

AGENDA – WORKSHOP OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD APRIL 30, 2007 AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP:

- 1. COMMISSION INPUT AND DISCUSSION: REGARDING PROPOSED MODIFICATIONS TO THE UNIFIED DEVELOPMENT CODE. Ms. Lata Krishnarao, Planning Director.**

III. ADJOURNMENT

This site is accessible to disable individuals. For special assistance, please call Young Lorfing at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

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TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: NGHIEM V. DOAN, DEPUTY CITY ATTORNEY
LATA KRISHNARAO, PLANNING DIRECTOR

DATE: April 27, 2007

SUBJECT: PROPOSED UDC AMENDMENTS

A joint workshop is scheduled for April 30, 2007 to consider the second set of proposed amendments to the Unified Development Code (UDC). The first set approved by City Council earlier this year has been incorporated into the overall document and made available on the city's website. You have all been provided with hard copies of the revised UDC, March 2007 edition, which staff respectfully requests that you bring with you to the workshop.

This next set of proposed amendments is comprised of a host of changes that have been suggested by city officials and staff, including an overhaul of the sign regulations, provision for on-street parking within the Old Townsite district, and a new administrative variance procedure that empowers staff to relax some requirements of the UDC under certain circumstances.

Below are brief explanatory summaries of each change or set of changes, arranged numerically according to the numbers of the sections being modified. A reference to the corresponding page number of the marked ordinance text document is also provided for each. Attached is also the sign matrix previously prepared and discussed with you by Nick Finan, to which I have added disposition notes to let you know what UDC sections now addresses each sign therein.

	Page(s)	Section(s) Amended	Explanation
1.	1	1.2.6.5	Relocation from another section to more appropriate place.
2.	2	2.2.4.2	Clarify sequencing for cluster developments: cluster plan must be approved prior to master plat, which must be

decided before approval of preliminary subdivision plat.

3. 3 2.2.4.4 Clarify what may qualify as open space and amenities in a cluster development. Substitute different density term.
4. 4-24 2.4.2.1-11 Prohibit outside storage within boxes, containers, trailers, etc. (i.e. PODS) in residential districts.
5. 25-34 2.4.3.1 In the Spectrum District: streamline all color references to the City's color palette, require location of utilities underground unless special approval obtained for aerial lines.
6. 35-43 2.4.3.4 In the Old Townsite District, require a temporary permit for outdoor activities and a CUP and screening for outdoor storage in non-permanent structures such as boxes, containers, trailers, etc. (i.e. PODS).
7. 44-45 2.4.4.1 In the Office Professional District, require a temporary permit for outdoor activities and a CUP and screening for outdoor storage in non-permanent structures such as boxes, containers, trailers, etc. (i.e. PODS).
8. 46-49 2.4.4.2 In the Business Park 288 District, require a temporary permit for outdoor activities and a CUP and screening for outdoor storage in non-permanent structures such as boxes, containers, trailers, etc. (i.e. PODS).
9. 50-51 2.4.4.4 In the General Business District, require a temporary permit for outdoor activities and a CUP and screening for outdoor storage in non-permanent structures such as boxes, containers, trailers, etc. (i.e. PODS).
10. 52-53 2.4.4.5 In the General Commercial District, require a CUP and screening for outdoor storage in non-permanent structures such as boxes, containers, trailers, etc. (i.e. PODS).
11. 54-61 2.4.5.1 In the Corridor Overlay District: extend district boundaries to cover the entire length of the thoroughfares listed therein; allow Parks Director discretion to reduce impervious structure setback from floodways, creeks, and other drainage ways where consistent with the Parks or Hike and Bike master plans; require a temporary permit

for outdoor activities and a CUP and screening for outdoor storage in non-permanent structures such as boxes, containers, trailers, etc. (i.e. PODS).

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| 12. | 62 | 2.5.6.3 | Delete unnecessary provision. |
| 13. | 63 | 3.1.1.3 | Delete exemption from platting for remainder tracts so that access, minimum size, etc. can be verified for every subdivision of land shown on a plat. |
| 13. | 64-67 | 4.1.2.6 | Reduce list of signs exempted from sign permit requirement; move other types of exemptions improperly placed in this section to more appropriate locations in UDC. |
| 14. | 68 | 4.1.3.2 | Add new administrative variance procedure to enable Planning Director to relax parking and landscaping requirements triggered by expansion of a nonconforming use upon finding that certain conditions exist. |
| 15. | 69-72 | 4.2.1.3 | Allow use of adjoining local streets for required maneuvering room for parking spaces within Old Townsite District; re-enact provision inadvertently omitted at adoption of the UDC to allow deferral of 25% of required parking spaces to allow for more greenspace. |
| 16 | 73-74 | 4.2.1.6 | Allow use of alternate paving materials for parking lots upon approval of Building Official and City Engineer. |
| 17. | 75-77 | 4.2.4.1 | Delete contradictory and ambiguous provision; add open storage and storage in non-permanent structures such as boxes, containers, trailers, etc. (i.e. PODS), to screening requirement. |
| 18. | 78-79 | 4.2.4.2 | Clarify ambiguity to require CUP for all utility support stations except those that meet certain guidelines. |
| 19. | 80-82 | 4.2.5.1 | Fix incorrect section references; create new exception for off-premise signs within the city's signage program to allow businesses on dead-end streets to have exposure. |
| 20. | 83-87 | 4.2.5.3 | Adopt guidelines for certain on-premise ground signs, some of which were previously located in the sign permit section, including: subdivision, builder, or model home |

signs; subdivision identification signs; for sale/lease signs on real property; construction signs; business opening signs; holiday signs; special events signs; marquee signs; and government signs.

21. 88-89 4.2.5.4 Adopt new guidelines for multi-tenant signs along SH 288 and Beltway 8, including increased size.
22. 90-92 4.2.5.5 Adopt guidelines for certain temporary signs, some of which were previously located in the sign permit section, including: window signs; holiday inflatables; and off-premise special events signs. Delete conflicting and redundant provision regarding display time limits.
23. 93-94 4.2.5.5
4.2.5.8 Delete section duplicatively numbered the same as previous section and re-enact in different location minus a provision moved elsewhere.
24. 95 4.2.5.9 Adopt new section to enact guidelines for certain exempt signs, some of which were previously located in the sign permit section, including: warning/safety signs; utility location signs; directional/informational signs; historical/memorial signs; vehicle for sale signs; outdoor merchandise display signs; human signs; flags; unlit political signs; and signs located within athletic stadiums or ball fields.
25. 96 5.1.1.1 Add definition for gross residential density; modify definition for outside storage to include storage within non-permanent structures such as boxes, containers, trailers, etc. (i.e. PODS); clarify definition of warehouse storage/distribution facility.

Section 1.2.6.5 Municipal Court Actions

- (a) The City Attorney is authorized to prosecute violations of this Unified Development Code in the municipal court where jurisdiction lies for the action.
- (b) In prosecutions for violations of this Unified Development Code, it shall not be necessary to allege or prove a culpable mental state, as said requirement is hereby waived.
- (c) In prosecutions for violations of Division 5 of Article 2 of Chapter 4 of this Unified Development Code, there shall be a rebuttable presumption that:
 - (1) The record owner of real property upon which a sign is illegally erected, placed, constructed, repaired, or modified is the entity that is responsible for or caused said erection, placement, construction, repair, or modification, if the sign is located on private property; or
 - (2) The business entity advertised on a sign illegally erected, placed, or constructed on public property is the entity that is responsible for or caused said erection, placement, or construction.
 - (3) The primary beneficiary of any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole is the person who attached or caused the attachment to the pole. The term "primary beneficiary" means a person(s) or legal entity(s) that benefits from the advertisement, handbill, circular, poster or piece of paper.

Section 2.2.4.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Cluster Development Plan.
- (b) **Accompanying Applications.** Approval of an ~~The~~ application for a Cluster Development Plan ~~may~~ must be ~~accompanied by~~ obtained before an application for approval of a master subdivision plat or a preliminary subdivision plat covering any property that was included in the Cluster Development Plan may be submitted. Where a master subdivision plat is required, it shall be decided before the decision on any preliminary subdivision plat ~~The~~ application for the Cluster Development Plan shall be decided first.
- (c) **Contents.** All applications and related contents shall be submitted consistent with a requirements checklist supplied by the Planning Department.

Section 2.2.4.4 Criteria for Approval

- (a) **Factors.** The Planning and Zoning Commission, or the City Council on appeal, shall apply the following factors in taking action on the Cluster Development Plan application:
- (1) The Cluster Development Plan meets the standards for residential density as outlined in the following in relation to each zoning district:
 - (2) The Cluster Development Plan is consistent with other zoning district regulations, except minimum lot size, width and depth.
 - (3) The Cluster Development Plan contains sufficient buffering to assure compatibility with adjacent uses and the character of the neighborhood.
 - (4) The Cluster Development Plan provides open space or amenities to the development that could not be achieved through application of minimum lot size standards. As referred to herein, open space and amenities do not include any land dedicated to the City under the parkland dedication requirement in Chapter 3, Article 2, Division 10.
- (b) **Conditions.** The Planning and Zoning Commission, or the Council on appeal, may impose such conditions on approval of the Cluster Development Plan as are necessary to assure compatibility with adjoining uses and neighborhood character.

Table 2-1
Average Net Density Gross Density for Residential Areas of Dwelling Units per Acre Permitted in Cluster Developments by Base Zoning District

ZONING DISTRICT	Average Net Density
RE	1.3
SR-15	1.9
SR-12	2.3
R-1	3.2
R-2	4.0
R-3	4.7
R-4	5.6
Townhome	9.4

NOTE: The above densities are based on net gross density for residential areas as defined in Chapter 5 of this UDC.

Section 2.4.2.1 SD, Suburban Development District

(a) **Purpose.** The Suburban Development District (SD) is intended to provide areas for land that is relatively undeveloped and/or agricultural in nature. The SD District is also a default district for newly annexed land that is not yet ready to be zoned for a particular intended use.

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

- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
- (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (3) Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.2 R-E, Single-Family Estate District

- (a) **Purpose.** The Single-Family Estate District (R-E) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) **Size of Lots:**
 - a. *Minimum Lot Area* - One-half (1/2) acre (21,780 square feet)
 - b. *Minimum Lot Width* - One hundred and twenty feet (120')
 - c. *Minimum Lot Depth* - Ninety feet (90')
 - d. *Maximum Lot Coverage* - Fifty percent (50%)
 - (2) **Size of Yards:**
 - a. *Minimum Front Yard* - Forty feet (40'); thirty-five feet (35') feet for cul-de-sac lots and thumbnail lots.
 - b. *Minimum Side Yard* - Ten feet (10'); equal to the front yard when abutting a street right-of-way.
 - c. *Minimum Rear Yard* - Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas - Management & Maintenance.** For any land and/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 land and/or facilities.
- (g) **Outside storage.** Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.3 SR-15, Suburban Residential-15 District

(a) **Purpose.** The Suburban-Residential-15 District (SR-15) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. Minimum Lot Area - Fifteen thousand (15,000) square feet

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

c. Minimum Lot Depth - Ninety feet (90')

d. Maximum Lot Coverage - Fifty percent (50%)

(2) Size of Yards:

- a. Minimum Front Yard - Thirty feet (30'); twenty-five feet (25') feet for cul-de-sac lots and thumbnail lots.
 - b. Minimum Side Yard - Ten feet (10'); equal to the front yard when abutting a street right-of-way.
 - c. Minimum Rear Yard - Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas - Management & Maintenance.** For any land and/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 land and/or facilities.
- (g) Outside storage. Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.4 SR-12, Suburban Residential-12 District

(a) **Purpose.** The Suburban-Residential-12 District (SR-12) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. Minimum Lot Area - Twelve thousand (12,000) square feet

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

c. Minimum Lot Depth - Ninety feet (90')

d. Maximum Lot Coverage - Sixty percent (60%)

(2) Size of Yards:

a. Minimum Front Yard - Twenty-five feet (25'); twenty feet (20') feet for cul-de-sac lots and thumbnail lots.

b. Minimum Side Yard - Ten feet (10'); equal to the front yard when abutting a street right-of-way.

c. Minimum Rear Yard - Twenty feet (20'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas - Management & Maintenance.** For any land and/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 land and/or facilities.

(g) Outside storage. Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.5 R-1, Single-Family Residential-1 District

- (a) **Purpose.** The Single-Family Residential-1 District (R-1) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) **Size of Lots:**
 - a. Minimum Lot Area - Eight thousand and eight hundred (8,800) square feet
 - b. Minimum Lot Width - Eighty feet (80')
 - c. Minimum Lot Depth - Ninety feet (90')
 - d. Maximum Lot Coverage - Sixty percent (60%)
 - (2) **Size of Yards:**
 - a. Minimum Front Yard - Twenty-five feet (25'); twenty feet (20') feet for cul-de-sac lots and thumbnail lots.
 - b. Minimum Side Yard
 1. Interior Lot: Seven feet and six inches (7'-6");
 2. Corner Lot:
 - a) Equal to the front yard when abutting a street right-of-way.
 - b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.
 - c. Minimum Rear Yard
 1. Twenty feet (20')
 2. Twenty feet (20') when adjacent to a thoroughfare or collector roadway if a ten-foot (10') landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f)
 3. Thirty feet (30') when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10') landscape reserve.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas - Management & Maintenance.** For any land and/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 land and/or facilities.

(g) Outside storage. Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.6 R-2, Single-Family Residential-2 District

- (a) **Purpose.** The Single-Family Residential-2 District (R-2) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) **Size of Lots:**
 - a. Minimum Lot Area - Seven thousand (7,000) square feet
 - b. Minimum Lot Width - Seventy feet (70')
 - c. Minimum Lot Depth - Ninety feet (90')
 - d. Maximum Lot Coverage - Sixty percent (60%)
 - (2) **Size of Yards:**
 - a. Minimum Front Yard
 1. Twenty-five feet (25').
 2. Twenty feet (20') for cul-de-sac lots and thumbnail lots.
 - b. Minimum Side Yard
 1. Interior Lot: Seven feet and six inches (7'-6");
 2. Corner Lot:
 - a) Equal to the front yard when abutting a street right-of-way.
 - b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.
 - c. Minimum Rear Yard
 1. Twenty feet (20');
 2. Twenty feet (20') when adjacent to a thoroughfare or collector roadway if a ten-foot (10') landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f).
 3. Thirty feet (30') when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10') landscape reserve.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas - Management & Maintenance.** For any land and/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 land and/or facilities.

(g) Outside storage. Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.7 R-3, Single-Family Residential-3 District

- (a) **Purpose.** The Single-Family Residential-3 District (R-3) is intended to permit the development of detached single-family dwelling units and appropriate desirable open space. The R-3 District should be located to provide a buffer between lower density residential and non-residential zoning districts.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) **Size of Lots:**
 - a. Minimum Lot Area - Six thousand (6,000) square feet
 - b. Minimum Lot Width - Sixty feet (60')
 - c. Minimum Lot Depth - Ninety feet (90')
 - d. Maximum Lot Coverage - Sixty percent (60%)
 - (2) **Size of Yards:**
 - a. Minimum Front Yard
 1. Twenty-five feet (25').
 2. Twenty feet (20') feet for cul-de-sac lots and thumbnail lots.
 - b. Minimum Side Yard
 1. Interior Lot: Seven feet and six inches (7'-6");
 2. Corner Lot:
 - a) Equal to the front yard when abutting a street right-of-way.
 - b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.
 - c. Minimum Rear Yard-
 1. Twenty feet (20');
 2. Twenty feet (20') when adjacent to a thoroughfare or collector roadway if a ten-foot (10') landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f).
 3. Thirty feet (30') when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10') landscape reserve.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas - Management & Maintenance.** For any land and/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 land and/or facilities.

(g) Outside storage. Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.8 R-4, Single-Family Residential-4 District

(a) **Purpose.** The Single-Family Residential-4 District (R-4) is intended to permit the development of traditional single-family homes and patio homes and appropriate desirable open space. The R-4 District should be located to provide a buffer between lower density residential and non-residential zoning districts.

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

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

(c) **Area Regulations.**

(1) **Size of Lots:**

- a. Minimum Lot Area - Five thousand (5,000) square feet
- b. Minimum Lot Width - Fifty feet (50')
- c. Minimum Lot Depth - Ninety feet (90')
- d. Maximum Project Coverage - Fifty percent (50%)
- e. Minimum Gross Site Area - Every residential tract that is developed for patio homes shall have a minimum gross site area of twenty-five thousand (25,000) square feet.
- f. Maximum Gross Site Area - Every residential tract that is developed for patio homes shall have a maximum gross site area of forty (40) acres.

(2) **Size of Yards:** (See Figure 2-1 on the following page.)

- a. Minimum Front Yard - Twenty feet (20')
- b. Minimum Side Yard

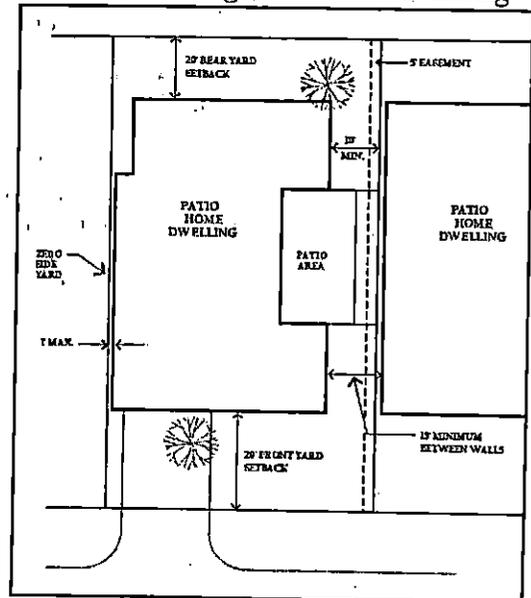
1. Interior Lot:

- a) Fifteen feet (15') on one side for the full depth of the lot; the alternate side may be zero feet (0') and shall be a maximum of one foot (1').
- b) A five-foot (5') wide maintenance, drainage, and roof overhang easement extending the full depth of the lot shall be designated along the side property line which abuts the zero side yard on an adjacent lot.

2. Minimum Building Separation:

The separation between two patio home dwellings, or between a patio home dwelling and any other type of principal building on an adjacent lot, shall be a minimum of fifteen feet (15') wall-to-wall.

3. Corner Lot:



- a) Equal to the front yard on the side abutting a street right-of-way or alley.
- b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.
- c. Minimum Rear Yard - Twenty feet (20')
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas - Management & Maintenance.** For any land and/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 land and/or facilities.
- (g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.
 - (1) In all areas where patio homes are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.
 - (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
 - (3) The minimum dimension of any common area shall be eighty feet (80').
 - (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
 - (5) Each required area of common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
 - (6) Facilities such as pedestrian ways and outdoor swimming pools may be included as part of the required common open space.
 - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space
- (h) Outside storage. Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.9 TH, Townhouse Residential District

- (a) **Purpose.** The Townhouse Residential District (TH) is intended to permit the development of attached townhouse units. The TH District should be located to provide a buffer between lower density residential and non-residential zoning districts.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) **Size of Lots:**
 - a. Minimum Lot Area - Three thousand (3,000) square feet
 - b. Minimum Lot Width - Thirty feet (30')
 - c. Minimum Lot Depth - Ninety feet (90')
 - d. Maximum Project Coverage - Fifty percent (50%)
 - e. Permitted Length for Attached Townhouse Units - A complex of attached townhouse dwelling units shall have a minimum length of three (3) dwelling units, and shall not exceed two hundred feet (200') in length or the width of six (6) attached units, whichever is less.
 - f. Maximum Gross Site Area - Every residential tract that is developed for townhouses shall have a maximum gross site area of forty (40) acres.
 - (2) **Size of Yards:**
 - a. Minimum Front Yard - Twenty feet (20')
 - b. Minimum Side Yard
 1. Interior Lot: Zero, except as noted below.
 2. Minimum Building Separation: Fifteen feet (15') for the ends of any two (2) adjacent building complexes or rows of buildings.
 2. Corner Lot:
 - a) Equal to the front yard when abutting a street right-of-way.
 - b) A minimum of fifteen feet (15') adjacent to a street and ten feet (10') adjacent to a rear yard.
 - c. Minimum Rear Yard - Ten feet (10')
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/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 land and/or facilities.
- (g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.

- (1) In all areas where townhouses are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.
- (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
- (3) The minimum dimension of any common area shall be eighty feet (80').
- (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
- (5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
- (6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.
- (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.

(h) **Single-Family Uses.** Any single-family development that occurs within the TH Zoning District shall meet the requirements of the R-3 Zoning District.

(i) **Outside storage.** Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.10 MF, Multiple-Family Residential District

(a) **Purpose.** The Multiple-Family Residential District (MF) is intended to permit the development of multiple-family (apartment) residences and associated uses. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and non-residential development or high-traffic roadways.

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. Minimum Gross Site Area - Every tract that is developed for multiple-family use shall have a minimum gross site area of twenty thousand (20,000) square feet.

b. Minimum Site Width - Every tract that is developed for multiple-family use shall have a minimum site width of one hundred twenty-five feet (125').

c. Maximum Project Coverage - Forty percent (40%)

(2) Size of Yards:

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

b. Minimum Side Yard

1. One-Story Building: Ten feet (10').

2. Buildings Over One-Story: Ten feet (10'), with an additional five feet (5') for each story thereafter.

3. Every part of a required yard or court shall be maintained as open space, provided that ordinary projections may extend into a side yard or court a maximum of twenty-four inches (24"). Also see Section 2.6.1.1(f)(2).

c. Minimum Rear Yard - Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).

(3) Maximum Number of Dwelling Units: Sixteen (16) dwelling units per gross acre of land used for residential purposes.

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

(e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas - Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.

(g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.

(1) In all areas where multiple-family units are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.

- (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
 - (3) The minimum dimension of any common area shall be eighty feet (80').
 - (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
 - (5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
 - (6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.
 - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
 - (8) The landscaped buffer required in this Subsection (n) below may be counted toward meeting this common open space requirement.
- (h) **Maximum Percentage of Efficiency Units.** A maximum of twenty-five percent (25%) of the dwelling units within a multiple-family development shall be efficiency units.
 - (i) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC. Screening elements shall be consistent in color and material with the multiple-family development.
 - (j) **Parking.** Parking shall be provided as required in Chapter 4, Article 2, Division 1 of this UDC.
 - (k) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
 - (l) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). The location of such containers shall be limited to the side or rear of the development, whichever has the least impact on the view from the adjacent roadway(s) and development(s).
 - (m) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area. Other landscaping requirements shall be provided in conformance to Chapter 4, Article 2, Division 2 of this UDC.
 - (n) **Adjacent to a Single-Family or Nonresidential Use or Zoning District.** When a multiple-family development is established on a tract of land that is adjacent to a single-family development, to property zoned for single-family use, to a nonresidential use, or to property zoned for nonresidential use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscape buffer may be counted toward other landscaping requirements, but shall not be counted toward landscaping required in the front yard area.
 - (o) **Single-Family Uses.** Any single-family development that occurs within the MF Zoning District shall meet the requirements of the R-3 Zoning District.

- (p) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MF Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.
- (q) **Outside storage.** Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.2.11 MH, Manufactured Home Park District

- (a) **Purpose.** The Manufactured Home Park District (MH) is intended to provide basic and uniform regulations and performance objectives to establish reasonable standards and safeguards to insure the safety, health and welfare of the occupants and users of manufactured home park areas. These requirements shall be used in conjunction with the other mobile/manufactured home regulations as set in Chapter 4, Article 2, Division 6 of this UDC.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) **Size of Lots:**
 - a. Minimum Gross Site Area - Every residential tract that is developed for manufactured home uses shall have a minimum gross site area of three (3) acres.
 - b. Minimum Site Width - Every residential tract that is developed for manufactured home uses shall have a minimum site width of one hundred fifty feet (150').
 - c. Maximum Project Coverage - Thirty percent (30%)
 - d. Minimum Site Depth - Every residential tract that is developed for manufactured home uses shall have a minimum site depth of two hundred fifty feet (250').
 - e. Minimum Lot Area - Six thousand (6,000) square feet.
 - e. Minimum Lot Width - Sixty feet (60').
 - f. Minimum Lot Depth - Ninety feet (90')
 - (2) Minimum Size of Dwelling Unit: Every dwelling unit in this district shall have a minimum floor area of six hundred (600) square feet.
 - (3) **Size of Yards:**
 - a. Minimum Front Yard - Ten feet (10')
 - b. Minimum Side Yard - Ten feet (10')
 - c. Minimum Rear Yard - Ten feet (10'); twenty feet (20') when adjacent to a thoroughfare or collector roadway (see Subsection (1) below).
 - (4) Maximum Number of Dwelling Units: Five (5) dwelling units per gross acre of land used for residential purposes.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.**
- (1) 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 feet (100') of each space. Wherever provided, storage facilities shall be constructed of non-combustible materials.
 - (2) Additional accessory buildings, including an office(s) for the manufactured home park, community facilities, house for the owner/manager of the manufactured home park, not exceeding ten percent (10%) of the gross site 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.

(3) Also refer to Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.

(g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.

(1) In all areas where a manufactured home park is developed, there shall be at least six hundred (600) square feet of common open space per dwelling unit.

(2) The minimum area of any common open space shall be six thousand (6,000) square feet.

(3) The minimum dimension of any common open space area shall be eighty feet (80').

(4) Each common open space area shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.

(5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.

(6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required open space.

(7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.

(8) The landscaped buffer required in this Subsection (m) below may be counted toward meeting this common open space requirement.

(h) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

(i) **Parking.** A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. Parking shall also be in conformance with Chapter 4, Article 2, Division 1 of this UDC.

(j) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.

(k) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). Such containers shall not be located within side or rear yard areas.

(l) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.

(m) **Adjacent to a Single-Family or Nonresidential Use or Zoning District, Adjacent to the Roadway.**

(1) When a manufactured home park is established on a tract of land that is adjacent to a single-family development, to property zoned for single-family use, to a nonresidential use, or to property zoned for nonresidential use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such

uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy.

(2) Along all roadways adjacent to a manufactured home park, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

(n) **Single-Family Uses.** Any single-family development that occurs within the MH Zoning District shall meet the requirements of the R-3 Zoning District.

(o) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MH Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.

(p) **Multiple-Family Uses.** Any multiple-family development that occurs within the MH Zoning District shall meet the requirements of the MF Zoning District.

(q) **Street Right-of-Way.** All streets within the site shall have a sixty-foot (60') minimum right-of-way to provide sufficient access for oversized vehicles. Such roadways shall be designed and constructed consistent with the City's standards for minor collector streets.

(r) **Mobile/Manufactured Home Space Improvements.**

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

(2) **Sanitary Facilities** - Refer to requirements within Section 4.2.6.7 of this UDC.

(3) **Anchoring Devices** - Each mobile home space shall be provided with tie-down anchors as provided by State and Federal Regulations.

(4) **Utilities** - All utility service shall be underground.

(s) **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.

(t) **Mobile Home Replacement.** A mobile home as defined herein is one that was constructed before July, 1976. A manufactured home as defined herein is one that has been constructed after July, 1976. Any mobile home that is deemed a legal, conforming use and that is in need of replacement shall only be replaced with a manufactured home constructed after July, 1976.

(u) **Outside storage.** Outside storage is not allowed within boxes, containers, trailers, and other structures except sheds that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

Section 2.4.3.1 SPD, Spectrum District

- (a) **Purpose.** The purpose of the Spectrum District is to provide a visually cohesive district that allows for diverse land uses within one overall District and to provide a zoning district that is consistent with the recommendations within the City's adopted *2004 Comprehensive Plan Update*. The Spectrum District is comprised of five (5) Sub-Districts that provide areas for these different land uses in a compatible manner. The requirements for development within each district are contained herein. The Sub-Districts are as follows:
- (1) District S1: The Beltway District: The S1 Sub-District is intended for nonresidential development that typically desires high visibility from major thoroughfares. Retail uses such as shops and restaurants should be the primary uses within this Sub-District. A "mall-like" setting, either indoor or outdoor, would be ideal for these locations. Pedestrian circulation should be a prime consideration. In addition, science and technology related office uses (also referred to as "tech-flex") and/or "Class A" office uses developed within a business park or corporate campus would also be appropriate. In addition, development should respect natural features such as creeks and drainageways by integrating such features into the overall design of the site(s).
 - (2) District S2: The Mixed Use District: The S2 Sub-District is appropriate for a variety of land uses, including hotels, a conference center/convention center, tourism-oriented uses, commercial, light industrial, and science and technology related uses. This wide variety of acceptable uses is intended to allow for optimum market flexibility for development within the S2 area. Any commercial and/or light industrial uses developed should be within a business park or corporate campus with buildings and parking situated such that a feeling of open space is created, and business activities should take place wholly within buildings. Development should also respect natural features such as creeks and drainageways by integrating such features into the overall design of the site(s). Walkability and pedestrian-orientation is important for this site due to its central location within the overall Spectrum District.
 - (3) District S3: The Mixed Use-High Density Residential District: The S3 Sub-District is intended for Traditional Neighborhood Design (TND), which is characterized by a vertical mix of nonresidential and residential uses, with retail and/or office uses on the ground floor and residential uses above. In addition, consistent with other areas of the Spectrum District, commercial, and light industrial science and technology related uses developed within a business park or corporate campus would also be appropriate within the S3 area. Compatibility with residential uses should be an important design consideration.
 - (4) District S4: The Light Industrial and Science & Technology District: The S4 Sub-District is intended for light industrial uses that may have some business activity that takes place outside and/or some outside storage of materials. To maintain the quality of the Spectrum District, however, such outside activity and/or storage should be screened. The S4 Sub-District should provide positive transition between development within the S5 Sub-District (discussed below) and the S2 Sub-District. Design guidelines should ensure that businesses provide an aesthetically pleasing view from the planned roadways.
 - (5) District S5: The Light & Heavy Industrial District: The S5 Sub-District is intended for light or heavy industrial development that may have outside business activity and

outside storage. Much of the development to the south and west of the Spectrum District area is characterized by heavy commercial and industrial businesses, and the S5 Sub-District should provide transition between these existing uses and the development within the S4 Sub-District. Design guidelines should be established to ensure that future development provides an aesthetically pleasing view from the planned roadways.

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

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

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Size - One (1) acre (43,560 square feet).
- b. Minimum Lot Width - One hundred feet (100').
- c. Minimum Lot Depth - Two hundred feet (200').

(2) Size of Yards:

- a. Minimum Front Yard - Fifty-five feet (55') along Kirby Drive; fifty feet (50') along Spectrum Drive; twenty feet (20') along all other roadways
- b. Minimum Side Yard - Twenty-five feet (25')
- c. Minimum Rear Yard - Twenty-five feet (25')
- d. Landscaped Buffer Permitted - The landscaped buffer required within the Spectrum District may be located within the required front yard area.

(d) **Exterior Materials Standards:** The front facades of all structures facing onto a thoroughfare or collector shall be a minimum seventy percent (70%) masonry, as defined in Subsection (1) below. The side facades of such structures shall be a minimum fifty percent (50%) masonry. The following materials meet the masonry requirements within the Spectrum District.

(1) Primary Exterior Materials:

- a. The primary exterior materials permitted shall be limited to the following:
 1. Brick Masonry
 2. Concrete Masonry Units
 3. Glass Block
 4. Pre-Cast Concrete
 5. Cast Stone (and stone veneer)
 6. Tilt-Slab
 7. Stucco
 8. Wall Panel Systems,
 9. Spandrel Wall Systems

(2) Coloration:

- a. All coloration of exterior materials shall conform to the Spectrum Materials Color Charts, available in the City's Planning Department and according to Section 2.4.5.1 (d) (3).

- b. Corporate trademark colors can only be used as accent colors and shall be limited to a maximum of one percent of the total exterior surface. Such colors may be applied to subordinate building elements (such as canopies, subordinate entry forms, and architectural details).
- (e) **Perimeter Fencing:** Perimeter fencing shall be used to provide security and/or visual separation of sites at individual property lines and shall meet the following requirements.
 - (1) Permitted Materials:
 - a. Solid masonry,
 - b. Stucco,
 - c. Wrought iron,
 - d. Living/landscaped screen,
 - e. Chain link when such fencing is not visible from any thoroughfare or collector and when such fencing is visually covered by live landscaping elements or screened with a living/landscaped screen.
 - (2) Standards: When a perimeter wall is used as a screening wall, it shall be a masonry wall.
 - (3) Prohibited Materials:
 - a. Barbed wire and similar materials (in quality and appearance),
 - b. Pre-engineered interlocking concrete systems,
 - c. Wood.
 - (4) Use & Location: Perimeter fences shall not enclose the yard space of any property between the building and Spectrum Drive or Kirby Drive. Fences fronting these roads shall not be closer to the street than the building line adjacent to the applicable street.
- (f) **Screening:** Screening shall meet or exceed the following requirements.
 - (1) Standards:
 - a. Required - Screening walls are required for the following:
 - 1. Service loading dock areas
 - 2. Outside storage
 - 3. Refuse and/or recycling areas and containers
 - 4. Mechanical and utility equipment areas
 - 5. Roof apparatus (including ventilation, HVAC, or other such equipment), which shall be completely screened from all sides by screening walls of the same material and color as the main building.
 - b. Height
 - a1. Detached screening walls shall be a maximum height of eight feet (8').
 - b2. Attached screening walls shall be a maximum height of fourteen feet (14').
 - c. Use - Gates for screening enclosures shall be solid metal on a metal frame, and shall be kept closed when the screened area is not in use.
 - (2) Materials & Characteristics:

- a. Materials - Screening walls that are attached to the primary structure shall be constructed of the same finish material as the dominant exterior material of the primary structure.
 - b. Detached Screening - Areas to be screened (except parking areas) that are detached from the primary structure:
 1. By a distance of more than thirty feet (30') shall be screened with masonry walls that conform to the masonry material standards of this Spectrum District.
 2. By a distance of more than fifty feet (50') may be screened with an evergreen landscape screen comprised of plant materials that form a one hundred percent opaque screen.
 - c. Parking Area Screening - Parking area screening shall be accomplished with a berm and/or planted edge of evergreen shrubs and trees. Berms used for parking lot screening shall not exceed four feet (4') in height and shall have a slope from the street of four feet (4') in height to one foot (1') in distance (4:1). The total parking lot edge concealed by drifts of planted shrubs shall not be less than seventy-five percent (75%).
 - d. Roof-Mounted Utility Equipment - Roof-mounted utility equipment shall be screened with a material that is consistent in color and finish of the structure upon which the equipment is located.
 - e. Variation of Screening Walls Required - All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length
- (g) **Landscaping Requirements.**
- (1) Landscape Buffer: The required minimum landscape buffer shall be provided along the street rights-of-way according to the following:
 - a. Along Kirby Drive - A minimum thirty-foot (30') landscape buffer shall be provided along the street R.O.W.
 - b. Along Spectrum Drive - A minimum twenty-foot (20') landscape buffer shall be provided along the street R.O.W.
 - c. Along State Highway 288 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
 - d. Along Beltway 8 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
 - e. Screening walls and parking areas shall not be located within this landscape buffer.
 - f. Retaining walls may be constructed along the perimeter of this landscape buffer.
 - (2) Berms: Berms shall only be located within the landscape buffer when they are used to screen parking areas. In such cases, berms shall have maximum slope from the street of four feet (4') in height to one foot (1') in distance (4:1).
 - (3) Retaining Structures: Retaining walls, planter walls, and other retaining structures shall be constructed of the same material as the primary on-site structure.

- (4) Natural Drainage: Natural drainage patterns shall be maintained where possible. Grass swales or storm sewer pipes shall be used in landscape areas. Open, concrete channels or flumes shall not be permitted.
- (5) Parking Lot Landscaping:
- a. Landscaping & Screening
 1. The requirements for landscaped areas herein may be met by one large landscaped area or by smaller landscaped areas throughout the parking area.
 2. Landscaped areas shall be provided at a ratio of twenty-five (25) square feet per space. Landscape areas shall not be provided such that areas are only around the perimeter of the parking lot.
 3. Landscape islands shall be a minimum of six feet (6') in width and one hundred and seventy (170) square feet in area, measured by the inside curb dimension.
 4. The design of landscaping areas shall allow a minimum clearance of four feet (4') between the front edge of the curb and the trunk of trees planted within such areas.
 5. Parking spaces shall be within one hundred feet (100') from a landscaped parking island.
 6. Parking area landscaping shall be designed with asymmetrical geometries that lend informality to the overall aesthetic; large landscape islands with varying geometries are preferred to a rhythmic pattern of a single small island every few spaces.
 7. Parking area screening shall conform to the requirements of subsection (f)(2)c. of this District.
 - b. Canopy Trees
 1. Canopy trees shall be provided at a ratio of one (1) canopy tree per three thousand (3,000) square feet of the total parking lot square footage.
 2. Canopy trees shall be planted within the landscaped areas (those required above). If sufficient space is not available within the landscaped areas, canopy trees may be located along the parking lot perimeter.
- (6) Street Landscaping: Along the street right-of-way frontage of any parcel and within the required landscape buffer, one (1) two-inch (2") caliper tree shall be planted for every fifty feet (50') of frontage. Trees may be clustered together, however, the number of trees required shall not decrease.
- (7) Detention/Retention Facilities: Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.
- (8) Irrigation: All landscape areas shall be properly irrigated.
- (h) Building Layout.
- (1) Primary Structures: Primary structures must have their most significant architectural elements facing the street.
 - (2) Outside the Required Landscaped Buffer: All structures located within the Spectrum District shall be located outside of the required landscaped buffer.

- (3) Structures With Loading Areas and/or Service Bays:
 - a. The loading areas and/or service bays of a structure shall be located to the side of the structure that does not face the roadway, with the following exception.
 - b. When any structure with loading areas and/or service bays is on a lot that consists of an entire block, bays that must face the street must not face the more major roadway. Major and minor roadways shall be identified on the Site Plan for the tract to be developed.
- (4) Accessory Structures: Accessory structures shall not be located in the front yard of any site unless such structures are intended as guard or other security structure.
- (i) Site Access.
 - (1) Access Within One Site: Adequate access from different areas within a site shall be provided such that vehicles are not required to enter the street to move from one area to another on the same site.
 - (2) Access From Site-to-Site: Adequate access between sites shall be provided such that vehicles are not required to enter the street to move from one site to another site; cross-access shall be required.
 - (3) General: Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (j) Parking.
 - (1) Parking Area Locational Requirements:
 - a. A ten-foot (10') landscape edge shall be provided between the parking area and the building. This requirement does not apply to loading/unloading areas.
 - b. Parking lots may be constructed within the building setback area, but shall not be constructed within the landscape buffer.
 - c. Parking structures shall not be constructed within the building setback area or within the landscape buffer.
 - (2) General: Parking shall be provided in conformance with Chapter 4, Article 2, Division I of this UDC.
- (k) Sidewalks. Sidewalks and pedestrian access shall be required for the development of all lots within the Spectrum District, and shall meet the requirements of Chapter 3, Article 2, Division 7 of this UDC.
 - (1) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of a public right-of-way. This easement may be within the required landscaped buffer.
 - (2) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the State Highway 288 frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.
 - (3) Construction Criteria: Construction criteria for the required sidewalk:
 - a. Minimum six feet (6') wide.

- b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
 - c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
 - d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
 - e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
 - f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- (4) Connection to the Building: A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. The connecting sidewalk shall be accessible, readily visible, and paved.
- (l) **Lighting.**
- (1) Uniformity: Standards, poles, and fixtures shall be a single color, uniform in design throughout the site. When development is adjacent to Kirby Drive and/or Spectrum Drive, lighting shall be uniform along the roadway(s).
 - (2) Prohibited Poles: Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.
 - (3) Height: Standards, poles, and fixtures shall be no taller than the height of the building being served.
 - (4) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
 - (35) Accent Lighting:
 - a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.
 - b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.
- (m) **Building Design.**
- (1) Building Form: All portions of a structure shall have a unified design treatment. For example, a structure with an office portion and a warehousing portion should be consistently designed such that the office portion is not visibly different on the exterior of the structure.
 - (2) Roof Form:
 - a. Roof-to-Wall Connections
 - 1. Roof-to-wall connections that replicate the qualities of residential or smaller scale construction are not permitted; therefore, residentially scaled overhangs and soffits are not permitted.

2. Flat roofs shall be concealed with a solid parapet. Building walls capped with a gravel stop are not permitted.
 - b. ~~Coloring~~ - Roof systems, other than flat roofs behind closed parapets, shall conform to the Roof/Metal Finishes Color Chart, available in the City's Planning Department.
 - e. Prohibited Exterior Treatment - No roof shingles are permitted (concrete, slate, asphalt, wood, asbestos, or clay) except for retail uses where such roofing is part of a corporate or thematic design.
- (3) Definition of Building Entrances:
- a. Recesses, Protected Doorway - The door for public access in to the structure shall be architecturally projected (or recessed) from the structure within an architectural expression of entry. The architectural variation shall conform with the guidelines set forth in Section 2.4.5.1 (d) (1) b.
 - b. Coordinated With Landscaping - All public entries into the structure must bear a relationship to the landscape development of the site. Pathways leading to the entry must be articulated within the landscape design, through the use of such devices as a widened pathway with accent planting, a plaza, or a water feature.
 - c. Pedestrian Relationship - Architectural devices such as decorative paving, banners, flags, sculptures, decorative walls, or other special architectural details of the building meant for the close view of the entry participant shall be used to enhance entrances.
- (n) **Retail Arcades/Canopies:** Retail uses shall provide pedestrian arcades or canopies in front of retail structures.
- (1) Arcades - Arcades shall:
 - a. Have a minimum dept of ten feet (10'),
 - b. Be supported by masonry columns clad with the same material as the dominant exterior material of the retail use behind, and
 - c. Be an extension of the architectural character of the retail spaces by having architectural tie ins such as bands, opening articulation, and/or rhythmic modulation of openings.
 - (2) Canopies - Canopies may be provided in lieu of arcades if the canopy maintains a pitched or curved roof form, has the same depth dimension as an arcade, and is supported by masonry supports clad with the dominant exterior material of the retail use.
- (o) **Glass.** Windows and other wall openings must be defined by function and structure and must be consistent in form, pattern, articulation, and color.
- (1) Reflective glass shall not be permitted; glass shall not have a reflectivity that exceeds twenty-seven percent (27%)
 - (2) Glass shall have a character of transparency. Tinted glass may be used, however, the tinting shall not reduce the light transmission to less than thirty-five percent (35%).
- (p) **Signage.**
- (1) General Standards: The following standards shall apply to all signs.

- a. Permitted Signs
 1. On-Premise Ground Signs, for the purpose of business identification
 2. On-Premise Building Signs, for the purpose of business identification
 3. On-Site Directional Signs
 4. On-Site Information Signs
 - b. Prohibited Signs
 1. Roof-mounted signs
 2. Signs extending above a roofline or parapet wall
 3. Signs attached to exterior glass
 - c. Unified Design - Signs within one development shall conform to a unified design.
- (2) Ground Sign Standards:
- a. One (1) ground sign shall be permitted for each site.
 - b. Sites with multiple street frontage shall be permitted one (1) sign per street frontage.
 - c. Signs shall be constructed of the same material as the site/building identified;
 - d. Signs shall be surrounded by a landscape bed(s) that extend a minimum of three feet (3') from the base of the ground sign structure
- (3) Building Signs:
- a. The total area of all building signs on the front facade of a structure shall be equal to a maximum of thirty percent (30%) of the total front façade area.
 - b. The total area of all building signs on facades other than the front façade (i.e., back and side facades) shall be equal to a maximum of 15% of the total front façade area.
- (q) Special Requirements by Sub-District.
- (1) Height: Permitted heights within the Spectrum District are as follows:
 - a. District S1, The Beltway District - Maximum of ten (10) stories
 - b. District S2, The Mixed Use District - Maximum of six (6) stories
 - c. District S3, The Mixed Use-High Density Residential District
 1. Maximum of six (6) stories for structures with nonresidential uses only
 2. Minimum of four (4) stories for structures with a mixture of residential and nonresidential uses
 - d. District S4, The Light Industrial and Science & Technology District - Maximum of four (4) stories
 - e. District S5, The Light & Heavy Industrial District - Maximum of four (4) stories
 - (2) Outside Storage: Outside storage is permitted within the S-4 Sub-District and the S-5 Sub-District, and shall be screened in accordance with the requirements of Subsection (f) of this Spectrum District.
 - (3) Residential Uses: Residential uses are permitted within the S3 Sub-District with the following requirements.
 - a. Setbacks - There shall be no front yard setback; the width of the required sidewalk (see below) shall provide adequate setback.

- b. Sidewalk - A sidewalk that is a minimum of eight feet (8') in width shall be provided along all street rights-of-way.
- c. Mixed Uses Required - Residential uses are permitted only as a component of a mixed use structure, wherein retail and/or office uses are located on the first and/or second floor of the structure.
- d. Common Open Space/Density - Shall comply with the open space/density requirements of the Multi-Family District (MF).

(4) Science & Technology Related Uses - Landscaping: All structures used for science, technology, and/or industrial buildings shall be required to have landscaping elements incorporated around a minimum of thirty percent (30%) of the perimeter; this calculation shall be made exclusive of loading areas not visible from a roadway.

(r) Utilities. All utility service lines shall be located underground. Above-ground lines are allowed only upon a determination made by the Planning Director that they will be adequately screened or obscured from view and that underground placement is not desirable.

(s) Cumulative, Conflicts. All standards set forth herein are cumulative in nature. Where properties contain more than one use, the requirements for each use shall be met. In areas where requirements set forth in existing Codes of the City of Pearland and/or in other regulations within this UDC and the requirements set forth within this Section 2.4.3.1 are in conflict, the more extensive/restrictive requirements shall be met.

Section 2.4.3.4 OT, Old Townsite District

(a) Purpose. The purpose of the Old Townsite District (OT) is to:

- (1) Promote good building and streetscape design.
- (2) Reinforce existing land use patterns and character.
- (3) Categorize area into zoning districts as per the UDC with modifications.
- (4) Promote downtown as a walkable, pedestrian friendly district.
- (5) Promote multiple types of development and uses.
- (6) Set forth general provisions and architectural regulations to ensure quality of streetscape and building construction.
- (7) Allow reduced parking ratios, shared parking and flexibility to encourage re-use of existing buildings.
- (8) Allow flexibility in building codes and façade requirements to encourage relocation and re-use of existing buildings.
- (9) Emphasize mixed uses and focus on the streetscape and public spaces to create pedestrian-friendly mixed-use developments.

(b) Proposed Zoning Districts. The OT is comprised of three zoning districts – Old Townsite General Business District (OT-GB), Old Townsite Single Family Dwelling District (OT-R), and Old Townsite Mixed Use District (OT-MU).

(1) Old Townsite General Business District (OT-GB)

a. Development Standards. All development standards of the General Business District (GB), Section 2.4.4.4 of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: For yards abutting Main Street and/or Broadway Street required front yard shall be determined by the existing street right of way. The minimum front yard required shall be such that the front setback line is at a distance of sixty feet (60') from the centerline of Broadway and/or Main Street. Zero feet (0') for yards abutting Main Street and/or Broadway Street with one hundred and twenty feet (120') right of way. Twenty-five feet (25') along other streets.

Minimum Rear Yard: Twenty feet (20'); Twenty-five feet (25') if abutting a residential zoning district; seven and a half feet (7.5') if abutting an alley.

Minimum Lot Width: Fifty feet (50')

Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

Maximum Height: None.

b. Permitted Uses. All uses permitted in the GB zone, Section 2.4.4.4 of the UDC with the following exceptions:

Uses permitted in GB zone permitted on all floors, but required on first floor even for parking structures unless institutional / governmental uses are proposed.

Residential on upper floors allowed by a Conditional Use Permit (CUP). Institutional / governmental uses permitted with City's approval by a CUP.

- c. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with Section 2.5.3.1 of the UDC with the following exceptions:
- Minimum Front Setback - Accessory building shall be located behind the front building setback line established by the primary building.
 - Minimum Side Setback - Five feet (5').
 - Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
 - Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
 - Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.
- d. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under section 3.2.11.1) or courtyard spaces are provided along the street.
- For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.
- e. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approvals from the City and in conformance with Development Guidelines specified below under Section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- f. **Outdoor Seating.** Outdoor seating for restaurants, may be permitted, as accessory and adjacent to the principal building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.
- g. **Parking.** On street parking shall be subject to the following:
1. No parking shall be permitted in the front yard.
 2. Non-residential uses in existing structures may be permitted to reduce by 50% the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.

3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
4. Stacked parking (parallel parking without the access aisle) for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area.
A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(2) Old Townsite Residential District (OT-R)

- a. **Development Standards.** All development standards of the Single Family Dwelling District (R-4), Section 2.4.2.8 of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: Twenty feet (20').

Minimum Rear Yard: Twenty feet (20'); seven and a half feet (7.5') if abutting an alley.

Minimum Lot Width: Fifty feet (50').

Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

- b. **Permitted Uses.** All uses permitted in R-4 district, townhomes and duplexes. All uses allowed in the OP district may be permitted with a Conditional Use Permit; all institutional uses allowed by a Conditional Use Permit.
- c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multi family developments and shall meet the following requirements:
In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common open space 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 counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').
- d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of Chapter 2.5.3.1 of the UDC with the following exceptions:

Minimum Front Setback - Seventy-five feet (75').

Minimum Side Setback - Three feet (3').

Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.

Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.

Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.

- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.

- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approval from the City and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.

- g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.

- h. **Parking.** On street parking shall be subject to the following:
 1. No parking shall be permitted in the in the front yard.
 2. Non-residential uses in existing structures may be permitted to reduce by fifty percent (50%) the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.
 3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
 4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(3) Old Townsite Mixed Use District (OT-MU)

- a. **Development Standards.** All development standards of the General Business District (GB) of the UDC shall apply, with the following exceptions:

Minimum Lot Area: Three thousand square feet (3000 sq. ft.)

Minimum Front Yard: Zero feet (0').

Minimum Rear Yard: Twenty feet (20'); seven and a half feet (7.5') if abutting an alley.

Minimum Side Yard: Five feet (5') for detached structures; 0 feet for attached structures

Minimum Lot Width: Fifty feet (50')

Reconstruction or development on narrower lots shall be allowed if the lot was in existence in its current configuration and under separate ownership from adjoining lots on or before July 10, 2006 (date of adoption of this ordinance).

Maximum Height: Forty feet (40') or 3 stories, whichever is lesser.

- b. **Permitted Uses.** All uses permitted in the Office and Professional District (OP), Townhouse Residential District (TH), and Single Family Dwelling District (R-4). Uses allowed in Multi Family District (MF) by a CUP
- c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multi family developments and shall meet the following requirements:
In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common open space 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 counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').
- d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of section 2.5.3.1 the UDC with the following exceptions:
Minimum Front Setback - Accessory building shall be located behind front building setback line established by the principal building.
Minimum Side Setback - Three feet (3').
Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.

- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property. feet (25') wide driveway to access the rear of the property.

- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with approval from City staff and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.
- h. **Parking.** On street parking shall be subject to the following:
 - 1. No parking shall be permitted in the in the front yard.
 - 2. Non-residential uses in existing structures may be permitted to provide 50% of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet parking the requirements of the UDC, unless specified herein.
 - 3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
 - 4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

(c) **Development Requirements**

All development requirements specified in the UDC will apply, with the following additional requirements and exceptions:

- 1. **Drive-Thru Facilities.** New drive-thru windows should not be located on the façade facing the primary streetscapes.
Drive-thru facilities shall not hinder pedestrian flow or adjacent buildings and their functions.
- 2. **Utilities.**

- a. For new building construction and significant building renovation (of over fifty percent of the value of the existing building and improvements) all utilities within the property shall be required to be underground. Only exception is if the utility is required to be above ground to operate properly.
 - b. All other utilities shall be required to be underground in accordance with the city's right of way management ordinance.
 - c. Location of above ground utility equipment shall avoid conflict with pedestrian movement and visually shield the equipment.
3. **Building Elevations.** Rear facing buildings and loading docks are prohibited on street facades for the following streets - Main, Broadway, Grand, Orange, Mykawa, Walnut, and Galveston.
 4. **Concealed Equipment.** All equipment shall be located in rear yards or otherwise screened. Equipment shall include AC compressors and window and wall units, electric and utility meters and boxes, irrigation and pump pools, permanent barbecues, satellite dish antennas less than forty eight inches in (48") in height or diameter, loading docks, service areas, trash disposal facilities and backflow devices. Antennas over forty-eight inches (48") shall require a CUP.
 5. **Projecting Façade Elements.** Projecting façade elements include awnings, canopies, balconies, colonnades and arcades. These shall be permitted on city streets after approval by the City and on TX DOT ROW, if permitted by TXDOT and approved by City. The following requirements shall apply:
 - a. Not to project closer than two feet (2') to the curb.
 - b. Eight feet (8') minimum clearance between sidewalk and bottom of awning or canopy; ten feet (10') minimum clearance between sidewalk and bottom of balconies, colonnades and arcades.
 - c. May project in public ROW if approved by the City.
 - d. Eight feet (8') minimum depth of sidewalk from building face to the inside column of colonnade or arcade.
 - e. Minimum two feet (2') between outer column face of colonnade or arcade and curb.
 6. **Façade Regulations.** Shall meet all requirements of the UDC, except that wood and hardy plank will be permitted for facades.
 7. **Transparency Requirements.** For non-residential facades facing public street, park, plaza or public space a minimum of fifteen percent (15%) of overall façade must be transparent. For non-residential, a minimum of twenty five percent (25%) of façade wall area is required to have store front windows on ground floor.
 For residential buildings (both single family and multi family) a minimum of 15% of façade is required to comprise of window area.
 A lesser percentage of transparency for overall façade or store front windows for all buildings may be permitted by a CUP.

Remodeling or repair of existing buildings may be exempt from these requirements. Any new addition or construction shall be required to comply with these requirements.
 8. **Windows, Skylights and Doors.** Windows, skylights and doors shall be oriented vertically for facades facing public areas including streets.

9. **Building Signs.** Projecting signs and awning signs shall be permitted in addition to wall signs upon approval by the City (Recommend Planning and Building Departments). Projections shall not be allowed on City right-of-way. All other requirements of the UDC regarding signage shall be applicable.
10. **Outdoor Activities or Uses.** No outdoor commercial activities or uses shall be permitted in any OTS District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.
 - a. **Outdoor Display and Outdoor Seating.** Outdoor display and outdoor seating in all districts within the Old Townsite may be permitted by a CUP.
 - b. **Outdoor storage and storage within containers or boxes not permanently affixed to the real property are allowed upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.**

(d) **Development Recommendations**

1. **Mixed Use Development.** Mixed uses are encouraged on each block. Active uses such as shopping or dining are encouraged on street.
 2. **Accentuate Primary Entrance.** Accentuate primary entrance (for both existing and new buildings) with architecture features such as:
 - o Art
 - o Breaking the building's rhythm
 - o Detail work
 - o Lighting
 - o Projecting façade elements
 - o Recessed entries
 - o Signage
 - o Shelter pedestrian as they enter and exit.
 - o Well lit entrances.
 3. **Response to Human Scale:** Developments are encouraged to address the scale of pedestrian, and create active storefronts by using lights, quality materials, and creative displays. Encourage lower floors to be architecturally different from but still compatible with the upper floors through level of detail and design.
 4. **Alleys and Side Streets.** Alleys and side streets are encouraged to be the primary access for parking lots and loading docks behind the building.
 5. **Landscape Features Permitted with City's Approval.** (Need to determine the official/board or staff responsible)
 - a. Flowerpots in street-scape.
 - b. Hanging baskets in new light poles.
 - c. Store owners to have option of creating planting beds.
 - d. City to work with property owners to place landscape features in appropriate places.
- (e) **Relaxation of Building Codes.** To encourage re-use, rehabilitation of existing buildings (built prior to adoption of this ordinance) and relocation of buildings into the area the Building Official

may approve relaxation of certain building codes as per the guidelines adopted by the City: *(Guidelines to be adopted by the City)*

- (f) **Non-conforming Buildings.** Buildings constructed prior to the adoption of this ordinance (if removed or destroyed due to any cause) can be rebuilt on either the existing footprint or per this ordinance. Buildings constructed after the adoption of this ordinance will be required to comply with this ordinance.
- (g) **Street Amenities.** The City will formulate a streetscape plan as per the recommendations of the Old Townsite Plan: *(This plan needs to be adopted)*. Once the standards have been adopted the property owner will be responsible for installation of street furniture (lights, benches, signs, tree lighting, etc.) when the property is developed. The streetscape guidelines may include - street amenities, pedestrian lighting, street furniture, public art and signage.
- (h) Unless specified herein under Section 2.4.3.4, all other requirements of the UDC will apply.

Section 2.4.4.1 OP, Office & Professional District

- (a) **Purpose.** The Office & Professional District (OP) is intended to permit a wide variety of business, professional and organization office needs of the community together with desirable associated uses.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) **Size of Lots:**
 - a. Minimum Lot Size - Twelve thousand and five hundred (12,500) square feet.
 - b. Minimum Lot Width - One hundred feet (100').
 - c. Minimum Lot Depth - One hundred feet (100').
 - (2) **Size of Yards:**
 - a. Minimum Front Yard - Twenty-five feet (25')
 - b. Minimum Side Yard - Ten feet (10')
 - c. Minimum Rear Yard - Ten feet (10')
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.**
- (1) No outdoor commercial activities or uses shall be permitted in the OP District without a temporary permit issued by the City's Building Official. ~~Refer to~~ pursuant to the City Building Code, unless expressly authorized herein.
 - (2) Outdoor storage and storage within containers or boxes not permanently affixed to the real property are allowed upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 4 of this UDC.
- (h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s).
- (j) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.

(k) **Adjacent to a Single-Family Use or Zoning District.** When an office/professional development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located within the required yard/setback area.

Section 2.4.4.2 BP-288, Business Park District-288

(a) Purpose. The Business Park District-288 (BP-288) is intended to permit large office complexes/campuses and retail development in locations with good visibility and roadway access; visibility and access are inherently provided by State Highway 288. These regulations are also intended to create high quality development that enhances the City's image as a desirable place to live, work, and shop.

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

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

(b) (c) Area Regulations.

(1) Size of Lots:

- a. Minimum Lot Size - One (1) acre (43,560 square feet).
- b. Minimum Lot Width - One hundred and fifty feet (150').
- c. Minimum Lot Depth - Two hundred feet (200').

(2) Size of Yards:

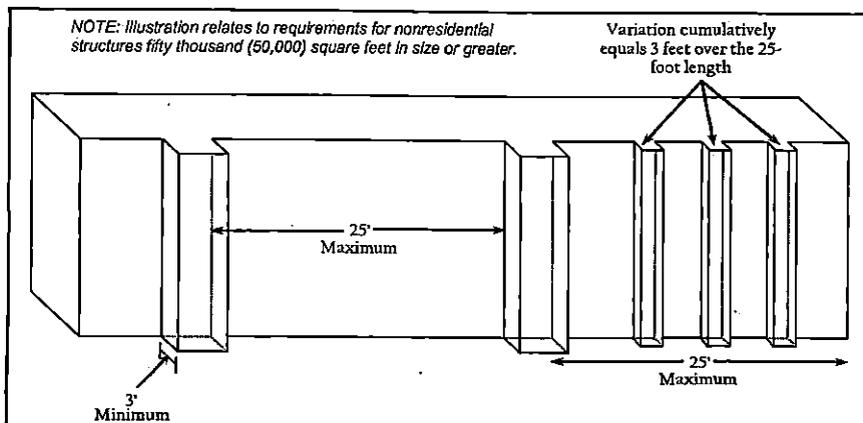
- a. Minimum Front Yard - Twenty-five feet (25')
- b. Minimum Side Yard - Twenty feet (20')
- c. Minimum Rear Yard - Twenty feet (20')

(d) Height Restrictions. No building shall exceed sixty-five feet (65') in height. Additional height may be approved through a Conditional Use Permit (CUP).

(e) Building Facade Standards. Requirements are applicable to all structures and facades visible from State Highway 288 except single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

(1) Building Articulation:

- a. Building articulation, as defined within Chapter 5 of this UDC, shall be provided as follows:
 1. All nonresidential structures fifty thousand (50,000) square feet in size or greater shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.
 2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for



every ten feet (10') in vertical or horizontal length.

- (2) **Building Materials:** Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.
 - (3) **Building Colors:** Façade materials shall not consist of colors classified by the City as fluorescent, iridescent, or dayglo.
- (e) **Detention/Retention Facilities.** Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.
- (f) **Lighting.**
- (1) **Uniformity:** Standards, poles, and fixtures shall be a single color, and shall be uniform in design throughout the site.
 - (2) **Prohibited Poles:** Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.
 - (3) **Height:** Standards, poles, and fixtures shall be no taller than twenty feet (20') in height.
 - (4) **Walkway Lighting:** Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
- (3) **Accent Lighting:**
- a. Uplighting shall be concealed or positioned to screen the light source from adjacent property and rights-of-way.
 - b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.
- (g) **Screening Standards.**
- (1) **Site Elements Required to Be Screened:** The following site elements shall be screened from the public view from State Highway 288.
 - a. **Mechanical and Utility Equipment**
 1. Screens shall be of a color and material that is consistent with the primary on-site building.
 2. Roof-mounted equipment may be screened with an architectural element that is an extension of the building on which it is located, such as a parapet wall.
 - b. **Vehicle Loading and Unloading Areas** - 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 seventy-five percent (75%) opaque.
 - c. **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.
 - (2) **Screening Elements Required:** All fences and walls visible from State Highway 288 shall be:

- a. Constructed of masonry or other materials approved by the Planning Director or his designee.
- b. Consistent in color and design with the building architecture.
- c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Residential Subdivision Fences:

- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
- b. Wood rail fencing shall be permitted for perimeter fencing for large individual residential lots and for large-lot residential subdivisions, which shall mean subdivisions with lot sizes of at least one-half acre in size.

(4) Variation of Screening Walls Required: All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length.

(h) Buffering Standards.

(1) Site Elements Required to Be Buffered: The following site elements shall be visually buffered from the public view from State Highway 288:

- a. Parking Areas - Outdoor parking areas located within one hundred feet (100') of the State Highway 288 right-of-way.
- b. Fuel Pumps - Fuel pumps located between the street and the building.
- c. Drive-Up Windows - Vehicle drive-up windows facing the street.

(2) Buffering Elements Required: Required buffering shall be a maximum of three feet (3') in height and shall be provided by one or more of the following:

- a. Freestanding masonry wall.
- b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming.
- c. Shrubbery having year-round foliage that is a maximum seventy-five percent (75%) opaque.

(3) Adjacent to a Single-Family Use or Zoning District: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

(i) Utilities. All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not be prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are noticeable shall be made by the Planning Director.

(j) Outdoor Activities or Uses.

- (1) No outdoor commercial activities or uses shall be permitted in the BP-288 District without a temporary permit issued by the City's Building Official. Refer to pursuant to the City Building Code, unless expressly authorized herein.
 - (2) Outdoor storage and storage within containers or boxes not permanently affixed to the real property are allowed upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (k) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.
- (l) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (c) (o) **Landscaping Standards.**
- (1) Minimum Percentage of Landscaping: A minimum of fifteen percent (15%) of the front yard area, or the yard adjacent to State Highway 288, as applicable, shall consist of landscaped open areas.
 - (2) Tree Requirements: Trees are required along State Highway 288 as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot, adjacent to State Highway 288.
 - a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.
 - b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.
 - c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
 - d. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.
 - e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.
 - (3) Required Interior Site Landscaping:
 - a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
 - b. No parking space shall be more than fifty feet (50') from a tree.
 - (4) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

Section 2.4.4.4 GB, General Business Retail District

- (a) Purpose. The General Business Retail District (GB) 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.
- (d) (b) Authorized Uses. The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (e) (c) Area Regulations.
- (1) Size of Lots:
 - a. Minimum Lot Size - Twenty-two thousand and five hundred (22,500) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and twenty-five feet (125').
 - (2) Size of Yards:
 - a. Minimum Front Yard - Twenty-five feet (25')
 - b. Minimum Side Yard
 1. Ten feet (10'), except as provided below.
 2. Twenty-five feet (25') if side yard abuts a residential zoning district.
 - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) Height Restrictions. No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) Outdoor Activities or Uses. In connection with any permitted use, there shall be allowed the incidental display of merchandise out of doors subject to the following limitations:
- (1) 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 feet (10'), 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. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.
 - (2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to one (1) event per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:

- a. That there is an adequate off-street parking area, approved by the City; and
 - b. 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 and will not obstruct the visibility along such streets.
- (3) No other type of outdoor activity or uses shall be permitted in the GB District without a temporary permit issued by the City's Building Official. ~~Refer to~~ pursuant to the City Building Code, unless expressly authorized herein.
- (4) Outdoor storage and storage within containers or boxes not permanently affixed to the real property are allowed upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC, and as specified below.
 - (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.
 - (h) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
 - (i) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
 - (j) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
 - (k) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.
 - (l) **Alcoholic Beverages.** 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 fifty percent (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 2.4.4.5 GC, General Commercial District

- (f) (a) **Purpose.** The General Commercial District (GC) is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage areas.
- (g) (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
 - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (h) (c) **Area Regulations.**
- (1) **Size of Lots:**
 - a. Minimum Lot Size - Twenty-two thousand and five hundred (22,500) square feet in area.
 - b. Minimum Lot Width - One hundred and fifty feet (150').
 - c. Minimum Lot Depth - One hundred and twenty-five feet (125').
 - (2) **Size of Yards:**
 - a. Minimum Front Yard - Twenty-five feet (25')
 - b. Minimum Side Yard
 1. Ten feet (10'), except as provided below.
 2. Twenty-five feet (25') if side yard abuts a residential zoning district or a public right-of-way.
 - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed outdoor activities or uses subject to the following limitations:
- (1) Except as provided below, out of doors display, storage and sale of merchandise, equipment and vehicles shall be permitted.
 - (2) Out of doors display, storage and sale of merchandise, equipment and vehicles shall not be permitted on property adjacent to a residential zoning district.
 - a. Such activities/uses shall be permitted on such property upon City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said activities/uses.
 - b. Outdoor storage and storage within containers or boxes not permanently affixed to the real property are allowed upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.
- (h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
- (j) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

Section 2.4.5.1 COD, Corridors Overlay District

(a) Purpose.

- (i) (1) The Corridors Overlay District (COD) is ~~to~~ intended to help the City 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.
- (j) (2) The Corridors Overlay District (COD) 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 COD 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 COD will continue to prevail.

(k) (b) District Boundaries. The COD standards apply to the future development and use of all land with lot frontage on either side of the street right-of-way along the following specified major thoroughfares:

- (l) (1) Pearland Parkway: Dixie Farm Road to northern City limits For the full length of the roadway within the City limits
- (2) Oiler Drive: SH 35 to Pearland Parkway For the full length of the roadway within the City limits
- (l) (3) McHard Road: SH 35 to Pearland Parkway For the full length of the roadway within the City limits
- (m)(4) SH 35: For the full length of the roadway within the City limits, except within the Old Townsite District
- (n) (5) Broadway Road: For the full length of the roadway within the City limits, except within the Old Townsite District
- (o) (6) Magnolia Road: For the full length within the City limits of the contiguous roadway known as Magnolia Road, County Road 59, Southfork Drive, and John Lizer Road within the City limits, except within the Old Townsite District
- (p) (7) Kirby Drive: For the full length of the roadway within the City limits
- (q) (8) Dixie Farm Road: For the full length of the roadway within the City limits
- (r) (9) Beltway 8: For the full length of the roadway within the City limits
- (s) (10) Bailey Avenue: For the full length of the roadway within the City limits
- (t) (11) Massey Ranch Road: For the full length of the roadway within the City limits

(c) Lot and Setback Standards.

- (1) The minimum front yard building setback adjacent to a specified major thoroughfare shall be twenty-five feet (25').

- (2) The minimum setback for all off-street parking, maneuvering and loading areas from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (3) The minimum setback for all screening walls and fences, including residential subdivision fences, from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (4) The minimum setback for any outside storage area (where permitted by the underlying zoning district) from the right-of-way line of a specified major thoroughfare shall be one hundred and fifty feet (150'), unless such area is screened to one hundred percent (100%) opacity with a screening wall that matches the primary on-site building or with live vegetation.
- (5) 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 fifty feet (50') of the high bank, whichever is greater, of a creek or other drainage way proposed as a linear park in the City's Park and Recreation Master Plan.
 - a. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.
 - b. The Parks Director may reduce the restriction herein upon a finding that the proposed construction is consistent with the Park and Recreation Master Plan or the Hike and Bike Master Plan.
- (6) Buildings, parking areas, or other visual obstructions shall not be located in any required visibility triangle.
- (u) (7) The required setback area as described above shall be landscaped, and shall meet the requirements of Subsection (g) of this Section 2.4.5.1.
- (d) **Building Facade Standards.** Requirements are applicable to any side of a structure that faces a thoroughfare listed in subsection (b), except for single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

(1) Building Articulation:

- a. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
 - 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.
- b. Building articulation shall be provided as specified in the following:
 - 1. All nonresidential structures fifty thousand (50,000) square feet in size or greater, except Public Educational Facilities, shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.

2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') in vertical or horizontal length.

(2) Building Materials:

- a. All structures shall conform to the requirements in Article 6, Division 2 of this chapter.
- b. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.
- c. A minimum twenty-five percent (25%) of an exterior wall facing the specified major thoroughfare shall be transparent, except for Public Educational Facilities, which are exempt from this requirement.
- d. 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 architectural design, color, and materials that are compatible or consistent with an overall theme, as determined by the Planning Director.

- (3) Building colors shall be provided in accordance with an approved color palette, available in the City's Planning Office. Window/door trim, fascia, soffit, or similar elements of the building façade are exempt from the color palette as long as the total area of those elements do not exceed twenty percent (20%) of the building façade for any side of the building.

- (e) Access and Off-Street Parking Standards. Access and off-street parking shall be provided in conformance with the City's Engineering Design Criteria Manual (EDCM).

(f) Bicycle Parking.

- a. Bicycle parking spaces shall be provided at an amount equal to a minimum of five percent (5%) of the required vehicular parking spaces.
- b. Bicycle parking shall be conveniently provided for all uses allowed in the following zoning districts: Office and Professional, Neighborhood Service, Business Park-288, General Business, and General Commercial.
- c. Each required bicycle parking space shall include a means to secure individual bicycles.

(g) Landscaping Standards.

- (1) Minimum Percentage of Landscaping in the Required Setback Area: A minimum of fifteen percent (15%) of the required setback area shall consist of landscaped open areas with a permeable surface.

- (2) Minimum Percentage of Landscaping Generally: A minimum of fifteen percent (15%) of the gross lot area shall consist of landscaped open areas.

- a. Landscaping elements shall be established along the outside (i.e., the side nearest the right-of-way) of all required screening elements (refer to Subsection (h) below).

- (3) Tree Requirements: Trees are required along all specified major thoroughfares as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot adjacent to the specified roadways:

- a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.
- b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage, except for Public Educational Facilities, which are exempt from this requirement.
- c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
- d. At the time of planting, a minimum of three feet (3') shall be provided between a tree trunk and the back of any curb and eight feet (8') between a tree trunk and any planned or existing underground public utility lines.
- e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.

(4) Required Interior Site Landscaping:

- a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
- b. No parking space shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. Public Educational Facilities shall be exempt from this requirement.

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

(6) Adjacent to a Single-Family Use or Zoning District: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area and may count toward (g)(1) above.

(h) Lighting Standards.

(1) Vehicular Circulation & Parking Areas:

- a. High pressure sodium or metal halide fixtures shall be used with no direct glare onto adjacent properties or public streets. The glare from such fixtures shall be shielded from adjacent properties and/or public streets.
- b. Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use.
- c. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site, and no taller than the height of the building being served.
- d. Creosote treated wooden poles are prohibited.
- e. 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.

(2) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.

(3) Accent Lighting:

- a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.
- b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(i) Screening Standards.

(1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from all specified major thoroughfares:

a. Mechanical and Utility Equipment

1. Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque.
2. Roof-mounted equipment shall be screened with materials that are one hundred percent (100%) opaque. Appropriate screening includes an extension of the wall, such as a parapet wall, on which the equipment is mounted.

b. Vehicle Loading and Unloading Areas

1. Screens shall incorporate shrubbery having year-round foliage and/or a wall or architectural element of the building that is a minimum of six feet (6') in height and is a maximum of seventy-five percent (75%) opaque.

c. Refuse, Refuse Containers, and Recycling Containers

1. Screens shall consist of a solid wall or architectural element of the building that is a minimum six feet (6') in height.

(2) Screening Elements Required: All screening walls visible from a public street shall be:

- a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.
- b. Consistent in color and design with the building architecture.
- c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:

- a. Greater than eight feet (8') in height.
- b. Located within any required visibility triangle.
- c. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:
 1. Barbed wire may be used solely to control livestock.
 2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins. Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely

coated by black or dark green vinyl, and shall also include one of the following features:

A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:

- (i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting;
- (ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or

B. masonry columns that are:

- (i) no less than twenty inches (20") in width and depth;
- (ii) at least twelve inches (12") taller than the adjacent chain link sections;
- (iii) spaced no further than twenty feet (20') apart;
- (iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and
- (v) constructed of materials similar in color, design, and architecture to that of the primary structure.

(4) All other fences within Public Educational Facilities shall be constructed of materials consistent in color, design, and architecture to the primary on-site structure.

(5) Residential Subdivision Fences:

- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
- b. If visible from a street right-of-way, fences shall be constructed of masonry materials. However, large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more, shall be permitted to be screened with wood rail fencing.

(j). Buffering Standards.

(1) Site Elements Required to Be Buffered: The following site elements shall be visually buffered from the public view from all specified major thoroughfares:

- a. Parking Areas - Outdoor parking areas that are visible from any street right-of-way.
- b. Fuel Pumps - Fuel pumps located between the street and the building.
- c. Drive-Up Windows - Vehicle drive-up windows facing the street.

(2) Buffering Elements Required: Required buffering shall be a maximum of three feet (3') in height shall be provided by way of one or more of the following:

- a. Freestanding masonry wall.
- b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming if unseen from the street.
- c. Shrubbery having year-round foliage.

(k) **Outdoor Activities or Uses.** The following shall apply when the incidental display of merchandise out of doors is permitted within the base zoning district.

(1) 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 feet (10'), 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. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.

(2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events On any property in the general business district, the temporary sale of goods in relation to special events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of religious the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to one (1) event per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:

- a. That there is an adequate off-street parking area, approved by the City; and
- b. 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 and will not obstruct the visibility along such streets.

(3) No other type of outdoor activity or use shall be permitted in the COD District without a temporary permit issued by the City's Building Official. Refer to pursuant to the City Building Code, unless expressly authorized herein.

(4) Outdoor storage and storage within containers or boxes not permanently affixed to the real property are allowed upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.

(k) **Sidewalk Standards.**

(1) Location: The required sidewalk along all specified major thoroughfares 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. Sidewalks shall not be required for development along Beltway 8 frontage roads.

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

(3) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the major thoroughfare street frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.

(4) Construction Criteria: Construction criteria for the required sidewalk:

- a. Minimum six feet (6') wide.
- b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.

- c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
 - d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
 - e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
 - f. Deviations from these criteria may be approved by the City Engineer for good cause, such as cases of unusual or unique topography or to preserve desirable natural features.
- (5) A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. This connecting sidewalk shall be accessible, readily visible, and paved.
- (l) **Utilities.** All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not be prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are prominent shall be made by the Planning Director.

Section 2.5.6.3 Residential Anti-Monotony Regulations

- (a) **Purpose.** Standards for addressing the issue of monotony in residential neighborhoods are set forth to promote the ideal of visually interesting residential areas. These standards are intended to encourage high-quality and innovative designs for the exterior of local homes and yard areas that in turn encourage viable neighborhoods of enduring aesthetic value.
- (b) **Applicability.**
- (1) Any and all requirements within this Section 2.5.6.3 shall apply to any residential subdivision plat hereinafter the adoption date of this UDC, the 27th of February, 2006.
 - (2) Any and all requirements within this Section 2.5.6.3 shall conform to the Texas Local Government Code provisions of Section 211.016, and shall not apply to any residential subdivision plat under the second anniversary of the later of the following:
 - a. The date the plat was approved; or
 - b. The date the City of Pearland accepts the subdivision improvements offered for public dedication.
 - (3) Only residential subdivision plats for townhome (but not duplex) developments and multiple-family developments shall be exempt from the requirements within this Section 2.5.6.3.
- (c) **Requirements Related to Residential Floor Plans.** Where the development application indicates a residential development comprised of seventy-five (75) or more lots, a minimum of eight (8) front facades must be utilized, and no single front facade shall be duplicated within four (4) lots or tracts.
- (d) **Varying Front Yards, Living Space Areas, & Garage Locations.** The following shall be applied cumulatively to residential developments with twenty (20) or more platted lots.
- (1) Front Yards Varied: Variations of the front yard setback shall be allowed such that a maximum of one-third (1/3) of the platted lots are permitted to decrease the setback a maximum of five feet (5').
 - (3) Garage Locations: A minimum of one-third (1/3) of the houses shall be arranged such that the garage is not the dominant visual architectural feature by incorporating at least one (1) of the following:
 - a. A garage that is detached from the house and is connected to the house with a breezeway or sidewalk.
 - b. A garage that is accessed from a driveway at the rear of the lot (i.e., back-entry).
 - c. A garage that is accessed from a side turn-in driveway at the front facade (i.e., j-drive).
 - d. A garage with a second story that is enhanced with windows, gables, or a porch

Section 3.1.1.3 Exemptions

(a) **Subdivision Plat Exemptions.** The following land divisions are exempt from the requirements of this article that apply to subdivision plats:

- (1) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
- (2) Use of existing cemeteries complying with all State and local laws and regulations;
- (3) A division of land created by order of a court of competent jurisdiction;
- (4) A division of land that results in the creation of two or more parcels, each of which is greater than five (5) acres inside the City limits, or each of which is greater than ten (10) acres within the City's extraterritorial jurisdiction for areas subject to an interlocal agreement between the City and the County, when each parcel has direct access to an existing public street, and no dedication of public facilities is required under this Unified Development Code in connection with the division; and

~~(5) Creation of a remainder tract.~~

(b) **Development Plat Exemptions.** The following development activities are exempt from the requirements of this article that apply to development plats:

- (1) Any development activity associated with a subdivision plat that conforms to the subdivision requirements set forth in this chapter;
- (2) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
- (3) Use of existing cemeteries complying with all State and local laws and regulations;
- (4) Bona fide agricultural activities;
- (5) Construction of agricultural accessory structures and related development activities; and
- (6) Construction of a single-family dwelling and related accessory structures and development activities on a lot for which a final or minor subdivision plat has been approved.

Section 4.1.2.6 Sign Permit

(a) **Purpose.** The purpose of a sign permit is to authorize the display, erection, rebuilding, expansion or relocation of any non-exempt sign authorized under the UDC.

(b) **Applicability.** A sign permit is required within the City limits for all non-exempt signs, and for off-premise signs in the City's extraterritorial jurisdiction.

(1) All signs, whether or not a sign permit is required under this section, shall comply with all other City Codes, including the Electrical and Building Codes.

(2) Electrical permits pursuant to the electrical code in the City's code of ordinances are also required for electric signs, except those designed to be plugged into an existing electric outlet.

(c) **Exemptions.** The following signs and activities do not require a sign permit:

(1) ~~Temporary window displays consisting of merchandise or posters. Signs authorized by Section 4.2.5.3 (b) (8).~~

(2) ~~Signs advertising the sale or lease of real property on which they are located. These real estate signs shall not exceed thirty two (32) square feet in area per sign face and shall not exceed six feet (6') in height above ground level. Signs authorized by Section 4.2.5.3 (b) (11) and erected on residential property.~~

(3) ~~Signs authorized by Section 4.2.5.5 (d) (1).~~

(4) ~~Signs authorized by Section 4.2.5.5 (d) (2) and erected on residential property.~~

(5) ~~Signs authorized by Section 4.2.5.5 (d) (3) c.~~

(6) ~~Signs authorized by Section 4.2.5.9.~~

(7) ~~Signs that were previously permitted and in existence before the effective date of this UDC.~~

(4) ~~Inflatable signs, including balloons, a maximum of twelve feet (12') in greatest dimension, limited to holiday related signs that are displayed for a maximum of thirty (30) days per display period and a maximum of five (5) display periods per year.~~

(5) ~~On premise temporary signs advertising new subdivisions or model homes when such signs do not exceed thirty two (32) square feet in area per sign face. A maximum of one (1) such sign per street frontage is permitted.~~

(6) ~~Signs facing the interior of athletic stadiums or fields or facing the exterior of athletic stadiums or fields operated by nonprofit organizations or governmental entities.~~

(7) ~~Unlit signs up to thirty two (32) square feet in area per sign face, on the premises of a governmental, religious, educational or other noncommercial institution, which function solely as community information signs and do not advertise a product or for profit service.~~

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

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

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

- (11) On site directional and informational signs not exceeding two (2) square feet.
- (12) One unlighted or indirectly lighted sign with names and/or street numbers so long as the area of such sign does not exceed one (1) square foot for each dwelling unit.
- (13) Bulletin boards not over sixteen (16) square feet per face in area for public, charitable or religious institutions when the same are located on the premises of such institutions.
- (14) One temporary construction sign denoting the type of business to occupy the premises, architect, engineer, financial institution, contractor, or other principal parties when placed upon the site under construction and not exceeding thirty two (32) square feet in area per sign face and not exceeding six feet (6') above ground level. One additional temporary sign not exceeding thirty two (32) square feet in area per sign face stating the opening date of the business, or a similar message (e.g., "coming soon", "grand opening", "now open", etc.) may be placed on site no sooner than six (6) months prior to the issuance of a certificate of occupancy.
- (15) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other non-combustible materials.
- (16) Signs that are displayed on vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business, that are located on moving vans, delivery trucks, trailers and other commercial vehicles; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in properly designated and paved parking spaces that are located in areas appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building(s) away from public traffic.
- (17) Signs displayed on a vehicle for the sole purpose of advertising the vehicle for sale, lease or hire.
- (18) Signs consisting of a plaque or historical marker commemorating a person, event, structure, or site.
- (19) Governmental signs.
- (20) Temporary signs customarily associated with a recognized national, state, local or religious holiday.
- (21) Signs on vending machines, gasoline pumps and amusement equipment pertaining to the function of the facilities.
- (22) Signs carried by humans.
- (23) Unlighted signs or electric signs plugged into an existing electric outlet, in first or second story windows provided that the signs do not exceed fifty percent (50%) of the window's size (window signs are included in the total on-premise attached sign calculation).
- (24) Flags, emblems and insignia of any governmental body, decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such and which do not exceed thirty five feet (35') in height and one hundred (100) square feet in area.
- (25) Signs announcing special events for nonprofit organizations and service groups. These signs may be posted up to fourteen (14) days prior to the subject event and shall be removed within five days after the event. Signs of this type posted on private property shall require the consent of the property owner. No such signs shall be posted on public property unless

the event is being sponsored by an organization partially or wholly funded by public funds or a governmental agency or being sponsored by a group or organization using publicly owned facilities. No such signs shall be allowed under any circumstances in a public right-of-way. These signs shall not exceed thirty-two (32) square feet in area per sign face.

- (26) On-site signs advertising the sale of fresh fruit, vegetables, or other produce grown and harvested on the same property on which the sale is to take place, as long as the fruit, vegetables, or produce has not been substantially altered. Substantial alteration includes, without limitation, cooking, canning, baking, and use in jams, jellies, preserves, and candies. These signs may only be displayed during those periods of time when the produce advertised is actually available for purchase. These signs must be constructed of durable, all-weather material, and may not exceed three (3) square feet in size. Only one such sign shall be allowed per two hundred feet (200') of property frontage on the street or right-of-way along which the signs are to be displayed.
- (27) Change in the sign copy on an existing sign or the replacement of a nonstructural panel or sign face within a fixed frame, provided that the change does not create an off-premise sign from a sign previously classified as on-premise, or vice versa.
- (28) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes.
- (29) Unlit political signs less than thirty-six (36) square feet in size and less than eight feet (8') in height, and in accordance with Chapter 216 of the Texas Local Government Code.
- (30) Builder/subdivision signs as permitted in Section 4.2.5.3.

(d) **Effect of Approval.** Approval of a sign permit authorizes the placement, construction, repair or other activity authorized by the permit in accordance with its terms.

(e) **Application Requirements.**

- (1) Responsible Official: The Building Official or his/her designee is the responsible official for a sign permit.
- (2) Contents: An application for a sign permit shall be prepared in accordance with application forms available in the Community Development Department.

(f) **Decision.**

- (1) Approval, Denial, Appeal: The Building Official shall either approve, conditionally approve or deny the application for a sign permit. If a variance petition has been submitted to the City Council, the Community Development Director shall suspend the Building Official's decision until after the petition is decided.
- (2) Time for Decision: The Building Official shall make a decision on the permit within five (5) working days after the official filing date, or, if a variance petition is pending, within five (5) working days of the date the Building Official is notified of the City Council's decision on the petition.
- (3) Amendments: After the approval of a sign permit, an applicant shall not be required to submit an amended application, if proposed amendments do not involve changes to the location, sign type, electrification or increase in size or height of the sign.

(g) **Appeal and Relief Procedures.**

- (1) Appeal: The applicant may appeal the Building Official's decision on a sign permit to the Zoning Board of Adjustment (ZBA) in accordance with Chapter 1, Article 3, Division 1. The Council shall decide the appeal in accordance with the same.
 - (2) Vested Rights Petition: The applicant may file a vested rights petition with the application for a sign permit. The petition shall be decided in accordance with the procedures in Chapter 1, Article 3, Division 3.
- (h) Criteria for Approval. The Building Official, or the City Council on appeal, shall decide whether to approve, conditionally approve or deny a sign permit application based upon the following criteria.
- (1) The application is consistent with any building permit required to establish the use to which the sign is appurtenant;
 - (2) The application conforms to the approved Site Plan for the land on which the sign is to be placed;
 - (3) The application conforms to any special sign standards contained in overlay districts or planned development districts authorized under Chapter 2 of this UDC.;
 - (4) The application meets the sign standards in Article 2, Division 5 of this Chapter 4.
- (i) Expiration. A sign permit shall expire within ninety (90) days of approval of the permit, if construction or other authorized activity has not commenced on the sign. If a sign permit is issued in conjunction with a building permit, the sign permit shall expire upon expiration of the building permit, and the sign must be completed at the time the structure is completed. If a conforming on-premise sign is removed for a period of six (6) months, a new sign permit shall be required.
- (j) Extension and Reinstatement. The Building Official may grant an extension of the expiration date or reinstate an expired sign permit for a period not to exceed one hundred and eighty (180) days pursuant to Chapter 1, Article 2, Division 5.

Section 4.1.3.2 Improvements ~~&~~ and Related Triggers

(a) **Required Improvements.** The following improvements required by this UDC shall be adhered to when an expansion triggers such improvements:

- (1) Facade Materials: As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.
- (2) Sidewalks: As required within the applicable zoning district (Chapter 2) and/or in Chapter 3, Article 2, Division II.
- (3) Parking: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 1.
- (4) Landscaping: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2.
- (5) Screening/Fencing: As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 3, Division 4.

(b) **Triggers.** Expansions to an existing property that meet the following shall trigger all of the improvements outlined in (a) above, unless otherwise specified:

- (1) Structure Square Footage: An expansion of a structure that is equal to or more than one thousand (1,000) square feet.
- (2) Structure or Property Value: An expansion or improvement of a structure that improves the appraised value of the structure or property by more than fifty percent (50%).
- (3) Parking Spaces Increase: An increase in the number of parking spaces equal to or more than twenty percent (20%). In this case, facade material requirements shall not be required.

(c) **Administrative Variance.** The Planning Director is authorized to relax the requirements imposed under subsections (a) (3) and (a) (4) by up to fifteen percent (15%), subject to the following conditions:

- (1) The following factors must, in the Planning Director's sole discretion, exist:
 1. the property has been vacant for at least six (6) months;
 2. the property has unique characteristics that make it unattractive to utilize in its current state or to redevelop; and
 3. due to the property's size or configuration, compliance with the parking and landscaping requirements made applicable by subsections (a) (3) and (a) (4) is impracticable.
- (2) The administrative variance shall not run with the land but instead shall expire upon change of ownership of the property, whereupon any requirement varied shall be treated under this UDC as a nonconforming use.
- (3) The triggering event under subsection (b) does not increase the square footage by more than fifteen percent (15%) or appraised value of the structure by more than sixty-five percent (65%).

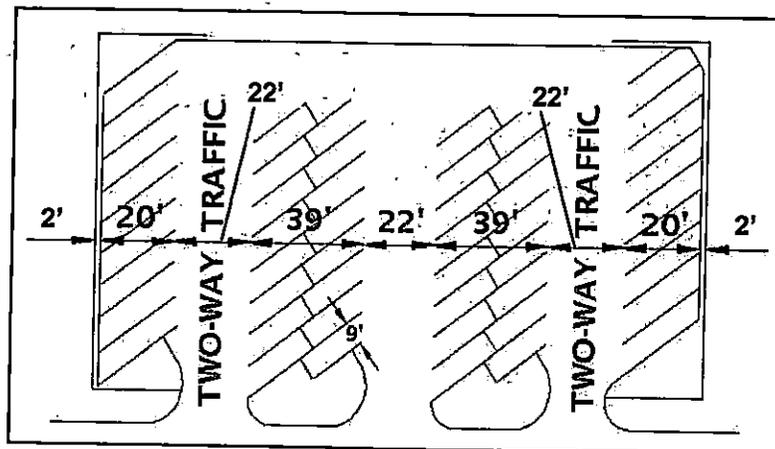
Section 4.2.1.3 Design & Construction Standards

- (a) **Public Street Parking.** A public street shall not be classified as off-street parking in computing the parking requirements for any use.

*Table 4-3
Required Parking Dimensions*

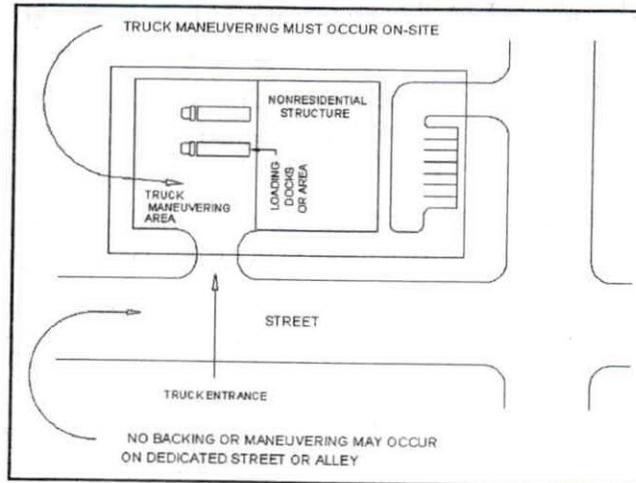
Parking Angle (degrees)	Stall Width (feet)	Aisle Length Per Stall (feet)	Depth of Stall Perpendicular to Aisle (feet)	Aisle Width (feet)	
				One-Way	Two-Way
0 parallel	8.0	23.0	8.0	12.0	24.0
30	9.0	18.0	16.8	11.0	22.0
45	9.0	12.7	19.1	13.0	22.0
60	9.0	10.4	20.1	18.0	23.0
90	9.0	9.0	18.0	24.0	24.0

- (b) **Truck or Bus Parking Areas.** Parking spaces used for the parking of trucks or buses shall not be counted toward meeting the requirements of this section.
- (c) **Fractional Spaces Resulting from Parking Calculations.** When the computation for the number of parking spaces required under this chapter results in the requirements of a fractional space, the fractional space requirement shall be satisfied by adding 1 additional space to the whole space total.
- (d) **Dimensional Standards.** All required or provided off-street parking areas shall be designed in accord with the following dimensional standards:
- (1) **Standard Parking Spaces:** A stall or area containing a rectangular space measuring no less than nine feet wide by 18 feet deep, except for parallel spaces which shall be a minimum of eight feet by 23 feet, in accord with the following dimensions or interpolation thereof for parking angles not indicated:



(32) Accessible Parking Spaces for Persons with Disabilities:

- a. Off-street parking spaces shall be reserved for the physically disabled in an amount not less than that required by the Americans with Disabilities Act accessibility guidelines.
 - b. Each parking space reserved for the physically disabled shall conform to the identification requirements of the state department of licensing and regulation promulgated under state law, and the design specifications enumerated in the Americans with Disabilities Act accessibility guidelines.
 - c. Current copies of both the state and federal regulations are available in the Department of Community Services.
 - d. State law offenses for improper use of parking spaces reserved for the disabled upon private property shall apply within the City. Any peace officer and the designated City official enforcing parking regulations may issue citations for improper use.
- (e) **Parking Spaces/Areas Serving Uses Other Than Single-Family or Duplex.** All parking areas and spaces serving uses other than single-family or duplex dwellings shall be designed and constructed so as to have free ingress and egress at all times and so that the perimeter of the parking area (lot) is bounded by a raised or ribbon curb(s).
- (f) **Parking Spaces/Areas Serving Residential Uses.** All parking areas and spaces required to serve residential uses shall be maintained such that they are open and accessible for parking use. In the case of a parking lot, it shall be designed and constructed so that the perimeter of the parking area (lot) is bounded by a raised or ribbon curb(s).
- (g) **Vehicles Backing Into Public Streets and Sidewalks.** No parking space or parking area shall be designed so as to require a vehicle to back into a public street or across a public sidewalk; ~~except in the case of one- and two-family dwelling units.~~ All maneuvering shall be on-site. All spaces adjacent to a property line shall have curbs or wheel stops to prevent vehicles from extending beyond the property line. Exceptions:
- (1) Parking for one- and two-family dwelling units; and
 - (2) Parking spaces or parking areas located within the Old Townsite may use adjoining public or private streets for maneuvering room, provided:
 - a. No parking space encroaches upon any right-of-way, public or private;
 - b. No parking space is located closer than ten feet (10') to a ROW intersection;
 - c. The design and construction of the parking spaces complies with the standards found in Section 4.2.1.3; and
 - d. Sidewalks are constructed between the parking spaces as allowed herein and all buildings on the property.



- (h) **Maneuvering Areas and Public Alleys.** When off-street parking facilities are located adjacent to an improved public alley, the width of the alley may be assumed to be a portion of the maneuvering space requirement.
- (i) **Off-Street Parking Facilities Not Required Herein.** When off-street parking facilities are provided in excess of minimum amounts specified in this division, or when off-street parking facilities are provided, but not required by this chapter, the off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space specified in this division.
- (j) **Paving of Parking Areas for Permanent, Principal Uses.** All required or provided parking areas for permanent, principal uses, including outdoor display areas for the sale or rental of vehicles, shall be paved according to City standards and specifications for all-weather surfaces as provided in this UDC. Parking lanes in parking lots must be clearly marked by paint, buttons, or other approved material, except that areas used solely for display of vehicles for sale or rental are not required to have marked parking lanes. Vehicle storage areas which are fenced or screened, and are not open to the public, are exempt from these requirements.
- (k) **Section 4.2.1.3 (k) Alternative Landscaping for Parking.**
On sites of one acre or more, when specifically requested by the owner, the Planning Director shall permit not more than 25 percent of required parking spaces to be maintained in landscaped open space until the property owner desires to increase the number of parking spaces or until 90 percent of the parking spaces are observed occupied at any three (3) times during any consecutive sixty (60) day period, whichever is earlier, at which time the Planning Director shall require construction of additional parking spaces. Such additional spaces shall be constructed within six (6) months of the date of the written notice by the Planning Director. All open space and landscaping requirements shall be based on the maximum required number of parking spaces, rather than the reduced amount shown here.
- (l) **Pedestrian Lanes.** When a parking area is designed to accommodate more than one hundred (100) vehicles, and where a majority of the parking spaces are not located next to a building walkway at the perimeter of the building, there shall be provided separate, marked pedestrian walkways to enable pedestrians to safely transit the parking area with minimum

hazard. Such walkways shall have a clear width of not less than four feet (4'), exclusive of any vehicle overhang where head-in parking adjoins the walkways.

(lm) **Dead Ends and Turnaround Space.** No parking area serving a use other than single-family or duplex dwellings shall be designed or constructed which ends in a dead end, unless turnaround space of at least nine feet in depth is provided.

(mn) **Entrances and Exits.** All entrances or exits to a parking area shall be designed and constructed in accordance with Chapter 3, Article 2, Division 7 (Driveways).

(no) **Setback Required.** All parking areas or parking spaces serving uses other than single-family or duplex dwellings shall be set back a minimum of two feet (2') from any public right-of-way.

(op) **Lighting.** Any lighting used to illuminate any off-street parking area shall be designed and constructed so as to be reflected downward and away from any adjoining property or street.

(pq) **Nonconforming Uses and Structures.** Any use of property existing at the time of adoption of these regulations and standards that does not conform with the regulations and standards prescribed in this division shall be deemed a nonconforming use and subject to the terms and conditions of Chapter 2, Article 7 of this Code. When any nonconforming structure is structurally altered, adequate parking spaces which meet the requirements of the regulations and standards adopted in this section shall be required for the entire structure and use.

(qr) **Issuance of Occupancy Permit(s).** No occupancy permit shall be issued until the terms and conditions of this chapter have been met, as approved by the Building Official.

Section 4.2.1.6 Off-Street Parking Lot Construction – All-Weather Surface

(a) All-Weather Surface for Parking Areas.

- (1) Portland Cement Concrete: This off-street parking lot surface shall consist of a pavement or base of Portland cement concrete, with or without monolithic curbs, constructed as specified in this section on the prepared subgrade or other base course in conformity with the thickness and typical cross sections shown on plans and to the lines and grades established subject to approval by the City Engineer. Alternative pavement materials may be used for parking surfaces upon approval of the Building Official and the City Engineer. The paving material or concrete shall be considered of satisfactory quality if it meets the following:
 - a. It is designed with the intention of producing a minimum average flexural strength (modulus of rupture) of 650 pounds per square inch at the age of seven days using a standard testing machine in which the load is applied at the center of the beam span; the coarse aggregate factor shall not exceed 0.85; unless otherwise shown on the plans, the concrete shall contain not less than five sacks of cement per cubic yard of concrete; the water-cement ratio shall not exceed 6.25 gallons/sack; concrete specimens shall be prepared, cured and tested as outlined in the state transportation department bulletin G-11; and the number of tests required shall be in accordance with the guide schedule of minimum sampling and testing requirements; and
 - b. It is mixed, placed, finished and cured in accordance with standard requirements utilized in proper concrete construction.
- (2) Concrete Structure: The slabs shall consist of a minimum of five inches (5") of concrete, reinforced with a six-inch by six-inch by ten-gauge wire mesh placed two inches above the prepared subbase or base material.
- (3) Hot-Mixed Asphaltic Concrete:
 - a. An asphaltic concrete surface shall consist of a base course, a leveling-up course, a surface course or any combination of these courses as shown on the plans, each to be composed of a compacted mixture of mineral aggregate and asphaltic material. The pavement shall be constructed on the previously completed and approved subbase, base or existing pavement (asphaltic or Portland cement) as specified in this division and in accordance with the construction plans.
 - b. The mineral aggregate shall be composed of a coarse aggregate and a fine aggregate bound together by asphalt cement or oil asphalt. The grade of asphaltic material shall be type D of either hot mix-hot lay or hot mix-cold lay variety. The application for surface pavement shall be no less than four inches (4") thick after proper compaction. The contractor shall notify the City Engineer of the source of the asphaltic material prior to the start of the project, and the source will be subject to the Director's approval.
 - c. Proper compaction shall be attained to the satisfaction of the City Engineer through utilization of specified rollers or other approved rollers.
- (4) Masonry Paving Units: Pervious or impervious masonry paving units shall be installed and maintained according to the manufacturer's recommendations for the anticipated traffic load. Masonry paving units shall not be used without obtaining a permit from the Building Official based upon review of construction plans and specifications,

provided that no separate permit for the use of masonry paving units is required when the use is in connection with a building permit for construction activity on the same lot.

- (5) Other Pervious Materials: Pervious materials may be used upon approval by the City Engineer.

Section 4.2.4.1 Screening

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

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

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

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

- a. The nonresidential or multiple-family use shall construct an opaque screening wall a minimum of six feet (6') in height, but not to exceed eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition. Any sections of this Code concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or throughway.
- b. There shall be a 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses. The requirement may be reduced to 15 feet if the nonresidential use is an office/professional use.
- c. Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Building Inspection Division for analysis to determine whether or not:
 1. The screen will withstand the pressures of time and nature; and
 2. The screen adequately accomplishes the purpose for which it was intended.
- d. The Building Official shall determine if the buffer meets the requirements of this section.

(3) Any required landscaping (refer to Division 2) shall be placed on the residential side of any required screening wall. If the screening wall exists previous to the development of the nonresidential or multiple-family use (as applicable), required landscaping may be placed on the nonresidential or multiple-family (as applicable) side of such wall.

(b) **Parking Area Screening Along Major and Secondary Thoroughfares.** Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares when nonresidential parking areas are located on the nonresidential lot such that they are adjacent to such roadways (i.e., there is no building between the parking area and the lot line adjacent to the roadway). In such case, parking areas shall be screened by a continuous hedge of shrubs that are 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) Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).

- (1) Requirement Criteria: Where residential subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to a major or secondary thoroughfare roadway as described in Chapter 3, or are separated from such

thoroughfare by an alley, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

- (2) Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may be considered include:
 - a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;
 - b. A combination of berms and living/landscaped screening;
 - c. A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or
 - d. Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.
- (3) Time Required for Opacity: Any required screening device shall be, or shall achieve, at least six feet in height and at least ninety percent opacity within three years of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with Division 2 and/or Division 3 of this article.
- (4) Maintenance Easement: A wall/screening maintenance easement at least five feet in width shall be dedicated to the City or to a property owners association on the private lot side and adjacent to the entire length of the screening wall or device.
- (5) Installation: The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with Division 2 and/or Division 3 of this article. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of this Unified Development Code, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.
- (6) Design of Walls: All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City Engineer. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.
- (7) Height of Screening: The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than eight feet. Decorative columns, pilasters, stone caps, sculptural elements, and other similar

features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view.

- (8) Other Easements: Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any other applicable utility provider(s).

(d) **General Screening.**

- (1) The following requirements shall be in addition to the foregoing landscaping and planting requirements:
- a. All loading spaces and docks, outside storage areas including open storage, storage in containers and boxes not designed to be permanently affixed to real property, refuse containers/areas, mechanical and electrical equipment, and the rear of nonresidential uses/structures on double frontage lots, must be screened from view from the street or public rights-of-way and adjoining properties.
 - b. Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Also, in the case of roof-mounted mechanical equipment, parapet roof structures are approved for screening such equipment.
 - c. If a nonresidential use is adjacent to a residential use other than multiple-family, such nonresidential use shall be screened in accordance with Section 4.2.4.1(a) and shall include a vegetative buffer.
- (2) If screening is required, it shall be of sufficient height and opacity to completely obscure the activity, structure, or use.

Section 4.2.4.2 Screening for Utility Support Structures and Stations

- (a) **Applicability.** This section shall apply to all utility support structures or stations located on private property regardless if there is an easement or other form of agreement between the utility company or property owner.
- (b) **Support Structures and Stations Defined.** These shall include, but not be limited to, any switching equipment, lift stations, pipe valves connected to pipes above ground, boxes or cabinets, cabling equipment or wiring above ground, transmitting equipment, control rooms, control cabinets, etc. Utility poles and transformers and like appurtenances attached to utility poles more than ten feet (10') above the ground are not considered a support structure or station.
- (c) **Regulations.** A utility support structure or station located on private property or outside a public street right of way must have proper screening. The construction or modification of an existing utility support structure or station equal to more than fifty percent (50%) of its value or area, must provide screening meeting one of the following:
- (1) Eight foot (8') high masonry fence with up to a maximum of four-foot (4') long sections of wrought iron or similar style fencing material to allow for security. For walls or sides that have over fifty percent (50%) masonry as a component (not counting the gate) no landscaping would be required on that side. The gate may or may not be sight bearing, but would need to be wrought iron or metal in a neutral or natural color - not gray or steel. All drives and work areas will be paved with concrete within the area under the utilities control.
 - (2) Wrought iron fencing or substantially similar style, eight feet (8') high, with gate similar in style to the fencing shall be permitted, but shall require a concrete slab over the entire area under the utilities control including the drive or access to the support structure or station.
 - (3) Opaque or near-opaque live vegetative screening year-round from the ground to a height of at least eight feet (8') at installation along the boundary lines of the easement or area containing the utility facilities or apparatus. The screening shall provide a minimum of fifty percent (50%) screening during the growing season. The planting shall be a minimum of eight feet in height at a spacing of at least four feet (4') on center.
 - (4) A self-contained masonry building that houses the equipment, provided the structure is constructed consistent with the appearance of surrounding businesses or homes in the area in which it is located. Factors affecting appearance shall include, but not be limited to, pitched shingle roofs, façade articulations, color scheme, and architecture trim.
- (d) **Alternative.** If the utility company does not wish to install the screening as outlined, it may seek in its application for a conditional use permit, and submit its an alternative plan for providing proper screening.
- (e) **Exceptions.** The following two conditions exempt certain equipment from the above requirements ~~or~~ and the requirement to obtain a Conditional Use Permit (CUP):
- (1) Where no more than two support structures and/or stations as defined above are within fifty feet (50') of each other, are located within a common public utility

easement, and each structure or station is located on a concrete pad with the dimensions of the structure being no larger than six feet (6') in height, four feet (4') deep, and seven feet (7') wide and is located at least fifty feet (50') from the edge of a public street surface.

- (2) Pedestals, cabinets, or similar equipment structures when the structure is less than three feet (3') in height, covers less than six (6) square feet, and is located in a common public utility easement, but is partially hidden from public view from a public street by landscaping, building, or fencing, as deemed appropriate by the Director of Planning or designee.

Section 4.2.5.1 General Standards & Requirements

- (a) **Applicability.** All signs shall be erected, displayed, altered and reconstructed in conformance with this division. Where the requirements of this division for a particular sign are different than comparable requirements contained in any other law, ordinance or regulation, the requirements and standards that are more restrictive shall apply. Special sign standards apply within the Spectrum and Old Townsite zoning districts, as outlined in the applicable sections of Chapter 2.
- (b) **Exempted Signs.** See Section 4.1.2.6.(c) for all signs exempt from the requirements to obtain a sign permit.
- (c) **Prohibited Signs.** The following signs are expressly prohibited:
 - (1) Signs having any visible part that moves, swings or rotates, except for banners and flags, and swinging signs up to ten square feet in area constructed of rigid material hanging by hinges or other flexible connection.
 - (2) Signs emitting odor, visible matter or audible sound.
 - (3) Permanent portable signs (temporary portable signs are regulated by Section 4.2.5.45).
 - (4) Inflatable signs and balloons, except as allowed in Section 4.2.5.45.
 - (5) Portable signs.
 - (6) Signs attached to a mobile structure, such as a vehicle or trailer used as an on-premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service.
 - (7) Signs, papers, other materials, or paint, stenciling, or writing of any name, number (except house numbers), or other marking on any sidewalk, curb, gutter, street, utility pole, trees, public building, fence or structure unless authorized by this UDC.
 - (8) Signs illuminated to any intensity greater than two hundred (200) lamberts. The restrictions of luminance shall be determined from any other premise or from any public right-of-way other than an alley. Lights shall be shielded to prevent the source of lighting from being directly visible from residential property.
 - (9) Sign, or any portion thereof, erected upon or over public right of way or public property, except as specifically authorized by this UDC. Unauthorized signs located upon or over public rights of way or public property may be immediately removed by the City Building Official or designee.
 - (10) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated; or have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, scrolling or changing message by means of lights or illumination are prohibited except as provided in Section 4.2.5.3.
 - (11) Signs and advertising devices which produce noises discernible from more than one hundred fifty feet (150').
 - (12) Signs in a floodway zone without the approval of the Floodplain Administrator or designee.

- (13) Off-premise signs, unless erected as part of a City-adopted signage program or specifically authorized by this UDC.
 - (14) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character that would offend public morals or decency.
 - (15) Signs placed on the side or rear of any building or property when such signs face upon a contiguous residential area.
 - (16) Signs containing or having attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except in accordance with Section 4.2.5.45.
 - (17) Freestanding signs, as defined in Chapter 5 of this UDC.
- (d) **Location Requirements.** All signs are subject to the following general location requirements:
- (1) No sign shall be maintained at any location where it may interfere with the view of or be confused with any traffic control sign or signal.
 - (2) No sign shall be located on or project over public property, a street right-of-way, or a public utility easement, except governmental signs, bench signs, subdivision identification signs, temporary banner signs and permitted signs in the Old Townsite (zoning) District.
 - (3) All signs shall maintain a clearance of at least eight feet (8') when located over a public sidewalk and at least twelve feet (12') when located over a driveway.
 - (4) No sign, except a governmental sign or a single ground sign, shall be located within a sight triangle.
 - (5) Only signs required in the interest of public safety and direction may occupy a required off-street parking or loading space or obstruct any driveway or sidewalk.
 - (6) New signs and signs being structurally altered shall maintain clearance from the public utility facilities, shall not substantially interfere with drainage and shall not be located in a utility or drainage easement. Signs shall maintain ten feet (10') of vertical and horizontal clearance from all electrical lines
 - (7) Only governmental signs or temporary holiday signs may be located on the roof of any building or accessory structure.
 - (8) Signs are permitted on sidewalks only within the Old Townsite District provided that a minimum path of five feet (5') in width remains clear of any obstacles.
 - (9) No on-premise free standing sign shall be located within seventy-five feet (75') of another on-premise free standing sign on the same side of the street or highway.
 - (10) A non-commercial sign, as defined in Chapter 5 of this UDC, shall be permitted wherever a commercial sign is allowed under this division, except as otherwise expressly provided herein.
- (e) **Abandonment.**
- (1) Freestanding signs and ground signs which no longer advertise a bona fide business conducted, or a product sold, on the premise containing the sign are subject to removal on the first anniversary of the date the business, person or activity that the sign identifies or advertises ceases to operate on the premises. If the premises containing

the sign is leased, the sign is subject to removal on the second anniversary of the date that the most recent tenant ceases to operate on the premises.

- (2) The Building Official or designee shall give written notice to the owner of the premises containing the abandoned sign to remove the sign within ninety (90) days after notification is received. In the Building Official's (or designee's) sole discretion, he or she may require that the owner of the premises containing an abandoned ground sign to install blank faces on the ground sign in lieu of removal.
- (3) Upon the owner's failure to comply with the instructions of such notice within the time specified in such order, the Building Official or designee 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.

(f) Construction & Maintenance Standards.

- (1) Compliance With Codes: All permanent signs shall comply with the City building and electrical codes.
- (2) Certification Required: The design of all permanent signs requiring a sign permit shall be certified by a professional engineer for structural integrity.
- (3) Electric Signs: Electric signs shall have an accessible disconnect switch and shall be labeled to indicate the voltage and amperage of electrical circuits connected to the sign.
- (4) Maintenance Required: 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 (in accordance with Section 4.2.5.7) if the owner of the sign or person in charge thereof fails to make such repairs within thirty (30) days of notice of deficiencies from the Building Official or designee.
- (5) Safety Hazard: A sign determined to be a hazard to public health and safety shall be subject to enforcement under Section 4.2.5.7 of this division.

Section 4.2.5.3 On-Premise Ground Signs

- (a) **Applicability.** An on-premise ground sign shall be permitted only on lots with one (1) use or business. A multi-tenant sign shall be required on lots with more than one (1) use or business in conformance with Section 4.2.5.4.
- (b) **Standards.** Permanent on-premise ground signs are subject to the following standards:
- (1) **Number Allowed:** The number of on-premise ground signs on one (1) site is limited to one (1) per street frontage of at least one hundred feet (100'). The following are not counted in this limitation:
 - a. Additional directional signs up to two (2) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,
 - b. Subdivision, Builder, or Model Home Signs as described in (b) (5).
 - c. Subdivision identification signs as described in accordance with this division (b) (6).
 - d. For Sale/Lease signs as described in (b) (8).
 - e. Construction signs as described in (b) (9).
 - f. Business Opening signs as described in (b) (10).
 - g. Holiday signs as described in (b) (11).
 - h. Special event signs as described in (b) (12).
 - i. Marquee signs as described in (b) (13).
 - j. Government signs as described in (b) (14).
 - (2) **Maximum Height:** The maximum height of any on-premise ground signs shall not exceed eight feet (8') (refer to *Figure 4-6* on the following page). The portion of the base of the sign within two feet (2') of the grade of the ground shall not be included in the height calculation.
 - (3) **Maximum Sign Area:**
 - a. The maximum effective sign area per side per sign shall not exceed the following:
 1. MF, MH and OP zoning districts – thirty-five (35) square feet;
 2. NS zoning district – fifty (50) square feet;

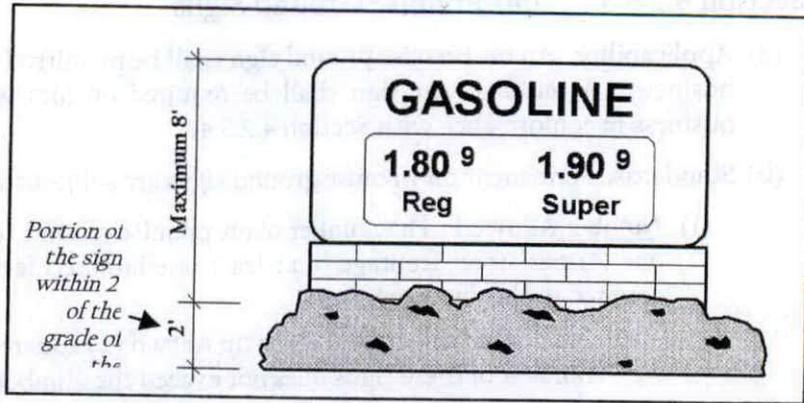


Figure 4-6
Measuring the Height of a Sign

3. GB zoning district – seventy-five (75) square feet;
 4. BP-288, C, M-1, and M-2 zoning districts – one hundred (100) square feet;
 5. Mixed use districts (SPD, C-MU, G/O-MU, and OT) – unless otherwise specified within the SPD or OT regulations, fifty (50) square feet for nonresidential uses; not permitted for residential uses;
 6. Planned Developments (PD) – as specified on the Site Plan, if different from the base zoning district;
 7. Non-residential uses in residential districts – thirty-two (32) square feet. Other signs in residential districts are prohibited except where expressly allowed under this UDC.
- b. The effective area shall be measured from the highest point on the sign to the elevation of the center of the base of the sign by the width at the highest point (refer to *Figure 4-7*). Changeable message signs or marquee signs may be part of a ground sign, but shall not cover more than seventy-five percent (75%) of the effective area.

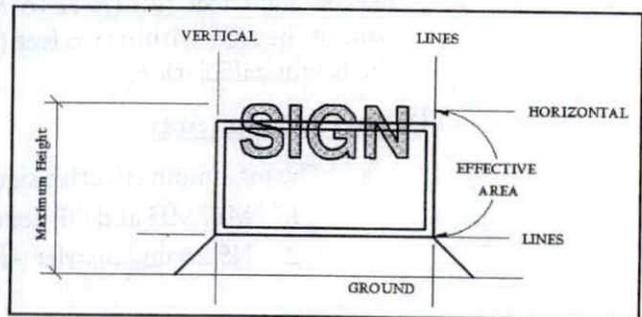


Figure 4-7
Measuring the Effective Sign Area

(4) Location: No ground sign shall be closer than five feet (5') to any property line.

(5) Builder/Subdivision Sign:

- a. One builder/subdivision sign may be located at the main entrance of any new subdivision.
- b. The maximum area of a builder/subdivision sign shall not exceed 130 square feet (two sides maximum).
- e. Such sign(s) shall be removed after a period of five (5) years or when the subdivision is sold out, whichever occurs first.

d. Directional sign(s) associated with a builder/subdivision shall conform to the locational requirements of this Section unless permitted in the public right-of-way as part of a City-adopted program for this type of signage.

Subdivision, Builder, or Model Home Sign: A sign advertising a new residential subdivision under active construction and sales or a model home therein shall be allowed subject to the following conditions:

a. The sign must be located on a lot on which a model home is located or which is maintained by the builder, developer, or homeowners association and not intended for sale.

b. The sign may not exceed ten feet (10') in height or thirty-two square feet (32 ft²) in area per sign face.

c. Except for model home lots, which shall always be allowed a sign as herein described, only one sign in this category is allowed per lot, and only one lot per street may have such a sign, unless the street exceeds three hundred (300) yards in length, in which case one lot every three hundred (300) yards along that street may have such a sign.

d. "Active construction and sales" means: (1) the subdivision has lots for sale; (2) there is at least one (1) pending building permit for new construction of a home within the subdivision; and (3) there is a model home in the subdivision open during regular business hours where potential buyers may review and select available home floorplans, options, and upgrades.

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

(6) Subdivision Identification Sign: A permanent subdivision identification(s) sign that is a maximum of one hundred and twenty (120) square feet in area per sign may be displayed on private property at a street entrance to the subdivision, in addition to other ground signs permitted by this division. The sign is subject to the following:

a. The size, material, and location of the sign shall be indicated on the construction plans for the subdivision;

b. A "Monument Reserve" shall be shown on the Final Subdivision Plat or Final Development Plat, indicating the location of the sign; and,

b. There shall not be more than two (2) such signs per street entrance to the subdivision.

(7) Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this Section shall be permitted with adherence the following:

a. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of six (6) seconds. The scrolling of messages is permitted, but must also conform to the minimum of six (6) seconds static display.

b. The flashing display (i.e., changeable message) portion shall not exceed twenty-five (25) percent of the total allowable effective sign area.

c. The flashing display (i.e., changeable message) portion shall be limited to one (1) color, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.

- d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.
- (8) For Sale/Lease Sign: A sign advertising that certain real property or a portion thereof is for sale or lease shall be allowed subject to the following conditions:
- The sign may not contain any other message.
 - For nonresidential properties, the sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face. For residential properties, the sign may not exceed four feet (4') in height or six square feet (6 ft²) in area per sign face.
 - Only one such sign is allowed per parcel of real property.
- (9) Construction Sign: A sign placed on non-residential real property undergoing construction or within one month before the commencement of construction shall be allowed subject to the following conditions:
- The sign may only identify the principal parties to the construction, including without limitation the contractor, architect, engineer, and any lending institution, and may not contain any other advertising.
 - The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face.
 - Only one such sign is allowed per street frontage of the property, with a maximum of two per property.
- (10) Business Opening Sign: A sign placed on non-residential real property announcing the opening for business of the non-residential use located thereon shall be allowed subject to the following conditions:
- The sign must be displayed continuously for not more than ninety (90) days during the permissible display period beginning upon issuance of the building permit and ending one month after issuance of the certificate of occupancy for the use.
 - The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face.
 - Only one such sign is allowed per street frontage of the property, with a maximum of two per property.
- (11) Holiday Sign: Signs placed on real property acknowledging, observing, or celebrating a recognized national, state, or local holiday without containing any other advertising shall be allowed subject to the following conditions:
- The signs may not be displayed for more than a total of ninety (90) days per calendar year.
 - The sign may not exceed twelve feet (12') in height or sixty-four square feet (64 ft²) in area per sign face.
 - Only two of such signs are allowed per street frontage for non-residential properties, with a maximum of four per property. There is no limit on number for residential properties.
- (12) Special Events Sign: Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club and placed on real property where said event is to take place shall be allowed subject to the following conditions:
- The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.

b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face.

c. Only one such sign is allowed per street frontage, with a maximum of three per property.

(13) Marquee Sign: Signs located on the premises of a religious, educational, or other noncommercial institution, which function solely to disseminate information about events, programs, or announcements related to the institution's purpose or function shall be allowed subject to the following conditions:

a. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face.

b. Only one such sign is allowed per property.

(14) Government Sign: Signs erected by an entity of the state, county, or local governments and containing only information or advertising related to that entity's governmental function shall be allowed subject to the following conditions:

a. The sign may not exceed twelve feet (12') in height or one hundred and fifty square feet (150 ft²) in area per sign face.

b. Only two such signs are allowed per street frontage of the property.

Section 4.2.5.4 Multi-Tenant Signs

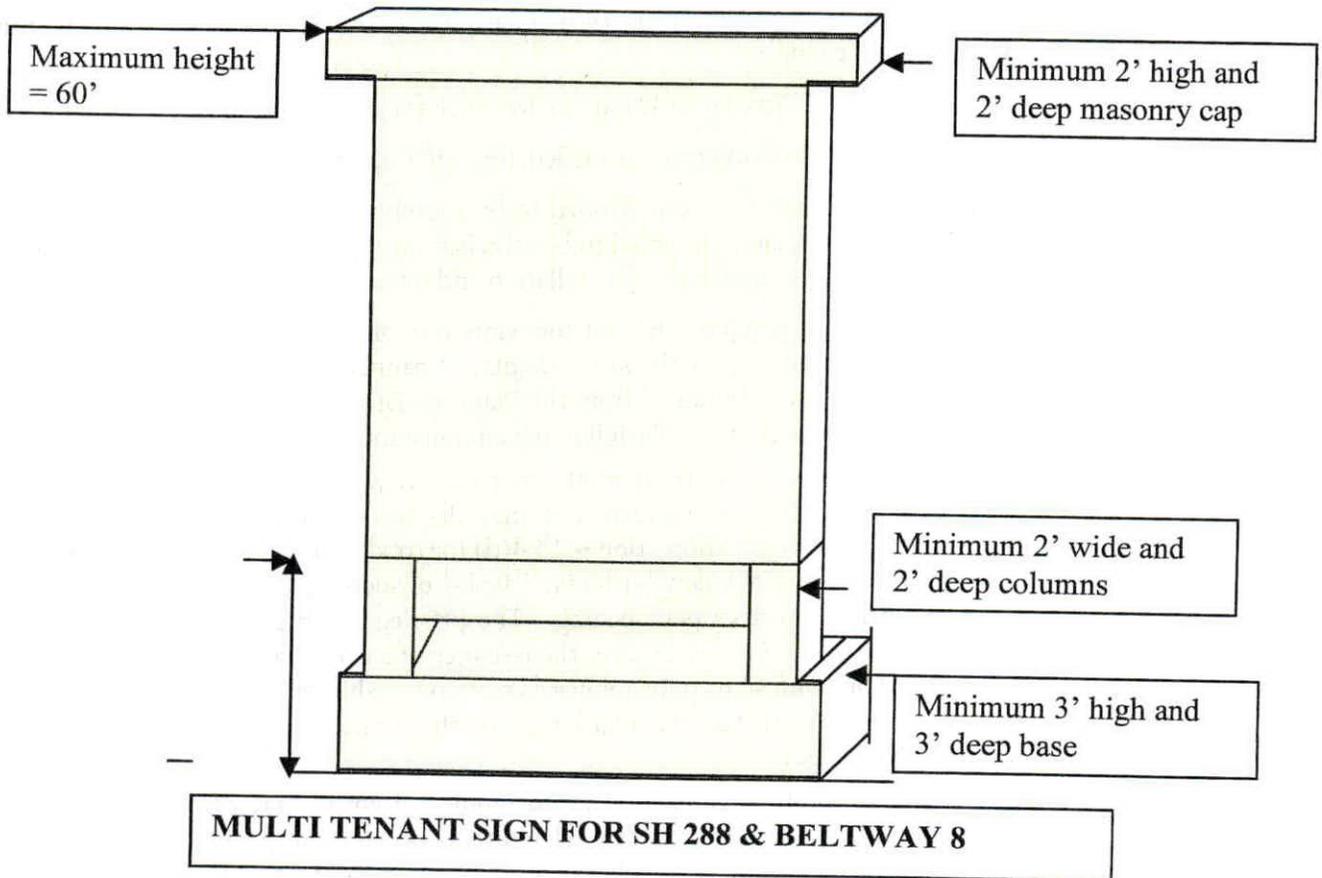
(a) **Applicability.** A multi-tenant sign shall be required on lots with more than one (1) use or business in conformance with Section 4.2.5.4., except as follows:

- (1) A use or business shall be permitted to erect an on-premise ground sign when such use or business has at least one hundred and fifty feet (150') of frontage.
- (2) A use or business that erects an on-premise ground sign shall not be listed on any multi-tenant sign.

(b) **Standards.** Permanent multi-tenant signs are subject to the following standards:

- (1) **Type:** All multi-tenant signs shall be ground signs.
- (2) **Number Allowed:** The number of multi-tenant signs on one (1) site is limited to one (1) per six hundred (600) linear feet (or less) of street frontage, unless the frontage is along SH 288 or Beltway 8, in which case the limit is one sign per thousand (1000) linear feet (or less) of street frontage. The cumulative street frontage shall be calculated for corner lots. The following are not counted in this limitation:
 - a. Additional directional signs up to two (2) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,
 - b. Subdivision identification signs in accordance with Section 4.2.5.3.
- (3) **Maximum Height:** The maximum height of any on-premise sign shall not exceed fifteen feet (15'), unless the property has frontage on SH 288 or Beltway 8, in which case the maximum height shall not exceed sixty feet (60'). The portion of the base of the sign within two feet (2') of the grade of the ground shall not be included in the height calculation (refer to *Figure 4-6*).
- (4) **Maximum Sign Area:** A multi-tenant sign shall have a maximum sign area according to the following:
 - a. One hundred thousand (1000) square feet, plus twenty two hundred (200) square feet per tenant advertised on the sign, or two fifteen hundred (15200) square feet, whichever is lesser, when located in the on property with frontage on Beltway 8 or State Highway 288 corridor; or
 - b. One hundred (100) square feet, plus ten (10) square feet per tenant advertised on the sign, or one hundred and fifty (150) square feet, whichever is lesser, in all other locations.
 - c. Each tenant may have a different size sign; each sign does not have to be the same size.
 - d. The effective area shall be measured from the highest point on the sign to the elevation of the center of the base of the sign by the width at the highest point (refer to *Figure 4-7*), and shall include all framing including the supports from the ground to the base of the sign. Changeable message signs or marquee signs may be part of a ground sign, but shall not cover more than seventy-five percent (75%) of the effective area.
 - e. When located on property that abuts State Highway 288 or Beltway 8, the sign shall be supported by a minimum of two columns, each a minimum of three feet (3') wide and three feet (3') deep. The sign shall contain a base, between the support columns, constructed of masonry (as defined in this ordinance, excluding EIFS) with a minimum dimension of three feet (3') tall/high and three feet (3') wide. The sign shall

be capped with a band or similar architectural feature constructed of EIFS, treated aluminum with spray texture or similar material approved by the building official, which shall be a minimum of two feet (2') high and two feet (2') thick (deep/wide) (refer to Figure 4-7). The sign area between the masonry base and cap shall be constructed of an aluminum or similar system approved by the building official.



(5) Location: No multi-tenant sign shall be closer than ten feet (10') to any property line), unless the property has frontage on SH 288 or Beltway 8, in which case the sign set-back shall be at least twenty-five feet (25').

Section 4.2.5.5 Temporary Signs

- (a) **General.** Temporary signs are subject to the limitations indicated in this section, as well as the location restrictions in Section 4.2.5.1(f).
- (b) **Area Limitations.** Temporary signs shall not exceed the following area limitations:
- (1) State Highway 288: Ninety-six (96) square feet each for premises within the State Highway 288 corridor.
 - (2) Other Premises: Thirty-two (32) square feet each for all other premises.
 - (3) Banner Signs: Unless otherwise provided, fifty (50) square feet.
- (c) **Banner Defined.** A banner is hereby defined to be a temporary sign as that term is defined Chapter 5 of this UDC that is designed to be attached or installed with rope, wire, or other temporary means so as to allow ease of installation and removal.
- (1) Use or Display of Banners: Except for temporary signs that do not require permits (refer to Section 4.1.2.6(c)), the use or display of banners is hereby prohibited unless a permit for such use is obtained from the Planning Director or his designee. A banner permit may be issued only in the following circumstances:
 - a. Any premise or nonresidential occupancy requesting a temporary sign larger than thirty-two (32) square feet may display one (1) banner sign per street frontage (also see Subsection 4.2.5.4(d) for total number allowed) announcing a grand opening of a new business. Display of such sign is limited to a maximum of thirty (30) days per opening. The privilege to begin display of such sign expires three (3) months after the issuance of a certificate of occupancy. Use of grand opening signs only applies to new ownership or occupancy (i.e., use). At least one-half ($\frac{1}{2}$) of all readable copy on the banner must state "Grand Opening" or "Now Open."
 - c. Any non-profit organization or governmental entity may display banner signs containing a message directly related to a special event provided, however, that such banners may be displayed no more than fourteen (14) days prior to the event and must be removed within three (3) days after the conclusion of the event. Displays under this classification will be limited to three (3) per year.
 - d. Banners may be allowed for the temporary identification of a business if the business owner provides the Planning Director written evidence that a permanent sign order has been executed and the business owner is awaiting installation of said permanent sign. As a temporary identification device, the banner must meet size, dimension, lettering, and layout specifications for building-mounted signs and must be securely fastened on a minimum of six (6) locations to the fascia. If the banner meets these conditions, it will be permitted for identification purposes for a period not to exceed thirty (30) days.
 - e. Any premise or non-residential occupancy may use banners to advertise sales events fourteen (14) times per year for a total duration of twenty-four (24) days inclusive. The occupant has the option of dividing the total days among the fourteen (14) events, with the minimum duration of display being one (1) day.

- (2) Location: Any banner permitted in accordance with this Ordinance shall be displayed at the permittee's normal place of business or operation and shall be affixed to that side of the building facing the street on which the permittee is addressed.
- (3) Cost & Display Period: The cost for a banner permit shall be Ten Dollars (\$10.00), and shall be paid at the time of application. Each application shall include the period of display for the banner to be permitted, including the day that the display will start and the day when it will cease. The display period shall be continuous and uninterrupted by periods of non-display. A separate permit shall be required for each period of display of the banner. Multiple periods of display will not be allowed on one permit.
- (4) Violation: Banners used or displayed in violation of this section shall be subject to removal by the Building Official or his/her designee.
- (5) TxDOT District 12 Guidelines: Banners displayed pursuant to the Texas Department of Transportation (TxDOT) District 12 guidelines for the temporary installation of banners over state rights-of-way shall be exempt from the terms of this division.
- (d) Other Temporary Signs. The following signs shall be allowed, subject to any conditions set forth below.
- (1) Temporary window signs: These signs must be temporary in design and construction, such as paper, poster, mylar or similar plastic film, or painted with removable paint; may not exceed in coverage twenty-five percent (25%) of all windows combined or fifty percent (50%) of any one window; must be placed inside the business establishment and be professional in appearance, except for temporary signs not promoting a business but rather associated with a non-profit, neighborhood, or civic event; and may not be displayed for more than forty-five (45) days.
- (2) Holiday inflatable signs or decorations: Holiday-related inflatables that contain no business-related advertising, including without limitation balloons, decorations, and yard displays, shall not exceed twelve feet (12') in any dimension and may not be displayed so that the top of the inflatable is greater than: fifteen feet (15') from the ground on a residential lot; or the maximum structure height allowed in the zoning district on a nonresidential lot. The continuous display period of this type of sign shall not exceed thirty (30) days, with no more than five (5) display periods per calendar year.
- (3) Off-premise special events signs: Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club may be placed off-premises of where said event is to take place shall be allowed subject to the following conditions:
- The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.
 - No more than ten signs not exceeding six feet (6') in height or thirty-two square feet (32 ft²) in area per sign face are allowed within the City's limits, limited to one per street frontage. These signs shall be exempt from sign permit fees.
 - There is no quantity limit on signs not exceeding three and a half feet (3.5') in height or five square feet (5 ft²) in area per sign face, except only one is allowed per lot.
- (e) Number of Temporary Signs Permitted on One Premises Lot. The number of temporary signs other than political signs displayed on one premises lot at any given time is limited to one (1) sign per street frontage and a maximum of two (2) signs per lot.

(ef) **Permits Not Required.** Refer to Section 4.1.2.6.(c).

(f) **Time Durations Permitted.** Temporary signs are subject to the following limitations of the duration of their use:

- (1) **Political Signs:** Political signs larger than thirty-six (36) square feet or eight feet in height pertaining to a candidate or issue in an election. No more than sixty (60) days before the election nor more than seven (7) days after the election.
- (2) **Construction Signs:** During the period of construction.
- (3) **Real Estate Signs:** During the period in which the subject property is for sale or lease. This shall not apply to residential uses that have individual units for sale or lease on a continuous basis, such as multiple family uses.
- (4) **All Other Temporary Signs:** Ninety days within a calendar year.

Section 4.2.5.5 — Signs on Utility Poles

- (a) **Placement of Signs on Utility Poles Prohibited.** It is unlawful for any person to attach or cause to be attached any advertisement, handbill, circular, poster or piece of paper to any public utility pole located within the City.
- (b) **Presumption Regarding Person Attaching Sign.** In any prosecution charging a violation of this section, it is presumed that the primary beneficiary of any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole is the person who attached or caused the attachment to the pole. The term "primary beneficiary" means a person(s) or legal entity(s) that benefits from the advertisement, handbill, circular, poster or piece of paper.
- (c) **Authority to Remove.** The Planning Director or his/her designee shall have the authority to remove any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole within the City.

Section 4.2.5.8 Signs on Utility Poles

(a) Placement of Signs on Utility Poles Prohibited. It is unlawful for any person to attach or cause to be attached any advertisement, handbill, circular, poster or piece of paper to any public utility pole located within the City.

(b) Authority to Remove. The Planning Director or his/her designee shall have the authority to remove any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole within the City.

Section 4.2.5.9 General Exemptions

(a) Generally. Notwithstanding any other provision in this UDC to the contrary, the following signs shall be exempt from all sign requirements contained in the UDC except for any requirement for the sign specifically listed herein.

(b) Exemptions.

- (1) Warning/Safety Signs. Signs that have as their sole purpose the protection of life or property, including without limitation emergency exit, fire lane, or no trespassing, are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft²) in size.
- (2) Utility Location Signs. Signs erected by a governmental entity or private utility company to mark the location of utility transmission lines or similar facilities are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft²) in size.
- (3) On-site directional and informational signs not exceeding two square feet (2 ft²) in size.
- (4) Historical/Memorial Signs. On-premise attached or ground signs that commemorate a person, event, or structure are allowed so long as no advertising whatsoever is contained thereon and they do not exceed eight square feet (8 ft²) in size.
- (5) Vehicle for Sale Signs. Signs placed on motorized vehicles advertising them for sale are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft²) in size or four signs per vehicle.
- (6) Outdoor Merchandise Display Signs. Signs affixed to outdoor equipment or machinery such as vending machines or gasoline pumps with instructions for use, or signs located immediately adjacent to merchandise displayed for sale outdoors, are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed one square foot (1 ft²) in size.
- (7) Human Signs. Signs carried or wholly supported by humans are allowed so long as they do not exceed thirty-two square feet (32 ft²) in size.
- (8) Flags. The official flags of any governmental entity are allowed so long as the flag pole is no greater than thirty-five feet (35') in height if mounted on the ground, or twelve feet (12') in height if mounted on top of a building, and the flag does not exceed one hundred square feet (100 ft²) in size.
- (9) Unlit Political Signs. Political signs that are not lighted are allowed provided they do not exceed eight feet (8') in height or thirty-two square feet (32 ft²) in area
- (10) Signs facing the interior of athletic stadiums or fields or facing the exterior of athletic stadiums or fields operated by nonprofit organizations or governmental entities.

Section 5.1.1.1 General Definitions

- (a) **General Definitions.** The following definitions are intended to provide descriptions for words and terms used within this UDC. Absent any conflict, words and terms used in this UDC shall have the meanings ascribed thereto in this Chapter 5. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter 5 shall control. For any definition not listed in this Chapter 5 of this UDC, the definition found within the latest edition of Webster's Dictionary shall be used.

...

DENSITY, GROSS RESIDENTIAL: The number of dwelling units per gross acre used for residential use. All density calculations shall be made using gross acreage dedicated for residential use, exclusive of easements and thoroughfare rights-of-way, and inclusive of retention/detention areas, public or private streets that are platted are will be platted as part of the development of the property, open space, recreational areas, and parks provided within the development.

...

OUTSIDE STORAGE: (Also referred to as *Open Storage*.) Keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract on a generally permanent basis for more than twenty-four (24) hours. This includes storage within boxes, containers, portable sheds, trailers, and other structures that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, and are not assembled onsite.

...

WAREHOUSE STORAGE or DISTRIBUTION FACILITY: Building or facility used for the storage and/or distribution of wholesale items/products.

...

Sign Type	Sign Limitations & Descriptions	Modifications from Standard Code							
		No Permit	No Permit Fee	Size Variation	Allowed in ROW	Height Variation	New Time Limit	Addn'l # Of Signs	Location Variation
1. Temporary Window Display (1) 4.2.5.5 (d) (1)	Must be placed inside the store, all window display signs cannot cover more than 50% the largest window and cannot exceed 25% coverage of all windows combined. Must be paper, poster, mylar film or similar plastic sheet, painted or on the glass with removable paint or like substance and must be temporary in design. Must be of a professional appearance, unless it is a non-business related sign promoting or supporting a non-profit, neighborhood, or civic event, search, etc.	X	X	X			X	X	
2. For Lease or Sale Ground (2) 4.2.5.3 (b) (8)	Must be located on the ground and advertising real property such as land, building space, or structure on the property where the sign is located, cannot exceed 32 sf/face for non-residential, nor be taller than 6' in height, and 6 sf for residential measured from the ground. Limit one per building for sale or lease.	X	X	X			X	X	
3. Inflatable Signs – Commercial (4) 4.2.5.5 (d) (2)	Cannot exceed 12' in any of its greatest dimensions, limited to holiday-related, and cannot exceed 30 days in display time with no more than 5 display periods per year. Must be properly anchored. Cannot be balloons that do not contain Holiday design, wording, or appearance in shape. Cannot exceed height restrictions of zoning district for structure. Cannot contain message, symbol or logo promoting business.			X		X	X	X	
4. Inflatable Signs – Residential (4) 4.2.5.5. (d) (2)	Cannot exceed 12' in any of its greatest dimensions, limited to holiday-related, and cannot exceed 30 days in display time with no more than 5 display periods per year. Must be properly anchored. Balloons are acceptable. Cannot exceed 15 feet in height. Cannot contain message, symbol or logo promoting business.	X	X	X		X	X	X	X
5. On-Premise Temporary Model or Subdivision (5) 4.2.5.3 (b) (5)	For the advertisement of a new subdivision or model homes. Must be on commonly maintained property or on the site of the model home. Only one per street frontage. Cannot exceed 32 sf or 10' in height. Must be removed once construction of subdivision is complete or no longer selling homes within subdivision.			X		X	X	X	
6. On-Premise Temporary Construction (14) 4.2.5.3 (b) (9)	Must denote type of business on site. Limit to one sign, but may include name of contractor, banking or financial institution, architect, engineer, or other principle parties. Cannot exceed 32 sf or 6' in height. Limited to placement only during construction plus one month prior to construction commencing. Only one per street frontage.			X		X	X	X	

Sign Type	Sign Limitations & Descriptions	Modifications from Standard Code							
		No Permit	No Permit Fee	Size Variation	Allowed in ROW	Height Variation	New Time Limit	Addn'l # Of Signs	Location Variation
7. On-Premise Temporary Opening Announcement (14) 4.2.5.3 (b) (10)	May only have a message that announces when opening, Grand Opening, Now Open, Opening Soon or similar message specifically limited to the opening of the business for the first time. It may include in the message the name of the business. It may not exceed 32 sf in size or 6' in height. It is limited to a total of 3 months on-premise and cannot be located prior to building permit issuance or remain more than 1 month after Certificate of Occupancy for the building has been issued. Banners with this type of message must adhere to the banner section ().			X			X	X	
8. On-Premise Temporary Promoting Recognized National, State, Local or Religious Holidays – Commercial (20) 4.2.5.3 (b) (11)	Signs as defined herein and only promote or acknowledge holidays as stated in the sign type column and does not promote the business. Cannot be displayed more than 90 days total within a year. Only one sign per street frontage. Sign cannot be over 64 sf nor taller than 12 feet in height.	X	X	X			X	X	
9. On-Premise Temporary Promoting Recognized National, State, Local or Religious Holidays – Residential (20) 4.2.5.3 (b) (11)	Signs as defined herein and only promote or acknowledge holidays as stated in the sign type column and does not promote a business. Is located on property that contains a single family home and no business. Cannot be displayed more than 90 days total within a year. No limit on the number. Cannot be over 12 feet tall.	X	X	X			X	X	
10. On-Premise Temporary Announcing Special Events (25) 4.2.5.3 (b) (12)	A non-profit organization or service group must sponsor the event. It cannot exceed 32 sf in size and can be a banner not fastened to the main building or structure. Only one sign per street frontage. Any additional exceptions must be approved by the City Council. The sign cannot be placed more than 14 days in advance of the event and must be removed within 5 days of the event.	X	X	X					
11. Off-Premise Temporary Announcing Special Events (25) 4.2.5.5 (d) (3)	A non-profit organization or service group must sponsor the event. It cannot exceed 32 sf in size and can be a banner not fastened to the main building or structure. Only one sign per street frontage and no more than 10 total signs within the city limits. In addition, signs under 5 sf and no higher than 3.5' may also be used and not count toward the 10 signs listed above as long as there each property has no more than one per street frontage. Any additional exceptions must be approved by the City Council. In addition, the permission of the property owner must be granted in advance. The sign cannot be placed more than 14 days in advance of the event and must be removed within 5 days of the event. This section does not include banners, which are additional and allowed as long as the banner meets the banner section ().	X	X	X					X

Sign Type	Sign Limitations & Descriptions	Modifications from Standard Code							
		No Permit	No Permit Fee	Size Variation	Allowed in ROW	Height Variation	New Time Limit	Addn'l # Of Signs	Location Variation
21. Outdoor Equipment, Displays, Vending Machines, etc. (21) 4.2.5.9 (b) (6)	Signs on vending machines, gasoline pumps, products sold outside or on display, equipment used for that business, etc. may have signs no greater than one square foot explaining how to use, what the equipment is, advertising what is in or associated with the machine or product on display, on or immediately adjacent to them.	X	X	X			X	X	X
22. Signs Carried By Humans (22) 4.2.5.9 (b) (7)	Signs attached or carried by humans and wholly supported by such, not resting or planted in or on the ground, structure including a chair or any other surface. Not to exceed 32 sf.	X	X	X	X	X	X	X	X
23. Lighted or Unlighted Electric, or Painted Signs (23, new) OMITTED, covered in 4.2.5.2 (a) (3) c.	Signs painted or positioned inside the business to face outside a window cannot exceed 50% of the window space. It may be neon. It will count toward the allowable wall sign.	X	X	X			X	X	X
24. Flags, Emblems, and Insignia of Any Governmental Body (24) 4.2.5.9 (b) (8)	Must be the official flag of any governmental body, cannot contain any advertising within or be part of any advertisement. It cannot exceed 35' in height nor be more than 100 sf. May be located within the ROW with the permission of the city.	X	X	X	X	X	X	X	X
25. On-Premise Produce Signs (26) OMITTED, need has expired	Any sign advertising the sale of fresh fruit, vegetables, or produce grown on the property where the sign is located. Must not be more than 3 sf in size, 4' in height, nor more than one every 200' of the street frontage. It must be made of durable all-weather material.	X	X	X			X	X	X
26. Unlit Political Signs (29) 4.2.5.9 (b) 9)	Cannot be more than 36 sf in area or more than 8' in height. It must be in accordance with Chapter 216 of the Local Government Code.	X	X	X		X	X	X	X