

## Article 4 – Zoning Districts

### Division 1 – Zoning Districts Established

#### Section 2.4.1.1 Uniformity

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

#### Section 2.4.1.2 Division Into Zoning Districts

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

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

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

## Division 2 – Residential Zoning Districts

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

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

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

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

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

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

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

- (a) **Purpose.** The Suburban-Residential-15 District (SR-15) is intended to permit the low-density residential development of detached single-family dwelling units and appropriate desirable open space.

- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Lot Area - Fifteen thousand (15,000) square feet
    - b. Minimum Lot Width - One hundred feet (100')
    - c. Minimum Lot Depth - Ninety feet (90')
    - d. Maximum Lot Coverage - Fifty percent (50%)
  - (2) Size of Yards:
    - a. Minimum Front Yard - Thirty feet (30'); twenty-five feet (25') feet for cul-de-sac lots and thumbnail lots.
    - b. Minimum Side Yard – Ten feet (10'); equal to the front yard when abutting a street right-of-way.
    - c. Minimum Rear Yard – Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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

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

- (a) **Purpose.** The Suburban-Residential-12 District (SR-12) is intended to permit the low-density residential development of detached single-family dwelling units and appropriate desirable open space.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) Size of Lots:

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

(2) Size of Yards:

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

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

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

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

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

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

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

(a) **Purpose.** The Single-Family Residential-1 District (R-1) is intended to permit the low-density residential development of detached single-family dwelling units and appropriate desirable open space.

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

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

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Area - Eight thousand and eight hundred (8,800) square feet
- b. Minimum Lot Width - Eighty feet (80')

- c. Minimum Lot Depth - Ninety feet (90')
- d. Maximum Lot Coverage - Sixty percent (60%)

(2) Size of Yards:

- a. Minimum Front Yard – Twenty-five feet (25'); twenty feet (20') feet for cul-de-sac lots and thumbnail lots.
- b. Minimum Side Yard
  - 1. Seven feet and six inches (7'-6"); except as modified below:
  - 2. For lots platted prior to February 27, 2006 side setbacks may be decreased to 5' with a minimum separation of 15' between homes.
  - 3. Corner Lot:
    - a) Equal to the front yard when abutting a street right-of-way.
    - b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.
- c. Minimum Rear Yard
  - 1. Twenty feet (20')
  - 2. Twenty feet (20') when adjacent to a thoroughfare or collector roadway if a ten-foot (10') landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f)
  - 3. Thirty feet (30') when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10') landscape reserve.

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

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

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

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

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

- (a) **Purpose.** The Single-Family Residential-2 District (R-2) is intended to permit the low-density residential development of detached single-family dwelling units and appropriate desirable open space.

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

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

(c) **Area Regulations.**

(1) Size of Lots:

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

(2) Size of Yards:

a. Minimum Front Yard

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

b. Minimum Side Yard

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

3. Corner Lot:

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

c. Minimum Rear Yard

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

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

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

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

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

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

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

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

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

- (a) **Purpose.** The Single-Family Residential-3 District (R-3) is intended to permit the development of detached single-family dwelling units and appropriate desirable open space. The R-3 District should be located to provide a buffer between lower density residential and non-residential zoning districts.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Lot Area - Six thousand (6,000) square feet
    - b. Minimum Lot Width - Sixty feet (60')
    - c. Minimum Lot Depth - Ninety feet (90')
    - d. Maximum Lot Coverage - Sixty percent (60%)
  - (2) Size of Yards:
    - a. Minimum Front Yard
      1. Twenty-five feet (25').
      2. Twenty feet (20') feet for cul-de-sac lots and thumbnail lots.
    - b. Minimum Side Yard
      1. Seven feet and six inches (7'-6"); except as modified below:
      2. For lots platted prior to February 27, 2006 side setbacks may be decreased to 5' with a minimum separation of 15' between homes.
      3. Corner Lot:
        - a) Equal to the front yard when abutting a street right-of-way.
        - b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.



- c. Minimum Rear Yard –
  - 1. Twenty feet (20’);
  - 2. Twenty feet (20’) when adjacent to a thoroughfare or collector roadway if a ten-foot (10’) landscape reserve is located between the property line and the right-of-way line in accordance with 4.2.2.5(f).
  - 3. Thirty feet (30’) when adjacent to a thoroughfare or collector roadway and there is no ten-foot (10’) landscape reserve.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35’) in height.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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

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

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

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

- (a) **Purpose.** The Single-Family Residential-4 District (R-4) is intended to permit the development of traditional single-family homes and patio homes and appropriate desirable open space. The R-4 District should be located to provide a buffer between lower density residential and non-residential zoning districts.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Lot Area - Five thousand (5,000) square feet
    - b. Minimum Lot Width - Fifty feet (50’)
    - c. Minimum Lot Depth - Ninety feet (90’)
    - d. Maximum Project Coverage - Fifty percent (50%)
    - e. Minimum Gross Site Area - Every residential tract that is developed for patio homes shall have a minimum gross site area of twenty-five thousand (25,000) square feet.

- f. Maximum Gross Site Area - Every residential tract that is developed for patio homes shall have a maximum gross site area of forty (40) acres.

(2) Size of Yards: (See *Figure 2-1.*)

- a. Minimum Front Yard - Twenty feet (20')
- b. Minimum Side Yard

- 1. Detached homes

- A. Seven feet and six inches (7'-6") except as modified below:

- B. Corner Lot:

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

- 2. Patio homes

- A. Interior Lot:

- i) Fifteen feet (15') on one side for the full depth of the lot; the alternate side may be zero feet (0') maximum.
    - ii) A five-foot (5') wide maintenance, drainage, and roof overhang easement extending the full depth of the lot shall be designated along the side property line which abuts the zero side yard on an adjacent lot.

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

- C. Corner Lot:

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

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

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

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

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

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

(1) In all areas where patio homes are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.

(2) The minimum area of any common open space shall be six thousand (6,000) square feet.

(3) The minimum dimension of any common area shall be eighty feet (80').

(4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.

(5) Each required area of common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.

(6) Facilities such as pedestrian ways and outdoor swimming pools may be included as part of the required common open space.

(7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.

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

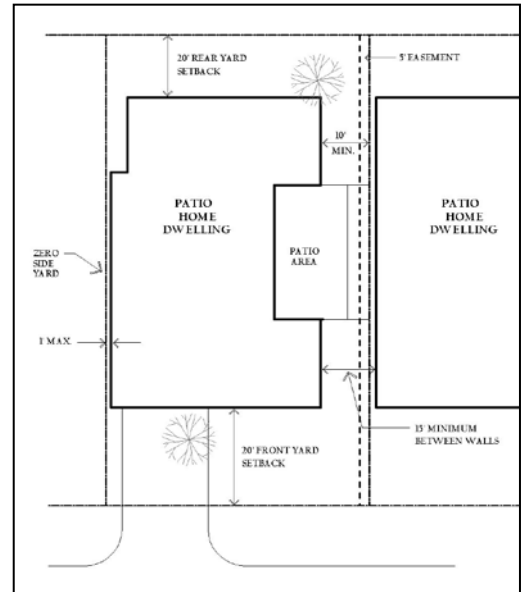


Figure 2-1: Patio Home Yards

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

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

### Section 2.4.2.9 TH, Townhouse Residential District

(a) **Purpose.** The Townhouse Residential District (TH) is intended to permit the development of attached townhouse units. The TH District should be located to provide a buffer between lower density residential and non-residential zoning districts.

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

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

(c) **Area Regulations.**

(1) Size of Lots:

- a. Minimum Lot Area - Three thousand (3,000) square feet
- b. Minimum Lot Width - Thirty feet (30')
- c. Minimum Lot Depth - Ninety feet (90')
- d. Maximum Project Coverage - Fifty percent (50%)
- e. Permitted Length for Attached Townhouse Units - A complex of attached townhouse dwelling units shall have a minimum length of three (3) dwelling units, and shall not exceed two hundred feet (200') in length or the width of six (6) attached units, whichever is less.
- f. Maximum Gross Site Area - Every residential tract that is developed for townhouses shall have a maximum gross site area of forty (40) acres.

(2) Size of Yards:

- a. Minimum Front Yard - Twenty feet (20')
- b. Minimum Side Yard
  1. Interior Lot: Zero, except as noted below.
  2. Minimum Building Separation: Fifteen feet (15') for the ends of any two (2) adjacent building complexes or rows of buildings.
  3. Corner Lot:
    - a) Equal to the front yard when abutting a street right-of-way.
    - b) A minimum of fifteen feet (15') adjacent to a street and ten feet (10') adjacent to a rear yard.
- c. Minimum Rear Yard – Ten feet (10')

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

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

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

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

- (1) In all areas where townhouses are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.
- (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
- (3) The minimum dimension of any common area shall be eighty feet (80').

- (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
- (5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
- (6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.
- (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
- (h) **Single-Family Uses.** Any single-family development that occurs within the TH Zoning District shall meet the requirements of the R-3 Zoning District.
- (i) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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Ord. No. 2000T-3, Section 2.4.2.9, July 9, 2007.

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

- (a) **Purpose.** The Multiple-Family Residential District (MF) is intended to permit the development of multiple-family (apartment) residences and associated uses. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and non-residential development or high-traffic roadways.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Gross Site Area - Every tract that is developed for multiple-family use shall have a minimum gross site area of twenty thousand (20,000) square feet.
    - b. Minimum Site Width - Every tract that is developed for multiple-family use shall have a minimum site width of one hundred twenty-five feet (125').
    - c. Maximum Project Coverage - Forty percent (40%)
  - (2) Size of Yards:
    - a. Minimum Front Yard – Twenty-five feet (25')
    - b. Minimum Side Yard
      - 1. One-Story Building: Ten feet (10').
      - 2. Buildings Over One-Story: Ten feet (10'), with an additional five feet (5') for each story thereafter.

3. Every part of a required yard or court shall be maintained as open space, provided that ordinary projections may extend into a side yard or court a maximum of twenty-four inches (24"). Also see Section 2.6.1.1(f)(2).
  - c. Minimum Rear Yard – Twenty-five feet (25'); thirty feet (30') when adjacent to a thoroughfare or collector roadway, except if landscaping is provided and is visible from (i.e., there is no fence or other visible obstruction) the thoroughfare or collector).
    - (3) Maximum Number of Dwelling Units: Sixteen (16) dwelling units per gross acre of land used for residential purposes.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height except as allowed by Conditional Use Permit.
- (e) **Accessory Buildings.** Accessory buildings shall meet the requirements of Chapter 2, Article 5, Division 3 of this UDC.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.
- (g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.
  - (1) In all areas where multiple-family units are developed, there shall be at least nine hundred (900) square feet of common open space per dwelling unit.
  - (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
  - (3) The minimum dimension of any common area shall be eighty feet (80').
  - (4) Each area of common open space shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
  - (5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
  - (6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required common open space.
  - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
  - (8) The landscaped buffer required in this Subsection (n) below may be counted toward meeting this common open space requirement.
- (h) **Maximum Percentage of Efficiency Units.** A maximum of twenty-five percent (25%) of the dwelling units within a multiple-family development shall be efficiency units.
- (i) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC. Screening elements shall be consistent in color and material with the multiple-family development.

- (j) **Parking.** Parking shall be provided as required in Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (k) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (l) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). The location of such containers shall be limited to the side or rear of the development, whichever has the least impact on the view from the adjacent roadway(s) and development(s).
- (m) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area. Other landscaping requirements shall be provided in conformance to Chapter 4, Article 2, Division 2 of this UDC.
- (n) **Adjacent to a Single-Family or Nonresidential Use or Zoning District.** When a multiple-family development is established on a tract of land that is adjacent to a single-family development, to property zoned for single-family use, to a nonresidential use, or to property zoned for nonresidential use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscape buffer may be counted toward other landscaping requirements, but shall not be counted toward landscaping required in the front yard area.
- (o) **Single-Family Uses.** Any single-family development that occurs within the MF Zoning District shall meet the requirements of the R-3 Zoning District.
- (p) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MF Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.
- (q) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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

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

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

- (a) **Purpose.** The Manufactured Home Park District (MH) is intended to provide basic and uniform regulations and performance objectives to establish reasonable standards and safeguards to insure the safety, health and welfare of the occupants and users of manufactured home park areas. These requirements shall be used in conjunction with the other mobile/manufactured home regulations as set in Chapter 4, Article 2, Division 6 of this UDC.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

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

**(c) Area Regulations.**

(1) Size of Lots:

- a. Minimum Gross Site Area - Every residential tract that is developed for manufactured home uses shall have a minimum gross site area of three (3) acres.
  - b. Minimum Site Width - Every residential tract that is developed for manufactured home uses shall have a minimum site width of one hundred fifty feet (150').
  - c. Maximum Project Coverage - Thirty percent (30%)
  - d. Minimum Site Depth - Every residential tract that is developed for manufactured home uses shall have a minimum site depth of two hundred fifty feet (250').
  - e. Minimum Lot Area - Six thousand (6,000) square feet.
  - f. Minimum Lot Width - Sixty feet (60').
  - g. Minimum Lot Depth - Ninety feet (90')
- (2) Minimum Size of Dwelling Unit: Every dwelling unit in this district shall have a minimum floor area of six hundred (600) square feet.
- (3) Size of Yards:
- a. Minimum Front Yard - Ten feet (10')
  - b. Minimum Side Yard - Ten feet (10')
  - c. Minimum Rear Yard - Ten feet (10'); twenty feet (20') when adjacent to a thoroughfare or collector roadway (see Subsection (l) below).
- (4) Maximum Number of Dwelling Units: Five (5) dwelling units per gross acre of land used for residential purposes.

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

**(e) Accessory Buildings.**

- (1) There shall be storage facilities which shall not be within any required yard with a minimum capacity of two hundred (200) cubic feet per mobile home space. These shall be provided for each space or in compounds located within one hundred feet (100') of each space. Wherever provided, storage facilities shall be constructed of non-combustible materials.
- (2) Additional accessory buildings, including an office(s) for the manufactured home park, community facilities, house for the owner/manager of the manufactured home park, not exceeding ten percent (10%) of the gross site area shall be permitted behind any building line, provided, however, such accessory buildings shall be solely for the convenience and necessity of the inhabitants of the park.
- (3) Also refer to Chapter 2, Article 5, Division 3 of this UDC.

(f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the management and maintenance of such common land and/or facilities.



- (g) **Common Open Space.** Common open space is considered common area and shall be maintained as such in accordance with Subsection (f) above. In addition, the following shall be required for common open space.
- (1) In all areas where a manufactured home park is developed, there shall be at least six hundred (600) square feet of common open space per dwelling unit.
  - (2) The minimum area of any common open space shall be six thousand (6,000) square feet.
  - (3) The minimum dimension of any common open space area shall be eighty feet (80').
  - (4) Each common open space area shall be within three hundred feet (300') of all dwelling units intended to be served by the common open space, measured along a route of pedestrian access.
  - (5) Each area of required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities.
  - (6) Facilities such as pedestrian ways and outside swimming pools may be included as part of the required open space.
  - (7) Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required common open space.
  - (8) The landscaped buffer required in this Subsection (m) below may be counted toward meeting this common open space requirement.
- (h) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (i) **Parking.** A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. Parking shall also be in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (j) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (k) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s). Such containers shall not be located within side or rear yard areas.
- (l) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (m) **Adjacent to a Single-Family or Nonresidential Use or Zoning District, Adjacent to the Roadway.**
- (1) When a manufactured home park is established on a tract of land that is adjacent to a single-family development, to property zoned for single-family use, to a nonresidential use, or to property zoned for nonresidential use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy.

- (2) Along all roadways adjacent to a manufactured home park, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such uses or districts. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.
- (n) **Single-Family Uses.** Any single-family development that occurs within the MH Zoning District shall meet the requirements of the R-3 Zoning District.
- (o) **Patio Home & Townhouse Uses.** Any patio home development that occurs within the MH Zoning District shall meet the requirements of the R-4 Zoning District, and any townhouse development that occurs shall meet the requirements of the TH Zoning District.
- (p) **Multiple-Family Uses.** Any multiple-family development that occurs within the MH Zoning District shall meet the requirements of the MF Zoning District.
- (q) **Street Right-of-Way.** All streets within the site shall have a sixty-foot (60') minimum right-of-way to provide sufficient access for oversized vehicles. Such roadways shall be designed and constructed consistent with the City's standards for minor collector streets.
- (r) **Mobile/Manufactured Home Space Improvements.**
- (1) Paving - All wheels of structural supports shall be placed on an approved foundation as set forth by the Building Inspection Department.
  - (2) Sanitary Facilities - Refer to requirements within Section 4.2.6.7 of this UDC.
  - (3) Anchoring Devices - Each mobile home space shall be provided with tie-down anchors as provided by State and Federal Regulations.
  - (4) Utilities - All utility service shall be underground.
- (s) **Other Regulations.** The development shall conform with all applicable provisions of the Mobile Home Ordinance No. 179 (and subsequent amendments) of the City of Pearland and all other applicable City and State Regulations.
- (t) **Mobile Home Replacement.** A mobile home as defined herein is one that was constructed before July, 1976. A manufactured home as defined herein is one that has been constructed after July, 1976. Any mobile home that is deemed a legal, conforming use and that is in need of replacement shall only be replaced with a manufactured home constructed after July, 1976.
- (u) **Outside Storage.** Outside storage in the front yard is prohibited, except for storage within leased portable containers such as PODS for not longer than seven (7) calendar days.

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

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

## Division 3 – Mixed Use Zoning Districts

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

(a) **Purpose.** The purpose of the Spectrum District is to provide a visually cohesive district that allows for diverse land uses within one overall District and to provide a zoning district that is consistent with the recommendations within the City's adopted *2004 Comprehensive Plan Update*. The Spectrum District is comprised of five (5) Sub-Districts that provide areas for these different land uses in a compatible manner. The requirements for development within each district are contained herein. The Sub-Districts are as follows:

- (1) District S1: The Beltway District: The S1 Sub-District is intended for nonresidential development that typically desires high visibility from major thoroughfares. Retail uses such as shops and restaurants should be the primary uses within this Sub-District. A "mall-like" setting, either indoor or outdoor, would be ideal for these locations. Pedestrian circulation should be a prime consideration. In addition, science and technology related office uses (also referred to as "tech-flex") and/or "Class A" office uses developed within a business park or corporate campus would also be appropriate. In addition, development should respect natural features such as creeks and drainage ways by integrating such features into the overall design of the site(s).
- (2) District S2: The Mixed Use District: The S2 Sub-District is appropriate for a variety of land uses, including hotels, a conference center/convention center, tourism-oriented uses, commercial, light industrial, and science and technology related uses. This wide variety of acceptable uses is intended to allow for optimum market flexibility for development within the S2 area. Any commercial and/or light industrial uses developed should be within a business park or corporate campus with buildings and parking situated such that a feeling of open space is created, and business activities should take place wholly within buildings. Development should also respect natural features such as creeks and drainage ways by integrating such features into the overall design of the site(s). Walkability and pedestrian-orientation is important for this site due to its central location within the overall Spectrum District.
- (3) District S3: The Mixed Use–High Density Residential District: The S3 Sub-District is intended for Traditional Neighborhood Design (TND), which is characterized by a vertical mix of nonresidential and residential uses, with retail and/or office uses on the ground floor and residential uses above. In addition, consistent with other areas of the Spectrum District, commercial, and light industrial science and technology related uses developed within a business park or corporate campus would also be appropriate within the S3 area. Compatibility with residential uses should be an important design consideration.
- (4) District S4: The Light Industrial and Science & Technology District: The S4 Sub-District is intended for light industrial uses that may have some business activity that takes place outside and/or some outside storage of materials. To maintain the quality of the Spectrum District, however, such outside activity and/or storage should be screened. The S4 Sub-District should provide positive

transition between development within the S5 Sub-District (discussed below) and the S2 Sub-District. Design guidelines should ensure that businesses provide an aesthetically pleasing view from the planned roadways.

- (5) District S5: The Light & Heavy Industrial District: The S5 Sub-District is intended for light or heavy industrial development that may have outside business activity and outside storage. Much of the development to the south and west of the Spectrum District area is characterized by heavy commercial and industrial businesses, and the S5 Sub-District should provide transition between these existing uses and the development within the S4 Sub-District. Design guidelines should be established to ensure that future development provides an aesthetically pleasing view from the planned roadways.

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

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

(c) **Area Regulations.**

(1) Size of Lots:

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

(2) Size of Yards:

- a. Minimum Front Yard - Fifty-five feet (55') along Kirby Drive; fifty feet (50') along Spectrum Drive; twenty feet (20') along all other roadways
- b. Minimum Side Yard – Twenty-five feet (25')
- c. Minimum Rear Yard – Twenty-five feet (25')
- d. Landscaped Buffer Permitted - The landscaped buffer required within the Spectrum District may be located within the required front yard area.

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

(1) Primary Exterior Materials:

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

- 8. Wall Panel Systems,
- 9. Spandrel Wall Systems

(2) Coloration:

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

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

(1) Permitted Materials:

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

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

(3) Prohibited Materials:

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

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

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

(1) Standards:

- a. Required - Screening walls are required for the following:
  - 1. Service loading dock areas
  - 2. Outside storage
  - 3. Refuse and/or recycling areas and containers
  - 4. Mechanical and utility equipment areas
  - 5. Roof apparatus (including ventilation, HVAC, or other such equipment), which shall be completely screened from all sides by screening walls of the same material and color as the main building.
- b. Height

1. Detached screening walls shall be a maximum height of eight feet (8').
  2. Attached screening walls shall be a maximum height of fourteen feet (14').
- c. Use - Gates for screening enclosures shall be solid metal on a metal frame, and shall be kept closed when the screened area is not in use.

(2) Materials & Characteristics:

- a. Materials - Screening walls that are attached to the primary structure shall be constructed of the same finish material as the dominant exterior material of the primary structure.
- b. Detached Screening - Areas to be screened (except parking areas) that are detached from the primary structure:
  1. By a distance of more than thirty feet (30') shall be screened with masonry walls that conform to the masonry material standards of this Spectrum District.
  2. By a distance of more than fifty feet (50') may be screened with an evergreen landscape screen comprised of plant materials that form a one hundred percent opaque screen.
- c. Parking Area Screening - Parking area screening shall be accomplished with a berm and/or planted edge of evergreen shrubs and trees. Berms used for parking lot screening shall not exceed four feet (4') in height and shall have a slope from the street of four feet (4') in height to one foot (1') in distance (4':1'). The total parking lot edge concealed by drifts of planted shrubs shall not be less than seventy-five percent (75%).
- d. Roof-Mounted Utility Equipment - Roof-mounted utility equipment shall be screened with a material that is consistent in color and finish of the structure upon which the equipment is located.
- e. Variation of Screening Walls Required - All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length

(g) **Landscaping Requirements.**

- (1) Landscape Buffer: The required minimum landscape buffer shall be provided along the street rights-of-way according to the following:
  - a. Along Kirby Drive - A minimum thirty-foot (30') landscape buffer shall be provided along the street R.O.W.
  - b. Along Spectrum Drive - A minimum twenty-foot (20') landscape buffer shall be provided along the street R.O.W.
  - c. Along State Highway 288 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
  - d. Along Beltway 8 - A minimum thirty-five-foot (35') landscape buffer shall be provided along the street R.O.W.
  - e. Screening walls and parking areas shall not be located within this landscape buffer.

- f. Retaining walls may be constructed along the perimeter of this landscape buffer.
- (2) Berms: Berms shall only be located within the landscape buffer when they are used to screen parking areas. In such cases, berms shall have maximum slope from the street of four feet (4') in height to one foot (1') in distance (4:1).
- (3) Retaining Structures: Retaining walls, planter walls, and other retaining structures shall be constructed of the same material as the primary on-site structure.
- (4) Natural Drainage: Natural drainage patterns shall be maintained where possible. Grass swales or storm sewer pipes shall be used in landscape areas. Open, concrete channels or flumes shall not be permitted.
- (5) Parking Lot Landscaping:
- a. Landscaping & Screening
1. The requirements for landscaped areas herein may be met by one large landscaped area or by smaller landscaped areas throughout the parking area.
  2. Landscaped areas shall be provided at a ratio of twenty-five (25) square feet per space. Landscape areas shall not be provided such that areas are only around the perimeter of the parking lot.
  3. Landscape islands shall be a minimum of six feet (6') in width and one hundred and seventy (170) square feet in area, measured by the inside curb dimension.
  4. The design of landscaping areas shall allow a minimum clearance of four feet (4') between the front edge of the curb and the trunk of trees planted within such areas.
  5. Parking spaces shall be within one hundred feet (100') from a landscaped parking island.
  6. Parking area landscaping shall be designed with asymmetrical geometries that lend informality to the overall aesthetic; large landscape islands with varying geometries are preferred to a rhythmic pattern of a single small island every few spaces.
  7. Parking area screening shall conform to the requirements of subsection (f)(2)c. of this District.
- b. Canopy Trees
1. Canopy trees shall be provided at a ratio of one (1) canopy tree per three thousand (3,000) square feet of the total parking lot square footage.
  2. Canopy trees shall be planted within the landscaped areas (those required above). If sufficient space is not available within the landscaped areas, canopy trees may be located along the parking lot perimeter.
- (6) Street Landscaping: Along the street right-of-way frontage of any parcel and within the required landscape buffer, one (1) two-inch (2") caliper tree shall be planted for every fifty feet (50') of frontage. Trees may be clustered together, however, the number of trees required shall not decrease.

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

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

**(h) Building Layout.**

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

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

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

a. The loading areas and/or service bays of a structure shall be located to the side of the structure that does not face the roadway, with the following exception.

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

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

**(i) Site Access.**

(1) Access Within One Site: Adequate access from different areas within a site shall be provided such that vehicles are not required to enter the street to move from one area to another on the same site.

(2) Access From Site-to-Site: Adequate access between sites shall be provided such that vehicles are not required to enter the street to move from one site to another site; cross-access shall be required.

(3) General: Access shall be provided in accordance with the City’s Engineering Design Criteria Manual.

**(j) Parking.**

(1) Parking Area Locational Requirements:

a. A ten-foot (10’) landscape edge shall be provided between the parking area and the building. This requirement does not apply to loading/unloading areas.

b. Parking lots may be constructed within the building setback area, but shall not be constructed within the landscape buffer.

c. Parking structures shall not be constructed within the building setback area or within the landscape buffer.

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



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

- (1) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of a public right-of-way. This easement may be within the required landscaped buffer.
- (2) Curved Alignment Required: The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the State Highway 288 frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.
- (3) Construction Criteria: Construction criteria for the required sidewalk:
  - a. Minimum six feet (6') wide.
  - b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
  - c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
  - d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
  - e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
  - f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- (4) Connection to the Building: A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. The connecting sidewalk shall be accessible, readily visible, and paved.

(l) **Lighting.**

- (1) Uniformity: Standards, poles, and fixtures shall be a single color, uniform in design throughout the site. When development is adjacent to Kirby Drive and/or Spectrum Drive, lighting shall be uniform along the roadway(s).
- (2) Prohibited Poles: Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.
- (3) Height: Standards, poles, and fixtures shall be no taller than the height of the building being served.
- (4) Walkway Lighting: Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
- (5) Accent Lighting:
  - a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.

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

(m) **Building Design.**

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

- (2) **Roof Form:**

- a. **Roof-to-Wall Connections**

- 1. Roof-to-wall connections that replicate the qualities of residential or smaller scale construction are not permitted; therefore, residentially scaled overhangs and soffits are not permitted.
    - 2. Flat roofs shall be concealed with a solid parapet. Building walls capped with a gravel stop are not permitted.

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

- (3) **Definition of Building Entrances:**

- a. **Recesses, Protected Doorway** - The door for public access in to the structure shall be architecturally projected (or recessed) from the structure within an architectural expression of entry. The architectural variation shall conform with the guidelines set forth in Section 2.4.5.1 (d) (1) b.
  - b. **Coordinated With Landscaping** - All public entries into the structure must bear a relationship to the landscape development of the site. Pathways leading to the entry must be articulated within the landscape design, through the use of such devices as a widened pathway with accent planting, a plaza, or a water feature.
  - c. **Pedestrian Relationship** - Architectural devices such as decorative paving, banners, flags, sculptures, decorative walls, or other special architectural details of the building meant for the close view of the entry participant shall be used to enhance entrances.

- (n) **Retail Arcades/Canopies:** Retail uses shall provide pedestrian arcades or canopies in front of retail structures.

- (1) **Arcades** - Arcades shall:

- a. Have a minimum dept of ten feet (10'),
    - b. Be supported by masonry columns clad with the same material as the dominant exterior material of the retail use behind, and
    - c. Be an extension of the architectural character of the retail spaces by having architectural tie ins such as bands, opening articulation, and/or rhythmic modulation of openings.

- (2) Canopies - Canopies may be provided in lieu of arcades if the canopy maintains a pitched or curved roof form, has the same depth dimension as an arcade, and is supported by masonry supports clad with the dominant exterior material of the retail use.
- (o) **Glass.** Windows and other wall openings must be defined by function and structure and must be consistent in form, pattern, articulation, and color.
  - (1) Reflective glass shall not be permitted; glass shall not have a reflectivity that exceeds twenty-seven percent (27%)
  - (2) Glass shall have a character of transparency. Tinted glass may be used, however, the tinting shall not reduce the light transmission to less than thirty-five percent (35%).
- (p) **Signage.**
  - (1) General Standards: The following standards shall apply to all signs.
    - a. Permitted Signs
      - 1. On-Premise Ground Signs, for the purpose of business identification
      - 2. On-Premise Building Signs, for the purpose of business identification
      - 3. On-Site Directional Signs
      - 4. On-Site Information Signs
    - b. Prohibited Signs
      - 1. Roof-mounted signs
      - 2. Signs extending above a roofline or parapet wall
      - 3. Signs attached to exterior glass
    - c. Unified Design - Signs within one development shall conform to a unified design.
  - (2) Ground Sign Standards:
    - a. One (1) ground sign shall be permitted for each site.
    - b. Sites with multiple street frontage shall be permitted one (1) sign per street frontage.
    - c. Signs shall be constructed of the same material as the site/building identified;
    - d. Signs shall be surrounded by a landscape bed(s) that extend a minimum of three feet (3') from the base of the ground sign structure
  - (3) Building Signs:
    - a. The total area of all building signs on the front facade of a structure shall be equal to a maximum of thirty percent (30%) of the total front façade area.
    - b. The total area of all building signs on facades other than the front façade (i.e., back and side facades) shall be equal to a maximum of 15% of the total front façade area.

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

- (1) **Height:** Permitted heights within the Spectrum District are as follows:
    - a. District S1, The Beltway District - Maximum of ten (10) stories
    - b. District S2, The Mixed Use District - Maximum of six (6) stories
    - c. District S3, The Mixed Use–High Density Residential District
      1. Maximum of six (6) stories for structures with nonresidential uses only
      2. Minimum of four (4) stories for structures with a mixture of residential and nonresidential uses
    - d. District S4, The Light Industrial and Science & Technology District - Maximum of four (4) stories
    - e. District S5, The Light & Heavy Industrial District - Maximum of four (4) stories
  - (2) **Outside Storage:** Outside storage is permitted within the S-4 Sub-District and the S-5 Sub-District, and shall be screened in accordance with the requirements of Subsection (f) of this Spectrum District.
  - (3) **Residential Uses:** Residential uses are permitted within the S3 Sub-District with the following requirements.
    - a. Setbacks – There shall be no front yard setback; the width of the required sidewalk (see below) shall provide adequate setback.
    - b. Sidewalk – A sidewalk that is a minimum of eight feet (8') in width shall be provided along all street rights-of-way.
    - c. Mixed Uses Required – Residential uses are permitted only as a component of a mixed use structure, wherein retail and/or office uses are located on the first and/or second floor of the structure.
    - d. Common Open Space/Density – Shall comply with the open space/density requirements of the Multi-Family District (MF).
  - (4) **Science & Technology Related Uses - Landscaping:** All structures used for science, technology, and/or industrial buildings shall be required to have landscaping elements incorporated around a minimum of thirty percent (30%) of the perimeter; this calculation shall be made exclusive of loading areas not visible from a roadway.
- (r) **Utilities.** All utility service lines shall be located underground. Above-ground lines are allowed only upon a determination made by the Planning Director that they will be adequately screened or obscured from view and that underground placement is not desirable.
- (s) **Cumulative, Conflicts.** All standards set forth herein are cumulative in nature. Where properties contain more than one use, the requirements for each use shall be met. In areas where requirements set forth in existing Codes of the City of Pearland and/or in other regulations within this UDC and the requirements set forth within this Section 2.4.3.1 are in conflict, the more extensive/restrictive requirements shall be met.

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

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

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

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

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

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

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

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

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

(1) Size of Lots:

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

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

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

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

(2) Size of Yards:

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

b. Minimum Side Yard

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

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

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

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

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

(1) Size of Lots:

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

(2) Size of Yards:

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

(e) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height, except as may be allowed by CUP.

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

(g) **Residential Adjacency Considerations:**

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

- a. Landscape Elements – Landscape elements permitted shall consist of shrubbery having year-round foliage:
  1. That is at least seventy-five percent (75%) opaque; and
  2. That is a minimum of six feet (6') in height; and
  3. That is a maximum of eight feet (8') in height; and
  4. That is not located within any required visibility triangle.
- b. Built Elements – Built elements permitted shall consist of a masonry wall:
  1. That is at least seventy-five percent (75%) opaque; and
  2. That is a minimum of six feet (6') in height; and
  3. That is a maximum of eight feet in height; and
  4. That is not located within any required visibility triangle; and
  5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.

- (2) Outside Storage: Outside storage (refer to *Definitions*, Chapter 5 of this UDC) shall be prohibited unless otherwise permitted by CUP.
- (h) **Parking**. Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.

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

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

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

- (a) **Purpose**. The Garden/O-Day Mixed Use District (G/O-MU) is intended to provide a district that allows for the continuation of specific nonresidential land uses that have been in existence along Garden Road and O’Day Road for a long period of time, while also respecting the residential uses that have developed and now co-exist with the nonresidential uses. This district is also intended to help preserve the stability of neighborhoods adjacent to the G/O-MU District boundaries.
- (b) **Authorized Uses**. The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2;
  - (3) Upon the granting of an Industrial Use CUP pursuant to (i) below, permitted uses as authorized in the Land Use Matrix for M-1 or M-2 districts.
  - (4) Upon the granting of a Commercial Use CUP pursuant to (c) below, any use therein authorized.
- (c) **Area Regulations for Residential Uses**.
- (1) Size of Lots:
    - a. Minimum Lot Area - Six thousand (6,000) square feet
    - b. Minimum Lot Width - Sixty feet (60’)
    - c. Minimum Lot Depth - One hundred feet (100’)
    - d. Maximum Lot Coverage - Sixty percent (60%), but may be permitted seventy percent (70%) with a variance from the ZBA.
  - (2) Size of Yards:
    - a. Minimum Front Yard – Twenty-five feet (25’)
    - b. Minimum Side Yard
      1. Interior Lot: Seven feet and six inches (7’-6”);
      2. Corner Lot: Equal to the front yard when abutting a street right-of-way.
      3. Every part of a required side yard shall be open and unobstructed except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other

architectural features projecting shall not exceed twelve inches (12") into the required side yard, and roof eaves projecting shall not exceed twenty-four inches (24") into the required side yard, except that no projections shall be permitted closer than twelve inches (12") to a common property line.

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

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

(1) Size of Lots:

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

(2) Size of Yards:

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

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

**(f) Nonresidential Use Locations.**

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

**(g) Residential Adjacency Considerations:**

- (1) Screening Standards: Adequate screening shall be provided between nonresidential and residential uses. It shall be the responsibility of the later-established use to provide and maintain such screening (e.g., if a residential use is established adjacent to an existing nonresidential use, the residential use shall be responsible for providing and maintaining screening). Screening elements shall consist of the following, including a combination thereof:
  - a. Landscape Elements – Landscape elements permitted shall consist of shrubbery having year-round foliage:
    1. That is at least seventy-five percent (75%) opaque; and
    2. That is a minimum of six feet (6') in height; and



3. That is a maximum of eight feet (8') in height; and
  4. That is not located within any required visibility triangle.
- b. **Built Elements** – Built elements permitted shall consist of a masonry wall:
1. That is at least seventy-five percent (75%) opaque; and
  2. That is a minimum of six feet (6') in height; and
  3. That is a maximum of eight feet in height; and
  4. That is not located within any required visibility triangle; and
  5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.
- (2) **Outside Storage**: Outside storage (refer to *Definitions*, Chapter 5 of this UDC) shall be prohibited unless otherwise permitted by CUP.
- (h) **Parking**. Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (i) **Industrial Use CUP**.
- (1) **Eligibility**. Properties located on Garden Road or O'Day Road that were formerly zoned Light Industrial District (M-1) or Heavy Industrial District (M-2) and which were rezoned to Garden/O-Day Mixed Use District (G/O-MU) when the UDC was adopted in 2006, are eligible to seek one of two Industrial Use CUPs, either an M-1 CUP or an M-2 CUP, based upon the properties' previous zoning.
  - (2) **Effect**.
    - a. The M-1 CUP would add all permitted uses allowed in the M-1 zoning district as listed in the Land Use Matrix in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-1 district would require a separate CUP to authorize.
    - b. The M-2 CUP would add all permitted uses allowed in the M-2 zoning district as listed in the Land Use Matrix in addition to the permitted uses for the underlying G/O-MU zoning. Uses listed as conditional uses for the M-2 district would require a separate CUP to authorize.
  - (3) **Applicable requirements**. The zoning district regulations applicable to a property zoned G/O-MU with an Industrial Use CUP shall be determined by the primary use of said property. If the primary use is a G/O-MU use, then the regulations for the G/O-MU district shall apply. If the primary use is an M-1 or M-2 use, then the regulations for the appropriate industrial district shall apply. If the use is permitted in both the G/O-MU district and the industrial district, then the less restrictive regulations shall apply.
  - (4) **Expiration**. The abandonment and expiration provisions of Section 2.2.3.5 shall not apply to any Industrial Use CUP.

(j) **Commercial Use CUP.**

- (1) Eligibility. Properties located on Garden Road or O'Day Road that were used or zoned for non-residential uses prior to the adoption of the Unified Development Code in 2006 are eligible to seek a Commercial Use CUP.
- (2) Effect. The Commercial Use CUP adds one of the following uses to the permitted uses for underlying G/O-MU zoning.
  - a. Office Warehouse/Storage/Sales
  - b. Heavy machinery Sales/Storage, Rental and Repair
  - c. Metal, Machine or Wood Shop
  - d. Light Manufacturing
  - e. Auto Repair, major
  - f. Mini-Warehouse Storage/Sales
  - g. Upholstery business

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

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

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

**Section 2.4.3.4 OT, Old Townsite District**

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

- (1) Promote good building and streetscape design.
- (2) Reinforce existing land use patterns and character.
- (3) Categorize area into zoning districts as per the UDC with modifications.
- (4) Promote downtown as a walkable, pedestrian friendly district.
- (5) Promote multiple types of development and uses.
- (6) Set forth general provisions and architectural regulations to ensure quality of streetscape and building construction.
- (7) Allow reduced parking ratios, shared parking and flexibility to encourage re-use of existing buildings.
- (8) Allow flexibility in building codes and façade requirements to encourage relocation and re-use of existing buildings.
- (9) Emphasize mixed uses and focus on the streetscape and public spaces to create pedestrian-friendly mixed-use developments.

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

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

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

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

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

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

Minimum Lot Width: Fifty feet (50')

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

Maximum Height: None.

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

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

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

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

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

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

Minimum Side Setback - Five feet (5').

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

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

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

- d. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks (than that required under section 3.2.11.1) or courtyard spaces are provided along the street.  
For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.
- e. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approvals from the City and in conformance with Development Guidelines specified below under Section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- f. **Outdoor Seating.** Outdoor seating for restaurants, may be permitted, as accessory and adjacent to the principal building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.
- g. **Parking.** Off street parking shall be subject to the following:
1. No parking shall be permitted in the front yard.
  2. Non-residential uses in existing structures may be permitted to reduce by 50% the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.
  3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
  4. Stacked parking (parallel parking without the access aisle) for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area.  
A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

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

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

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

Minimum Front Yard: Twenty feet (20').

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

Minimum Lot Width: Fifty feet (50')

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

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

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

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

Minimum Front Setback – Seventy-five feet (75').

Minimum Side Setback - Three feet (3').

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

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

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

- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of

street facade must be constructed to front building line if wider sidewalks (than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property.

- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with appropriate approval from the City and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.
- h. **Parking.** Off street parking shall be subject to the following:
  - 1. No parking shall be permitted in the front yard.
  - 2. Non-residential uses in existing structures may be permitted to reduce by fifty percent (50%) the number of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet the parking requirements in chapter 4 of the UDC, unless specified herein.
  - 3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
  - 4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

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

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

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

Minimum Front Yard: Zero feet (0').

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

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

Minimum Lot Width: Fifty feet (50')

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

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

- b. **Permitted Uses.** Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this chapter, and accessory uses as authorized in Article 5, Division 3 of this chapter.
- c. **Common Open Space Required.** Common open space, as defined in section 2.4.2.9.(g) of the UDC, shall be required for all townhouse and multi family developments and shall meet the following requirements:  
In all areas where Multi-Family Dwelling units are constructed, there shall be at least four hundred (400) square feet of common open space per dwelling unit. Each common open space shall be within three hundred (300) feet of all dwelling units it is intended to serve measured along a route of pedestrian access. Each required common open space shall be appropriately graded, turfed, surfaced or otherwise landscaped and provided with suitable drainage facilities. Facilities, such as pedestrian ways and swimming pools, may be counted toward the required common open space. Off-street parking areas, service drives, and detention facilities shall not be included in any calculation of required open space. Minimum dimension of any common open space shall be forty feet (40').
- d. **Accessory buildings in Old Townsite.** All accessory buildings in Old Townsite shall comply with the requirements of section 2.5.3.1 the UDC with the following exceptions:
  - Minimum Front Setback – Accessory building shall be located behind front building setback line established by the principal building.
  - Minimum Side Setback – Three feet (3').
  - Minimum Rear Setback - Seven and a half feet (7.5') if located along an alley, twenty feet (20') if no alley.
  - Additional dwelling unit (one) and home occupation (as defined in UDC in an accessory structure shall be permitted.
  - Accessory structures shall not be larger than 660 sq.ft. (footprint) or exceed two stories or 24 feet in height, whichever is less.
- e. **Primary Building Street Façade.** At least seventy five percent (75%) of street facade must be constructed to front building line. At least 50% of street facade must be constructed to front building line if wider sidewalks

(than that required under Section 3.2.11.1) or courtyard spaces are provided along the street.

For lots with less than one hundred feet (100') wide frontage this percentage may be reduced to allow a twenty-five feet (25') wide driveway to access the rear of the property. feet (25') wide driveway to access the rear of the property.

- f. **Projecting Façade Elements.** Awnings, canopies, balconies, colonnades, arcades, bay windows, stoops and front porches may be permitted in City's right of way with approval from City staff and in conformance with Development Guidelines specified below under section 2.4.3.4 (c) 5. Approval from Texas Department of Transportation (TXDOT) shall be required for elements along state roads.
- g. **Outdoor Seating.** Outdoor seating for restaurants, shall be permitted, as accessory and adjacent to the building, on sidewalks and public ROW along City streets, as long as a minimum of three feet (3') wide clear passageway is provided for pedestrians and subject to an approval of a Conditional Use Permit (CUP). TXDOT approval shall be required for state roads.
- h. **Parking.** Off street parking shall be subject to the following:
  - 1. No parking shall be permitted in the in the front yard.
  - 2. Non-residential uses in existing structures may be permitted to provide 50% of parking spaces required by the UDC for that use. The number of parking spaces may be reduced even further as determined by a traffic report and approved by the City of Pearland. All new additions, and existing and new multi-family uses, shall meet parking the requirements of the UDC, unless specified herein.
  - 3. Shared parking between properties shall be permitted as long as the total number of parking spaces meet the requirements of subsection 2 above for each use and all parking spaces as required under subsection 2 above are located within five hundred (500') of the building.
  - 4. Stacked parking for up to 3 cars shall be permitted for existing residential uses being converted to other non-residential use and where the converted area does not exceed six hundred square feet (600 sq. ft.) of floor area. A stacking space shall be an area measuring eight feet (8') by twenty feet (20').

### (c) Development Requirements

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

- 1. **Drive-Thru Facilities.** New drive-thru windows should not be located on the façade facing the primary streetscapes. Drive-thru facilities shall not hinder pedestrian flow or adjacent buildings and their functions.



2. **Utilities.**
  - a. For new building construction and significant building renovation (of over fifty percent of the value of the existing building and improvements) all utilities within the property shall be required to be underground, unless:
    1. The utility is required to be above ground to operate properly, or
    2. All above ground lines are located in the rear or other areas of the property where they are not prominently visible from the front of the property or any roadway, and all poles are wholly obscured, as determined by the Planning Director.
  - b. Location of above ground utility equipment shall avoid conflict with pedestrian movement and visually shield the equipment.
3. **Building Elevations.**

Rear facing buildings and loading docks are prohibited on street facades for the following streets – Main, Broadway, Grand, Orange, Mykawa, Walnut, and Galveston.
4. **Concealed Equipment.** All equipment shall be located in rear yards or otherwise screened. Equipment shall include AC compressors and window and wall units, electric and utility meters and boxes, irrigation and pump pools, permanent barbecues, satellite dish antennas less than forty eight inches in (48”) in height or diameter, loading docks, service areas, trash disposal facilities and backflow devices. Antennas over forty-eight inches (48”) shall require a CUP.
5. **Projecting Façade Elements.** Projecting façade elements include awnings, canopies, balconies, colonnades and arcades. These shall be permitted on city streets after approval by the City and on TX DOT ROW, if permitted by TXDOT and approved by City. The following requirements shall apply:
  - a. Not to project closer than two feet (2’) to the curb.
  - b. Eight feet (8’) minimum clearance between sidewalk and bottom of awning or canopy; ten feet (10’) minimum clearance between sidewalk and bottom of balconies, colonnades and arcades.
  - c. May project in public ROW if approved by the City.
  - d. Eight feet (8’) minimum depth of sidewalk from building face to the inside column of colonnade or arcade.
  - e. Minimum two feet (2’) between outer column face of colonnade or arcade and curb.
6. **Façade Regulations.** Shall meet all requirements of the UDC, except that wood and hardy plank will be permitted for facades.
7. **Transparency Requirements.** For non-residential facades facing public street, park, plaza or public space a minimum of fifteen percent (15%) of overall façade must be transparent. For non-residential, a minimum of twenty five percent (25%) of façade wall area is required to have store front windows on ground floor.

For residential buildings (both single family and multi family) a minimum of 15% of façade is required to comprise of window area.

A lesser percentage of transparency for overall façade or store front windows for all buildings may be permitted by a CUP.

Remodeling or repair of existing buildings may be exempt from these requirements. Any new addition or construction shall be required to comply with these requirements.

8. **Windows, Skylights and Doors.** Windows, skylights and doors shall be oriented vertically for facades facing public areas including streets.
9. **Signs.** The following regulations shall be applicable to signs in the Old Townsite district:
  - a. The total area of all wall and freestanding signs shall not exceed 2 square feet per linear foot of building frontage, up to a maximum of 200 sq. ft. Maximum area of all ground signs shall not exceed 75 sq. ft. All other requirements of the UDC regarding signage shall be applicable.
  - b. Projecting signs and awning signs shall be permitted in addition to wall signs upon approval by the City. Projecting signs shall have a minimum of eight (8) feet clearance above finished grade. Projections shall not be allowed on City right-of-way. All other requirements of the UDC regarding signage shall be applicable.
  - c. A freestanding or monument sign shall have landscaping around its base.
  - d. Signs shall be constructed and/or finished using the following materials:
    - i. Painted metal, or pre-finished aluminum.
    - ii. Cold cathode tube (neon) or illumination by LED replica, limited to the face of the sign.
    - iii. Carved relief in stone, cast stone or brick.
    - iv. Wood or carved wood which is painted or sealed.
    - v. Any sign made of other materials not mentioned may be proposed for consideration and approved for usage on a one-on-one basis under a Conditional Use Permit (CUP).
  - e. All sign components, including support structures, shall comply with the City of Pearland color palette approved specifically for the Old Townsite district, a copy of which shall be available in the City's Planning Office and is attached hereto as Appendix B.
  - f. A business that is affiliated with an entity that has a logo that is recognized on a regional, national, or international basis, as determined by the Planning Director, may use said logo in its signage without regard to the color palette, so long as the logo is limited to less than four square feet in size.
  - g. A-frame or sandwich board signs shall be allowed with the following restrictions:

- i. No more than one shall be allowed per business, it shall be placed such that a minimum of four feet of clear sidewalk shall be maintained at all times, and shall be sufficiently weighted or anchored to prevent movement by wind or other elements.
- ii. No such sign shall exceed eight square feet per face or four feet in height. The entire sign structure shall be included in the total sign area.
- iii. Such signs are displayed only during the hours that the establishment is open for business.
- h. Awning signs shall be allowed, and the maximum height of letters, graphic, and logos thereon shall be twelve inches.
- i. Attached marquee signs shall be allowed with the following restrictions:
  - i. No more than one shall be allowed per business.
  - ii. No such sign shall exceed six feet in height or thirty-two square feet in sign area.

10. **Outdoor Activities or Uses.** No outdoor commercial activities or uses shall be permitted in any OTS District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.

- a. Outdoor display and outdoor seating within public right-of-way in all districts within the Old Townsite may be permitted by a CUP. Outdoor seating located fully on private property is permitted by right.
- b. Outdoor storage, as defined by Section 5.1.1.1., is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way that is greater than twenty feet (20') in width.

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

(d) **Development Recommendations**

- 1. **Mixed Use Development.** Mixed uses are encouraged on each block. Active uses such as shopping or dining are encouraged on street.
- 2. **Accentuate Primary Entrance.** Accentuate primary entrance (for both existing and new buildings) with architecture features such as:
  - o Art
  - o Breaking the building's rhythm
  - o Detail work
  - o Lighting
  - o Projecting façade elements
  - o Recessed entries

- o Signage
  - o Shelter pedestrian as they enter and exit.
  - o Well lit entrances.
3. **Response to Human Scale:** Developments are encouraged to address the scale of pedestrian, and create active storefronts by using lights, quality materials, and creative displays. Encourage lower floors to be architecturally different from but still compatible with the upper floors through level of detail and design.
  4. **Alleys and Side Streets.** Alleys and side streets are encouraged to be the primary access for parking lots and loading docks behind the building.
  5. **Landscape Features Permitted with City's Approval.** *(Need to determine the official/board or staff responsible)*
    - a. Flowerpots in street-scape.
    - b. Hanging baskets in new light poles.
    - c. Store owners to have option of creating planting beds.
    - d. City to work with property owners to place landscape features in appropriate places.
- (e) **Relaxation of Building Codes.** To encourage re-use, rehabilitation of existing buildings (built prior to adoption of this ordinance) and relocation of buildings into the area the Building Official may approve relaxation of certain building codes as per the guidelines adopted by the City. *(Guidelines to be adopted by the City)*
- (f) **Non-conforming Buildings.** Buildings constructed prior to the adoption of this ordinance (if removed or destroyed due to any cause) can be rebuilt on either the existing footprint or per this ordinance. Buildings constructed after the adoption of this ordinance will be required to comply with this ordinance.
- (g) **Street Amenities.** The City will formulate a streetscape plan as per the recommendations of the Old Townsite Plan. *(This plan needs to be adopted)*. Once the standards have been adopted the property owner will be responsible for installation of street furniture (lights, benches, signs, tree lighting, etc.) when the property is developed. The streetscape guidelines may include - street amenities, pedestrian lighting, street furniture, public art and signage.
- (h) Unless specified herein under Section 2.4.3.4, all other requirements of the UDC will apply.

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

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

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

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

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

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

## Division 4 – Non-Residential Zoning Districts

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

- (a) **Purpose.** Residential Retail Nodes are intended to provide limited retail and personal service operations for customers from immediate residential neighborhoods only. These nodes, at specific locations recommended by the Future Land Use Plan, and targeted to approximately five (5) acres, should be designed in a manner that does not adversely affect the neighborhood character, have minimum impact on surroundings, and preserve the stability of neighborhoods adjacent to the Residential Retail Nodes.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2, Chapter 2.
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. *Minimum Lot Size* - Twelve thousand and five hundred (12,500) square feet.
    - b. *Minimum Lot Width* - One hundred feet (100').
    - c. *Minimum Lot Depth* - One hundred feet (100').
  - (2) Size of Yards:
    - a. *Minimum Front Yard* – Twenty-five feet (25')
    - b. *Minimum Side Yard* - Ten feet (10')
    - c. *Minimum Rear Yard* - Ten feet (10')
- (d) **Height Restrictions.** Height of building will be restricted by the setbacks from property line adjoining residential zones or uses as shown in Figure 2-1 (b) and shall not exceed thirty-five feet (35').
- (e) **Nonresidential Use Locations.**
- (1) Nonresidential uses shall be located on lots that have frontage on a collector or thoroughfare.
  - (2) All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building.
- (f) **Residential Adjacency Considerations:**
- (1) Screening Standards: Adequate screening shall be provided between nonresidential and residential uses and zones. It shall be the responsibility of the non residential use to provide and maintain such screening. Screening elements shall consist of all of the following:
    - a. *Buffer* - There shall be a twenty-five foot (25') wide landscaped buffer along the property line that is adjacent to residential use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or

other use of the buffer area), and shall be planted with ground cover, shrubs and trees as per (b) below. This landscaped buffer may be located with the required yard/setback area.

- b. *Landscape Elements* – Landscape elements permitted shall consist of shrubbery having year-round foliage:
  - 1. That is at least seventy-five percent (75%) opaque; and
  - 2. That is a minimum of six feet (6') in height at planting; and
  - 3. That is a maximum of eight feet (8') in height; and
  - 4. That is not located within any required visibility triangle.
- c. *Built Elements* – Built elements permitted shall consist of a masonry wall:
  - 1. That is one-hundred percent (100%) opaque; and
  - 2. That is a minimum of six feet (6') in height; and
  - 3. That is a maximum of eight feet in height; and
  - 4. That is not located within any required visibility triangle; and
  - 5. That is not constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.

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

(i) **Outside Uses and Activities.** All on-site business conducted in association with a nonresidential use, including any permitted expansion thereof, shall be conducted within a fully enclosed building. Outdoor seating for restaurants and cafés and similar uses shall be permitted by a CUP.

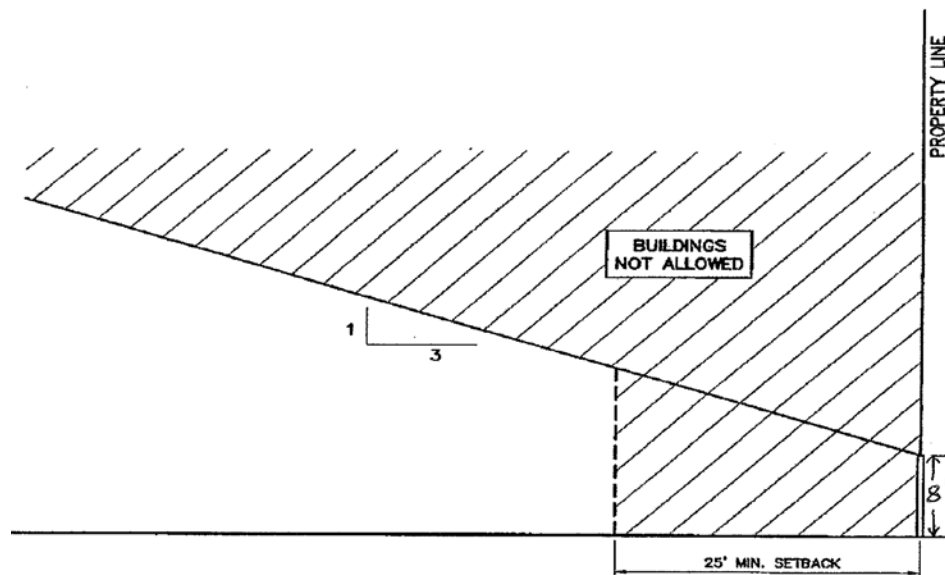
(j) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC. However, total number of parking spaces should not exceed 75% of that required by Chapter 4, Article 2, Division 1. The remaining 25% of required parking area shall be maintained as landscaped open space and developed as parking if required by the city at a later date.

(k) **Outdoor lighting.** Outdoor lighting shall not create conflict with the reasonable use and enjoyment of adjoining property. The fixtures shall be shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. The height of lighting and all mounting structures shall not exceed the height of the building or twenty feet (20'), whichever is less.

(l) **Other considerations.**

- (1) Distance from other existing, designated or proposed non-residential uses, zones or nodes along local, collector or thoroughfare streets.
- (2) Existence or provision of pedestrian access, including but not limited to walkways, bikeways, trails, and traffic controls, to promote safe pedestrian friendly access and environment.

- (3) Submittal of a site plan showing the layout of the buildings, activities, buffers, parking, driveways and other elements as required by the P & Z Commission and City Council to assist in evaluating the impact of the development on surrounding uses.
- (4) Hours of operation to be approved as part of the CUP.
- (5) Location of drive through windows and similar elements not in yards adjacent to residential zone or use.
- (6) Unless otherwise specified in this section, the development in these nodes shall conform to all other requirements of the Office Professional zone.



*Figure 2-1 (b) Height Restrictions*

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

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

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

- (a) **Purpose.** The Office & Professional District (OP) is intended to permit a wide variety of business, professional and organization office needs of the community together with desirable associated uses.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

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

(c) **Area Regulations.**

(1) Size of Lots:

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

(2) Size of Yards:

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

(d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height. Additional height may be approved through a Conditional Use Permit (CUP).

(e) **Outdoor Activities or Uses.**

1. No outdoor commercial activities or uses shall be permitted in the OP District without a temporary permit issued by the City's Building Official, pursuant to the City Building Code, unless expressly authorized herein.
2. Outdoor storage, as defined by Section 5.1.1.1., is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.

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

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

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

(i) **Refuse Containers.** All refuse and refuse containers shall be placed in the side or rear yard (or front yard upon a finding by the Planning Director that no suitable location exists in the side or rear yard) and shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, and/or townhouse development(s).

(j) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.

(k) **Adjacent to a Single-Family Use or Zoning District.** When an office/professional development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no



parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

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

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

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

- (a) **Purpose.** The Business Park District-288 (BP-288) is intended to permit large office complexes/campuses and retail development in locations with good visibility and roadway access; visibility and access are inherently provided by State Highway 288. These regulations are also intended to create high quality development that enhances the City's image as a desirable place to live, work, and shop.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Lot Size - One (1) acre (43,560 square feet).
    - b. Minimum Lot Width - One hundred and fifty feet (150').
    - c. Minimum Lot Depth - Two hundred feet (200').
  - (2) Size of Yards:
    - a. Minimum Front Yard – Twenty-five feet (25')
    - b. Minimum Side Yard - Twenty feet (20')
    - c. Minimum Rear Yard - Twenty feet (20')
- (d) **Height Restrictions.** No building shall exceed sixty-five feet (65') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Building Facade Standards.** Requirements are applicable to all structures and facades visible from State Highway 288 except single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.
- (1) Building Articulation:
    - a. Building articulation, as defined within Chapter 5 of this UDC, shall be provided as follows:
      1. All nonresidential structures fifty thousand (50,000) square feet in size or greater shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') in vertical or horizontal length.

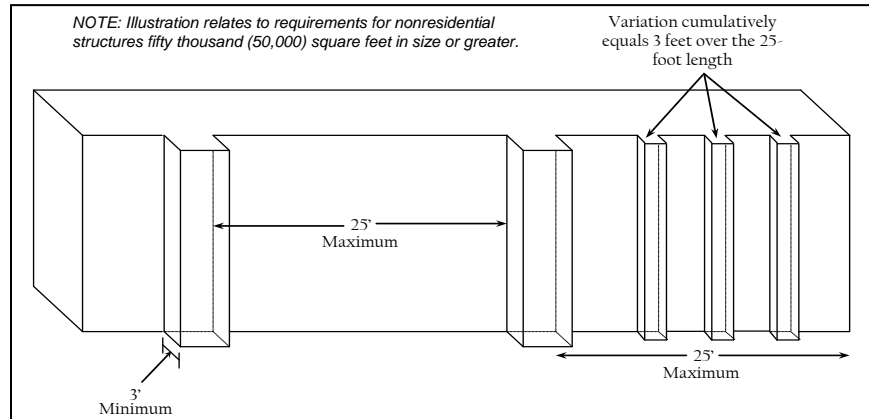


Figure 2-2: Building Articulation Illustration

2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') in vertical or horizontal length.
  - (2) **Building Materials:** Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.
  - (3) **Building Colors:** Façade materials shall not consist of colors classified by the City as fluorescent, iridescent, or dayglo.
- (f) **Detention/Retention Facilities.** Such facilities shall be incorporated into each development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.
- (g) **Lighting.**
  - (1) **Uniformity:** Standards, poles, and fixtures shall be a single color, and shall be uniform in design throughout the site.
  - (2) **Prohibited Poles:** Wooden poles are prohibited, except on a temporary basis during development construction and only until a Certificate of Occupancy is issued.
  - (3) **Height:** Standards, poles, and fixtures shall be no taller than twenty feet (20') in height.
  - (4) **Walkway Lighting:** Walkway lighting comprised of standard, pole, bollard and wall-mounted fixtures shall be no greater than twelve feet (12') above grade.
  - (5) **Accent Lighting:**
    - a. Uplighting shall be concealed or positioned to screen the light source from adjacent property and rights-of-way.
    - b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.
- (h) **Screening Standards.**
  - (1) **Site Elements Required to Be Screened:** The following site elements shall be screened from the public view from State Highway 288.

- a. Mechanical and Utility Equipment
    - 1. Screens shall be of a color and material that is consistent with the primary on-site building.
    - 2. Roof-mounted equipment may be screened with an architectural element that is an extension of the building on which it is located, such as a parapet wall.
  - b. Vehicle Loading and Unloading Areas - Screens shall incorporate shrubbery having year-round foliage and/or a fence, wall, or architectural element of the building that has a minimum six foot (6') height and is a maximum seventy-five percent (75%) opaque.
  - c. Refuse, Refuse Containers, and Recycling Containers - Screens shall consist of a solid fence, wall, or architectural element of the building with a minimum six foot (6') height.
- (2) Screening Elements Required: All fences and walls visible from State Highway 288 shall be:
- a. Constructed of masonry or other materials approved by the Planning Director or his designee.
  - b. Consistent in color and design with the building architecture.
  - c. Uniform in style and materials along the entire length of the screen within a single development.
- (3) Residential Subdivision Fences:
- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
  - b. Wood rail fencing shall be permitted for perimeter fencing for large individual residential lots and for large-lot residential subdivisions, which shall mean subdivisions with lot sizes of at least one-half acre in size.
- (4) Variation of Screening Walls Required: All screening walls that are twenty feet (20') in length or longer provide some horizontal variation in the wall that is equal to at least three feet (3') in depth for every twenty feet (20') in length.

(i) **Buffering Standards.**

- (1) Site Elements Required to Be Buffered: The following site elements shall be visually buffered from the public view from State Highway 288:
- a. Parking Areas - Outdoor parking areas located within one hundred feet (100') of the State Highway 288 right-of-way.
  - b. Fuel Pumps - Fuel pumps located between the street and the building.
  - c. Drive-Up Windows - Vehicle drive-up windows facing the street.
- (2) Buffering Elements Required: Required buffering shall be a maximum of three feet (3') in height and shall be provided by one or more of the following:
- a. Freestanding masonry wall.
  - b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming.
  - c. Shrubby having year-round foliage that is a maximum seventy-five percent (75%) opaque.

- (3) Adjacent to a Single-Family Use or Zoning District: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.
- (j) **Utilities.** All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not be prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are noticeable shall be made by the Planning Director.
- (k) **Outdoor Activities or Uses.**
- (1) No outdoor commercial activities or uses shall be permitted in the BP-288 District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.
  - (2) Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (l) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (m) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual.
- (n) **Landscaping Standards.**
- (1) Minimum Percentage of Landscaping: A minimum of fifteen percent (15%) of the front yard area, or the yard adjacent to State Highway 288, as applicable, shall consist of landscaped open areas.
  - (2) Tree Requirements: Trees are required along State Highway 288 as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot, adjacent to State Highway 288.
    - a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.
    - b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage.
    - c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.

- d. At the time of planting, a minimum of eight feet (8') shall be provided between a tree trunk and the back of any curb and between a tree trunk and any planned or existing underground public utility lines.
  - e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.
- (3) Required Interior Site Landscaping:
- a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
  - b. No parking space shall be more than fifty feet (50') from a tree.
- (4) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

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

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

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

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

- (a) **Purpose.** The Neighborhood Service District (NS) is intended to permit a limited area of service establishments and retail stores for the benefit of adjacent and nearby residential development and in which district all trade is conducted indoors and in such a manner as to be capable of placement adjacent to residential districts without changing the character of the latter.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Lot Size – Twelve thousand and five hundred (12,500) square feet in area.
    - b. Minimum Lot Width - One hundred feet (100').
    - c. Minimum Lot Depth - One hundred feet (100').
  - (2) Size of Yards:
    - a. Minimum Front Yard – Twenty-five feet (25')
    - b. Minimum Side Yard
      - 1. Ten feet (10'), except as provided below.

2. Fifteen feet (15') if side yard abuts a residential zoning district.
- c. Minimum Rear Yard
1. Ten feet (10'), except as provided below.
  2. Fifteen feet (15') if rear yard abuts a residential zoning district.
- (d) **Height Restrictions.** No building shall exceed thirty-five feet (35') in height.
- (e) **Outdoor Activities or Uses.** No outdoor commercial activities or uses shall be permitted in the NS District without a temporary permit issued by the City's Building Official. Refer to the City Building Code.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (h) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (i) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (j) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
- (k) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

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

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

- (a) **Purpose.** The General Business Retail District (GB) is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. These types of commercial uses are conducted wholly within an enclosed building but may incidentally display merchandise wholly under a permanent part of the main business structure, such as a marquee.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

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

(c) **Area Regulations.**

(1) Size of Lots:

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

(2) Size of Yards:

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

(d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).

(e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed the incidental display of merchandise out of doors subject to the following limitations:

- (1) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.
- (2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to four (4) events per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:
  - a. That there is an adequate off-street parking area, approved by the City; and
  - b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.

- (3) No other type of outdoor activity or uses shall be permitted in the GB District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.
- (4) Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC, and as specified below.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (h) **Landscaped Open Area.** At least fifteen percent (15%) of the gross site area shall be maintained in landscaped open area.
- (i) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (j) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
- (k) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.
- (l) **Alcoholic Beverages.** The sale, dispensing, and otherwise handling of alcoholic beverages directly to the consumer for consumption on the premises shall be permitted only if incidental and secondary to the sale of food for human consumption on the premises, which shall be construed to mean that at least fifty percent (50%) of gross receipts must be from sales of food for consumption on the premises. This regulation shall not apply to private clubs operating within hotels and motels.

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

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

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



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

- (a) **Purpose.** The General Commercial District (GC) is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage areas.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
- (1) Size of Lots:
    - a. Minimum Lot Size – Twenty-two thousand and five hundred (22,500) square feet in area.
    - b. Minimum Lot Width - One hundred and fifty feet (150').
    - c. Minimum Lot Depth - One hundred and twenty-five feet (125').
  - (2) Size of Yards:
    - a. Minimum Front Yard - Twenty-five feet (25')
    - b. Minimum Side Yard
      1. Ten feet (10'), except as provided below.
      2. Twenty-five feet (25') if side yard abuts a residential zoning district or a public right-of-way.
    - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).
- (e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed outdoor activities or uses subject to the following limitations:
- (1) Except as provided below, out of doors display, storage and sale of merchandise, equipment and vehicles shall be permitted.
  - (2) Out of doors display, storage and sale of merchandise, equipment and vehicles shall not be permitted on property adjacent to a residential zoning district.
    - a. Such activities/uses shall be permitted on such property upon City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said activities/uses.
    - b. Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.

- (h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.
- (j) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

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

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

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

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

- (a) **Purpose.** The Light Industrial District (M-1) is intended to permit a wide variety of light industrial, manufacturing, wholesale and service type uses.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Lot Size - Forty thousand (40,000) square feet in area.
    - b. Minimum Lot Width - One hundred and fifty feet (150').
    - c. Minimum Lot Depth - One hundred and fifty feet (150').
  - (2) Size of Yards:
    - a. Minimum Front Yard - Thirty-five feet (35')
    - b. Minimum Side Yard - Twenty-five feet (25')
    - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height.
- (e) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

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

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

(h) **Special Conditions.**

(1) Landscaped Open Area:

- a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
- b. Adjacent to a Single-Family Use or Zoning District - When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

(2) Materials Storage:

- a. No materials storage, including but not limited to waste materials, raw materials, construction materials, and salvaged materials or finished product storage, shall be permitted unless:
  1. completely screened from streets or public rights-of-way and any adjacent non-industrial zoning districts by:
    - [a] a solid wall or fence not less than eight feet (8') in height, or
    - [b] a vegetative screen dense enough to be completely opaque year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months; and
  2. located upon a surface that is acceptable to the City Engineer.
- b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residentially zoned property.
- c. Materials shall not be stored or stacked higher than the height of the screening wall. Refer to screening wall requirements within Chapter 4, Article 2, Division 4 of this UDC.

(i) **Performance Standards.** No land or building shall be used or occupied within this district which does not comply with the following standards relating to radioactivity and electromagnetic disturbances, noise, vibrators, odors and glare.

- (1) Radioactivity or Electromagnetic Disturbance: No activity shall be permitted which emits dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

- (2) Direct or Sky-Reflected Glare: No glare shall be permitted whether from floodlights or from high temperature processes such as combustion or welding or otherwise.
- (3) Compliance With Other Regulations. All industries will comply with any appropriate federal and/or state standard as well as any others specified by this UDC or any other City Codes, such as adopted noise or hours of operation regulations.

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

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

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

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

- (a) **Purpose.** The Heavy Industrial District (M-2) is intended to permit any manufacturing, assembly, processing, storage and/or distribution, sale and repair incidental to industrial use allowed by law.
- (b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:
  - (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
  - (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.
- (c) **Area Regulations.**
  - (1) Size of Lots:
    - a. Minimum Lot Size - Forty thousand (40,000) square feet in area.
    - b. Minimum Lot Width - One hundred and fifty feet (150').
    - c. Minimum Lot Depth - One hundred and fifty feet (150').
  - (2) Size of Yards:
    - a. Minimum Front Yard - Thirty-five feet (35')
    - b. Minimum Side Yard - Twenty-five feet (25')
    - c. Minimum Rear Yard - Twenty-five feet (25')
- (d) **Height Restrictions.** No building shall exceed sixty feet (60') in height.
- (e) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.
- (f) **Parking.** Parking and loading shall be provided in conformance with Chapter 2, Article 5, Division 2 and Chapter 4, Article 2, Division 1 of this UDC.
- (g) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).
- (h) **Special Conditions.**
  - (1) Landscaped Open Area:

- a. At least ten percent (10%) of the gross lot area shall be maintained as permanent landscaped open area. All landscaping shall be properly maintained throughout the life of any use on the lot.
- b. Adjacent to a Single-Family Use or Zoning District - When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area. The exception to this requirement shall be when an M-2 industrial development is established adjacent to an M-1 industrial development.

(2) Materials Storage:

- a. No materials storage, including but not limited to waste materials, raw materials, construction materials, and salvaged materials or finished product storage, shall be permitted unless:
    1. completely screened from streets or public rights-of-way and any adjacent non-industrial zoning districts by:
      - [a] a solid wall or fence not less than eight feet (8') in height, or
      - [b] a vegetative screen dense enough to be completely opaque year-round, which is at least four feet (4') tall at planting and at least eight feet (8') tall within twelve (12) months; and
    2. located upon a surface that is acceptable to the City Engineer:
  - b. City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said materials storage or finished product storage and uses is required for industrial zoning districts adjacent to residential zoned property.
- (i) **Performance Standards.** No land or building shall be used or occupied within this district which does not comply with the following standards relating to radioactivity and electromagnetic disturbances, noise, vibrators, odors and glare.
- (1) Radioactivity or Electromagnetic Disturbance: No activity shall be permitted which emits dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
  - (2) Direct or Sky-Reflected Glare: No glare shall be permitted whether from floodlights or from high temperature processes such as combustion or welding or otherwise.
  - (3) Compliance With Other Regulations. All industries will comply with any appropriate federal and/or state standard as well as any others specified by this UDC or any other City Codes, such as adopted noise or hours of operation regulations.

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

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

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

### Division 5 – Corridor Overlay Zoning District

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

(a) **Purpose.**

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

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

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

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

- (1) The minimum front yard building setback adjacent to a specified major thoroughfare shall be twenty-five feet (25').
- (2) The minimum setback for all off-street parking, maneuvering and loading areas from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (3) The minimum setback for all screening walls and fences, including residential subdivision fences, from the right-of-way line of a specified major thoroughfare shall be thirty feet (30').
- (4) The minimum setback for any outside storage area (where permitted by the underlying zoning district) from the right-of-way line of a specified major thoroughfare shall be one hundred and fifty feet (150'), unless such area is screened to one hundred percent (100%) opacity with a screening wall that matches the primary on-site building or with live vegetation.
- (5) No buildings, parking areas, or other impervious structures (except as noted herein), are permitted within the recognized floodway, as identified by the City Engineer, or within fifty feet (50') of the high bank, whichever is greater, of a creek or other drainage way proposed as a linear park in the City's Park and Recreation Master Plan.
  - c. Permitted exceptions include drainage-related structures and pavement, paved pedestrian or bike trails, picnic tables, and paved surfaces beneath picnic tables.
  - d. The Parks Director may reduce the restriction herein upon a finding that the proposed construction is consistent with the Park and Recreation Master Plan or the Hike and Bike Master Plan.
- (6) Buildings, parking areas, or other visual obstructions shall not be located in any required visibility triangle.
- (7) The required setback area as described above shall be landscaped, and shall meet the requirements of Subsection (g) of this Section 2.4.5.1.

**(d) Building Facade Standards.** Requirements are applicable to any side of a structure that faces a thoroughfare listed in subsection (b), except for single-family detached dwellings. A Facade Design Plan of the entire proposed project shall be submitted with Site Plan review documents.

**(1) Building Articulation:**

- a. Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
  1. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
  2. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
  3. Incorporate details that create shade and cast shadows to provide visual relief.

- b. Building articulation shall be provided as specified in the following:
  - 1. All nonresidential structures fifty thousand (50,000) square feet in size or greater, except Public Educational Facilities, shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') (not cumulatively) in vertical or horizontal length. Properties zoned M-1 or M-2 shall incorporate architectural variation of at least one foot (1') in depth for every twenty-five feet (25').
  - 2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') (not cumulatively) in vertical or horizontal length.

(2) **Building Materials:**

- a. All structures shall conform to the requirements in Article 6, Division 2 of this chapter.
- b. Corrugated metal and exposed fasteners are prohibited. Architectural metals are prohibited except for miscellaneous trimwork.
- c. A minimum twenty-five percent (25%) of an exterior wall facing the specified major thoroughfare shall be transparent, except for Public Educational Facilities, which are exempt from this requirement, and structures located in the M-1 or M-2 zoning districts, for which the transparency percentage shall be a minimum of fifteen percent (15%).
- d. All facades of an individual building, multiple buildings in a shopping center, or integrated business development, and all roofing in a shopping center or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme, as determined by the Planning Director.

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

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

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

(f) **Bicycle Parking.**

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



- c. Each required bicycle parking space shall include a means to secure individual bicycles.

**(g) Landscaping Standards.**

- (1) Minimum Percentage of Landscaping in the Required Setback Area: A minimum of fifteen percent (15%) of the required setback area shall consist of landscaped open areas with a permeable surface.
- (2) Minimum Percentage of Landscaping Generally: A minimum of fifteen percent (15%) of the gross lot area shall consist of landscaped open areas.
  - a. Landscaping elements shall be established along the outside (i.e., the side nearest the right-of-way) of all required screening elements (refer to Subsection (h) below).
- (3) Tree Requirements: Trees are required along all specified major thoroughfares as follows, and at least fifty percent (50%) of the required trees shall be located along the frontage of the lot adjacent to the specified roadways:
  - a. Large shade trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to at least one inch (1") for each ten feet (10') of frontage.
  - b. Ornamental trees with a minimum two-inch (2") caliper measured at twelve inches (12") above the root ball shall be provided, with the total caliper inches equal to one inch (1") for each fifteen feet (15') of frontage, except for Public Educational Facilities, which are exempt from this requirement.
  - c. A minimum of sixty percent (60%) of required street trees shall be evergreen with year-round foliage.
  - d. At the time of planting, a minimum of three feet (3') shall be provided between a tree trunk and the back of any curb and eight feet (8') between a tree trunk and any planned or existing underground public utility lines.
  - e. At the time of planting, a minimum of six feet (6') shall be provided between individual trees.
- (4) Required Interior Site Landscaping:
  - a. Space for vehicle overhangs shall be provided in order to avoid damaging planted trees and shrubs.
  - b. No parking space designed and intended for the parking of passenger vehicles driven by customers, patrons, or employees shall be greater than fifty feet (50') from a tree. Each island shall contain at least one (1) tree. Public Educational Facilities and industrial uses located in M-1 and M-2 zoning districts shall be exempt from this requirement so long as the overall landscaping requirement is met onsite.
- (5) Irrigation System: A mechanical irrigation system is required to be installed and maintained.

- (6) Adjacent to a Single-Family Use or Zoning District: When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five-foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area and may count toward (g)(1) above.
- (7) Detention/retention facilities located in front yards: When a detention/retention facility is located in a front yard, the facility shall be incorporated into the design of the development as an amenity, as determined by the Planning Director.

**(h) Lighting Standards.**

(1) Vehicular Circulation & Parking Areas:

- a. High pressure sodium or metal halide fixtures shall be used with no direct glare onto adjacent properties or public streets. The glare from such fixtures shall be shielded from adjacent properties and/or public streets.
- b. Minimum light level within the parking area shall be 0.5 foot candles when the attendant facility is in use.
- c. Standards, poles, and fixtures shall be a single color, uniform in design throughout the site and no taller than the height of the building being served.
- d. Creosote treated wooden poles are prohibited.
- e. Street lights along the specified corridor shall conform to the standard fixture adopted by the City. Installation of such fixture or payment in lieu of installation shall be required prior to acceptance of subdivision improvements by the City or issuance of a certificate of occupancy, as applicable

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

(3) Accent Lighting:

- a. Uplighting shall be concealed or positioned to screen the light source from adjacent property.
- b. Floodlighting or spotlighting of architecture, graphics, or natural features shall not create spillage of light onto adjacent property or public streets.

**(i) Screening Standards.**

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

a. Mechanical and Utility Equipment

- 1. Screening shall consist of a decorative wall or architectural element of the building that is one hundred percent (100%) opaque.
- 2. Roof-mounted equipment shall be screened with materials that are one hundred percent (100%) opaque. Appropriate screening

includes an extension of the wall, such as a parapet wall, on which the equipment is mounted.

b. Vehicle Loading and Unloading Areas

1. Screens shall incorporate shrubbery having year-round foliage and/or a wall or architectural element of the building that is a minimum of six feet (6') in height and is a maximum of seventy-five percent (75%) opaque.

c. Refuse, Refuse Containers, and Recycling Containers

1. Screens shall consist of a solid wall or architectural element of the building that is a minimum six feet (6') in height.

(2) Screening Elements Required: All screening walls visible from a public street shall be:

- a. Constructed of masonry materials that are consistent with the color and design of the primary on-site structure.
- b. Consistent in color and design with the building architecture.
- c. Uniform in style and materials along the entire length of the screen within a single development.

(3) Screening Elements Prohibited: No fence or wall visible from a public street shall be:

- a. Greater than eight feet (8') in height, or greater than four (4) feet in height if Section 4.2.4.3 (a) (2) (b) applies.
- b. Located within any required visibility triangle.
- c. Constructed with any of the following materials: wood, surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels. Exceptions:

Exceptions:

1. Barbed wire may be used solely to control livestock.
2. Public Educational Facilities shall be permitted to use chain link fence along the perimeter of sports fields and detention basins. Any chain link fence located one hundred feet (100') or less from a thoroughfare listed in subsection (b) shall be constructed of chain link material that is entirely coated by vinyl, powdercoating, or other durable material that is black or dark green in color, and shall also include one of the following features:
  - A. an evergreen vegetative screen outside the fence consisting of a combination of shrubs and trees that meet the following requirements:
    - (i) shrubs shall be planted every three feet (3') or less on center and shall be at least four feet (4') tall at planting;
    - (ii) trees shall be planted every thirty feet (30') or less and shall be at least two inches (2") in diameter measured by caliper; or
  - B. masonry columns that are:

- (i) no less than twenty inches (20") in width and depth;
- (ii) at least twelve inches (12") taller than the adjacent chain link sections;
- (iii) spaced no further than twenty feet (20') apart;
- (iv) topped with decorative masonry caps at least six inches (6") tall that project at least two inches (2") from the front facades of the columns; and
- (v) constructed of materials similar in color, design, and architecture to that of the primary structure.

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

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

(4) Residential Subdivision Fences:

- a. Residential subdivision fences shall be uniform in style, color, and material along the length of the subdivision.
- b. If visible from a street right-of-way, subdivision fences shall be constructed of masonry materials. However, large-lot subdivisions, which are defined as subdivisions with average lot sizes of one-half acre or more, shall be permitted to be screened with a wood rail fence.

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

(j) **Buffering Standards.**

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

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

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

- a. Freestanding masonry wall.
- b. Landscaped earth berm with a maximum four-to-one (4:1) slope. Retaining walls may be used to facilitate berming if unseen from the street.
- c. Shrubbery having year-round foliage.

(k) **Outdoor Activities or Uses.** The following shall apply when the incidental display of merchandise out of doors is permitted within the base zoning district.

- (1) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.
- (2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events On any property in the general business district, the temporary sale of goods in relation to special events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of religious the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to one (1) event per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:
  - a. That there is an adequate off-street parking area, approved by the City; and
  - b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.
- (3) No other type of outdoor activity or use shall be permitted in the COD District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.
- (4) Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.
- (5) Outdoor storage and display in M-1 and M-2 zones shall be permitted within fenced areas. Fences around display and storage areas, visible from a public or private street, shall be constructed of decorative wrought iron or chain link material that complies with the standards set forth in subsection (i) (3) c. 2. above.

(l) **Sidewalk Standards.**

- (1) Location: The required sidewalk along all specified major thoroughfares may be located within the front yard building and parking setbacks as well as the parkway area from the back of curb to the right-of-way line. Sidewalks shall not be required for development along Beltway 8 frontage roads.
- (2) Easement Required: A ten foot (10') wide public use easement shall be provided for the required sidewalk when placed outside of street right-of-way.

- (3) **Curved Alignment Required:** The required sidewalk shall have a curved alignment for at least eighty percent (80%) of the major thoroughfare street frontage. Sidewalks on intersecting streets shall not have a curved alignment unless approved by the City Engineer.
- (4) **Construction Criteria:** Construction criteria for the required sidewalk:
- a. Minimum six feet (6') wide.
  - b. Minimum eight-foot (80') centerline radius, maximum intersection angle of twenty (20) degrees, and maximum twenty-foot (20') foot tangent between sidewalk curves.
  - c. Minimum six-foot (6') separation between back of street curb and edge of sidewalk, except at street intersections and bridge approaches.
  - d. Sidewalk approaches, including the wheelchair ramp, to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten feet (10').
  - e. Detailed construction plans shall be submitted to the City Engineer for approval prior to construction of the sidewalk.
  - f. Deviations from these criteria may be approved by the City Engineer for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- (5) A minimum six-foot (6') wide pedestrian sidewalk shall connect the perimeter sidewalk to the building entry. This connecting sidewalk shall be accessible, readily visible, and paved.
- (m) **Utilities.** All utility service lines shall be located underground. Above-ground lines may be located in the rear or other areas of the property as necessary, however such lines must not prominent from the front view of the property or from the view of roadways (the visibility of the poles must be partially or wholly obscured). Any determination on whether utilities are prominent shall be made by the Planning Director.
- (n) **Temporary Buildings.** No temporary building shall be permitted for any type of use.

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Ord. No. 2000T-2, Section 2.4.5.1, February 26, 2007.

Ord. No. 2000T-3, Section 2.4.5.1, July 9, 2007.

Ord. No. 2000T-6, Section 2.4.5.1, November 26, 2007.

Ord. No. 2000T-8, Section 2.4.5.1, August 25, 2008.

Ord. No. 2000T-11, Section 2.4.5.1, July 27, 2009.

Ord. No. 2000T-12, Section 2.4.5.1, June 28, 2010.

Ord. No. 2000T-14, Section 2.4.5.1, January 14, 2013.

Ord. No. 2000T-16, Section 2.4.5.1, December 16, 2013.