

# UNIFIED DEVELOPMENT CODE

## CHAPTER 4: SITE DEVELOPMENT



# Chapter 4: Site Development

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# Article 1 – Development Procedures & Requirements

## Division 1 – Site Plans

### Section 4.1.1.1 Purpose & Applicability

- (a) **Purpose:** This Section establishes a review process for all types of development, except single-family in a platted subdivision. The purpose of a Site Plan is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction. Approval of the Site Plan is required prior to site construction.
1. **Exemptions & Exceptions:** Site plan review shall not be required for single-family detached or two-family residential developments, unless the proposed subdivision will include a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.) or a golf course, or unless the proposed subdivision will have private (not public) streets. In these instances, Site Plan submission and approval will be required for the private amenity or facility, the golf course clubhouse/hospitality area, and the gated (restricted access) entrances.
- (b) **Applicability:** Submission and approval of a Site Plan shall be required for all nonresidential (including churches, schools, etc. within residential areas), Old Townsite, mixed-use, townhouse, single-family attached, and multi-family residential projects. The Planning Director shall be the responsible official for processing of a Site Plan.
1. **Building Permit Issuance:** Site plans shall be submitted prior to or in conjunction with a building permit application. No building permit shall be issued until a Site Plan, if required, and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the Site Plan and engineering/construction plans, as approved by the City.
- (c) **Extent of Area That Should Be Included In a Site Plan:** When the overall development project is to be developed in phases, the Site Plan area shall include only the portion of the overall property that is to be developed/constructed.

### Section 4.1.1.2 Submission & Contents

- (a) **Procedures & Submission Requirements For Site Plan Approval:** Submission of an application for Site Plan approval shall be preceded by a pre-application conference with the City (see Section 1.2.1.5). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for Site Plan review applications. All applications and related contents shall be submitted consistent with these requirements, a checklist of which shall be supplied by the Planning Department.

### Section 4.1.1.3 Review, Approval, Appeal & Revisions

**(a) Review & Approval of a Site Plan:**

- (1) City Staff Review & Approval of Site Plans: Upon official submission of a complete application of a Site Plan for approval, the Director of Planning, or his/her designee, and the Building Official, or his/her designee shall review the development proposal in terms of its compliance with these and other applicable City regulations. Following City staff review of the plan and supporting documents, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected plan to the Building Official (or designee) within twenty-one (21) calendar days of the initial City staff review. Upon further review and finding that all revisions have been made in conformance with aforementioned discussions, the Building Official, upon consultation with the Planning Director, may approve, approve subject to certain conditions, or not approve the Site Plan.
- (2) City Staff Review of Site Plans for PDs and CUPs: Site Plans for a Planned Development (PD) or a Conditional Use Permit (CUP) will be processed according to the procedures prescribed for those applications in Chapter 2, Division 2 and 3, respectively.
- (3) Appeal of City Staff Decision: The applicant or property owner may appeal the decision of the Planning Director to the Planning and Zoning Commission by filing a written Notice of Appeal in the office of the Planning Director no later than ten (10) calendar days after the date upon which the Planning Director denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning and Zoning Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed.
- (4) Final Approval in Case of Appeal: The Planning and Zoning Commission shall determine final approval or disapproval of all Site Plan applications.

**(b) Revisions to the Approved Site Plan:**

- (1) Minor Revisions/Amendments: It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the Director of Planning, or his/her designee, shall have the authority to approve minor modifications to an approved Site Plan (which shall be submitted as an "amended Site Plan" which substantially conforms to the previously approved Site Plan). Submission materials and requirements for approval of an amended Site Plan shall be as determined by the Director of Planning, or his/her designee.
- (2) Major Revisions: In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a "revised Site Plan" must be resubmitted, reviewed, and approved by the Director of Community Development (or his/her designee). Revised Site Plans for Planned Developments (PDs) and Conditional Use Permits (CUPs) must be resubmitted and reviewed by the Director of Community Development (or his/her designee) and must be reconsidered by the Planning and Zoning Commission and/or the City Council in accordance with the procedures set forth in Chapter 2, Divisions 2 and 3, as applicable.

- (c) **Standards for Site Plan Review & Evaluation:** The Director of Planning, or his/her designee, and the Building Official, or his/her designee, shall review the Site Plan for compliance with all applicable City ordinances with respect to the following:

- (1) The plan's compliance with all provisions of chapters 2, 3, and 4 of this UDC, and other applicable ordinances.
  - (2) The relationship of the development to adjacent uses in terms of harmonious design, façade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
  - (3) The provision of a safe and efficient vehicular and pedestrian circulation system (driveways, TIA, etc.).
  - (4) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
  - (5) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
  - (6) The coordination of streets so as to arrange a convenient system consistent with the *Thoroughfare Plan* of the City of Pearland, as amended.
  - (7) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary.
  - (8) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
  - (9) Protection and conservation of water courses and areas that are subject to flooding.
  - (10) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (d) **Effect of Review/Approval:** The Site Plan shall be considered authorization to proceed with application for a building permit for the site.

#### **Section 4.1.1.4 Expiration & Extension**

##### **(a) Validity & Lapse of Site Plan Approval:**

- (1) The approved Site Plan shall be valid for a period of six (6) months from the date of final approval unless a complete application for a building permit has been submitted and approved within such period.
  - (2) Extension & Reinstatement Procedure: Prior to the lapse of approval for a Site Plan, the applicant may petition the City (in writing) to extend the plan approval. If no petition for extension of Site Plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void. Any new request for Site Plan approval shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section.
- (b) **Determination of Extension.** The Planning Director may extend the Site Plan for a period not to exceed six (6) months, taking into consideration the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the Site Plan at that point in time.

- (c) **Number of Extensions & Time Period.** If granted an extension, a Site Plan shall be permitted one (1) extension only for a period not to exceed six (6) months.

## Division 2 – Construction Permits

### **Section 4.1.2.1 General Provisions**

- (a) **Terminology.** The terms “construction permit” or “building permit” refer to any authorization to construct, alter or place a structure on a lot, tract or parcel. The terms exclude an authorization to construct a capital improvement to be dedicated to the public in support of a proposed land use, the grading of land, the removal of vegetation, and other activities authorized to prepare a development site for construction of a structure.
- (b) **Effect.** Approval of a construction permit authorizes the property owner to place or construct the structure on the lot, tract or parcel in accordance with the terms of the permit. Approval of a construction permit confirms that the application conforms to all requirements of this Unified Development Code pertaining to the construction of the proposed structure.
- (c) **Rules of Priority Among Construction Permits.** The following rules of priority apply among construction permits.
- (1) A floodplain permit shall be approved prior to a building permit.
  - (2) A building permit shall be approved prior to a certificate of occupancy.
  - (3) Where a building permit is required, an application for a sign permit may accompany the application for a building permit, provided that the building permit application is decided first.
- (d) **Prior Approvals.** An application for a construction permit is the last step in the development process. All zoning approvals, subdivision plats and site preparation permits needed for development shall be approved before an application for a construction permit may be approved.

### **Section 4.1.2.2 Site Preparation Permit**

- (a) **Purpose, Applicability, Exceptions and Effect.**
- (1) Purpose: The purpose of a Site Preparation Permit, also referred to as a Site Work Permit, shall be assure that preparatory construction activities on the development site will meet City standards prior to soil disturbance, construction or placement of a structure on the tract, parcel or lot. A Site Preparation Permit application may consist of a series of schematic drawings designed to satisfy one or more criteria governing the decision on the permit.
  - (2) Applicability: Approval of a Site Preparation Permit is required prior to any non-exempt development of land within the City limits or within the City's extraterritorial jurisdiction.
  - (3) Exemptions: The requirements of a Site Preparation Permit do not apply in whole or in part to the following activities or land uses:
    - a. Clearing that is necessary only for surveying purposes.



- b. Construction or placement of a single-family dwelling, duplex dwelling or industrialized home on a legally platted lot, except for the following:
    - 1. Landscaping, open space and tree preservation standards;
    - 2. Public facilities standards related to subsurface sewage disposal; or
    - 3. Floodplain improvement standards.
  - c. Infrastructure or lot improvements authorized under approved construction plans for a finally platted subdivision or development plat, provided that no soil disturbance or construction activities occur prior to approval of such plans.
  - d. Agricultural uses.
- (4) **Effect:** Approval of a Site Preparation Permit authorizes site preparatory activities other than construction or placement of a structure on the land, subject to the terms of the permit and for the duration of the permit. Approval of a Site Preparation Permit also authorizes the property owner to apply for a building permit.

**(b) Application Requirements.**

- (1) **Responsible Official:** The Building Official shall be the responsible official for a Site Preparation Permit.
- (2) **Submittal:** All applications shall be submitted on a form supplied by the Engineering Department with the required information as stated on the application form.
- (3) **Prior Approvals:** An application for a Site Preparation Permit shall not be approved unless a final subdivision or development plat has been approved for the land. Inside city limits, the property subject to the Site Preparation Permit shall be appropriately zoned for the intended use.
- (4) **Accompanying Applications:** A Site Preparation Permit may be accompanied by an application for a building permit for the same land, provided that the Site Preparation Permit shall be decided first.

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

- (1) **Decision:** The Building Official shall initially approve the application for a Site Preparation Permit, approve the application with conditions, or deny the application, subject to appeal as provided in Chapter 1, Article 3, Division 1 of this UDC.
- (2) **Notification:** The Building Official shall notify the applicant of his/her decision in accordance with Chapter 1, Article 2, Division 2 of this UDC.
- (3) **Time for Decision:** The application for a Site Preparation Permit shall be decided within thirty (30) working days of the official filing date.
- (4) **Revised Permit Application:** If the conditions of approval require revision to the Site Preparation Plan, a properly revised Site Preparation Plan shall be submitted to the Building Official within ten (10) working days of receipt of the notice of decision. The Building Official shall have an additional twenty (20) working days to approve or deny the revised application.

- (d) **Criteria for Approval.** The following criteria shall be used to determine whether the application for a Site Preparation Permit shall be approved, approved with conditions, or denied:

- (1) The Site Preparation Permit is consistent with the approved construction plans.
- (2) The Site Preparation Permit is consistent with any approved petitions or applications for the same property;
- (3) Where not exempted or satisfied through approval of prior development applications, the following standards in the UDC and the City Code of Ordinances have been satisfied:
  - a. The cut and fill standards in the City's adopted Building Code, as amended, as well as any other applicable codes and regulations, have been met;
  - b. The erosion and sedimentation standards in the City's adopted Building Code, as amended, as well as any other applicable codes and regulations, have been met;
  - c. If construction plans have not been approved, no disturbance of the soil more than six inches (6") below existing grade shall be permitted;
  - d. The Site Preparation Permit is consistent with tree preservation and mitigation requirements in Division 2 of Article 3 of this Chapter.
  - e. The detention requirements prior to and during construction as outlined within the EDCM.

**(e) Appeals & Relief Procedures.**

- (1) Appeal: The applicant for a Site Preparation Permit or any interested person may appeal the decision of the Building Official to the Building Board of Adjustments in accordance with Chapter 1, Article 3, Division 1 of this UDC. The Board may sustain, modify or reverse the Building Official's decision. The Board may sustain, modify or reverse the Building Official's decision.
- (2) Waiver Petition: A petition seeking to vary standards applicable to the Site Preparation Permit shall be filed, processed and decided by the Building Board of Adjustments in accordance with Chapter 1, Article 3, Division 4 of this UDC prior to the decision on the Site Preparation Permit.
- (3) Vested Rights Petition: Where an applicant claims exemption from one or more requirements applicable to a Site Preparation Permit under this Unified Development Code on grounds of vested rights, the applicant may submit a vested rights petition to the Building Official prepared, and appealed if applicable, in accordance with Chapter 1, Article 3, Division 3 of this UDC.

**(f) Expiration & Extension.**

- (1) Time of Expiration: A Site Preparation Permit expires if development authorized by the permit has not commenced on the property subject to the permit within ninety (90) days after final approval of the permit. The Site Preparation Permit may be revoked if a building permit or other permit authorizing construction of a structure on the property has not been issued within one (1) year after the date of approval of the permit, or, if no permit is required, construction of a structure has not commenced on the development site within such period.
- (2) Extension: A Site Preparation Permit may be extended for a period not to exceed an additional ninety (90) days by the responsible official, within which development authorized by the permit on the property subject to the permit must be commenced. The date for issuance of a construction permit or commencement of construction of a structure may be extended by the responsible official for a period not to exceed one (1) year.

### **Section 4.1.2.3 Building Permit**

- (a) **Applicability.** An application for a building permit is required within the City limits, or where provided for in a development agreement, in the City's extraterritorial jurisdiction, prior to placement, construction or alternation of a building or structure.
- (b) **Effect.** Approval of an application for a building permit authorizes the property owner to construct, alter or place a structure on the lot, tract or parcel. Approval of an application for a building permit also authorizes the property owner, upon completion of a structure intended for human occupancy, to make application for a certificate of occupancy.
- (c) **Application Requirements.**
  - (1) Responsible Official: The Building Official shall be the responsible official for a building permit.
  - (2) Contents: All applications shall be submitted on a form supplied by the Building Official's office with the required information as stated on the application form.
- (d) **Decision.** The Building Official shall approve, conditionally approve or deny the application for a building permit.
- (e) **Appeals.** The applicant or any interested person may appeal the Building Official's decision on the building permit application to the Building Board of Adjustments & Appeals.
- (f) **Reference.** Refer to the City's adopted Building Code for further information.
- (g) **Not Available for Debtors.** The City may refuse to issue a building permit to any person who owes an outstanding debt to the City for any reason, except ad valorem taxes and special assessments.

### **Section 4.1.2.4 Certificates of Occupancy**

- (a) **Applicability.** An application for a certificate of occupancy is required within the City limits, or where authorized by a development agreement, in the City's extraterritorial jurisdiction, after the construction, alteration or placement of a structure on a lot, tract or parcel and prior to habitation or any use of the structure, or any occupation of a manufactured home rental community. A certificate of occupancy also is required prior to a change in the use of any structure if the use is a different use based upon the land uses listed in Article 5, Division 2 of Chapter 2 (Land Use Matrix).
- (b) **Effect.** Approval of a certificate of occupancy authorizes habitation or other occupancy of the structure in accordance with the terms of the certificate.
- (c) **Application Requirements.**
  - (1) Responsible Official: The Building Official shall be the responsible official for a certificate of occupancy.

- (2) **Contents:** All applications shall be submitted on a form supplied by the Building Official's office with the required information as stated on the application form.
- (d) **Decision.** The Building Official shall approve or deny the application for a certificate of occupancy.
- (e) **Reference.** Refer to the City's adopted Building Code for further information.

#### **Section 4.1.2.5 Floodplain Permit**

- (a) **Reference.** Refer to the City's adopted Flood Hazard Prevention Ordinance, Ordinance No. 532 and No. 532-4, as amended.

#### **Section 4.1.2.6 Sign Permit**

- (a) **Purpose.** The purpose of a sign permit is to authorize the display, erection, rebuilding, expansion or relocation of any non-exempt sign authorized under the UDC.
- (b) **Applicability.** A sign permit is required within the City limits for all non-exempt signs, and for off-premise signs in the City's extraterritorial jurisdiction.
  - (1) All signs, whether or not a sign permit is required under this section, shall comply with all other City Codes, including the Electrical and Building Codes.
  - (2) Electrical permits pursuant to the electrical code in the City's code of ordinances are also required for electric signs, except those designed to be plugged into an existing electric outlet.
- (c) **Exemptions.** The following signs and activities do not require a sign permit:
  - (1) Signs authorized by Section 4.2.5.3 (b) (8).
  - (2) Signs authorized by Section 4.2.5.3 (b) (11) and erected on residential property.
  - (3) Signs authorized by Section 4.2.5.5. (d) (1).
  - (4) Signs authorized by Section 4.2.5.5 (d) (2) and erected on residential property.
  - (5) Signs authorized by Section 4.2.5.5. (d) (3) c.
  - (6) Signs authorized by Section 4.2.5.9.
  - (7) Flags authorized by Section 4.2.5.5 (e).
  - (8) Signs that were previously permitted and in existence before the effective date of this UDC.
- (d) **Effect of Approval.** Approval of a sign permit authorizes the placement, construction, repair or other activity authorized by the permit in accordance with its terms.
- (e) **Application Requirements.**
  - (1) **Responsible Official:** The Building Official or his/her designee is the responsible official for a sign permit.
  - (2) **Contents:** An application for a sign permit shall be prepared in accordance with application forms available in the Community Development Department.
- (f) **Decision.**

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

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

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

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Ord. No. 2000T-2, Section 4.1.2.6, February 26, 2007.

Ord. No. 2000T-3, Section 4.1.2.6, July 9, 2007.

Ord. No. 2000T-9, Section 4.1.2.6, October 27, 2008.

Ord. No. 2000T-21, Section 4.1.2.6, September 12, 2016.

### **Division 3 – Improvements Required Upon Expansion**

#### **Section 4.1.3.1 Purpose & Applicability**

- (a) **Purpose.** This Section outlines when an expansion to an existing, developed property shall result in the required improvements of this UDC being met.
- (b) **Applicability – Existing, Developed Property.** Submission and approval of a Site Plan in accordance with Article 1, Division 1 of this Chapter 4 shall be required when an expansion to an existing, developed property trigger the required improvements of this UDC.
- (c) **Non-Applicability – New Development.** Nothing in this division shall preclude a new development occurring on previously undeveloped property from having to comply with the required improvements within this division or in any other portion of this UDC.
- (d) **Special Exceptions.** For nonconforming existing developments to comply with improvements addressed within this division, there may also be special exceptions granted by the Zoning Board of Adjustment, as outlined in Chapter 2, Article 7 of this UDC.

#### **Section 4.1.3.2 Improvements & Related Triggers**

- (a) **Required Improvements.** The following improvements required by this UDC shall be adhered to when an expansion triggers such improvements:
  - (1) **Facade Materials:** As required within the applicable zoning district (Chapter 2) and/or in Chapter 2, Article 6, Division 2.
  - (2) **Sidewalks:** As required within the applicable zoning district (Chapter 2) and/or in Chapter 3, Article 2, Division 11.
  - (3) **Parking:** As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 1.
  - (4) **Landscaping:** As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 2.
  - (5) **Screening/Fencing:** As required within the applicable zoning district (Chapter 2) and/or in Chapter 4, Article 2, Division 4.

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Table 4.1 Improvements & Related Triggers

<b>Action</b>	<b>Façade</b>	<b>Parking</b>	<b>Dumpster Screening</b>	<b>Landscaping</b>	<b>Fencing</b>	<b>Sidewalks</b>	
<i>Expansion of paved area or parking over 5,000 sq. ft.</i>	No <sup>1</sup>	Yes <sup>3</sup>	No	Yes <sup>5 and 8</sup>	Yes	No	1 - Only for the portion of building being expanded
<i>*Cumulative expansion of a building more than 15% with a 500 sq. ft. minimum.</i>	Yes <sup>1</sup>	Yes <sup>3</sup>	Yes	Yes <sup>8</sup>	Yes	Yes	2 - If expanding non-conforming building 3 - Only for existing and new building
<i>*Cumulative expansion of a building less than 15% with a 500 sq. ft. minimum.</i>	Yes <sup>2</sup>	No	No	No	No	No	4 - If new use requires additional minimum parking 5 - For new parking and previous landscaping must be verified 6 - Previously installed landscaping must be verified
<i>Change of use</i>	Yes	Yes <sup>4</sup>	Yes	Yes <sup>5</sup>	No	No	7 – Yes, if the building has been abandoned 8 – Parking lot landscaping will only be required when the addition requires additional parking
<i>Change of Occupant (same use)</i>	No <sup>7</sup>	No	No	No <sup>6</sup>	No	No	*A 15% cumulative expansion cap will be enforced before triggering full compliance with all improvements listed in section 4.1.3.2

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

- (1) Structure Square Footage: Any expansion over fifteen percent (15%) with a minimum area of five hundred square feet (500 sq. ft.) shall trigger all of the improvements listed above. An expansion less than fifteen percent (15%) with a minimum area of five hundred square feet (500 sq. ft.) shall trigger the improvements required under (a) (1). Partial enclosure of existing loading docks shall not trigger these improvements. A fifteen percent (15%) cumulative expansion cap will be enforced before triggering full compliance with all improvements listed above.
- (2) Paved Area or Parking Lot: Any increase of over 5,000 square feet shall trigger all of the required improvements above.
- (3) Change of Use: A change of use from one land use category to another shall trigger the improvements required under (A) (1), (A) (3), (A) (4), and refuse (dumpster) screening per Chapter 4, Division 4, Section 4.2.4.1. (D).
- (4) Change of Occupant: A change of occupant with no change of use shall not trigger any of the above improvements.

(c) **Definition.** As used in this section, the term expansion shall mean an increase in the square footage of any structure on a nonconforming property, whether by increasing the size of an existing structure or the construction of a new structure.

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Ord. No. 2000T-2, Section 4.1.3.2, February 26, 2007.

Ord. No. 2000T-4, Section 4.1.3.2, September 24, 2007.

Ord. No. 2000T-6, Section 4.1.3.2, November 26, 2007.

Ord. No. 2000T-11, Section 4.1.3.2, July 27, 2009.

Ord. No. 2000T-12, Section 4.1.3.2, June 28, 2010.

Ord. No. 2000T-14, Section 4.1.3.2, January 14, 2013.

Ord. No. 2000T-28, Section 4.1.3.2, November 26, 2018.

#### Division 4 – Maintenance of Improvements

##### **Section 4.1.4.1 Maintenance of Improvements Required**

All improvements required by the UDC shall be maintained in a manner such that their intended purposes continue to be met so long as the property is occupied or used in any way.

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Ord. No. 2000T-8, Section 4.1.4.1, August 25, 2008.



## **Article 2 – Development Standards**

### **Division 1 – Parking**

#### **Section 4.2.1.1 Off-Street Parking Spaces Required**

- (a) Development within the Old Townsite (OT) district shall be required to comply with this Section of the UDC unless otherwise outlined in Section 2.4.3.4 OT, Old Townsite.
- (b) In all zoning districts, off-street parking spaces shall be provided in accordance with the requirements of this division at the time any building or structure is erected or structurally altered, or whenever there is a change to a new use with respect to the standards of this division. No additional parking spaces shall be required on expansion of building less than fifteen percent (15%) with five hundred square feet (500 sq. ft.) minimum.
- (c) It is the intent of these regulations to prevent the reduction of existing off-street parking and loading spaces to less than the minimum amounts that would be required if the existing use of the structure had been established or erected in full compliance with the provision herein.
- (d) No Certificate of Occupancy shall be issued, no use shall be established or changed, and no structure – including parking facilities – shall be erected, enlarged, or reconstructed unless the off-street parking and loading spaces are provided in the minimum amount and maintained in the manner specified in these regulations, provided, however:
  - (1) For the enlargement of a structure or for the expansion for a use of a structure or land there shall be required only the number of off-street loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and
  - (2) For a change in the use of a structure or land, the number of off-street parking and loading spaces required shall be equal to the number required for the new use.
- (e) In all zoning districts, parking and loading areas shall not be used for refuse containers, for the repair, storage, dismantling, or servicing of vehicles or equipment, for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas.

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Ord. No. 2000T-1, Section 4.2.1.1 (a) modified, July 10, 2006.

Ord. No. 2000T-4, Section 4.2.1.1, September 24, 2007.

Ord. No. 2000T-28, Section 4.2.1.1, November 26, 2018.

## Section 4.2.1.2 Minimum Requirements & Standards

### (a) Off-Street Parking Table

<b>Use</b>	<b>Minimum number of Spaces:</b>
<b>Accessory Dwelling</b>	Two additional parking spaces.
<b>Accessory Structure (Business or Industry)</b>	Varies depending on the use of the accessory structure.
<b>Accessory Structure (Residential)</b>	No additional parking required.
<b>Adult Day Care Center (Business)</b>	One space for 200 square feet of gross floor area.
<b>Agricultural Animal Husbandry</b>	No additional parking required.
<b>Agricultural Field Crops or Orchards</b>	No additional parking required.
<b>Airport &amp; Heliport/Helipad &amp; or Landing Field</b>	One space per 300 square feet of gross floor area.
<b>All-Terrain Vehicle (Go-Carts &amp; Motor Cycles) Dealer/Sales</b>	One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.
<b>Ambulance Service</b>	One space for each 200 square feet of gross floor area
<b>Animal Hospital (No Outside Pens)</b>	One space per 200 square feet of gross floor area.
<b>Animal Processing</b>	One space for each 1.5 employees in the maximum work shift.
<b>Antenna (Commercial or Non-Commercial)</b>	No additional parking required.
<b>Antique Shop (No outside storage)</b>	One space per 200 square feet of gross floor area.
<b>Antique Shop (With outside storage)</b>	One space per 200 square feet of gross floor area.
<b>Appliance Repair</b>	One space per 200 square feet of gross floor area.
<b>Art Museum, Dealer, or Studio</b>	One space per 200 square feet of gross floor area.
<b>Asphalt/Concrete Batching Plant</b>	One space for each 1.5 employees in the maximum work shift.
<b>Assisted Living Facility</b>	One space per each two persons capacity
<b>Astrology, Hypnotist or Psychic Arts</b>	One space per 300 square feet of gross floor area.
<b>Auction House</b>	One Space per 200 square feet of gross floor area
<b>Auto Accessories and/or Parts (Only Retail Sales in building, no outside storage or display, no repair)</b>	One space per 200 square feet of gross floor area.

<b>Auto Assembly or Auto Parts Manufacturing</b>	One space for each 1.5 employees in the maximum work shift
<b>Auto Glass Repair/Tinting</b>	One space per 200 square feet of gross floor area.
<b>Auto Interior Shop/Upholstery</b>	One space per 200 square feet of gross floor area.
<b>Auto Parts Sales (Indoors Only; With Repair Bays)</b>	One space per 200 square feet of gross floor area.
<b>Auto Parts Sales (With Outside Storage or Display)</b>	One space per 200 square feet of gross floor area.
<b>Auto Rental</b>	One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.
<b>Auto Repair (Major)</b>	One space per 200 square feet of gross floor area, excluding office space.
<b>Auto Repair (Minor)</b>	One space per 200 square feet of gross floor area, excluding office space.
<b>Auto Sales/Dealer (New - In Building, Auto Servicing and Used Auto Sales as accessory uses only) Combined auto lease</b>	One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.
<b>Auto Wash (Full Service/Detail Shop)</b>	One space for each 200 square feet of gross floor area, including service bays, wash tunnels and retail areas.
<b>Auto Wash (Self-Service)</b>	One space for each 200 square feet of gross floor area, including service bays, wash tunnels and retail areas.
<b>Auto Wrecker Service</b>	One space per 200 square feet of gross floor area.
<b>Automatic Teller Machine (ATM)</b>	No additional Parking is required.
<b>Automobile Driving School (including Defensive Driving)</b>	One space for 300 square feet of gross floor area.
<b>Bakery (Wholesale)</b>	One space for each 2,000 square feet of storage and one space for every 200 square feet of sales area.
<b>Barber/Beauty Shop/Tanning Studios (No Related School/College)</b>	Barber/Beauty Shop: One space for each 200 square feet of gross floor area, Tanning Salon: Two spaces per tanning bed, Nail Salon: Two spaces per chair/station, Other Uses Not Listed: One space for each 250 square feet of gross floor area.

<b>Barber/Cosmetology School/College</b>	One space for each staff member, plus one space for every 2 students in class when the school is at maximum capacity.
<b>Bed &amp; Breakfast Inn</b>	One parking space for each sleeping room or suite, plus 1 space for each 200 square feet of commercial floor area contained therein.
<b>Bio-Tech, High-Tech Manufacturing</b>	One space for each 1.5 employees in the maximum work shift.
<b>Boarding or Rooming House</b>	One space per person capacity of permanent sleeping facilities
<b>Boat Sales/Personal Watercraft Sales (New/Repair)</b>	One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.
<b>Building Material Sales</b>	One space per 300 square feet of gross floor area.
<b>Bulk Grain and/or Feed Storage</b>	No additional parking required.
<b>Bus or Truck Storage</b>	Five parking spaces, plus one space per 50 storage spaces.
<b>Cabinet Business</b>	One space per 500 square feet of gross floor area.
<b>Cafeteria</b>	Four spaces, plus one space for each 100 square feet of gross floor area, or four seats, whichever is less.
<b>Cannery Wholesale</b>	One space per 500 square feet of gross floor area.
<b>Catering Service</b>	Two parking spaces plus one per employee at peak shift.
<b>Cattle Feedlot (CAFO)</b>	One space per 500 square feet of gross floor area.
<b>Cellular Communications Tower/PCS {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}</b>	No additional parking beyond the principal use.
<b>Cemetery (Including Mausoleum)</b>	1 parking space for each 50 square feet of floor space in office, slumber room, parlors or individual funeral service rooms.
<b>Chemical Packing and/or Blending</b>	One space for each 1.5 employees in the maximum work shift.
<b>Child Day Care Center (Business)</b>	One space per 300 square feet of gross floor area.
<b>Child Day Nursery</b>	No additional parking required.

<b>Church, Temple, or Place of Worship</b>	One space for each 4 seats of capacity in the main area containing fixed seating or one space for every 100 square feet of gross floor area in the main worship area if no fixed seating exists.
<b>Cigars, Tobacco or E-Cigarettes Shop (Retail Only)</b>	One space per 200 square feet of gross floor area.
<b>Cinema</b>	One space for each 4 seats plus one for each employee.
<b>Civic Center (Municipal)</b>	One space per 200 square feet of gross floor area.
<b>Civic Club</b>	One space per 200 square feet of gross floor area.
<b>Cleaning, Dyeing or Laundry Plant, Commercial</b>	One space per 300 square feet of gross floor area.
<b>Clinic, Medical or Dental</b>	One space for each 300 square feet of gross floor area
<b>Clothing Manufacturing</b>	One space for each 1.5 employees in the maximum work shift.
<b>Coffee Roasting</b>	One space per 200 square feet of gross floor area.
<b>Commercial Amusement, Indoor</b>	Bowling Alley: 4 spaces per each bowling lane, Billiard/Pool Facility: 2 spaces per pool table, Indoor Miniature Golf Course: One space per 200 square feet of gross floor area for indoor, plus 1 ½ spaces per hole, Gun Range/Archery: One space per 200 feet of gross floor area of indoor facilities, plus one space per tee or target, Skating Rink: One space for each 150 square feet of rink area, Indoor Game Courts: Three spaces per court, Walk-in Theater: One space per 4 seats, plus one space for each employee, Video Arcade: One space for each 200 square feet of gross floor area, plus one space per 3 persons that the facility is designed to accommodate at maximum capacity, Other Uses: One space for each 200 square feet of gross floor area.

<b>Commercial Amusement, Outdoor</b>	Miniature Golf Course: One space per 200 square feet of gross floor area for indoor, plus 1 ½ spaces per hole, Amusement Park: One space per 3 persons that the facilities are designed to accommodate at maximum capacity, Skateboarding, Water Slides: One space per 200 square feet of gross floor area of indoor facilities plus one space per four persons designed capacity of outdoor facilities, Sports Fields, Swimming Pool: One space per 100 square feet of gross floor area of indoor facilities plus one space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable Other Uses: One space for each 200 square feet of gross floor area.
<b>Commercial Extraction of Soil, Sand, and Gravel or similar material and storage</b>	One space for each 1.5 employees in the maximum work shift.
<b>Commercial Transit Terminal</b>	One space per employee plus spaces required to satisfy projected peak parking demand.
<b>Community or Social Buildings</b>	One space per 200 square feet of gross floor area.
<b>Community/Group Home</b>	Four spaces required.
<b>Construction Contractor with Storage Yard</b>	One space per 500 square feet of gross floor area.
<b>Contractor's Temporary On-Site Construction Office (only with permit from B.O.)</b>	No additional spaces required.
<b>Convenience Store (Without Gasoline Sales)</b>	One space for each 200 square feet of gross floor area.
<b>Convent or Monastery</b>	One space per person capacity of permanent sleeping facilities.
<b>Copy/Printing Shop</b>	One space for each 200 square feet of gross floor area.
<b>Country Club/Private Golf Course/Public Golf Course</b>	1 space per 150 square feet of gross floor area of indoor facilities, plus 4 spaces per green.
<b>Credit Agency</b>	One space for each 300 square feet of gross floor area
<b>Dance Hall or Night Club</b>	One space for every 3 persons at maximum capacity.
<b>Day Camp (For Children)</b>	One space per 300 square feet of gross floor area.

<b>Department Store (Retail Only, for Hardware, Sporting Goods, Toys, Paints, Wallpaper, and/or Clothing)</b>	One space for each 200 square feet if store is under 25,000 square feet or One space for each 300 square feet of gross floor area if greater or equal to 25,000 square feet.
<b>Dinner Theatre</b>	Four spaces, plus one space for each 100 square feet of gross floor area, or one space for every four seats, whichever is less.
<b>Drag Strip/Race Track</b>	One space for every 3 spectator seats.
<b>Drive-In Theater</b>	One space for each employee on the largest shift.
<b>Dumps, Landfills, and Sanitary Landfill (Private or Public)</b>	One space for each employee at peak work shift.
<b>Dwelling - Four-Family (Quadriplex) (Defined Under Dwelling - Multiple-Family)</b>	Efficiency Unit = 1.5 spaces, One-Bedroom unit = 2.0 spaces, Two Bedroom unit = 2.5 spaces and Three-bedroom unit, or more = 1 space per bedroom.
<b>Dwelling - HUD-Code Manufactured (Mobile) Home</b>	Two parking spaces per dwelling unit
<b>Dwelling - Industrialized Home</b>	Two parking spaces per dwelling unit
<b>Dwelling - Mobile Home</b>	Two parking spaces per dwelling unit
<b>Dwelling - Multiple-Family</b>	1.5 spaces, One-Bedroom unit = 2.0 spaces, Two Bedroom unit = 2.5 spaces and Three-bedroom unit, or more = 1 space per bedroom.
<b>Dwelling - Patio Home</b>	Two parking spaces.
<b>Dwelling - Single-Family Detached</b>	Two parking spaces.
<b>Dwelling - Town House</b>	Two Parking spaces per dwelling unit
<b>Dwelling - Two-Family</b>	Two Parking spaces per dwelling unit
<b>Electric Power Generating Plant</b>	One space per 1000 square foot of gross floor area.
<b>Electrical Substation</b>	No parking required.
<b>Emergency Care Clinic</b>	One space for each 300 square feet of gross floor area
<b>Exhibition Hall or Public Assembly (Auditorium, Gymnasium, Stadiums etc.)</b>	One space for each 4 seats of capacity in the main area containing fixed seating.
<b>Explosives Manufacturer and/or Storage</b>	One space for each 1.5 employees in the maximum work shift.

<b>Extended Stay Hotel/Motel, Hotel and Motel</b>	One parking space for each sleeping room or suite, plus 1 space for each 200 square feet of commercial floor area contained therein.
<b>Exterminator Service/Company (No outdoor sales or storage)</b>	One space per 300 square feet of gross floor area.
<b>Fairgrounds or Rodeo Grounds</b>	1 space per 600 square feet of outdoor site area, plus 1 space per 4 fixed spectator seats or one space per 3 spectator seats.
<b>Farm (Ranch, Livestock)</b>	No additional parking required.
<b>Farm Accessory Building</b>	No additional parking required.
<b>Feed &amp; Grain Store/Farm Supply Store</b>	One space per 300 square feet of gross floor area of store, if applicable.
<b>Financial Institution (No Motor Bank Services)</b>	One space for each 200 square feet of gross floor area
<b>Financial Institution (With Motor Bank Services)</b>	One space for each 200 square feet of gross floor area
<b>Flour and Other Grain Mills</b>	One space per 2,000 square feet of gross floor area, plus offices at 1 space per 300 square feet.
<b>Food Sales On or Off Premise</b>	Four spaces, plus one space for each 100 square feet of gross floor area, or one space per four seats, whichever is less.
<b>Food Store/Supermarket</b>	One space for each 200 square feet if store is under 25,000 square feet or One space for each 300 square feet of gross floor area if greater or equal to 25,000 square feet.
<b>Franchised Private Utility (Other than those listed)</b>	One space for each 1.5 employees at peak work shift.
<b>Fraternal Organization</b>	One space per 200 square feet of gross floor area.
<b>Fraternity or Sorority House</b>	One space per person capacity of permanent sleeping facilities.
<b>Funeral Home/Mortuary (Including Crematorium)</b>	If funeral services are conducted, one space for each 4 fixed seats or one space for each 100 square feet of non-fixed seating area in the gathering room, whichever is greater. If operated otherwise, one space for each employee on the largest shift.



<b>Furniture and/or Appliance Store (Retail or Rental Only, Indoor Only)</b>	One space for each 200 square feet if store is under 25,000 square feet or One space for each 300 square feet of gross floor area if greater or equal to 25,000 square feet.
<b>Gaming Establishment</b>	One space per 200 square feet of gross floor area.
<b>Garage and/or Yard Sales</b>	No additional parking required.
<b>Garden Shop &amp; Outside Plant Sales (i.e., Plant Nursery)</b>	One space for each 500 square feet of indoor display area, plus one space for each 2500 square feet of outdoor display area.
<b>Gas Transmission &amp; Metering Station</b>	One space for each 1.5 employees at peak work shift.
<b>Gasoline Station (With or Without Auto Wash - Self Serve)</b>	One per 300 square feet including service bays, wash tunnels and retail areas.
<b>General Retail Store, other than listed</b>	One space for each 200 square feet if store is under 25,000 square feet or One space for each 300 square feet of gross floor area if greater or equal to 25,000 square feet.
<b>Governmental Building or Use (County, State or Federal)</b>	Varies depending on the use.
<b>Gravestone/Tombstone Sales</b>	One space per 200 square feet of gross floor area.
<b>Guest, Caretakers or Security Quarters</b>	Two additional parking spaces.
<b>Gym/Health Club (Physical Fitness; Indoors Only)</b>	One space per 200 square feet of gross floor area.
<b>Hardware Store</b>	One space per 200 square feet of gross floor area.
<b>Hazardous Emissions</b>	No additional parking required.
<b>Heating &amp; Air-Conditioning Sales/Services</b>	One space per 500 square feet of gross floor area.
<b>Heavy Machinery Sales, Storage, Rental &amp; Repair Combined Tool and Machinery Rental (Indoor Storage only)</b>	One space per 500 square feet of gross floor area.
<b>Heavy Manufacturing Process</b>	One space for each 1.5 employees in the maximum work shift.
<b>Home for Alcoholic, Narcotic or Psychiatric Patients</b>	One space per each two beds.

<b>Home Sales office-temp (for new subdivision)</b>	A minimum of 4 on-site parking spaces shall be provided, and one of these spaces provided shall be in compliance with ADA parking.
<b>Hospice (Defined Under Household Care Facility)</b>	4 parking spaces.
<b>Hospital (For Profit)</b>	One space per bed.
<b>Hospital (Non-Profit)</b>	One space per bed.
<b>Institution of Religious, Educational or Philanthropic Nature</b>	One space per 200 square foot of gross floor area.
<b>Jewelry Store</b>	If less than 25,000 square feet, one space per 200 square feet of gross floor area. 2. If 25,000 square feet or more, one space per 300 square feet of gross floor area.
<b>Laboratory, Medical or Dental</b>	One space per 300 square feet of gross floor area.
<b>Laundromat (Self-Service Laundry)</b>	One space per 200 square feet of gross floor area.
<b>Library, Public or Museum (Indoor)</b>	One space for 300 square feet of gross floor area.
<b>Light Manufacturing Process</b>	One space for each 1.5 employees in the maximum work shift.
<b>Limousine/Taxi Service</b>	One space for each employee on the largest shift, plus one space per taxi or limo when the facility is at maximum capacity.
<b>Liquefied Petroleum Storage &amp; Sales</b>	One space per 500 square feet of gross floor area.
<b>Liquor/Package Store</b>	One space per 200 square feet of gross floor area.
<b>Livestock Sales, Wholesale</b>	One space per 2,000 square feet of gross floor area, plus offices at 1 space per 300 square feet.
<b>Locksmith/Key Shop</b>	One space per 300 square feet of gross floor area.
<b>Lumber Mill/Yard</b>	One space per 500 square feet of gross floor area.
<b>Manufactured Home Display, Sales and/or Rental (New or Used)</b>	One parking space for employees and customers per 3,000 square feet of open sales lot and enclosed floor area devoted to the sale and display of manufactured homes.

<b>Manufacturer of Chlorine or Other Toxic Gasses</b>	One space for each 1.5 employees in the maximum work shift.
<b>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</b>	One space for each 1.5 employees in the maximum work shift.
<b>Market - Open Air (i.e., Flea Market)</b>	One space per 100 square feet of gross floor area.
<b>Massage Establishment</b>	One space per 200 square feet of gross floor area.
<b>Medical Appliances &amp; Sales</b>	One space per 200 square feet of gross floor area.
<b>Medical Device Assembly</b>	One space per 300 square feet of gross floor area.
<b>Metal, Machine or Wood Shop</b>	One space per 500 square feet of gross floor area.
<b>Micro-Brewery/Micro-Distillery/Micro-Winery</b>	One space per 200 square feet of gross floor area.
<b>Milk Depot – Wholesale</b>	One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office.
<b>Mini-Warehouse/Self Storage</b>	One space per 50 storage units, spread throughout the development, plus a minimum of 5 spaces on the outside of the security fence for customers. If truck or trailer rental is conducted as an accessory use, one space for each rental vehicle shall be added to the required number of spaces.
<b>Minor Concrete Batching Operation &amp; Storage of Associated Processing Material (Restricted to 1.5 Yards or Less Per Batch)</b>	One space for each 1.5 employees in the maximum work shift.
<b>Mobile/ Manufactured Home Sales or Rental Only</b>	One parking space for employees and customers per 3,000 square feet of open sales lot and enclosed floor area devoted to the sale or rental of trailers.
<b>Motorcycle Sales/Dealer (New/Repair)</b>	One space per 1500 square feet of open sales lot and enclosed floor area devoted to the sale and display.

<b>Moving and Storage Company</b>	One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office, plus one space for each moving truck.
<b>Municipal Public Administration Offices</b>	One space for 300 square feet of gross floor area.
<b>News Printing/Book Binding</b>	1.5 spaces for each employee on the largest shift.
<b>Nursing/Convalescent Home (Defined Under Skilled Nursing Facility)</b>	One parking space for each two beds.
<b>Office (other than listed)</b>	One space for each 300 square feet of gross floor area
<b>Office Warehouse Storage or Sales (Defined Under Storage or Wholesale Warehouse)</b>	One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office.
<b>Office, Parole-Probation, Bail Bonds</b>	One space for each 300 square feet of gross floor area
<b>Office/Clinic, Veterinarian (Animal Hospital, With Outside Pens)</b>	One space for each 300 square feet of gross floor area
<b>Office/Clinic, Veterinarian (No Animal Hospital or Outside Pens)</b>	One space for each 300 square feet of gross floor area
<b>Off-site Detention Facility</b>	No additional parking required.
<b>Off-Street Parking Incidental to Nonresidential Main Use</b>	Varies depending on the type of use.
<b>Off-Street Parking Incidental to Residential Main Use</b>	Varies depending on the type of residential use.
<b>Onsite Detention Facility</b>	No additional parking required.
<b>Outside Display {See related regulations in applicable zoning districts}</b>	No additional parking required
<b>Outside Storage</b>	Varies depending on the business.
<b>Park and/or Playground (Private)</b>	One space per 100 square feet of gross floor area of indoor facilities plus one space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable.
<b>Park and/or Playground (Public; Municipal)</b>	One space per 100 square feet of gross floor area of indoor facilities plus one space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable.
<b>Parking Lot or Garage for passenger cars and trucks of less than one (1) ton capacity)</b>	One space for each 200 square feet of gross floor area.

<b>Penal or Correctional Institutions</b>	One parking space for each two beds.
<b>Pet and Animal Grooming Shop</b>	One space per 300 square feet of gross floor area.
<b>Pet Care Facility/Animal Kennel (With Outdoor Pens)</b>	One space per 300 square feet of gross floor area.
<b>Pet Care Facility/Animal Kennel (With Indoor Pens)</b>	One space per 300 square feet of gross floor area.
<b>Pet Shop-Small Animals, Birds or Fish</b>	1. If less than 25,000 square feet, one space per 175 square feet of gross floor area. 2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.
<b>Petroleum or Petroleum Product Extraction</b>	One space for each 1.5 employees in the maximum work shift.
<b>Petroleum Products Bulk Storage (Wholesale)</b>	One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office.
<b>Petroleum Refining, Manufacturer, or Bulk Storage</b>	One space for each 1.5 employees in the maximum work shift.
<b>Piano and Musical Instruments (Retail Only)</b>	One space per 200 square feet of gross floor area.
<b>Pipe Processing or Storage Yard</b>	One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office.
<b>Plumbing or Carpenter Shop (No Outside Storage)</b>	One space per 300 square feet of gross floor area.
<b>Printing Equipment, Supplies and Repairs</b>	One space per 300 square feet of gross floor area.
<b>Private Club</b>	One space per 200 square feet of gross floor area.
<b>Propane Sales (Retail)</b>	One space per 300 square feet of gross floor area.
<b>Radio or Television or Microwave Towers (Commercial) {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}</b>	No additional parking required beyond that which is required for the principal use(s) on the site.
<b>Radio or Television Transmitting Station (Commercial) {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}</b>	One space per 300 square feet of gross floor area.
<b>Railroad Team Tracks, Freight, Depot or Docks</b>	One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office.
<b>Railroad, Bus, Light Rail Passenger Station (Public)</b>	One space per 100 square feet of gross floor area.

<b>Recreation Center (Private, For Profit)</b>	One space per 200 square feet of gross floor area.
<b>Rehabilitation Care Facility (Halfway House)</b>	Four spaces per unit.
<b>Rehabilitation Care Institution (Commercial)</b>	Two spaces per unit.
<b>Resale/Consignment Shop</b>	One space for each 200 square feet of gross floor area.
<b>Restaurant (With Drive-In and/or Drive-Thru Service)</b>	One space for each 100 square feet of gross floor area, including outdoor areas for seating and waiting.
<b>Restaurant (With No Drive-In or Drive-Thru Service)</b>	One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.
<b>Sale of Produce from Community Garden</b>	No additional parking required.
<b>Satellite Dish (greater than 4' in diameter) (See Telecommunication Regs. Chp. 2, Art. 5, Div. 5 of the UDC)</b>	No additional parking required.
<b>Satellite Dish (Private, less than 4' in diameter) {See Telecommunication Regs. Chp. 2, Art. 5, Div. 5 of the UDC}</b>	No additional parking required.
<b>School - Elementary, Junior High or High School (Public or Parochial)</b>	Elementary One space per 20 students, plus one space per staff faculty member. Junior High school One space per 15 students and 1 space per staff faculty member. High School One space for every 3 students, faculty and staff based on maximum design capacity
<b>School - Other Than Public or Parochial</b>	Three spaces per classroom for Elementary & Junior High school, Nine spaces per classroom for High School.
<b>Seamstress, Tailor or Laundry Dry Cleaning (Retail Only - Drop Off/Pick Up)</b>	One space per 200 square feet of gross floor area. No delivery vehicles can occupy required parking spaces.
<b>Security Monitoring Company (No Outside Storage)</b>	One space for each 300 square feet of gross floor area
<b>Sheltered Care Facility</b>	One space per two beds.

<b>Shopping Center</b>	One space per 200 square feet of gross floor area for shopping centers under 25,000 square feet and one space per 250 square feet of gross floor area for shopping centers that are 25,000 square feet or larger.
<b>Sign Shop</b>	One space per 200 square feet of gross floor area.
<b>Social &amp; Recreational Building, including homeowner's association neighborhood Recreation centers</b>	One space for each 200 square feet of gross floor area.
<b>Stable/ Riding Facility, Commercial</b>	One space for each 5 horses that can be boarded at the maximum capacity on the property.
<b>Stone Monuments – Fabrication and Outdoor Storage</b>	One space per 250 square feet of gross floor area.
<b>Stone Monuments - Retail Sales Only (indoors)</b>	One space per 250 square feet of gross floor area.
<b>Storage of Used Lumber and Building Materials</b>	One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office.
<b>Studio - Tattoo or Body Piercing</b>	One space for each 200 square feet of gross floor area.
<b>Studio for Radio and/or Television (No Tower[s])</b>	One space per 300 square feet of gross floor area.
<b>Studio or Learning Center for Fine or Performing Arts</b>	One space per 200 square feet of gross floor area.
<b>Swimming Pool, Commercial</b>	One space per 100 square feet of gross floor area of indoor facilities plus one space per four persons design capacity of outdoor facilities, including both participants and spectators as applicable.
<b>Swimming Pool, Private (Use Only By Resident)</b>	No additional parking required.
<b>Tavern</b>	One space for each 50 square feet of public seating and waiting area (including areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.
<b>Taxidermist</b>	One space per 200 square feet of gross floor area.

<b>Telemarketing Agency</b>	One space for each 300 square feet of gross floor area
<b>Telephone Exchange Switching Relay &amp; Transmitting Equipment</b>	One space, plus an additional space for each 300 square feet of office space.
<b>Temporary Outdoor Amusement/Activity</b>	Varies depending on use.
<b>Tennis Court (Private/Lighted)</b>	Two spaces per tennis court.
<b>Tennis or Swim Club (Private, For Profit)</b>	Two spaces per tennis court, and two spaces per swim lane.
<b>Theater for the Performing Arts</b>	One space per 4 seats of capacity.
<b>Tire Retreading and Capping</b>	One space for each 1.5 employees in the maximum work shift.
<b>Tire Sales (Outdoors, With Open Storage)</b>	One space per 200 square feet of gross floor area.
<b>Tool and Machinery Rental (with Outdoor Storage)</b>	One parking space for employees and customers per 3,000 square feet of open sales lot and enclosed floor area devoted to the rental of tools and machinery.
<b>Transfer Station (Refuse/Pick-up)</b>	One space/each employee on the largest shift.
<b>Travel Trailer/RV Park/Campground (Long-Term Stays) {Travel Trailer Defined}</b>	Two spaces per space or campground.
<b>Truck or Freight Terminal</b>	One space for each employee on the largest shift
<b>Upholstery Business (with Outdoor Storage)</b>	One space per 500 square feet of gross floor area.
<b>Utility Shops or Storage, Yards and Building</b>	One space, plus an additional space for each 300 square feet of office space.
<b>Warehouse &amp; Distribution Facility</b>	One space for each 2,000 square feet of gross floor area plus 1 space for 300 square feet of office space.
<b>Wholesale Trade - Nondurable Goods</b>	One space for each 2,000 square feet of gross floor area, plus one space for 300 square feet of office.
<b>Wrecking or Salvage Yard (Auto, Steel or Building Materials)</b>	One space for each 2,000 square feet of gross floor area plus 1 space for 300 square feet of office space.

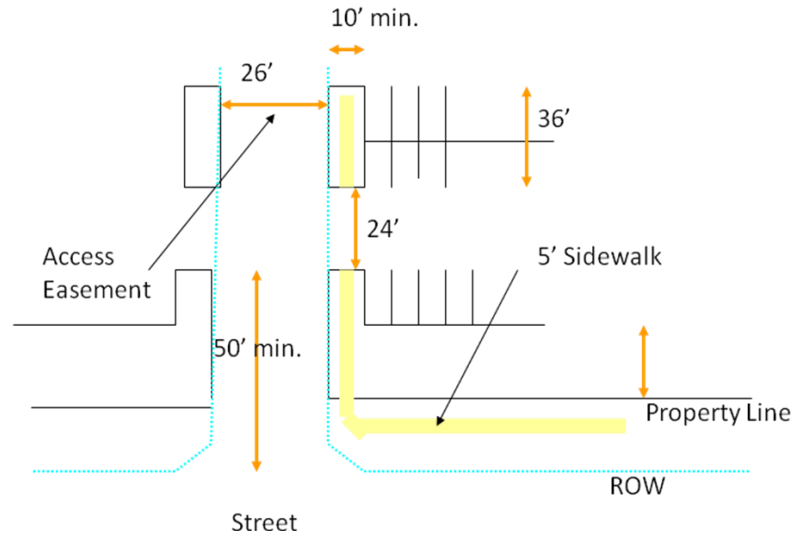
(b) **Minimum Requirements for Off-Street Parking.** Requirements are as follows:

- (1) Parking on grass or other non-paved area in any zoning district is prohibited except for agricultural machinery or equipment in the SD or RE zoning districts.



- (2) For any multiple-family, duplex, or townhome dwelling unit or condominium where leasing offices are provided on the site, visitor parking must be provided as per the office parking requirements outlined in this section. Where clubhouses are provided on the site, appropriate off-street parking must be provided as per the eating and drinking establishments requirements outlined in this section.
- (3) For residence halls, fraternity buildings, and sorority buildings, additional parking spaces may be required by the Planning and Zoning Commission for fraternity and sorority buildings as a condition of the Site Plan approval where the building does not provide permanent sleeping facilities for all members of the organization.
- (4) The requirements for schools shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events including visiting of parents or other personnel. Such requirements will be calculated based on the applicable parking requirements for the individual uses.
- (5) For any restaurant, eating and/or drinking establishment where permanent outdoor seating areas including decks, patios, or other unenclosed spaces are provided, those areas shall be included in the calculation of gross floor area and total number of seats. Establishments having only outdoor dining consisting of fewer than sixteen (16) seats shall provide a minimum of four (4) parking spaces.
- (6) In addition to required parking spaces, a day care center or pre-elementary school shall provide a driveway having a length sufficient for temporary parking of at least three (3) vehicles whereby the temporary parking spaces do not block access to the other required off-street parking spaces. In lieu of the driveway required herein, a day care center or pre-elementary school located within a development with shared parking, such as a multiple-occupancy center or an integrated business development, may provide three (3) clearly designated temporary parking spaces located not more than one hundred feet (100') from the main entrance of the day care center or pre-elementary school.
- (7) Parking requirements for recreation and amusement facilities that have any combination of the outdoor uses on the same premises shall be calculated based on the sum of the minimum requirements for the individual uses proportionate to the indoor and outdoor areas allocated for each use.
- (8) For developments within Development plats, as permitted under Chapter 3, Article 1, Division 4, where access and frontage is provided by access easements, the following requirements will apply:
  - a. Minimum access easement width of twenty-six feet (26');
  - b. Fifty feet (50') of separation between the adjoining street curb line and the edge of the entrance to the first parking bay;
  - c. Twenty-four feet (24') aisle width between adjoining parking bays, or the parking bay and edge of the parking lot;
  - d. Thirty-six foot (36') minimum depth of parking bays containing two rows of parking;

- e. Ten-foot (10') minimum width raised islands at each end of each parking bay and along the both sides of access easement, separating the parking bays from access easements or drive aisles; and
- f. Four-foot wide sidewalks should be provided along both sides of all access easements and at other areas designated for pedestrian access.



(b) **Minimum Requirements for Off-Street Stacking.** Off-street stacking requirements for drive-through facilities shall be as follows.

- (1) A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- (2) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.
- (3) For retail operations, other than restaurants, banks and kiosks that provide drive-up service, including pharmacy and dry cleaners, a minimum of three (3) stacking spaces for each service window shall be provided.
- (4) For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish and drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes and streets.
- (5) For each automated self-service car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.

- (6) For each wand-type self-service car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area and shade structure is provided, outside of circulation aisles, for these activities.
  - (7) For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.
  - (8) For restaurants with drive-thru service, a minimum of five (5) stacking spaces shall be provided for the first (or only) window, and if applicable, a minimum of two (2) stacking spaces for each subsequent window.
- (c) **New or Unclassified Uses.** When a proposed land use is not classified in this section, the parking requirements will be based on the minimum standard which applies to a specified use which is most closely related to the proposed land use, as determined by the Director, based on parking studies prepared by qualified professionals.
- (d) **Parking on the Same Lot Required.** Except as provided in Chapter 1, Article 1 for circumstances that may be approved by the Zoning Board of Adjustment as a special exception, all required off-street parking spaces shall be located on the same lot or tract as the principal use being served by the parking area. All required parking shall be on a paved surface. In such cases where parking is located on a separate lot, the following is required:
- (1) The parking is provided on a separate, conforming parking lot located not more than 500 feet away from the premises of the use for which parking requirements the parking lot is fulfilling, and which shall be conveniently usable without unreasonable:
    - a. Hazard to pedestrians;
    - b. Hazard to vehicular traffic;
    - c. Traffic congestion; or,
    - d. Detriment to the appropriate use of other properties in the vicinity;
  - (2) A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned, including the owner/agent of the principal use utilizing the parking and the owner/agent of the lot on which the parking is to be provided. Such written agreement shall assure the continued availability of and access to (i.e., via an easement, etc.) the off-street parking area for the principal use it is intended to serve.
- (e) **Off-Street Loading Requirements.** In all zoning districts there shall be provided, in connection with appropriate allowable uses, off-street loading facilities in accordance with the following: Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended or designed for the use shall be provided with off-street truck loading or unloading berths at least 12 feet wide, 14 feet high and 35 feet long in accordance with the following table. There shall be sufficient space to ensure that all maneuvering required to utilize the loading space will not include street right-of-way.

Square Feet of Aggregate Gross Floor Area	Required Number of Berths
10,000 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 320,000	5
320,001 to 400,000	6
400,001 to 490,000	7
For each additional 90,000 over 490,000, additional berth	1

Ord. No. 2000T-1, Section 4.2.1.2 (8) deleted, July 10, 2006.

Ord. No. 2000T-2, Section 4.2.1.2, February 26, 2007.

Ord. No. 2000T-8, Section 4.2.1.2, August 25, 2008.

Ord. No. 2000T-11, Section 4.2.1.2, July 27, 2009.

Ord. No. 2000T-13, Section 4.2.1.2, October 24, 2011.

Ord. No. 2000T-30, Section 4.2.1.2, August 26, 2019.

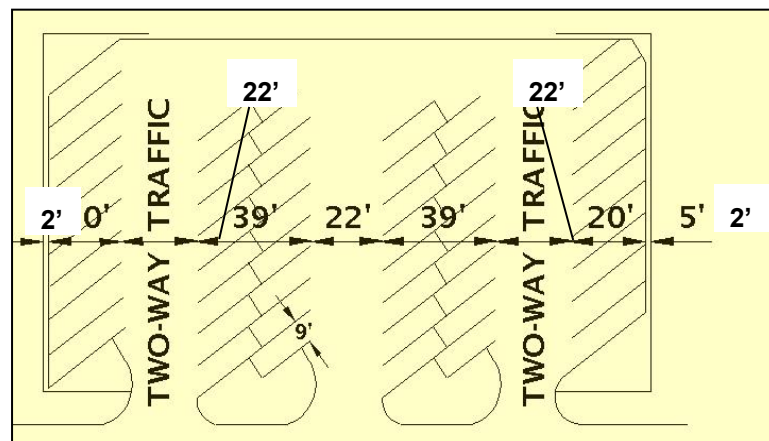
Ord. No. 2000T-30, Section 4.2.1.2, October 24, 2022.

### **Section 4.2.1.3 Design & Construction Standards**

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

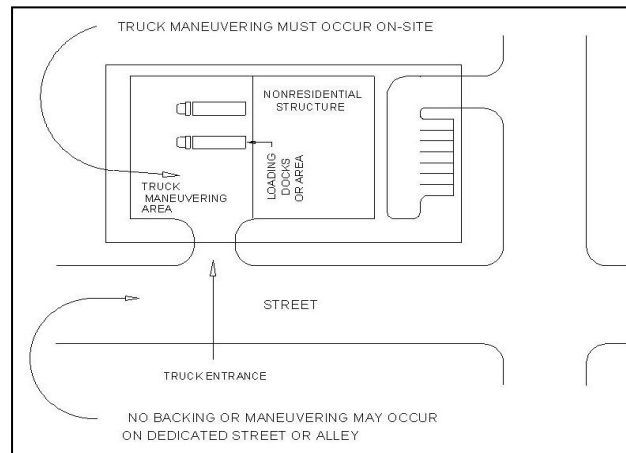
Parking Angle (degrees)	Stall Width (feet)	Aisle Length Per Stall (feet)	Depth of Stall Perpendicular to Aisle (feet)	Aisle Width (feet)	
				One-Way	Two-Way
0 parallel	8.0	23.0	8.0	12.0	24.0
30	9.0	18.0	16.8	11.0	22.0
45	9.0	12.7	19.1	13.0	22.0
60	9.0	10.4	20.1	18.0	23.0
90	9.0	9.0	18.0	24.0	24.0

- (b) **Truck or Bus Parking Areas.** Parking spaces used for the parking of trucks or buses shall not be counted toward meeting the requirements unless otherwise approved by the Planning Director.
- (c) **Fractional Spaces Resulting from Parking Calculations.** When the computation for the number of parking spaces required under this chapter results in the requirements of a fractional space, the fractional space requirement shall be satisfied by adding 1 additional space to the whole space total.
- (d) **Dimensional Standards.** All required or provided off-street parking areas shall be designed in accord with the following dimensional standards:
  - (1) Standard Parking Spaces: A stall or area containing a rectangular space measuring no less than nine feet wide by 18 feet deep, except for parallel spaces which shall be a minimum of eight feet by 23 feet, in accord with the following dimensions or interpolation thereof for parking angles not indicated:
  - (2) Accessible Parking Spaces for Persons with Disabilities:
    - a. Off-street parking spaces shall be reserved for the physically disabled in an amount not less than that required by the Americans with Disabilities Act accessibility guidelines.
    - b. Each parking space reserved for the physically disabled shall conform to the identification requirements of the state department of licensing and regulation promulgated under state law, and the design specifications enumerated in the Americans with Disabilities Act accessibility guidelines.
    - c. Current copies of both the state and federal regulations are available in the Department of Community Services.
    - d. State law offenses for improper use of parking spaces reserved for the disabled upon private property shall apply within the City. Any peace officer and the designated City official enforcing parking regulations may issue citations for improper use.
- (e) **Parking Spaces/Areas Serving Uses Other Than Single-Family or Duplex.** All parking areas and spaces serving uses other than single-family or duplex dwellings shall be designed and constructed so as to have free ingress and egress at all times and so that the perimeter of the parking area (lot) is bounded by a raised or ribbon curb(s).



Chapter 4. Site Development  
 Figure 4-1: Example – 45 Degree Layout with Two-Way Traffic Page 4-36

- (f) **Parking Spaces/Areas Serving Residential Uses.** All parking areas and spaces required to serve residential uses shall be maintained such that they are open and accessible for parking use. In the case of a parking lot, it shall be designed and constructed so that the perimeter of the parking area (lot) is bounded by a raised or ribbon curb(s).
- (g) **Vehicles Backing Into Public Streets and Sidewalks.** No parking space or parking area shall be designed so as to require a vehicle to back into a public street or across a public sidewalk. All maneuvering shall be on-site. All spaces adjacent to a property line shall have curbs or wheel stops to prevent vehicles from extending beyond the property line. Exceptions:
1. Parking for one- and two-family dwelling units; and
  2. Parking spaces or parking areas located within the Old Townsite may use adjoining public or private streets for maneuvering room, provided;
    - a. No parking space encroaches upon any right-of-way, public or private;
    - b. No parking space is located closer than ten feet (10') to a ROW intersection;
    - c. The design and construction of the parking spaces complies with the standards found in Section 4.2.1.3; and
    - d. Sidewalks are constructed between the parking spaces as allowed herein and all buildings on the property.



- (h) **Areas and When off-facilities are an improved width of the assumed to be a portion of the maneuvering space requirement.**

Figure 4-2: Off-Street Maneuvering for Loading Areas

**Maneuvering Public Alleys.** street parking located adjacent to public alley, the alley may be

- (i) **Off-Street Parking Facilities Not Required Herein.** When off-street parking facilities are provided in excess of minimum amounts specified in this division, or when off-street parking facilities are provided, but not required by this chapter, the off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space specified in this division.
- (j) **Paving of Parking Areas for Permanent, Principal Uses.** All required or provided parking areas for permanent, principal uses, including outdoor display areas for the sale or rental of vehicles, shall be paved according to City standards and

specifications for all-weather surfaces as provided in this UDC. Parking lanes in parking lots must be clearly marked by paint, buttons, or other approved material, except that areas used solely for display of vehicles for sale or rental are not required to have marked parking lanes. Vehicle storage areas which are fenced or screened, and are not open to the public, are exempt from these requirements.

- (k) **Alternative Landscaping for Parking.** On sites of one acre or more, when specifically requested by the owner, the Planning Director shall permit not more than 25 percent of required parking spaces to be maintained in landscaped open space until the property owner desires to increase the number of parking spaces or until 90 percent of the parking spaces are observed occupied at any three (3) times during any consecutive sixty (60) day period, whichever is earlier, at which time the Planning Director shall require construction of additional parking spaces. Such additional spaces shall be constructed within six (6) months of the date of the written notice by the Planning Director. All open space and landscaping requirements shall be based on the maximum required number of parking spaces, rather than the reduced amount shown here.
- (l) **Pedestrian Lanes.** When a parking area is designed to accommodate more than one hundred (100) vehicles, and where a majority of the parking spaces are not located next to a building walkway at the perimeter of the building, there shall be provided separate, marked pedestrian walkways to enable pedestrians to safely transit the parking area with minimum hazard. Such walkways shall have a clear width of not less than four feet (4'), exclusive of any vehicle overhang where head-in parking adjoins the walkways.
- (m) **Dead Ends and Turnaround Space.** No parking area serving a use other than single-family or duplex dwellings shall be designed or constructed which ends in a dead end, unless turnaround space of at least nine feet in depth is provided.
- (n) **Entrances and Exits.** All entrances or exits to a parking area shall be designed and constructed in accordance with Chapter 3, Article 2, Division 7 (Driveways).
- (o) **Setback Required.** All parking areas or parking spaces serving uses other than single-family or duplex dwellings shall be set back a minimum of two feet (2') from any public right-of-way.
- (p) **Lighting.** Any lighting used to illuminate any off-street parking area shall be designed and constructed so as to be reflected downward and away from any adjoining property or street. No pole mounted light fixture shall be greater than twenty-feet (20') in height and any non-residential property abutting residential or multifamily zoning district or use shall have a maximum lighting level of one-foot (1) candle at the property line.
- (q) **Nonconforming Uses and Structures.** Any use of property existing at the time of adoption of these regulations and standards that does not conform with the regulations and standards prescribed in this division shall be deemed a nonconforming use and subject to the terms and conditions of Chapter 2, Article 7 of this Code. When any nonconforming structure is structurally altered, adequate parking spaces which meet the requirements of the regulations and standards adopted in this section shall be required for the entire structure and use.

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

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Ord. No. 2000T-3, Section 4.2.1.3, July 9, 2007.

Ord. No. 2000T-14, Section 4.2.1.3, January 14, 2013.

Ord. No. 2000T-33, Section 4.2.1.3, September 8, 2020

#### **Section 4.2.1.4 Off-Street Parking Lot Construction - Subbase**

##### **(a) Subbase for Parking Areas.**

- (1) Generally: This section governs the placement and compaction of all materials obtained for utilization in the construction of off-street parking lots.

(2) Construction Methods:

- a. The area shall be cleared of stumps, brush, logs, rubbish, trees and shrubs, except trees and shrubs in certain areas designated for preservation. Those trees, shrubs and other landscape features specifically designated by the responsible official for preservation shall be carefully protected from abuse, marring and damage during construction.
- b. Stump holes or other small excavations in the limits of the construction shall be backfilled with suitable material and thoroughly tamped by approved methods before commencing embankment construction. The surface of the ground, including plowed loosened ground or surface roughened by small washes or otherwise, shall be restored by blading or other methods, and, where indicated on plans or required by the City Engineer, the ground surface thus prepared shall be compacted by sprinkling and rolling.
- c. Except as otherwise required by the plans, all parking lots shall be constructed in layers approximately parallel to the finished grade of the roadbed, and unless variations are otherwise specified and approved by the City Engineer, each layer shall be so constructed as to provide a uniform slope of one-fourth inch per foot.

(3) Embankment:

- a. Embankment material shall be consistent with the City of Pearland (COP) specification section for Bedding, Backfill, and Embankment Material.
- b. Except as otherwise specified, embankment filling shall be constructed in successive layers for the full width of the individual parking lot cross section and in lengths as are best suited to the sprinkling and compaction methods utilized.
- c. Layers of embankment may be formed by utilizing equipment which will spread the material as it is dumped, or they may be formed by being spread by blading or other acceptable methods from piles or windrows



dumped from excavating or hauling equipment in amounts that provide even distribution.

- d. Each layer of embankment fill shall be uniform as to material, density and moisture content before beginning compaction. Where layers of unlike materials abut each other, each layer shall be feather-edged for at least 100 feet or the material shall be so mixed as to prevent abrupt changes in the soil. No material placed in the embankment by dumping in a pile or windrow shall be incorporated in a layer in that position, but all piles or windrows shall be moved by blading or similar methods.
  - e. Compaction of embankments shall be obtained by the method described as “ordinary compaction”.
- (4) Ordinary Compaction: When the ordinary compaction method is specified, the following shall apply. “Depth” means the depth of material achieved upon compaction until there is no evidence of further compaction, in accordance with the provisions governing “rolling”. Prior to and in conjunction with the rolling operation, each layer shall be compacted to a minimum of 95% maximum dry density within  $\pm 3\%$  of the optimum, unless otherwise specified by the Design Engineer brought to the moisture content ordered by the City’s Engineering Department and shall be kept leveled with suitable equipment to ensure uniform compaction over the entire layer.
- (5) All parking lot pavements shall consist of a minimum 6 inch of Class A, Lime Treated Subgrade compacted to a minimum of 95% maximum dry density within  $\pm 3\%$  of the optimum.

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Ord. No. 2000T-16, Section 4.2.1.4, December 16, 2013.

#### **Section 4.2.1.5 Off-Street Parking Lot Construction – Base Course**

##### **(a) Base Course for Parking Areas.**

- (1) Generally: For off-street parking lot pavements, flexible base shall consist of a foundation course composed of crushed stone or other stone materials six inches in depth for the surface course or other base courses, and shall be constructed as specified in this section in one or more courses in conformity with the typical sections shown on plans or grades established by the Design Engineer. Concrete parking lots do not require base course.
- (2) Material: One of the following materials; crushed stone, recycled crushed concrete base, cement-stabilized crushed stone, cement-stabilized bank-run gravel, recycled crushed stone and hot mixed asphalt base, can be used as specified in the COP specification section for Base Course for Pavement. The material shall be a graded material that has sufficient fine material to bind the base. The material sources shall be subject to approval by the City Engineer.
- (3) Construction Methods:
  - a. Immediately before placing the base material, the subgrade shall be checked as to conformity with dry density, moisture content, grade and section.

- b. Materials deposited upon the subgrade shall be spread and shaped the same day unless otherwise approved by the City Engineer in writing. If inclement weather or other unforeseen circumstances render impractical the spreading of the material during the first 24-hour period, the material shall be scarified and spread in a manner subject to approval by the City Engineer. The material will be sprinkled, if directed, and will then be bladed, dragged and shaped to conform to typical sections as shown on the plans. All areas and “nests” of segregated coarse or fine material shall be corrected or removed and replaced with well-graded material, as directed by the City Engineer. If additional binder is considered desirable or necessary after the material is spread and shaped, it shall be furnished and applied in an amount subject to approval by the City Engineer. The binder material shall be spread by harrowing, brooming or other approved methods.
- c. The base course shall be compacted in accordance to COP specification section for Base Course for Pavement with a minimum of 95% dry density with moisture content within  $\pm 3\%$  of the optimum, unless otherwise specified by the Design Engineer.

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Ord. No. 2000T-16, Section 4.2.1.5, December 16, 2013.

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

**(a) All-Weather Surface for Parking Areas.**

Portland Cement Concrete: This off-street parking lot surface shall consist of a pavement or base of Portland cement concrete, with or without monolithic curbs, constructed as specified in this section on the prepared subgrade or other base course in conformity with the thickness and typical cross sections shown on plans and to the lines and grades established subject to approval by the City Engineer. Alternative pavement materials may be used for parking surfaces upon approval of the Building Official and the City Engineer. The paving material or concrete shall be considered of satisfactory quality if it meets the requirement specified in the COP specification section for Concrete Pavement.

The following guidelines shall constitute the minimum construction standards for a concrete parking lot. If higher standards are recommended by the Design Engineer or geotechnical analysis, and such recommendation is verified and approved by the City Engineer, then the higher standards shall govern.

Component	Material Thickness (Inches)		
	Automobile Parking Area (EAL <sup>1</sup> <6)	Driveways (Light Duty) (EAL = 6-20)	Driveways and Truck Traffic Areas (Medium Duty) (EAL =21-75)

Portland Cement Concrete (Min Comp. Strength 3500 psi)	5	6	7
Lime Treated Subgrade	6	6	6
Reinf. Steel (Grade 60)	#3@18" c/c eachway	#3@12" c/c eachway	#4@18" c/c eachway
<sup>1</sup> Equivalent daily 18-kip single-axle load applications			

(2) Hot-Mixed Asphaltic Concrete:

- a. An asphaltic concrete surface shall consist of a lime treated subgrade, a base course, a surface course and leveling up surface as needed and as shown on the plans, each to be composed of a compacted mixture of mineral aggregate and asphaltic material. The pavement shall be constructed on the previously completed and approved subbase, base or existing pavement (asphaltic or Portland cement) as specified in this division and in accordance with the construction plans.
- b. The mineral aggregate shall be composed of a coarse aggregate and a fine aggregate bound together by asphaltic material. The grade of asphaltic material shall be type D of either hot mix-hot lay or hot mix-cold lay variety. The material used for Hot-mix asphalt concrete shall be in accordance to the COP specification for Asphaltic Concrete Pavement. The contractor shall notify the City Engineer of the source of the asphaltic material prior to the start of the project, and the source will be subject to the City Engineer's approval.
- c. Proper compaction shall be attained to the satisfaction of the City Engineer through utilization of specified rollers or other approved rollers as specified in the COP specification section for Asphaltic Concrete Pavement.
- d. The following guidelines can be used for asphalt concrete parking lot after being verified by the Design Engineer and approved by the City Engineer. The above guideline is not intended as a substitute for geotechnical recommendation of a design professional and professional judgment.

Component	Material Thickness (Inches)		
	Automobile Parking Area (EAL <sup>1</sup> <6)	Driveways (Light Duty) (EAL = 6-20)	Driveways and Truck Traffic Areas (Medium Duty) (EAL =21-75)
Hot Mix Asphalt Concrete	2	2	2.5
Base Course	6	8	10
Lime Treated Subgrade	6	6	6

<sup>1</sup> Equivalent daily 18-kip single-axle load applications

- (3) Masonry Paving Units: Pervious or impervious masonry paving units shall be installed and maintained according to the manufacturer's recommendations for the anticipated traffic load. Masonry paving units shall not be used without obtaining a permit from the Building Official based upon review of construction plans and specifications, provided that no separate permit for the use of masonry paving units is required when the use is in connection with a building permit for construction activity on the same lot.
- (4) Other Pervious Materials: Pervious materials may be used upon approval by the City Engineer.

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Ord. No. 2000T-3, Section 4.2.1.6, July 9, 2007.

Ord. No. 2000T-16, Section 4.2.1.6, December 16, 2013.

## Division 2 – Landscaping

### **Section 4.2.2.1 Purpose**

- (a) **Orderly, Safe and Healthful Development.** For the purpose of providing for the orderly, safe and healthful development of land located within the City limits and promoting the health, safety and general welfare of the community, it is necessary to establish requirements for the installation and maintenance of landscaping elements and other site improvements in off-street parking areas and other developed properties.
- (b) **Mitigation of Adverse Effects.** Paved surfaces, automobiles, buildings and other improvements all produce great increases in air temperatures, a problem especially noticeable in this coastal region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from erosion and flooding.
- (c) **Natural Environment and Ecological Balance.** Preserving and improving the natural environment and maintaining a working ecological balance are significant concerns to the community. The fact that landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements benefits the health, welfare and general well being of the community and, therefore, it is proper that the use of the landscape elements be required.
- (d) **Oxygen, Heat, Glare, Water Runoff.** Landscape installation is required within off-street paved surface areas to regenerate oxygen and to reduce heat, glare, water runoff and other conditions connected with the construction of structures or paved areas within the parcel.

### **Section 4.2.2.2 Enforcement**

- (a) **Responsible Official and Responsibilities.** The Planning Director shall be the responsible official for this division. The Director is charged with administering this division and securing compliance with this division. In furtherance of this responsibility, the Director shall:
- (1) Make inspections as needed to effectuate the purposes and intent of this division, and initiate appropriate action to bring about compliance with this division if the inspections disclose any instance of noncompliance.
  - (2) Investigate any complaints of alleged violations of this division, and maintain a record in the planning department office of the disposition of the complaints.
  - (3) Issue notices of violation, and order, as set out in this section, the correction of all violations of this division found to exist on any premises.
  - (4) State in the notice of violation a time limit for compliance with this division as set out in subsection (c) of this section.
  - (5) Refuse to issue an occupancy certificate where the requirements of this division have not been met. A temporary occupancy certificate may be issued where provisions have been made for landscaping installation at the most advantageous time for planting, not to exceed 6 months from the date of issuance.
  - (6) Request the assistance of the City Attorney in taking appropriate legal action upon the failure of the responsible party to comply with the notice of violation at the time specified therein.
- (b) **Authorization.** The Director is authorized and directed to lawfully enter all premises at reasonable times to perform inspections to determine compliance with the provisions of this division.
- (c) **Action after Determination of Violation.** When the Director determines that a violation of this division exists, the responsible official shall take action as follows:
- (1) Give written notice of the violation to the management, agent or owner shown on the most recent tax roll of the City.
  - (2) The notice shall include:
    - a. A description of the location of the property involved, either by address or by legal description;
    - b. A statement indicating the nature of the violation and the reason why the notice of violation is being issued;
    - c. The section of this division upon which the notice of violation is based;
    - d. A description of the actions that are required to correct the violation;
    - e. A time limit for correction of the violation, which will not be less than ten days nor more than 90 days from the date of the written notice;
    - f. The name of the person to whom the notice of violation is directed;
    - g. A statement that failure to comply with the requirements of the notice will result in the City taking enforcement procedures in order to secure compliance; and

- h. A description of the procedures available for review of the action of the Director as set out in this division.

**(d) Notice.**

- (1) Notices of violation shall be personally delivered, or sent by certified mail, return receipt requested, and (if possible) by posting a copy of the notice in a conspicuous place on the premises.
- (2) The Director shall maintain a record of the manner of service of the notice.
- (3) If the order is not complied with within the time specified in the order, the Director shall use all available means of enforcement in order to secure compliance.
- (4) When any notice has been issued and the notice becomes an order within the terms of this division, the responsible official shall cause to be placed in a conspicuous place on the premises a notice which shall read substantially as follows:

*These premises are in violation of the requirements of the City of Pearland landscaping requirements (Chapter 4 of the Pearland Unified Development Code). This notice is to remain as placed here until the requirements of the ordinance have been complied with. It is unlawful to remove this notice until the requirements have been complied with.*

**Section 4.2.2.3 Applicability to New and Existing Developed Areas**

**(a) New Development or New Structures.**

- (1) The requirements and standards for the installation and maintenance of landscape elements and site improvements as set forth in this division shall apply to all multiple-family and nonresidential developed areas within the City limits. All other new multiple-family and nonresidential development and construction of new structures shall comply with this division.
- (2) If other divisions of this chapter would otherwise permit land coverage by building development that would conflict with this division, this division shall supersede and prevail over the other requirements.
- (3) If a principal use and some or all of the parking area, required or otherwise, serving the principal use are located on separate parcels, the landscape installation required in this division shall prevail as to all the property with the result that an equivalent percentage of the area of all parcels utilized by a principal use shall be landscaped in compliance with this division.
- (4) If more landscaping is required in any zoning district, overlay zoning district, or PD district, the greater standards shall apply.

**(b) Existing Development Areas; Nonconformance.**

- (1) All property with existing development on the effective date of the ordinance from which this division derives which is not in compliance with this division shall be considered nonconforming and allowed to continue until the time a building permit is granted to reconstruct or enlarge an existing structure on the

property to an extent exceeding five hundred (500) square feet of the exterior dimensions of the structure. At that time, this division shall apply to the previous existing parcel areas as well as any new paved areas, and the areas shall be brought into compliance. A plan showing existing and new development and the proposed landscaping shall be submitted in accordance with this division. In order to encourage early landscaping in existing paved areas and the preservation of trees that are already established and growing in these areas an additional credit shall be given in accordance with Division 3 of this Chapter.

- (2) No structure existing on the effective date of this Code from which this division derives shall be required to be altered or moved in order to comply with this division except for reconstruction.
- (3) Also see Article 1, Division 3 of this Chapter for further requirements related to structural and parking-related expansions.

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Ord. No. 2000T-2, Section 4.2.2.3, February 26, 2007.

#### **Section 4.2.2.4 Required Landscape Area Standards for Nonresidential, Multiple-Family, & Single-Family Development**

- (a) **Meaning of “Landscape Area”.** Landscape area shall mean the area (greater than one foot in width) within the boundary of a lot or parcel that is comprised of pervious surface integrated with living plant material, including but not limited to trees, shrubs, flowers, grass, or other living ground cover or native vegetation. For the purposes of meeting the requirements of this division, undeveloped portions of the site cannot be considered landscaped area. Landscaped areas shall be bounded by raised or ribbon curbs.
- (b) **Establishment of Minimum Percentages.** A minimum percentage of the total gross lot area of property (excluding any required detention facilities) on which development, construction or reconstruction occurs after the effective date of the ordinance from which this division derives shall be devoted to landscape in accordance with the requirements in *Table 4-4*; provided, however, that these requirements shall not apply to the development, construction or reconstruction of single-family detached residential structures.

<i>Table 4-4 Required Landscaping By Land Use Type</i>	
<i>Land Use</i>	<i>Percent Landscaped Area Required</i>
Multiple-Family	15
Office and Professional Uses	15
Mixed Use	15
Retail and Commercial	15
Industrial or Manufacturing	10
All Other Nonresidential Uses	10
Note: Percentages are based on the total gross lot area.	

- (c) **Minimum Requirements.** The minimum landscape requirements shall be employed in accordance with the Tree Preservation and Landscape Design Guidelines (Guidelines) made a part hereof, to improve aesthetic appearance, to enhance the compatibility of different land uses, and to mitigate negative environmental influences on land uses (e.g. heat, noise, air pollution). Trees listed in Section 4.2.3.9 (e) with a minimum two inch (2") caliper measured twelve inches (12") from the ground shall be provided along street frontage(s) with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage. Each required tree shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').
- (d) **Screening of Parking Areas.** Landscaping shall be required for the screening of parking areas from an abutting public right-of-way or adjacent property.
- (1) Front yard parking areas and side yard parking areas fronting on a street right of way shall be screened from the right-of-way by a continuous hedge or berm.
  - (2) The side yard of any lot that contains a parking area abutting a property used or zoned for a nonresidential use shall provide a screen of hedges, berms, or fences so as to provide a screen for a minimum of thirty-five percent (35%) of the length of the parking lot. The required side lot screening may be grouped and dispersed randomly.
  - (3) Screening between nonresidential and residential lots shall be provided in conformance with Division 4 of this Article.
  - (4) The minimum number of shrubs shall be equal to the total caliper inches of street trees required under this division multiplied by five (5). Shrubs and berms 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.
  - (5) A nonresidential development that has a shared parking area with an adjacent nonresidential development shall not be required to screen such shared parking area in relation to the abutting side yard. The alternate side yard, however, shall be screened in accordance with Subsection (d)(2) above.



- (6) Each required tree and required landscaping shall be planted in a landscaped area of at least 36 square feet with a minimum dimension of six feet (6').
- (e) **Interior of Parking Areas.** Interior landscaping shall be required to be integrated into the overall design of the surface parking area in such a manner that it will assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments.
- (1) In addition to street trees required under Subsection (c) above, trees in Class I or II of the Guidelines with a minimum two inch (2") caliper shall be provided within or adjacent to the parking area at tree islands that:
    - A. are at least nine feet (9') wide;
    - B. each have a square footage at least equal to the total area of one parking space;
    - C. are located so that no parking space is further away than one hundred feet (100') from a tree island.
  - (2) Tree islands must be protected from vehicle intrusion by curbs or similar structures. Two feet (2') of the tree island may be counted as part of the required depth of the abutting parking space.
  - (3) The total caliper inches shall equal one inch (1") for each five (5) parking spaces.
  - (4) Caliper inches of street and parking lot trees may be provided by planting a combination of trees that exceed the minimum two inch (2") caliper.
- (f) **Large Tracts.** On large tracts of land, exceptions to this division may be granted by the Planning Director to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this division is met, and it is located along rights-of-way or in strategic environmentally sensitive areas.
- (g) **Landscaping On-Site and Related Location.**
- (1) The landscaped area required by Section 4.2.2.4 shall be placed upon that portion of a tract or lot that is being developed, except that upon approval of a Conditional Use Permit authorizing such, the landscaping required herein may be placed on an adjacent lot or tract owned by the same entity as the subject property, with said placement documented by a written agreement approved by the City Attorney and recorded in the real property records of the county in which the property is located.
  - (2) Seventy-five percent (75%) of the area required by *Table 4-4* shall be installed in between the front or side property lines and the building being constructed. Clustering the remaining required landscaping along property lines abutting a lower intensity land use is encouraged.
  - (3) Undeveloped portions of a tract or lot shall not be considered landscaped.

(h) **Landscaping Within Parking Areas.**

- (1) No parking space shall be located more than one hundred feet (100') from a portion of the required landscaping.
- (2) Each landscape island within a parking lot shall contain a minimum square footage equivalent to one parking space of pervious area, shall be at least nine feet (9') wide, and shall allow at least three feet (3') between any trees within the island and the edge of the island.

(i) **Tree Credits.** Tree credits shall be given pursuant to Article 2, Division 3 of this Chapter of the UDC.

(j) **Landscaping Within Single-Family Developments.** The following are minimum

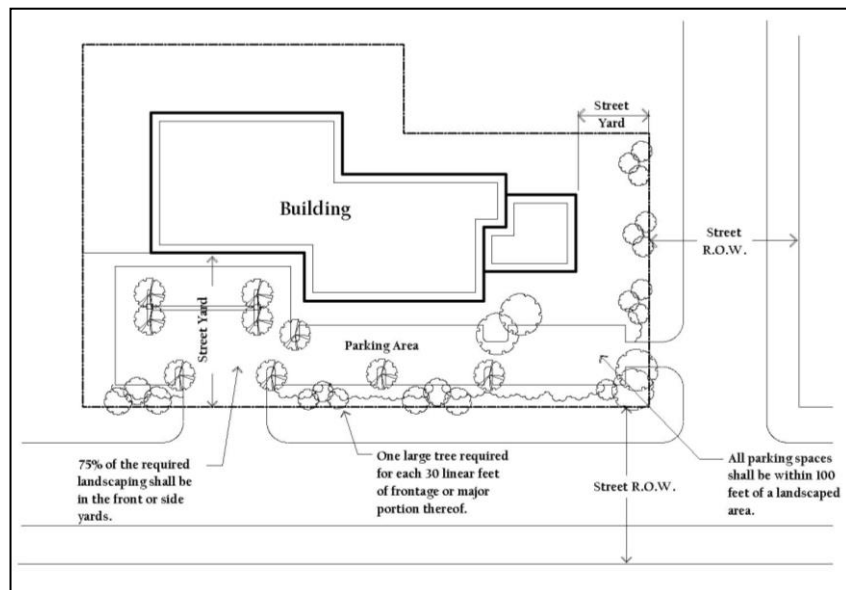


Figure 4-3: Landscaping Requirements

landscaping requirements for single-family lots and developments.

- (1) **Tree By Lot Requirements:** Each single-family lot shall have two (2) large shade trees placed thereon with a minimum two-inch (2") caliper, measured at twelve inches (12") above the root ball, and a minimum six feet (6') in height at the time of planting.
- (2) **Additional Requirements:** Each single-family lot shall have at least three (3) out of the following four (4) options:
  - a. Two (2) ornamental trees a minimum six feet (6') in height at the time of planting;
  - b. Four (4) evergreen shrubs, equal in size to at least a five-gallon-container-size shrub;
  - c. Eight (8) small shrubs, equal in size to at least a two-gallon-container-size shrub; and
  - d. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by building(s) and/or driveway area(s).

(3) Street Tree Requirements: In addition to the requirements in (1) and (2) above, trees are required along all streets within single-family developments as follows:

- 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 forty feet (40') of frontage.
- b. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
- c. 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.
- d. At the time of planting, a minimum of twenty feet (20') shall be provided between individual trees.

(4) Adjacent to a Single – Family or Nonresidential Use or Zoning District:

- a. When a multiple-family development, manufactured home park, or 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 with a six-foot (6') masonry wall or a thirty-foot (30') wide landscape buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking or driveways), and shall be planted with ground cover, such as grass or ivy. If parking fronts the thirty-foot (30') landscape buffer there shall be a thirty-foot (30') continuous hedge row planted. This landscape buffer may be counted toward the landscaping requirements, but shall not be counted toward landscaping required in the front yard area. The exception to this requirement shall be when an M-2 industrial development is established adjacent to an M-1 industrial development. This regulation does not apply to development adjacent to verified City of Pearland regional drainage projects, Brazoria Drainage District #4, or retention/detention features over thirty-feet in width.
- b. Along all roadways adjacent to a manufactured home park, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, or driveways) and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

(k) **Flag Lots.** Landscaping requirements for flag lots in commercial districts shall be similar to other lots, and the frontage of the lot for the purpose of calculating landscaping shall be the widest portion of the lot. Required street trees shall be provided on site and in the front yard or along the pole portion of the lot.

(l) **Location Exception.** Developments located in M-1 and M-2 zoning districts and Public Educational Facilities shall comply with all requirements herein regarding

quantity of landscaping, but are exempt from the requirement of locating landscaping within landscape islands in the interior of parking areas.

- (m) **Approved Trees.** Only trees belonging to the species listed in Section 4.2.3.9 (e) will satisfy the tree planting requirements of this section.

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Ord. No. 2000T-2, Section 4.2.2.4, February 26, 2007.

Ord. No. 2000T-8, Section 4.2.2.4, August 25, 2008.

Ord. No. 2000T-11, Section 4.2.2.4, July 27, 2009.

Ord. No. 2000T-12, Section 4.2.2.4, June 28, 2010.

Ord. No. 2000T-13, Section 4.2.2.4, October 24, 2011.

Ord. No. 2000T-21, Section 4.2.2.4, September 12, 2016.

Ord. No. 2000T-27, Section 4.2.2.4, April 23, 2018.

Ord. No. 2000T-29, Section 4.2.2.4, January 28, 2019.

#### **Section 4.2.2.5 General Requirements**

- (a) **Installation.** All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards.
- (b) **Maintenance.** The owner of the building, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered sufficiently to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material needed to meet the requirements of this division. Should a tree die or be removed for which credit has been obtained pursuant to this Unified Development Code, trees sufficient to equal the area credited shall be required. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained; such substitution shall require the approval of the Planning Director.
- (c) **Planting Criteria.**
- (1) **Trees:** Trees planted for credit under Subsection (c) of this section shall be a minimum of two inches in caliper, measured twelve inches above ground level, and six feet in height when measured immediately after planting. Trees shall have an average mature crown greater than 15 feet. Trees having an average mature crown less than 15 feet may be substituted by grouping the trees so as to create at maturity the equivalent of a 15-foot crown if the drip line area is maintained.
  - (2) **Shrubs, Vines and Ground Cover:** Shrubs, vines and ground cover planted pursuant to this division should be good, healthy nursery stock. Shrubs must be, at a minimum, a one-gallon container size at the time of planting. Only shrubs, vines, and ground covers belonging to the species listed in Section 4.2.2.5 (g) will satisfy the requirements of this section.

- (3) Grass: Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including St. Augustine, Zoysia, Bermuda or other appropriate grass. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion.
- (4) Xeriscape Landscaping: The use of xeriscape landscaping techniques shall require approval from the City Manager or his/her designee. Only plants belonging to the species listed in Section 4.2.2.5 (h) will satisfy the requirements of this section.
- (5) Synthetic Lawns or Plants: Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.
- (6) Soils: New landscaped areas should be prepared so as to achieve a soil depth of at least six inches. The six-inch soil depth should consist of 75% soil blended with 25% compost.
- (7) Architectural Planters: The use of architectural planters may be permitted in fulfillment of landscape requirements.
- (8) Landscape Irrigation:
- a. Except for single-family lots and developments, all required landscaping areas shall be 100% irrigated by one of, or a combination of, the following methods:
    1. An automatic underground irrigation system;
    2. A drip irrigation system;
    3. A hose attachment within 100 feet of all plant material, provided, however, that a hose attachment within 200 feet of all plant material in non-street yards shall be sufficient.
  - b. All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act and shall be professionally installed.
  - c. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
  - d. Irrigation Design Criteria:

For new non-residential and multi-family developments and newly irrigated landscaped and turf areas, the following requirements shall apply. Sports fields, golf courses, cemeteries, storm water management systems, and similar areas as approved by the City Manager or his/her designee, where functional need for turf is demonstrated, are exempt from the turf area limitation and micro irrigation requirements.

    1. **Irrigation Zone Design**

A site plan, at a readable and defined scale, shall be submitted illustrating the proposed irrigation zones, delineating micro-irrigation zones and areas utilizing irrigation techniques other than micro-irrigation. Fifty (50) percent of the on-site green space shall be allowed to utilize irrigation techniques other than micro-irrigation. Turf areas shall be on separate irrigation zones from other landscaping plant zones. The irrigation system should be prepared by a licensed irrigator and designed to accommodate separate landscape plant zones based on differing water requirements.

2. **Spacing**  
Sprinkler spacing shall not exceed 55 percent of the sprinklers' diameter of coverage.
3. **Separate Sprays and Rotors**  
Sprays and rotors shall not be combined on the same control valve circuit.
4. **Matched Precipitation Rates**  
Sprays and rotors shall have matching application rates within each irrigation zone.
5. **Overspray/Runoff**  
All irrigation systems shall be designed to avoid overspray/runoff, low head drainage, or other similar conditions where water flows onto or over adjacent property, non-irrigated areas, roadways, walkways, structures, or water features. Narrow areas (four feet wide or less) shall not be irrigated unless micro-irrigation is utilized.
6. **Control Equipment**  
Irrigation control equipment shall include an automatic irrigation controller with the following features: program flexibility such as repeat cycles and multiple program capabilities; battery back-up to retain the irrigation programs; and a rain sensor device.
7. **Landscape**  
Using the concept of a Xeriscape landscape, a site plan shall be submitted identifying all existing vegetation to be preserved, proposed turf, and other landscape areas. Installed trees and plants should be grouped together into landscape plant zones according to water and cultural (soil, climate and light) requirements. Plant groupings based on water requirements are as follows: natural, drought tolerant, and oasis.
8. **Turf/Turfgrass**  
A maximum of fifty (50) percent of green space may be planted with turfgrass configured with a permanent irrigation system. Turfgrass planted in excess of this limitation shall not have a permanent irrigation system. Micro-irrigation shall not be used on turfgrass.
9. **Mulch**  
A layer of mulch with a minimum depth of three (3) inches shall be specified on the site plan in plant beds and around individual trees in turf areas. Organic mulches are preferred. The mulch should not be placed directly against the plant stem or tree trunk. Mulch shall not be required in annual beds.
10. **Maintenance and Management**  
The landscape and irrigation system shall be maintained and managed to ensure water efficiency, and prevent wasteful practices. This should include, but not be limited to: resetting the automatic controller according to the season; flushing the filters; testing the rain sensor device; monitoring, adjusting, and repairing irrigation equipment such that the efficiency of the system is maintained; replenishing mulch; and utilizing turf and landscape best management practices.

(d) **Construction Phase.**

- (1) No more than 25% of the drip line zone of trees to be preserved shall be paved with concrete, asphalt, or other impervious material. There shall be no trenching around the border of and no fill shall be placed within the drip line zone of a tree to be preserved.
- (2) Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.
- (3) The permanent vegetation shall be installed on the construction site as soon as utilities are in place and final grades are achieved. Final grading and removal of vegetation shall not occur more than 30 days prior to schedule paving.

**(e) Removal of Diseased or Dangerous Trees and Vegetation.**

- (1) Upon direction from the Planning Director, a property owner may be required to treat or remove trees suffering from transmittable diseases or pests or allow the City to do so, charging the actual cost thereof to the property owner.
- (2) The Planning Director may require the removal of a tree or part of a tree or any other vegetation that is within or overhanging a public right-of-way or easement if the tree or vegetation:
  - a. Is diseased or infested and in danger of falling;
  - b. Is creating a traffic hazard or sight distance hazard for traffic on a public street; or
  - c. Is interfering with safe and proper maintenance of the right-of-way or easement.

**(f) Landscape Reserve Required.** At a minimum, a landscape reserve of at least ten feet (10'), across which there shall be no right of access, shall be provided along the exterior of the residential lots abutting such a thoroughfare, collector, or nonresidential use or zoning district. The reserve shall be outside any wall or fence separating the lots from the thoroughfare, collector, or nonresidential use or nonresidential zoning district. In this case, "outside" shall mean on the side of the wall or fence that is closest to the thoroughfare, collector, or nonresidential use or nonresidential zoning district.

**(g) Trees**

Common Name	Scientific Name
American Elm	<i>Ulmus americana</i>
American Holly	<i>Ilex opaca</i>
American Hop Hornbeam	<i>Ostrya virginiana</i>
Bald Cypress	<i>Taxodium Distichum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Chinese Fringe	<i>Chionanthus spp</i>
Chinkapin (Chinquapin) Oak	<i>Quercus muehlenbergii</i>
Common Crepe myrtle	<i>Lagerstroemia indica, Lagerstroemia x fauriei</i>
Common Hackberry	<i>Celtis occidentalis L.</i>
Dwarf Magnolia "Little Gem"	<i>Magnolia grandiflora "Little Gem" or other cv.</i>

Eastern Red Cedar	<i>Juniperus virginiana</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Live Oak	<i>Quercus virginiana</i>
Mexican Sycamore	<i>Plananus mexicana</i>
Mexican White Oak (Monterrey Oak)	<i>Quercus polymorpha</i>
Montezuma Bald Cypress	<i>Taxodium mucronatum</i>
Overcup Oak	<i>Quercus nuttallii</i>
Parsley Hawthorne	<i>Crataegus marshallii</i>
Pecan	<i>Carya illinoensis</i>
Possumhaw Holly	<i>Ilex decidua</i>
Retama	<i>Parkinsonia aculeata</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Sugarberry	<i>Celtis laevigata</i>
Sweet Bay Magnolia	<i>Magnolia virginiana</i>
Water Oak	<i>Quercus nigra</i>
Willow Oak	<i>Quercus phellos</i>
Winged Elm	<i>Ulmus alata</i>
Yaupon Holly	<i>Ilex vomitoria</i>

### Palms

Common Name	Scientific Name
California Palm	<i>Washingtonia filifera</i>
Date Palm	<i>Phoenix dactylifera</i>
Dwarf Palmetto	<i>Sabal minor</i>
Mexican Fan Palm	<i>Washingtonia robusta</i>
Pigmy Date Palm	<i>Phoenix roebelenii</i>
Pindo Palm	<i>Butia capitata</i>
Queen Palm	<i>Syagrus romanzoffiana</i>
Sago Palm	<i>Cycas revoluta</i>
Texas Sabal Palm	<i>Sabal texana</i>

### Shrubs

Common Name	Scientific Name
American Beautyberry	<i>Callicarpa americana</i>
Arborvitae	<i>Thuja</i> spp.
Common Oleander	<i>Nerium oleander</i>
Coppertone Loquat	<i>Eriobotrya japonica</i> 'Coppertone'
Coral Bean	<i>Erythrina herbacea</i>
Dwarf Crepe myrtle	<i>Lagerstroemia indica</i> dwarf cv.
Dwarf Glossy Abelia	<i>Abelia x grandiflora</i> 'dwarf'
Dwarf Oleander	<i>Nerium oleander</i> 'dwarf'
Dwarf Waxmyrtle	<i>Myrica pusilla</i>
Dwarf Yaupon Holly	<i>Ilex vomitoria</i> 'dwarf'
Earthkind Rose Varieties	<i>Rosa</i> sp. (Earthkind)
Flame Acanthus	<i>Anisacanthus quadrifidus</i> var.
Glossy Abelia	<i>Abelia grandiflora</i>
Heavenly Bamboo	<i>Nandina</i> sp.
Indian Hawthorn 'Clara'	<i>Raphiolepis indica</i> 'clara'



Japanese Yew	Podocarpus macrophylla
Pineapple Guava	Feijoa sellowiana
Pittosporum	Pittosporum tobira
Prostrate Juniper	Juniperus prostrata
Southern Waxmyrtle	Myrica cerifera
Texas Sage	Leucophyllum spp.
Texas Star Hibiscus	Hibiscus coccineus

## Perennials

Common Name	Scientific Name
Angel Trumpet	Brugmansia aurea
Autumn Joy Sedum	<i>Sedum</i> 'Autumn Joy'
Autumn Sage	Salvia greggii
Bay Laurel	Laurus nobilis
Bicolor Iris	Dietes bicolor
Blue Plumbago	Plumbago auriculata
Blue Shade Ruellia	Ruellia humilis
Butterfly Iris	Dietes vegata
Butterfly Weed	Asclepis tuberosa
Canna sp.	Canna x generalis
Cigar Plant	Cuphea micropetala
Crinum Lily	Crinum hybrids
Daylily	Hemerocallis sp.
Dwarf Firebush	Hamelia patens 'compacta'
Evergreen Daylily	Hemerocallis sp.
Firebush	Hamelia patens
Firecracker Plant	Russelia equisetiformis
Garden Mum	Chrysanthemum morifolium
Ginger	Hedychium sp., Costus sp., Curcuma sp.
Lamb's Ear	Stachys byzantina
Lantana sp.	Lantana spp.
Lily of the Nile	Agapanthus africanus
Lindheimer's Senna	Cassia lindheimeri
Louisiana Iris	Iris sp.
Mexican Heather	Cuphea hyssopifolia
Mexican Mint Marigold	Tagetes lucida
Mexican Petunia	Ruellia brittoniana
Mexican Stonecrop	Sedum acre or S. mexicanum
Narcissus	Narcissus spp.
Obedient Plant	Physostegia virginiana
Orange Zexmania	Wedelia hispida
Philippine Violet	Barleria cristata
Pitcher Sage	Salvia spathacea
Prostrate Rosemary	Rosmarinus officianalis 'prostrata'
Purple Heart	Setcreasea pallida
Red Spider Lily	Lycoris radiata
Scarlet Sage	Salvia splendens
Shasta Daisy	Chrysanthemum maximum
Shrimp Plant	Justicia brandegeana

Spider Lily	Hymenocallis sp.
St. John's Wort	Hypericum spp.
Texas Lantana	Lantana urticoides
Tropical Hibiscus	Hibiscus rosa-sinensis
Turk's Cap	Malvaviscus arboreus
Variegated Ginger	Alpinia zerumbet 'Variegata'

### Groundcovers & Ferns

Common Name	Scientific Name
Adjuca	Adjuca reptans
Asian Jasmine	Trachelospermum asiaticum
Bigblue Liriope	Liriope muscari 'Bigblue'
Creeping Daisy	Wedelia trilobata
Foxtail Fern	Asparagus densiflorus 'meyersii'
Juniper Shore	Juniperus conferta 'Blue Pacific'
Liriope	Liriope sp.
Ophiopogon gigantea	Giant liriope
Ophiopogon japonica	Monkey grass
Prostrate Juniper	Juniperus prostrata
Society garlic	Tublaghia violacea
Sword fern	Polystichum munitum
Trailing Lantana	Lantana montevidensis
Wood fern	Dryopteris sp.
Wood Violet	Viola papilionacea

### Ornamental Grasses

Common Name	Scientific Name
Fountain Grass	<i>Miscanthus sinensis</i>
Gulf Coast Muhly	<i>Muhlenbergia capillaris</i>
Lindheimer Muhly	<i>Muhlenbergia lindheimeri</i>
Purple Fountain Grass	Pennisetum scatceium 'Rubrum'

### Vines

Common Name	Scientific Name
Bougainvillea sp.	Bougainvillea spectabilis
Cape Honeysuckle	Tecomaria capensis
Carolina Jessamine	Gelsemium sempervirens
Coral Honeysuckle	Lonicera sempervirens
Coral Vine	Antigonon leptopus
Fig Ivy	Ficus pumila
Trumpet Vine	Campsis radicans
Chinese Starjasmine	Trachelospermum jasminoides
Virginia Creeper	Parthenocissus quinquefolia

### Native/Prairie Grasses

Common Name	Scientific Name
Eastern Gamagrass	Tripsacum dactyloides
Little Bluestem	Schizachyrium scoparium
Prairie Dropseed	Sporobolus heterolepis

Purple Three-Awn	Aristida purpurea
Sideoats Grama	Bouteloua curtipendula
Texas Wintergrass	Nassella leucotricha
Yellow Indian Grass	Sorghastrum nutans

Native Groundcover / Wildflowers

Common Name	Scientific Name
Autumn Aster	Aster oblongifolius
Black Eyed Susan	Rudbeckia hirta
Blanket Flower	Gallardia sp.
Blue mistflower	Conoclinium coelestinum
Fall Aster	Aster oblongifolius
Frogfruit	Phyla nodiflora
Gay feather	Liatris sp.
Globemallow	Sphaeralcea coccinea
Green Headed Coneflower	Rubeckia laciniata
Gregg's Mistflower	Eupatorium greggii
Horseherb	Calyptocarpus vialis
Indian Blanket	Gaillardia spp.
Maximilian Sunflower	Helianthus maximiliana
Mealy Blue Sage	Salvia farinacea
Perennial Phlox	Phlox paniculata
Pigeonberry	Rivina humilis
Prairie Verbena	Glandularia bipinnatifida
Purple Coneflower	Echinacea purpurea
Snake herb	Dyschoriste linearis
Spring Star Flower	Iphelon uniflorum
Texas Bluebonnet	Lupinus texensis
Tickseed	Coreopsis grandiflora
Water Clover	Marsilea mutica
Whirling Butterflies	Gaura lindheimeri
Winecup	Callirhoe sp.

Cacti & Yucca

Common Name	Scientific Name
Agave Americana	Century Plant
Dasyliirion texanum	Texas sotol
Dasyliirion wheeleri	Gray sotol
Red Yucca	Hesperaloe parviflora
Spineless prickly pear	Opuntia ellisiana

(h) Xeriscape Plant List

**Ornamental Grass/Turf**

Big Blue Stern  
 Blue Grama  
 Buffalograss  
 Deer Lindheimer Muhly  
 Little Blue Stern  
 Prairie Dropseed

**Perennials**

Angel Trumpet  
 Autumn Joy Sedum  
 Black eyed Susan  
 Blackfoot Daisy  
 Brown Eyed Susan  
 Chocolate Flower

Sideoats Grama  
Switch Grass Muhly\  
Indian Grass  
Green Eyes

Fournerve Daisy  
Fall Aster  
Globemallow

**Ground Cover**

Green Headed Coneflower  
Frog Fruit  
Horseherb  
Pigeonberry  
Snake herb  
Water Clover  
Wooly Stemodia  
Wood Violet

Gregg Dalea  
Gregg's Mistflower  
Lindheimer's Senna  
Obedient Plant  
Pink Scullup  
Purple Coneflower  
Prairie Verbena

**Shrubs**

Agarito  
American Beauty Berry  
Apache plume  
Black Dalea  
Aromatic Sumac  
Damianita  
Desert Spoon  
Flame Anisacanthus  
Kidneywood  
Red Yucca  
Rockrose  
Texas Kidneywood  
Silverado Texas Sage  
Twist Leaf Yucca  
Soft Leaf yucca  
Wax Myrtle  
Wax Myrtle, Dwarf

Autumn sage  
Mealy Blue sage  
Pitcher sage  
Russian Sage  
Scarlet sage  
Skeletonleaf Goldeneye  
Sundrops  
Texas Betony  
Texas gold Columbine  
Texas Lantana  
Rockrose, Brazilian  
Texas Star Hibiscus  
Turk's Cap  
Whirling Butterflies  
Winecup  
Zexmenia

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Ord. No. 2000T-2, Section 4.2.2.5, February 26, 2007.

Ord. No. 2000T-12, Section 4.2.2.5, June 28, 2010.

Ord. No. 2000T-17, Section 4.2.2.5, February 23, 2015.

Ord. No. 2000T-32, Section 4.2.2.5, August 24, 2020.

**Section 4.2.2.6 Landscape Plan Approval**

(a) **Landscape Plan(s) Required.** Appropriate plans showing proposed landscape development, including figures to show compliance with this division, shall be submitted to the Planning and Community Services Department. A Landscape Plan drawn to scale shall include dimensions and distances and clearly delineate any existing and proposed landscape development. The Landscape Plan shall also include detailed drawings of the entire off-street parking area, the location of proposed buildings, the name and location of proposed plant materials and the

location of water sources. The Landscape Plan shall also include all utility easements, public utility lines, fire hydrants, and other infrastructure necessary for identifying potential conflicts between plant material and utilities.

- (b) **Submittal.** This plan shall be submitted by the owner of the property or the manager or agent of the owner.
- (c) **Approval.** This plan must be approved prior to the issuance of a building permit.
- (d) **Submittal with Other Required Drawings.** A Landscape Plan(s) may be submitted in conjunction with other required drawings such as a Site Plan, or other requirements as stated in Chapter 1.

#### **Section 4.2.2.7 Variances or Appeals**

- (a) Requests for variances or relief of these requirements shall be in accordance with Chapter 1, Article 3.

#### **Section 4.2.2.8 Requests for Extension of Time**

- (a) The Planning Director shall be authorized to grant up to two extensions of up to six months each for the purpose of installing landscaping plants, trees, or other living material. The extensions, if approved, shall be based on the criteria that the required landscaping would more appropriately be installed at a later time due to weather conditions, an off-season time of year for planting, or other extenuating circumstance that will allow the newly installed landscaping the best chance of living.

### **Division 3 – Tree Mitigation**

#### **Section 4.2.3.1 Intent**

- (a) The intent of this division is to encourage site planning which furthers the preservation of trees and natural areas by these methods; to protect trees during construction; to facilitate site design and construction which contributes to the long term viability of existing trees; and to control the unnecessary removal of trees; require on-site replacement of trees that must be removed and require off-site replacement of trees that cannot be replaced on-site, either by direct planting or through a "Tree Trust." It is the further intent of this division to achieve the following broader objectives:
  - (1) Protect healthy trees and preserve the natural, ecological, environmental, and aesthetic qualities of the City.
  - (2) Protect and increase the value of residential and commercial properties within the City.
  - (3) Prohibit the indiscriminate clear-cutting of property.
  - (4) Maintain and enhance a positive image for the attraction of new business enterprises to the City.

### Section 4.2.3.2 Definitions

- (a) For the purpose of this division, certain words or terms applicable hereto are defined as hereinafter provided. Words and terms used in this division, but not defined in this division shall have the meanings ascribed thereto in Chapter 5 of this UDC, or other ordinances in the City. Words and terms defined in two ordinances shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this division shall control.
- (1) Circumference: The distance around the perimeter of the tree trunk as measured four and one-half feet (4.5') above the ground using an ordinary measuring tape. For multiple-trunk trees, the trunk circumference is deemed to be equal to the circumference of the largest trunk plus half the circumference of each additional trunk. Measurements should be accurate to the nearest one-half inch ( $\frac{1}{2}$ "). (For conversion to diameter, the circumference can be divided by 3.142.)
  - (2) Criteria Manual: The manual to be used and interpreted by City personnel in accordance with this division for the City's urban forest preservation and enhancement. (The manual is available at the City Park and Recreation Department and was originally adopted as Attachment A to City Ordinance No. 772, which was the Tree Protection and Preservation Ordinance. The manual is adopted as part of this UDC by reference.)
  - (3) Critical Root Zone: For any given tree, the area within a circle centered on the trunk location that contains the majority of tree roots essential for tree growth and survival. The circle's diameter is one-half the sum of the broadest and the narrowest of the drip line diameters.
  - (4) Damage or Damaged: To "damage" a tree means to take any action which could result in a tree's death, either immediately or after a period of two (2) years. Some examples of such action, which are not intended to limit this definition, are as follows: severing the main trunk or large branches or roots; girdling; poisoning; carving; mutilating; touching with live wires; piercing with nails or spikes; crushing or exposing the roots; digging or drilling any hole larger than three (3) cubic feet (a trench) within the Critical Root Zone; or covering or compacting twenty-five percent (25%) or more of the Critical Root Zone.
  - (5) DBH (Diameter Breast Height): The distance of the width of the trunk of a tree as measured four and one-half feet (4.5') above the ground.
  - (6) Located: A tree is "located" within an area if any part of its trunk is within the area at ground level. For example, a tree positioned on the property line is considered to be located in an area or on a subject site when a portion of the trunk or root flare that is visible above ground is within the area or subject site.
  - (7) Official: The City Manager or his/her designee.
  - (8) Temporary Fencing: A six foot (6') high temporary fence shall be installed prior to any site activity. The temporary fencing shall be placed to protect as much of the Critical Root Zone as possible for each tree to effectively protect and

prevent persons, machinery, trash, material, and other items from occupying the Critical Root Zones of a tree or group of Protected Trees. The temporary fence may incorporate existing fences or walls as well as temporary fencing. A separate fence permit is not required for construction of a fence under this section, if a building permit for the work is in effect and a Tree Disposition Plan has been approved.

- (9) Tree: A woody plant having one well-defined stem or trunk, a defined crown and a mature height of at least eight (8) feet. Trees protected and/or regulated by this division of the UDC are listed in the City's Tree List, a copy of which is available in the City Park and Recreation Department. Trees defined include:
  - (a) PROTECTED TREE: Any Large Tree that is identified on the Protected Tree List (available in the City Parks and Recreation Department) and that is located within the City;
  - (b) LARGE TREE: Any tree with a diameter (DBH) of twelve inches (12") or more. In case a tree is removed, it is presumed to have been a Large Tree if the diameter of the stump is twelve inches (12") or greater, measured in any direction.
  - (c) HERITAGE TREE: Any Protected Tree with a diameter (DBH) of twenty-four inches (24") or more located anywhere within the City. In case a tree is removed, it is presumed to have been a Heritage Tree if the diameter of the stump is twenty-four inches (24") or greater, measured in any direction.
  - (d) REPLACEMENT TREE/QUALIFIED TREE: Any tree included in the Protected Tree List (available in the City Parks and Recreation Department), with a DBH of at least two inches (2").
- (10) Tree Disposition Plan: Must specify how Protected Trees and Critical Root Zones will be protected from development and pre-development activity. The Tree Disposition Plan shall specify trees to be relocated, removed or replaced. The tree survey and disposition plan shall be submitted with the application for any development permit and must be approved before said permit may be issued.
- (11) Tree Survey: An on-the-ground survey containing the location of Protected Trees, their diameters, types (species), and crown area (critical root zones). The Tree Survey must depict for any given Subject Site: (a) every Protected Tree located on the Subject Site, and (b) identify every Protected Tree located elsewhere which has thirty percent (30%) or more of its Critical Root Zone in such Subject Site. The tree survey and disposition plan shall be submitted with the application for any development permit and must be approved before said permit may be issued.
- (12) Urban Forester: A resource professional, charged with the responsibility of planning, establishing, protecting, and managing trees and associated plants, individually, in small groups, and under forest conditions within the City, with full authority to enforce this division of the UDC for violations of the same.
- (13) Tree Trust: A capital project fund created for the purpose of purchasing, growing, and/or maintaining trees and associated plants within the City limits.

Said fund is to be expended in conformance with a tree propagation program drafted by the City Manager or his/her designee.

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Ord. No. 2000T-8, Section 4.2.3.2, August 25, 2008.

Ord. No. 2000T-32, Section 4.3.3.2, August 24, 2020.

### **Section 4.2.3.3 Approval Required for Tree Removal**

No person directly or indirectly shall cut down remove, move, or destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this division without first submitting a Tree Survey and obtaining approval of a Tree Disposition Plan, unless otherwise exempted by the provisions of Section 4.2.3.4(b) of this division.

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Ord. No. 2000T-2, Section 4.2.3.3, February 26, 2007.

### **Section 4.2.3.4 Applicability**

- (a) **Applicability.** The terms and provisions of this Ordinance shall apply to all real properties, persons and trees located within the City.
  - (b) **Exemptions.** Public utilities working in dedicated and accepted easements, right-of-way, or floodways, trees that are located on a lot of record that is ten (10) acres or less and on which a single family home exists, and trees, other than those required to be planted pursuant to City regulations, on properties formerly operated as a tree farm or nursery specifically managed for the propagation of trees.
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Ord. No. 2000T-26, Section 4.2.3.4, September 25, 2017.

### **Section 4.2.3.5 Approval Process and Administrative Procedures**

- (a) **Responsible Official.** The City Manager or his/her designee is responsible for the review and approval or disapproval of all Tree Disposition Plans. The plan shall be submitted in accordance with the requirements specified herein:
- (b) **Residential & Non-Residential Subdivisions.** The City Manager or his/her designee must be able to determine from a review of the Tree Disposition Plan, survey, grading and drainage plans the following:
  - (1) Protected Trees which are to be removed.
  - (2) The extent of tree replacement in accordance with Section 4.2.3.7 of this division.
  - (3) After review and approval by the Urban Forester, final approval of the subdivision plat by the Planning and Zoning Commission shall constitute approval of a Tree Disposition Plan for the street and utility construction phase of the subdivision.



(c) **Building Permits Generally.**

- (1) No building permit shall be issued unless the applicant signs an application or permit request which states that all construction activities shall meet the requirements of this division of the UDC.
- (2) If the application is made in conjunction with a Site Plan submitted for approval, the application will be considered as part of the Site Plan and no permit shall be issued without Site Plan approval.

(d) **Building Permits Not Requiring Platting.** The City Manager or his/her designee shall review building permits and applications for lots not requiring platting.

(e) **Appeals.** Any decision made by the City Manager or his/her designee with regard to the Tree Disposition Plan may be appealed by the applicant to the Planning and Zoning Commission. All actions of the Commission are final.

(f) **Permit Validity.** Tree Disposition Plans accepted in connection with an application for a building permit, subdivision plat and Site Plan shall be valid for the period of validity of the accompanying application.

**Section 4.2.3.6 Submittal Requirements**

(a) The City Manager or his/her designee shall establish administrative procedures necessary to facilitate the implementation and enforcement of this division. These procedures shall include the following:

- (1) Tree Disposition Plan/Tree Survey: Must be submitted and approved prior to the removal or destruction of any tree.
- (2) An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.
- (3) Aerial photograph interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors, and golf courses, at the discretion of the City. Large-scale developments are also required to include impact areas where existing trees are located.
- (4) The items required on a submitted exhibit include the following:
  - a. Title block including a street address; legal description (lot and block, subdivision name); date or revised date, north arrow, graphic and written scale; name, address, telephone number of owner or person preparing the exhibit.
  - b. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setbacks, easements and service connections, all property dimensions with references to property lines.
  - c. Location of all existing Protected Trees, graphically differentiating between the trees to remain and those to be removed. Trees located beyond the Subject Site with thirty percent (30%) or more of the Critical Root Zones located within the Subject Site shall also be included. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration...

- d. Proposed general areas or locations of the replacement trees.
- e. A list of all Protected Trees, including species, trunk diameter and condition.
- f. A list of all off-site Protected Trees where Critical Root Zones will be impacted.
- g. Tree information required shall be summarized in legend form on the plan and shall include:
  - 1. Protected Trees to be removed.
  - 2. Total diameter inches of Protected Trees which are to be removed.
  - 3. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 4.2.3.9 (e).)
- h. Tree protection notes and details shall be included on Site Plans, subdivision plans or Landscape Plans and always included with the bid documents given to the contractor.

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Ord. No. 2000T-12, Section 4.2.3.6, June 28, 2010.

#### **Section 4.2.3.7 Tree Replacement Requirements**

(a) In the event that it is necessary to remove a Protected Tree, the applicant, as a condition to issuance of a building permit, shall be required to replace the tree(s) being removed with replacement trees as defined herein. This mitigative measure is not meant to supplant good site planning.

**(b) Tree Replacements Required.**

(1) The owner and the homebuilder/developer of any lot or tract of land that removes or has removed any Protected Tree twelve inches (12") in diameter (37.68" in circumference) and up to twenty-four inches (24") in diameter (75.36" in circumference), according to the tree survey made a part of a building permit application or plat submittal, shall be required to replace each such tree removed with an approved tree planted on the lot or tract which is no less than two inches (2") in diameter (6.28" in circumference). Planted trees shall be any of the tree species listed on the Tree Replacement Tree List in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Park and Recreation Department). The total number of replacement inches which must be replaced in accordance with this Paragraph is two hundred percent (200%) of the total number of diameter inches removed.

(2) The owner and the homebuilder/developer of any lot or tract of land that removes or has removed any Heritage Tree greater than twenty-four inches (24") in diameter (75.36" in circumference) and up to thirty-six inches (36") in diameter (113.04 in circumference), according to the Tree Survey made a part of a building permit application or plat submittal, shall be required to replace each tree removed with an approved tree planted on the lot or tract which is no less than six inches (6") in diameter (18.84" in circumference). Such planted trees shall be any of the tree species listed on the Tree Replacement Tree List

in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Park and Recreation Department). The total number of replacement inches which must be replaced in accordance with this Paragraph is three hundred percent (300%) of the total number of diameter inches removed.

- (3) The owner and the homebuilder/developer of any lot or tract of land that removes or has removed any Heritage Tree greater than thirty-six inches (36") in diameter (113.04" in circumference), according to the Tree Survey made apart of a building permit application or plat submittal, shall be required to replace each tree removed with an approved tree planted on the lot or tract which is no less than eight inches (8") in diameter (25.12" in circumference). Such planted trees shall be any of the tree species listed on the Tree Replacement Tree List in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Park and Recreation Department). The total number of replacement inches which must be replaced in accordance with this Paragraph is four hundred percent (400%) of the total number of diameter inches removed.
- (4) A sufficient number and diameter of replacement trees shall be planted on the subject site in order to equal the total diameter inches, as determined above. If this is not feasible, the permittee may, upon approval by the City Manager or his designee, plant and maintain off-site replacement trees in accordance with this division.

**(c) Tree Trust Fund.**

- (1) The owner or developer of any lot or tract of land required to replace trees in accordance with this section may, as an alternative and, upon approval by the Urban Forester, pay a mitigation fee into the Tree Trust Fund under the following conditions:
  - a. Residential and Non-Residential Plats - Payment to the Tree Trust Fund must be received by the City prior to the submission of the final plat for Planning and Zoning Commission approval.
  - b. Building Permits Not Requiring Platting - Payment to the Tree Trust Fund must be received by the City prior to the issuance of a building permit.
- (2) The mitigation fee shall be calculated at the rate of two hundred dollars (\$200) per caliper inch of trees to be mitigated. The fee paid into the Tree Trust Fund shall be periodically adjusted by the City Council as the market value of replacement trees warrants.
- (3) This mitigation method is not meant to supplant the replacement method and shall only be implemented upon approval of the City Manager or his designee after it has been determined that replacement mitigation is not feasible.

**(d) Tree Mitigation Fee Credit.**

- (1) The owner, builder/developer of any lot or tract of land that removes Protected Trees for the development or construction of the property may apply for a Tree Mitigation Fee Credit for replacement trees planted in accordance with this section. To qualify for a credit under this section, a tree must be:

- a. planted on property:
    - i. for which the tree mitigation fee was assessed; or
    - ii. mutually agreed upon by the City and the person applying for the credit; and
  - b. at least two inches (2") in diameter at the point on the tree trunk 4.5 feet above the ground; and
  - c. at least six feet in height when measured immediately after planting; and
  - d. a tree species listed on the Tree Replacement Tree List in Appendix A of the Criteria Manual (a copy of the Criteria Manual is available in the City Parks and Recreation Department).
- (2) For purposes of Subsection (d)(1) above, the City and the person may consult with an academic organization, state agency, or nonprofit organization to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the City.
- (3) The amount of a credit provided to a person under this section must be applied in the same manner as the tree mitigation fee assessed against the person and:
- a. at least 50 percent of the amount of the tree mitigation fee assessed against the person if:
    - i. the property is a residential structure that is not occupied by the person; and
    - ii. the person is constructing or renovating the residential structure for sale as a residential structure and not for use as the person's residence; or
  - b. at least 40 percent of the amount of the tree mitigation fee assessed against the person if:
    - i. the property is non-residential structure; or
    - ii. the person is constructing or intends to construct a structure on the property that is not a residential structure.
- (4) Nothing contained in subsection (d) shall affect the ability of the City to determine:
- a. The size, number, and type of trees that must be planted to receive a credit under this section, except as provided by Subsection (d)(1);
  - b. The requirements for tree removal and corresponding tree mitigation fees, if applicable; or
  - c. The requirements for tree planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity.
- (5) No credit shall be given toward the minimum landscape requirements pursuant to Article 2, Division 2 of this Chapter of the UDC.

**(e) Tree Credits.**

- (1) Landscaping Requirement Credit. In order to encourage the installation of larger trees, credits shall also be given for planting trees of a larger caliper inch size than minimally required.
  - a. Any approved tree planted greater in size than what is minimally required by Section 4.2.2.2 shall count as credit towards any applicable tree mitigation requirements at a size equal to the increase in tree caliper.
  - b. Credit for larger trees shall be permitted to achieve up to twenty-five percent reduction of required tree mitigation.
- (2) Preservation Credit. Preservation of existing trees may be given credit towards required landscaping, or applicable tree mitigation.
  - a. Credit toward required landscaping. Preservation of existing trees and shrubs may be given credit towards required landscaping. To qualify for a credit under this section, a preserved tree or shrub must:
    - i. meet the locational requirements of the provision for which credit is awarded (i.e. within the landscape buffer) and, unless otherwise noted, may not be credited towards more than one landscape requirement.
    - ii. be protected. Credit shall not be awarded unless protection of the CRZ of the credited tree is carried out as required for protected trees in Section 4.2.3.8. Credit may be withheld, during review or inspection of the project, based on the assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree.
  - b. Credit towards tree mitigation. Preservation of existing trees may be given credit towards any applicable tree mitigation. Preservation credit shall be permitted to achieve up to twenty-five percent reduction of required tree mitigation. To qualify for a credit under this section,
    - a preserved tree must:
      - i. be a protected species with a DBH of at least six inches and no more than 11 inches that remain on a site, subject to approval by the Urban Forester based on the assessed health, structure, growth habit, presence of disease or decline, and the available growing space of the tree.
      - ii. not be used towards the mitigation for Heritage Trees.
      - iii. included on the Tree Survey, and the Tree Disposition Plan.
- (3) Tree Credits permitted are at the discretion of the Director of Community Development.

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Ord. No. 2000T-2, Section 4.2.3.7, February 26, 2007.

Ord. No. 2000T-27, Section 4.2.3.7, April 23, 2018.

Ord. No. 2000T-29, Section 4.2.3.7, January 28, 2019.

### **Section 4.2.3.8 Tree Protection**

- (a) A major purpose of this division is to protect all trees which are not removed and to allow approved construction to occur. The following procedures shall apply to all types of construction projects which involve development around trees.
- (b) The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the City Manager or his/her designee.
- (1) Prohibited Activities: The following activities shall be prohibited within the Critical Root Zone of any Protected Tree which is subject to the requirements of this division.
- a. Material Storage - No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the Critical Root Zone of any tree.
  - b. Equipment Cleaning/Liquid Disposal - No equipment may be cleaned or other liquids deposited within the Critical Root Zone of any tree. This would include but not limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
  - c. Tree Attachments - No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
  - d. Vehicular Traffic - No vehicle, construction equipment or parking is allowed within the Critical Root Zone of any tree.
  - e. Trespassing - Trespass into protective fencing is prohibited.
- (2) Pre-Construction Activities: The following procedures shall be followed prior to construction.
- a. Tree Flagging - All Protected Trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk and painted with an orange "X" at a height of four feet (4') or more. Tape and paint must be visible to workers on foot or operating heavy equipment.
  - b. Protective Fencing - Unless otherwise specified in the applicable Tree Disposition Conditions, each Protected Tree to be preserved must be fenced during Development or Pre-Development Activity.
    1. Fencing Criteria - The Tree Disposition Plan shall specify protective fencing of the Critical Root Zone whenever reasonably practicable, unless a different area is prescribed in accordance with the Criteria Manual. Unless the Tree Disposition Conditions specify otherwise:
      - A six-foot or higher fence must surround each protected tree or group of protected trees, effectively preventing persons,

machinery, trash, material and other items from occupying the area within the protective fencing;

- The fence must be constructed of durable, high visibility materials supported on poles or fence posts set firmly in the ground;
- The fence must be able to resist intrusions and impacts likely to be encountered on a construction site;
- The fence may incorporate existing fences or walls as well as temporary fencing; and
- Each fence must display a prominent bilingual warning sign as set forth in the Criteria Manual.

2. Fence Permit - A separate fence permit is not required for construction of a fence under this section, if a building permit for the work is in effect and a Tree Disposition Plan has been approved.

3. Trash, Storage Prohibited - It shall be unlawful for any person to use the area within the protective fencing, required by this section, for trash disposal, storage, vehicle parking or any other use that could adversely affect tree roots.

- c. Trunk Protection - In situations where a Protected Tree remains within six feet (6') of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.
- d. Construction Pruning - In cases where a tree has a low canopy or limbs may be broken during the course of construction, the obtrusive limb(s) may be cut. Trees must be pruned according to the specifications set forth by ANSI A300.
- e. Mulch - In Critical Root Zone areas where vehicles or equipment must pass, the addition of six inches (6") of shredded mulch or wood chips covered by a sheet of three-quarter-inch plywood is necessary to reduce the risk of severe soil compaction. The mulch and plywood shall be spread on-site or removed following the completion of the project.
- f. Watering - Trees which are being protected should receive supplemental water during times of drought or low rainfall. As a rule of thumb a weekly application of approximately fifty (50) gallons of water per one-inch diameter applied slowly to the root zone will be sufficient.

(3) Improvement Within the Critical Root Zone of a Protected Tree: Design constraints dictate that trees slated for preservation have some encroachment on their Critical Root Zone. The following is the minimum design criteria which is allowed within the Critical Root Zone of a Protected Tree. Development exceeding the criteria would put the tree at risk and therefore it could no longer be considered a Protected Tree. In such a case, Replacement Trees shall be required.

- a. Grade Changes - In the event that grade changes must be made around a Protected Tree or group of trees, the following shall be implemented in order to maintain oxygen and water exchange within the tree's Critical Root Zone.

1. A minimum of seventy-five (75) percent of the Critical Root Zone shall be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a Protected Tree.
  2. No cut or fill greater than two (2) inches shall be located closer to the tree trunk than one-half of the radius of the Critical Root Zone radius distance.
  3. Increase grade: Soil grade within the Critical Root Zone of trees should not be increased more than two (2) to three (3) inches using clean bank sand. Any increase above this can be detrimental to the tree. Any attempts to protect trees from the detrimental effects of increased grade must be approved by the City Manager or his/her designee.
- b. Boring of Utilities – Boring may be permitted under Protected Trees in certain circumstances. The minimum length of the bore shall be the width of the tree's Critical Root Zone and shall be a minimum depth of forty-eight (48) inches.
  - c. Trenching - Irrigation systems shall be designed to avoid trenching across the Critical Root Zone of any large tree.
  - d. Paving - A maximum of twenty-five (25) percent of the Critical Root Zone of a Protected Tree may be covered with impervious material. The pavement and the cut and fill for the pavement shall not exceed one-half of the Critical Root Zone radius distance.

#### **Section 4.2.3.9 Tree Planting Regulations**

- (a) **Off-Site Planting of Replacement Trees.** Replacement Trees should be planted on the site or easement from which the existing trees are to be removed. Subject to the approval of the City Manager or his designee, an applicant may initiate a proposal to plant trees off-site.
- (b) **Easements and Rights-of-Way.**
  - (1) The location of replacement trees shall not be an area such that the mature canopy or roots of the tree will interfere with any public utility.
  - (2) All replacement trees shall be planted no less than ten feet (10') from fire hydrants.
  - (3) Any replacement tree planted in a median must be located no less than six and one-half (6.5') feet from the curb.
  - (4) Any replacement tree planted in the City's right-of-way must be located no less than one hundred (100') feet from an intersection and no less than fifty (50') feet from a mid-block opening.
- (c) **Plantings After Project Completion.** Replacement trees shall be planted prior to the issuance of the certificate of occupancy or project release. Optimum planting times do not always correspond with project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before the issuance of a Certificate of Occupancy, a fiscal security is



posted in the amount equal to the prevailing rate for replacement trees with a one (1) year guarantee, plus fifteen (15) percent to cover administrative cost.

- (d) **Replacement Tree Size.** Minimum criteria for the size of a Replacement Tree shall be a DBH (measured four and one-half feet (4.5') above the ground) that is a minimum of two inches (2").
- (e) **Replacement Tree List.** The following tree types or species only shall be permitted by the City to be used as Replacement Trees:

**Protected Tree List**

<b><u>Genus</u></b>	<b><u>species</u></b>	<b><u>Common name</u></b>
<u>Quercus</u>	<u>spp.</u>	<u>Oaks</u>
<u>Ulmus</u>	<u>spp.</u>	<u>Elms</u>
<u>Taxodium</u>	<u>spp.</u>	<u>Baldcypress</u>
<u>Carya</u>	<u>spp.</u>	<u>Pecan, Hickory</u>
<u>Magnolia grandiflora</u>		<u>Southern Magnolia</u>
<u>Magnolia virginiana</u>		<u>Sweetbay</u>
<u>Juglans nigra</u>		<u>Black Walnut</u>
<u>Fraxinus pennsylvanica</u>		<u>Green Ash</u>
<u>Fraxinus americana</u>		<u>White Ash</u>
<u>Ilex opaca</u>		<u>American Holly</u>
<u>Platanus occidentalis</u>		<u>American Sycamore</u>
<u>Acer rubrum</u>		<u>Red Maple</u>
<u>Acer barbatum</u>		<u>Florida Maple</u>

If an existing tree of the protected tree list in excess of 12" DBH is removed, thus requiring mitigation, and the disposition plan calls for replacement, it must be replaced by a tree from the protected tree list.

Pine Trees will receive preservation credit as outlined in Section 4.2.3.7(e).

For trees to be planted to fulfill landscape requirements, the following trees are allowed, in addition to the trees found in the Protected Tree List above:

Common Name	Scientific Name
American Elm	<i>Ulmus americana</i>
American Holly	<i>Ilex opaca</i>
American Hop Hornbeam	<i>Ostrya virginiana</i>
Bald Cypress	<i>Taxodium Distichum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Chinese Fringe	<i>Chionanthus spp</i>
Chinkapin (Chinquapin) Oak	<i>Quercus muehlenbergii</i>
Common Crepe myrtle	<i>Lagerstroemia indica, Lagerstroemia x fauriei</i>
Common Hackberry	<i>Celtis occidentalis L.</i>
Dwarf Magnolia "Little Gem"	<i>Magnolia grandiflora</i> "Little Gem" or other cv.
Eastern Red Cedar	<i>Juniperus virginiana</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Live Oak	<i>Quercus virginiana</i>
Mexican Sycamore	<i>Platanus mexicana</i>
Mexican White Oak (Monterrey Oak)	<i>Quercus polymorpha</i>
Montezuma Bald Cypress	<i>Taxodium mucronatum</i>
Overcup Oak	<i>Quercus nuttallii</i>
Parsley Hawthorne	<i>Crataegus marshallii</i>
Pecan	<i>Carya illinoensis</i>
Possumhaw Holly	<i>Ilex decidua</i>
Retama	<i>Parkinsonia aculeate</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Sugarberry	<i>Celtis laevigata</i>
Sweet Bay Magnolia	<i>Magnolia virginiana</i>
Water Oak	<i>Quercus nigra</i>
Willow Oak	<i>Quercus phellos</i>
Winged Elm	<i>Ulmus alata</i>
Yaupon Holly	<i>Ilex vomitoria</i>

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Ord. No. 2000T-12, Section 4.2.3.9, June 28, 2010.

Ord. No. 2000T-17, Section 4.2.3.9, February 23, 2015.

#### **Section 4.2.3.10 Violations/Enforcement**

- (a) **Conditions.** It shall be unlawful for any person who applies for or receives a permit regulated by this division to fail or refuse to comply with a condition of the permit or this division. Any related permit for the building site in question may be withheld until the condition is complied with to the satisfaction of the City Manager or his/her

designee or any other City staff members who are called upon to enforce this division.

- (b) **Immediate Shutdown.** Violations of this division may cause the immediate cessation of all work on the property until the violation is remedied or the builder agrees to replace damaged trees, if the damage is likely to cause the ultimate death of the tree.
- (c) **Inspection.** The City Manager or his designee shall monitor for compliance of the Tree Protection and Preservation Ordinance and have the authority to shut down a job for infractions. Protective fencing shall be inspected prior to construction.
- (d) **Penalty Clause.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon final conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense. Each day and each tree that is removed in violation of this chapter shall constitute a separate offense. But in the event any person, firm or corporation violates any of the provisions of this division or fails to comply therewith, the City of Pearland, in addition to imposing the penalties above provided, may institute any appropriate action or proceedings in court to prevent, restrain, correct, or abate or to prevent any illegal act pertaining to trees protected by this division; and the definition of any violation of the terms of this division as a misdemeanor, shall not preclude the City of Pearland from invoking the civil remedies given it by law in such cases; but same shall be cumulative of and in addition to the penalties prescribed for such violation.
- (e) **Affirmative Defenses.** It shall be an affirmative defense to prosecution under this division that:
  - (1) Immediate action to remove the tree(s) in question was necessary to prevent harm to persons or property,
  - (2) An appropriate Tree Disposition Plan had been filed and approved,
  - (3) There was full compliance with all conditions of the Tree Disposition Plan.
- (f) **Other.** Other penalties may apply as outlined in Chapter 1 of this UDC.

#### Division 4 – Screening & Fencing

##### **Section 4.2.4.1 Screening**

- (a) **Nonresidential and Multiple-Family Screening Required (New Construction).**
  - (1) Requirement Criteria. This section shall apply to the following:
    - a. Any nonresidential use that has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.
    - b. Any multiple-family use that has a side or rear contiguous to any residential use or residential zoning district other than multiple-family.
  - (2) The following shall apply in either case outlined above:

- a. The nonresidential or multiple-family use shall provide one of the following:
  1. a masonry screening wall a minimum of six feet (6') in height, but not to exceed eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition. Any sections of this Code concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or throughway; or
  2. a vegetative screen consisting of evergreen shrubs, that are at least four feet (4') tall at planting and at least eight feet (8') tall forming a continuous hedge within twelve (12) months.
- b. If screening is achieved by a masonry screening wall, there shall be a minimum 25-foot wide landscape buffer between nonresidential or multiple-family and all single-family uses. The buffer shall include 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 lot depth. This buffer shall be at least thirty (30') feet wide if screening is achieved above by a vegetative screen and not an masonry screening wall. In addition to the vegetative screen described above, the 30' buffer shall include landscaping utilizing the following:
  - i. 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 lot depth.
  - ii. 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 lot depth, except for Public Educational Facilities, which are exempt from this requirement.
  - iii. A minimum of sixty percent (60%) of required trees shall be evergreen with year-round foliage.
  - iv. 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.
  - v. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.
- c. In situations where a fence already exists along the property line between the non-residential or multiple-family use and the residential use, the screening required by this section shall be achieved by the vegetative screen and 30' buffer described above, unless the nonresidential or multiple-family use obtains permission from the owner(s) of the existing fence to replace said fence with the masonry screening wall and 25' buffer described above.

- d. Prior to construction of buffers, complete plans showing type of material, depth of beam and structural support shall be submitted to the Community Development Department for analysis to determine whether or not:
  - 1. The screen will withstand the pressures of time and nature; and
  - 2. The screen adequately accomplishes the purpose for which it was intended.
- e. The Planning Director shall determine if the buffer meets the requirements of this section.
- f. In situations where detention is provided within the landscape buffer, all planting areas for trees shall be a minimum 6' from top of bank to the adjoining property line.

**(b) Parking Area Screening Along Major and Secondary Thoroughfares.**

Landscaping shall be required for the screening of parking areas along major thoroughfares or secondary thoroughfares when nonresidential parking areas are located on the nonresidential lot such that they are adjacent to such roadways (i.e., there is no building between the parking area and the lot line adjacent to the roadway). In such case, parking areas shall be screened by a continuous hedge of shrubs that are maintained at a height of no more than thirty-six inches (36") nor less than twenty-four inches (24") as measured from the surrounding soil line and at a minimum thirty-six inch (36") spacing.

**(c) Residential Screening Along Major and Secondary Thoroughfares (Applies to the City & ETJ).**

(1) Requirement Criteria: Where residential subdivisions adjacent to a major or secondary thoroughfare are platted so that the rear or side yards of single-family or two-family residential lots therein are within 200' of a right-of-way line of said major or secondary thoroughfare as described in Chapter 3, or are separated from such thoroughfare by an alley, landscape, or open space area/detention facility and utility easements, or back up to such thoroughfare, the developer shall provide, at its sole expense, a minimum six-foot tall masonry screening wall (also see Subsection (2) below), or some other alternative form of screening, if approved by the Planning Director, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

(2) Screening Alternatives: Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's EDCM. An alternative form of screening, in lieu of the masonry wall, may be approved by Planning Director and the City Engineer with the Preliminary Subdivision Plat or Preliminary Development Plat application. Alternatives that may be considered include:

- a. A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;

- b. A combination of berms and living/landscaped screening;
  - c. A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or “Wood Crete” type of fence with masonry columns; or
  - d. Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Planning Director and City Engineer find it to be in the public interest to approve the alternative screening device.
- (3) Time Required for Opacity: Any required screening device shall be, or shall achieve, at least six feet in height and at least ninety percent opacity within three years of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be in conformance with Division 2 and/or Division 3 of this article.
- (4) Maintenance Easement: A wall/screening maintenance easement at least five feet in width shall be dedicated to the City or to a property owners association on the private lot side and adjacent to the entire length of the screening wall or device.
- (5) Installation: The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with Division 2 and/or Division 3 of this article. Failure to properly install all components of a required screening wall or device within the prescribed time frame, shall constitute a violation of this Unified Development Code, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.
- (6) Design of Walls: All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City Engineer. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.
- (7) Height of Screening: The height of required screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than eight feet. Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum eight-foot height by up to two feet for a total maximum height of 10 feet for these features, provided that such taller elements comprise no more than 10% of the total wall length in elevation view.
- (8) Other Easements: Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any other applicable utility provider(s).

**(d) General Screening.**

- (1) The following requirements shall be in addition to the foregoing landscaping and planting requirements:

- a. All loading spaces and docks, outside storage areas including open storage, storage in containers and boxes not designed to be permanently affixed to real property, refuse containers/areas (if the cumulative building expansion is greater than fifteen percent (15%) with a minimum five hundred square foot (500 sq. ft.)), mechanical and electrical equipment, and the rear of nonresidential uses/structures on double frontage lots, must be screened from view from the street or public rights-of-way and adjoining properties.
  - b. Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. In any case in which a fence/wall is constructed to provide screening, landscaping elements shall be incorporated along a majority of the fence/wall. Screening for ground mounted mechanical, electrical equipment 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. Also, in the case of roof-mounted mechanical equipment, parapet roof structures are approved for screening such equipment.
  - c. If a nonresidential use is adjacent to a residential use other than multiple-family, such nonresidential use shall be screened in accordance with Section 4.2.4.1(a) and shall include a vegetative buffer.
  - d. Roof mounted equipment in M1 and M2 districts are exempt from screening requirements if the equipment is painted to match the roof color and the equipment is not closer than two hundred fifty (250) feet to a roadway listed in Section 2.4.5.1.
- (2) If screening is required, it shall be of sufficient height and opacity to completely obscure the activity, structure, or use.

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Ord. No. 2000T-2, Section 4.2.4.1, February 26, 2007.

Ord. No. 2000T-3, Section 4.2.4.1, July 9, 2007.

Ord. No. 2000T-6, Section 4.2.4.1, November 26, 2007.

Ord. No. 2000T-8, Section 4.2.4.1, August 15, 2008.

Ord. No. 2000T-12, Section 4.2.4.1, June 28, 2010.

Ord. No. 2000T-16, Section 4.2.4.1, December 16, 2013.

Ord. No. 2000T-21, Section 4.2.4.1, September 12, 2016.

Ord. No. 2000T-28, Section 4.2.4.1, November 26, 2018.

Ord. No. 2000T-33, Section 4.2.4.1, September 8, 2020.

#### **Section 4.2.4.2 Screening for Utility Support Structures and Stations**

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



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

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

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Ord. No. 2000T-3, Section 4.2.4.2, July 9, 2007.

### **Section 4.2.4.3 Fencing**

#### **(a) Fences in Residential Areas/Districts, Except Multiple-Family.**

- (1) Materials Permitted - Fences may be constructed of wood, decorative metal, chain link or woven wire mesh, and other materials traditionally used in private fence construction. New and innovative materials such as plastics, PVCs, metal panel or metal slat, "honeycomb", cementitious fiber board (e.g., "Wood Crete"), and other similar materials may be approved for use by the City's Building Official if the material is proven to be sturdy, durable and relatively maintenance-free.
  
- (2) Fences Permitted in Front Yard(s) Adjacent to a Public Street –
  - a. Except as provided by Subsection b (*Decorative Fences*) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot which is adjacent to a public street. No residential fence shall be closer than 15 feet to a public street; however, in cases where the side or rear building line of the yards on continuous corner lots adjoin (i.e., the side yard lot is not a key corner lot), the fence may be constructed out to the property line of the side yard, such that the street side yard may be included as part of the lot's rear yard area. (See *Figure 4-5*.)

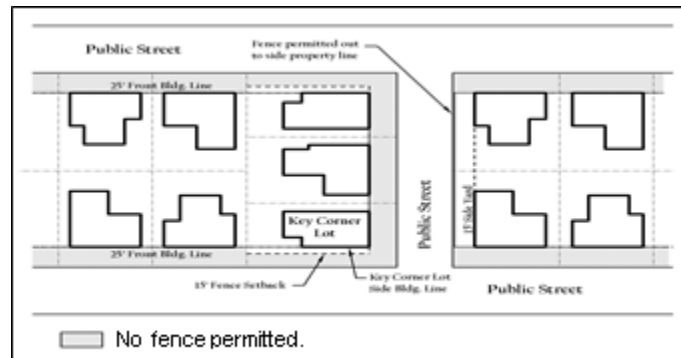


Figure 4-5: Fences in Front Yards

- b. Decorative Fences - Decorative fences with openings not less than 50% of the fence area and not exceeding four (4) feet in height are permitted in front yards. If a residential property fronts onto an identified Thoroughfare, then the height of that fence may be increased to six (6') feet in height. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing, and are therefore not allowed in front yards.
- (3) Perimeter Fencing: Above-ground electrical fencing (does not include underground “virtual fencing”, which is allowed), wire mesh (such as hog wire, chicken wire) and barbed wire are prohibited as perimeter fencing except on parcels or lots of two acres or greater in size in the Suburban Development (SD) zoning district and Residential Estate (RE) zoning district.
- (4) Fences within Public Easements: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.
- (5) Fences within Drainage Easements: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.
- (6) Fences in Side/Rear Yards: Fences located in side or rear yards shall not exceed eight (8) feet in height.
- (7) Fences in COD: For fences located within the Corridor Overlay District (COD), please refer to section 2.4.5.1 (i).

- (8) A permit must be obtained to repair, rebuild, or construct any type of fence where the market value of the work (materials and labor) exceeds three hundred (300) dollars.

**(b) Fences in Non-Residential Areas/Districts.**

- (1) Barbed Wire Fencing: Permanent barbed wire or similar fences shall be prohibited in districts where used for purposes other than for the control of livestock. Barbed wire shall be permitted as an accessory material to another type of fence in industrial zoning districts (M-1 and M-2), and for City facilities upon approval by City Council, when the barbed wire material is located along the top of a fence, beginning at a height of at least six feet (6') from ground level.
- (2) Gates for Vehicular Access: Gates designed for vehicular access shall be set back from the property line a minimum of twenty-four feet (24').
- (3) Permit Required: All new, reconstructed, or replaced fences require permits.
- (4) Fences within Public Easements: Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement.
- (5) Fences within Drainage Easements: Fences within a drainage easement should be constructed in a manner to not restrict the flow of drainage water.
- (6) Height and Material of Fencing: In all yards, fences shall not exceed eight (8) feet in height. Fences in the front yard, except for properties in the M1 or M2 districts, shall be decorative with openings not less than 50% of the fence area. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing.

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Ord. No. 2000T-2, Section 4.2.4.3, February 26, 2007.

Ord. No. 2000T-6, Section 4.2.4.3, November 26, 2007.

Ord. No. 2000T-12, Section 4.2.4.3, June 28, 2010.

Ord. No. 2000T-37, Section 4.2.4.3, September 12, 2022.

**Division 5 – Signage**

**Section 4.2.5.1 General Standards & Requirements**

- (a) **Applicability**. All signs shall be erected, displayed, altered and reconstructed in conformance with this division. Where the requirements of this division for a particular sign are different than comparable requirements contained in any other

law, ordinance or regulation, the requirements and standards that are more restrictive shall apply. Special sign standards apply within the Spectrum and Old Townsite zoning districts, as outlined in the applicable sections of Chapter 2.

(b) **Exempted Signs.** See Section 4.1.2.6.(c) for all signs exempt from the requirements to obtain a sign permit.

(c) **Prohibited Signs.** The following signs are expressly prohibited:

- (1) Signs having any visible part that moves, swings or rotates, except for banners and flags, and swinging signs up to ten square feet in area constructed of rigid material hanging by hinges or other flexible connection.
- (2) Signs emitting odor, visible matter or audible sound.
- (3) Permanent portable signs (temporary portable signs are regulated by Section 4.2.5.5).
- (4) Inflatable signs and balloons, except as allowed in Section 4.2.5.5.
- (5) Portable signs.
- (6) Signs attached to a mobile structure, such as a vehicle or trailer used as an on-premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service.
- (7) Signs, papers, other materials, or paint, stenciling, or writing of any name, number (except house numbers), or other marking on any sidewalk, curb, gutter, street, utility pole, trees, public building, fence or structure unless authorized by this UDC.
- (8) Signs illuminated to any intensity greater than two hundred (200) lamberts. The restrictions of luminance shall be determined from any other premise or from any public right-of-way other than an alley. Lights shall be shielded to prevent the source of lighting from being directly visible from residential property.
- (9) Sign, or any portion thereof, erected upon or over public right of way or public property, except as specifically authorized by this UDC. Unauthorized signs located upon or over public rights of way or public property may be immediately removed by the City Building Official or designee.
- (10) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated; or have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, scrolling or changing message by means of lights or illumination are prohibited except as provided in Section 4.2.5.3.
- (11) Signs and advertising devices which produce noises discernible from more than one hundred fifty feet (150').
- (12) Signs in a floodway zone without the approval of the Floodplain Administrator or designee.
- (13) Off-premise signs, unless erected as part of a City-adopted signage program or specifically authorized by this UDC.

- (14) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character that would offend public morals or decency.
- (15) Signs placed on the side or rear of any building or property when such signs face upon a contiguous residential area.
- (16) Signs containing or having attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except in accordance with Section 4.2.5.5.
- (17) Freestanding signs, as defined in Chapter 5 of this UDC.
- (18) Unless permitted as part of signage, pursuant to this Division and elsewhere in the UDC, light strips, L.E.D. strips, spotlights, bulbs, and other similar lighting around windows, doors, openings, signs, or on any part of the building or site are prohibited.

(d) **Location Requirements.** All signs are subject to the following general location requirements:

- (1) No sign shall be maintained at any location where it may interfere with the view of or be confused with any traffic control sign or signal.
- (2) No sign shall be located on or project over public property, a street right-of-way, or a public utility easement, except governmental signs, bench signs, subdivision identification signs, temporary banner signs and permitted signs in the Old Townsite (zoning) District.
- (3) All signs shall maintain a clearance of at least eight feet (8') when located over a public sidewalk and at least twelve feet (12') when located over a driveway.
- (4) No sign, except a governmental sign or a single ground sign, shall be located within a sight triangle.
- (5) Only signs required in the interest of public safety and direction may occupy a required off-street parking or loading space or obstruct any driveway or sidewalk.
- (6) New signs and signs being structurally altered shall maintain clearance from the public utility facilities, shall not substantially interfere with drainage and shall not be located in a utility or drainage easement. Signs shall maintain ten feet (10') of vertical and horizontal clearance from all electrical lines
- (7) Only governmental signs or temporary holiday signs may be located on the roof of any building or accessory structure.
- (8) Signs are permitted on sidewalks only within the Old Townsite District provided that a minimum path of five feet (5') in width remains clear of any obstacles.
- (9) No on-premise free standing sign shall be located within seventy-five feet (75') of another on-premise free standing sign on the same side of the street or highway.

- (10) A non-commercial sign, as defined in Chapter 5 of this UDC, shall be permitted wherever a commercial sign is allowed under this division, except as otherwise expressly provided herein.

**(e) Abandonment.**

- (1) Freestanding signs and ground signs which no longer advertise a bona fide business conducted, or a product sold, on the premise containing the sign are subject to removal on the first anniversary of the date the business, person or activity that the sign identifies or advertises ceases to operate on the premises. If the premises containing the sign is leased, the sign is subject to removal on the second anniversary of the date that the most recent tenant ceases to operate on the premises.
- (2) The Building Official or designee shall give written notice to the owner of the premises containing the abandoned sign to remove the sign within ninety (90) days after notification is received. In the Building Official's (or designee's) sole discretion, he or she may require that the owner of the premises containing an abandoned ground sign to install blank faces on the ground sign in lieu of removal.
- (3) Upon the owner's failure to comply with the instructions of such notice within the time specified in such order, the Building Official or designee is authorized to file a complaint in Municipal Court and/or cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

**(f) Construction & Maintenance Standards.**

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

Ord. No. 2000T-25, Section 4.2.5.1, June 26, 2017.  
Ord. No. 2000T-30, Section 4.2.5.1, August 26, 2019.

### **Section 4.2.5.2 On-Premise Attached Signs**

- (a) **Standards.** Permanent on-premises attached signs are subject to the following standards:
- (1) **Extension:** Attached signs shall not extend vertically more than four feet (4') above the highest point of the roofline adjacent to the facade. Attached signs shall not extend into a required building setback area.
  - (2) **Zoning Districts Allowed:** Attached signs are permitted for all façades in the following zoning districts: the Multiple-Family (MF) district, all mixed use districts (SPD, C-MU, G/O-MU, and OT), and all nonresidential districts.
  - (3) **Area:** The area of attached signs is limited according to the land use of the premises as follows:
    - a. Multiple-family residential uses, residential condominiums and group quarters may have identification signs having a total aggregate area of up to five percent (5%) of the area of the facade on which they are located;
    - b. Office/professional and institutional uses may have signs with a total aggregate area of up to ten percent (10%) of the area of the building façade or lease space façade of a multi-tenant building on which they are located;
    - c. All other nonresidential uses may have signs, including window signs, with a total aggregate area as follows:
      - ii. up to twenty percent (20%) of the area of the building façade or lease space façade of a multi-tenant building on which they are located if the façade faces a street;
      - iii. up to ten percent (10%) of the area of other facades if the building houses one business;
      - iv. up to fifteen percent (15%) of the area of other facades if the building houses more than one business; and
    - d. Premises containing two or more uses having different standards under this section shall have the allowable area determined by the use allowing the greater area.

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Ord. No. 2000T-2, Section 4.2.5.2, February 26, 2007.

Ord. No. 2000T-12, Section 4.2.5.2, June 28, 2010.

### **Section 4.2.5.3 On-Premise Ground Signs**

- (a) **Applicability.** An on-premise ground sign shall be permitted only on lots with one (1) use or business. A multi-tenant sign shall be required on lots with more than one (1) use or business in conformance with Section 4.2.5.4.

(b) **Standards.** Permanent on-premise ground signs are subject to the following standards:

(1) Number Allowed: The number of on-premise ground signs on one (1) site is limited to one (1) per street frontage of at least one hundred feet (100'). The following are not counted in this limitation:

- a. Additional directional signs up to two (2) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,
- b. Subdivision, Builder, or Model Home Signs as described in (b) (5).
- c. Subdivision identification signs as described in (b) (6).
- d. For Sale/Lease signs as described in (b) (8).
- e. Construction signs as described in (b) (9).
- f. Business Opening signs as described in (b) (10).
- g. Holiday signs as described in (b) (11).
- h. Special event signs as described in (b) (12).
- i. Marquee signs as described in (b) (13).
- j. Government signs as described in (b) (14).

(2) Maximum Height: The maximum height of any on-premise ground signs shall not exceed eight feet (8') (refer to *Figure 4-6* on the following page). The portion of the base of the sign within two feet (2') of the grade of the ground shall not be included in the height calculation.

(3) Maximum Sign Area:

- a. The maximum effective sign area per side per sign shall not exceed the following:
  1. MF, MH and OP zoning districts – thirty-five (35) square feet;
  2. NS zoning district – fifty (50) square feet;
  3. GB zoning district – seventy-five (75) square feet;
  4. BP-288, GC, M-1, and M-2 zoning districts – one hundred (100) square feet;
  5. Mixed use districts (SPD, C-MU, G/O-MU, and OT) – unless otherwise specified within the SPD or OT regulations, fifty (50) square feet for nonresidential uses; not permitted for residential uses;
  6. Planned Developments (PD) – as specified on the Site Plan, if different from the base zoning district;
  7. Non-residential uses in residential districts – thirty two (32) square feet. Other signs in residential districts are prohibited except where expressly allowed under this UDC.



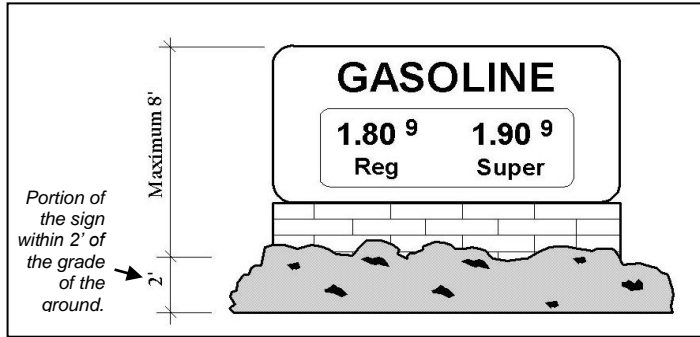


Figure 4-6  
Measuring the Height of a Sign

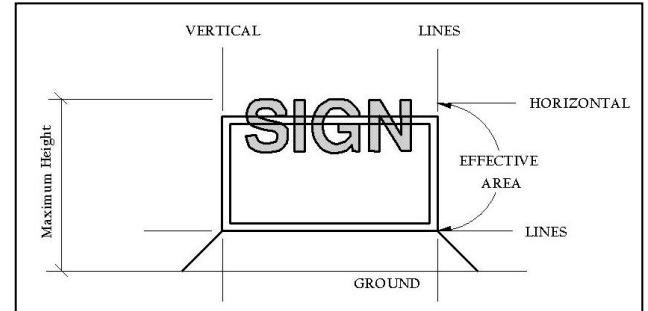


Figure 4-7  
Measuring the Effective Sign Area

- b. The effective area shall be measured from the highest point on the sign to the elevation of the center of the base of the sign by the width at the highest point (refer to *Figure 4-7*). Changeable message signs or marquee signs may be part of a ground sign, but shall not cover more than seventy-five percent (75%) of the effective area.
- (4) Location: No ground sign shall be closer than five feet (5') to any property line.
- (5) Subdivision, Builder, or Model Home Sign: A sign advertising a new residential subdivision under active construction and sales or a model home therein shall be allowed subject to the following conditions:
- The sign must be located on: (1) a lot on which a model home is located; or (2) a lot, tract, or reserve that is not intended for sale and the maintenance of which is the responsibility of the builder, developer, or homeowners association.
  - The sign may not exceed ten feet (10') in height or thirty-two square feet (32 square feet) in area per sign face.
  - Only one sign in this category is allowed per three hundred feet (300') of local street frontage. Signs on model home lots do not count against this limit.
  - "Active construction and sales" means: (1) the subdivision has lots for sale; (2) there is at least one (1) pending building permit for new construction of a home within the subdivision; and (3) there is a model home in the subdivision open during regular business hours where potential buyers may review and select available home floor plans, options, and upgrades.
  - All signs erected pursuant to this subsection must be removed within five (5) years.
- (6) Subdivision Identification Sign: A permanent subdivision identification(s) sign that is a maximum of one hundred and twenty (120) square feet in area per sign may be displayed on private property at a street entrance to the subdivision, in addition to other ground signs permitted by this division. The sign is subject to the following:
- The size, material, and location of the sign shall be indicated on the construction plans for the subdivision;

- b. A “Reserve” shall be shown on the Final Subdivision Plat or Final Development Plat, indicating the location of the sign; and,
  - b. There shall not be more than two (2) such signs per street entrance to the subdivision.
- (7) Electronic Changeable Message Sign (ECMS): An electronic changeable message sign that conforms to the size and locational requirements of this Section shall be permitted with adherence the following:
- a. A Monument sign may include either an electronic changeable message board or a scrolling sign, but not both, with the following restrictions:
    - 1. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of four (4) before a new screen or message is displayed, with fading transition of less than one (1) second.
    - 2. Messages displayed on a scrolling sign are permitted, and must conform to the minimum of two (2) seconds static display with a maximum scrolling transition time of one (1) second.
    - 3. Screens which change at a more rapid rate will be considered flashing and are prohibited. Scrolling messages designed to resemble flashing signs are also prohibited. All other animations, including videos, flashing / blinking, and other visual motion effects, are not permitted. No content may resemble any sort of traffic control, warning, or regulatory devices in its shape, symbol, text, or effects.
  - b. The Electronic display (i.e., changeable message) portion of an electronic changeable message board sign shall not exceed twenty-five (25) percent of the total allowable effective sign area. For scrolling signs the height of the scrolling display area shall not exceed 12” inches.
  - c. There will be no restriction of color use for any ECMS, with the exception that scrolling signs shall be limited to two colors, one color for the background and the second color for the message.
  - d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.
  - e. All new ECMS (message boards and scrolling) shall be equipped with automatic dimming technology that adjusts brightness in direct correlation with ambient light conditions. Existing electronic signs (message boards and scrolling) that lack this technology shall be required to conform to this requirement if they are enlarged, replaced, upgraded, or modified in any other manner except for repair or routine maintenance.
  - f. No ECMS, pre-existing or new, shall exceed a brightness level of three-tenths (0.3) of a foot candle above ambient light as measured using a foot candle meter at a preset measuring distance from the sign face. Measuring distance shall be determined by taking the square root of the product of the electronic display portion of the sign area and one hundred.

Example: For a 12 square foot sign, measuring distance =  $\sqrt{(12 \times 100)} = 34.6$  feet from the sign.

- (8) For Sale/Lease Sign: A sign advertising that certain real property or a portion thereof is for sale or lease shall be allowed subject to the following conditions:
- a. The sign may not contain any message unrelated to the property's being for sale or lease.
  - b. For nonresidential properties, the sign may not exceed six feet (6') in height or thirty-two square feet (32 ft<sup>2</sup>) in area per sign face. For residential properties, the sign may not exceed four feet (4') in height or six square feet (6 ft<sup>2</sup>) in area per sign face.
  - c. Only one such sign is allowed per parcel of real property.
- (9) Construction Sign: A sign placed on non-residential real property undergoing construction or within one month before the commencement of construction shall be allowed subject to the following conditions:
- a. The sign may only identify the principal parties to the construction, including without limitation the contractor, architect, engineer, and any lending institution, and may not contain any other advertising.
  - b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft<sup>2</sup>) in area per sign face.
  - c. Only one such sign is allowed per street frontage of the property, with a maximum of two per property.
- (10) Business Opening Sign: A sign placed on non-residential real property announcing the opening for business of the non-residential use located thereon shall be allowed subject to the following conditions:
- a. The sign must be displayed continuously for not more than ninety (90) days during the permissible display period beginning upon issuance of the building permit and ending one month after issuance of the certificate of occupancy for the use.
  - b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft<sup>2</sup>) in area per sign face.
  - c. Only one such sign is allowed per street frontage of the property, with a maximum of two per property.
- (11) Holiday Sign: Signs placed on real property acknowledging, observing, or celebrating a recognized national, state, or local holiday without containing any other advertising shall be allowed subject to the following conditions:
- a. The signs may not be displayed for more than a total of ninety (90) days per calendar year.
  - b. The sign may not exceed twelve feet (12') in height or sixty-four square feet (64 ft<sup>2</sup>) in area per sign face.
  - c. Only two of such signs are allowed per street frontage for non-residential properties, with a maximum of four per property. There is no limit on number for residential properties.

(12)Special Events Sign: Temporary signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club and placed on real property where said event is to take place shall be allowed subject to the following conditions:

- a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.
- b. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft<sup>2</sup>) in area per sign face.
- c. Only one such sign is allowed per street frontage, with a maximum of three per property.

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

- a. The sign may not exceed six feet (6') in height or thirty-two square feet (32 ft<sup>2</sup>) in area per sign face.
- b. Only one such sign is allowed per property.

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

- a. The sign may not exceed twelve feet (12') in height or one hundred and fifty square feet (150 ft<sup>2</sup>) in area per sign face.
- b. Only two such signs are allowed per street frontage of the property.

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Ord. No. 2000T-2, Section 4.2.5.3, February 26, 2007.

Ord. No. 2000T-3, Section 4.2.5.3, July 9, 2007.

Ord. No. 2000T-11, Section 4.2.5.3, July 27, 2009

Ord. No. 2000T-15, Section 4.2.5.3, June 24, 2013

Ord. No. 2000T-16, Section 4.2.5.3, December 16, 2013

#### **Section 4.2.5.4 Multi-Tenant Signs**

##### **(a) Applicability.**

(1) A multi-tenant sign shall be required on any lot with more than one (1) use or business in conformance with Section 4.2.5.4., subject to the following:

- a. A use or business shall be permitted to erect an on-premise ground sign when such use or business has at least seventy-five feet (75') of building frontage.
- b. A use or business that has an on-premise ground sign shall not be listed on any multi-tenant sign.

- (2) A multi-user sign may be erected and maintained on any lot that is part of an integrated business development. Said multi-user sign may not advertise any business in the integrated business development that has an on-premise ground sign. Any multi-user sign legally placed but that subsequently fails to meet the definition of a multi-user sign shall be removed by the owner of the property on which the sign is located.

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

- (1) Type: All multi-tenant and multi-user signs shall be ground signs.
- (2) Number Allowed: The number of multi-tenant signs on one (1) site is limited to one (1) per six hundred (600) linear feet of street frontage unless said frontage is on State Highway 288 or Beltway 8, in which case the limit per property or development is one (1) multi-tenant sign per one thousand (1,000) linear feet of street frontage. The cumulative street frontage shall be calculated for corner lots. An integrated business development shall be allowed a multi-user sign on any lot in that integrated business development that has at least fifty (50) linear feet of street frontage, with a limit of only one (1) multi-user sign per street, except that any integrated business development that has more than six hundred (600) linear feet of street frontage on one street – one thousand (1000) linear feet for State Highway 288 or Beltway 8 – shall be allowed two (2) multi-user signs on that street. The following are not counted in this limitation:
  - a. Additional directional signs up to two (2) square feet in area each, provided the number of these signs does not exceed the number of driveways; and,
  - b. Subdivision identification signs in accordance with Section 4.2.5.3.
- (3) Maximum Height: The maximum height of any multi-tenant or multi-user sign shall not exceed fifteen feet (15'), unless the sign is located on a property or development with frontage on State Highway 288 or Beltway 8, and said sign is not set back more than thirty-five feet (35) from the right-of-way line of State Highway 288 or Beltway 8, in which case the maximum height shall not exceed twenty two (22') feet. The portion of the base of the sign within two feet (2') of the grade of the ground shall not be included in the height calculation (refer to *Figure 4-6*). For properties located below the grade of an adjacent highway an additional height of up to ten feet (10') above the grade of the highway at the sign location may be allowed by a Conditional Use Permit.
- (4) Maximum Sign Area: A multi-tenant or multi-user sign shall have a maximum sign area according to the following:
  - a. Three hundred (300) square feet, when erected on property located on State Highway 288 or Beltway 8 and said sign is not set back more than thirty-five feet (35') from the right-of-way line of State Highway 288 or Beltway 8; or
  - b. One hundred (100) square feet, plus ten (10) square feet per tenant or business advertised on the sign, or one hundred and fifty (150) square feet, whichever is lesser, in all other locations.
  - c. Each tenant or business may have a different size sign; each sign does not have to be the same size.

- d. The effective area shall be measured from the highest point on the sign to the elevation of the center of the base of the sign by the width at the highest point (refer to *Figure 4-7*). Marquee signs may be part of a ground sign, but shall not cover more than seventy-five percent (75%) of the effective area.
- (5) Location: No multi-tenant or multi-user sign shall be closer than:
- a. ten feet (10') to any property line;
  - b. fifteen feet (15') from any property line for properties on State Highway 288 or Beltway 8; or
  - c. six hundred feet (600'), or for properties located on State Highway 288 or Beltway 8, one thousand feet (1000'), from:
    - 1. any other multi-tenant sign located on the same street frontage of one lot, or
    - 2. any other multi-user sign for the same integrated business development.
- (6) Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this section shall be permitted with adherence with the following:
- a. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of six (6) seconds. The scrolling of messages is permitted, but must also conform to the minimum of six (6) second display.
  - b. The flashing display (i.e., changeable message) portion shall not exceed twenty five (25) percent of the total allowable effective sign area.
  - c. The flashing display (i.e., changeable message) portion shall be limited to one (1) color, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.
  - d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.

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Ord. No. 2000T-4, Section 4.2.5.4, September 24, 2007.

Ord. No. 2000T-5, Section 4.2.5.4, October 22, 2007.

Ord. No. 2000T-8, Section 4.2.5.4, August 25, 2008.

#### **Section 4.2.5.5 Temporary Signs**

- (a) **General.** Temporary signs are subject to the limitations indicated in this section, as well as the location restrictions in Section 4.2.5.1(f).
- (b) **Area Limitations.** Temporary signs shall not exceed the following area limitations:
  - (1) State Highway 288: Ninety-six (96) square feet each for premises within the State Highway 288 corridor.

- (2) Other Premises: Thirty-two (32) square feet each for all other premises.
  - (3) Banner Signs: Unless otherwise provided, fifty (50) square feet.
- (c) **Banner Defined.** A banner is hereby defined to be a temporary sign as that term is defined Chapter 5 of this UDC that is designed to be attached or installed with rope, wire, or other temporary means to any part of a building façade or light pole, so as to allow ease of installation and removal.
- (1) Use or Display of Banners: Except for temporary signs that do not require permits (refer to Section 4.1.2.6(c)), the use or display of banners is hereby prohibited unless a permit for such use is obtained from the Planning Director or his designee. A banner permit may be issued only in the following circumstances:
    - a. Any premise or nonresidential occupancy requesting a temporary sign larger than thirty-two (32) square feet may display one (1) banner sign per street frontage announcing a grand opening of a new business. Display of such sign is limited to a maximum of thirty (30) days per opening. The privilege to begin display of such sign expires three (3) months after the issuance of a certificate of occupancy. Use of grand opening signs only applies to new ownership or occupancy (i.e., use). At least one-half (½) of all readable copy on the banner must state “Grand Opening” or “Now Open.”
    - b. Any non-profit organization or governmental entity may display banner signs containing a message directly related to a special event provided, however, that such banners may be displayed no more than fourteen (14) days prior to the event and must be removed within three (3) days after the conclusion of the event. Displays under this classification will be limited to three (3) per year.
    - c. Banners may be allowed for the temporary identification of a business if the business owner provides the Planning Director written evidence that a permanent sign order has been executed and the business owner is awaiting installation of said permanent sign. As a temporary identification device, the banner must meet size, dimension, lettering, and layout specifications for building-mounted signs and must be securely fastened on a minimum of six (6) locations to the fascia. If the banner meets these conditions, it will be permitted for identification purposes for a period not to exceed thirty (30) days.
    - d. Any premise or non-residential occupancy may use banners to advertise sales events fourteen (14) times per year for a total duration of twenty-four (24) days inclusive. The occupant has the option of dividing the total days among the fourteen (14) events, with the minimum duration of display being one (1) day.
    - e. Light Pole Banners may be attached to light poles in the parking lot of public educational facilities or campuses. Display of this type of banner may not be along a driveway or private roadway. The size of this type of banner is limited to 28”X72”. A maximum of two double sided signs may be allowed per pole. Light Pole Banners have a minimum ground

clearance of 8'. A maximum of 4 poles per acre of property may have Light Pole Banners attached.

- (2) Location: Any banner permitted in accordance with this Ordinance shall be displayed at the permittee's normal place of business or operation and shall be affixed to that side of the building facing the street on which the permittee is addressed or as stated above in Section 4.2.5.5 (c) (1) e.
  - (3) Cost & Display Period: The cost for a banner permit can be found in the Development Fee Schedule, and shall be paid at the time of application. Each application shall include the period of display for the banner to be permitted, including the day that the display will start and the day when it will cease. The display period shall be continuous and uninterrupted by periods of non-display. A separate permit shall be required for each period of display of the banner. Multiple periods of display will not be allowed on one permit.
  - (4) Violation: Banners used or displayed in violation of this section shall be subject to removal by the Building Official or his/her designee.
  - (5) TxDOT District 12 Guidelines: Banners displayed pursuant to the Texas Department of Transportation (TxDOT) District 12 guidelines for the temporary installation of banners over state rights-of-way shall be exempt from the terms of this division.
- (d) **Other Temporary Signs.** The following signs shall be allowed, subject to any conditions set forth below.
- (1) Temporary window signs: These signs must be temporary in design and construction, such as paper, poster, mylar or similar plastic film, or painted with removable paint; may not exceed in coverage twenty-five percent (25%) of all windows combined or fifty percent (50%) of any one window; must be placed inside the business establishment and be professional in appearance, except for temporary signs not promoting a business but rather associated with a non-profit, neighborhood, or civic event; and may not be displayed for more than forty-five (45) days.
  - (2) Holiday inflatable signs or decorations: Holiday-related inflatables that contain no business-related advertising, including without limitation balloons, decorations, and yard displays, shall not exceed twelve feet (12') in any dimension and may not be displayed so that the top of the inflatable is greater than: fifteen feet (15') from the ground on a residential lot; or the maximum structure height allowed in the zoning district on a nonresidential lot. The continuous display period of this type of sign shall not exceed thirty (30) days, with no more than five (5) display periods per calendar year.
  - (3) Off-premise special events signs: Temporary signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club may be placed off-premises of where said event is to take place shall be allowed subject to the following conditions:
    - a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.
    - b. No more than ten signs not exceeding six feet (6') in height or thirty-two square feet (32 ft<sup>2</sup>) in area per sign face are allowed within the City's



limits, limited to one per street frontage. These signs shall be exempt from sign permit fees.

- c. There is no quantity limit on signs not exceeding three and a half feet (3.5') in height or five square feet (5 ft<sup>2</sup>) in area per sign face, except only one is allowed per lot.
- (e) **Flags Allowed.** Flags of recognized governmental entities shall be allowed. A Flag that contains any emblem, logo, slogan, or any form of advertising of or for any business entity may be allowed, subject to the following restrictions:
  - (1) The flag is displayed with, but at a lower height than, either a United States flag or a Texas flag;
  - (2) The business entity represented on or advertised by the flag is located on the same property upon which the flag is displayed;
  - (3) The flag is not larger in area than either of the governmental flags with which it is required to be displayed; and
  - (4) Only one such flag is displayed per property.
- (f) **Number of Temporary Signs Permitted on One Lot.** The number of temporary signs other than political signs displayed on one lot at any given time is limited to one (1) sign per street frontage and a maximum of two (2) signs per lot.
- (g) **Permits Not Required.** Refer to Section 4.1.2.6.(c).

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Ord. No. 2000T-3, Section 4.2.5.5, July 9, 2007.

Ord. No. 2000T-9, Section 4.2.5.5, October 27, 2008

Ord. No. 2000T-12, Section 4.2.5.5, June 28, 2010

Ord. No. 2000T-16, Section 4.2.5.5, December 16, 2013

Ord. No. 2000T-32, Section 4.2.5.5, August 24, 2020

#### **Section 4.2.5.6 Replacement & Repair of Signs**

- (a) When any sign, or a substantial part of it, is blown down, destroyed, or taken down or removed for any purpose other than changing the letters, symbols or other matter on the sign, it may not be replaced, re-erected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this UDC.
- (b) For purposes of Subsection (1) of this section, a sign or substantial part of it is considered to have been destroyed only if the costs of repairing the sign is more than sixty percent (60%) of the cost of erecting a replacement sign of the same type at the same location.

#### **Section 4.2.5.7 Unsafe Signs**

- (a) **Authority to Remove.** If the Building Official shall find that any sign is unsafe and is a menace to the public, he shall give notice to the permittee thereof in the same manner as is provided in the Building Code for notice of unsafe buildings. If the

permittee fails to remove or repair the sign within the time provided in such notice, such sign may be removed at the expense of the permittee. The Building Official may cause any sign that is an immediate peril to persons or property to be removed summarily and without notice.

#### **Section 4.2.5.8 Signs on Utility Poles**

- (a) **Placement of Signs on Utility Poles Prohibited.** It is unlawful for any person to attach or cause to be attached any advertisement, handbill, circular, poster or piece of paper to any public utility pole located within the City.
- (b) **Authority to Remove.** The Planning Director or his/her designee shall have the authority to remove any advertisement, handbill, circular, poster or piece of paper attached to any public utility pole within the City.

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Ord. No. 2000T-3, Section 4.2.5.8, July 9, 2007.

#### **Section 4.2.5.9 General Exemptions**

- (a) **Generally.** Notwithstanding any other provision in this UDC to the contrary, the following signs shall be exempt from all sign requirements contained in the UDC except for location restrictions, unless modified below, and any requirement for the sign specifically listed herein.
- (b) **Exemptions.**
  - (1) **Warning/Safety Signs.** Signs that have as their sole purpose the protection of life or property, including without limitation emergency exit, fire lane, or no trespassing, are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft<sup>2</sup>) in size.
  - (2) **Utility Location Signs.** Signs erected by a governmental entity or private utility company to mark the location of utility transmission lines or similar facilities are allowed so long as no advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft<sup>2</sup>) in size.
  - (3) **On-site directional and informational signs** not exceeding two square feet (2 ft<sup>2</sup>) in size.
  - (4) **Historical/Memorial Signs.** On-premise attached or ground signs that commemorate a person, event, or structure are allowed so long as no advertising whatsoever is contained thereon and they do not exceed eight square feet (8 ft<sup>2</sup>) in size.
  - (5) **Vehicle for Sale Signs.** Signs placed on motorized vehicles advertising them for sale are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed two square feet (2 ft<sup>2</sup>) in size or four signs per vehicle.
  - (6) **Outdoor Merchandise Display Signs.** Signs affixed to outdoor equipment or machinery such as vending machines or gasoline pumps with instructions for use, or signs located immediately adjacent to merchandise displayed for sale outdoors, are allowed so long as no other advertising whatsoever is contained thereon and they do not exceed one square foot (1 ft<sup>2</sup>) in size.
  - (7) **Human Signs.** Signs carried or wholly supported by humans are allowed so long as they do not exceed thirty-two square feet (32 ft<sup>2</sup>) in size.

- (8) **Flags.** The official flags of any governmental entity are allowed so long as the flag pole is no greater than thirty-five feet (35') in height if mounted on the ground, or twelve feet (12') in height if mounted on top of a building, and the flag does not exceed one hundred square feet (100 ft<sup>2</sup>) in size.
- (9) **Unlit Political Signs.** Political signs that are not lighted are allowed provided they do not exceed eight feet (8') in height or thirty-six square feet (36 ft<sup>2</sup>) in area.
- (10) **Signs facing the interior of athletic stadiums or fields or facing the exterior of athletic stadiums or fields operated by nonprofit organizations or governmental entities.**

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Ord. No. 2000T-3, Section 4.2.5.9, July 9, 2007.

Ord. No. 2000T-12, Section 4.2.5.9, June 28, 2010.

Ord. No. 2000T-13, Section 4.2.5.9, October 24, 2011.

## **Division 6 – Manufactured/Mobile Home Parks & Recreational Vehicle Parks**

### **Section 4.2.6.1 Applicability**

- (a) This division is applicable in the City limits and in the extraterritorial jurisdiction of the City.

### **Section 4.2.6.2 Site Design Requirements**

- (a) **Site Requirements.** Any mobile home or manufactured housing park constructed after the effective date of the ordinance from which this section derives and for any extension or addition to any existing mobile home or manufactured housing park shall be done in compliance with the following site requirements:

- (1) **Location:** A mobile home or manufactured housing park within the City limits shall be located only on sites having the applicable zoning classification as defined in Chapter 2 pertaining to zoning.
- (2) **Minimum Requirements:**
  - a. **Space Requirements** - Each mobile home or manufactured home space shall provide a minimum area of 3,200 square feet. No mobile home or manufactured home space shall have dimensions less than forty feet (40') on the narrow dimension or eighty feet (80') on the long dimension.
  - b. **Open Space Requirements**
    1. The minimum front yard setback shall be ten feet from the nearest corner of the mobile home or manufactured home to the front line of the mobile home or manufactured home space.
    2. No mobile home or manufactured home shall be closer than five feet to any end lot line nor closer than ten feet (10') to the lot line adjoining a public street.
    3. For other structures on each space, the minimum front yard setback shall be at least ten feet.

4. The minimum distances between mobile homes shall be ten feet end-to-end and twenty feet (20') side-to-side.
- c. Height Regulations
    1. The height limit for any structure intended for occupancy in the mobile home or manufactured housing park shall be 25 feet.
    2. The average height of the mobile home or manufactured home frame above the ground elevation will conform to Section 5.a of the state mobile home or manufactured home tie down standards and the building code.
  - d. Soil and Ground Cover - Exposed ground surfaces in all parts of every mobile home or manufactured housing park shall be paved, covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.
  - e. Drainage - The ground surface in all parts of a manufactured housing park shall be graded and equipped to drain all surface water away from pad sites.
  - f. Accessory Buildings - An accessory building is a subordinate building, detached from the main building, without separate utilities and not used for commercial purposes or rented. In a residential district, it may be used as a washroom, a storage room for domestic storage belonging to the owner or tenant only or a space for one or more automobiles owned by the owner, tenant or guests. In districts other than residential, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

#### **Section 4.2.6.3 Access, Traffic Circulation, and Parking**

- (a) **Internal Streets and Signage.** Internal streets, no-parking-area signs, and street name signs in a mobile home or manufactured home park shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of the manufactured housing park's residents. Internal streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to any areas of the mobile home or manufactured housing park.
- (b) **Signs Prohibiting Parking Required.** On all sections of internal streets on which parking is prohibited under this article, the owner or agent shall erect metal signs; type, size, height and location shall be approved by the Director of Public Works prior to installation.
- (c) **Internal Street Construction and Maintenance.** All internal streets shall be constructed and maintained by the owner or agent. All internal streets shall be free of cracks, holes and other hazards. Internal streets shall be constructed on hard-surfaced, all-weather material and shall be approved by the Director of Public Works.
- (d) **Access to Each Home or Space.** An internal street or common access route shall be provided to each mobile home or manufactured home space. This street shall have a minimum width of thirty feet (30') if off-street parking is provided in the ratio of

two parking spaces for each mobile home or manufactured home space. The internal street shall be continuous and connect with other internal streets or with a public street or shall be provided with a cul-de-sac having a minimum diameter of ninety-five feet (95').

- (e) **Parking Requirements.** Two spaces per mobile home or manufactured home space shall be provided for parking, and each parking space shall be hard-surfaced with all-weather material, located to eliminate interference with access to parking areas provided for other mobile homes or manufactured homes and for public parking in the park.
- (f) **Unobstructed Access.** Internal streets shall permit unobstructed access to within at least two hundred feet (200') of any portion of each mobile home or manufactured home. Speed bumps constructed to maintain safe speed of vehicles moving within the manufactured housing park shall not be considered as obstructions. Speed bumps are to be constructed at four to one inclination, not to exceed four inches (4") in height. Speed bumps shall be painted with fluorescent paint.
- (g) **Intersections With Public Streets.** Interior streets shall intersect adjoining public streets at approximately ninety (90) degrees with a curb line radius of twenty feet (20') at a location which will eliminate or minimize interference with traffic on those public streets.
- (h) **Common Area Parking Area Required.** A minimum parking area of one hundred and fifty (150) square feet per mobile home or manufactured home space shall be provided in a common area for storage of boats or vehicles in excess of two (2) per mobile home or manufactured home space and for visitors' vehicles to minimize on-street parking and to facilitate movement of emergency vehicles into and through the park.

#### **Section 4.2.6.4 Street Lighting**

- (a) **Lighting Within the Park.** Street lighting within the mobile home or manufactured housing park shall be provided by the developer along internal streets. Light standards shall have a height and spacing to ensure that an average illumination level of not less than two-tenths foot-candles shall be maintained.

#### **Section 4.2.6.5 Fire Safety Standards**

- (a) **Reference.** See the City's adopted Fire Code.

#### **Section 4.2.6.6 Recreational Area**

- (a) All mobile home or manufactured housing parks shall have a recreational area amounting to five percent (5%) total area of the park.

#### **Section 4.2.6.7 Water Supply**

- (a) **Required.** An accessible, adequate, safe and potable supply of water shall be provided in each mobile home or manufactured housing park. Connection shall be

made to the public supply of water. The public supply shall be adequate both for domestic requirements and for firefighting requirements established by the City.

**(b) Water Distribution System.**

- (1) The water supply system of the mobile home or manufactured housing park shall be connected by pipes to all mobile homes, buildings and other facilities requiring water.
- (2) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and City regulations and requirements.

**(c) Individual Connections.** Individual connections shall be in accordance with requirements of the City plumbing code, as applicable.

**Section 4.2.6.8 Sewage Disposal**

**(a) Requirements.** For sewage disposal in a mobile home or manufactured housing park, the following shall apply:

- (1) Approval Required: All proposed sewage disposal facilities shall be approved by the City Engineer or other responsible official prior to construction. The use of septic tanks for the disposal of sewage shall not be approved except when City sewer facilities are not available.
- (2) Sewer Lines: All sewer lines shall be in accordance with the City plumbing code, as applicable.
- (3) Individual Sewer and Water Connections:
  - a. All materials used for sewer connections shall be in accordance with City plumbing code, as applicable.
  - b. Provision shall be made for plugging the sewer riser when no mobile home or manufactured home occupies the space. Surface drainage shall be diverted away from the riser.

**Section 4.2.6.9 Electrical and Telephone Distribution System**

(a) All electrical wiring in the mobile home or manufactured housing park shall be in accordance with the City's adopted Electrical Code (as amended) and the requirements of the electric utility provider. All telephone lines in the manufactured housing park shall be installed underground.

**Section 4.2.6.10 Service Buildings and Other Community Service Facilities.**

**(a) Applicability.** This section shall apply to service buildings, recreation buildings and other community service facilities in a mobile home or manufactured housing park, such as:

- (1) Management offices, repair shops and storage areas;
- (2) Sanitary facilities;
- (3) Laundry facilities;

- (4) Indoor recreation areas; and
  - (5) Commercial uses supplying essential goods or services for the benefit and convenience of manufactured housing park occupancy.
- (b) **Barbecue Pits, Fireplaces, Stoves and Incinerators.** Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance, both on the property on which it is used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

#### **Section 4.2.6.11 Fuel Supply and Storage**

- (a) Liquefied petroleum gas systems shall be installed only if an available natural gas system is more than 1,000 feet from the mobile home or manufactured housing park. The liquefied petroleum gas systems shall be maintained in accordance with applicable codes of the City governing these systems and regulations of the State Railroad Commission pertaining thereto.

#### **Section 4.2.6.12 Register of Occupancy**

- (a) **Maintenance of a Register.** The owner or agent of a mobile home or manufactured housing park shall maintain a register of park occupancy which shall contain the following information:
- (1) Name and park address of manufactured housing park residents.
  - (2) Dates of arrival and departure.

#### **Section 4.2.6.13 Skirting Required; Maintenance of Additions**

- (a) Skirting shall be required for each mobile home or manufactured home in a mobile home or manufactured housing park. Skirting and other additions, when installed, shall be maintained in good repair.

#### **Section 4.2.6.14 Recreational Vehicle Parks**

- (a) **Size and Marking of Units or Sites.** Each unit or site reserved for the accommodation of any recreational vehicle shall have an area of not less than 576 square feet, exclusive of driveways, and shall be at least twenty-four feet (24') wide. It shall be defined clearly by proper markers at each corner, shall be level, paved, and well drained. Any area in the City limits proposed for use as a recreational vehicle park must be zoned for a district that permits the use of land for a recreation vehicle park.
- (b) **Location.** No recreational vehicle shall be placed or erected closer than five feet from the property line separating the recreational vehicle park from adjoining property, measuring from the nearest point of the recreational vehicle.
- (c) **Drainage.** All land used as a recreational vehicle park shall be located on well-drained sites of ample size, free from heavy or dense growth or brush or weeds. The

land shall be free from marsh and shall be graded or storm sewered to ensure rapid drainage during and following rain.

- (d) **Water Supply.** Each site used as a recreational vehicle park shall be provided with a connection and an adequate supply of water of safe, sanitary quality, approved by the City. Where water from other sources than that of the municipal supply is proposed to be used, the source of the supply shall first be approved by the City.
- (e) **Collection and Removal of Waste and Garbage; Sewer System.** Each recreational vehicle park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage and shall provide a proper and acceptable sewer system, either by connection to the City sewer system where it is available or to a septic tank, all of which shall comply with all laws and regulations prescribed by the health officer. If individual sewer connections at each park space are not provided, then a centralized dump station for disposal of waste and garbage shall be provided.
- (f) **Sanitary Facilities.**
  - (1) Requirements: Each recreational vehicle park upon which two (2) or more recreational vehicles are erected or placed and where private conveniences for each site are not provided shall provide, at locations described in this section, toilets, urinals, washbasins, slop basins, showers or baths, water faucets or spigots in accordance with the following:
    - a. One (1) toilet or stool for the female sex for every ten (10) units or fractions thereof.
    - b. One (1) toilet or stool and one (1) urinal stall for the male sex for every twenty (20) units or fractions thereof.
    - c. One (1) lavatory or washbasin for each toilet room having three (3) toilets or fractions thereof shall be provided.
    - d. One (1) shower or bathtub shall be provided for each sex for each ten (10) units or fractions thereof.
    - e. All toilets, basins and showers shall be placed in properly constructed buildings located not more than three hundred feet (300') from any recreational vehicle unit served.
    - f. Buildings shall be well lighted at all times, day or night, well ventilated with screened openings, and constructed of moisture-proof material to permit rapid and satisfactory cleaning, scouring and washing.
    - g. The floors shall be of concrete or other impervious material, elevated not less than four inches above grade, and each room shall be provided with floor drains.
    - h. Slop sinks or basins with water supply shall be provided to serve each four units and shall be constructed in accordance with design, size and material approved by the health officer.
  - (2) Toilet and Bathing Facilities: Toilet and bathing facilities shall be in separate rooms or partitioned apart in any manner as to provide privacy and promote cleanliness. Each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain onto the shower floor.
  - (3) Materials and Cleanliness Requirements: Toilet floors shall be of impervious material, painted white or a light color and kept clean at all times. Shower stalls shall be of tile, plaster, cement or some other impervious material and shall be



kept clean at all times. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be painted white or some light color and kept clean at all times. The floor of any bathroom, other than the shower stall, shall be of some impervious material. The walls of the bathroom, other than the shower stall, shall be papered with canvas and wallpaper and kept clean at all times.

(g) **Registration of Guests.** Each person engaging accommodations for any recreational vehicle shall register and give the following information to the manager, operator or person in charge thereof:

- (1) Name.
- (2) Residence.
- (3) Automobile and recreational vehicle license plate number and the state in which each is registered.