



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, SEPTEMBER 10, 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. Public Hearing

A. To receive comments, both oral and written, regarding:

A zone classification change located at 213 E. Heritage Drive, 2.504 acres, of land out of and being part of Lot 12, Block 2 of Friendswood Subdivision, a map or plat thereof recorded under Volume 7, Page 20 of the Galveston County Map Records (G.C.M.R.), being that certain tract of land described in deed to Friendswood Realty under File No. 2010040672 of the Official Public Records of Galveston County, Friendswood, Galveston County, Texas, to change from Single Family Residential (SFR), Multi-Family Residential Low Density (MFR-L), and Multi-Family Residential Low Density / Specific Use Permit to allow an Institution for the Aged (MFR-L/SUP Institution for the Aged) to Planned Unit Development (PUD)

4. 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 of the regular meeting held Thursday, August 27, 2020

5. 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. Consideration and possible action regarding a recommendation to City Council for the requested zone classification change located at 213 E. Heritage Drive, 2.504 acres, of land out of and being part of Lot 12, Block 2 of Friendswood Subdivision, a map or plat thereof recorded under Volume 7, Page 20 of the Galveston County Map Records (G.C.M.R.), being that certain tract of land described in deed to Friendswood Realty under File No. 2010040672 of the Official Public Records of Galveston County, Friendswood, Galveston County, Texas, to change from Single Family Residential (SFR), Multi-Family Residential Low Density (MFR-L), and Multi-Family Residential Low Density / Specific Use Permit to allow an Institution for the Aged (MFR-L/SUP Institution for the Aged) to Planned Unit Development (PUD)

6. 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.2. Commercial Regulation Matrix" to add subnote I defining height maximum, "Section 7.Q.3. Area and Height Exceptions" to amend the height exceptions, and "Section 20. Definitions - Height" to remove a duplicate requirement

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

- A. Regular meeting - Thursday, September 24, 2020
Regular meeting - Thursday, October 8, 2020

8. 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

9. 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 – 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



CURRENT ZONE OF PROPERTY: MFR-L

TYPE OF ZONE CHANGE (check one):

☐ Land Use Change to Zone: _____

☐ 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: 213 East Heritage

Platted Land – Plat Name: _____ Lot: _____ Block: _____

Unplatted Land – Attach a certified metes and bounds description

OWNER NAME: Harold E. Benson Phone: 281-482-7633

Owner's Mailing Address: 305 N. Shadowbend

City: Friendswood State: TX Zip: 77546 Fax: _____

Owner's Email Address: bennyboy@wans.net

AGENT'S NAME : _____ Phone: _____

Agent's Mailing Address: _____

City: _____ State: _____ Zip: _____ Fax: _____

Agent's Email Address: _____

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: Harold E. Benson Date: August 5, 2020

Agent's Signature: _____ Date: _____

Received By: <u>Becky Bennett</u>	Application Number: <u>7070-0032</u>
Date of Public Hearing: <u>9-10, 10-5</u>	Received Date: <u>8-1-2020</u>
Property Owner Notices: <u>8-18-2020</u>	Newspaper Notice: <u>8-17-2020</u>
	Sign on Property: <u>8-18-2020</u>

Submittal Requirements for Zone Change Applications

ALL APPLICATIONS - PUD and SUP Options 1 and 2, Land Use Changes

☒ Application Fee of \$300 (PUD \$500)
(Changes in/to Downtown District may be eligible for fee waiver)

☒ Current Deed of Record

☒ Most recent plat OR Certified Metes and Bounds Description (including name, address and telephone number of surveyor)

PUD Option 1

This option allows all plans, including the site plan, to be approved as a part of the zone change request and is a one-time submittal. See Zoning Ordinance Section 7.J. for more specific plan requirements.

5 – 24" x 36" sets of collated plans including a cover sheet, overall site plan, landscape plan, building elevations, and photometric plan

2 – 24" x 36" sets of collated plans including Engineered drainage, utility, grading and storm water plans (per the City of Friendswood Design Criteria Manual)

2 – 24" x 36" sets architectural plans including mechanical, electrical and plumbing plans

PUD Option 2

This option will require the applicant to apply for site plan approval from the Planning and Zoning Commission at a later date if the zone change to PUD is approved. At the time of site plan approval all information contained in the conceptual plan shall be certified by an engineer and/or surveyor.

5 – 24" x 36" sets of collated plans including a cover sheet or letter describing the project, an overall site plan and building elevations

See Zoning Ordinance Section 7.J. for more specific plan requirements.

Specific Use Permit Option 1

This option allows all plans, including the site plan, to be approved as a part of the SUP request and is a one-time submittal. See Zoning Ordinance Section 9.G.3. for more specific plan requirements.

5 – 24" x 36" sets of collated plans including a cover page, site plan, landscape plan, photometric plan, building elevations, tree survey and mitigation plan

2 – 24" x 36" sets of collated plans including Engineered drainage, utility, grading and storm water plans (per the City of Friendswood Design Criteria Manual)

2 – 24" x 36" sets architectural plans including mechanical, electrical and plumbing plans

Specific Use Permit Option 2

This option allows utility and drainage plans be submitted with the building permit application at a later date if the SUP is approved.

5 – 24" x 36" sets of collated plans including a cover sheet, site plan, landscape plan, photometric plan, building elevations, tree survey and mitigation plan

See Zoning Ordinance Section 9.G.3. for more specific plan requirements.

Reserved for Recording Office:

After Recording, Return To:

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

DATE: February 7th, 2020

GRANTOR: **FRIENDSWOOD REALTY, LLC, A TENNESSEE NONPROFIT LIMITED LIABILITY COMPANY**

GRANTOR'S ADDRESS (including county): 7056 W Gulf to Lake Hwy, Crystal River, Citrus County, Florida 34429

GRANTEE: **HAROLD E BENSON, SR. AND CAROLYN MAYS BENSON**

GRANTEE'S ADDRESS (including county): 305 N Shadowbend, Friendswood, Galveston County, TX 77546

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: See Exhibit "A" attached hereto and made a part hereof for all purposes.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements, rights-of-way, and prescriptive rights, whether of record or not, that are not appurtenant to or benefitting the property; all presently recorded restrictions, reservations, covenants, conditions (except declarant's rights thereunder), oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common

Special Warranty Deed

1

Chicago Title - Friendswood
GF# CT20716931

boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; availability and kinds of utility services, municipal services, and fire and police protection services; access to public roadways; environmental condition, quality and kind of construction, workmanship and materials, merchantability, habitability or fitness for a particular purpose in respect of the property (including improvements); taxes for the current year, the payment of which Grantee assumes; and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, TO HAVE AND TO HOLD the Property, unto Grantee, Grantee's heirs, legal representatives, successors and assigns forever, and Grantor does hereby bind Grantor, Grantor's heirs, legal representatives, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said Grantee, Grantee's heirs, legal representatives, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject only to the Reservations from and Exceptions to Conveyance and Warranty.

The Property is conveyed "AS IS, WHERE IS, AND WITH ALL FAULTS" in accordance with the terms of Exhibit "B" hereto, in which Grantor is referenced as "Seller" and Grantee is referenced as "Buyer".

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

FRIENDSWOOD REALTY, LLC, A
TENNESSEE NONPROFIT LIMITED
LIABILITY COMPANY

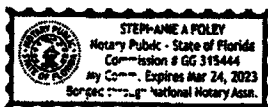
By: [Signature]
Name: James Eric Bell
Title: Secretary

of Florida
STATE OF ~~TEXAS~~ §
COUNTY OF Citrus §
§

This instrument was acknowledged before me on this the 7th day of February, 2020, by James Eric Bell, Secretary of FRIENDSWOOD REALTY, LLC, a Tennessee nonprofit limited liability company, on behalf thereof.

Personally Appeared
with Florida DL: SO

[Signature]
Notary Public, State of ~~Texas~~ Florida



Special Warranty Deed

EXHIBIT "A"

A 109,089 square foot (2.504 acres) tract of land, out of and being part of Lot 12, Block 2 of Friendswood Subdivision, a map or plat thereof recorded under Volume 7, Page 20 of the Galveston County Map Records (G.C.M.R.), being that certain tract of land described in deed to Friendswood Realty under File No. 2010040672 of the Official Public Records of Galveston County, Texas (O.P.R.G.C.Tx.), with said 109,089 square foot tract of land being further described in metes and bounds as follows:

COMMENCING at a 1/2 inch iron pipe found at the South intersection of Morningside Drive and Shady Nock Drive, both based on a width of 60 feet, per File No. 2015028480 O.P.R.G.C.Tx., at the West corner of that certain tract of land described in deed to JFP Group, Inc. under File No. 2015028480 O.P.R.G.C.Tx.;

THENCE: N 41°43'50" E, along and with the called Southeast right-of-way line of Shady Nock Road, a distance of 252.00 feet to a point for the East corner of said Shady Nock Road;

THENCE: N 48°16'10" W, along and with the Northeast right-of-way line of said Shady Nock Road, a distance of 12.00 feet to a V cut in concrete found on said Northeast right-of-way line, at the South corner of the Friendswood Realty tract and at the South corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: N 48°16'10" W, continuing along said Northeast right-of-way line and the Northeast line of a tract of land described in deed to William and Catherine Whipkey under Galveston County Clerk's File No. (G.C.C.F. No.) 9010898, a Southwest line of the Friendswood Realty tract and a Southwest line of this tract, a distance of 108.00 feet to an iron rod with plastic cap found stamped "RWP INC 1855", at an angle point for the Whipkey tract, an angle point for the Friendswood Realty tract and an angle point of this tract, from which a 3/4 inch iron pipe found bears N 40°14'08" E, 0.4 feet;

THENCE: N 41°43'50" E, along and with the Southeast line of the Whipkey tract, the Southeast line of a tract of land described in deed to Fred Walter Camp and Mary Elise Camp under Volume 1327, Page 63 of the Galveston County Deed Records (G.C.D.R.), the Southeast line of a tract of land described in deed to Emory T. Carl (Trustee) under Volume 1514, Page 152, G.C.D.R., an interior line of the Friendswood Realty tract and an interior line of this tract, a distance of 153.00 feet to an iron rod with plastic cap found stamped "RWP INC 1855", at the East corner of the Carl tract, same being an angle point for the Friendswood Realty tract and an angle point of the herein described tract;

THENCE: N 48°16'10" W, along and with the Northeast line of the Carl tract, a Southwest line of the Friendswood Realty tract and a Southwest line of this tract, a distance of 255.00 feet to a point which falls in existing Mary's Creek, on the Southeast line of a tract of land described in deed to First Baptist Church of Friendswood under File No. 2007037164, at the North corner of the Carl Tract and at the West corner of this tract;

THENCE: N 41°43'50" E, along and with the Southeast line of the First Baptist Church of Friendswood tract, the Southeast line of a tract of land described in deed to Jennifer Sanders under File No. 2017055213 O.P.R.G.C.Tx., the Northwest line of the Friendswood Realty tract and the Northwest line of this tract, a distance of 255.00 feet to a point on the center of a called 60 foot wide road easement per Volume 7, Page No. 20 G.C.M.R., same being platted as a 60 foot wide street per Volume 4, Page 58 G.C.M.R., being known as E. Heritage Drive and Quaker Bend Drive, at the North corner of the Friendswood Realty Tract and the North corner of the herein described tract, from which an iron rod with plastic cap found stamped "RWP INC 1855" bears S 82°57'11" W, 0.35 feet;

THENCE: S 48°16'10" E, along and with said platted centerline of roadway easement/street, the Northeast line of the Friendswood Realty tract and the Northeast line of this tract, a distance of 363.00 feet to an X cut in concrete found on said platted centerline, at the North corner of tract of land described in deed to

HSU Living Trust, at the East corner of the Friendswood Realty tract and at the East corner of this tract, from which a 1 inch iron pipe found bears S 46°46'50" W, 30.7 feet;

THENCE: S 41 °43'50" W, along and with the Northwest line of the Hsu Living Trust tract, the Southeast line of the Friendswood Realty tract and the Southeast line of this tract, a distance of 408.00 feet to the **POINT OF BEGINNING** and containing a calculated area of 2.504 acres of land.

Exhibit B

As Is, Where Is, and With All Faults

BUYER ACKNOWLEDGES AND AGREES THAT SELLER HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH BUYER MAY CONDUCT THEREOF, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT SELLER HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING SOLID WASTE, AS DEFINED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGULATIONS AT 40 C.F.R., PART 261, OR THE DISPOSAL OR EXISTENCE IN OR ON THE PROPERTY, OR ANY HAZARDOUS SUBSTANCE, AS DEFINED BY THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, AND REGULATIONS PROMULGATED THEREUNDER. BUYER FURTHER ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, BUYER IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY SELLER. BUYER FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT SELLER HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. SELLER IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT OR OTHER PERSON. BUYER FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS IS AND WHERE IS" CONDITION AND BASIS WITH ALL FAULTS. IT IS UNDERSTOOD AND AGREED THAT THE PURCHASE PRICE HAS BEEN ADJUSTED BY PRIOR NEGOTIATION TO REFLECT THAT ALL OF THE PROPERTY IS SOLD BY SELLER AND PURCHASED BY BUYER SUBJECT TO THE FOREGOING.

FILED AND RECORDED

Instrument Number: 2020008317

Recording Fee: 42.00

Number Of Pages:6

Filing and Recording Date: 02/10/2020 4:12PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in cursive script, reading "Dwight D. Sullivan".

Dwight D. Sullivan, County Clerk
Galveston County, Texas

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*

NOTES:

1. ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AS DEFINED BY ARTICLE 2.1.07.1 OF THE NATURAL RESOURCES CODE OF THE STATE OF TEXAS, 1963 DATED (2011 ADJUSTMENT) EPOCH 2010.00. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 0.999669266.
2. THE SURVEYOR HAS NOT PERFORMED AN ABSTRACT OF TITLE AND HAS REIED ON THE TITLE COMMITMENT WITH THE CF NUMBER OF CTH-FRM-CIT2071 6931 G, PREPARED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE JANUARY 5, 2020.
3. THE SUBJECT PROPERTY LIES PARTIALLY WITHIN ZONE "X", SHADED ZONE "X" AND ZONE AE, AS SCALED ON FLOOD INSURANCE RATE MAP NUMBER 48167C00126, EFFECTIVE DATE AUGUST 15, 2019. THIS INFORMATION IS FOR FLOOD INSURANCE PURPOSES ONLY AND WILL NOT IDENTIFY ANY SPECIFIC POSSIBLE FLOODING HAZARDS.
4. "60' WIDE ROADWAY IS PLATTED AS AN EASEMENT, PER VOL. 7, PG. 20 OF THE G.C.M.R. ALSO PLATTED AS A 60 FOOT WIDE STREET, PER VOL. 4, PG. 59 OF THE G.C.M.R. ROADWAY IS KNOWN AS EAST HERITAGE DRIVE AND QUAKER BEND DRIVE. PARKING SPACES WHICH SERVICE THE BUILDING LOCATED WITHIN THIS TRACT OF LAND ENCRACHES THIS EASEMENT/ROADWAY AREA.
5. THE PHYSICALLY TRAVELED PAVEMENT OF EAST HERITAGE ALONG THE NORTHWESTERLY PORTION OF THIS PROPERTY DOES NOT LIE FULLY WITHIN THE RECORDED ROADWAY EASEMENTS AND ENCRACHES UPON THE PROPERTY BEING SURVEYED.
6. DRAWING REVISED ON FEBRUARY 5, 2020 FOR CLIENT COMMENTS ONLY, A TRIP TO THE SITE WAS NOT MADE.
7. 75' ROADWAY & UTILITY R.O.W. EASEMENT PER VOL. 2513 - PG. 449 G.C.D.R. HAS BEEN ABANDONED PER FILE No. 2020010004, O.P.R.G.C.T.X., RECORDED ON FEBRUARY 19, 2020. THIS SURVEY WAS REVISED ON FEBRUARY 20, 2020 TO REFLECT SAID ABANDONMENT AND REMOVE SAID DEDICATED ROADWAY AND UTILITY EASEMENT FROM THE DRAWING, A TRIP TO THE SITE WAS NOT MADE.

METES AND BOUNDS DESCRIPTION OF

a 109,089 square foot (2.504 acres) tract of land, out of and being part of Lot 12, Block 2 of Friendswood Subdivision, a map or plat thereof recorded under Volume 7, Page 20 of the Galveston County Map Records (G.C.M.R.), being that certain tract of land described in deed to Friendswood Realty under File No. 2010040672 of the Official Public Records of Galveston County, Texas (O.P.R.G.C.T.X.), with said 109,089 square foot tract of land being further described in meters and bounds as follows:

COMMENCING at a 1/2 inch iron pipe found at the South intersection of Morningside Drive and Shady Nook Drive, both based on a width of 60 feet, per File No. 2015028480 O.P.R.G.C.T.X., at the West corner of that certain tract of land described in deed to JFP Group, Inc. under File No. 2015028480 O.P.R.G.C.T.X.;

THENCE N 41°43'50" E, along and with the called Southeast right-of-way line of Shady Nook Road, a distance of 252.00 feet to a point for the East corner of said Shady Nook Road;

THENCE N 48°16'10" W, along and with the Northeast right-of-way line of said Shady Nook Road, a distance of 12.00 feet to a V cut in concrete found on said Northeast right-of-way line, at the South corner of the Friendswood Realty tract and at the South corner and **POINT OF BEGINNING** of the herein described tract;

THENCE N 48°16'10" W, continuing along said Northeast right-of-way line and the Northeast line of a tract of land described in deed to William and Catherine Whipkey under Galveston County Clerk's File No. (G.C.C.F. No. 9010898), a Southwest line of the Friendswood Realty tract and a Southwest line of this tract, a distance of 198.00 feet to an iron rod with plastic cap found stamped "RWP INC 1855", at an angle point for the Whipkey tract, an angle point for the Friendswood Realty tract and an angle point of this tract, from which a 3/4 inch iron pipe found bears N 40°14'08" E, 0.4 feet;

THENCE N 41°43'50" E, along and with the Southeast line of the Whipkey tract, the Southeast line of a tract of land described in deed to Fred Walter Camp and Mary Elise Camp under Volume 1327, Page 63 of the Galveston County Deed Records (G.C.D.R.), the Southeast line of a tract of land described in deed to Emory T. Carl (Trustee) under Volume 1514, Page 152, G.C.D.R., an interior line of the Friendswood Realty tract and an interior line of this tract, a distance of 153.00 feet to an iron rod with plastic cap found stamped "RWP INC 1855", at the East corner of the Carl tract, same being an angle point for the Friendswood Realty tract and an angle point of the herein described tract;

THENCE N 48°16'10" W, along and with the Northeast line of the Carl tract, a Southwest line of the Friendswood Realty tract and a Southwest line of this tract, a distance of 255.00 feet to a point which falls in existing Mary's Creek, on the Southeast line of a tract of land described in deed to First Baptist Church of Friendswood under File No. 2007037164, at the North corner of the Carl tract and at the West corner of this tract;

THENCE N 41°43'50" E, along and with the Southeast line of the First Baptist Church of Friendswood tract, the Southeast line of a tract of land described in deed to Jennifer Sanders under File No. 2017055213 O.P.R.G.C.T.X., the Northwest line of the Friendswood Realty tract and the Northwest line of this tract, a distance of 255.00 feet to a point on the center of a called 60 foot wide road easement per Volume 7, Page No. 20 G.C.M.R., same being platted as a 60 foot wide street per Volume 4, Page 58 G.C.M.R., being known as E. Heritage Drive and Quaker Bend Drive, at the North corner of the Friendswood Realty tract and the North corner of the herein described tract, from which an iron rod with plastic cap found stamped "RWP INC 1855" bears S 82°57'11" W, 0.35 feet;

THENCE S 48°16'10" E, along and with said platted centerline of roadway easement/street, the Northeast line of the Friendswood Realty tract and the Northeast line of this tract, a distance of 363.00 feet to an X cut in concrete found on said platted centerline, at the North corner of a tract of land described in deed to HSU Living Trust, at the East corner of the Friendswood Realty tract and at the East corner of this tract, from which a 1 inch iron pipe found bears S 46°45'50" W, 30.7 feet;

THENCE S 41°43'50" W, along and with the Northwest line of the HSU Living Trust tract, the Southeast line of the Friendswood Realty tract and the Southeast line of this tract, a distance of 408.00 feet to the **POINT OF BEGINNING** and containing a calculated area of 2.504 acres of land.

FIRST BAPTIST CHURCH OF FRIENDSWOOD
FILE No. 2007037164 O.P.R.G.C.T.X.

JENNIFER SANDERS
FILE No. 2017055213 O.P.R.G.C.T.X.
199.0'±

SCALE: 1"=20'

FMS JOB No. 61147
DATE: JANUARY 27, 2020
REV: FEBRUARY 5, 2020
REV: FEBRUARY 20, 2020

LEGEND

- BOARD FENCE.
- CHAIN LINK FENCE.
- CONTROL MONUMENT TIE.
- OVERHEAD POWER LINES.
- SUBJECT BOUNDARY LINE.
- TOP OF BANK OF DITCH.
- UNDERGROUND GAS LINE.
- CABLE TV PEDESTAL.
- FIBER OPTIC CABLE MARKER.
- FIRE DEPARTMENT CONNECTION.
- FLAG POLE.
- GAS METER.
- GRATE INLET.
- GUY ANCHOR.
- LIGHT POLE.
- MAIL BOX.
- POWER POLE.
- SANITARY CLEAN OUT.
- SANITARY MAN HOLE.
- SATELLITE DISH.
- VERTICAL PIPE (2" GALVANIZED).
- VERTICAL PIPE (GAS).
- WATER METER.
- WATER VALVE.
- YARD DRAIN.
- ASPHALT PAVEMENT.
- COVERED CONCRETE.
- EXISTING STRUCTURE.
- INLET TYPE "B".
- UNCOVERED CONCRETE.
- PHYSICALLY TRAVELED CONCRETE PAVEMENT.

WILLIAM & CATHERINE WHIPKEY
GCCF. No. 9010898

EMORY T. CARL (TRUSTEE)
VOL. 1514 PG. 152 G.C.D.R.

FRED WALTER CAMP & MARY ELISE CAMP
VOL. 1327 PG. 63 G.C.D.R.

IRON ROD W/ CAP STAMPED
"RWP INC 1855" FOUND FROM WHICH A
3/4" IRON PIPE BEARS N 40°14'08" E 0.4'

WILLIAM & CATHERINE WHIPKEY
GCCF. No. 9010898

SHADY NOOK ROAD
(60' R.O.W.)
FILE No. 2015028480 O.P.R.G.C.T.X.

P.O.C.
1/2" IRON PIPE FOUND

N 41°43'50" E 252.00'
JFP GROUP, INC.
FILE No. 2015028480 O.P.R.G.C.T.X.

P.O.B.
"X" CUT IN CONCRETE FOUND

CLYDE F. HARRIS
VOL. 1510, PG. 97 G.C.M.R.

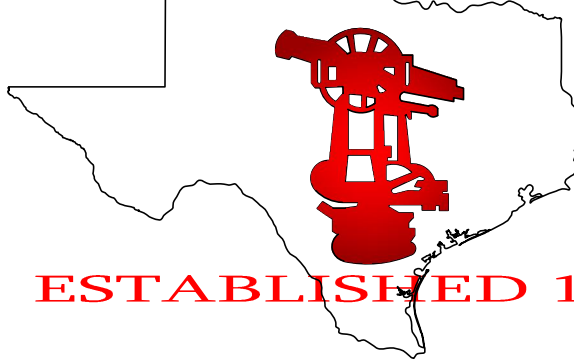
WILLIAM R. WHIPKEY AND CATHERINE E. WHIPKEY
VOL. 3145, PG. 721 G.C.M.R.

FRIENDSWOOD REALTY
FILE No. 2010040672 O.P.R.G.C.T.X.
109,089 SQ. FT.
OR
2.504 ACRES

ONE STORY BRICK BUILDING ON SLAB

HSU LIVING TRUST
FILE No. 2001018360 O.P.R.G.C.T.X.

FMS SURVEYING, INC.



ABBREVIATIONS

A.K.A.
G.C.C.F.
G.C.D.R.
G.C.M.R.
No.
O.P.R.G.C.T.X.
P.O.B.
P.O.C.
P.G.
R.O.W.
VOL.

ALSO KNOWN AS:
GALVESTON COUNTY CLERK FILE,
GALVESTON COUNTY DEED RECORDS,
GALVESTON COUNTY MAP RECORDS,
OFFICIAL PUBLIC RECORDS OF GALVESTON COUNTY TEXAS.
POINT OF BEGINNING.
PAGE
RIGHT OF WAY.
VOLUME.

SURVEYOR:
F.M.S. SURVEYING
19701 STATE HIGHWAY 6,
MANVEL, TEXAS 77578
CONTACT: JASON P. SHERIDAN
PHONE: (281) 519-8530, EXT. 102
TBPLS FIRM # 10040400
www.fmsurveying.com
FMS No. 61147
DRAFTING: RC

BOUNDARY SURVEY OF

2.504 ACRES (109,089 SQ. FT) OF LAND
RECORDED UNDER FILE No. 2010040672
OF THE OFFICIAL PUBLIC RECORDS OF
GALVESTON COUNTY, TEXAS.

To attention of Aubrey Harbin

Dated August 5, 2020

Planned Unit Development PUD Letter to Planning and Zoning Commission - Please schedule this for your meeting planned for September 10, 2020.

Request for a change from MFR-L to SFR-H PUD

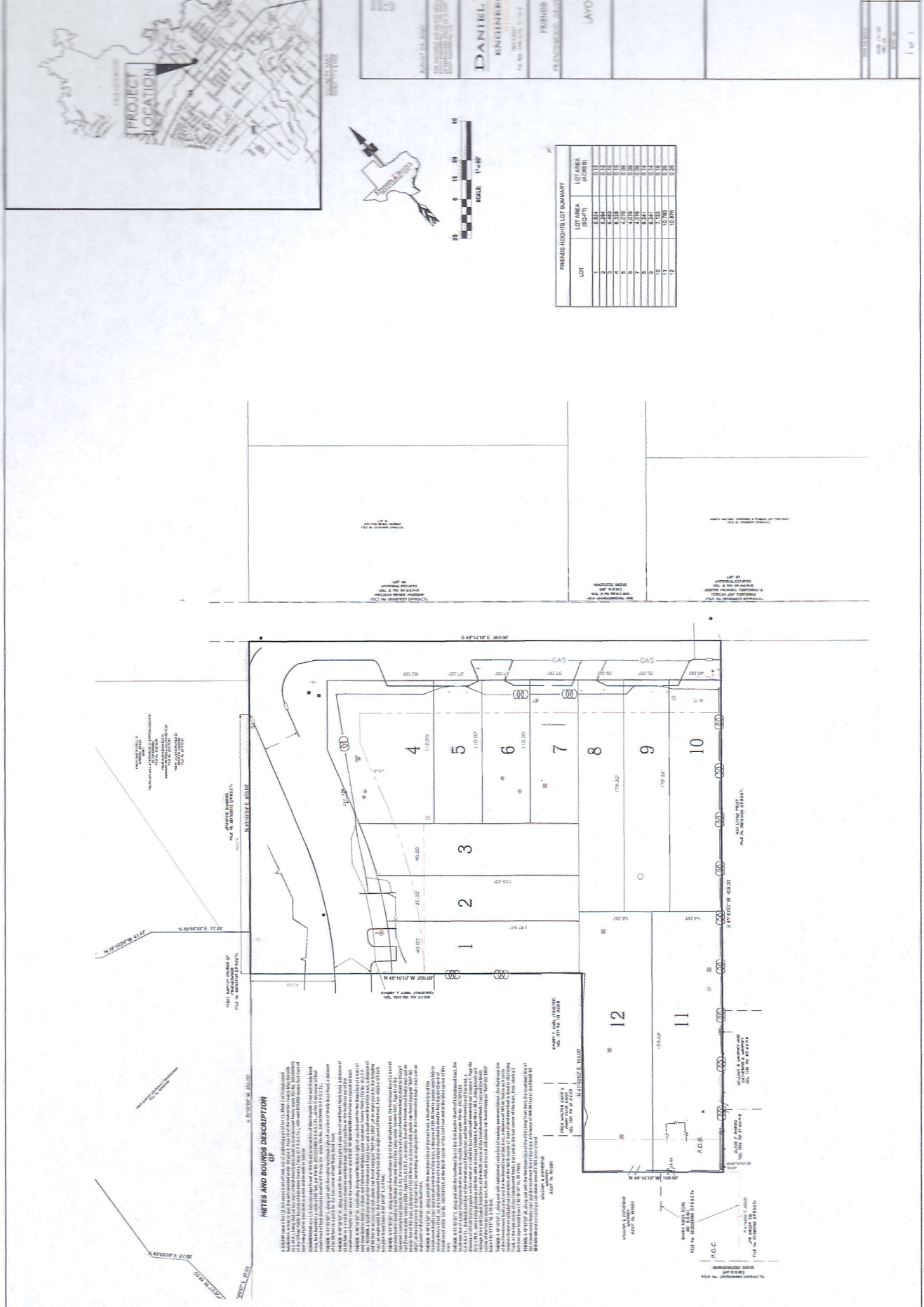
1. Property consists of 2.504 acres defined by the Meets and Bounds description. The current zoning requires 6 units/acre. The conceptual design plan produces 12 units on the property. Exhibit 1
2. Proposed usage is unattached residential units located on lots using the MFR-L 6 units/acre option. All lots are located with frontage on city streets of East Heritage, Quaker Drive and Shady Nook.
3. The project has 1 phase to build and sell the 12 units.
4. All buildings will be elevated 8-10 feet above natural ground due to close proximity to Mary's creek. This elevation results in the possibility of a footprint on a small lot, a unique garage space, with 2 habitable floors up to 1500 square feet per floor. If this was not a flood prone area it would be difficult to obtain a 3000 square foot home on such a small lot with the garage area utilizing habitable space. Review Exhibit 2 A and B. Ashford Village and Quaker Village
5. Dwelling units will be independent residential structures located on a minimum lot of 37 feet by 110 feet, Area= 4070 square feet. Maximum lot area is 10,876 square feet for a 54 feet by 196 feet lot. All lots will have fenced rear yards.
6. Minimum Building Set Back- Side, 5 feet with a front and rear setback of 25 feet each. These specifications meet the physical regulation matrix for MFR-L selecting the six units per acre option. The only regulation matrix not met is the alphabetical regulation "G" which states: Developer must elect either units/acre or lot area. Two family residential units on two lots are required when lot area is selected.
Selecting units/acre option 1 states: plat "lot" with restricted reserve for designated open space. Individual units would be sold as condominiums and property owners association would be required for maintenance of the common areas.
This PUD request allows purchaser to own land outside the dwelling unit occupied. The homeowner would be responsible for maintenance of his land.
Without elevation, creating common areas and green space on 2.504 acres would be very minimum as previously shown on Exhibit 2 A & B.
7. Detention requirements - None required since previous non-permeable area was approximately 49,471 square feet and the proposed design would yield approximately

24,000 square feet which represents at least a 50% improvement over the previous existing structure and parking.

Rationale for this PUD development: Property is located near Mary's Creek which has the propensity to flood. The conceptual plan proposes to restrict any habitation to the second and third floors. This elevated, (8 to 10 feet) design allows for a small 1500 square footprint and yields the potential of up to 3000 square feet of habitable area. Such a design would yield 63% green space on the smallest lot defined in the conceptual design. The variation from the typical development requirements is to allow single family units to be built on lots rather than condominiums, town houses, duplexes with common area.

Other supporting rational . The entire block is zoned MFR-L. Exhibit 3. The block currently consists of 15 single family residential units and 2 tri-plexes. By accepting this PUD request, the majority of single family residences will be maintained and the possibility of rental units in this area for Friendswood will be minimized.

Exhibit 1

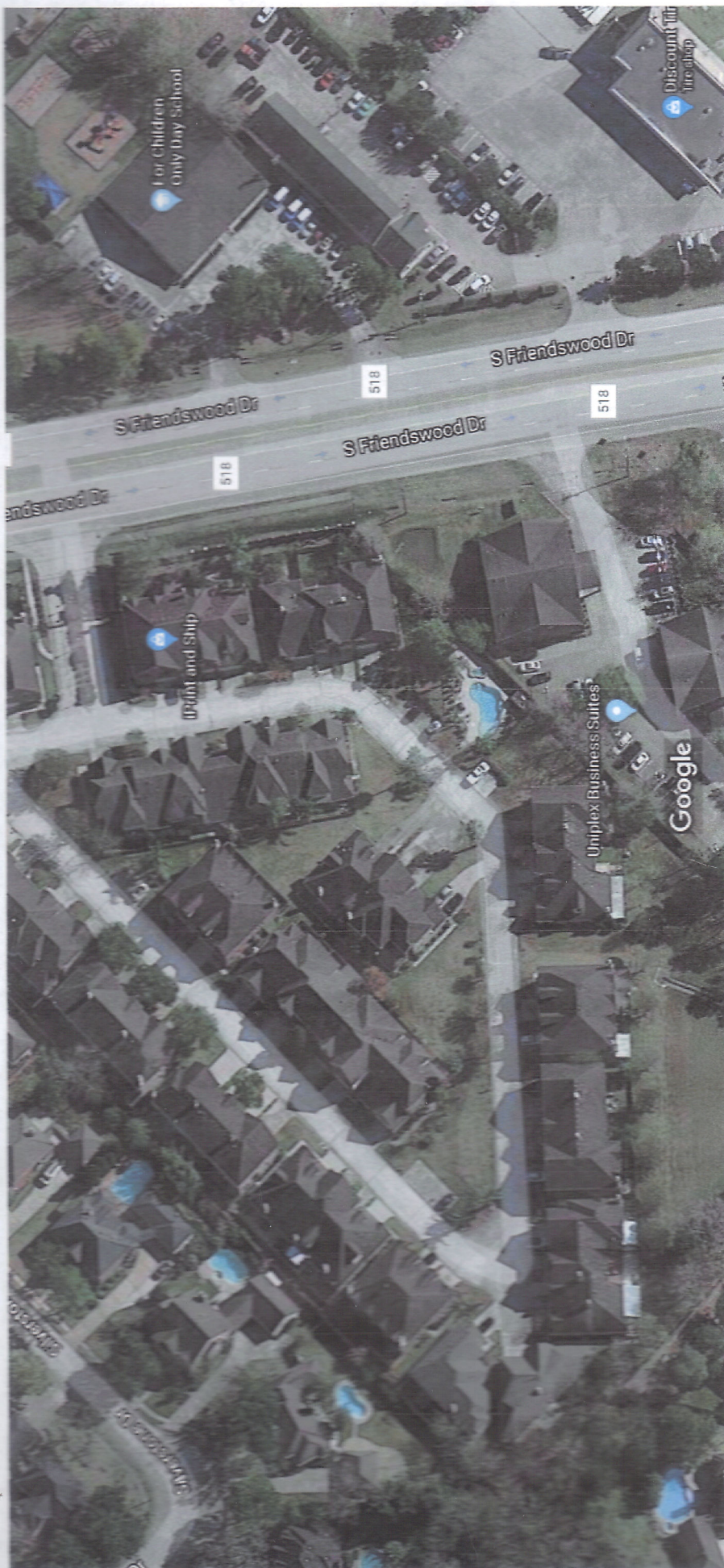


Asford Village "2A" Exhibit "2A"

Google Maps

7/29/2020

Google Maps



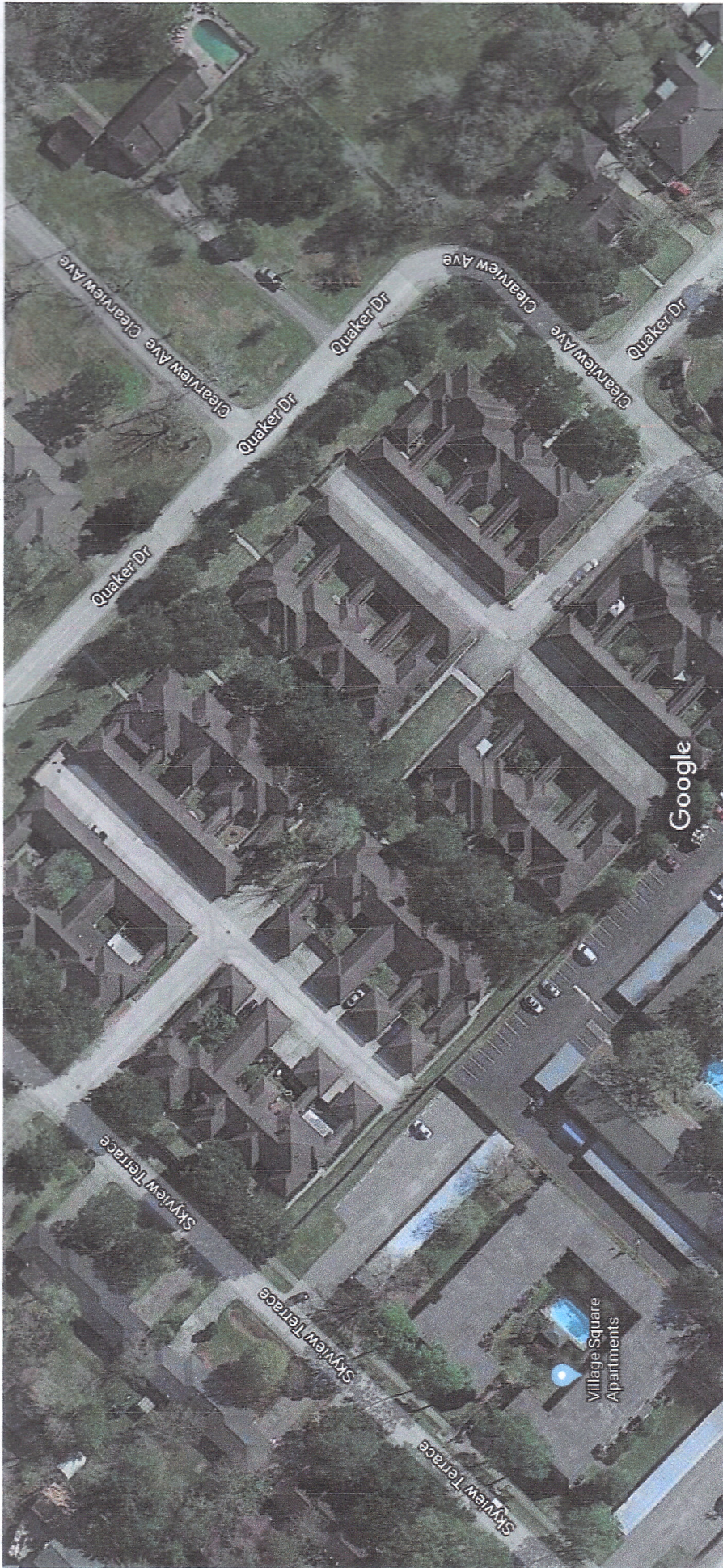
Imagery ©2020 Houston-Galveston Area Council, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, Map data ©2020 50 ft

7/29/2020

Google Maps

Quaker Village Google Maps

Exhibit "2B"



Imagery ©2020 Houston-Galveston Area Council, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, Map data ©2020 50 ft

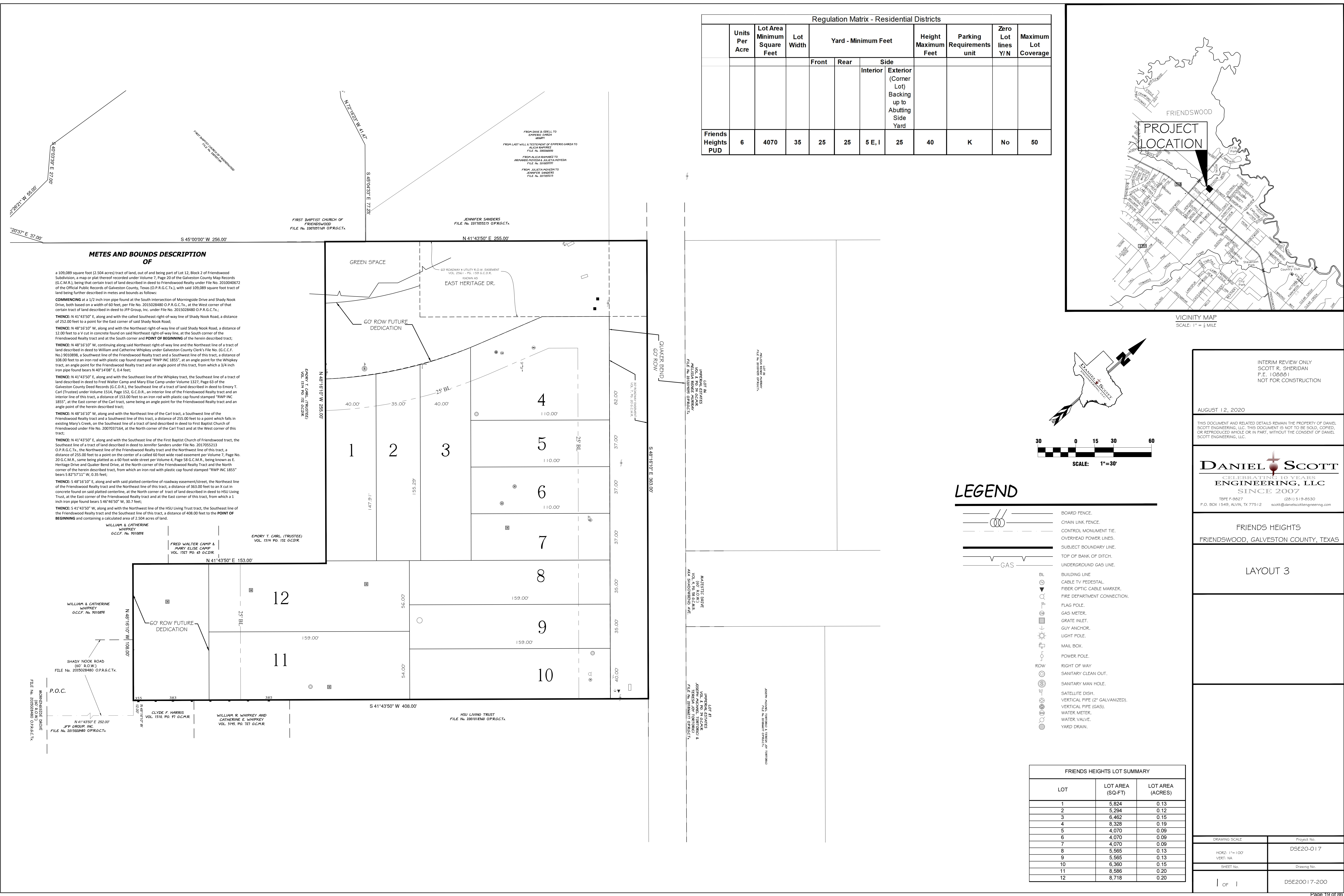


City of Friendswood
 910 South Friendswood Drive
 Friendswood, Texas 77546
 (281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 103'





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.

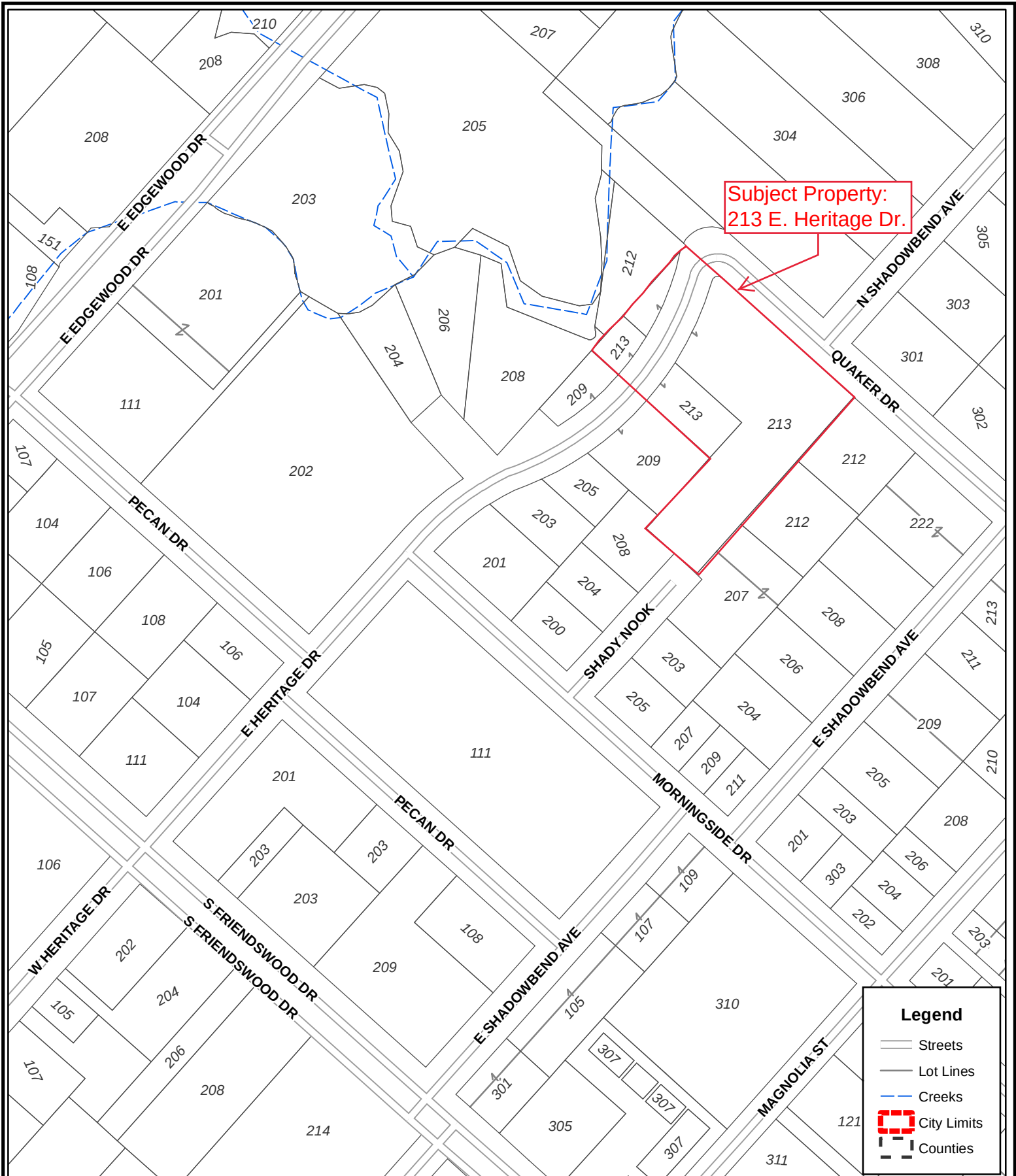


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Friendswood GIS Mapping



1" = 63'
 Page 20 of 86



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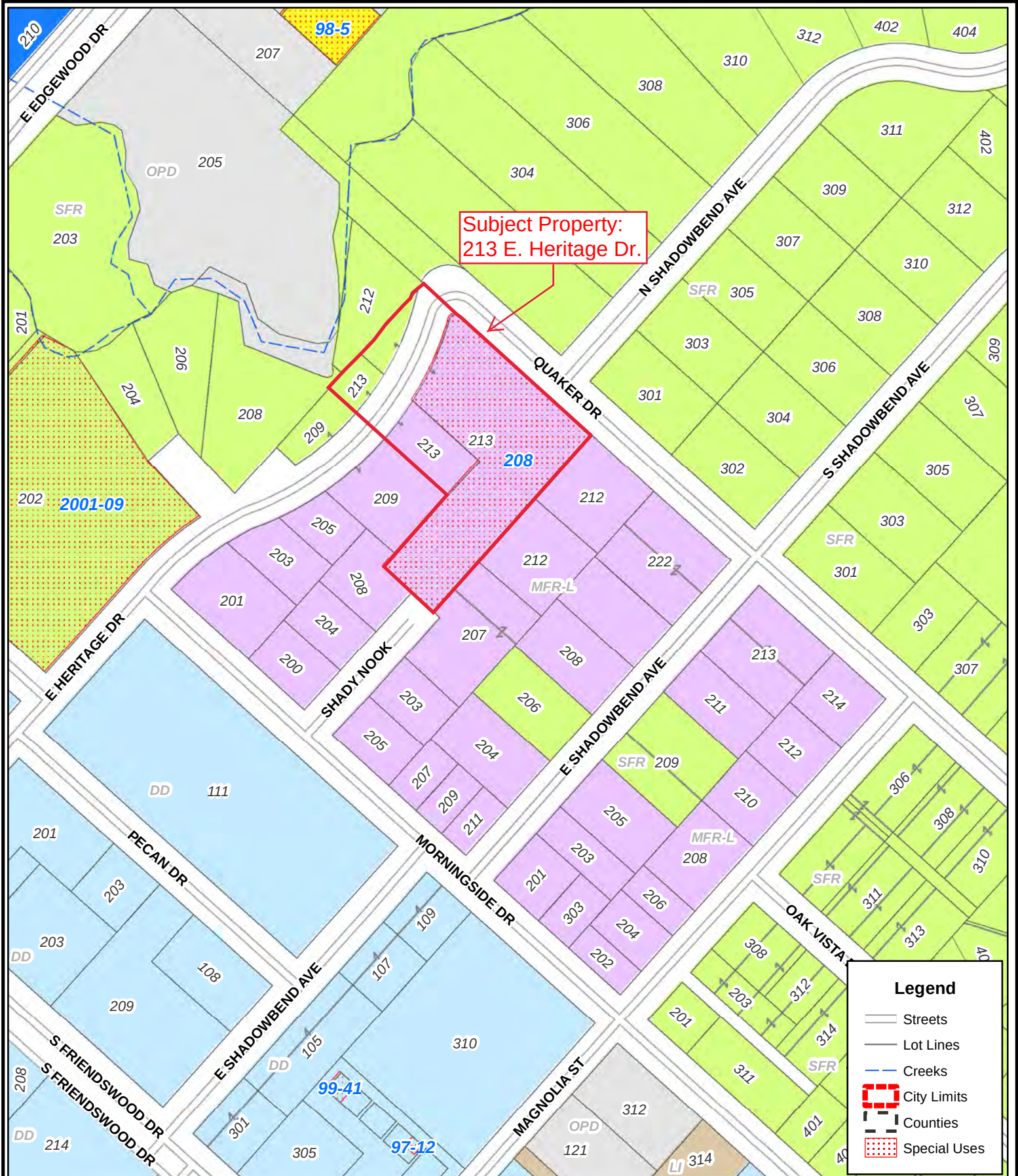


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Friendswood GIS Mapping



1" = 200'
 Page 21 of 86



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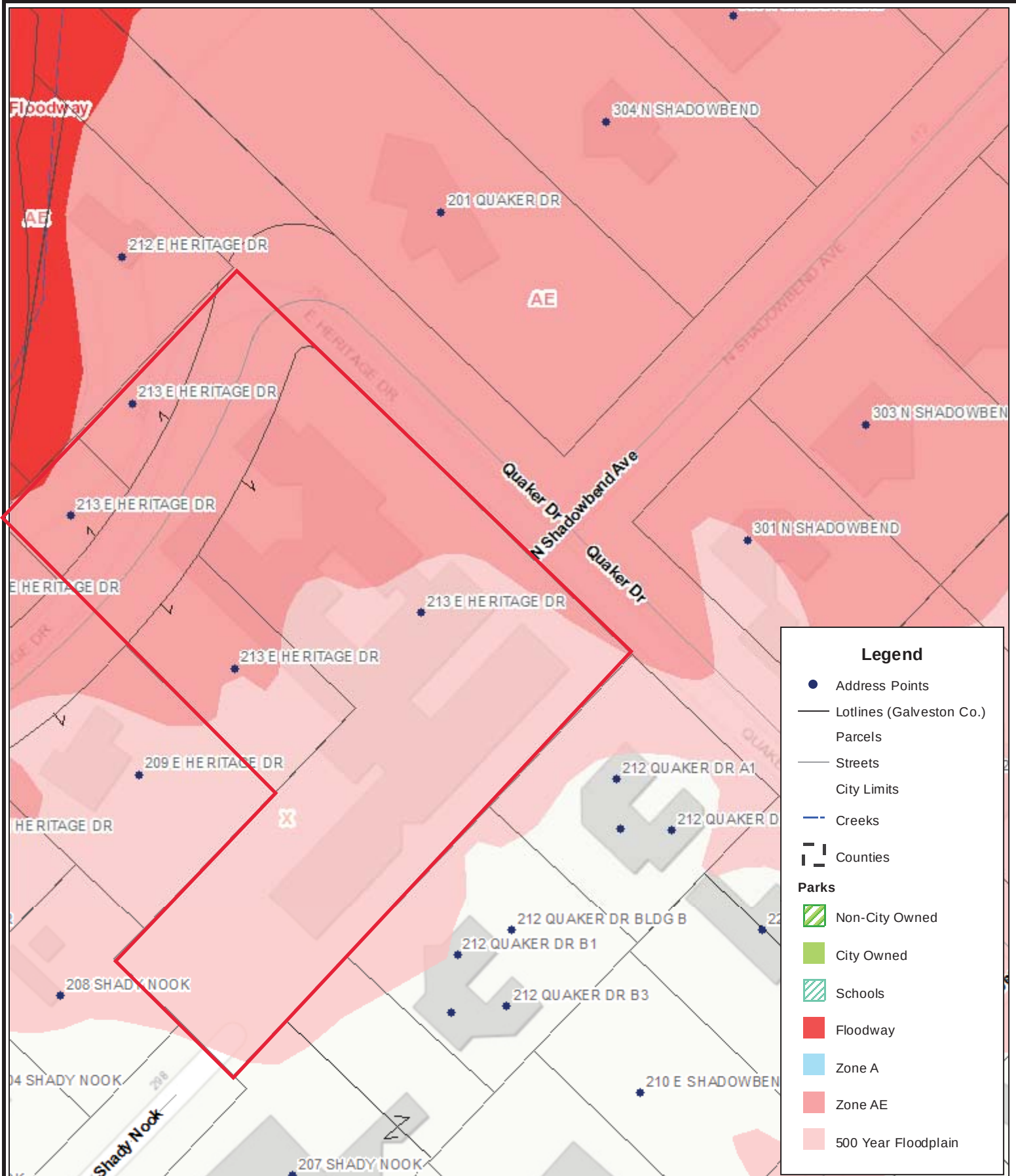


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Friendswood GIS Mapping



1" = 200'
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Friendswood GIS Mapping



Rezoning Report

August 2020

Project: Friends Heights

Address: 213 E. Heritage Dr.

Legal: 2.504 acres or 109,089 square feet of land out of Lot 12 Block 2 of Friendswood Subdivision, as recorded in Volume 238, page 14, of the Office of the County Clerk of Galveston County, Texas

Request: Zone classification change from Single Family Residential (SFR), Multi-Family Residential Low Density (MFR-L), and Multi-Family Residential Low Density / Specific Use Permit (MFR-L/SUP) to Planned Unit Development (PUD)

Applicable Zoning Ordinance Excerpts:

PROPOSED ZONING

Zoning Ordinance

Section 7. Schedule of District Regulations:

- J. *PUD, planned unit development, general purpose and description.* This district allows for greater flexibility in the design and coordination of a single use or mixed uses than in other districts because a specific ordinance is written for every PUD. A PUD is a unique zoning classification, and shall be granted only when the planning and zoning commission and city council determine that the applicant has submitted a complete application containing sufficient detail. An applicant is not entitled to a PUD as a matter of right. The city reserves the right to establish conditions as determined appropriate.

In no case shall a PUD be used for the sole purpose of circumventing the intent of city ordinances or plans. Unless standards for elements of site design are specifically described in a rezoning ordinance for a PUD, all design and development standards shall apply to all land development within a PUD district. The development must be planned as an integral unit and must protect nearby landowners from adverse impact with appropriate buffering and landscaping. A site plan is required for all PUDs.

The general purposes of all PUD, planned unit development districts, are several-fold:

1. To encourage unified design and development of tracts of land incorporating a variety of uses including, but not limited to, residential, commercial, office, and institutional;
2. To accommodate innovation in development by modifying the city's land use and development regulations;
3. To provide for and protect the public health, safety and general welfare of the city by assuring quality development in accordance with the city's comprehensive plan and other related goals;
4. To minimize the negative impact of developments, especially those related to drainage, environment, traffic, and a public services and related facilities;
5. To protect and enhance the aesthetic and visual qualities of development;
6. To provide development of sites in a suitable fashion when such development is restricted by such factors as site location and shape;
7. To promote economic development in accordance with the city's plans for such...

PUD Application Requirements per Section 7.J. 2. Application

2. Submit a conceptual plan with the application and the required processing fee for rezoning. This option will require the applicant to apply for site plan approval at a later date if the zone change to PUD is approved. At the time of site plan approval all information contained in the conceptual plan shall be certified by an engineer and/or surveyor. The conceptual plan shall provide the following information:

- (a) General land use and density plan;
- (b) Identify proposed general uses, densities, major open spaces, circulation and access features;
- (c) Statement indicating proposed phasing of development and the projected timing of each;
- (d) Data describing all processes and activities involved with the proposed use;
- (e) Regulation matrix designating what zoning district the development will follow;
- (f) Data describing any variation from the typical development requirements.

Modification Procedures for a PUD once Approved:

- (3) Modification of standards proposed within a PUD.
 - (a) Following adoption of a PUD ordinance pursuant to this section, all subsequent plans prepared for the development or any portion of the property within a PUD must substantially conform to the approved plan in accordance with the standards of the PUD ordinance, this section, and all other applicable ordinances of the city.
 - (b) The city recognizes that market conditions may alter the development of a large PUD and hereby provides that alterations in the land area or square footage, as appropriate, covered by a category of use, may be varied by not more than 25 percent. In no case shall such variations change traffic or circulation patterns, substantially alter the number or arrangement of buildings, increase the height of buildings, lessen the amount or effectiveness of open space or landscaped buffers, or result in a greater impact on adjacent properties or neighborhoods. Percentage changes specified herein shall be the maximum change allowed; multiple changes exceeding those percentages shall not be approved administratively, but shall require the owner to submit an application for an amendment to the district standards.

EXISTING ZONING:

B. *(R-2 and R-3) MFR-L, residential, general purpose and description.* The MFR-L, Multiple-Family Residential Dwelling—Low-Density District, is intended to provide for lowest-density multiple-family dwellings which may have a relatively intense concentration of dwelling units served by large open spaces consisting of common areas and recreation facilities, thereby resulting in a maximum density of six dwelling units per acre. The principal use of land may be one or several dwelling types, including multiple-family dwellings, and including two-family dwellings, garden apartments, condominiums and townhouses. Recreational, religious and educational uses normally located to service adjacent residential areas are also permitted to meet the basic needs of a balanced, orderly, convenient, economical and attractive residential area. The multiple-family residential dwelling district—low functions as a buffer or transition between commercial or higher density residential areas and lower density areas. The intent of these regulations is to allow development of property which may have a limited area suitable for residential development due to a portion of the property being flood-prone or adjacent to a district of a different zoning designation.

1. Area and height regulations. Area and height regulations in an MFR-L 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-L district are set forth in subsection P of this section, permitted use table.

Additionally, there are two other sections of the Zoning Ordinance that specify the use of lots or units per acre in MFR-L:

Section 7.Q.2. Residential Regulation Matrix

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.

Section 7.Q.3. Area and Height Exceptions

- d. 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.*

Existing Use/Site Attributes:

The site is currently vacant. The nursing home buildings were recently demolished following extensive damage from Hurricane Harvey.



City of Friendswood GIS Aerial Map (before)



Current site condition with structure demolished



Site looking from dead end of Shady Nook



Site looking from E. Heritage Drive

Zoning History:

The current zoning of the property is Multi-Family Residential Low Density with a Specific Use Permit for an Institution for the Aged (MFR-L/SUP), Multi-Family Residential (MFR-L) and a small portion being zoned Single Family Residential (SFR). The site was developed in the early 1970s as a nursing home (institution for the aged). A Specific Use Permit to allow the use was approved in 1974. At some point the nursing home company acquired the additional property and never incorporated it into the Specific Use Permit (SUP).

January 1974 – Specific Use Permit for Institution for the Aged approved with the following conditions:

1. There is to be no access to Shady Nook.
2. A sixty (60) foot right-of-way for Heritage Drive shall be deeded to the City.
3. A drainage culvert shall be installed, covered, and blacktopped on Quaker drive according to the City Engineer's specifications. The entire cost of the culvert and blacktop is to be borne by the Autumn Hills Corporation.
4. A screening hedge is to be planted between the parking area and the Fred Camp property.
5. A landscaped greenery buffer approximately 45 feet by 108 feet is to be maintained abutting Shady Nook.
6. Drainage of the back yard area and parking area is to be approved by the City Engineer with the City to pay for the difference in culvert size required to take the drainage off Shady Nook.

February 1974 – Variances issued for an addition

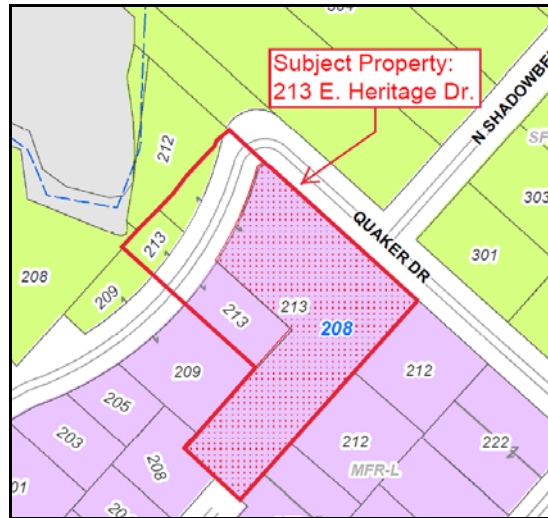
1. A variance to reduce the front building line of the proposed new addition from 25 feet to 15 feet 6 inches.
2. A variance to reduce the required off-street parking to a total of eighteen (18) cars in lieu of that required by the Zoning Ordinances and that an additional nine (9) nonconforming parking spaces be provided on Quaker Drive.

June 1974 – 60-ft Right-of-Way

A 60-foot right-of-way on Heritage Drive dedicated to the City (Volume 2561 Page 159)

Adjacent Zoning/Land Use:

The property fronts Quaker Drive and E. Heritage Dr. and has access to Shady Nook. The zoning of tracts immediately adjacent to the subject property are zoned Multi-Family Residential-Low Density (MFR-L) and tracts across Quaker Drive and E. Heritage Ave. are zoned Single Family Residential (SFR).



City of Friendswood Zoning Map

Platting Analysis:

The property will require preliminary and final plats in order to dedicate proper easements to serve the proposed development and correct the right-of-way dedication for East Heritage Drive. The development will be required to meet all applicable building codes and City ordinances.

Planning Analysis:

The proposed Planned Unit Development is for single family, elevated homes to be constructed on smaller lots. Details of the requested PUD are included in the application. The applicant provided two examples of other multi-family developments within the City – Quaker Village and Ashford Village. Both of these are townhomes/attached multi-family units with shared common areas. The structures themselves are owned as condominiums.

The proposed Planned Unit Development (PUD) is conceptual. There are several items that are going to have to be addressed during platting and construction plan approval including:

- Fire hydrants within 500 feet of all residences.
- Maintain 10-ft separation between residential units.
- Provide water and sewer taps for each individual lot. Easements may be required.
- Dedication of right-of-way for E. Heritage Drive
- An approved fire truck turn around at the end of Shady Nook. Additional right-of-way may be required making lots 11 and 12 smaller, but they would still meet the minimum of the PUD.
- Account for drainage at the end of Shady Nook, which is currently open ditch.
- Construction of fire truck turnaround, any drainage improvements, and water and sewer taps must be installed and accepted by City Council, which is required prior to plat recordation.

Comparison of City of Friendswood SFR, MFR-L Regulations and
Proposed Friends Heights Regulations

	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	2.7	11,600	90	25B	25	10 F	25A	20 C	40	K	No	35%
MFR-L	6 G	7260 G	45 G	25 B	25	10 E,I	25 B	20 C	40	K	No	50%
Friends Heights PUD	6	4070	35	25	25	5 E,I	n/a	25	40	K	No	50%

- 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.
- E. Ten-foot minimum separation between buildings.
- 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.
- I. 25 feet when abutting land zoned single-family residential (SFR) district.
- K. Parking is required in accordance with the parking group table in the design criteria manual.

Comprehensive Planning Analysis:

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

Infrastructure/Service Delivery Impacts

Storm Water Management and Floodplain Issues:

The property owner is eligible to receive credit, as far as detention requirements, for the previously existing impervious cover. Engineered drainage plans will be required to verify the drainage calculations. On-site mitigation will be required for any development with the AE Flood Zone.

The elevation of the new homes will be required to meet the requirements of the City's Flood Ordinance.

Utilities:

City water and sewer services are existing on the site. Water and sewer taps will be required for each lot. Fire hydrants must be located within 500 feet of each residential structure.

Access:

The project has direct access to Quaker Dr. and E. Heritage Dr., which in turn connects to FM 518. The property also has access to Shady Nook, a public street.

An approved fire truck turn around will be required at the end of Shady Nook. Approval of the design will be by the Fire Marshal's Office and the Engineering Department.

Park/Open Space:

Park dedication fees of \$600 per dwelling unit will be required at the time of building permit issuance.



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, AUGUST 27, 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 27, 2020

1. Call to order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, AUGUST 27, 2020, AT 07:01 PM 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS

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

COMMISSIONER LISA LUNDQUIST AND COMMISSIONER MARCUS PERRY WERE ABSENT FROM THE MEETING.

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)

Connie Ratisseau spoke she is not in favor of the zone change on Friendswood Link Rd.

Robin McClaine spoke against the zone change and said the road project should be finished first. She said an 8-foot fence is not enough of a barrier between high density and low density.

Ms. Neadom said she is opposed to high density multi-family in her backyard. She mentioned the school, the road, the traffic, the creek, the flood, and said the other side of the creek that is treated better.

Brady Burnett opposed the high density change on Friendswood Link Rd. He said a high density residential development would retard increasing property values. He said an apartment complex does not seem appropriate for the location.

David Lorenz/Pastor of First Baptist Church questioned the proposed language in regards to the building height changes, specifically the illumination and property owner notices.

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

****Vice-Chairman Richard Sasson moved to approve Minutes for the regular meeting held Thursday, August 13, 2020. Seconded by Commissioner Brett Banfield. The motion was approved unanimously.**

4. Discussion Items

- 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****

**** Commissioner Banfield moved to remove the item from the table. Seconded by Vice-Chairman Sasson. The motion was approved unanimously.**

Harbin said staff worked with the applicant this week and last week on a revised plan to use the existing zoning district. She said there are a few challenges with the current zoning district guidelines but it could be possible.

Sel Thint/Crystal Creek Developers said he worked on redesigning the plan and came up with 14 garden homes. Thint stated the margins are not viable for his client and they would like to proceed with the current application, needing an official vote from the jurisdiction.

Banfield stated he is a multi-family developer and understands the public's concern since the zoning runs with the land. He suggested using a Planned Unit Development so the public can be assured of the finished product. He said medium density residential housing would be a good compromise. Thint said he has no intention of developing high density housing such as apartments.

Sasson said he cannot support a higher density zoning. Clark agreed.

Hinckley told the developer he appreciated the effort to redesign but was not in favor of changing the zoning.

Matranga said he thought of the project from different perspectives such as the surrounding neighbors, the property owner, as well as potential buyers looking for garden homes. He explained the role of the Commission was to provide the best benefit all around.

Harbin reminded the audience the item would be considered at the upcoming City Council meeting.

****Commissioner Brett Banfield moved to approve 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 Vice-Chairman Richard Sasson. The motion was disapproved unanimously.

- B. 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

Harbin explained the proposed language has been drafted to make the ordinance very clear. She read through the maximum height allowed plus the proposed exceptions. She said the additional height allowed in the Downtown District would be subject to conditions such as no illumination and being uninhabitable. Harbin said the communication tower criteria had been separated out with its own heading.

Sasson complimented staff on minimizing the unintended consequences possible with the proposed language. He said he believes since the church's approval was contingent upon whatever the zoning ordinance allows, he believes they should comply with the property owner notices.

Banfield asked if the notices would be courtesy notices. Harbin said the notices would be purely a courtesy to the neighbors but would not prohibit approval. Banfield said he is not in favor of the change but is ready to pass it up to Council for consideration.

Hinckley said he did not agree with increasing the allowable building height.

Matranga said he feels the spires and steeples should be capped at 70-feet and only allow the ornamental tops beyond that. Matranga asked if the word habitable should be changed to accessible to prevent people from accessing the accessory and possibly looking into people's backyards.

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

Harbin said the next regular meeting would be held September 10th.

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

No comments.

- C. From Ordinance Subcommittee – update on tasks

No comments.

- D. From City Council Liaison, Robert Griffon - general comments and communication from City Council

Griffon said City Council has called a Special Meeting for August 31st.

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

7. Adjournment

This meeting was adjourned at 07:42 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: September 10, 2020

Subject: Consideration and possible action regarding a recommendation to City Council for the requested zone classification change located at 213 E. Heritage Drive, 2.504 acres, of land out of and being part of Lot 12, Block 2 of Friendswood Subdivision, a map or plat thereof recorded under Volume 7, Page 20 of the Galveston County Map Records (G.C.M.R.), being that certain tract of land described in deed to Friendswood Realty under File No. 2010040672 of the Official Public Records of Galveston County, Friendswood, Galveston County, Texas, to change from Single Family Residential (SFR), Multi-Family Residential Low Density (MFR-L), and Multi-Family Residential Low Density / Specific Use Permit to allow an Institution for the Aged (MFR-L/SUP Institution for the Aged) to Planned Unit Development (PUD)

Action: Significant

SUMMARY / ORIGINATING CAUSE

The property owner is requesting to change the zoning of his property to a Planned Unit Development (PUD) to allow elevated single-family residences on smaller lots. The regulation matrix and lot layout for the development is included on the Master Layout. The density would be the same as the existing zoning on the property, which is Multi-Family Residential - Low (MFR-L), at 6 units per acre.

The current request is for conceptual approval meaning that engineering design of the utilities and drainage would be provided at a later date, if the PUD is approved.

If approved, the only future action required by the Planning and Zoning Commission would be approval of the preliminary and final plats in accordance with the PUD. The proposed Planned Unit Development (PUD) is conceptual.

There are several items that are going to have to be addressed during platting and construction plan approval including:

- Fire hydrants within 500 feet of all residences.
- Maintain 10-ft separation between residential units.
- Provide water and sewer taps for each individual lot. Easements may be required.
- Dedication of right-of-way for E. Heritage Drive
- An approved fire truck turn around at the end of Shady Nook. Additional right-of-way may be required making lots 11 and 12 smaller, but they would still meet the minimum of the PUD.
- Account for drainage at the end of Shady Nook, which is currently open ditch.
- Construction of fire truck turnaround, any drainage improvements, and water and sewer taps must be installed and accepted by City Council, which is required prior to plat recordation.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

The general purposes of all PUD, planned unit development districts, are several-fold:

1. To encourage unified design and development of tracts of land incorporating a variety of uses including, but not limited to, residential, commercial, office, and institutional;
2. To accommodate innovation in development by modifying the city's land use and development regulations;
3. To provide for and protect the public health, safety and general welfare of the city by assuring quality development in accordance with the city's comprehensive plan and other related goals;
4. To minimize the negative impact of developments, especially those related to drainage, environment, traffic, and a public services and related facilities;
5. To protect and enhance the aesthetic and visual qualities of development;
6. To provide development of sites in a suitable fashion when such development is restricted by such factors as site location and shape;
7. To promote economic development in accordance with the city's plans for such.

RECOMMENDATIONS

The Planning and Zoning Commission will make a recommendation following the public hearing.

ATTACHMENTS

1. Application_213 E Heritage Dr
2. Deed_213 E Heritage Dr
3. 213 East Heritage Drive-Boundary Survey
4. PUD Letter and Exhibits
5. Master DSE20-017 Benson-Layout 3-8-13-20 (3)
6. Aerial Map_213 E Heritage Dr
7. Location Map_213 E Heritage Dr
8. Zoning Map_213 E Heritage Dr
9. 213 E Heritage Flood Zone Map
10. 213 E Heritage Dr Rezoning Report Aug 2020



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



CURRENT ZONE OF PROPERTY: MFR-L

TYPE OF ZONE CHANGE (check one):

☐ Land Use Change to Zone: _____

☐ 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: 213 East Heritage

Platted Land – Plat Name: _____ Lot: _____ Block: _____

Unplatted Land – Attach a certified metes and bounds description

OWNER NAME: Harold E. Benson Phone: 281-482-7633

Owner's Mailing Address: 305 N. Shadowbend

City: Friendswood State: TX Zip: 77546 Fax: _____

Owner's Email Address: bennyboy@wans.net

AGENT'S NAME : _____ Phone: _____

Agent's Mailing Address: _____

City: _____ State: _____ Zip: _____ Fax: _____

Agent's Email Address: _____

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 Harold E. Benson Date: August 5, 2020

Agent's Signature: _____ Date: _____

Received By: <u>Becky Bennett</u>	Application Number: <u>7070-0032</u>
Date of Public Hearing: <u>9-10, 10-5</u>	Received Date: <u>8-1-2020</u>
Property Owner Notices: <u>8-18-2020</u>	Newspaper Notice: <u>8-17-2020</u>
	Sign on Property: <u>8-18-2020</u>

Submittal Requirements for Zone Change Applications

ALL APPLICATIONS - PUD and SUP Options 1 and 2, Land Use Changes

☒ Application Fee of \$300 (PUD \$500)
(Changes in/to Downtown District may be eligible for fee waiver)

☒ Current Deed of Record

☒ Most recent plat OR Certified Metes and Bounds Description (including name, address and telephone number of surveyor)

PUD Option 1

This option allows all plans, including the site plan, to be approved as a part of the zone change request and is a one-time submittal. See Zoning Ordinance Section 7.J. for more specific plan requirements.

5 – 24" x 36" sets of collated plans including a cover sheet, overall site plan, landscape plan, building elevations, and photometric plan

2 – 24" x 36" sets of collated plans including Engineered drainage, utility, grading and storm water plans (per the City of Friendswood Design Criteria Manual)

2 – 24" x 36" sets architectural plans including mechanical, electrical and plumbing plans

PUD Option 2

This option will require the applicant to apply for site plan approval from the Planning and Zoning Commission at a later date if the zone change to PUD is approved. At the time of site plan approval all information contained in the conceptual plan shall be certified by an engineer and/or surveyor.

5 – 24" x 36" sets of collated plans including a cover sheet or letter describing the project, an overall site plan and building elevations

See Zoning Ordinance Section 7.J. for more specific plan requirements.

Specific Use Permit Option 1

This option allows all plans, including the site plan, to be approved as a part of the SUP request and is a one-time submittal. See Zoning Ordinance Section 9.G.3. for more specific plan requirements.

5 – 24" x 36" sets of collated plans including a cover page, site plan, landscape plan, photometric plan, building elevations, tree survey and mitigation plan

2 – 24" x 36" sets of collated plans including Engineered drainage, utility, grading and storm water plans (per the City of Friendswood Design Criteria Manual)

2 – 24" x 36" sets architectural plans including mechanical, electrical and plumbing plans

Specific Use Permit Option 2

This option allows utility and drainage plans be submitted with the building permit application at a later date if the SUP is approved.

5 – 24" x 36" sets of collated plans including a cover sheet, site plan, landscape plan, photometric plan, building elevations, tree survey and mitigation plan

See Zoning Ordinance Section 9.G.3. for more specific plan requirements.

Reserved for Recording Office:

After Recording, Return To:

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

DATE: February 7th, 2020

GRANTOR: **FRIENDSWOOD REALTY, LLC, A TENNESSEE NONPROFIT LIMITED LIABILITY COMPANY**

GRANTOR'S ADDRESS (including county): 7056 W Gulf to Lake Hwy, Crystal River, Citrus County, Florida 34429

GRANTEE: **HAROLD E BENSON, SR. AND CAROLYN MAYS BENSON**

GRANTEE'S ADDRESS (including county): 305 N Shadowbend, Friendswood, Galveston County, TX 77546

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: See Exhibit "A" attached hereto and made a part hereof for all purposes.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements, rights-of-way, and prescriptive rights, whether of record or not, that are not appurtenant to or benefitting the property; all presently recorded restrictions, reservations, covenants, conditions (except declarant's rights thereunder), oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common

Special Warranty Deed

1

Chicago Title - Friendswood
GF# CT20716931

boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; availability and kinds of utility services, municipal services, and fire and police protection services; access to public roadways; environmental condition, quality and kind of construction, workmanship and materials, merchantability, habitability or fitness for a particular purpose in respect of the property (including improvements); taxes for the current year, the payment of which Grantee assumes; and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, TO HAVE AND TO HOLD the Property, unto Grantee, Grantee's heirs, legal representatives, successors and assigns forever, and Grantor does hereby bind Grantor, Grantor's heirs, legal representatives, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said Grantee, Grantee's heirs, legal representatives, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject only to the Reservations from and Exceptions to Conveyance and Warranty.

The Property is conveyed "AS IS, WHERE IS, AND WITH ALL FAULTS" in accordance with the terms of Exhibit "B" hereto, in which Grantor is referenced as "Seller" and Grantee is referenced as "Buyer".

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

FRIENDSWOOD REALTY, LLC, A
TENNESSEE NONPROFIT LIMITED
LIABILITY COMPANY

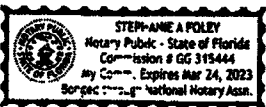
By: [Signature]
Name: James Eric Bell
Title: Secretary

of Florida
STATE OF ~~TEXAS~~
COUNTY OF Citrus

This instrument was acknowledged before me on this the 7th day of February, 2020, by James Eric Bell, Secretary of FRIENDSWOOD REALTY, LLC, a Tennessee nonprofit limited liability company, on behalf thereof.

Personally Appeared
with Florida DL: SO

[Signature]
Notary Public, State of ~~Texas~~ Florida



Special Warranty Deed

EXHIBIT "A"

A 109,089 square foot (2.504 acres) tract of land, out of and being part of Lot 12, Block 2 of Friendswood Subdivision, a map or plat thereof recorded under Volume 7, Page 20 of the Galveston County Map Records (G.C.M.R.), being that certain tract of land described in deed to Friendswood Realty under File No. 2010040672 of the Official Public Records of Galveston County, Texas (O.P.R.G.C.Tx.), with said 109,089 square foot tract of land being further described in metes and bounds as follows:

COMMENCING at a 1/2 inch iron pipe found at the South intersection of Morningside Drive and Shady Nock Drive, both based on a width of 60 feet, per File No. 2015028480 O.P.R.G.C.Tx., at the West corner of that certain tract of land described in deed to JFP Group, Inc. under File No. 2015028480 O.P.R.G.C.Tx.;

THENCE: N 41°43'50" E, along and with the called Southeast right-of-way line of Shady Nock Road, a distance of 252.00 feet to a point for the East corner of said Shady Nock Road;

THENCE: N 48°16'10" W, along and with the Northeast right-of-way line of said Shady Nock Road, a distance of 12.00 feet to a V cut in concrete found on said Northeast right-of-way line, at the South corner of the Friendswood Realty tract and at the South corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: N 48°16'10" W, continuing along said Northeast right-of-way line and the Northeast line of a tract of land described in deed to William and Catherine Whipkey under Galveston County Clerk's File No. (G.C.C.F. No.) 9010898, a Southwest line of the Friendswood Realty tract and a Southwest line of this tract, a distance of 108.00 feet to an iron rod with plastic cap found stamped "RWP INC 1855", at an angle point for the Whipkey tract, an angle point for the Friendswood Realty tract and an angle point of this tract, from which a 3/4 inch iron pipe found bears N 40°14'08" E, 0.4 feet;

THENCE: N 41°43'50" E, along and with the Southeast line of the Whipkey tract, the Southeast line of a tract of land described in deed to Fred Walter Camp and Mary Elise Camp under Volume 1327, Page 63 of the Galveston County Deed Records (G.C.D.R.), the Southeast line of a tract of land described in deed to Emory T. Carl (Trustee) under Volume 1514, Page 152, G.C.D.R., an interior line of the Friendswood Realty tract and an interior line of this tract, a distance of 153.00 feet to an iron rod with plastic cap found stamped "RWP INC 1855", at the East corner of the Carl tract, same being an angle point for the Friendswood Realty tract and an angle point of the herein described tract;

THENCE: N 48°16'10" W, along and with the Northeast line of the Carl tract, a Southwest line of the Friendswood Realty tract and a Southwest line of this tract, a distance of 255.00 feet to a point which falls in existing Mary's Creek, on the Southeast line of a tract of land described in deed to First Baptist Church of Friendswood under File No. 2007037164, at the North corner of the Carl Tract and at the West corner of this tract;

THENCE: N 41°43'50" E, along and with the Southeast line of the First Baptist Church of Friendswood tract, the Southeast line of a tract of land described in deed to Jennifer Sanders under File No. 2017055213 O.P.R.G.C.Tx., the Northwest line of the Friendswood Realty tract and the Northwest line of this tract, a distance of 255.00 feet to a point on the center of a called 60 foot wide road easement per Volume 7, Page No. 20 G.C.M.R., same being platted as a 60 foot wide street per Volume 4, Page 58 G.C.M.R., being known as E. Heritage Drive and Quaker Bend Drive, at the North corner of the Friendswood Realty Tract and the North corner of the herein described tract, from which an iron rod with plastic cap found stamped "RWP INC 1855" bears S 82°57'11" W, 0.35 feet;

THENCE: S 48°16'10" E, along and with said platted centerline of roadway easement/street, the Northeast line of the Friendswood Realty tract and the Northeast line of this tract, a distance of 363.00 feet to an X cut in concrete found on said platted centerline, at the North corner of tract of land described in deed to

HSU Living Trust, at the East corner of the Friendswood Realty tract and at the East corner of this tract, from which a 1 inch iron pipe found bears S 46°46'50" W, 30.7 feet;

THENCE: S 41 °43'50" W, along and with the Northwest line of the Hsu Living Trust tract, the Southeast line of the Friendswood Realty tract and the Southeast line of this tract, a distance of 408.00 feet to the **POINT OF BEGINNING** and containing a calculated area of 2.504 acres of land.

Exhibit B

As Is, Where Is, and With All Faults

BUYER ACKNOWLEDGES AND AGREES THAT SELLER HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH BUYER MAY CONDUCT THEREOF, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT SELLER HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING SOLID WASTE, AS DEFINED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGULATIONS AT 40 C.F.R., PART 261, OR THE DISPOSAL OR EXISTENCE IN OR ON THE PROPERTY, OR ANY HAZARDOUS SUBSTANCE, AS DEFINED BY THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, AND REGULATIONS PROMULGATED THEREUNDER. BUYER FURTHER ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, BUYER IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY SELLER. BUYER FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT SELLER HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. SELLER IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT OR OTHER PERSON. BUYER FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS IS AND WHERE IS" CONDITION AND BASIS WITH ALL FAULTS. IT IS UNDERSTOOD AND AGREED THAT THE PURCHASE PRICE HAS BEEN ADJUSTED BY PRIOR NEGOTIATION TO REFLECT THAT ALL OF THE PROPERTY IS SOLD BY SELLER AND PURCHASED BY BUYER SUBJECT TO THE FOREGOING.

FILED AND RECORDED

Instrument Number: 2020008317

Recording Fee: 42.00

Number Of Pages:6

Filing and Recording Date: 02/10/2020 4:12PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in cursive script, reading "Dwight D. Sullivan".

Dwight D. Sullivan, County Clerk
Galveston County, Texas

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*

NOTES:

1. ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AS DEFINED BY ARTICLE 2.1.07.1 OF THE NATURAL RESOURCES CODE OF THE STATE OF TEXAS, 1963 DATUM (2011 ADJUSTMENT) EPOCH 2010.00. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 0.999669266.
2. THE SURVEYOR HAS NOT PERFORMED AN ABSTRACT OF TITLE AND HAS RELED ON THE TITLE COMMITMENT WITH THE CF NUMBER OF CTH-FRM-CIT2071 6931 G, PREPARED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE JANUARY 5, 2020.
3. THE SUBJECT PROPERTY LIES PARTIALLY WITHIN ZONE "X", SHADED ZONE "X" AND ZONE AE, AS SCALED ON FLOOD INSURANCE RATE MAP NUMBER 48167C00126, EFFECTIVE DATE AUGUST 15, 2019. THIS INFORMATION IS FOR FLOOD INSURANCE PURPOSES ONLY AND WILL NOT IDENTIFY ANY SPECIFIC POSSIBLE FLOODING HAZARDS.
4. "60' WIDE ROADWAY IS PLATTED AS AN EASEMENT, PER VOL. 7, PG. 20 OF THE G.C.M.R. ALSO PLATTED AS A 60 FOOT WIDE STREET, PER VOL. 4, PG. 59 OF THE G.C.M.R. ROADWAY IS KNOWN AS EAST HERITAGE DRIVE AND QUAKER BEND DRIVE. PARKING SPACES WHICH SERVICE THE BUILDING LOCATED WITHIN THIS TRACT OF LAND ENCR OACH THIS EASEMENT/ROADWAY AREA.
5. THE PHYSICALLY TRAVELED PAVEMENT OF EAST HERITAGE ALONG THE NORTHWESTERLY PORTION OF THIS PROPERTY DOES NOT LIE FULLY WITHIN THE RECORDED ROADWAY EASEMENTS AND ENCR OACHES UPON THE PROPERTY BEING SURVEYED.
6. DRAWING REVISED ON FEBRUARY 5, 2020 FOR CLIENT COMMENTS ONLY, A TRIP TO THE SITE WAS NOT MADE.
7. 75' ROADWAY & UTILITY R.O.W. EASEMENT PER VOL. 2513 - PG. 449 G.C.D.R. HAS BEEN ABANDONED PER FILE No. 2020010004, O.P.R.G.C.T.X., RECORDED ON FEBRUARY 19, 2020. THIS SURVEY WAS REVISED ON FEBRUARY 20, 2020 TO REFLECT SAID ABANDONMENT AND REMOVE SAID DEDICATED ROADWAY AND UTILITY EASEMENT FROM THE DRAWING, A TRIP TO THE SITE WAS NOT MADE.

METES AND BOUNDS DESCRIPTION OF

a 109,089 square foot (2.504 acres) tract of land, out of and being part of Lot 12, Block 2 of Friendswood Subdivision, a map or plat thereof recorded under Volume 7, Page 20 of the Galveston County Map Records (G.C.M.R.), being that certain tract of land described in deed to Friendswood Realty under File No. 2010040672 of the Official Public Records of Galveston County, Texas (O.P.R.G.C.T.X.), with said 109,089 square foot tract of land being further described in meters and bounds as follows:

COMMENCING at a 1/2 inch iron pipe found at the South intersection of Morningside Drive and Shady Nook Drive, both based on a width of 60 feet, per File No. 2015028480 O.P.R.G.C.T.X., at the West corner of that certain tract of land described in deed to JFP Group, Inc. under File No. 2015028480 O.P.R.G.C.T.X.;

THENCE: N 41°43'50" E, along and with the called Southeast right-of-way line of Shady Nook Road, a distance of 252.00 feet to a point for the East corner of said Shady Nook Road;

THENCE: N 48°16'10" W, along and with the Northeast right-of-way line of said Shady Nook Road, a distance of 12.00 feet to a V cut in concrete found on said Northeast right-of-way line, at the South corner of the Friendswood Realty tract and at the South corner and POINT OF BEGINNING of the herein described tract;

THENCE: N 48°16'10" W, continuing along said Northeast right-of-way line and the Northeast line of a tract of land described in deed to William and Catherine Whipkey under Galveston County Clerk's File No. (G.C.C.F. No. 9010898), a Southwest line of the Friendswood Realty tract and a Southwest line of this tract, a distance of 198.00 feet to an iron rod with plastic cap found stamped "RWP INC 1855", at an angle point for the Whipkey tract, an angle point for the Friendswood Realty tract and an angle point of this tract, from which a 3/4 inch iron pipe found bears N 40°14'08" E, 0.4 feet;

THENCE: N 41°43'50" E, along and with the Southeast line of the Whipkey tract, the Southeast line of a tract of land described in deed to Fred Walter Camp and Mary Elise Camp under Volume 1327, Page 63 of the Galveston County Deed Records (G.C.D.R.), the Southeast line of a tract of land described in deed to Emory T. Carl (Trustee) under Volume 1514, Page 152, G.C.D.R., an interior line of the Friendswood Realty tract and an interior line of this tract, a distance of 153.00 feet to an iron rod with plastic cap found stamped "RWP INC 1855", at the East corner of the Carl tract, same being an angle point for the Friendswood Realty tract and an angle point of the herein described tract;

THENCE: N 48°16'10" W, along and with the Northeast line of the Carl tract, a Southwest line of the Friendswood Realty tract and a Southwest line of this tract, a distance of 255.00 feet to a point which falls in existing Mary's Creek, on the Southeast line of a tract of land described in deed to First Baptist Church of Friendswood under File No. 2007037164, at the North corner of the Carl Tract and at the West corner of this tract;

THENCE: N 41°43'50" E, along and with the Southeast line of the First Baptist Church of Friendswood tract, the Southeast line of a tract of land described in deed to Jennifer Sanders under File No. 2017055213 O.P.R.G.C.T.X., the Northwest line of the Friendswood Realty tract and the Northwest line of this tract, a distance of 255.00 feet to a point on the center of a called 60 foot wide road easement per Volume 7, Page No. 20 G.C.M.R., same being platted as a 60 foot wide street per Volume 4, Page 58 G.C.M.R., being known as E. Heritage Drive and Quaker Bend Drive, at the North corner of the Friendswood Realty Tract and the North corner of the herein described tract, from which an iron rod with plastic cap found stamped "RWP INC 1855" bears S 82°57'11" W, 0.35 feet;

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THENCE: S 41°43'50" W, along and with the Northwest line of the HSU Living Trust tract, the Southeast line of the Friendswood Realty tract and the Southeast line of this tract, a distance of 408.00 feet to the POINT OF BEGINNING and containing a calculated area of 2.504 acres of land.

FIRST BAPTIST CHURCH OF FRIENDSWOOD
FILE No. 2007037164 O.P.R.G.C.T.X.

JENNIFER SANDERS
FILE No. 2017055213 O.P.R.G.C.T.X.

SIGN: TRAFFIC SYMBOL (SHARP RIGHT TURN AHEAD)

SIGN: EMPLOYEE PARKING ONLY

SIGN: 281-260-6068

6' CHAIN LINK FENCE

EMORY T. CARL (TRUSTEE)
VOL. 1514 PG. 152 G.C.D.R.

FRIENDSWOOD REALTY
FILE No. 2010040672 O.P.R.G.C.T.X.
109,089 SQ. FT.
OR
2.504 ACRES

EMORY T. CARL (TRUSTEE)
VOL. 1514 PG. 152 G.C.D.R.

FRED WALTER CAMP & MARY ELISE CAMP
VOL. 1327 PG. 63 G.C.D.R.

WILLIAM & CATHERINE WHIPKEY
G.C.C.F. No. 9010898

IRON ROD W/ CAP STAMPED
"RWP INC 1855" FOUND FROM WHICH A
3/4" IRON PIPE BEARS N 40°14'08" E 0.4'

WILLIAM & CATHERINE WHIPKEY
G.C.C.F. No. 9010898

SHADY NOOK ROAD
(60' R.O.W.)
FILE No. 2015028480 O.P.R.G.C.T.X.

P.O.C.
1/2" IRON PIPE FOUND

N 41°43'50" E 252.00'
JFP GROUP, INC.
FILE No. 2015028480 O.P.R.G.C.T.X.

P.O.B.
"X" CUT IN CONCRETE FOUND

CLYDE F. HARRIS
VOL. 1510 PG. 97 G.C.M.R.

WILLIAM R. WHIPKEY AND CATHERINE E. WHIPKEY
VOL. 3145 PG. 721 G.C.M.R.

HSU LIVING TRUST
FILE No. 2001018360 O.P.R.G.C.T.X.

LOT 86
IMPERIAL ESTATES
VOL. 8 PG. 51 G.C.M.R.
AKA SHADOWBEND AVE
FILE No. 201018360 O.P.R.G.C.T.X.

MAJESTIC DRIVE
(60' R.O.W.)
VOL. 4 PG. 58 G.C.M.R.
AKA SHADOWBEND AVE
FILE No. 20106621 O.P.R.G.C.T.X.

LOT 87
IMPERIAL ESTATES
VOL. 8 PG. 51 G.C.M.R.
AKA SHADOWBEND AVE
FILE No. 20106621 O.P.R.G.C.T.X.

LEGEND

- BOARD FENCE.
- CHAIN LINK FENCE.
- CONTROL MONUMENT TIE.
- OVERHEAD POWER LINES.
- SUBJECT BOUNDARY LINE.
- TOP OF BANK OF DITCH.
- UNDERGROUND GAS LINE.
- CABLE TV PEDESTAL.
- FIBER OPTIC CABLE MARKER.
- FIRE DEPARTMENT CONNECTION.
- FLAG POLE.
- GAS METER.
- GRATE INLET.
- GUY ANCHOR.
- LIGHT POLE.
- MAIL BOX.
- POWER POLE.
- SANITARY CLEAN OUT.
- SANITARY MAN HOLE.
- SATELLITE DISH.
- VERTICAL PIPE (2" GALVANIZED).
- VERTICAL PIPE (GAS).
- WATER METER.
- WATER VALVE.
- YARD DRAIN.
- ASPHALT PAVEMENT.
- COVERED CONCRETE.
- EXISTING STRUCTURE.
- INLET TYPE "B".
- UNCOVERED CONCRETE.
- PHYSICALLY TRAVELED CONCRETE PAVEMENT.



BOUNDARY SURVEY OF

2.504 ACRES (109,089 SQ. FT) OF LAND
RECORDED UNDER FILE No. 2010040672
OF THE OFFICIAL PUBLIC RECORDS OF
GALVESTON COUNTY, TEXAS.

To attention of Aubrey Harbin

Dated August 5, 2020

Planned Unit Development PUD Letter to Planning and Zoning Commission - Please schedule this for your meeting planned for September 10, 2020.

Request for a change from MFR-L to SFR-H PUD

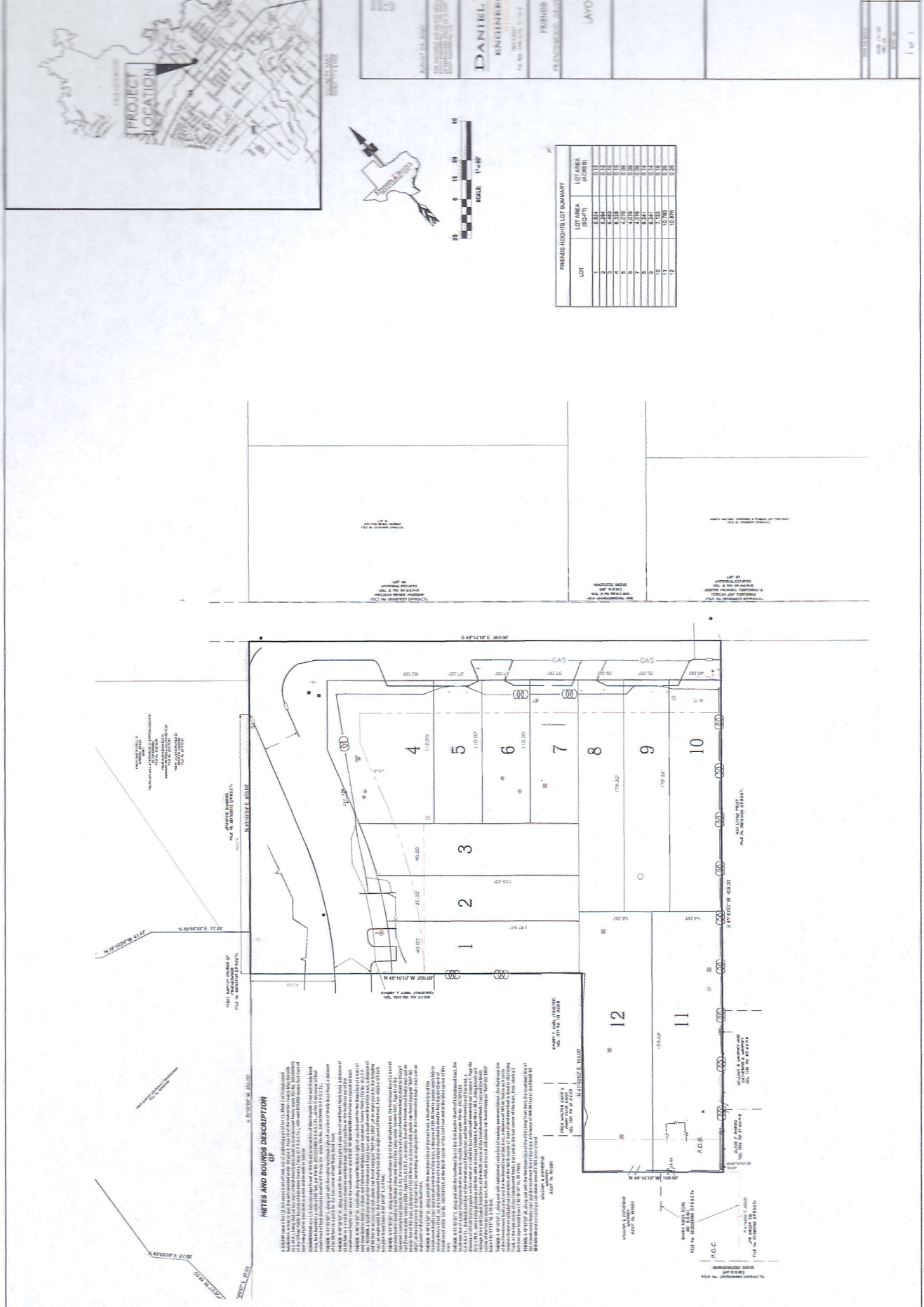
1. Property consists of 2.504 acres defined by the Meets and Bounds description. The current zoning requires 6 units/acre. The conceptual design plan produces 12 units on the property. Exhibit 1
2. Proposed usage is unattached residential units located on lots using the MFR-L 6 units/acre option. All lots are located with frontage on city streets of East Heritage, Quaker Drive and Shady Nook.
3. The project has 1 phase to build and sell the 12 units.
4. All buildings will be elevated 8-10 feet above natural ground due to close proximity to Mary's creek. This elevation results in the possibility of a footprint on a small lot, a unique garage space, with 2 habitable floors up to 1500 square feet per floor. If this was not a flood prone area it would be difficult to obtain a 3000 square foot home on such a small lot with the garage area utilizing habitable space. Review Exhibit 2 A and B. Ashford Village and Quaker Village
5. Dwelling units will be independent residential structures located on a minimum lot of 37 feet by 110 feet, Area= 4070 square feet. Maximum lot area is 10,876 square feet for a 54 feet by 196 feet lot. All lots will have fenced rear yards.
6. Minimum Building Set Back- Side, 5 feet with a front and rear setback of 25 feet each. These specifications meet the physical regulation matrix for MFR-L selecting the six units per acre option. The only regulation matrix not met is the alphabetical regulation "G" which states: Developer must elect either units/acre or lot area. Two family residential units on two lots are required when lot area is selected.
Selecting units/acre option 1 states: plat "lot" with restricted reserve for designated open space. Individual units would be sold as condominiums and property owners association would be required for maintenance of the common areas.
This PUD request allows purchaser to own land outside the dwelling unit occupied. The homeowner would be responsible for maintenance of his land.
Without elevation, creating common areas and green space on 2.504 acres would be very minimum as previously shown on Exhibit 2 A & B.
7. Detention requirements - None required since previous non-permeable area was approximately 49,471 square feet and the proposed design would yield approximately

24,000 square feet which represents at least a 50% improvement over the previous existing structure and parking.

Rationale for this PUD development: Property is located near Mary's Creek which has the propensity to flood. The conceptual plan proposes to restrict any habitation to the second and third floors. This elevated, (8 to 10 feet) design allows for a small 1500 square footprint and yields the potential of up to 3000 square feet of habitable area. Such a design would yield 63% green space on the smallest lot defined in the conceptual design. The variation from the typical development requirements is to allow single family units to be built on lots rather than condominiums, town houses, duplexes with common area.

Other supporting rational . The entire block is zoned MFR-L. Exhibit 3. The block currently consists of 15 single family residential units and 2 tri-plexes. By accepting this PUD request, the majority of single family residences will be maintained and the possibility of rental units in this area for Friendswood will be minimized.

Exhibit 1

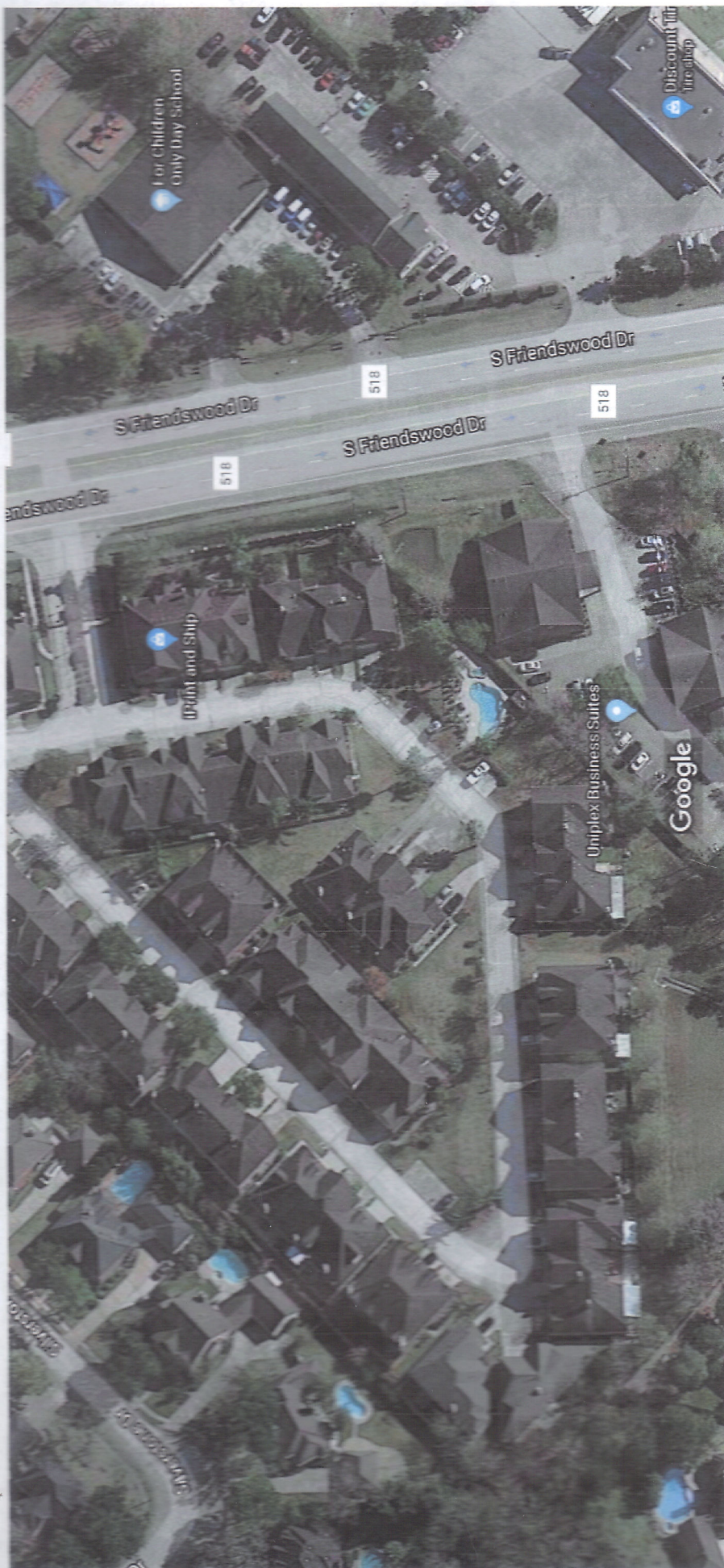


Asford Village "2A" Exhibit "2A"

Google Maps

7/29/2020

Google Maps



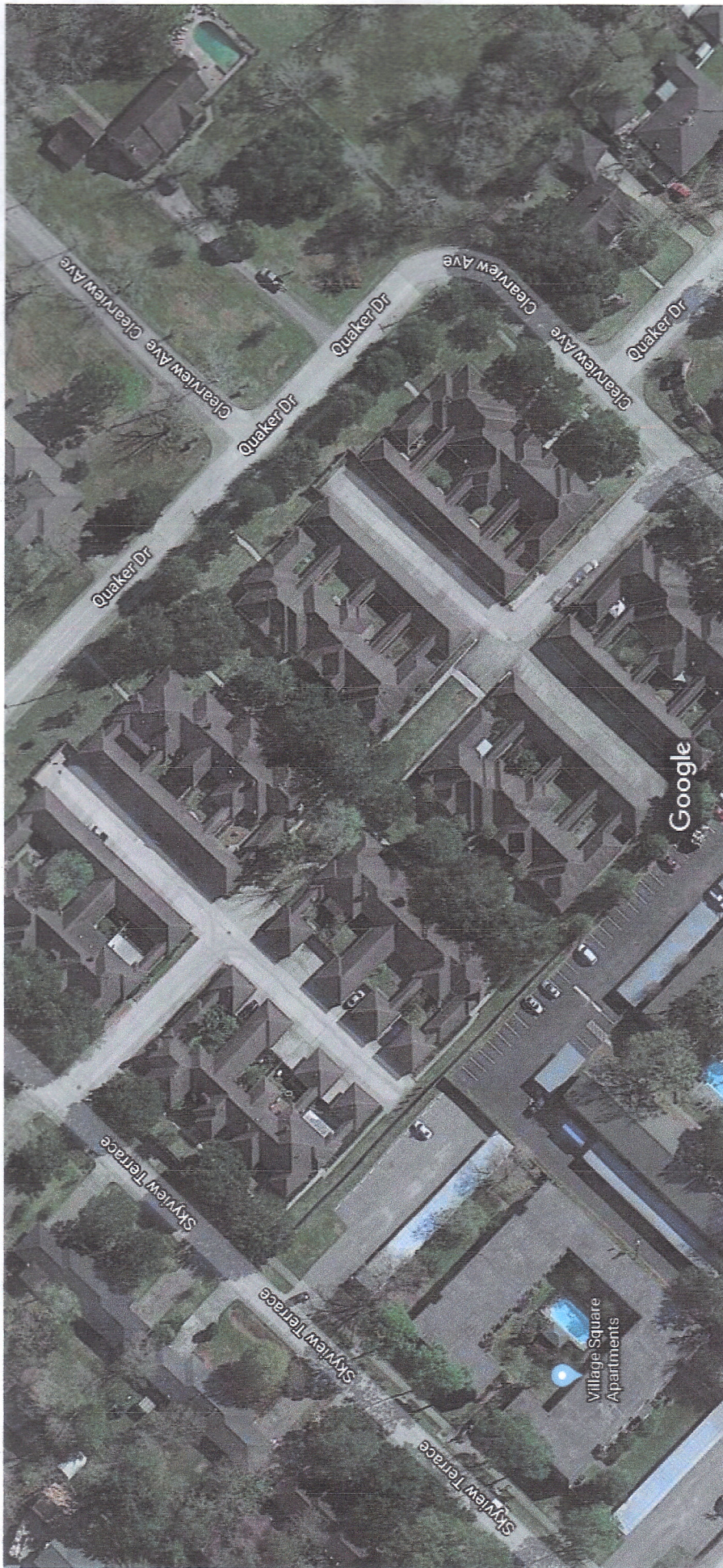
Imagery ©2020 Houston-Galveston Area Council, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, Map data ©2020 50 ft

7/29/2020

Google Maps

Quaker Village Google Maps

Exhibit "2B"



Imagery ©2020 Houston-Galveston Area Council, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, Map data ©2020 50 ft



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www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 103'

A detailed street map of the Friendswood area in Houston, Texas. The map shows a grid of streets including Highway 290, Highway 251, and various local roads like Spring Branch, Spring Creek, and Spring Ridge. A black arrow points to a specific location on Highway 290, labeled 'PROJECT LOCATION' in a white box. The map also shows the Gulf of Mexico coastline and several parks and schools.

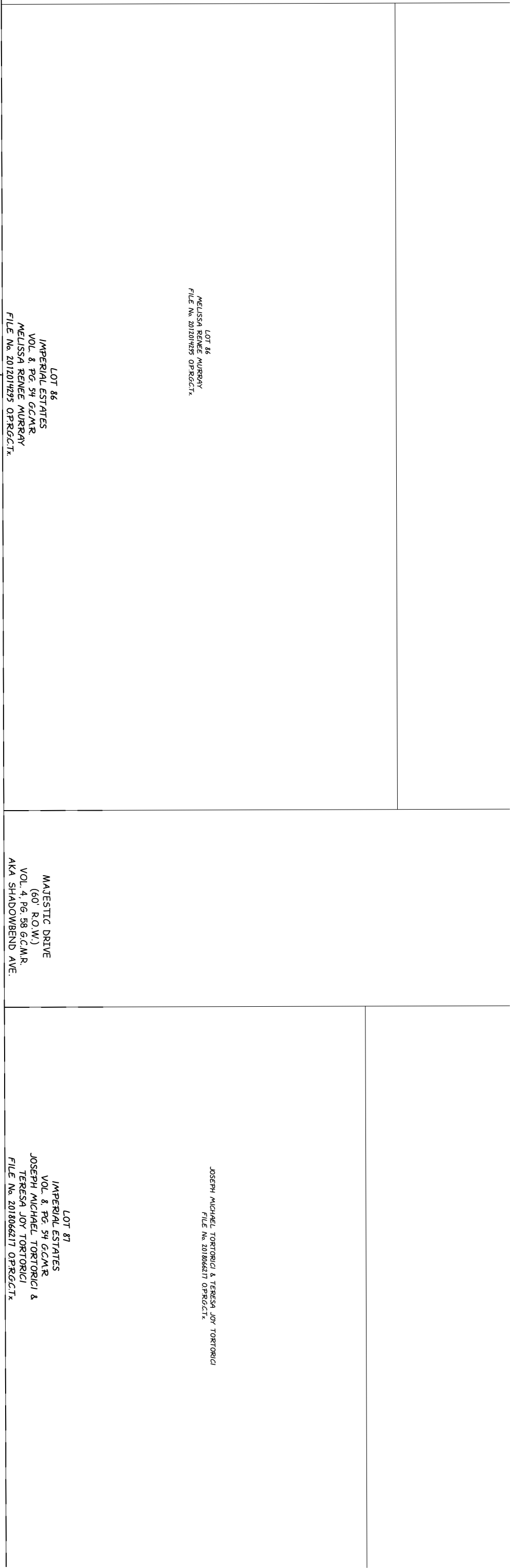
A map of Texas with a black outline. Inside the outline, the text "DANIEL SCOTT" is written in a large, bold, serif font, with "INSURANCE CO." in a smaller font below it. A red star is positioned to the right of the text. An arrow, pointing towards the top right, is superimposed over the map. Below the map is a scale bar with alternating black and white segments. The bar is labeled with the numbers 30, 0, 15, 30, and 60. Below the scale bar, the text "SCALE: 1" = 30'" is written.

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TBPE F-9827 (281) 519-8530
 P.O. BOX 1549, ALVIN, TX 77512 scott@danielscottengineering.com

LAYOUT 3

DRAWING SCALE	Project No.
HORIZ: 1" = 100' VERT: NA	D5E20-017
SHEET No.	Drawing No.
1 OF 1	D5E20017-200



	BOARD FENCE.
	CHAIN LINK FENCE.
	CONTROL MONUMENT TIE.
	OVERHEAD POWER LINES.
	SUBJECT BOUNDARY LINE.
	TOP OF BANK OF DITCH.
	UNDERGROUND GAS LINE.
	BUILDING LINE.
	CABLE TV PEDESTAL.
	FIBER OPTIC CABLE MARKER.
	FIRE DEPARTMENT CONNECTION.
	FLAG POLE.
	GAS METER.
	GRATE INLET.
	GUY ANCHOR.
	LIGHT POLE.
	MAIL BOX.
	POWER POLE.
	RIGHT OF WAY.
	SANITARY CLEAN OUT.
	SANITARY MAIN HOLE.
	SATELLITE DISH.
	VERTICAL PIPE (2" GALVANIZED).
	VERTICAL PIPE (GAS).
	WATER METER.
	WATER VALVE.
	YARD DRAIN.

FRIENDS HEIGHTS LOT SUMMARY		
LOT	LOT AREA (SQ-FT)	LOT AREA (ACRES)
1	5,824	0.13
2	5,294	0.12
3	6,462	0.15
4	8,328	0.19
5	4,070	0.09
6	4,070	0.09
7	4,070	0.09
8	5,565	0.13
9	5,565	0.13
10	6,360	0.15
11	8,586	0.20
12	8,718	0.20



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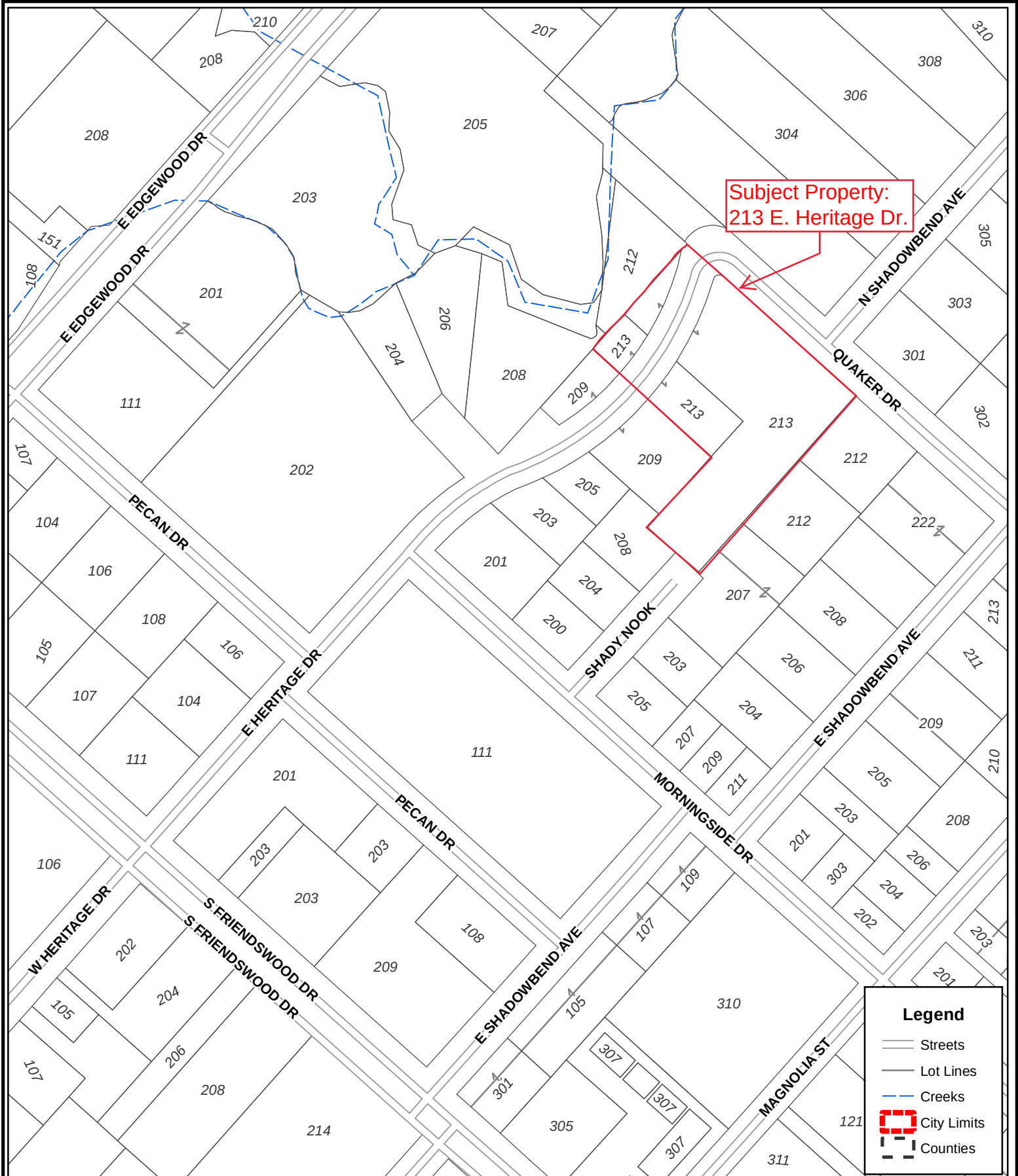


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Friendswood GIS Mapping



1" = 63'
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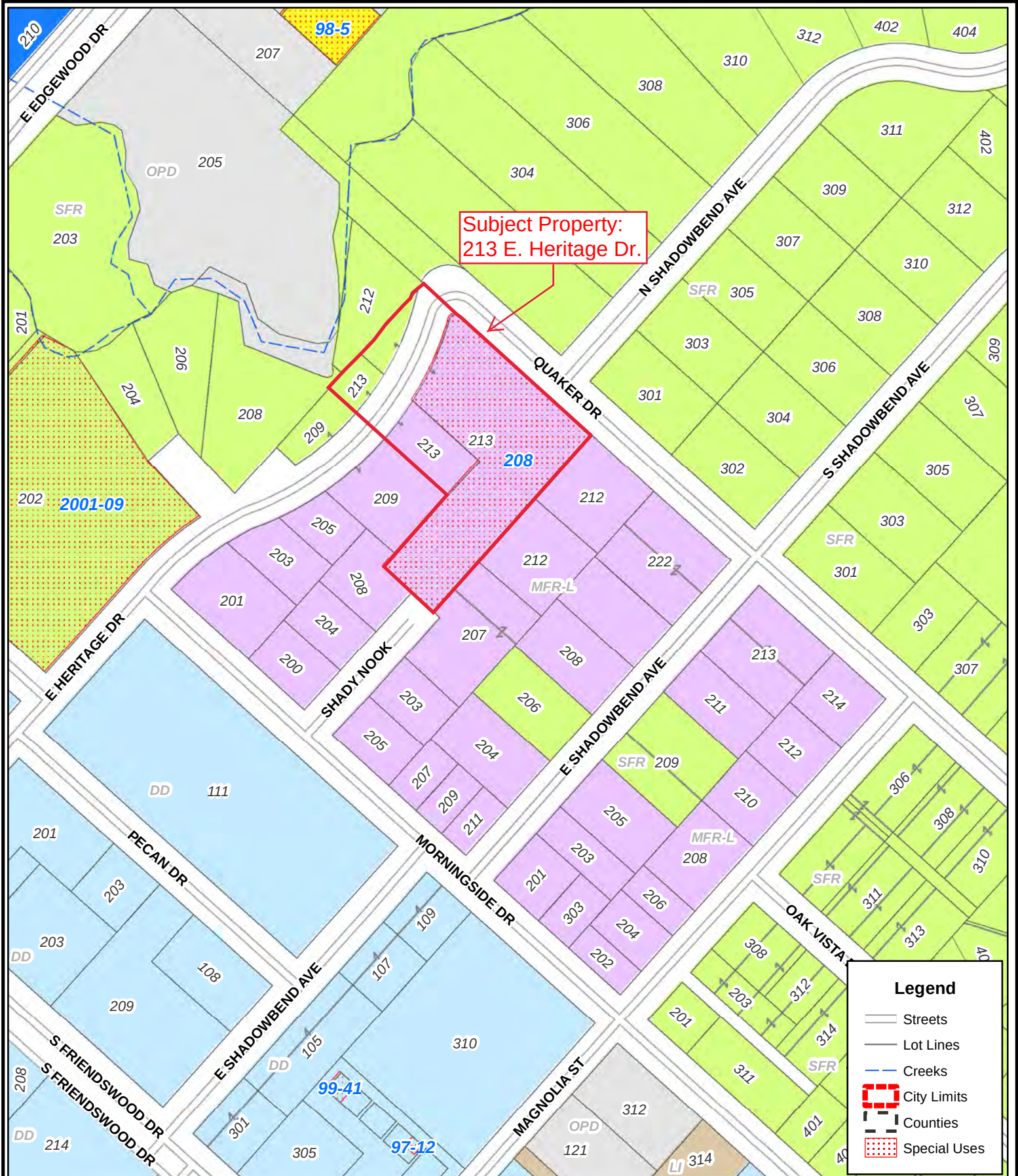


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Friendswood GIS Mapping



1" = 200'
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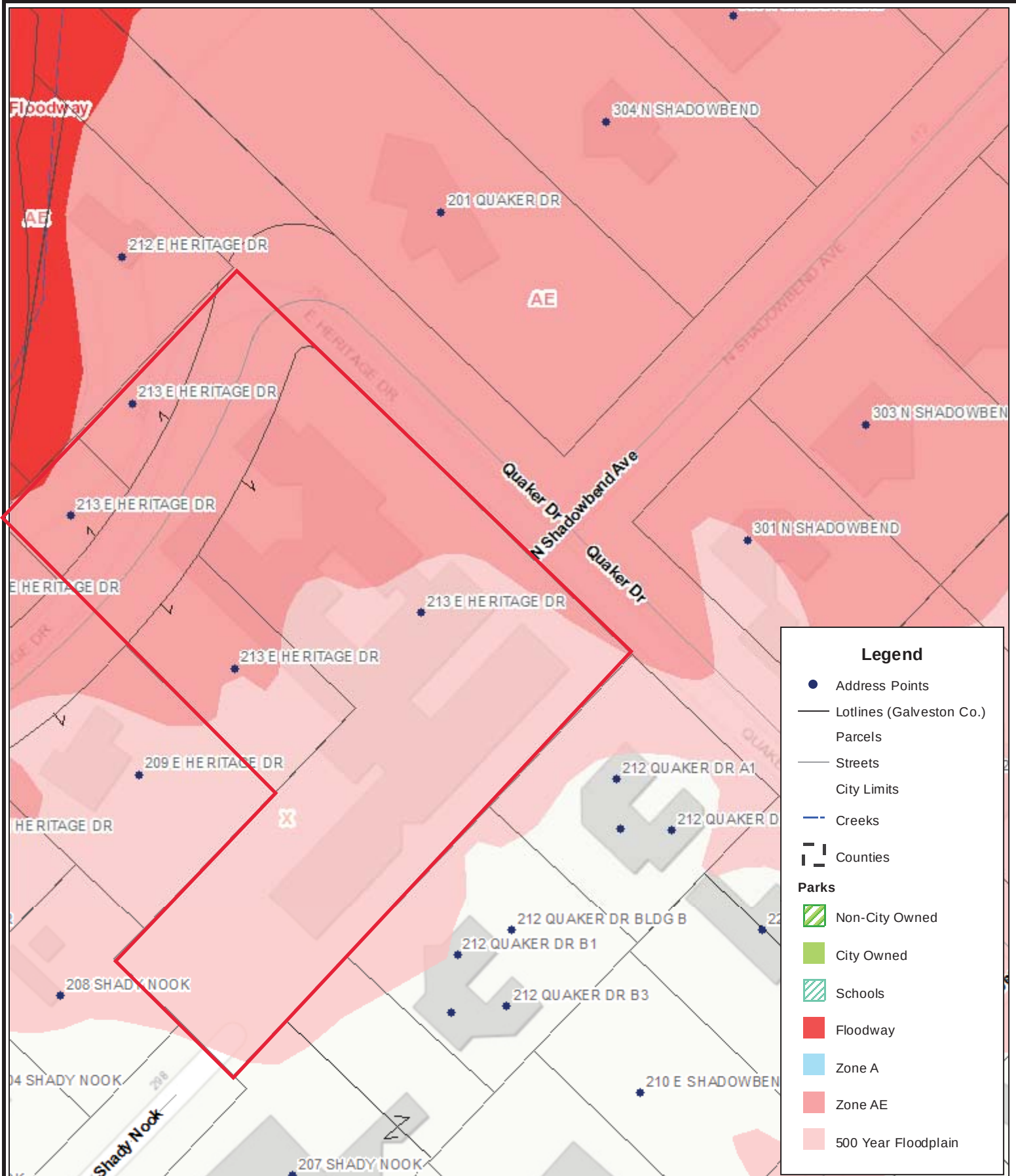


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Friendswood GIS Mapping



1" = 200'
 Page 56 of 86



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Friendswood GIS Mapping



Rezoning Report

August 2020

Project: Friends Heights

Address: 213 E. Heritage Dr.

Legal: 2.504 acres or 109,089 square feet of land out of Lot 12 Block 2 of Friendswood Subdivision, as recorded in Volume 238, page 14, of the Office of the County Clerk of Galveston County, Texas

Request: Zone classification change from Single Family Residential (SFR), Multi-Family Residential Low Density (MFR-L), and Multi-Family Residential Low Density / Specific Use Permit (MFR-L/SUP) to Planned Unit Development (PUD)

Applicable Zoning Ordinance Excerpts:

PROPOSED ZONING

Zoning Ordinance

Section 7. Schedule of District Regulations:

- J. *PUD, planned unit development, general purpose and description.* This district allows for greater flexibility in the design and coordination of a single use or mixed uses than in other districts because a specific ordinance is written for every PUD. A PUD is a unique zoning classification, and shall be granted only when the planning and zoning commission and city council determine that the applicant has submitted a complete application containing sufficient detail. An applicant is not entitled to a PUD as a matter of right. The city reserves the right to establish conditions as determined appropriate.

In no case shall a PUD be used for the sole purpose of circumventing the intent of city ordinances or plans. Unless standards for elements of site design are specifically described in a rezoning ordinance for a PUD, all design and development standards shall apply to all land development within a PUD district. The development must be planned as an integral unit and must protect nearby landowners from adverse impact with appropriate buffering and landscaping. A site plan is required for all PUDs.

The general purposes of all PUD, planned unit development districts, are several-fold:

1. To encourage unified design and development of tracts of land incorporating a variety of uses including, but not limited to, residential, commercial, office, and institutional;
2. To accommodate innovation in development by modifying the city's land use and development regulations;
3. To provide for and protect the public health, safety and general welfare of the city by assuring quality development in accordance with the city's comprehensive plan and other related goals;
4. To minimize the negative impact of developments, especially those related to drainage, environment, traffic, and a public services and related facilities;
5. To protect and enhance the aesthetic and visual qualities of development;
6. To provide development of sites in a suitable fashion when such development is restricted by such factors as site location and shape;
7. To promote economic development in accordance with the city's plans for such...

PUD Application Requirements per Section 7.J. 2. Application

2. Submit a conceptual plan with the application and the required processing fee for rezoning. This option will require the applicant to apply for site plan approval at a later date if the zone change to PUD is approved. At the time of site plan approval all information contained in the conceptual plan shall be certified by an engineer and/or surveyor. The conceptual plan shall provide the following information:

- (a) General land use and density plan;
- (b) Identify proposed general uses, densities, major open spaces, circulation and access features;
- (c) Statement indicating proposed phasing of development and the projected timing of each;
- (d) Data describing all processes and activities involved with the proposed use;
- (e) Regulation matrix designating what zoning district the development will follow;
- (f) Data describing any variation from the typical development requirements.

Modification Procedures for a PUD once Approved:

- (3) Modification of standards proposed within a PUD.
 - (a) Following adoption of a PUD ordinance pursuant to this section, all subsequent plans prepared for the development or any portion of the property within a PUD must substantially conform to the approved plan in accordance with the standards of the PUD ordinance, this section, and all other applicable ordinances of the city.
 - (b) The city recognizes that market conditions may alter the development of a large PUD and hereby provides that alterations in the land area or square footage, as appropriate, covered by a category of use, may be varied by not more than 25 percent. In no case shall such variations change traffic or circulation patterns, substantially alter the number or arrangement of buildings, increase the height of buildings, lessen the amount or effectiveness of open space or landscaped buffers, or result in a greater impact on adjacent properties or neighborhoods. Percentage changes specified herein shall be the maximum change allowed; multiple changes exceeding those percentages shall not be approved administratively, but shall require the owner to submit an application for an amendment to the district standards.

EXISTING ZONING:

B. *(R-2 and R-3) MFR-L, residential, general purpose and description.* The MFR-L, Multiple-Family Residential Dwelling—Low-Density District, is intended to provide for lowest-density multiple-family dwellings which may have a relatively intense concentration of dwelling units served by large open spaces consisting of common areas and recreation facilities, thereby resulting in a maximum density of six dwelling units per acre. The principal use of land may be one or several dwelling types, including multiple-family dwellings, and including two-family dwellings, garden apartments, condominiums and townhouses. Recreational, religious and educational uses normally located to service adjacent residential areas are also permitted to meet the basic needs of a balanced, orderly, convenient, economical and attractive residential area. The multiple-family residential dwelling district—low functions as a buffer or transition between commercial or higher density residential areas and lower density areas. The intent of these regulations is to allow development of property which may have a limited area suitable for residential development due to a portion of the property being flood-prone or adjacent to a district of a different zoning designation.

1. Area and height regulations. Area and height regulations in an MFR-L 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-L district are set forth in subsection P of this section, permitted use table.

Additionally, there are two other sections of the Zoning Ordinance that specify the use of lots or units per acre in MFR-L:

Section 7.Q.2. Residential Regulation Matrix

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.

Section 7.Q.3. Area and Height Exceptions

- d. 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.*

Existing Use/Site Attributes:

The site is currently vacant. The nursing home buildings were recently demolished following extensive damage from Hurricane Harvey.



City of Friendswood GIS Aerial Map (before)



Current site condition with structure demolished



Site looking from dead end of Shady Nook



Site looking from E. Heritage Drive

Zoning History:

The current zoning of the property is Multi-Family Residential Low Density with a Specific Use Permit for an Institution for the Aged (MFR-L/SUP), Multi-Family Residential (MFR-L) and a small portion being zoned Single Family Residential (SFR). The site was developed in the early 1970s as a nursing home (institution for the aged). A Specific Use Permit to allow the use was approved in 1974. At some point the nursing home company acquired the additional property and never incorporated it into the Specific Use Permit (SUP).

January 1974 – Specific Use Permit for Institution for the Aged approved with the following conditions:

1. There is to be no access to Shady Nook.
2. A sixty (60) foot right-of-way for Heritage Drive shall be deeded to the City.
3. A drainage culvert shall be installed, covered, and blacktopped on Quaker drive according to the City Engineer's specifications. The entire cost of the culvert and blacktop is to be borne by the Autumn Hills Corporation.
4. A screening hedge is to be planted between the parking area and the Fred Camp property.
5. A landscaped greenery buffer approximately 45 feet by 108 feet is to be maintained abutting Shady Nook.
6. Drainage of the back yard area and parking area is to be approved by the City Engineer with the City to pay for the difference in culvert size required to take the drainage off Shady Nook.

February 1974 – Variances issued for an addition

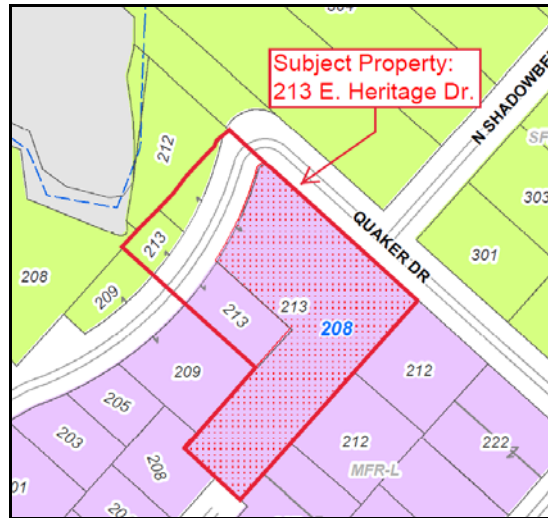
1. A variance to reduce the front building line of the proposed new addition from 25 feet to 15 feet 6 inches.
2. A variance to reduce the required off-street parking to a total of eighteen (18) cars in lieu of that required by the Zoning Ordinances and that an additional nine (9) nonconforming parking spaces be provided on Quaker Drive.

June 1974 – 60-ft Right-of-Way

A 60-foot right-of-way on Heritage Drive dedicated to the City (Volume 2561 Page 159)

Adjacent Zoning/Land Use:

The property fronts Quaker Drive and E. Heritage Dr. and has access to Shady Nook. The zoning of tracts immediately adjacent to the subject property are zoned Multi-Family Residential-Low Density (MFR-L) and tracts across Quaker Drive and E. Heritage Ave. are zoned Single Family Residential (SFR).



City of Friendswood Zoning Map

Platting Analysis:

The property will require preliminary and final plats in order to dedicate proper easements to serve the proposed development and correct the right-of-way dedication for East Heritage Drive. The development will be required to meet all applicable building codes and City ordinances.

Planning Analysis:

The proposed Planned Unit Development is for single family, elevated homes to be constructed on smaller lots. Details of the requested PUD are included in the application. The applicant provided two examples of other multi-family developments within the City – Quaker Village and Ashford Village. Both of these are townhomes/attached multi-family units with shared common areas. The structures themselves are owned as condominiums.

The proposed Planned Unit Development (PUD) is conceptual. There are several items that are going to have to be addressed during platting and construction plan approval including:

- Fire hydrants within 500 feet of all residences.
- Maintain 10-ft separation between residential units.
- Provide water and sewer taps for each individual lot. Easements may be required.
- Dedication of right-of-way for E. Heritage Drive
- An approved fire truck turn around at the end of Shady Nook. Additional right-of-way may be required making lots 11 and 12 smaller, but they would still meet the minimum of the PUD.
- Account for drainage at the end of Shady Nook, which is currently open ditch.
- Construction of fire truck turnaround, any drainage improvements, and water and sewer taps must be installed and accepted by City Council, which is required prior to plat recordation.

Comparison of City of Friendswood SFR, MFR-L Regulations and
Proposed Friends Heights Regulations

	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	2.7	11,600	90	25B	25	10 F	25A	20 C	40	K	No	35%
MFR-L	6 G	7260 G	45 G	25 B	25	10 E,I	25 B	20 C	40	K	No	50%
Friends Heights PUD	6	4070	35	25	25	5 E,I	n/a	25	40	K	No	50%

- 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.
- E. Ten-foot minimum separation between buildings.
- 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.
- I. 25 feet when abutting land zoned single-family residential (SFR) district.
- K. Parking is required in accordance with the parking group table in the design criteria manual.

Comprehensive Planning Analysis:

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

Infrastructure/Service Delivery Impacts

Storm Water Management and Floodplain Issues:

The property owner is eligible to receive credit, as far as detention requirements, for the previously existing impervious cover. Engineered drainage plans will be required to verify the drainage calculations. On-site mitigation will be required for any development with the AE Flood Zone.

The elevation of the new homes will be required to meet the requirements of the City's Flood Ordinance.

Utilities:

City water and sewer services are existing on the site. Water and sewer taps will be required for each lot. Fire hydrants must be located within 500 feet of each residential structure.

Access:

The project has direct access to Quaker Dr. and E. Heritage Dr., which in turn connects to FM 518. The property also has access to Shady Nook, a public street.

An approved fire truck turn around will be required at the end of Shady Nook. Approval of the design will be by the Fire Marshal's Office and the Engineering Department.

Park/Open Space:

Park dedication fees of \$600 per dwelling unit will be required at the time of building permit issuance.

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.
- k. Height maximum includes belfries, chimneys, cooling towers, elevator bulkheads, fire towers, storage towers, monuments, ornamental towers and spires, stage towers and scenery lofts, tanks and water towers.

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 District	6	6,000	60	20 B, H	20	0 D, J	5 B, H	4 C, H	40	K	Yes D	50%
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- 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.

~~a. 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~~ Height maximum 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. T~~ 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.b. Exceptions for community shopping center (CSC), neighborhood commercial (NC), office park (OPD), light industrial (LI), industrial (I), and business park (BP) districts~~

~~1. —On building or structures located in these districts, finials, crosses and other religious symbols shall not extend more than 10 feet above the building or extend more than 10 feet above the allowable building height; and~~

~~2. Finials, crosses and other religious symbols shall not be accessible and shall not be illuminated above the roofline.~~

b. Exceptions for 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.~~

~~11. —On buildings or structuresWhen located in the Downtown District (DD), these structures finials, crosses and other religious symbols shall not extend more than 1820 feet above the building or extend more than 1820 feet above the allowable building height; 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.— Finials, crosses and other religious symbolsThe structures shall not be used for habitation or storageaccessible and shall not be illuminated above the roofline.~~

c. Communications towers height criteria.

~~1. Height limitations of communication towers. The maximum communication tower height, including antennae, lightning rods and accessories, in residential districts shall not exceed 40 feet and in non-residential districts shall not exceed 200 feet, unless otherwise approved by eCity Ceouncil.~~

~~2. —Height limitations for communication towers placed on existing buildings. Communication Ttowers and -which are located on top of buildings or structures in nonresidential districtsantennae, which are located on top of buildings or structures shall not be more than 30 percent of the structure height above the structure.~~

~~3. This section applies to telecommunication towers, ham radio and television antennas, microwave relay, radio and television transmission towers.~~

~~6) —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):~~

~~Buildings and Sstructures located within a (general)Pplanned Uunit Ddevelopment (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 Pplanned unit developmentUD.~~

~~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:

Comment [AH3]: Needs futher discussion...if the exception is allowed by ordinance, notifying surrounding property owners does not allow them any options for relief. The Commission will have to listen to complaints and still have to allow the exception, if it meets the ordinance.

Comment [AH4]:

Comment [BB5]: Not necessary

Comment [BB6]: This section is Area and Height Exceptions

Comment [BB7]: No longer have different types of PUDs

Comment [BB8]: Redundant

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.

fe. 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.

~~g. 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 [BB9]: 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 [BB10]: 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.
- k. Height maximum includes belfries, chimneys, cooling towers, elevator bulkheads, fire towers, storage towers, monuments, ornamental towers and spires, stage towers and scenery lofts, tanks and water towers.

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 District	6	6,000	60	20 B, H	20	0 D, J	5 B, H	4 C, H	40	K	Yes D	50%
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- 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.

~~a. 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~~ Height maximum 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. T~~ 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.b. Exceptions for community shopping center (CSC), neighborhood commercial (NC), office park (OPD), light industrial (LI), industrial (I), and business park (BP) districts~~

~~1. —On building or structures located in these districts, finials, crosses and other religious symbols shall not extend more than 10 feet above the building or extend more than 10 feet above the allowable building height; and~~

~~2. Finials, crosses and other religious symbols shall not be accessible and shall not be illuminated above the roofline.~~

b. Exceptions for 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.~~

~~11. —On buildings or structuresWhen located in the Downtown District (DD), these structures finials, crosses and other religious symbols shall not extend more than 1820 feet above the building or extend more than 1820 feet above the allowable building height; 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. — Finials, crosses and other religious symbolsThe structures shall not be used for habitation or storageaccessible and shall not be illuminated above the roofline.~~

c. Communications towers height criteria.

~~1. Height limitations of communication towers. The maximum communication tower height, including antennae, lightning rods and accessories, in residential districts shall not exceed 40 feet and in non-residential districts shall not exceed 200 feet, unless otherwise approved by eCity Ceouncil.~~

~~2. —Height limitations for communication towers placed on existing buildings. Communication Ttowers and -which are located on top of buildings or structures in nonresidential districtsantennae, which are located on top of buildings or structures shall not be more than 30 percent of the structure height above the structure.~~

~~3. This section applies to telecommunication towers, ham radio and television antennas, microwave relay, radio and television transmission towers.~~

~~6) —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):~~

~~Buildings and Sstructures located within a (general)Pplanned Uunit Ddevelopment (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 Pplanned unit developmentUD.~~

~~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:

Comment [AH3]: Needs futher discussion...if the exception is allowed by ordinance, notifying surrounding property owners does not allow them any options for relief. The Commission will have to listen to complaints and still have to allow the exception, if it meets the ordinance.

Comment [AH4]:

Comment [BB5]: Not necessary

Comment [BB6]: This section is Area and Height Exceptions

Comment [BB7]: No longer have different types of PUDs

Comment [BB8]: Redundant

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.

fe. 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.

~~g. 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 [BB9]: 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 [BB10]: 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.