

UNIFIED DEVELOPMENT CODE

CHAPTER 5: DEFINITIONS

Chapter 5: Definitions

Article 1 – Generally Applicable Definitions

Division 1 – General Definitions

Section 5.1.1.1 General Definitions

- (a) **General Definitions.** The following definitions are intended to provide descriptions for words and terms used within this UDC. Absent any conflict, words and terms used in this UDC shall have the meanings ascribed thereto in this Chapter 5. When words and terms are defined herein and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter 5 shall control. For any definition not listed in this Chapter 5 of this UDC, the definition found within the latest edition of Webster's Dictionary shall be used.
- (1) **ABANDONMENT:** As related to nonconforming uses and structures, having been abandoned as described in Section 2.7.3.6 of this UDC.
 - (2) **ABUTTING:** Having property or district lines in common, or two objects in immediate contact.
 - (3) **ACCESS:** Means of approaching or entering a property. Includes a right of passage to and from an adjacent street, alley, or property.
 - (4) **ACCESSORY:** Being secondary or subordinate to something else.
 - (5) **ACCESSORY DWELLING:** A subordinate building that is detached from the primary on-site structure, is used as a residence, is incidental to the main structure (i.e., the building area must be significantly less than that of the main structure) and is not involved in the conduct of a business.
 - (6) **ACCESSORY STRUCTURE (BUSINESS OR INDUSTRY):** A subordinate building to a building used for nonresidential purposes that does not exceed the height of the main building and does not exceed thirty percent (30%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main nonresidential use (also see *Accessory Use*).
 - (7) **ACCESSORY STRUCTURE (OLD TOWNSITE):** A building (maximum floor area of 660 square feet) that is not the primary structure, located on a lot that can be used as additional residential or home occupation space by the owner of the primary structure.
 - (8) **ACCESSORY STRUCTURE (RESIDENTIAL):** A subordinate building that is either detached from or attached by only a breezeway to the primary on-site structure, and that is clearly incidental and secondary to the permitted on-site use, and which does not change the character thereof, including, but not limited to, garages, bathhouses, greenhouses, barns, tool sheds, or swimming pools.

- (9) **ACCESSORY USE:** A use that is clearly and customarily incidental and secondary to the permitted and/or principal use of land or building(s); and that is located upon the same lot therewith, and which does not change the character thereof; including garages, living quarters for servants, greenhouses, or tool sheds. The land/building area that is used for the accessory use is significantly less than that used for the primary use.
- (10) **ADDITION:** An extension or increase in floor area or height of an existing building or structure.
- (11) **ADULT DAY CARE CENTER (BUSINESS):** Community-based group program which is licensed by the State of Texas and designed to meet the needs of functionally and/or cognitively impaired adults through an individual plan of care. These structured, comprehensive programs provide a variety of health, social, and other related support services in a protective setting during any part of a day, but less than 24-hour care. Adult day care services are dedicated to keeping adults needing assistance healthy, independent, and non-institutionalized. Adult day centers generally operate programs during normal business hours, five days a week. Some programs offer services in the evenings and on weekends.
- (12) **AGRICULTURAL ANIMAL HUSBANDRY:** The breeding, judging, care and/or production of farm animals.
- (13) **AGRICULTURAL FIELD CROPS OR ORCHARDS:** An area used for the growing of farm products, vegetables, fruits, flowers, trees and/or grain and including incidental and/or necessary accessory structures; or uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine or other animals and not including any type of agricultural animal husbandry as specifically defined.
- (14) **AIRPORT:** An area reserved or improved for the landing or take-off of aircraft other than rotary wing aircraft.
- (15) **ALL TERRAIN VEHICLES (GO-CARTS & MOTOR CYCLES) DEALER/SALES:** An establishment that sells all-terrain vehicles (ATV's), motorcycles and go-carts.
- (16) **ALLEY:** A public way which is used primarily for vehicular access to the back or side of properties.
- (17) **ALTERED or ALTERATION:** Any change, modification or transformation.
- (18) **ALTERNATIVE FINANCIAL SERVICES:** Any non-chartered financial institution offering check cashing services, money orders/transfers, currency exchange, payday loans, refund anticipation loans, car title loans, and or similar services as its primary function
- (19) **AMBULANCE SERVICE:** Provision of private (not operated by the City of Pearland) emergency transportation which may include mobile medical care, and the storage and maintenance of vehicles.
- (20) **AMENITIZED DETENTION/RETENTION POND:** An area that is designed to capture, store and release stormwater and that is designed as a site amenity by being aesthetically pleasing, by meeting the definition of "open space" herein, and be being constructed to seem natural (i.e., without visible concrete). Such areas have a

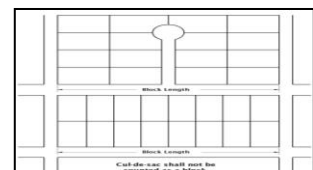
natural edge and are constructed to resemble a naturally created lake or pond. Also refer to the definition of “amenity” below.

- (21) **AMENITY:** Aesthetic or other characteristics of a development that increase its desirability visually, desirability to the City of Pearland, and/or its marketability to the public. Amenities may vary according to the type and nature of development, but examples include a naturalized retention/detention pond (refer to definition herein), a recreational facility, landscaping, or large trees.
- (22) **ANIMAL HOSPITAL (NO OUTSIDE PENS):** An institution where the sick or injured animals are given medical or surgical care.
- (23) **ANIMAL PROCESSING:** The processing of animals, typically from whole animals into parts or animal products. Examples of this use include animal slaughtering or poultry processing, tanning, curing, treating, or storage of skins or hides or a rendering plant.
- (24) **ANNUAL BEDS:** Any landscape where the majority of plants are intended to be replaced yearly or more frequently.
- (25) **ANTENNA (COMMERCIAL OR NON-COMMERCIAL):** An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A receive-only television antenna or satellite dish antenna that exceeds four feet (4') in diameter shall also be within this definition.
- (26) **ANTIQUÉ SHOP (NO OUTSIDE STORAGE):** A business which sells items whose value is greater than original purchase price because of age or extrinsic value.
- (27) **ANTIQUÉ SHOP (WITH OUTSIDE STORAGE):** A business that sells items whose value is greater than original purchase price because of age or extrinsic value. All outdoor storage will have to meet screening requirements of the Unified Development Code.
- (28) **APARTMENT:** See *Dwelling - Multi-Family*.
- (29) **APPEAL:** A request for review of and relief from any decision applying a provision of this Code and which is authorized pursuant to Chapter 1, Article 3.
- (30) **APPLIANCE REPAIR:** The maintenance and rehabilitation of appliances that are customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines. This use includes a vacuum or lawnmower sales and repair.
- (31) **ARCADE:** A series of piers topped by arches that support a permanent roof over a sidewalk.
- (32) **ARCHITECTURAL METAL:** Metal products used for window and door trim, fascia, or soffit.

- (33) **ART MUSEUM, DEALER, OR STUDIO:** A retail establishment for the purpose of supplying limited personal services, including but not limited to: cleaning and laundry collection station; interior decorating; watch and jewelry repair; art gallery; library; museum; studio for professional artwork, photography, dance or fine arts, including teaching of applied and fine arts; this definition does not include massage parlors, barber shops, beauty shops, or hairdressers.
- (34) **ART STUDIO AND/OR GALLERY:** Where objects of art are created or displayed for the public enrichment or where said objects of art are displayed for sale (including the teaching of both painting and sculpting).
- (35) **ARTICULATION:** An interruption/differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane by a measurable distance.
- (36) **AS-BUILT/RECORD DRAWINGS:** A group of drawings that depicts the final configuration of the installed or constructed improvements of a development, improvements which have been verified by the contractor as their installation or construction occurs during development. The as-built or record drawings should reflect the construction plans (or working drawings) used, corrected, and/or clarified in the field. For the purposes of this UDC, the terms “as-built drawing” and “record drawing” shall be interchangeable.
- (37) **ASPHALT/CONCRETE BATCHING PLANT:** A permanent manufacturing facility engaged in the production of asphalt or concrete.
- (38) **ASSISTED LIVING FACILITY:** A congregate residence facility for four (4) or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single-occupancy or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).
- (39) **ASTROLOGY, HYPNOTIST OR PSYCHIC ARTS:** Any person who practices, teaches, or professes to practice the business of astrology, hypnotism or the psychic arts and sciences for a fee, gift, donation, or otherwise.
- (40) **AUCTION HOUSE:** An establishment that conducts live auctions of personal property on behalf on the property owners in exchange for a portion of the price paid at auction.
- (41) **AUTO ACCESSORIES AND/OR PARTS (RETAIL SALES ONLY):** The use of any building or other premises for the primary inside display and sale of new or used accessories and/or parts for automobiles, panel trucks or vans, trailers, or recreation vehicles. This definition expressly does not include a “Wrecking or Salvage Yard”; this is separately defined herein.
- (42) **AUTO ASSEMBLY OR AUTO PARTS MANUFACTURING:** A facility engaged in the manufacture or assembly of automobiles or their parts.

- (43) **AUTO GLASS REPAIR/TINTING:** A shop that repairs damage to windows or provides tinting services for vehicles.
- (44) **AUTO INTERIOR SHOP/UPHOLSTERY:** An establishment that repairs or rebuilds the interior of the passenger compartment of automobiles, including the upholstery of seats.
- (45) **AUTO PARTS SALES (INDOORS ONLY; WITH REPAIR BAYS):** An establishment that sells auto parts and accessories and offers installation services.
- (46) **AUTO PARTS SALES (WITH OUTSIDE STORAGE OR DISPLAY):** An establishment that sells and installs auto parts and accessories. All outdoor storage will have to meet screening requirements of the Unified Development Code.
- (47) **AUTO RENTAL:** A business establishment that provides for the renting of automobiles and light trucks on a short-term basis (differentiated from leasing, which is on a long-term basis). This may also involve the incidental storage of the automobiles and light trucks being rented.
- (48) **AUTO REPAIR (MAJOR):** General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust-proofing; those uses listed under *Automobile Repair (Minor)*; and other similar uses.
- (49) **AUTO REPAIR (MINOR):** Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, mufflers, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under *Automobile Repair (Major)* or any other similar use.
- (50) **AUTO SALES/DEALER or LOT:** A paved area for the display for sale of motorized and non-motorized vehicles accompanied by an on-site office with staffing during normal business hours.
- (51) **AUTO WASH (FULL-SERVICE/DETAIL SHOP):** Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle and comes back to retrieve it later, or the owner waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.
- (52) **AUTO WASH (SELF-SERVICE):** Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

- (53) **AUTO WRECKER SERVICE:** An establishment that provides the service of transporting damaged, inoperable, or impounded motor vehicles to an off-site storage area or other facility.
- (54) **AUTOMATIC IRRIGATION CONTROLLER:** A timer capable of operating solenoid valves to set days and lengths of time for proper application of water, in each irrigation zone.
- (55) **AUTOMATIC TELLER MACHINE (ATM):** An unattended machine that dispenses money when a bank card is used.
- (56) **AUTOMOBILE DRIVING SCHOOL (INCLUDING DEFENSIVE DRIVING):** An establishment that trains individuals on the requirements of driving, including providing personalized instruction in a vehicle.
- (57) **AWNING:** A flexible roof-like cover that extends out from an exterior wall and shields a window, doorway, sidewalk, or other space below from the elements.
- (58) **BALCONY:** An open portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers.
- (59) **BAKERY OR CONFECTIONARY SHOP (RETAIL SALES):** A retail facility that is used for the production and/or sale of baked goods and confectionaries to the general public.
- (60) **BAKERY (WHOLESALE):** A manufacturing facility that is used for the production and distribution of baked goods and confectioneries to retail outlets.
- (61) **BARBER /COSMETOLOGY SCHOOL/COLLEGE:** A for-profit business school that offers instruction and training in the barber, beauty, and/or cosmetology, but not including any other type of trade or commercial school.
- (62) **BARBER/BEAUTY SHOP / TANNING STUDIOS (NO RELATED SCHOOL/COLLEGE):** An establishment that provides any of a variety of personal grooming services such as haircuts, tanning, manicures, or pedicures.
- (63) **BAY WINDOW:** Generally, a U-shaped enclosure, extending the interior space of the building outward of the exterior building wall.
- (64) **BED AND BREAKFAST INN:** A dwelling occupied as a permanent residence by an owner or renter. Within the dwelling, sleeping accommodations in not more than five (5) rooms for transient guests are provided and breakfast is provided, both for compensation. The period during which accommodations and breakfast are provided generally does not exceed seven (7) days.
- (65) **BEST MANAGEMENT PRACTICES (BMP'S):** Irrigation, lawn, and landscape practices designed to reduce negative impacts on the environment and to promote water conservation.
- (66) **BIO-TECH, HIGH-TECH MANUFACTURING:** A facility that manufactures and develops products using advanced processes in the fields of engineering, technology, and medicine.
- (67) **BLOCK:** An area bordered or enclosed by a street or streets.



- (68) **BLOCK LENGTH:** The distance, as measured along the street centerline, from one end of a row or group of lots to the other end. A block is determined by the streets along its boundary which surround one or more lots. Such streets shall be through streets, not cul-de-sac streets. A block adjacent to a cul-de-sac shall not be counted as a block.
- (69) **BOARD OF ADJUSTMENT:** The Zoning Board of Adjustments for the City of Pearland. Also, may be referred to with the acronym “ZBA”. *Figure 5-1: Block*
- (70) **BOARDING OR ROOMING HOUSE:** Also referred to as *Boarding House*. A building built and/or used for residential purposes, where meals are served for compensation to a person or persons residing in the building; and where no cooking facilities are provided in individual living units.
- (71) **BOATS SALES/PERSONAL WATERCRAFT SALES (NEW/REPAIR):** A retail establishment that sells and repairs boats and personal watercraft.
- (72) **BRACKETS:** A simple rigid structure in the shape of an L, one arm of which is fixed to a vertical surface, the other projecting.
- (73) **BREEZEWAY:** A small corridor with a roof, with no structure above it, and that is a maximum of five feet (5') in width (but may be of any length and height). The corridor provides a walking path between a main building and an accessory building, usually a garage or carport, and is commonly unenclosed (i.e., is open to the outside).
- (74) **BUFFER:** An area of land that is intended to mitigate negative impacts between land uses and/or along roadways. A buffer may be landscaped and may also include berms, walls, and/or fences.
- (75) **BUILD-TO-LINE:** A build-to line identifies the precise horizontal distance from a street right-of-way that the building must be built to, in order to create a uniform line of buildings along the street.
- (76) **BUILDING:** A “building” is any structure built for the support, shelter, or enclosure of persons, chattels or movable property of any kind and which is affixed to the land. This does not include any fence unless it is structurally a part of the building.
- (77) **BUILDING - MAIN, PRIMARY, OR PRINCIPAL:** A building in which the permitted and/or principal use of the lot on which such use is situated is conducted. In a residential district, any dwelling shall be deemed to be the main building on the lot on which it is situated.
- (78) **BUILDING AREA:** Area of the building site left to be built upon after the required setbacks and easements have been provided.
- (79) **BUILDING ARTICULATION:** See “Articulation”.
- (80) **BUILDING CODE:** All regulations adopted under Chapter 7 of the Pearland Code of Ordinances.
- (81) **BUILDING DEPTH:** The distance from the front edge of the building to the rear measuring along the secondary face of the building.

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

(83) **BUILDING LINE:** See “Setback Line” definition herein.

(84) **BUILDING MATERIAL SALES:** An establishment that sells materials for the construction trade, such as lumber, brick and drywall.

(85) **BUILDING OFFICIAL:** That individual designated by the City Manager to insure compliance with the Building Code of the City of Pearland, Texas, or the Building Official’s designee.

(86) **BUILDING PERMIT:** An instrument in writing signed by the Building Official or other designated responsible official authorizing described construction on a particular lot.

(87) **BUILDING SETBACK LINE:** A line defining an area on the lot between the property line and the building line within which no building shall be constructed, encroach or project, except as specifically authorized in an adopted City ordinance.

- (a) **Front Building Setback Line:** A line parallel to the street right-of-way line which the building faces and takes its primary access from.
- (b) **Side Building Setback Line:** A line parallel to an adjacent lot, property line, or street right-of-way on a corner lot, which the building sides up to.
- (c) **Rear Building Setback Line:** A line parallel to an adjacent lot, alley or street, for double frontage lots, which the building backs up to and has its rear or secondary access from.

(88) **BUILDING, TEMPORARY:** Any building or structure that is designed to be transportable in one or more sections on a temporary chassis. This definition does not include temporary construction trailers permitted as a *Contractor’s Temporary On-Site Construction Office*, as defined in Section 2.5.2.1 of the Unified Development Code unless associated with a Special Event permit and or permitted outdoor activity or use in applicable zoning district.

(89) **BUILDING WIDTH:** The distance from one edge of the primary building face to the other.

(90) **BULK GRAIN AND/OR FEED STORAGE:** An area used for the storage of corn, grain and food stuffs for animals and livestock.

(91) **CABINET BUSINESS:** An establishment that fabricates or produces cabinets, shelving, and related furniture.

(92) **CAFÉ OR CAFETERIA:** An informal restaurant, not exceeding fifty (50) seats, outdoor and indoor, offering a range of food, snacks, meals, coffee, and/or other beverages. This definition is intended to exclude establishments with delivery

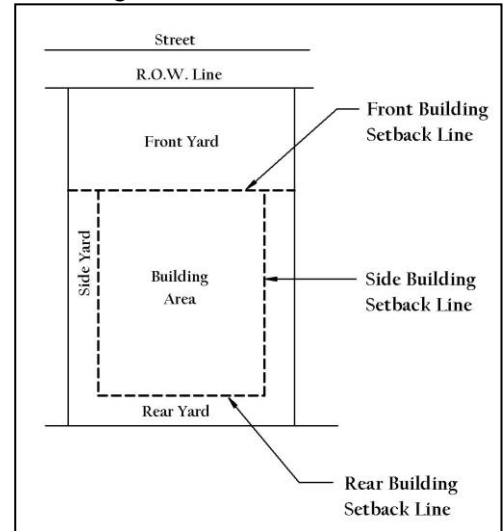


Figure 5-2: Building Setback Lines

- offered to automobiles away from the main building. This definition does not prohibit take-out or drive-through windows.
- (93) **CALIPER:** The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured six inches (6") above the ground for trees up to and including four inches (4") in caliper size, and as measured at twelve inches (12") above the ground for larger sizes. If the tree has been severed at less than twelve inches (12") above the soil line, then the caliper shall be measured across the stump.
- (94) **CANNABIDIOL (CBD) RETAIL:** An establishment specializing in the sale of products related to or derived from cannabidiol (CBD) oil or hemp. This includes, but is not limited to oils, vitamins, supplements, food, personal care, and garments. For an establishment to specialize in the sale of the product, the total sales of the product or floor space shall be greater than five percent of total sales or floor area.
- (95) **CANOPY:** The outermost branchy layer of a tree or a stand of trees, or an awning-like projection from a wall that is made of rigid materials and is permanently attached to a building's facade.
- (96) **CANNERY WHOLESALE:** A factory where various foodstuffs are canned and then sold to suppliers.
- (97) **CATERING SERVICE:** A service that provides for the preparation, storage, and delivery of food and food utensils for off-premise consumption.
- (98) **CATTLE FEEDLOT (CAFO):** An animal feeding operation which is used in factory farming for finishing livestock, notably cattle, swine, horses, sheep, and poultry, prior to slaughter.
- (99) **CELLULAR COMMUNICATIONS TOWER/PCS:** A wireless communication facility. Examples include without limitation: antenna tower structures; roof-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. {See Telecommunications Regs. Chp. 2, Art. 5, Div. 5 of the UDC}.
- (100) **CEMETERY (INCLUDING MAUSOLEUM):** A cemetery is a place in which those that pass on are buried.
- (101) **CLOTHING MANUFACTURING:** A facility that manufactures clothing, garments, and other similar textile product.
- (102) **CERTIFICATE OF OCCUPANCY:** A written instrument executed by the Building Official authorizing a described use of a lot or building as set forth in the Building Code and in this UDC, specifically in Chapter 1 and Chapter 4, Section 4.1.2.4.
- (103) **CHEMICAL PACKING AND/OR BLENDING:** A facility that blends and packs various chemicals for transportation or sale.

- (104) CHILD DAY CARE CENTER (BUSINESS):** A licensed operation providing care for seven (7) or more children under fourteen (14) years of age for less than 24 hours a day at a location other than the permit holder's home. This definition is in conformance with Texas State law, Chapter 745, Licensing, Subchapter B, Child Day-Care Operations Chart.
- (105) CHILD DAY NURSERY:** Also, commonly referred to as a *Registered Family Home* or *Child Care in a Place of Residence*. A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under thirteen (13) years of age, excluding the caretaker's own children. Child day care can be provided for six (6) additional children before and/or after the customary school day. However, the total number of children, including the caretaker's own, provided care at such facility does not exceed twelve (12) at any given time. This definition is in conformance with Texas State law, Chapter 745, Licensing, Subchapter B, Residential Child-Care Operations Chart.
- (106) CHURCH/TEMPLE/PLACE OF WORSHIP:** A building for regular assembly for religious public worship which is used primarily for and designed for such purpose, along with accessory activities which are customarily associated therewith, such as a place of residence for ministers, priests, nuns or rabbis on the premises, and that is tax exempt as defined by State law. For the purposes of this ordinance, Bible study and other similar activities that occur in a person's primary residence shall not apply to this definition. Also see *Institution of Religious, Educational or Philanthropic Nature*.
- (107) CIGAR SHOP (RETAIL ONLY):** A shop that specializes in the sale of cigars.
- (108) CINEMA:** A building which is regularly used for the exhibition of motion pictures on a regular basis to the general public. This does not include a drive-in theater, adult theater or adult video. This definition also includes multiplexes, a movie theater complex with multiple screens within a single complex.
- (109) CITY:** The City of Pearland, Texas, or any authorized or responsible person acting on the City's behalf.
- (110) CITY ENGINEER:** The Pearland City Engineer or his authorized representative.
- (111) CITY MANAGER:** That person holding the office of City Manager under the terms of the Pearland Charter, or an authorized representative.
- (112) CITY SECRETARY:** That person holding the office of City Secretary under the terms of the Pearland Charter, or an authorized representative.
- (113) CITY STANDARDS:** All the City's standards and specifications that apply to development, together with all tables, drawings and other attachments. All City standards described or referred to in this Unified Development Code are adopted by referenced and are a part of this Unified Development Code in the same way as if they were set out at length herein. See also the Engineering Construction Standards Technical Manual (ECSTM).
- (114) CIVIC BUILDING:** A building that is allowed greater design flexibility due the prominence of its public functions and often its location. Civic buildings include municipal buildings, faith-based institutions, churches, synagogues, libraries, schools, educational facilities, auditoriums, and public recreation facilities. Civic

buildings do not include retail buildings, residential buildings, or privately-owned office buildings.

- (115) **CIVIC CENTER (MUNICIPAL):** A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention or entertainment facilities owned or operated by a municipality.
- (116) **CIVIC CLUB:** A civic club is an establishment that has a common interest and participates in civic events around the community and elsewhere.
- (117) **“CLASS A” OFFICE:** An office building that is ten (10) years of age or less and that has amenities such as full-time administrative staff support, high-speed internet access, telecommunications access, conference rooms or suites, break rooms, copier services, etc. Such a facility generally serves as office space for professionals such as lawyers, financial planners, engineers, etc.
- (118) **CLEANING, DYEING OR LAUNDRY PLANT, COMMERCIAL:** An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.
- (119) **CLINIC, MEDICAL OR DENTAL:** An institution, public or private, or a station for the examination and treatment of out-patients by an individual or group of doctors, dentists, or other licensed members of a human health care profession.
- (120) **CLOTHING MANUFACTURING:** A facility that manufactures clothing, garments, and other similar textile product.
- (121) **CLUSTER DEVELOPMENT:** A method of development for land that permits variation in lot sizes without an increase in the overall density of population or development. Refer to Chapter 2, Article 2, Division 4 of this Unified Development Code.
- (122) **CLUSTER DEVELOPMENT PLAN:** A plan submitted in conjunction with a proposed cluster development that authorizes such development when approved under Chapter 2, Article 2, Division 4 of this Unified Development Code.
- (123) **COFFEE ROASTING:** A facility in which unprocessed, green beans into roasted coffee products. Coffee may be sorted, roasted and processed, or packaged for use and consumption. Each facility must meet the following conditions:
- a.) Maximum Size of the facility and all associated uses shall be 15,000 square feet;
 - b.) The establishment will include at least one of the following uses, associated with the facility, and located in the same building: a restaurant, tasting room, bar, or lounge, that shall meet the following conditions:
 - 1. All prescribed conditions associated with the retail, restaurant, tasting room, bar, or lounge shall be met including separation distances and buffers,
- The minimum size of the associated retail, restaurant, tasting room, bar, or lounge shall be 10% of the total square footage of the facility and all associated uses, or 1,000 square feet, whichever is less.

- (124) **COLONNADE:** Similar to an arcade except that it is supported by vertical columns without arches.
- (125) **COLUMN FACE:** The front edge of the supporting pillar or cylindrical shaft.
- (126) **COMMENCE(ING) CONSTRUCTION:** The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction or development.
- (127) **COMMERCIAL AMUSEMENT, INDOOR:** An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all portions of the activity takes place indoors, including, but not limited to, a bowling alley, ice skating rink, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and billiard parlor, indoor range and video arcade.
- (128) **COMMERCIAL AMUSEMENT, OUTDOOR:** An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place outdoors, including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, and amusement park.
- (129) **COMMERCIAL AMUSEMENT, TEMPORARY:** An amusement enterprise that is in operation on a temporary basis (i.e., one month or less) offering entertainment or games of skill to the general public for a fee or charge. Activity may take place in or out of doors. Examples include a carnival or haunted house.
- (130) **COMMERCIAL OR BUSINESS MESSAGE:** A message contains or conveys commercial context or information or advertising for any business, commodity, service, entertainment, product or other attraction or event.
- (131) **COMMERCIAL EXTRACTION OF SOIL, SAND, AND GRAVEL OR SIMILAR MATERIAL AND STORAGE:** The excavation of sand, gravel, minerals, or other raw resources from the earth.
- (132) **COMMERCIAL TRANSIT TERMINAL:** Any premises for the storage and/or parking of motor-driven buses or passenger cars, and the loading and unloading of passengers.
- (133) **COMMERCIAL USE:** A type of nonresidential land use that has one or more of the following characteristics: 1) the use is service-oriented; 2) the use does not primarily sell retail items; 3) the use sells goods or products on a wholesale basis; or 4) the use has or has the need for open storage areas or warehouses its products. Such uses include motels, auto dealerships, welding shops, manufactured home sales, mini-warehouses, funeral homes, auto body repair shops, and air conditioning and/or heating services.
- (134) **COMMERCIAL VEHICLE/TRUCK:** See Heavy Load Vehicle definition herein.
- (135) **COMMISSION:** The City of Pearland Planning and Zoning Commission.
- (136) **COMMON AREA:** Land, not individually owned or dedicated for public use, within a development that is designed and intended for the common use and enjoyment of the residents of the development. May include complementary structures and improvements.

- (137) **COMMON PROPERTY:** A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in a development.
- (138) **COMMON WALL:** An approved fire-rated wall separating two (2) dwelling units or businesses.
- (139) **COMMUNITY HOME/GROUP HOME:** A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Local Government Code). The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.
- (140) **COMMUNITY OR SOCIAL BUILDINGS:** A building or complex of buildings that house cultural, recreational, athletic, food service or entertainment facilities owned or operated by a governmental agency or private nonprofit agency.
- (141) **COMPATIBILITY:** The characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict.
- (142) **COMPLETE APPLICATION:** An application that meets the standards of Chapter 1, Article 2, Division 1, Section 1.2.2.1 of this UDC, and has been deemed complete by the City in accordance with the Texas Local Government Code, Chapter 245, or successor statute.
- (143) **COMPREHENSIVE PLAN:** The Comprehensive Plan of the City of Pearland, including any portion thereof that is separately adopted and any amendment to the Comprehensive Plan or portion thereof.
- (144) **CONCEPT PLAN:** A component of the regulations for a Planned Development District that complies with the requirements of Chapter 2, Article 2, Division 2 of this Unified Development Code that illustrates elements of the proposed Planned Development District, such as the proposed location and arrangement of uses, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities and the overall design of the development.
- (145) **CONCRETE BATCHING PLANT:** A permanent manufacturing facility engaged in the production of concrete, carbon black, Cement, Lime, Gypsum or Plaster of Paris.
- (146) **CONDITIONAL USE PERMIT (CUP):** A permit authorizing the establishment of a use that may be suitable only in certain locations in a zoning district, or that is allowed only when subject to standards and conditions that assure compatibility with adjoining uses. See Chapter 2, Article 2, Division 3 and Chapter 2, Article 5, Division 2 (Land Use Matrix) of this Unified Development Code.
- (147) **CONDOMINIUM:** Two or more dwelling units on a lot with individual ownership of a unit rather than of a specific parcel of real property, together with common elements. See Article 1301a, Tex. Rev. Civ. Stat.
- (148) **CONSTRUCTION:** With respect to a building, construction is the assembly of materials into a structure, or the rehabilitation or replacement of a structure which

has been damaged, altered or removed or which is proposed to be altered or removed to an extent exceeding fifty percent (50%) of the area of the structure at the time of the damage, alteration or removal. For the purposes of this definition, *construction* includes the installation of a parking lot.

- (149) CONSTRUCTION CONTRACTOR WITH STORAGE YARD:** A facility for the storage and maintenance of contractor's supplies and operational equipment, including accessory office uses. All outdoor storage will have to meet screening requirements of the Unified Development Code.
- (150) CONSTRUCTION PLANS:** The drawings and technical specifications that conform to Chapter 3, Article 1, Division 8 of this UDC. Construction plans, including bid documents and contract conditions, where applicable, provide a graphic and written description of the character and scope of the work to be performed in construction of a development.
- (151) CONTIGUOUS:** Adjacent property whose property lines are shared (i.e., abutting property lines) or are separated by only a street, alley, easement or right-of-way.
- (152) CONTRACTOR'S TEMPORARY ON-SITE CONSTRUCTION OFFICE (ONLY WITH PERMIT FROM BUILDING OFFICIAL):** An onsite office used by contractors during the construction of any building project.
- (153) CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES:** Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries, including possibly gasoline, if pumps are provided. Does not include or offer any automobile repair services.
- (154) CONVENT OR MONASTERY:** A place of dwelling and/or study for persons under religious vows.
- (155) COPY/PRINTING SHOP:** An establishment which primarily reproduces, in printed form, individual orders from a business, profession, service, industry or government organization. Off-set, letter press, and duplicating equipment are used, but no rotary presses or linotype equipment are used. Related services might include faxing, digitizing, graphic reproducing, and report assembling.
- (156) CORNER LOT:** A lot abutting upon two (2) or more streets at their intersection(s).
- (157) CORNICE:** A decorative horizontal feature that projects outward near the top of an exterior wall.
- (158) COUNCIL:** The City of Pearland Council.
- (159) COUNTRY CLUB:** An area of twenty (20) acres or more containing a golf course and/or a clubhouse and available to a private specific membership, which club may also contain adjunct facilities such as a dining room, swimming pool, tennis courts or other recreational or service facilities.
- (160) COUNTRY CLUB/PRIVATE GOLF COURSE/PUBLIC GOLF COURSE:** An area containing a golf course and/or a clubhouse, which may also contain adjunct facilities such as a dining room, swimming pool, tennis courts or other recreational or service facilities.

- (161) **COURTYARD:** A roofed or unroofed private open space surrounded by building walls on at least three sides.
- (162) **CREDIT AGENCY:** A company that assigns credit ratings for issuers of certain types of debt obligations as well as the debt instruments themselves and in some cases, the servicers of the underlying debt.
- (163) **CUL-DE-SAC:** A local street having one (1) inlet/outlet to another street and terminated on the opposite end by a vehicular turnaround.
- (164) **CURB:** The edge of the vehicular pavement as a raised curb or a swale. The curb usually incorporates the drainage system.
- (165) **DANCEHALL/NIGHTCLUB:** An establishment offering to the general public facilities for dancing and/or entertainment.
- (166) **DAY CAMP (FOR CHILDREN):** A facility utilized for the organized recreation and instruction of children, including outdoor activities in the vicinity of the facility, on a daytime basis (i.e., no overnight stays).
- (167) **DAY NURSERY:** An establishment where children, separated from their parents or guardian, are housed for care or training during the day (no overnight stay) or a portion thereof on a regular schedule more often than once a week; does not include a public school, private school, kindergarten or registered family home.
- (168) **DENSITY, GROSS:** The number of dwelling units per gross acre. All density calculations shall be made using gross acreage, inclusive of easements, thoroughfare rights-of-way, and streets dedicated and accepted prior to platting of the property.
- (169) **DENSITY, GROSS RESIDENTIAL:** The number of dwelling units per gross acre used for residential use. All density calculations shall be made using gross acreage dedicated for residential use, exclusive of easements and thoroughfare rights-of-way, and inclusive of retention/detention areas, public or private streets that are platted or will be platted as part of the development of the property, open space, recreational areas, and parks provided within the development.
- (170) **DENSITY, NET:** The number of dwelling units per net acre. Net density calculations are made using net acreage, exclusive of thoroughfare rights-of-way and retention/detention areas, and public or private streets that are platted or are to be platted as part of the development of the property, but inclusive of open space, recreational areas, or parks.
- (171) **DEPARTMENT STORE (RETAIL ONLY, FOR HARDWARE, SPORTING GOODS, TOYS, PAINTS, WALLPAPER, AND/OR CLOTHING):** A store selling a wide variety of goods, which are arranged into departments.
- (172) **DETENTION/RETENTION POND:** As defined within the City's Engineering Design Criteria Manual (EDCM).
- (173) **DEVELOPED AREA:** That portion of a plot or parcel upon which a building, structure, pavement or other improvements have been placed.
- (174) **DEVELOPER:** An individual, partnership, corporation or governmental entity undertaking the division or improvement of land and other activities covered by this

Unified Development Code, including the preparation of a subdivision or development plat showing the layout of the land and the public improvements involved therein. The term “developer” is intended to include the term “subdivider,” even though personnel in successive stages of a development project may vary.

- (175) DEVELOPMENT:** Initiation of any activities related to the platting of land or construction of buildings or structures, the construction of impervious surfaces, the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including without limitation removal of vegetation, grading, clearing, filling, or removal of soil.
- (176) DEVELOPMENT APPLICATION:** Either a petition for a legislative decision or an application for a development permit.
- (177) DEVELOPMENT PERMIT:** A decision by the Commission, Board or responsible official designated by this Unified Development Code, acting in an administrative or quasi-judicial capacity, that authorizes the holder of the permit to undertake one or more development activities or to file further applications needed to initiate or continue development activities authorized under the Unified Development Code. The filing of a complete application for a development permit may or may not stay the City from adopting new standards applicable to the permit or any subordinate permit, depending on the nature of the standards.
- (178) DEVELOPMENT STANDARDS:** All regulations, design standards, requirements and restrictions that apply to a development.
- (179) DINNER THEATER:** A restaurant that presents a play during or after dinner, which meal may be included in the ticket price.
- (180) DIRECTOR, PLANNING:** The Director of the City Department of Planning or the Director’s designee.
- (181) DIRECTOR, PUBLIC WORKS:** As defined by City Charter authorizing same position.
- (182) DISTRICT:** A zoning district under this Unified Development Code.
- (183) DORMERS:** Small, roofed ancillary structures with windows providing light and air to habitable space within the roof. Dormers are permitted and do not constitute a story so long as they do not break the primary eave line.
- (184) DORMITORY:** Any structure specifically designed to house student tenants associated with a university, college or school, public or private.
- (185) DRAG STRIP/RACE TRACK:** An establishment where a pre-established race course of at least ¼-mile in length is located.
- (186) DRIVE-IN/REFRESHMENT STAND:** Any place or premises used for sale, dispensing or serving of food and/or beverages to consumers in automobiles or on foot, or at an outdoor patio or table, and where indoor tables are not provided.
- (187) DRIVE-IN THEATER:** An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

- (188) **DRIVEWAY:** A minor private entranceway off the common access route into an off-street parking area.
- (189) **DROUGHT TOLERANT PLANTS:** Plants that, once established, survive on natural rainfall with occasional irrigation during dry periods
- (190) **DUPLEX:** See *Dwelling - Two-Family*.
- (191) **DUMPS, LANDFILLS, AND SANITARY LANDFILL (PRIVATE OR PUBLIC):** A private lot or premises used for the disposal of garbage, trash, refuse or waste material (other than sewage), which is officially sanctioned by proper authorities of the jurisdiction in which it is located.
- (192) **DUMPSTER:** A large, metal refuse receptacle specifically designed to be emptied by heavy machinery and which is otherwise stationary.
- (193) **DWELLING/DWELLING UNIT:** Any building or portion thereof which is designed or used exclusively for residential purposes. A dwelling unit has three characteristics; a living area, a place to prepare food, and a restroom. The term "Dwelling Unit" shall not include rooms in hotels, motels or institutional facilities.
- (194) **DWELLING - INDUSTRIALIZED HOME:** (Also called *Modular Prefabricated Structure* or *Modular Home*.) A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.)
- (195) **DWELLING - HUD-CODE MANUFACTURED HOME:** A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.
- (196) **DWELLING - MOBILE HOME:** A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.
- (197) **DWELLING - MULTIPLE-FAMILY:** A residential building designed for occupancy by three or more families, with the number of families not to exceed the number of dwelling units. The residential building contains dwelling units that are designed to be occupied by families living independently of one another, exclusive of hotels or

motels. This definition includes three-family units (triplexes) and four-family units (quadraplexes), as well as traditional apartments.

- (198) DWELLING - PATIO HOME:** A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.
- (199) DWELLING - QUADRIPLEX:** Four (4) dwelling units joined by common sidewalls.
- (200) DWELLING - SINGLE-FAMILY:** A residential building, other than a mobile home, designed for occupancy by one family or individual.
- (201) DWELLING - SINGLE-FAMILY DETACHED:** A single-family dwelling unit with no attached wall(s) or dwelling unit(s).
- (202) DWELLING - TOWN HOUSE:** One of a group of no less than three (3) nor more than twelve (12) attached dwelling units, separated by a fire rated wall, each dwelling unit located on a separate lot.
- (203) DWELLING - TWO-FAMILY:** A residential building containing two attached dwelling units, each designed to be occupied by one family (i.e., the building is occupied by not more than two families).
- (204) EASEMENT:** An interest in land granted to the City, to the public generally and/or to a private entity.
- (205) EDCM:** The acronym for the City's Engineering Design Criteria Manual.
- (206) EFFICIENCY APARTMENT:** An apartment without a bedroom separate from other living quarters.
- (207) ELECTRIC POWER GENERATING PLANT:** A facility that generates electricity from mechanical power produced by solar, gas, coal, hydraulic power sources or nuclear fission, and that is properly licensed by the authorities having jurisdiction.
- (208) ELECTRICAL SUBSTATION:** A facility for transforming electricity for distribution to individual customers.
- (209) ELEVATION:** The exterior walls of a building not along a frontage.
- (210) EMERGENCY CARE CLINIC:** A facility that is not a hospital emergency department which delivers ambulatory medical care to patients on a walk-in basis with or without a scheduled appointment.
- (211) EMERGENCY VEHICLE:** Any vehicle meeting the requirements for emergency vehicles under State Law or City Ordinance.
- (212) EMITTER:** A device that applies irrigation water. This term is primarily used to refer to the low flow rate devices used in micro-irrigation systems.
- (213) ENFORCING OFFICER:** The designated Enforcing Officer of the City of Pearland or his designated representative.
- (214) ENGINEER:** A person duly licensed under the Texas Engineering Practice Act to practice the profession of engineering.

- (215) **ENTRANCE, PRIMARY:** The principal place of pedestrian entry to a building. In the support of pedestrian activity, the primary entrance should give to the frontage rather than to the parking.
- (216) **ENVIRONMENTAL PROTECTION AGENCY (EPA):** The U.S. Environmental Protection Agency, or, where appropriate, the administrator or other duly authorized official of that agency.
- (217) **ERECT:** To construct, reconstruct, install or build.
- (218) **ETJ:** Extraterritorial jurisdiction. See the definition of *Extraterritorial Jurisdiction* herein.
- (219) **EXCAVATION:** Any digging, trenching, scraping or other activity that disturbs natural soil or rock to a depth of two feet or more, other than soil disturbance incidental to the removal of trees or vegetation.
- (220) **EXHIBITION HALL OR PUBLIC ASSEMBLY (AUDITORIUM, GYMNASIUM, STADIUMS ETC.):** A large building used for holding exhibitions, conventions, or other large gatherings of people or housing/seating spectators at a sporting event.
- (221) **EXPRESSION LINE:** A decorative horizontal feature that projects outward from an exterior wall to delineate the top of the first story of a multi-story building.
- (222) **EXPLOSIVES MANUFACTURER AND/OR STORAGE:** An establishment that manufactures or stores explosives or the components of explosives.
- (223) **EXTENDED STAY HOTEL/MOTEL:** A multi-unit, extended stay lodging facility consisting of efficiency units or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this UDC.
- (224) **EXTERMINATOR SERVICE/COMPANY (NO OUTDOOR SALES OR STORAGE):** A business that resolves pest infestation with sprays, traps or other types of remediation techniques.
- (225) **EXTRATERRITORIAL JURISDICTION:** The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City of Pearland, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distances as may be stipulated in Chapter 42 of the Texas Local Government Code in accordance with the population of the City of Pearland, and in which area the City may enjoy violation of certain provisions of this Unified Development Code.
- (226) **FAÇADE:** The entire area of a side (the elevation) of a building or structure that extends from ground level to the top of a parapet, wall or eave(s) and from one corner to another. The area of a facade is defined by the outer limits of all of its visible exterior elements. Separate faces of a building oriented in the same direction or within 45 degrees of each other are considered part of the same façade.
- (227) **FAÇADE TRANSPARENCY:** The quality of being able to see through the primary face of a building.

- (228) FAIRGROUNDS OR RODEO GROUNDS:** A location where exhibitions or events which may include craft fairs, concerts, bull riding, roping and riding are demonstrated to the public.
- (229) FAMILY:** A “family” is an individual or any number of persons related by blood or marriage or not more than four (4) unrelated persons living as a single housekeeping unit.
- (230) FARM (RANCH, LIVESTOCK):** An area used for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing animals on the premises; but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of husbandry specifically prohibited by ordinance or law.
- (231) FARM ACCESSORY BUILDING:** An accessory building used in the operation of a farm, which may include barns, corrals and shade structures.
- (232) FEED AND GRAIN STORE/FARM SUPPLY STORE:** An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.
- (233) FENCE:** A tangible barrier constructed of any allowable materials (excluding natural vegetation) erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes, or to screen from viewers in or on adjoining properties and streets, materials stored, and operations conducted behind such barrier. A “Gateway” as defined herein shall not be considered a fence.
- (234) FENCE, LIVING:** A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity prevents a visually “open” effect, providing a visual barrier by blocking the normal line of sight.
- (235) FENCE, PRIVACY:** A solid barrier erected or constructed to prevent views across the fence line.
- (236) FENCE, SUBDIVISION:** A uniform fence, built at the time a residential subdivision is initially developed, that partially or completely surrounds the subdivision. Other characteristics can include construction by the subdivision developer, maintenance by a home owners association, and design requirements contained in recorded deed restrictions for that subdivision.
- (237) FENCE, WOOD RAIL:** A fence constructed of narrow, or split wood timbers, placed between upright supporting posts and with a maximum opacity of 25%.
- (238) FINAL DEVELOPMENT PLAT:** The plat for a development (other than a subdivision) for which platting is required which, when approved under Chapter 3, Article 6, Division 5 of this Unified Development Code, will be recorded in the official public records.
- (239) FINAL SUBDIVISION PLAT:** The plat of a subdivision for which platting is required which, when approved under Chapter 3, Article 6, Division 5 of this Unified Development Code, will be recorded in the official public records.

- (240) FINANCIAL INSTITUTION (WITH OR WITHOUT MOTOR BANK SERVICES):** An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds, examples of which include banks, saving and loans, and credit unions. The establishment may or may not have the ability to provide services via a drive-up window, also known as motor bank services.
- (241) FINANCIAL INSTITUTION (NO MOTOR BANK SERVICE):** An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds, examples of which include banks, saving and loans, and credit unions. The establishment may or may not have the ability to provide services via a drive-up window, also known as motor bank services.
- (242) FIRE STATION:** Any public service building of the municipal government that is used in the provision of fire protection services, including the housing of fire fighting personnel and/or apparatus.
- (243) FIRST FLOOR:** For the purpose of determining facade requirements, first floor is defined as the vertical distance of a structure/building measured from the average established floor elevation (slab) to the space above it between the floor and the next floor or ceiling or roof, the height of said space being no more than twelve feet (12').
- (244) FLOOD or FLOODING:** A general or temporary condition of partial or complete inundation of normally dry land areas from:
- a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
- (245) FLOOD FRINGE:** That portion of the floodplain, outside the floodway, that is subject to inundation by the 100-year recurrence interval flood. (See *Figure 5-3*.)
- (246) FLOOD HAZARD AREA:** Land in the floodplain within the City subject to a one percent (1%) or greater chance of flooding in any given year. This area is shown as zones A, AE, AH, AO, A1--99, VO, V1--30, VE or V on the Flood Insurance Rate Map (FIRM).
- (247) FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

- (248) FLOODPLAIN (or Flood-Prone Area):** Any area of land that is subject to being inundated by water from any source. (See *Figure 5-3* above, and definition for *Flood or Flooding*.)
- (249) FLOODWAY (Regulatory Floodway):** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (See *Figure 5-3*.)
- (250) FLOOR AREA:** The total area of all climate-controlled floors as calculated from measurements to outside walls.
- (251) FLOUR AND OTHER GRAIN MILLS:** A building in which grain is ground into flour, or the grinding equipment itself. Also known as a corn mill or flour mill.
- (252) FOOD SALES ON OR OFF PREMISE:** An informal restaurant, not exceeding fifty (50) seats, outdoor and indoor, offering a range of food, snacks, meals, coffee, and/or other beverages such as a café, doughnut store, yogurt store or ice cream shop. This definition is intended to exclude establishments with delivery offered to automobiles away from the main building. This definition does not prohibit take-out or drive-through windows.
- (253) FOOD STORE/SUPERMARKET:** A retail market primarily selling consumable goods that are not to be eaten on the premises. Prepared food and other items and/or services may be sold only in limited quantities as a secondary or accessory use. This use includes a retail meat or fish market.
- (254) FRANCHISED PRIVATE UTILITY:** A utility such as one distributing heat, electricity, telephone, cable television or similar service and requiring a franchise to operate in the City of Pearland.
- (255) FRATERNAL ORGANIZATION:** An organized group having a restricted membership and specific purpose related to the welfare of the members. Examples include common organizations such as the Elks, Masons, Knights of Columbus, or a labor union.

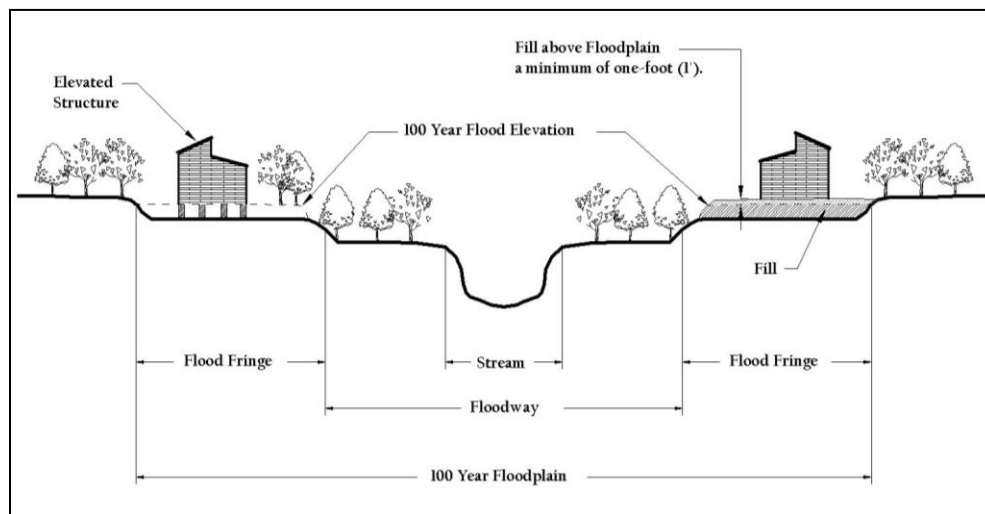
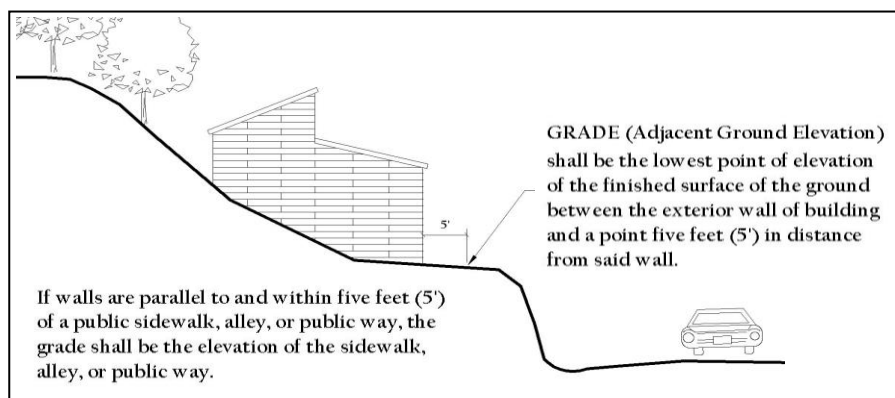


Figure 5-3: Illustration of 100-Year Floodplain Elevation

- (256) FRATERNITY OR SORORITY HOUSE:** A building other than a hotel that is occupied only by individuals enrolled in a college or university located within the City and persons to attend the house and supervise activities of the fraternity or sorority. Except for the attendants, each resident is a member of a fraternity or sorority that is recognized by the college or university and chartered by a state or national organization.
- (257) FRONTAGE:** The linear distance of the property line abutting the street right-of-way upon which the property is addressed.
- (258) FRONT PORCH:** see porch.
- (259) FUNERAL HOME:** A place for the storage of human bodies prior to their burial or cremation, which may also be used for the preparation or cremation of the deceased for burial and the display of the deceased and ceremonies and/or services connected therewith before burial or cremation.
- (260) FURNITURE AND/OR APPLIANCE STORE (RETAIL OR RENTAL ONLY, INDOOR ONLY):** A business that engages in the sale or rental of household furniture, appliances, and related consumer goods.
- (261) GAMING ESTABLISHMENT:** A video arcade, game room, or other establishment that has more than four (4) eight-liners or other amusement machines on which are played games of chance for use by the general public for a fee or charge.
- (262) GENERAL RETAIL STORE, OTHER THAN LISTED:** A business engaged in the retail sale of general merchandise to the general public.
- (263) GARAGE AND/OR YARD SALES:** The occasional sale of items at a residence or at a business characterized by the temporary outdoor display of said merchandise. All garage sales require a garage sale permit.
- (264) GARDEN SHOP & OUTSIDE PLANT SALES:** (Also referred to as *Plant Nursery*.) An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.
- (265) GARDEN WALL:** A masonry wall defining a property line or delineating a private area.
- (266) GAS TRANSMISSION & METERING STATION:** A pipeline or system of pipelines which transport gas through a facility that has equipment to measure and record the volume of gas that flows through it.
- (267) GASOLINE SERVICE STATION:** An establishment where gasoline is sold and dispensed into motor vehicle tanks.
- (268) GATEWAY:** A marker for a point of arrival or entrance.
- (269) GOLD EXCHANGE:** Establishment that primarily buys gold from customers.
- (270) GOLF COURSE (PRIVATE):** An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses, and which is owned and operated by a private business entity.

- (271) GOLF COURSE (PUBLIC):** An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses, and which is owned and operated by the City of Pearland.
- (272) GOVERNMENTAL BUILDINGS OR USE (COUNTY, STATE OR FEDERAL):** A government building used for a state, federal or local agency.
- (273) GRADE (Adjacent Ground Elevation):** The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet (5') in distance from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet (5') in distance from said wall. In case walls are parallel to and within five feet (5') of a public side-walk, alley or public way, the grade shall be the elevation of the sidewalk, alley or public way. See *Figure 5-4*
- (274) GRAVESTONE/TOMBSTONE SALES:** A business that sells gravestones, headstones, or other monuments for placement on a gravesite.
- (275) GREEN SPACE:** The entire parcel less the building footprint, driveways, vehicular use areas, hardscapes such as decks, swimming pools, decorative fountains, patios, and other non-porous areas. Stormwater management systems, and wetland conservation areas, lakes, rivers and creeks are excluded in the calculation of green space area.
- (276) GROSS LEASABLE AREA:** The total floor area of a building which is designed for tenant occupancy and use, including basements and mezzanines, and measured to center lines of joint partitions and to outside of exterior walls, excluding mechanical equipment, storage, restrooms, stairwells, elevator shafts and other common areas.
- (277) GUEST, CARETAKES OR SECURITY QUARTERS:** A subordinate building that is detached from the primary on-site structure, is used as a residence, is incidental to the main structure (i.e., the building area must be significantly less than that of the main structure), and is not involved in the conduct of a business.
- (278) GYM/HEALTH CLUB (PHYSICAL FITNESS; INDOORS ONLY):** Includes, but is not limited to, an establishment which provides facilities and equipment, such as gymnasiums, weight rooms, swimming pools or spas, exercise apparatus and instruction classes, which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory

uses
as
food



service, sales of sundries and apparel, and child care services, provided that such

accessory uses are clearly incidental to the primary use and are for the use of studio patrons only.

- (279) HABITABLE:** A space in a structure available for living, sleeping, eating, cooking, or any commercial purposes. However, storage space is not considered to be habitable space.
- (280) HARDWARE STORE:** A store in which the primary items offered for sale are wares such as fittings, tools, machinery, utensils and other similar objects.
- (281) HAZARDOUS EMISSIONS:** The emission of substances, chemicals, or material determined by an enforcing officer as hazardous pursuant to applicable law or otherwise detrimental to public health.
- (282) HEATING & AIR-CONDITIONING SALES AND SERVICE:** A business that sells or services heating and air-conditioning equipment.
- (283) HEAVY LOAD VEHICLE:** A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.
- (284) HEAVY MACHINERY SALES, STORAGE, RENTAL & REPAIR COMBINED TOOL AND MACHINERY RENTAL (INDOOR STORAGE ONLY):** The sale, trade, transfer, storage, and/or repair of any motor propelled machinery used for excavation and/or construction purposes.
- (285) HEAVY MANUFACTURING PROCESS:** A manufacturing facility for the general mass producing of goods, usually for sale to wholesalers or other industrial or manufacturing uses. Examples include the canning or bottling of food or beverages, production of stone clay and metal.
- (286) HELIPORT/HELIPAD:** A landing facility for rotary wing aircraft subject to regular use and which may include fueling or servicing facilities for such craft.
- (287) HOBBY SHOP:** See Specialty Shop.
- (288) HOLIDAY:** A day on which custom dictates commemoration of a particular event. For the purposes of this UDC, holiday shall be deemed to include any day(s) of religious celebration, such as Christmas, Hanukah, and Easter, as well as the 4th of July, Labor Day, Memorial Day, Presidents' Day, Martin Luther King Day, Halloween, Valentine's Day.
- (289) HOME FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS:** An institution offering in-patient or out-patient treatment to alcoholic, narcotic or psychiatric patients.
- (290) HOME IMPROVEMENT CENTER:** Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales.

- (291) HOME OCCUPATION:** An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, and which is clearly incidental and secondary to the use of the premises for residential purposes.
- (292) HOMES SALES OFFICE-TEMP (FOR NEW SUBDIVISION):** A temporary office used by a homebuilder to facilitate the sales of new homes within a subdivision where there are available for purchase new homes already built or to be built on lots located therein.
- (293) HOMEOWNERS ASSOCIATION/PROPERTY OWNERS ASSOCIATION:** An incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot and/or home owner in a planned unit or other described land area is automatically a member, (b) each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge, if unpaid, becomes a lien against the property.
- (294) HOSPITAL (FOR PROFIT):** A building or portion thereof, used or designed for the housing or treatment of sick or injured patients where they are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas. This definition does not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons. Said building houses a business operation intended to make a profit for the financial gain of the shareholders/owners of the operation.
- (295) HOSPITAL (NON-PROFIT):** A building or portion thereof, used or designed for the housing or treatment of sick or injured patients where they are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas. This definition does not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons. Said building houses a business operation that is not intended to make a profit for financial gain of any shareholder/owner of the operation.
- (296) HOTEL/MOTEL:** A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and possibly providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities, on an accessory use basis. For the purposes of this definition, a guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.
- (297) HOUSEHOLD CARE FACILITY:** (Also referred to as *Hospice*.) A dwelling unit which provides residence and care to persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition shall be consistent with that of "assisted living facility" in Texas Health and Safety Code Section 247.002 as it presently exists or may be amended in the future.
- (298) IMPERVIOUS COVER:** The total amount of impermeable surfaces, including buildings, pavement, and rooftops, which prevent the infiltration of water into the soil.

- a. Any outside area that is covered with a roof structure, whether fully enclosed or not, shall be considered as part of the total amount of impermeable surfaces.
 - b. Wooden decking – planks of wood with gaps (approximately 1/4-inch) in between – is not considered as part of the total amount of impermeable surfaces.
 - c. However, other typical outdoor surfaces that do not allow for water infiltration, such as exposed aggregate surfacing or concrete porches, shall be considered as part of the total amount of impermeable surfaces.
 - d. The portion of swimming pools designed to contain water shall not be considered as part of the total amount of impermeable surfaces.
- (299) IMPROVED LOT OR TRACT:** A lot or tract that has a structure or other improvement on it that causes an impervious coverage of the soil under the structure or improvement.
- (300) INDUSTRIAL, MANUFACTURING:** Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.
- (301) INSTITUTION OF RELIGIOUS, EDUCATIONAL OR PHILANTHROPIC NATURE:** A nonprofit, religious, or educational semi-public or public use, such as the Salvation Army, Habitat for Humanity, or an outreach religious facility.
- (302) INTEGRATED BUSINESS DEVELOPMENT:** A subdivision of land into separate lots that are utilized for nonresidential uses, where:
- 1. the subdivision is achieved by a single plat that is filed by an owner who owns the entire property being platted;
 - 2. the plat, or an amending plat or replat thereof, contains a note that individual on-premise ground signs shall not be allowed on any lot in said subdivision if the use on said lot is advertised on a multi-user sign is erected on any lot in the subdivision; and
 - 3. each lot in the subdivision is contiguous to at least one other lot in the subdivision.
- (303) INTERESTED PERSON:** A person who is impacted by a final decision of the City to the extent that such impact exceeds the impact of the decision on a member of the general public. An interested person may include any officer or agency of the City.
- (304) IRRIGATION SYSTEM:** Permanent watering systems designed to transport and distribute water to plants as a supplement to natural rainfall.
- (305) IRRIGATION ZONE:** A control valve circuit containing emitters and/or sprinklers with consistent application rates.
- (306) ISO:** Insurance services office, an independent statistical, rating and advisory organization that serves the property/casualty insurance industry. ISO collects information on a community's building-code adoption and enforcement services, analyzes the data, and then assigns a building code effectiveness classification (BCEGS) from 1- 10.

- (307) JEWELRY STORE:** A retail business that allows the purchase of jewelry such as rings, necklaces or bracelets in display cases. A jewelry store also allows for patrons to sell used jewelry as an ancillary use to the jewelry store operation.
- (308) KEY BOX:** A secure, tamperproof device with a lock operable only by a fire department master key and containing building entry keys and other keys that may be required for access in an emergency. A retail business that allows the purchase of jewelry such as rings, necklaces or bracelets in display cases. A jewelry store also allows for patrons to sell used jewelry as an ancillary use to the jewelry store operation.
- (309) KINDERGARTEN:** Any school, private or parochial, whether operated for profit or not, attended by children during any part of a day, which provides a program of instruction for children below the first-grade level in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.
- (310) LABORATORY, MEDICAL OR DENTAL:** An indoor establishment that includes laboratories and/or experimental equipment for medical or dental testing, prototype design and development, and product testing.
- (311) LABORATORY, SCIENTIFIC OR RESEARCH:** An indoor establishment equipped for experimental study in a science or for testing and analysis.
- (312) LANDING FIELD:** A landing facility for rotary wing aircraft subject to regular use and which may include fueling or servicing facilities for such craft.
- (313) LANDSCAPE PLANT ZONE:** A grouping of plants with similar water and cultural needs.
- (314) LANDSCAPED:** Adorned or improved by contouring land and placing thereon live flowers, shrubs, trees, grass, other vegetation, water features, and/or pervious rock material.
- (315) LANDSCAPED AREA:** The area of a developed site/lot that is required by this UDC to consist of landscaping materials, trees and/or groundcover. Refer to Chapter 2 and Chapter 4 for specific requirements.
- (316) LAUNDROMAT (SELF-SERVICE LAUNDRY):** A facility where patrons wash, dry or dry clean clothing and other fabrics in machines that are operated by the patron.
- (317) LAUNDRY/DRY CLEANING (RETAIL ONLY - DROP OFF/PICK UP):** A facility used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering, dry cleaning, or cleaning elsewhere, and for the pressing and distribution of any such articles or goods that have been subjected to any such process.
- (318) LIBRARY, PUBLIC OR MUSEUM (INDOOR):** A public facility allows viewing and check out of books, videos and other literature.
- (319) LIGHT INDUSTRIAL USE:** A use engaged in the processing, manufacturing, compounding, assembling, packaging, treatment, or fabrication of materials and products, from previously manufactured materials. Such use is capable operating in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, odor, etc.

- (320) LIGHT LOAD VEHICLE:** A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than 32 feet in length), campers and other similar vehicles but not including automobiles and motorcycles.
- (321) LIGHT MANUFACTURING:** Process(es) which does not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located, and which does not generate noise or vibration at the boundary of the district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.
- (322) LIGHT MANUFACTURING PROCESS:** A use engaged in the processing, manufacturing, compounding, assembling, packaging, treatment, or fabrication of materials and products, from previously manufactured materials. Such use is capable operating in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, odor, etc. This use includes manufacturing assembly.
- (323) LIMOUSINE/TAXI SERVICE:** An area or facility used for the storage or dispatch of taxicabs or limousines.
- (324) LIQUEFIED PETROLEUM STORAGE & SALES:** A facility or system which includes tanks, piping or gas equipment that is used or intended to be used for the storage, dispensing, or sale of liquefied petroleum gas.
- (325) LIQUOR/PACKAGE STORE:** A retail sales establishment principally for the retail sales of alcoholic beverages to the general public for off-premise consumption that requires a Package Store Permit from the Texas Alcoholic Beverage Commission to operate.
- (326) LIVESTOCK SALES, WHOLESALE:** An area used for the sale of farm animals such as horses, cattle, and sheep, and includes the necessary accessory uses for housing animals on the premises during the time of sale.
- (327) LOCAL UTILITY LINE (Above-Ground or Below-Ground):** The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.
- (328) LOCKSMITH/KEY SHOP:** A business that repairs or makes keys and locks.
- (329) LODGING:** Premises available for daily and weekly renting of bedrooms.
- (330) LOT:** An undivided tract or parcel of land shown and designated with a tract or lot number on a duly recorded subdivision or development plat. A lot is or may be offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract, or lot number or symbol in a duly approved subdivision plat that has been properly filed of record.
- (331) LOT COVERAGE:** The amount of impervious cover (see definition) on a lot.
- (332) LOT MEASUREMENT:** Refer to Chapter 2, Article 6, Division 1 for diagrams related to these definitions.
- a. **Lot Area** - The net area of the lot, expressed in square feet or acreage and shall not include portions of any public street or alley, but may include easements. For

flag lots, the area of the lot that does not meet the applicable minimum lot width shall be excluded.

- b. **Lot Depth** - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear (the mean horizontal distance between the front and rear lot line). For flag lots, the distance between the midpoints of straight lines connecting the foremost points of the side lot lines where the lot satisfies the applicable minimum lot width and the rearmost points of the side lot lines in the rear.
 - c. **Lot Width** - The shortest distance in a straight line between the side lot lines, measured at any point on the lot from the required front setback line to the required lot depth.
 - d. **Lot, Double Frontage** - Any lot, not a corner lot, with frontage on two streets that are parallel to each other or within 45 degrees of being parallel to each other.
 - e. **Lot, Flag** – a lot which has frontage and width at the building line that is less than the minimum required width, but which satisfies the required lot width at a point further away from the front property line than is the building line. The portion of the lot that has frontage but does not satisfy the minimum width is hereby designated the “pole” and the portion that meets the minimum lot width but at a point further away from the front property line than is the building line is designated as the “flag.” No flag lot shall have more than one (1) pole portion and said pole shall have a minimum length equal to the minimum lot depth for the zoning district in which the lot is located and a maximum length no greater than five hundred feet (500’). The entire flag portion of a flag lot shall meet the minimum lot width for that zoning district.
 - f. **Lot, Irregular** - Any lot not having equal front and rear lot lines or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than 90 degrees.
 - g. **Lot Line:** the boundary that legally and geometrically demarcates a lot.
 - h. **Lot, Thumbnail (or Eyebrow)** - A partial cul-de-sac bulb, usually with a central angle of 180 degrees or less.
- (333) **LUMBER MILL/YARD:** A plant where timber is sawed into boards and/or stored on the premises for sale.
- (334) **MAIN BUILDING:** The building on a lot which are occupied by the primary (main) use.
- (335) **MANUFACTURED HOME:** See *Dwelling – HUD-Code Manufactured Home*.
- (336) **MANUFACTURED HOME DISPLAY, SALES AND/OR RENTAL (NEW OR USED):** The offering for sale, rental, storage, or display of new or previously owned (i.e., used) manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- (337) **MANUFACTURED HOME/MOBILE HOME SPACE:** A division of a parcel of land into a single lot for use by a single manufactured home or mobile home, as applicable.
- (338) **MANUFACTURER OF CHLORINE OR OTHER TOXIC GASES:** A facility that manufactures chemicals such as chlorine, acid, ammonia or other toxic gases.

- (339) 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:** A facility that houses manufacturing, storage, and assembly operations including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, and precision instruments manufacturing.
- (340) MANUFACTURING, PROCESSING and FABRICATION:** Activities or facilities including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, planning mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, precision instruments manufacturing, and research laboratory.
- (341) MARKET, OPEN AIRE (FLEA MARKET):** A marketplace held out of doors where food and merchandise is displayed for sale to the general public in booths, on tables, or via other temporary means of display.
- (342) MARQUEE:** A roof-like structure projecting over the entrance to a building. It may also project over a sidewalk adjacent and parallel to the front wall of a building.
- (343) MASONRY:** Brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, split face block and stucco. EIFS (exterior insulation and finish systems) shall be included within this definition only for the purposes of masonry trim.
- (344) MESSAGE ESTABLISHMENT:** "Message Establishment" means a place of business that advertises or offers massage therapy or other massage services to members of the public. The term includes a place of business that advertises or offers any service described by a derivation of the terms "massage therapy" or "other massage services" as those terms are defined in Chapter 455 of the Occupations Code, as amended. The term shall not apply to a person licensed in this state as a physician, chiropractor, occupational therapist, physical therapist, nurse or athletic trainer or as a member of a similar profession subject to licensing by the State of Texas whose license is displayed in the establishment and while the person is practicing within the scope of the license. The term also does not apply to establishments that provide massage services as an auxiliary function to their primary use provided that the massage service is performed in the common areas which are visible to the patrons of the respective establishment.
- (345) MASTER PLAT:** The initial plat for a subdivision to be developed in phases that delineates the sequence and timing of development within the proposed subdivision, and that is reviewed and decided under Chapter 3, Article 1, Division 2 of this Unified Development Code.
- (346) MEDICAL APPLIANCES AND SALES:** A business that sells medical appliances and similar devices.
- (347) MEDICAL DEVICE ASSEMBLY:** A facility that conducts minor medical assembly, investigation and testing.

- (348) METAL:** 24-gauge or heavier architectural panels (wall systems) with concealed fasteners and no exposed seams. Corrugated metal, exposed fasteners, and exposed seams are not included in this definition. Other materials (i.e., from technological advances) may be considered metal by the City when such materials are deemed to be the same or better in quality and appearance.
- (349) METAL, MACHINE OR WOOD SHOP:** A business that is involved in metal or wood fabrication, which may include structural, architectural, ornamental, and artistic projects.
- (350) MICRO-IRRIGATION:** An irrigation system with a maximum flow rate per emitter of 30 gallons per hour. Not appropriate for turfgrass applications.
- (351) MICRO-BREWERY/MICRO DISTILLERY/MICRO-WINERY:** A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possess the appropriate licenses from the state of Texas. See Division 3 Section 2.5.3.3 for Specific Use Regulations.
- (352) MILK DEPOT (WHOLESALE):** A facility where milk is accumulated and stored before it is transported for retail sale.
- (353) MINI-WAREHOUSE/SELF-STORAGE:** Small individual storage units for rent or lease, restricted solely to the storage of items, such as motor vehicles, trailers, boats, bulky household goods, and sundry personal property. There is no conduct of sales, business or any other activity within the individual storage units.
- (354) MINOR CONCRETE BATCHING OPERATION & STORAGE OF ASSOCIATED PROCESSING MATERIAL (RESTRICTED TO 1.5 YARDS OR LESS PER BATCH):** A minor concrete plant, which produces less than 1.5 yards per batch of cement mixed.
- (355) MINOR SUBDIVISION PLAT:** A plat dividing land into no more than four (4) lots that may be administratively approved under certain circumstances under Chapter 3, Article 1, Division 6 of this Unified Development Code.
- (356) MOBILE HOME:** See *Dwelling – Mobile Home*.
- (357) MOBILE/MANUFACTURED HOME SALES OR RENTAL ONLY:** A business that sells or rents mobile homes or manufactured homes.
- (358) MOLDINGS:** An embellishment in strip form, made of wood or other structural material, which is used to decorate or finish a surface.
- (359) MOTORCYCLE SALES/DEALER (NEW/REPAIR):** A dealership specializing in the sale and repair of motorcycles.
- (360) MOTION PICTURE THEATER (INDOORS):** An indoor establishment charging admission to the general public for the privilege of observing a live, televised, or motion picture performance.
- (361) MOVING AND STORAGE COMPANY:** A business that stores and moves possessions for customers on an as needed basis.
- (362) MULCH:** Any material applied to the soil surface to retain soil moisture control erosion, inhibit weeds, and/or regulate soil temperatures.

- (363) **MULLIONS:** A vertical member, as of stone or wood, dividing a window or other opening.
- (364) **MULTIPLE BUILDING COMPLEX:** More than one (1) principal structure on a building lot.
- (365) **MULTIPLE-OCCUPANCY or MULTI-TENANT:** One or more adjacent premises containing two or more occupancies, each having main entrances directly from the exterior of a common building or complex of buildings and utilizing common facilities for vehicular access, parking, landscaping, etc.
- (366) **MUNICIPAL PUBLIC ADMINISTRATION OFFICES:** An office for Public and Administrative offices.
- (367) **NATURAL PLANTS:** Plants that once established can survive on natural rainfall without irrigation.
- (368) **NEWS PRINTING/BOOK BINDING:** A facility that prints newspapers, flyers, or other printed matter or performs book binding.
- (369) **NONCONFORMING LOT:** A lot that does not conform to the regulations of Chapter 2 of this Code. See Section 2.7.2.3 for further information.
- (370) **NONCONFORMING STRUCTURE:** A structure that does not conform to the regulations of Chapter 2 of this Code. See Section 2.7.2.2 for further information.
- (371) **NONCONFORMING USE:** A use of property that does not conform to the regulations of Chapter 2 of this Code. See Section 2.7.2.1 for further information.
- (372) **NURSING/CONVALESCENT HOME:** (Also referred to as *Long-Term Care Facility* or *Skilled Nursing Facility*.) A facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.
- (373) **OASIS PLANTS:** Plants requiring frequent irrigation.
- (374) **OCCUPANCY:** Any utilization of real property.
- (375) **OFF-SITE DETENTION FACILITY:** An off-site detention facility as defined within the City's Engineering Design Criteria Manual (EDCM).
- (376) **ONSITE DETENTION FACILITY:** An on-site detention facility as defined within the City's Engineering Design Criteria Manual (EDCM).
- (377) **OFF-STREET PARKING INCIDENTAL TO NONRESIDENTIAL MAIN USE:** Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main nonresidential use or within the vicinity of such lot or tract, and located within the same zoning district as the main nonresidential use or in an adjacent parking district.
- (378) **OFF-STREET PARKING INCIDENTAL TO RESIDENTIAL MAIN USE:** Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main residential use or in the vicinity of such lot or tract, and located within the same zoning district as the main residential use or in an adjacent parking district.

- (379) OFFICE/CLINIC, VETERINARIAN:** A place where a veterinarian maintains treatment facilities for diseased or injured animals, including boarding facilities (no outside pens or kennels).
- (380) OFFICE/CLINIC, VETERINARIAN (ANIMAL HOSPITAL, WITH OUTSIDE PENS):** An Office for a veterinary professional/group used for the medical or surgical treatment for animals or pets. This use allows for the usage of outdoor pens for shelter or care of animals.
- (381) OFFICE, MEDICAL/DENTAL:** An office or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients.
- (382) OFFICE, PAROLE-PROBATION, BAIL BONDS:** An office for conducting the supervision of recently paroled convicts for the purpose of successful integration into society. This use includes entities that issue bail bonds.
- (383) OFFICE, PROFESSIONAL AND GENERAL BUSINESS:** An office or group of offices used for the provision of executive, management, administrative services, or any other vocation involving predominately mental or intellectual skills. Specifically excludes any activity involving sales of personal property and veterinary clinics.
- (384) OFFICE WAREHOUSE STORAGE OR SALES:** An establishment where not more than 75% of the total floor area is devoted to warehousing, and may include the sales of office products, but sales are not generally accessible to the public.
- (385) OFFICIAL FILING DATE:** The date that a complete application (see definition) has been accepted by the City for filing.
- (386) OPEN SPACE:** Property designated for recreational use, including a private park, play lot, plaza or ornamental area intended for use or enjoyment by people. Open space does not include streets, alleys, utility easements, public parks or required setbacks.
- (387) ORCHARD:** An area of two (2) acres or more which is used for the growing of farm products, vegetables, fruits, trees and/or grain and including incidental and/or necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine or other animals and not including any type of agricultural animal husbandry as specifically defined.
- (388) OVERSPRAY:** Water that is delivered beyond the landscape area and wets pavement, walks, structures, or other non-landscaped areas.
- (389) OUTSIDE DISPLAY:** Any accessory of a premises whereon goods, materials, or merchandise is displayed for the purpose of sale on a temporary basis for not more than twenty-four (24) hours, on the pedestrian area immediately adjacent to the front of the principal building.
- (390) OUTSIDE SALES:** Sale of merchandise, goods, or materials in conjunction with temporary or seasonal events associated with the principal use of the building, use, or site.
- (391) OUTSIDE STORAGE:** (Also referred to as *Open Storage*.) Keeping, displaying, or storing, outside the principal building, of any goods, materials, merchandise or equipment on a lot or tract on a generally permanent basis for more than twenty-four

- (24) hours. This includes storage within boxes, containers, portable sheds, trailers, and other structures that are not permanently affixed to a foundation, do not resemble the main onsite building in architectural style, or are not assembled onsite.
- (392) OVERLAY ZONING DISTRICT:** A zoning district that establishes regulations that combine with the regulations of an underlying (base) zoning district. The purposes of an overlay district shall be to prohibit uses otherwise allowed in the base district, to establish additional or different conditions for such uses, or to authorize special uses, together with standards for such uses, not otherwise allowed in the base district.
- (393) PARK AND/OR PLAYGROUND (PRIVATE):** A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.
- (394) PARK OR PLAYGROUND (Public; Municipal):** Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in the City of Pearland's Code of Ordinances.
- (395) PARKING LOT (Commercial Auto):** Area, enclosed or unenclosed, sufficient in size to store automobiles, pickups and/or trucks and permitting ingress and egress of vehicles to a street or alley.
- (396) PARKING LOT (Truck Storage):** A place where one or more trucks are parked or stored.
- (397) PARKING LOT OR GARAGE FOR PASSENGER CARS AND TRUCKS OF LESS THAN ONE (1) TON CAPACITY:** A commercial parking lot that houses vehicles less than one (1) ton capacity.
- (398) PARKING AREA:** An off-street area for the temporary storage of motor vehicles, whether free, for compensation or as an accommodation for clients or customers.
- (399) PARKING; STACKED:** Also known as Tandem parking. An off-street parking stall arrangement, not more than two spaces in depth, wherein one space is located directly in front of another space and requires the moving of the rear vehicle for another vehicle to enter or leave the forward space.
- (400) PARKWAY AREA:** That portion of the public right-of-way laying primarily between the edge of the pavement or curb and the private property line.
- (401) PAVED:** Ground surface covered with concrete and constructed in conformance with applicable requirements of the City of Pearland Building Code.
- (402) PAWN SHOP:** An establishment where articles are traded in exchange for money plus a right to redeem such articles within a given amount of time upon repayment of such money with interest. The establishment may also be involved in the retail sale of primarily used items is also allowed, provided that the sale of such items complies with Local, State and Federal regulations.

- (403) PAY DAY LOAN SHOP (INCLUDING TITLE LOANS AND CHECK CASHING):** An institution that primarily loan money based on postdated checks and car titles, or cash personal/paychecks for a fee.
- (404) PENAL OR CORRECTIONAL INSTITUTIONS:** A place for the confinement of persons in lawful detention, especially persons convicted of crimes.
- (405) PERMITTED USE:** A use specifically allowed in one (1) or more of the various districts by right. This term does not include conditionally permitted uses.
- (406) PERSON:** A natural person, his heirs, executors, administrators, or assigns and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
- (407) PERSON IN CHARGE:** Any person who has real or apparent care, custody, and control of real property or buildings located thereon.
- (408) PERSONAL SERVICE SHOP:** A retail establishment for the purpose of supplying limited personal services, including but not limited to: cleaning and laundry collection station; interior decorating; watch and jewelry repair; art gallery; library; museum; studio for professional artwork, photography, dance or fine arts, including teaching of applied and fine arts; this definition does not include massage parlors, barber shops, beauty shops, or hairdressers.
- (409) PET CARE FACILITY/ANIMAL KENNEL:** A commercial establishment in which dogs or other domesticated (pet) animals are housed, groomed, bred, boarded, trained, sold, or provided other health and well-being related services, for a fee or compensation. This term along with the parenthetical phrase “without outdoor pens” means that all the listed activities occur indoors, except outdoor exercise under supervision for a limited period (e.g., one-half to one hour at a time). This term along with the parenthetical phrase “with outdoor pens” means that all the listed activities may occur outdoors for an extended period. This term does not include a veterinary clinic.
- (410) PET AND ANIMAL GROOMING SHOP:** An establishment offering grooming services for dogs, cats, and similar animals.
- (411) PET SHOP-SMALL ANIMALS, BIRDS OR FISH:** A retail business that sells various kinds of animals for use as household pets; such as small mammals, reptiles, fish, and birds, as well as food, supplies, and accessories for the keeping, feeding, and maintenance of such pets.
- (412) PETITION FOR A LEGISLATIVE DECISION:** A request for approval of an action authorized under this Unified Development Code requiring action by the City Council acting in its legislative capacity.
- (413) PETITION FOR CHANGE IN NON-CONFORMING STATUS:** A request by a property owner to the City of Pearland Zoning Board of Adjustment (ZBA) under Chapter 2, Article 2, Division 5 of this Unified Development Code for a change in the status of a non-conforming use or structure to allow for modification to the use or property owned.
- (414) PETITION FOR RELIEF FROM DEDICATION OR CONSTRUCTION REQUIREMENT:** A request for relief from a requirement imposed under this Unified

Development Code to dedicate or construct a public improvement based on constitutional standards, and that is reviewed and decided under Chapter 1, Article 3, Division 2 of this Unified Development Code.

- (415) PETROLEUM PRODUCTS BULK STORAGE (WHOLESALE):** A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.
- (416) PETROLEUM REFINING, MANUFACTURER, OR BULK STORAGE:** A facility that engages in the refining, storing or manufacturing of petroleum products. This use also includes a petrochemical plant.
- (417) PETROLEUM OR PETROLEUM PRODUCT EXTRACTION:** The extraction of petroleum, natural gas, or other fossil fuels from the earth. This activity is subject to other applicable city ordinances.
- (418) PIANO AND MUSICAL INSTRUMENTS (RETAIL ONLY):** A business that sells musical instruments, music sheets and accessory equipment. Lessons may be provided as an accessory use.
- (419) PIPE PROCESSING OR STORAGE YARD:** A facility that processes and/or stores pipe for the use in construction or manufacturing. Any outdoor storage must comply with screening requirements of the Unified Development Code.
- (420) PLANNED DEVELOPMENT (PD) DISTRICT:** A land development project comprehensively planned which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features. Such district adheres to the standards of Chapter 2, Article 2, Division 2 of this UDC.
- (421) PLAT:** A map, drawing, chart or plan showing the exact layout and proposed construction of a proposed development into one or more lots, blocks, streets, parks, school sites, commercial or industrial sites, easements, alleys and/or any other elements as required by this Unified Development Code and which a subdivider shall submit for approval in accordance with this Unified Development Code.
- (422) PLUMBING OR CARPENTER SHOP (NO OUTSIDE STORAGE):** A business that provides plumbing or carpentry services.
- (423) POLICE STATION:** Any public service building of the municipal government that is used in the provision of police protection services, including the housing of police personnel and related automobiles.
- (424) PLAZA:** An unroofed public open space designed for pedestrians that is open to public sidewalks on at least one side.
- (425) PORCH, (FRONT PORCH):** The ground floor platform attached to the front or side of the main building.
- (426) PRELIMINARY DEVELOPMENT PLAT:** A plat that illustrates and thereby assures the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of the Unified Development Code and that is reviewed and decided prior to approval of a Final

Development Plat under Chapter 3, Article 1, Division 4 of this Unified Development Code.

- (427) PRELIMINARY SUBDIVISION PLAT:** A plat that illustrates and thereby assures the general layout of a proposed subdivision, the adequacy of public facilities needed to serve the proposed subdivision, and the overall compliance of the land division with applicable requirements of the Unified Development Code and that is reviewed and decided prior to approval of a Final Subdivision Plat under Chapter 3, Article 1, Division 3 of this Unified Development Code.
- (428) PREMISES:** A parcel or tract of land or one or more platted lots under the same ownership and use, together with the buildings and structures located thereon.
- (429) PRINTING EQUIPMENT, SUPPLIES AND REPAIRS:** A business that sells printing equipment and supplies or repairs printing equipment.
- (430) PRIVATE OPEN SPACE:** Private property under common ownership designated for recreational use, including a private park, play lot, plaza or ornamental area intended for use or enjoyment of property owners within a subdivision. Open space does not include streets, alleys, utility easements, public parks or required setbacks.
- (431) PROJECT COVERAGE:** The total amount of impermeable surfaces (impervious cover) of an entire proposed development, as opposed to the lot-by-lot amount defined for the impervious cover calculation.
- (432) PROJECTING FAÇADE ELEMENTS:** Building elements which attach to the outside of the primary building envelope. Projecting façade elements can include stoops, porches, bay windows, awnings, canopies, second-floor balconies, colonnades, or arcades.
- (433) PROPANE SALES (RETAIL):** Retail sales of gaseous substances commonly used for household purposes such as propane or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.
- (434) PUBLIC ART:** Art that is visually or physically accessible to the public (within the public realm e.g. a Street) and that is acquired by City funds, donated to the City, or provided by a private entity as a community benefit, including monuments and statues, building ornament, and visible public infrastructure such as bridges, etc.
- (435) PUBLIC EDUCATIONAL FACILITIES:** Facilities that are used to provide instruction or education by primary or secondary schools or institutions of higher education that receive public funding. Private schools, day cares and other similar uses, and facilities not used for instructional purposes such as administrative and service facilities shall not be included in this definition.
- (436) PUBLIC FACILITIES:** Infrastructure and municipal service improvements owned and/or operated by the City, excluding dry utilities such as gas, phone, cable, etc.
- (437) PUBLIC OPEN SPACE:** Property that is owned by or dedicated to the City and that is designated for recreational use, including a park, play lot, plaza or ornamental area intended for use or enjoyment of citizens. Open space does not include streets, alleys, utility easements, public parks or required setbacks.

- (438) PUBLIC RIGHT-OF-WAY:** A strip of land used or intended to be used, wholly or in part, as a public street, alley, crosswalk way, sidewalk or drainageway.
- (439) PUBLIC VIEW:** Areas that can be seen from any public street.
- (440) RADIO OR TELEVISION OR MICROWAVE TOWERS (COMMERCIAL):** A freestanding structure that supports antennae that transmit or receive any portion of the electromagnetic spectrum. {See Telecommunications Regulations, Chap.2, Art. 5, Div. 5 of the UDC}
- (441) RADIO OR TELEVISION TRANSMITTING STATION (COMMERCIAL):** A building or portion of a building used as a place for radio or television broadcasting. {See Telecommunications Regulations, Chap. 2, Art. 5, Div. 5 of the UDC}
- (442) RAILROAD, BUS, LIGHT RAIL PASSENGER STATION (PUBLIC):** A station or assembly area used for patrons to await the arrival of their train or bus, prior to boarding said mass transit vehicle.
- (443) RAILROAD TEAM TRACKS, FREIGHT, DEPOT OR DOCKS:** A facility that is used for the loading and unloading of freight, goods, or products for transport by train.
- (444) RAIN SENSOR DEVICE:** A calibrated device that is designed to measure rainfall and override the irrigation cycle of the irrigation system when a pre-determined amount of rainfall has occurred.
- (445) RECONSTRUCTION:** Rehabilitation or replacement of a structure which either has been damaged, altered or removed or which is proposed to be altered or removed to an extent exceeding fifty percent (50%) of the replacement cost of the structure at the time of the damage, alteration or removal.
- (446) RECORD DRAWINGS:** See *As-Built/Record Drawings*.
- (447) RECORDED PLAT:** A development plat or a subdivision plat that has been finally approved by the City and that has been filed with the applicable County after meeting all City requirements for recordation under Chapter 3, Article 1, Division 5 of this Unified Development Code.
- (448) RECREATION CENTER (PRIVATE, FOR PROFIT):** An indoor business establishment used for recreation and social activities.
- (449) RECREATIONAL VEHICLE (RV):** A vehicle that is:
- a. Built on a single chassis;
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently tow-able by a light-duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- (450) REFUSE CONTAINER:** Any container, including dumpster, used as temporary storage of routinely collected waste.
- (451) REFUSE DUMP:** A place reserved or used for the dumping or accumulation of refuse or discarded matter.

- (452) REGISTERED FAMILY HOME:** See *Child Day Nursery*.
- (453) REHABILITATION CARE FACILITY (HALFWAY HOUSE):** A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.
- (454) REHABILITATION CARE INSTITUTION (COMMERCIAL):** A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.
- (455) REMAINDER TRACT:** Land that is part of a larger parcel that is not subject to a subdivision plat affecting the parcel.
- (456) REMODELING:** Renovation, alteration or repair of an existing structure that is not an addition.
- (457) REPAIR:** To restore or mend to sound working condition after damage, decay or failure.
- (458) REPLACEMENT:** The act of moving one structure from its existing location or site and replacing it with another structure.
- (459) RESALE/CONSIGNMENT SHOP:** A store that accepts used goods for the purpose of reselling said goods to the general public in exchange for retaining a portion of the sales price.
- (460) RESERVE:** *{To Be Added.}*
- (461) RESIDENTIAL USE:** A dwelling unit or group of dwelling units; includes dwelling units within the upper story or stories of a building wherein other parts of the building are used for a nonresidential purpose or purposes, such as a retail establishment or office.
- (462) RESPONSIBLE OFFICIAL:** The director of the City department who has been designated to accept a type of development application for filing, to review and make recommendations concerning such applications, and where authorized, to initially decide such applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of this Unified Development Code with respect to such development applications. Also includes any designee of the director of the applicable City department.
- (463) RESTAURANT (WITH DRIVE-IN SERVICE AND/OR DRIVE-THRU SERVICE):** An eating establishment where food or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises. An area may also be provided for the consumption of food the premises.
- (464) RESTAURANT (WITH NO DRIVE-IN OR DRIVE-THRU SERVICE):** An eating establishment where customers are primarily served at tables or are self-served,

where food is consumed on the premises, and which do not have a drive-through window.

- (465) RETAIL SHOP FOR ACCESSORIES, GIFTS & SIMILAR GOODS:** An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
- (466) RIBBON CURB:** A concrete boundary marking the edge of a roadway or paved area and, unlike a typical raised curb, is not vertically separated from the roadway or paved area.
- (467) RIDING FACILITY, COMMERCIAL:** A facility used for the rental of a stall space or spaces, or for the sale or rental of horses or mules. This also includes horseback riding, competition, and lessons (also see Stable, Commercial).
- (468) RUNOFF:** Water that flows from the area where it fell because it is not absorbed soon enough by the soil.
- (469) SALE OF PRODUCE FROM COMMUNITY GARDEN:** Sale of produce grown on site is an accessory use to the main use of a building. Produce must be cultivated and harvested on the property; sales from the property may only occur during the growing season; and, sold inside of a building.
- (470) SATELLITE DISH (GREATER THAN 4' IN DIAMETER):** A device larger than 4' in diameter which: 1. Incorporates a reflective surface that is solid, open mesh, or bar-configured; 2. Has the shape of a shallow dish, cone, horn or cornucopia; and 3. Is used to receive electromagnetic signals {See Telecommunication Regs. Chp. 2, Art. 5, Div. 5 of the UDC}.
- (471) SATELLITE DISH (PRIVATE, LESS THAN 4' IN DIAMETER):** A device smaller than 4' in diameter which: 1. Incorporates a reflective surface that is solid, open mesh, or bar-configured; 2. Has the shape of a shallow dish, cone, horn or cornucopia; and 3. Is used to receive electromagnetic signals {See Telecommunication Regs. Chp. 2, Art. 5, Div. 5 of the UDC}.
- (472) SCHOOL – ELEMENTARY, JUNIOR HIGH OR HIGH SCHOOL (PUBLIC OR PAROCHIAL):** A school under the sponsorship of a public or religious agency, which provides elementary or secondary curricula, but not including private business or trade/commercial schools.
- (473) SCHOOL - OTHER THAN PUBLIC OR PAROCHIAL:** A school under the sponsorship of a private agency or corporation, other than a religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.
- (474) SCHOOL - PUBLIC OR PAROCHIAL:** A school under the sponsorship of a public or religious agency which provides elementary or secondary curricula, but not including private business or trade/commercial schools.
- (475) SCHOOL - TRADE OR COMMERCIAL:** A for-profit business that offers vocational instruction and training in trades such as the computer industry, welding, brick laying, machinery operation/repair, and similar trades.

- (476) SCREENING WALL:** (Also called *Solid Wall*.) A solid vertical barrier constructed of masonry materials that is intended to separate and limit visibility between that which is on either side of the barrier, for example adjacent land uses or site elements.
- (477) SEAMSTRESS, TAILOR OR LAUNDRY DRY CLEANING (RETAIL ONLY- DROP OFF/PICK UP):** An establishment that launders or dry-cleans garments, or cleaning elsewhere, and for the pressing and distribution of any such articles or goods that have been subjected to any such process for that purpose. This use also includes alteration of clothing or custom tailoring services;
- (478) SEAT:** One (1) sitting space equal to eighteen (18) inches of bench or pew width if other than an individual chair.
- (479) SECONDARY BUILDING SETBACK:** The area of a lot measured from a lot line to a secondary building.
- (480) SECURITY DWELLING:** An accessory dwelling incidental and subordinate to the primary use. The function of a security dwelling would be the protection and security of the primary use served.
- (481) SECURITY MONITORING COMPANY (NO OUTSIDE STORAGE):** A company that provides alarm monitoring and response for places of business or residential customers.
- (482) SETBACK LINE:** A line which marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a building plot.
- (483) SHALL:** As used in this Code, is mandatory and not discretionary.
- (484) SHARED USE OF TOWERS:** Also referred to as "Co-location". The use of a single antenna support structure and/or site by more than one communications provider.
- (485) SHED:** (Also referred to as *Tool Shed*.) An accessory structure typically used for storage that is: (1) constructed onsite; (2) securely affixed to the ground by means of a permanent foundation or with tiedowns designed to be used to anchor a shed to the ground; (3) resembles the main onsite structure in architectural style; and (4) does not exceed fifteen percent (15%) of the square footage of the main onsite structure in size.
- (486) SHELTERED CARE FACILITY:** A nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
- (487) SHOPPING CENTER OR INTEGRATED BUSINESS DEVELOPMENT:** A commercial development such as a strip center, mall, multi-tenant office building, commercial center, or industrial complex in which two (2) or more separate businesses occupy a single or multiple structure which share on-site parking and common driveways.
- (488) SIDEWALK:** Also called a *Walkway*. A paved pedestrian way generally located within the public street right-of-way but outside the roadway.

- (489) **SIGHT TRIANGLE:** A triangle-shaped area adjacent to the intersection of two streets, formed by two lines.
- (490) **SIGN:** Any object, device or display facing the exterior (outdoors), which is used to inform or give direction or to advertise or identify a person, organization, business, product, service, event or location by any means, including words, letters, numbers, symbols, figures, or illumination.
- (491) **SIGN, ALLOWABLE EFFECTIVE AREA:** The maximum effective sign area as allowed by the UDC, as measured from the highest point on the sign to the elevation of the center of the bottom of the sign (excluding base) by the width at the widest point (refer to *Figure 4-7*). The highest point and the width shall be inclusive of all supports and framing.
- (492) **SIGN COPY:** The letters, numbers, symbols or geometric shapes, either in permanent or changeable form, on the surface of a sign.
- (493) **SIGN PERMIT:** A City-issued permit that authorizes the display, erection, rebuilding, expansion or relocation of any on-premises or off-premises sign and that conforms to Chapter 4, Article 1, Division 2, Section 4.1.2.6 of this UDC.
- (494) **SIGN SHOP:** A business that sells signs and banners that are manufactured or fabricated onsite or at a different location.
- (495) **SIGN, ANIMATED:** A sign with any visual effect of a light source which causes the perception of movement of graphics or text.
- (496) **SIGN; ATTACHED:** Any sign attached to, applied on or supported by any part of a building or accessory structure, including awnings and other similar permanent attachments to the buildings. Also, may be referred to as “building sign”.
- (497) **SIGN, BANNER** A temporary sign that is designed to be attached or installed with rope, wire, or other temporary means to any part of the building façade, to allow ease of installation and removal.
- (498) **SIGN, BILLBOARD:** A, off-premise sign which is subject to regulation under the provisions of the Federal Highway Beautification Act, 23 U.S.C.A. Section 131 et seq., as amended.
- (499) **SIGN, BLADE:** A non-illuminated panel sign with dimensional copy suspended from a decorative bracket attached to the building, typically upon a merchant’s storefront, permitted for occupant identification purposes only, and limited to 1 blade sign per public entrance where public foot traffic occurs, and limited to two square feet per face.
- (500) **SIGN, BUILDER/SUBDIVISION:** Any sign that advertises 1) a new subdivision for the purpose of selling lots, land, and/or buildings and/or 2) a builder(s) that has lots, land, or buildings for sale. Such sign may or may not be directional.
- (501) **SIGN, COMMUNITY INFORMATION:** Any sign which promotes items of general interest to the community including time, temperature, date, atmospheric conditions and upcoming noncommercial events or charitable causes.
- (502) **SIGN, ELECTRONIC CHANGEABLE MESSAGE:** Any sign with a fixed or changing display/message composed of a series of lights that may be changed through

electronic means. Includes Electronic Changeable message board and scrolling signs.

- (503) SIGN, ELECTRONIC CHANGEABLE MESSAGE BOARD:** Any sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
- (504) SIGN, FLASHING/BLINKING:** Sign with a type of animation characterized by cyclical switching of visual content or colors between on and off states in rapid successive increments of less than four (4) seconds.
- (505) SIGN, FREESTANDING:** An on-premise sign which advertises an establishment and is located on the premises owned or controlled by said establishment, which is supported by a single vertical support anchored or set into the ground.
- (506) SIGN, GROUND:** Also referred to as a *Monument Sign*. A sign which is supported by one (1) monolithic structure which is not less in width than one-half ($\frac{1}{2}$) the maximum sign height, set upon the ground and is not part of a building, including ground signs that advertise for more than one occupancy on the premises (multi-tenant).
- (507) SIGN; ILLUMINATED:** A sign exposed to artificial lighting by light sources located on or in the sign or specifically directed toward the sign.
- (508) SIGN, MARQUEE:** A sign with slots or wires for inserting individual letters so that a message about products sold or services provided on the same premises may be changed.
- (509) SIGN, MONUMENT:** See *Ground Sign*.
- (510) SIGN, MULTI-TENANT:** An on-premise sign with the name of the primary on-site facility and a list of the individual stores or businesses mounted on such sign. Examples include signs describing a mall arrangement, a shopping center development, and industrial park complex, or a complex of buildings with a unifying name and group of businesses.
- (511) SIGN, MULTI-USER:** A ground sign used to advertise more than two (2) businesses that are part of an integrated business development. A multi-user sign shall be located on the premises of one of said businesses but shall be allowed to be off-premise signage as to the other businesses that are part of the integrated business development.
- (512) SIGN, NON-COMMERCIAL or NON-BUSINESS:** A sign with a message that does not contain or convey commercial context or information or advertising for any business, commodity, service, entertainment, product or other attraction or event.
- (513) SIGN, NONCONFORMING:** means any sign lawfully existing on the effective date of the ordinance from which the sign regulations in this Unified Development Code derive which does not conform to all the standards and requirements of this Unified Development Code.
- (514) SIGN, OFF-PREMISE PORTABLE:** An off-premise sign which is also a portable sign.

- (515) **SIGN, OFF-PREMISE:** A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
- (516) **SIGN, ON-PREMISE:** A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product principally located or primarily manufactured or sold on the premises on which the sign is located.
- (517) **SIGN, PERMANENT:** A sign designed to be anchored to the ground, a building or other structure for the duration of the use of the premises.
- (518) **SIGN, POLITICAL:** A sign that contains primarily a political message and that is located on private real property with the consent of the property owner.
- (519) **SIGN, PORTABLE:** Any sign designed or constructed to be easily moved from one location to another, including, but not limited to, signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, A-frame, or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this definition, trailer signs and signs on benches are “portable signs”.
- (520) **SIGN, REAL ESTATE:** A sign which has the purpose of advertising for sale a parcel of real property or an estate in land, including rentals.
- (521) **SIGN, SCROLLING:** Sign with a type of animation which causes displayed text or graphics to move continuously up, down, or across the screen, so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge.
- (522) **SIGN, SUBDIVISION IDENTIFICATION:** Any sign that is a permanent sign identifying an entrance to a residential or nonresidential (e.g., office park) subdivision.
- (523) **SIGN; SUSPENDED:** Signs which hang or are suspended from any projecting element off the façade of the building. This can include Blade Signs.
- (524) **SIGN, TEMPORARY:** Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials with short life expectancies. A portable sign shall not be considered a temporary sign.
- (525) **SIGN, TOTAL EFFECTIVE SIGN AREA:** The total effective area provided by a sign, measured from the highest point on the sign to the elevation of the center of the bottom of the sign (excluding base) by the width at the widest point (refer to *Figure 4-7*). The highest point and the width shall be inclusive of all supports and framing.
- (526) **SITE:** A tract of property that is the subject of a development application.
- (527) **SITE DEVELOPMENT PLAN:** The final step of the development process within a PD district, if required by the ordinance adopting the PD. Refer to Section 2.2.2.9 of this UDC.
- (528) **SITE PLAN:** A scaled and detailed drawing that conforms to the requirements of this UDC, specifically Chapter 4, Article 1, Division 1, and that shows the roads, parking, footprints of all buildings, existing trees, proposed landscaping, parkland, open

space, grading and drainage, and similar features needed to verify compliance with the City's approved land use plan and development standards.

- (529) SITE PREPARATION PERMIT:** A permit that is issued under Chapter 4, Article 1, Division 2, Section 4.1.2.2 of this Unified Development Code, that authorizes site preparatory activities other than construction or placement of a structure on the land under one or more site plans and that, upon approval, authorizes the property owner to apply for a construction permit.
- (530) SOCIAL & RECREATION BUILDING INCLUDING HOMEOWNERS ASSOCIATION NEIGHBORHOOD RECREATION CENTERS:** A building used for social and recreation events. Examples include a clubhouse or recreation center maintained by a homeowner's association in a neighborhood or similar housing community.
- (531) SPACE:** A plot of ground within a mobile home or manufactured housing park designed for the accommodation of one (1) mobile home or manufactured home, together with the open space as required by this UDC. This term also includes the terms "lot", "stand" and "site". *Space* may also mean any plot or parcel of ground upon which is erected any accommodation for any recreational vehicle or structures of a temporary nature for living and sleeping purposes.
- (532) SPECIAL EXCEPTION:** A City-authorized modification of zoning standards applicable to types of development within any zoning district in a manner consistent with the overall intent of the zoning regulations and for which express standards are prescribed in Chapter 2, Article 2, Division 5, Section 2.2.5.1 of this UDC.
- (533) SPECIALTY SHOP:** An establishment for the purpose of supplying limited specialty items for hobbies and other similar activities including but not limited to: antiques, art objects and supplies, ceramic supplies, books, camera and photo supplies, candy, florist, gifts, greeting cards, framing, stamps and coins, stationery, and tobacco.
- (534) STABLE, COMMERCIAL:** A facility used for the rental of a stall space/spaces, or for the sale or rental of horses or mules.
- (535) STABLE (PRIVATE, PRINCIPAL OR ACCESSORY USE):** A facility used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.
- (536) STONE MONUMENTS – FABRICATION AND OUTDOOR STORAGE:** An establishment that produces or manufactures monuments, statues, or other display objects made from stone or similar substance and may store said objects outside subject to the requirements of the Unified Development Code.
- (537) STONE MONUMENTS – RETAIL SALES ONLY (INDOORS):** An establishment that sells monuments, statues, or other display objects made from stone or similar substance.
- (538) STOOP:** A staircase on the facade of a building, usually constructed of concrete or stone, that leads either to a small unwallled entrance platform or directly to the main entry door.
- (539) STORAGE OF USED LUMBER AND BUILDING MATERIALS:** A business that stores and sells used lumber and other construction materials.

- (540) STOREFRONT WINDOWS:** The large glass window facing the front of the building in a commercial, retail or office structure.
- (541) STREET:** The entire width between property lines when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic. This definition shall include public as well as private streets. An “Alley” is not considered to be a street and is separately defined herein.
- (542) STREETScape:** The principal variables of streetscape are the type and dimension of curbs, walks, planters, street trees and streetlights.
- (543) STRUCTURE:** Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. Also see “Building”.
- (544) STUDIO, HEALTH REDUCING OR SIMILAR SERVICE:** Includes, but is not limited to, an establishment which provides facilities and equipment, such as gymnasiums, weight rooms, swimming pools or spas, exercise apparatus and instruction classes, which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only.
- (545) STUDIO OR LEARNING CENTER FOR FINE OR PERFORMING ARTS:** An establishment that allows for the tutoring of individuals in a variety of functions. Examples include martial arts studio, dance or drama studio or tutoring center and learning centers. Sale of musical instruments, sheet music, and accessory equipment may be provided as an accessory use.
- (546) STUDIO - TATTOO OR BODY PIERCING:** A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.
- (547) STUDIO FOR RADIO AND/OR TELEVISION (NO TOWER[S]):** A building or portion of a building used as a place for radio or television broadcasting.
- (548) SUBDIVIDE:**
- (a) Is the following when done for the purpose of sale or building development:
 - 1. The division of any tract of land into two or more tracts or lots; or
 - 2. The assembly of two or more tracts of land into one tract or lot.
 - (b) Is the following regarding changes to a recorded subdivision plat:
 - 1. A re-subdivision of all or part of the subdivision;
 - 2. Any change of lot size or lot lines; or
 - 3. The relocation of any street.
- (549) SUBDIVIDER:** Any person or any agent of the person dividing or proposing to divide land to constitute a subdivision, as that term is defined in this section. In any event,

the term “subdivider” is restricted to include only the owner, equitable owner or authorized agent of the owner or equitable owner of land to be subdivided.

- (550) SUBDIVISION:** Pertaining to land for which a plat has been recorded, *subdivision* means an area of subdivided lots; pertaining to the act of subdividing land, see the definition of *subdivide* herein.
- (551) SUBMITTAL DATE:** The date upon which the responsible City staff person makes a determination that a zoning or development application is complete, or when a fee receipt is issued by the City for the required application fee.
- (552) SURVEYOR:** A licensed state land surveyor or a registered professional land surveyor, as authorized by state statutes, to practice the profession of surveying.
- (553) SWIMMING POOL, COMMERCIAL:** A swimming pool with accessory facilities which is not part of the municipal or public recreational system, and which is not a private swim club, but where the facilities are available for use by the general public for a fee.
- (554) SWIMMING POOL, PRIVATE (USE ONLY BY RESIDENT):** A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with the City of Pearland Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
- (555) TAVERN:** A facility that derives more than 50% of its revenue from the sale of alcoholic beverages for consumption on the premises where the same are sold.
- (556) TAXIDERMIST:** A business where a craftsman stuffs and mounts the skins, antlers, or other parts of animals for display.
- (557) TCEQ:** The acronym for the Texas Commission on Environmental Quality.
- (558) TELEMARKETING AGENCY:** An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.
- (559) TELEPHONE EXCHANGE SWITCHING RELAY & TRANSMITTING EQUIPMENT:** A central system of switches and other equipment that establishes connections between individual telephones.
- (560) TEMPORARY OUTDOOR AMUSEMENT/ACTIVITY:** A temporary outdoor event or amusement activity such as a carnival, festival or craft-fair. Refer to City of Pearland’s Special Events Ordinance. Approval of a Temporary Commercial Permit is required.
- (561) TENNIS COURT (PRIVATE/LIGHTED):** A lighted tennis court for the use by members of a club or by a household at a residence.
- (562) TENNIS OR SWIM CLUB:** A recreational area containing a swimming pool or tennis courts or both with related facilities and/or clubhouse, all which facilities are available to the public through a private membership.

- (563) THEATER FOR THE PERFORMING ARTS:** A building or part of a building devoted to theatrical or performing arts production as a principal use but not including a drive-in theater, adult theater, or adult video.
- (564) THROUGH STREET:** A street that is not a cul-de-sac street and which intersects with at least two other streets that are not cul-de-sacs streets, at intersections that are 3-way or 4-way intersections.
- (565) TIEDOWN:** Any device designed for the purpose of anchoring a mobile home or manufactured home to ground anchors, as required by V.T.C.A., Occupations Code, Chapter 1201.
- (566) TIRE RETREADING AND CAPPING:** An establishment that refurbishes used automobile tires by remolding and attaching new treads.
- (567) TIRE SALES (OUTDOORS, WITH OPEN STORAGE):** A retail business that sells tires for vehicles also includes accessory installation. All outdoor storage will have to meet screening requirements of the Unified Development Code.
- (568) TOOL AND MACHINERY RENTAL (WITH OUTDOOR STORAGE):** An establishment that rents tools and machinery for patrons or businesses. All outdoor storage will have to meet screening requirements of the Unified Development Code.
- (569) TRANSFER STATION:** A transfer station is a building for the temporary deposition of some wastes. Transfer stations are often used as places where local waste collection vehicles will deposit their waste cargo prior to loading into larger vehicles or containers.
- (570) TRANSFER STORAGE & BAGGAGE TERMINAL:** An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.
- (571) TRANSIT TERMINAL:** Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.
- (572) TRAVEL TRAILER/RV PARK/CAMPGROUND:** An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. For the purpose of this definition, "temporary" means a maximum three-month time period.
- (573) TREE, LARGE SHADE:** A tree that is a minimum of three inches (3") in caliper at the time of planting and is a minimum planted height of eight feet (8') at the time of planting.
- (574) TREE, ORNAMENTAL:** A tree that is a minimum of two-inch (2") in caliper at the time of planting and is a minimum planted height of six feet (6') at the time of planting.
- (575) TREE PRESERVATION:** All definitions related to tree preservation are contained within Chapter 4, Article 2, Division 3, Section 4.2.3.2 of this UDC.
- (576) TRUCK:** See Heavy Load Vehicle.

- (577) TRUCK AND BUS LEASING:** The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.
- (578) TRUCK OR FREIGHT TERMINAL:** A location used for the transfer of freight or truck hauls typically located near a railway or other transit hub.
- (579) TRUCK SALES (HEAVY TRUCKS):** The display, sale or rental of new or used heavy load vehicles in operable condition.
- (580) TURF AND/OR TURFGRASS:** Continuous plant coverage consisting of grass species appropriately suited to the site where it was planted.
- (581) TXDOT:** The acronym for the Texas Department of Transportation.
- (582) UPHOLSTERY BUSINESS (WITH OUTDOOR STORAGE):** A business that upholsters or repairs upholstered furniture. All outdoor storage will have to meet screening requirements of the Unified Development Code.
- (583) USABLE OPEN SPACE:** An open area or recreational facility that is designed and intended to be used for outdoor, active or passive, recreation purposes. An area of usable open space has a slope that does not exceed ten percent (10%), and no dimension of less than ten feet (10'). An area of usable open space may also include landscaping elements (e.g., trees, ground cover), trails, recreational facilities, water features and decorative objects such as art or fountains.
- (584) USE:** The classification of the purpose or activity for which land or buildings are designated, arranged, intended, occupied or maintained.
- (585) UTILITY:** A business that provides an essential commodity or service, such as electric, gas transmission, and local telephone, and that is generally under government regulations. Unless otherwise specified, this term (or the plural "utilities") when used within this UDC refers to a public utility.
- (586) UTILITY SHOPS OR STORAGE, YARDS AND BUILDING:** A shop, storage, yard, or building that provides the necessary support of essential commodity or service, such as electric, gas transmission, and local telephone, and that is generally under government regulations. Unless otherwise specified, this term (or the plural "utilities") when used within this UDC refers to a public utility.
- (587) UTILITY, DRY:** Facility that provides a service for electricity, natural gas, telecommunications, cable television, and/or internet/data. Also referred to as private utility.
- (588) UTILITY, WET:** Facility that provides a service for potable water distribution, wastewater collection, and storm drainage. Also referred to as public utility.
- (589) VIDEO SALE or RENTAL:** An establishment primarily engaged in the retail sales or rental/lease of video tapes, films, CD-ROMs, and electronic media.
- (590) VISIBLE:** Capable of being seen by or perceptible to the general public.
- (591) VAPE, SMOKE, TOBACCO, CANNABIDIOL (CBD), OR HEAD SALES:** The incidental sale of vape, tobacco, or nicotine products including electronic cigarettes, electronic vaping, hookah, Cannabidiol (CBD) or similar products for consumption. This definition shall include instrument, device, article, or contrivance used, designed

for use, or intended for use in ingesting, smoking, administering, or preparing vape, tobacco, nicotine, Cannabidiol (CBD), or similar legal products. This definition may be conducted incidentally within a General Retail or similar use.

- (592) VAPE, SMOKE, TOBACCO, OR HEAD SHOPS:** A shop that specializes in the sale of vape, tobacco, or nicotine products including electronic cigarettes, electronic vaping, hookah, or similar products for consumption. Accessory uses to this definition shall include hookah cafes, tobacco clubs, tobacco bars, vape lounge or similar establishments. This definition shall include instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering, or preparing vape, tobacco, nicotine, or similar legal products. For an establishment to specialize in the sale of these products, the total sales of the products or floor space shall be greater than five percent of total sales or floor space.
- (593) VARIANCE:** Authorization to deviate from or vary one or more standards applicable to a development application that is reviewed and decided under Chapter 2, Article 2, Division 5, Section 2.2.5.2 of this Unified Development Code.
- (594) VESTED RIGHTS PETITION:** A request for relief from one or more standards of this Unified Development Code based on an assertion that the petitioner has acquired a vested right requiring the City to review and decide the application under standards in effect prior to the effective date of the standards of this Unified Development Code, under Chapter 1, Article 3, Division 3.
- (595) VIOLATION:** The failure of a structure or other development to fully comply with this article.
- (596) VISIBILITY TRIANGLE:** A triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points thirty-five feet (35') back from their intersection (such curb lines being extended if necessary, to determine the intersection point). Visibility triangle shall also mean a triangle sight area, on each side of a driveway where private driveways open into public streets, which shall include that portion of public right-of-way and any lot within a right triangle with the right angle at the point where the curb break begins and the sides forming the right angle being fifteen feet (15') long, one of which extends back along the adjacent curb and the other back toward the private property or parkway. (Also refer to the definition of Visibility Triangle as it applies to tree preservation in Section 4.2.3.2 of this UDC.)
- (597) WAIVER:** Authorization to deviate from or vary one or more standards applicable to a development application that is reviewed and decided under Chapter 1, Article 3, Division 4 of this Unified Development Code.
- (598) WALKWAYS:** Passages or paths for walking.
- (599) WAREHOUSE & DISTRIBUTION FACILITY:** An enclosed structure for the storage of goods for distribution or transfer to another location.
- (600) WATER FEATURES:** Features of a site that holds water temporarily or permanently. These may include either natural features (lakes, wetlands, rivers, creeks, etc.) or artificial features (retention and detention ponds, fountains, ditches, and canals).

- (601) WAREHOUSE STORAGE or DISTRIBUTION FACILITY OR WHOLESALE WAREHOUSE:** Building or facility used for the storage and/or distribution of wholesale items/products.
- (602) WHOLESALE DISTRIBUTOR:** An establishment or place of business primarily engaged in the selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or engaged in acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- (603) WHOLESALE TRADE – NONDURABLE GOODS:** A wholesaler that sells nondurable goods such as flowers, cosmetics and textiles.
- (604) WRECKING OR SALVAGE YARD (AUTO, STEEL, OR BUILDING MATERIALS):** A yard or building where motor vehicles, parts of motor vehicles, building materials, or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as scrap or processed metal.
- (605) XERISCAPE:** Quality landscape that conserves water, protects the environment, and is drought tolerant and adaptable to local conditions. The principles of xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.
- (606) YARD:** Open space on the lot or parcel on which a building is situated, between the property line and an imaginary straight line that incorporates the nearest face of the main building and drawn to bisect the property, which is open and unobstructed to the sky by any structure except as herein provided.
- (607) YARD, FRONT:** That portion of the yard located between the front property line and a parallel imaginary straight line through the point nearest the front property line in the front-most face of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.
- (608) YARD, FRONT (FLAG LOT):** The distance between the front of the building and the point nearest the abutting street where the lot satisfies applicable width requirements.
- (609) YARD, REAR:** That portion of the yard located between the rear property line and an imaginary straight line parallel to the front property line through the point nearest the rear property line in the rearmost face of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.
- (610) YARD; REQUIRED** an area being equal to the required setback areas (front, side, and rear) for a given zoning district.
- (611) YARD, SIDE:** That portion of the yard bounded by the front yard, the rear yard, the side property line, and the side facade of the principal building(s). Refer to Chapter 2, Article 6, Division 1 for diagrams related to this definition.

Ord. No. 2000T-1, Section 5.1.1.1, July 10, 2006.

Ord. No. 2000T-2, Section 5.1.1.1, February 23, 2007.

Ord. No. 2000T-3, Section 5.1.1.1, July 9, 2007.

Ord. No. 2000T-4, Section 5.1.1.1, September 24, 2007.
Ord. No. 2000T-5, Section 5.1.1.1, October 22, 2007.
Ord. No. 2000T-8, Section 5.1.1.1, August 25, 2008.
Ord. No. 2000T-11, Section 5.1.1.1, July 27, 2009.
Ord. No. 2000T-12, Section 5.1.1.1, June 28, 2010.
Ord. No. 2000T-13, Section 5.1.1.1, October 24, 2011.
Ord. No. 2000T-14, Section 5.1.1.1, January 14, 2013.
Ord. No. 2000T-15, Section 5.1.1.1, June 24, 2013.
Ord. No. 2000T-16, Section 5.1.1.1, December 16, 2013.
Ord. No. 2000T-21, Section 5.1.1.1, September 12, 2016.
Ord. No. 2000T-30, Section 5.1.1.1, August 26, 2019.
Ord. No. 2000T-32, Section 5.1.1.1, August 24, 2020.
Ord. No. 2000T-36, Section 5.1.1.1, February 14, 2022.
Ord. No. 2000T-38, Section 5.1.1.1, October 24, 2022.