

Pearland, Texas

Land Use & Urban Development Ordinance



Revised: April 22, 2002

ORDINANCE NO. 509-H

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING THE *LAND USE AND URBAN DEVELOPMENT ORDINANCE* OF THE CITY OF PEARLAND (ORDINANCE NO. 509), AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, BY ADDING NEW SUBSECTIONS TO REGULATE LAND USE WITHIN THE CITY LIMITS OF PEARLAND; PROVIDING A PENALTY FOR VIOLATION; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION, PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That the *Land Use and Urban Development Ordinance* of the City of Pearland is hereby amended to read as follows:

**“TABLE OF CONTENTS
CITY OF PEARLAND**

LAND USE AND URBAN DEVELOPMENT ORDINANCE		<u>PAGE</u>
CHAPTER 1	TITLE, PURPOSE AND INTERPRETATION	9
CHAPTER 2	OFFICIAL ZONING MAP PROVISIONS	9
Section 2.1	Zoning Map	9
Section 2.2	Changes in District Boundaries	10
Section 2.3	Zoning Changes	10
Section 2.4	Procedure for Changes	10
Section 2.5	Location and Authority of Zoning Maps	10
Section 2.6	Replacement of the Zoning Maps	10
Section 2.7	Interpretation of Zoning District Boundaries	11
Section 2.8	Land Use Districts	11
CHAPTER 3	DEFINITIONS	12

ORDINANCE NO. 509-H

CHAPTER 4	SD, SUBURBAN DEVELOPMENT DISTRICT	28
Section 4.1	Purpose of District	28
Section 4.2	Permitted Uses (See Table III)	29
Section 4.3	General Conditions	29
CHAPTER 5	R-E, ESTATE LOT SINGLE FAMILY DWELLING DISTRICT	30
Section 5.1	Purpose of District	30
Section 5.2	Permitted Uses (See Table III)	30
Section 5.3	R-E Planned Unit Development Uses	30
Section 5.4	General Conditions	30
Section 5.5	Planned Unit Development Regulations	32
CHAPTER 6	R-1, SINGLE FAMILY DWELLING DISTRICT	32
Section 6.1	Purpose of District	32
Section 6.2	Permitted Uses (See Table III)	32
Section 6.3	R-1 Planned Unit Development Uses	32
Section 6.4	General Conditions	32
Section 6.5	Planned Unit Development Regulations	34
CHAPTER 7	R-2, SINGLE FAMILY DWELLING DISTRICT	34
Section 7.1	Purpose of District	34
Section 7.2	Permitted Uses (See Table III)	34
Section 7.3	R-2 Planned Unit Development Uses	34
Section 7.4	General Conditions	35
Section 7.5	Planned Unit Development Regulations	36
CHAPTER 8	R-3, SINGLE FAMILY DWELLING DISTRICT	36
Section 8.1	Purpose of District	36
Section 8.2	Permitted Uses (See Table III)	36
Section 8.3	R-3 Planned Unit Development Uses	37
Section 8.4	General Conditions	37
Section 8.5	Planned Unit Development Regulations	38

ORDINANCE NO. 509-H

CHAPTER 9	R-4, SINGLE FAMILY DWELLING DISTRICT	39
Section 9.1	Purpose of District	39
Section 9.2	Permitted Uses (See Table III)	39
Section 9.3	R-4 Planned Unit Development Uses	39
Section 9.4	General Conditions	39
Section 9.5	Planned Unit Development Regulations	41
CHAPTER 10	MF, MULTI-FAMILY	41
Section 10.1	Purpose of District	41
Section 10.2	Permitted Uses (See Table III)	41
Section 10.3	MF Planned Unit Development Uses	41
Section 10.4	General Conditions	42
Section 10.5	Planned Unit Development Regulations	43
CHAPTER 11	MH, MOBILE HOME PARK DISTRICT	43
Section 11.1	Purpose of District	43
Section 11.2	Permitted Uses (See Table III)	44
Section 11.3	General Conditions	44
Section 11.4	Special Requirements	46
Section 11.5	Planned Unit Development Regulations	46
CHAPTER 12	VILLAGE DISTRICT	46
	(Reserved)	
CHAPTER 13	OP, OFFICE AND PROFESSIONAL DISTRICT	47
Section 13.1	Purpose of District	47
Section 13.2	Permitted Uses (See Table III)	47
Section 13.3	OP Planned Unit Development Uses	47
Section 13.4	General Conditions	47
Section 13.5	Planned Unit Development Regulations	48
CHAPTER 14	NS, NEIGHBORHOOD SERVICE DISTRICT	49
Section 14.1	Purpose of District	49
Section 14.2	Permitted Uses (See Table III)	49
Section 14.3	NS Planned Unit Development Uses	49
Section 14.4	General Conditions	49

ORDINANCE NO. 509-H

Section 14.5	Planned Unit Development Regulations	50
CHAPTER 15	GB, GENERAL BUSINESS DISTRICT (RETAIL)	51
Section 15.1	Purpose of District	51
Section 15.2	Permitted Uses (See Table III)	51
Section 15.3	GB Planned Unit Development Uses	51
Section 15.4	General Conditions	51
Section 15.5	Planned Unit Development Regulations	53
CHAPTER 16	C, COMMERCIAL DISTRICT	53
Section 16.1	Purpose of District	53
Section 16.2	Permitted Uses (See Table III)	53
Section 16.3	C Planned Unit Development Uses	53
Section 16.4	General Conditions	54
Section 16.5	Planned Unit Development Regulations	55
CHAPTER 17	M-1, LIGHT INDUSTRIAL DISTRICT	55
Section 17.1	Purpose of District	55
Section 17.2	Permitted Uses (See Table III)	55
Section 17.3	M-1 Planned Unit Development Uses	55
Section 17.4	General Conditions	55
Section 17.5	Special Conditions	56
Section 17.6	Performance Standards	57
Section 17.7	Planned Unit Development Regulations	57
CHAPTER 18	M-2, HEAVY INDUSTRIAL DISTRICT	58
Section 18.1	Purpose of District	58
Section 18.2	M-2 Planned Unit Development Uses	59
Section 18.3	General Conditions	59
Section 18.4	Special Conditions	59
Section 18.5	Performance Standards	59
CHAPTER 19	PUD, PLANNED UNIT DEVELOPMENT	59
Section 19.1	Purpose of District	59
Section 19.2	Coordination with Subdivision Ordinance	60
Section 19.3	General Regulations	60
Section 19.4	Outline of Procedures	60

ORDINANCE NO. 509-H

CHAPTER 20	FW, FLOODWAY DISTRICT	64
Section 20.1	Purpose of District	64
Section 20.2	Permitted Uses	65
Section 20.3	General Conditions	65
Section 20.4	Development Regulations	66
CHAPTER 21	MINIMUM PARKING AND LOADING REQUIREMENTS	67
Section 21.1	Purpose	67
Section 21.2	Off-Street Parking Spaces Required	68
Section 21.3	Parking for Existing Uses	68
Section 21.4	General Requirements	68
Section 21.5	Development Standards	70
Section 21.6	Off-Street Loading Requirements	71
Section 21.7	Minimum Parking Area and Spaces	72
CHAPTER 22	LANDSCAPE REQUIREMENTS	72
Section 22.1	Applicability to Districts	72
Section 22.2	Landscape Plan	73
Section 22.3	Minimum Landscape Requirements	73
Section 22.4	Maintenance	75
Section 22.5	Landscape Construction	76
Section 22.6	Building Facades	76
Section 22.7	Sidewalks	77
CHAPTER 23	FENCE REGULATIONS	77
Section 23.1	Permits	77
Section 23.2	Use Regulations	77
CHAPTER 24	SIGN REQUIREMENTS	78
Section 24.1	Signs Requiring Permits	78
Section 24.2	Application for Permit	80
Section 24.3	Measurements	81
Section 24.4	Height Restrictions	81

ORDINANCE NO. 509-H

Section 24.5	Size and Type Restrictions by Zoning District	82
Section 24.6	Frontage on More Than One Street	82
Section 24.7	Portable Sign Limit	82
Section 24.8	Wind Loads	83
Section 24.9	Obstruction to Doors, Windows or Fire Escapes	83
Section 24.10	Signs Not to Constitute Traffic Hazard	83
Section 24.11	Prohibited Signs, Advertising, Lighting	83
Section 24.12	Compliance With Other Codes	85
Section 24.13	Maintenance	85
Section 24.14	Unsafe Signs	85
Section 24.15	Replacement or Repair of Sign	85
Section 24.16	Sign Registration	86
Section 24.17	Builder/Subdivision and Subdivision Identification Signs	87
Section 24.18	User of Banners	87
Section 24.19	Application to Extraterritorial Jurisdiction (ETJ)	89
Section 24.20	Offense	89
CHAPTER 25	SPECIFIC USE PERMIT REGULATIONS	90
Section 25.1	Purpose	90
Section 25.2	Development Standards Required	90
Section 25.3	Temporary Development Signs	90
Section 25.4	Temporary Construction Buildings	91
CHAPTER 26	APPLICATION OF DISTRICT REGULATIONS	91
Section 26.1	Uniformity	91
Section 26.2	Conformity with Regulations Required	91
Section 26.3	Grades, Open Spaces, Off-Street Parking or Loading Spaces	91
Section 26.4	Newly Annexed Territory	92
Section 26.5	Completion of Buildings	92
Section 26.6	Occupancy of Dwelling Units	92
CHAPTER 27	HOME OCCUPATION	92
Section 27.1	Criteria	92
Section 27.2	Registered Family Homes	93
CHAPTER 28	NON-CONFORMING USES	94
Section 28.1	Definition	94

ORDINANCE NO. 509-H

Section 28.2	Continuance of Non-Conforming Use	94
Section 28.3	Accidental Damage to Building	94
Section 28.4	Substandard Structure	95
Section 28.5	Determination of Replacement Cost	95
Section 28.6	Repairs and Alterations	95
Section 28.7	Registration of Non-Conforming Use	95
Section 28.8	Changing a Non-Conforming Use	96
Section 28.9	Abandonment	96
CHAPTER 29	BOARD OF ADJUSTMENT	96
Section 29.1	Establishment	96
Section 29.2	Powers	97
Section 29.3	Hearing	98
Section 29.4	Vote Required	99
Section 29.5	Posting Property for Variance Requests	99
CHAPTER 30	PEARLAND PARKWAY, MCHARD ROAD, AND OILER DRIVE CORRIDOR OVERLAY DISTRICT	100
Section 30.1	General Purpose and Description	100
Section 30.2	District Boundaries	101
Section 30.3	Lot and Setback Standards	101
Section 30.4	Building Facade Standards	102
Section 30.5	Access and Off-Street Parking Standards	103
Section 30.6	Landscaping Standards	104
Section 30.7	Lighting Standards	104
Section 30.8	Screening Standards	105
Section 30.9	Buffering Standards	106
Section 30.10	Sidewalk Standards	107
Section 30.11	Sign Standards	108
Section 30.12	Utilities	109
Section 30.13	Penalty	110
CHAPTER 31	STATE HIGHWAY 288 AND BELTWAY 8 CORRIDOR OVERLAY DISTRICT (Reserved)	110
CHAPTER 32	TELECOMMUNICATION TOWERS AND ANTENNAS	110
Section 32.1	Purpose	110
Section 32.2	Application, Exemptions, and Conflicts	110
Section 32.3	Specific Use Permit Required	111

ORDINANCE NO. 509-H

Section 32.4	Application Procedures	112
Section 32.5	General Requirements and Regulations	114
Section 32.6	Visual Impacts	115
Section 32.7	Principal, Accessory, and Joint Uses	115
Section 32.8	Shared Use	116
Section 32.9	Abandoned Towers	117
Section 32.10	Pre-Existing Towers and Non-Conforming Uses	117
Section 32.11	Public Property	117
CHAPTER 33	AMENDMENTS	117
Section 33.1	Authority	117
Section 33.2	Submission to Planning and Zoning Commission	117
Section 33.3	Public Hearing - Planning and Zoning Commission	118
Section 33.4	Public Hearing - City Council	118
Section 33.5	Vote Required in the Event of Protest	119
Section 33.6	Appeals from Decisions of the Planning and Zoning Commission	119
Section 33.7.	Posting Property for Zoning Changes	119
CHAPTER 34	ADMINISTRATION, ENFORCEMENT AND FEES	121
Section 34.1	Administrative Official	121
Section 34.2	Duties of the Enforcing Officer	121
Section 34.3	Building Permits	122
Section 34.4	Certificate of Occupancy	122
Section 34.5	Violations	123
Section 34.6	Enforcement and Penalties	124
Section 34.7	Fees	124
Section 34.8	Enactment	124
Section 34.9	Severability Clause	124
Section 34.10	Effective Date	124
Section 34.11	Incorporation into Code of Ordinances	125
TABLE I	YARD (SETBACK) MEASUREMENTS	126
TABLE II	LOT MEASUREMENTS	127
TABLE III	SCHEDULE OF USES	128
TABLE IV	PASSENGER AND MERCHANDISE LOADING SPACES	140

ORDINANCE NO. 509-H

TABLE V	MINIMUM PARKING AREA REQUIREMENTS FOR TYPICAL PARKING ANGLES	142
TABLE VI	SCHEDULE OF OFF-STREET PARKING STANDARDS	143
TABLE VII	SCHEDULE OF SIGN TYPES AND MAXIMUM AREA	147

CHAPTER 1. TITLE, PURPOSE AND INTERPRETATION

The title of this ordinance shall be known and may be cited as, "The Zoning Ordinance of the City of Pearland," the purpose of which is to zone the entire area of the City of Pearland into districts in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the general public. The regulations and districts herein established have been designed to, among other things, lessen congestion in the streets, provide safety from fire, panic, and other dangers, avoid undue concentration of populations, and provide and facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements. Said districts have been established with reasonable consideration of the character of the district and its peculiar suitability for the particular uses, and with the view of conserving the value of buildings and environment by encouraging the most appropriate use of land through the community. The provision of this ordinance shall be considered minimum requirements. Where this ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by other ordinances, covenants or agreements, the provisions of these regulations, shall govern. Where other ordinances impose greater restrictions than are imposed herein, the provisions of such other ordinances shall govern.

CHAPTER 2. OFFICIAL ZONING MAP PROVISIONS

Section 2.1. Zoning Map.

The City is hereby divided into the zones, or districts, as shown on the Zoning Maps described herein which, together with all explanatory matter thereon, are hereby adopted by reference and declared to be part of this Ordinance. Two original and identical copies of the zoning district map shall be identified by the signature of the Mayor, attested by the City Secretary and bearing the Seal of the City of Pearland under the following words:

"This is to certify that this is the Original Zoning Map/Official Zoning Map referred to in Section 2 of Ordinance No. 509 of the City of Pearland, Texas."

- 1) One copy, hereafter called the Original Official Zoning Map, shall be filed with the City and retained as the original record and shall not be changed in any manner.

ORDINANCE NO. 509-H

- 2) Two copies, hereafter called the Official Zoning Maps, shall be filed with the Enforcing Officer and City Secretary and shall be maintained up-to-date by the City Manager or his/her designee by posting thereon all changes and subsequent amendments for observation and issuing building permits and enforcing the Zoning Ordinance.

Section 2.2. Changes in District Boundaries.

If, in accordance with the provisions of this ordinance and Articles 1011d and 1011e, V.A.C.S. of Texas, changes are made in the district boundaries or other matter portrayed on the Official Zoning Maps, such changes shall be entered on the Official Zoning Maps promptly after the amendment has been approved by the City Council.

Section 2.3. Zoning Changes.

Approved zoning changes shall be entered on the Official Zoning Maps by the City Manager or his/her designee and each change shall be identified on the Maps with the date and number of the ordinance making the change. No amendment to this ordinance which involves matter portrayed on the Official Zoning Maps shall become effective until after such ordinance has been finally approved by the City Council.

Section 2.4. Procedure for Changes.

No change of any nature shall be made on the Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable hereunder.

Section 2.5. Location and Authority of Zoning Maps.

Regardless of the existence of purported copies of the Official Zoning Maps which may from time to time be made public or published, the Official Zoning Maps shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City. The Official Zoning Maps shall be available to the public at all hours when the City Hall is open to the public.

Section 2.6. Replacement of the Zoning Maps.

- a. In the event that the Official Zoning Maps become damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map, which shall

ORDINANCE NO. 509-H

supersede the prior Official Zoning Maps. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Maps, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City and date under the following words:

- b.** "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance Appendix B to the Code of Ordinances of the City of Pearland, Texas."
- c.** Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 2.7. Interpretation of Zoning District Boundaries.

In determining the location of zoning district boundaries on the map accompanying and made a part of these regulations, the following rules shall apply:

- a.** Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys, as they exist at the time of adoption of these regulations, shall be the zoning boundary; or
- b.** Where boundaries are shown to enter on cross platted blocks, property lines of lots, as they exist at the time of adoption of these regulations, shall be the zoning boundary; or
- c.** In case of a district boundary line dividing a property into two parts, the district boundary line shall be construed to be the property line nearest the least restricted district. Where boundaries are shown on unsubdivided property, the location shall be determined by use of the scale shown on the map unless dimensions are given on the map.

Section 2.8. Land Use Districts.

For the purpose of this Ordinance, the City of Pearland is hereby divided into seventeen (17) land use development districts as follows:

ORDINANCE NO. 509-H

<u>District Symbol</u>	<u>District</u>
SD	Suburban Development District
R-E	Estate Lot Single Family Dwelling District
R-I	Low Density Single Family Dwelling District
R-2	Medium Density Single Family Dwelling District
R-3	High Density Single Family Dwelling District
R-4	Maximum Density Single Family Dwelling District
MF	Multi-Family Dwelling District
MH	Mobile Home Park District
V	Village District
OP	Office and Professional District
NS	Neighborhood Service District
GB	General Business District
C	Commercial District
PUD	Planned Unit Development District
M-I	Light Industrial District
M-2	Heavy Industrial District
FW	Flood Way District

CHAPTER 3. DEFINITIONS

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

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

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

ACCESSORY USE: An "accessory use or structure" is one customarily a part thereof, which is clearly incidental and secondary to permitted use and which does not change the character thereof, including, but not limited to, garages, living quarters for servants, bathhouses, greenhouses, tool sheds, or swimming pools. For tracts less than ½ acre, all accessory uses shall be limited to a maximum of 30% of the primary use.

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

ORDINANCE NO. 509-H

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

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

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

APARTMENT: See Dwelling - Multi-Family.

APARTMENT HOTEL: See Hotel.

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

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

AUTOMOBILE SALES LOT: A paved area for the display for sale of motorized and non-motorized vehicles accompanied by an on-site office with staffing during normal business hours. Sale of vehicles shall only be allowed within an Automobile Sales Lot as defined herein.

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

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

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

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

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

ORDINANCE NO. 509-H

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

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

BUILDING INSPECTOR: See Enforcing Officer.

BUILDING LINE: See setback line.

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

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

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

CAFÉ, RESTAURANT OR CAFETERIA: A commercial eating establishment where snacks or meals are vended for consumption primarily on the premises. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit "take out" windows.

CERTIFICATE OF OCCUPANCY: A written instrument executed by the Building Official authorizing a described use of a lot, as set forth in the Building Code.

CHURCH: A building used for religious public worship.

CITY: The City of Pearland.

CITY ENGINEER: The Pearland City Engineer or his authorized representative.

CITY MANAGER: That person holding the office of City Manager under the terms of the Pearland Charter, or an authorized representative.

CITY SECRETARY: That person holding the office of City Secretary under the terms of the Pearland Charter, or an authorized representative.

ORDINANCE NO. 509-H

CLINIC: An institution, public or private, or a station for the examination and treatment of out-patients by an individual or group of doctors, dentists, or other licensed members of a human health care profession.

COMMERCIAL AMUSEMENT: An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge or wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, archery range, miniature golf course, bowling alley, game room, and billiard parlor.

COMMERCIAL VEHICLE/TRUCK: Every vehicle designed, maintained or used primarily for the transportation of property with a weight in excess of fifteen hundred (1,500) pounds.

COMMON PROPERTY: A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in a Planned Unit.

COMMON WALL: An approved fire rated wall separating two dwelling units.

CONDOMINIUM: Two or more dwelling units on a lot with individual ownership of a unit rather than of a specific parcel of real property, together with common elements. See Article 1301a, Tex. Rev. Civ. Stat.

CONVENT: A place of dwelling and/or study for persons under religious vows.

CORNER LOT: A lot abutting upon two (2) or more streets at their intersections.

COUNTRY CLUB: An area of twenty (20) acres or more containing a golf course and/or a clubhouse and available to a private specific membership, which club may also contain adjunct facilities such as a dining room, swimming pool, tennis courts or other recreational or service facilities.

CUL-DE-SAC: A local street having but one inlet/outlet to another street and terminated on the opposite end by a vehicular turnaround.

DANCEHALL/NIGHTCLUB: An establishment offering to the general public facilities for dancing and/or entertainment.

DAY NURSERY: An establishment where children, separated from their parents or guardian, are housed for care or training during the day or a portion thereof on a regular

ORDINANCE NO. 509-H

schedule more often than once a week; does not include a public school, private school, kindergarten or registered family home.

DENSITY: The measure of the degree to which land is filled with residential dwelling units designed to accommodate a family group. All density calculations shall be made using net acreage, exclusive of storm water detention areas, pipeline or other utility easements that are not maintained as public recreation areas, thoroughfare rights of way, and streets dedicated and accepted prior to platting of the property.

DEPARTMENT STORE: A store selling a wide variety of goods, which are arranged into departments.

DIRECTOR OF PUBLIC WORKS: As defined by City Charter authorizing same position.

DISTRICT: A zoning district under this Ordinance.

DORMITORY: Any structure specifically designed to house student tenants associated with a university, college or school, public or private.

DRAG STRIP: An establishment where a pre-established race course of at least 1/4 mile in length is located.

DRIVE-IN/REFRESHMENT STAND: Any place or premises used for sale, dispensing or serving of food and/or beverages to consumers in automobiles or on foot, or at an outdoor patio or table, and where indoor tables are not provided.

DUPLEX: A residential building containing two attached dwelling units designed for occupancy by not more than two families.

DUMPSTER: A large, metal refuse receptacle specifically designed to be emptied by heavy machinery and which is otherwise stationary.

DWELLING/DWELLING UNIT: A "dwelling or dwelling unit" is any building or portion thereof which is designed or used exclusively for residential purposes.

DWELLING, SINGLE FAMILY: A residential building, other than a mobile home, designed for occupancy by one family or individual.

DWELLING, SINGLE FAMILY DETACHED: A single family dwelling unit.

ORDINANCE NO. 509-H

DWELLING, MULTI-FAMILY: A residential building designed for occupancy by three or more families, with the number of families not to exceed the number of dwelling units.

EFFICIENCY APARTMENT: An apartment without a bedroom separate from other living quarters.

EMERGENCY VEHICLE: Any vehicle meeting the requirements for emergency vehicles under State Law or City Ordinance.

ENFORCING OFFICER: The designated Enforcing Officer of the City of Pearland or his designated representative.

FAMILY: A "family" is an individual or any number of persons related by blood or marriage or not more than four (4) unrelated persons living as a single housekeeping unit.

FAST FOOD SERVICE: An establishment which prepares and sells food on the premises primarily for consumption elsewhere. This definition does not include drive-in restaurants as herein defined.

FENCE: Any structure or hedge greater than thirty (30) inches in height and of any material, the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, mark a boundary, or provide decoration. All walls except for dikes and retaining walls for the purpose of diverting water and retaining soil would be classified as a fence.

FIRST FLOOR: For the purpose of determining facade requirements, first floor is defined as the vertical distance of a structure/building measured from the average established floor elevation (slab) to the space above it between the floor and the next floor or ceiling or roof, the height of said space being no more than twelve feet (12').

FLOOD WAY: The portion of a water course that is subject to periodic flooding.

FLOOR AREA: The sum total area of all floors as calculated from measurements to outside walls.

FREE STANDING SIGN: A sign supported solely by posts or structures other than a building.

FRONT YARD: A yard between an adjacent street and the entrance side of a principal structure on a lot.

ORDINANCE NO. 509-H

GARAGE, REPAIR: An establishment where motor vehicles receive maintenance, repair or where auto body repair takes place. Such shall not include salvaging.

GASOLINE SERVICE STATION: An establishment where gasoline is sold and dispensed into motor vehicle tanks.

GRADE (Adjacent Ground Elevation): The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet distant from said wall. In case walls are parallel to and within five feet of a public sidewalk, alley or public way, the grade shall be the elevation of the sidewalk, alley or public way.

GROSS LEASABLE AREA: The total floor area of a building which is designed for tenant occupancy and use, including basements and mezzanines, and measured to center lines of joint partitions and to outside of exterior walls, excluding mechanical equipment, storage, restrooms, stairwells, elevator shafts and other common areas.

GROUND SIGN: A sign which is supported by one (1) monolithic structure which is not less in width than one-half ($\frac{1}{2}$) the maximum sign height, set upon the ground and is not part of a building, including ground signs that advertise for more than one occupancy on the premises (multi-tenant).

HARDWARE STORE: A store in which the primary items offered for sale are wares such as fittings, tools, machinery, utensils and other similar objects.

HEAVY MACHINERY SALES: The sale, trade and/or transfer of any motor propelled machinery used for excavation and/or construction purposes.

HEIGHT OF BUILDING: The vertical distance from the "Grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

HELIPORT/HELIPAD: A landing facility for rotary wing aircraft subject to regular use and which may include fueling or servicing facilities for such craft.

HOBBY SHOP: See Speciality Shop.

ORDINANCE NO. 509-H

HOMEOWNERS ASSOCIATION/PROPERTY OWNERS ASSOCIATION: An incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or home owner in a planned unit or other described land area is automatically a member, (b) each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge, if unpaid, becomes a lien against the property.

HOSPITAL, SANITARIUM, NURSING OR CONVALESCENT HOME: A building or portion thereof, used or designed for the housing or treatment of sick, aged, mentally ill, injured, convalescent or infirm persons, provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

HOTEL: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, and which are not directly accessed from an outside parking space.

INTEGRAL RESIDENTIAL DEVELOPMENT: The combining of various types of residential development to achieve the highest and best use of the property.

KENNEL: Any building, lot or premises on or in which dogs or cats (at least eight weeks of age) are kept, or any building, lot, or premises where dogs or cats are housed or accepted for boarding, for which remuneration is received. This term does not include a veterinary clinic.

KINDERGARTEN: Any school, private or parochial, whether operated for profit or not, attended by children during any part of a day, which provides a program of instruction for children below the first grade level in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

LABORATORY: An establishment equipped for experimental study in a science or for testing and analysis.

LANDSCAPED: Adorned or improved by contouring land and placing thereon live flowers, shrubs, trees, grass or other vegetation.

LIGHT INDUSTRIAL (M-1): Major appliance and machinery sales and service, printing plants, engraving shops, plumbing shops, sheet metal fabricating, laundries, electrical contractors, mechanical contractors (includes heating, air conditioning) and carpet cleaners (on premise cleaning).

ORDINANCE NO. 509-H

LIGHT MANUFACTURING PROCESS: Light manufacturing process which does not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which does not generate noise or vibration at the boundary of the district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

LOT: As used herein, a "lot" is each physical and undivided tract or parcel of land as shown on a duly recorded plat, and the word "lot" shall include the word "plot." In zoning districts requiring a side yard setback between like-zoned lots, "lot" shall include the combination of two or more adjacent platted lots allowing a building to cross side yard setback lines. A person combining lots in such a manner shall provide an acknowledged declaration of intent for two or more lots to be treated as one lot for building purposes. The Building Official shall file said declaration in the deed records of the county in which the lots are located.

LOT COVERAGE: That portion of the lot covered by a building structure.

LOT MEASUREMENT:

- a. Area of the lot shall be the net area of the lot, expressed in square feet or acreage and shall not include portions of any public street or alley.
- b. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear (the mean horizontal distance between the front and rear lot line).
- c. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

ORDINANCE NO. 509-H

MANUFACTURED HOME: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

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

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

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

MASONRY: Masonry is defined as brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block, stucco, or EIFS (exterior insulation and finish systems).

METAL: Metal is defined as 24 gauge or heavier architectural panels (wall systems) with concealed fasteners and no exposed seams. Corrugated metal, exposed fasteners, and exposed seams are prohibited.

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

MOBILE HOME: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

ORDINANCE NO. 509-H

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

MONASTERY: See Convent.

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

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

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

OCCUPANCY: Any utilization of real property.

OFF-PREMISES PORTABLE SIGN: An off-premise sign which is also a portable sign.

OFF-PREMISE SIGN: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

OPEN SPACE: Area, excluding parking, street, alley, service walk or other service areas, but including any side, rear, or front yard or any unoccupied space on a lot that is unobstructed to the sky, except for the ordinary projections of cornices, eaves, lattice work or trellises.

ORCHARD: An area of two (2) acres or more which is used for the growing of farm products, vegetables, fruits, trees and/or grain and including incidental and/or necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine or other animals and not including any type of agricultural animal husbandry as specifically defined.

ORDINANCE NO. 509-H

PARKING AREA: An off-street area for the temporary storage of motor vehicles, whether free, for compensation or as an accommodation for clients or customers.

PARKING LOT (Commercial Auto): Area, enclosed or unenclosed, sufficient in size to store automobiles, pickups and/or trucks and permitting ingress and egress of vehicles to a street or alley.

PARKING LOT (Truck Storage): A place where one or more trucks are parked or stored.

PARKWAY AREA: That portion of the public right-of-way laying primarily between the edge of the pavement or curb and the private property line.

PATIO HOME: A single family detached dwelling unit placed on the lot so that it sits along the side lot line, so as to provide maximum usable open space for the private use of occupants of each residential unit.

PAWN SHOP: An establishment where articles are traded in exchange for money plus a right to redeem such articles within a given amount of time upon repayment of such money with interest.

PERMITTED USE: A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit. This term does not include conditional uses.

PERSON: A natural person, his heirs, executors, administrators, or assigns and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PERSON IN CHARGE: Any person who has real or apparent care, custody, and control of real property or buildings located thereon.

PERSONAL SERVICE SHOP: An establishment for the purpose of supplying limited personal services, including but not limited to: cleaning and laundry collection station; interior decorating; watch and jewelry repair; art gallery; library; museum; studio for professional artwork, photography, dance or fine arts, including teaching of applied and fine arts; this definition does not include massage parlors, barber shops, beauty shops, or hairdressers.

ORDINANCE NO. 509-H

PLANNED UNIT DEVELOPMENT (PUD): A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features.

PLANNING COMMISSION: The Planning and Zoning Commission of the City of Pearland, Texas.

PLOT. See Lot.

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

PRINT SHOP: Establishment utilizing off-set, letter press, duplicating equipment, but no rotary presses or linotype equipment.

PRIVATE CLUB: An establishment where food and/or drink is offered for sale or consumption to a private specific membership.

PROFESSIONAL OFFICE: An office occupied by a doctor, lawyer, dentist, engineer, or any other vocation involving predominately mental or intellectual skills requiring post-secondary education. Specifically excludes any activity involving sales of personal property. Does not include veterinary clinics.

QUADRUPLEX: Four single family dwelling units joined by common sidewalls.

REAR YARD: An interior yard extending along the full length of the rear lot line and defined by a line along and parallel to the rear lot line.

RECREATION CENTER: An indoor business establishment used for recreation and social activities.

RECREATION SPACE/FACILITIES: Any open or enclosed area which is available to inhabitants of an occupancy for passive and/or active recreational pursuits. This term includes, but is not limited to, swimming pools, recreation rooms, ball courts, grass areas, playgrounds and any other area both open to all inhabitants of the occupancy and not required for another purpose, such as walkways, parking areas, and landscaping.

ORDINANCE NO. 509-H

REFUSE CONTAINER: Any container, including dumpster, used as temporary storage of routinely collected waste.

REFUSE DUMP: A place reserved or used for the dumping or accumulation of refuse or discarded matter.

REGISTERED FAMILY HOME: A facility that regularly provides care in the caretaker's own residence for not more than seven (7) children under 14 years of age, including the caretaker's own children, and which is properly licensed by the Texas Department of Human Resources as a Registered Family Home, and which is operating in full compliance with prescribed Minimum Standards for Registered Family Homes, as promulgated by said Department.

ROOMING/LODGING HOUSE: A group of rooms for lodging provided for compensation, either in a converted single family home or in a structure specifically designed for such purpose and where no cooking facilities are provided in individual living units.

SALVAGING: Auto wrecking yard, junk yard, salvage products processing and sales, used auto parts sales.

SEAT: One (1) sitting space equal to eighteen (18) inches of bench or pew width if other than an individual chair.

SECURITY DWELLING: An accessory dwelling incidental and subordinate to the primary use. The function of a security dwelling would be the protection and security of the primary use served.

SERVICE ESTABLISHMENT: Establishment that provides a service for remuneration, and includes, but is not limited to, barber and beauty shops, hairdressers, shoe repair, tailor shops and health studios.

SETBACK LINE: A line which marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a building plot.

SHALL: As used in this Code, is mandatory and not discretionary.

ORDINANCE NO. 509-H

SHOPPING CENTER OR INTEGRATED BUSINESS DEVELOPMENT: A commercial development such as a strip center, mall, multi-tenant office building, commercial center, or industrial complex in which two (2) or more separate businesses occupy a single or multiple structures which share on-site parking and common driveways.

SIDE YARD: An interior yard extending along and parallel to the side lot line separating two (2) tracts of land.

SIGN (BILLBOARD): A sign which is subject to regulation under the provisions of the Federal Highway Beautification Act, 23 U.S.C.A. Section 131 et seq., as amended.

SIGN FREESTANDING OR POLE TYPE (On-Premise): A sign which advertises an establishment and is located on the premises owned or controlled by said establishment, which is supported by a single vertical support anchored or set into the ground.

SIGN, REAL ESTATE: A sign whose purpose is to advertise for sale a parcel of real property or an estate in land, including rentals.

SITE PLAN: A scaled drawing showing the use of a parcel of land and the locations of buildings, drives, sidewalks, parking areas, drainage facilities and other structures to be constructed in relation to surveyed boundaries.

SPECIALTY SHOP: An establishment for the purpose of supplying limited specialty items including but not limited to: antiques, art objects and supplies, ceramic supplies, books, camera and photo supplies, candy, florist, gifts, greeting cards, framing, stamps and coins, stationery, and tobacco.

STORAGE AND WAREHOUSES: Commercial storage, crating service, petroleum products storage, truck terminal, warehouse.

STREET: The entire width between property lines when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic. This definition shall include public as well as private streets.

STRUCTURE: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. See Building.

STRUCTURE, PRINCIPAL: The principal structure which fulfills the purpose for which the building plot is intended.

ORDINANCE NO. 509-H

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

SUPERMARKET: A retail market primarily selling foods and household merchandise, and which may also offer other items and/or services in limited quantities.

TEMPORARY SIGN: Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials with short life expectancies. A portable sign shall not be considered a temporary sign.

TENNIS OR SWIM CLUB: A recreational area containing a swimming pool or tennis courts or both with related facilities and/or clubhouse, all of which facilities are available to a private specific membership.

THEATER: An establishment charging admission to the general public for the privilege of observing a live, televised, or motion picture performance.

THUMBNAIL (or EYEBROW): A partial cul de sac bulb, usually with a central angle of 180 degrees or less.

TOWNHOUSE: One of a group of no less than three (3) nor more than twelve (12) attached dwelling units, separated by a fire rated wall, each dwelling unit located on a separate lot. No single group shall exceed two hundred and forty (240) feet in length.

TRUCK: See Commercial Vehicle.

VARIANCE: A legal modification of the district provisions such as yard, lot width and yard depth, signs, setback, off-street parking and loading regulations, height, access and screening granted due to the peculiar conditions existing within a single piece of property.

VARIETY STORE: A store selling a large variety of non-food items of low unit value.

VETERINARY CLINIC: A place where a veterinarian maintains treatment facilities for diseased or injured animals, including boarding facilities.

ORDINANCE NO. 509-H

VISIBILITY TRIANGLE: A triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points thirty-five (35) feet back from their intersection (such curb lines being extended if necessary to determine the intersection point). Visibility triangle shall also mean a triangle sight area, on each side of a driveway where private driveways open into public streets, which shall include that portion of public right-of-way and any lot within a right triangle with the right angle at the point where the curb break begins and the sides forming the right angle being fifteen (15) feet long, one of which extends back along the adjacent curb and the other back toward the private property or parkway.

WHOLESALE DISTRIBUTOR: Alcoholic beverage distributor; wholesale equipment and furniture; wholesale groceries, meats, fish and poultry; wholesale produce; wholesale supply house; wholesale laundry and dry cleaning plant.

WRECKING YARD/SALVAGE YARD: A yard or building where motor vehicles, parts of motor vehicles, or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as scrap or processed metal.

YARD: Open space on the lot or building plot on which a building is situated, between the property line and the setback line, which is open and unobstructed to the sky by any structure except as herein provided. In measuring a yard for compliance with this ordinance, the minimum horizontal distance between the lot line (street R.O.W. line) and the main building shall be used.

CHAPTER 4. SD, SUBURBAN DEVELOPMENT DISTRICT

Section 4.1. Purpose of District.

It is the purpose of the Suburban Development District to classify undeveloped property until such time as a permanent land use classification can be established. The SD classification may be used in conjunction with a co-classification to better reflect the guidelines established in the approved Comprehensive Plan in effect at the time of zoning.

Where designated, these co-classifications would reflect the type zoning proposed by the Comprehensive Plan and would be limited to Residential Compatible, Business Compatible and Industrial Compatible. These proposed designations would establish a trend that could be carried through the ultimate development of the area and permit a final zoning classification.

ORDINANCE NO. 509-H

Zoning categories identified in the co-classification would be used as a guide for determining land use changes for permanent zoning.

(a) SD-R

Residential Compatible: R-E, R-1, R-2, R-3, R-4, MF, OP, NS and GB. This mixture would establish a low density residential character for the area;

(b) SD-B

Business Compatible: MF, OP, NS, GB and C. This mixture would establish a retail or business character for the area;

(c) SD-I

Industrial Compatible: GB, C, M-1, and M-2. This mixture would establish an industrial character for the area.

Section 4.2. Permitted Uses. See Table III.

Section 4.3. General Conditions.

- a. No person shall erect, construct or add to any building or structure or cause the same to be done on SD zoned property without first applying for and obtaining a building permit or certificate of occupancy thereof from the Building Inspector or the City Council as may be required herein.
- b. No permit for the construction of a building or use of land shall be issued by the Building Inspector other than a permit which will allow the construction of a building permitted in the SD, Suburban Development District, unless and until such territory has been classified in a district other than SD, by the City Council in the manner provided by law except that a building permit may be issued in accordance with the provisions of subsection (c).

ORDINANCE NO. 509-H

- c. An application for a land use permit for any use other than that specified in paragraph (b) above shall be made to the Building Inspector of the City of Pearland, and by him referred to the City Planning and Zoning Commission for consideration and recommendation to the City Council. The City Planning and Zoning Commission in making its recommendation to the City Council concerning any such permit shall take into consideration the appropriate land use for the area and the Comprehensive Development Plan for the City of Pearland. The City Council after receiving and reviewing the recommendations of the City Planning and Zoning Commission may by majority vote authorize the issuance of the Building Permit or Certificate of Occupancy or may disapprove the application.

CHAPTER 5. R-E, ESTATE LOT SINGLE FAMILY DWELLING DISTRICT

Section 5.1. Purpose of District.

The R-E Dwelling District, the most restrictive of all residential districts, is intended to permit the low density development of detached single family dwelling units and appropriate desirable open space. This district may be combined with the PUD, Planned Unit Development District, to provide for grouping of dwelling units to achieve larger open space areas and community recreational areas.

Section 5.2. Permitted Uses. See Table III.

Section 5.3. R-E Planned Unit Development Uses.

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

Indoor and outdoor recreational facilities in conjunction with residential uses.

Section 5.4. General Conditions.

1. Area requirements:

- (a) Minimum lot size - Every lot within the zoning district shall be at least one-half acre (21,780 square feet) in area.
- (b) Minimum lot width - Every lot within this zoning district shall be at least 120 feet in width, measured at the front building line.
- (c) Maximum Coverage - No more than 50% of the total lot area shall be covered.

ORDINANCE NO. 509-H

- (d) Where a lot having less area, width, and/or depth existed in separate ownership upon the effective date of this Ordinance, the erection of one single family dwelling shall be permitted.

2. Yard (setback) requirements:

- (a) Front yards shall be at least forty (40) feet, provided that the front yard shall be at least thirty-five (35) feet on lots within the arc of a cul-de-sac and thumbnail lots.
- (b) Rear yards shall be at least twenty-five (25) feet.
- (c) There shall be at least one side yard of at least fifteen (15) feet, with an aggregate adjacent dwelling separation of thirty (30) feet. Side yards abutting a street right of way shall be at least forty (40) feet.

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

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

3. Height restrictions:

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

4. Accessory buildings:

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

ORDINANCE NO. 509-H

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

Section 5.5. Planned Unit Development Regulations.

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

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

CHAPTER 6. R-1, SINGLE FAMILY DWELLING DISTRICT

Section 6.1. Purpose of District.

The R-1 Dwelling District is intended to permit the low density development of detached single family dwelling units and appropriate desirable open space. This district may be combined with the PUD, Planned Unit Development District, to provide for grouping of dwelling units to achieve larger open space areas and community recreational areas.

Section 6.2. Permitted Uses. See Table III.

Section 6.3. R-1 Planned Unit Development Uses.

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

Indoor and outdoor recreational facilities in conjunction with residential uses.

Section 6.4. General Conditions.

1. Area requirements:

- (a) Minimum lot size - Every lot within the zoning district shall be at least 8,800 square feet in area.
- (b) Minimum lot width - Every lot within this zoning district shall be at least 80 feet in width, measured at the front building line.

ORDINANCE NO. 509-H

- (c) Maximum Coverage - No more than 60% of the total lot area shall be covered.
- (d) Where a lot having less area, width, and/or depth existed in separate ownership upon the effective date of this Ordinance, the erection of one single family dwelling shall be permitted.

2. Yard (setback) requirements:

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

Corner lot: There shall be a minimum yard of at least twenty feet (20') adjacent to the side street of a corner lot. 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.

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

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

3. Height restrictions:

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

ORDINANCE NO. 509-H

4. Accessory buildings:

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

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

Section 6.5. Planned Unit Development Regulations.

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

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

CHAPTER 7. R-2 SINGLE FAMILY DWELLING DISTRICT

Section 7.1. Purpose of District.

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

Section 7.2. Permitted Uses. See Table III.

Section 7.3. R-2 Planned Unit Development.

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

Recreational spaces/facilities in conjunction with residential uses.

ORDINANCE NO. 509-H

Section 7.4. General Conditions.

1. Area requirements:

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

2. Yard (setback) requirements:

- (a) Interior lot: Front yard shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth, provided that the front yard shall be at least twenty (20) feet on lots within the arc of a cul-de-sac and thumbnail lots.

Corner lot: There shall be a minimum yard of at least twenty feet (20') adjacent to the side street of a corner lot. 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.

- (b) Rear yard shall be at least twenty (20) feet.
- (c) There shall be one side yard of at least five (5) feet, with an aggregate adjacent dwelling separation of fifteen (15) feet.

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

ORDINANCE NO. 509-H

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

3. Height restriction:

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

4. Accessory buildings:

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

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

Section 7.5. Planned Unit Development Regulations.

1. R-2 PUD uses shall be subject to R-2 general conditions, except for the following R-2 general conditions as specifically imposed by the site plan or ordinance adopting such site plan:
2. Maximum density in this district shall not exceed five (5) dwelling units per acre. There shall not be a minimum lot size or width.

CHAPTER 8. R-3 SINGLE FAMILY DWELLING DISTRICT

Section 8.1. Purpose of District.

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

Section 8.2. Permitted Uses. See Table III.

ORDINANCE NO. 509-H

Section 8.3. R-3 Planned Unit Development Uses.

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

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

Section 8.4. General Conditions.

1. Area requirements:

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

2. Yard (setback) requirements:

- (a) Interior lot: Front yard shall be at least twenty-five (25) feet for all lots of one hundred (100) feet or more in depth and twenty (20) feet for lots of less than one hundred (100) feet in depth, provided that the front yard shall be at least twenty (20) feet on lots within the arc of a cul-de-sac and thumbnail lots.

Corner lot: There shall be a minimum yard of at least twenty feet (20') adjacent to the side street of a corner lot. 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.

- (b) Rear yard shall be at least twenty (20) feet.

ORDINANCE NO. 509-H

- (c) There shall be one side yard of at least five (5) feet, with an aggregate adjacent dwelling separation of fifteen (15) feet.

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

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

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

Section 8.5. Planned Unit Development Regulations.

- 1. R-3 PUD shall be subject to R-3 general conditions, except for the following R-3 general conditions as specifically imposed by the site plan or ordinance adopting such site plan.
 - (a) Maximum lot coverage of 60%.
 - (b) Common Open Space Areas for Patio Homes. There shall be at least 900 square feet of common open space per patio home lot; the minimum area of any common open space shall be 6,000 square feet. Each required common open space area shall be within 300 feet of all the patio home lots it is intended to serve, measured along a route of pedestrian access. Each required common open space area shall be appropriately graded, turfed, surfaced, or otherwise landscaped and provided with suitable drainage

ORDINANCE NO. 509-H

facilities. Pedestrian ways and swimming pools may be included as part of the required open space areas having the required minimum width, but off-street parking areas, service drives, and detention facilities may not be included in such areas. The Commission and the Council may allow the development of a larger common open space area if it finds that it would better serve the needs of the area.

2. Maximum density shall not exceed seven (7) dwelling units per acre. There shall not be a minimum lot size or width.

CHAPTER 9. R-4 SINGLE FAMILY DWELLING DISTRICT

Section 9.1. Purpose of District.

The R-4 dwelling district is intended to permit maximum density single family dwelling units and appropriate open space. The R-4 dwelling district shall be located to provide a buffer between low density single family residences and less restrictive residences and business related districts.

Section 9.2. Permitted Use.

- a. Patio Homes.
- b. See Table III.

Section 9.3. R-4 Planned Unit Development Uses.

Town Houses and Condominium.

Section 9.4. General Conditions.

1. Area requirements:

- a. Minimum gross site area. Every development in the R-4 single family development district should have a minimum gross site area of at least 25,000 square feet.
- b. Minimum lot width. Every lot within this zoning district should be as follows:
 - (1) Patio homes: 50 feet in width.

ORDINANCE NO. 509-H

c. Minimum lot size. Each lot within this zoning district shall be a minimum area of:

(1) Patio homes: 5,000 square feet.

No more than 60% of the total lot area shall be covered by buildings.

2. **Yard (setback) requirements:** Every lot within this district shall have front yards of at least 20 feet and rear yards of at least 10 feet.

Interior lot: There shall be required building separations a minimum of 15 feet. This shall allow for zero lot line on one side.

Corner lot: There shall be a minimum yard of at least twenty feet (20') adjacent to the side street of a corner lot. 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.

3. **Height restrictions:** No building shall exceed 35 feet in height.

4. **Accessory buildings:** Accessory buildings shall be permitted in the rear yards, provided, however, that no structure shall be allowed on any dedicated easement.

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

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

ORDINANCE NO. 509-H

Section 9.5. Planned Unit Development Regulations.

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

CHAPTER 10. MF, MULTI-FAMILY

Section 10.1. Purpose of District.

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

Section 10.2. Permitted Use. See Table III.

Section 10.3. MF Planned Unit Development Uses.

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

- a. Hospitals, convalescent homes.
- b. Private clubs.
- c. Recreational space/facilities.

ORDINANCE NO. 509-H

Section 10.4. General Conditions.

Area Requirements:

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

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

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

- g. **Fences and screening:** Fences and screening shall be provided and maintained as set forth in Section 23.
- h. **Parking:** Parking as required in Section 21 shall be provided.
- i. **Accessory buildings:** Accessory buildings, including garages, tool sheds, and greenhouses shall be permitted behind the front building line, provided, however, that no structure shall be allowed in any dedicated easement.

ORDINANCE NO. 509-H

- j. **Access:** Refer to the Engineering Design Criteria Manual.
- k. **Refuse containers:** All refuse and refuse containers shall be screened from view of adjacent public streets.
- l. **Landscaped open area:** In addition to paved parking and driving areas, service walks and other service areas at least ten (10) percent of the site shall be maintained in landscaped open area.
- m. **Common recreational area:** In all areas where Multi-Family Dwelling units are constructed, there shall be at least 600 square feet of common recreational space per dwelling unit. The minimum area of any common recreational space shall be 6,000 square feet. Each common recreational area shall be within 300 feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common recreational area shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities. Facilities, such as pedestrian ways and swimming pools, may be included as part of the required recreational space. Off-street parking areas and service drives are not included.

Section 10.5. Planned Unit Development Regulations.

MF PUD uses shall be subject to MF general conditions and the general requirements of the planned unit development section, except for the following MF general conditions, or as specifically imposed by the site plan or ordinance adopting such site plan.

- a. Maximum site coverage 70%, including parking and driveways.
- b. Maximum density shall not exceed 19.36 dwelling units per acre. Building Site Ratio - 2250 square feet per dwelling unit.

CHAPTER 11. MH MOBILE HOME PARK DISTRICT

Section 11.1. Purpose of District.

The Mobile Home Park District 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 Mobile Home Parks. These requirements shall be used in conjunction with the other mobile home regulations as set in Chapter 17 of the Pearland Code of Ordinances.

ORDINANCE NO. 509-H

Section 11.2. Permitted Uses. See Table III.

Section 11.3. General Conditions.

1. Area Requirements:

- (a)** Minimum site area - Every site within this zoning district shall be at least three (3) acres.
- (b)** Minimum site width - Every site within this zoning district shall be at least one hundred fifty (150) feet in width at all points.
- (c)** Maximum coverage - No more than 30% of the total site area shall be covered by buildings or mobile homes.
- (d)** Minimum site depth - Every site within this zoning district shall be at least two hundred fifty (250) feet in depth.
- (e)** Minimum lot width - Every lot within this zoning district shall have a minimum width of sixty (60) feet.
- (f)** Minimum lot depth - Every lot within this zoning district shall have a minimum depth of one hundred (100) feet.
- (g)** Minimum lot area - Every lot within this zoning district shall have a minimum area of six thousand (6,000) square feet.

2. Minimum dwelling unit size: Every dwelling unit in this district shall have a floor area of at least 600 square feet.

3. Yard (setback) requirements:

- (a)** Every lot in this district shall have a front and rear yard of at least ten (10) feet measured from the lot line, and side yards of five (5) feet with fifteen (15) foot aggregate.

4. Site requirements:

- (a)** Landscaped Open Area - In addition to paved parking and driving areas, service walks and other service areas at least five (5) percent of the site shall be maintained in landscaped open area.

ORDINANCE NO. 509-H

- (b) **Street Right-of-Way** - All streets within the site shall have a 60 foot minimum right-of-way, with a 38 foot pavement width back-to-back, to provide sufficient access for oversized vehicles.
- 5. **Height restrictions:** No building shall exceed thirty-five (35) feet in height.
- 6. **Fences:** Subject to the provisions of Section 23.
- 7. **Parking:** Each mobile home lot will be provided with two off-street parking spaces.
- 8. **Accessory buildings:**
 - (a) There shall be storage facilities which shall not be within any required yard with a minimum capacity of two hundred (200) cubic feet per mobile home space. These shall be provided for each space or in compounds located within one hundred (100) feet of each space. Wherever provided, storage facilities shall be constructed of non- combustible materials.
 - (b) Additional accessory buildings, including office for the park, community facilities, house for owner or manager, not exceeding 10% of the lot area shall be permitted behind any building line, provided, however, such accessory buildings shall be solely for the convenience and necessity of the inhabitants of the park.
- 9. **Access:** Refer to the Engineering Design Criteria Manual.
- 10. **Refuse containers:** All refuse and refuse containers shall be screened from view of public streets adjacent to the property, unless they are permanent fixtures aesthetically designed for visible locations.
- 11. **Landscaped open area:** In addition to paved parking and driving areas, service walks and other service areas, at least 10% of the lot shall be maintained in landscaped open area.
- 12. **Recreation space:** There shall be at least 600 square feet of common area per individual mobile home; the minimum area of any common recreational areas shall be 6,000 square feet, and minimum width of any such area shall be eighty (80) feet. Each required common recreation area shall be within 300 feet of all the mobile homes it is intended to serve, measured along a route of pedestrian access. Each

ORDINANCE NO. 509-H

required common recreation area shall be appropriately graded, turfed, or otherwise landscaped, and provided with suitable drainage facilities.

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

Section 11.4. Special Requirements.

1. Mobile Home Space Improvements.
 - (a) Paving - All wheels of structural supports shall be placed on an approved foundation as set forth by the Building Inspection Department.
 - (b) Sanitary Facilities - Each mobile home space shall contain underground water and sewer connections to the City system.
 - (c) Anchoring Devices - Each mobile home space shall be provided with tie-down anchors as provided by State and Federal Regulations.
 - (d) Utilities - All utility service shall be underground.

Section 11.5. Planned Unit Development Regulations.

1. MH PUD shall be subject to the following exceptions to general conditions:
 - (a) Minimum lot size - 5,000 square feet.
 - (b) Minimum lot width - 50 feet.
 - (c) Minimum open space - Required landscaped open areas may be grouped to provide a more feasible utilization of the property.

CHAPTER 12. VILLAGE DISTRICT

Reserved

ORDINANCE NO. 509-H

CHAPTER 13. OP OFFICE AND PROFESSIONAL DISTRICT

Section 13.1. Purpose of District.

The OP office district is intended to permit a wide variety of business, professional and organization office needs of the community together with desirable associated uses. When combined with the PUD planned unit development district, uses permitted in this district may be grouped together with uses permitted in R-3, R-4, MF or NS districts to provide for a large area development plan to provide a wide variety of available service by lessening traffic and associated problems.

Section 13.2. Permitted Uses. See Table III.

Section 13.3. Planned Unit Development Uses.

The uses within this district may be combined with any permitted use in NS, MF, R-3, and R-4 zoning.

Section 13.4. General Conditions.

1. Area requirements:

- (a) Minimum lot size. Every lot within the zoning district shall be at least 12,500 square feet in area.
- (b) Minimum lot width. Every lot within this zoning district shall be at least one hundred (100) feet in width measured at the front building line.
- (c) Minimum lot depth. Every lot within this zoning district shall be at least one hundred (100) feet in depth.

2. Outdoor activities or uses: No outdoor commercial activities or uses shall be permitted in the OP office district other than mobile refreshment stands, accessory parking and loading and the placement and servicing of refuse containers for permitted uses. Passive recreational uses including, but not limited to sitting, walking and eating are also permitted.

3. Building line: Every lot within the district shall have a front building line of at least twenty-five (25) feet and side and rear building lines of at least ten (10) feet, provided, however, if side and rear building lines do not abut R-1, R-2, R-3, R-4, MF zones or streets, such side and rear building lines may be eliminated.

ORDINANCE NO. 509-H

4. **Fences and screening:** Fences and screening shall be required between all residential and non-residential uses, as provided in Section 23.
5. **Parking and loading:** Parking and loading shall be subject to general requirements as set forth in Section 21 and Tables IV, V, and VI.
6. **Refuse facilities:** All refuse and refuse containers shall be screened from view of all public streets, unless permanent fixtures, aesthetically designed for visible locations.
7. **Access:** Refer to the Engineering Design Criteria Manual.
8. **Landscaped open area:** In addition to paved parking and driving areas, service walks and other service areas, at least 10% of the lot shall be maintained in landscaped open area.

Section 13.5. Planned Unit Development Regulations.

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

ORDINANCE NO. 509-H

CHAPTER 14. NS NEIGHBORHOOD SERVICE DISTRICT

Section 14.1. Purpose of District.

The Neighborhood Service District 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. When combined with the PUD planned unit development district, less restrictive uses may be grouped together with uses permitted in this district to provide a wider variety of neighborhood services.

Section 14.2. Permitted Uses. See Table III.

Section 14.3. NS Planned Unit Development.

1. The uses within this district may be combined with any permitted use in the R-3, R-4, MF and OP zoning district to provide a wide variety of neighborhood services.
2. Retail sales of gasoline as a secondary use.

Section 14.4. General Conditions.

1. **Area requirements:**
 - (a) Minimum lot size. Every lot within the zoning district shall be at least 12,500 square feet in area.
 - (b) Minimum lot width. Every lot within this zoning district shall be at least one hundred (100) feet in width, measured at the front building line.
 - (c) Minimum lot depth. Every lot within the zoning district shall be at least one hundred (100) feet in depth.
2. **Outdoor activities and uses:** No outdoor commercial activities or uses shall be permitted in the neighborhood service district other than mobile refreshment stands, accessory parking and loading and the placement and servicing of refuse containers for permitted uses. Passive recreational uses are also permitted.

ORDINANCE NO. 509-H

3. **Building line:** Every lot within this district shall have front building line of at least twenty-five (25) feet, side building lines of at least fifteen (15) feet, provided, however, if side building lines do not abut R-1, R-2, R-3, R-4, or, MF zones, such side building lines may be eliminated.
4. **Screening and fencing:** Screening and fencing shall be provided and maintained as set forth in Section 23.
5. **Parking and loading:** Parking and loading shall be subject to the general requirements of Section 21 and Tables IV, V, and VI.
6. **Refuse containers:** All refuse and refuse containers shall be screened from view of all public streets, unless they are permanent fixtures aesthetically designed for visible locations.
7. **Access:** Refer to the Engineering Design Criteria Manual.

Section 14.5. Planned Unit Development Regulations.

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

ORDINANCE NO. 509-H

CHAPTER 15. GB GENERAL BUSINESS (RETAIL)

Section 15.1. Purpose of District.

The general business district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly within an enclosed building but may incidentally display merchandise wholly under a permanent part of the main business structure, such as a marquee. Additional outdoor display of merchandise may be allowed by Specific Use Permit. When combined with the PUD planned unit development district, uses permitted in other districts may be grouped with uses permitted in this district to create large area developments of compatible and mutually supportive activities.

Section 15.2. Permitted Uses. See Table III.

Section 15.3. Planned Unit Development Uses.

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

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

Section 15.4. General Conditions.

1. Area requirements:

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

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

ORDINANCE NO. 509-H

- (a) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten (10) feet, and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.
 - (b) On any property in the general business district, the temporary sale of Christmas trees and other forms of decorative plant materials associated with celebration of religious events shall be permitted for a period of forty-five (45) days prior to the day of religious celebration. The Enforcing Officer shall issue a permit for such sale when he finds:

 - (1) That there is an adequate off-street parking area, approved by the City; and
 - (2) That the location and layout of drives and parking areas, of lighting and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets.
3. **Yard (setback) requirements:** Every lot within this district shall have front and rear yards of twenty-five (25) feet and a side yard of twenty-five (25) feet on any side adjoining on R-1, R-2, R-3, R-4, MF or street districts; otherwise side yards shall be either zero or at least ten (10) feet.
 4. Screening and fencing shall be provided and maintained as set forth in Section 23.
 5. **Parking and loading:** Parking and loading shall be subject to the general requirements of Section 21 and Table IV, V, and VI.
 6. **Refuse containers:** All refuse and refuse containers shall be screened from view of all public streets, unless permanent fixtures, aesthetically designed for visible locations.
 7. **Access:** Refer to the Engineering Design Criteria Manual.

ORDINANCE NO. 509-H

8. The sale, dispensing, and otherwise handling of alcoholic beverages directly to the consumer for consumption on the premises shall be permitted only if incidental and secondary to the sale of food for human consumption on the premises, which shall be construed to mean that at least 50% of gross receipts must be from sales of food for consumption on the premises. This regulation shall not apply to private clubs operating within hotels and motels.

Section 15.5. Planned Unit Development Regulations.

1. In a GB PUD district, subject to site plan provisions, the following GB controls shall not apply except as specifically imposed by the site plan or ordinance adopting such site plans:
 - (a) Minimum lot size.
 - (b) Minimum lot width.
 - (c) Yard requirements, provided, however, there shall in all cases be an exterior yard of at least twenty-five (25) feet.
 - (d) Height.
 - (e) Access.
 - (f) Lot coverage, but only if underground or multi-level parking is provided.

CHAPTER 16. C COMMERCIAL DISTRICT

Section 16.1. Purpose of District.

The commercial district is intended to permit a wide variety of businesses characterized by those uses that require an extensive amount of land for the conduct of business. When combined with the PUD district, uses permitted in the GB General Business district may be grouped with uses permitted in this district to provide for a wide variety of commercial activity.

Section 16.2. Permitted Uses. See Table III.

Section 16.3. C Planned Unit Development Uses.

1. All C permitted uses.

ORDINANCE NO. 509-H

2. All GB permitted uses.

Section 16.4. General Conditions.

1. Area requirements:

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

2. **Outdoor activities and uses:** Out of doors display, storage and sale of merchandise, equipment and vehicles shall be permitted **provided the commercial zoning district is not adjacent to a residential zoned property. City Council approval of a Specific Use Permit (in accordance with Section 25) authorizing said outdoor activities and uses is required for commercial zoning districts adjacent to residential zoned property.**

3. **Yard (setback) requirements:** Every lot within this district shall have a front yard of at least twenty-five (25) feet, a rear yard of at least twenty-five (25) feet and no side yard shall be required unless such district is adjacent to any other district or public street in which case there shall be a side yard of at least twenty-five (25) feet.

4. **Screening and fencing:** Screening and fencing shall be provided subject to the general requirements set forth in Section 23 of this Ordinance.

5. **Parking and loading:** Parking and loading shall be subject to the general requirements of Section 21 and Tables IV, V, and VI.

6. **Refuse containers:** All refuse containers shall be located behind the front building line (shall be screened from public view) and shall not be located in any required yard unless they are permanent fixtures aesthetically designed for visible locations.

7. **Access:** Refer to the Engineering Design Criteria Manual.

ORDINANCE NO. 509-H

Section 16.5. Planned Unit Development Regulations.

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

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

CHAPTER 17. M-1 LIGHT INDUSTRIAL

Section 17.1. Purpose of District.

The Light Industrial District is intended to permit a wide range of light industrial, manufacturing, wholesale and service type uses. When combined with the PUD Planned Unit Development District, site planning may be substituted for certain conditions in order to afford greater flexibility without sacrificing necessary controls.

Section 17.2. Permitted Uses. See Table III.

Section 17.3. Planned Unit Development Uses.

- 1. Industrial Parks.
- 2. Industrial Parks containing M-1, M-2, C, GB, and OP uses.

Section 17.4. General Conditions.

- 1. **Area requirements:**
 - (a) Minimum lot size: Every lot within the zoning district shall be at least 40,000 square feet in area.
 - (b) Minimum lot width: Every lot within this zoning district shall be at least one hundred fifty (150) feet in width measured at the front building line.

ORDINANCE NO. 509-H

- (c) Lot depth: Every lot within this zoning district shall be at least one hundred fifty (150) feet in depth.

2. Yard (setback) requirements:

- (a) Front yard setback: Every lot within this district shall have a front yard setback of at least thirty-five (35) feet.
- (b) Side yard setback: Every lot within this district shall have a side yard of at least twenty-five (25) feet on each side.
- (c) Rear yard setback: Every lot within this district shall have a rear yard of at least twenty-five (25) feet.

3. Fences and screening: Subject to requirements set forth in Section 23.

4. Parking: Parking as required in Section 21 and Tables IV, V, and VI shall be provided in an area behind the front property line.

5. Access: Refer to the Engineering Design Criteria Manual.

Section 17.5. Special Conditions.

- 1. At least 10% of the lot shall be maintained in permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
- 2. Along the common lot line of a lot adjoining any other district, there shall be a minimum of a ten (10) foot wide strip of landscaped open area.

ORDINANCE NO. 509-H

3. No materials storage, including **but not limited to** waste materials, raw materials, construction materials, and salvaged materials or finished product storage shall be permitted unless screened by a solid wall or fence not less than eight (8) feet in height at the building line. **City Council approval of a Specific Use Permit (in accordance with Section 25) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residential zoned property.**

Section 17.6. Performance Standards.

1. No land or building shall be used or occupied within this district which does not comply with the following standards relating to radioactivity and electromagnetic disturbances, noise, vibrators, odors and glare.
2. **Performance standards regulations:**
 - (a) Radioactivity or electromagnetic disturbance. No activity shall be permitted which emits dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
 - (b) Direct or sky-reflected glare: No glare shall be permitted whether from floodlights or from high temperature processes such as combustion or welding or otherwise.
 - (c) All industry will comply with any appropriate federal and/or state standard as well as any others specified by this Ordinance.

Section 17.7. Planned Unit Development Regulations.

In an M-1 PUD district, subject to site plan provisions, the following M-1 controls shall not apply except as specifically imposed by the site plan or ordinance adopting such site plan:

- (a) Minimum lot size.
- (b) Minimum lot width.
- (c) Height.
- (d) Access.

ORDINANCE NO. 509-H

CHAPTER 18. M-2 HEAVY INDUSTRIAL DISTRICT

Section 18.1. Purpose of District.

The Heavy Industrial District is intended to permit any manufacturing, assembly, processing, storage and/or distribution, sale and repair incidental to industrial use allowed by law, except for those listed below which must receive approval by the City Council in accordance with the procedure established in Section 23, and thus approved, may only be located in the M-2 District. Residential uses are prohibited in this district, but existing residential uses may continue as nonconforming uses.

Uses requiring City Council approval:

- (1) Animal slaughtering or poultry processes.
- (2) Acid manufacture.
- (3) Ammonia manufacture.
- (4) Carbon Black manufacture.
- (5) Cement, lime, gypsum or plaster of paris manufacture.
- (6) Manufacture of chlorine or other toxic gases.
- (7) Explosives manufacture and/or storage.
- (8) Glue or fertilizer manufacture.
- (9) Petroleum or petroleum product extraction, refining, manufacture, or bulk storage.
- (10) Petrochemical plant.
- (11) Rendering plant.
- (12) Tanning, curing, treating, or storage of skins or hides.

ORDINANCE NO. 509-H

- (13) Any use which, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor or vibration or danger of explosion or fire presently or in the future, is determined to be a hazard by the Enforcing Officer or objectionable or incompatible and subject to special control of specific projects.
- (14) Dumps and landfills.

Section 18.2. Planned Unit Development Uses.

1. Industrial Parks.
2. Industrial Parks containing M-1, M-2, C, GB and OP uses. In addition, a buffer or transition zone is recommended to isolate the adverse impact of the M-2 District from other, more restricted districts.

Section 18.3. General Conditions.

General conditions for M-2 District shall be the same as those for M-1 District.

Section 18.4. Special Conditions.

Special conditions for M-2 District shall be the same as those for M-1 District.

Section 18.5. Performance Standards.

Performance standards for M-2 District shall be the same as those for M-1 District.

CHAPTER 19. PUD PLANNED UNIT DEVELOPMENT

Section 19.1. Purpose of District.

The PUD district is intended to be used in conjunction with other zoning districts to permit greater flexibility and permit more creativity and imaginative design. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

ORDINANCE NO. 509-H

Section 19.2. Coordination With Subdivision Ordinance.

It is the intention of this Ordinance that subdivision review under the subdivision review ordinance be carried out concurrently with the review of the PUD under this section of the Zoning Ordinance.

The development plans submitted must be submitted in a form which will satisfy the requirements of the Subdivision Ordinance, the Zoning Ordinance and final plats.

The requirements of both this section and those of the Subdivision Ordinance shall apply to all PUDs.

Section 19.3. General Regulations.

1. **Area requirements:** The PUD district shall have at least three (3) acres for a nonresidential purpose or at least five (5) acres in use for residential purposes. The fact that such property may be platted into smaller lots shall not relieve the owner thereof of such area minimums.
2. **Maximum coverage:** Unless limited to a lower percentage by the base district, no more than 70% of a lot shall be covered by primary or accessory buildings.
3. **Yard (setback) requirements:** In PUD districts which include residential uses, the applicable yard requirements for the residential uses apply only to the residential areas within the site.

Section 19.4. Outline of Procedure.

- I. Preapplication Conference
 - A. Participants: Planning Commission
City Manager/or Designate
Applicant
Other Applicable City Staff
 - B. Goals: To explain PUD process to Applicant, and to allow Applicant to present concepts and receive informal comments. Comments made at this time are intended only to assist Applicant and are not legally binding.
 - C. Documents required from Applicant: Preliminary plans and sketches, existing site information.

ORDINANCE NO. 509-H

II. Application/Preliminary Development Plan

- A.** Participants: Planning Commission
Applicant
Professional Consultants (i.e., Design Specialists) as required.
- B.** Goals: To present Planning Commission with more detailed formal application for proposed PUD. To allow Applicant to receive formal comments on this application.
- C.** Formal Application: Applicant submits formal application for PUD/Zone Change to Planning Commission. Minimum required information for the preliminary development plan is as follows:

(1) Written Documents

- (a)** A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- (b)** A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- (c)** A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
- (d)** A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.
- (e)** Quantitative data for the following: total number and type of dwelling units; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space); total amount of nonresidential construction (including a separate figure for commercial or institutional

ORDINANCE NO. 509-H

facilities); economic feasibility studies or market analysis where necessary; and other studies as required by the review authority.

(2) Site Plan and Supporting Maps

A site plan and any maps necessary to show the major details of the proposed PUD must contain the following minimum information:

- (a)** The existing site conditions including contours at 0.5 foot intervals, water course, flood plains, unique natural features, and forest cover.
- (b)** Proposed lot lines and plot designs.
- (c)** The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and nonresidential structures, including commercial facilities. Preliminary evaluations and/or architectural renderings of typical structures and improvements. Such drawings should be sufficient to relay the basic architectural intent of the proposed improvements.
- (d)** The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational area, school site, and similar public and semipublic uses.
- (e)** The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.
- (f)** The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflicts.

ORDINANCE NO. 509-H

- (g) The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines in schematic form.
- (h) A general landscape plan indicating the treatment and materials used for private and common open spaces in general schematic form.
- (i) The proposed treatment of the perimeter of the PUD, including materials and techniques used such as screens, fences and walls.
- (j) Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed PUD.

III. Public Hearing.

A. Participants: Planning Commission
City Manager/or Designate
Applicant
Citizens

B. Goals: To allow citizens to formally voice comments and suggestions in regard to proposed PUD. To let Planning officials and developers become aware of citizens concerns.

IV. Planning Commission Decision.

Formal approval, disapproval, or approval contingent on required modifications. Process then continues in accordance with zoning change procedures as outlines in the City Charter.

V. Final Development Plan.

A. Participants: Planning Commission
City Manager/or Designate
Applicant

ORDINANCE NO. 509-H

B. Goals: To formalize design specifics. To review new items and modifications. To insure conformance to PUD regulations. To insure Final Development Plan does not differ substantially from Preliminary Development Plan.

C. Final Development Plan Submission:

Formal submission by Applicant to Planning Commission.
All changes and modifications from Preliminary Development Plan shall be noted.

VI. Planning Commission Decision:

Formal approval, disapproval.
Applicant must secure title to property of application described before final approval.

CHAPTER 20. FW - FLOODWAY DISTRICT

Section 20.1. Purpose of District.

The Floodway District is intended to minimize hazards to life and property from flooding and to control and minimize the extent of flooding by regulating the uses and restricting the development of floodways of water courses shown to be subject to periodic flooding and to preserve the locations, character and extent of natural drainage courses. The FW District is intended to be used in conjunction with other districts to assure compliance with FEMA Regulations. In addition, the FW District will control only that development of floodway areas which:

- 1) Are appropriate in the light of the probability of flood damage and the need to reduce flood losses,
- 2) Represent an acceptable social and economical use of the land in relation to the hazards involved,
- 3) Does not increase the danger to human life.

It may be used in conjunction with other districts to provide the highest and best utilization of property in a floodway.

ORDINANCE NO. 509-H

The boundaries of any floodway district will be indicated on the official floodway map for the City, which map is on file in the offices of the Texas Water Commission. The local repository of said map is the office of the City Secretary of this City. The rules and regulations governing the use and occupancy of the floodway district shall be on file at the office of the City Secretary of this City, the offices of the Houston-Galveston Area Council, the offices of the Texas Water Commission, and Federal Emergency Management Agency, Region VI.

Section 20.2. Permitted Uses.

The following uses are permitted within the FW-Floodway District subject only to the general conditions of this section and other sections specifically referred to:

1. Agricultural and Horticultural Uses.
2. Parks and Playgrounds.
3. Flood Control Structures.
4. Lawns, Gardens and Open Space.
5. Camping and Picnicking Areas.
6. Golf Courses, Golf Driving Ranges and Miniature Golf Courses.
7. Canoe, Paddle boat, Rowboat Rentals.

Section 20.3. General Conditions.

1. **Area Requirements:** The area of all FW-Floodway Districts shall be the boundaries of the floodway as shown on the FIRM map or a hydrological study approved by FEMA. The floodway boundaries shall be defined by mean sea level elevations.
2. **Non-Conforming Uses:** Existing buildings located in a Floodway District at the time of adoption of this Ordinance may be enlarged, modified, remodeled, or substantially improved provided: that such building be modified or anchored to prevent floatation, collapse or lateral movement of the structure; that utility equipment be modified to be resistant to flood damage; and that the following methods and practices be applied to the maximum possible extent:
 - (a) Thermal insulation used below the first floor level shall be of a type that does not absorb water.

ORDINANCE NO. 509-H

- (b) Adhesives shall have a bonding strength that is unaffected by inundation.
- (c) Doors and all wood trims shall be sealed with a waterproof paint or similar product.
- (d) Water heaters, furnaces, electrical distribution panels and other critical mechanical or electrical installations shall be prohibited below the minimum elevation requirement. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (e) Plywood used at or below the first floor level shall be of an "exterior" or "marine" grade and of water-resistant or waterproof variety.
- (f) Wood flooring used at or below the first floor level shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- (g) Basement ceilings shall have sufficient wet strength and be so installed as to survive inundation.
- (h) Paints or other finishes used at or below the first floor level shall be capable of surviving inundation.
- (i) All air ducts, large pipes and storage tanks located at or below the first floor level shall be firmly anchored to prevent floatation. Tanks shall be vented at a location above the 100 year flood level.
- (j) Any construction within the floodway shall not have an adverse impact on flow of water in floodway.

Section 20.4. Development Regulations.

1. Property within this district shall not be used except for permitted uses and then shall only be improved in accordance with a plan approved by the Public Works Department showing no reduction in total 100 year flood water storage capacity and no obstruction will be permitted in the floodway of a 100 year flood unless accompanied by excavation of the stream channel necessary to maintain the same water surface elevation of the flood.

ORDINANCE NO. 509-H

2. Property in this district shall not be considered for rezoning unless a plan for development of the land in accordance with the following standards is submitted with the application for rezoning, which plan shall continue to govern development after such zone change:
 - (a) There shall be no reduction of water storage capacity below the 100 year frequency flood level.
 - (b) There shall be no reduction of flow capacity of channels below the 100 year frequency flood level.
 - (c) Residential structures shall have the lowest floor one foot or higher than the water surface elevation at that point of a flood for a 100 year storm, as officially provided by the Federal Insurance Administration for administration of the National Flood Insurance program in Brazoria County, Texas.
 - (d) Non-residential structures shall have the lowest floor one foot or more higher than the water surface elevation at that point of a flood for a 100 year storm, as officially provided by the Federal Insurance Administration for administration of the National Flood Insurance Program of Brazoria County, Texas, or, together with attendant utility and sanitary facilities, be flood-proofed up to or higher than such elevation.

CHAPTER 21. MINIMUM PARKING AND LOADING REQUIREMENTS

Section 21.1. Purpose.

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

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

ORDINANCE NO. 509-H

Section 21.2. Off-Street Parking Spaces Required.

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

Section 21.3. Parking for Existing Uses.

1. It is the intent of these regulations to prevent the reduction of existing off-street parking and loading spaces to less than the minimum amounts that would be required if the existing use of structure had been established or erected in full compliance with the provisions herein.
2. No Certificate of Occupancy shall be issued, no use shall be established or changed, and no structure shall be erected, enlarged or reconstructed unless the off-street parking and loading spaces are provided in the minimum amount and maintained in the manner specified in these regulations, provided, however:
 - (a) For the enlargement of a structure or for the expansion of a use of structure or land there shall be required only the number of off-street loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and
 - (b) For a change in the use of a structure or land, the number of off-street parking and loading spaces required shall be equal to the number required for the new use.

Section 21.4. General Requirements.

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

ORDINANCE NO. 509-H

2. Non-Parking Uses:

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

3. Access and Maneuvering:

- (a)** Refer to the Engineering Design Criteria Manual.
- (b)** Except for single family or two-family dwelling units, parking and loading areas shall be arranged so that vehicles shall not be required to back out of the parking or loading spaces directly into a public way, including private streets.

4. Space Standards:

- (a)** A space ten (10) feet by eighteen (18) feet of floor/lot area with unobstructed access to a public street shall be deemed to be parking space for one (1) vehicle; such space when provided for other than a dwelling unit shall not be required to be greater than nine (9) feet in width.
- (b)** Table IV, attached hereto, is incorporated in and made part of these regulations and shall be used in determining capacity of off-street parking areas.
- (c)** Unless otherwise specified, a space twelve (12) feet by thirty (30) feet of floor or lot area with a clear height of fourteen (14) feet, and with unobstructed access to a public street or private drive, shall be deemed to be loading space for one vehicle.

ORDINANCE NO. 509-H

5. Pedestrian Lanes:

When the parking area is designed to accommodate more than 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 (4) feet exclusive of vehicle overhang where head-in parking adjoins the walkways.

6. Alternative Landscaping for Parking:

On sites of one acre or more, when specifically requested by the owner, the Enforcing Officer 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 at which time the Enforcing Officer shall require construction of additional parking spaces. Such additional spaces shall be constructed within six (6) months of the date of written notice by the Enforcing Officer. All open space and required landscaping requirements shall be based on the maximum required number of parking spaces, rather than the reduced amount shown here.

Section 21.5. Development Standards.

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

1. Paving and Drainage:

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

2. Curbs, Wheel stops and Islands.

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

ORDINANCE NO. 509-H

3. Lighting.

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

4. Pavement Marking and Signing.

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

5. Maintenance Requirements.

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

6. Visibility Triangle and Parkway Requirements.

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

Section 21.6. Off-Street Loading Requirements.

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

1. Passenger and Merchandise Loading Space.

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

ORDINANCE NO. 509-H

2. Loading Space for Emergency Vehicles.

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

3. Parking Space for Disabled.

Disabled parking spaces as required by the Americans with Disabilities Act.

4. Fire Lane.

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

Section 21.7. Minimum Parking Area and Spaces.

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

CHAPTER 22. LANDSCAPE AND BUILDING FACADE REGULATIONS

Section 22.1. Applicability to Districts.

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

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

ORDINANCE NO. 509-H

Section 22.2. Landscape Plan.

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

- (a) A Conceptual Plan of the landscaping identifying general layout will be required.
- (b) The Plans should contain dimensions and elevations, where appropriate, of special structural elements such as building facades, walls, planters, foundations, berms, walkways and irrigating systems.
- (c) Building outlines, parking areas and arrangements, fences and structural features to be constructed on the site.
- (d) Landscape plans shall be prepared at a scale of 1" = 40' or larger scale and on a sheet size of 24" x 36". The plan sheets shall contain a scale, north arrow, name and address of the landscape architect, designer, or architect and the site owner and/or developer. The plans shall also identify the development and provide a brief description of the property and its location.

Section 22.3. Minimum Landscape Requirements.

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

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

ORDINANCE NO. 509-H

- (b) Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property, as required by the Planning and Zoning Commission. Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm. The side yard of any lot that contains a parking area abutting a property used or zoned for a nonresidential use shall provide a screen of hedges, berms, or fences so as to provide a screen for a minimum of 25% of the length of the parking lot. The required side lot screening may be grouped and dispersed randomly. Screening between nonresidential and residential lots shall be provided in conformance with Section 23. The minimum number of shrubs shall be equal to the total caliper inches of street trees required under this article multiplied by five (5). Shrubs and berms shall be maintained at a height of no more than thirty-six inches (36") nor less than eighteen inches (18") as measured from the surrounding soil line.

- (c) Interior landscaping shall be required by the Planning and Zoning Commission to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments. In addition to street trees required under Section 22.3.(a), trees in Class I or II of the Guidelines with a minimum two inch (2") caliper shall be provided within or adjacent to the parking area. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet. Tree islands must be protected from vehicle intrusion by curbs or similar structures. Two feet of the tree island may be counted as part of the required depth of the abutting parking space. The total caliper inches shall equal one inch (1") for each five (5) parking spaces.

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

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

ORDINANCE NO. 509-H

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

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

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

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

Section 22.4. Maintenance.

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

ORDINANCE NO. 509-H

Section 22.5. Landscape Construction.

Prior to the issuance of a Certificate of Occupancy all approved landscaping must be in place, or if seasonal considerations prohibit the completion of the planting of landscape material, a temporary Certificate of Occupancy may be issued for such time as is reasonable to complete the landscape planting.

Section 22.6. Building Facades.

ZONING DISTRICTS		
ROADWAY CLASSIFICATION	MF, OP, NS, GB, C	M-1 & M-2
Thoroughfare	A	B
Collector	A	C D
Other	A D E	C D

- A. Minimum exterior wall standards (facade) shall be one hundred percent (100%) masonry or glass. These standards shall apply to any wall or portion of a wall visible from the roadway (private or public) or abutting residential zoned districts. Existing buildings shall also conform to facade requirements upon a change of occupancy, occupant **(if use has been abandoned per Section 28.9)**, or expansion exceeding 1000 square feet in area of exterior dimensions of a nonresidential or multi-family structure for which a permit is required.
- B. Same as "A", except as follows for buildings 250,000 square feet or larger:
 - 1. First floor of any wall (facade) or portion of a wall (facade) fronting a thoroughfare shall comply with "A".
 - 2. First floor of any sidewall (facade) or portion of a sidewall (facade) visible from the thoroughfare upon which the building fronts shall be of at least seventy-five percent (75%) masonry.
 - 3. All remaining walls (facades) or portions thereof shall be a minimum of 24 gauge or heavier architectural panels (wall systems) with concealed fasteners and no exposed seams. Corrugated metal, exposed fasteners, and exposed seams are prohibited.
- C. Minimum exterior wall standards (facade) shall be a minimum of 24 gauge or heavier architectural panels (wall systems) with concealed fasteners and no exposed seams. Corrugated metal, exposed fasteners, and exposed seams are prohibited.
- D. Buildings built prior to January 1, 2001 are exempt from the (facade) requirements of this section unless required by the adopted Building Code.

ORDINANCE NO. 509-H

E. Same as "C" subject to the following conditions:

1. **Within a C (Commercial) zoning district and where more than sixty percent (60%) of the existing nonresidential structures along both sides of the same street and lying between the two nearest intersecting streets do not comply with the minimum facade standards, architectural panels (wall systems) shall be insulated panels with a rock or rock like coating or comply.**
- * For the purpose of this section "Masonry" is defined as brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block, stucco, or EIFS (exterior insulation and finish systems). Architectural metal may be utilized for window and door trim, fascia, or soffit.
 - * For the purpose of this section "First Floor" shall mean the vertical distance of a structure/building measured from the average established floor elevation (slab) to the space above it between the floor and the next floor or ceiling or roof, the height of said space being no more than twelve feet (12')(See definition of First Floor).

Section 22.7. Sidewalks.

A minimum four foot wide sidewalks shall be required adjacent to all streets abutting a lot prior to the issuance of a certificate of occupancy for any structure on that lot. A minimum six foot wide sidewalk shall be provided adjacent to all thoroughfares and collectors.

CHAPTER 23. FENCE REGULATIONS

Section 23.1. Permits.

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

Section 23.2. Use Regulations.

- (a) **Dimensions of Fences.** No fence shall be constructed at a height exceeding eight (8) feet.
- (b) **Placement of Fences.** No fences shall be constructed in front of the designated front building line of any property zoned R-E Dwelling District, R-1 Dwelling District, R-2 Dwelling District, R-3 Dwelling District, R-4 Dwelling District, OP Office and Professional District, NS Neighborhood Service District, or GB General Business District. Fences may be constructed on all property lines of any property zoned MF Multi-Family District, MH Mobile Home Park District, C Commercial District, M-1 Light Industrial District or M-2

ORDINANCE NO. 509-H

Heavy Industrial District. Special permits may be issued for fences beyond the front building line to the front property line in SD Suburban Development District.

- (c) Prohibited Materials. Permanent barbed wire fences shall be prohibited in districts where used for purposes other than for the control of livestock.
- (d) Temporary Fences. Temporary fences for the purpose of protection or securing of construction sites may be allowed provided that the duration of use must be specified in the permit for fencing.
- (e) Maintenance. All fences constructed under the provisions of the Ordinance shall be kept in good repair and maintained so as to comply with the requirements of this Ordinance at all times.
- (f) A six-foot masonry fence shall be provided and maintained by the nonresidential property owner as a buffer between residential and nonresidential zoned properties. Alternative means of buffering may be approved by the Zoning Board of Adjustment upon review of a variance application.

CHAPTER 24. SIGNS

Section 24.1. Signs Requiring Permits.

- (1) No sign shall be erected, created or constructed after the effective date of this ordinance without a permit issued by the Building Official or his designee, except as provided herein.
- (2) Every applicant, before being granted a permit, shall pay an inspection fee, the amount of which shall be established and amended by resolution or ordinance of the Council and on file in the office of the City Secretary.
- (3) No permit shall be required for the following signs:
 - (a) Signs advertising the sale or lease of real property on which they are located. Real estate signs shall not exceed 32 square feet per sign face and shall not exceed six feet above ground level.
 - (b) A previously permitted sign in existence before the effective date of this ordinance.
 - (c) A sign that has as its purpose the protection of life and property.

ORDINANCE NO. 509-H

- (d) A sign or marker giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers, or water lines or other public utilities.
- (e) A sign erected by an agency of the state or a political subdivision of the state, which may or may not be located on public property.
- (f) A sign erected solely for and relating to a public election, but only if:
 - 1. the sign is on private property;
 - 2. the sign is erected no sooner than the 30th day before the first day of early voting and is removed no later than the 7th day after the election;
 - 3. the area of the sign does not exceed thirty-two (32) square feet per sign face;
 - 4. the sign does not exceed six (6) feet in height;
 - 5. the sign is self-supporting.
- (g) On-site directional and informational signs not exceeding two (2) square feet.
- (h) One unlighted or indirectly lighted sign with names and/or street numbers so long as the area of such sign does not exceed one (1) square foot for each dwelling unit.
- (i) Bulletin boards not over sixteen (16) square feet per face in area for public, charitable or religious institutions when the same are located on the premises of such institutions.
- (j) One temporary construction sign denoting the architect, engineer, financial institution, contractor, or other principal parties when placed upon the site under construction and not exceeding thirty-two (32) square feet per sign face and not exceeding six feet (6') above ground level.
- (k) 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.

ORDINANCE NO. 509-H

- (l) 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 (35) feet in height and one hundred (100) square feet in area.
- (m) 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. Such signs shall require no permit. 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 on a public street. These signs shall not exceed thirty-two (32) square feet per sign face.
- (n) 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.

Section 24.2. Application for Permit.

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

- (1) Name, address and telephone number of the person or company which will own the sign.
- (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- (3) Two (2) sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences and sidewalks.

ORDINANCE NO. 509-H

- (4) Two (2) sets of plans and specifications showing method of construction and attachment to the building or ground, size, type, height, construction materials, wind load calculations and such other information as the Building Official may require.
- (5) Name, address and telephone number of the person, firm, corporation, or association erecting the sign.
- (6) Zoning classification of the property.
- (7) Such other information as the Building Official shall require to show compliance with this and all other ordinances of the City.

Section 24.3. Measurements.

- (1) The area of any sign shall be deemed to be the sum of the area of each sign face, including cutouts. However, when measuring a free standing or ground sign having two (2) or more sides, the total square footage of all sign faces shall be multiplied by the formula -- $(n-1/n)$, where n equals the number of sides, to produce the sign area for purposes of this ordinance. Exception: For ground signs, the portion of the sign base within two feet (2') of grade shall not be included in the area calculation. Where special requirements allow the height of a base to be increased to four feet (4'), the base shall not be included in the area calculation of the sign.
- (2) Maximum sign height shall be measured from the highest point on the sign to the elevation of the center line of the street measured perpendicular to the sign.

Section 24.4. Height Restrictions.

- (1) No free standing sign shall be allowed/permitted.
- (2) Building signs shall not exceed four (4) feet above roof line.
- (3) Any sign over a walkway shall have a minimum of eight (8) feet clearance over the walkway.
- (4) No ground sign shall exceed eight (8) feet, except in shopping centers and integrated business developments; when the configuration and use of property is such that the placement of a ground sign is only feasible in an area currently paved and actually used as a parking facility, the overall height of the sign may be increased by the dimension that the sign base exceeds two (2) feet provided that the overall height shall not exceed ten (10) feet, except in shopping centers and

ORDINANCE NO. 509-H

integrated business developments, in which case the overall height shall not exceed fifteen (15) feet.

Section 24.5. Size and Type Restrictions by Zoning District.

Except as authorized by Table VII, no sign requiring a permit shall be allowed within the City's jurisdiction. Signage shall not exceed the maximums therein provided.

Section 24.6. Frontage on More Than One Street.

- (1) If a use has street frontage on a corner, street frontage for the purpose of calculation of sign area shall be either:
 - (a) In the case of a sign erected on a building, the frontage of the building on the street which the sign faces.
 - (b) In the case of a free standing sign more than three hundred (300) feet from an intersection of any public street, the frontage of the street closest to the sign, or if equidistant from two (2) or more streets, the longest such frontage.
 - (c) In the case of a free standing sign less than three hundred (300) feet from an intersection, the frontage to be used in calculation shall be the street upon which the largest business building on such property faces.
- (2) If a use has street frontage on more than one street, but not on a corner, such business shall be entitled to signs as allowed by Table VII on each street.

Section 24.7. Portable Sign Limitations.

- (1) It shall be unlawful for any person to erect, structurally alter, or relocate any portable sign within the City or its extraterritorial jurisdiction.
- (2) Portable signs shall be removed from their installed location at the conclusion of the permitted use period. Signs left on location past the permitted period, even with a blank advertising face, will be considered in violation of this ordinance.
- (3) The Building Official or his designee shall physically remove all portable signs in violation of Section 24 of the Zoning Ordinance of the City of Pearland. Such signs shall be stored until released to the owner thereof upon payment of an impoundment and daily storage fee to be established by the City Council and on file with the City Secretary. Upon removal of such sign the Building Official or his designee shall give notice of the violation and sign removal to the person in charge

ORDINANCE NO. 509-H

of the premises or, if the owner of the sign is known, to the owner of the sign; such notice to be transmitted via registered mail and shall state the method by which a hearing can be had before the municipal court. If a hearing is not requested within fifteen (15) days of the notice, the determination of the Building Official or his designee shall be final. Such hearing shall be held separately from the determination of criminal responsibility for the violation and the decision of the municipal judge shall be final on the determination of the right of the City of required payment of the impoundment and storage fee as a condition to release of the portable sign. In such hearing the witnesses shall be sworn and cross examination shall be permitted.

Section 24.8. Wind Loads.

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

Section 24.9. Obstruction to Doors, Windows, or Fire Escapes.

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

Section 24.10. Signs Not to Constitute Traffic Hazard.

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

No sign shall be erected or maintained in a visibility triangle as defined in Section 3 of the Zoning Ordinance of the City of Pearland.

Section 24.11. Prohibited Signs, Advertising, Lighting.

- (1) No person shall attach any sign, paper, other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, trees, public building, fence or structure unless authorized by this ordinance.

ORDINANCE NO. 509-H

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

ORDINANCE NO. 509-H

the land, building or structure upon which such sign is located within thirty (30) days after written notification to do so from the Building Official. Upon failure to comply with such notice within the time specified in such order, the Building Official is authorized to file a complaint in Municipal Court and/or cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

Section 24.12. Compliance with Other Codes.

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

Section 24.13. Maintenance.

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

Section 24.14. Unsafe Signs.

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

Section 24.15. Replacement or Repair of Sign.

- (1) When any sign, or a substantial part of it, is blown down, destroyed, or taken down or removed for any purpose other than changing the letters, symbols or other matter on the sign, it may not be replaced, reerected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this ordinance.
- (2) For purposes of Subsection (1) of this section, a sign or substantial part of it is considered to have been destroyed only if the costs of repairing the sign is more than fifty (50) percent of the cost of erecting a replacement sign of the same type at the same location.

ORDINANCE NO. 509-H

Section 24.16. Sign Registration.

Every person, firm, group, organization, corporation, association, or other entity which has an erected sign on the effective date of this ordinance, shall register these signs with the City Building Official within 120 days after the effective date of this amendment unless said person, firm, group, organization, corporation, association or other entity has previously registered its sign. This registration on the part of the owner will consist of notifying the City Building Official of the existence of signage. Inspection, measurement, and recording of signs will be done by the City. The City Building Official shall determine if the preexisting sign meets the requirements of this ordinance.

- (1) Conforming use: If such preexisting sign meets the requirements of this ordinance, the City Building Official shall issue to the applicant "Notice of Registration of a Conforming Sign(s)."
- (2) Nonconforming use:
 - (a) If such preexisting sign does not meet the requirements of this section but was in conformance with Ordinance No. 509A on the effective date of this section (August 23, 1993), the City Building Official shall issue to the applicant a permit entitled "Sign Registration - Exempt Nonconforming Use." Such sign shall then be subject to the requirements of Section 24-15, "Replacement or Repair of Sign."
 - (b) If such preexisting sign does not meet the requirements of this section and was not in conformance with Ordinance No. 509A on the effective date of this section (August 23, 1993) or within twelve months thereafter, the City Building Official shall issue to the applicant a permit entitled "Sign Registration -Nonexempt Nonconforming Use." Such sign shall then be subject to the requirements of Section 24-15, "Replacement or Repair of Sign," and subsection (c) below.
 - (c) Signs registered as nonexempt non-conforming uses shall within six (6) years after the effective date of this section (August 23, 1993), be removed or made to conform, except that those signs for which the conformity date is required to be extended or for which financial compensation is required under state or federal law shall be extended for so long as the conformity date extension or financial compensation continues to be required by state or federal law, provided, however, all on-premise and off-premise portable signs shall be removed or made to conform within ninety (90) days after the effective date of this ordinance.

ORDINANCE NO. 509-H

- (3) Unsafe signs: If such preexisting sign is found to be unsafe and a menace to the public by the City Building Official, such sign shall then be subject to the requirements of Section 24-14, "Unsafe signs."

Section 24.17. Builder/Subdivision and Subdivision Identification Signs.

- (1) One builder/subdivision sign may be located at the main entrance of any new subdivision. Four (4) additional directional signs may be located off-site at appropriate locations.
- (2) The maximum area of a builder/subdivision sign shall not exceed 130 square feet (two sides maximum).
- (3) The maximum area of a subdivision directional sign shall not exceed 32 square feet (two sides maximum), with a length to width ratio not to exceed 3:1.
- (4) Such sign(s) shall be removed after a period of five years or when the subdivision is sold out, whichever occurs first.
- (5) Subdivision identification sign or signs not exceeding one hundred twenty (120) square feet per sign face and containing no more than the name of the subdivision may be permitted at the entrance to subdivisions. Subdivision signs shall not be located on public rights-of-way and shall not exceed two (2) per entryway.

Section 24.18. Use of Banners.

- (1) A banner is hereby defined to be a temporary sign as that term is defined under Section 3 of this Ordinance that is designed to be attached or installed with rope, wire, or other temporary means so as to allow ease of installation and removal.
- (2) The use or display of banners is hereby prohibited unless a permit for such use is obtained from the Building Official or his designee. A banner permit may be issued only in the following circumstances:
 - (a) Any premise or nonresidential occupancy may display one (1) banner sign 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. At least one-half ($\frac{1}{2}$) of all readable copy on the banner must state "Grand Opening" or "Now Open."

ORDINANCE NO. 509-H

- (b) 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.
 - (c) Banners may be allowed for the temporary identification of a business if the business owner provides the Building Official 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.
 - (d) 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.
- (3) 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.
 - (4) 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.
 - (5) Unless otherwise provided, the maximum size allowed for a banner shall not exceed a total of fifty (50) square feet.
 - (6) Banners used or displayed in violation of this section shall be subject to removal by the Building Official or his/her designee.

ORDINANCE NO. 509-H

- (7) Banners displayed pursuant to TxDOT District 12 guidelines for the temporary installation of banners over state rights-of-way shall be exempt from the terms of this Ordinance.

Section 24.19. Application to Extraterritorial Jurisdiction (ETJ).

This Section 24, together with all applicable definitions, shall, pursuant to the authority of Chapter 216.902, V.T.C.A. Local Government Code, apply to the City's (ETJ). Property within the ETJ of the City and put to residential use other than multi-family or mobile home park shall be permitted the same signs as if such property was within the City and zoned R-4. Property within the ETJ of the City and put to multi-family, mobile home park or commercial or other nonresidential use shall be permitted the same signs as if such property was within the City and zoned M-2.

Section 24.20. Offense.

- a) A person commits an offense if he, by this own action or that of his employee, agent, or other person acting on his behalf, constructs, erects, or otherwise displays or permits another to construct, erect, or otherwise display a sign in violation of this chapter. Each day that the violation continues shall constitute a separate offense. An offense under this section is punishable upon conviction by a fine not to exceed Two Hundred Dollars (\$200.00).
- b) In prosecutions under this section, there shall be a rebuttable presumption that the person in possession or control of real property on which the illegal sign was constructed, erected, or displayed is the person that caused the sign to be constructed, erected, or displayed, if the sign is a banner, or a ground, building, or free-standing sign. In prosecutions under this section for an illegal temporary sign, there shall be a rebuttable presumption that the person whose business is advertised in the sign is the person that caused the sign to be constructed, erected, or displayed.
- c) The presumptions in subsection (b) are permissive and not mandatory.

ORDINANCE NO. 509-H

CHAPTER 25. SPECIFIC USE PERMIT REGULATIONS

Section 25.1. Purpose.

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

Section 25.2. Development Standards Required.

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

Section 25.3. Temporary Development Signs.

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

ORDINANCE NO. 509-H

Section 25.4. Temporary Construction Buildings.

Temporary buildings and temporary building material storage area to be used for construction purposes may be permitted for a specified period of time in accordance with a permit issued by the Building Inspector and subject to periodic renewal by the Building Inspector for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed within thirty (30) days, or at the direction of the Building Inspector.

CHAPTER 26. APPLICATION OF DISTRICT REGULATIONS

Section 26.1. Uniformity.

The regulations set by this Ordinance for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Section 26.2. Conformity with Regulations Required.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located. This shall be deemed to include only the portion of the building, structure or land which is actually newly occupied, newly used, erected, constructed, reconstructed, moved or structurally altered after the effective date of this Ordinance.

Lot Area Deficiency:

If a lot was legally platted prior to the effective date of this section (March 10, 1986), was held in separate ownership from any adjacent property at such time, and contains less area than is required under these regulations, such lot may be used for any use lawful within the district, notwithstanding such lot area deficiency, provided, however, such lot shall be subject to all other district regulations.

Section 26.3. Grades, Open Spaces, Off-Street Parking or Loading Spaces.

No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building or use for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

ORDINANCE NO. 509-H

Section 26.4. Newly Annexed Territory.

1. All territory which may hereafter be annexed to the City of Pearland shall automatically be classed as lying and being in district "SD" until such classification shall have been changed by an amendment to the zoning ordinance as provided by law.
2. No person shall erect, excavate, construct or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, or demolish any building or structure or cause the same to be done in any area of the City or in any newly annexed territory to the City without first applying for and obtaining a building permit therefor from the Enforcing Officer as may be required in applicable City ordinances.

Section 26.5. Completion of Buildings.

Nothing herein contained shall be deemed to require any change in the plans, construction, or use of a building for which a currently valid building permit has been obtained at the time of passage of this Ordinance, so long as the entire building is completed within one (1) year from the effective date of this Ordinance. The Zoning Board of Adjustment, upon application, may grant a one (1) year extension of the time of completion upon showing of reasonable progress of construction. Any building permit in effect at the passage of this Ordinance shall become void if construction is not begun within one hundred twenty (120) days thereof.

Section 26.6. Occupancy of Dwelling Units.

No dwelling unit shall be occupied except by a family, as that term is defined herein.

CHAPTER 27. HOME OCCUPATION

Section 27.1. Criteria.

The allowed uses under a customary Home Occupation shall comply with the following criteria:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation;

ORDINANCE NO. 509-H

- b.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the Home Occupation;
- c.** There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- d.** No home occupation shall be conducted in any accessory building;
- e.** There shall be no on premises sales in connection with such home occupation.
- f.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- g.** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
- h.** The operation of clinics, doctor's offices, hospitals, barber shops, beauty parlors, dress shops, real estate offices, health studios, tea rooms, palm reading, kennels, among others, shall not be deemed to be home occupations.

Section 27.2. Registered Family Homes.

The operation of a Registered Family Home, as defined herein, shall be allowed in the R-1, R-2, R-3 and R-4 residential zoning districts as a Home Occupation, provided the following requirements are met:

- a.** The operation shall at all times be in compliance with prescribed Minimum Standards for Registered Family Homes and other applicable Texas Department of Human Resources regulations.
- b.** No advertising signage shall be allowed.

ORDINANCE NO. 509-H

- c. A fenced play area shall be provided. Fencing shall comply with Section 23 of this Ordinance, except that the minimum height for fences and gates shall be four (4) feet.
- d. The operation shall at all times be in compliance with subsections a, c, d, e, f and g of Section 27.1 of this Ordinance.
- e. The total number of children being given care, including the caretaker's own, shall not exceed seven (7) at any time."

CHAPTER 28. NON-CONFORMING USES

Section 28.1. Definition.

"Nonconforming" shall be deemed to mean that a use or structure was lawful at the time it was begun, but could not presently be so begun, used, or constructed under current ordinances and zoning.

Section 28.2. Continuance of Nonconforming Use.

The lawful use of any building, structure, sign or land existing at the time such property was more restrictively zoned may be continued except as this Ordinance may require abatement within a given period of time, provided, however, the right to continue such nonconforming uses shall be subject to regulations prohibiting nuisances and shall be terminated when such use constitutes a nuisance. Such nonconforming uses shall be subject to such reasonable regulations as the Zoning Board of Adjustment may require to protect adjacent property and shall be subject to the specific nonconforming use regulations herein contained.

Except as this Ordinance may otherwise require, any nonconforming use may be continued in operation on the same land area and on the same floor area in a structure or structures which were occupied by the nonconforming use on the effective date of these regulations or on the effective date of any amendment by which the use became nonconforming, but such land area or floor area shall not be increased.

Section 28.3. Accidental Damage to Building.

If a building occupied by nonconforming uses is destroyed by fire or the elements, it may not be reconstructed or rebuilt except to conform with provisions herein. In the case of partial destruction by fire or other causes, not exceeding fifty (50) percent of its current replacement value, the Enforcing Officer shall issue a permit for reconstruction. If greater

ORDINANCE NO. 509-H

than fifty (50) percent and less than total, the Zoning Board of Adjustment may grant a permit for repair but not for enlargement of the building.

Section 28.4. Substandard Structure.

The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes substandard under any applicable ordinance of the City and the cost of placing such structure in lawful compliance when the applicable ordinance exceeds fifty (50) percent of the replacement cost of such structure on the date that the Enforcing Officer determines that such structure is substandard.

Section 28.5. Determination of Replacement Cost.

In determining the replacement cost of any nonconforming structure, there shall not be included therein the cost of land or any factors other than the nonconforming structure itself including foundation.

Section 28.6. Repairs and Alterations.

Repairs and alterations may be made to an undamaged nonconforming building or structure, provided, however, no structural alterations shall be made except those required by law or ordinance, unless the building is changed to a conforming use, and provided that no additional dwelling units shall be added where the nonconforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located. No enlargement or extension of a nonconforming use shall take place except as the Zoning Board of Adjustment may grant, as a special exception, an application to extend or enlarge a building occupied by a nonconforming use or of that portion of the lot occupied by such use provided such grant does not serve to prevent the return of such property to a conforming use.

Section 28.7. Registration of Nonconforming Use.

It shall be the right of the joint tenants and owners of a nonconforming use to register same by securing a Certificate of Occupancy as herein provided.

ORDINANCE NO. 509-H

Section 28.8. Changing a Nonconforming Use.

Any nonconforming use may be changed to a use conforming with the regulations herein established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed shall not thereafter be changed back to a nonconforming use. A nonconforming use shall not be changed to another nonconforming use.

Section 28.9. Abandonment.

A nonconforming use of any building or structure which has been abandoned shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered abandoned when:

- (a) It has been replaced with a conforming use; or
- (b) Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six (6) months, or the special equipment and furnishings peculiar to the nonconforming use have been removed from the premises and have not been replaced within such six (6) month period; or
- (c) The intention of the owner to permanently discontinue the use is apparent.

CHAPTER 29. BOARD OF ADJUSTMENT

Section 29.1. Establishment.

A Board of Adjustment is hereby established in accordance with the provisions of Article 1011g, Revised Civil Statutes of Texas, with the powers and duties as provided in said statute and this Ordinance. The Board of Adjustment shall consist of five (5) members, each to be appointed by the City Council of the City of Pearland for staggered terms of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. In addition, there shall be likewise appointed four (4) alternate members of the Board of Adjustment who shall serve in the absence of one (1) or more regular members when requested to do so by the City Manager or the Mayor. Alternate members shall be appointed for a term of two (2) years and shall be subject to removal as the regular members. Vacancies shall be filled for the unexpired terms of any member, regular or alternate, whose term becomes vacant. All cases to be heard by the Board of Adjustment shall be heard by a minimum number of four (4) members.

ORDINANCE NO. 509-H

Section 29.2. Powers.

- A.** A request for interpretation of regulations or an appeal for variance from development controls may be taken by any person aggrieved or by any officer, department, or board of the City affected by a decision of the Enforcing Officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered, by filing with the Enforcing Officer a notice of appeal specifying the grounds thereof. The Enforcing Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- B.** The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done.

In granting such variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or impliedly prohibited by the terms of this Ordinance in said District.

- C.** The Board of Adjustment shall have the power in appropriate cases and subject to appropriate conditions and safeguards to hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance.
- D.** A written application for variance shall be submitted together with a fee, accompanied by an accurate legal description, maps, site plans, drawings, and any necessary data, demonstrating:
- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

ORDINANCE NO. 509-H

- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
- e. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variation.
- f. Financial hardship shall not be considered grounds for the issuance of a variance.

Section 29.3. Hearing.

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to the interested parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.

In the exercise of the above mentioned powers, the Board of Adjustment may reverse and affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision and determination as should be made in its judgment, and to that end shall have all the powers of the officer from whom the appeal is taken.

The Zoning Board of Adjustment shall give public notice and hold public hearings thereon before deciding the appeal. Written notice of all public hearings before the Zoning Board of Adjustment shall be sent to owners of real property lying within two hundred (200) feet of the property on which the variation is desired, such notice to be given not less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax rolls. Such notice may be served by depositing the same, properly addressed and postage paid, in the City post office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making renditions which are included on the last approved City tax roll, notice to such owners shall be given by publication in the manner provided in Subsection 33.4 of this Section.

ORDINANCE NO. 509-H

An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a preliminary plat or final plat, when required by the city for any parcel of property or portion thereof, has not been finally acted upon by the Planning and Zoning Commission and or City Council. Specifically, the administrative procedures and requirements of the city, with regard to the Planning and Zoning Commission and City Council, on preliminary plats and final plats, must be exhausted prior to requesting a variance from the terms of this ordinance.

Section 29.4. Vote Required.

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of an applicant on any matter upon which it is required to pass under this Ordinance, and to affect any variance of this Ordinance.

Section 29.5. Posting property for variance requests.

Any person, firm or corporation requesting a variance from the terms of this ordinance shall be required to maintain a sign or signs, provided and caused to be placed by the Community Development Department, upon the property for which a variance has been requested, which sign or signs shall be located as follows:

- a) One sign for the first three hundred (300) feet of each street frontage and one sign for each additional three hundred (300) feet of street frontage, shall be located within thirty (30) feet of the abutting street, or as determined by the City Manager or his/her designee.
- b) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- c) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- d) On the subject property at least ten (10) days prior to the hearing of such variance request by the Zoning Board of Adjustment, and to remain continuously on said property until final action by the Board or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a decision by the Zoning Board of Adjustment shall constitute a withdrawal of the request.

ORDINANCE NO. 509-H

- e) The signs, caused to be placed by the Community Development Department shall be of a size, type, and message content as determined by the Director of the Community Development Department but shall advise that a variance has been requested and shall list the telephone number of the Department of Community Development for more information.
- f) Upon making an application for a variance, the Community Development Department will place sign(s) as required by this section. After the variance request is approved in final form by the Zoning Board of Adjustment, denied by the Zoning Board of Adjustment, or withdrawn by the applicant, the City shall remove the sign from the area of the request within ten (10) days of such event.
- g) It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a variance has been requested.
- h) In the event the applicant shall fail to maintain signs in accordance with section 29.5, then the public hearing before the Zoning Board of Adjustment, shall be postponed to a date in the future which would allow time for compliance.
- i) The erection of any sign required by this section shall not require a permit under the city sign ordinance.
- j) The owner or applicant shall promptly notify the Community Development Department to replace any sign required by this ordinance which becomes lost, stolen or vandalized. The Zoning Board of Adjustment 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.

CHAPTER 30. PEARLAND PARKWAY, MCHARD ROAD, AND OILER DRIVE CORRIDOR OVERLAY DISTRICT

Section 30.1. General Purpose and Description.

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

This district is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the Corridor Overlay District and the

ORDINANCE NO. 509-H

regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the Corridor Overlay District will continue to prevail.

Section 30.2. District Boundaries.

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

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

Section 30.3. Lot and Setback Standards.

- A. The minimum front yard building setback adjacent to a specified major thoroughfare is 20 feet.
- B. All off-street parking, maneuvering and loading areas shall be set back at least 30 feet from any street right-of-way line.
- C. All screening walls and fences, including residential subdivision fences, shall be set back at least 30 feet from the right-of-way line of a specified major thoroughfare.
- D. All open storage areas, where permitted by the underlying zoning district, shall be set back at least 30 feet from the right-of-way line of a specified major thoroughfare.
- E. No buildings, parking areas, or other impervious structures (except as noted herein), are permitted within the recognized floodway, as identified by the City Engineer, or within 50 feet of the high bank, whichever is greater, of a creek or other drainage way proposed as a linear park in the City's Park Master Plan. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.
- F. No building, parking area, or other visual obstruction shall be located in any required visibility triangle.
- G. The required setback area shall be landscaped and maintained by the property owner or homeowner association.

ORDINANCE NO. 509-H

Section 30.4. Building Facade Standards.

- A. Requirements are applicable to all structures except single family detached dwellings. Facade design plan of entire project shall be submitted with site plan review documents.
- B. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to:
 - 1. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 - 2. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
 - 3. Incorporate details that create shade and cast shadows to provide visual relief.
- C. Building Materials:
 - 1. Any exterior wall visible from the specified major thoroughfare shall be covered by masonry (including, but not limited to brick, textured concrete, concrete block, stone, and stucco) and glass.
 - 2. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.
 - 3. A minimum 25% of an exterior wall facing the specified major thoroughfare shall be transparent in order to promote personal safety by permitting visibility between building occupants and outdoor pedestrians and drivers.
 - 4. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have similar architectural design, color, and materials.
- D. Building colors shall be provided in accordance with an approved color palette prepared by the Architectural Design Committee (to be made available through the City's Planning Office) consisting of the Chief Building Inspector, the Planning and Development Director, and the City Manager.

ORDINANCE NO. 509-H

Section 30.5. Access and Off-Street Parking Standards.

- A. The maximum number of driveways permitted for each lot, along the specified major thoroughfare, shall not exceed the following limits:
1. Two access points for lot frontages of 400 feet or less
 2. Three access points for lot frontages of 401-600 feet
 3. Four access points for lot frontages greater than 600 feet
- B. The minimum distance between driveways and street intersections shall be 350 feet. The minimum separation between median openings shall be 350 feet. The minimum distance between driveways is determined by the functional classification of the street and shall not be less than the following distances as measured from the extended right-of-way line of the intersecting street to the nearest extended curb line of the intersecting driveway:
1. 100 feet along major thoroughfares
 2. 60 feet along collector streets
 3. 30 feet along local streets
- C. Driveways to service and loading areas must provide on-site maneuvering space so that vehicles are not required to back into or out of public streets.
- D. Service and loading areas must provide sufficient space so that service and delivery vehicles do not block public streets while loading or unloading.
- E. Parking areas located between the building and the right-of-way line of a specified major thoroughfare may not extend more than 90% (as measured at its maximum width) of the specified major thoroughfare street frontage. Parking to the side and rear of buildings is encouraged and preferred.
- F. Bicycle parking, at a ratio of no less than five percent (5%) of the required vehicular parking, shall be conveniently provided for all uses allowed in the following zoning districts: Office and Professional, Neighborhood Service, General Business, and Commercial. Required bicycle parking shall include a means to secure individual bicycles.

ORDINANCE NO. 509-H

Section 30.6. Landscaping Standards.

- A. At least ten percent (10%) of the lot shall be landscaped open areas with a permeable surface with a coefficient of runoff equal to or less than 0.35.
- B. Trees are required along the specified major thoroughfare as follows:
 - 1. Large shade trees with a minimum three inch (3") caliper measured twelve inches (12") above the root ball shall be provided with the total caliper inches equal to one inch (1") for each ten feet (10') of frontage.
 - 2. Ornamental trees with a minimum two inch (2") caliper measured twelve inches (12") above the root ball shall be provided with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.
 - 3. At least 60% of required street trees shall be evergreen with year-round foliage.
 - 4. At time of planting, a minimum eight feet (8') shall be provided between a tree trunk and back of curb and between a tree trunk and any planned or existing underground public utility lines.
 - 5. At time of planting, a minimum six feet (6') shall be provided between individual trees.
- C. Required interior site landscaping:
 - 1. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
 - 2. No parking space shall be greater than 50' from a tree.
- D. A mechanical irrigation system is required within the front yard building and parking setbacks.

Section 30.7. Lighting Standards.

- A. Vehicular circulation and parking areas:
 - 1. High pressure sodium fixtures shall be used with no direct glare onto adjacent properties or public streets.

ORDINANCE NO. 509-H

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

Section 30.8. Screening Standards.

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

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

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

ORDINANCE NO. 509-H

3. Refuse, refuse containers, and recycling containers.

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

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

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

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

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

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

Section 30.9. Buffering Standards.

- A. The following site elements shall be visually buffered from view from a public street:

1. Outdoor parking areas located within 100 feet of any public street right-of-way.
2. Fuel pumps located between the street and the building.

ORDINANCE NO. 509-H

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

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

Section 30.10. Sidewalk Standards.

- A. The required sidewalk located along the specified major thoroughfare may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line.
- B. A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.
- C. The required sidewalk shall have a curved alignment for at least 80% of the major thoroughfare street frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.
- D. Construction criteria for the required sidewalk:
1. Minimum six feet (6') wide.
 2. Minimum 80 foot centerline radius, maximum intersection angle of 20 degrees, and maximum 20 foot tangent between sidewalk curves.
 3. Minimum six feet (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
 4. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of 10 feet.

ORDINANCE NO. 509-H

5. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
 6. 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.
- E. A minimum six foot (6') wide pedestrian walkway shall connect the sidewalk to the building entry. The walkway shall be accessible, readily visible, and paved.
- F. Completion of sidewalks adjacent to residential subdivisions shall be required prior to acceptance of the subdivision improvements by the City, provided that this requirement may be deferred for a maximum of 90 days after the date of subdivision acceptance, if a letter of credit guaranteeing completion of the improvement is filed with the City Engineer and approved by the City Attorney.

Section 30.11. Sign Standards.

- A. Ground signs are permitted; freestanding and pole-type business identification signs are prohibited.
- B. Ground signs shall have a maximum eight foot (8') height and minimum spacing of 75 feet from another ground sign.
- C. One ground sign is permitted for each street frontage.
- D. Iridescent, fluorescent, and "dayglo" colors are prohibited.
- E. In the case of a shopping center or integrated business development, no additional ground sign shall be allowed for any individual tenant or occupant.
- F. Ground sign lighting:
1. Internally illuminated, ground lit, or halo-lit letter are permitted.
 2. An internally illuminated sign shall have an opaque background with translucent letters.
 3. Ground lighting shall be concealed below grade or screened from view.
 4. All ballasts, transformers, and conduits shall be concealed.

ORDINANCE NO. 509-H

- G. Signs on buildings with multiple tenants shall be uniform in size, color, materials and location as specified herein.
 - 1. Tenant signs shall be integrated into a single facade-mounted graphic band, or placed in a graphic band on awnings.
 - 2. A graphic band shall have a maximum height of three feet (3'), but may be taller for an individual tenant with more than 10,000 square feet.
 - 3. Each message shall be centered around a common horizontal line with no more than two (2) lines of copy.
 - 4. Typography may vary.
 - 5. Light sources for externally lit signs shall be concealed.
 - 6. All ballasts, transformers, and conduits shall be concealed.
- H. Back-lit canopy signs attached to buildings are prohibited.
- I. Window signs providing general information or advertising sales are permitted with a total square footage no greater than 25% of the total window area visible from the specified major thoroughfare. Window signs advertising sales shall not remain posted for longer than 90 days. Signs painted on glass surfaced are prohibited.

Section 30.12. Utilities.

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

ORDINANCE NO. 509-H

Section 30.13. Penalty.

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

If any person, firm or corporation violates any of the provisions of this Ordinance or fails to comply herewith, the City of Pearland, in addition to imposing the criminal penalties provided herein, may additionally institute any appropriate civil or criminal actions or proceedings allowed by law to prevent, restrain, correct, or abate any illegal act, conduct, business, or use in or about any land within its jurisdiction.

CHAPTER 31. STATE HIGHWAY 288 AND BELTWAY 8 CORRIDOR OVERLAY DISTRICT

Reserved

CHAPTER 32. TELECOMMUNICATION TOWERS AND ANTENNAS.

Section 32.1. Purpose.

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

Section 32.2. Application, Exemptions, and Conflicts.

- (a) This article applies to towers and antennas located in any zoning district.
- (b) This article does not apply to:
 - (1) A receive-only home television antenna;
 - (2) Satellite dish antenna that is a permitted accessory use as provided in this chapter; or
 - (3) A tower less than 50 feet in height that is used as an amateur radio station.

ORDINANCE NO. 509-H

- (c) The application provisions of this article do not apply to an amateur radio station tower of 50 feet or more in height, but the Planning Department may require the applicant to submit information on the height, location, and the manufacturer's drawings and specifications for the tower, or any other any information as necessary to determine whether a specific use permit should be granted as required by this article.
- (d) Any regulations relating to the height of a tower, alternate tower structure, or antenna contained in the article, controls over any conflicting provision of any other provision of these zoning regulations not contained in this article.

Section 32.3. Specific Use Permit Required.

- (a) Except as otherwise provided in this section, a person may not construct, erect, or maintain a tower or antenna on any land located within the City without first receiving a specific use permit. The procedures of this article relating to the application, processing, and determination of whether to grant a specific use permit, are in addition to any other provisions and requirements contained in other articles of these zoning regulations relating to specific use permits.
- (b) Rooftop mounted towers and antennas may be located on any buildings serving a nonresidential use and on an alternative tower structure without obtaining a specific use permit, if:
 - (1) The structure, other than a tower on which the tower or antenna will be placed, exceeds 50 feet in height;
 - (2) The tower and antenna will add no more than 20 feet total to the height of the existing structure;
 - (3) The tower or antenna does not contain advertising; and
 - (4) It complies with the lighting regulations for towers as specified in this article.
- (c) The effects of radio frequency emissions on persons or the environment must not be considered in a proceeding involving an application for a specific use permit.

ORDINANCE NO. 509-H

- (d) The following procedures will be followed by the City Council in considering an application for a specific use permit:
 - (1) A public hearing must be held in accordance with Section 28 of the City's Land Use Ordinance;
 - (2) At the first regular City Council meeting following the public hearing, any Council member making a motion to deny the application and any Council member seconding the motion of denial will state his or her reasons for making the motion or seconding the motion for denial;
 - (3) Before the vote is called, any Council member proposing to vote in favor of the motion of denial must state his or her reasons for supporting the motion;
 - (4) If the Council votes to deny the application for the specific use permit, the city attorney will prepare a proposed written decision for the City Council to consider at a following meeting. The proposed decision must include a written record of the evidence received by the Council relevant to the Council's decision. The decision to deny the application is not final until the Council adopts a written decision.

Section 32.4. Application Procedures.

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

- (a) An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits, specifying the location, height, and design of each tower. The Planning Department may share the information with other applicants for a specific use permit under this article.
- (b) Site plans to scale specifying the location of tower(s), transmission building and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses.
- (c) A report from a professional structural engineer licensed in the State of Texas documenting the following:
 - (1) Tower height and design, showing a cross-section of the tower structure.

ORDINANCE NO. 509-H

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

ORDINANCE NO. 509-H

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

Section 32.5. General Requirements and Regulations.

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

ORDINANCE NO. 509-H

- (e) All free-standing towers (not mounted on rooftops or alternative tower structures) must conform to the following minimum tower separation requirements:

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

Section 32.6. Visual Impacts.

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

Section 32.7. Principal, Accessory, and Joint Uses.

- (a) Accessory structures used in direct support of a tower is allowed but must not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.

ORDINANCE NO. 509-H

- (b) Towers may be located on sites containing another principal use in the same buildable area. Towers may occupy a parcel meeting the minimum lot size requirements for the zoning district in which it is located. For a monopole tower, the minimum distance between the tower and any other principal use located on the same lot shall be 20% percent of the tower height or 25 feet, whichever is greater.
- (c) Placement of more than one tower on a lot is permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

Section 32.8. Shared Use.

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

ORDINANCE NO. 509-H

Section 32.9. Abandoned Towers.

- (a) Any antenna or tower that is not operated for any continuous period of 12 months is deemed abandoned, whether or not the owner or operator intends to make use of the tower. The owner of an abandoned antenna or tower and the owner of the property where tower is located must remove the tower or antenna. If the antenna or tower is not removed within 60 days of receipt of notice from the City ordering the removal, the City may remove tower or antenna and place a lien upon the property for the costs of the removal.
- (b) If the owner of an abandoned tower or antenna wishes to use the abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this article as if the tower or antenna were a new tower or antenna.

Section 32.10. Pre-Existing Towers and Non-Conforming Uses.

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

Section 32.11. Public Property.

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

CHAPTER 33. AMENDMENTS

Section 33.1. Authority.

The City Council may from time to time amend, supplement, or change by ordinance the boundaries of the district or the regulations herein established.

Section 33.2. Submission to Planning and Zoning Commission.

Before taking action on any proposed amendment, supplement or other change, the City Council shall submit the proposed revision to the Planning and Zoning Commission for its recommendation and report.

ORDINANCE NO. 509-H

Section 33.3. Public Hearing - Planning and Zoning Commission.

The Planning and Zoning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report. Written notice of all public hearings before the Planning and Zoning Commission on proposed changes and classification shall be sent to owners of real property lying within two hundred (200) feet of the property on which the change and classification is proposed, such notice to be given not less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax rolls. Such notice may be served by depositing the same, properly addressed and postage paid, in the City post office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making renditions which are included on the last approved City tax roll, notice to such owners shall be given by publication in the manner provided in Subsection 33.4 of this Section.

Section 33.4. Public Hearing - City Council.

After receipt of the final report from the Planning and Zoning Commission, a public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication one time in a paper of general circulation in the City, stating the time and place of such hearing, which time shall not be less than fifteen (15) days nor more than thirty (30) days from the date of publication. However, the City Council may, after giving published notice required herein, hold such public hearing jointly with the Planning and Zoning Commission, but the City Council shall not take action until it has received the final report from the Planning and Zoning Commission.

When the Planning and Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the City Council and notify the applicant. When a proposed zoning request is heard by the City Council that has been denied by the Planning and Zoning Commission, a three-fourths (3/4) majority vote of all members of the City Council entitled to vote on the question shall be required for approval. A request which has been denied by the Planning and Zoning Commission and/or City Council may be resubmitted at any time for reconsideration by the city (a new filing fee must accompany the request). The Planning and Zoning Commission and/or City Council may deny any request with prejudice. If a request has been denied with prejudice the request may not be resubmitted to the city for one year from the original date of denial.

ORDINANCE NO. 509-H

Section 33.5. Vote Required in the Event of Protest.

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

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

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

Section 33.6. Appeals from Decisions of the Planning and Zoning Commission.

Any person aggrieved by a decision of the Planning and Zoning Commission may appeal such decision to the City Council by filing with the City Secretary a verified petition addressed to the City Council setting forth the reasons such person believes such decision to be unjust, in whole or in part, and specifying the alleged grounds or injustice. Such petition shall be filed with the City Secretary within ten (10) days after the final decision and not thereafter for notification and calling of a public hearing to consider and act on the appeal.

Section 33.7. Posting property for zoning changes.

Any person, firm or corporation requesting a change in zoning from one district classification to another district classification shall be required to maintain a sign or signs, provided and caused to be placed by the Community Development Department, upon the property for which a change in zoning has been requested, which sign or signs shall be located as follows:

- a) One sign for the first three hundred (300) feet of each street frontage and one sign for each additional three hundred (300) feet of street frontage, shall be located within thirty (30) feet of the abutting street, or as determined by the City Manager or his/her designee.
- b) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- c) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

ORDINANCE NO. 509-H

- d) On the subject property at least ten (10) days prior to the hearing of such zoning 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 after a recommendation by the Planning and Zoning Commission shall constitute a withdrawal of the request.
- e) The signs, caused to be placed by the Community Development Department shall be of a size, type, and message content as determined by the Director of the Community Development Department but shall advise that rezoning is requested and shall list the telephone number of the Department of Community Development for more information.
- f) Upon making an application for a zoning change, the Community Development Department will place sign(s) as required by this section. After the zoning change is approved in final form by the City Council, denied by the City Council, or withdrawn by the applicant, the City shall remove the sign from the area of the request within ten (10) days of such event.
- g) It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a rezoning has been requested.
- h) In the event the applicant shall fail to maintain signs in accordance with section 33.7, then the public hearing(s) before either the Planning and Zoning Commission or the City Council, shall be postponed to a date in the future which would allow time for compliance.
- i) The erection of any sign required by this section shall not require a permit under the city sign ordinance.
- j) The owner or applicant shall promptly notify the Community Development Department to replace any sign required by this ordinance which becomes lost, stolen or vandalized. The Planning and Zoning Commission and the City Council 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.

ORDINANCE NO. 509-H

CHAPTER 34. ADMINISTRATION, ENFORCEMENT AND FEES

Section 34.1. Administrative Official.

The Enforcing Officer as designated by the City Manager shall administer this Ordinance.

Section 34.2. Duties of the Enforcing Officer.

1. Every application for a Building Permit for construction, moving, alteration or change in a type of use or type of occupancy shall be accompanied by a written statement and plans, or plats, drawn to scale, showing the following in sufficient detail to enable the Enforcing Officer to ascertain whether the proposed work or use is in compliance with the provisions of this Ordinance, the Building Code and other City ordinances:
 - (a) The actual shape, location and dimensions of the lot or building plot with sufficient information to locate the plot on the ground;
 - (b) All existing streets, alleys, utilities and other pertinent site amenities;
 - (c) The shape, size and location of all buildings, or other structures, to be erected, altered or moved and of any other buildings, or other structures, already on the plot;
 - (d) The existing and intended use of the plot and all structures upon it;
 - (e) Curb cuts, sidewalks, free standing signs, paved parking areas, landscaping, fire lanes, marked parking stalls, vehicle circulation provisions;
 - (f) Land Use Plan of existing adjacent property uses on all sides of proposed development; and
 - (g) Such information concerning the plot or adjoining lots or other matters as may be essential for determining whether the provisions of this Ordinance and other ordinances are being observed.
2. If the proposed construction, moving, alteration, or use of the land as set forth in the application is in conformity with the provisions of this Ordinance, the Enforcing Officer may issue a Building Permit.

ORDINANCE NO. 509-H

3. Issuance of a Building Permit does not waive any provisions of this Ordinance or any other City ordinance, and a permit issued in error shall be void.
4. The Enforcing Officer is not empowered to grant any exception to the actual meaning of any clause, order or regulation contained in this Ordinance.
5. The Enforcing Officer is not empowered to make changes in this Ordinance or vary the terms of this Ordinance in carrying out his duties as Enforcing Officer.
6. If any application for such a Building Permit is not approved, the Enforcing Officer shall state in writing one or more of the causes for such disapproval.

Section 34.3. Building Permits.

1. No person shall erect or construct or proceed with the erection or construction of any building or structure nor add to, enlarge, move, improve, alter, repair, convert, extend or demolish any building or structure nor begin excavation for any construction nor cause any of the foregoing in any zoning district without first applying for and obtaining a permit therefore from the Enforcing Officer. The Enforcing Officer shall not issue a building permit and/or certificate of occupancy until the applicant has complied with all requirements of this ordinance and all other applicable City ordinances and regulations.
2. Plans submitted with an application for a Building Permit shall be reviewed and shall be subject to approval by the City.
3. No vacant land shall be occupied and no building or structure hereafter erected or structurally altered, and no change in occupancy of a building, part of a building or land shall be made until after the Enforcing Officer shall have issued a Certificate of Occupancy therefore. The Certificate of Occupancy shall not only state the information as required under the Building Code, but shall also state the occupancy authorized is in compliance with the Zoning Ordinance. Occupancy other than that authorized in the Certificate of Occupancy shall be unlawful.

Section 34.4. Certificate of Occupancy.

No nonconforming use shall be renewed, changed or extended without a Building Permit or Certificate of Occupancy authorizing such renewal, change or extension.

ORDINANCE NO. 509-H

1. Application for a Certificate of Occupancy shall be made in writing either coincident with an application for a building permit, or may be applied for directly, and such certificate shall be issued or refused within five (5) days after the Enforcing Officer has been notified that the building or premises is ready for occupancy.
2. No permanent water, sewer, electrical, gas, telephone, or other public utility connection shall be made to any land, building, structure, or portion thereof until and after a Certificate of Occupancy has been issued by the Enforcing Officer.
3. Upon request of the owner or authorized representative, the Enforcing Officer may issue a temporary Certificate of Occupancy for the temporary use and occupancy of a portion of building prior to the completion and occupancy of the entire building provided such temporary occupancy or use will not in any way or manner jeopardize life or property. Such permit may be issued for a period not exceeding six (6) months.

Section 34.5. Violations.

1. If the Enforcing Officer shall find that any of the provisions of this Ordinance are being violated, he shall, when necessary, give notice to the person responsible to cease such violations forthwith.
2. Written notice may be delivered in person or by mail to a violator or to any person in charge of property where a violation is occurring. Verbal notice may be given to a violator in person by the Enforcing Officer or his deputy. Either notice shall be effective.
3. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, and general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the requirement that is most restrictive or that imposes higher standards as determined by the Enforcing Officer shall govern.

ORDINANCE NO. 509-H

Section 34.6. Enforcement and Penalties.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon final conviction thereof shall be fined in a sum not to exceed \$2,000.00 for each offense. Each day such violation continues to exist shall constitute a separate offense. But in case any person, firm or corporation violates any of the provisions of this Ordinance or fails to comply therewith, the City of Pearland, in addition to imposing the penalties above provided, may institute any appropriate action or proceedings in court to prevent, restrain, correct, or abate or to prevent any illegal act, conduct, business or use in or about any land; and the definition of any violation of the terms of this Ordinance as a misdemeanor, shall not preclude the City of Pearland from invoking the civil remedies given it by law in such cases; but same shall be cumulative of and in addition to the penalties prescribed for such violation.

Section 34.7. Fees.

Every application for a zone change or variance shall be accompanied by a filing fee in an amount sufficient to defray the actual cost of processing the application. Such application fee shall be based upon average current cost to the City of Pearland and shall be established and amended by Resolution of the City Council.

Section 34.8. Enactment.

All orders, ordinances, or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed only to the extent necessary to give this Ordinance full force and effect. Ordinance 246, heretofore adopted by the City Council on February 26, 1973, is hereby expressly repealed.

Section 34.9. Severability Clause.

Should any word, clause, phrase, sentence, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid, and the remainder hereof shall remain in full force and effect.

Section 34.10. Effective Date.

This Ordinance shall be effective and in full force on the tenth day after its publication by caption in the official newspaper of the City of Pearland, Texas.

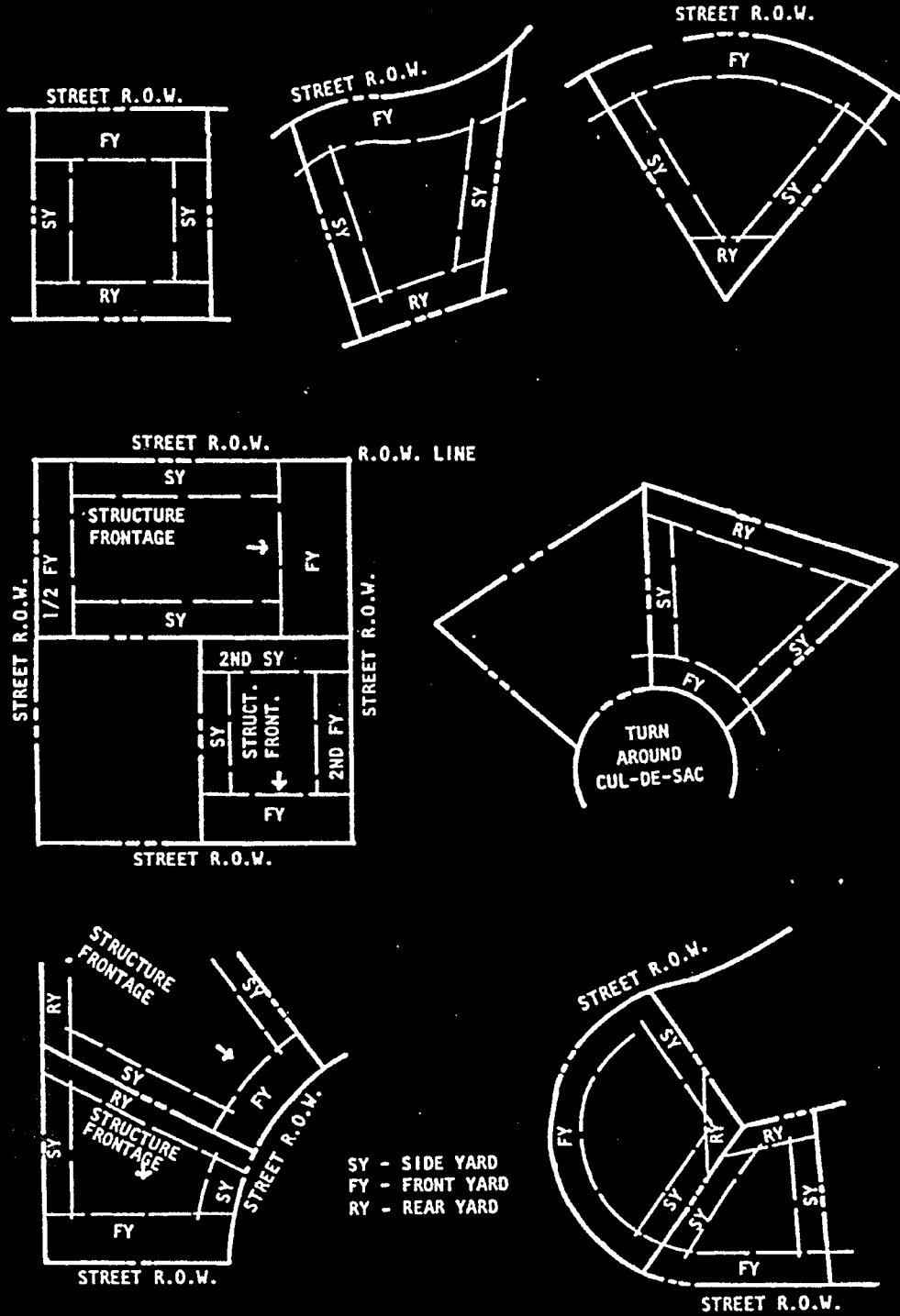
ORDINANCE NO. 509-H

Section 34.11. Incorporation Into Code of Ordinances.

It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall be made a part of the Code of Ordinances City of Pearland, Texas, and the sections of this Ordinance may be renumbered to accomplish such intention.

TABLE I

YARD MEASUREMENTS

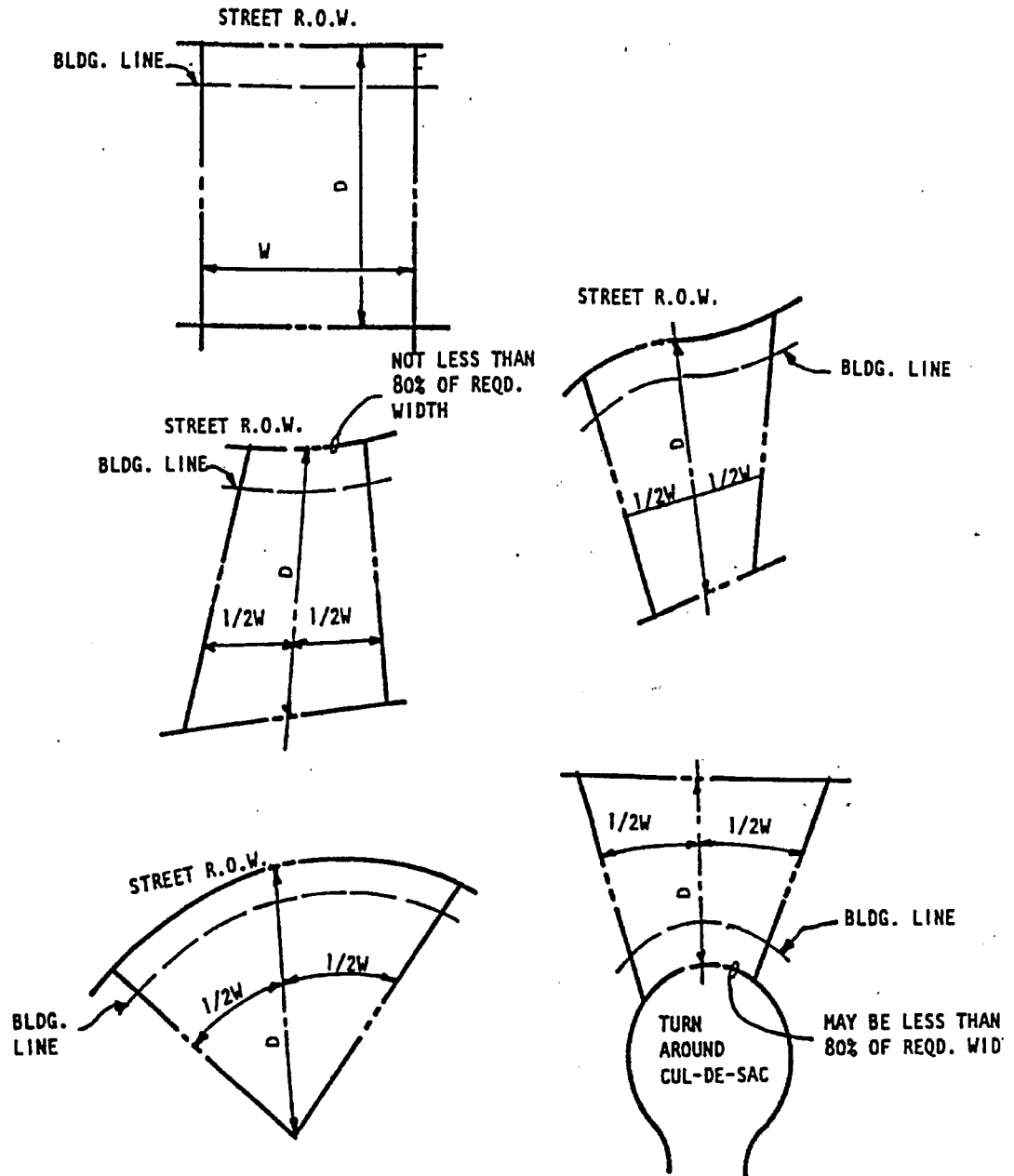


SY - SIDE YARD
 FY - FRONT YARD
 RY - REAR YARD

TABLE II

LOT MEASUREMENTS

W - WIDTH
D - DEPTH



ORDINANCE NO. 509-H

TABLE III

ZONING SYMBOLS

SD	SUBURBAN DEVELOPMENT DISTRICT
R-E	ESTATE LOT SINGLE FAMILY DWELLING DISTRICT
R-1	SINGLE FAMILY DWELLING DISTRICT
R-2	SINGLE FAMILY DWELLING DISTRICT
R-3	SINGLE FAMILY DWELLING DISTRICT
R-4	SINGLE FAMILY DWELLING DISTRICT
MF	MULTI-FAMILY DWELLING DISTRICT
MH	MOBILE HOME PARK DISTRICT
V	VILLAGE DISTRICT
OP	OFFICE AND PROFESSIONAL DISTRICT
NS	NEIGHBORHOOD SERVICE DISTRICT
GB	GENERAL BUSINESS (RETAIL)
C	COMMERCIAL DISTRICT
M-1	LIGHT INDUSTRIAL DISTRICT
M-2	HEAVY INDUSTRIAL DISTRICT

SYMBOLS APPLICABLE TO THE SCHEDULE OF USE TABLES:

YES	Designates use permitted in district so marked.
NO	Designates use prohibited in district so marked.
S	Indicates use may be approved in the district so marked when in compliance with the provisions established under Section 25.
PUD	Designates Planned Unit Development.

ZONING SYMBOLS													
SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
PRIMARY AGRICULTURAL USES													
Agricultural Field Crops	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agricultural Animal Husbandry	Yes	S	S	S	S	S	S	S	S	S	S	Yes	Yes
Orchard	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Unscheduled/New Agricultural Uses	S	S	S	S	S	S	S	S	S	S	S	S	S
PRIMARY RESIDENTIAL USES													
Single Family Dwelling Detached	S	Yes	Yes	Yes	Yes	Yes	S	S	S	S	No	No	No
Single Family Dwelling Attached Town Houses	No	No	No	No	PUD	Yes	No	S	S	S	No	No	No
Two Family Dwelling	No	No	No	No	No	Yes	No	S	S	S	No	No	No
Multi-Family Dwelling	No	No	No	No	No	Yes	No	No	No	No	No	No	No
Boarding Or Rooming House	No	No	No	No	No	Yes	No	S	No	Yes	Yes	No	No
Apartment Hotel	No	No	No	No	No	Yes	No	S	No	Yes	Yes	No	No
Patio Homes	No	No	No	PUD	Yes	Yes	S	S	No	No	No	No	No
Hotel Or Motel	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No	No
Manufactured Home	No	No	No	No	No	No	Yes	No	No	No	No	S	S
Mobile Home	No	No	No	No	No	No	No	No	No	No	No	S	S
Unscheduled/New Residential Uses	No	No	No	No	PUD	PUD	PUD	S	No	No	No	No	No
ACCESSORY AND INCIDENTAL USES													
Accessory Building	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Social & Recreational Building	No	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Farm Accessory Building	Yes	S	S	S	S	S	S	S	S	S	Yes	Yes	Yes

ZONING SYMBOLS													
SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Off-Street Parking Incidental to Residential Main Use	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Off-Street Parking Incidental to Nonresidential Main Use	<u>No</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
Servant, Care-takers Or Security Quarters	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	S	S
Swimming Pool Private	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
INSTITUTIONAL AND SPECIAL SERVICE USES													
Church Rectory	S	Yes	Yes	Yes	Yes	Yes	S	S	S	S	S	No	No
Civic Center	No	No	No	No	No	No	No	S	Yes	Yes	Yes	No	No
Convent Or Monastery	S	No	No	No	No	Yes	No	No	No	No	No	No	No
Day Nursery Or Kindergarten	No	S	S	S	S	S	S	Yes	Yes	Yes	Yes	No	No
Fraternity Or Sorority Lodge Or Civic Club (No Liquor)	No	S	S	S	S	S	No	Yes	Yes	Yes	Yes	No	No
Home For Alco- holic, Narcotic or Psychiatric Patients	No	No	No	No	No	S	No	S	No	S	S	No	No
Hospital (General Acute Care)	No	No	No	S	No	S	No	S	Yes	Yes	Yes	No	No
Hospital (Chronic Care)	No	No	No	S	No	S	No	S	Yes	Yes	Yes	No	No
Institutions of Religious or Philanthropic Nature	S	S	S	S	S	S	S	Yes	Yes	Yes	Yes	No	No
Library, Art, Gallery or Museum	No	No	No	No	No	S	No	Yes	Yes	Yes	Yes	No	No
Public Admini- stration offices	S	S	S	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes
Residence Home For Aged	No	No	No	No	No	S	S	S	No	Yes	No	No	No
Schools, Private College or University	S	S	S	S	S	Yes	S	Yes	Yes	Yes	Yes	No	No

ZONING SYMBOLS													
SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Schools, Public Or Parochial	S	S	S	S	S	Yes	S	Yes	Yes	Yes	Yes	No	No
Unscheduled/New Institutional Uses	S	S	S	S	S	S	S	S	S	S	S	S	S
UTILITY AND RELATED SERVICE USES													
Electrical Substation	S	S	S	S	S	S	S	S	S	S	S	S	S
Electric Power Generating Plant	S	No	No	No	No	No	No	No	No	No	S	S	S
Fire Station	S	S	S	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes
Gas Transmission & Metering Station	S	S	S	S	S	S	S	S	S	S	S	S	S
Local Utility Distribution Lines	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Radio or Television or Microwave Towers (Commercial)	No	No	No	No	No	No	No	S	S	S	S	S	S
Radio or Television Transmitting Station (Commercial)	No	No	No	No	No	No	No	S	S	S	S	S	S
Sewage Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	S
Sewage Treatment Plant	S	S	S	S	S	S	S	S	S	S	Yes	Yes	Yes
Railroad Tracks & Right-Of-Way	S	S	S	S	S	S	S	S	S	S	S	S	S
Railroad Team Track or Freight Depot	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Telephone Business Office	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Telephone Exchange Switching Relay & Transmitting Equipment	S	S	S	S	S	S	S	S	S	S	S	S	S
Public Utilities Other Than Listed	S	S	S	S	S	S	S	S	S	S	S	S	S

ZONING SYMBOLS													
SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Utility Shops or Storage, Yards and Building	No	No	No	No	No	No	No	No	No	S	Yes	Yes	Yes
Water Treatment Plant	S	S	S	S	S	S	S	S	S	S	Yes	Yes	Yes
Water well, Reservoir, Pumping Station or Storage	S	S	S	S	S	S	S	S	S	S	S	S	S
Unscheduled/New Utility & Related Service Uses	S	S	S	S	S	S	S	S	S	S	S	S	S
ENTERTAINMENT AND RECREATIONAL USES													
Amusement, Commercial Outdoor/Indoor	S	No	No	No	No	No	No	S	Yes	Yes	Yes	Yes	Yes
Country Club	S	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Drag Strip	No	No	No	No	No	No	No	No	No	No	S	S	S
Fairgrounds	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Park Playground	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Private Club	No	No	No	No	No	S	S	S	Yes	Yes	Yes	Yes	Yes
Recreation Center	No	No	No	No	No	S	S	S	Yes	Yes	Yes	Yes	Yes
Tennis or Swim Club	No	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Unscheduled/New Recreational Uses	S	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
AUTOMOBILE RELATED SERVICE USES													
Auto Car Wash	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Auto Sales and Repair (in Bldg)	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Auto Sales-New or Used Car Lot (Open)	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Auto Painting & Auto Body Shop	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes

ZONING SYMBOLS													
SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Gasoline Service Station	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Parking Lot or Structure, Commercial-Auto	No	No	No	No	No	No	No	Yes	S	Yes	Yes	Yes	Yes
Parking Lot Truck Storage	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Sale Used Auto Parts in Bldg.	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Sale New Auto Accessories & Parts in Bldg.	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Seat Cover or Muffler Installation Shop	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Tire Retreading and Capping	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Wrecking or Salvage Yard for Autos or Parts	No	No	No	No	No	No	No	No	No	No	No	S	Yes
Unscheduled/ New Automobile Related Uses	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
RETAIL AND BUSINESS SERVICES													
Antique Shop	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Art Supply Store	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Animal Clinic or Hospital (No Outside Pens)	No	No	No	No	No	No	No	No	No	S	Yes	Yes	Yes
Bank or Savings & Loan Office	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Book and Stationery Store	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Barber and Beauty Shop	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Bakery or Confectionery Shop (Retail Sales)	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Café, Cafeteria or Restaurant	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes

ZONING SYMBOLS													
SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Camera Shop	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Cleaning Shop or Laundry (Limited Area)	No	No	No	No	No	S	S	No	Yes	Yes	Yes	Yes	Yes
Cleaning or Laundry Pick-Up Station	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Cleaning or Laundry Self-Service Shop	No	No	No	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Clinic, Medical or Dental	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Drug Store or Pharmacy	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Department Store or Discount House	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Supermarket	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Convenience Store	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Furniture or Appliance Store	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Florist Shop & Inside Plant Sales	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Garden Shop & Outside Plant Sales	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Handcraft & Art Object Sale	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Hardware Store	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Hobby Shop	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Key Shop	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Laboratory Medical or Dental	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Letter or Copy Shop	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes

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

ZONING SYMBOLS													
SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Studio, Decorator & Display of Art Objects	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Tavern	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Travel Bureau or Consultant	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Veterinarian, Office (No Animal Hospital or Outside Pens)	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Variety Store	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Unscheduled/New Business Service Uses	No	No	No	No	No	No	No	S	S	S	S	S	S
COMMERCIAL AND RELATED SERVICE USES													
Bakery, Cannery Wholesale	No	No	No	No	No	No	No	No	No	S	Yes	Yes	Yes
Building Material Sales	No	No	No	No	No	No	No	No	No	S	Yes	Yes	Yes
Cabinet or Upholstery Shop	No	No	No	No	No	No	No	No	No	S	Yes	Yes	Yes
Clothing Manufacturing, or Similar Light Manufacturing Process	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Cleaning, Dyeing or Laundry Plant, Commercial	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes
Contractors, Storage or Equipment Yard	No	No	No	No	No	No	No	No	No	No	S	Yes	Yes
Dance Hall or Night Club	No	No	No	No	No	No	No	No	No	S	Yes	Yes	Yes
Drive-In Theater	No	No	No	No	No	No	No	No	No	S	Yes	Yes	Yes
Heavy Machinery Sales, Storage & Repair	No	No	No	No	No	No	No	No	No	No	S	Yes	Yes
Open Storage & Sale of Furniture Appliances	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes

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

* NO RESTRICTION ON NUMBER OF UNITS ON THE SALES LOT. RENTALS ARE FOR "OFF-SITE" USE ONLY.

ZONING SYMBOLS													
SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Pipe Storage Yard	No	No	No	No	No	No	No	No	No	No	S	Yes	Yes
Pipe Processing	No	No	No	No	No	No	No	No	No	No	S	S	Yes
Bulk Storage of Petroleum Products (Wholesale)	No	No	No	No	No	No	No	No	No	No	S	S	S
Chemical Packing and/or Blending	No	No	No	No	No	No	No	No	No	No	No	S	S
Warehouse and Distribution Facilities	No	No	No	No	No	No	No	No	No	No	S	Yes	Yes
Unscheduled and New Commercial Uses	No	No	No	No	No	No	No	No	No	No	S	S	S
INDUSTRIAL AND RELATED USES													
Light Manufacturing Process	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes
FOLLOWING USES (TEMPORARY PLANTS PERMITTED BY RESOLUTION OF CITY COUNCIL)													
Airport, Heliport or Landing Field	S	No	No	No	No	No	No	S	S	S	S	S	S
Asphalt Batching Plants	No	No	No	No	No	No	No	No	No	No	No	No	No
Minor Concrete Batching Operations & Storage of Associated Processing Material (Restricted to 1.5 Yards or less per batch)	No	No	No	No	No	No	No	No	No	No	S	S	Yes
Concrete Batching Plants	No	No	No	No	No	No	No	No	No	No	No	No	Yes
Storage of Shell Spoil, Sand and Gravel	No	No	No	No	No	No	No	No	No	No	No	No	Yes
Commercial Extraction of Soil, Sand and Gravel	No	No	No	No	No	No	No	No	No	No	No	No	Yes
Storage of Processing or Sulfur, Cement or Similar Material	No	No	No	No	No	No	No	No	No	No	No	No	Yes

ZONING SYMBOLS

SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law By Excluding Those Listed in Section 15	No	No	No	No	No	No	No	No	No	No	No	No	Yes
Wrecking or Salvage Yard (Auto, Steel)	No	No	No	No	No	No	No	No	No	No	No	No	Yes
Wrecking or Salvage Yard (Building Material)	No	No	No	No	No	No	No	No	No	No	No	S	Yes
Refuse Dump and Sanitary Landfills	No	No	No	No	No	No	No	No	No	No	No	S	S

TABLE IV

PASSENGER AND MERCHANDISE LOADING SPACES

A. MERCHANDISE LOADING SPACE REQUIREMENTS

GROSS FLOOR AREA -- SQUARE FEET	SPACES REQUIRED
10,000 up to and including 27,000	1
27,001 up to and including 40,000	2
40,001 up to and including 100,000	3
100,001 up to and including 160,000	4
160,001 up to and including 240,000	5
240,001 up to and including 320,000	6
320,001 up to and including 400,000	7
and For each additional 90,000 over 400,000	1

B. PASSENGER LOADING SPACE REQUIREMENTS: Marked off-street passenger loading spaces shall be required for the following enumerated use classes in lieu of the above merchandise loading spaces.

USE	NUMBER OF LOADING SPACES	REQUIRED FOR EACH	ADDITIONAL REQUIREMENTS
(1) Day-Care Center	2	1st 20 children	1 for each additional 20 students
(2) Educational			
(a) Pre-School and Kindergartens	1	2 classrooms	
(b) Elementary School	1	2 classrooms	
(c) Junior High	1	4 classrooms	
(d) Senior High	1	12 classrooms	
(e) Colleges	1	Building	
(3) Health Facilities			
(a) General hospital convalescent home or sanitarium	3	Each patient care building	

USES	NUMBER OF LOADING SPACES	REQUIRED FOR EACH	ADDITIONAL REQUIREMENTS
(b) Outpatient, medical, or dental clinic	1	2 physicians	
(4) Motels & Hotels	2	Minimum	1 for each 60 rooms
(5) Places of Public Assembly			
Churches, school auditoriums, fellowship halls, theaters, mortuaries transportation waiting rooms, etc.	1	1st 400 seats	1 for each additional 1000 seats
(6) Recreation and Cultural Facilities			
(a) Amusement park	1	1 acre of parking	
(b) Bowling Alley	1	24 lanes	
(c) Skating Rink or dance hall	1	Minimum	
(d) Swimming pools	1	Minimum	
(e) Museum and Library	1	Minimum	
(7) Restaurants or Food Services	1	200 seats	

TABLE V
MINIMUM PARKING AREA REQUIREMENTS FOR TYPICAL PARKING ANGLES

NOTE: All Parking Stalls for Angle Parking are 18' Long. All Dimensions are expressed in feet.						
PARKING ANGLE	STALL WIDTH	PARKING LANE DEPTH Curb-to-aisle	AISLE WIDTH	SUM: AISLE PLUS 2 PARKING LANES Curb-to-aisle	SUM: 2 OVER-LAPPING LANES	CURB LENGTH FOR "N" NUMBER OF CARS
0° (Parallel)	a 9'	10.0	12.0	32.0	b	N x 23
30°	9'	17.7	12.0	47.4	38.7	2.32 + (N x 20)
45°	9'	19.2	15.4	53.8	46.8	7.07 + (Nx14.14)
60°	9'	20.3	20.2	60.8	55.8	7.11 + (Nx11.56)
63° 28' (2 to 1 Angle)	9'	20.4	20.0	60.8	56.3	6.70 + (Nx11.18)
90° (Right Angle)	9'	18.0	26.0	62.0	b	N x 10

a Minimum stall width for parking spaces

b Parking lanes do not overlap for parallel or right angle parking

P2:12

TABLE VI
SCHEDULE OF OFF-STREET PARKING STANDARDS

USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL REQUIREMENTS
(1) RESIDENTIAL			
(a) Single Family Dwelling	2	Dwelling Unit	1 additional for each bedroom over 3
(b) Townhouse, duplex, quadruplex or condominium	2	Dwelling Unit	1 additional for each bedroom over 3
(c) Apartment, apartment hotel	2.5	Dwelling Unit	
(d) Boarding or rooming house	1.1	Rooming Unit	
(e) Hotel, motel or tourist court	1.1	Guest room or residence unit	
(f) Mobile home or house trailer			
(i) Mobile Home	2	Lot, plot, tract or stand	
(ii) Travel trailer	1	Lot, plot, tract or stand	
(g) Dormitory	1.5	Two (2) occupants per designated occupancy	
(2) INSTITUTIONAL AND SPECIAL			
(a) Community center	1	125 sq. ft. of floor area	
(b) School - Elementary	1	per 20 students	
Junior High	1	per 15 students	
Senior High	1	per 3 students	
(c) Place of public assembly	1	4 seats	
(d) College or university	1	165 sq. ft.	
(e) Church	1	5 seats in sanctuary or auditorium	

USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL REQUIREMENTS
(f) Kindergarten, day nursery, day care	1	500 sq. ft.	1.5 spaces per transport vehicle or bus or van.
(g) Hospital	1	2 beds	
(h) Home for the aged and convalescent home	1	4 beds	
(i) Library	1	500 sq. ft. of public area	
(j) Mortuary, funeral chapel	1	4 seats in chapel	
<hr/>			
(3)	RECREATION, SPECIAL AND ENTERTAINMENT		
(a) Theater	1	3 seats	
(b) Bowling alley	4	Lane	
(c) Pool halls, coin-machine arcades, other commercial amusements (indoor)	1	125 sq. ft. of floor area	
(d) Commercial amusements (outdoor)	30	plus one additional space for each 1,000 sq. ft. of site area over 2,000 sq. ft. exclusive of buildings	
(e) Lodge, fraternal organization	1	50 sq. ft. of floor area	
<hr/>			
(4)	PERSONAL SERVICE AND RETAIL		
(a) Personal service shop (except 1 Barber & Beauty Shops)		125 sq. ft. of floor area	
(b) Beauty Shops & Barber Shops	1	per 500 sq. ft. of floor area or 2 per beauty station or chair, whichever is greater.	
(c) Retail stores or shops (inside)	1	200 sq. ft. of floor area	
(d) Outside retail sales	1	500 sq. ft. of site area exclusive of buildings	
(e) Coin-operated or self-serve laundry or dry cleaning	1/2	Machine	

USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL REQUIREMENTS
(5)	FOOD AND BEVERAGE SERVICES (Separate Buildings Only)		
(a) Fast Food Service	1	75 sq. ft. of floor area	Minimum of 8 spaces
(b) Drive-in eating establishment	1	50 sq. ft. of floor area	Minimum of 12 spaces
(c) Café, Restaurant, Cafeteria, and all other eating or drinking establishments	1	125 sq. ft. of floor area	
(6)	BUSINESS SERVICES		
(a) Bank	1	200 sq. ft. of floor area	
(b) Savings & loan or similar institution	1	200 sq. ft. of floor area	
(c) Medical, or dental clinic or office	1	150 sq. ft. of floor area	
(d) Other office, business or professional	1	200 sq. ft. of floor area	
(7)	AUTOMOTIVE AND EQUIPMENT		
(a) Service station	1	125 sq. ft. of floor area	Minimum of 4 spaces
(b) Auto repair, garage or shop (indoor)	1	500 sq. ft. of floor area	Minimum of 5 spaces
(c) Vehicle or machinery sales	1	500 sq. ft. of floor area	
(d) Car wash	1	125 sq. ft. of floor area	Plus one per 1000 sq. ft. of site area exclusive of building and parking
(8)	STORAGE, WHOLESALE AND MANUFACTURING		
(a) Brick or lumber yard or similar area	1	3000 sq. ft. of site area	

USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL REQUIREMENTS
(b) Open storage of sand, gravel, petroleum	1	3000 sq. ft. of site area	
(c) Warehouse & enclosed	1	3000 sq. ft. of floor area	
(d) Manufacturing operations	1	500 sq. ft. of floor area	
(9) (a) Shopping Centers, Malls and Multi-occupancy uses over 3 acres	1	200 sq. ft. of floor area	
(10) (a) Any other use	1	165 sq. ft. of floor area	
(11) (a) Multi Use occupancy	1	165 sq. ft. of floor area	

Table VII

SCHEDULE OF SIGN TYPES AND MAXIMUM AREA

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

***EXCEPTIONS:**

1. In the case of a business with frontage of less than fifty feet (50'), a building sign(s) not to exceed fifty (50) square feet total shall be allowed.
2. In the case of a business with frontage of less than twenty five feet (25'), a ground sign not to exceed thirty five (35) square feet total shall be allowed, excluding a business located within a shopping center or integrated business development.
3. In the case of a business with frontage of more than seventy five feet (75') and located within a shopping center or integrated business development, a ground sign not to exceed fifty (50) square feet shall be allowed, subject to the provisions of Section 24-11 (7).
4. A shopping center or integrated business development with three or more Businesses under the same roof divided by Fire Walls shall be allowed one (1) Tri-tenant ground sign with allowable sign area determined on the same basis as a single business with the same frontage in the same zoning district, to a maximum of one hundred fifty (150) square feet.

Special Provisions:

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

Churches, colleges, government-owned buildings, and other institutional or educational uses shall be allowed four off-premise sign(s), for directional purposes, not to exceed 32 square feet per face (2 sides maximum). Additional off-premise directional signs may be authorized by the Zoning Board of Adjustments."

Section 2. Savings. All rights and remedies which have accrued in favor of the

City

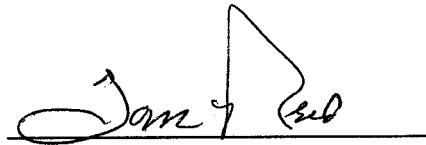
under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 4. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.


Section 5. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper.

PASSED and APPROVED ON FIRST READING this the 11 day of March, A. D., 2002.



TOM REID
MAYOR

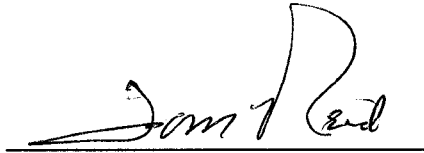
ATTEST:



YOUNG LORFING
CITY SECRETARY

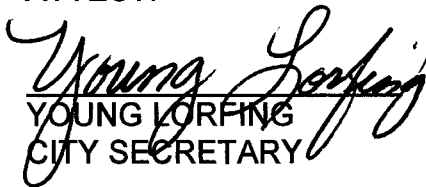
PASSED and APPROVED ON SECOND AND FINAL READING this the 25 day of

March, A. D., 2002.




TOM REID
MAYOR

ATTEST:



YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM:



DARRIN M. COKER
CITY ATTORNEY

VOTING RECORD (SECOND AND FINAL READING
MARCH 25, 2002)

Voting "Aye" - Councilmembers Seeger, Marcott, Owens, and
Tetens.

Voting "No" - None.

Motion passed 4 to 0, with Councilmember Wilkins absent.

PUBLICATION DATE: MARCH 27, 2002

EFFECTIVE DATE: APRIL 7, 2002

PUBLISHED AS REQUIRED BY SECTION 3.10 OF
THE CHARTER OF THE CITY OF PEARLAND, TEXAS