

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, APRIL 17, 2000 AT 6:30 P.M. IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. NEW BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION** – Final Plat of The Lakes at Countryplace Section Eight, Brazoria County, Texas, being 35.415 acres of land located in the F.B. Drake Survey, Abstract No. 510 (S. ½ Sec. 2) and in the J. Crawley Survey, Abstract No. 174.

Variance Request:

1. Use of an extra long cul-de-sac (greater than 600').
2. Use of a 20-foot front building line of front access garages.
3. Use of a 15-foot building line on houses with garages that do not face the street right-of-way.
4. Use of a 10-foot side setback between houses.

- B. CONSIDERATION AND POSSIBLE ACTION** – Preliminary Plat of of Towne Lake Estates, being 77.6339 acres of land in the L.W. Murdock Subdivision recorded in Volume 29, page 174 of the Brazoria Deed Records, and out of the A.C.H.&B. Survey, A-507 and the H. Stevens Survey, A-594, Brazoria County, Texas.

Variance Request:

1. Use for additional lengths greater than 600' for cul-de-sacs.

- C. CONSIDERATION AND POSSIBLE ACTION** – Preliminary Plat of Pine Hollow Estates Section Two, being 8.2588 acres (359,755 s.f.) of land located in the W.D.C. Hall League A-70 Brazoria County, Texas.

Variance Request:

1. Use for additional lengths greater than 600' for cul-de-sacs.

- D. CONSIDERATION AND POSSIBLE ACTION** – Final Plat of Silverlake Commercial Park Phase VIII, a subdivision of 5.6519 acres of land out of the R. B. Lyle Survey, Abstract No. 539, Brazoria County, Texas.

- E. CONSIDERATION AND POSSIBLE ACTION** – Final Second Replat of Lots 24, 25, and 26, Block 1 of Weatherford Phase II at Silverlake, a tract of 0.5372 acres of land being a replat of lots 24, 25, and 26, block 1 of Weatherford Phase II at Silverlake as recorded in Volume 20, pages 285-288 of the Brazoria County Plat Records, being a partial replat of Weatherford phase II at Silverlake as recorded in Volume 20, pages 53-56 of the Brazoria County Plat Records, A Subdivision of 12.5102 acres of land out of the R.B. Lyle Survey, A-539.

F. CONSIDERATION AND POSSIBLE ACTION – Final Replat of Fieldstone Village Section 1 at Silverlake, A subdivision of 28.4092 acres of land out o the A.C.H.&B. R.R. Co. Survey, Section No. 87, Abstract No. 415 and the John W. Maxey Survey, Abstract No. 721, Brazoria County, Texas.

Variance Request:

1. Use of 20-foot building line setbacks on lots fronting the bulb portion of cul-de-sacs.
2. Use of 5-foot side lot building line setbacks.
3. Use of cul-de-sac greater than 600 feet length.

G. CONSIDERATION & POSSIBLE ACTION – Building Permit Application for 15010 Wagon Trail.

H. CONSIDERATION & POSSIBLE ACTION – Building Permit Application for 16000 Cullen.

I. CONSIDERATION & POSSIBLE ACTION – Request for a variance on the construction of the South Two lanes of Scarsdale Boulevard until the Fourth section of Bellavita at Green Tee, by West Development Company, Inc.

J. DISCUSSION ITEM – Amendment to the Subdivision Ordinance.

III. NEXT MEETING DATE:

April 24, 2000 (Joint Public Hearing)
May 1, 2000 (Regular Meeting)

IV. ADJOURNMENT

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION HELD ON MONDAY, APRIL 17, 2000 IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 6:30 P.M. with the following present:

Chairperson	Mary Starr
Vice-Chairman	Tommy L. Scott
Commissioner	Donald Glenn
Commissioner	Todd Iocco
Commissioner	Russ Selemo
Commissioner	Charles Viktorin
City Engineer	John Hargrove
Director of Planning & Community Development	Gene Tumlinson
P & Z Secretary	Jennifer Gonzales

Commissioner Emil A. Beltz was absent.

II. NEW BUSINESS

- A. CONSIDERATION AND POSSIBLE ACTION – Final Plat of The Lakes at Countryplace Section Eight, Brazoria County, Texas, being 35.415 acres of land located in the F.B. Drake Survey, Abstract No. 510 (S. ½ Sec. 2) and in the J. Crawley Survey, Abstract No. 174.**

Variance Request:

- 1. Use of an extra long cul-de-sac (greater than 600').**
- 2. Use of a 20-foot front building line of front access garages.**
- 3. Use of a 15-foot building line on houses with garages that do not face the street right-of-way.**
- 4. Use of a 10-foot side setback between houses.**

City Engineer Hargrove stated that staff recommends acceptance.

Commissioner Glenn made a motion to approve the Final Plat of The Lakes at Countryplace Section Eight with the variances, and Vice-Chairman Scott seconded the motion.

Motion to approve passed 6 to 0.

- B. CONSIDERATION AND POSSIBLE ACTION – Preliminary Plat of of Towne Lake Estates, being 77.6339 acres of land in the L.W. Murdock Subdivision recorded in Volume 29, page 174 of the Brazoria Deed Records, and out of the A.C.H.&B. Survey, A-507 and the H. Stevens Survey, A-594, Brazoria County, Texas.**

Variance Request:

1. **Use for additional lengths greater than 600' for cul-de-sacs.**

Vice-Chairman Scott asked if the variance went to the Zoning Board of Adjustments, and City Engineer Hargrove replied that there is no need for it to go to them because it is only in the Subdivision Ordinance.

City Engineer Hargrove stated that staff recommends approval with the following notes:

1. The adjacent thoroughfare must be addressed at the time of final plat approval.
2. The developer has been working with the City on providing a right of way and this will need to be formalized on the plat.

Mr. Hargrove then stated that he sees nothing that should prevent preliminary plat approval.

Vice-Chairman Scott made motion to approve the Preliminary Plat of Towne Lake Estates with the variance and the requirements outlined by the City Engineer for the final plat, and Commissioner Selemon seconded the motion.

Motion to approve passed 6 to 0.

C. CONSIDERATION AND POSSIBLE ACTION – Preliminary Plat of Pine Hollow Estates Section Two, being 8.2588 acres (359,755 s.f.) of land located in the W.D.C. Hall League A-70 Brazoria County, Texas.

Variance Request:

1. **Use for additional lengths greater than 600' for cul-de-sacs.**

City Engineer Hargrove stated that staff recommends approval with the two following comments:

1. They need to revise location of the final lot line between Lots 3 & 4 such that the south east termination of the side lot line meets at a point of intersection at the north lot line of Reserve E at the east back lot line.
2. This will require a correction of acreage for Reserve E and Lots 3 and 4.

Commissioner Glenn made a motion to approve the Preliminary Plat of Pine Hollow Estates Section Two with the variance and with the two corrections requested by the City Engineer, and Commissioner Viktorin seconded the motion.

Motion to approve passed 6 to 0.

D. CONSIDERATION AND POSSIBLE ACTION – Final Plat of Silverlake Commercial Park Phase VIII, a subdivision of 5.6519 acres of land out of the R. B. Lyle Survey, Abstract No. 539, Brazoria County, Texas.

City Engineer Hargrove stated that he has two comments and listed them as:

1. The Commissioner Selemo and Commissioner Viktorin's names need to be added to the plat.
2. The vicinity map is still wrong, and needs to be corrected.

Mr. Hargrove stated that staff does recommend approval with the two changes.

Commissioner Iocco asked if the 10' aggregate side lot line is normal on these plats. Mr. Hargrove replied that it is not in the City, therefore there is no zoning and Planning and Zoning has approval authority.

Commissioner Viktorin made a motion to approve the Final Plat of Silverlake Commercial Park Phase VIII with the corrections requested by the City Engineer, and Commissioner Iocco seconded the motion.

Motion to approve passed 6 to 0.

- E. CONSIDERATION AND POSSIBLE ACTION – Final Second Replat of Lots 24, 25, and 26, Block 1 of Weatherford Phase II at Silverlake, a tract of 0.5372 acres of land being a replat of lots 24, 25, and 26, block 1 of Weatherford Phase II at Silverlake as recorded in Volume 20, pages 285-288 of the Brazoria County Plat Records, being a partial replat of Weatherford phase II at Silverlake as recorded in Volume 20, pages 53-56 of the Brazoria County Plat Records, A Subdivision of 12.5102 acres of land out of the R.B. Lyle Survey, A-539.**

City Engineer Hargrove stated that he has no comments.

Vice-Chairman Scott stated that he is confused.

Cathy Mitchell of Jones and Carter, Inc. explained that this was originally platted as 3 lots, then they replatted it to take out the three lots to extend a road through, and now this is a replat to put the lots back in.

Vice-Chairman Scott made a motion to approve the Second Replat of Weatherford Phase II at Silverlake, and Commissioner Glenn seconded the motion.

Motion to approve passed 6 to 0.

- F. CONSIDERATION AND POSSIBLE ACTION – Final Replat of Fieldstone Village Section 1 at Silverlake, A subdivision of 28.4092 acres of land out of the A.C.H.&B. R.R. Co. Survey, Section No. 87, Abstract No. 415 and the John W. Maxey Survey, Abstract No. 721, Brazoria County, Texas.**

Variance Request:

1. **Use of 20-foot building line setbacks on lots fronting the bulb portion of cul-de-sacs.**
2. **Use of 5-foot side lot building line setbacks.**

3. Use of cul-de-sac greater than 600 feet length.

Cathy Mitchell of Jones and Carter, Inc. explained that they found errors on the plat after it was recorded, and they needed to correct them.

Vice-Chairman Scott made a motion to approve the Replat of Fieldstone Village Sec 1, and Commissioner Viktorin seconded the motion.

Commissioner Iocco asked about the approved master preliminary plat, which is supposed to contain the documentation for the allowance of a 5-foot side yard setback, and he stated that he would like to see this plat.

Deputy City Manager Alan Mueller stated that he has a copy of the overall layout for Silverlake in his office. He stated that there is a note that says the building separation is 10 feet. He stated that it is not a detailed plat but it's the whole development that shows the different segments and there is a note that shows the 10' separation.

Commissioner Iocco asked if this was signed by City Council, and Mr. Mueller replied that this took place back in the early 80's when the MUD was created and approved by City Council.

Commissioner Iocco stated that he is still concerned because he doesn't know if this is just an unsigned piece of paper or if it was this actually approved by the appropriate people.

Cathy Mitchell showed a map to the Commissioner's showing exactly where this section is located in Silverlakes and she explained that she does not have the overall plan with her.

Commissioner Iocco stated that he would like to take up Vice-Chairman Scott's fight on the sideyard setback, and Mr. Hargrove reminded the Commissioners that the developer is almost finished with this project.

Motion to approve passed 6 to 0.

Director of Planning and Community Development Gene Tumlinson requested that agenda items G and H be removed because under the City Attorney's instructions the applications will need to go straight to City Council.

Vice-Chairman Scott made a motion to pull agenda items G and H off the agenda, and Commissioner Glenn seconded the motion.

Motion to removed agenda items G and H passed 6 to 0.

G. CONSIDERATION & POSSIBLE ACTION – Building Permit Application for 15010 Wagon Trail.

H. CONSIDERATION & POSSIBLE ACTION – Building Permit Application for 16000 Cullen.

I. CONSIDERATION & POSSIBLE ACTION – Request for a variance on the construction of the South Two lanes of Scarsdale Boulevard until the Fourth section of Bellavita at Green Tee, by West Development Company, Inc.

Commissioner Iocco asked if there is a map to look at because he would like to see which section is Section Four.

Renee West of West Development Co., Inc. stated that there are three things happening with this. She explained that only one side of the boulevard is put in all the way through Beamer, even through the age-restricted community. She stated that the reason being is that Harris County is supposed to put it in. She explained that it is all tied into the Yost Road situation, and if the Yost Road crossing is not done then they should not need the second lane and that is why they would like to wait.

City Engineer stated that his comment is that because the variance request includes a statement that Harris County said they would fund the extension, he doesn't think the variance should be tied to any construction that is supposed to be done by Harris County. He stated that it should be just until Section Four of the subdivision is constructed.

Commissioner Iocco asked what happens if Section Four does not go, and Mr. Hargrove answered that it doesn't get built.

Commissioner Iocco then asked if they wait until Section Four is built will the two lanes accommodate the traffic, and City Engineer Hargrove replied that should not be a problem.

Vice-Chairman Scott made a motion to approve the request for the variance of the construction of the two lanes on Scarsdale until Section Four is constructed with the statement regarding Harris County to be restricted from the letter. Commissioner Glenn seconded the motion.

Motion to approve passed 6 to 0.

J. DISCUSSION ITEM – Amendment to the Subdivision Ordinance and Land Use and Urban Development Ordinance.

Deputy City Manager Alan Mueller stated that back in January at a City Council retreat, City Council lined out a line up of workshops to have with City staff. He stated that one of the topics were to amend the Subdivision Ordinance and the Land Use Ordinance. He stated that a couple of weeks ago they started reviewing the Land Use and Urban Development Ordinance. Mr. Mueller stated that they were at a stopping point for the Subdivision Ordinance because they were waiting on the approved drainage manual.

Mr. Mueller handed out the changes to the Land Use Code and explained that the shaded areas are new text, and the struck out areas are text that will be taken out.

Mr. Mueller then briefly went over each amendment of the Land Use Ordinance with the Commissioners.

Mr. Mueller then handed out a summary of the Subdivision Code changes. He explained that this has not yet been to City Council for review, and he just received the actual strike out/underline version of the changes.

Mr. Mueller stated that there will be a public hearing coming up on the Land Use Ordinance, and they will be notified of the dates.

III. NEXT MEETING DATE:

April 24, 2000 (Joint Public Hearing)
May 1, 2000 (Regular Meeting)

IV. ADJOURNMENT

The meeting adjourned at 8:40 P.M.

These minutes respectfully submitted by:

Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 15 day of May, 2000.



Mary Starr, Planning & Zoning Chairperson

Memo

To: Mayor and Council Members
From: Alan Mueller
Date: 3/31/00
Re: Workshop -- Subdivision and Land Use Issues

Following is a summary of the proposed changes to the Subdivision Code:

1. Some sections are being rearranged to create a more logical order and grouping of subjects.
2. Typos and grammar problems are being corrected.
3. Formatting is being revised to create a consistent number/letter system, for
Example: 27-1 Section
 A. Subsection
 1. Primary Topic
 a. Secondary Topic
 1. Tertiary Topic
4. Additional definitions are being added.
5. New section added to allow waiver of preliminary plat requirement for certain amending plats and replats. A final plat would still be required.
6. Plat submittal requirement revisions to reflect current standards such as paper size, surveying coordinate datums and tie-ins, and updated references to other ordinances (such as the flood plain ordinance).
7. Drainage Plans: delete the requirement for plats to be approved in advance (or at all) by BDD4. Added references to Storm Drainage Criteria Manual for specific procedures and submittal requirements. Drainage easement locations established by City Engineer after consultation with BDD4.
8. New requirement for conformance with Tree Ordinance
9. New requirement that copies of letters of transmittal to private utility companies be submitted with preliminary plat
10. New requirement that ETJ plats desiring to be connected to City water or sewer be accompanied by a request for annexation.
11. New section to clarify the requirement that construction plans must be submitted prior to approval of final plat.

12. New section listing the standard plat notes that are required (such as pipeline buffer zones, flood plains, benchmarks, and owner's responsibility to maintain detention facilities).
13. New section on "Minor Subdivisions" allowing administrative approval without Planning and Zoning Commission approval. Minor lots are defined as subdivisions of four or fewer lots with no public infrastructure.
14. Established new minimum right of way requirements for the various classifications of streets to match Comprehensive Plan.
15. New provision allowing for cul de sacs over 600 feet if the right of way is 60 feet and paving is 38 feet.
16. New language to clarify that a developer must plat and improve thoroughfares and collectors that are adjacent to or cross through a development. Need to discuss alternatives funding requirements and requirement to improve substandard streets. Proposed addition to Section 27-5 **attached**.
17. New language to require side lot drainage easements.
18. New section to allow the City Engineer to promulgate minimum design standards, which must be filed with the City Secretary 30 days before effective date of new regulations.
19. New section that incorporates other related ordinances by reference.
20. Modified the section that allows open-ditch subdivisions to require Council approval to use an open ditch section.
21. New provision prohibiting residential driveways on thoroughfares and restricts residential driveways on collectors based on minimum lot width and requirement that vehicles must have a means to turn around on the property.
22. Added a reference to an Engineering Design Standards manual that will contain technical details and standards to be followed for construction plans, drainage, streets, traffic impacts and driveways, water, sewer, etc, See **attached** proposed table of contents.
23. Need to discuss proposed driveway requirements and traffic impact analysis requirements (**attached**).
24. Added new sections regarding vacating plats and replats to follow state statutes.
25. Added a new provision to require a whole parent tract to plat when one small piece of that larger tract is being platted.
26. Need to discuss concept of prohibiting force mains.

27-5 (Proposed section for defining required public improvements and oversizing policies)

B. Required Improvements

1. Dedication of Right-of-Way - The Developer shall provide all right-of-way required for existing or future streets, including perimeter streets, as shown in the Thoroughfare Plan or other valid development plans approved by Planning & Zoning Commission or City Council. In the case of perimeter streets, half of the total required right-of-way for such streets shall be provided. However, in some instances more than half shall be required depending on the actual or proposed alignment of the street. Additional right-of-way may be required at intersections or other locations when deemed necessary by the City Engineer. Standard right-of-way widths for city streets are as specifically set forth in this Ordinance.
2. Collector and Thoroughfare Improvements - The Developer shall construct all collectors and thoroughfares that are within or adjacent to the subdivision to city standards in rights-of-way as required by the Thoroughfare Plan, subject to participation and/or escrow policies stated herein.
 - a. Thoroughfares and Collectors within a Subdivision: When a proposed subdivision or addition abuts or will abut both sides of a substandard street or a proposed street in the Thoroughfare Plan, the Developer shall be required to improve the substandard street or proposed street so that it will be a standard street, including sidewalks and drainage, subject to the participation policy contained in 27-5C.
 1. For multiple phase developments, the required improvements may be phased in accordance with a development agreement approved by the City Manager prior to approval of the final plat for the first phase of development
 - b. Thoroughfares and Collectors adjacent to a Subdivision: When a proposed subdivision or addition is adjacent to only one side of a substandard street or a proposed street in the Thoroughfare Plan, the Developer shall be required to improve one side of the substandard street or proposed street, including sidewalks and drainage, so that it will be a standard street. The Developer may, however, petition the city to construct the improvements, subject to the city's escrow policies stated herein.
 1. Where an existing half-street is adjacent to a new subdivision or addition, the escrow provision shall not be available, and the other half of the street shall be dedicated and improved by the developer.
 - c. Streets which dead-end at power lines, railroad, or similar rights-of-way, and are intended for future extension shall be constructed in the full right-of-way as required by the Thoroughfare Plan for half the distance across such right-of-way for each side.
3. Water and Sewer Improvements: Trunk water and sewer facilities that are within or adjacent to the subdivision as shown in the Comprehensive Plan shall be constructed by the Developer, subject to participation and escrow policies contained in this article. Such improvements shall be constructed by the Developer for the full length or frontage of the subdivision, to the extent required in the Comprehensive Plan.

C. Participation and Escrow Policies

1. Participation Policies

- a. City's Share of Improvement Costs: The city shall participate in the costs of public improvements which are not for the primary benefit of the development and which have been oversized to serve other properties, only to the extent and according to the standards stated in this ordinance.
- b. Developer's Responsibility:
 1. The Developer shall be responsible for the entire costs of designing and installing all public improvements which primarily serve the subdivision or addition. Facilities required by these regulations, unless listed in Section 27-5C2, shall be considered as primarily serving the subdivision or addition unless otherwise determined by the city.
 2. The Developer shall also be responsible for its share of the costs of oversized or off-site public improvements needed to assure adequacy of public facilities and services for the addition or subdivision, subject to participation and escrow policies contained in this article.
 3. The Developer shall be responsible for extending streets, water, sewer or drainage facilities off-site to its property as required by the Commission or required to ensure adequacy of public facilities.

2. Facilities Eligible for City Participation

- a. Collectors and Thoroughfares: For the portion of the width of pavement exceeding (38) feet for undivided streets and 27 feet for divided streets, the city shall participate in 100% of the costs of paving collectors and thoroughfares. Reimbursable costs include those for pavement, lime stabilization and excavation to a depth equal to the distance from the top of the curb to the top of stabilized subgrade.
- b. Utilities: For the portion of the cost for the requested pipe diameter in excess of the size required by the development, as determined by the City Engineer, the City shall participate in 100% of the costs of oversizing water, sanitary sewer, and storm sewer. Reimbursable costs include materials costs and extra depth costs (for sewer projects) directly attributable to the oversizing requested by the City.
- c. A maximum of 6% of the city's participation cost shall be added for engineering fees, which includes surveying, construction staking and supervision, and the city shall not be responsible for any other incidental expenses or costs.

3. Limitation and Exceptions

Notwithstanding Section 27-5C2, the city shall not participate in the following costs:

- a. Those portions of the costs of any public improvements not expressly described in Section 27-5C2.
- b. Costs of clearing and grubbing.

- c. Costs of constructing streets built wider than called for in the Thoroughfare Plan.
- d. Costs of lights, decorative finishes or other similar expenses.
- e. Costs of pipe or box culvert, headwalls, regardless of size, or the costs of retention/detention ponds or slope protection.
- f. Costs of detours, pavement transitions and cross-overs.
- g. Costs of relocating or adjusting private utility company facilities.
- h. Extra traffic lanes or medians required to accomodate turning movements for ingress to or egress from a public street.

4. Procedures for City Participation

- a. Application for Participation: In order to initiate a participation request, the Developer must establish an overall cost estimate for the improvements and the proposed City and Developer allocation based on the requirements of this Ordinance.
- b. Precondition to Processing Final Plat: Where applicable, a development agreement specifying the terms of City participation must be adopted by the City Council prior to approval of a final plat. The agreement shall be in a standard form prepared by the City Council and shall require those improvements subject to reimbursement to be bid in accordance with public bidding laws. The reimbursement payment shall be processed after the public improvements are accepted by the City. The reimbursement shall be the lesser of actual cost (as documented by the awarded bid) or the amount documented in the development agreement.
- c. City Engineer Determination: The City Engineer shall determine the city's participation in the cost of public improvements, in accordance with the criteria in this ordinance.

5. Escrow Policies and Procedures

- a. Deposit with City - Whenever the city agrees to accept escrow deposits in lieu of construction by the developer under these regulations, the property developer shall deposit an amount equal to his or her share of the costs of design and construction in escrow with the city. Such amount shall be paid prior to acceptance of the subdivision improvements by the City, provided that phased payments may be allowed if a schedule of payments is contained in a development agreement executed prior to approval of the final plat.
- b. Determination of Escrow Amount: The amount of the escrow shall be determined by using the average of the comparable bids awarded by the city in the preceding six (6) months or, if none exist, then in the preceding year or, if none exists current market value of construction as determined by an estimate by the City Engineer. Such determination shall be made at the time of final plat approval and shall include all relevant construction elements for comparable improvements, right of way acquisition (if applicable), engineering, design, surveying, and testing.
- c. Escrow Maintenance: The City shall maintain a separate ledger of the escrow account and shall accrue actual interest earned to the account. The escrow amount and interest shall be used solely

for the specified improvement, provided that the City may join escrow accounts where separate developers have contributed proportionately for the same improvement. The City may elect to combine other City funds with an escrow fund to construct a larger improvement than originally contemplated.

- d. **Refund:** If any improvement for which escrow is deposited, is constructed, or is reconstructed by another governmental authority at no cost to the city, the escrowed funds and accrued interest shall be refunded to the Developer after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the city and the other portion of the cost by another governmental authority, the difference between the Developer's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

C
PUD
M-1
M-2
FW

Commercial District
Planned Unit Development District
Light Industrial District
Heavy Industrial District
Flood Way District

SECTION 3 - DEFINITIONS

For the purpose of this ordinance, certain words as used herein are defined as follows. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

ABUTTING: Having property or district lines in common, or two objects in immediate contact.

ACCESS: Means of approaching or entering a property. Includes a right of passage to and from an adjacent street.

ACCESSORY USE: An "accessory use or structure" is one customarily a part thereof, which is clearly incidental and secondary to permitted use and which does not change the character thereof, including, but not limited to garages, living quarters for servants, bathhouses, greenhouses, tool sheds, or swimming pools. ~~All~~ For tracts less than 1/2 acre, all accessory uses shall be limited to a maximum of 30% of the primary use.

AGRICULTURAL ANIMAL HUSBANDRY: The breeding, judging, care and/or production of farm animals.

AIRPORT: An area reserved or improved for the landing or take-off of aircraft other than rotary wing aircraft.

ALLEY: A public way which is used primarily for vehicular services access to the back or side of properties otherwise abutting on a street or highway.

ANTIQUÉ SHOP: A business which sells items whose value is greater than original purchase price because of age or extrinsic value.

APARTMENT: See Dwelling - Multi-Family.

APARTMENT HOTEL: See Hotel.

ARCHITECTURAL METAL: Metal products used for window and door trim, fascia, or soffit.

ART STUDIO OR GALLERY: Where objects of art are created or displayed for the public enrichment or where said objects of art are displayed for sale (including the teaching of both painting

and sculpting).

AUTOMOBILE SALES LOT: A paved area for the display for sale of motor vehicles accompanied by an on-site office with staffing during normal business hours.

BLOCK: A rectangular space bordered or enclosed by a street or streets and occupied by or intended for buildings a minimum length of any side of 300 feet.

BOARD OF ADJUSTMENT: The Zoning Board of Adjustment of the City of Pearland.

BOARDING HOUSE: A building, built and/or used for residential purposes, where meals are served for compensation to a person or persons not residing in the building.

BUILDING: A "building" is any structure built for the support, shelter, or enclosure of persons, chattels or movable property of any kind and which is affixed to the land, the word "building" shall include the word "structure". This does not include fence unless they are structurally a part of the building.

BUILDING AREA: Area of the building site left to be built upon after the required yard area has been provided.

BUILDING CODE: All regulations adopted under Chapter 7 of the Pearland Code of Ordinances.

BUILDING HEIGHT: The vertical distance measured from grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.

BUILDING INSPECTOR: See Enforcing Officer.

BUILDING LINE: See setback line.

BUILDING OFFICIAL: That individual designated by the City Manager to insure compliance with the Building Code of the City of Pearland, Texas.

BUILDING PERMIT: An instrument in writing signed by the Enforcing Officer authorizing described construction on a particular lot.

BUILDING SIGN: Means a sign attached against building fronts, awnings or exposed walls, or parallel to the face of the building atop a marquee.

CAFE, RESTAURANT OR CAFETERIA: A commercial eating establishment where 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

percent requirement shall not apply.

MANUFACTURING, PROCESSING and FABRICATION: Activities or facilities including, but not limited to beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, planing mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, precision instruments manufacturing, and research laboratory.

MARQUEE: A roof-like structure projecting over the entrance to a building. It may also project over a sidewalk adjacent and parallel to the front wall of a building.

MARQUEE SIGN: Means a sign with slots or wires for inserting individual letters so that a message about products sold or services provided on the same premises may be changed. A marquee sign may be part of a building, ground or freestanding sign provided it does not exceed seventy five (75%) of the area of the sign.

MASONRY: Masonry shall include brick, textured concrete, concrete block, concrete tilt-wall panels, stone, stucco, and exterior insulation and finish systems (EIFS).

MINI WAREHOUSE: Enclosed space rented to members of the general public for storage of motor vehicles, trailers, boats, bulky household goods, and sundry personal property.

MOBILE HOME: A movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis over roads and highways, connected to utilities and designed without a permanent foundation, without regard to whether such is placed on a permanent foundation or not. It may consist of one or more units placed on a permanent foundation or not. It may consist of one or more units that can be telescoped and expanded later for additional capacity; or of two or more units separately towable but designed to be joined into one integral unit. See Article 5221f, Tex. Rev. Civ. Stat.

MOBILE HOME SPACE: A division of a "MH" mobile home zoned lot for use by a single mobile home.

MONASTERY: See Convent.

MOTEL: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, and which are accessed by and adjacent to an outside parking space.

MULTIPLE BUILDING COMPLEX: More than one (1) principal structure on a building lot.

NONCONFORMING USE: Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this ordinance or amendments thereto, which does not conform,

R-1

the effective date of this Ordinance, the erection of one single-family dwelling shall be permitted.

2. Yard Requirements:

- (a) Front yards shall be at least twenty-five (25) feet, provided that the front yard shall be at least twenty (20) feet on lots within the arc of cul-de-sac and thumbnail lots.
- (b) Rear yards shall be at least twenty (20) feet.
- (c) There shall be one side yard of at least five (5) feet, with an aggregate adjacent dwelling separation of fifteen (15) feet.

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

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

3. Height Restrictions:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings:

Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, that no structure shall be allowed in any dedicated easement.

R 1

5. Common Areas - Management and Maintenance. See 7.4.5., page 24.

Section 5.5. Planned Unit Development Regulations.

R-1 PUD uses shall be subject to R-1 general conditions; except for the following R-1 general conditions as specifically imposed by the site plan or ordinance adopting such site plan.

a. ~~Minimum lot size: not less than 7000 sq. ft.~~

b. ~~Minimum lot width: not less than 70 feet.~~

Maximum density in this district shall not exceed four (4) dwelling units per acre. ~~There shall not be a minimum lot size or width.~~

SECTION 6 - R-2 SINGLE-FAMILY DWELLING DISTRICT

Section 6.1. Purpose of District.

The R-2 dwelling district is intended to permit the low density residential development of detached single family residential dwelling units and appropriate desirable open space having similar land use controls to the R-1 single family district, but providing for smaller lot sizes. This district may be used as a transition zone from more restrictive to less restrictive districts, or may be combined with PUD Planned Unit Development to provide for grouping of dwelling units to achieve larger open space areas and community recreational areas.

Section 6.2. Permitted Uses. See Table III.

Section 6.3. R-2 Planned Unit Development.

In addition to the permitted uses, the following uses may be allowed:

Recreational spaces/facilities in conjunction with residential uses.

Section 6.4. General Conditions.

1. Area Requirements:

- (a) Minimum lot size - every lot within the zoning district shall be at least 7,000 square feet in area;
- (b) Minimum lot width - every lot within the zoning district shall be at least seventy (70) feet in width, measured at the front building line;
- (c) Maximum lot coverage - no more than 60% of the total lot area shall be covered.

2. Yard Requirements:

- (a) Front yard shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth, provided that the front yard shall be at least twenty (20) feet on lots within the arc of cul-de-sac and thumbnail lots.
- (b) Rear yard shall be at least twenty (20) feet.
- (c) There shall be one side yard of at least five (5) feet, with an aggregate adjacent dwelling separation of fifteen (15) feet.

Every part of a required side yard shall be open and unobstructed except for

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

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

3. Height Restriction:

No building shall exceed thirty-five (35) feet in height.

4. Accessory Buildings:

Accessory buildings shall be permitted behind the front building line; provided, however, that no structure shall be allowed in any dedicated easement.

5. Common Areas - Management & Maintenance. See 7.4.5., page 24 .

6.5 Planned Unit Development Regulations.

1. R-2 PUD uses shall be subject to R-2 general conditions, except for the following R-2 general conditions as specifically imposed by the site plan or ordinance adopting such site plan:

~~(a) Minimum lot size: not less than 6,000 square feet.~~

~~(b) Minimum lot width: 60 feet.~~

2. Maximum density in this district shall not exceed five (5) dwelling units per acre. There shall not be a minimum lot size or width.

SECTION 7 - R-3 SINGLE FAMILY DWELLING DISTRICT

Section 7.1. Purpose of District.

The R-3 dwelling district is intended to permit medium density single family detached units and appropriate desirable open space. The R-3 dwelling district will be located to provide a buffer between lower density residential, and less restrictive zones. This district may be combined with a PUD Planned Unit Development District to provide for a grouping of dwelling units to achieve larger open space areas and community recreational areas.

R3

Section 7.3. R-3 Planned Unit Development Uses.

In addition to the permitted uses, the following uses may be allowed:

- a. Hospitals, convalescent homes;
- b. Indoor and outdoor recreational facilities; and
- c. Patio Homes.

Section 7.4. General Conditions.

1. Area Requirements: Not less than 6,000 sq. ft.

- (a) Minimum gross site area. Every residential tract within the zoning district shall have a minimum gross site area of at least 25,000 square feet in area.
- (b) Minimum lot width. Every lot within this zoning district shall be at least sixty (60) feet in width, measured at the front building line.
- (c) Minimum lot size: 6,000 sq. ft. No more than 50% of the total lot area shall be covered by buildings.

2. Yard Requirements:

- (a) Front yard shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth, provided that the front yard shall be at least twenty (20) feet on lots within the arc of cul-de-sac and thumbnail lots.
- (b) Rear yard shall be at least twenty (20) feet.
- (c) There shall be one side yard of at least five (5) feet, with an aggregate adjacent dwelling separation of fifteen (15) feet.

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

Accessory buildings, as permitted herein, shall be allowed in required side yards;

provided, however, that no accessory building may be closer than three (3) feet to a common property line and shall not encroach on any dedicated easements.

3. **Height Restrictions:** No building shall exceed thirty-five (35) feet in height.
4. **Accessory Buildings:** Accessory buildings shall be permitted behind the front building line; provided, however, that no structure shall be allowed in any dedicated easement.
5. **Common Areas - Management and Maintenance.** For any land or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common facilities.

Section 7.5. Planned Unit Development Regulations.

1. R-3 PUD shall be subject to R-3 general conditions, except for the following R-3 general conditions as specifically imposed by the site plan or ordinance adopting such site plan.
 - ~~(a) Minimum lot sizes: Patio Homes - 5,000 sq. ft.~~
 - ~~(b) Minimum lot width: Patio Homes - 50 ft.~~
 - ~~(c) (a) Maximum lot coverage of 60%.~~
 - (d) (b) **Common Recreation Open Space Areas for Patio Homes.** There shall be at least 900 square feet of common open space recreation areas per patio home lot; the minimum area of any common recreation open space shall be 6,000 square feet. Each required common recreation open space area shall be within 300 feet of all the patio home lots it is intended to serve, measured along a route of pedestrian access. Each required common recreation open space area shall be appropriately graded, turfed, surfaced, or otherwise landscaped and provided with suitable drainage facilities. Pedestrian ways and swimming pools may be included as part of the required recreation open space areas having the required minimum width, but off-street parking areas, and service drives, and detention facilities may not be included in such areas. The Commission and the Council may allow the development of a larger common open space recreation area if it finds that it would better serve the needs of the area.
2. **Maximum density shall not exceed seven (7) dwelling units per acre. There shall not be a minimum lot size or width.**

SECTION 8 - R-4 SINGLE-FAMILY DWELLING DISTRICT

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5. **Common Areas - Management and Maintenance.** For any land or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common facilities.

In all areas where patio homes or townhouses/condominiums are developed, there shall be at least 900 sq. ft. of common recreational open space areas per dwelling unit. The minimum area of any common recreational open space shall be 6,000 sq. ft. Each common recreational open space area shall be within 300 ft. of all dwelling units to be intended to serve measured along a route of pedestrian access. Each required common recreational open space area shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities. Facilities such as pedestrian ways and swimming pools may be included as part of the required recreational open space having the required minimum width. Off-street parking areas, and service drives, and detention facilities are not included as part of such areas.

Section 8.5. Planned Unit Development Regulations.

1. R-4, PUD shall be subject to R-3 general conditions except for the following R-4 general conditions as specifically imposed by the site plan or ordinance adopting such site plan.
 - a. Minimum lot size: Townhouse/Condominiums - 3,000 sq. ft.
 - b. Minimum lot width: Townhouse/Condominiums - 30 ft.
 - c. Maximum lot coverage of 70% if underground or multi-level parking is provided.
2. Maximum density in this district shall not exceed eleven (11) dwelling units per acre.

SECTION 9 - MF, MULTI-FAMILY

Section 9.1. Purpose of District.

The MF dwelling district is intended to permit high density multi-family dwelling units. This district may be combined with PUD Planned Unit Development District to provide for a grouping of dwelling units to achieve larger open space areas, community recreational areas and to provide for combining residential with certain commercial and office uses which may be compatible with such multi-family uses through use of an approved site plan.

Section 9.2. Permitted Use. See Table III.

Section 9.3. MF Planned Unit Development Uses.

The following uses shall be allowed in addition to the regular permitted MF uses.

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Area Requirements:

- a. **Minimum site area:** Every residential lot within the zoning district shall be at least sixty-five thousand (65,000) square feet in area, and every nonresidential lot shall be at least twenty thousand (20,000) square feet.
- b. **Minimum site width:** Every site within this zoning district shall be at least one hundred twenty-five (125) feet in width, measured at the front building line.
- c. **Maximum Site Coverage:** No more than forty (40) per cent of the total site area shall be covered by buildings.
- d. **Building area ratio:** There shall be at least two thousand seven hundred fifty (2,750) square feet of site area for each multi-family or apartment dwelling unit. All other residential uses shall meet lot size requirements set forth in the R-3 Dwelling District.
- e. No more than twenty-five (25) percent of the total apartment complex shall be efficiencies.
- f. **Yard requirements:** Every site within this district shall have front and rear yards of at least twenty-five (25) feet.

Such site shall have minimum side yards of at least ten (10) feet for one-story buildings and an additional five (5) feet for each story thereafter.

Every part of a required yard or court shall be maintained as open space; provided that ordinary projections may extend into a minimum side yard or court not more than twenty-four (24) inches.

- g. **Fences and Screening:** Fences and screening shall be provided and maintained as set forth in Section 21.
- h. **Parking:** Parking as required in Section 19 shall be provided.
- i. **Accessory buildings:** Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line; provided, however, that no structure shall be allowed in any dedicated easement.
- j. **Access:** ~~There shall be provided a minimum of two (2) driveways per lot, no portion of which shall be any closer than fifteen (15) feet~~ Refer to adjacent lot lines the Engineering Design Criteria Manual.
- k. **Refuse containers:** All refuse and refuse containers shall be screened from view of adjacent public streets.

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8. Accessory Buildings:

- (a) There shall be storage facilities which shall not be within any required yard with a minimum capacity of two hundred (200) cubic feet per mobile home space. These shall be provided for each space or in compounds located within one hundred (100) feet of each space. Wherever provided, storage facilities shall be constructed of non-combustible materials.
- (b) Additional accessory buildings, including office for the park, community facilities, house for owner or manager, not exceeding 10% of the lot area shall be permitted behind any building line; provided, however, such accessory buildings shall be solely for the convenience and necessity of the inhabitants of the park.

~~9. Access: There shall be provided a minimum of two (2) driveways per mobile home park, for ingress and egress, no portion of which shall be any closer than fifteen (15) feet. Refer to adjacent lot line the Engineering Design Criteria Manual.~~

10. Refuse Containers: All refuse and refuse containers shall be screened from view of public streets adjacent to the property, unless permanent fixtures, aesthetically designed for visible locations.

11. Landscaped Open Area: In addition to paved parking and driving areas, service walks and other service areas, at least 10% of the lot shall be maintained in landscaped open area.

12. Recreation Space: There shall be at least 600 square feet of common area per individual mobile home; the minimum area of any common recreational areas shall be 6,000 square feet, and minimum width of any such area shall be eighty (80) feet. Each required common recreation area shall be within 300 feet of all the mobile homes it is intended to serve, measured along a route of pedestrian access. Each required common recreation area shall be appropriately graded, turfed, or otherwise landscaped, and provided with suitable drainage facilities.

13. Other Regulations: The development shall conform with all applicable provisions of the Mobile Home Ordinance No. 179 (and subsequent amendments) of the City of Pearland and all other applicable City and State Regulations.

Section 10.4. Special Requirements.

1. Mobile Home Space Improvements.

- (a) **Paving -** All wheels of structural supports shall be placed on an approved foundation as set forth by the Building Inspection Department.

OP

- (b) Minimum lot width. Every lot within this zoning district shall be at least one hundred (100) feet in width measured at the front building line.
 - (c) Minimum lot depth. Every lot within this zoning district shall be at least one hundred (100) feet in depth.
2. **Outdoor activities or uses.** No outdoor commercial activities or uses shall be permitted in the O-P office district other than mobile refreshment stands, accessory parking and loading and the placement and servicing of refuse containers for permitted uses. Passive recreational uses including, but not limited to sitting, walking and eating are also permitted.
 3. **Building Line:** Every lot within the district shall have a front building line of at least twenty-five (25) feet and side and rear building lines of at least ten (10) feet; provided, however, if side and rear building lines do not abut R-1, R-2, R-3, R-4, MF zones or streets, such side and rear building lines may be eliminated.
 4. **Fences and Screening:** Fences and screening shall be required between all residential and non-residential uses, as provided in Section 21.
 5. **Parking and Loading:** Parking and loading shall be subject to general requirements as set forth in Section 19 and Tables IV, V, and VI.
 6. **Refuse Facilities:** All refuse and refuse containers shall be screened from view of all public streets, unless permanent fixtures, aesthetically designed for visible locations.
 7. **Access:** ~~A minimum of two driveways shall be required with no portion thereof closer than fifteen (15) feet to an adjacent lot line, unless otherwise approved by the City Engineering Design Criteria Manual.~~
 8. **Landscaped Open Area:** In addition to paved parking and driving areas, service walks and other service areas, at least 10% of the lot shall be maintained in landscaped open area.

Section 11.5. Planned Unit Development Regulations.

1. O-P PUD uses shall be subject to O-P general conditions; provided, however, the following O-P general conditions shall not apply except as specifically imposed by the site plan or ordinance adopting such site plan.
 - (a) Minimum lot size
 - (b) Minimum lot width
 - (c) Yard requirements

NS

recreational uses are also permitted.

3. **Building Line.** Every lot within this district shall have front building line of at least twenty-five (25) feet, side building lines of at least fifteen (15) feet; provided, however, if side building lines do not abut R-1, R-2, R-3, R-4, or, MF zones, such side building lines may be eliminated.
4. **Screening and fencing.** Screening and fencing shall be provided and maintained as set forth in Section 21.
5. **Parking and loading.** Parking and loading shall be subject to the general requirements of Section 19 and Tables IV, V, and VI.
6. **Refuse Containers.** All refuse and refuse containers shall be screened from view of all public streets, unless permanent fixtures, aesthetically designed for visible locations.
7. **Access.** ~~Each lot shall have not less than two driveways with exterior driveways no closer than fifteen (15) feet from the adjacent lot line, or as otherwise approved by the City. Refer to the Engineering Design Criteria Manual.~~

Section 12.5. Planned Unit Development Regulations.

1. In an NS PUD district, subject to site plan provisions, the following NS controls shall not apply except as specifically imposed by the site plan or ordinance adopting such site plan:
 - (a) Minimum lot size
 - (b) Minimum lot width
 - (c) Yard requirements
 - (d) Access
2. When R-3, R-4 or MF uses are to be combined with any other use in this PUD zone, the R-3, R-4 and MF maximum building density shall apply to this zone.



SECTION 13 - GB GENERAL BUSINESS (RETAIL)

Section 13.1 Purpose of District.

The general business district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly within an enclosed building

but may incidentally display merchandise wholly under a permanent part of the main business structure, such as a marquee. Additional outdoor display of merchandise may be allowed by Specific Use Permit. When combined with the PUD planned unit development district, uses permitted in other districts may be grouped with uses permitted in this district to create large area developments of compatible and mutually supportive activities.

Section 13.2. Permitted Uses. See Table III.

Section 13.3. Planned Unit Development Uses.

The following uses shall be allowed in addition to the regular permitted GB uses:

- 1. NS
- 2. Commercial
- 3. OP permitted uses

Section 13.4. General Conditions.

1. Area Requirements:

- (a) Every lot within this zoning district shall be at least 22,500-square feet in area.
- (b) Minimum lot width. Every lot within this zoning district shall be at least one hundred fifty (150) feet in width, measured at the front building line.
- (c) Minimum lot depth. Every lot within this zoning district shall be at least one hundred twenty-five (125) feet in depth.

2. Outdoor activities and uses. In connection with any permitted use, there shall be allowed the incidental display of merchandise out of doors subject to the following limitations:

- (a) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten (10) feet, and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained.
- (b) On any property in the general business district, the temporary sale of Christmas trees and other forms of decorative plant materials associated with celebration of religious events shall be permitted for a period of forty-five (45) days prior to the day of religious celebration. The Enforcing Officer shall issue a permit for such sale when he finds:

GB

- (1) That there is an adequate off-street parking area, approved by the City; and
- (2) That the location and layout of drives and parking areas, of lighting and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets.

~~3. Yard Requirements.~~

~~Every lot within this district shall have front yards of twenty-five (25) feet and a side yard of twenty-five (25) feet on any side adjoining on R-1, R-2, R-3, R-4, MF or street districts; otherwise side yards shall be either zero or at least ten (10) feet.~~

3. **Yard Requirements.** Every lot within this district shall have front and rear yards of twenty-five (25) feet and a side yard of twenty-five (25) feet on any side adjoining on R-1, R-2, R-3, R-4, MF or street districts; otherwise side yards shall be either zero or at least ten (10) feet.
4. Screening and fencing shall be provided and maintained as set forth in Section 21.
5. **Parking and loading.** Parking and loading shall be subject to the general requirements of Section 19 and Table IV, V, and VI.
6. **Refuse containers.** All refuse and refuse containers shall be screened from view of all public streets, unless permanent fixtures, aesthetically designed for visible locations.
7. **Access.** ~~Each lot shall have not less than two (2) driveways no closer than twenty-five (25) feet from adjacent lot lines, unless otherwise approved by Refer to the City Engineering Design Criteria Manual.~~
8. The sale, dispensing, and otherwise handling of alcoholic beverages directly to the consumer for consumption on the premises shall be permitted only if incidental and secondary to the sale of food for human consumption on the premises, which shall be construed to mean that at least 50% of gross receipts must be from sales of food for consumption on the premises. This regulation shall not apply to private clubs operating within hotels and motels.

Section 13.5. Planned Unit Development Regulations.

1. In a GB PUD district, subject to site plan provisions, the following GB controls shall not apply except as specifically imposed by the site plan or ordinance adopting such site plans:

- C
2. **Outdoor activities and uses.** Out of doors display, storage and sale merchandise, equipment and vehicles shall be permitted.
 3. **Yard requirements.** Every lot within this district shall have a front yard of at least twenty-five (25) feet, a rear yard of at least twenty-five (25) feet and no side yard shall be required unless such district is adjacent to any other district or public street in which case there shall be a side yard of, at least twenty-five (25) feet.
 4. **Screening and fencing.** Screening and fencing shall be provided subject to the general requirements set forth in Section 21 of this Ordinance.
 5. **Parking and loading.** Parking and loading shall be subject to the general requirements of Section 19 and Tables IV, V, and VI.
 6. **Refuse containers.** All refuse containers shall be located behind the front building line (shall be screened from public view) and shall not be located in any required yard unless permanent fixtures, aesthetically designed for visible locations.
 7. **Access.** ~~Each lot shall have not less than two (2) driveways with exterior driveways no closer than twenty-five (25) feet from the adjacent lot line or as otherwise approved by the City. Refer to the Engineering Design Criteria Manual.~~

Section 14.5. Planned Unit Development Regulations.

In a C PUD district, subject to site plan provisions, the following C controls shall not apply except as specifically imposed by the site plan or ordinance adopting such site plan.

- (a) Minimum lot size
- (b) Minimum lot width
- (c) Height
- (d) Access
- (e) Lot coverage, but only if underground or multi-level parking is provided.

SECTION 15- M-1-LIGHT INDUSTRIAL

Section 15.1. Purpose of District.

The Light Industrial District is intended to permit a wide range of light industrial, manufacturing, wholesale and service type uses. When combined with the PUD Planned Unit Development District,

surface elevation at that point of a flood for a 100 year storm, as officially provided by the Federal Insurance Administration for administration of the National Flood Insurance program in Brazoria County, Texas

- (d) Non-residential structures shall have the lowest floor one foot or more higher than the water surface elevation at that point of a flood for a 100 year storm, as officially provided by the Federal Insurance Administration for administration of the National Flood Insurance Program of Brazoria County, Texas; or together with attendant utility and sanitary facilities, be flood-proofed up to or higher than such elevation.

SECTION 19 - MINIMUM PARKING AND LOADING REQUIREMENTS

Section 19.1. Purpose.

It is the purpose of this section to establish the guidelines for off-street parking spaces consistent with the proposed land use to:

- (a) Reduce the occurrence of on-street parking throughout the City.
- (b) Avoid the traffic congestion and public safety hazards caused by a failure to provide such parking space.
- (c) Expedite the movement of traffic on public thoroughfares in a safe manner and thus increasing the carrying capacity of the streets, reducing the amount of land required for streets and the cost to both the property owner and the City.
- (d) Insure that provided parking facilities meet basic requirements.

Section 19.2. Off-Street Parking Spaces Required.

In all districts, for all uses, there shall be provided at the time any building or structure is erected or enlarged or increased in capacity, or at any time any other use is established, off-street parking spaces for motor vehicles in accordance with the requirements specified herein. Accessible parking spaces shall be provided in accordance with the Americans With Disabilities Act (ADA).

Section 19.3. Parking for Existing Uses.

1. It is the intent of these regulations to prevent the reduction of existing off-street parking and loading spaces to less than the minimum amounts that would be required if the existing use of structure had been established or erected in full compliance with the provisions herein.
2. No Certificate of Occupancy shall be issued, no use shall be established or changed, and no structure shall be erected, enlarged or reconstructed unless the off-street parking and loading

Section 19: Parking

spaces are provided in the minimum amount and maintained in the manner specified in these regulations; provided, however:

- (a) For the enlargement of a structure or for the expansion of a use of structure or land there shall be required only the number of off-street loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and
- (b) For a change in the use of a structure or land, the number of off-street parking and loading spaces required shall be equal to the number required for the new use.

Section 19.4. General Requirements.

1. Measurements:

- (a) When units or measurements result in requirements of a fractional space, any fraction shall require one (1) space.
- (b) Loading space shall not be considered to supply required off-street parking space, nor shall required off-street parking spaces supply required off-street loading space.

2. Non-Parking Uses:

- (a) Areas designated for off-street parking shall be used for passenger and commercial vehicles.
- (b) Areas designated for off-street loading shall be used only for the loading and unloading of passengers, equipment, supplies, or merchandise.
- (c) In all zoning categories parking and loading areas shall not be used for refuse containers; or for the repair, storage, dismantling or servicing of vehicles or equipment; or for the storage of materials or supplies; or for any other use in conflict with the designated parking and loading areas.

3. Access and Maneuvering:

- (a) Entrances and/or exits shall be so located as to minimize traffic congestion. Refer to the Engineering Design Criteria Manual. Driveways shall be located so that the opening, including turning radii, is no closer than 25 feet to the end of a street intersection curb return. In no case shall such entrance or exit be closer than 35 feet from the intersection of any extended curb line. The width of the opening of entrances and exits measured at the property line, not including the turning radii of the driveway apron between the property line and the adjacent curb, shall be not less than twelve (12) feet in R-1, R-2, R-3, and R-4 areas and not less than twenty-five (25) feet in any

Section 19: Parking

open space and required landscaping requirements shall be based on the maximum required number of parking spaces, rather than the reduced amount shown here.

Section 19.5. Development Standards.

The off-street parking or loading facilities required for the uses mentioned in these regulations shall be on the same lot or parcel of land as the structure they are intended to serve or on a lot or parcel of land abutting the lot they are intended to serve.

1. Paving and Drainage:

All off-street parking areas shall be paved with not less than five (5) inches of reinforced Portland concrete or four (4) inches of hot-mixed asphaltic concrete with a six (6) inch lime treated subbase to adequately provide an all-weather surface unless otherwise approved by the Director of Public Works. Parking areas shall be graded and drained in such manner that run-off shall be properly channeled into a storm drain water course, ponding area, or other approved facility.

2. Curbs, Wheelstops and Islands.

Parking and loading spaces shall be provided with curbs, wheelstops, or raised islands so located that no part of the parked vehicle shall extend beyond the property line, sidewalks, or into a designated pedestrian walkway.

3. Lighting.

Any light used to illuminate or identify a parking or loading area shall be placed so as to reflect the light away from the adjacent dwellings and so as not to interfere with traffic control devices.

4. Pavement Marking and Signing.

All pavement marking and signing shall be in conformance to the design requirements as set forth in the Manual on Uniform Traffic Control Devices.

5. Maintenance Requirements. ~~5. Fences, Walls and Screens.~~

~~Where a fence is not otherwise required, parking and loading areas designed for more than six (6) spaces or berths adjacent to residentially zoned property shall be screened by a solid wall, fence or hedge not less than six (6) feet in height. Said wall shall be maintained in a neat and orderly condition. Except for necessary driveways, said wall shall screen the vehicle area along those exposures where the vehicle area adjoins the residential use.~~

Section 19: Parking

6. Maintenance Requirements.

To insure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the City.

76. Visibility Triangle and Parkway Requirements.

Parking and loading areas shall be designed and constructed so as to prevent intrusion into or use of the visibility triangle.

Section 19.6. Off-Street Loading Requirements.

There shall be provided, in connection with each allowable use, off-street loading facilities in accordance with the following minimum requirements. The following off-street merchandise and passenger loading spaces shall be permanently and clearly marked. Each off-street merchandise loading space shall be no less than 12 feet by 30 feet, and each off-street passenger loading space shall be no less than 10 feet by 22 feet with a clear height of 12 feet.

1. Passenger and Merchandise Loading Space.

The amounts of marked off-street passenger and merchandise loading spaces shall be required for the use classes as set forth in Table IV.

2. Loading Space for Emergency Vehicles.

There shall be provided within thirty (30) feet of the entrance to every building, with a use relating to health care facilities, one permanently marked area not less than thirty (30) feet in length and marked "Emergency Vehicles Only."

3. Parking Space for Disabled.

Disabled parking spaces as required in the Building Code 1985 edition.

4. Fire Lane.

Fire lanes as required by the Fire Code shall be provided and clearly marked.

Section 19.7. Minimum Parking Area and Spaces.

The minimum required area for each parking space shall not be less than that established by Table V. The minimum number of spaces for each class of use shall not be less than that established by Table VI.

SECTION 20 - LANDSCAPE AND BUILDING FACADE REGULATIONS

Section 20.1. Applicability to Districts.

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

- (1) there is an enlargement exceeding 1,000 square feet in area of the exterior dimensions of an existing nonresidential or multi-family residential building for which a building permit is required; or
- (2) there is an existing parking lot which is expanded in area to provide additional parking spaces.

The building facade requirements of this section shall apply to all buildings fronting on major collectors and thoroughfares or located in the MF, OP, NS, GB, or C districts. Existing buildings shall also conform to facade requirements upon a change of occupancy, occupant, or expansion of the existing occupancy.

Section 20.2. Landscape Plan.

Prior to the construction and erection of a building or structure subject to the requirements of this section, a landscape plan shall be submitted for consideration by the Planning and Zoning Commission. A landscape plan shall also be submitted as part of a Planned Unit Development District. The landscape plan shall contain as a minimum the following information:

- (a) A Conceptual Plan of the landscaping identifying general layout will be required.
- (b) The Plans should contain dimensions and elevations, where appropriate, of special structural elements such as building facades, walls, planters, foundations, berms, walkways and irrigating systems.
- (c) Building outlines, parking areas and arrangements, fences and structural features to be constructed on the site.
- (d) Landscape plans shall be prepared at a scale of 1" = 40' or larger scale and on a sheet

size of 24" x 36". The plan sheets shall contain a scale, north arrow, name and address of the landscape architect, designer, or architect and the site owner and/or developer. The plans shall also identify the development and provide a brief description of the property and its location.

Section 20.3. Minimum Landscape Requirements.

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

- (a) The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e. g. heat, noise, air pollution). Trees in Class I or II of the Guidelines with a minimum two inch (2") caliper measured twelve inches (12") from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.
- (b) Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property, as required by the Planning and Zoning Commission. Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm. The side yard of any lot that contains a parking area abutting a property used or zoned for a nonresidential use shall provide a screen of hedges, berms, or fences so as to provide a screen for a minimum of 25% of the length of the parking lot. The required side lot screening may be grouped and dispersed randomly. Screening between nonresidential and residential lots shall be provided in conformance with Section 21. The minimum number of shrubs shall be equal to the total caliper inches of street trees required under this article multiplied by five (5). Shrubs and berms shall be maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.
- (c) Interior landscaping shall be required by the Planning and Zoning Commission to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments. In addition to street trees required under Section 20.3.(a), trees in Class I or II of the Guidelines with a minimum two inch (2") caliper shall be provided within or adjacent to the parking area. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet. Tree islands must be protected from vehicle intrusion by curbs or similar

structures. Two feet of the tree island may be counted as part of the required depth of the abutting parking space. The total caliper inches shall equal one inch (1") for each five (5) parking spaces.

Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two inch (2") caliper.

Where intensity of site development makes planting all required trees impractical, contributions to the Parks and Thoroughfares Landscaping Fund (Fund) may provide up to fifty percent (50%) of total required caliper inches of trees. A contribution rate per caliper inch shall be determined annually by the City Council and proceeds from the Fund shall be expended solely for the landscaping of public parks and thoroughfares.

- (d) Landscaping shall be required by the Planning and Zoning Commission to screen outside storage areas, loading docks and delivery entrances from adjacent property and public street right-of-way.
- (e) All landscaping shall be located so as not to interfere with the act of parking or with parking area maintenance and so as not to create a traffic hazard by obscuring driver or pedestrian vision of the intersections of walkways, driveways, collector lanes and streets or any combination thereof.
- (f) Landscaping may be required by the Planning and Zoning Commission to interrupt front building lines unbroken for a distance in excess of two hundred (200) feet.
- (g) Existing trees of larger than ten (10) inches in caliper measured twelve (12) inches from the ground shall be noted on the landscape plan. When possible, existing trees should be included in the landscape plan.

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

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

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

Section 20.4. Maintenance.

Section 20: Landscape/Facades

seasonal considerations prohibit the completion of the planting of landscape material, a temporary Certificate of Occupancy may be issued for such time as is reasonable to complete the landscape planting.

Section 20.6. Building Facades.

Buildings Buildings Buildings Building facades shall have a minimum of seventy five percent (75%) be masonry, glass or architectural metal on front and side exterior exterior exterior all walls visible from a thoroughfare or collector.

Section 20.7. Sidewalks.

Sidewalks shall be required adjacent to all streets abutting a lot prior to the issuance of a certificate of occupancy for any structure on that lot.

SECTION 21 - FENCE REGULATIONS

Section 21.1. Permits.

Prior to the construction, reconstruction, modification, enlargement, extension, or alteration of a fence, there shall be a building permit therefor approved by the Building Inspector. Upon completion of the construction, the fence shall be inspected by the Building Inspector to insure compliance with the building permit and the provisions of this Ordinance.

Section 21.2. Use Regulations.

- (a) Dimensions of Fences. No fence shall be constructed at a height exceeding eight (8) feet.
- (b) Placement of Fences. No fences shall be constructed in front of the designated front building line of any property zoned R-1 Dwelling District, R-2 Dwelling District, R-3 Dwelling District, R-4 Dwelling District, OP Office and Professional District, NS Neighborhood Service District, or GB General Business District. Fences may be constructed on all property lines of any property zoned MF Multi-Family District, MH Mobile Home Park District, C Commercial District, M-1 Light Industrial District or M-2 Heavy Industrial District. Special permits may be issued for fences beyond the front building line to the front property line in SD Suburban Development District.
- (c) Prohibited Materials. Permanent barbed wire fences shall be prohibited in districts where used for purposes other than for the control of livestock.

Section 21: Fences

construction sites may be allowed provided that the duration of use must be specified in the permit for fencing.

- (e) Maintenance. All fences constructed under the provisions of the Ordinance shall be kept in good repair and maintained so as to comply with the requirements of this Ordinance at all times.

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- (f) A six-foot masonry fence shall be provided as a buffer between residential and nonresidential zoned properties. Alternative means of buffering may be approved by the City Manager.

- (4) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated are prohibited; provided, however, this section shall not be deemed to prohibit devices displaying time, temperature and messages spelled out electronically.
- (5) Signs and advertising devices which produce noises discernible from more than one hundred fifty (150) feet away are prohibited.
- (6) No sign shall be erected in a floodway zone without the approval of the Building Official.
- (7) No on-premise free standing sign shall be located within seventy-five (75) feet of another on-premise free standing sign on the same side of the street or highway.
- (8) All "off-premise signs" are expressly prohibited unless specifically authorized by this ordinance.
- (9) Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character that would offend public morals or decency are prohibited.
- (10) Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.
- (11) Signs which contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices are prohibited.
- (12) Free-standing pole signs which no longer advertise a bona fide business conducted, or a product sold, shall be removed. Ground signs which no longer advertise a bona fide business conducted, or a product sold, or shall have blank faces installed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within thirty (30) days after written notification to do so from the Building Official. Upon failure to comply with such notice within the time specified in such order, the Building Official is authorized to file a complaint in Municipal Court and/or cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

Section 22.12. Compliance with other Codes.

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

Section 22.13. Maintenance.

All signs, together with all supports, braces, guys and anchors shall be kept in good repair by the owner of the sign or the person in charge of the premises. Failure to keep a sign in good repair as defined in the Pearland Building Code shall be deemed cause for removal if the owner of the sign

SECTION 23 - SPECIFIC USE PERMIT REGULATIONS

Section 23.1. Purpose.

The purpose of this section is to allow the proper integration of uses, temporary or permanent, which may be suitable only in specific locations of a zoning district.

Section 23.2. Development Standards Required.

The City Planning and Zoning Commission in considering and determining their recommendation and the City Council in considering any request for a Specific Use Permit may require from the applicant plans, information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The City Council may in the interest of the public welfare and to assure compliance with this Ordinance, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing any of the uses listed as requiring Specific Use Permits, the City Council may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions. Granting a Specific Use Permit does not exempt the applicant from complying with the requirements of the Building Code or other City ordinance. If after consideration of the request and attached exhibits, the Planning and Zoning Commission feels that said request is not in the best interests of the public welfare, it shall deny such request and forward a copy of their proceedings to the City Council for their consideration. The City Council shall review the proceedings and either uphold or reverse the findings of the Planning and Zoning Commission. The affirmative vote of at least three-fourths of all the Council Members will be required for the reversal of the Planning and Zoning Commission decision.

Section 23.3. Temporary Development Signs.

Temporary development and promotion signs not exceeding ~~four~~ ~~one~~ hundred ~~thirty~~ (400~~130~~) square feet in area may be erected on private property. The Building Inspector shall control the location and duration of such signs used to assure that the occupancy and use of adjacent lots are not interfered with and that no safety hazard is created. Such special development signs will be removed at the direction of the Building Inspector after completion of the development of fifty (50) percent of the project advertised.

Section 23.4. Temporary Construction Buildings.

Temporary buildings and temporary building material storage area to be used for construction purposes may be permitted for a specified period of time in accordance with a permit issued by the Building Inspector and subject to periodic renewal by the Building Inspector for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings

Schools, Private College or University	S	S	S	S	S	Yes	S	Yes	Yes	Yes	Yes	No	No
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ZONING SYMBOLS

SCHEDULE OF USES	SD	R-1	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Schools, Public Or Parochial	S	S	S	S	S	Yes	S	Yes	Yes	Yes	Yes	No	No
Unscheduled/New Institutional Uses	S	S	S	S	S	S	S	S	S	S	S	S	S

UTILITY AND RELATED SERVICE USES

Electrical Substation	S	S	S	S	S	S	S	S	S	S	S	S	S
Electric Power Generating Plant	S	No	S	S	S								
Fire Station	S	S	S	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes
Gas Transmission & Metering Station	S	S	S	S	S	S	S	S	S	S	S	S	S
Local Utility Distribution Lines	Yes												
Radio or Television or Microwave Towers (Commercial)	No	S	Yes	Yes	Yes	S	Yes						
Radio or Television Transmitting Station (Commercial)	No	S	Yes	Yes	Yes	Yes	Yes						
Sewage Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	S
Sewage Treatment Plant	S	S	S	S	S	S	S	S	S	S	Yes	Yes	Yes
Railroad Tracks & Right-Of-Way	S	S	S	S	S	S	S	S	S	S	S	S	S
Railroad Team Track or Freight Depot	No	Yes	Yes	Yes									
Telephone Business Office	No	Yes	Yes	Yes	Yes	Yes	Yes						
Telephone Exchange Switching Relay & Transmitting Equipment	S	S	S	S	S	S	S	S	S	S	S	S	S

ZONING SYMBOLS

SCHEDULE OF USES	SD	R-1	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Medical Appliances & Final & Sales	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Mortuary, Cemetery	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Office or Professional	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Optical Shop or Laboratory	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Package Store	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Pawn Shop	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Pet Shop-Small Animals, Birds or Fish	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Personal Custom Services, Tailor Millinery, Etc.	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Retail Shops, Apparel, Accessories, Gifts, & Similar	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Repair of Appliances, T.V., Radios, & Similar Equipment	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Shoe Repair	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Sign Manufacturing Business	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Signs (Billboards) Advertising	No	No	No	No	No	No	No	No	No	Yes No	Yes No	Yes No	Yes No
Signs, Pole Types Monument (On Premise)	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Signs, Church and School	Yes	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Signs, Real Estate	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Studio, Photographer, Artist, Music, Drama, Dance	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes

Studio, Health Reducing, or Similar Service	No	S	Yes	Yes	Yes	Yes	Yes							
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ZONING SYMBOLS

SCHEDULE OF USES	SD	R-1	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Studio, Decorator & Display of Art Objects	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Tavern	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Travel Bureau or Consultant	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Veterinarian, Office (No Animal Hospital or Outside Pens)	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Variety Store	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Unscheduled/New Business Service Uses	No	No	No	No	No	No	No	S	S	S	S	S	S

COMMERCIAL AND RELATED SERVICE USES

Bakery, Cannery Wholesale	No	S	Yes	Yes	Yes								
Building Material Sales	No	S	Yes	Yes	Yes								
Cabinet or Upholstery Shop	No	S	Yes	Yes	Yes								
Clothing Manufacturing, or Similar Light Manufacturing Process	No	Yes	Yes	Yes									
Cleaning, Dyeing or Laundry Plant, Commercial	No	No	Yes	Yes									
Contractors, Storage or Equipment Yard	No	S No	NoS	Yes	Yes								
Dance Hall or Night Club	No	S	Yes	Yes	Yes								
Drive-In Theater	No	S	Yes	Yes	Yes								

Heavy Machinery, Sales, Storage & Repair	No	S	Yes	Yes									
Open Storage & Sale of Furniture Appliances	No	Yes	Yes	Yes									

ZONING SYMBOLS													
SCHEDULE OF USES	SD	R-1	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Lithographer or Print Shop	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Milk Depot, Dairy or Ice Cream Plant	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Maintenance and Repair Service for Building	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Laboratory Scientific or Research	No	No	No	No	No	No	No	S	S	S	Yes	Yes	Yes
Laboratory, Manufacturing	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Reproduction, Blueprints	No	No	No	No	No	No	No	Yes	No	Yes	Yes	Yes	Yes
Plumbing Shop	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Railroad or Bus Passenger Station	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Railroad Team Tracks, Freight, Depot or Docks	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes
Storage and Mini-Warehouse	No	No	No	No	No	No	No	No	No	No	Yes ^S	Yes ^S	Yes ^S
Trade or Commercial Schools	No	No	No	No	No	No	No	No	No	S	Yes	Yes	Yes
Trailer & Mobile* Home Sales or Rental Only	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Transfer Storage & Baggage Terminal	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Veterinarian Hospital or Kennel (Outside Pens)	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Welding or Machine Shop	No	No	No	No	No	No	No	No	No	No	S	Yes	Yes

USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL REQUIREMENTS
(f) Kindergarten, day nursery, day care	1	500 sq. ft.	
(g) Hospital	1	2 beds	
(h) Home for the aged and convalescent home	1	4 beds	
(i) Library	1	500 sq. ft. of public area	
(j) Mortuary, funeral chapel	1	4 seats in chapel	
(3) RECREATION, SPECIAL AND ENTERTAINMENT			
(a) Theater	1	3 seats	
(b) Bowling alley	4	Lane	
(c) Pool halls, coin-machine arcades, other commercial amusements (indoor)	1	125 sq. ft. of floor area	
(d) Commercial amusements (outdoor)	1	500 sq. ft. of site area exclusive of buildings	
(e) Lodge, fraternal organization	1	50 sq. ft. of floor area	
(4) PERSONAL SERVICE AND RETAIL			
(a) Personal service shop (except Barber & Beauty Shops)	1	125 sq. ft. of floor area	
(b) Beauty Shops & Barber Shops	1	50 500 sq. ft.	
(c) Retail stores or shops (inside)	1	200 sq. ft. of floor area	
(d) Outside retail sales	1	500 sq. ft. of site area exclusive of buildings	
(e) Coin-operated or self-serve laundry or dry cleaning	1/2	Machine	

Table VII

SCHEDULE OF SIGN TYPES AND MAXIMUM AREA

<u>Zoning District</u>	<u>Sign Type Allowed</u>	<u>Maximum Area of All Signs Allowed for a Business With Frontage</u>
SD, R-1, R-2, R-3, R-4, FW	Signs permitted under under the "Special Provisions" portion of this table and signs not requiring permits are allowed in these districts.	
MF, MH, OP	On-premise building and ground signs allowed.	120 square feet (ground sign maximum - 35 square feet)
NS	On-premise building and ground signs allowed.	2 square feet per lineal foot of building frontage up to a maximum of 160 square feet* (ground sign maximum - 50 square feet)
GB	On-premise building and ground signs allowed.	2 square feet per lineal foot of building frontage up to a maximum of 200 square feet* (ground sign maximum - 75 square feet)
C, M-1, M-2	On-premise building, ground, and free standing signs allowed.	2 square feet per lineal foot of building frontage up to a maximum of 300 square feet* (ground sign maximum - 100 square feet)
PUD	On-premise building, ground and free standing signs located and described on the site plan allowed.	Limited only by site plan and zoning limitations.

***EXCEPTIONS:**

1. In the case of a business with frontage of less than fifty feet (50'), a building sign(s) not to exceed fifty (50) square feet total shall be allowed.
2. In the case of a business with frontage of less than twenty five feet (25'), a ground sign not to exceed thirty five (35) square feet total shall be allowed, excluding a business located within a shopping center or integrated business development.
3. ³In the case of a business with frontage of more than seventy five feet (75') and located within a shopping center or integrated business development, a free standing sign or a ground sign not to exceed fifty (50) square feet shall be allowed, subject to freestanding signs or ground signs being allowed in the zoning district and the provisions of Section 22-11 (7).
4. A shopping center or integrated business development shall be allowed one (1) multi-tenant ground sign with allowable sign area determined on the same basis as a single business with the same frontage in the same zoning district, to a maximum of one hundred fifty (150) square feet.

Special Provisions:

Churches, colleges, government-owned buildings and institutional, educational uses shall be allowed on-premise building ground signs not exceeding 100 square feet per sign face.

Churches, colleges, government-owned buildings and institutional educational uses shall be allowed four off-premise sign(s), for directional purposes, not to exceed 32 square feet per face (2 sides maximum). Additional off-premise directional signs may be authorized by the Zoning Board of Adjustments along major thoroughfares as defined on Page 2-39 of the Pearland Comprehensive Development Plan (1978), or as amended.⁴

³Revised 11-28-94; Ord. No. 509-56

SECTION 30 - PEARLAND PARKWAY, MCHARD ROAD, AND OILER DRIVE CORRIDOR OVERLAY DISTRICT

Section 30.1. General Purpose and Description

The intent of this district is to exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.

This district is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the Corridor Overlay District and the regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the Corridor Overlay District will continue to prevail.

Section 30.2. District Boundaries

The corridor overlay standards apply to the future development and use of all land within the depth of the lot up to a maximum of 300 feet on either side of the street right-of-way along the following specified major thoroughfares:

1. Pearland Parkway: Dixie Farm Road to North City Limits
2. Oiler Drive: SH 35 to Pearland Parkway
3. McHard Road: SH 35 to Pearland Parkway

Section 30.3 Lot and Setback Standards

- A. The minimum front yard building setback adjacent to a specified major thoroughfare is 20 feet.
- B. All off-street parking, maneuvering and loading areas shall be set back at least 30 feet from any street right-of-way line.
- C. All opaque-screening walls and fences, including residential subdivision fences, shall be set back at least 30 feet from the right-of-way line of a specified major thoroughfare.
- D. All open storage areas, where permitted by the underlying zoning district, shall be set back at least 30 feet from the right-of-way line of a specified major thoroughfare.

- E. No buildings, parking areas, or other impervious structures (except as noted herein), are permitted within the recognized floodway, as identified by the City Engineer, or within 50 feet of the high bank, whichever is greater, of a creek or other drainageway proposed as a linear park in the City's Park Master Plan. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.
- F. No building, parking area, or other visual obstruction shall be located in any required visibility triangle.
- D. The required setback area shall be landscaped and maintained by the property owner or homeowner association.

Section 30.4 Building Facade Standards

- A. Requirements are applicable to all structures except single-family detached dwellings. Facade design plan of entire project shall be submitted with site plan review documents.
- B. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to:
 1. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 2. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
 3. Incorporate details that create shade and cast shadows to provide visual relief.
- C. Building Materials:
 1. ~~A minimum 75% of any~~Any exterior wall visible from the specified major thoroughfare shall be covered by masonry (including, but not limited to brick, textured concrete, concrete block, stone, and stucco) and glass.
 2. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.
 3. A minimum 25% of an exterior wall facing the specified major thoroughfare shall be transparent in order to promote personal safety by permitting visibility between building occupants and outdoor pedestrians and drivers.

4. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have similar architectural design, color, and materials.

D. Building colors shall be provided in accordance with an approved color palette prepared by the Architectural Design Committee (to be made available through the City's Planning Office) consisting of the Chief Building Inspector, the Planning and Development Director, and the City Manager.

Section 30.5 Access and Off-Street Parking Standards

A. The maximum number of driveways permitted for each lot, along the specified major thoroughfare, shall not exceed the following limits:

1. Two access points for lot frontages of 400 feet or less
2. Three access points for lot frontages of 401-600 feet
3. Four access points for lot frontages greater than 600 feet

B. ~~The minimum distance between driveways and street corners is determined by the functional classification of the street and intersections shall not be less than the following distances as measured from the extended right-of-way line of the intersecting street to the nearest extended curb line of the intersecting driveway:~~

- ~~1. 100 feet along major thoroughfares~~
- ~~2. 60 feet along collector streets~~
- ~~3. 30 feet along local streets~~

~~C. Driveways to service and loading areas must provide on-site maneuvering space so that vehicles are not required to back into or out of public streets 350 feet. The minimum separation between median openings shall be 350 feet. The minimum distance between driveways is determined by the functional classification of the street and shall not be less than the following distances as measured from the extended right-of-way line of the intersecting street to the nearest extended curb line of the intersecting driveway:~~

- ~~1. 100 feet along major thoroughfares~~
- ~~2. 60 feet along collector streets~~
- ~~3. 30 feet along local streets~~

- C. Driveways to service and loading areas must provide on-site maneuvering space so that vehicles are not required to back into or out of public streets.
- D. Service and loading areas must provide sufficient space so that service and delivery vehicles do not block public streets while loading or unloading.
- E. Parking areas located between the building and the right-of-way line of a specified major thoroughfare may not extend more than 90% (as measured at its maximum width) of the specified major thoroughfare street frontage. Parking to the side and rear of buildings is encouraged and preferred.
- F. Bicycle parking, at a ratio of no less than five percent (5%) of the required vehicular parking, shall be conveniently provided for all uses allowed in the following zoning districts: Office and Professional, Neighborhood Service, General Business, and Commercial. Required bicycle parking shall include a means to secure individual bicycles.

Section 30.6 Landscaping Standards

- A. At least ten percent (10%) of the lot shall be landscaped open areas with a permeable surface with a coefficient of runoff equal to or less than 0.35.
- B. Trees are required along the specified major thoroughfare as follows:
 - 1. Large shade trees with a minimum three inch (3") caliper measured twelve inches (12") above the root ball shall be provided with the total caliper inches equal to one inch (1") for each ten feet (10') of frontage.
 - 2. Ornamental trees with a minimum two inch (2") caliper measured twelve inches (12") above the root ball shall be provided with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.
 - 3. At least 60% of required street trees shall be evergreen with year-round foliage.
 - 4. At time of planting, a minimum eight feet (8') shall be provided between a tree trunk and back of curb and between a tree trunk and any planned or existing underground public utility lines.
 - 5. At time of planting, a minimum six feet (6') shall be provided between individual trees.
- C. Required interior site landscaping:
 - 1. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.

2. No parking space shall be greater than 50' from a tree.
- D. A mechanical irrigation system is required within the front yard building and parking setbacks.

Section 30.7 Lighting Standards

- A. Vehicular circulation and parking areas:
1. High pressure sodium fixtures shall be used with no direct glare onto adjacent properties or public streets.
 2. Minimum light level within the parking area is 0.5 foot candles when the attendant facility is in use.
 3. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than ten feet (10') above the building being served.
 4. Creosote treated wooden poles are prohibited.
 5. Street lights along the specified corridor shall conform to the standard fixture adopted by the City. Installation of such fixture or payment in lieu of installation shall be required prior to acceptance of subdivision improvements by the City or issuance of a certificate of occupancy, as applicable.
- B. Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
- C. Accent lighting:
1. Uplighting shall be concealed or positioned to screen the light source from adjacent property.
 2. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

Section 30.8 Screening Standards

- A. The following site elements shall be screened form view from a public street:
1. All mechanical and utility equipment

Screens shall incorporate shrubbery having year-round foliage, and/or a decorative wall, fence, or architectural element of the building that is a maximum 75% opaque. Roof-mounted equipment may be screened with materials that are 100% opaque.

2. Vehicle loading and unloading area

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

3. Refuse, refuse containers, and recycling containers

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

B. All fences and walls visible from a public street shall be:

1. Constructed of masonry or other materials approved by the City Manager or his designee.
2. Consistent in color and design with the building architecture.
3. Uniform in style and materials along the entire length of the screen within a single development.

C. No fence or wall visible from a public street shall be:

1. Greater than eight feet (8') in height.
2. Located within any required visibility triangle.
3. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. (Exception: barbed wire may be used solely to control livestock.)

E. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision. Completion of such fence shall be required prior to acceptance of the subdivision improvements by the City, provided that this requirement may be deferred for a maximum of 90 days after the date of subdivision acceptance, if a letter of credit guaranteeing completion of the improvement is filed with the City Engineer and approved by the City Attorney.

Section 30.9 Buffering Standards

- A. The following site elements shall be visually buffered from view from a public street:
 - 1. Outdoor parking areas located within 100 feet of any public street right-of-way
 - 2. Fuel pumps located between the street building
 - 3. A vehicle drive-up window facing the street

- B. Required buffering with a maximum three foot (3') height shall be provided by way of one or more of the following:
 - 1. Freestanding masonry wall
 - 2. Landscaped earth berm with a maximum 4:1 slope

Retaining walls may be used to facilitate berming if unseen from the street.
 - 3. Shrubbery having year-round foliage

Section 30.10 Sidewalk Standards

- A. The required sidewalk located along the specified major thoroughfare may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line.

- B. A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.

- C. The required sidewalk shall have a curved alignment for at least 80% of the major thoroughfare street frontage.

- D. Construction criteria for the required sidewalk:
 - 1. Minimum six feet (6') wide
 - 2. Minimum 50 foot centerline radius, maximum deflection angle of 15 degrees, and maximum 20 foot tangent
 - 3. Minimum six feet (6') separation between back of street curb and edge of sidewalk (Exceptions: (a) street intersections, (b) bridge approaches.)
 - 4. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.

E. A minimum six foot (6') wide pedestrian walkway shall connect the sidewalk to the building entry. The walkway shall be accessible, readily visible, and paved.

F. Completion of sidewalks adjacent to residential subdivisions shall be required prior to acceptance of the subdivision improvements by the City, provided that this requirement may be deferred for a maximum of 90 days after the date of subdivision acceptance, if a letter of credit guaranteeing completion of the improvement is filed with the City Engineer and approved by the City Attorney.

Section 30.11 Sign Standards

A. Ground signs are permitted; freestanding and pole-type business identification signs are prohibited.

B. Ground signs shall have a maximum eight foot (8') height and minimum spacing of 75 feet from another ground sign.

C. One ground sign is permitted for each street frontage.

D. Iridescent, fluorescent, and "dayglo" colors are prohibited.

E. In the case of a shopping center or integrated business development, no additional ground sign shall be allowed for any individual tenant or occupant.

F. Ground sign lighting:

1. Internally illuminated, ground lit, or halo-lit letter are permitted.

2. An internally illuminated sign shall have an opaque background with translucent letters.

3. Ground lighting shall be concealed below grade or screened from view.

4. All ballasts, transformers, and conduits shall be concealed.

G. Signs on buildings with multiple tenants shall be uniform in size, color, materials and location as specified herein:

1. Tenant signs shall be integrated into a single facade-mounted graphic band, or placed in a graphic band on awnings.

2. A graphic band shall have a maximum height of three feet (3'), but may be taller for an individual tenant with more than 10,000 square feet.

3. Each message shall be centered around a common horizontal line with no more than two (2) lines of copy.
 4. Typography may vary.
 5. Light sources for externally lit signs shall be concealed.
 6. All ballasts, transformers, and conduits shall be concealed.
- H. Back-lit canopy signs attached to buildings are prohibited.
- I. Window signs providing general information or advertising sales are permitted with a total square footage no greater than 25% of the total window area visible from the specified major thoroughfare. Window signs advertising sales shall not remain posted for longer than 90 days. Signs painted on glass surfaced are prohibited.

Section 30.12 Utilities

- A. All electric, telephone, and cable TV wires within the District ~~from the property line to all structures being served on the site~~ shall be located underground.
- B. A ten foot (10') wide water and sewer easement shall be provided along street rights-of-way.
- C. A sixteen foot (16') wide utility easement along the rear lot line or other approved on-site utility corridor shall be provided to accommodate underground utility distribution lines including but not limited to electric, phone, and cable television.

Section 30.13 Penalty

Any person, firm or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or who shall violate or fail to comply with any order or regulations made thereunder, or who shall violate any plans submitted and approved hereunder, or any certificate or permit issued hereunder, shall, for each and every violation and noncompliance respectively be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and each and every day that such violation or noncompliance shall exist shall be deemed a separate offense.

If any person, firm or corporation violates any of the provisions of this Ordinance or fails to comply herewith, the City of Pearland, in addition to imposing the criminal penalties provided

herein, may additionally institute any appropriate civil or criminal actions or proceedings allowed by law to prevent, restrain, correct, or abate any illegal act, conduct, business, or use in or about any land within its jurisdiction.

SECTION 31 - TELECOMMUNICATION TOWERS AND ANTENNAS

Section 31-1. Purpose.

These regulations are primarily intended to maximize the use of new and existing towers to prevent the proliferation of unnecessary towers and to minimize the adverse visual impacts of towers and antennas through design, siting, landscape and screening requirements.

Section 31-2. Application, Exemptions, and Conflicts.

- (a) This article applies to towers and antennas located in any zoning district.
- (b) This article does not apply to:
 - (1) A receive-only home television antenna;
 - (2) Satellite dish antenna that is a permitted accessory use as provided in this chapter;
or
 - (3) A tower less than 50 feet in height that is used as an amateur radio station.
- (c) The application provisions of this article do not apply to an amateur radio station tower of 50 feet or more in height, but the Planning Department may require the applicant to submit information on the height, location, and the manufacturer's drawings and specifications for the tower, or any other any information as necessary to determine whether a specific use permit should be granted as required by this article.
- (d) Any regulations relating to the height of a tower, alternate tower structure, or antenna contained in the article, controls over any conflicting provision of any other provision of these zoning regulations not contained in this article.

Section 31.3 Specific Use Permit Required.

- (a) Except as otherwise provided in this section, a person may not construct, erect, or maintain a tower or antenna on any land located within the City without first receiving a specific use permit. The procedures of this article relating to the application, processing, and determination of whether to grant a specific use permit, are in addition to any other provisions and requirements contained in other articles of these zoning regulations relating to specific use permits.
- (b) Rooftop mounted towers and antennas may be located on any buildings serving a nonresidential use and on an alternative tower structure without obtaining a specific use permit, if:

- (1) The structure, other than a tower on which the tower or antenna will be placed, exceeds 50 feet in height;
 - (2) The tower and antenna will add no more than 20 feet total to the height of the existing structure;
 - (3) The tower or antenna does not contain advertising; and
 - (4) It complies with the lighting regulations for towers as specified in this article.
- (c) The effects of radio frequency emissions on persons or the environment must not be considered in a proceeding involving an application for a specific use permit.
- (d) The following procedures will be followed by the City Council in considering an application for a specific use permit:
- (1) A public hearing must be held in accordance with Section 28 of the City's Land Use Ordinance;
 - (2) At the first regular City Council meeting following the public hearing, any Councilmember making a motion to deny the application and any Councilmember seconding the motion of denial will state his or her reasons for making the motion or seconding the motion for denial;
 - (3) Before the vote is called, any Councilmember proposing to vote in favor of the motion of denial must state his or her reasons for supporting the motion;
 - (4) If the Council votes to deny the application for the specific use permit, the city attorney will prepare a proposed written decision for the City Council to consider at a following meeting. The proposed decision must include a written record of the evidence received by the Council relevant to the Council's decision. The decision to deny the application is not final until the Council adopts a written decision.

Section 31-4: Application Procedures.

An application for a specific use permit for a tower, antenna, or use of an alternative tower structure must be made to the Planning Department. An application will not be considered until it is complete. A complete application must contain the following:

- (a) An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits, specifying the location, height, and design of each tower. The Planning Department may share the information with other applicants for a specific use permit under this article.

- (b) Site plans to scale specifying the location of tower(s), transmission building and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses.
- (c) A report from a professional structural engineer licensed in the State of Texas documenting the following:
 - (1) Tower height and design, showing a cross-section of the tower structure.
 - (2) Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated.
- (d) A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.
- (e) Each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:
 - (1) The applicant must contact the owners of all existing towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list must be provided of all owners contacted, the date of the contact, and the form and content of the contact. Where an existing tower is known to have capacity for additional antennas of the sort proposed, that application for a new tower is not complete until the owner of the existing tower responds, unless the applicant submits sufficient information for the Planning Department to determine that all reasonable efforts to obtain a response have been made and further efforts would be futile.
 - (2) The applicant must request the following information from each tower owner contacted:
 - a. Identification of the site by location, existing uses, and tower height.
 - b. Whether each tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant must provide each owner with the height, length, weight, and other relevant data about the proposed antenna.
 - c. Whether each tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner must specify in general terms what structural changes would be required.

- d. If structurally able, would shared use by the existing tower be precluded for reasons related to RF interference. If so, the owner must describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
- (3) The Planning Department must maintain and provide, on request, records of responses from each owner. Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.
 - (4) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Department and the City Council may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.
 - (f) Any other information which may be requested by the Planning Department to fully evaluate and review the application and the potential impact of a proposed tower or antenna.

Section 31-5. General Requirements and Regulations.

- (a) No advertising is permitted on an antenna or tower.
- (b) No signs or illumination are placed on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction. The Planning Department may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- (c) A new cell may not be established if there is a technically suitable space available on an existing tower within the search area that the new cell is to serve. For the purpose of this article, the search area is defined as the grid for the placement of the antenna.
- (d) A tower must not be located in the required front yard in a residential district.
- (e) All free-standing towers (not mounted on rooftops or alternative tower structures) must conform to the following minimum tower separation requirements:

<i>TOWER HEIGHT</i>	<i>< 50 feet</i>	<i>50- 100 ft.</i>	<i>101- 150 ft. feet</i>	<i>> 150</i>
< 50 ft.	300'	500'	750'	1000'
50-100 ft.	500'	750'	1000'	1500'
101-150 ft.	750'	1000'	1500'	2000'
> 150 ft.	1000'	1500'	2000'	2500'

Section 31-6. Visual Impacts.

- (a) Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.
- (b) At a tower site the design of the building and related structures must use materials, colors, textures, screening, and landscaping that will blend the tower and facilities to the natural setting and built environment.
- (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) Towers clustered at the same site must be of similar height and design.
- (e) Towers must be the minimum height necessary to provide parity with existing similar tower supported antenna, and must be freestanding where the negative visual effect is less than would be created by use of a guyed tower.

Section 31-7. Principal, Accessory, and Joint Uses.

- (a) Accessory structures used in direct support of a tower is allowed but must not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
- (b) Towers may be located on sites containing another principal use in the same buildable area. Towers may occupy a parcel meeting the minimum lot size requirements for the zoning district in which it is located. For a monopole tower, the minimum distance between the tower and any other principal use located on the same lot shall be 20% percent of the tower height or 25 feet, whichever is greater.

- (c) Placement of more than one tower on a lot is permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

Section 31-8. Shared Use.

- (a) To encourage shared use of towers, no building permit or specific use permit is required for the addition of antennas to an existing tower so long as the height of the tower or structure on which the antenna is placed is not increased and the requirements of this article are met.
- (b) Any specific use permit which is granted for a new tower is specifically subject to the condition that the tower owner abide by the following provisions relating to shared use, regardless of whether or not the ordinance granting the permit contains the conditions:
 - (1) The tower owner must respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - (2) The tower owner must negotiate in good faith for shared use by third parties; and
 - (3) The tower owner must allow shared use where the third party seeking the use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to make modifications of the tower and transmitters to accommodate the shared use, and to observe whatever technical requirements are necessary to allow shared use without creating interference.
- (c) The willful failure of an owner whose tower was approved under this article to comply with the requirements of this section is grounds for withholding approval of any application by the owner for a building permit for the approved tower, for revoking the specific use permit granted for the tower, and for refusing to approve a new specific use permit for any new tower or antenna.

Section 31-8. Abandoned Towers.

- (a) Any antenna or tower that is not operated for any continuous period of 12 months is deemed abandoned, whether or not the owner or operator intends to make use of the tower. The owner of an abandoned antenna or tower and the owner of the property where tower is located must remove the tower or antenna. If the antenna or tower is not removed within 60 days of receipt of notice from the City ordering the removal, the City may remove tower or antenna and place a lien upon the property for the costs of the removal.

- (b) If the owner of an abandoned tower or antenna wishes to use the abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this article as if the tower or antenna were a new tower or antenna.

Section 31-9. Pre-Existing Towers and Non-Conforming Uses.

All communications towers operative prior to the effective date of this article, are allowed to continue their present usage as a nonconforming use and are treated as a non-conforming use in accordance with the zoning regulations. Routine maintenance is permitted on the existing towers. construction other than routine maintenance on an existing communication tower must comply with the requirements of this article.

Section 31-10. Public Property.

Antennas or towers located on property owned, leased or otherwise controlled by the City are exempt from the requirements of this article.

ADD 12 P&2 AGENDA
JWH

R. WEST DEVELOPMENT COMPANY, INC.

6302 Broadway, Suite 250
Pearland, Texas 77581

RECEIVED APR 04 2000

April 4, 2000

JWH
#19100

Mr. John Hargrove
Planning & Zoning Commission
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

We respectfully request a variance on the construction of the South Two lanes of Scarsdale Boulevard until the Fourth section of Bellavita at Green Tee. Granting this variance will not be detrimental to the public in anyway, nor is it needed to service this development. Harris County has said that they will fund the extension of Scarsdale to Yost Road when the City of Pearland is ready. If you have any questions or need any additional information feel free to call me.

Sincerely,



Renee West

