

# **UNIFIED DEVELOPMENT CODE**

## **CHAPTER 2: ZONING REGULATIONS**

# Chapter 2: Zoning Regulations

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## Chapter Table of Contents

<b>Article 1 – Relationship to the Comprehensive Plan</b> .....	6
Division 1 – Applicability & Consistency.....	6
Section 2.1.1.1 Rules for Determining Consistency.....	6
Division 2 – Policies & Maps.....	6
Section 2.1.2.1 Rules for Determining Consistency.....	6
<b>Article 2 – Zoning Procedures</b> .....	6
Division 1 – Application for Zoning Map Amendment.....	7
Section 2.2.1.1 Purpose, Applicability and Effect .....	7
Section 2.2.1.2 Purpose, Applicability and Effect .....	7
Section 2.2.1.3 Processing of Zoning Application and Decision .....	8
Section 2.2.1.4 Criteria for Approval.....	10
Division 2 – Application for Planned Development (PD) District.....	11
Section 2.2.2.1 Purpose, Applicability, Nature and Size of District .....	11
Section 2.2.2.2 Authorized Uses .....	12
Section 2.2.2.3 Development Standards .....	13
Section 2.2.2.4 Application Requirements.....	14
Section 2.2.2.5 Design Plan.....	15
Section 2.2.2.6 Subsequent Development Applications .....	15
Section 2.2.2.7 Approval Criteria for a Planned Development District .....	16
Section 2.2.2.8 Adopting Ordinance.....	17
Section 2.2.2.9 Site Development Plan .....	17
Section 2.2.2.10 Lapse of Development in PD Districts .....	19
Section 2.2.2.11 Documentation of PD Districts.....	20
Division 3 – Conditional Use Permit (CUP) .....	21
Section 2.2.3.1 Purpose, Applicability, and Effect .....	21
Section 2.2.3.2 Application Requirements and Documentation .....	22
Section 2.2.3.3 Processing of Application and Decision .....	22
Section 2.2.3.4 Criteria for Approval.....	22
Section 2.2.3.5 Abandonment, Expiration and Revocation.....	24
Section 2.2.3.6 Appeals .....	24
Division 4 – Application for Cluster Development Plan.....	24
Section 2.2.4.1 Purpose and Applicability .....	24
Section 2.2.4.2 Application Requirements.....	25
Section 2.2.4.3 Processing of Application and Decision.....	25

[This space intentionally left blank] .....	25
Section 2.2.4.4 Criteria for Approval.....	25
Section 2.2.4.5 Appeals .....	26
Section 2.2.4.6 Expiration Extension and Reinstatement .....	26
Division 5 – Zoning Board of Adjustment Procedures.....	27
Section 2.2.5.1 Special Exceptions.....	27
Section 2.2.5.2 Variances .....	28
Section 2.2.5.3 Application for Change in Nonconforming Status.....	30
<b>Article 3 – Zoning Regulations .....</b>	<b>32</b>
Division 1 – Purpose.....	32
Section 2.3.1.1 Purpose of Regulations & Districts .....	32
Division 2 – Zoning Map .....	32
Section 2.3.2.1 Division of the City into Districts & Related Map .....	32
Section 2.3.2.2 The Official Zoning District Map.....	32
Section 2.3.2.3 Zoning District Boundaries.....	33
Division 3 – Compliance & Application .....	34
Section 2.3.3.1 Compliance & Application of Zoning Regulations .....	34
Division 4 – Zoning Upon Annexation .....	36
Section 2.3.4.1 Zoning Regulations & Annexation.....	36
<b>Article 4 – Zoning Districts .....</b>	<b>37</b>
Division 1 – Zoning Districts Established.....	37
Section 2.4.1.1 Uniformity .....	37
Section 2.4.1.2 Division Into Zoning Districts .....	37
Division 2 – Residential Zoning Districts.....	38
Section 2.4.2.1 SD, Suburban Development District .....	38
Section 2.4.2.2 R-E, Single-Family Estate District.....	39
Section 2.4.2.3 SR-15, Suburban Residential-15 District .....	39
Section 2.4.2.4 SR-12, Suburban Residential-12 District .....	40
Section 2.4.2.5 R-1, Single-Family Residential-1 District.....	41
Section 2.4.2.6 R-2, Single-Family Residential-2 District.....	42
Section 2.4.2.7 R-3, Single-Family Residential-3 District.....	44
Section 2.4.2.8 R-4, Single-Family Residential-4 District.....	45
Section 2.4.2.9 TH, Townhouse Residential District.....	47
Section 2.4.2.10 MF, Multiple-Family Residential District.....	49
Section 2.4.2.11 MH, Manufactured Home Park District.....	51
Division 3 – Mixed Use Zoning Districts.....	54
Section 2.4.3.1 SPD, Spectrum District.....	54
Section 2.4.3.2 C-MU, Cullen-Mixed Use District .....	64
Section 2.4.3.3 G/O-MU, Garden/O’Day-Mixed Use District.....	66
Section 2.4.3.4 OT, Old Townsite District.....	69
Division 4 – Non-Residential Zoning Districts.....	80
Section 2.4.4.1 Residential Retail Nodes .....	80
Section 2.4.4.2 OP, Office & Professional District .....	83

Section 2.4.4.3	BP-288, Business Park District-288.....	84
Section 2.4.4.4	NS, Neighborhood Service District .....	89
Section 2.4.4.5	GB, General Business Retail District .....	90
Section 2.4.4.6	GC, General Commercial District.....	91
Section 2.4.4.7	M-1, Light Industrial District .....	92
Section 2.4.4.8	M-2, Heavy Industrial District.....	94
Division 5 – Corridor Overlay Zoning District.....		96
Section 2.4.5.1	COD, Corridors Overlay District.....	96
<b>Article 5 – Use Regulations.....</b>		<b>105</b>
Division 1 – Interpretive Rules .....		106
Section 2.5.1.1	Use and Organization.....	106
Division 2 – Land Use Matrix.....		108
Section 2.5.2.1	The Residential Land Use Matrix.....	108
Section 2.5.2.2:	The Non-Residential Land Use Matrix .....	114
Division 3 – Accessory Uses & Structures.....		130
Section 2.5.3.1	Area Regulations for Accessory Structures (All Districts).....	130
Section 2.5.3.2	Regulations Specific to Use.....	132
Division 4 – Home Occupations.....		136
Section 2.5.4.1	Purpose.....	136
Section 2.5.4.2	Criteria for Home Occupations .....	136
Section 2.5.4.3	Prohibited Home Occupations .....	137
Section 2.5.4.4	Registered Family Home .....	137
Division 5 – Telecommunications Towers & Antennas.....		138
Section 2.5.5.1	Purpose, Applicability, & Conflicting Regulations.....	138
Section 2.5.5.2	Conditional Use Permit Required.....	138
Section 2.5.5.3	General Requirements & Regulations .....	141
Section 2.5.5.5	Principal, Accessory, & Joint Uses .....	142
Section 2.5.5.6	Shared Use .....	142
Section 2.5.5.7	Abandoned Towers .....	143
Section 2.5.5.8	Pre-Existing Towers & Non-Conforming Uses.....	143
Section 2.5.5.9	Public Property.....	143
Division 6 – Requirements Applicable to Specific Land Uses.....		143
Section 2.5.6.1	Industrialized Housing .....	144
Section 2.5.6.2	Non-Residential Uses in Residential Zoning Districts .....	144
Section 2.5.6.3	Residential Anti-Monotony Regulations .....	144
Section 2.5.6.4	Temporary Home Sales Offices.....	145
<b>Article 6 – Supplemental Use Standards.....</b>		<b>147</b>
Division 1 – Area, Building & Height Regulations.....		147
Section 2.6.1.1	Area & Building Regulations.....	147
Section 2.6.1.2	Special Height Regulations.....	154
Division 2 – Exterior Building Design Requirements.....		154
Section 2.6.2.1	Applicability & Requirements.....	154

<b>Article 7 – Nonconforming Uses &amp; Structures</b> .....	<b>158</b>
Division 1 – Intent of Provisions .....	158
Section 2.7.1.1 Intent & Definition .....	158
Division 2 – Classification of Nonconformities .....	158
Section 2.7.2.1 Nonconforming Use Criteria .....	158
Section 2.7.2.2 Nonconforming Structure Criteria .....	159
Section 2.7.2.3 Nonconforming Lot Criteria.....	159
Division 3 – Regulation of Nonconformities.....	160
Section 2.7.3.1 Continuance of Nonconformities.....	160
Section 2.7.3.2 Expansion of Nonconformities .....	160
Section 2.7.3.3 Repairs & Alterations.....	162
Section 2.7.3.4 Reconstruction Following Damage or Destruction .....	162
Section 2.7.3.5 Substitution of Nonconforming Uses.....	163
Section 2.7.3.6 Abandonment.....	163
Section 2.7.3.7 Special Exceptions for Nonconformities.....	163
Section 2.7.3.8 Nonconformities Specifically Related to the Old Townsite (OT) Zoning District .....	166

## **Article 1 – Relationship to the Comprehensive Plan**

### **Division 1 – Applicability & Consistency**

#### **Section 2.1.1.1 Rules for Determining Consistency**

- (a) **Comprehensive Plan & Amendments.** Development applications shall be consistent with the City's adopted Comprehensive Plan, as amended and updated.
- (b) **Legislative Application Consistency.**
  - (1) A legislative development application is consistent with the City's adopted Comprehensive Plan if the application is consistent with applicable policies in the Comprehensive Plan and applicable Comprehensive Plan maps.
  - (2) In determining whether a legislative development application is consistent with a Comprehensive Plan map, the City shall take into consideration the policies that govern interpretation of the map, as well as location or property specific designations on the map;
  - (3) The *Future Land Use Plan* Map incorporated into the City's adopted Comprehensive Plan is not a zoning district map and shall not be construed as defining zoning district boundaries, but will be used as a guide in making decisions regarding zoning;
- (c) **Quasi-Judicial or Administrative Application Consistency.**
  - (1) A quasi-judicial or administrative development application is consistent with the City's adopted Comprehensive Plan if the application conforms with regulations in this Unified Development Code that implement the applicable policies of the Comprehensive Plan.
  - (2) Policies or maps that have not been implemented through regulations incorporated in this Unified Development Code shall not be applied to quasi-judicial or administrative development applications.

### **Division 2 – Policies & Maps**

#### **Section 2.1.2.1 Rules for Determining Consistency**

- (a) **Policies & Maps.** The following Comprehensive Plan elements, adopted City plans and adopted City maps apply to legislative development applications:
  - (1) The Comprehensive Plan, as amended and updated.
  - (2) Water, wastewater and drainage master plans.
  - (3) Park Plan.

## **Article 2 – Zoning Procedures**

## Division 1 – Application for Zoning Map Amendment

### **Section 2.2.1.1 Purpose, Applicability and Effect**

- (a) **Purpose.** The purpose of an application for a zoning map amendment is to establish the initial zoning district classification of land, or to authorize a use of land, or in the case of overlay zoning districts, to authorize uses or a set of zoning standards for the land that are not presently authorized under the regulations for the zoning district in which the property is located.
- (b) **Applicability.** Where a property owner seeks to establish an initial zoning district classification for land, or to establish a use of land or through an overlay district to apply standards to a proposed use that are not currently authorized by the zoning district regulations currently in effect, the property owner must submit a petition for a zoning map amendment before seeking approval of any development application for such land. The requirements of this division do not apply to land outside of the City limits. The requirements of this division do apply to land annexed to the City upon the effective date of the annexation.
- (c) **Effect.** Enactment of an ordinance approving an application for a zoning map amendment results in an initial or a change in zoning district classification for the property, and the use of the land thereafter is subject to all requirements of the new zoning district.

### **Section 2.2.1.2 Purpose, Applicability and Effect**

- (a) **Responsible Official.** The Planning Director shall be the responsible official for an application for a zoning map amendment.
- (b) **Initiation of Zoning Map Amendment.** Only the property owner or the owner's authorized agent (proof of such authorization must be submitted with the zoning application), the Director, the Planning and Zoning Commission, or the City Council on its own motion, may initiate an application for a zoning map amendment.
  - (1) In the event the ownership stated on an application is different from that shown in City or appraisal district records, the applicant shall submit written proof of ownership or verification that the applicant is acting as an authorized agent for the property owner.
  - (2) A landowner or agent seeking approval of an application for a zoning map amendment shall pay or otherwise satisfy all delinquent taxes, paving assessments, impact fees, or any other delinquent debts or obligations for the property to be rezoned at the time the application is submitted. It shall be the applicant's responsibility to provide evidence or proof that all taxes and obligations have been paid.
- (c) **Accompanying Application.** An application for a zoning map amendment may be accompanied by an application for amendment of the City's Comprehensive Plan, upon which the application for the zoning map amendment is dependent, or an application for a preliminary plat.

- (1) The Comprehensive Plan amendment shall be adopted in conformance with State law and in a manner consistent with the way in which the Comprehensive Plan is generally adopted.
- (2) The Comprehensive Plan amendment and the zoning map amendment may be processed concurrently as long as the recommendation and decision on the Comprehensive Plan amendment is made first;
- (3) The application for the zoning map amendment shall be decided prior to any accompanying application for a preliminary plat that is dependent on the map amendment.

### **Section 2.2.1.3 Processing of Zoning Application and Decision**

- (a) **Published and Personal Notice.** The Director shall cause personal notice of a joint public hearing(s) on the zoning map amendment before the Planning and Zoning Commission and City Council to be given in accordance with Chapter 1, Article 2, Division 2 of this Unified Development Code.
- (b) **Posted Notice.** Notification signs of a public hearing on the application for a zoning map amendment, stating the purpose of the hearing, shall be posted on the subject property in conformance with Section 1.2.2.4 of this UDC.
- (c) **Special Notice.** The City Council, by a two-thirds vote, may prescribe a different form of notice for required public hearing(s) on a zoning amendment, in which case the notice requirements of Chapter 1, Article 2, Division 2 of this UDC do not apply.
- (d) **Public Hearings.**
  - (1) When an amendment is proposed pursuant to the provisions of this chapter, the City Council may, at its discretion, and by resolution, call a joint public hearing before the City Council and the Planning and Zoning Commission. The City Council and the Planning and Zoning Commission shall convene a joint public hearing on the zoning map amendment at the time and place designated in the notice of public hearing. The hearing shall be conducted in accordance with Chapter 1, Article 2, Division 3. The Mayor shall be the presiding officer at the joint public hearing.
  - (2) In the event the City Council shall not elect to call a joint public hearing on such proposed amendment:
    - a. The Director shall then call a public hearing before the Planning and Zoning Commission and such hearing shall be held prior to the Planning and Zoning Commission making its report and recommendation to the City Council.
- (e) **Action by Commission.**
  - (1) Following the hearing described above in (Section 2.2.1.3(d)), the Planning and Zoning Commission shall formulate its report and recommendation and shall forward the report and recommendation to the City Council.
  - (2) The Planning and Zoning Commission shall recommend approval or denial of the zoning district designation sought by the applicant. If the Planning and



Zoning Commission recommends denial of the zoning district designation sought by the applicant, the Commission may recommend approval of a less intense zoning district designation within the same zoning category if the category is Residential, Commercial, or Industrial. A district shall be considered less intense if it is listed in Section 2.4.1.2 of this UDC before the district sought by the applicant.

(f) **Decision.**

- (1) The City Council shall consider the report of the Planning and Zoning Commission and the application for the zoning map amendment.
- (2) The City Council may vote on either the recommendation by the Planning and Zoning Commission regarding the zoning district designation sought in the application or any recommendation by the Planning and Zoning Commission for approval of an alternate and less intense zoning district designation.
- (3) The City Council may consider and vote on a zoning district designation within the same category, if the category is Residential, Commercial, or Industrial, that is less intense than the zoning district designation sought by the application without returning the application to the Planning and Zoning Commission. A district shall be considered less intense if it is listed in Section 2.4.1.2 of this UDC before the district sought by the applicant.
- (4) If the City Council wants to consider a zoning district designation more intense than that recommended by the Planning and Zoning Commission, the Council shall return the application to the Planning and Zoning Commission with direction to make a recommendation on the alternate designation suggested by the City Council. A district shall be considered more intense if it is listed after the recommended zoning district in Section 2.4.1.2 of this UDC.

(g) **Ordinance.** Approval of the Council of the zoning map amendment shall be in the form of an ordinance that amends the City's official Zoning Map. The Planning Director shall identify each zoning map amendment on the Zoning Map in accordance with the change approved by the Council. Any unauthorized change of the official Zoning Map hereby is deemed to be null and void.

(h) **Super Majority Vote.** In each of the following circumstances, a zoning amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council:

- (1) When a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land included in the proposed change, or of the lots or land adjoining or within two hundred feet (200') of the lots or land. In computing the percentage of land area, the area of streets and alleys shall be included in the computation. For purposes of this subsection, the following shall apply:
  - a. The written protest of any one owner of land owned by two or more persons shall be presumed to be the protest of all such owners.

- b. The written protest must be submitted to the City Secretary at least five business days before the date of the meeting at which the proposed change is to be considered.
  - c. A person who wishes to withdraw a signature from a written protest must submit a signed, written request for the withdrawal to the City Secretary by the deadline for submitting a written protest. A signature may not be otherwise withdrawn.
- (2) When the Planning and Zoning Commission recommends denial of the zoning amendment.
- (3) When the zoning amendment would establish a zoning district designation that is within the same category, if the category is Residential, Commercial, or Industrial, as but less intense than the zoning district sought by the application but recommended for denial by the Planning and Zoning Commission.
- (i) **Joint Public Hearing for Text Amendment.** The City Council shall convene a joint public hearing with the Planning and Zoning Commission to consider any zoning text amendment in accordance with the procedures for a zoning map amendment (Section 2.2.1.3(d)).
- (j) **Consideration of Previously Denied Amendments.** A request to change the zoning district designation for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within one (1) year of the Council's decision to deny the same requested change for all or any portion of the parcel, unless the Commission and Council each determine that there has been a substantial change in conditions surrounding the parcel since the initial request, and agree to reconsider the change by a three-fourths vote of the members present and voting.

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Ord. No. 2000T-34, Section 2.2.1.3, April 26, 2021.

#### **Section 2.2.1.4 Criteria for Approval**

- (a) In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:
  - (1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any incorporated sector plan maps;
  - (2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
  - (3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; and

- (4) Any other factors which will substantially affect the public health, safety, morals, or general welfare.

## Division 2 – Application for Planned Development (PD) District

### **Section 2.2.2.1 Purpose, Applicability, Nature and Size of District**

- (a) **Purpose.** The purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Design Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.
- (b) **Applicability.** A PD district may only be established in one of the following circumstances:
  - (1) The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;
  - (2) The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning and clustering of uses, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;
  - (3) The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards;
  - (4) The land consists of Old Townsite and/or other older sections of Pearland that are proposed for redevelopment or infill development, and special design considerations are deemed desirable;
  - (5) The land serves as transition between different and seemingly incompatible land uses;
  - (6) The land is proposed for development as a major office, retail, commercial or industrial employment center, and special design standards may be warranted;
  - (7) The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan; and

- (8) The land consists of unusually configured parcels that cannot be developed efficiently under the base district standards.
- (c) **Nature of the District.** Each PD District shall be established as an overlay zoning district that combines with one or more base zoning districts. Development in a PD district must be consistent with a Design Plan that is incorporated as part of the district by the adopting ordinance for the PD, except as provided in Section 2.2.2.6(b).
- (d) **Minimum District Size.** No PD district shall be established for a gross area less than the following:
- (1) Single-family detached, attached and duplex uses: five (5) contiguous acres;
  - (2) Multiple-family uses: five (5) contiguous acres;
  - (3) Non-residential uses: three (3) contiguous acres;
  - (4) Mixed residential and nonresidential uses: three (3) contiguous acres.
  - (5) Uses in Old Townsite: one (1) non-contiguous acre.
- (e) **Maximum Density.** The maximum density for any residential use within a PD shall not exceed the maximum density allowed in the base zoning district.

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Ord. No. 2000T-34, Section 2.2.2.1 (d)(1), April 26, 2021.

### **Section 2.2.2.2 Authorized Uses**

- (a) **Base Zoning District Uses.** Any use permitted outright or conditionally in the base district shall be permitted in the PD district, unless the use is prohibited or otherwise conditioned in the regulations adopted for the PD district. Uses designated as conditional uses in the Land Use Matrix in Article 5, Division 2, Chapter 2 of this Ordinance may be authorized in the PD district only if designated on the Design Plan adopted as part of the PD district, in which case the use does not require a separate Conditional Use Permit under Article 2, Division 3, Chapter 2 of this Ordinance.
- (b) **Overlay Zoning District Uses.** The PD district may provide for uses not allowed in the base zoning district, provided that the uses are compatible with the stated purposes of the district and do not conflict with policies in the Comprehensive Plan, considering the arrangement, combination and design features of the uses within the PD district, as depicted on the Design Plan.
- (c) **Location and Arrangement of Uses.** The location and arrangement of all authorized uses in the PD district shall be consistent with the Design Plan approved with the district.
- (d) **Limitations on Residential Uses.** Proposed lot sizes for residential uses in the PD district shall be no smaller on average than the lot sizes allowed in the base zoning district for each type of housing (e.g., single-family, duplex, etc.). A maximum of ten percent (10%) deviation in the size of the lots is permitted in order to provide improved design, or to provide flexibility in the layout of the subdivision or diversity in lot size choices.

- (e) **Deviations from the Design Plan.** Refer to Section 2.2.2.6 for regulations related to deviations from the Design Plan.

### **Section 2.2.2.3 Development Standards**

- (a) **Base District and Supplemental Standards.** In a PD district, uses shall conform to the standards in the base zoning district governing area, building and height requirements in this ordinance, and any applicable supplemental standards, unless specifically excepted in the ordinance establishing the PD district.
- (b) **Overlay Zoning District Standards.** In a PD district, standards otherwise applicable to authorized uses in the base zoning district or pursuant to this ordinance may be varied, and thereafter shall be applied to the uses established in the PD district, only if approved in the ordinance establishing the PD district. Standards that may be varied include, but may not be limited to, residential density (subject to 2.2.2.2(d) above), lot area, lot width, lot depth, yard depths and widths, building height and size, building exterior construction, lot coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signage, sidewalks, and lighting. Varied standards may increase or decrease the requirements otherwise applicable to particular uses. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD district regulations, shall be considered standards that apply to subsequent development applications.
- (c) **Usable Open Space Standards.** In residential or mixed-use PD districts of twenty (20) acres or more in size, unless otherwise expressly provided by the PD regulations or designated in the PD Design Plan, the following standards governing usable open space shall apply.
  - (1) A minimum of twenty percent (20%) of the gross land area within the entire PD district shall be devoted to usable open space, consistent with the open space requirements of the City's Comprehensive Plan. Open space for PD districts may be satisfied by either public or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering.
  - (2) Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.
  - (3) Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the district must be provided prior to completion of development within the district.
  - (4) Detention/retention facilities may be counted as open space when they are incorporated into the PD as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.
- (d) **Public Facilities Standards.** In order to implement the plan of development depicted in the Design Plan and to assure that the purposes of the district are realized, public facilities standards in subdivision regulations (Chapter 3 and Chapter 4, as applicable, of this UDC) may be varied, provided that such exceptions are

expressly identified in the PD district regulations and illustrated where necessary on the Design Plan incorporated as part of the district regulations. Thereafter, standards applicable to plat applications and applications for site plans shall conform to the variations approved in the ordinance establishing the PD district.

- (e) **Public Facilities Studies.** In order to justify variations from public facilities standards pertaining to provision of roadway and drainage facilities and to demonstrate compliance with the adequate public facilities policies in this ordinance, a traffic impact study or drainage study may be required as a pre-requisite for approving a petition for a PD district.

#### **Section 2.2.2.4 Application Requirements**

- (a) **Joint Workshop Required.** An application for a PD shall not be accepted until a joint workshop has been held by the City Council and the Planning and Zoning Commission.

a. The application for a PD workshop shall include the following:

- i. Completed application form;
- ii. Site plan of the proposed project;
- iii. Based zoning district with proposed deviations from the base zoning regulations; and
- iv. The required application fee.

- (b) **Specific Items Required.** No application for a PD shall be accepted by the City until the following items have been submitted to the City by the applicant.

- (1) A completed application form, including all requirements as stated on the application form;
- (2) A deed or contract on the property or similar document indicating ownership;
- (3) A Design Plan, prepared in accordance with Section 2.2.2.5 of this UDC;
- (4) A description of any development standards or requirements that are different from those in the base zoning district;
- (5) A description of how the proposed Planned Development fulfills the ideals, goals, objectives, and/or concepts of the City's adopted Comprehensive Plan or any other formally adopted City planning document, such as the Parks Plan or public facility plan.
- (6) A description of how any development standards or requirements that are different from those in the base district fulfill the items listed in (1) through (8) of Section 2.2.2.1.(b).
- (7) The required application fee. The application fee for joint public workshop shall count towards the application fee for the PD application.

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Ord. No. 2000T-2, Section 2.2.2.4, February 26, 2007.

Ord. No. 2000T-34, Section 2.2.2.4, April 26, 2021.

### **Section 2.2.2.5 Design Plan**

- (a) **Requirement for Design Plan.** No PD district may be established without approval of a Design Plan that illustrates the proposed location and arrangement of uses, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities and the overall design of the development. Detailed requirements for the contents of a Design Plan are as prescribed on the application form. The Design Plan shall be incorporated as a component part of the PD district regulations, and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.
- (1) Residential PD Design Plan: A Design Plan for a development comprised of single-family or two-family (duplex) dwellings on individually platted lots shall show general uses, the topography and boundaries of the PD areas, existing physical features of the site, location of existing or proposed public facilities, phasing of the development, access, thoroughfares, alleys (if proposed), preliminary lot arrangements, proposed densities, proposed screening/fencing, landscaped or private amenity areas, project scheduling, and other pertinent development data.
  - (2) Nonresidential or Multiple-Family PD Design Plan: A Design Plan for any nonresidential, multi-family, single-family attached, or manufactured (mobile) home development shall clearly show all pertinent aspects of the type and nature of the proposed development. The Design Plan shall show the types of use(s) proposed; access, topography and boundaries of the PD area; existing physical features of the site; existing and proposed streets, alleys, easements and lot lines; location of existing or proposed public facilities; building heights and locations; parking areas and ratios; fire lanes; screening/fencing and landscaped areas; conceptual project phasing and scheduling; and other pertinent development data to adequately describe the proposed development.
  - (3) Required Information: All information required by the City shall be listed on a separate application form available in the office of the Planning Director.
- (b) **Consistency Required.** All development applications within the PD district shall be consistent with the incorporated Design Plan. Failure of a subsequent development application to conform to the approved Design Plan for the PD district shall result in denial of the application, unless the PD district regulations first are amended through incorporation of a Design Plan with which the development application is consistent. The degree of conformity required between the Design Plan and subsequent development applications shall be set forth in the adopting ordinance.

### **Section 2.2.2.6 Subsequent Development Applications**

- (a) **Development Applications Authorized.** The development standards for a PD district shall be applied to the authorized uses through a subdivision plat, Site Plan or one or more site development plans prepared in accordance with Section 2.2.2.8, as set forth in the adopting ordinance.
- (b) **Minor Deviations from Approved Design Plan.** In determining whether development applications are consistent with the Design Plan, minor deviations from

the Design Plan may be approved by the Planning Director. Unless otherwise specified in the adopting ordinance, minor deviations are limited to the following:

- (1) Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
  - (2) Changes in building position or layout that are less than ten feet (10') or ten percent (10%) in size.
  - (3) Changes in the proposed property lines as long as the original stated project acreage is not exceeded.
  - (4) Changes in parking layouts as long as the number of required spaces and general original design is maintained.
- (c) **Major Deviations from Approved Design Plan.** All major deviations from the Design Plan shall be submitted to the Planning and Zoning Commission and City Council for approval as an amendment of the PD district.

#### **Section 2.2.2.7 Approval Criteria for a Planned Development District**

- (a) **Factors.** The following criteria will be used by the City in deciding whether to approve, approve with modifications, or deny a petition for a PD district:
- (1) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 2.2.2.1(b) warranting a PD district classification.
  - (2) The extent to which the proposed PD district furthers the policies of the City's adopted Comprehensive Plan (as amended) and other formally adopted City planning documents, such as the Parks Plan.
  - (3) The extent to which the proposed PD district will result in a superior development than could not be achieved through conventional zoning classifications.
  - (4) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development.
  - (5) The extent to which proposed uses and the configuration of uses depicted in the Design Plan are compatible with existing and planned adjoining uses;
  - (6) The extent to which the proposed development is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage and other public facilities; and
  - (7) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.
- (b) **Conditions.** The City Council may impose such conditions to the PD district regulations and Design Plan as are necessary to assure that the purpose of the PD district is implemented.



### **Section 2.2.2.8 Adopting Ordinance**

- (a) **Items Specific to the Ordinance.** The ordinance establishing a PD district shall incorporate the approved Design Plan as part of the district regulations and shall set forth the following:
- (1) The base zoning district(s) to be overlaid, together with the boundaries of the district(s);
  - (2) A statement as to the purpose and intent of the PD district established therein;
  - (3) The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Design Plan;
  - (4) The general standards applicable to development within the district, with or without reference to the base district, including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan, and the purposes of the PD District;
  - (5) Provisions stating that all zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this ordinance that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district;
  - (6) Design standards applicable to the development;
  - (7) A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district;
  - (8) Required dedications of land or public improvements;
  - (9) A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable; and
  - (10) Identification of the levels of the deviation allowed between the Design Plan and subsequent development applications, which may be approved by the Planning Director;
  - (11) Specification of whether site development plans are required to implement the district regulations;
  - (12) Such additional conditions as are established by the Council to assure that the PD district and Design Plan are consistent with the stated purposes of the district.

### **Section 2.2.2.9 Site Development Plan**

- (a) **Requirement for Site Development Plan.** Where required by the adopting ordinance, a Site Development Plan shall be the final step of the development process within a PD district. The purposes of a Site Development Plan are to assure that the development of individual building lots, parcels, or tracts within the PD district are consistent with the approved Design Plan and to assure that the standards applicable within the PD District are met for each such lot, parcel or tract.
- (b) **Contents of Site Development Plan.** All applications and related contents shall be submitted consistent with a requirements checklist supplied by the Planning Department.
- (c) **Approval Process.**
- (1) The City Council shall determine whether a Site Development Plan is required as part of the adopting ordinance for a PD. If a Site Development Plan is determined to be required, such requirement shall be incorporated into the PD ordinance.
  - (2) Delegation to Planning Director: The Planning Director hereby is delegated the authority to approve, conditionally approve, or deny a Site Development Plan and all amendments thereto, subject to appeal to the Planning & Zoning Commission and City Council.
  - (3) Timing with Preliminary Plat:
    - a. The Site Development Plan shall be submitted and approved along with a preliminary plat, or
    - b. The Site Development Plan shall be submitted and approved prior to a preliminary plat.
  - (4) Planning Director's Decision: The Planning Director shall approve, approve subject to conditions, or deny each Site Development Plan.
  - (5) Approval Criteria. The Planning Director, in approving, conditionally approving, or denying a Site Development Plan, shall determine whether:
    - a. The plan complies with the applicable PD Design Plan and with the PD ordinance, including expressly conditions attached to the Design Plan or PD ordinance, within the levels of deviation specified in the PD ordinance.
    - b. The plan complies with the standards and conditions of the zoning regulations and of other ordinances, rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
    - c. The traffic estimated to be generated by the plan is generally consistent with any original, Council approved traffic impact analysis;
    - d. The plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.); and
    - e. The drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention

and drainage areas will be improved in a manner consistent with the authorized design.

- (6) **Conditions.** The Commission, or the Council on appeal, may establish such conditions to the approval of a Site Development Plan as are reasonably necessary to assure that the approval criteria are met.
- (d) **Appeal.** If the Planning Director approves a Site Development Plan with conditions or disapproves a Site Development Plan, the applicant may appeal the decision to the Planning and Zoning Commission Action by filing a written request with the City Secretary within ten (10) days after the Planning Director's decision. The Commission, after notice and public hearing, may sustain, reverse or modify the decision of the Planning Director on the Site Development Plan. The decision of the Commission shall be final.

### **Section 2.2.2.10 Lapse of Development in PD Districts**

- (a) **Lapse of Authority to Submit Site Development Plan.** In a PD district, progress toward development of the Design Plan shall occur within the following time periods:
  - (1) An application for approval of a Site Development Plan, subdivision plat or site plan, as may be required, shall be submitted for approval within two years of the date of establishment of the PD District, unless otherwise provided in the adopting ordinance. If a Site Development Plan for all or a phase of the development depicted in the Design Plan is not submitted within such period, the authority to submit such development and all subsequent site development plans or required permits for the PD district shall be suspended.
  - (2) If the land within the PD district is to be developed in phases, a Site Development Plan or other development application shall be submitted for the next phase within two (2) years from approval of a Site Development Plan or other development application for the preceding phase, or as otherwise provided in the phasing schedule for the PD district. If a subsequent Site Development Plan or other development application is not submitted within such period, the authority to submit such Site Development Plan application for that portion of the property and any subsequent site development plans or other development applications for the PD district shall be suspended.
  - (3) Expiration of an approved Site Development Plan or other development application shall result in suspension of the authority to submit a new Site Development Plan or other development application for that portion of the property and for subsequent phases of development within the district for which a Site Development Plan or other development application has not been approved.
  - (4) An approved Site Development Plan shall expire if a preliminary plat application for single-family residential projects, or a site plan for any other project, is not approved within two years of the date of approval of the Site Development Plan.
  - (5) Expiration of the approved preliminary plat or site plan subsequently shall result in expiration of the associated Site Development Plan. If the preliminary plat

or site plan is reinstated, the Site Development Plan shall be deemed to be reinstated as well.

- (b) **Commission Recommendation on Authority to Submit Site Development Plan.** Following expiration of the right to submit a Site Development Plan or other development application, the Planning and Zoning Commission shall consider whether the undeveloped land within PD District should be changed to another zoning classification in accordance with the procedures for action upon a zoning map amendment pursuant to Section 2.3.2.2 of this UDC. The commission thereafter shall recommend to the City Council whether the right to submit a Site Development Plan or other development application should be reinstated, or whether the property should be zoned to another classification.
- (c) **Council Consideration.** The commission's recommendation shall be considered by the City Council in accordance with procedures for action upon a zoning map amendment pursuant to Section 2.3.2.2 of this UDC. The Council shall determine whether the right to submit the Site Development Plan or other development application should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the Council shall consider the following factors:
- (1) Whether the PD District remains consistent with the Comprehensive Plan;
  - (2) Whether the uses authorized in the PD district are compatible with existing and planned land uses adjacent to the site;
  - (3) Whether there are extenuating circumstances justifying the failure to submit a Site Development Plan or other development application during the applicable time period; and
  - (4) Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.
- (d) **Council Action.** The City Council may take the following actions:
- (1) Reinstated the right to submit the Site Development Plan application or other development application within a time certain, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PD district;
  - (2) Modify the PD district regulations applicable to the property; or
  - (3) Repeal the PD district for the affected portions of the property and zone such property to another zoning district classification.

#### **Section 2.2.2.11 Documentation of PD Districts**

- (a) **Planned Development Ordinances Approved Prior to the Adoption of the UDC.** Prior to adoption of this UDC, the City Council previously established certain Planned Development districts (which may be referred to as Planned Unit Development (PUD) districts), which may be continued in full force and effect. The PUD ordinances or parts thereof approved prior to this UDC that are carried forth in full force and effect shall be shown on the Zoning Map as of the effective date of this

UDC. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD, shall be maintained in the Planning Department Office.

- (b) **Planned Development Ordinances Approved After Adoption of the UDC.** All Planned Development zoning districts approved after adoption of this UDC, as may be amended, shall be referenced on the Zoning Map. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained in the Planning Department Office.

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Ord. No. 2000T-12, Section 2.2.2.11, June 28, 2010.

### Division 3 – Conditional Use Permit (CUP)

#### **Section 2.2.3.1 Purpose, Applicability, and Effect**

- (a) **Purpose.** The purpose of a Conditional Use Permit is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as conditional uses in a particular zoning district, or those nonconforming uses which are damaged or destroyed, and which are permitted to be reestablished under this Unified Development Code, shall be authorized as conditional uses. Conditional uses shall not be considered zone changes, but shall be treated as legislative acts of the City Council authorizing a specific use within a zoning district.
- (b) **Applicability.** A Conditional Use Permit is required to use or develop property within the City limits for any use designated as a conditional use in the Land Use Matrix in Chapter 2, Article 5 of this Unified Development Code for the zoning district in which the property is located. The Conditional Use Permit application must be accompanied by a Site Plan prepared in accordance with Article 1, Division 1 of Chapter 4.
- (c) **Effect.** Approval of a Conditional Use Permit authorizes the use or development of the property in accordance with the conditions of the permit. Approval of a Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued and shall apply only to the property for which the permit is issued. No conditionally permitted use shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new Conditional Use Permit in accordance with the procedures set forth in this section. Initiation or development of the use shall not be authorized until the applicant has secured all the permits and approvals required by this Unified Development Code.

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Ord. No. 2000T-26, Section 2.2.3.1, September 25, 2017.

### **Section 2.2.3.2 Application Requirements and Documentation**

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Conditional Use Permit.
- (b) **Contents.** All applications and related contents, including a site plan, shall be submitted in accordance with a requirements checklist supplied by the Planning Department.
- (c) **List of Conditional Use Permits (CUPs) Approved After Adoption of the UDC.** All Conditional Use Permits (CUPs) approved in accordance with the provisions of this UDC, as may be amended, shall be sequentially numbered and shall be referenced on a listing maintained and available in the Planning Department. CUPs shall not be referenced on the Zoning Map. Specific Use Permits (SUPs) approved by the City Council prior to the adoption of this UDC are zoning designations and shall be treated the same as any prior approved zoning classification.

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Ord. No. 2000T-2, Section 2.2.3.2, February 26, 2007.

Ord. No. 2000T-26, Section 2.2.3.2, September 25, 2017.

### **Section 2.2.3.3 Processing of Application and Decision**

- (a) **Meeting and Notification.** The Director shall schedule a public meeting and hearing before the Planning and Zoning Commission and the City Council on the application for a Conditional Use Permit, shall cause personal notice to be given in accordance with Section 1.2.2.3, and shall cause notice to be posted on the subject property in accordance with Section 1.2.2.4.
- (b) **Planning & Zoning Commission Recommendation.** An application for a Conditional Use Permit shall be presented to the Planning and Zoning Commission for review and recommendation to the City Council. The Planning and Zoning Commission shall vote to recommend approval or denial of the Conditional Use Permit sought by the applicant.
- (c) **City Council Decision.** The City Council shall conduct a public meeting and hearing on the application, following receipt of recommendation from the Planning and Zoning Commission. The City Council shall be the final decision maker regarding whether to approve, approve with conditions or modifications, or deny the permit. The Conditional Use Permit will become effective by the favorable simple majority of all members of the City Council.

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Ord. No. 2000T-4, Section 2.2.3.3, September 24, 2007.

Ord. No. 2000T-11, Section 2.2.3.3, July 27, 2009.

Ord. No. 2000T-26, Section 2.2.3.3, September 25, 2017.

Ord. No. 2000T-34, Section 2.2.3.3, April 26, 2021.

Ord. No. 2000T-39, Section 2.2.3.3, July 10, 2023.

### **Section 2.2.3.4 Criteria for Approval**

- (a) **Factors.** When considering an application for a Conditional Use Permit, the Planning and Zoning Commission and City Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:
- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
  - (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
  - (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
  - (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
  - (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
  - (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
  - (7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
- (b) **Conditions.** The City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the City Council deems necessary to mitigate adverse effects of the proposed use in accordance with this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation and, development in accordance with a submitted site plan. Unless the submitted site plan is attached as a condition to the approved Conditional Use Permit, deviations from the site plan are permitted, provided the proposed deviations do not conflict with any conditions and/or modifications attached to the approved Conditional Use Permit.
- (c) **No Variances.** The conditions imposed on the application shall not be subject to variances that otherwise could be granted by the Zoning Board of Adjustment, nor may conditions imposed by the City Council subsequently be waived or varied by the Zoning Board of Adjustment.

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Ord. No. 2000T-4, Section 2.2.3.4, September 24, 2007.

Ord. No. 2000T-26, Section 2.2.3.4, September 25, 2017.

### **Section 2.2.3.5 Abandonment, Expiration and Revocation**

- (a) **Abandonment.** A Conditional Use once established, that remains vacant for a continuous period of six (6) months, shall be deemed abandoned, and shall not thereafter be re-established except upon approval of a new application for a Conditional Use Permit. In determining whether a conditional use has been abandoned, the City shall apply the standards applicable to abandonment of a non-conforming use in Section 2.7.3.6 of this Code.
- (b) **Time of Expiration.** A Conditional Use Permit shall expire if:
- (1) A building permit, if any, for the use has not been approved within one year of the date of approval of the Conditional Use Permit;
  - (2) The building permit subsequently expires;
  - (3) The use has been discontinued for a period exceeding six months; or
  - (4) A termination date attached to the permit has passed.
- (c) **Extension.** City Council may, upon submittal of an application and without the requirement of a hearing under Section 2.2.3.3 extend this time frame by up to one additional year from the date of approval of the Conditional Use Permit.
- (d) **Revocation.** The City Council may revoke any Conditional Use Permit that is in violation of any condition imposed on the use in accordance with the procedures of Article 7 of this Chapter 2.

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Ord. No. 2000T-13, Section 2.2.3.5, October 24, 2011.

Ord. No. 2000T-26, Section 2.2.3.5, September 25, 2017.

### **Section 2.2.3.6 Appeals**

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Ord. No. 2000T-4, Section 2.2.3.6 removed in its entirety, September 24, 2007.

## **Division 4 – Application for Cluster Development Plan**

### **Section 2.2.4.1 Purpose and Applicability**

- (a) **Purpose.** The purpose of a Cluster Development Plan shall be to authorize the use of residential density standards in substitution for minimum lot size standards for residential uses.



- (b) **Applicability.** A Cluster Development Plan shall be required inside the City limits whenever the property owner seeks authorization to have subsequent development applications reviewed under residential density standards in lieu of minimum lot size standards.

#### **Section 2.2.4.2 Application Requirements**

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

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Ord. No. 2000T-3, Section 2.2.4.2, July 9, 2007.

#### **Section 2.2.4.3 Processing of Application and Decision**

- (a) **Hearing and Notification.** The Director shall schedule the application for approval of a Cluster Development Plan at a meeting of the Planning and Zoning Commission.
- (b) **Commission's Action.** The Planning and Zoning Commission shall approve, conditionally approve or deny the application for a Cluster Development Plan.

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#### **Section 2.2.4.4 Criteria for Approval**

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

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

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

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

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Ord. No. 2000T-3, Section 2.2.4.4, July 9, 2007.

#### **Section 2.2.4.5 Appeals**

- (a) The applicant or other interested person may appeal the decision of the Planning and Zoning Commission to the City Council in accordance with Chapter 1, Article 3, Division 1. The Council shall apply the criteria in Section 2.2.4.4 in deciding whether the Commission's action should be upheld or modified.

#### **Section 2.2.4.6 Expiration Extension and Reinstatement**

- (a) **Expiration.** If a preliminary subdivision plat has not been approved for land subject to the Cluster Development Plan within one (1) year from the date of approval, the

Plan shall lapse and no application for plat approval, or application for approval of a Cluster Development Plan on another phase of the development shall be accepted for filing thereafter, unless the Cluster Development Plan is reinstated.

- (b) **Extension and Reinstatement.** The Planning and Zoning Commission may extend the time of expiration for or reinstate a Cluster Development Plan for a period not to exceed one year, in accordance with the procedures in Article 2, Division 5 of Chapter 1.

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Ord. No. 2000T-11, Section 2.2.4.6, July 27, 2009.

### *Division 5 – Zoning Board of Adjustment Procedures*

#### **Section 2.2.5.1 Special Exceptions.**

(a) **Purpose, Applicability and Effect.**

- (1) The purpose of a special exception shall be to authorize a modification of zoning standards applicable to particular types of development within any zoning district, which is consistent with the overall intent of the zoning ordinance and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed.
- (2) An application for a special exception may be filed only for those modifications listed in Section 2.7.3.7 of this Code. The special exceptions procedure shall be applicable only within the City limits.
- (3) Approval of an application for a special exception entitles the property owner to undertake the activity authorized under the exception notwithstanding any standards in the zoning district regulations to the contrary.

(b) **Application Requirements.**

- (1) The Planning Director shall be the responsible official for a special exception.
- (2) An application for a special exception shall be accompanied by the following:
  - a. All information required for a zoning variance;
  - b. A statement describing in detail how the proposed exception meets the applicable standards.
  - c. Completed application form and required fees

(c) **Processing of Application and Decision.**

- (1) The Zoning Board of Adjustment shall conduct a public hearing on the application in accordance with Article 2, Division 3 of Chapter 1. Personal notice shall be provided in accordance with Chapter 1, Article 2 of this UDC.
- (2) The Zoning Board of Adjustment shall approve, conditionally approve, or deny the special exception.
- (3) An application for approval of a special exception shall be decided within thirty (30) days of the official filing date.

**(d) Criteria for Approval.**

- (1) In deciding whether to approve, conditionally approve or deny the application for a special exception, the Board shall apply the standards in Article 7 of this Chapter 1 governing the special exception. In addition, the Board shall consider whether the special exception will substantially and adversely affect the use of adjacent or neighboring property.
  - (2) The Board may impose such conditions on the application for special exception as are necessary to prevent harm to adjacent or neighboring property.
- (e) Expiration.** The special exception shall expire one (1) year after the Board approves or conditionally approves the application unless the applicant obtains all necessary construction permits or otherwise performs the tasks authorized by the approved special exception within such period.

**Section 2.2.5.2 Variances**

**(a) Purpose, Applicability and Effect.**

- (1) The purpose of a variance is to vary one or more zoning standards made applicable to a use authorized under this Chapter. A variance application shall not be used as a means of amending the text of the City's zoning regulations or of changing a zoning district classification of the property for which the variance is sought. A variance application cannot be used as a means to contest the applicability of a standard to a development application, an exemption determination, or a decision on a development application.
- (2) A variance application is applicable only within the City limits of Pearland.
- (3) The granting of a variance petition in whole or in part authorizes the petitioner to submit a development application that complies with the standard as varied or modified, and authorizes the decision-maker to evaluate the application using the varied standard, for the duration of the variance.
- (4) Variances from the requirements of Chapters 2, 4, and 5 shall be decided by the Zoning Board of Adjustments, and variances from the requirements of Chapter 3 shall be decided by the Planning and Zoning Commission.

**(b) Application Requirements.**

- (1) A variance application shall contain a detailed written statement of the reasons why the standards to be varied should not be applied to the use identified in the application, and shall be accompanied by the fee established by the City Council. The application also shall be accompanied by illustrations or other

documents showing the effect of the requested variance on the proposed development.

- (2) A variance application shall be filed with the Zoning Board of Adjustment. No development application that is dependent upon approval of the pending variance application shall be accepted for filing until a final decision has been reached on the variance application.
- (3) A variance application may not be accepted for filing until a plat of the property has been approved, unless determined otherwise by the Planning Director.

**(c) Processing of Petitions and Decision.**

- (1) The Zoning Board of Adjustment shall conduct a public hearing on the variance application in accordance with Chapter 1. Personal notice shall be provided in accordance with Chapter 1, Article 2 of this UDC.
- (2) The Zoning Board of Adjustment shall approve, conditionally approve, or deny the variance application.
- (3) A variance application shall be decided within forty-five (45) days of the official filing date, unless the application is tabled or there is a lack of quorum. In either case, the ZBOA shall then have an additional forty-five (45) days to decide the application. Any additional time period that the ZBOA needs to decide an application must be agreed upon by the applicant, and the ZBOA shall decide the application within the agreed-upon timeframe.
- (4) The applicant for a variance bears the burden of proof to demonstrate that a variance to the standards applicable to a particular use should be granted.
- (5) The applicant shall be notified of the decision on the variance petition in the manner provided in Chapter 1 of this UDC.

**(d) Criteria for Approval.** In deciding the variance application, the Board shall apply the following criteria:

- (1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land such that the strict application of the provisions of this Code to the proposed use would create an undue hardship or inequity upon or for the applicant, as distinguished from a mere inconvenience, in developing the land or deprive the applicant of the reasonable and beneficial use of the land;
- (2) The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
- (3) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- (4) Granting the variance application will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- (5) Granting the variance application will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;

- (6) The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;
- (7) The request for a variance is not based exclusively on the applicant's desire for increased financial gain from the property, or to reduce an existing financial hardship; and
- (8) The degree of variance requested is the minimum amount necessary to meet the needs of applicant and to satisfy the standards in this section.

**(e) Expiration and Extension.**

- (1) A variance to a standard applicable to a particular use shall expire within 90 days of the date the variance petition is granted, unless the property owner or applicant files a complete application for a building permit with the City within such period. The Board may extend the time for filing the building permit application for good cause shown, but in any event, the expiration date for the variance shall not be extended beyond one (1) year from the date the variance was granted.
- (2) If the building permit expires, the variance also shall expire. If the building permit is extended, the variance also shall be extended.

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Ord. No. 2000T-2, Section 2.2.5.2, February 26, 2007.

Ord. No. 2000T-11, Section 2.2.5.2, July 27, 2009.

Ord. No. 2000T-13, Section 2.2.5.2, October 24, 2011.

**Section 2.2.5.3 Application for Change in Nonconforming Status**

- (a) **Application.** A property owner may apply to the Zoning Board of Adjustment for a change in the status of a nonconforming use or structure for the following matters:
- (1) Expansion of the land area of a nonconforming use;
  - (2) Expansion of the gross floor area of a nonconforming structure;
  - (3) Reconstruction of a nonconforming structure that has been destroyed (refer to Section 2.7.3.4);
  - (4) Resumption of a nonconforming use previously abandoned;
  - (5) The enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair does not increase the structure's nonconformity; or
  - (6) Encroachment on a zoning setback line.
- (b) **Effect.** If the Board grants the application for a change in nonconforming status, modifications made in the nonconforming use, structure or lot that are consistent with the approved application shall enjoy the same status and shall be subject to the same limitations as the original nonconformity under this Code.

- (c) **Decision.** The ZBA shall process and decide the petition for a change in nonconforming status as a special exception in accordance with Section 2.2.5.1 of this article.
- (d) **Criteria for Approval.** In deciding the application, the Board shall apply the following criteria:
- (1) The proposed change in nonconforming status meets the criteria in Article 7 of this Chapter;
  - (2) Granting the application shall not result in greater harm to adjacent and neighboring land uses than the original nonconformity.
- (e) **Petition for Termination.**
- (1) A City official may petition the Zoning Board of Adjustment for termination in nonconforming status of a nonconforming use, nonconforming structure or nonconforming lot.
  - (2) If the Board grants the petition for termination of nonconforming status, the nonconforming use, nonconforming structure or nonconforming lot shall be deemed in violation of this Unified Development Code and shall be subject to any remedy for enforcement, as provided in Article 2, Division 6 of Chapter 1. Thereafter, the property owner may not seek reinstatement of nonconforming status.
  - (3) The Planning Director shall be the responsible official for a petition seeking termination of nonconforming status.
  - (4) The application shall include a concise statement of the reasons why the nonconforming status should be terminated, with specific reference to the rule(s) governing the nonconformity which the petitioner seeks to enforce and a detailed explanation of how granting the petition enforces the standards governing nonconforming status.
  - (5) The Board shall process and decide the petition for termination in nonconforming status as a revocation proceeding under Article 2, Division 6 of Chapter 1.

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## **Article 3 – Zoning Regulations**

### Division 1 – Purpose

#### **Section 2.3.1.1 Purpose of Regulations & Districts**

- (a) **Accordance with the TLGC.** The zoning regulations and districts contained in this Chapter are established in accordance with an adopted comprehensive plan (and related updates), as authorized by Chapter 211 of the Texas Local Government Code, for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the City limits. The zoning regulations and districts contained in this Chapter have been designed to lessen the congestion in the streets, to secure safety from fire, panic and other dangers, to ensure adequate light and air, to prevent the overcrowding of land and thus avoid undue concentration of population, and to facilitate the adequate provision of transportation, water supply, wastewater treatment, schools, parks and other public requirements. They are established with reasonable consideration for, among other things, the character of each zoning district and its peculiar suitability for the particular uses specified, conserving the value of buildings and environmentally sensitive features, and encouraging the most appropriate use of land throughout the City.

### Division 2 – Zoning Map

#### **Section 2.3.2.1 Division of the City into Districts & Related Map**

- (a) **Division.** The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the City, which may also be cited as the “Zoning Map”, which is adopted as a part of this Code as fully as if the same were set forth herein in detail.

#### **Section 2.3.2.2 The Official Zoning District Map**

- (a) **Official Map.** The Zoning Map shall be maintained in the office of the Planning Director and labeled as “Official Zoning Map of the City of Pearland, Texas”. This map shall be the official Zoning Map and shall bear the signature of the mayor, attested by the City Clerk, shall bear the seal of the City, and shall contain the following certification: “This is to certify that this is the Official Zoning Map referred to in Chapter 4 of the Unified Development Code, Ordinance No. 2000T of the City of Pearland, Texas, adopted on the 27<sup>th</sup> day of February, 2006, as amended by official action of the City Council”. In case of any question, this version of the map shall be controlling.
- (b) **Maintenance of Official Map.** The official Zoning Map shall be maintained in the office of the Planning Director. The map shall be used for reference and shall be maintained up-to-date by incorporating all subsequent amendments enacted by official action of the City Council. The Planning Director will use all reasonable



means to protect the official Zoning Map from damage, and to ensure the accurate restoration of the map file if damage or destruction of the original file occurs.

- (c) **Changes or Amendments Reflected on the Map.** Any changes or amendments made to the zoning district boundaries shall be incorporated into the Zoning Map file promptly after the amendment has been approved by the City Council. The Planning Director shall maintain a descriptive log of amendments to the map using the following format: "On the \_\_\_<sup>th</sup> day of \_\_\_\_\_, \_\_\_\_\_, by official action of the City Council of Pearland, Texas, the following change(s) was made on the City's official Zoning Map: \_\_\_\_\_ (enter a brief description of the nature of the change), Ordinance No. \_\_\_\_\_, effective date \_\_\_\_\_, \_\_\_\_\_". Each descriptive entry for an amendment to the official map shall be signed by the Planning Director. The Planning Director will use all reasonable means to ensure that no changes are made to the official Zoning Map without authorization by official action of the City Council.
- (d) **Replacement of the Official Zoning District Map.** In the event that the official Zoning Map file becomes damaged, destroyed, lost or difficult to interpret for any reason, the City Council may adopt, by ordinance following a public hearing, a new official Zoning Map which shall replace and supersede the prior Zoning Map, but which shall not, in effect, amend or otherwise change the original official Zoning Map or any subsequent amendment thereto.

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Ord. No. 2000T-2, Section 2.3.2.2, February 26, 2007.

### **Section 2.3.2.3 Zoning District Boundaries**

- (a) **Rules of Interpretation.** The zoning district boundary lines shown on the Zoning Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
- (1) Boundaries shown as approximately following the centerlines of streets, highways or alleys shall be construed to follow the centerlines.
  - (2) Boundaries shown as approximately following platted lot lines shall be construed as following the lot lines.
  - (3) Boundaries shown as approximately following City limits shall be construed as following the City limits.
  - (4) Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.
  - (5) Boundaries shown as following shorelines shall be construed to follow the shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainage ways shall be construed to follow the centerlines, and in the event of change in any such centerlines shall be construed to move with the centerlines.

- (6) Boundaries shown as parallel to, or extensions of, features described in subsections “1” through “5” above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.
  - (7) The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
  - (8) Where physical features on the ground are at variance with information shown on the Zoning Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections “1” through “8” above, then the Zoning Board of Adjustment shall interpret the zoning district boundaries.
  - (9) If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as “SD” (Suburban Development District) in the same manner as provided for newly annexed territory.
- (b) Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance (Ordinance No.509, as amended), adopted on March 10, 1986, and the effective date of this Code are indicated in approximate locations on the Zoning Map. For exact legal descriptions, refer to the adopting ordinances for each particular zoning change.

### Division 3 – Compliance & Application

#### **Section 2.3.3.1 Compliance & Application of Zoning Regulations**

- (a) **Compliance Hereafter.** All land, buildings, structures or appurtenances thereon located within the City of Pearland, Texas which are occupied, used, constructed, erected, removed, placed, demolished, or converted after the effective date of this ordinance shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties provided in Chapter 1 of this Ordinance. 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. All of the standards and regulations prescribed by this Ordinance shall be considered as the minimum requirement unless explicitly stated otherwise. No building shall hereafter be erected or altered:
- (1) To have more narrow or smaller front, side or rear yards than those required by this Ordinance;
  - (2) To exceed the maximum height allowed by this Ordinance;
  - (3) To occupy a greater percentage of lot area than allowed by this Ordinance; or

- (4) To accommodate or house a greater number of families than is specified within this Ordinance for the zoning district in which such building is located.
- (b) **Lot Area Deficiency.** If a lot was legally platted prior to the effective date of these zoning regulations (February 27, 2006), was held in separate ownership from any adjacent property at such time, and contains less area, width or depth 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.
- (c) **Use Conflicting With Other Regulations:** No use(s) shall be allowed that is prohibited by State or Federal law or that operates in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.
- (d) **Setbacks, Yards, & Open Spaces:** No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance, nor shall a part of a yard or other open space required by this Ordinance for any building or lot be included as a part of a yard or other open space similarly required for another building or lot.
- (e) **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 these zoning regulations, 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 unless such inclusion is officially applied for and approved by the City.
- (f) **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 Unified Development Code (UDC), so long as the entire building is completed within one (1) year from the effective date of this UDC. 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 UDC shall become void if construction is not begun within one hundred twenty (120) days thereof.
- (g) **Applications in Relation to Zoning:** No plat applicable to land that is located within the City limits shall be submitted for approval until the area contained within the plat has been zoned for the proposed use of the property.
- (h) **Existing Uses:** All existing uses that may be nonconforming after the effective date of this ordinance shall comply with Chapter 2, Article 7 of this UDC.
- (i) **Characteristic of the Land:** Zoning is considered to be a characteristic of the land rather than a characteristic of the landowner. Zoning itself cannot be bought or sold.
- (j) **Utilities:** Notwithstanding any other provision of the UDC, nothing in the UDC shall be construed as imposing an obligation on an electric utility that conflicts with the

utility's state-approved tariff.

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Ord. No. 2000T-18, Section 2.3.3.1, August 24, 2015.

#### Division 4 – Zoning Upon Annexation

##### **Section 2.3.4.1 Zoning Regulations & Annexation**

- (a) **Establishment of Zoning.** As soon as practical following annexation, but in no event more than one hundred and eight (180) calendar days thereafter, the Planning Director shall, on the Director's own or upon application by property owners of the annexed area, initiate proceedings to establish appropriate zoning on the newly annexed territory. The Planning Director shall commence public notification and other standard procedures for zoning amendments as set forth in Chapter 1 of this Unified Development Code.
- (b) **Timing of Zoning.** The proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notices and public hearings). However, the zoning approval and formal adoption of the ordinance establishing zoning shall occur after annexation takes effect as a former action by the City Council, and the zoning approval and formal adoption of the ordinance establishing zoning shall occur as a separate and distinct action by the City Council.
- (c) **Initial Zoning.** From the time an annexation takes effect until action is completed to zone the land, the interim zoning of the land shall be considered to be Suburban Development (SD) District, and all zoning and development regulations of the SD zoning district shall be adhered to with respect to development and use of the land that has been newly annexed.
- (d) **Proper Notification.** The initial zoning of annexed land shall meet the requirements for notification and public hearings as set forth in Chapter 1 of this Code and all applicable State laws.
- (e) **Simultaneous Petition for Annexation & Zoning by a Landowner.** The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of a petition for annexation, but an annexation petition may not be conditioned upon the approval of any particular zoning classification.
- (f) **Building Permit Required.** No person shall erect, excavate, construct, 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.

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## Article 4 – Zoning Districts

### Division 1 – Zoning Districts Established

#### Section 2.4.1.1 Uniformity

- (a) **Minimum Regulations.** 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 2.4.1.2 Division Into Zoning Districts

- (a) **Specific Zoning Districts.** The City of Pearland is hereby divided into the following zoning districts, which are grouped into the following five categories: Residential, Mixed Use, Commercial, Industrial, and Corridor Overlay, and are represented by the respective abbreviations and district names:

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
<i>Residential Zoning Districts</i>	
SD	Suburban Development District
R-E	Single-Family Estate District (minimum ½-acre lots)
SR-15	Suburban Residential-15 (minimum 15,000-square-foot lots)
SR-12	Suburban Residential-12 (minimum 12,000-square-foot lots)
R-1	Single-Family Residential-1 (minimum 8,800 square foot lots)
R-2	Single-Family Residential-2 (minimum 7,000 square foot lots)
R-3	Single-Family Residential-3 (minimum 6,000 square foot lots)
R-4	Single-Family Residential-4 (minimum 5,000 square foot lots)
TH	Townhouse Residential District
MF	Multiple-Family Residential District (maximum 16 units per gross acre)
MH	Manufactured Home Park District

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
<i>Mixed Use Districts</i>	
SPD	Spectrum District
C-MU	Cullen Mixed Use District
G/O-MU	Garden/O'Day Mixed Use District
OT	Old Townsite District
<i>Non-Residential Districts</i>	
OP	Office & Professional District
BP-288	Business Park District-288
NS	Neighborhood Service District
GB	General Business Retail District
GC	General Commercial District
M-1	Light Industrial District
M-2	Heavy Industrial District
<i>Corridor Overlay Districts</i>	
COD	Corridors Overlay District

## Division 2 – Residential Zoning Districts

### **Section 2.4.2.1 SD, Suburban Development District**

- (a) **Purpose.** The Suburban Development District (SD) is intended to provide areas for land that is relatively undeveloped and/or agricultural in nature.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
  - (3) Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.1, July 9, 2007.

Ord. No. 2000T-21, Section 2.4.2.1, September 12, 2016.

### Section 2.4.2.2 R-E, Single-Family Estate District

- (a) **Purpose.** The Single-Family Estate District (R-E) is intended to permit the low density residential development of detached single-family dwelling units and appropriate desirable open space.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Lot Area – One-half (1/2) acre (21,780 square feet)
    - b. Minimum Lot Width - One hundred and twenty feet (120')
    - c. Minimum Lot Depth - Ninety feet (90')
    - d. Maximum Lot Coverage - Fifty percent (50%)
  - (2) Size of Yards:
    - a. Minimum Front Yard - Forty feet (40'); thirty-five feet (35') feet for cul-de-sac lots and thumbnail lots.
    - b. Minimum Side Yard – Ten feet (10'); equal to the front yard when abutting a street right-of-way.
    - c. Minimum Rear Yard – Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.2, July 9, 2007.

### Section 2.4.2.3 SR-15, Suburban Residential-15 District

- (a) **Purpose.** The Suburban-Residential-15 District (SR-15) is intended to permit the low-density residential development of detached single-family dwelling units and appropriate desirable open space.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

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

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Area - Fifteen thousand (15,000) square feet
- b. Minimum Lot Width - One hundred feet (100')
- c. Minimum Lot Depth - Ninety feet (90')
- d. Maximum Lot Coverage - Fifty percent (50%)

(2) Size of Yards:

- a. Minimum Front Yard - Thirty feet (30'); twenty-five feet (25') feet for cul-de-sac lots and thumbnail lots.
- b. Minimum Side Yard – Ten feet (10'); equal to the front yard when abutting a street right-of-way.
- c. Minimum Rear Yard – Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).

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

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

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

(g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.3, July 9, 2007.

#### **Section 2.4.2.4 SR-12, Suburban Residential-12 District**

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:



- a. Minimum Lot Area - Twelve thousand (12,000) square feet
- b. Minimum Lot Width - One hundred feet (100')
- c. Minimum Lot Depth - Ninety feet (90')
- d. Maximum Lot Coverage - Sixty percent (60%)

(2) Size of Yards:

- a. Minimum Front Yard – Twenty-five feet (25'); twenty feet (20') feet for cul-de-sac lots and thumbnail lots.
- b. Minimum Side Yard – Ten feet (10'); equal to the front yard when abutting a street right-of-way.
- c. Minimum Rear Yard – Twenty feet (20'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).

- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.4, July 9, 2007.

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

- (a) **Purpose.** The Single-Family Residential-1 District (R-1) is intended to permit the low-density residential development of detached single-family dwelling units and appropriate desirable open space.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Lot Area - Eight thousand and eight hundred (8,800) square feet
    - b. Minimum Lot Width - Eighty feet (80')
    - c. Minimum Lot Depth - Ninety feet (90')
    - d. Maximum Lot Coverage - Sixty percent (60%)

(2) Size of Yards:

- a. Minimum Front Yard – Twenty-five feet (25’); twenty feet (20’) feet for cul-de-sac lots and thumbnail lots.
- b. Minimum Side Yard
  - 1. Seven feet and six inches (7’-6”); except as modified below:
  - 2. For lots platted prior to February 27, 2006 side setbacks may be decreased to 5’ with a minimum separation of 15’ between homes.
  - 3. Corner Lot:
    - a) Equal to the front yard when abutting a street right-of-way.
    - b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15’) adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10’) adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.
- c. Minimum Rear Yard
  - 1. Twenty feet (20’)
  - 2. Twenty feet (20’) when adjacent to a thoroughfare or collector roadway if a ten-foot (10’) landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f)
  - 3. Thirty feet (30’) when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10’) landscape reserve.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35’) in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.5, July 9, 2007.

Ord. No. 2000T-8, Section 2.4.2.5, August 25, 2008.

Ord. No 2000T-14, Section 2.4.2.5, January 14, 2013.

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

- (a) **Purpose.** The Single-Family Residential-2 District (R-2) is intended to permit the low-density residential development of detached single-family dwelling units and appropriate desirable open space.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

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

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Area - Seven thousand (7,000) square feet
- b. Minimum Lot Width - Seventy feet (70')
- c. Minimum Lot Depth - Ninety feet (90')
- d. Maximum Lot Coverage - Sixty percent (60%)

(2) Size of Yards:

a. Minimum Front Yard

1. Twenty-five feet (25').
2. Twenty feet (20') for cul-de-sac lots and thumbnail lots.

b. Minimum Side Yard

1. Seven feet and six inches (7'-6"); except as modified below:
2. For lots platted prior to February 27, 2006 side setbacks may be decreased to 5' with a minimum separation of 15' between homes.

3. Corner Lot:

- a) Equal to the front yard when abutting a street right-of-way.
- b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

c. Minimum Rear Yard

1. Twenty feet (20');
2. Twenty feet (20'") when adjacent to a thoroughfare or collector roadway if a ten-foot (10') landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f).
3. Thirty feet (30') when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10') landscape reserve.

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

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

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

(g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.6, July 9, 2007.

Ord. No. 2000T-8, Section 2.4.2.6, August 25, 2008.

Ord. No. 2000T-14, Section 2.4.2.6, January 14, 2013.

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

- (a) **Purpose.** The Single-Family Residential-3 District (R-3) is intended to permit the development of detached single-family dwelling units and appropriate desirable open space. The R-3 District should be located to provide a buffer between lower density residential and non-residential zoning districts.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Lot Area - Six thousand (6,000) square feet
    - b. Minimum Lot Width - Sixty feet (60')
    - c. Minimum Lot Depth - Ninety feet (90')
    - d. Maximum Lot Coverage - Sixty percent (60%)
  - (2) Size of Yards:
    - a. Minimum Front Yard
      1. Twenty-five feet (25').
      2. Twenty feet (20') feet for cul-de-sac lots and thumbnail lots.
    - b. Minimum Side Yard
      1. Seven feet and six inches (7'-6"); except as modified below:
      2. For lots platted prior to February 27, 2006 side setbacks may be decreased to 5' with a minimum separation of 15' between homes.
      3. Corner Lot:
        - a) Equal to the front yard when abutting a street right-of-way.
        - b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.
    - c. Minimum Rear Yard –
      1. Twenty feet (20');
      2. Twenty feet (20') when adjacent to a thoroughfare or collector roadway if a ten-foot (10') landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f).
      3. Thirty feet (30') when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10') landscape reserve.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.7, July 9, 2007.

Ord. No. 2000T-8, Section 2.4.2.7, August 25, 2008.

Ord. No. 2000T-14, Section 2.4.2.7, January 14, 2013.

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

- (a) **Purpose.** The Single-Family Residential-4 District (R-4) is intended to permit the development of traditional single-family homes and patio homes and appropriate desirable open space. The R-4 District should be located to provide a buffer between lower density residential and non-residential zoning districts.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Lot Area - Five thousand (5,000) square feet
    - b. Minimum Lot Width - Fifty feet (50')
    - c. Minimum Lot Depth - Ninety feet (90')
    - d. Maximum Project Coverage - Fifty percent (50%)
    - e. Minimum Gross Site Area - Every residential tract that is developed for patio homes shall have a minimum gross site area of twenty-five thousand (25,000) square feet.
    - f. Maximum Gross Site Area - Every residential tract that is developed for patio homes shall have a maximum gross site area of forty (40) acres.
  - (2) Size of Yards: (See *Figure 2-1.*)
    - a. Minimum Front Yard - Twenty feet (20')
    - b. Minimum Side Yard
      - 1. Detached homes
        - A. Seven feet and six inches (7'-6") except as modified below:
        - B. Corner Lot:
          - i) Equal to the front yard when abutting a street right-of-way.
          - ii) 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.

## 2. Patio homes

### A. Interior Lot:

i) Fifteen feet (15') on one side for the full depth of the lot; the alternate side may be zero feet (0') maximum.

ii) A five-foot (5') wide maintenance, drainage, and roof

overhang easement extending the full depth of the lot shall be designated along the side property line which abuts the zero side yard on an adjacent lot.

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

### C. Corner Lot:

i) Equal to the front yard on the side abutting a street right-of-way or alley.

ii) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.

c. Minimum Rear Yard – Twenty feet (20')

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

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

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

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

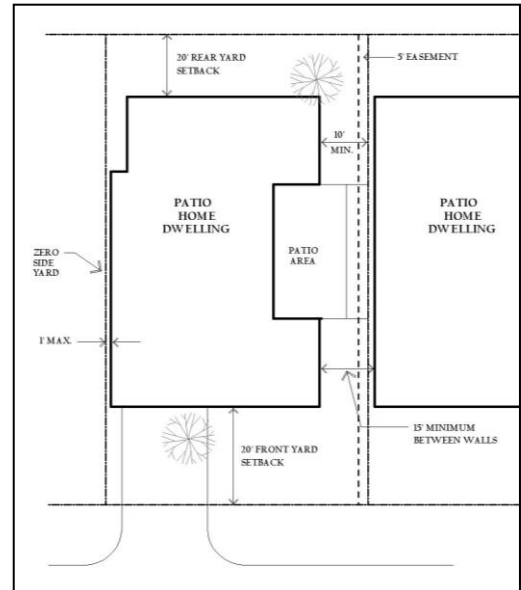


Figure 2-1: *Patio Home Yards*

- (1) In all areas where patio homes are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.
  - (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
  - (3) The minimum dimension of any common area shall be eighty feet (80').
  - (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
  - (5) Each required area of common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
  - (6) Facilities such as pedestrian ways and outdoor swimming pools may be included as part of the required common open space.
  - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
- (h) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.8, July 9, 2007.

Ord. No. 2000T-8, Section 2.4.2.8, August 25, 2008.

### **Section 2.4.2.9 TH, Townhouse Residential District**

- (a) **Purpose.** The Townhouse Residential District (TH) is intended to permit the development of attached townhouse units. The TH District should be located to provide a buffer between lower density residential and non-residential zoning districts.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Lot Area - Three thousand (3,000) square feet
    - b. Minimum Lot Width - Thirty feet (30')
    - c. Minimum Lot Depth - Ninety feet (90')
    - d. Maximum Project Coverage - Fifty percent (50%)
    - e. Permitted Length for Attached Townhouse Units - A complex of attached townhouse dwelling units shall have a minimum length of three (3) dwelling units, and shall not exceed two hundred feet (200') in length or the width of six (6) attached units, whichever is less.

- f. Maximum Gross Site Area - Every residential tract that is developed for townhouses shall have a maximum gross site area of forty (40) acres.
- (2) Size of Yards:
- a. Minimum Front Yard - Twenty feet (20')
  - b. Minimum Side Yard
    - 1. Interior Lot: Zero, except as noted below.
    - 2. Minimum Building Separation: Fifteen feet (15') for the ends of any two (2) adjacent building complexes or rows of buildings.
    - 3. Corner Lot:
      - a) Equal to the front yard when abutting a street right-of-way.
      - b) A minimum of fifteen feet (15') adjacent to a street and ten feet (10') adjacent to a rear yard.
  - c. Minimum Rear Yard – Ten feet (10')
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.
- (1) In all areas where townhouses are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.
  - (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
  - (3) The minimum dimension of any common area shall be eighty feet (80').
  - (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
  - (5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
  - (6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.
  - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
- (h) **Single-Family Uses.** Any single-family development that occurs within the TH Zoning District shall meet the requirements of the R-3 Zoning District.
- (i) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.



**Section 2.4.2.10 MF, Multiple-Family Residential District**

- (a) **Purpose.** The Multiple-Family Residential District (MF) is intended to permit the development of multiple-family (apartment) residences and associated uses. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and non-residential development or high-traffic roadways.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Gross Site Area - Every tract that is developed for multiple-family use shall have a minimum gross site area of twenty thousand (20,000) square feet.
    - b. Minimum Site Width - Every tract that is developed for multiple-family use shall have a minimum site width of one hundred twenty-five feet (125').
    - c. Maximum Project Coverage - Forty percent (40%)
  - (2) Size of Yards:
    - a. Minimum Front Yard – Twenty-five feet (25')
    - b. Minimum Side Yard
      1. One-Story Building: Ten feet (10').
      2. Buildings Over One-Story: Ten feet (10'), with an additional five feet (5') for each story thereafter.
      3. Every part of a required yard or court shall be maintained as open space, provided that ordinary projections may extend into a side yard or court a maximum of twenty-four inches (24"). Also see Section 2.6.1.1(f)(2).
    - c. Minimum Rear Yard – Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).
  - (3) Maximum Number of Dwelling Units: Sixteen (16) dwelling units per gross acre of land used for residential purposes.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height except as allowed by Conditional Use Permit.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.

- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.
- (g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.
- (1) In all areas where multiple-family units are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.
  - (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
  - (3) The minimum dimension of any common area shall be eighty feet (80').
  - (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
  - (5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
  - (6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.
  - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
  - (8) The landscaped buffer required in this Subsection (n) below may be counted toward meeting this common open space requirement.
- (h) **Maximum Percentage of Efficiency Units.** A maximum of twenty-five percent (25%) of the dwelling units within a multiple-family development shall be efficiency units.
- (i) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC. Screening elements shall be consistent in color and material with the multiple-family development.
- (j) **Parking.** Parking shall be provided as required in Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (k) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (l) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). The location of such containers shall be limited to the side or rear of the development, whichever has the least impact on the view from the adjacent roadway(s) and development(s).
- (m) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area. Other landscaping requirements shall be provided in conformance to Chapter 4, Article 2, Division 2 of this UDC.
- (n) **Adjacent to a Single-Family or Nonresidential Use or Zoning District.** See Chapter 4, Article 2, Division 2, Section 4.2.2.4 (j) 4.

- (o) **Single-Family Uses.** Any single-family development that occurs within the MF Zoning District shall meet the requirements of the R-3 Zoning District.
- (p) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MF Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.
- (q) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.10, July 9, 2007.

Ord. No. 2000T-13, Section 2.4.2.10, October 24, 2011.

Ord. No. 2000T-27, Section 2.4.2.10, April 23, 2018

### **Section 2.4.2.11 MH, Manufactured Home Park District**

- (a) **Purpose.** The Manufactured Home Park District (MH) is intended to provide basic and uniform regulations and performance objectives to establish reasonable standards and safeguards to insure the safety, health and welfare of the occupants and users of manufactured home park areas. These requirements shall be used in conjunction with the other mobile/manufactured home regulations as set in Chapter 4, Article 2, Division 6 of this UDC.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Gross Site Area - Every residential tract that is developed for manufactured home uses shall have a minimum gross site area of three (3) acres.
    - b. Minimum Site Width - Every residential tract that is developed for manufactured home uses shall have a minimum site width of one hundred fifty feet (150').
    - c. Maximum Project Coverage - Thirty percent (30%)
    - d. Minimum Site Depth - Every residential tract that is developed for manufactured home uses shall have a minimum site depth of two hundred fifty feet (250').
    - e. Minimum Lot Area - Six thousand (6,000) square feet.
    - f. Minimum Lot Width - Sixty feet (60').
    - g. Minimum Lot Depth - Ninety feet (90')
  - (2) Minimum Size of Dwelling Unit: Every dwelling unit in this district shall have a minimum floor area of six hundred (600) square feet.
  - (3) Size of Yards:

- a. Minimum Front Yard - Ten feet (10')
  - b. Minimum Side Yard - Ten feet (10')
  - c. Minimum Rear Yard – Ten feet (10'); twenty feet (20') when adjacent to a thoroughfare or collector roadway (see Subsection (l) below).
- (4) Maximum Number of Dwelling Units: Five (5) dwelling units per gross acre of land used for residential purposes.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.**
- (1) There shall be storage facilities which shall not be within any required yard with a minimum capacity of two hundred (200) cubic feet per mobile home space. These shall be provided for each space or in compounds located within one hundred feet (100') of each space. Wherever provided, storage facilities shall be constructed of non-combustible materials.
  - (2) Additional accessory buildings, including an office(s) for the manufactured home park, community facilities, house for the owner/manager of the manufactured home park, not exceeding ten percent (10%) of the gross site area shall be permitted behind any building line, provided, however, such accessory buildings shall be solely for the convenience and necessity of the inhabitants of the park.
  - (3) Also refer to Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.
- (g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.
- (1) In all areas where a manufactured home park is developed, there shall be at least six hundred (600) square feet of common open space per dwelling unit.
  - (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
  - (3) The minimum dimension of any common open space area shall be eighty feet (80').
  - (4) Each common open space area shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
  - (5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
  - (6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required open space.
  - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
  - (8) The landscaped buffer required in this Subsection (m) below may be counted toward meeting this common open space requirement.

- (h) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (i) **Parking.** A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. Parking shall also be in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (j) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (k) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). Such containers shall not be located within side or rear yard areas.
- (l) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (m) **Adjacent to a Single-Family or Nonresidential Use or Zoning District, Adjacent to the Roadway.** See Chapter 4, Article 2, Division 2, Section 4.2.2.4 (j) 4.
- (n) **Single-Family Uses.** Any single-family development that occurs within the MH Zoning District shall meet the requirements of the R-3 Zoning District.
- (o) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MH Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.
- (p) **Multiple-Family Uses.** Any multiple-family development that occurs within the MH Zoning District shall meet the requirements of the MF Zoning District.
- (q) **Street Right-of-Way.** All streets within the site shall have a sixty-foot (60') minimum right-of-way to provide sufficient access for oversized vehicles. Such roadways shall be designed and constructed consistent with the City's standards for minor collector streets.
- (r) **Mobile/Manufactured Home Space Improvements.**
  - (1) Paving - All wheels of structural supports shall be placed on an approved foundation as set forth by the Building Inspection Department.
  - (2) Sanitary Facilities - Refer to requirements within Section 4.2.6.7 of this UDC.
  - (3) Anchoring Devices - Each mobile home space shall be provided with tie-down anchors as provided by State and Federal Regulations.
  - (4) Utilities - Where the underground placement of facilities is not a standard practice of the utility, the utility's customer shall make arrangements with the utility for payment of all costs associated with the non-standard installation. With the exception of the customer responsible for the non-standard installation, neither the utility nor the utility's other customers shall be responsible for any costs of non-standard installation of utilities. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility's state-approved tariff.
- (s) **Other Regulations.** The development shall conform with all applicable provisions of the Mobile Home Ordinance No. 179 (and subsequent amendments) of the City of Pearland and all other applicable City and State Regulations.

- (t) **Mobile Home Replacement.** A mobile home as defined herein is one that was constructed before July, 1976. A manufactured home as defined herein is one that has been constructed after July, 1976. Any mobile home that is deemed a legal, conforming use and that is in need of replacement shall only be replaced with a manufactured home constructed after July, 1976.
- (u) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.11, July 9, 2007.

Ord. No. 2000T-13, Section 2.4.2.11, October 24, 2011.

Ord. No. 2000T-18, Section 2.4.2.11, August 24, 2015.

Ord. No. 2000T-27, Section 2.4.2.11, April 23, 2018.

### Division 3 – Mixed Use Zoning Districts

#### **Section 2.4.3.1 SPD, Spectrum District**

- (a) **Purpose.** The purpose of the Spectrum District is to provide a visually cohesive district that allows for diverse land uses within one overall District and to provide a zoning district that is consistent with the recommendations within the City’s adopted *2004 Comprehensive Plan Update*. The Spectrum District is comprised of five (5) Sub-Districts that provide areas for these different land uses in a compatible manner. The requirements for development within each district are contained herein. The Sub-Districts are as follows:
  - (1) District S1: The Beltway District: The S1 Sub-District is intended for nonresidential development that typically desires high visibility from major thoroughfares. Retail uses such as shops and restaurants should be the primary uses within this Sub-District. A “mall-like” setting, either indoor or outdoor, would be ideal for these locations. Pedestrian circulation should be a prime consideration. In addition, science and technology related office uses (also referred to as “tech-flex”) and/or “Class A” office uses developed within a business park or corporate campus would also be appropriate. In addition, development should respect natural features such as creeks and drainage ways by integrating such features into the overall design of the site(s).
  - (2) District S2: The Mixed Use District: The S2 Sub-District is appropriate for a variety of land uses, including hotels, a conference center/convention center, tourism-oriented uses, commercial, light industrial, and science and technology related uses. This wide variety of acceptable uses is intended to allow for optimum market flexibility for development within the S2 area. Any commercial and/or light industrial uses developed should be within a business park or corporate campus with buildings and parking situated such that a feeling of open space is created, and business activities should take place wholly within buildings. Development should also respect natural features such as creeks and drainage ways by integrating such features into the overall design of the

site(s). Walkability and pedestrian-orientation is important for this site due to its central location within the overall Spectrum District.

- (3) District S3: The Mixed Use–High Density Residential District: The S3 Sub-District is intended for Traditional Neighborhood Design (TND), which is characterized by a vertical mix of nonresidential and residential uses, with retail and/or office uses on the ground floor and residential uses above. In addition, consistent with other areas of the Spectrum District, commercial, and light industrial science and technology related uses developed within a business park or corporate campus would also be appropriate within the S3 area. Compatibility with residential uses should be an important design consideration.
- (4) District S4: The Light Industrial and Science & Technology District: The S4 Sub-District is intended for light industrial uses that may have some business activity that takes place outside and/or some outside storage of materials. To maintain the quality of the Spectrum District, however, such outside activity and/or storage should be screened. The S4 Sub-District should provide positive transition between development within the S5 Sub-District (discussed below) and the S2 Sub-District. Design guidelines should ensure that businesses provide an aesthetically pleasing view from the planned roadways.
- (5) District S5: The Light & Heavy Industrial District: The S5 Sub-District is intended for light or heavy industrial development that may have outside business activity and outside storage. Much of the development to the south and west of the Spectrum District area is characterized by heavy commercial and industrial businesses, and the S5 Sub-District should provide transition between these existing uses and the development within the S4 Sub-District. Design guidelines should be established to ensure that future development provides an aesthetically pleasing view from the planned roadways.

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

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

(c) **Area Regulations.**

(1) Size of Lots:

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

(2) Size of Yards:

- a. Minimum Front Yard - Fifty-five feet (55') along Kirby Drive; fifty feet (50') along Spectrum Drive; twenty feet (20') along all other roadways
- b. Minimum Side Yard – Twenty-five feet (25')
- c. Minimum Rear Yard – Twenty-five feet (25')

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

(1) Primary Exterior Materials:

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

(2) Coloration:

- a. All coloration of exterior materials shall conform to the Color Chart, available in the City's Planning Department and according to Section 2.4.5.1 (d) (3).
- b. Corporate trademark colors can only be used as accent colors and shall be limited to a maximum of one percent of the total exterior surface. Such colors may be applied to subordinate building elements (such as canopies, subordinate entry forms, and architectural details).

- (e) **Perimeter Fencing:** Perimeter fencing shall be used to provide security and/or visual separation of sites at individual property lines and shall meet the following requirements.

(1) Permitted Materials:

- a. Solid masonry,
- b. Stucco,
- c. Wrought iron,
- d. Living/landscaped screen,
- e. Chain link when such fencing is not visible from any thoroughfare or collector and when such fencing is visually covered by live landscaping elements or screened with a living/landscaped screen.

- (2) Standards: When a perimeter wall is used as a screening wall, it shall be a masonry wall.

(3) Prohibited Materials:

- a. Barbed wire and similar materials (in quality and appearance),
- b. Pre-engineered interlocking concrete systems,



c. Wood.

- (4) Use & Location: Perimeter fences shall not enclose the yard space of any property between the building and Spectrum Drive or Kirby Drive. Fences fronting these roads shall not be closer to the street than the building line adjacent to the applicable street.

(f) **Screening**: Screening shall meet or exceed the following requirements.

(1) Standards:

a. Required - Screening walls are required for the following:

1. Service loading dock areas
2. Outside storage
3. Refuse and/or recycling areas and containers
4. Mechanical and utility equipment areas, except that this screening requirement shall not apply to electrical equipment owned by the electric utility.
5. Roof apparatus (including ventilation, HVAC, or other such equipment), which shall be completely screened from all sides by screening walls of the same material and color as the main building.

b. Height

1. Detached screening walls shall be a maximum height of eight feet (8').
2. Attached screening walls shall be a maximum height of fourteen feet (14').

c. Use - Gates for screening enclosures shall be solid metal on a metal frame, and shall be kept closed when the screened area is not in use.

(2) Materials & Characteristics:

a. Materials - Screening walls that are attached to the primary structure shall be constructed of the same finish material as the dominant exterior material of the primary structure.

b. Detached Screening - Areas to be screened (except parking areas) that are detached from the primary structure:

1. By a distance of more than thirty feet (30') shall be screened with masonry walls that conform to the masonry material standards of this Spectrum District.
2. By a distance of more than fifty feet (50') may be screened with an evergreen landscape screen comprised of plant materials that form a one hundred percent opaque screen.

c. Parking Area Screening - Parking area screening shall be accomplished with a berm and/or planted edge of evergreen shrubs and trees. Berms used for parking lot screening shall not exceed four feet (4') in height and shall have a slope from the street of four feet (4') in height to one foot (1') in distance (4':1'). The total parking lot edge concealed by drifts of planted shrubs shall not be less than seventy-five percent (75%).

- d. Roof-Mounted Utility Equipment - Roof-mounted, utility equipment shall be screened with a material that is consistent in color and finish of the structure upon which the equipment is located.
- e. Variation of Screening Walls Required - All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length

**(g) Landscaping Requirements.**

- (1) Landscape Buffer: The required minimum landscape buffer shall be provided along the street rights-of-way according to the following:
  - a. Along Kirby Drive - A minimum thirty-foot (30') landscape buffer shall be provided along the street R.O.W.
  - b. Along Spectrum Drive - A minimum twenty-foot (20') landscape buffer shall be provided along the street R.O.W.
  - c. Along State Highway 288 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
  - d. Along Beltway 8 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
  - e. Screening walls and parking areas shall not be located within this landscape buffer.
  - f. Retaining walls may be constructed along the perimeter of this landscape buffer.
- (2) Berms: Berms shall only be located within the landscape buffer when they are used to screen parking areas. In such cases, berms shall have maximum slope from the street of four feet (4') in height to one foot (1') in distance (4:1).
- (3) Retaining Structures: Retaining walls, planter walls, and other retaining structures shall be constructed of the same material as the primary on-site structure.
- (4) Natural Drainage: Natural drainage patterns shall be maintained where possible. Grass swales or storm sewer pipes shall be used in landscape areas. Open, concrete channels or flumes shall not be permitted.
- (5) Parking Lot Landscaping:
  - a. Landscaping & Screening
    - 1. The requirements for landscaped areas herein may be met by one large landscaped area or by smaller landscaped areas throughout the parking area.
    - 2. Landscaped areas shall be provided at a ratio of twenty-five (25) square feet per space. Landscape areas shall not be provided such that areas are only around the perimeter of the parking lot.
    - 3. Landscape islands shall be a minimum of six feet (6') in width and one hundred and seventy (170) square feet in area, measured by the inside curb dimension.

4. The design of landscaping areas shall allow a minimum clearance of four feet (4') between the front edge of the curb and the trunk of trees planted within such areas.
5. Parking spaces shall be within one hundred feet (100') from a landscaped parking island.
6. Parking area landscaping shall be designed with asymmetrical geometries that lend informality to the overall aesthetic; large landscape islands with varying geometries are preferred to a rhythmic pattern of a single small island every few spaces.
7. Parking area screening shall conform to the requirements of subsection (f)(2)c. of this District.

b. Canopy Trees

1. Canopy trees shall be provided at a ratio of one (1) canopy tree per three thousand (3,000) square feet of the total parking lot square footage.
2. Canopy trees shall be planted within the landscaped areas (those required above). If sufficient space is not available within the landscaped areas, canopy trees may be located along the parking lot perimeter.

(6) Street Landscaping: Along the street right-of-way frontage of any parcel and within the required landscape buffer, one (1) two-inch (2") caliper tree shall be planted for every fifty feet (50') of frontage. Trees may be clustered together, however, the number of trees required shall not decrease.

(7) Detention/Retention Facilities: Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.

(8) Irrigation: All landscape areas shall be properly irrigated.

(h) **Building Layout.**

(1) Primary Structures: Primary structures must have their most significant architectural elements facing the street.

(2) Outside the Required Landscaped Buffer: All structures located within the Spectrum District shall be located outside of the required landscaped buffer.

(3) Structures With Loading Areas and/or Service Bays:

- a. The loading areas and/or service bays of a structure shall be located to the side of the structure that does not face the roadway, with the following exception.
- b. When any structure with loading areas and/or service bays is on a lot that consists of an entire block, bays that must face the street must not face the more major roadway. Major and minor roadways shall be identified on the Site Plan for the tract to be developed.

(4) Accessory Structures: Accessory structures shall not be located in the front yard of any site unless such structures are intended as guard or other security structure.

(i) **Site Access.**

- (1) Access Within One Site: Adequate access from different areas within a site shall be provided such that vehicles are not required to enter the street to move from one area to another on the same site.
- (2) Access From Site-to-Site: Adequate access between sites shall be provided such that vehicles are not required to enter the street to move from one site to another site; cross-access shall be required.
- (3) General: Access shall be provided in accordance with the City's Engineering Design Criteria Manual.

(j) **Parking.**

(1) Parking Area Locational Requirements:

- a. A ten-foot (10') landscape edge shall be provided between the parking area and the building. This requirement does not apply to loading/unloading areas.
- b. Parking lots may be constructed within the building setback area, but shall not be constructed within the landscape buffer.
- c. Parking structures shall not be constructed within the building setback area or within the landscape buffer.

- (2) General: Parking shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.

(k) **Sidewalks.** Sidewalks and pedestrian access shall be required for the development of all lots within the Spectrum District, and shall meet the requirements of Chapter 3, Article 2, Division 7 of this UDC.

- (1) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of a public right-of-way. This easement may be within the required landscaped buffer.
- (2) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the State Highway 288 frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.
- (3) Construction Criteria: Construction criteria for the required sidewalk:
  - a. Minimum six feet (6') wide.
  - b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
  - c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
  - d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
  - e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.

f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.

(4) Connection to the Building: A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. The connecting sidewalk shall be accessible, readily visible, and paved.

(l) **Lighting.**

(1) Uniformity: Standards, poles, and fixtures shall be a single color, uniform in design throughout the site. When development is adjacent to Kirby Drive and/or Spectrum Drive, lighting shall be uniform along the roadway(s).

(2) Prohibited Poles: Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.

(3) Height: Standards, poles, and fixtures shall not exceed twenty feet (20') and be no taller than the height of the building being served.

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

(5) Accent Lighting:

a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.

b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

(6) Illumination: The maximum lighting level at the property line for all properties in the spectrum district abutting residential or multifamily zoning districts or uses is one-foot (1) candle at the property line.

(m) **Building Design.**

(1) Building Form: All portions of a structure shall have a unified design treatment. For example, a structure with an office portion and a warehousing portion should be consistently designed such that the office portion is not visibly different on the exterior of the structure.

(2) Roof Form:

a. Roof-to-Wall Connections

1. Roof-to-wall connections that replicate the qualities of residential or smaller scale construction are not permitted; therefore, residentially scaled overhangs and soffits are not permitted.

2. Flat roofs shall be concealed with a solid parapet. Building walls capped with a gravel stop are not permitted.

b. Prohibited Exterior Treatment - No roof shingles are permitted (concrete, slate, asphalt, wood, asbestos, or clay) except for retail uses where such roofing is part of a corporate or thematic design.

(3) Definition of Building Entrances:

- a. Recesses, Protected Doorway - The door for public access in to the structure shall be architecturally projected (or recessed) from the structure within an architectural expression of entry. The architectural variation shall conform with the guidelines set forth in Section 2.4.5.1 (d) (1) b.
  - b. Coordinated With Landscaping - All public entries into the structure must bear a relationship to the landscape development of the site. Pathways leading to the entry must be articulated within the landscape design, through the use of such devices as a widened pathway with accent planting, a plaza, or a water feature.
  - c. Pedestrian Relationship - Architectural devices such as decorative paving, banners, flags, sculptures, decorative walls, or other special architectural details of the building meant for the close view of the entry participant shall be used to enhance entrances.
- (n) **Retail Arcades/Canopies:** Retail uses shall provide pedestrian arcades or canopies in front of retail structures.
- (1) Arcades - Arcades shall:
    - a. Have a minimum dept of ten feet (10'),
    - b. Be supported by masonry columns clad with the same material as the dominant exterior material of the retail use behind, and
    - c. Be an extension of the architectural character of the retail spaces by having architectural tie ins such as bands, opening articulation, and/or rhythmic modulation of openings.
  - (2) Canopies - Canopies may be provided in lieu of arcades if the canopy maintains a pitched or curved roof form, has the same depth dimension as an arcade, and is supported by masonry supports clad with the dominant exterior material of the retail use.
- (o) **Glass.** Windows and other wall openings must be defined by function and structure and must be consistent in form, pattern, articulation, and color.
- (1) Reflective glass shall not be permitted; glass shall not have a reflectivity that exceeds twenty-seven percent (27%)
  - (2) Glass shall have a character of transparency. Tinted glass may be used, however, the tinting shall not reduce the light transmission to less than thirty-five percent (35%).
- (p) **Signage.**
- (1) General Standards: The following standards shall apply to all signs.
    - a. Permitted Signs
      1. On-Premise Ground Signs, for the purpose of business identification
      2. On-Premise Building Signs, for the purpose of business identification
      3. On-Site Directional Signs
      4. On-Site Information Signs

- b. Prohibited Signs
  - 1. Roof-mounted signs
  - 2. Signs extending above a roofline or parapet wall
  - 3. Signs attached to exterior glass
- c. Unified Design - Signs within one development shall conform to a unified design.

(2) Ground Sign Standards:

- a. One (1) ground sign shall be permitted for each site.
- b. Sites with multiple street frontage shall be permitted one (1) sign per street frontage.
- c. Signs shall be constructed of the same material as the site/building identified;
- d. Signs shall be surrounded by a landscape bed(s) that extend a minimum of three feet (3') from the base of the ground sign structure

(3) Building Signs:

- a. The total area of all building signs on the front facade of a structure shall be equal to a maximum of thirty percent (30%) of the total front façade area.
- b. The total area of all building signs on facades other than the front façade (i.e., back and side facades) shall be equal to a maximum of 15% of the total front façade area.

(q) **Special Requirements by Sub-District.**

(1) Height: Permitted heights within the Spectrum District are as follows:

- a. District S1, The Beltway District - Maximum of ten (10) stories
- b. District S2, The Mixed Use District - Maximum of six (6) stories
- c. District S3, The Mixed Use–High Density Residential District
  - 1. Maximum of six (6) stories for structures with nonresidential uses only
  - 2. Minimum of four (4) stories for structures with a mixture of residential and nonresidential uses
- d. District S4, The Light Industrial and Science & Technology District - Maximum of four (4) stories
- e. District S5, The Light & Heavy Industrial District - Maximum of four (4) stories

(2) Outside Storage: Outside storage is permitted within the S-4 Sub-District and the S-5 Sub-District, and shall be screened in accordance with the requirements of Subsection (f) of this Spectrum District.

(3) Residential Uses: Residential uses are permitted within the S3 Sub-District with the following requirements.

- a. Setbacks – There shall be no front yard setback; the width of the required sidewalk (see below) shall provide adequate setback.

- b. Sidewalk – A sidewalk that is a minimum of eight feet (8’) in width shall be provided along all street rights-of-way.
  - c. Mixed Uses Required – Residential uses are permitted only as a component of a mixed use structure, wherein retail and/or office uses are located on the first and/or second floor of the structure.
  - d. Common Open Space/Density – Shall comply with the open space/density requirements of the Multi-Family District (MF).
- (4) Science & Technology Related Uses - Landscaping: All structures used for science, technology, and/or industrial buildings shall be required to have landscaping elements incorporated around a minimum of thirty percent (30%) of the perimeter; this calculation shall be made exclusive of loading areas not visible from a roadway.
- (r) **Utilities.** Where the underground placement of facilities is not a standard practice of the utility, the utility’s customer shall make arrangements with the utility for payment of all costs associated with the non-standard installation. With the exception of the customer responsible for the non-standard installation, neither the utility nor the utility’s other customers shall be responsible for any costs of non-standard installation of utilities. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility’s state-approved tariff. Above-ground lines are allowed only upon a determination made by the Planning Director that they will be adequately screened or obscured from view and that underground placement is not desirable.
- (s) **Cumulative, Conflicts.** All standards set forth herein are cumulative in nature. Where properties contain more than one use, the requirements for each use shall be met. In areas where requirements set forth in existing Codes of the City of Pearland and/or in other regulations within this UDC and the requirements set forth within this Section 2.4.3.1 are in conflict, the more extensive/restrictive requirements shall be met.

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Ord. No. 2000T-2, Section 2.4.3.1, February 26, 2007.

Ord. No. 2000T-3, Section 2.4.3.1, July 9, 2007.

Ord. No. 2000T-13, Section 2.4.3.1, October 24, 2011.

Ord. No. 2000T-18, Section 2.4.3.1, August 24, 2015.

Ord. No. 2000T-33, Section 2.4.3.1, September 8, 2020

### **Section 2.4.3.2 C-MU, Cullen-Mixed Use District**

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



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

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

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

(c) **Area Regulations for Residential Uses.**

(1) Size of Lots:

a. Minimum Lot Area – Seven thousand (7,000) square feet

b. Minimum Lot Width – Seventy feet (70')

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

d. Maximum Lot Coverage – Sixty percent (60%), but may be permitted seventy percent (70%) with a variance from the ZBA.

(2) Size of Yards:

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

b. Minimum Side Yard

1. Interior Lot: Seven feet and six inches (7'-6");

2. Corner Lot: Twenty-five feet (25') when abutting a street right-of-way.

3. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting shall not exceed twelve inches (12") into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24") into the required side yard, except that no projections shall be permitted closer than twelve inches (12") to a common property line.

c. Minimum Rear Yard – Twenty feet (20')

(d) **Area Regulations for Non-Residential Uses.**

(1) Size of Lots:

a. Minimum Lot Size - Twenty-two thousand and five hundred (22,500) square feet in area.

b. Minimum Lot Width - One hundred and fifty feet (150').

c. Minimum Lot Depth - One hundred and twenty-five feet (125').

(2) Size of Yards:

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

b. Minimum Side Yard

1. Ten feet (10'), except as provided below.

2. Twenty-five feet (25') if side yard abuts a residential zoning district.

c. Minimum Rear Yard - Twenty-five feet (25')

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

as may be allowed by CUP.

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

(g) **Residential Adjacency Considerations:**

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

- a. Landscape Elements – Landscape elements permitted shall consist of shrubbery having year-round foliage:

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

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

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

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

- (h) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.

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Ord. No. 2000T-12, Section 2.4.3.2, June 28, 2010.

Ord. No. 2000T-13, Section 2.4.3.2, October 24, 2011.

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

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

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

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

**(c) Area Regulations for Residential Uses.**

(1) Size of Lots:

- a. Minimum Lot Area - Six thousand (6,000) square feet
- b. Minimum Lot Width - Sixty feet (60')
- c. Minimum Lot Depth - One hundred feet (100')
- d. Maximum Lot Coverage - Sixty percent (60%), but may be permitted seventy percent (70%) with a variance from the ZBA.

(2) Size of Yards:

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

**(d) Area Regulations for Non-Residential Uses.**

(1) Size of Lots:

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

(2) Size of Yards:

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

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

(f) **Nonresidential Use Locations.**

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

(g) **Residential Adjacency Considerations:**

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

a. Landscape Elements – Landscape elements permitted shall consist of shrubbery having year-round foliage:

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

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

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

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

(h) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.

(i) **Industrial Use CUP.**

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

CUPs, either an M-1 CUP or an M-2 CUP, based upon the properties' previous zoning.

(2) Effect.

- a. The M-1 CUP would add all permitted uses allowed in the M-1 zoning district as listed in the Land Use Matrix in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-1 district would require a separate CUP to authorize.
- b. The M-2 CUP would add all permitted uses allowed in the M-2 zoning district as listed in the Land Use Matrix in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-2 district would require a separate CUP to authorize.

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

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

(j) **Commercial Use CUP.**

(1) Eligibility. Properties located on Garden Road or O'Day Road that were used or zoned for non-residential uses prior to the adoption of the Unified Development Code in 2006 are eligible to seek a Commercial Use CUP.

(2) Effect. The Commercial Use CUP adds one of the following uses to the permitted uses for underlying G/O-MU zoning.

- a. Office Warehouse/Storage/Sales
- b. Heavy machinery Sales/Storage, Rental and Repair
- c. Metal, Machine or Wood Shop
- d. Light Manufacturing
- e. Auto Repair, major
- f. Mini-Warehouse Storage/Sales
- g. Upholstery business

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Ord. No. 2000T-7, Section 2.4.3.3, April 28, 2008.

Ord. No. 2000T-13, Section 2.4.3.3, October 24, 2011.

Ord. No. 2000T-16, Section 2.4.3.3, December 16, 2013.

**Section 2.4.3.4 OT, Old Townsite District**

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

- (1) Promote good building and streetscape design.
- (2) Reinforce existing land use patterns and character.
- (3) Categorize area into zoning districts as per the UDC with modifications.

- (4) Promote downtown as a walkable, pedestrian friendly district.
- (5) Promote multiple types of development and uses.
- (6) Set forth general provisions and architectural regulations to ensure quality of streetscape and building construction.
- (7) Allow reduced parking ratios, shared parking and flexibility to encourage re-use of existing buildings.
- (8) Allow flexibility in building codes and façade requirements to encourage relocation and re-use of existing buildings.
- (9) Emphasize mixed uses and focus on the streetscape and public spaces to create pedestrian-friendly mixed-use developments.

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

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

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

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

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

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

Minimum Lot Width: Fifty feet (50')

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

Maximum Height: None.

b. **Permitted Uses.** Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this chapter, with the following exceptions:

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

Residential on upper floors allowed by a Conditional Use Permit (CUP).

Institutional / governmental uses permitted with City's approval by a CUP.

- c. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with Section 2.5.3.1 of the UDC with the following exceptions:
- Minimum Front Setback – Accessory building shall be located behind the front building setback line established by the primary building.
  - Minimum Side Setback - Five feet (5').
  - Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
  - Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
  - Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.
- d. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under section 3.2.11.1) or courtyard spaces are provided along the street.  
For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.
- e. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approvals from the City and in conformance with Development Guidelines specified below under Section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- f. **Outdoor Seating.** Outdoor Activities and Uses shall be provided and maintained as set forth in Section 2.5.3.2 (c) of this UDC.
- g. **Parking.** Off street parking shall be subject to the following:
1. Parking shall be allowed within the front yard with a minimum twenty-five feet (25') landscape buffer adjacent to Broadway Street and Main Street and fifteen feet (15') landscape buffer adjacent to other streets.
  2. Non-residential uses in existing structures may be permitted to reduce by 50% the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.
  3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of

subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.

4. Stacked parking (parallel parking without the access aisle) for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area.

A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

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

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

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

Minimum Front Yard: Twenty feet (20').

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

Minimum Lot Width: Fifty feet (50')

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

- b. **Permitted Uses.** Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this chapter.

- c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multifamily developments and shall meet the following requirements:

In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities. Facilities, such as pedestrian ways and swimming pools, may be counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').



- d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of Chapter 2.5.3.1 of the UDC with the following exceptions:
- Minimum Front Setback – Seventy-five feet (75’).
  - Minimum Side Setback - Three feet (3’).
  - Minimum Rear Setback - Seven and a half feet (7.5’) if located along an alley, twenty feet (20’) if no alley.
  - Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
  - Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.
- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street. For lots with less than one hundred feet (100’) wide frontage this percentage may be reduced to allow a twenty-five feet (25’) wide driveway to access the rear of the property.
- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City’s right of way with appropriate approval from the City and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- g. **Outdoor Seating.** Outdoor Activities and Uses shall be provided and maintained as set forth in Section 2.5.3.2 (c) of this UDC.
- h. **Parking.** Off street parking shall be subject to the following:
1. Parking shall be allowed within the front yard with a minimum twenty-five feet (25’) landscape buffer adjacent to Broadway Street and Main Street and fifteen feet (15’) landscape buffer adjacent to other streets.
  2. Non-residential uses in existing structures may be permitted to reduce by fifty percent (50%) the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.
  3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500’) of the building.
  4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and

where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

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

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

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

Minimum Front Yard: Zero feet (0').

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

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

Minimum Lot Width: Fifty feet (50')

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

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

- b. **Permitted Uses.** Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this chapter, and accessory uses as authorized in Article 5, Division 3 of this chapter.

- c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multifamily developments and shall meet the following requirements: In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities. Facilities, such as pedestrian ways and swimming pools, may be counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').

- d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of section 2.5.3.1 the UDC with the following exceptions:

Minimum Front Setback – Accessory building shall be located behind front building setback line established by the principal building.

Minimum Side Setback – Three feet (3’).

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

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

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

- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.  
For lots with less than one hundred feet (100’) wide frontage this percentage may be reduced to allow a twenty-five feet (25’) wide driveway to access the rear of the property. feet (25’) wide driveway to access the rear of the property.
- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City’s right of way with approval from City staff and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3’) wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.
- h. **Parking.** Off street parking shall be subject to the following:
  - 1. Parking shall be allowed within the front yard with a minimum twenty-five feet (25’) landscape buffer adjacent to Broadway Street and Main Street and fifteen feet (15’) landscape buffer adjacent to other streets.
  - 2. Non-residential uses in existing structures may be permitted to provide 50% of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet parking the requirements of the UDC, unless specified herein.
  - 3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under

subsection 2 above are located within five hundred (500') of the building.

4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

### (c) Development Requirements

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

1. **Drive-Thru Facilities.** New drive-thru windows should not be located on the façade facing the primary streetscapes. Drive-thru facilities shall not hinder pedestrian flow or adjacent buildings and their functions.
2. **Utilities.**
  - a. For new building construction and significant building renovation (of over fifty percent of the value of the existing building and improvements) all utilities within the property shall be required to be underground. Where the underground placement of facilities is not a standard practice of the utility, the utility's customer shall make arrangements with the utility for payment of all costs associated with the non-standard installation. With the exception of the customer responsible for the non-standard installation, neither the utility nor the utility's other customers shall be responsible for any costs of non-standard installation of utilities. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility's state-approved tariff. All above ground lines are located in the rear or other areas of the property where they are not prominently visible from the front of the property or any roadway, and all poles are wholly obscured, as determined by the Planning Director.
  - b. Location of above ground utility equipment shall avoid conflict with pedestrian movement and visually shield the equipment.
3. **Building Elevations.** Rear facing buildings and loading docks are prohibited on street facades for the following streets – Main, Broadway, Grand, Orange, Mykawa, Walnut, and Galveston.
4. **Concealed Equipment.** All equipment shall be located in rear yards or otherwise screened. Equipment shall include AC compressors and window and wall units, non-electric utility meters and boxes, irrigation and pump pools, permanent barbecues, satellite dish antennas less than forty eight inches in (48") in height or diameter, loading docks, service areas, trash disposal facilities and backflow devices. Antennas over forty-eight inches (48") shall require a CUP.

5. **Projecting Façade Elements.** Projecting façade elements include awnings, canopies, balconies, colonnades and arcades. These shall be permitted on city streets after approval by the City and on TX DOT ROW, if permitted by TXDOT and approved by City. The following requirements shall apply:
  - a. Not to project closer than two feet (2') to the curb.
  - b. Eight feet (8') minimum clearance between sidewalk and bottom of awning or canopy; ten feet (10') minimum clearance between sidewalk and bottom of balconies, colonnades and arcades.
  - c. May project in public ROW if approved by the City.
  - d. Eight feet (8') minimum depth of sidewalk from building face to the inside column of colonnade or arcade.
  - e. Minimum two feet (2') between outer column face of colonnade or arcade and curb.
  
6. **Façade Regulations.** Shall meet all requirements of the UDC, except that wood and hardy plank will be permitted for facades.
  
7. **Transparency Requirements.** For non-residential facades facing public street, park, plaza or public space a minimum of fifteen percent (15%) of overall façade must be transparent. For non-residential, a minimum of twenty five percent (25%) of façade wall area is required to have store front windows on ground floor.  
 For residential buildings (both single family and multi-family) a minimum of 15% of façade is required to comprise of window area.  
 A lesser percentage of transparency for overall façade or store front windows for all buildings may be permitted by a CUP.  
 Remodeling or repair of existing buildings may be exempt from these requirements. Any new addition or construction shall be required to comply with these requirements.
  
8. **Windows, Skylights and Doors.** Windows, skylights and doors shall be oriented vertically for facades facing public areas including streets.
  
9. **Signs.** The following regulations shall be applicable to signs in the Old Townsite district:
  - a. The total area of all wall and freestanding signs shall not exceed 2 square feet per linear foot of building frontage, up to a maximum of 200 sq. ft. Maximum area of all ground signs shall not exceed 75 sq. ft. All other requirements of the UDC regarding signage shall be applicable.
  - b. Projecting signs and awning signs shall be permitted in addition to wall signs upon approval by the City. Projecting signs shall have a minimum of eight (8) feet clearance above finished grade. Projections shall not be allowed on City right-of-way. All other requirements of the UDC regarding signage shall be applicable.
  - c. A freestanding or monument sign shall have landscaping around its base.
  - d. Signs shall be constructed and/or finished using the following materials:
    - i. Painted metal, or pre-finished aluminum.

- ii. Cold cathode tube (neon) or illumination by LED replica, limited to the face of the sign.
- iii. Carved relief in stone, cast stone or brick.
- iv. Wood or carved wood which is painted or sealed.
- v. Any sign made of other materials not mentioned may be proposed for consideration and approved for usage on a one-on-one basis under a Conditional Use Permit (CUP).
- e. All sign components, including support structures, shall comply with the City of Pearland color palette approved specifically for the Old Townsite district, a copy of which shall be available in the City's Planning Office and is attached hereto as Appendix B.
- f. A business that is affiliated with an entity that has a logo that is recognized on a regional, national, or international basis, as determined by the Planning Director, may use said logo in its signage without regard to the color palette, so long as the logo is limited to less than four square feet in size.
- g. A-frame or sandwich board signs shall be allowed with the following restrictions:
  - i. No more than one shall be allowed per business, it shall be placed such that a minimum of four feet of clear sidewalk shall be maintained at all times, and shall be sufficiently weighted or anchored to prevent movement by wind or other elements.
  - ii. No such sign shall exceed eight square feet per face or four feet in height. The entire sign structure shall be included in the total sign area.
  - iii. Such signs are displayed only during the hours that the establishment is open for business.
- h. Awning signs shall be allowed, and the maximum height of letters, graphic, and logos thereon shall be twelve inches.
- i. Attached marquee signs shall be allowed with the following restrictions:
  - i. No more than one shall be allowed per business.
  - ii. No such sign shall exceed six feet in height or thirty-two square feet in sign area.

10. **Outdoor Activities or Uses.** Outdoor Activities and Uses shall be provided and maintained as set forth in Section 2.5.3.2 (c) of this UDC.

11. Building and roof colors shall comply with the color palette described in this section. This shall include all portions of the building, including without limitation window/door trim, fascia, and soffit.

(d) **Development Recommendations**

1. **Mixed Use Development.** Mixed uses are encouraged on each block. Active uses such as shopping or dining are encouraged on street.
  2. **Accentuate Primary Entrance.** Accentuate primary entrance (for both existing and new buildings) with architecture features such as:
    - Art
    - Breaking the building's rhythm
    - Detail work
    - Lighting
    - Projecting façade elements
    - Recessed entries
    - Signage
    - Shelter pedestrian as they enter and exit.
    - Well lit entrances.
  3. **Response to Human Scale:** Developments are encouraged to address the scale of pedestrian, and create active storefronts by using lights, quality materials, and creative displays. Encourage lower floors to be architecturally different from but still compatible with the upper floors through level of detail and design.
  4. **Alleys and Side Streets.** Alleys and side streets are encouraged to be the primary access for parking lots and loading docks behind the building.
  5. **Landscape Features Permitted with City's Approval.** *(Need to determine the official/board or staff responsible)*
    - a. Flowerpots in street-scape.
    - b. Hanging baskets in new light poles.
    - c. Store owners to have option of creating planting beds.
    - d. City to work with property owners to place landscape features in appropriate places.
  6. **Parking.** No more than 25% of all parking required shall be provided in the front yard.
- (e) **Relaxation of Building Codes.** To encourage re-use, rehabilitation of existing buildings (built prior to adoption of this ordinance) and relocation of buildings into the area the Building Official may approve relaxation of certain building codes as per the guidelines adopted by the City. *(Guidelines to be adopted by the City)*
- (f) **Non-conforming Buildings.** Buildings constructed prior to the adoption of this ordinance (if removed or destroyed due to any cause) can be rebuilt on either the existing footprint or per this ordinance. Buildings constructed after the adoption of this ordinance will be required to comply with this ordinance.
- (g) **Street Amenities.** The City will formulate a streetscape plan as per the recommendations of the Old Townsite Plan. *(This plan needs to be adopted).* Once the standards have been adopted the property owner will be responsible for installation of street furniture (lights, benches, signs, tree lighting, etc.) when the property is

developed. The streetscape guidelines may include - street amenities, pedestrian lighting, street furniture, public art and signage.

- (h) Unless specified herein under Section 2.4.3.4, all other requirements of the UDC will apply.

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Ord. No. 2000T-1, Section 2.4.3.4 added in its entirety, July 10, 2006.

Ord. No. 2000T-3, Section 2.4.3.4, July 9, 2007.

Ord. No. 2000T-5, Section 2.4.3.4, October 22, 2007.

Ord. No. 2000T-11, Section 2.4.3.4, July 27, 2009.

Ord. No. 2000T-13, Section 2.4.3.4, October 24, 2011.

Ord. No. 2000T-14, Section 2.4.3.4, January 14, 2013.

Ord. No. 2000T-18, Section 2.4.3.4, August 24, 2015.

Ord. No. 2000T-30, Section 2.4.3.4, August 26, 2019.

Ord. No. 2000T-31, Section 2.4.3.4, November 25, 2019.

#### Division 4 – Non-Residential Zoning Districts

##### **Section 2.4.4.1 Residential Retail Nodes**

(a) **Purpose.** Residential Retail Nodes are intended to provide limited retail and personal service operations for customers from immediate residential neighborhoods only. These nodes, at specific locations recommended by the Future Land Use Plan, and targeted to approximately five (5) acres, should be designed in a manner that does not adversely affect the neighborhood character, have minimum impact on surroundings, and preserve the stability of neighborhoods adjacent to the Residential Retail Nodes.

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

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

(c) **Area Regulations.**

(1) Size of Lots:

- a. *Minimum Lot Size* - Twelve thousand and five hundred (12,500) square feet.
- b. *Minimum Lot Width* - One hundred feet (100').
- c. *Minimum Lot Depth* - One hundred feet (100').

(2) Size of Yards:

- a. *Minimum Front Yard* – Twenty-five feet (25')
- b. *Minimum Side Yard* - Ten feet (10')



- c. *Minimum Rear Yard* - Ten feet (10')
- (d) **Height Restrictions.** Height of building will be restricted by the setbacks from property line adjoining residential zones or uses as shown in Figure 2-1 (b) and shall not exceed thirty-five feet (35').
- (e) **Nonresidential Use Locations.**
  - (1) Nonresidential uses shall be located on lots that have frontage on a collector or thoroughfare.
  - (2) All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building.
- (f) **Residential Adjacency Considerations:**
  - (1) Screening Standards: Adequate screening shall be provided between nonresidential and residential uses and zones. It shall be the responsibility of the non residential use to provide and maintain such screening. Screening elements shall consist of all of the following:
    - a. *Buffer* - There shall be a twenty-five foot (25') wide landscaped buffer along the property line that is adjacent to residential use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, shrubs and trees as per (b) below. This landscaped buffer may be located with the required yard/setback area.
    - b. *Landscape Elements* – Landscape elements permitted shall consist of shrubbery having year-round foliage:
      - 1. That is at least seventy-five percent (75%) opaque; and
      - 2. That is a minimum of six feet (6') in height at planting; and
      - 3. That is a maximum of eight feet (8') in height; and
      - 4. That is not located within any required visibility triangle.
    - c. *Built Elements* – Built elements permitted shall consist of a masonry wall:
      - 1. That is one-hundred percent (100%) opaque; and
      - 2. That is a minimum of six feet (6') in height; and
      - 3. That is a maximum of eight feet in height; and
      - 4. That is not located within any required visibility triangle; and
      - 5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.
- (g) **Outside Uses and Activities.** Outdoor Activities and Uses shall be provided and maintained as set forth in Section 2.5.3.2 (c) of this UDC.
- (h) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC. However, total number of parking spaces should not exceed 75% of that required by Chapter 4, Article 2, Division 1. The remaining 25% of required parking area shall be maintained as landscaped open space and developed as parking if required by the city at a later date.

- (i) **Outdoor lighting.** Outdoor lighting shall not create conflict with the reasonable use and enjoyment of adjoining property. The fixtures shall be shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. The height of lighting and all mounting structures shall not exceed the height of the building or twenty feet (20'), whichever is less.
- (j) **Other considerations.**
- (1) Distance from other existing, designated or proposed non-residential uses, zones or nodes along local, collector or thoroughfare streets.
  - (2) Existence or provision of pedestrian access, including but not limited to walkways, bikeways, trails, and traffic controls, to promote safe pedestrian friendly access and environment.
  - (3) Submittal of a site plan showing the layout of the buildings, activities, buffers, parking, driveways and other elements as required by the P & Z Commission and City Council to assist in evaluating the impact of the development on surrounding uses.
  - (4) Hours of operation to be approved as part of the CUP.
  - (5) Location of drive through windows and similar elements not in yards adjacent to residential zone or use.
  - (6) Unless otherwise specified in this section, the development in these nodes shall conform to all other requirements of the Office Professional zone.

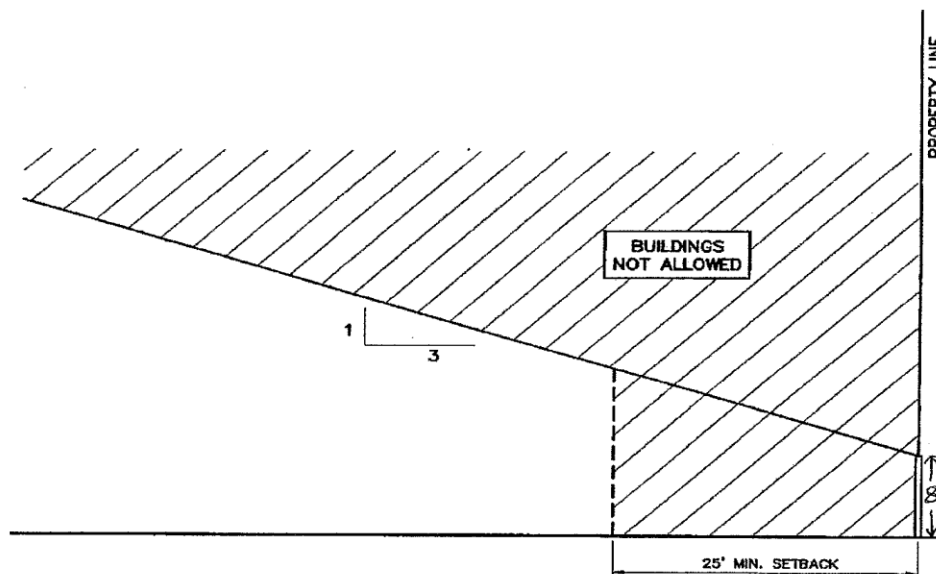


Figure 2-1 (b) Height Restrictions

(k) **Lighting.**

- (1) Height: Standards, poles, and fixtures shall not exceed twenty feet (20') and be no taller than the height of the building being served.
- (2) Illumination: The maximum lighting level at the property line for all properties in the spectrum district abutting residential or multifamily zoning districts or uses is one-foot (1) candle at the property line.

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Ord. No. 2000T-12, Section 2.4.4.1, June 28, 2010.

Ord. No. 2000T-13, Section 2.4.4.1, October 24, 2011.

Ord. No. 2000T-13, Section 2.4.4.1, November 25, 2019.

Ord. No. 2000T-33, Section 2.4.4.1, September 8, 2020

**Section 2.4.4.2 OP, Office & Professional District**

- (a) **Purpose.** The Office & Professional District (OP) is intended to permit a wide variety of business, professional and organization office needs of the community together with desirable associated uses.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Lot Size - Twelve thousand and five hundred (12,500) square feet.
    - b. Minimum Lot Width - One hundred feet (100').
    - c. Minimum Lot Depth - One hundred feet (100').
  - (2) Size of Yards:
    - a. Minimum Front Yard – Twenty-five feet (25')
    - b. Minimum Side Yard - Ten feet (10')
    - c. Minimum Rear Yard - Ten feet (10')
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.** Outdoor Activities and Uses shall be provided and maintained as set forth in Section 2.5.3.2 (c) of this UDC.

- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 4 of this UDC.
- (h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (i) **Refuse Containers.** All refuse and refuse containers shall be placed in the side or rear yard (or front yard upon a finding by the Planning Director that no suitable location exists in the side or rear yard) and shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s).
- (j) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (k) **Adjacent to a Single-Family Use or Zoning District.** See Chapter 4, Article 2, Division 2, Section 4.2.2.4 (j) 4.

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Ord. No. 2000T-3, Section 2.4.4.2, July 9, 2007.

Ord. No. 2000T-13, Section 2.4.4.2, October 24, 2011.

Ord. No. 2000T-27, Section 2.4.4.2, April 23, 2018.

Ord. No. 2000T-31, Section 2.4.4.2, November 25, 2019.

### **Section 2.4.4.3 BP-288, Business Park District-288**

- (a) **Purpose.** The Business Park District-288 (BP-288) is intended to permit large office complexes/campuses and retail development in locations with good visibility and roadway access; visibility and access are inherently provided by State Highway 288. These regulations are also intended to create high quality development that enhances the City's image as a desirable place to live, work, and shop.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Lot Size - One (1) acre (43,560 square feet).
    - b. Minimum Lot Width - One hundred and fifty feet (150').
    - c. Minimum Lot Depth - Two hundred feet (200').
  - (2) Size of Yards:
    - a. Minimum Front Yard – Twenty-five feet (25')

- b. Minimum Side Yard - Twenty feet (20')
- c. Minimum Rear Yard - Twenty feet (20')
- (d) **Height Restrictions.** No building shall exceed sixty-five feet (65') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Building Facade Standards.** Requirements are applicable to all structures and facades visible from State Highway 288 except single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

(1) Building Articulation:

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

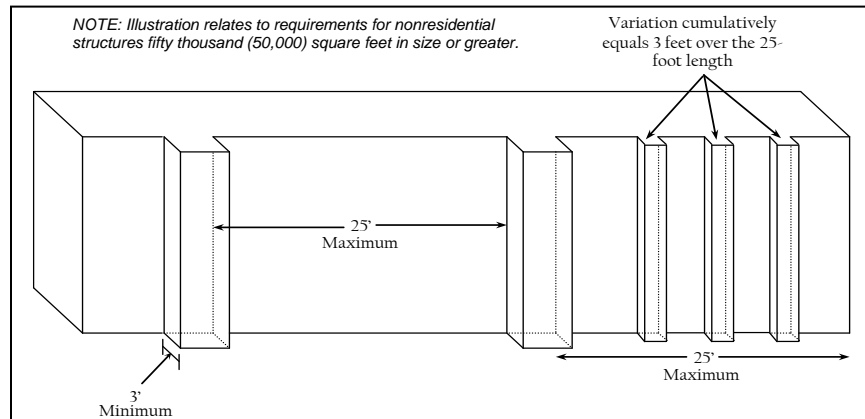


Figure 2-2: Building Articulation Illustration

2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') in vertical or horizontal length.
- (2) Building Materials: Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trim work.
  - (3) Building Colors: Façade materials shall not consist of colors classified by the City as fluorescent, iridescent, or dayglo.
- (f) **Detention/Retention Facilities.** Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term “amenity” is defined within Chapter 5 of this UDC.
- (g) **Lighting.**
- (1) Uniformity: Standards, poles, and fixtures shall be a single color, and shall be uniform in design throughout the site.

- (2) Prohibited Poles: Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.
- (3) Height: Standards, poles, and fixtures shall be no taller than twenty feet (20') in height.
- (4) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
- (5) Accent Lighting:
  - a. Uplighting shall be concealed or positioned to screen the light source from adjacent property and rights-of-way.
  - b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.
- (6) Illumination: The maximum lighting level at the property line for all properties in the spectrum district abutting residential or multifamily zoning districts or uses is one-foot (1) candle at the property line.

**(h) Screening Standards.**

- (1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from State Highway 288.
  - a. Mechanical and Utility Equipment
    1. Screens shall be of a color and material that is consistent with the primary on-site building. Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque and equal to or exceeds the height of the area being screened. Shrubbery shall be a minimum of three feet (3') in height at the time of planting, planted every three feet (3') or less on center, and have year-round foliage.
    2. Roof-mounted equipment may be screened with an architectural element that is an extension of the building on which it is located, such as a parapet wall.
    3. For electric utility equipment, the screening requirements of this section shall only apply to equipment owned by the customer and not by the electric utility.
  - b. Vehicle Loading and Unloading Areas - Screens shall incorporate shrubbery having year-round foliage and/or a fence, wall, or architectural element of the building that has a minimum six foot (6') height and is a maximum seventy-five percent (75%) opaque.
  - c. Refuse, Refuse Containers, and Recycling Containers - Screens shall consist of a solid fence, wall, or architectural element of the building with a minimum six foot (6') height.
- (2) Screening Elements Required: All fences and walls visible from State Highway 288 shall be:
  - a. Constructed of masonry or other materials approved by the Planning Director or his designee.

- b. Consistent in color and design with the building architecture.
- c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Residential Subdivision Fences:

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

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

(i) **Buffering Standards.**

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

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

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

- a. Freestanding masonry wall.
- b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming. Berms shall be maintained at a height of no more than thirty-six inches (36") nor less than twenty-four inches (24").
- c. Shrubbery having year-round foliage. Shrubs shall be maintained at a height of no more than thirty-six inches (36") nor less than twenty-four inches (24") as measured from the surrounding soil line and at a minimum thirty-six inch (36") spacing.

(3) Adjacent to a Single-Family Use or Zoning District: See Chapter 4, Article 2, Division 2, Section 4.2.2.4 (j) 4.

- (j) **Utilities.** Where the underground placement of facilities is not a standard practice of the utility, the utility's customer shall make arrangements with the utility for payment of all costs associated with the non-standard installation. With the exception of the customer responsible for the non-standard installation, neither the utility nor the utility's other customers shall be responsible for any costs of non-standard installation of utilities. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility's state-approved tariff. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not be prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are noticeable shall be made by the Planning Director

- (k) **Outdoor Activities or Uses.** Outdoor Activities and Uses shall be provided and maintained as set forth in Section 2.5.3.2 (c) of this UDC.
- (l) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (m) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (n) **Landscaping Standards.**
  - (1) Minimum Percentage of Landscaping: A minimum of fifteen percent (15%) of the front yard area, or the yard adjacent to State Highway 288, as applicable, shall consist of landscaped open areas.
  - (2) Tree Requirements: Trees are required along State Highway 288 as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot, adjacent to State Highway 288.
    - a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.
    - b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.
    - c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
    - d. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.
    - e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.
  - (3) Required Interior Site Landscaping:
    - a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
    - b. No parking space shall be more than fifty feet (50') from a tree.
  - (4) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

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Ord. No. 2000T-2, Section 2.4.4.3, February 26, 2007.

Ord. No. 2000T-3, Section 2.4.4.3, July 9, 2007.

Ord. No. 2000T-13, Section 2.4.4.3, October 24, 2011.

Ord. No. 2000T-18, Section 2.4.4.3, August 24, 2015.

Ord. No. 2000T-21, Section 2.4.4.3, September 12, 2016.

Ord. No. 2000T-27, Section 2.4.4.3, April 23, 2018.

Ord. No. 2000T-31, Section 2.4.4.3, November 25, 2019.



#### **Section 2.4.4.4 NS, Neighborhood Service District**

- (a) **Purpose.** The Neighborhood Service District (NS) is intended to permit a limited area of service establishments and retail stores for the benefit of adjacent and nearby residential development and in which district all trade is conducted indoors and in such a manner as to be capable of placement adjacent to residential districts without changing the character of the latter.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Lot Size – Twelve thousand and five hundred (12,500) square feet in area.
    - b. Minimum Lot Width - One hundred feet (100').
    - c. Minimum Lot Depth - One hundred feet (100').
  - (2) Size of Yards:
    - a. Minimum Front Yard – Twenty-five feet (25')
    - b. Minimum Side Yard
      1. Ten feet (10'), except as provided below.
      2. Fifteen feet (15') if side yard abuts a residential zoning district.
    - c. Minimum Rear Yard
      1. Ten feet (10'), except as provided below.
      2. Fifteen feet (15') if rear yard abuts a residential zoning district.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Outdoor Activities or Uses.** Outdoor Activities and Uses shall be provided and maintained as set forth in Section 2.5.3.2 (c) of this UDC.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (h) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (i) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).

- (j) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
- (k) **Adjacent to a Single-Family Use or Zoning District.** See Chapter 4, Article 2, Division 2, Section 4.2.2.4 (j) 4.

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Ord. No. 2000T-13, Section 2.4.4.4, October 24, 2011.

Ord. No. 2000T-27, Section 2.4.4.4, April 23, 2018.

Ord. No. 2000T-31, Section 2.4.4.4, November 25, 2019.

#### **Section 2.4.4.5 GB, General Business Retail District**

- (a) **Purpose.** The General Business Retail District (GB) is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly within an enclosed building but may incidentally display merchandise wholly under a permanent part of the main business structure, such as a marquee.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) **Size of Lots:**
    - a. Minimum Lot Size – Twenty-two thousand and five hundred (22,500) square feet in area.
    - b. Minimum Lot Width - One hundred and fifty feet (150').
    - c. Minimum Lot Depth - One hundred and twenty-five feet (125').
  - (2) **Size of Yards:**
    - a. Minimum Front Yard - Twenty-five feet (25')
    - b. Minimum Side Yard
      1. Ten feet (10'), except as provided below.
      2. Twenty-five feet (25') if side yard abuts a residential zoning district.
    - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.** Outdoor Activities and Uses shall be provided and maintained as set forth in Section 2.5.3.2 (c) of this UDC.

- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC, and as specified below.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (h) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (i) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (j) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
- (k) **Adjacent to a Single-Family Use or Zoning District.** See Chapter 4, Article 2, Division 2, Section 4.2.2.4 (j) 4.
- (l) **Alcoholic Beverages.** The sale, dispensing, and otherwise handling of alcoholic beverages directly to the consumer for consumption on the premises shall be permitted only if incidental and secondary to the sale of food for human consumption on the premises, which shall be construed to mean that at least fifty percent (50%) of gross receipts must be from sales of food for consumption on the premises. This regulation shall not apply to private clubs operating within hotels and motels.

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Ord. No. 2000T-3, Section 2.4.4.5, July 9, 2007.

Ord. No. 2000T-13, Section 2.4.4.5, October 24, 2011.

Ord. No. 2000T-14, Section 2.4.4.5, January 14, 2013.

Ord. No. 2000T-27, Section 2.4.4.5, April 23, 2018.

Ord. No. 2000T-31, Section 2.4.4.5, November 31, 2019.

#### **Section 2.4.4.6 GC, General Commercial District**

- (a) **Purpose.** The General Commercial District (GC) is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage areas.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:

- a. Minimum Lot Size – Twenty-two thousand and five hundred (22,500) square feet in area.
  - b. Minimum Lot Width - One hundred and fifty feet (150’).
  - c. Minimum Lot Depth - One hundred and twenty-five feet (125’).
- (2) Size of Yards:
- a. Minimum Front Yard - Twenty-five feet (25’)
  - b. Minimum Side Yard
    - 1. Ten feet (10’), except as provided below.
    - 2. Twenty-five feet (25’) if side yard abuts a residential zoning district or a public right-of-way.
  - c. Minimum Rear Yard - Twenty-five feet (25’)
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45’) in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.** Outdoor Activities and Uses shall be provided and maintained as set forth in Section 2.5.3.2 (c) of this UDC.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (h) **Access.** Access shall be provided in accordance with the City’s Engineering Design Criteria Manual (EDCM).
- (i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
- (j) **Adjacent to a Single-Family Use or Zoning District.** See Chapter 4, Article 2, Division 2, Section 4.2.2.4 (j) 4.

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Ord. No. 2000T-2, Section 2.4.4.6, February 26, 2007.

Ord. No. 2000T-3, Section 2.4.4.6, July 9, 2007.

Ord. No. 2000T-13, Section 2.4.4.6, October 24, 2011.

Ord. No. 2000T-21, Section 2.4.4.6, September 12, 2016.

Ord. No. 2000T-27, Section 2.4.4.6, April 23, 2018.

Ord. No. 2000T-31, Section 2.4.4.6, November 25, 2019.

#### **Section 2.4.4.7 M-1, Light Industrial District**

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

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

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

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

(c) **Area Regulations.**

(1) Size of Lots:

a. Minimum Lot Size - Forty thousand (40,000) square feet in area.

b. Minimum Lot Width - One hundred and fifty feet (150').

c. Minimum Lot Depth - One hundred and fifty feet (150').

(2) Size of Yards:

a. Minimum Front Yard - Thirty-five feet (35')

b. Minimum Side Yard - Twenty-five feet (25')

c. Minimum Rear Yard - Twenty-five feet (25')

(d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height, however, an additional one foot (1') of building height may be provided for each one foot (1') of additional setback provided that the building is not located on a lot or tract within one-hundred feet (100') of a residential or multi-family district, including street, alley, or rail rights of way.

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

(f) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.

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

(h) **Special Conditions.**

(1) Landscaped Open Area:

a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.

b. Adjacent to a Single-Family Use or Zoning District – See Chapter 4, Article 2, Division 2, Section 4.2.2.4 (j) 4.

(2) Materials Storage:

a. 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:

1. completely screened from streets or public rights-of-way and any adjacent non-industrial zoning districts by:

[a] a solid wall or fence not less than eight feet (8') in height, or

[b] a vegetative screen dense enough to be completely opaque

year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months; and

2. located upon a surface that is acceptable to the City Engineer.
  - b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residentially zoned property.
  - c. Materials shall not be stored or stacked higher than the height of the screening wall. Refer to screening wall requirements within Chapter 4, Article 2, Division 4 of this UDC.
- (i) **Performance Standards.** 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.
- (1) 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.
  - (2) 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.
  - (3) Compliance With Other Regulations. All industries will comply with any appropriate federal and/or state standard as well as any others specified by this UDC or any other City Codes, such as adopted noise or hours of operation regulations.

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Ord. No. 2000T-2, Section 2.4.4.7, February 26, 2007.

Ord. No. 2000T-6, Section 2.4.4.7, November 26, 2007.

Ord. No. 2000T-13, Section 2.4.4.7, October 24, 2011.

Ord. No. 2000T-27, Section 2.4.4.7, April 23, 2018.

Ord. No. 2000T-33, Section 2.4.4.7, September 8, 2020.

### **Section 2.4.4.8 M-2, Heavy Industrial District**

- (a) **Purpose.** The Heavy Industrial District (M-2) is intended to permit any manufacturing, assembly, processing, storage and/or distribution, sale and repair incidental to industrial use allowed by law.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Size - Forty thousand (40,000) square feet in area.
- b. Minimum Lot Width - One hundred and fifty feet (150').
- c. Minimum Lot Depth - One hundred and fifty feet (150').

(2) Size of Yards:

- a. Minimum Front Yard - Thirty-five feet (35')
- b. Minimum Side Yard - Twenty-five feet (25')
- c. Minimum Rear Yard - Twenty-five feet (25')

(d) **Height Restrictions.** No building shall exceed sixty feet (60') in height, however, an additional one foot (1') of building height may be provided for each one foot (1') of additional setback provided that the building is not located on a lot or tract within one-hundred feet (100') of a residential or multi-family district, including street, alley, or rail rights of way.

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

(f) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.

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

(h) **Special Conditions.**

(1) Landscaped Open Area:

- a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
- b. Adjacent to a Single-Family Use or Zoning District – See Chapter 4, Article 2, Division 2, Section 4.2.2.4 (j) 4.

(2) Materials Storage:

- a. 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:
  - 1. completely screened from streets or public rights-of-way and any adjacent non-industrial zoning districts by:
    - [a] a solid wall or fence not less than eight feet (8') in height, or
    - [b] a vegetative screen dense enough to be completely opaque year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months; and
  - 2. located upon a surface that is acceptable to the City Engineer:
- b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or

finished product storage and uses is required for industrial zoning districts adjacent to residential zoned property.

- (i) **Performance Standards.** 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.
- (1) 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.
  - (2) 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.
  - (3) Compliance With Other Regulations. All industries will comply with any appropriate federal and/or state standard as well as any others specified by this UDC or any other City Codes, such as adopted noise or hours of operation regulations.

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Ord. No. 2000T-2, Section 2.4.4.8, February 26, 2007.

Ord. No. 2000T-6, Section 2.4.4.8, November 26, 2007.

Ord. No. 2000T-13, Section 2.4.4.8, October 24, 2011.

Ord. No. 2000T-27, Section 2.4.4.8, April 23, 2018.

Ord. No. 2000T-33, Section 2.4.4.8, September 8, 2020.

### Division 5 – Corridor Overlay Zoning District

#### **Section 2.4.5.1 COD, Corridors Overlay District**

(a) **Purpose.**

- (1) The Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.
- (2) The Corridors Overlay District (COD) is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the COD and the regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the COD will continue to prevail.



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

- (1) Pearland Parkway: For the full length of the roadway within the City limits
- (2) Oiler Drive: For the full length of the roadway within the City limits
- (3) McHard Road: For the full length of the roadway within the City limits
- (4) SH 35: For the full length of the roadway within the City limits, except within the Old Townsite District
- (5) Broadway Road: For the full length of the roadway within the City limits, except within the Old Townsite District
- (6) Magnolia Road: For the full length within the City limits of the contiguous roadway known as Magnolia Road, County Road 59, Southfork Drive, and John Lizer Road, except within the Old Townsite District
- (7) Kirby Drive: For the full length of the roadway within the City limits
- (8) Dixie Farm Road: For the full length of the roadway within the City limits
- (9) Beltway 8: For the full length of the roadway within the City limits
- (10) Bailey Avenue: For the full length of the roadway within the City limits
- (11) Massey Ranch Road: For the full length of the roadway within the City limits
- (12) Cullen Boulevard: For the full length of the roadway within the City limits
- (13) Manvel Road (FM1128): For the full length of the roadway within the City limits.

(c) **Lot and Setback Standards.**

- (1) The minimum front yard building setback adjacent to a specified major thoroughfare shall be twenty-five feet (25').
- (2) The minimum setback for all off-street parking, maneuvering and loading areas from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (3) The minimum setback for all screening walls and fences, including residential subdivision fences, from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (4) The minimum setback for any outside storage area (where permitted by the underlying zoning district) from the right-of-way line of a specified major thoroughfare shall be one hundred and fifty feet (150'), unless such area is screened to one hundred percent (100%) opacity with a screening wall that matches the primary on-site building or with live vegetation.
- (5) No buildings, parking areas, or other impervious structures (except as noted herein), are permitted within the recognized floodway, as identified by the City Engineer, or within fifty feet (50') of the high bank, whichever is greater, of a creek or other drainage way proposed as a linear park in the City's Park and Recreation Master Plan.

- a. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.
  - b. The Parks Director may reduce the restriction herein upon a finding that the proposed construction is consistent with the Park and Recreation Master Plan or the Hike and Bike Master Plan.
- (6) Buildings, parking areas, or other visual obstructions shall not be located in any required visibility triangle.
- (7) The required setback area as described above shall be landscaped, and shall meet the requirements of Subsection (g) of this Section 2.4.5.1.
- (d) **Building Facade Standards.** Requirements are applicable to any side of a structure that faces a thoroughfare listed in subsection (b), except for single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

(1) Building Articulation:

- a. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
  - 1. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
  - 2. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
  - 3. Incorporate details that create shade and cast shadows to provide visual relief.
- b. Building articulation shall be provided as specified in the following:
  - 1. All nonresidential structures fifty thousand (50,000) square feet in size or greater, except Public Educational Facilities, shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') (not cumulatively) in vertical or horizontal length. Properties zoned M-1 or M-2 shall incorporate architectural variation of at least one foot (1') in depth for every twenty-five feet (25').
  - 2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') (not cumulatively) in vertical or horizontal length.

(2) Building Materials:

- a. All structures shall conform to the requirements in Article 6, Division 2 of this chapter.
- b. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trim work.
- c. A minimum twenty-five percent (25%) of an exterior wall facing the specified major thoroughfare shall be transparent, except for Public Educational Facilities, which are exempt from this requirement, and

structures located in the M-1 or M-2 zoning districts, for which the transparency percentage shall be a minimum of fifteen percent (15%).

- d. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme, as determined by the Planning Director.

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

- (4) Any building that requires openings in the facade for vehicle entry or exit shall be oriented so that such openings do not face a public roadway unless adequately screened to minimize the visual impact on the roadway. The screening should meet the requirements of section 2.4.5.1 (i) (1) (b), 2.4.5.1. (i) (2), and 2.4.5.1 (i) (3) (c) (a).

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

(f) **Bicycle Parking.**

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

(g) **Landscaping Standards.**

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

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

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

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

- a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.

- b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage, except for Public Educational Facilities, which are exempt from this requirement.
  - c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
  - d. At the time of planting, a minimum of three feet (3') shall be provided between a tree trunk and the back of any curb and eight feet (8') between a tree trunk and any planned or existing underground public utility lines.
  - e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.
- (4) Required Interior Site Landscaping:
- a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
  - b. No parking space designed and intended for the parking of passenger vehicles driven by customers, patrons, or employees shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. Public Educational Facilities and industrial uses located in M-1 and M-2 zoning districts shall be exempt from this requirement so long as the overall landscaping requirement is met onsite.
- (5) Irrigation System: A mechanical irrigation system is required to be installed and maintained.
- (6) Adjacent to a Single-Family Use or Zoning District: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area and may count toward (g)(1) above.
- (7) Detention/retention facilities located in front yards: When a detention/retention facility is located in a front yard, the facility shall be incorporated into the design of the development as an amenity, as determined by the Planning Director. In addition to the street tree requirements, the minimum number of shrubs shall be equal to the total caliper inches of street trees required under this section multiplied by five (5). Shrubs shall be maintained at a height of no more than thirty-six inches (36") nor less than twenty-four inches (24") as measured from the surrounding soil line. Shrubs shall be planted in a staggered row along the street side of the detention/retention facility.

**(h) Lighting Standards.**

- (1) Vehicular Circulation & Parking Areas:

- a. High pressure sodium or metal halide fixtures shall be used with no direct glare onto adjacent properties or public streets. The glare from such fixtures shall be shielded from adjacent properties and/or public streets.
  - b. Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use.
  - c. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than the height of the building being served.
  - d. Creosote treated wooden poles are prohibited.
  - e. Street lights along the specified corridor shall conform to the standard fixture adopted by the City. Installation of such fixture or payment in lieu of installation shall be required prior to acceptance of subdivision improvements by the City or issuance of a certificate of occupancy, as applicable
  - f. Height: Standards, poles, and fixtures shall not exceed twenty feet (20') and be no taller than the height of the building being served.
  - g. Illumination: The maximum lighting level at the property line for all properties in the spectrum district abutting residential or multifamily zoning districts or uses is one-foot (1) candle at the property line.
- (2) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
- (3) Accent Lighting:
- a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.
  - b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.
  - c. Light strips, L.E.D. strips, and other similar lighting around windows, doors, openings, signs, or any part of the building or site are prohibited.

**(i) Screening Standards.**

- (1) Site Elements Required to Be Screened: The following site elements shall be screened from the public view from all specified major thoroughfares:
- a. Mechanical Equipment
    - 1. Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque and equal to or exceeds the height of the area being screened. Shrubbery shall be a minimum of three feet (3') in height at the time of planting, planted every three feet (3') or less on center, and have year-round foliage.
    - 2. Roof-mounted equipment shall be screened with materials that are one hundred percent (100%) opaque. Appropriate screening includes an extension of the wall, such as a parapet wall, on which the equipment is mounted.
  - b. Vehicle Loading and Unloading Areas

1. Screens shall incorporate shrubbery having year-round foliage and/or a wall or architectural element of the building that is a minimum of six feet (6') in height and is a maximum of seventy-five percent (75%) opaque.
  - c. Refuse, Refuse Containers, and Recycling Containers
    1. Screens shall consist of a solid wall or architectural element of the building that is a minimum six feet (6') in height.
- (2) Screening Elements Required: All screening walls visible from a public street shall be:
- a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.
  - b. Consistent in color and design with the building architecture.
  - c. Uniform in style and materials along the entire length of the screen within a single development.
- (3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:
- a. Greater than eight feet (8') in height, or greater than four (4) feet in height if Section 4.2.4.3 (a) (2) (b) applies.
  - b. Located within any required visibility triangle.
  - c. Constructed with any of the following materials: wood, surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:
- Exceptions:
1. Barbed wire may be used solely to control livestock.
  2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins. Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely coated by vinyl, powdercoating, or other durable material that is black or dark green in color, and shall also include one of the following features:
    - A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:
      - (i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting;
      - (ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or
    - B. masonry columns that are:
      - (i) no less than twenty inches (20") in width and depth;
      - (ii) at least twelve inches (12") taller than the adjacent chain link sections;

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

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

3. Wood may be used if completely screened with vegetation pursuant to Section (i) (3) (c) 2 A (i) above, with a 3' landscape planting area, or with a landscape alternative approved by the Planning Director or designee.

(4) Residential Subdivision Fences:

- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
- b. If visible from a street right-of-way, subdivision fences shall be constructed of masonry materials. Alternative screening material may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be decorative, 100% opaque, durable, and generally maintenance-free, and if the City Manager or their designee finds the material to be in the public interest to approve the alternative screening material. However, large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more, shall be permitted to be screened with a wood rail fence.

(5) Fences constructed around detention ponds or basins and visible from a public or private street, shall be constructed of decorative wrought iron or chain link material in accordance with the standards set forth in subsection (i) (3) c. 2. above for chain link fences located one hundred feet (100') or less from a thoroughfare listed in subsection (b).

(j) **Buffering Standards.**

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

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

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

- a. Freestanding masonry wall.
- b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming. Berms shall be

maintained at a height of no more than thirty-six inches (36") not less than twenty-four inches (24").

- c. Shrubbery having year-round foliage. Shrubs shall be maintained at a height of not more than thirty-six inches (36") nor less than twenty-four inches (24") as measured from the surrounding soil line and at a minimum thirty-six inch (36") spacing.

**(k) Sidewalk Standards.**

- (1) Location: The required sidewalk along all specified major thoroughfares may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line. Sidewalks shall not be required for development along Beltway 8 frontage roads.
- (2) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.
- (3) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the major thoroughfare street frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.
- (4) Construction Criteria: Construction criteria for the required sidewalk:
  - a. Minimum six feet (6') wide.
  - b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
  - c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
  - d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
  - e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
  - f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- (5) A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. This connecting sidewalk shall be accessible, readily visible, and paved.

- (l) **Utilities**. All utility service lines shall be located underground. Where the underground placement of facilities is not a standard practice of the utility, the utility's customer shall make arrangements with the utility for payment of all costs associated with the non-standard installation. With the exception of the customer responsible for the non-standard installation, neither the utility nor the utility's other customers shall be responsible for any costs of non-standard installation of utilities. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility's state-approved tariff. Above-



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

- (m) **Temporary Buildings.** No temporary building shall be permitted for any type of use.
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Ord. No. 2000T-2, Section 2.4.5.1, February 26, 2007.  
Ord. No. 2000T-3, Section 2.4.5.1, July 9, 2007.  
Ord. No. 2000T-6, Section 2.4.5.1, November 26, 2007.  
Ord. No. 2000T-8, Section 2.4.5.1, August 25, 2008.  
Ord. No. 2000T-11, Section 2.4.5.1, July 27, 2009.  
Ord. No. 2000T-12, Section 2.4.5.1, June 28, 2010.  
Ord. No. 2000T-14, Section 2.4.5.1, January 14, 2013.  
Ord. No. 2000T-16, Section 2.4.5.1, December 16, 2013.  
Ord. No. 2000T-18, Section 2.4.5.1, August 24, 2015.  
Ord. No. 2000T-21, Section 2.4.5.1, September 12, 2016.  
Ord. No. 2000T-22, Section 2.4.5.1, October 24, 2016.  
Ord. No. 2000T-30, Section 2.4.5.1, August 26, 2019.  
Ord. No. 2000T-31, Section 2.4.5.1, November 25, 2019.  
Ord. No. 2000T-33, Section 2.4.5.1, September 8, 2020.  
Ord. No. 2000T-38, Section 2.4.5.1, October 24, 2022.

## ***Article 5 – Use Regulations***

Division 1 – Interpretive Rules

**Section 2.5.1.1 Use and Organization**

(a) **Use of Land and/or Buildings.** The use of land and/or buildings shall be in accordance with those listed in the following Land Use Matrices. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Land Use Matrices (Article 5, Division 2 of this Chapter 2) is:

- |   |   |
|---|---|
| P | The land use is permitted by right in the zoning district indicated.                      |
|   | The land use is prohibited in the zoning district indicated.                              |
| C | The land use may be approved as a conditional use (CUP) in the zoning district indicated. |

(b) **Unlisted Use.** If a use is not listed (or blank) in the Land Use Matrices, it is not allowed in any zoning district (see subsection (d) below).

(c) **Land Use Categories.** The following use categories are listed in the Land Use Matrices if applicable:

- (1) Primary Agricultural Uses
- (2) Primary Residential Uses
- (3) Accessory & Incidental Uses
- (4) Entertainment & Recreational Uses
- (5) Automobile-Related Service Uses
- (6) Office Uses
- (7) Personal & Business Service Uses
- (8) Retail & Business Service Uses
- (9) Institutional/Governmental Uses
- (10) Utility & Related Service Uses
- (11) Commercial & Related Service Uses
- (12) Industrial & Related Service Uses

(d) **Classification of New & Unlisted Uses.** It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City of Pearland. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Land Use Matrices (Article 5, Division 2 of this Chapter 2) shall be made as follows.

- (1) A person, City department, the Planning and Zoning Commission, or the City Council may propose zoning amendments to regulate new and previously unlisted uses.
  - a. A person requesting the addition of a new or unlisted use shall submit to the Planning Director, or his/her designee, all information necessary for the classification of the use, including but not limited to the following:
    1. The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
    2. The type of product sold or produced under the use;
    3. Whether the use has enclosed or open storage and the amount and nature of the storage;
    4. Anticipated employment typically anticipated with the use;
    5. Transportation requirements, including approximate mileage, turning radius, or driving time of the expected client or patron base;
    6. The nature and time of occupancy and operation of the premises;
    7. The off-street parking and loading requirements;
    8. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
    9. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and
    10. Impervious surface coverage or anticipated size of building.
  - b. The Planning Director shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts related to the information listed in subsection "a" above.
  - c. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by CUP).
  - d. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use.
  - e. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.
    1. If approved, the new or unlisted use shall be amended in the Land Use Matrix of the regulations according to procedures outlined in Chapter 1 (i.e., following notification and public hearing, etc.).
- (2) A new and unlisted use may be interpreted by the Planning Director as similar to a listed use.
  - a. The unlisted use shall possess the majority of characteristics of the listed use.
  - b. If the unlisted use is deemed similar to a listed use, no amendment of the Land Use Matrix is required.

- c. If the use is not found to be substantially similar to a listed use, it must be considered unlisted and must be submitted to the Planning and Zoning Commission and City Council as outlined in subsection (d)(1) above.
- d. If the use is not found by the Planning Director to be substantially similar to a listed use, such decision may be appealed according to the process outlined in subsections (d)(1)b-d above.

**Division 2 – Land Use Matrix**

**Section 2.5.2.1 The Residential Land Use Matrix**

- (a) The Residential Land Use Matrix begins on the following page.

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## Residential Land-Use Matrix

<u>Primary Agricultural Uses</u>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Agricultural Field Crops or Orchards	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Animal Husbandry	P	C	C	C	C	C	C	C	C	C	C	C
Bulk Grain and/or Feed Storage	P											
Farm (Ranch, Livestock)	P	P	P	P	P	P	P	P	P	P	P	P
<u>Primary Residential Uses</u>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family)									P	P	P	
Dwelling - HUD-Code Manufactured (Mobile) Home											P	
Dwelling - Industrialized Home		P	P	P	P	P	P	P				P
Dwelling - Mobile Home												
Dwelling - Multiple-Family										P		
Dwelling - Patio Home								P				P
Dwelling - Single-Family Detached		P	P	P	P	P	P	P	P	P		P
Dwelling - Town House									P			P
Dwelling - Two-Family								C	P	P		P
<u>Accessory &amp; Incidental Uses</u>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Accessory Structure (Residential)	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling		C	C	C	C	C	C	C	C	C	C	C
Farm Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P

P = Permitted

C = Conditional Use Permit

T = Temporary Commercial Permit  
 Chapter 2: Zoning Regulations  
 Page 2-109

Guest, Caretakers or Security Quarters	C	C	C	C	C	C	C	C	C	C	C	C
Off-Street Parking Incidental to Residential Main Use		P	P	P	P	P	P	P	P	P	P	P
Off-Street Parking Incidental to Nonresidential Main Use	C	C	C	C	C	C	C	C	C	C	C	C
Social & Recreational Building, including homeowners association neighborhood Recreation centers	C	C	C	C	C	C	C	C	C	P	P	C
Off-site Detention Facility	C	C	C	C	C	C	C	C	C	C	C	C
Onsite Detention Facility	P	P	P	P	P	P	P	P	P	P	P	P
Sale of Produce from Community Garden												P
<b>Entertainment &amp; Recreational Uses</b>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Country Club/Private Golf Course/Public Golf Course	C	C	C	C	C	C	C	C	C	P	P	
Park and/or Playground (Private)	P	P	P	P	P	P	P	P	P	P	P	P
Park and/or Playground (Public; Municipal)	P	P	P	P	P	P	P	P	P	P	P	P
Recreation Center (Private, For Profit)										C	C	
Swimming Pool, Commercial	C											C
Swimming Pool, Private (Use Only By Resident)	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Outdoor Amusement/Activity	T	T	T	T	T	T	T	T	T	T	T	T
Tennis or Swim Club (Private, For Profit)	C	C	C	C	C	C	C	C	C			P

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T = Temporary Commercial Permit  
Chapter 2: Zoning Regulations  
Page 2-110

Tennis Court (Private/Lighted)	P	P	C	C	C	C	C	C	C	C	C	C
Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}	C											
<b>Automobile-Related Service Uses</b>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity										C		
<b>Personal &amp; Business Service Uses</b>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Bed & Breakfast Inn	C	C	C	C	C	C	C	C	C	C		C
Laundromat (Self-Service Laundry)										C		
<b>Retail &amp; Business Service Uses</b>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Garage and/or Yard Sales	P	P	P	P	P	P	P	P	P	P	P	P
<b>Institutional and Governmental Uses</b>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Antenna (Commercial or Non-Commercial)	See Telecommunications Regulations, Chapter 2, Article 5, Division 5 of the UDC											
Assisted Living Facility										C		
Child Day Nursery	P	P	P	P	P	P	P	P	C	C	P	P
Church, Temple, or Place of Worship	C	C	C	C	C	C	C	C	C	C	C	C
Community/Group Home	P	P	P	P	P	P	P	P	P	P	P	
Community or Social Buildings	C	C	C	C	C	C	C	C	C	C	C	C
Convent or Monastery	P	P	P	P	P	P	P	P	P	P	P	P
Day Camp (For Children)	C									C	C	
Fraternal Organization	C	C	C	C	C	C	C	C	C	C	C	C

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 Chapter 2: Zoning Regulations  
 Page 2-111

Fraternity or Sorority House	C	C	C	C	C	C	C	C	C	C	C	C
Governmental Building or Use (County, State or Federal)	C	C	C	C	C	C	C	C	C	C	C	C
Home for Alcoholic, Narcotic or Psychiatric Patients										C		
Hospice (Defined Under Household Care Facility)	P	P	P	P	P	P	P	P	P	P	P	
Hospital (For Profit)										C		
Hospital (Non-Profit)										C		
Institution of Religious, Educational or Philanthropic Nature	C	C	C	C	C	C	C	C	C	C	C	C
Library, Public or Museum (Indoor)										C		
Cemetery (Including Mausoleum)												
Municipal Public Administration Offices	C	C			C	C	C	C		C	C	C
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)										P		
School - Elementary, Junior High or High School (Public or Parochial)	C	C	C	C	C	C	C	C	C	P	C	C
School - Other Than Public or Parochial	C	C	C	C	C	C	C	C	C	P	C	C
Sheltered Care Facility										C		
<b>Utility &amp; Related Service Uses</b>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Cellular Communications Tower/PCS {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}	C	C	C	C	C	C	C	C	C	C	C	C
Electrical Substation	C	C	C	C	C	C	C	C	C	C	C	C
Franchised Private Utility (Other than those listed)	C	C	C	C	C	C	C	C	C	C	C	C

P = Permitted

C = Conditional Use Permit

T = Temporary Commercial Permit  
 Chapter 2: Zoning Regulations  
 Page 2-112



Gas Transmission & Metering Station	C	C	C	C	C	C	C	C	C	C	C	C
Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}		C	C	C	C	C	C	C	C	C	C	C
Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}	C	C	C	C	C	C	C	C	C	C	C	C
Satellite Dish (Private, less than 4' in diameter) {See Telecommunication Regs. Chp. 2, Art. 5, Div. 5 of the UDC}	P	P	P	P	P	P	P	P	P	P	P	P
Satellite Dish (greater than 4' in diameter) (See Telecommunication Regs. Chp. 2, Art. 5, Div. 5 of the UDC)	C	C	C	C	C	C	C	C	C	C	C	C
Telephone Exchange Switching Relay & Transmitting Equipment	C	C	C	C	C	C	C	C	C	C	C	C
<b>Commercial &amp; Related Service Uses</b>												
	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Cattle Feedlot (CAFO)	C											
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)		P	P	P	P	P	P	P	P	P	P	P
Home Sales office-temp (for new subdivision)	P	P	P	P	P	P	P	P	P	P	P	P
Pet Care Facility/Animal Kennel (With Indoor Pens)	C											
<b>Industrial &amp; Related Service Uses</b>												

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C = Conditional Use Permit

T = Temporary Commercial Permit  
 Chapter 2: Zoning Regulations  
 Page 2-113

	SD	R-E	SR-15	SR-12	R-1	R-2	R-3	R-4	TH	MF	MH	OT-R
Airport & Heliport/Helipad & or Landing Field	C											
Commercial Extraction of Soil, Sand, and Gravel or similar material and storage	C	C	C	C	C	C	C	C	C	C	C	C
Petroleum or Petroleum Product Extraction	C	C	C	C	C	C	C	C	C	C	C	C

**Section 2.5.2.2: The Non-Residential Land Use Matrix**

<b><u>Non-Residential Land Use Matrix</u></b>																	
	<b><u>Mixed-use Districts</u></b>										<b><u>Commercial Districts</u></b>						
	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
<b><u>Primary Agricultural Uses</u></b>																	
Agricultural Field Crops or Orchards	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Animal Husbandry	C	C	C	C	C	C	C	P	P	C	P	P	P	P	C	P	P
Bulk Grain and/or Feed Storage															C	P	P
Farm (Ranch, Livestock)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Feed & Grain Store/Farm Supply Store								C						C	P	P	P
Flour and Other Grain Mills																P	P
Livestock Sales, Wholesale																P	P
Stable/ Riding Facility, Commercial						C	C							P	P	P	P
<b><u>Primary Residential Uses</u></b>																	
	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2

P = Permitted

C = Conditional Use Permit

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 Chapter 2: Zoning Regulations  
 Page 2-114

Boarding or Rooming House																		C	C			
Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family)																						
Dwelling - HUD-Code Manufactured (Mobile) Home																					C	C
Dwelling - Industrialized Home							C	C			P											
Dwelling - Mobile Home																						
Dwelling - Multiple-Family				C																		
Dwelling - Patio Home																						
Dwelling - Single-Family Detached								P	P	C	C	C										
Dwelling - Town House																						
Dwelling - Two-Family																						
<b>Accessory &amp; Incidental Uses</b>																						
	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2					
Accessory Structure (Business or Industry)	C	C	C	P	P	C	C	P	P	C	P	P	P	P	P	P	P	P				
Accessory Structure (Residential)																						
Accessory Dwelling																						
Farm Accessory Building	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P				
Guest, Caretakers or Security Quarters	P	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C				
Off-Street Parking Incidental to Residential Main Use																						
Off-Street Parking Incidental to Nonresidential Main Use																						
Social & Recreational Building, including homeowners association neighborhood																						

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 Chapter 2: Zoning Regulations  
 Page 2-115

Recreation centers																	
Off-site Detention Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Onsite Detention Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sale of Produce from Community Garden						P	P	P	P		P	P	P	P	P		
<b>Entertainment &amp; Recreational Uses</b>																	
	<b>S1</b>	<b>S2</b>	<b>S3</b>	<b>S4</b>	<b>S5</b>	<b>C-MU</b>	<b>G/O-MU</b>	<b>OT-GB</b>	<b>OT-MU</b>	<b>RRN</b>	<b>OP</b>	<b>BP-288</b>	<b>NS</b>	<b>GB</b>	<b>GC</b>	<b>M-1</b>	<b>M-2</b>
Commercial Amusement, Outdoor	C					C	C	C	P		C	C	C	P	P		
Commercial Amusement, Indoor	P					C	C	P	C		C	P	C	P	P		
Country Club/Private Golf Course/Public Golf Course		P	P	P		P	P	P	P		P	P	P	P	P		
Dinner Theatre	C					C	C	P	C		C	P	C	P	P		
Drag Strip/Race Track															C	C	C
Fairgrounds or Rodeo Grounds												C		C	C	C	C
Gaming Establishment						C	C	C	C		C	C	C	C	C	C	C
Park and/or Playground (Private)	P	P	P	C	C	P	P	P	P		P	P	P	P	P		
Park and/or Playground (Public; Municipal)	P	P	P	C	C	P	P	P	P		P	P	P	P	P		
Private Club						C	C	C	C		C	C	C	P	P	C	C
Recreation Center (Private, For Profit)	P	P	P			C	C	P	C	C	C	P	P	P	P		
Swimming Pool, Commercial	C					C	C	C	C	C	C	C	C	P	P		
Swimming Pool, Private (Use Only By Resident)			P			P	P	P	P	C	P	P	P	P	P		
Temporary Outdoor Amusement/Activity	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Tennis or Swim Club (Private, For Profit)	P	P	P			P	P	P	P	C	P	P	P	P	P		
Tennis Court	C	C	C			C	C	C	P	C	C	C	C	C	P		

P = Permitted

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T = Temporary Commercial Permit  
 Chapter 2: Zoning Regulations  
 Page 2-116

(Private/Lighted)																			
Theater for the Performing Arts						C		P	C				C	C	P	P			
Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}																C			
<b>Automobile-Related Service Uses</b>																			
	<b>S1</b>	<b>S2</b>	<b>S3</b>	<b>S4</b>	<b>S5</b>	<b>C-MU</b>	<b>G/O-MU</b>	<b>OT-GB</b>	<b>OT-MU</b>	<b>RRN</b>	<b>OP</b>	<b>BP-288</b>	<b>NS</b>	<b>GB</b>	<b>GC</b>	<b>M-1</b>	<b>M-2</b>		
All Terrain Vehicle (Go-Carts & Motor Cycles) Dealer/Sales				P	P									C	C	P	P		
Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair)						C		P						P	P	P			
Auto Glass Repair/Tinting (Indoor)						C		C						P	P	P	P		
Auto Glass Repair/Tinting (Outdoor)						C		C						C	C	P	P		
Auto Interior Shop/Upholstery (Indoor)						C		C		C				P	P	P	P		
Auto Interior Shop/Upholstery (Outdoor)						C		C		C				C	C	P	P		
Auto Parts Sales (With Outside Storage or Display)														C	C	P	P		
Auto Parts Sales (Indoors Only; With Repair Bays)						C				C				P	P	P	P		
Auto Rental								C						C	C	P	P		
Auto Repair (Major)															C	P	P		
Auto Repair (Minor)						C		C						C	C	P	P		
Auto Sales/Dealer (New - In Building, Auto Servicing and Used Auto Sales as accessory uses only) - Combined auto lease								C						C	C	C	C		

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T = Temporary Commercial Permit  
 Chapter 2: Zoning Regulations  
 Page 2-117

Auto Wash (Full Service/Detail Shop)						C		C				C		P	P	P	P	
Auto Wash (Self-Service)								C						C	C	P	P	
Auto Wrecker Service															C	P	P	
Boat Sales/Personal Watercraft Sales (New/Repair)															C	P	P	
Bus or Truck Storage															C	P	P	
Commercial Transit Terminal									P	C		C	C	C	C	C	P	P
Gasoline Station (With or Without Auto Wash - Self Serve)						C			P					C	C	C	P	P
Limousine/Taxi Service															C	P	P	
Motorcycle Sales/Dealer (New/Repair)						C	C								C	P	P	
Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity)	C	C		C	C				P					C	C	C	P	P
Tire Retreading and Capping																	P	P
Tire Sales (Outdoors, With Open Storage)																C	P	P
Transfer Station (Refuse/Pick-up)															C	C	C	
Truck (Heavy) and Bus Rental or Sales															C	P	P	
Truck or Freight Terminal															C	P	P	
<b>Office Uses</b>																		
	<b>S1</b>	<b>S2</b>	<b>S3</b>	<b>S4</b>	<b>S5</b>	<b>C-MU</b>	<b>G/O-MU</b>	<b>OT-GB</b>	<b>OT-MU</b>	<b>RRN</b>	<b>OP</b>	<b>BP-288</b>	<b>NS</b>	<b>GB</b>	<b>GC</b>	<b>M-1</b>	<b>M-2</b>	
Alternative Financial Services (No Motor Bank Services)																	C*	
Clinic, Medical or Dental	P	P	P	C	C	P	P	P	P	C	P	P	P	P	P	C		
Credit Agency	P	C	C	P	P			P	P		P	P	P	P	P	C		
Emergency Care Clinic	P	C	C	C	C	C		C	C	C		P		C	P	C		

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C = Conditional Use Permit

T = Temporary Commercial Permit  
 Chapter 2: Zoning Regulations  
 Page 2-118

Financial Institution (No Motor Bank Services)	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	C
Financial Institution (With Motor Bank Services)	P	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P	C
Office (other than listed)	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	C
Office, Parole-Probation, Bail Bonds	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)	C	C	C	C	C	C	C	C	P	P	C	P	P	P	P	P	C
Office/Clinic, Veterinarian (Animal Hospital, With Outside Pens)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Security Monitoring Company (No Outside Storage)				P	P	P	P	P	P	P	C	P	P	P	P	P	C
Telemarketing Agency							C		C		C		C		C	P	C

\* See Section 2.5.3.2 Regulations Specific to Use

	Personal & Business Service Uses																
	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Ambulance Service				P	P			C	P					C	P	P	P
Automatic Teller Machine (ATM)	C	C	C	P	P	P	P	P	P		P	P	P	P	P	P	P
Automobile Driving School (including Defensive Driving)				P	P	P		C						C	P	P	P
Barber/Beauty Shop/Tanning Studios (No Related School/College)	P	P	P			P	P	P	P	C	P	P	P	P	P	C	

P = Permitted

C = Conditional Use Permit

T = Temporary Commercial Permit  
 Chapter 2: Zoning Regulations  
 Page 2-119

Barber/Cosmetology School/College				P	P	C		C				C		C	P	P	P	
Bed & Breakfast Inn	C	C	C			P	P	P	P		P	P	P	P	P			
Extended Stay Hotel/Motel, Hotel and Motel	C	C						C	C			C		C	C			
Funeral Home/Mortuary (Including Crematorium)								P				C	C	P	P	C		
Gym/Health Club (Physical Fitness; Indoors Only)	P	P	P			C	C	P	C	C	C	P	C	P	P	C		
Laundromat (Self-Service Laundry)								P	C		C		C	P	P	P		
Massage Establishment														C	C			
Microblading						P	P	P	P	C	P	P	P	P	P			
Rehabilitation Care Facility (Halfway House)								C	C		C		C	C	C	C		
Rehabilitation Care Institution (Commercial)								C	C		C		C	C	C			
Seamstress, Tailor or Laundry Dry Cleaning (Retail Only - Drop Off/Pick Up)	P	P	P			P	P	P	C	C	C	C	P	P	P			
Studio or Learning Center for Fine or Performing Arts	C	C	C			C	C	P	C	C	P	C	C	P	P	C	C	
Studio - Tattoo or Body Piercing																C	C	C

**Retail & Business Service Uses**

	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Animal Hospital (No Outside Pens)						C		C						C	P	C	
Antique Shop (No outside storage)	C	C	C			P	P	P	P	C	P	P	P	P	P	C	
Antique Shop (With outside storage)	C	C	C			C	C	C	C		C	C	C	C	P	C	
Art Museum, Dealer, or	P	P	P			P	P	P	P		C	C	C	P	P	C	

P = Permitted

C = Conditional Use Permit

T = Temporary Commercial Permit  
Chapter 2: Zoning Regulations  
Page 2-120



Studio																	
Astrology, Hypnotist or Psychic Arts							C			C	C	C	P	P	C		
Bakery (Wholesale)	P	P	P			P	P	P	C		C	C	C	P	P	C	
Cafeteria	C	C	C			C	C	P	P	C		P	P	P	P	C	
Cannabidiol (CBD) Retail														C*			
Catering Service	P	C	C			P	P	P	C	P	C	C	C	P	P	C	
Cigars Shop (Retail Only)															C*		
Coffee Roasting	C							P	C		C	P	C	P	P	C	
Resale/Consignment Shop	P	C	C			C	C	P	C	C	C	C	C	P	P	C	
Convenience Store (Without Gasoline Sales)	C	C	C			C	C	P	C	C	C	C	P	P	P	C	
Copy/Printing Shop	P	P	P			C	C	P	P	C	P	P	P	P	P	C	
Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing)	P	P	P					P				P		P	P	C	
Food Store/Supermarket	P	P	P					P					C	P	P	C	
Food Sales On or Off Premise	P	P	P			P	P	P	P	C		P	P	P	P	C	
Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)						C	C	P		C		P		P	P	C	
Garage and/or Yard Sales						P	P	C	C	P	C	C	C	C	C	C	
Garden Shop & Outside Plant Sales (i.e., Plant Nursery)						C	C	P	C	C	C	C	C	P	P	C	
General Retail Store, other than listed						C	C	P	C	C	P	P	P	P	P	C	
Hardware Store	C	C	C			C	C	P	C	C	C	C	C	P	P	C	
Jewelry Store	P	P	P			C	C	P		C		P	P	P	P	C	
Liquor/Package Store												C		C	C		
Market - Open Air (i.e., Flea Market)	C	C	C					C						C	C	C	
Medical Appliances & Sales						C		P		C		P		P	P	C	

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C = Conditional Use Permit

T = Temporary Commercial Permit  
 Chapter 2: Zoning Regulations  
 Page 2-121

Micro-Brewery/Micro-Distillery/Micro-Winery						C	C	C	C					C	C	C	C
Outside Display {See related regulations in applicable zoning districts}								P		C			C	P	P	C	
Piano and Musical Instruments (Retail Only)	P	P	P			C		P		C			P	P	P	C	
Pet Shop-Small Animals, Birds or Fish	P	P	P					P					P	P	P	C	
Restaurant (With Drive-In and/or Drive-Thru Service)	C	C	C			C	C	P		C			C	P	P	C	
Restaurant (With No Drive-In or Drive-Thru Service)	P	P	P			C	C	P		C		P	C	P	P	C	
Shopping Center	See applicable use categories																
Sign Shop						C	C	P		C			C	P	P	C	
Stone Monuments – Fabrication and Outdoor Storage						C	C			C					C	C	
Stone Monuments - Retail Sales Only (indoors)						C	C	P		C			C	P	P	C	
Tavern						C	C			C					C	C	
Vape, Smoke, Tobacco, or Head shops (Retail Only)																	C*

\* See Section 2.5.3.2 Regulations Specific to Use

**Institutional and Governmental Uses**

	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Adult Day Care Center (Business)						C	C	P	C	C	C	C	C	P	P		
Antenna (Commercial or Non-Commercial)																	
Assisted Living Facility			C			C	C	P	C		C	P	C	P	P		
Auction House								P	C		C	P	C	P	P		
Child Day Care Center (Business)	P	P	P			C	C	P	C	C	C	P	C	P	P		

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Chapter 2: Zoning Regulations  
Page 2-122

Child Day Nursery						P	P	P	P	C	P	P	P	P	P		
Church, Temple, or Place of Worship	P	P	P	P	P	P	P	P	C	C	C	P	C	P	P		
Civic Center (Municipal)		P	P					P	C		C	P	P	P	P		
Civic Club		P	P					P	C		C	P	P	P	P		
Community/Group Home						C	C		P		P		P				
Community or Social Buildings		P	P			C	C		P		P		P				
Convent or Monastery	P	P	P	P	P	P	P	P	P		P	P	P	P	P		
Day Camp (For Children)								P	P		P		P	P	P		
Exhibition Hall or Public Assembly (Auditorium, Gymnasium, Stadiums etc.)	C	C	C			C		C				P		C	P	P	P
Fraternal Organization	C	C	C			C	C	P	P		P	P	P	P	P		
Fraternity or Sorority House	C	C	C			C	C	P	P		P	P	P	P	P		
Governmental Building or Use (County, State or Federal)	C	P	P	C	C	C	C	P	P	C	P	P	P	P	P	P	P
Home for Alcoholic, Narcotic or Psychiatric Patients								C	C		C	C		C	C		
Hospice (Defined Under Household Care Facility)						C	C		P		P		P				
Hospital (For Profit)	P			P	P			P	C		C	P	C	P	P	P	P
Hospital (Non-Profit)	C			C	C			P	C		C	P	C	P	P	P	P
Institution of Religious, Educational or Philanthropic Nature	P	P	P	P	P	C	C	P	P		P	P	P	P	P		
Library, Public or Museum (Indoor)		P	P					P	P		P	P	P	P	P		
Cemetery (Including Mausoleum)						C		P						P	P		
Municipal Public Administration Offices		P		P	P	P	P	P	P		P		P	P	P	P	P
Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)			C					P	C		C	C	C	P	P		
Penal or Correctional Institutions																C	C

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Chapter 2: Zoning Regulations  
Page 2-123

School - Elementary, Junior High or High School (Public or Parochial)		C	C	C		C	C	P	P		P	P	P	P	P		
School - Other Than Public or Parochial		C	C	C		C	C	P	P		P	P	P	P	P		
Sheltered Care Facility								C						C	C		
Studio for Radio and/or Television (No Tower[s])								P	P		P	P	C	P	P	P	P
<b>Utility &amp; Related Service Uses</b>																	
	<b>S1</b>	<b>S2</b>	<b>S3</b>	<b>S4</b>	<b>S5</b>	<b>C-MU</b>	<b>G/O-MU</b>	<b>OT-GB</b>	<b>OT-MU</b>	<b>RRN</b>	<b>OP</b>	<b>BP-288</b>	<b>NS</b>	<b>GB</b>	<b>GC</b>	<b>M-1</b>	<b>M-2</b>
Cellular Communications Tower/PCS {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
Electric Power Generating Plant																C	C
Electrical Substation	C	C	C	P	P	C	C	C	C	C	C	C	C	C	C	C	C
Franchised Private Utility (Other than those listed)	C	C	C	P	P	C	C	C	C	C	C	C	C	C	C	P	P
Gas Transmission & Metering Station	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C	P	P
Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
Dumps, Landfills, and Sanitary Landfill (Private or Public)																C	C

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 Chapter 2: Zoning Regulations  
 Page 2-124

Satellite Dish (Private, less than 4' in diameter) {See Telecommunication Regs. Chp. 2, Art. 5, Div. 5 of the UDC}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Satellite Dish (greater than 4' in diameter) (See Telecommunication Regs. Chp. 2, Art. 5, Div. 5 of the UDC)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Telephone Exchange Switching Relay & Transmitting Equipment	C	C	C	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility Shops or Storage, Yards and Building								C						C	P	P	P	

**Commercial & Related Service Uses**

	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Appliance Repair							C	C						C	P	P	P
Building Material Sales				P	P		C								P	P	P
Cabinet Business				P	P		P	C					P	P	P	P	P
Cannery Wholesale								C						C	P	P	P
Cattle Feedlot (CAFO)															C	C	C
Cleaning, Dyeing or Laundry Plant, Commercial																P	P
Construction Contractor with Storage Yard															C	P	P
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Dance Hall or Night Club	C		C					C	C					C	P		
Cinema	C					C		C				C		P	P		
Drive-In Theater								C						C	P		

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 Chapter 2: Zoning Regulations  
 Page 2-125

Exterminator Service/Company (No outdoor sales or storage)								C						C	P	P	P
Gravestone/Tombstone Sales															P	P	P
Heating & Air-Conditioning Sales/Services							C	C						C	P	P	P
Heavy Machinery Sales, Storage, Rental & Repair Combined Tool and Machinery Rental (Indoor Storage only)															C	P	P
Home Sales office-temp (for new subdivision)									P								
Laboratory, Medical or Dental				P	P	C	C	P	C		C	P	C	P	P	P	P
Liquefied Petroleum Storage & Sales															C	C	C
Locksmith/Key Shop						C	C	C		C				C	P	P	P
Lumber Mill/Yard															C	C	C
Manufactured Home Display, Sales and/or Rental (New or Used)															P	P	P
Medical Device Assembly	P	P	P	P	P										C	P	P
Metal, Machine or Wood Shop				P	P	C	C								P	P	P
Milk Depot – Wholesale															P	P	P
Mini-Warehouse/Self Storage									C*					C*	C*	C*	C*
Mobile/ Manufactured Home Sales or Rental Only															C	C	C
Moving and Storage Company									C					C	C	P	P
News Printing/Book Binding									C					C	C	P	P
Office Warehouse Storage or Sales (Defined Under Storage or Wholesale Warehouse)				P	P										P	P	P

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 Chapter 2: Zoning Regulations  
 Page 2-126

Outside Storage								C			C	C		C	C	P	P
Pet and Animal Grooming Shop	C	C	C			C	C	P		C				P	P		
Pet Care Facility/Animal Kennel (With Indoor Pens)	P	C	C	C	C	C	C	P	C		C	P	P	P	P	P	P
Pet Care Facility/Animal Kennel (With Outdoor Pens)															C	C	
Petroleum Products Bulk Storage (Wholesale)															C	C	C
Pipe Processing or Storage Yard															C	C	P
Plumbing or Carpenter Shop (No Outside Storage)				P	P	C	C	C		C				C	P	P	P
Printing Equipment, Supplies and Repairs						C	C	C		C				C	P	P	P
Propane Sales (Retail)						C	C	C		C				C	P	P	P
Railroad, Bus, Light Rail Passenger Station (Public)	C	C	C	C	C	P		P		C				P	P	P	P
Railroad Team Tracks, Freight, Depot or Docks																P	P
Storage of Used Lumber and Building Materials							C								C	P	P
Taxidermist															C	P	P
Tool and Machinery Rental (with Outdoor Storage)															C	P	P
Upholstery Business (with Outdoor Storage)						C	C	C						C	P	P	P
Wholesale Trade - Nondurable Goods				P	P	C	C	C		C				C	P	P	P

\* See Section 2.5.3.2 Regulations Specific to Use

**Industrial & Related Service Uses**

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Chapter 2: Zoning Regulations  
Page 2-127

	S1	S2	S3	S4	S5	C-MU	G/O-MU	OT-GB	OT-MU	RRN	OP	BP-288	NS	GB	GC	M-1	M-2
Airport & Heliport/Helipad & or Landing Field	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C
Animal Processing						C	C	C		C				C	C	C	C
Asphalt/Concrete Batching Plant															C	C	C
Auto Assembly or Auto Parts Manufacturing				P	P										C	P	P
Bio-Tech, High-Tech Manufacturing				P	P	C	C					C			C	P	P
Chemical Packing and/or Blending																C	C
Clothing Manufacturing				P	P	C	C								P	P	P
Commercial Extraction of Soil, Sand, and Gravel or similar material and storage	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Explosives Manufacturer and/or Storage																	C
Hazardous Emissions																	C
Light Manufacturing Process				P	P	C	C									P	P
Heavy Manufacturing Process				P	P												P
Manufacturer of Chlorine or Other Toxic Gasses																	C
Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law but excluding those listed in Section 2.4.4.6 and Section 2.4.4.7 of this UDC																	P
Minor Concrete Batching Operation & Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)															C	C	C

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 Chapter 2: Zoning Regulations  
 Page 2-128



Petroleum Refining, Manufacturer, or Bulk Storage				C	C												C
Petroleum or Petroleum Product Extraction	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Warehouse & Distribution Facility				P	P										C	P	P
Wrecking or Salvage Yard (Auto, Steel or Building Materials)																C	C

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Ord. No. 2000T-30, Section 2.5.2.2, August 26, 2019.

Ord. No. 2000T-31, Section 2.5.2.2, November 25, 2019.

Ord. No. 2000T-36, Section 2.5.2.2, February 14, 2022.

Ord. No. 2000T-38, Section 2.5.2.2, October 24, 2022.

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Division 3 – Accessory Uses & Structures

**Section 2.5.3.1 Area Regulations for Accessory Structures (All Districts)**

(a) **Location of Accessory Structures on Smaller Lots.** On properties less than one (1) acre in size and zoned or utilized for residential use, accessory structures shall only be permitted to locate as follows:

(1) Garages, carports, swimming pools and structures that typically accompany pools (such as bath houses, cabanas, and covered patios next to a pool), shall be entirely behind the imaginary line that incorporates the rearmost front face at least five (5) feet in length of the principal building. That portion of any such accessory structure that is located in front of the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building shall comply with the side setback requirements applicable to the principal building.

(2) All other accessory structures shall be located behind the imaginary line that incorporates the forward-most rear face at least five (5) feet in length of the principal building, and shall be no closer than five feet (5') to a common property line, or three feet (3') upon approval of the building official, and shall not encroach on any dedicated easements. (See *Figure 2-4*, on page 210.)

(b) **Location of Accessory Structures on Larger Lots.** On properties one (1) acre or greater in size and zoned or utilized for residential use, accessory structures shall be permitted anywhere on the property so long as such structures: (1) are set back at least one hundred (100) feet from the front property line; (2) are no closer than three feet (3') to a common property line; and (3) do not encroach on any dedicated easements.

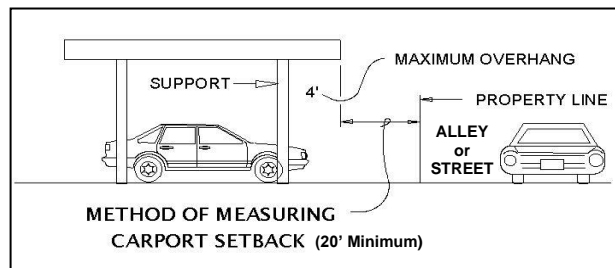
(c) **Screening for Accessory Buildings.** Accessory buildings in non-residential zoning districts shall be screened from public view in conformance with the requirements within Chapter 4, Article 2, Division 4 of this UDC.

(d) **Garages and Carports.** Garages and carports shall adhere to all requirements of this Section 2.5.3.1, except that front, rear, and side yard setbacks shall meet the following:

(1) Garages or carports accessed from an interior side yard shall have a minimum setback of twenty feet (20') from the side lot line.

(2) Carports or garages accessed from a side or rear yard, facing a public street, or from a side or rear alley shall have a minimum distance equal to the required yard for the main building or twenty feet (20'), whichever is greater.

(3) For these requirements, carports shall be measured from the roof nearest to the street or alley (see *Figure 2-3*).



*Figure 2-3: Carport Setback*

- (e) **Accessory Buildings Without a Main Building.** Accessory buildings are not permitted without a main structure except in the Suburban Development (SD) District.
- (f) **Height of Accessory Buildings.** Accessory buildings shall not exceed the height allowed in the specific zoning district, except taller accessory buildings (including accessory dwellings) may be allowed in certain zoning districts by Conditional Use Permit (CUP) (see Article 2, Division 3) if there is no adverse impact upon adjacent properties.
- (g) **Size of Accessory Buildings.** The total floor area of all accessory structures shall not exceed fifty percent (50%) of the square footage of the livable area of the residence on the premises, or five percent (5%) of the lot area, whichever is greater. This requirement shall not apply to swimming pools or barns and related structures necessary for farming and ranching purposes.
- (h) **Number of Accessory Buildings.** There shall be no more than three (3) accessory buildings on any residential lot, excluding swimming pools. Lots that are ten (10) acres or greater in size are exempt from this requirement.
- (i) **Trailers Used for Accessory Uses.** No permanent use of an accessory trailer(s) is permitted. Accessory uses for residential purposes (e.g., recreational vehicles, motor homes) are permitted, but for a period of time not to exceed sixty (60) days per calendar year. Trailers for nonresidential accessory uses are permitted with the following conditions:
  - (1) The trailer is an accessory use of an existing business.
  - (2) The trailer is designed for use as an accessory use, not as a primary use.
  - (3) The trailer does not occupy a required parking space.
  - (4) The accessory trailer shall not be permitted for more than fourteen (14) days for each six-month (6-month) period of time.
  - (5) The accessory trailer meets all of the requirements of the City's electrical codes if electricity is provided to said trailer.
  - (6) The trailer is not being used for advertising/signage purposes, as is prohibited in Chapter 4, Article 2, Division 5 of the UDC.
- (j) **Motor Homes, Trailers, and Recreational Vehicles.** Such vehicles may be parked, in an operable conditional, on the primary, paved, residential driveway. Such vehicles may also be stored in a side or rear yard if completely screened from the view of the roadway or neighboring properties and in accordance with sections 4.2.4.1 and 4.2.4.3 of the Unified Development Code.

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Ord. No. 2000T-8, Section 2.5.3.1, August 25, 2008.

Ord. No. 2000T-11, Section 2.5.3.1, July 27, 2009.

Ord. No. 2000T-13, Section 2.5.3.1, October 24, 2011.

Ord. No. 2000T-14, Section 2.5.3.1, January 14, 2013.

### **Section 2.5.3.2 Regulations Specific to Use**

**(a) Micro-Brewery/Micro-Distillery/Micro-Winery** – Each facility must meet the following conditions:

- a. Maximum Size of the facility and all associated uses shall be 15,000 square feet.
- b. The establishment will include at least one of the following uses, associated with the facility, and located in the same building: a restaurant, tasting room, bar, or lounge, that shall meet the following conditions:
  - i. All prescribed conditions associated with the retail, restaurant, tasting room, bar, or lounge shall be met including separation distances and buffers,
  - ii. The minimum size of the associated retail, restaurant, tasting room, bar, or lounge shall be 10% of the total square footage of the facility and all associated uses, or 1,000 square feet, whichever is less
  - iii. All Texas Alcoholic Beverage Commission (TABC) regulations will apply.

Mobile Food Units and Concessionaires will be permitted for Breweries, Micro Distilleries, and Micro Wineries with the conditions as listed below and in conjunction with the CUP for the above mentioned uses.

1. Number of Mobile Food Units and Concessionaires shall be limited to a maximum of three per site, with a minimum of one acre site area per Unit.
2. Vendors shall not use the site as a commissary.
3. Vendors shall not be allowed to stay overnight on the property and shall operate only during the hours that the brewery/distillery/winery is open.
4. The areas for Mobile Food Units and Concessionaires shall be outside the fire lane and will not encroach on required parking spaces for other primary and accessory uses on site.
5. Food handlers shall follow current Pearland standard for obtaining a “Food Handlers Permit”.
6. Mobile Food Units and Concessionaires shall not be located on parcels that are adjacent to residential uses or zones.
7. Mobile Food Units and Concessionaires shall be screened from view of adjacent streets, similar to parking spaces, as per applicable criteria outlined in Section 4.2.2.4 (d) of the UDC. Additionally, food trucks Mobile Food Units and Concessionaires shall not have their rear façade facing the street or circulation driveways, unless adequately screened as per the Screening and Fencing requirements in Chapter 4, Article 2, Division 4 of the UDC. Additional screening may be required as a condition of approval of the CUP.

8. Associated equipment, such as generators, gas tanks, etc. shall not be located in areas visible to the public or from streets and driveways, unless screened from view, as per the Screening and Fencing requirements in Chapter 4, Article 2, Division 4 of the UDC.
9. Additional parking shall be provided as per the UDC for food trucks and concessionaires.
10. Other conditions of the CUP, as approved by the City Council.

**(b) Massage Establishment** - Each facility established after January 28, 2019 must meet the following conditions:

1. A massage establishment may only operate between the hours of 8:00 A.M to 10:00 P.M. each day.
2. Outside windows of a massage establishment shall be transparent and the view from the outside into the lobby/waiting area shall be unobstructed.
3. All doors shall remain unlocked during normal business hours.
  - a. A place of business where a licensed massage therapist practices as a solo practitioner in a manner consistent with the applicable provisions of Section 455.155 of the Texas Occupations Code, as amended, is exempt from this regulation.
4. At no time shall a massage establishment provide a residence or dwelling to accompany this occupancy.
5. Licenses issued by the State for the establishment and the people working in it who are required to have a State license must be displayed and easily viewable with the lobby or waiting area.
6. A peace officer appointed or employed by a law enforcement agency of this state, or a licensed Code Enforcement Officer employed by the City, may enter the premises of a massage establishment pursuant to Sections 455.104 and 455.353 of the Texas Occupations Code.
  - a. If entry and access to the premises of the massage establishment is denied, entry shall be made under authority of a warrant to inspect the massage establishment.
7. The City may revoke the Conditional Use Permit and/or the Certificate of Occupancy of a massage establishment for violations including, but not limited to the following:
  - a. Any regulation set forth in Sec. 2.5.3.2 (b) above; and
  - b. The following Texas Penal Codes:
    - i. PC 20A-Trafficking of Persons,
    - ii. PC 43.02-Prostitution,
    - iii. PC 43.03 Promotion of Prostitution,
    - iv. PC 43.04 Aggravated Promotion of Prostitution,
    - v. PC 43.05 Compelling Prostitution,
    - vi. PC 43.25 Sexual Performance by a Child, or
    - vii. PC 43.251 Employment Harmful to Children.

(c) **Outdoor Activities and Uses** – No outdoor activity or use shall be permitted in the below districts without a CUP or temporary permit issued by the City’s Building Official pursuant to the City Building Code, unless expressly authorized herein:

	Outdoor Seating	Outdoor Storage	Outdoor Display	Outdoor Sales
OT-MU	P			
OT-GB	P	C	P	
RRN	C		C	
OP		C		
BP-288	P	C	C	
NS	P			T (4) See 2 and 5
GB	P	C	P	T (6) See 5
GC	P	C	P	T (6) See 5

1. All Land Uses as listed within Land Use Matrices and defined within Chapter 5 may have more specified allowances or requirements which would supersede the above requirements.
2. Outdoor activities are limited to non-residential uses in residential zoning districts as per Section 2.5.6.2 of this Chapter.
3. For GB and GC zoning districts, outdoor activities or uses shall be limited to the portion of the property that is not adjacent to the residential use or zoning district. Should a non-residential use in a residential zoning district be adjacent to either of these zoning districts then outdoor activities or uses may be allowed in that yard provided that the required buffer is maintained.
4. All display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10’), and shall not 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.
5. All temporary sales shall be limited to the number of occurrences listed between the parenthesis (x). Temporary sale of products associated with the primary use of the site and affiliated with the celebration of a holiday or national events (e.g., Hanukkah, Presidents’ Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to the above number of occurrences, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:
  - i. That there is an adequate off-street parking area, approved by the City;  
and
  - ii. That the location and layout of drives and parking areas, of lighting and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.

6. Outside storage may be permitted without a Conditional Use Permit in the General Business and General Commercial District if it meets the following criteria in addition to existing UDC regulations in Chapter 2 and 4.
  - i. The height of stored materials or goods between the principal building and the public right-of-way, shall not exceed the height of the screening wall.
  - ii. Outside storage, which is not an extension of the principal building, shall not exceed 1000 square feet or 5% of the total site area whichever is greater.
  - iii. Outside storage shall not be permitted in a multi-tenant commercial development.
  - iv. No outside storage shall be permitted between the front building line and the front face of the principal building.

**(d) Vape, Smoke, Tobacco, or Head shops** – Each facility established after February 14, 2022 must meet the following conditions:

- a. A distance of 1,000 feet shall be required from the property line where the use is being conducted to the property line of a School, Place of Worship, or Child Day Care Center.
- b. A distance of 300 feet shall be required from the property line where the use is being conducted to the right-of-way of a residential subdivision entrance.
- c. For properties that have frontage on a Corridor Overlay District, the use being conducted may not be within the first 300 feet from the property line of the designated roadway.
- d. The use may only operate between the hours of 8:00 A.M. to 10:00 P.M. each day.

**(e) Alternative Financial Services** – Each facility established after February 14, 2022 must meet the following conditions:

- a. For properties that have frontage on a Corridor Overlay District, the use being conducted may not be within the first 300 feet from the property line of the designated roadway.
- b. The use may only operate between the hours of 8:00 A.M. to 10:00 P.M. each day.

**(f) Mini-Warehouse / Self Storage** – Each facility established after February 14, 2022 must meet the following conditions:

- a. The use is prohibited from locating along any roadway with the Corridor Overlay District designation with exception to Main Street (State Highway 35).
- b. A distance of 300 feet shall be required from the property line where the use is being conducted to the right-of-way of a residential subdivision entrance.
- c. The use shall be climate controlled with exception to any accessory outdoor storage areas for vehicles.

**(g) Cannabidiol (CBD) Retail** – Each facility established after February 14, 2022 must meet the following conditions:

- a. A distance of 1,000 feet shall be required from the property line where the use is being conducted to the property line of a School, Place of Worship, or Child Day Care Center.
- b. A distance of 300 feet shall be required from the property line where the use is being conducted to the right-of-way of a residential subdivision entrance.
- c. For properties that have frontage on a Corridor Overlay District, the use being conducted may not be within the first 300 feet from the property line of the designated roadway.
- d. The use may only operate between the hours of 8:00 A.M. to 10:00 P.M. each day.

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Ord. No. 2000T-27, Section 2.5.3.2, April 23, 2018.

Ord. No. 2000T-29, Section 2.5.3.2, January 28, 2019.

Ord. No. 2000T-31, Section 2.5.3.2, November 25, 2019.

Ord. No. 2000T-36, Section 2.5.3.2, February 14, 2022.

Ord. No. 2000T-38, Section 2.5.3.2, October 24, 2022.

#### Division 4 – Home Occupations

##### **Section 2.5.4.1 Purpose**

- (a) **Purpose.** Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

##### **Section 2.5.4.2 Criteria for Home Occupations**

- (a) **Criteria for Allowed Home Occupation Uses.** The allowed uses under a customary Home Occupation shall comply with the following criteria.
- (1) No persons other than those residing on the premises shall be engaged in such occupation.
  - (2) 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 twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the Home Occupation.



- (3) 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.
- (4) There shall be no on premises sales in connection with such home occupation.
- (5) 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 not in a required front yard.
- (6) No equipment or process shall be used in such home occupation that 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.

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Ord. No. 2000T-13, Section 2.5.4.2, October 24, 2011.

#### **Section 2.5.4.3 Prohibited Home Occupations**

- (a) **Prohibited Home Occupation Uses.** The following uses are specifically prohibited from operating as a home occupation.
- (1) Clinic (of any type, including animal clinic);
  - (2) Doctor's office;
  - (3) Hospital;
  - (4) Barber shop and/or beauty shop;
  - (5) Dress shop;
  - (6) Real estate office;
  - (7) Health studio;
  - (8) Tea room;
  - (9) Palm reading; and
  - (10) Kennel.

#### **Section 2.5.4.4 Registered Family Home**

- (a) The operation of a Registered Family Home, as defined herein, shall be allowed in the appropriate zoning districts in accordance with the Land Use Matrices (Section 2.5.2.1), as a Home Occupation, provided the following requirements are met:

- (1) 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.
- (2) No advertising signage shall be allowed.
- (3) A fenced play area shall be provided. Fencing shall comply with Chapter 4, Article 2, Division 4 of this UDC, except that the minimum height for fences and gates shall be four feet (4').
- (4) The total number of children being given care, including the caretaker's own, shall not exceed seven (7) at any time.
- (5) The operation shall at all times be in compliance with Section 2.5.4.2 of this UDC.

### Division 5 – Telecommunications Towers & Antennas

#### **Section 2.5.5.1 Purpose, Applicability, & Conflicting Regulations**

(a) **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, location, landscape and screening requirements.

(b) **Applicability.**

- (1) This article applies to towers and antennas located in any zoning district.
- (2) This article does not apply to the following:
  - a. A receive-only television antenna or satellite dish less than four feet (4') in diameter;
  - b. Satellite dish antenna that is a permitted accessory use as provided in this chapter; or
  - c. A tower less than fifty feet (50') in height that is used as an amateur radio station.
    1. The Planning Department, however, 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 Conditional Use Permit (CUP) should be granted as required by this article.
- (3) Any regulations relating to the height of a tower, alternate tower structure, or antenna contained in this division of this UDC controls over any conflicting provision of any other regulations not contained in this article.

#### **Section 2.5.5.2 Conditional Use Permit Required**

(a) **Requirement & Procedures.** 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 conditional use permit. The procedures of this article relating to the application, processing, and determination of whether to grant a

conditional use permit, are in addition to any other provisions and requirements contained in other articles of these zoning regulations relating to conditional use permits.

**(b) Exemptions.**

- (1) Rooftop mounted towers and antennas may be located on any buildings serving a nonresidential use and on an alternative tower structure without obtaining a conditional use permit, if:
  - a. The structure, other than a tower on which the tower or antenna will be placed, exceeds fifty feet (50') in height;
  - b. The tower and antenna will add no more than twenty feet (20') total to the height of the existing structure;
  - c. The tower or antenna does not contain advertising; and
  - d. It complies with the lighting regulations for towers as specified in this division.
- (2) Freestanding antennas do not require a CUP in any nonresidential zoning district if it does not exceed the height requirement(s) in the district and it meets all other requirements of the district.

**(c) Procedures.** An application for a CUP for a tower, antenna, or use of an alternative tower structure shall meet the procedural requirements set forth for a CUP contained within Article 2, Division 3 of this Chapter 2.

**(d) Effects Not Considered.** The effects of radio frequency emissions on persons or the environment must not be considered in a proceeding involving an application for a conditional use permit.

**(e) Application & Requirements.** An application for a conditional 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:

- (1) 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 conditional use permit under this article.
- (2) 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.
- (3) A report from a professional structural engineer licensed in the State of Texas documenting the following:
  - a. Tower height and design, showing a cross-section of the tower structure.
  - b. Total anticipated capacity of the tower structure, including the number and types of antennas that can be accommodated.
- (4) 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.

- (5) 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:
- a. 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.
  - b. The applicant must request the following information from each tower owner contacted:
    1. Identification of the site by location, existing uses, and tower height.
    2. 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.
    3. 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.
    4. 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.
  - c. 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.
  - d. 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.
- (6) 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 2.5.5.3 General Requirements & Regulations**

- (a) **Advertising.** No advertising shall be permitted on an antenna or tower.
- (b) **Signs or Illumination.** No signs or illumination shall be 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) **Establishment.** A new cell shall 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) **Location.** A tower shall not be located in the required front yard in a residential district.
- (e) **Tower Separation.** All free-standing towers (not mounted on rooftops or alternative tower structures) must conform to the following minimum tower separation requirements contained in *Table 2-1*.

**Section 2.5.5.4 Visual Impacts**

**Table 2-1  
Tower Separation Requirements**

<b>Tower Height</b>	<b>Less Than 50'</b>	<b>50' to 100'</b>	<b>101' to 150'</b>	<b>Greater Than 150'</b>
<b>Less Than 50'</b>	300'	500'	750'	1,000'
<b>50' to 100'</b>	500'	750'	1,000'	1,500'
<b>101' to 150'</b>	750'	1,000'	1,500'	2,000'
<b>Greater Than 150'</b>	1,000'	1,500'	2,000'	2,500'

- (a) **Materials & Coloring.**
  - (1) 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.
  - (2) 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.
  - (3) 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.

**(b) Height & Design.**

- (1) Towers clustered at the same site must be of similar height and design.
- (2) 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 2.5.5.5 Principal, Accessory, & Joint Uses**

- (a) **Structures & Storage.** Accessory structures used in direct support of a tower are allowed, but such structures must not be used for offices, vehicle storage, or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
- (b) **Towers in Relation to a Principal Use.** 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 twenty percent (20%) percent of the tower height or twenty-five feet (25'), whichever is greater.
- (c) **More Than One Tower on One Site.** 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 2.5.5.6 Shared Use**

- (a) **No Permit Required.** To encourage shared use of towers, no conditional use permit is required for the addition of antennas to an existing tower so long as the tower has an approved conditional use permit, 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) **Tower Owner Responsibilities.** Any conditional 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) **Compliance Required.** 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 conditional use permit granted for the tower, and for refusing to approve a new conditional use permit for any new tower or antenna.

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Ord. No. 2000T-12, Section 2.5.5.6, June 28, 2010.

#### **Section 2.5.5.7 Abandoned Towers**

- (a) **Not Operated for a Specific Period.** 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) **Use After Abandonment.** 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 2.5.5.8 Pre-Existing Towers & Non-Conforming Uses.**

- (a) **Operative Towers.** All communications towers that are operative prior to the effective date of this UDC and that do not comply wholly with the requirements of this division are allowed to continue their present usage as a nonconforming use and are treated as a non-conforming use in accordance with Chapter 2, Article 7 of this UDC. 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 UDC.

#### **Section 2.5.5.9 Public Property**

- (a) **Exempt.** Antennas or towers located on property owned, leased or otherwise controlled by a City, State, or Federal entity are not required to obtain a conditional use permit under this division.

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Ord. No. 2000T-12, Section 2.5.5.9, June 28, 2010.

### **Division 6 – Requirements Applicable to Specific Land Uses**

### **Section 2.5.6.1 Industrialized Housing**

- (a) **Requirements for Industrialized Housing.** Industrialized homes in any residential zoning district shall meet all of the requirements of the district in which the industrialized home is located, and shall:
- (1) Have a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred feet (500') of the lot on which the industrialized housing is proposed to be located as determined by the most recent certified tax appraisal roll for each county in which the properties are located (i.e., Brazoria, Harris, or Fort Bend county);
  - (2) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with any single-family dwelling located within five hundred feet (500') of the lot on which the industrialized housing is proposed to be located;
  - (3) Comply with aesthetic standards, building setbacks, side and rear yard offsets, subdivision standards, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings in the zoning district in which the industrialized home is located; and
  - (4) Be securely affixed to a permanent foundation.
- (b) **The Meaning of "Value".** For the purposes of subsection (a) above, "value" means the taxable value of the industrialized home and the lot after the installation of the industrialized home.

### **Section 2.5.6.2 Non-Residential Uses in Residential Zoning Districts**

- (a) **Purpose.** Standards for nonresidential uses located within residential districts are set forth to minimize conflicts between land uses within residential areas.
- (b) **Nonresidential Use Regulations Within Residential Zoning Districts.** Any nonresidential use located within a residential zoning district and/or permitted by the Residential Land Use Matrix to locate within a residential zoning district shall comply with the regulations prescribed for the Neighborhood Service (NS) District, unless otherwise specified within this UDC.

### **Section 2.5.6.3 Residential Anti-Monotony Regulations**

- (a) **Purpose.** Standards for addressing the issue of monotony in residential neighborhoods are set forth to promote the ideal of visually interesting residential areas. These standards are intended to encourage high-quality and innovative designs for the exterior of local homes and yard areas that in turn encourage viable neighborhoods of enduring aesthetic value.
- (b) **Applicability.**
- (1) The requirements of this section shall apply to any new construction within a residential subdivision the plat for which was filed after the adoption date of this UDC, the 27<sup>th</sup> of February, 2006.



- (2) Only residential subdivision plats for townhome (but not duplex) developments and multiple-family developments shall be exempt from the requirements within this Section 2.5.6.3.
- (c) **Requirements Related to Residential Floor Plans.** Where the development application indicates a residential development comprised of seventy-five (75) or more lots, a minimum of eight (8) front facades must be utilized, and no single front facade shall be duplicated within four (4) lots or tracts.
- (d) **Varying Front Yards, Living Space Areas, & Garage Locations.** The following shall be applied cumulatively to residential developments with twenty (20) or more platted lots.
- (1) Front Yards Varied: Variations of the front yard setback shall be allowed such that a maximum of one-third (1/3) of the platted lots are permitted to decrease the setback a maximum of five feet (5').
  - (2) Garage Locations: A minimum of one-third (1/3) of the houses shall be arranged such that the garage is not the dominant visual architectural feature by incorporating at least one (1) of the following:
    - a. A garage that is detached from the house and is connected to the house with a breezeway or sidewalk.
    - b. A garage that is accessed from a driveway at the rear of the lot (i.e., back-entry).
    - c. A garage that is accessed from a side turn-in driveway at the front facade (i.e., j-drive).
    - d. A garage with a second story that is enhanced with windows, gables, or a porch.

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Ord. No. 2000T-2, Section 2.5.6.3, February 26, 2007.

Ord. No. 2000T-3, Section 2.5.6.3, July 9, 2007.

#### **Section 2.5.6.4 Temporary Home Sales Offices**

- (a) **Purpose.** Standards for temporary home sales offices are set forth to allow residential developments in Pearland to have an on-site sales office as the development is constructed.
- (b) **Applicability.**
- (1) Any and all requirements within this Section 2.5.6.4 shall apply to any residential subdivision plat hereinafter the adoption date of this UDC, the 27<sup>th</sup> of February, 2006.
  - (2) Any residential development that will ultimately (i.e., at build-out) provide dwelling units that only will be rental units shall not be permitted to have a temporary home sales office.
- (c) **Requirements.**

- (1) The word *temporary* as it applies to this Section shall mean for a period not to exceed four (4) years, or fourteen hundred and sixty (1,460) days.
- (2) The Temporary Homes Sales Office must:
  - a. Be located at all times on the development site (i.e., shall not be permitted to be off-site).
  - b. Have a building permit issued, except if the development is located outside the City limits.
  - c. Have interior restroom facilities.
  - d. Be connected to a public water and wastewater system.
  - e. Meet the City's Electrical Code requirements.
- (3) Any trailer or portable building that is used for a Temporary Home Sales Office shall:
  - a. Be a maximum of four (4) years old. The manufacture date of the trailer or portable building must be within the four-year period previous to the date upon which the trailer is placed on-site.
  - b. Be maintained at all times in good condition, with no peeling paint, rusted areas, cracked areas, etc.
  - c. Be freshly painted when placed on-site, within the two week period.
  - d. Meet the City's Building Code requirements for trailers related to tie-downs.
  - e. Meet the City's Building Code requirements for trailers related to withstanding wind loads.
  - f. Meet the requirements of Subsection (c)(2) above.

### **Section 2.5.6.5      Municipal Uses**

(a) Municipal land uses shall be allowed in all zoning districts, and facilities owned and used by the City of Pearland shall not be required to obtain any zoning approval, including without limitation changes in zoning districts or conditional use permits.

(b) Notwithstanding the exemption above, a municipal facility or use shall nonetheless comply with all requirements regarding screening, landscaping, parking, façade, setbacks, and buffers found in the regulations for the Corridor Overlay District, if the municipal facility or use is located therein, and the zoning district deemed by the Planning Director most appropriate for the municipal facility or use, as shown in the examples below:

- (1) administrative office facility: Office Professional District (OP)
- (2) community/recreation center: Office Professional District (OP)
- (3) emergency services (fire or EMS) facility: General Business District (GB)
- (4) police facility: General Commercial District (GC)
- (5) animal control facility: General Commercial District (GC)

- (6) vehicle service facility: General Commercial District (GC)
- (7) sewer lift station: Light Industrial District (M-1)
- (8) wastewater treatment facility: Light Industrial District (M-1)

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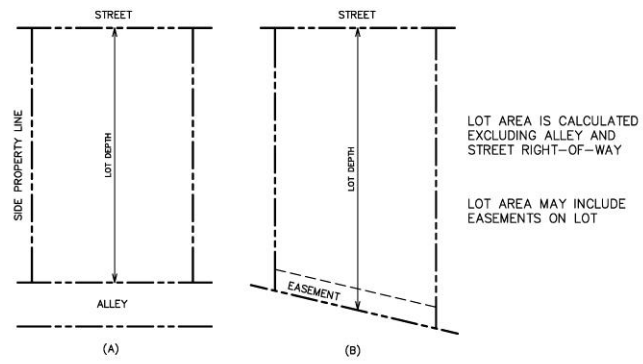
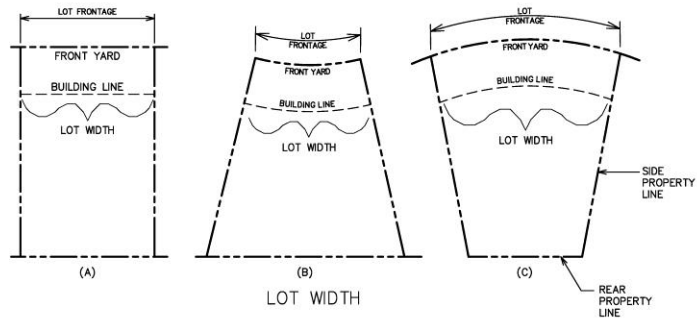
Ord. No. 2000T-8, Section 2.5.6.5, August 25, 2008.

## ***Article 6 – Supplemental Use Standards***

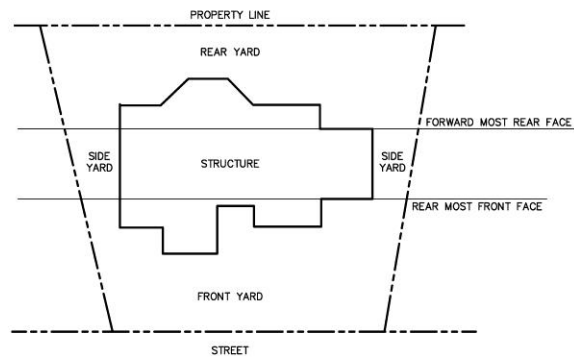
### ***Division 1 – Area, Building & Height Regulations***

#### **Section 2.6.1.1 Area & Building Regulations**

- (a) **Measuring Setbacks & Lot Dimensions.** All setback measurements shall be made in accordance with *Figure 2-4* and *Figure 2-5* (on the following page).



LOT AREA & DEPTH



MEASURING SETBACKS AND LOT DIMENSIONS

FIGURE 2-4: MEASURING SETBACKS AND LOT DIMENSIONS

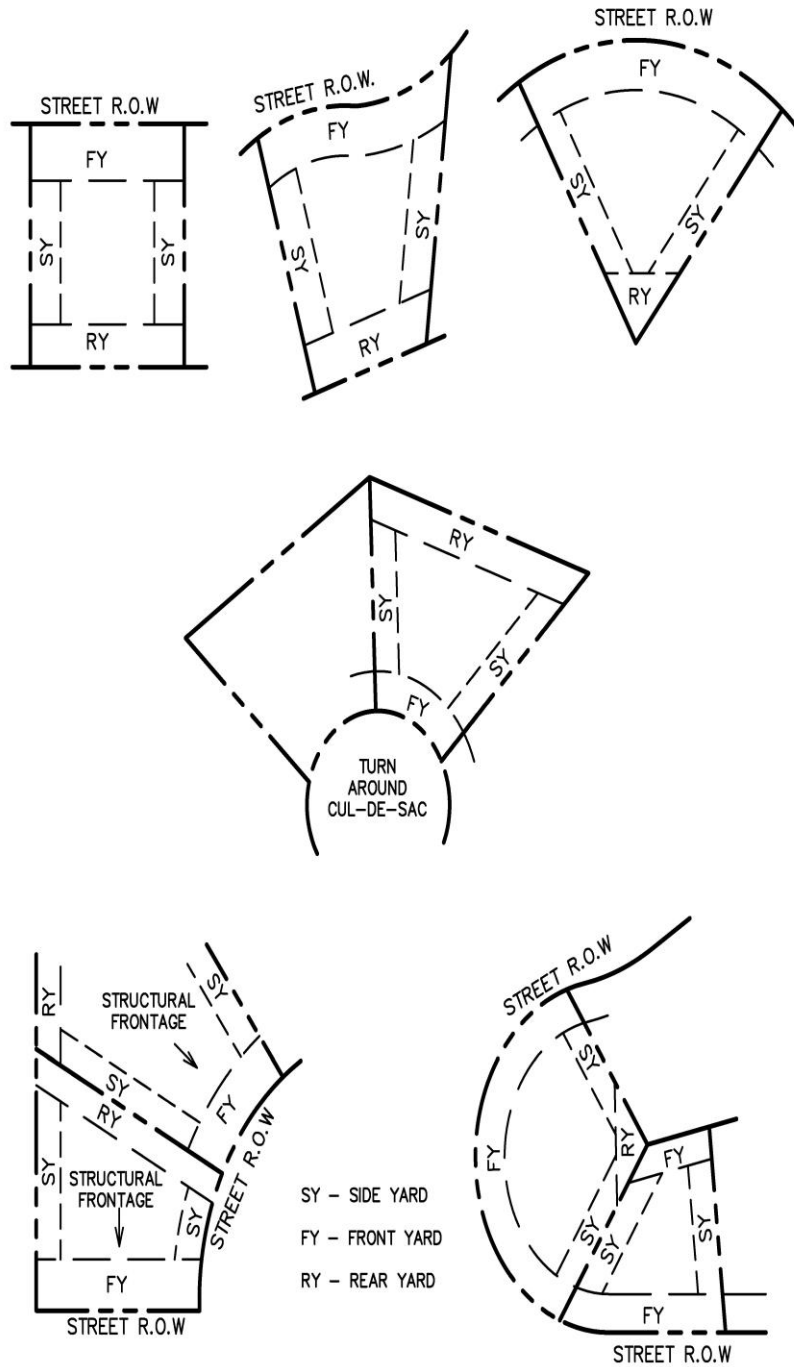
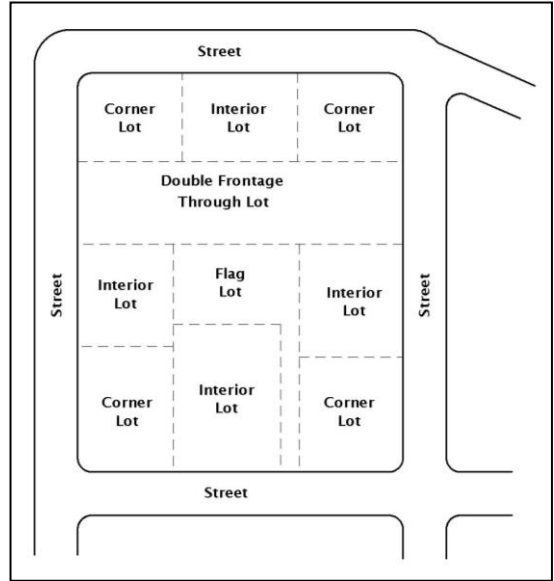


FIGURE 2-5: MEASURING SETBACKS AND LOT DIMENSIONS

(b) **Configuration of Lots.** *Figure 2-6* illustrates the various types of lots that are discussed within this UDC.

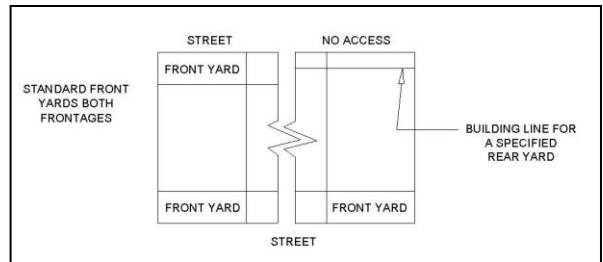
- (1) Flag lots in residential zoning districts shall be permitted upon approval by the Planning & Zoning Commission, provided such lots shall have a minimum frontage of fifty feet (50’).
- (2) Flag lots in nonresidential and mixed-use zoning districts shall be permitted upon approval by the Planning & Zoning Commission, provided such lots shall have a minimum frontage of fifty feet (50’).
- (3) No flag lot shall be permitted to have frontage adjacent to the frontage of more than one (1) other flag lot on the same street. See Section 4.2.2.4 for landscaping requirements for flag lots.
- (4) Double frontage lots in residential zoning districts shall only be permitted if access is limited to one street frontage.



*Figure 2-6: Types of Lots*

(c) **Building Setbacks.**

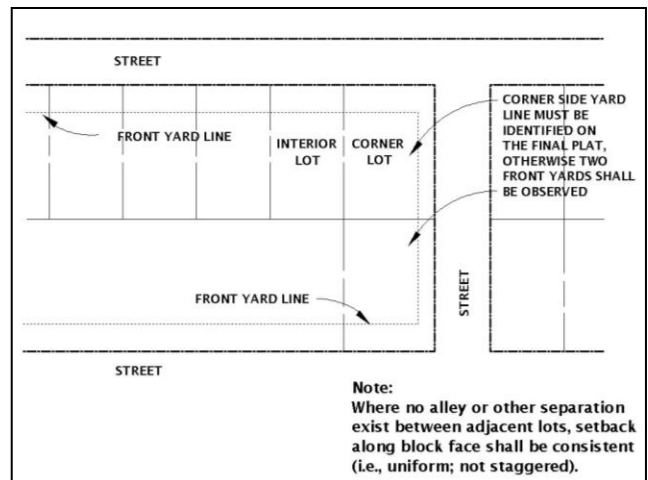
- (1) All setbacks established on a recorded plat shall be enforced, even if such setbacks exceed the required setbacks in this Code.
- (2) Setbacks established on a recorded plat shall only be changed through replat proceedings.



*Figure 2-7: Front Yards on Double Frontage Lots*

(d) **Front Yards.**

- (1) Corner Lots:
  - a. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a construction plat. (Also see (f)(1).)



*Figure 2-8: Identification of Side and/or Rear Yards*

- b. Where single-family and duplex lots have double frontage (frontage that extends from one street to another), or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed (*Figure 2-7*).
- c. The side and/or rear yards in the case of single-family and duplex uses

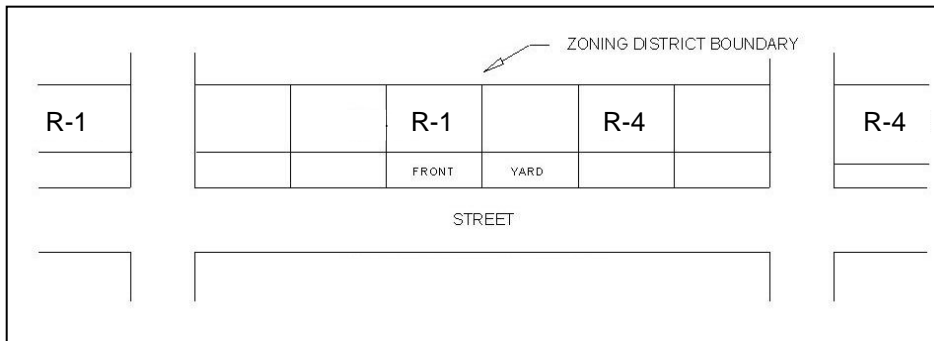


Figure 2-9: Frontage Requirements When Zoning District Changes

shall be identified and the front of the structure shall not face the side or rear yard (*Figure 2-8*).

- (2) Frontage Divided by Zoning Districts: Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (*Figure 2-9*).

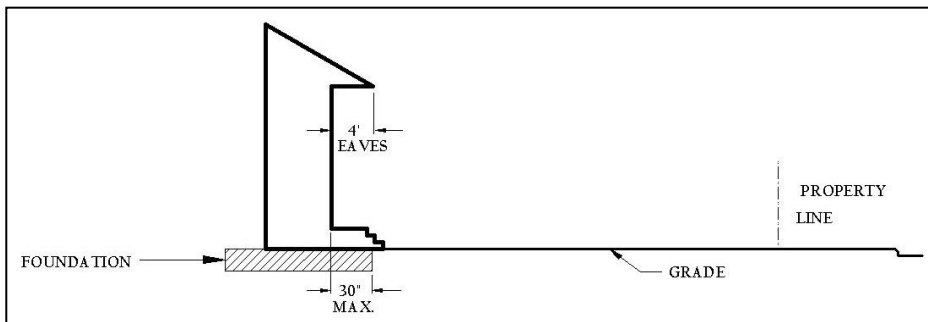


Figure 2-10: Measuring the Front Yard in Relation to Encroachments

- (3) Measuring Front Yards and Encroachments:

(See *Figure 2-10*.)

- a. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building.
- b. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4').

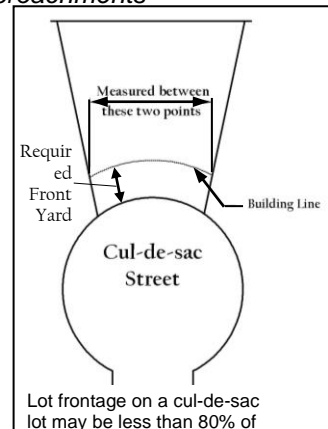


Figure 2-11: Measuring Lot Width of a Curved Lot

- c. Subsurface structures, platforms or slabs may not project into the front yard to a distance greater than thirty inches (30").
- (4) Curved Front Building Line: Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or “eyebrow” portion of a street) shall be measured as the linear distance of the curved front building line (see *Figure 2-11*), and shall be shown on the Final Subdivision Plat. Lot frontage shall not be less than eighty percent (80%) of the lot width, except on cul-de-sac lots (see *Figure 2-4*) and knuckle lots. Lot widths for all lots shall be as set forth in the respective zoning district for each lot.
- (5) Front Yards in Relation to Pump Islands:
- a. Gasoline service station pump islands (and their canopy structures) that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street.
  - b. For pump islands (and canopies) that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') (in order to prevent vehicles stacking into the street).
  - c. Pump islands (and their canopies) may extend beyond the front building line as described above (provided that all other requirements of this Code are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street.
- (e) **Yards in Relation to Future Rights-of-Way.** Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, the front, side, and/or rear yard shall be measured from the future right-of-way line.
- (f) **Side & Rear Yards.**
- (1) On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after the effective date of this Code, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, the building line may be designated as a side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards) on the final plat. On lots which were official lots of record prior to the effective date of this Code, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- (2) Measuring Side/Rear Yards and Encroachments:
- a. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting shall not exceed twelve inches (12”) into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24”) into the required side yard, except that no projections shall be permitted closer than twelve inches (12”) to a common property line.
  - b. Air conditioning compressors and similar accessory equipment are permitted in the side or rear yard.



- c. A canopy may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet (5') from the adjacent property line. It also applies to any unenclosed extensions of a roof.
  - d. Any attached patio cover sharing the roof line of the main structure that is not fully enclosed may project into a required rear yard not closer than 50% of the required rear setback for the zoning district provided that it is not encroaching any easement.
- (g) **Open Storage Areas.** Open storage of materials, commodities or equipment, where allowed in the specific zoning district, shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display as defined in Chapter 5. Also refer to screening requirements and special requirements for open storage in Chapter 4, Article 2, Division 4 (Screening).
- (h) **Sight Visibility.**
- (1) Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:
    - a. At street intersections within nonresidential and mixed use zoning districts, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot, measured from the corner of the property line in both directions.
    - b. At street intersections within residential zoning districts, clear vision must be maintained for a minimum of fifteen feet (15') across any lot, measured from the corner of the property line in both directions.
    - c. At an intersection with an alley, clear vision must be maintained for ten feet (10').
    - d. Shrubs and hedges that are typically less than thirty inches (30") in height at maturity, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.
    - e. A limited number of single-trunk trees having a clear trunk (branching) height of at least five feet (5') may be located within sight visibility areas provided that they are spaced and positioned such that they will not produce a visibility-inhibiting effect when they attain mature size.

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Ord. No. 2000T-5, Section 2.6.1.1, October 22, 2007.

Ord. No. 2000T-11, Section 2.6.1.1, July 27, 2009.

Ord. No. 2000T-13, Section 2.6.1.1, October 24, 2011.

Ord. No. 2000T-21, Section 2.6.1.1, September 12, 2016.

Ord. No. 2000T-30, Section 2.6.1.1, August 26, 2019.

### **Section 2.6.1.2 Special Height Regulations**

(a) **Calculation of 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.

(b) **Exceptions to Height Regulations.**

- (1) In districts where the height of buildings is restricted to two (2) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building.
- (2) Water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, City or School District buildings, and institutional buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

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Ord. No. 2000T-11, Section 2.6.1.2, July 27, 2009.

### **Division 2 – Exterior Building Design Requirements**

#### **Section 2.6.2.1 Applicability & Requirements**

(a) **Applicability.** The standards and criteria contained within this division are deemed to be minimum standards and shall apply to all new, altered or repaired construction of residential and nonresidential buildings within the City that are visible from the applicable thoroughfare, as referenced in *Table 2-2*, on which the building has frontage.

(b) **Requirements.** The materials used on the exterior facades of all buildings within the City shall conform to the requirements referenced, and in accordance to the appropriate zoning district and roadway classification, in *Table 2-2*. “Roadway classification” refers to the way in which the applicable roadway is classified on the City’s adopted Thoroughfare Plan.

- (1) 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 zoning districts. Bars, metal grills and other such materials shall be prohibited on inner or outer facades, walls, windows, doors, and other openings, except as trim materials permitted by 2.6.2.1 (c)(3) below.
  - a. Existing buildings shall also conform to facade requirements upon a change of use, occupancy, occupant (if use has been abandoned per Section 2.7.3.6), or cumulative expansion exceeding fifteen percent (15%) with a minimum of five hundred square feet (500 sq. ft.) in area of exterior dimensions of a nonresidential or multi-family structure for which a permit is required. Façade requirements for an expansion of less than fifteen percent (15%) with a minimum of five hundred square feet (500 sq. ft.) shall only be required for the new building area. Façade requirements shall not apply building expansions of less than five hundred square feet (500 sq. ft.) unless the expansion is visible from the roadway or abutting residential zoning district.
  - b. New and existing structures, including expansions that are at least two hundred and fifty feet (250’) from the specified roadways shall only be required to meet these requirements within Subsection (3) below. The

*Table 2-2  
Building Façade References By Roadway Classification  
& Zoning District*

ROADWAY CLASSIFICATION	ZONING DISTRICTS	
	MF, C-MU, G/O-MU, OP, NS, GB, GC,	M-1, M-2
Thoroughfare	(1)	(4)
Collector	(1)	(2) (4)
Other	(1) (2) (3)	(2) (3)

\* Refer to individual zoning district regulations for façade material requirements for the Spectrum district, BP-288 district, OT District, and COD district.

two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.

- c. Subsection (b)(1)b. above shall not apply to the following:
  - 1. Any building that contains a single business and that has a footprint of eighty thousand (80,000) square feet or more.

2. Any building that contains multiple businesses and that has a footprint of eighty thousand (80,000) square feet or more.
  3. Multiple buildings and/or multiple businesses on a single site or parcel of land.
  4. Any collection of buildings that is classified by the City as a shopping center, business park, or integrated business development and that is not otherwise specified in Subsection 1, 2, or 3 above.
- d. The Planning and Zoning Commission may make an exception to the requirements of Subsection (b)(1) above for franchise businesses that have an established theme. In order to make such exception, the franchise business cannot have varied from the established theme in any other instance or other city. Such information shall be provided by the City Planning Director and/or the franchise business representative.
  - e. Other exemptions from (b)(1) for existing structures are provided within Subsection (d)(2) below.
- (2) Buildings built prior to January 1, 2001 are exempt from the (facade) requirements of this section unless required by the adopted Building Code. Unless non-conforming, addition of bars, metal grills and other such materials shall be prohibited on inner or outer facades, walls, windows, doors, and other openings, except as trim materials permitted by 2.6.2.1 (c)(3) below.
  - (3) Minimum exterior wall standards (facade) shall be a minimum of 24-gauge or heavier architectural panels (wall systems) unless otherwise approved by the Building Official. Corrugated metal is prohibited. Bars, metal grills and other such materials shall be prohibited on inner or outer facades, walls, windows, doors, and other openings, except as trim materials permitted by 2.6.2.1 (c)(3) below.
    - a. Within a GC (General 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.
  - (4) Unless one of the following exceptions applies, masonry, stucco or EIFS materials shall be required on fifty percent (50%) of the front façade of any building that faces onto a thoroughfare or collector. Side facades of such buildings shall be a minimum of 24-gauge or heavier architectural panels (wall systems) unless otherwise approved by the Building Official. The portion that is higher than six (6) feet from grade of any wall or portion of a wall used to screen an industrial use from property located in a residential zoning district shall be masonry, stucco, or EIFS. Bars, metal grills and other such materials shall be prohibited on inner or outer facades, walls, windows, doors, and other openings, except as trim materials permitted by 2.6.2.1 (c)(3) below.
    - a. The building is exempt under (2) above.
    - b. New and existing structures, including expansions, that are at least two hundred and fifty feet (250') from the specified roadways shall only be

required to meet these requirements within (3) above. The two hundred and fifty foot measurement shall be taken from the curb or the edge of the roadway pavement.

**(c) Materials Permitted.**

- (1) Allowed by Right: For the purpose of this section masonry materials allowed by right are brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block, and stucco.
- (2) May Be Allowed by CUP: New technologies not addressed or contemplated by these regulations may also be allowed by CUP, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein.
- (3) Trim Materials: Architectural metal and EIFS (exterior insulation and finish systems) may be utilized for window and door trim, fascia, or soffit.

**(d) Exemptions.**

- (1) New and existing structures within industrial zoning districts, M-1 Light Industrial district or the M-2 Heavy Industrial district, located along Mykawa Road between Orange Street and Scott Lane, and between the railroad tracks and Hatfield Road, including the triangular piece bounded by the railroad tracks, McHard Road and Mykawa Road, shall be exempt from any of the façade material requirements herein.
- (2) Existing Structures:
  - a. Existing structures that would otherwise be required to be brought into compliance with this division of the UDC may be exempt from such compliance upon issuance of a CUP.
  - b. The applicant/developer may submit a bond (in an amount agreed upon by the City) or enter into a written agreement (contract) with the City to give the applicant/developer a specific time period of time within which to bring an existing structure into compliance with this division of the UDC. The City Manager or his/her designee shall be the responsible official for approval of such bond or agreement. In no case shall the agreed-upon period of time exceed five (5) years.

**(e) Light Strips Prohibited.**

- (1) Light strips, L.E.D. strips, and other similar lighting around windows, doors, openings, signs, or any part of the building or site shall be prohibited.

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Ord. No. 2000T-2, Section 2.6.2.1, February 26, 2007.

Ord. No. 2000T-4, Section 2.6.2.1, September 24, 2007.

Ord. No. 2000T-6, Section 2.6.2.1, November 26, 2007.

Ord. No. 2000T-8, Section 2.6.2.1, August 25, 2008.

Ord. No. 2000T-11, Section 2.6.2.1, July 27, 2009.

Ord. No. 2000T-14, Section 2.6.2.1, January 14, 2013.

Ord. No. 2000T-21, Section 2.6.2.1, September 12, 2016.

Ord. No. 2000T-25, Section 2.6.2.1, June 26, 2017.

Ord. No. 2000T-28, Section 2.6.2.1, November 26, 2018.

Ord. No. 2000T-30, Section 2.6.2.1, August 26, 2018.

## **Article 7 – Nonconforming Uses & Structures**

### **Division 1 – Intent of Provisions**

#### **Section 2.7.1.1 Intent & Definition**

- (a) **Continuance.** Within the districts established by this Code or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Code was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Code to permit such nonconforming uses to continue, as long as the standards within this article are met.
- (b) **Expansions/Enlargements.** It is further the intent of this Code that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- (c) **Defined.** “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.
- (d) **Incompatibility.** Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

### **Division 2 – Classification of Nonconformities**

#### **Section 2.7.2.1 Nonconforming Use Criteria**

- (a) **Criteria.** Any use that does not conform with the regulations of this Code on the effective date hereof or any amendment hereto shall be deemed a nonconforming use provided that:
  - (1) Such use was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or
  - (2) Such use was a lawful, nonconforming use under the immediately prior Zoning Ordinance; or
  - (3) Such use was in existence at the time of annexation into the City, and was a legal use of the land at such time, and has been in regular and continuous use since such time.

- (b) **Conformance to a Zoning District.** Any other use that does not conform with the regulations of the Zoning District in which it is located on the effective date of this Code or any amendment hereto shall be deemed to be in violation of this Code, and the City shall be entitled to enforce fully the terms of this Code with respect to such use.

### **Section 2.7.2.2 Nonconforming Structure Criteria**

- (a) **Criteria.** Any structure that does not conform with the regulations of this Code on the effective date hereof or any amendment hereto shall be deemed a nonconforming structure provided that:
- (1) Such structure was in existence under and in compliance with the provisions of the immediately prior zoning regulations; or
  - (2) Such structure was a lawful, nonconforming structure under the immediately prior zoning regulations; or
  - (3) Such structure was in existence at the time of annexation into the City, and was a legal structure at such time, and has been in regular and continuous use since such time.
- (b) **Conformance to a Zoning District.** Any other structure that does not conform with the regulations of the Zoning District in which it is located on the effective date of this Code or any amendment hereto shall be deemed to be in violation of this Code, and the City shall be entitled to enforce fully the terms of this Code with respect to such structure.

### **Section 2.7.2.3 Nonconforming Lot Criteria**

- (a) **Criteria.** Any platted lot that does not conform with the regulations of this Code on the effective date hereof or any amendment hereto, except as expressly provided in subsection (c) below, shall be deemed a nonconforming platted lot provided that:
- (1) Such platted lot was in existence under and in compliance with the provisions of the immediately prior zoning regulations; or
  - (2) Such platted lot was a lawful, nonconforming platted lot under the immediately prior zoning regulations; or
  - (3) Such platted lot was in existence at the time of annexation into the City, and was a legally platted subdivision of the land at such time.
- (b) **Conformance to a Zoning District.** Any other platted lot that does not conform with the regulations of the Zoning District in which it is located on the effective date of this Code or any amendment hereto, and except as provided in subsection (c) below, shall be deemed to be in violation of this Code, and the City shall be entitled to enforce fully the terms of this Code with respect to such platted lot.
- (c) **Conforming Platted Lots.** The following types of platted lots shall be deemed in conformance with the provisions of this Code, notwithstanding the fact that such lot does not meet the standards of this Code in the district in which it is located:

- (1) Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or
  - (2) Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.
- (d) **Use of a Platted Lot.** Nothing in this Code shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the Zoning District in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Code.

### Division 3 – Regulation of Nonconformities

#### **Section 2.7.3.1 Continuance of Nonconformities**

(a) **Criteria.**

- (1) The lawful use of any building, structure, sign or land in accordance with the terms of the zoning regulations by which the use was established, or in the case of annexed property, in accordance with the regulations under which the use was created may be continued.
- (2) Abatement of such use or structure within a given period of time may be required by the City, provided, however, the right to continue such nonconforming use or use of such structure shall be subject to regulations prohibiting nuisances and shall be terminated when such use or structure constitutes a nuisance.
- (3) Such nonconforming use or structure shall be subject to such reasonable regulations as the Zoning Board of Adjustment (ZBA) may require to protect adjacent property and shall be subject to the specific nonconforming use or structure regulations herein contained.
- (4) A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

#### **Section 2.7.3.2 Expansion of Nonconformities**

(a) **Criteria.** A nonconforming use may be extended throughout the structure in which it is located, provided that:

- (1) The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;
- (2) No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and
- (3) The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.



- (b) **Use Expansion Outside of Structure.** A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.
- (c) **Use or Structure Expansion.** A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except as provided by this Code or to provide additional off-street parking or loading areas required by this Code.
- (d) **Expansion on property with existing development.** Upon approval of a Conditional Use Permit (CUP) pursuant to Division 3 of Chapter 2 of the UDC, construction of a new structure or expansion of the floor area of an existing structure upon property that is developed and nonconforming in any way, will be permitted, unless the use on the property is inconsistent with the property's zoning classification. This may be done without bringing the entire property and all structures located on it into full compliance with this code, subject to the following conditions, and any others that the city council may deem necessary and reasonable to attach to the CUP:
  - (1) Landscaping
    - a. quantity or type – full compliance for entire property
    - b. location or buffers including landscaping for detention areas– compliance for new construction and/or, entire property as may be required by the city council as a condition of the CUP
    - c. lot percentage – full compliance for entire property
  - (2) Screening/Fencing
    - a. screening (of dumpsters, loading areas, outdoor storage, equipment, etc.) – compliance for new construction and/or entire property as may be required by the City Council as a condition of the CUP
    - b. fencing or screening of property/use – compliance for new construction and/or entire property as may be required by the City Council as a condition of the CUP
    - c. buffers – same as landscaping buffers, above
  - (3) Façade Material - compliance for new construction and/or entire property as may be required by the City Council as a condition of the CUP
  - (4) Transparency, Color Palette, and Articulation – compliance for new construction, existing buildings exempt if no changes are proposed to the existing buildings. If changes are proposed to the existing building, compliance for new construction and/or entire property as may be required by the City Council as a condition of the CUP
  - (5) Setback/Lot Coverage – full compliance for new construction, except that the City Council may allow as a condition of the CUP for expansion of an existing building where said expansion would encroach into a required setback (other than the front setback) in which the existing building already encroaches, so long as the resulting setback is not less than the existing building's setback or ten feet (10'), whichever is greater
  - (6) Sidewalks – full compliance for entire property

- (7) Parking – full compliance for new construction, additional compliance for entire property as may be required by the City Council as a condition of the CUP.

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Ord. No. 2000T-11, Section 2.7.3.2, July 27, 2009.

Ord. No. 2000T-12, Section 2.7.3.2, June 28, 2010.

### **Section 2.7.3.3 Repairs & Alterations**

- (a) **Moving a Nonconforming Structure.** No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated.
- (b) **Right to Repair Maintained.** Nothing in this article shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds fifty percent (50%) of the structure's appraised value, as determined by the applicable County Appraisal District. (Refer to Section 2.7.3.4(c) for replacement cost explanation.)
- (1) Structural Alterations Allowed If Changed to Conforming Use: 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.
- (c) **Substandard Nonconforming 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 percent (50%) of the replacement cost of such structure on the date that the Enforcing Officer determines that such structure is substandard. (Refer to Section 2.7.3.4(c) for replacement cost explanation.)

### **Section 2.7.3.4 Reconstruction Following Damage or Destruction**

- (a) **Structure Totally Destroyed.** If a nonconforming structure or a structure occupied by a nonconforming use is totally destroyed by fire or the elements, such structure may not be reconstructed or rebuilt except in conformance with provisions herein.
- (b) **Structure Partially Destroyed.**
- (1) In the case of partial destruction of a nonconforming structure or a structure occupied by a nonconforming use where not more than fifty percent (50%) of the structure's current replacement value is destroyed, the Enforcing Officer shall issue a permit for reconstruction.
- (2) In the case of partial destruction of a nonconforming structure or a structure occupied by a nonconforming use where more than fifty percent (50%) but less

than one hundred percent (100%) of the structure's current replacement value is destroyed, the Board of Adjustment (ZBA) may grant a permit for repair (but not for enlargement) of such structure.

- (3) Repair shall be completed within one year (365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Planning Director.
- (c) **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 2.7.3.5 Substitution of Nonconforming Uses**

- (a) **Changing to Another Nonconforming Use.** A nonconforming use shall not be changed to another nonconforming use except as permitted by the Zoning Board of Adjustment (ZBA).
- (b) **Changing to a Conforming Use.**
  - (1) A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.
  - (2) A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

### **Section 2.7.3.6 Abandonment**

- (a) **Considered Abandoned.** 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:
  - (1) It has been replaced with a conforming use; or
  - (2) 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
  - (3) In the case of a temporary use, the use is moved from the premises for any length of time.
- (b) **Future Use After Abandonment.** If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Code, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

### **Section 2.7.3.7 Special Exceptions for Nonconformities**

(a) **Exceptions Criteria.** Upon written request of the property owner, the Zoning Board of Adjustment (ZBA) may grant special exceptions to the provisions of this code, limited to and in accordance with the following:

- (1) Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming.
- (2) Expansion of the gross floor area of a nonconforming structure or a conforming structure on property that is conforming, provided that such expansion does not decrease any existing setback.
- (3) Re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
- (4) Construction of a new structure on the same property where a nonconformity already exists, whether it is a nonconformity in an existing structure or of the property itself, provided the new structure assumes the existing nonconforming status and no nonconforming use is expanded into the structure.
- (5) In granting special exceptions under this Section 2.7.3.7, the ZBA shall avoid doing so merely to allow a convenience or convey an advantage to the applicant but instead shall endeavor to reduce the nonconforming nature of the nonconforming use whenever possible and so may impose such criteria as are necessary to bring the property into further compliance with this code, protect adjacent property owners, and to ensure the public health, safety and general welfare, including specifying the period during which the nonconforming use may continue to operate or exist before having to conform to the standards of this Code.

(b) The ZBA may grant special exceptions for the following:

- (1) To interpret the provisions of this chapter in a way so as to carry out the intent and purpose of this chapter, adjust districts where the street layout actually on the ground varies from the street layout as shown on the maps.
- (2) To reduce the parking and loading requirements in an amount not exceeding thirty-three percent (33%) of the normal requirement in any of the districts whenever the character or use of the building makes unnecessary the full provision of parking or loading facilities, as contrasted with merely granting an advantage or a convenience, as in the following situations:
  - a. Housing specifically designed and intended for use by the elderly, disabled, or other occupants typically having a lower expectation of automobile ownership;
  - b. Adaptive reuse or restoration of a historically or architecturally significant structure;
  - c. Expansion of a nonprofit, public or social service use on an existing site; and

- d. Conversion of a nonconforming use to what would otherwise be a conforming use, except for the parking and loading requirements.
- (3) To allow off-site parking where all or part of the minimum number of parking spaces required in Chapter 4, Article 2, Division 1 (Parking) of this UDC are located within three hundred feet (300') on a lot or tract of land that is legally separate from the property containing the principal use served by the parking area, provided that:
- a. Both lots or tracts are under the same ownership; or
  - b. It can be established that two or more uses, applying jointly and concurrently for the special exception, will be sharing a parking area that may be on property that is not under the same ownership as one or more of the uses to be served by the parking, where the shared parking area has a capacity of at least the minimum number of spaces for the use having the greatest minimum requirement, where all uses have their primary need for parking during offsetting periods so that the parking area will be utilized by only one principal use at a time, and where the arrangement is documented through a long-term lease or other written agreement.
- (4) To allow the reconstruction of a nonconforming building which has been damaged to the extent of more than fifty percent (50%) of its replacement cost.
- (5) To allow a change to another nonconforming use. If no structural alterations are made, any nonconforming use of a structure or structure and premises in combination may, as a special exception, be changed to another nonconforming use, provided the Zoning Board of Adjustment finds that the proposed nonconforming use is not more nonconforming in the district than the previously existing nonconforming use.
- (6) To allow the City to issue a building permit for expansion of a preexisting nonconforming use that is not in compliance with the Future Land Use Plan Map and/or zoning district when the Zoning Board of Adjustment determines that this special exception will not adversely impact water, wastewater, drainage, and street transportation systems, and is in accord with all City codes and applicable Comprehensive Plan policies, including those pertaining specifically to land use compatibility.
- (7) To allow for the reasonable reduction, to the minimal amount possible, of requirements related to the following improvements to allow for compliance with the City's adopted requirements for development (and their spirit and intent), but also to allow for the use and enjoyment of property within Pearland (also see Article 1, Division 3 of Chapter 4 for triggers related to these improvements):
- a. Landscaping - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2;
  - b. Screening/fencing - As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 3, Division 4;
  - c. Façade requirements - As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.

- (8) To allow for a reasonable amount of time for a nonconforming use to be brought to a lesser-nonconforming status or to a conforming status by allowing an applicant to make improvements to an existing, developed property or building over a period of time, instead of requiring such improvements to be made immediately, or prior to a Certificate of Occupancy.
- (9) To allow a non-conforming buffer on a developed property that existed prior to the adoption of the masonry screening wall requirements to install an alternative screening fence provided that the proposed screening fence is 100% opaque.

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Ord. No. 2000T-4, Section 2.7.3.7, September 24, 2007.

Ord. No. 2000T-6, Section 2.7.3.7, November 26, 2007.

Ord. No. 2000T-12, Section 2.7.3.7, June 28, 2010.

Ord. No. 2000T-13, Section 2.7.3.7, October 24, 2011.

Ord. No. 2000T-35, Section 2.7.3.7, August 23, 2021.

#### **Section 2.7.3.8 Nonconformities Specifically Related to the Old Townsite (OT) Zoning District**

- (a) **Other Sections Apply.** All other sections of this Chapter 2, Article 7 shall apply within the Old Townsite (OT) District except as otherwise specified within this Section 2.7.3.8.
- (b) **Nonconforming Structures.**
  - (1) Nonconforming structures shall be permitted to remain in a nonconforming status when there is a change of use within the structure.
  - (2) Nonconforming structures shall be brought into conformance with the requirements of the OT district when such structures undergo an exterior alteration and/or enlargement to an extent that a building permit is required for such alteration and/or enlargement.