emergency Care Clinic</i>		
<i>Financial Institution (No Motor Bank Services)</i> ☐ 📖	P	P
<i>Financial Institution (With Motor Bank Services)</i> ☐ 📖	P	C

Types of Uses	OP	O
<i>Financial Services (Advice/Invest)</i>	P	P
<i>Insurance Agency Offices</i>	P	P
<i>Office, Brokerage Service</i>	P	P
<i>Office, Legal Service</i>	P	P
<i>Office, Medical/Dental {Defined Under Medical Facilities}</i>	P	P
<i>Office, Parole-Probation</i>		
<i>Office, Professional and General Business (other than those listed)</i>	P	P
<i>Office, Real Estate</i>	P	P
<i>Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)</i>	C	C
<i>Office/Clinic, Veterinarian (No Animal Hospital, With Outside Pens)</i>		
<i>Security Monitoring Company (No Outside Storage)</i>	P	P
<i>Telemarketing Agency</i>	C	C
<i>Travel Agency, Bureau or Consultant</i>	P	P
<i>Ambulance Service </i>		
<i>Automatic Teller Machine (ATM)</i>	P	C
<i>Automobile Driving School (including Defensive Driving)</i>	P	P
<i>Barber/Beauty Shop/Tanning Studios (No Related School/College)</i>	P	
<i>Barber/Cosmetology School/College</i>	P	P
<i>Bed & Breakfast Inn </i>	P	
<i>Check Cashing Service</i>		
<i>Dance/Drama/Music School (Performing Arts)</i>	C	C
<i>Extended Stay Hotel/Motel </i>	C	
<i>Funeral Home </i>		
<i>Health Club (Physical Fitness; Indoors Only)</i>	C	C
<i>Hotel/Motel </i>	P	
<i>Laundromat (Self-Service Laundry)</i>	C	
<i>Laundry/Dry Cleaning (Retail Only - Drop Off/Pick Up)</i>	C	

Types of Uses	OP	O
<i>Mailing Service (Private)</i>	P	P
<i>Martial Arts School/Studio/Tutorial/Clubs/ Learning centers</i>		
<i>Pharmacy (Retail Only)</i>	P	
<i>Rehabilitation Care Facility (Halfway House)</i>	C	
<i>Rehabilitation Care Institution (Commercial)</i>	C	
<i>Seamstress or Dressmaker (Retail Only)</i>	P	
<i>Studio - Tattoo or Body Piercing</i>		
<i>Antique Shop ☐ (No outside storage) ☞</i>	P	
<i>Antique Shop ☐ (With outside storage) ☞</i>	C	
<i>Apparel Shop</i>	C	
<i>Animal Hospital (No Outside Pens)</i>		
<i>Art Museum and/or Dealer</i>	C	C
<i>Art Studio and/or Gallery ☐ ☞</i>	C	C
<i>Art Supply Store</i>	P	
<i>Bakery or Confectionery Shop (Retail Sales, Inside Service Only) ☞</i>	P	
<i>Bakery or Confectionery Shop (Retail Sales, With Drive-Thru Service) ☐ ☞</i>	C	
<i>Bakery (Wholesale) ☐ ☞</i>		
<i>Book/Stationery Shop (Retail Only)</i>	P	
<i>Business Service Retail (Provides wares and/or service in support of professional occupations)</i>	C	
<i>Café ☐ ☞</i>	P	P
<i>Cafeteria ☐ ☞</i>	P	P
<i>Camera Shop (Retail Only)</i>	P	
<i>Cigars, Tobacco Shop (Retail Only)</i>	C	
<i>Carpenter Shop</i>	C	
<i>Catering Service</i>	C	
<i>Coffee, Donut and Similar Food Sales Shop (For On- or Off-Site Consumption)</i>	P	
<i>Computer Sales</i>	C	
<i>Consignment Shop</i>	C	

Types of Uses	OP	O
<i>Convenience Store (With Gasoline Sales) ☐☐☐</i>	C	
<i>Convenience Store (Without Gasoline Sales) ☐☐☐</i>	C	
<i>Copy/Printing Shop ☐☐☐</i>	P	
<i>Department Store ☐ (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing) ☐☐</i>		
<i>Drapery/Blind Shop</i>	P	
<i>Electronic Goods Store (Retail Only)</i>	C	
<i>Florist Shop (Retail Only)</i>	P	
<i>Food Store/Supermarket ☐☐☐</i>		
<i>Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)</i>		
<i>Furniture Repair and Upholstering (No Outside Storage)</i>		
<i>Garage and/or Yard Sales</i>	C	
<i>Garden Shop & Outside Plant Sales (i.e., Plant Nursery)</i>	C	
<i>Gift or Card Shop (Retail Only)</i>	P	
<i>Handicraft & Art Object Sales Shop</i>	P	
<i>Hardware Store ☐☐☐</i>	C	
<i>Hobby Shop (Retail Only)</i>		
<i>Home Improvement Center</i>		
<i>Ice Cream/Yogurt Shop (For On- or Off-Site Consumption)</i>	P	
<i>Itinerant Vendor/Seasonal Vending</i>	C	
<i>Jewelry Store</i>		
<i>Key Shop</i>		
<i>Market - Open Air (i.e., Flea Market)</i>		
<i>Meat and Fish Market (Retail Only)</i>		
<i>Medical Appliances & Sales</i>		
<i>Motion Picture Theater (Indoors)</i>		
<i>Optical Shop</i>	P	
<i>Outside Display {See related regulations in applicable zoning districts}</i>		
<i>Paint, Wallpaper Shop (Retail Only)</i>	P	

Types of Uses	OP	O
<i>Pet Shop-Small Animals, Birds or Fish</i>		
<i>Personal Custom Services, Tailor, Millinery, Etc.</i>		
<i>Pharmacy/Drug Store (Retail Only)</i>	P	
<i>Piano and Musical Instruments (Retail Only)</i>		
<i>Restaurant (With Drive-In and/or Drive-Thru Service)</i>		
<i>Restaurant (With No Drive-In or Drive-Thru Service)</i>		
<i>Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed; No Outside Storage)</i>	P	
<i>Shoe Store (Retail Only)</i>		
<i>Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)</i>		
<i>Stone Monuments - Retail Sales Only (indoors)</i>	C	
<i>Stone Monuments – Fabrication and Outdoor Storage</i>		
<i>Studio, Decorator & Display of Art Objects</i>		
<i>Studio, Photographer, Artist, Music, Drama, Dance</i>		
<i>Studio, Health Reducing or Similar Service</i>		
<i>Tavern</i>		
<i>Variety Store</i>		
<i>Video Rental and/or Sales</i>		
<i>Adult Day Care Center(Business) </i>	C	
<i>Antenna (Commercial)</i>		
<i>Antenna (Non-Commercial)</i>		
<i>Assisted Living Facility  </i>	C	
<i>Auction House</i>	C	
<i>Child Day Care Center (Business)  </i>	C	C

Types of Uses	OP	O
Child Day Nursery ☐📖	P	C
Church/Temple/Place of Worship 📖☐	C	
Civic Center (Municipal) ☐📖	C	C
Civic Club	C	
Community /Group Home ☐📖	P	
Community or Social Buildings ☐📖	P	
Convent or Monastery ☐📖	P	
Day Camp (For Children) ☐📖	P	
Day Care		
Day Nursery		
Exhibition Hall		
Fraternal Organization ☐📖	P	
Fraternity or Sorority House ☐📖	P	
Governmental Building or Use (County, State or Federal)	P	P
Home for Alcoholic, Narcotic or Psychiatric Patients	C	
Hospice (Defined Under Household Care Facility)	P	
Hospital (Non-Profit) ☐📖	C	
Hospital (For Profit) ☐📖	C	
Institution of Religious, Educational or Philanthropic Nature	P	
Library, Public		
Mortuary/Cemetery (Including Mausoleum/Crematorium)		
Municipal Public Administration Offices	P	
Museum (Indoors Only)	P	
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)	C	
Penal or Correctional Institutions		
Public Assembly (Auditorium, Gymnasium, Stadiums etc.)		
Rectory/Parsonage	P	
Retirement Housing for the Elderly		
School - College or University	P	C
School - Elementary (Public or Parochial)	P	C
School - High School (Public or Parochial)	P	C

Types of Uses	OP	O
<i>School - Junior High (Public or Parochial)</i>	P	C
<i>School - Other Than Public or Parochial</i>	P	C
<i>School - Trade or Commercial {Defined Under School, Commercial Trade}</i>	C	
<i>Sheltered Care Facility</i>		
<i>Studio for Radio and/or Television (No Tower[s])</i>	P	
<i>Cellular Communications Tower/PCS {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}</i>	C	C
<i>Electric Power Generating Plant</i>		
<i>Electrical Substation</i>	C	
<i>Franchised Private Utility <input type="checkbox"/> (Other than those listed) </i>	C	C
<i>Gas Transmission & Metering Station</i>	C	C
<i>Public Utilities (Other than those listed)</i>	C	C
<i>Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}</i>	C	C
<i>Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}</i>	C	C
<i>Sanitary Landfill (Private)</i>		
<i>Sanitary Landfill (Public)</i>		
<i>Railroad Team Track or Freight Depot</i>		
<i>Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}</i>	P	P
<i>Satellite Dish (greater than 4' in diameter){ See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}</i>	C	C
<i>Telephone Business Office</i>	P	P
<i>Telephone Exchange Switching Relay & Transmitting Equipment</i>	C	C

Types of Uses	OP	O
<i>Utility Shops or Storage, Yards and Building</i>		
<i>Pet Care Facility/Animal Kennel (With Outdoor Pens) ☐☐</i>		
<i>Pet Care Facility/Animal Kennel (With Indoor Pens) ☐☐</i>	C	
<i>Appliance Repair ☐☐</i>		
<i>Book Binding</i>		
<i>Building Material Sales</i>		
<i>Cabinet Business</i>		
<i>Cannery Wholesale</i>		
<i>Cattle Feedlot (CAFO)</i>		
<i>Chemical Packing or Blending</i>		
<i>Cleaning, Dyeing or Laundry Plant, Commercial ☐☐</i>		
<i>Communication Equipment Sales/Service (Installation and/or Repair – No outdoor sales or storage or towers/antennae)</i>	C	
<i>Construction Contractor with Storage Yard</i>		
<i>Contractor's Office/Sales, No Outside Storage including Vehicles</i>	C	
<i>Contractor's Temporary On-Site Construction Office (only with permit from B.O.)</i>	P	
<i>Dance Hall or Night Club ☐☐</i>		
<i>Drive-In Theater</i>		
<i>Electronic Assembly</i>		
<i>Exterminator Service/Company (No outdoor sales or storage)</i>		
<i>Fur/Hide Tanning and Finishing</i>		
<i>Furniture/Appliances - Open Storage & Retail Sale</i>		
<i>Gravestone/Tombstone Sales</i>		
<i>Heavy Machinery Sales, Storage & Repair ☐☐</i>		
<i>Heating & Air-Conditioning Sales/Services</i>		

Types of Uses	OP	O
<i>Home Sales office-temp(for new subdivision)</i>		
<i>Laboratory, Scientific or Research {Defined Under Scientific and Industrial Research Laboratories}</i>	C	C
<i>Laboratory, Medical or Dental</i>	C	C
<i>Lawnmower Sales and/or Repair</i>		
<i>Liquefied Petroleum Storage & Sales</i>		
<i>Loading or Storage Tanks</i>		
<i>Locksmith</i>		
<i>Lumber Mill/Yard</i>		
<i>Machine Shop</i>		
<i>Manufactured Home Display, Sales and/or Rental (New or Used)</i>		
<i>Mattress Making and/or Renovating</i>		
<i>Milk Depot - Wholesale</i>		
<i>Mini-Warehouse/Self Storage</i>		
<i>Moving and Storage Company</i>		
<i>News Printing</i>		
<i>Office Warehouse Storage or Sales(Defined Under Storage or Wholesale Warehouse)</i>		
<i>Outside Storage</i>		
<i>Pawn Shop</i>		
<i>Pet and Animal Grooming Shop</i>		
<i>Petroleum Products Bulk Storage (Wholesale)</i>		
<i>Pipe Processing</i>		
<i>Pipe Storage Yard</i>		
<i>Plumbing Shop (No Outside Storage)</i>		
<i>Printing Equipment, Supplies and Repairs</i>		
<i>Propane Sales (Retail)</i>		
<i>Quick Lube/Oil Change/Minor Inspection</i>		
<i>Railroad, Bus, Light Rail Passenger Station (Public)</i>		
<i>Railroad Team Tracks, Freight, Depot or Docks</i>		
<i>Railroad Tracks & Right-of-Way</i>	C	

Types of Uses	OP	O
<i>Reproduction of Blueprints</i>	C	
<i>Sheet Metal Shop</i>		
<i>Storage of Used Lumber and Building Materials</i>		
<i>Taxidermist</i>		
<i>Tool and Machinery Rental (Indoor Storage only)</i>		
<i>Tool and Machinery Rental (with Outdoor Storage)</i>		
<i>Trailer Home Sales or Rental Only</i>		
<i>Transfer Storage & Baggage Terminal</i>		
<i>Upholstery Business</i>		
<i>Vacuum Cleaner Sales and Repair</i>		
<i>Welding Shop</i>		
<i>Wholesale Trade - Nondurable Goods</i>		
<i>Wood Working Shops</i>		
<i>Acid Manufacturer</i>		
<i>Airport <input type="checkbox"/>, Heliport/Helipad <input type="checkbox"/> or Landing Field</i>	C	
<i>Animal Slaughtering or Poultry Processes</i>		
<i>Ammonia Manufacturer</i>		
<i>Asphalt Batching Plant <input type="checkbox"/></i>		
<i>Bio-Tech, High-Tech Manufacturing</i>		
<i>Carbon Black Manufacturer</i>		
<i>Cement, Lime, Gypsum or Plaster of Paris Manufacturer</i>		
<i>Chemical Packing and/or Blending</i>		
<i>Clothing Manufacturing</i>		
<i>Commercial Extraction of Soil, Sand, and Gravel</i>		
<i>Concrete Batching Plant <input type="checkbox"/></i>		
<i>Dumps and Landfills</i>		
<i>Hazardous Emissions (as Determined by Enforcing Officer & Other Objectionable)</i>		

Types of Uses	OP	O
<i>Explosives Manufacturer and/or Storage</i>		
<i>Glue or Fertilizer Manufacturer</i>		
<i>Heavy Manufacturing Process</i>		
<i>Light Manufacturing Process</i>		
<i>Manufacturer of Chlorine or Other Toxic Gasses</i>		
<i>Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those listed in Section 2.4.4.6 and Section 2.4.4.7 of this UDC</i>		
<i>Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)</i>		
<i>Petrochemical Plant</i>		
<i>Petroleum or Petroleum Product Extraction, Refining, Manufacturer, or Bulk Storage</i>		
<i>Rendering Plant</i>		
<i>Storage or Processing of Sand, Sulfur, Gravel, Cement or Similar Material</i>		
<i>Tanning, Curing, Treating, or Storage of Skins or Hides</i>		
<i>Warehouse & Distribution Facility</i>		
<i>Wrecking or Salvage Yard (Auto, Steel)</i>		
<i>Wrecking or Salvage Yard (Building Materials)</i>		

Proposed Changes to Division 4 - Screening & Fencing

The purpose of these changes is to clarify that fencing is not required along streets, to reduce the buffer in Office zone, and to designate the Planning Director as the responsible official to determine conformance.

Section 4.2.4.1 Screening

(a) Nonresidential and Multiple-Family Screening Required (New Construction).

(1) *Requirement Criteria. This section shall apply to the following:*

a. Any nonresidential use that ~~is separated by only a street or~~ has a *front*, side or rear contiguous to any residential use or residential zoning district other than multiple-family.

b. Any multiple-family use that ~~is separated by only a street or~~ has a *front*, side or rear contiguous to any residential use or residential zoning district other than multiple-family.

(2) *The following shall apply in either case outlined above:*

a. *The nonresidential or multiple-family use shall provide one of the following:*

1. *an opaque screening wall a minimum of six feet(6') in height, but not to exceed eight feet(8') in height. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition. Any sections of this Code concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or throughway; or*

2. *a vegetative screen dense enough to be completely opaque year round, which is at least four feet(4') tall at planting and at least eight feet (8') tall within twelve (12) months.*

b. *There shall be a minimum 25-foot wide landscape buffer between non residential or multiple-family and all single-family uses, except this buffer shall be at least thirty (30)feet wide if screening is achieved above by a vegetative screen and not an opaque screening wall. ~~This buffer may be reduced to 15' with an opaque screening wall as required above, or to 20' wide if screening is achieved above by a vegetative screen and not an opaque screening wall, in Office zoning District, as per section 2.4.4.1 (k).~~*

c. *In situations where a fence already exists along the property line between the non-residential or multiple-family use and the residential use, the screening required by this section shall be achieved by the vegetative screen and 30' buffer described above, unless the nonresidential or multiple-family use obtains permission from the owner(s)of the existing fence to replace said fence with the opaque screening wall and 25' buffer described above.*

d. *Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:*

1. *The screen will withstand the pressures of time and nature; and*
 2. *The screen adequately accomplishes the purpose for which it was intended.*
- e. The ~~Building Official~~ *Planning Director* shall determine if the buffer meets the requirements of this section.

Attachment 1

Land Use Study

Comment #20: Explore More Commercial Zoned Land. (Not Strip Centers).

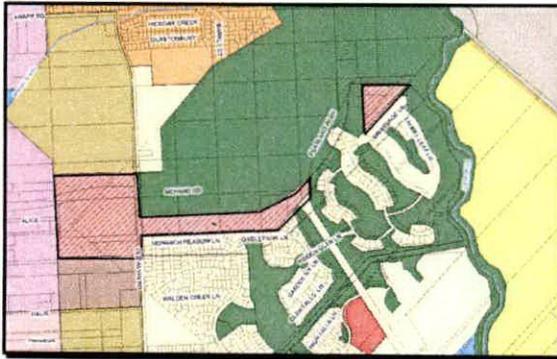
Explanation: Staff interprets this to include exploration of areas where office complexes could develop.

Staff Analysis: Currently, there is a specific land use category, Office, which pertains to only office development. Only one area of Pearland, along north of McHard, at Pearland Parkway is designated with that category. The Comprehensive Plan indicates that the zoning category corresponding to this designation needs to be developed.

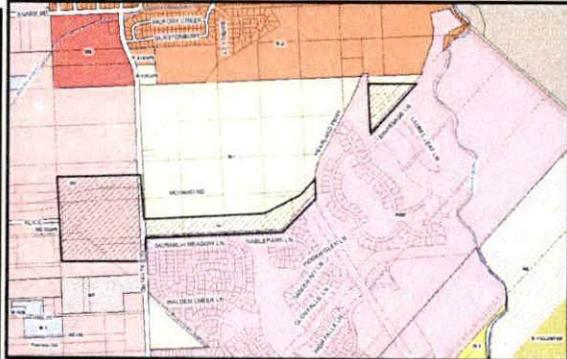
Recommendation: Explore other areas to be developed for office use. If the council desires to preserve the current land being used for offices, then the Future Land Use plan can be modified to show these parcels under office designation.

The current zoning categories that permit office uses are located are NS, OP, GB, and GC zones. These are shown as Retail, Offices, and Services, or Business Commercial in the Future Land Use Plan. Since these zones permit a wide variety of other uses, the current zoning or land use designation will not protect these uses from converting to other retail/commercial uses. Therefore, in addition to identifying these areas in the Future Land Use Plan, a separate zoning category could be created to allow only offices and similar uses.

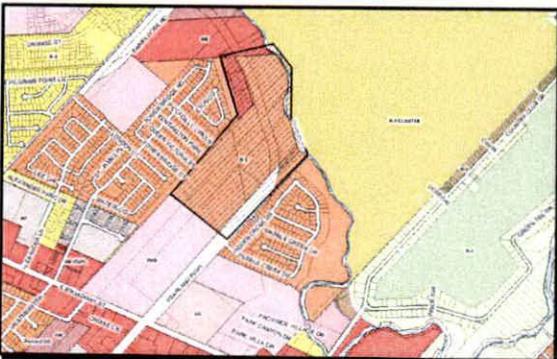
Staff feels that this category can be expanded along McHard Road, in proximity to the U of H site and along Pearland Parkway.



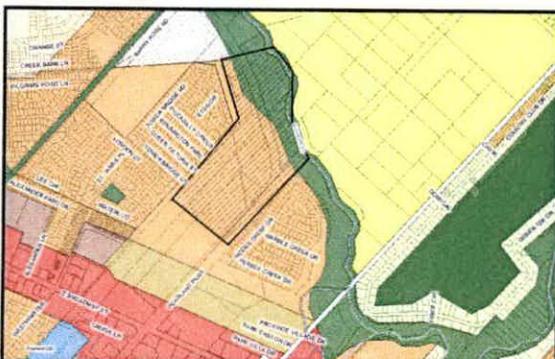
Comprehensive Plan



Zoning



Zoning Map



Comprehensive Plan

Attachment 2

Land Use Study

Council Comment # 25:

Modify Cullen-Mixed Use (C-MU) District to Reinstate Previous Zoning.

Explanation: Please refer to the attached memo and documents.

Analysis: The subject property, located on 1855 Cullen Parkway, was rezoned from Commercial "C" (renamed as General Commercial zone or GB) to Cullen Mixed Use District upon adoption of the new zoning map in 2006. (See attached maps) The property is called Cullen Business Park and it appears that offices are located within the existing building.

The UDC states:

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.

Prior to the adoption of the UDC, a survey was conducted of existing uses along Cullen Parkway, and those existing uses were added as permitted uses within the C-MU District. While the previous Commercial zoning of the subject property permitted uses such as auto painting, auto body shop, auto sales, auto repair inside buildings, seat cover or muffler installation shops, tire retreading and capping, it appears that the subject property was not being used for any of these uses or the proposed uses. If any of those uses did exist, they would be allowed to continue as non-conforming uses. This situation is different from the Garden –Oday situation, where the manufacturing uses that were prohibited with the adoption of the new zone were ones that existed prior to the zone change.

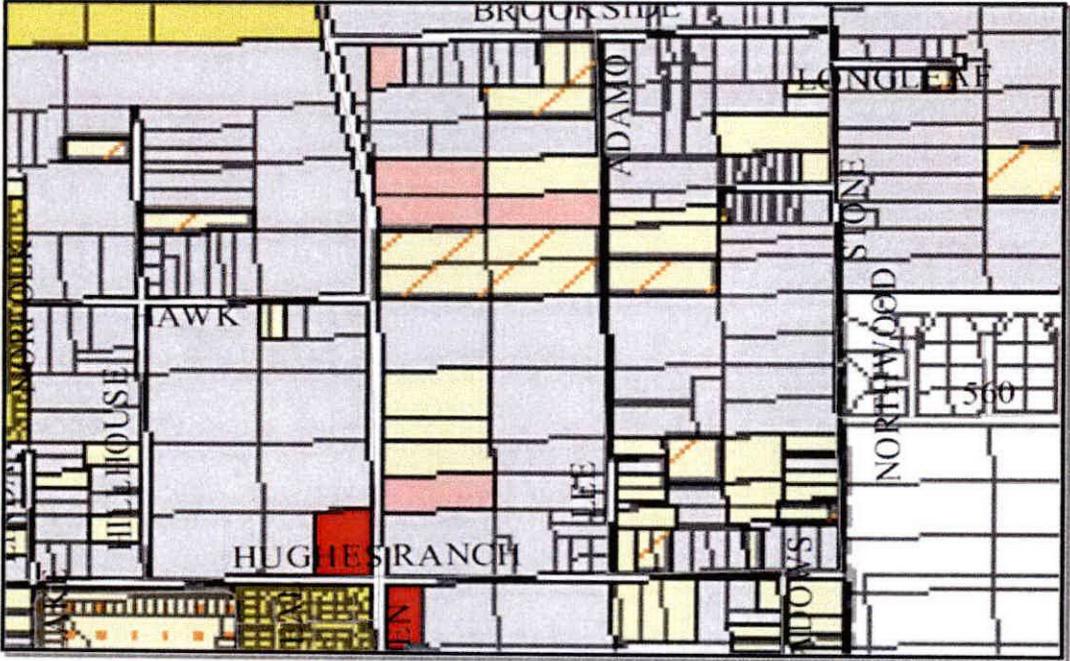
A few years back, the City Council denied a General Commercial zone change on one of the properties, south of the subject parcel, to permit used car dealership inside the building.

Recommendation: With the classification of Cullen Boulevard as a COD, and with the recent and proposed developments of the Dawson High School, City's Public Safety Complex, future primary trail along Cullen, it is staff's opinion that inclusion of uses permitted in the GC district would be detrimental to the future of Cullen Boulevard.



Current Zoning Map

2006 Zoning Map



March 25, 2009

To: Bill Eisen
City Manager, Pearland

The first of March, a new tenant at my Business Park on Cullen, at 1855 Cullen went to get his Occupancy Permit and I found out I had been rezoned in February of 2007. I was shocked, as nobody had contacted me to let me know.

I have been in the same location for 18 years, doing business the same way. The City of Pearland annexed me into the City in 1998. It took four years to get a zone of Commercial with Outside Storage. I have been waiting 11 years for water and sewer. Without them, it would be impossible to continue in business to meet the new zone.

I have two young men that want to start their first business. They will be doing lift kits for trucks plus upscale stereo systems for cars and trucks – retail and installation.

I have always run my business with good tenants that are an asset to me and the City of Pearland. I need you to give me my Zone back, or a way I can continue to do business. I look forward to meeting with Council to answer any questions and to work through this situation to the satisfaction of all parties. Enclosed you will find the settlement from the Garden/O'Day – Mixed Use District, dated March 17, 2008 that we talked about.



Gilbert Allison
713-702-0628 cell phone
gil@allisoninvestments.com
713-807-1174 fax

Enclosures

INDUSTRIAL USES IN GARDEN/O'DAY MIXED USE DISTRICT

Background

Properties located along Garden Road or O'Day Road were rezoned to Garden/O'Day Mixed Use District (GOMU) when the UDC was adopted. Several such tracts had previously been zoned for industrial use, either M-1 or M-2. GOMU-zoned properties cannot currently engage in industrial uses. The owners of the properties formerly zoned M-1 or M-2 are now requesting that the City undo what they perceive to have been a "down-zoning" of their property, so as to allow them to engage in industrial use of their land.

Option 1

The City can simply rezone those properties formerly zoned M-1 or M-2 to whatever that previous zoning designation was. The advantage to this approach is that it is exactly what the property owners are requesting. The downside is that such an action would create holes in the City's zoning map for Garden/O'Day area where the City had strived mightily to craft one uniform zoning category that would allow the different types of uses established in that area. An argument could be made that it would resemble spot zoning.

Option 2

The City can amend the regulations and uses applicable to the GOMU designation to add all the uses allowed in M-1 or M-2 districts. This would allow the affected property owners to utilize their properties for industrial uses without eviscerating the continuity of the entire GOMU-zoned area. The disadvantage of this approach is that the City will be allowing ALL properties with GOMU zoning to engage in industrial uses, regardless of whether the property was previously zoned for industrial use. That would seem to be such a broad stroke, imprecise remedy that staff would be hard-pressed to support.

Option 3

The City can amend the regulations for the GOMU district to allow for a Conditional Use Permit (CUP) that would grant M-1 or M-2 uses IN ADDITION TO the underlying GOMU uses. The properties obtaining this CUP would be in the same position as if the City chose Option 2. However, the City would be more in favor of this option than Option 2 because the CUP process is an additional approval that we could write to make available only to those properties that were formerly zoned M-1 or M-2. This remedy would correct the perceived "down-zoning" without opening up ALL properties zoned GOMU to industrial uses.

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**JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MARCH 17, 2008**

**AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE
(UDC)**

A request by the City of Pearland, for an amendment to the Unified Development Code, Ordinance No. 2000T, Generally Regarding the G/O – MU, Garden/O'Day – Mixed Use District (Section 2.4.3.3).

APPROVAL PROCESS: After this Joint Public Hearing, the Unified Development Code amendments will be considered as follows:

- Planning and Zoning Commission: March 17, 2008*
- City Council for First Reading: April 14, 2008*
- City Council for First Reading: April 28, 2008*

(*dates subject to change if item is tabled)

SUMMARY: These amendments to the Unified Development Code are being considered concurrently with a request for Conditional Use Permits for properties located along Garden Road and O'Day Road.

In February 2006, the Unified Development Code was adopted, along with a revised Zoning Map. One of the new zoning districts created in 2006 was the Garden O'Day Mixed Use District. Therefore, many properties located along Garden Road or O'Day Road were rezoned to Garden/O'Day Mixed Use District (GOMU). Several of these rezoned tracts had previously been zoned for industrial uses, either M-1 or M-2. Industrial uses are not permitted in the GOMU district.

The owners of the properties formerly zoned M-1 or M-2 are now requesting that the City undo what they perceive to have been a "down-zoning" of their property, so as to allow them to engage in industrial use of their land.

At the time the Mixed Use Districts were created, the intent was to allow existing businesses and residential properties to be able to co-exist since the development of these neighborhoods were already mixed. Finding a zoning district that matched the type of development would be difficult. The creation of the Mixed Use Districts would place additional restrictions on property development or expansion that would buffer the different activities, but it would at least allow the existing activities to expand or even change somewhat in character without the burden of a zone change. In addition, it was not the intent to "down zone" (zone an existing property already zoned - other than Suburban District - to a more restrictive zone).

The City staff had been meeting with property owners and/or their representatives to discuss the options that would allow them to co-exist as the intention of the Garden/O'Day district had been developed originally.

At a workshop held on February 18, three options were presented to the City Council and the Planning and Zoning Commission. The first option was to simply rezone those properties formerly zoned M-1 or M-2 to that previous zoning designation. The second option was for the City to amend the regulations and uses to add all the uses allowed in M-1 or M-2 districts to the GOMU district.

The third option, and the one preferred by the City Council and the Planning and Zoning Commission was for the City to amend the regulations for the GOMU district to allow for a Conditional Use Permit (CUP) that would grant M-1 or M-2 uses in addition to the underlying GOMU uses. The CUP process is an additional approval that is available only to those properties that were formerly zoned M-1 or M-2. This remedy would correct the perceived "down-zoning" without opening up all properties zoned GOMU to industrial uses. The land owners within the area are in agreement with this third option.

Therefore, the attached text indicates the changes that will be made in the Unified Development Code (UDC).

STAFF RECOMMENDATION: Staff recommends approval of the amendments to the Unified Development Code, for the following reasons:

1. The approval of this amendment supports the associated Conditional Use Permits along Garden Road and O'Day Road.

SUPPORTING DOCUMENTS:

- Proposed UDC Text

Council Comment # 25:
Modify Cullen-Mixed Use (C-MU) District to Reinstate Previous Zoning.

Explanation: Please refer to the attached memo and documents.

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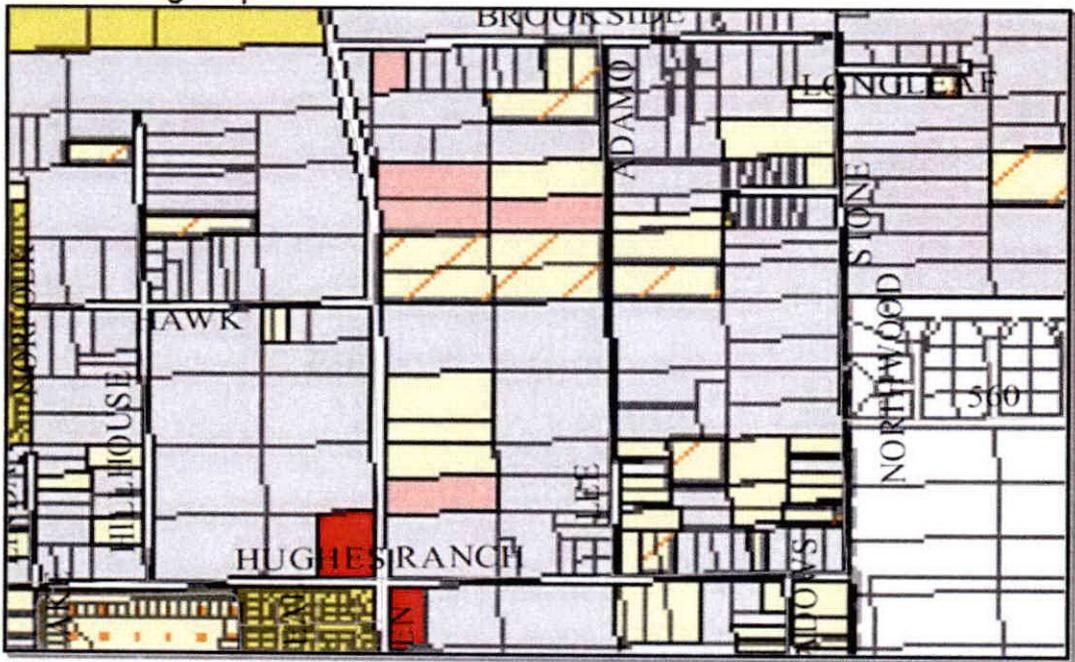
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Current Zoning Map

2006 Zoning Map





MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Bill Eisen, City Manager
DATE: March 25, 2009
SUBJECT: Cullen Mixed Use District

Today I received the attached letter from Gil Allison. Mr. Allison owns a building on Cullen Parkway. As he indicates in his letter, the property was zoned in 2007 to the then-newly formed Cullen Mixed Use District. This District allowed many, but not all of the uses that were permitted in previous zoning districts in the corridor.

Mr. Allison is requesting that the Council consider modifying the CMU District in a manner similar to changes you made in the Garden-O'Day District. You will recall that in that case, you modified the District so you did not make existing businesses nonconforming. The situation with Cullen is somewhat different. The building has been in place since before the area was annexed, but individual businesses in the building have changed over time.

I told Mr. Allison that I would forward the letter and its attachments to you. We will be holding a workshop on possible changes to the UDC on April 6. That would be a good time to discuss possible changes that would address Mr. Allison's request, if you wish to do so.

March 25, 2009

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City Manager, Pearland

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JPH 3-17-08
UDC Amendments
Page 1

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