



5. ZONING

a. Purpose

Zoning is a classification of land within the community by districts or zones in which permitted uses and conditional uses are established. Zoning also provides developmental regulations such as minimum lot sizes, building sizes, placement of buildings, minimum yard setback requirements, parking, landscaping, screening between residential and non-residential uses, etc. These requirements vary from district to district.

Within zoning districts there are permitted uses and conditionally permitted uses. A permitted use is one that is allowed by right on a property. A conditional use is a use that may be permitted by City Council under case specific situations. As a Conditional Use Permit (CUP) is case specific, it lets the City know the specific type of development that is proposed for a particular piece of property. Conditional Use Permits are added to a zoning district where a particular use is not included in that zone's allowable uses by right, but with certain conditions granted by the permit, could be compatible and acceptable. It is common for specific conditions to be placed on the approval of a Conditional Use Permit in order to maintain the integrity of the neighborhood or community. See Chapter 6 Conditional Use Permits (CUP) for more information. If a proposed use is not allowed in a particular zoning district by right or with the approval of a CUP, a zone change may be applied for.

All real property within the City of Pearland must be properly zoned prior to the subdivision/platting, development, and/or issuance of a building permit.

1. Zoning Districts and Table of Uses

One of the most important things to check before planning a project within the City; residential or commercial, is the current zoning district of the property. This is especially important when considering purchasing property for a particular purpose. *The zoning of property will determine what can and cannot be developed on the property.* From large projects like a shopping center to smaller projects like a tenant lease space in a building, it is always important to check the zoning first and make sure that the zoning permits the intended use. If the zoning does not allow the use, a zone change or conditional use permit may be applied for, but approval of these requests is not guaranteed, as explained below.

As zone changes and conditional use permits are voted on by the Planning and Zoning Commission and the City Council, subsequent to receiving a Planning and Zoning Commission approval recommendation, an application does not guarantee that the zoning change or conditional use permit will be approved. Even small additions to a property, especially a property that is non-conforming, may require a zone change or conditional use permit. It is also important to check the zoning for existing commercial strip centers. For example, if there was a restaurant in a tenant space, and the restaurant moves out, and then another restaurant wants to move in, do not assume that



the use is allowed just because the use was already there at one time. Always double check the zoning and contact the Planning Department for verification, prior to purchasing property or planning a project.

You can check your zoning district online at pearlandtx.gov, click on City of Pearland Maps, then Interactive Maps. You will be able to search by a specific address or a general location. Also, you can check the Table of Permitted Uses (also called the Land Use Matrix) in Chapter 2 of the Unified Development Code (UDC), also located on the City's web page.

2. City of Pearland Zoning Districts

The following is a listing of the different zoning districts that exist within the City of Pearland. A summary of each zoning district is provided on the following pages. For a complete listing of all requirements that pertain to a certain zoning district, please refer to Chapter 2 of the Unified Development Code (UDC).

Residential Zoning Districts

- SD Suburban Development District
- R-E Single-Family Estate District
- SR-15 Suburban Residential-15 District
- SR-12 Suburban Residential-12 District
- R-1 Single-Family Residential-1 District
- R-2 Single-Family Residential-2 District
- R-3 Single-Family Residential-3 District
- R-4 Single-Family Residential-4 District
- TH Townhouse Residential District
- MF Multiple-Family Residential District
- MH Manufactured Home Park District

Mixed Use Zoning Districts

- SPD Spectrum District, Includes Sub districts (SP1 – SP5)
- C-MU Cullen-Mixed Use District
- G/O-MU Garden/O'Day-Mixed Use District
- OT Old Townsite District (includes sub districts OT-R, OT-GB, and OT-MU)

Non-Residential Zoning Districts

- OP Office & Professional District
- BP-288 Business Park 288 District



NS	Neighborhood Service District
GB	General Business District
GC	General Commercial District
M-1	Light Industrial District
M-2	Heavy Industrial District
Corridor Overlay Zoning District	
COD	Corridors Overlay District

(SD) SUBURBAN DEVELOPMENT DISTRICT

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. (This district is typically referred to as the Agricultural District.)

(RE) ESTATE LOT SINGLE FAMILY DWELLING DISTRICT

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. The minimum lot size within this zoning district shall be at least one-half acre (21,780 square feet) in area.

(SR-15) SUBURBAN RESIDENTIAL-15 DISTRICT

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. The minimum lot size within this zoning district shall be at least 15,000 square feet in area.

(SR-12) SUBURBAN RESIDENTIAL-12 DISTRICT

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. The minimum lot size within this zoning district shall be at least 12,000 square feet in area.

(R-1) SINGLE FAMILY RESIDENTIAL-1 DISTRICT

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. The minimum lot size within this zoning district shall be at least 8,800 square feet in area.

(R-2) SINGLE FAMILY RESIDENTIAL-2 DISTRICT

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. The minimum lot size within this zoning district shall be at least 7,000 square feet in area.



(R-3) SINGLE FAMILY RESIDENTIAL-3 DISTRICT

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. The minimum lot size within this zoning district shall be at least 6,000 square feet.

(R-4) SINGLE FAMILY RESIDENTIAL-4 DISTRICT

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. The minimum lot size within this zoning district shall be at least 5,000 square feet.

(TH) TOWNHOUSE RESIDENTIAL DISTRICT

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.

(MF) MULTIPLE-FAMILY RESIDENTIAL DISTRICT

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.

(MH) MANUFACTURED HOME PARK DISTRICT

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 the UDC.

(SPD) SPECTRUM DISTRICT

The purpose of the Spectrum District (SPD) 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 sub-district are explained within the UDC.

(C-MU) CULLEN-MIXED USE DISTRICT

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



also respecting the residential uses that have developed and now co-exist with the nonresidential uses.

(G/O-MU) GARDEN/O'DAY-MIXED USE DISTRICT

The Garden/O-Day Mixed Use District (G/O-MU) is intended to provide a district that allows for the continuation of specific nonresidential land uses that have been in existence along Garden Road and O'Day Road for a long period of time, while also respecting the residential uses that have developed and now co-exist with the nonresidential uses. This district is also intended to help preserve the stability of neighborhoods adjacent to the G/OMU District boundaries.

(OT) OLD TOWNSITE DISTRICT

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 insure 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.

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).

(OP) OFFICE AND PROFESSIONAL DISTRICT

The Office and 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.

(BP-288) BUSINESS PARK 288 DISTRICT

The Business Park 288 District (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.

(NS) NEIGHBORHOOD SERVICE DISTRICT

The Neighborhood Service District (NS) is intended to permit a limited area of service establishments and retail stores for the benefit of adjacent and nearby residential development and in which district all trade is conducted indoors and in such a manner as to be capable of placement adjacent to residential districts without changing the character of the latter.

(GB) GENERAL BUSINESS RETAIL DISTRICT

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.

(GC) GENERAL COMMERCIAL DISTRICT

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.

(M-1) LIGHT INDUSTRIAL DISTRICT

The Light Industrial District (M-1) is intended to permit a wide variety of light industrial, manufacturing, wholesale and service type uses.

(M-2) HEAVY INDUSTRIAL DISTRICT

The Heavy Industrial District (M-2) is intended to permit any manufacturing, assembly, processing, storage and/or distribution, sale and repair incidental to industrial use allowed by law.

CORRIDOR OVERLAY DISTRICT (COD)

The Corridor Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional, and safety characteristics of development along 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.

The 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.

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he 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:

- (1) Pearland Parkway: For the full length of the roadway within the City limits
- (2) Oiler Drive: For the full length of the roadway within the City limits
- (3) McHard Road: For the full length of the roadway within the City limits
- (4) SH 35/Main Street: For the full length of the roadway within the City limits, except within the Old Townsite District
- (5) Broadway: For the full length of the roadway within the City limits, except within the Old Townsite District
- (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, except within the Old Townsite District
- (7) Kirby Drive: For the full length of the roadway within the City limits
- (8) Dixie Farm Road: For the full length of the roadway within the City limits
- (9) Beltway 8: For the full length of the roadway within the City limits
- (10) Bailey Road: For the full length of the roadway within the City limits
- (11) Massey Ranch Road: For the full length of the roadway within the City limits
- (12) Cullen Boulevard: For the full length of the roadway within the City limits

(PD) PLANNED DEVELOPMENT DISTRICT

The purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Design Plan that may include uses, regulations, and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning.



b. Zone Change Approval Process

The Unified Development Code and the Texas Local Government Code both provide a process for zone change requests.

Zoning changes follow the approval procedure as follows:

1. Meet with City Staff

Prior to submitting for a zone change application, the applicant should meet with the Planning Department to discuss the zone change process, zoning districts, and development options for the property.

2. Submittal of Application for a Change in Zoning

The applicant or property owner should submit all items as listed on the Zone Change Submittal Checklist and the Universal Application.

3. Review of Application by City Staff

The Planning Department will process the proposed zone change application. Staff may contact the applicant or owner for additional information during the review period as well as throughout the entire zone change process.

4. Notification of Public Hearing

Staff prepares a location map that identifies the subject property and all property owners within 200 feet of the subject property. Staff will notify the applicant of the date of the joint public hearing. The property owners within 200 feet of the subject property are sent a notice of public hearing by mail, indicating the location of the property and the requested zoning action, at least 10 days prior to the date of the joint public hearing. A legal notice is also sent to the local newspaper for publication.

5. Posting of Signs on Property for Zoning Notification

As required by ordinance, the applicant will be responsible for the posting of zoning notification signs on the property for which the change in zoning has been requested at least 10 days prior to the public hearing. See the specifics on the posting of zone change signs on a property, which are provided in the Zone Change Application packet.

6. Planning and Zoning Commission and City Council Joint Public Hearing

A public hearing is required by the State of Texas for all zone changes. The City of Pearland typically holds these meetings on the third Monday of each month. During the Joint Public Hearing, Staff presents a summary of the proposed zone change to the Commission and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. No action will be taken during the joint public hearing. The applicant and/or property owner should be present at this meeting and be prepared to discuss the zone change as well as answer any questions that arise.

7. Planning and Zoning Commission Meeting

Immediately following the Joint Public Hearings (typically the same night), the



Planning and Zoning Commission will hold a regular meeting to make recommendations on the proposed rezoning request to the City Council. The Commission may recommend approval, disapproval, or postpone action on the request until additional information is received. A zone change that is recommended for denial by the Commission will still be scheduled for City Council consideration. It is important that the applicant and/or property owner be present at this meeting and be prepared to discuss the zone change and answer any questions that may arise.

8. City Council Meeting (first reading of ordinance)

The City Council considers the proposed rezoning request at their next scheduled meeting after the Planning and Zoning Commission meeting. The Council receives the recommendation of the Commission and may act on the first reading of the ordinance.

If the first reading of the ordinance is denied, the zone change is not scheduled for a second reading.

If the zone change was recommended for denial by the Commission, a super majority vote by the Council is required in order for the zone change to be approved.

9. City Council Meeting (second reading of ordinance)

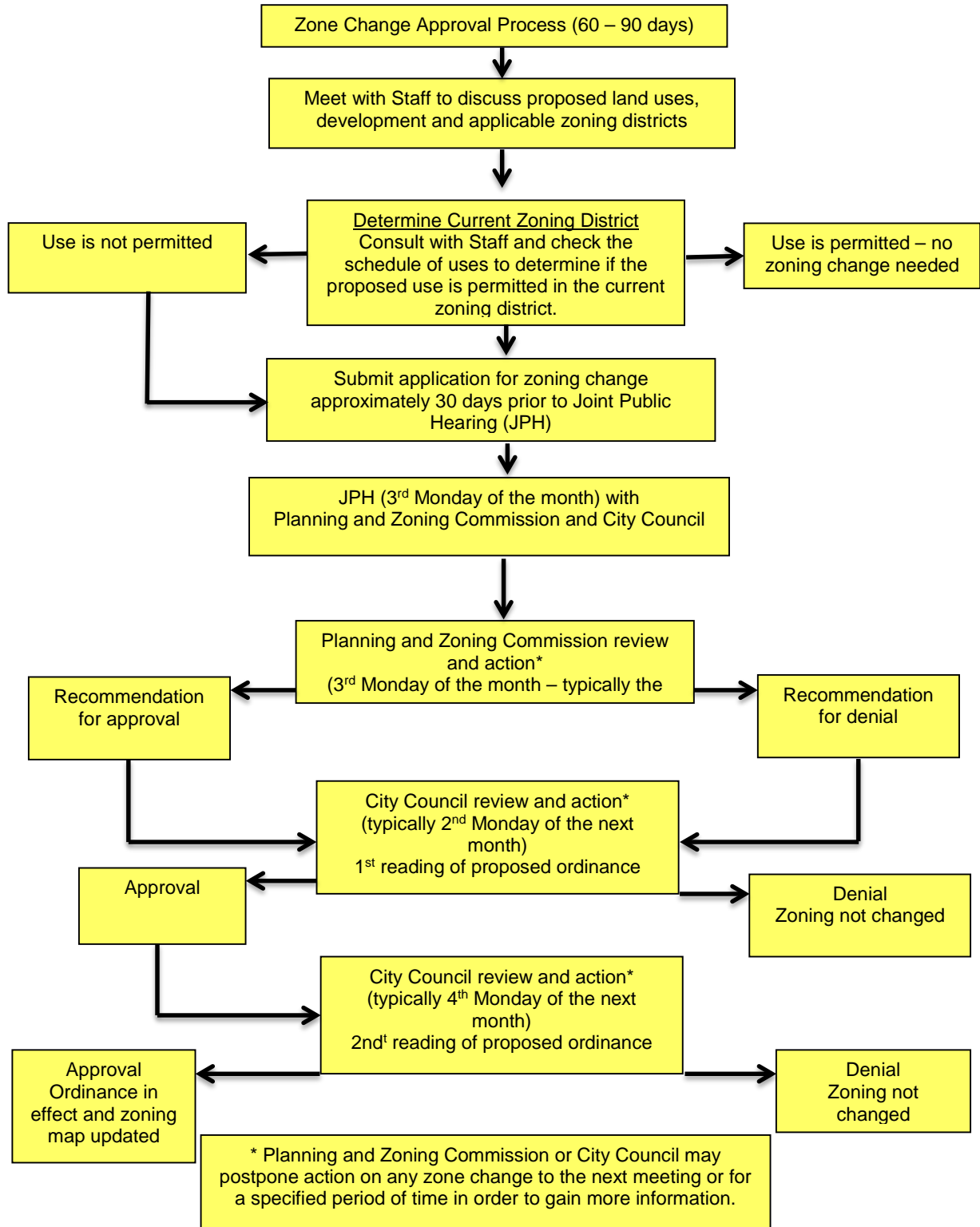
If the first reading of the ordinance is approved, the proposed zone change is placed on the agenda of the next scheduled meeting of the City Council. The zone change is not approved until the Council approves the ordinance on a second reading.

If the Council approves the rezoning request, the ordinance becomes effective after its publication. If the Council disapproves the rezoning request and indicates that it is disapproved with prejudice, the same request may not be resubmitted to the City for one year from the original date of disapproval. A different zoning request may be submitted for the same property at any time. However, if the original rezoning request is disapproved without prejudice, the request may be resubmitted at any time.

At any time during the process before approval, the applicant may withdraw the proposed zone change request and resubmit the request in a different or similar form. Such resubmittal shall follow the zone change process from the very beginning, including new fees.



c. Flowchart





d. **Criteria for Approval**

Each zone change is enacted as per the following criteria.

1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps;
2. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
3. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area;
4. And any other factors which will substantially affect the public health, safety, morals, or general welfare.

e. **Conditions for Approval**

A zone change cannot be approved with conditions.

f. **Expiration**

There is no expiration for a zone change.

g. **Checklist**

- Application and checklist filled out completely and signed by the owner of the property.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code (UDC).**
- Metes and bounds description (survey or plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent explaining the zone change request in detail, why the zoning is being requested to be changed, and the uses that are being proposed.
- Acknowledgement of the sign to be posted on the property ten (10) days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only). Please refer to the City's webpage www.pearlandtx.gov for updated fees.



- 0 to less than 25 acres = \$1,000.00 plus \$25.00 per each type of zoning district requested
- 25 to less than 50 acres = \$1,025.00 plus \$25 per each type of zoning district requested
- 50 to less than 75 acres = \$1,050.00 plus \$25 per each type of zoning district requested
- 75 to less than 100 acres = \$1,075.00 plus \$25 per each type of zoning district requested
- 100 acres and above = \$1,100.00 plus \$25 per each type of zoning district requested

h. Posting of Notification Signs on Property Under Consideration for a Zone Change

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

1. One (1) sign per street frontage shall be located within thirty (30) feet of the abutting street, or as determined by the City.
2. So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
3. So as not to create a hazard to traffic on the public rights-of-way abutting the property.
4. On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
5. The signs shall be as follows:
 - A minimum sign size of two (2) feet by three (3) feet, but no larger than four (4) feet by four (4) feet
 - At least two (2) feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

PROPOSED ZONE CHANGE
Contact City of Pearland
281.652.1765



Signs must be professionally made; handwritten signs are not allowed.

Signs must be freestanding and cannot be attached to a tree, fence, or building.

i. Additional Information

- Upon making an application for a zone change, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zone change request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant fails to erect and/or maintain signs in accordance with this section, the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.