

Ordinance No. 2000T-36

An Ordinance of the City Council of the City of Pearland, Texas, for the purpose of amending to the Unified Development Code of the City of Pearland, Texas, Ordinance No. 2000T, Amendments to Chapter 2, Section 2.5.2.1, the Residential Land Use Matrix, and Chapter 2, Section 2.5.2.2, the Non-Residential Land Use Matrix, to change or add new land uses to the table and the zoning districts that would allow them by right (P) or by Conditional Use Permit (C), including Alternative Financial Services, Cigars or Tobacco Store (Retail Only), Vape, Smoke, or Head shops (Retail Only), Cannabidiol (CBD) Retail, Mini-Warehouse/Self Storage, Studio or Learning Center for Fine or Performing Arts, Dwelling –Four-Family (Quadruplex), Auto Glass Repair/Tinting and Auto Interior Shop/Upholstery. Amendments to Chapter 2, Section 2.5.3.2, Regulations Specific to Use, to add additional regulations specific to certain land uses, including Alternative Financial Services, Cigars or Tobacco Store (Retail Only), Vape, Smoke, or Head shops (Retail Only), Cannabidiol (CBD) Retail, and Mini-Warehouse/Self Storage. Amendments to Chapter 5, Section 5.1.1.1, General Definitions, to redefine certain land uses or create definitions for new land uses in the Land Use Matrices, including Alternative Financial Services, Cigars or Tobacco Store (Retail Only), Vape, Smoke, or Head shops (Retail Only), and Cannabidiol (CBD) Retail; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

WHEREAS, on the 3rd day of January, 2022, a Public Hearing was held before the Planning and Zoning Commission of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "A", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 4th day of January, 2022, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council, whereby the Commission recommended approval of the amendments, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "B"; now, therefore,

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

Section 1. That certain provisions of the Unified Development Code are hereby amended as shown in Exhibit "C-2, and C-3" attached hereto and made a part hereof for all purposes.

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

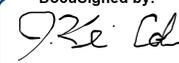
Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Unified Development Code as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the

City of Pearland, upon passage of such Ordinance. The Ordinance shall become effective immediately upon final passage.

PASSED, APPROVED, and ADOPTED on First Reading this 24th day of January 2022.

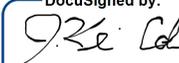
DocuSigned by:

B4881A61593F4F2...
J. KEVIN COLE
MAYOR

ATTEST:

DocuSigned by:

126771DA32BB464...
CRYSTAL ROAN, TRMC, CMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 14th day of February 2022.

DocuSigned by:

B4881A61593F4F2...
J. Kevin Cole
Mayor

ATTEST:

DocuSigned by:

126771DA32BB464...
CRYSTAL ROAN, TRMC, CMC
CITY SECRETARY

APPROVED AS TO FORM:

DocuSigned by:

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DARRIN M. COKER
CITY ATTORNEY

**Exhibit A
Legal Notice**

**NOTICE OF PUBLIC HEARINGS OF
THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL
OF THE CITY OF PEARLAND, TEXAS**

Text Amendments to the Unified Development Code (UDC): 2000-T-36

Notice is hereby given that the Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will hold a public hearing on Monday, **January 3, 2022**, at 6:30 p.m., at City Hall, 3519 Liberty Dr., Pearland, Texas 77581; and that the City Council of the City of Pearland will hold a public hearing and first Ordinance adoption consideration on Monday, **January 24, 2022**, at 6:30 p.m., at City Hall, 3519 Liberty Dr., Pearland, Texas 77581, for proposed text amendments to the Unified Development Code, Ordinance No. 2000T, at the request of the City of Pearland, to include the following:

1. Amendments to Chapter 2, Section 2.5.2.1, the Residential Land Use Matrix, and Chapter 2, Section 2.5.2.2, the Non-Residential Land Use Matrix, to change or add new land uses to the table and the zoning districts that would allow them by right (P) or by Conditional Use Permit (C), including Alternative Financial Services, Cigars or Tobacco Store (Retail Only), Vape, Smoke, or Head shops (Retail Only), Cannabidiol (CBD) Retail, Mini-Warehouse/Self Storage, Studio or Learning Center for Fine or Performing Arts, Dwelling – Four-Family (Quadriplex), Auto Glass Repair/Tinting and Auto Interior Shop/Upholstery.
2. Amendments to Chapter 2, Section 2.5.3.2, Regulations Specific to Use, to add additional regulations specific to certain land uses, including Alternative Financial Services, Cigars or Tobacco Store (Retail Only), Vape, Smoke, or Head shops (Retail Only), Cannabidiol (CBD) Retail, and Mini-Warehouse/Self Storage.
3. Amendments to Chapter 5, Section 5.1.1.1, General Definitions, to redefine certain land uses or create definitions for new land uses in the Land Use Matrices, including Alternative Financial Services, Cigars or Tobacco Store (Retail Only), Vape, Smoke, or Head shops (Retail Only), and Cannabidiol (CBD) Retail.

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Community Development Department at 281-652-1765 or submit comments about the subject to slowe@pearlandtx.gov.

Mohamed A. Bireima, AICP
Senior Planner

Exhibit B
Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

Recommendation Letter

January 4, 2022

Honorable Mayor and City Council Members
3519 Liberty Drive

Re: Recommendation on Amendments to the Unified Development Code – 2000-T-36

Honorable Mayor and City Council Members:

At their regular meetings on January 3, 2023, the Planning and Zoning Commission considered the following:

A request by the City of Pearland, applicant, for approval of proposed amendments to the Unified Development Code, Ordinance No. 2000T, to include:

1. Amendments to Chapter 2, Section 2.5.2.1, the Residential Land Use Matrix, and Chapter 2, Section 2.5.2.2, the Non-Residential Land Use Matrix, to change or add new land uses to the table and the zoning districts that would allow them by right (P) or by Conditional Use Permit (C), including Alternative Financial Services, Cigars or Tobacco Store (Retail Only), Vape, Smoke, or Head shops (Retail Only), Cannabidiol (CBD) Retail, Mini-Warehouse/Self Storage, Studio or Learning Center for Fine or Performing Arts, Dwelling –Four-Family (Quadruplex), Auto Glass Repair/Tinting and Auto Interior Shop/Upholstery.
2. Amendments to Chapter 2, Section 2.5.3.2, Regulations Specific to Use, to add additional regulations specific to certain land uses, including Alternative Financial Services, Cigars or Tobacco Store (Retail Only), Vape, Smoke, or Head shops (Retail Only), Cannabidiol (CBD) Retail, and Mini-Warehouse/Self Storage.
3. Amendments to Chapter 5, Section 5.1.1.1, General Definitions, to redefine certain land uses or create definitions for new land uses in the Land Use Matrices, including Alternative Financial Services, Cigars or Tobacco Store

(Retail Only), Vape, Smoke, or Head shops (Retail Only), and Cannabidiol (CBD) Retail.

Staff discussed the request from City Council to have vape shop / smoke shops, Alternative Financial Services, and Mini-warehouse/Self-storage moved to the M-2 district along with the P&Z recommended alternative solutions, and the staff initiated UDC updates. There was no additional discussion from the public.

The Commission voted on Exhibit A (labeled within this Ordinance as C-1) that detailed the proposal with a vote of 1 (Cade) - 3 (Boswell, Dansby, Fuertes) to not approve the City Council Recommended action.

The Commission took a vote on Exhibit B (labeled within this Ordinance as C-2) which details an alternative solution to addressing vape shop / smoke shops, Alternative Financial Services, and Mini-warehouse/Self-storage Uses through amendments to the land use matrix, regulations specific to use, and new definitions. The vote on Exhibit B with modifications to the definition of vape/smoke/tobacco/head shop use was 3 (Boswell, Dansby, Fuertes) - 1 (Cade) to approve the recommendation. Commissioner Cade stated that she did not agree with having vape shops within the GC district. Chairperson Fuertes stated that he was comfortable with the recommendation on vape due to the 300' distance from the property line. Commissioner Dansby stated that he liked this set of regulations as it defined the box for where the uses could be developed.

The vote on Exhibit C (labeled within this Ordinance as C-3) which detailed Cannabidiol retail, studio or learning center for fine or performing arts, quadruplex, and indoor/outdoor auto glass or auto upholstery uses was 3 (Boswell, Dansby, Fuertes) - 1 (Cade) to approve the recommendation. Commissioner Cade stated that she did not want CBD in the GC district.

The P&Z did not recommend approval of Exhibit C-1. The items in C-1 are further explored in C-2 where the P&Z had a positive recommendation for that exhibit along with exhibit C-3.

Sincerely,



Martin Griggs, AICP, CNU-A
Planning Manager
On behalf of the Planning and Zoning Commission