



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, AUGUST 27, 2020 - 7:00 PM**

AGENDA

NOTICE IS HEREBY GIVEN OF A FRIENDSWOOD REGULAR PLANNING AND ZONING COMMISSION MEETING TO BE HELD AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, FRIENDSWOOD CITY HALL, COUNCIL CHAMBERS, REGARDING THE ITEMS OF BUSINESS ACCORDING TO THE AGENDA LISTED BELOW:

- 1. Call to order**
- 2. Communication from the public/committee liaisons**
(To comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects be placed on a later regular Commission agenda for discussion and/or possible action)
- 3. Consent Agenda**
These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner so requests in which case the item would be removed from the consent agenda and considered separately.
 - A. Minutes for the regular meeting held Thursday, August 13, 2020
- 4. Consideration and possible action regarding future Planning and Zoning Commission meeting dates**
 - A. Consideration and possible action regarding a recommendation to City Council for the requested zone classification change located at 4321 Friendswood Link Rd., 3.2895 acres, also known as Reserve A5, Block 2 Forest Creek Subdivision, out of the Sarah McKissick Survey, Abstract No. 549, Harris County, Texas, to change from Multi-Family Residential-Garden Home District (MFR-GHD) to Multi-Family Residential-High Density (MFR-H).

****Item Tabled on August 13, 2020****

- 5. Discussion Items**

- A. Discussion regarding proposed amendments to Appendix C, Zoning Ordinance "Section 7. I. Downtown District (DD), general purpose and description" to add a reference to Section 20. Definitions, "Section 7.Q.3. Area and Height Exceptions" to amend the height exceptions, and "Section 20. Definitions - Height" to remove a duplicate requirement

6. Communications

- A. From Commissioners - suggestions for future agenda items, general comments and/or updates from liaison assignments
- B. From Planning Subcommittee – update on tasks
- C. From Ordinance Subcommittee – update on tasks
- D. From City Council Liaison, Robert Griffon - general comments and communication from City Council
- E. From Staff - commercial and residential project updates, City Council action and ordinance updates

7. Adjournment



Aubrey Harbin, LEED AP
Director of Community Development/City Planning

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made **two (2)** business days or more prior to this meeting. Please contact the City Secretary's Office at (281) 996-3270 for further information.

**I, MELINDA WELSH, CITY SECRETARY OF THE CITY OF FRIENDSWOOD DO
HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE
FRIENDSWOOD PLANNING AND ZONING WAS POSTED IN A PLACE
CONVENIENT TO THE GENERAL PUBLIC IN COMPLIANCE WITH CHAPTER 551,
TEXAS GOVERNMENT CODE, ON**

DATE

AT TIME

MELINDA WELSH, TRMC
CITY SECRETARY

All meetings of the Planning & Zoning Commission are open to the public, except when there is a necessity to meet in an Executive Session (closed to the public) under the provisions of Section 551, Texas Government Code. The Planning & Zoning Commission reserves the right to convene into Executive Session to hear any of the above described agenda items that qualifies for an executive session by publicly announcing the applicable section number of the Open Meetings Act.



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, AUGUST 13, 2020 - 7:00 PM**

Minutes

**MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT 910 S. FRIENDSWOOD
DRIVE, FRIENDSWOOD, TEXAS**

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
AUGUST 13, 2020

1. Call to order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, AUGUST 13, 2020, AT 07:02 PM 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS

CHAIRMAN JOE MATRANGA
VICE-CHAIRMAN RICHARD SASSON
COMMISSIONER BRETT BANFIELD
COMMISSIONER DICK CLARK - VIA VIDEO
COMMISSIONER LISA LUNDQUIST
COUNCIL LIAISON ROBERT GRIFFON
CITY ATTORNEY MARY KAY FISCHER
DIRECTOR OF CDD/PLANNER AUBREY HARBIN
DEVELOPMENT COORDINATOR BECKY BENNETT

COMMISSIONERS MARCUS PERRY AND TOM HINCKLEY WERE ABSENT FROM THE MEETING.

2. Action Items

According to the Planning and Zoning Rules of Procedure (R2019-15), all action of the Commission shall be made by an affirmative vote of four (4) or more members of the Commission present at such Commission meetings.

- A. Oaths of Office: Aubrey Harbin, Notary Public, will administer an Oath of Office for one reappointed Commissioner, Brett Banfield

Harbin administered the oath of office to Commissioner Banfield.

3. Communication from the public/committee liaisons

(To comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects be placed on a later regular Commission agenda for discussion and/or possible action)

Brady Mora said he would like the trees in town protected and not be destroyed by man-made causes.

Pastor David Lorenz/First Baptist Church thanked the Commission for their time and effort on the building height ordinance. He said the church canvassed residents in their area regarding the proposed tower and cross and that a letter was submitted to the city, signed by those residents.

Chris Cooper/Hunters Creek resident spoke against the proposed zone change at 801 W Parkwood Ave. He said converting the property to commercial would bring more hazards and that the land could be re-used as residential. He said more strip malls is not beautifying Friendswood.

- 4. Brady Burnett/Wedgewood Village spoke against the proposed zone change on Friendswood Link Road. He said the proposed plan is not adequate in regards to flooding. He said it is wrong to put high density housing next to people already struggling to recover from Hurricane Harvey.

5. Consent Agenda

These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner so requests in which case the item would be removed from the consent agenda and considered separately.

****Vice-Chairman Richard Sasson moved to approve Consent Agenda. Seconded by Commissioner Brett Banfield. The motion was approved unanimously.**

- A. Minutes for the regular meeting held July 23, 2020
- B. Final Plat of Albritton

6. Public Hearing

- A. A. Zone classification change request for a 6.3951 acre tract of land being the remainder of a 19 acre tract of land being the Northwest ½ of Lots 2 & 3, Whitney Subdivision, located at 801 W. Parkwood Ave., Friendswood, Galveston County, Texas, to change from Single Family Residential (SFR) to Community Shopping Center (CSC; 4.3025 acres) and Office Park District (OPD; 2.0926 acres)

Harbin said the property currently has a house built in the 1970s, the lot is wooded and adjacent to commercial property on one side with the creek behind the lot. She explained the developer is proposing to rezone the front of the property as Community Shopping Center (CSC) and the rear to Office Park District (OPD). She said OPD is a less intense commercial use. Harbin stated the proposed zoning would require screening along the residential neighbor and a buffer along the right-of-way. Harbin said the developer is planning to develop outside the high risk flood zones, as well.

David Boone/Virgata Property Company said they are proposing the OPD zoning as a barrier to the Hunters Creek Subdivision. He explained they are not planning to develop that portion of land but use it for detention. Boone said the detention pond would be maintained by the Galveston County Consolidated Drainage District (GCCDD). Boone confirmed they are not planning on developing in the floodway.

Kristi Carpenter/Hunters Creek resident said she is concerned with overdevelopment. Carpenter said when she purchased her home it was with the knowledge that the adjacent property was residential.

- B. B. Zone classification change request for 3.2895 acres, also known as Reserve A5, Block 2, Forest Creek Subdivision, located at 4321 Friendswood Link Rd., Friendswood, Harris County, Texas, to change from Multi-Family Residential-Garden Home District (MFR-GHD) to Multi-Family Residential-High Density (MFR-H).

Harbin stated this property is vacant with commercial to the northeast and residential to the side and behind. She said the current zoning would allow 18 units and the proposed zoning would allow a maximum of 36 units with a max height of 40-feet. She said the city had created some mock up sketches of what garden homes versus high density could look like on the property. Harbin said the development would be required to install an 8-foot opaque fence with a 10-foot landscape buffer along the residential property line. Harbin stated the applicant would be required to submit a site plan to the commission for consideration, also.

Sel Thint/Crystal Creek Developers stated the tract was not developable with garden homes due to the 50-foot setback from Friendswood Link Rd. Thint said the intent is not for apartments but for townhouses that would be less intrusive.

Robin McClain/resident said the area flooded during Hurricane Harvey and she was opposed to the development based on increased traffic, an insufficient buffer, and decreased home values.

Melinda James/resident was against high density due to decreased home values, privacy, and an insufficient buffer. She said garden homes would be nice.

Ellen Needam/resident commented on her disappointment in the Friendswood Link Road expansion and lack of drainage improvements in Harris County. She said she is opposed to having a high-rise apartment in her backyard.

Steve Myrick/resident said Friendswood was meant to be a small horse community and questioned if the development would be Section 8 housing.

Connie Ratisseau/resident said she believed in property owner rights of the developer until she saw the proposed floor plans with four bedrooms. She said the developer is trying to maximize bodies per unit and that the children would have no where to play or be in danger trying to cross Friendswood Link Rd. Ratisseau questioned if the development would be low income or involve tax credits.

Carissa Mitchaletti/resident stated the conceptual plans are not binding and the proposed zoning would allow townhouses or apartments. She said the area does not have transit resources and the road is congested. Mitchaletti said the development would cause existing homeowners to move from the area.

Kambiz Pishkar/resident said a 40-foot high building could result in 120 units and he named existing apartment complexes in the area questioning why Friendswood needed more. He said the property should stay the same and commented the neighborhood had dealt with enough pain after Hurricane Harvey.

Brady Burnett/resident said the developer would not be able to sell the townhomes for the price mentioned. He said the project was not feasible or genuine. Burnett stated the school district would be impacted by a new development.

Needham re-addressed the commission that after Hurricane Harvey, developers bought many of the houses which are now rental properties. She said some of the houses in the neighborhood are still vacant and not rebuilt. Needham said the proposed development would cause homeowners to move resulting in more rental homes.

Rudy Trahan/resident suggested the city contact the school district. He said 18 garden homes would be better than 36 townhomes.

Judy Miller/resident was opposed to the development for safety concerns saying it would bring more strangers to the neighborhood. She said the road expansion caused many trees to be removed as would development of this property. She said the property should be used to plant trees.

Myrick re-addressed the commission and said to rezone the property to commercial and be done with it.

Trahan re-addressed the commission to state he had never heard of the Forest Creek Subdivision and asked if there was a homeowner's association.

John Hughes/resident said there had been several floods in the area over the years. Hughes said he did not want property values to decrease. Mitchaletti re-addressed the commission to mention the area had been on the news during Hurricane Harvey.

Needham re-addressed the commission and showed them photos of Hurricane Harvey. Harbin reminded the commission that four emails had been sent in regarding the zone change for public comment.

6. Consideration and Possible Actions

- A. Consideration and possible action regarding a recommendation to City Council for the requested zone classification change located at 801 W. Parkwood Ave., a 6.3951 acre tract of land being the remainder of a 19 acre tract of land being the Northwest ½ of Lots 2 & 3, Whitney Subdivision, according to the map or plat recorded in Plat Rec. 5, Map No. 6 of the Galveston County Map Records and being all of a 2.009 acre Homestead tract of land describe in Galveston County Clerk's File No. 8204830 in the Sarah McKissick League, Abstract No. 151, City of Friendswood, Galveston County, Texas to change from Single Family Residential (SFR) to Community Shopping Center (CSC; 4.3025 acres) and Office Park District (OPD; 2.0926 acres)

Sasson stated the commercial use would be a good fit on FM 528 with the surrounding commercial properties. He said he appreciated the Office Park District (OPD) as a buffer to the rear neighbors.

Lunquist agreed the commercial use seemed to be a good fit and that the developer was cognizant of the need for a buffer.

Clark said it was the right place for commercial but was concerned with an increase in traffic.

Banfield said he would support the zone change. He was in favor of property owner rights, the developer not working in the floodway, and that many trees would remain.

Matranga stated this property was the last vestige of Camp Manison and was sad to see it go but he liked the concessions being made by the developer.

- B. Consideration and possible action regarding a recommendation to City Council for the requested zone classification change located at 4321 Friendswood Link Rd., 3.2895 acres, also known as Reserve A5, Block 2 Forest Creek Subdivision, out of the Sarah McKissick Survey, Abstract No. 549, Harris County, Texas, to change from Multi-Family Residential-Garden Home District (MFR-GHD) to Multi-Family Residential-High Density (MFR-H).

**Commissioner Brett Banfield moved to approve the Consideration and possible action regarding a recommendation to City Council for the requested zone classification change located at 4321 Friendswood Link Rd., 3.2895 acres, also known as Reserve A5, Block 2 Forest Creek Subdivision, out of the Sarah McKissick Survey, Abstract No. 549, Harris County, Texas, to change from Multi-Family Residential-Garden Home District (MFR-GHD) to Multi-Family Residential-High Density (MFR-H). Seconded by Commissioner Lisa Lundquist.

Sel Thint/Crystal Creek Developers said he is a 25-year resident with two children in Friendswood ISD plus his office across from City Hall. He said he has a vested interest in the community and not oblivious to the resident concerns about development. Thint stated he does not want to develop apartments. He said the garden home concept is restricted due to the 50-foot building setback but if the city would decrease the building setback, he could do an analysis for garden homes to see if it would make financial sense. He said the property owner is currently selling the land, contingent upon plan approval, and not involved in the development.

Banfield reminded the room that the Planning and Zoning Commission is a recommending body and that the zone changes would be further discussed by City Council. He said he has been a multi-family developer for 30 years, a resident for 50 years, and understands the emotion behind re-development. He suggested a medium density use could be a good compromise. Banfield said the commission must balance property owner rights with resident concerns. He said the increase from 18 units to 36 units along a stretch of road with 7,200 cars a day would be an impact but not a substantial impact. He said there are 15,000 houses in Friendswood and there are different housing needs which require alternatives. He said the proposed development would not be Section 8 or low income housing.

Lundquist said she was disinclined to allow high density even before the public comments.

Clark said he was considering the property owner's rights versus the neighbor's rights and was against 40-foot structures overlooking the adjacent homes.

Sasson stated he was impressed with the resident turn out. He said the area is dense already and would be supportive of garden homes.

Matranga said Friendswood does need development but all the "low hanging fruit" are gone. He said the commission looks at the needs of the community as a whole, not by county. He asked Thint if Section 8 housing would apply. Thint said Section 8 housing would not be financially feasible. Harbin added that City Council would need to approve Section 8 housing. Matranga asked staff if the existing 50-foot setback could be changed. Harbin said staff would look into a replat and check for any deed restrictions.

Banfield moved to withdraw his motion to approve and to table the item. Lundquist seconded the motion to table. The vote was approved unanimously.

- C. Discussion regarding proposed amendments to Appendix C, Zoning Ordinance "Section 7. I. Downtown District (DD), general purpose and description" to add a reference to Section 20. Definitions, "Section 7.Q.3. Area and Height Exceptions" to amend the height exceptions, and "Section 20. Definitions - Height" to remove a duplicate requirement

Matranga said at the last meeting, the Commission chose the SUP amendment process to accommodate the church's desire for the cross addition. Since then, additional direction from the Mayor was given that he wants an ordinance change.

Harbin said the discussion last time was that an ordinance could be drafted to allow exceptions in the Downtown District while restricting unintended consequences. She said staff could hopefully complete the ordinance change before the end of the year.

Clark said it has been made very clear that City Council wants this to happen. He agreed with trying to draft an ordinance for the whole of the Downtown District (DD) without unintended consequences. He stated he was personally not in favor of changing the building height.

Lundquist said she is not personally in favor either. She said she thinks 70-feet is tall enough and that it does not place a hardship on the church. She said the Commission was told what to do and questioned whether their role really counted.

Sasson said the consensus of the seven Commissioners was that an SUP would be the route to allow an exception for the church. Sasson said the commission thought they were asked to do what is right for the city but now the task is to allow one applicant to have special considerations without creating unintended consequences. Sasson stated he is disappointed with the way this situation has been handled.

Banfield said he is still scratching his head as to why the ordinance needs to be changed. He stated a SUP is the tool to use for special circumstances. He said an ordinance should be changed when several applicants are challenging the same ordinance over and over again. Banfield said the commission may draft an ordinance and send up a 0-7 vote.

Matranga stated the Mayor has made it clear that he does not want to make exceptions; he wants to make it the rule. Matranga said the commission's job is to make the best ordinance they can.

Sasson asked if the church is objecting to amending their Specific Use Permit. Pastor Lorenz said the issue is the cross, not the structure. Stephanie Kaup/architect stated they are fine with an SUP amendment.

- D. Consideration and possible action regarding appointments to the Planning Subcommittee and Ordinance Subcommittee

Matranga assigned Clark, Sasson, and Hinckley to the Ordinance Subcommittee. The Planning Subcommittee will be Perry, Banfield, and Lundquist.

- E. Consideration and action regarding updating the Liaison Assignments

Matranga assigned himself as liaison to City Council, Clark and Sasson to the Galveston County Consolidated Drainage District, Banfield to the Construction Board Of Adjustment, Hinckley to the Zoning Board Of Adjustment, Lundquist to Keep Friendswood Beautiful, and Perry to the Friendswood Downtown Economic Development Corporation.

7. Consideration and possible action regarding future Planning and Zoning Commission meeting dates

- A. Thursday, August 27, 2020 - Regular Meeting
Thursday, September 10, 2020 - Regular Meeting

8. Communications

- A. From Commissioners - suggestions for future agenda items, general comments and/or updates from liaison assignments

Matranga said he misspoke at the last meeting and that Chairman and Vice-Chairman positions would be expiring next year, not this year.

- B. From Planning Subcommittee – update on tasks
None.

- C. From Ordinance Subcommittee – update on tasks
None.

- D. From City Council Liaison, Robert Griffon - general comments and communication from City Council
None.

- E. From Staff - July DRC Report, commercial and residential project updates, City Council action and ordinance updates

Harbin said the Zoning Board of Adjustment would be meeting this month to hear two variance cases.

9. Adjournment

This meeting was adjourned at 09:13 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION

AGENDA ITEM FORM

Meeting Date: August 27, 2020

Subject: Consideration and possible action regarding a recommendation to City Council for the requested zone classification change located at 4321 Friendswood Link Rd., 3.2895 acres, also known as Reserve A5, Block 2 Forest Creek Subdivision, out of the Sarah McKissick Survey, Abstract No. 549, Harris County, Texas, to change from Multi-Family Residential-Garden Home District (MFR-GHD) to Multi-Family Residential-High Density (MFR-H).

****Item Tabled on August 13, 2020****

Action: Significant

SUMMARY / ORIGINATING CAUSE

The property owner is requesting to change the zoning on the subject property from MFR-GHD to MFR-H to allow for more dense residential development. MFR-GHD is intended to provide multifamily low-density dwelling units having open space between units which exceed existing normal multifamily buildings, with density not exceeding six units per acre. The intent of these regulations is to allow development of property which:

- (1) May have limited area suitable for residential development due to geographical limitations;
- (2) Have portions of the property subject to flooding; or
- (3) Is located adjacent to a district of a different zoning designation, and for which the development as MFR-GHD would be appropriate as a buffer between incompatible land uses.

The MFR-H, Multiple-Family Residential Dwelling—Highest-Density District, is a residential district intended to provide for the highest residential density ranging up to 12 dwelling units per acre. The principal use of land in the district is for a wide variety of dwelling types, including low-rise multiple-family dwellings, garden apartments, condominiums, and townhouses and, subject to a specific use permit, high-rise apartments. Recreational, religious, health and educational uses normally located to service residential areas are permitted in this district in order to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. The MFR-H district is usually located adjacent to the major street and serves as a buffer or transition between commercial development or heavy automobile traffic and medium-density residential development.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

MFR-H zoning district requires site plan approval by the Planning and Zoning Commission. The property is subject to a 50-foot building line that was on the original plat of Forest Creek Subdivision. Additionally, since the development would abut residential zoned property, an 8-foot opaque fence and a 10-foot landscape buffer with a tree planted every 25 feet will be required.

The applicant has provided conceptual drawings of their plans for the property; however, approval of the zone change does not bind them to this plan. They will be required to meet the minimum standards of the MFR-H zoning district, if approved.

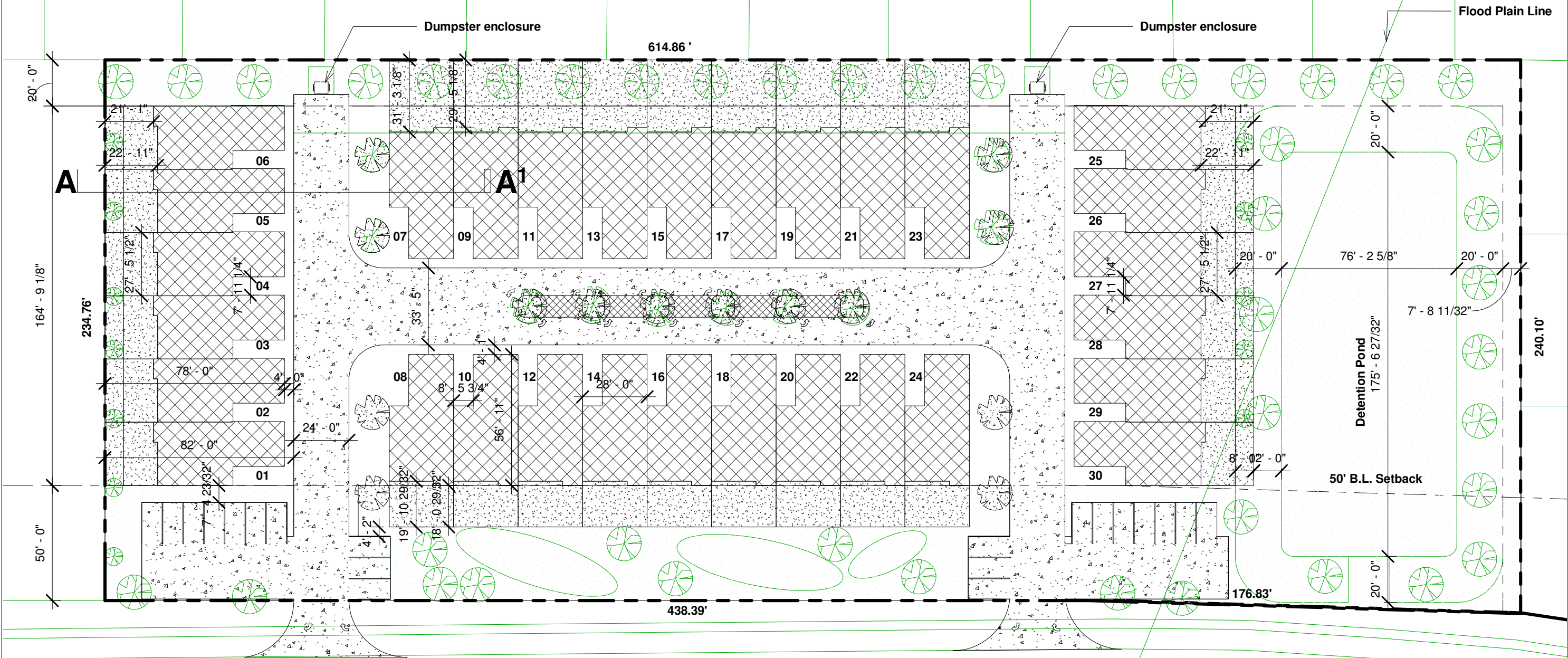
RECOMMENDATIONS

A recommendation to City Council from Planning and Zoning Commission is required.

ATTACHMENTS

1. Friendswood Link MFR-H Conceptual Plans
2. 4321 Friendswood Link Rd Application
3. 4321 Friendswood Link Rd Deed
4. Forest Creek Plat
5. 4321 Friendswood Link Rd Aerial Map
6. 4321 Friendswood Link Rd Location Map
7. 4321 Friendswood Link Rd Zoning Map
8. 4321 Friendswood Link Rd Future Land Use Map
9. 4321 Friendswood Link Rd Rezoning Report

Conceptual Plans Only - approval of the zone change does not bind the applicant to this plan.
If approved, the property will be subject to the regulations of the MFR-H zoning district.



Friendswood Link Rd

1 Site Layout Plan
1" = 40'-0"

FOREST CREEK TOWNHOMES

RESERVE A5, BLOCK 2
FOREST CREEK
3.285 ACRES

Everest Design Group, LLC
Planning, Engineering, Construction Management
907 S. FRIENDSWOOD DRIVE, STE 200
FRIENDSWOOD, TX 77546
PHONE: 281-993-3770 FAX: 281-648-2294

Conceptual Plans Only - approval of the zone change does not bind the applicant to this plan.
If approved, the property will be subject to the regulations of the MFR-H zoning district.



① Front Elevation
1/4" = 1'-0"

Level 4
29' - 6"

Level 3
20' - 0"

Level 2
10' - 0"

Level 1
0' - 0"



② Rear Elevation
1/4" = 1'-0"

Level 4
29' - 6"

Level 3
20' - 0"

Level 2
10' - 0"

Level 1
0' - 0"

Typical Townhome Layout

FOREST CREEK TOWNHOMES
Reserve A5, Block 5
Forest Creek, 3.285 Acres

Everest Design Group, LLC
Planning, Engineering, Construction Management
907 S. FRIENDSWOOD DRIVE, STE 200
FRIENDSWOOD, TX 77546
PHONE: 281-993-3770 FAX: 281-648-2294

Conceptual Plans Only - approval of the zone change does not bind the applicant to this plan.
If approved, the property will be subject to the regulations of the MFR-H zoning district.



**Conceptual Plans Only - approval of the zone change does not bind the applicant to this plan.
If approved, the property will be subject to the regulations of the MFR-H zoning district.**



Conceptual Plans Only - approval of the zone change does not bind the applicant to this plan.
If approved, the property will be subject to the regulations of the MFR-H zoning district.



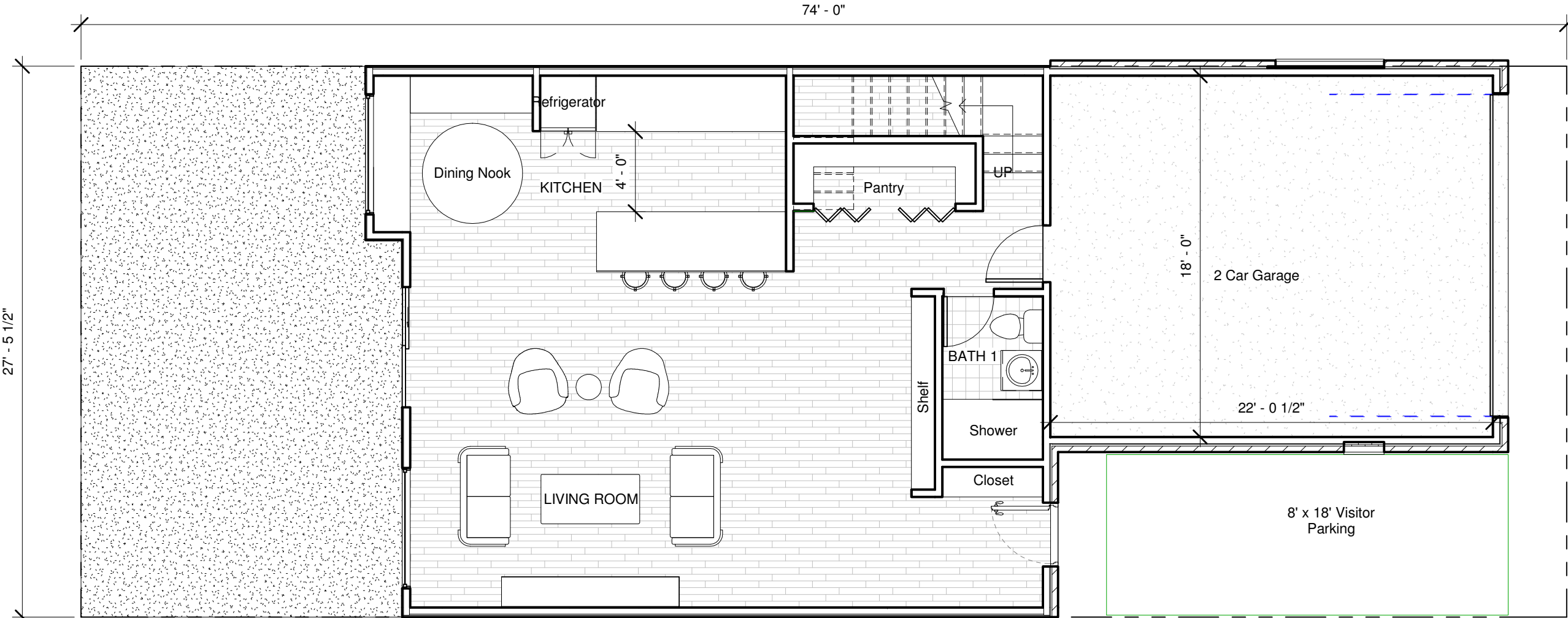
Conceptual Plans Only - approval of the zone change does not bind the applicant to this plan.
If approved, the property will be subject to the regulations of the MFR-H zoning district.



Conceptual Plans Only - approval of the zone change does not bind the applicant to this plan.
If approved, the property will be subject to the regulations of the MFR-H zoning district.



Conceptual Plans Only - approval of the zone change does not bind the applicant to this plan.
If approved, the property will be subject to the regulations of the MFR-H zoning district.



① Level 1
3/16" = 1'-0"

Area Schedule:
First Floor AC: 896 SF
Second Floor AC: 964 SF
Garage: 450 SF
Terrace: 383 SF

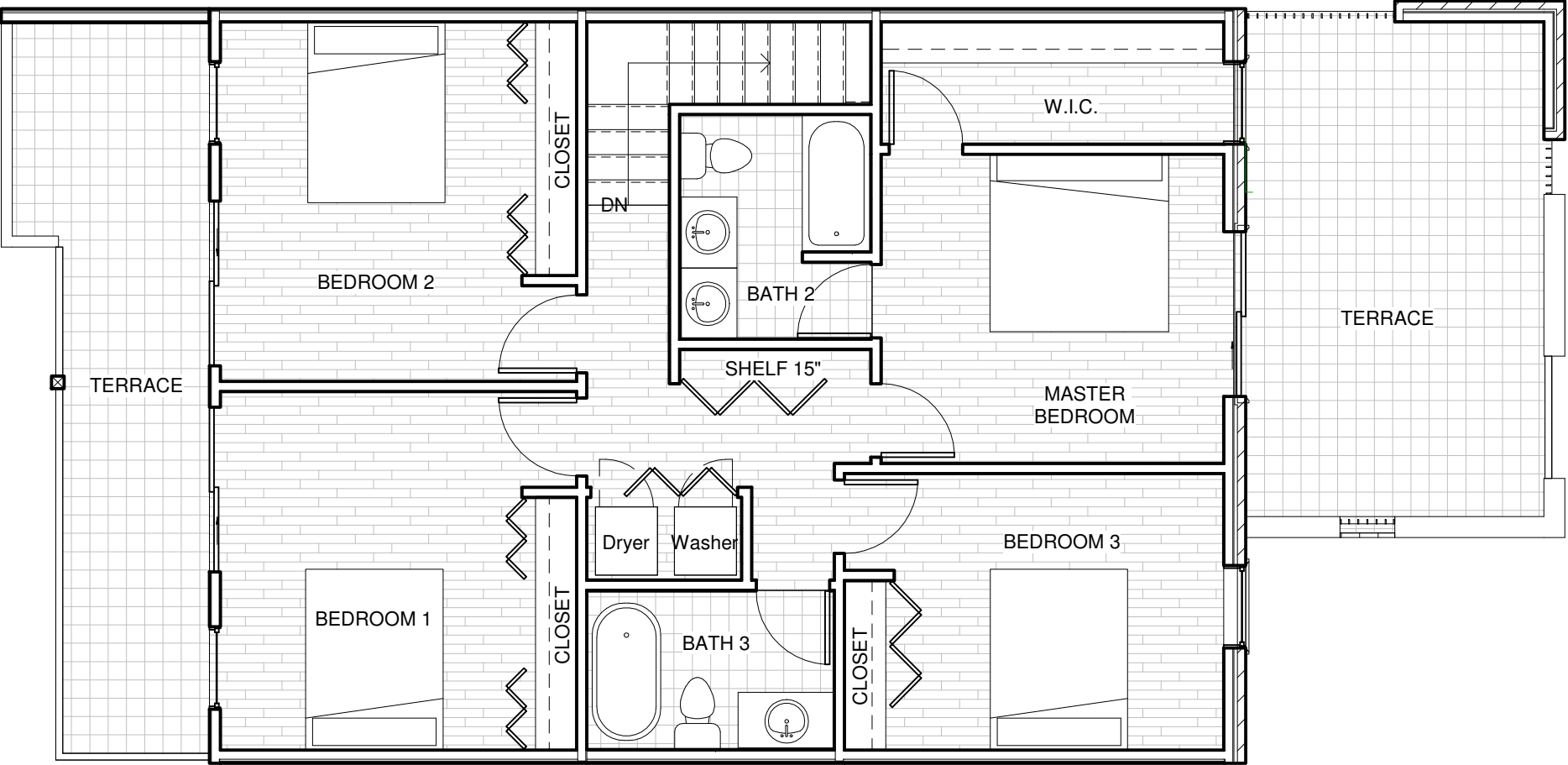
TOTAL AC: 1860 SF

Typical Townhome Layout

FOREST CREEK TOWNHOMES
Reserve A5, Block 5
Forest Creek, 3.285 Acres

Everest Design Group, LLC
Planning, Engineering, Construction Management
907 S. FRIENDSWOOD DRIVE, STE 200
FRIENDSWOOD, TX 77546
PHONE: 281-993-3770 FAX: 281-648-2294

Conceptual Plans Only - approval of the zone change does not bind the applicant to this plan.
If approved, the property will be subject to the regulations of the MFR-H zoning district.



① Level 2
3/16" = 1'-0"

Typical Townhome Layout

FOREST CREEK TOWNHOMES
Reserve A5, Block 5
Forest Creek, 3.285 Acres

 Everest Design Group, llc
Planning, Engineering, Construction Management
907 S. FRIENDSWOOD DRIVE, STE 200
FRIENDSWOOD, TX 77546
PHONE: 281-993-3770 FAX: 281-648-2294



City of Friendswood – Community Development

910 S. Friendswood Drive

Friendswood, TX 77546

Phone: 281-996-3201 Fax: 281-996-3260

www.ci.friendswood.tx.us

Zone Change Application

City of Friendswood

JUN 25 2020

Received by: *RB*

CURRENT ZONE OF PROPERTY: MFR-GHD

TYPE OF ZONE CHANGE (check one):

☒ Land Use Change to Zone: MFR-H

☐ Specific Use Permit Option 1

☐ Planned Unit Development Option 1

☐ Specific Use Permit Option 2

☐ Planned Unit Development Option 2

SUP for Use(s) #: _____

PROPERTY IDENTIFICATION:

Address: 4322 Friendswood Link Road, Friendswood, Texas 77546

Platted Land – Plat Name: N/A Lot: _____ Block: _____

Unplatted Land – Attach a certified metes and bounds description

OWNER NAME: Peter Gorman Phone: _____

Owner's Mailing Address: 130 Surf Court

City: Houston State: TX Zip: 77058 Fax: _____

Owner's Email Address: _____

AGENT'S NAME : Selwyn P. Thint Phone: 281-993-3770

Agent's Mailing Address: 907 S. Friendswood Drive, Suite 200

City: Friendswood State: TX Zip: 77546 Fax: 281-648-2294

Agent's Email Address: st@edgtexas.com

In authorizing an agent to represent the owner, the owner attests that his/her agent may make verbal or written representations and/or declarations on the owner's behalf and the owner understands and acknowledges that the City of Friendswood shall rely upon the agent's representations in matters pertaining to the above described property. The designation of an agent in this matter in no way absolves the owner of any of the owner's responsibilities outlined by the City of Friendswood. The owner must be the legal owner of record of the property at the time of submittal of the application.

The undersigned hereby request approval by the City Council on the above identified zone change.

Owner's Signature: Peter Gorman Date: 6/25/2020

Agent's Signature: [Signature] Date: 6-24-20

Received By: Bobby Bennett
Date of Public Hearing: 8-13
Property Owner Notices: 7-31

Application Number: 2020-0024
Received Date: 6-26-2020
Newspaper Notice: 7-20
Sign on Property: 7-31

07100034
 Stewart Title Co

WD
 B

GENERAL WARRANTY DEED**NOTICE OF CONFIDENTIALITY RIGHTS:**

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: 5/27/07

Grantor: Asta L. Nilsson

Grantor's Mailing Address: 2519 Yupiter
Houston TX 77006

Grantee: Peter Gorman

1EE

Grantee's Mailing Address: 130 Surf Court
NASSAU BAY TEXAS 77058

Consideration: Cash and other good and valuable consideration.

Property (including any improvements):

A tract or parcel of land containing 3.2895 acres, or 143,290 square feet, out of the Sarah McKissick Survey, Abstract No. 549, Harris County, Texas, and being more particularly described by metes and bounds on EXHIBIT "A" attached hereto and fully incorporated herein for all purposes.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2007, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, GRANTS, SELLS, and CONVEYS to Grantee the Property,

EXHIBIT "A"

D

Being a tract of land in the Sarah McKissick Survey, Abstract No. 549, Harris County, Texas and being all of the vacated subdivision plat of Forestwood, per plat recorded under Film Code 350061 of the Harris County Map Records, and being more particularly described by metes and bounds as follows with all bearings based on said plat;

COMMENCING at the intersection of the northeast line of Oxnard Lane (60.06 feet wide) per the plat of Forest Creek recorded in Volume 239, Page 50 Harris County Map Records, with the southeast line of Friendswood Link Road (100.00 feet wide), and the most westerly corner of Lot 1 of Block 2 of said Forest Creek; said point being in a curve concave to the northwest;

THENCE northeasterly, 111.32 feet along the southeast right-of-way line of said Friendswood Link Road and said curve concave to the northwest, having a radius of 1,440.00 feet, a central angle of $04^{\circ} 25' 45''$, and whose chord bears $N 51^{\circ} 05' 07'' E$, 111.29 feet, to the north corner of said Lot 1 and the POINT OF BEGINNING and west corner of the herein described tract; a found $5/8$ inch iron rod bears $S 62^{\circ} 45' W$, 0.9 feet;

THENCE continuing northeasterly, 176.83 feet along the southeast right-of-way line of said Friendswood Link Road and said curve concave to the northwest, having a radius of 1,440.00 feet, a central angle of $07^{\circ} 02' 09''$, and whose chord bears $N 45^{\circ} 21' 10'' E$, 176.72 feet to a $5/8$ inch iron rod found marking the point of tangency;

THENCE continuing along the southeast right-of-way line of said Friendswood Link Road, $N 41^{\circ} 49' 57'' E$, 438.39 feet, to a $1/2$ inch iron rod found marking the west corner of a tract of land sold to First City Bank Gulfgate as described in deed recorded under Harris County Clerk's File Number K771546, and the north corner of said Forestwood and the herein described tract;

THENCE along the southwest line of said Gulfgate tract and the northeast line of said Forestwood, $S 47^{\circ} 39' 14'' E$, 234.76 feet to a point in the northwest line of said Forest Creek, the south corner of said Gulfgate tract, and the east corner of said Forestwood and the herein described tract;

THENCE along a northwest line of said Forest Creek and the southeast line of said Forestwood, $S 42^{\circ} 20' 46'' W$, 614.85 feet to an "ell" corner of said Forest Creek and the south corner of said Forestwood and the herein described tract;

THENCE along a northeast line of said Forest Creek and the southwest line of said Forestwood, $N 47^{\circ} 39' 14'' W$, 240.10 feet to the POINT OF BEGINNING and containing 3.2895 acres, or 143,290 square feet, of land.

together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

Asta L. Nilsson
ASTA L. NILSSON

10R

STATE OF TEXAS *

COUNTY OF GALVESTON *

On the 28th day of March, 2007, before me, the undersigned Notary Public, personally appeared Asta L. Nilsson, known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same for the purpose contained therein.

Joseph M. Montalbano
Notary Public, State of Texas



Return To:
Peter Norman
130 Surf Court
Nassau Bay Tex
77058

20070190736
 # Pages 4
 03/30/2007 14:03:20 PM
 e-Filed & e-Recorded in the
 Official Public Records of
 HARRIS COUNTY
 BEVERLY KAUFMAN
 COUNTY CLERK
 Fees 24.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
 COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Beverly Kaufman
 COUNTY CLERK
 HARRIS COUNTY, TEXAS

Exhibit A



SCALE: 1 INCH = 100 FEET

4.3.1988. 1/2 sec. 42 deg. 30 min. 14 sec. East along the Southeastern line of Lot 1, a distance of 1440.00 feet, to the West corner of Lot 1 in Block 2, Forest Creek, and a point on the Southeastern right of way line of Friendswood Link Road (based on 100 feet in width), said right of way being a curve to the left having a radius of 1440.00 feet.

THENCE along said right of way and said curve to the left having a radius of 1440.00 feet, a central angle of 7 deg. 42 min. 10 sec., a chord bearing and distance of North 45 deg. 21 min. 02 sec. East 178.75 feet, for an arc distance of 170.43 feet to a 1/2 inch iron rod found at the end of said curve.

THENCE North 41 deg. 48 min. 57 sec. East and continuing along said Southeastern right of way line, a distance of 438.39 feet to the North corner of the North described tract, same being the West corner of a tract of land conveyed to Friendswood Link Development LLC under Standing Order No. 20130454635.

THENCE South 47 deg. 39 min. 14 sec. East along the Southeastern line of said tract, a distance of 244.76 feet to a 1/2 inch iron rod found at the East corner of said tract, also being a point on the Southeastern line of said Reserve "A" and the Northeastern line of Lot 15 in Block 2, Forest Creek.

THENCE South 42 deg. 20 min. 44 sec. West along the Southeastern line of said Reserve "A", a distance of 514.50 feet to a 1/2 inch iron rod found for the South corner of said Reserve "A", same being the East corner of Lot 3, Block 2.

THENCE North 47 deg. 39 min. 14 sec. West along the Southeastern line of said Reserve "A", a distance of 244.76 feet to the West corner of Lot 3, 2 and 1 in Block 2, Forest Creek, a distance of 240.10 feet to the PLACE OF BEGINNING.

I, Christopher Trusky, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direction and supervision on July 14, 2015. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN.

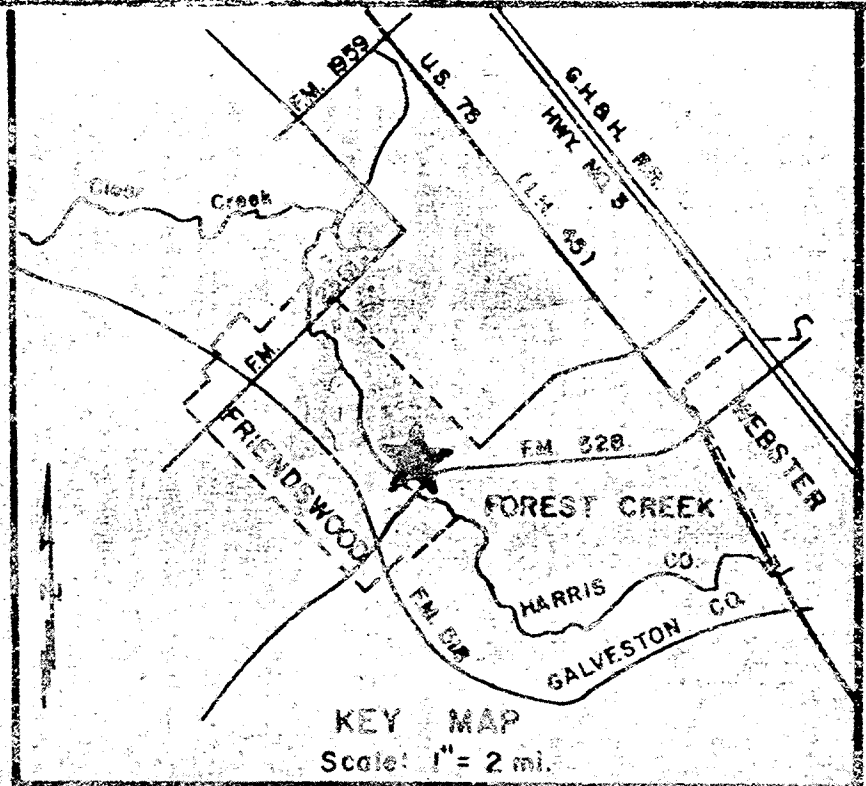
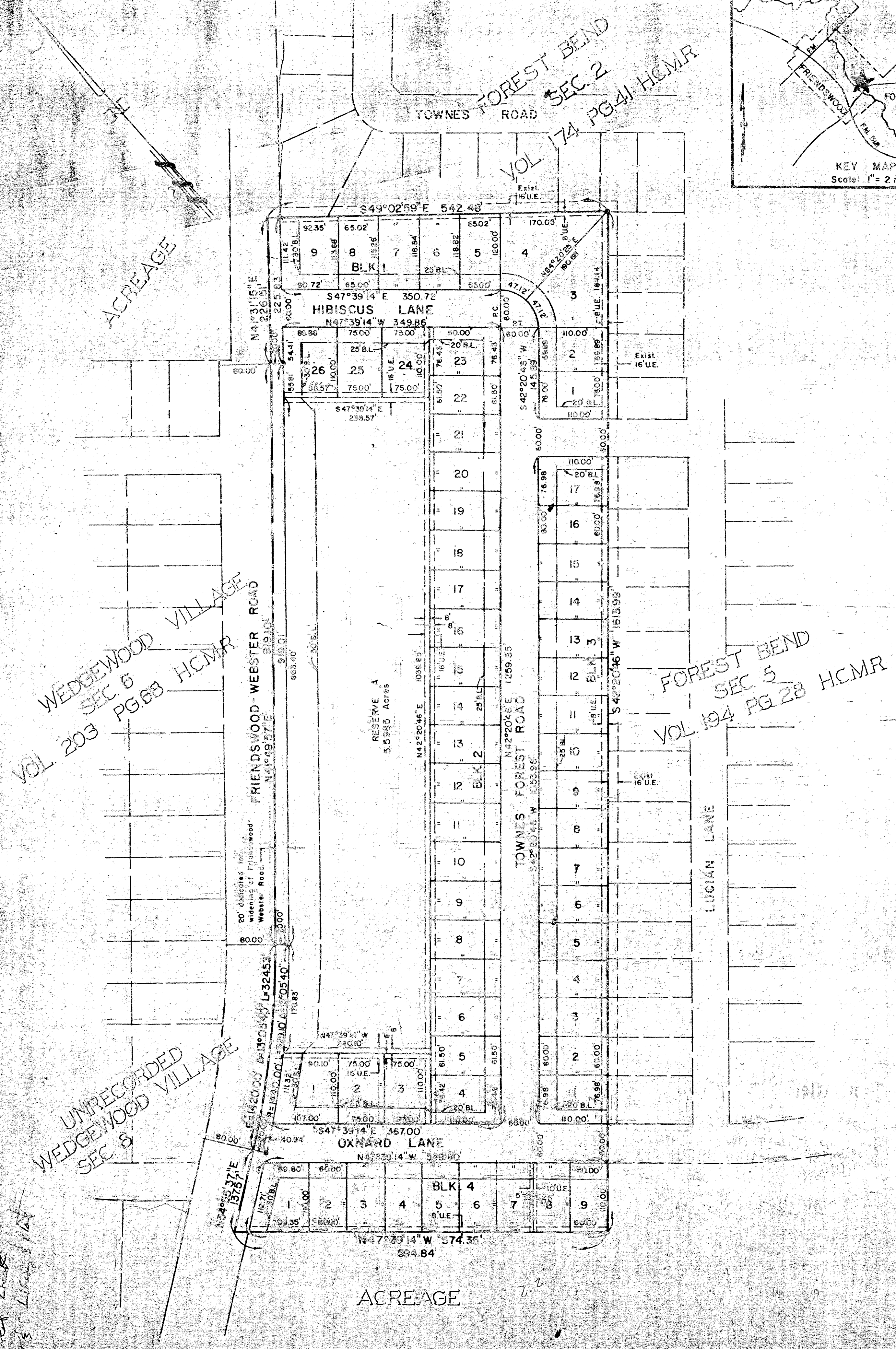
THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY. This survey meets or exceeds the specifications for a Category 1A, Conditional Survey as promulgated by the Texas Society of Professional Surveyors.

Christopher Trusky
RPLS No. 62642
The Land Survey Co., LLC
Firm Reg. No. 10045700
281-338-4008



Note:
According to FIRM Community Plat No. 435465.005C, dated 03/22/1998, this property lies in Flood Zone "X", which is considered to be outside the Special Flood Hazard Area. Surveyor makes no representation as to whether or not this property may have been or be in the Southernmost line of subject property, as plotted and monumented.

Other encumbrances or matters affecting the subject property, if any, are not shown.



APPROVED by the Commissioner's Court of Harris County, Texas this _____ day of _____, 1976.

Ton Bass, Commissioner, Precinct 1
Jim Fontana, Commissioner, Precinct 2
Jon Lindsay, County Judge

R. V. Eckels, Commissioner, Precinct 3
E. A. Lyons, Commissioner, Precinct 4

This is to certify that the City Planning Commission of the City of Friendswood, Texas has approved this plot and subdivision of Forest Creek as shown hereon.

IN TESTIMONY WHEREOF, witness the official signature of the Chairman and Secretary of the City Planning Commission of the City of Friendswood, Texas, this 6th day of April, 1976.

Clyde Rainey
Clyde Rainey, Chairman
Roy Utley
Roy Utley, Secretary

I, Richard P. Doss, County Engineer of Harris County, Texas, do hereby certify that the plot of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Harris County Commissioner's Court; and further, that it complies or will comply with all of the laws included in the Harris County Road Law, also including Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature.

Richard P. Doss, County Engineer

I, G. H. Smith, Flood Control Director of Harris County Flood Control District, Harris County Texas, do hereby certify that the plot of this subdivision complies with requirements for internal subdivision drainage as adopted by Commissioner's Court, however, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream, or on any other area or subdivision within the watershed.

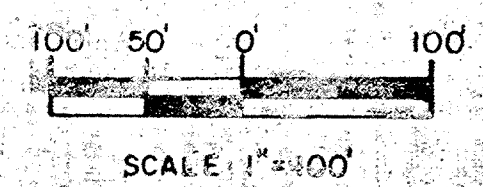
G. H. Smith, Flood Control Director

- NOTES:
- All side lot lines are either perpendicular or radial to street frontage unless otherwise noted.
 - B.L. indicates Building Line
U.E. indicates Utility Easement

FOREST CREEK

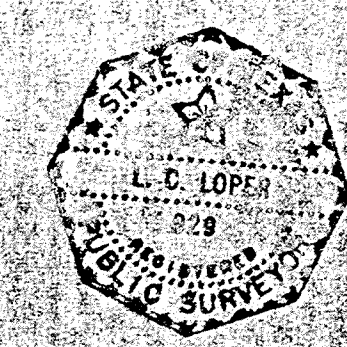
A SUBDIVISION OF 20.1236 ACRES OUT OF SARAH MCKISSICK SURVEY, ABSTRACT NO. 549, HARRIS COUNTY, TEXAS.

ENGINEER: L.C. LOPER & ASSOCIATES
OWNER: CHARLES KORNEGAY BUILDER, INC. - CHARLES KORNEGAY
4 BLOCKS
61 LOTS



This is to certify that I, L.C. Loper, a Licensed Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground; and that all block corners, angle points, and points of curve are properly marked with five eighth inch (5/8") iron rods, 18" long, and that this plat accurately represents that survey made by me.

L.C. Loper
L.C. Loper
Texas Registration No. 929



STATE OF TEXAS
COUNTY OF HARRIS

We, Charles Kornegay, and Jeanette Marie Kornegay, President and Secretary respectively of Charles Kornegay Builder, Inc., owner of the property subdivided in the above and foregoing map of Forest Creek, do hereby make subdivision of said property for and on behalf of said Charles Kornegay Builders, Inc. according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown and designate said subdivision as Forest Creek, located in the Sarah McKissick Survey, Abstract No. 549, Harris County, Texas and on behalf of said Charles Kornegay Builder, Inc., and dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon forever, and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

This is to certify that we, Charles Kornegay and Jeanette Marie Kornegay, President and Secretary respectively of Charles Kornegay Builder, Inc., owner of the property subdivided in the above and foregoing map of Forest Creek, have complied or will comply with the existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature, and all other regulations hereof on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County, Texas.

FURTHER, We do hereby dedicate forever to the public a strip of land fifteen feet (15') wide on each side of the centerline of any and all gullies, ravines, draws, sloughs, or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving Harris County and/or any other public agency the right to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable, at the option of Harris County, by Harris County or any citizen thereof, by injunction as follows:

- That drainage of septic tanks into road, street, alley or other public ditches, either directly or indirectly, is strictly prohibited.
- Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe culvert). Culverts or bridges must be used for driveways and/or walks.

There is also dedicated for utilities an unobstructed aerial easement five feet (5') wide from a plane twenty feet (20') above the ground upward, located adjacent to all easements shown hereon.

We hereby covenant and agree with the City of Friendswood and/or Harris County and/or any property owner that the building lines and utility easements shown in adjacent acreage are hereby established as shown.

We hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted.

IN TESTIMONY WHEREOF, Charles Kornegay Builder, Inc., has caused these presents to be signed by Charles Kornegay, its President, thereto authorized, attested by its Secretary, Jeanette Marie Kornegay, and its common seal hereunto affixed this 3rd day of April, 1976.

CHARLES KORNEGAY BUILDER, INC.

Charles Kornegay
Charles Kornegay, President
Jeanette Marie Kornegay
Jeanette Marie Kornegay, Secretary

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this date personally appeared Charles Kornegay, President and Jeanette Marie Kornegay, Secretary of Charles Kornegay Builder, Inc., known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 2nd day of April, 1976.

John W. Heaton
John W. Heaton
Notary Public in and for Harris County, Texas.

This is to certify that I, Thomas D. Heaney, City Engineer for the City of Friendswood, Texas have approved this plot and subdivision of Forest Creek as shown hereon.

IN TESTIMONY WHEREOF, witness the official signature of the City Engineer for the City of Friendswood, Texas, this 6th day of April, 1976.

Thomas D. Heaney
Thomas D. Heaney, City Engineer

STATE OF TEXAS
COUNTY OF HARRIS

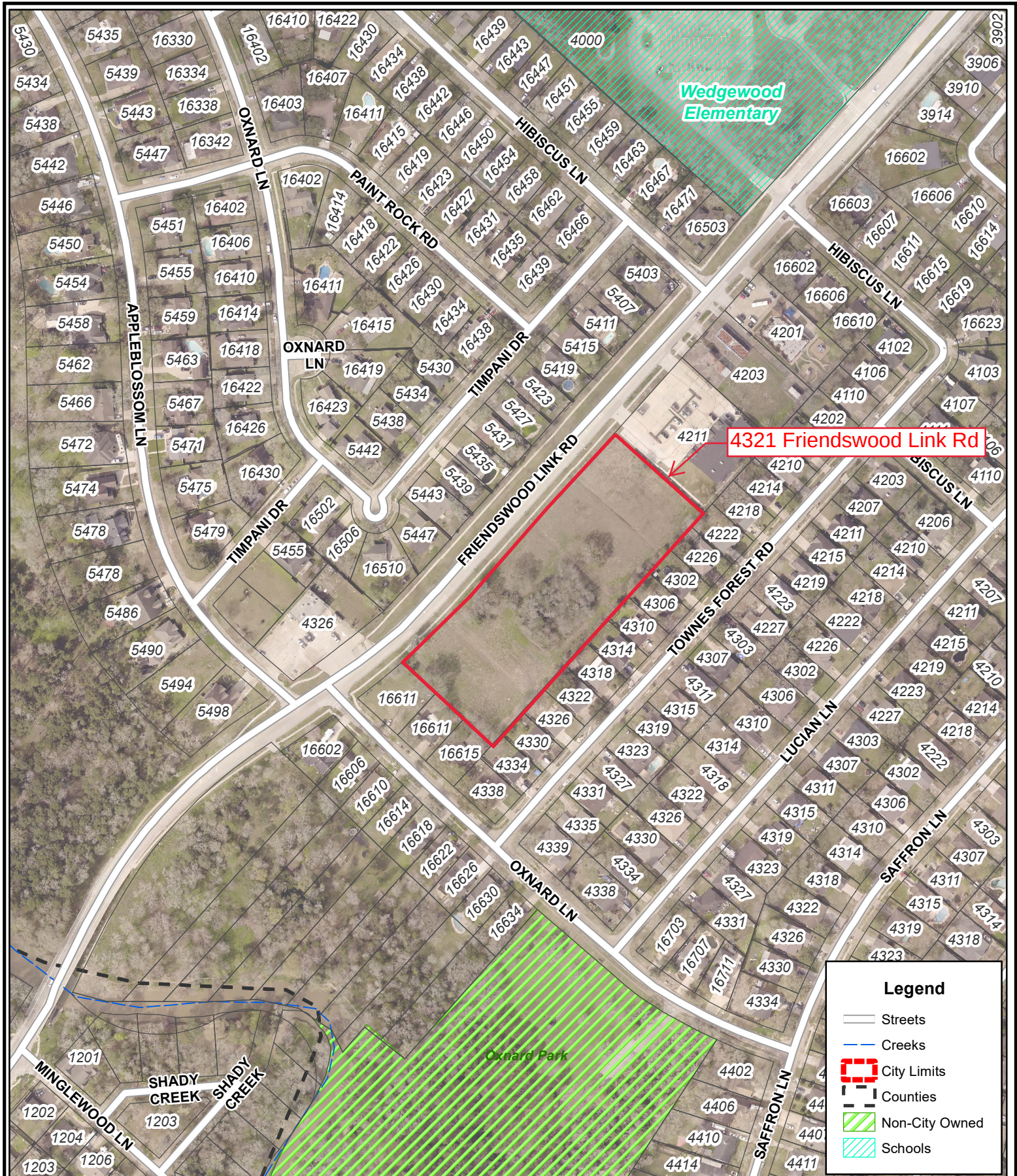
I, R. E. Turrentine, Jr., Clerk of the County Court of Harris County, Texas do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 19____, at _____ o'clock _____ M., and duly recorded on _____ of said County, _____ page _____ of record of _____.

WITNESS my hand and seal of office at Houston, the day and date last above written.

R. E. Turrentine, Jr. Clerk, County Court,
Harris County, Texas

By _____ Deputy

L.C. LOPER & ASSOCIATES, INC.
CONSULTING ENGINEER
89 BELLAIR BLVD.
HOUSTON, TEXAS 77025
666-2828



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Friendswood makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Friendswood from any damage, loss, or liability arising from such use.

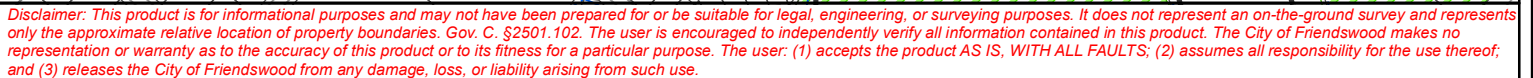


City of Friendswood
 910 South Friendswood Drive
 Friendswood, Texas 77546
 (281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 247'
 Page 30 of 59



1" = 493'

Page 31 of 59



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Friendswood makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Friendswood from any damage, loss, or liability arising from such use.

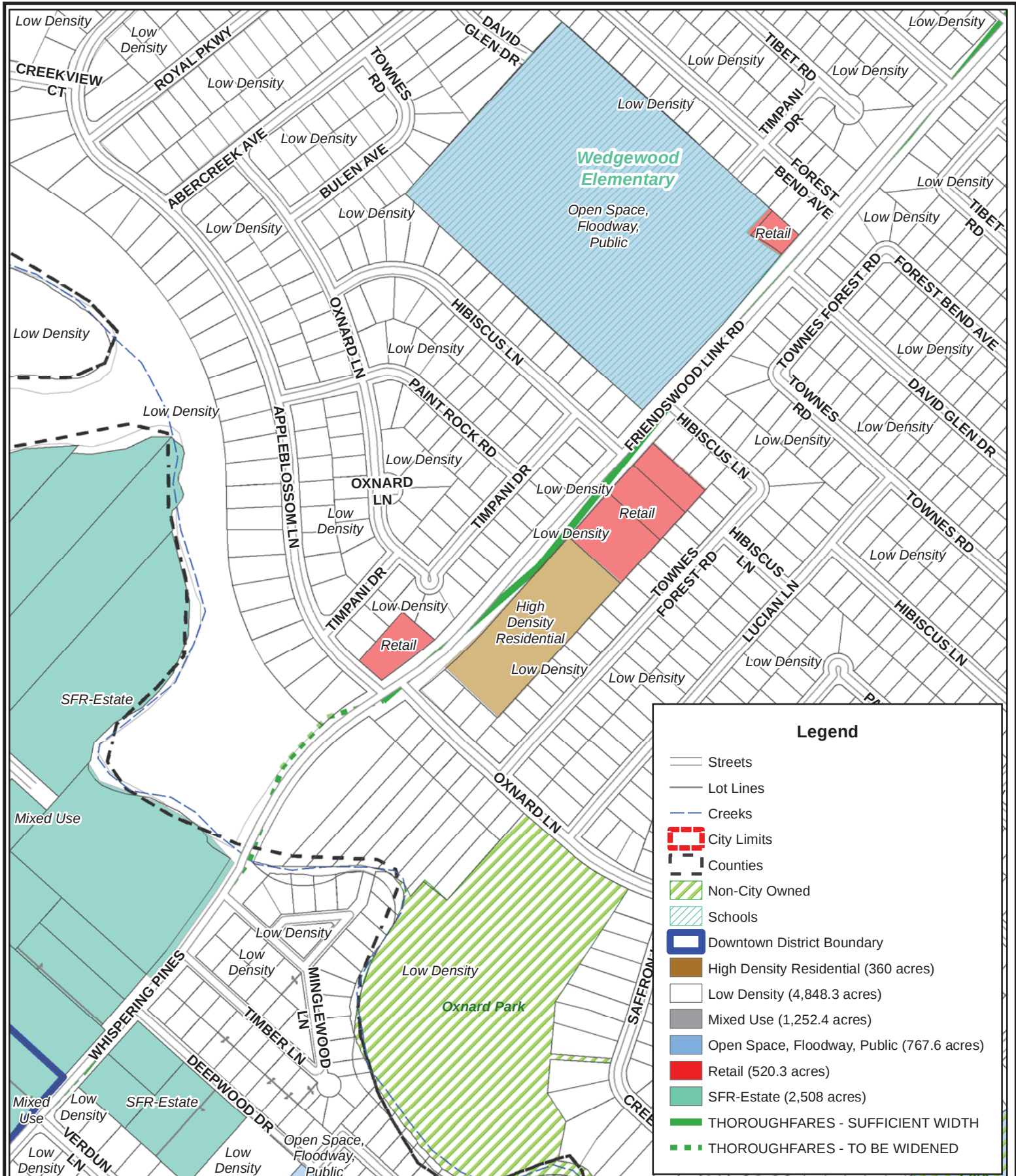


City of Friendswood
 910 South Friendswood Drive
 Friendswood, Texas 77546
 (281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 247'
 Page 32 of 59



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Friendswood makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Friendswood from any damage, loss, or liability arising from such use.



City of Friendswood
 910 South Friendswood Drive
 Friendswood, Texas 77546
 (281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 424'
 Page 33 of 59

Rezoning Report

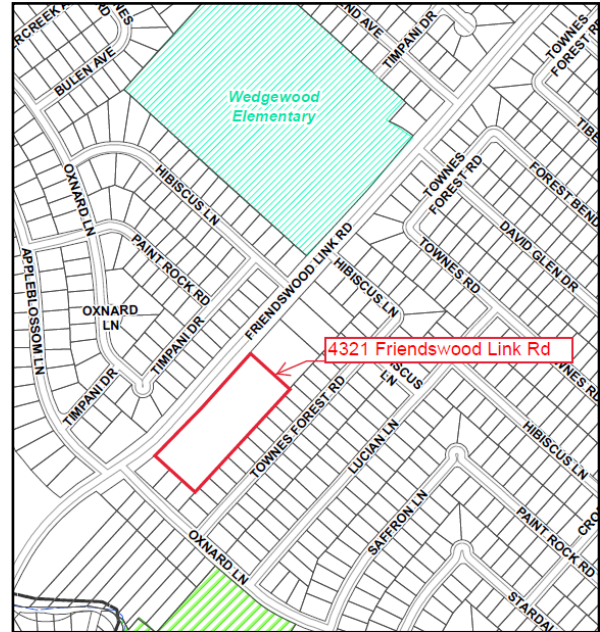
July 2020

Project: Zone Change

Address: 4321 Friendswood Link Rd.

Legal: 3.2895 acres, also known as Reserve A5, Block 2 Forest Creek Subdivision, out of the Sarah McKissick Survey, Abstract No. 549, Harris County, Texas

Request: Zone classification change from Multi-Family Residential-Garden Home District (MFR-GHD) to Multi-Family Residential-High Density (MFR-H)



Applicable Zoning Ordinance Excerpts:

Appendix C

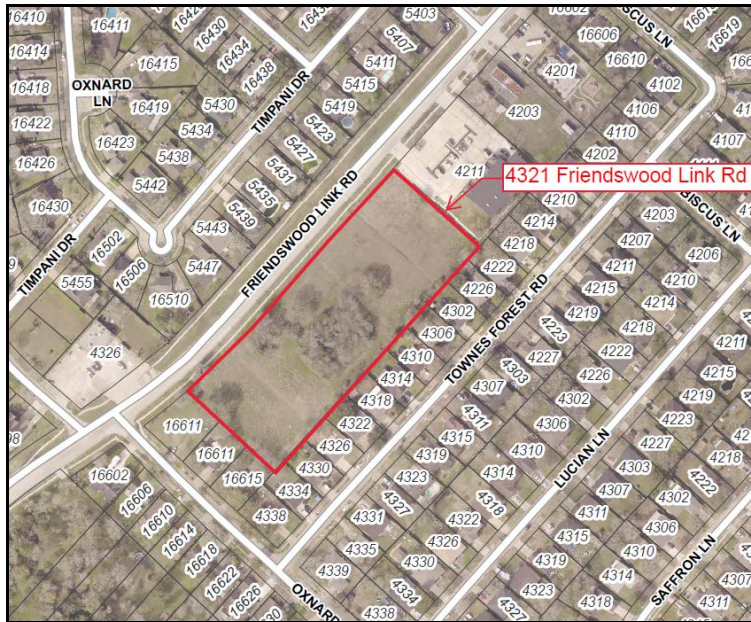
Zoning Ordinance

Section 7. Schedule of District Regulations

- D. *(R-5) MFR-H, residential, general purpose and description.* The MFR-H, Multiple-Family Residential Dwelling—Highest-Density District, is a residential district intended to provide for the highest residential density ranging up to 12 dwelling units per acre. The principal use of land in the district is for a wide variety of dwelling types, including low-rise multiple-family dwellings, garden apartments, condominiums, and townhouses and, subject to a specific use permit, high-rise apartments. Recreational, religious, health and educational uses normally located to service residential areas are permitted in this district in order to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. The MFR-H district is usually located adjacent to the major street and serves as a buffer or transition between commercial development or heavy automobile traffic and medium-density residential development.
1. Area and height regulations. Area and height regulations in an MFR-H district are set forth in subsection Q.2 of this section, regulation matrix.
 2. See section 8 for supplementary district regulations.
 3. Reserved.
 4. Permitted uses. Uses permitted in an MFR-H district are set forth in subsection P of this section, permitted use table.

Existing Use/Site Attributes:

The subject property is 3.2895 acres of undeveloped land.



City of Friendswood GIS Aerial Map

Zoning History:

The zoning of the property is currently Multi-Family Residential-Garden Home District (MFR_GHD).

Adjacent Zoning/Land Use:

The property is located along Friendswood Link Rd. The property to the northeasterly side is zoned Neighborhood Commercial (NC) and the property to the rear and other side is all Single Family Residential (SFR).



City of Friendswood Zoning Map

Platting Analysis:

The property will require preliminary and final plats prior to development.

Planning Analysis:

MFR-H zoning district requires site plan approval by the Planning and Zoning Commission. The property is subject to a 50-foot building line that was on the original plat of Forest Creek Subdivision. Additionally, since the development would abut residentially zoned property, an 8-foot opaque fence and a 10-foot landscape buffer with a tree planted every 25 feet will be required.

The applicant has provided conceptual drawings of their plans for the property; however, approval of the zone change does not bind them to this plan. They will be required to meet the minimum standards of the MFR-H zoning district, if approved.

Comprehensive Planning Analysis:

The Future Land Use Map identifies this property developing as High Density Residential.

Infrastructure/Service Delivery Impacts**Storm Water Management and Floodplain Issues:**

The property will be required to provide on-site detention.

Utilities:

City water and sewer services are available to the property.

Access:

Access will be from two driveways to Friendswood Link Rd. All driveways and parking spaces will be required to meet the current minimum design standards detailed in the Design Criteria Manual.

Park/Open Space:

Park Dedication Fees of \$600 per lot will be due at the time of Building Permit Issuance.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: August 27, 2020

Subject: Discussion regarding proposed amendments to Appendix C, Zoning Ordinance "Section 7. I. Downtown District (DD), general purpose and description" to add a reference to Section 20. Definitions, "Section 7.Q.3. Area and Height Exceptions" to amend the height exceptions, and "Section 20. Definitions - Height" to remove a duplicate requirement

Action: Significant

SUMMARY / ORIGINATING CAUSE

The proposed building height ordinance amendments leaves the current 50 maximum combined building height in CSC, NC, OPD, LI, I and BP, although it does remove the "unless otherwise approved by the Planning and Zoning Commission." Relief in these zoning districts can be achieved by increasing the building setbacks (which currently exists in the Zoning Ordinance).

For the Downtown District (DD), the exception is added to allow flagpoles and ornamental appurtenance such as steeples, spires and crosses to extend 18 feet above the building or 18 feet above the maximum allowable building height, which is 70 feet. Additionally, these structures cannot be used for habitation or storage and cannot be illuminated. It was also suggested that property owner notices be required when the 70-foot height is being exceeded.

A section addressing communication towers was separated out into its own category (section c.).

Other than that, some of the wording was formatted to be similar throughout the section of the ordinance.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Changing the height ordinance will allow for more clear interpretation. It was also achieve the request of the mayor and City Council to amend the building height ordinance, specifically as it pertains to the Downtown District (DD).

RECOMMENDATIONS

None at this time.

ATTACHMENTS

1. Redline_Building Height Ordinance adh 08-24-2020
2. Redline_Building Height Ordinance adh 08-24-2020 clean copy

Section 7. - Schedule of district regulations.

I. *Downtown District (DD), general purpose and description.* The DD, downtown district, is designed to accommodate and promote the city's original business and downtown areas. It is intended to achieve a balance of retail, commercial, office, and residential and public activities. Development within the DD should be pedestrian friendly with an emphasis on shared parking and shared access between developments. Development within the DD requires the approval of a development site plan by the Planning and Zoning Commission.

1. Area and height regulations. Structures within the DD are intended to be between one to four stories. The maximum height allowed is 70 feet as measured in accordance with the method prescribed in section 20. Additional regulations are set forth under subsection Q.2 of this section, regulation matrix.

a. No residential use shall be allowed on the first floor.

Q. *District area and height regulations.*

1. No lot, parcel, premises or tract of land shall be created and no building permit shall be issued for any request that does not meet the appropriate minimum lot area, width, depth, yard and height regulations as set forth in the following tables.

2. See regulation matrix.

REGULATION MATRIX - COMMERCIAL DISTRICTS

Circled letters (letters in parentheses) refer to paragraphs in section 7-Q.3.

Zoning District	Lot Area Minimum Square Feet	Lot Width Minimum Feet	Lot Depth Minimum Feet	Yards—Minimum Feet						Height Maximum Feet (b and e)	Landscape Requirements	Exception Notes	Maximum Lot Coverage
				Front	Rear (a)	Side							
						Interior		Exterior					
						When Abutting Property in a Residential District or Garden Home District	When Abutting Property in a Nonresidential District	When Backing Up to an Abutting Side Yard	When Backing Up to an Abutting Rear Yard				
CSC	15,000	100	150	30	15	25	10	25	10	40	Yes		30%
NC	12,000	100	120	30	15 D	25	10	25	10	40	Yes	D, H	30% H

LNC	10,000	100	100	30	15 D	25	10	25	10	40	Yes	D, I	30%; cc
DD	15,000 E	0	0	0	0 G 15 F	15	0	0	0	70 (max. 4 stories)	Yes	E, F, G	60%
OPD	10,000	100	100	30	15	25	10	25	10	40	Yes	H	30%
BP	10,000	100	100	30	25	25	10 J	25	10 J	40	Yes	J	40%
LI	15,000	100	100	30 A	25	25	10	25	10	40	Yes	A	50%
I	20,000	100	100	30 B	25 C	40 C	10	25 C	10 C	40	Yes	B, C	60%

- A. When LI district is across the street from a residential district, front yard shall be a minimum of 40 feet from street R.O.W.
- B. When I district is across the street from a residential district, front yard setback shall be a minimum of 50 feet from street R.O.W.
- C. When industrial district abuts side and/or rear residential district, setback shall be a minimum of 90 feet.
- D. When rear yard of an NC or LNC district abuts a nonresidential district, rear yard setback shall be a minimum of 15 feet.
- E. Lots within the downtown district (DD) in existence prior to the creation of the DD shall be deemed as lawfully existing and shall be allowed to develop under DD regulations. Further, tracts of any size in existence prior to the creation of the DD may be combined into larger tracts and developed, even if the aggregate size is less than 15,000 square feet. Further, no lot classified as within the DD zone may be subdivided to less than the minimum size of 15,000 square feet.
- F. When DD rear yard abuts a residential district (residential district or garden home district), rear yard setback shall be a minimum of 15 feet.
- G. When DD rear yard abuts a non-residential district, rear yard shall be a minimum of zero feet.
- H. In NC and OPD, building site coverage, consisting of all buildings, structures and all paved surfaces, shall not exceed 90 percent of the total lot area, per subsections G.5 and H.8 of this section.
- I. In LNC, building site coverage, consisting of all buildings, structures and all paved surfaces, shall not exceed 80 percent of the total lot area, per subsection G-1.6 of this section.
- J. In BP, no structure shall be located within 25 feet of an exterior BP boundary. An exterior BP boundary is one that abuts a zone other than BP, per subsection O.1 of this section.

REGULATION MATRIX—RESIDENTIAL DISTRICTS

Circled letters (letters in parentheses) refer to paragraphs in section 7-Q.3.

	Units per Acre	Lot Area Minimum Square Feet	Lot Width	Yards—Minimum Feet					Height Maximum Feet (b and e)	Parking Requirement Unit	Zero Lot Lines Y or N	Maximum Lot Coverage
				Front	Rear (a)	Side						
						Interior (d)	Exterior (Corner Lot)					
			Backing Up to an Abutting Side Yard	Backing Up to an Abutting Rear Yard								
SFR Single-Family Residential	2.7	11,600	90 A	25 B	25	10 F	25 A	20 C	40	K	No	35%
SFR Single-Family Residential	2.7	15,600	120 A	25 B	25	10	25 B	20 C	40	K	No	35%
SFR-E Single-Family— Residential Estate	0.5	87,120	150 A	75	25	25	35	35	40	K	No	20%
MFR-L Multifamily— Low	6 G	7,260 G	45 G	25 B	25	10 E, I	25 B	20 C	40	K	No	50%
MFR-M Multifamily— Medium	9	—	—	25 B	0	10 E, I	25 B	20 C	40	K	No	50%
MFR-H Multifamily— Highest	12	—	—	25 B	0	10 E, I	25 B	20 C	40	K	No	50%
MHR Mobile Home	10	—	—	25 B	25	10 I	30	25 B	20	K	No	50%
A-1	—	—	—	25 B	25	10 I	25 B	20 C	40	K	No	10%
MFR-GHD Garden Home	6	6,000	60	20 B, H	20	0 D, J	5 B, H	4 C, H	40	K	Yes D	50%

stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. ~~The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.~~

b. Building or structures located in the Downtown District (DD):

~~The height regulations of this section shall not apply to elevator bulkheads, flagpoles, monuments, ornaments, steeples, spires, smokestacks, tanks, antennas, and items similar to those listed herein.~~

~~1. When located in the Downtown District (DD), these structures shall not extend more than 1820 feet above the building or extend more than 1820 feet above the allowable building height; flagpoles and ornamental appurtenances such as steeples, spires, and crosses; and~~

~~2. When located in community shopping center (CSC), neighborhood commercial (NC), office park (OPD), light industrial (LI), industrial (I), and business park (BP) districts, these structures shall not exceed more than 10 feet or extend more than 10 feet above the allowable building height; and~~

~~3. These structures shall not be used for habitation or storage and shall not be illuminated.~~

~~3. For structures that will exceed the maximum allowable building height of 70 feet, property owner notices shall be mailed to current property owners within 200 feet of the boundary of the subject property before the 10th day the item will be considered on an agenda.~~

c. Communications towers height criteria.

~~1. Height limitations of towers. The maximum tower height, including antennae and accessories, shall not exceed 200 feet, unless otherwise approved by city council.~~

~~2. Height limitation on existing buildings. Towers which are located on top of buildings or structures in nonresidential districts shall not be more than 30 percent of the structure height above the structure.~~

~~3. Buildings or structures of 40 feet or less in height shall meet the setback requirements as defined in this appendix.~~

~~2. Exceptions.~~ d. Building or structures located in Planned Unit Development (PUD):

~~Structures located within a general planned unit development (PUD) or PUD-mixed use district shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a general PUD or PUD-mixed use application will be as established in the ordinance authorizing and approving the planned unit development.~~

~~3. The maximum height allowed for structures within the downtown district (DD) is 70 feet, as measured in accordance with the method prescribed in section 20, definitions.~~

e. Accessory buildings or structures in residential districts:

~~Unattached accessory buildings or structures less than 25 feet in height, as measured from the adjacent grade to the highest point of any portion of such building or structure, may be~~

Comment [BB3]: Not necessary

Comment [BB4]: This section is Area and Height Exceptions

Comment [BB5]: No longer have different types of PUDs

Comment [BB6]: Redundant

located in required rear or side yards within residential districts, provided they are set back not less than five feet from any interior side lot line, 20 feet from any side lot line adjacent to a side street, and ten feet from any rear lot line.

fc. Interior side yards shall not be required for abutting properties in the same zoning district if both properties are developed as a unit under a common development plan.

gd. When individual attached townhouses or condominiums are to be sold separately, there shall be no minimum lot area requirements, provided that the total land area of the project, including the land on which the units are located and the land held in common ownership by the unit owners, is equal to the total minimum land area required per dwelling unit or lot in the district in which the project is located.

~~h. The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.~~

Comment [BB7]: Moved to group with height exceptions

hf. Minimum front yard setbacks for lots with predominant frontage on the curved radius of a cul-de-sac shall be 15 feet.

ig. Stairs in certain situations. In residential zoning districts that have minimum front yard requirements, uncovered stairways associated with a residential use may project into the required front yard but shall remain a minimum of ten feet from the front property line, if:

1. A building is being elevated or reconstructed on an existing foundation to meet or exceed current city floodplain standards; and
2. The stairway projection into the required front yard is limited to the minimum area required to meet elevation standards; and the stairway, at its widest point, shall not exceed ten feet.

Section 20. - Definitions.

(a) The following words, terms and phrases, when used in this appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adult entertainment business shall have the same meaning as "sexually oriented business," as that term is defined in V.T.C.A., Local Government Code ch. 243, and chapter 62 of the Code of Ordinances, and shall include, but not be limited to, an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this appendix and chapter 62 of the Code of Ordinances. The determination of what constitutes an adult entertainment business shall be made by the police chief or his/her designee, in accordance with the definitions contained in chapter 62 of the Code of Ordinances, and such determination shall be appealable to the zoning board of adjustment.

Apartment house means any building or portion thereof used as a multiple dwelling for the purpose of providing three or more separate dwelling units which may share means of egress and other essential facilities.

Automobile graveyard means an establishment or place of business that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Building means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. The term "building" includes the term "structure."

Building area means the surface of the lot covered or occupied by all structures placed thereon, excluding only driveways, walkways and uncovered patios.

Building line means a line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

Childcare center means a childcare facility that is licensed to care for seven or more children for less than 24 hours per day, at a location other than the permit holder's home (pursuant to Texas Administrative Code, Title 40, Part 19, Chapter 746). Compliance with all applicable state regulations is required. A childcare center shall also obtain a certificate of zoning compliance pursuant to section 9.D ("Administration and enforcement—Building permits and certificates of zoning compliance").

1. *Registered childcare home.* In a registered childcare home, the registered primary caregiver provides care in the caregiver's own residence for not more than six children from birth through 13 years, and may provide care after-school hours for not more than six additional elementary school children. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12 (pursuant to Tex. Admin. Code, Title 40, Part 19, Chapter 747). Compliance with all applicable state regulations is required. A registered childcare home shall also obtain a certificate of zoning compliance pursuant to section 9.D.
2. *Licensed childcare home.* The total number of children in care varies with the ages of the children, but the total number of children in care in a licensed childcare home at any given time, including the children related to the caregiver, must not exceed 12 (pursuant to Tex. Admin. Code, Title 40, Part 19, Chapter 747). Compliance with all applicable state regulations is required. A licensed childcare home shall also obtain a certificate of zoning compliance pursuant to section 9.D.

Cluster housing development means a residential development containing attached or detached units on a limited portion of land with the remaining land areas consolidated into common open space areas.

Comprehensive plan means graphic and textual form policies which govern the future development of the city and which consist of various components governing specific geographic areas and functions and services of the city.

Density means living units per acre in a platted subdivision. The term "density" pertains to total platted acreage, including streets.

Dwelling, garden home, means a dwelling unit which is structurally attached to another dwelling unit but which does not share a common wall.

Dwelling, multiple-family, means any building, or portion thereof, which is designed, built, rented, leased or intended to be occupied as three or more dwelling units or apartments and which includes facilities for food preparation and sleeping.

Dwelling, single-family, means a detached building having accommodations for and occupied by not more than one family.

Dwelling, two-family, means a detached building having accommodations for and occupied by not more than two families. In calculating minimum lot area, a two-family dwelling shall be considered to be two dwelling units.

Dwelling unit means a building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters for one family.

Family means a single individual or a number of individuals domiciled together, whose relationship is of a continuing, nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

Fence means any structure enclosing, demarcating or surrounding an area of ground to mark a boundary, control access, or prevent escape, in part or in whole.

Graduated fence means a fence required by city ordinance, the height of which may be reduced for some portion of its required length, either in a stair-step configuration or by gradually reducing such height in a straight or radial line. The length and height of the fence so reduced will be determined on the basis of a combination of factors, including, but not limited to, security, public welfare, and pedestrian and traffic safety.

Green space means natural undeveloped areas, such as prairies, farmland, barren land, forests, wetlands and lakes. The term "green space" may also include landscaped perimeters and green landscape reserves along thoroughfares.

Height.

- a. The height of a building shall be measured to:
 - (1) The top of ridge of the highest roof of a sloped roof (i.e., gable);
 - (2) The top of the highest deck of a mansard roof; or
 - (3) The top of the highest parapet wall of a flat roof.
- b. For buildings not located in the floodplain, height is measured from the top of the finished first floor of the building which can be no more than two feet above the finished grade at the site. Finished grade shall mean the highest grade elevation within five feet of the foundation or wall of the building, said grade having been established by means of an approved grading and/or drainage plan. Finished grade may also be the existing grade elevation when no terrain alteration is proposed, or where otherwise applicable. Any fill which is not required to achieve positive site drainage or slope stabilization, or which is otherwise proposed to raise the finished first floor elevation for any other purpose, shall not be considered to be finished grade for the purpose of measuring building height.
- c. For buildings located in the floodplain, height is measured from the top of the first finished floor which shall be two feet above the average base flood elevation at the site, as established by the latest available flood elevation maps for the city.

~~d. No part of a building or structure is allowed to exceed the maximum height allowed in a specific zoning district except for the following:~~

- ~~(1) Elements inclusive of, but not limited to, chimneys, vents, and roof-top mechanical equipment, provided that the maximum allowed building or structure height is not exceeded by more than four feet; or~~
- ~~(2) Elements inclusive of, but not limited to, radio or television antennae or aerials (but not including microwave receivers, transmitters, repeaters, or satellite receivers), provided that the maximum allowed building or structure height is not exceeded by more than ten feet.~~

Home occupation means an occupation or profession engaged in by the occupants of a dwelling, the conduct of which does not result in the dwelling being identified as a business by the external and objective evidence of a business, such as signs, displays, deliveries, continuous or repetitive traffic (rather than occasional or sporadic traffic) generated by the home occupation, or by regular gatherings of clients or customers for business purposes. Home occupations are a permitted use in accordance with this section, provided that:

Comment [BB8]: Addressed under Area and Height Exceptions

1. The occupation or profession conducted within a residential dwelling unit must be clearly incidental and subordinate to the use of the premises as a residential dwelling unit.
2. The home occupation shall be conducted entirely within the dwelling unit or accessory structure.
3. Only members of the family residing on the premises are employed.
4. No internal or external alterations, special construction, or features are involved.
5. There is no advertising of any type on the premises and no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the main building or any accessory building; however, advertising of the home occupation by published or printed matter is allowed.
6. No equipment is used which creates offensive noises, vibrations, sound, smoke or dust, odors, heat, glare, X-ray or electrical disturbances to radio or television.
7. Vehicles used in conjunction with the home occupation must park completely in the driveway of the resident without blocking the sidewalk.
8. The home occupation must not change the character of the residential area.
9. A childcare center as defined in this section is not recognized as a home occupation.
10. A personal care facility as defined in this section is not recognized as a home occupation.
11. The use of off-site personal services at a residence by the occupant, such as lawn care, maid services, etc., does not constitute a home occupation and is not limited by this appendix.

Junkyard means an establishment or place of business maintained, used, or operated for storing, keeping, buying or selling junk, for processing scrap metal, or for maintaining or operating an automobile graveyard. The term "junkyard" includes garbage dumps and sanitary fills.

Lot includes the term "plot" or "parcel."

Lot measurements.

1. *Depth.* The distance between the midpoint of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. *Width.* The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost point (where they intersect with the street lines) shall not be less than 90 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac where the 90 percent requirement shall not apply.

Office park means one or more commercial buildings with multiple businesses providing services but not delivering products directly to customers and consisting of two or more tenants using common driveways.

Open space means a restricted reserve located within a development with limited low-impact amenities, including, but not limited to, green space, both natural and landscaped, detention areas, trails, lakes, pavilions, benches, outdoor cooking facilities, and active recreational facilities, such as ball and soccer fields, playgrounds, and the like. Amenities may be passive or active.

Parking space, off-street, means a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access for maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are

provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

Personal care facility means any establishment that furnishes food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides personal care services as that term is defined in V.T.C.A., Health and Safety Code § 247.002, and as further provided for in V.T.C.A., Human Resources Code § 123.004.

Planned unit development means a district with development characterized by a unified site development plan which may provide for a mixture or combination of residential, recreation and open space and commercial uses.

Servant's or caretaker's quarters means an accessory building located on the same lot as the main building, or a portion of the main building, used as living quarters by persons acting as caretakers of the property or by employed servants and not rented or otherwise used as a separate domicile and not used except as an accessory use to the primary use of the property.

Shopping center means a group of commercial establishments which is planned, developed, owned and managed as a unit related in its location, size and type of shops to the trade area that the unit serves.

Specific use means a use that would not be appropriate generally or without restrictions throughout the zoning district but would, if controlled as to number, area, location or relation to the neighborhood, promote the property held, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a zoning district as special exceptions, if specific provision for such special exceptions is made in this appendix.

Street means a public or private thoroughfare which affords a principal means of access to abutting property.

Street line means the right-of-way line of a street.

Structural alterations means any change in the supporting member of a structure, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

Townhouse means a row of three or more attached, one-family dwellings, separated by vertical party or lot line walls, and each having private entrances.

Variance means a relaxation of the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of the ordinance is observed and substantial justice is done.

Yard means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward except for fences and walls.

Yard, front, means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as specified in each zoning district.

Yard, rear, means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot as specified in each zoning district. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimensions. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side, means a yard between a building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the building.

(b) The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.

- (c) The term "shall" is mandatory; the term "may" is permissive.
- (d) The terms "used" and "occupied" include the words "intended, designed or arranged to be used or occupied."
- (e) The term "person" includes an individual, firm, association, organization, partnership, trust, company or corporation.

Section 7. - Schedule of district regulations.

I. *Downtown District (DD), general purpose and description.* The DD, downtown district, is designed to accommodate and promote the city's original business and downtown areas. It is intended to achieve a balance of retail, commercial, office, and residential and public activities. Development within the DD should be pedestrian friendly with an emphasis on shared parking and shared access between developments. Development within the DD requires the approval of a development site plan by the Planning and Zoning Commission.

1. Area and height regulations. Structures within the DD are intended to be between one to four stories. The maximum height allowed is 70 feet as measured in accordance with the method prescribed in section 20. Additional regulations are set forth under subsection Q.2 of this section, regulation matrix.

a. No residential use shall be allowed on the first floor.

Q. *District area and height regulations.*

1. No lot, parcel, premises or tract of land shall be created and no building permit shall be issued for any request that does not meet the appropriate minimum lot area, width, depth, yard and height regulations as set forth in the following tables.

2. See regulation matrix.

REGULATION MATRIX - COMMERCIAL DISTRICTS

Circled letters (letters in parentheses) refer to paragraphs in section 7-Q.3.

Zoning District	Lot Area Minimum Square Feet	Lot Width Minimum Feet	Lot Depth Minimum Feet	Yards—Minimum Feet						Height Maximum Feet (b and e)	Landscape Requirements	Exception Notes	Maximum Lot Coverage
				Front	Rear (a)	Side							
						Interior		Exterior					
						When Abutting Property in a Residential District or Garden Home District	When Abutting Property in a Nonresidential District	When Backing Up to an Abutting Side Yard	When Backing Up to an Abutting Rear Yard				
CSC	15,000	100	150	30	15	25	10	25	10	40	Yes		30%
NC	12,000	100	120	30	15 D	25	10	25	10	40	Yes	D, H	30% H

LNC	10,000	100	100	30	15 D	25	10	25	10	40	Yes	D, I	30%; cc
DD	15,000 E	0	0	0	0 G 15 F	15	0	0	0	70 (max. 4 stories)	Yes	E, F, G	60%
OPD	10,000	100	100	30	15	25	10	25	10	40	Yes	H	30%
BP	10,000	100	100	30	25	25	10 J	25	10 J	40	Yes	J	40%
LI	15,000	100	100	30 A	25	25	10	25	10	40	Yes	A	50%
I	20,000	100	100	30 B	25 C	40 C	10	25 C	10 C	40	Yes	B, C	60%

- A. When LI district is across the street from a residential district, front yard shall be a minimum of 40 feet from street R.O.W.
- B. When I district is across the street from a residential district, front yard setback shall be a minimum of 50 feet from street R.O.W.
- C. When industrial district abuts side and/or rear residential district, setback shall be a minimum of 90 feet.
- D. When rear yard of an NC or LNC district abuts a nonresidential district, rear yard setback shall be a minimum of 15 feet.
- E. Lots within the downtown district (DD) in existence prior to the creation of the DD shall be deemed as lawfully existing and shall be allowed to develop under DD regulations. Further, tracts of any size in existence prior to the creation of the DD may be combined into larger tracts and developed, even if the aggregate size is less than 15,000 square feet. Further, no lot classified as within the DD zone may be subdivided to less than the minimum size of 15,000 square feet.
- F. When DD rear yard abuts a residential district (residential district or garden home district), rear yard setback shall be a minimum of 15 feet.
- G. When DD rear yard abuts a non-residential district, rear yard shall be a minimum of zero feet.
- H. In NC and OPD, building site coverage, consisting of all buildings, structures and all paved surfaces, shall not exceed 90 percent of the total lot area, per subsections G.5 and H.8 of this section.
- I. In LNC, building site coverage, consisting of all buildings, structures and all paved surfaces, shall not exceed 80 percent of the total lot area, per subsection G-1.6 of this section.
- J. In BP, no structure shall be located within 25 feet of an exterior BP boundary. An exterior BP boundary is one that abuts a zone other than BP, per subsection O.1 of this section.

REGULATION MATRIX—RESIDENTIAL DISTRICTS

Circled letters (letters in parentheses) refer to paragraphs in section 7-Q.3.

	Units per Acre	Lot Area Minimum Square Feet	Lot Width	Yards—Minimum Feet					Height Maximum Feet (b and e)	Parking Requirement Unit	Zero Lot Lines Y or N	Maximum Lot Coverage
				Front	Rear (a)	Side						
						Interior (d)	Exterior (Corner Lot)					
			Backing Up to an Abutting Side Yard	Backing Up to an Abutting Rear Yard								
SFR Single-Family Residential	2.7	11,600	90 A	25 B	25	10 F	25 A	20 C	40	K	No	35%
SFR Single-Family Residential	2.7	15,600	120 A	25 B	25	10	25 B	20 C	40	K	No	35%
SFR-E Single-Family—Residential Estate	0.5	87,120	150 A	75	25	25	35	35	40	K	No	20%
MFR-L Multifamily—Low	6 G	7,260 G	45 G	25 B	25	10 E, I	25 B	20 C	40	K	No	50%
MFR-M Multifamily—Medium	9	—	—	25 B	0	10 E, I	25 B	20 C	40	K	No	50%
MFR-H Multifamily—Highest	12	—	—	25 B	0	10 E, I	25 B	20 C	40	K	No	50%
MHR Mobile Home	10	—	—	25 B	25	10 I	30	25 B	20	K	No	50%
A-1	—	—	—	25 B	25	10 I	25 B	20 C	40	K	No	10%
MFR-GHD Garden Home	6	6,000	60	20 B, H	20	0 D, J	5 B, H	4 C, H	40	K	Yes D	50%

[illegible]

- A. Lots of less than 120 feet wide require curbs. Lots 120 feet wide or greater may use open ditches.
- B. 35 feet on thoroughfares.
- C. 25 feet on thoroughfares.
- D. Zero setback on side only, minimum five-foot separation between buildings.
- E. Ten-foot minimum separation between buildings.
- F. Lots currently in existence with less than 90 feet of width that have structures already built upon them may continue with the same existing setback for additions provided they are not less than a minimum of five feet.
- G. Developer must elect either units per acre or lot area. Two-family residential units on two lots are required when lot area is elected.
- H. Front yard and exterior side yard setbacks shall be measured from the edge of the street ROW or the edge of the drainage utility/access easement (if streets are private), whichever is greater.
- I. 25 feet when abutting land zoned single-family residential (SFR) district.
- J. Ten feet when abutting land zoned anything other than MFR-GHD (garden home district).
- K. Parking is required in accordance with the parking group table in the design criteria manual.

3. Area and height exceptions.

~~g) Unattached accessory buildings or structures less than 25 feet in height, as measured from the adjacent grade to the highest point of any portion of such building or structure, may be located in required rear or side yards within residential districts, provided they are set back not less than five feet from any interior side lot line, 20 feet from any side lot line adjacent to a side street, and ten feet from any rear lot line.~~

Comment [BB1]: Moved to group with setback exceptions

~~(b) A building or structure may not exceed 40 feet in height measured from the minimum habitable floor elevation; provided, however, that:~~

Comment [BB2]: Redundant

a. 1.—Buildings or structures in community shopping center (CSC), neighborhood commercial (NC), office park (OPD), light industrial (LI), industrial (I), and business park (BP) districts:

~~may exceed 40 feet in height when:~~

a. ~~May exceed 40 feet in height when~~ the building setback from the nearest property line is equal to the building height. Further, the building or structure shall fit under an imaginary line that is not greater than 45.0 degrees at the property line from a horizontal line established at the minimum habitable floor elevation, provided, however, no building or structure on property adjacent to a residential zone shall have a height that exceeds 50 feet ~~unless a specific use permit shall have been granted therefore in accordance with section 9-G.~~

b. The total combined height of the following items and the structure is 50 feet overall height measured from the finished floor to the highest point: belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks,

stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. ~~The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.~~

b. Building or structures located in the Downtown District (DD):

~~The height regulations of this section shall not apply to elevator bulkheads, flagpoles, monuments, ornaments, steeples, spires, smokestacks, tanks, antennas, and items similar to those listed herein.~~

~~1. When located in the Downtown District (DD), these structures shall not extend more than 1820 feet above the building or extend more than 1820 feet above the allowable building height; flagpoles and ornamental appurtenances such as steeples, spires, and crosses; and~~

~~2. When located in community shopping center (CSC), neighborhood commercial (NC), office park (OPD), light industrial (LI), industrial (I), and business park (BP) districts, these structures shall not exceed more than 10 feet or extend more than 10 feet above the allowable building height; and~~

~~3. These structures shall not be used for habitation or storage and shall not be illuminated.~~

~~3. For structures that will exceed the maximum allowable building height of 70 feet, property owner notices shall be mailed to current property owners within 200 feet of the boundary of the subject property before the 10th day the item will be considered on an agenda.~~

c. Communications towers height criteria.

~~1. Height limitations of towers. The maximum tower height, including antennae and accessories, shall not exceed 200 feet, unless otherwise approved by city council.~~

~~2. Height limitation on existing buildings. Towers which are located on top of buildings or structures in nonresidential districts shall not be more than 30 percent of the structure height above the structure.~~

~~3. Buildings or structures of 40 feet or less in height shall meet the setback requirements as defined in this appendix.~~

~~2. Exceptions.~~ d. Building or structures located in Planned Unit Development (PUD):

~~Structures located within a general planned unit development (PUD) or PUD-mixed use district shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a general PUD or PUD-mixed use application will be as established in the ordinance authorizing and approving the planned unit development.~~

~~3. The maximum height allowed for structures within the downtown district (DD) is 70 feet, as measured in accordance with the method prescribed in section 20, definitions.~~

e. Accessory buildings or structures in residential districts:

~~Unattached accessory buildings or structures less than 25 feet in height, as measured from the adjacent grade to the highest point of any portion of such building or structure, may be~~

Comment [BB3]: Not necessary

Comment [BB4]: This section is Area and Height Exceptions

Comment [BB5]: No longer have different types of PUDs

Comment [BB6]: Redundant

located in required rear or side yards within residential districts, provided they are set back not less than five feet from any interior side lot line, 20 feet from any side lot line adjacent to a side street, and ten feet from any rear lot line.

fc. Interior side yards shall not be required for abutting properties in the same zoning district if both properties are developed as a unit under a common development plan.

gd. When individual attached townhouses or condominiums are to be sold separately, there shall be no minimum lot area requirements, provided that the total land area of the project, including the land on which the units are located and the land held in common ownership by the unit owners, is equal to the total minimum land area required per dwelling unit or lot in the district in which the project is located.

~~h. The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.~~

Comment [BB7]: Moved to group with height exceptions

hf. Minimum front yard setbacks for lots with predominant frontage on the curved radius of a cul-de-sac shall be 15 feet.

ig. Stairs in certain situations. In residential zoning districts that have minimum front yard requirements, uncovered stairways associated with a residential use may project into the required front yard but shall remain a minimum of ten feet from the front property line, if:

1. A building is being elevated or reconstructed on an existing foundation to meet or exceed current city floodplain standards; and
2. The stairway projection into the required front yard is limited to the minimum area required to meet elevation standards; and the stairway, at its widest point, shall not exceed ten feet.

Section 20. - Definitions.

(a) The following words, terms and phrases, when used in this appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adult entertainment business shall have the same meaning as "sexually oriented business," as that term is defined in V.T.C.A., Local Government Code ch. 243, and chapter 62 of the Code of Ordinances, and shall include, but not be limited to, an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this appendix and chapter 62 of the Code of Ordinances. The determination of what constitutes an adult entertainment business shall be made by the police chief or his/her designee, in accordance with the definitions contained in chapter 62 of the Code of Ordinances, and such determination shall be appealable to the zoning board of adjustment.

Apartment house means any building or portion thereof used as a multiple dwelling for the purpose of providing three or more separate dwelling units which may share means of egress and other essential facilities.

Automobile graveyard means an establishment or place of business that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Building means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. The term "building" includes the term "structure."

Building area means the surface of the lot covered or occupied by all structures placed thereon, excluding only driveways, walkways and uncovered patios.

Building line means a line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

Childcare center means a childcare facility that is licensed to care for seven or more children for less than 24 hours per day, at a location other than the permit holder's home (pursuant to Texas Administrative Code, Title 40, Part 19, Chapter 746). Compliance with all applicable state regulations is required. A childcare center shall also obtain a certificate of zoning compliance pursuant to section 9.D ("Administration and enforcement—Building permits and certificates of zoning compliance").

1. *Registered childcare home.* In a registered childcare home, the registered primary caregiver provides care in the caregiver's own residence for not more than six children from birth through 13 years, and may provide care after-school hours for not more than six additional elementary school children. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12 (pursuant to Tex. Admin. Code, Title 40, Part 19, Chapter 747). Compliance with all applicable state regulations is required. A registered childcare home shall also obtain a certificate of zoning compliance pursuant to section 9.D.
2. *Licensed childcare home.* The total number of children in care varies with the ages of the children, but the total number of children in care in a licensed childcare home at any given time, including the children related to the caregiver, must not exceed 12 (pursuant to Tex. Admin. Code, Title 40, Part 19, Chapter 747). Compliance with all applicable state regulations is required. A licensed childcare home shall also obtain a certificate of zoning compliance pursuant to section 9.D.

Cluster housing development means a residential development containing attached or detached units on a limited portion of land with the remaining land areas consolidated into common open space areas.

Comprehensive plan means graphic and textual form policies which govern the future development of the city and which consist of various components governing specific geographic areas and functions and services of the city.

Density means living units per acre in a platted subdivision. The term "density" pertains to total platted acreage, including streets.

Dwelling, garden home, means a dwelling unit which is structurally attached to another dwelling unit but which does not share a common wall.

Dwelling, multiple-family, means any building, or portion thereof, which is designed, built, rented, leased or intended to be occupied as three or more dwelling units or apartments and which includes facilities for food preparation and sleeping.

Dwelling, single-family, means a detached building having accommodations for and occupied by not more than one family.

Dwelling, two-family, means a detached building having accommodations for and occupied by not more than two families. In calculating minimum lot area, a two-family dwelling shall be considered to be two dwelling units.

Dwelling unit means a building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters for one family.

Family means a single individual or a number of individuals domiciled together, whose relationship is of a continuing, nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

Fence means any structure enclosing, demarcating or surrounding an area of ground to mark a boundary, control access, or prevent escape, in part or in whole.

Graduated fence means a fence required by city ordinance, the height of which may be reduced for some portion of its required length, either in a stair-step configuration or by gradually reducing such height in a straight or radial line. The length and height of the fence so reduced will be determined on the basis of a combination of factors, including, but not limited to, security, public welfare, and pedestrian and traffic safety.

Green space means natural undeveloped areas, such as prairies, farmland, barren land, forests, wetlands and lakes. The term "green space" may also include landscaped perimeters and green landscape reserves along thoroughfares.

Height.

- a. The height of a building shall be measured to:
 - (1) The top of ridge of the highest roof of a sloped roof (i.e., gable);
 - (2) The top of the highest deck of a mansard roof; or
 - (3) The top of the highest parapet wall of a flat roof.
- b. For buildings not located in the floodplain, height is measured from the top of the finished first floor of the building which can be no more than two feet above the finished grade at the site. Finished grade shall mean the highest grade elevation within five feet of the foundation or wall of the building, said grade having been established by means of an approved grading and/or drainage plan. Finished grade may also be the existing grade elevation when no terrain alteration is proposed, or where otherwise applicable. Any fill which is not required to achieve positive site drainage or slope stabilization, or which is otherwise proposed to raise the finished first floor elevation for any other purpose, shall not be considered to be finished grade for the purpose of measuring building height.
- c. For buildings located in the floodplain, height is measured from the top of the first finished floor which shall be two feet above the average base flood elevation at the site, as established by the latest available flood elevation maps for the city.

~~d. No part of a building or structure is allowed to exceed the maximum height allowed in a specific zoning district except for the following:~~

- ~~(1) Elements inclusive of, but not limited to, chimneys, vents, and roof-top mechanical equipment, provided that the maximum allowed building or structure height is not exceeded by more than four feet; or~~
- ~~(2) Elements inclusive of, but not limited to, radio or television antennae or aerials (but not including microwave receivers, transmitters, repeaters, or satellite receivers), provided that the maximum allowed building or structure height is not exceeded by more than ten feet.~~

Home occupation means an occupation or profession engaged in by the occupants of a dwelling, the conduct of which does not result in the dwelling being identified as a business by the external and objective evidence of a business, such as signs, displays, deliveries, continuous or repetitive traffic (rather than occasional or sporadic traffic) generated by the home occupation, or by regular gatherings of clients or customers for business purposes. Home occupations are a permitted use in accordance with this section, provided that:

Comment [BB8]: Addressed under Area and Height Exceptions

1. The occupation or profession conducted within a residential dwelling unit must be clearly incidental and subordinate to the use of the premises as a residential dwelling unit.
2. The home occupation shall be conducted entirely within the dwelling unit or accessory structure.
3. Only members of the family residing on the premises are employed.
4. No internal or external alterations, special construction, or features are involved.
5. There is no advertising of any type on the premises and no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the main building or any accessory building; however, advertising of the home occupation by published or printed matter is allowed.
6. No equipment is used which creates offensive noises, vibrations, sound, smoke or dust, odors, heat, glare, X-ray or electrical disturbances to radio or television.
7. Vehicles used in conjunction with the home occupation must park completely in the driveway of the resident without blocking the sidewalk.
8. The home occupation must not change the character of the residential area.
9. A childcare center as defined in this section is not recognized as a home occupation.
10. A personal care facility as defined in this section is not recognized as a home occupation.
11. The use of off-site personal services at a residence by the occupant, such as lawn care, maid services, etc., does not constitute a home occupation and is not limited by this appendix.

Junkyard means an establishment or place of business maintained, used, or operated for storing, keeping, buying or selling junk, for processing scrap metal, or for maintaining or operating an automobile graveyard. The term "junkyard" includes garbage dumps and sanitary fills.

Lot includes the term "plot" or "parcel."

Lot measurements.

1. *Depth.* The distance between the midpoint of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. *Width.* The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost point (where they intersect with the street lines) shall not be less than 90 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac where the 90 percent requirement shall not apply.

Office park means one or more commercial buildings with multiple businesses providing services but not delivering products directly to customers and consisting of two or more tenants using common driveways.

Open space means a restricted reserve located within a development with limited low-impact amenities, including, but not limited to, green space, both natural and landscaped, detention areas, trails, lakes, pavilions, benches, outdoor cooking facilities, and active recreational facilities, such as ball and soccer fields, playgrounds, and the like. Amenities may be passive or active.

Parking space, off-street, means a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access for maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are

provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

Personal care facility means any establishment that furnishes food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides personal care services as that term is defined in V.T.C.A., Health and Safety Code § 247.002, and as further provided for in V.T.C.A., Human Resources Code § 123.004.

Planned unit development means a district with development characterized by a unified site development plan which may provide for a mixture or combination of residential, recreation and open space and commercial uses.

Servant's or caretaker's quarters means an accessory building located on the same lot as the main building, or a portion of the main building, used as living quarters by persons acting as caretakers of the property or by employed servants and not rented or otherwise used as a separate domicile and not used except as an accessory use to the primary use of the property.

Shopping center means a group of commercial establishments which is planned, developed, owned and managed as a unit related in its location, size and type of shops to the trade area that the unit serves.

Specific use means a use that would not be appropriate generally or without restrictions throughout the zoning district but would, if controlled as to number, area, location or relation to the neighborhood, promote the property held, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a zoning district as special exceptions, if specific provision for such special exceptions is made in this appendix.

Street means a public or private thoroughfare which affords a principal means of access to abutting property.

Street line means the right-of-way line of a street.

Structural alterations means any change in the supporting member of a structure, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

Townhouse means a row of three or more attached, one-family dwellings, separated by vertical party or lot line walls, and each having private entrances.

Variance means a relaxation of the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of the ordinance is observed and substantial justice is done.

Yard means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward except for fences and walls.

Yard, front, means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as specified in each zoning district.

Yard, rear, means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot as specified in each zoning district. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimensions. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side, means a yard between a building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the building.

(b) The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.

- (c) The term "shall" is mandatory; the term "may" is permissive.
- (d) The terms "used" and "occupied" include the words "intended, designed or arranged to be used or occupied."
- (e) The term "person" includes an individual, firm, association, organization, partnership, trust, company or corporation.