



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, FEBRUARY 25, 2021 - 7:00 PM**

AGENDA

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

- 1. Call to order**
- 2. Communication from the public/committee liaisons**
(To comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects be placed on a later regular Commission agenda for discussion and/or possible action)
- 3. Consent Agenda**
 - A. Minutes for the regular meeting held Thursday, February 11, 2021
- 4. Discussion Items**
 - A. Consideration and possible action regarding proposed updates to the Future Land Use Map (2008) and the process and timeline to receive input from the public and city boards and committees, including City Council, regarding the updates
 - B. Consideration and possible action regarding proposed amendments to Appendix B, Subdivision Ordinance, in its entirety to update in accordance to HB 3167 as well as incorporate some additional administrative requirements
 - C. Discussion regarding proposed amendments to Appendix C, Zoning Ordinance, Section 8.I.2(f) Preserving Trees; Historical Significance
- 5. Consideration and possible action regarding future Planning and Zoning Commission meeting dates**
 - A. Regular Meeting - Thursday, March 11, 2021
Regular Meeting - Thursday, March 25, 2021
- 6. Communications**

- A. From Commissioners - suggestions for future agenda items, general comments and/or updates from liaison assignments
- B. From Planning Subcommittee – update on tasks
- C. From Ordinance Subcommittee – update on tasks
- D. From City Council Liaison, Robert Griffon - general comments and communication from City Council
- E. From Staff - commercial and residential project updates, City Council action and ordinance updates
Upcoming Virtual Training Opportunities
April 14-16, 2021 - University of Texas Land Use Conference
March 4, 2021; 9am to Noon - City Hall Essentials Land Use Fundamentals Workshop

7. Adjournment



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

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

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

DATE

AT TIME

MELINDA WELSH, TRMC
CITY SECRETARY

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



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, FEBRUARY 11, 2021 - 7:00 PM**

Minutes

MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS FRIENDSWOOD CITY HALL, COUNCIL CHAMBERS,

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
FEBRUARY 11, 2021

1. Call to order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, FEBRUARY 11, 2021, AT 07:04 PM 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS

CHAIRMAN JOE MATRANGA
VICE-CHAIRMAN RICHARD SASSON
COMMISSIONER RICHARD CLARK
COMMISSIONER TOM HINCKLEY
COMMISSIONER TRAVIS MANN
COMMISSIONER LISA LUNDQUIST
COMMISSIONER MARCUS PERRY
COUNCIL LIAISON ROBERT GRIFFON
CITY ATTORNEY MARY KAY FISCHER
DIRECTOR OF CDD/PLANNER AUBREY HARBIN
DEVELOPMENT COORDINATOR BECKY BENNETT

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)

Brady Mora spoke about Frank Brown, the man who is thought to have planted the trees at 501 S. Friendswood Drive. Mora said Margaret McDonald emailed Mora saying to not let outsiders cut down trees from our namesake. Mora said Joycina Baker also called him regarding the trees. Mora said the property owner has every right to develop his property and that Mora does not wish him ill but pleads for more time to speak with owner.

Randy Stine said he married into the Brown family, some of the original founders of Friendswood. He said his family has spent \$30,000 to protect trees on their property. He said they applied for a variance to fence their front yard in order to protect those trees, as well. He said the city symbol has an oak tree on it and that it would cost money but the property owner should at least move the trees elsewhere instead of cutting them down.

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.

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

A. Minutes for the regular meeting held January 28, 2021

4. 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 the site plan for Friendship Center to be located at 501 S. Friendswood Drive

Item tabled on January 28, 2021

Motion to remove from table - Sasson

Second - Hinckley

Vote - 7/0 Unanimous

Harbin explained the applicant is proposing to save one of the large trees (T9), the tree to the left. She said the change is indicated on the revised landscape plan.

Sasson stated he is thankful discussions happened and that a compromise was achieved. He said he finds no reason to deny the plan as it meets city code. Sasson said he would ask the owner to plant oaks instead of crepemyrtles. Sasson thanked Sel Thint/engineer for helping facilitate discussions with the owner. Thint said he has no objection to planting oaks and will coordinate with staff.

Perry said the Commission does realize the rights of the property owner and that the presented plan meets ordinance. Perry said he would like further discussion with the property owner.

Lundquist stated this site plan is a heartbreaking decision. She said she is a self proclaimed tree hugger but the current ordinances fell short and did not protect the trees better. She thanked Thint and said she greatly appreciates the effort. Lundquist said she would also like a couple more weeks for negotiation. She said she is cognizant of the owner's right but feels this plan is not in keeping with the plan for Downtown.

Sel Thint/Everest Design Group explained the reasoning for keeping tree T9 and not the second large tree (T3). He said the driveway entrance must be 75-feet from the TxDOT right-of-way and the T3 canopy is 46-feet wide from the center of the tree. He explained that cutting half the canopy decreases the survivability of the tree. He said that would also require creating a large landscape island which drastically changes the design of the site. Thint said the owner turned down that plan.

Mann thanked Thint for explaining the thought process about removing T3.

Hinckley said he appreciates the tough position Thint is in, and looking at T3, he can see the difficulties. Hinckley stated he does not feel the building design fits the intent of the Downtown District but it does fit the ordinance.

Clark also said he understands Thint has a difficult balancing act between his client and the desire of the city. He said there is nothing wrong with the plan from a technical, legal stand point.

Matranga asked about the construction schedule. Thint answered construction was planned for the beginning of March and would last 6-8 months. Matranga asked what type of impact a two week delay would cause. Thint answered the owner has deadlines for financing and tenants. Lundquist asked if there are any concessions the city could make to save an additional oak. Thint said following the previous commission meeting, he had an extensive meeting with the architect and the owner. Thint said this is the most the owner would agree to. Lundquist stated asking for more time would only create ill will.

Mann said he liked the idea of using oaks instead of crepemyrtles. Harbin said staff and Thint can work on different tree types but will need to be aware of large tree roots interfering with utilities, streets, etc. Thint mentioned that Texas New Mexico Power Company will not allow big trees under the power lines, either.

Hinckley asked the chances of T9 not making it through construction. Thint said they will be working with an arborist and installing fencing at the drip line.

Matranga wanted to point out the following comments for the public. He said there have been many discussions behind scenes. Matranga said he understands this plan is not everything that everyone wanted but the commission is required to follow code. He said the seller did not put restrictions on saving the trees when they could have. He said the buyer could have clear cut the lot without asking permission and he has not. Matranga said the tree ordinance has been revised many times over the years and the commission is actively working on enhancing the tree ordinance, as we speak.

Lundquist stated this is no doubt a sensitive case and asked if there is any way to get City Council input. Harbin answered the city received a quote to move the trees at a cost of \$350,000 to \$425,000. She said the value in these trees is on this property. She also stated the city cannot spend tax dollars on private property. She said moving the trees would take a lot of time and be holding the developer up.

Motion to table - Perry

Second - Lundquist

Vote - Two in favor (Perry, Lundquist) and Five opposed.

Motion to approve and to encourage developer to use oak trees where possible - Sasson

Second - Perry

Vote - 6/1 Lundquist against.

B. Consideration and possible action regarding the Final Plat of Avalon at Friendswood
Section 1

****Commissioner Tom Hinckley moved to approve Consideration and possible action regarding the Final Plat of Avalon at Friendswood Section 1. Seconded by Commissioner Travis Mann. The motion was approved unanimously.**

Harbin said normally final plats are on the Consent Agenda but staff was working with the applicant and thought there may be some outstanding comments. She said the plan as presented does meet code including a landscape plan for the Community Overlay District with a 6-foot fence along the boulevard. She said this plat is for 50 lots only and there is some forward motion with the land acquisition from League City.

Harbin said staff does review landscaping for common areas in residential areas. She said the developer is also proposing median landscaping and that will need a license agreement with the city.

Bobby Skinner/Taylor Morrison Homes stated it has been really positive working with staff.

- C. Consideration and possible action regarding the Preliminary Plat of Georgetown Section 1, a subdivision of 15.701 acres located in the I&GN RR Co Survey, Block 1, Section 23, Abstract 624, Friendswood, Galveston County, Texas

WITHDRAWN.

- D. Consideration and possible action regarding the Preliminary Plat of Georgetown Boulevard Street Dedication Phase II, a subdivision of 2.139 acres located in the I&GN RR Co Survey, Block 1, Section 23, Abstract 624 and Hooper & Wade Survey, Section 22, Abstract 491, Friendswood, Galveston County, Texas

WITHDRAWN.

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

- A. Regular Meeting Thursday, February 25, 2021
Regular Meeting Thursday, March 11, 2021

6. Communications

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

Perry said the Friendswood Downtown Economic Development Corporation meetings are now being recorded and are on YouTube. He said the provided a briefing on the TxDOT sidewalk and ramp grant. Perry said they are also working on the signage coming into the Downtown District. Perry stated the Planning Subcommittee is proposing changes to the Future Land Use map at the next meeting. He said they set a schedule to get through the update by the end of November.

Lundquist said Keep Friendswood Beautiful has the annual Spring Sparkle coming up.

Sasson said he attended the City Council meeting. Council approved the zone change for Friendswood Link Rd along with the first reading of two ordinance changes. He said the Galveston County Consolidated Drainage District approved the Avalon Final Plat. He said GCCDD is about 75% complete with the Imperial Estates project. Sasson said the Ordinance Subcommittee is actively working on changes to the tree ordinance.

Mann said the Planning Subcommittee discussed lot sizes and how they will come into long term planning. Hinckley said lot sizes are on the Ordinance Subcommittee's To Do list.

- 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

Councilman Griffon said City Council approved the ordinance change to allow single family homes in multifamily zoning districts. He said Council appreciates incorporating things into the ordinance that will help developers and homeowners. He said the Clear Creek Watershed Steering Committee met and received new that grant dollars from 2015 and 2016 should be released soon.

Griffon said Beamer Road towards Scarsdale will be detouring traffic during drainage improvements that will impact water crossings.

Griffon said the Commission had a tough decision tonight and he knows it was hard to go through but the city has to abide by city ordinances.

- E. From Staff - January 2021 DRC Report; commercial and residential project updates, City Council action and ordinance updates

Harbin said the Planning Subcommittee is making progress and have a schedule set. She said the upcoming TxDOT work will improve ramps at the intersections, replace six traffic signals, and install sidewalks where there are currently none. She said TxDOT also agreed to include conduit installation for future light poles.

Bennett said the Ordinance Subcommittee met and has substantial progress on the Subdivision Ordinance rewrite. She said the proposed changes will be brought to the full commission for discussion. Bennett also said the Tree Ordinance is being researched against neighboring League City and Pearland.

7. Adjournment

This meeting was adjourned at 08:25 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: February 25, 2021

Subject: Consideration and possible action regarding proposed updates to the Future Land Use Map (2008) and the process and timeline to receive input from the public and city boards and committees, including City Council, regarding the updates

Action: Choose an Option

SUMMARY / ORIGINATING CAUSE

The Planning Subcommittee has been working to update the Future Land Use Map, which is a component of the Comprehensive Plan. The goal is to update the map and adopt the updated version by the end of the year. In the meantime, work will continue on the remainder of the Comprehensive Plan.

Attachments:

Draft of new map
Draft of new map with notes regarding changes
Summary of changes to the map
Timeline to adopt new map
2008 Future Land Use Map
Color Scheme
City of League City Future Land Use Map
City of Pearland Future Land Use Map

Decisions by the Subcommittee regarding changes to the map have been based on three ideas thus far:
50,000 population
80/20 balance - 80% residential; 20% commercial
Highest and best use of the land based on surrounding zoning and characteristics

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Local Government Code 211.004 Compliance with Comprehensive Plan

(a) Zoning regulations must be adopted in accordance with a Comprehensive Plan and must be designed to:

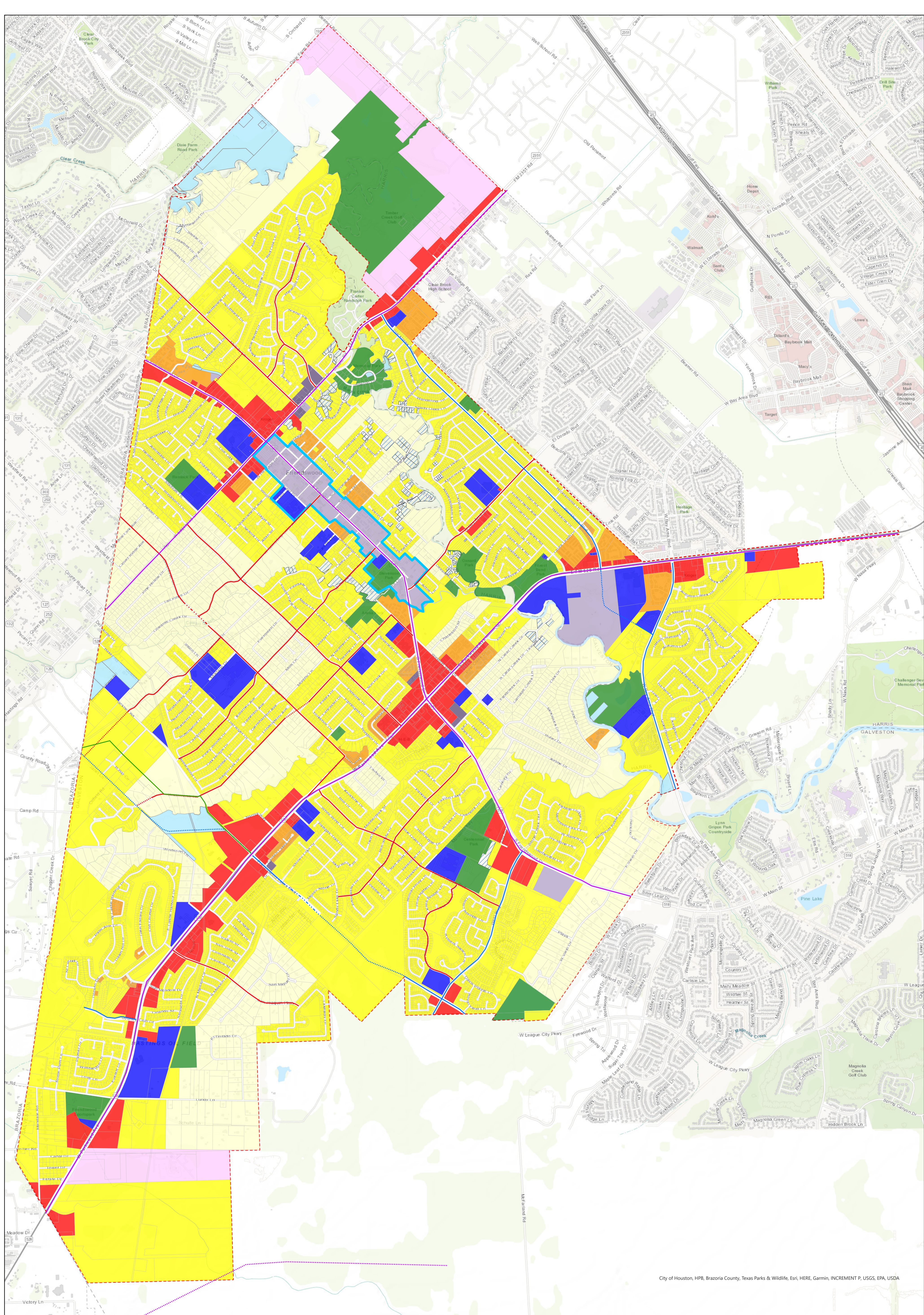
- 1) lessen congestion in streets;
- 2) secure safety from fire, panic, and other dangers;
- 3) promote health and the general welfare;
- 4) provide adequate light and air;
- 5) prevent the overcrowding of land;
- 6) avoid undue concentration of population; or
- 7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

RECOMMENDATIONS

None at this time.

ATTACHMENTS

1. Draft Future Land Use Map 2021
2. Draft Future Land Use Map 2021 w NOTES
3. Summary of Map Changes from 2008 Future Land Use Map
4. Timeline to Update Future Land Use Map 2021
5. 2008 Future Land use Map
6. Future Land Use Map Color Scheme 01-2021
7. League-City-2035-Future-Land-Use-Plan-Updated-07---2017
8. Pearland Future Land Use Map



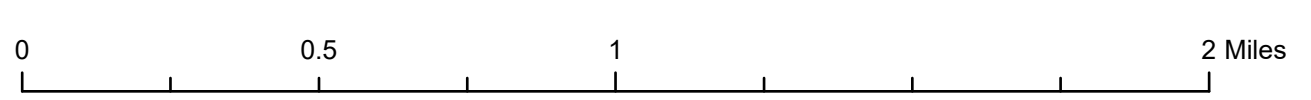
City of Houston, HPB, Brazoria County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

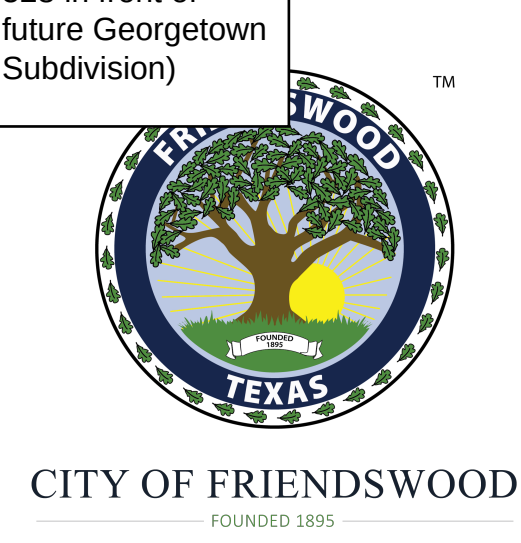
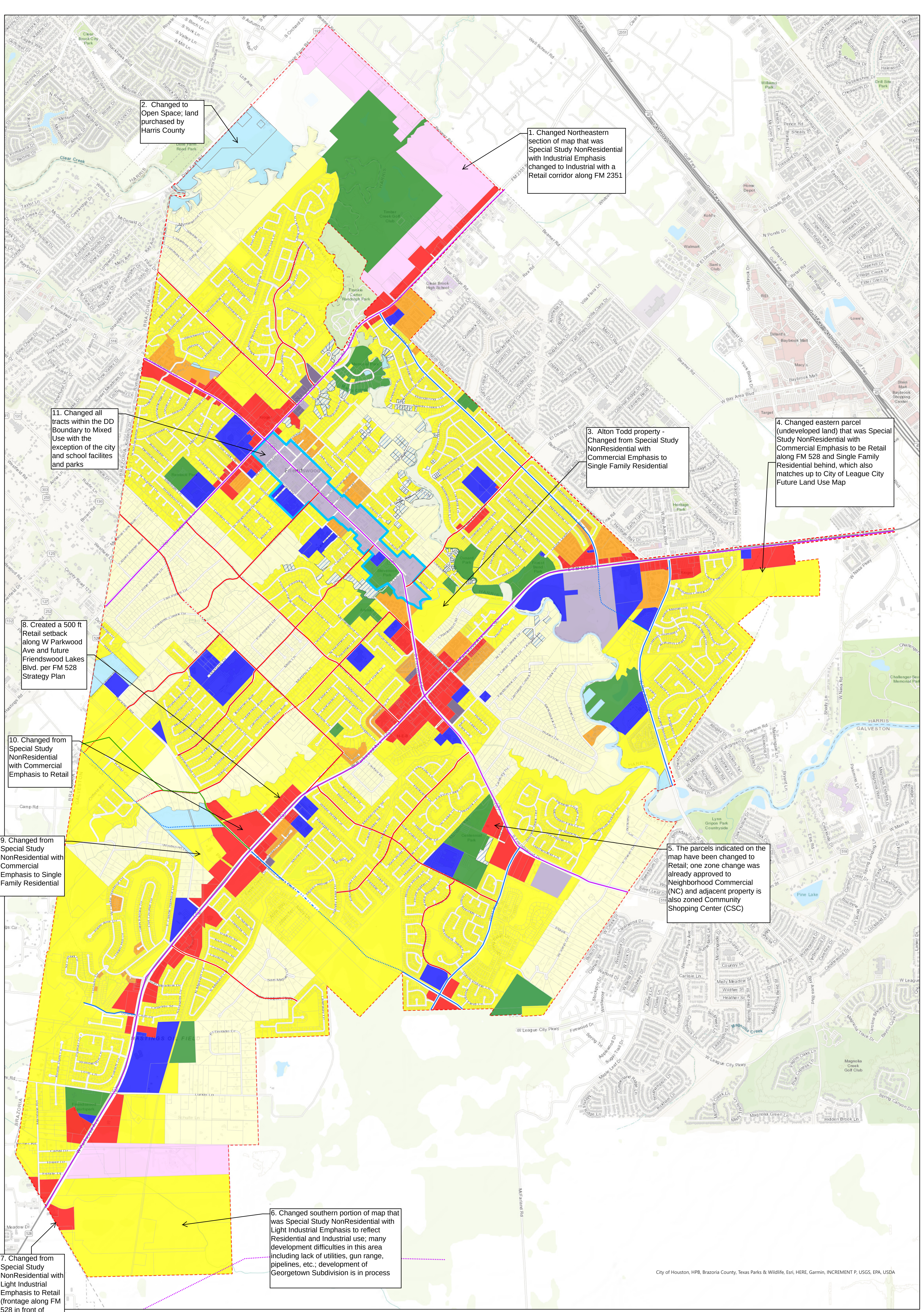


Future Land Use Draft 2 February 2021

"A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries."

- | | | |
|----------------------------|--------------------------|----------------------------|
| MTF | Code | |
| Collector | Brio | Downtown District Boundary |
| Boulevard | Buyout Lots | City Limits |
| Major | High Density Residential | |
| Collector - To Be Acquired | Low Density | |
| Boulevard - To Be Acquired | Mixed Use | |
| Boulevard - To Be Widened | Office, Business Park | |
| Collector - To Be Widened | Parks | |
| Collector - To Be Acquired | Public and Semi-Public | |
| Proposed | Regional Detention | |
| | Retail | |
| | SFR - Estate | |

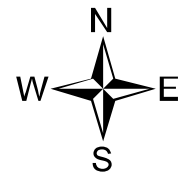




Future Land Use Draft 2 February 2021

"A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries."

MTF	Code	
Collector	Brio	Downtown District Boundary
Boulevard	Buyout Lots	City Limits
Major	High Density Residential	
Collector - To Be Acquired	Industrial	
Boulevard - To Be Acquired	Low Density	
Boulevard - To Be Widened	Mixed Use	
Collector - To Be Widened	Office, Business Park	
Major - To Be Acquired	Parks	
Proposed	Public and Semi-Public	
	Regional Detention	
	Retail	
	SFR - Estate	



PROPOSED CHANGES TO FUTURE LAND USE MAP

February 2021

Overall changes:

Added statement "A comprehensive plan shall not constitute zoning regulations or determine zoning district boundaries." This is in accordance with LGC 213.005 Notation on Map of Comprehensive Plan.

Changed the color scheme to match standard Land Use map guidelines.

Separated the previous "Open Space, Floodway, Public" category into three categories:

1. Parks & Open Space
2. Buyout Lots
3. Regional Detention
4. Public & Semi-Public (schools, churches, city owned facilities)

Land use changes from 2008 Future Land Use Map :

1	Changed Northeastern section of map that was Special Study NonResidential with Industrial Emphasis changed to Industrial with a Retail corridor along FM 2351
2	Changed to Open Space; land purchased by Harris County
3	Alton Todd property -Changed from Special Study NonResidential with Commercial Emphasis to Single Family Residential
4	Changed eastern parcel (undeveloped land) that was Special Study NonResidential with Commercial Emphasis to be Retail along FM 528 and Single Family Residential behind, which also matches up to City of League City Future Land Use Map
5	The parcels indicated on the map have been changed to Retail; one zone change was already approved to Neighborhood Commercial (NC) and adjacent property is also zoned Community Shopping Center (CSC)
6	Changed southern portion of map that was Special Study NonResidential with Light Industrial Emphasis to reflect Residential and Industrial use; many development difficulties in this area including lack of utilities, gun range, pipelines, etc.; development of Georgetown Subdivision is in process
7	Changed from Special Study NonResidential with Light Industrial Emphasis to Retail (frontage along FM 528 in front of future Georgetown Subdivision)
8	Created a 500 ft Retail setback along W Parkwood Ave and future Friendswood Lakes Blvd. per FM 528 Strategy Plan
9	Changed from Special Study NonResidential with Commercial Emphasis to Single Family Residential
10	Changed from Special Study NonResidential with Commercial Emphasis to Retail
11	Changed all tracts within the DD Boundary to Mixed Use with the exception of the city and school facilities and parks

P&Z Planning Sub-Committee – Update Future Land Use Map

Chairman: Marc Perry – Planning and Zoning Commissioner
Members: Lisa Lundquist, Travis Mann - Planning and Zoning Commissioners
Planning Department: Aubrey Harbin – Director of Community Development/Planner
Abrin Brooks – GIS Coordinator

Objectives:

- Last Update was 2008 – need to establish a plan for updating in the future – 5 years?
- Change color scheme to conform with convention of American Planning Association
- Add note per state law

Steps to Update Map

Jan/Feb	1. 3 Planning Subcommittee meetings to review current Future Land Use Map and create Draft Update of Future Land Use Map • Update color scheme • Generate ideas around certain areas based on best use if land in Friendswood based on three pillars – 50,000 population, 80/20 residential and commercial tax base, and best use of land based on characteristics and surrounding properties
Feb. 25	2. Planning and Zoning Commission review draft map • Discuss and make suggested changes to the map
March	3. Sub-committee to take to Inter & Intra City governmental entities & committees for review and input • Community Economic Development Corporation (CEDC) • Keep Friendswood Beautiful/Parks & Recreation • Friendswood ISD & Clear Creek ISD • Galveston County Consolidated Drainage District (GCCDD) • Developers/Real Estate Groups
April 8	4. Final P&Z Commission Review of Draft Future Land Use Map
May 3	5. Work Session with City Council to review and receive input of Future Land Use Map – Amend Draft Future Land Use Map as per results of Work Session
June	6. Public Review of Draft Future Land Use Map • 4 Quadrants • Town Hall Meeting Format • Social Media (Facebook Page?) • Property Owners
July	7. Final Review of Draft Future Land Use Map with P&Z
August 2	8. Final Work Session with City Council
September	9. Public Hearing & Planning & Zoning Recommendation
October	10. Public Hearing and consideration of 1 st reading of ordinance by City Council

November	11. Consideration of 2 nd reading of ordinance by City Council
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Future Land Use Map Color Scheme

Color	Category	RGB Color	
	SFR Estate	255,255,204	FFFFCC
	Low Density Residential - Single Family; Garden Homes	255,255,00	FFFF00
	Garden Homes	240,234,0	F0EA00
	MultiFamily - Low, Med, High Density	255,153,0	FF9900
	Mobile Homes	153,102,51	996633
	Office - OPD	96,73,122	60497A
	Retail - CSC, NC	255,0,0	FF0000
	Mixed Use - DD	177,160,199	B1A0C7
	Industrial and Business Park - BP, LI, I	255,204,255	FFCCFF
	Public/Semi Public Buildings - city, utilities, churches, schools	0,0,255	0000FF
	Floodway, Regional Detention, Open Space	171,233,255	ABE9FF
	Buy out lots		
	Parks - public	34,139,34	228B22
	Parks - private	144,238,144	90EE90
	Brio Superfund Site	255,255,255	FFFFFF



Land Uses

- Rural/Estate Residential
- Park/Open Space/Natural
- Suburban Residential
- Suburban Village
- Suburban Commercial
- Enhanced Auto Dominant Residential
- Enhanced Auto Dominant Commercial
- Urban High
- Urban Low
- Public/Institutional
- League City City Limits

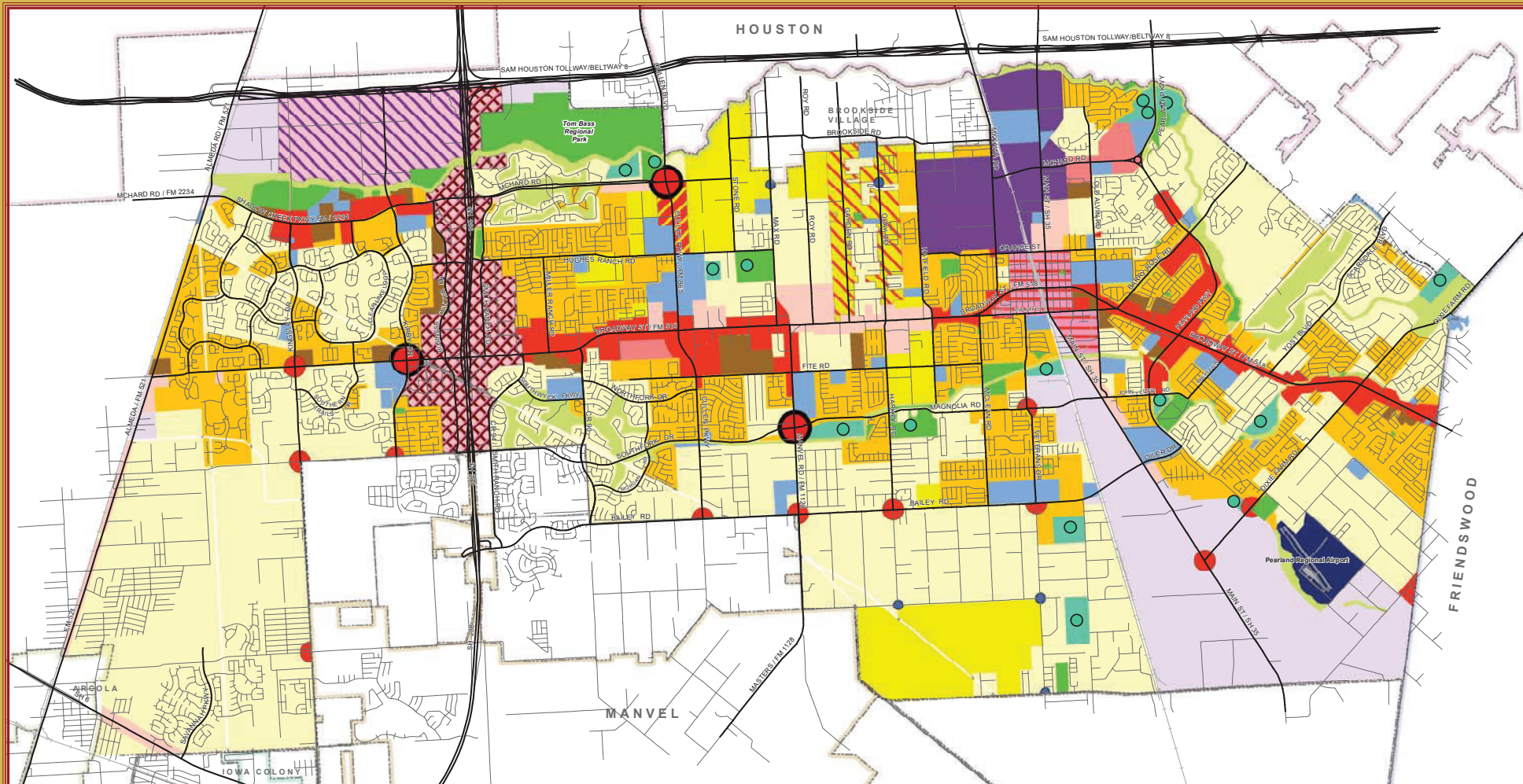
**League City, Texas
FUTURE LAND USE**

Revised July 25, 2017

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



0 0.5 1 2 Miles



Future Land Use Plan 2015 Comprehensive Plan

Note:
A comprehensive plan shall
not constitute zoning regulations
or establish zoning district boundaries.

- Suburban Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Offices
- Detention

- Park
- Recreation and Open Space
- Public / Semi-Public
- Retail, Offices and Services
- Village District
- Lower Kirby Urban Center

- 288 Gateway
- Cullen Mixed Use District
- Garden/O'Day Mixed Use District
- Light Industrial
- Industrial
- Business Commercial

- Airport
- Major Retail Node (50 acres)
- Minor Retail Node (25 acres)
- Residential Retail Node (5 acres)
- Detention Ponds



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.

MAP PREPARED: SEP 2015
CITY OF PEARLAND GIS DEPARTMENT



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: February 25, 2021

Subject: Consideration and possible action regarding proposed amendments to Appendix B, Subdivision Ordinance, in its entirety to update in accordance to HB 3167 as well as incorporate some additional administrative requirements

Action: Significant

SUMMARY / ORIGINATING CAUSE

The Ordinance Subcommittee and staff have drafted an update to Appendix B, Subdivision Ordinance.

Objectives of Updating the ordinance include:

- 1) incorporate changes in accordance with House Bill 3167, which intended to speed up the site plan/subdivision plat approval process and to provide more information when a plan or plat is not approved. In reality, it may create red tape that slows the process down and/or results in substandard planning.
- 2) Re-organize Sections for easier reference.
- 3) Clarify the development process beginning with a master plan through platting to infrastructure construction.
- 4) Fill gaps of information or instruction; include missing items such as Authority and Variances.
- 5) Include more comprehensive information: landscape buffers, tree mitigation, and fire code requirements.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Updating the ordinance will provide developers and property owners more detailed information and requirements and bring the ordinance in compliance with State Law.

RECOMMENDATIONS

None at this time.

ATTACHMENTS

1. Subdivision Ordinance Rewrite Presentation
2. DRAFT Appendix_B___SUBDIVISIONS

CITY OF FRIENDSWOOD

Subdivision Ordinance Rewrite



Objective

The Ordinance Subcommittee's objective is to update the Subdivision Ordinance for the following reasons:

- **Incorporate House Bill 3167 changes regarding platting.**
- **Re-organize Sections for easier reference.**
- **Clarify the development process beginning with a master plan through platting to infrastructure construction.**
- **Fill gaps of information or instruction; include missing items such as Authority and Variances.**
- **Include more comprehensive information: landscape buffers, tree mitigation, and fire code requirements.**



Table of Contents Comparison

Current

- I. General
- II. Procedures for submission of plats
- III. General requirements and design criteria
- IV. Parkland dedication
- V. Required improvements
- VI. Platting and filing fees
- VII. Conflict with other ordinances
- VIII. Extraterritorial jurisdiction
- IX. Severability Clause
- X. Penalty Clause
- XI. Repeal of all ordinances in conflict

Proposed

- 1. Purpose
- 2. Authority
- 3. Definitions
- 4. Plat submittal and filing procedures
- 5. Decision of commission
- 6. Right-of-way, private streets, and access – general design requirements
- 7. Easements
- 8. Lot design requirements
- 9. Fire prevention and suppression
- 10. Water, wastewater and drainage systems
- 11. Engineering and construction standards
- 12. Tree preservation, mitigation and maintenance
- 13. Parks and recreation areas
- 14. Fees
- 15. Variances
- 16. Conflict with other ordinances
- 17. Extraterritorial jurisdiction
- 18. Ask Mary K – severability, penalty, repeal, etc.



House Bill 3167

Effective legislation as of September 1, 2019 to force cities to speed up the site plan/subdivision plat approval process.

The commission must approve, approve with conditions, or disapprove a plan or plat within 30 days of being submitted to the city. Each condition or disapproval shall be specified in writing.

The city shall, not later than the 15th day after the date a replat is approved, provide written notice by mail of the approval of the replat to each owner in the original subdivision that is within 200 feet of the lots to be replatted.

- The planning department currently operates on a 30-day deadline for final plats. This house bill has extended that deadline to preliminary plats, as well.
- The planning department currently provides detailed explanations for any conditional approval or disapproval.
- The current ordinance requires notice be sent prior to consideration of a replat. This house bill requires notice be sent after approval of a replat.



Questions?



Footnotes:

---(1)---

Editor's note— Ord. No. 2000-01, § 1, adopted Jan. 17, 2000, repealed appendix B, sections I—IX, in its entirety, and §§ 2—5 replaced it with a new appendix B, sections I—XI. Former appendix B pertained to similar material and derived from Ord. No. 85-19, adopted Sept. 25, 1985; Ord. No. 93-6, § 1, adopted April 19, 1993; Ord. No. 95-25, §§ 1, 2, adopted Nov. 6, 1995; Ord. No. 98-24, § 2, adopted Sept. 14, 1998; Ord. No. 99-14, § 1, adopted June 7, 1999; and Ord. No. 99-15, §§ 2—10, adopted June 7, 1999.

Charter reference— Streets and public property, § 2.04; street development and improvements, § 2.05.

State Law reference— Subdivision and property development, V.T.C.A., Local Government Code § 212.001 et seq.

Section 1~~4~~. - General Purpose.

- a. ~~*Purpose*~~. The purpose of this section is to establish the procedures and requirements for the submittal, review, consideration and action by the commission to provide the necessary details and orderly processing of the subdivision ~~of land within the city and its extraterritorial jurisdiction~~.

The subdivision of land shall conform to the comprehensive plan of the city, as well as all duly adopted design criteria of the city, which shall be kept on file with the city engineer and be available to the public. The city engineer shall maintain the design criteria manual and propose such changes to them from time to time so that they are equivalent or more stringent than those in the area.

City Council may, through a Planned Unit Development (PUD) ordinance, approve standards different from those contained in this appendix or the design criteria manual. Where different standards are approved, whether those standards are more stringent or less stringent, they shall control.

Section 2. Statutory authority; jurisdiction.

In pursuance of the authority granted to cities and counties under the constitution and laws of the state, including the provisions of Texas Local Government Code § 212.003, as amended, the city council does hereby adopt the rules and regulations in this chapter governing the subdivision and development of land within the city limits and extraterritorial jurisdiction of the city. Where there is any conflict in the subdivision ordinance or with other ordinances, the more restrictive shall apply.

- a. *Effective date and applicability* means all subdivision applications filed for preliminary plat approval on or after the effective date of the ordinance from which this appendix is derived shall be subject to these regulations. A subdivision application filed or which has received preliminary approval prior to the effective date of the ordinance from which this appendix is derived shall be subject to the subdivision regulations in effect at the time of filing the application for preliminary plat approval.

- b. *Plat approval required*.

1. It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the city or its extraterritorial jurisdiction unless and until a preliminary and final plat of such subdivision has been approved, or an exemption satisfied, in accordance with the terms of this appendix.

Unless and until a preliminary and final plat, amending plat or replat of a subdivision shall have been first approved in the manner provided herein by the commission or an exemption satisfied, it shall be unlawful for any person to construct or cause to be constructed any street, utility, facility, building, structure, or any other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted herein.

2. No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction of any structure on a lot or tract in a subdivision for which a final plat has not been approved by the commission and filed for record or certificate of exemption issued. No site plan shall be approved by the city for the construction of any structure on a lot or tract in a subdivision for which a ~~preliminary-final~~ plat has not been approved by the commission, or certificate of exemption issued. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision in which the permanent public improvements have not been approved and accepted by the city.
3. Large tract division. A division of land under subsection b.1 of this section does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. Access shall be satisfied by compliance with section III.b.1(a). Upon request by the owner of a tract resulting from this division who qualifies, the city must issue a certificate of exemption certifying that the division meets this exception.
4. Partial plat approval. Notwithstanding subsection b.1 of this section, a subdivision plat need not include all of a tract being divided if:
 - (a) *General.*
 - (i) The portion of the tract being divided but not included within the plat boundaries is not intended to be a part of the development reflected in the proposed plat; or
 - (ii) If some or all of the portion being divided but not included within the plat boundaries is intended to be a part of the development reflected in the proposed plat, then such part may be platted in a subsequent phase of the development, provided the person dividing the property submits a conceptual-master plan pursuant to section II-a 4.a.(1) that meets with city approval;
 - (b) The tracts being divided:
 - (i) Each have access that complies with section III.b.1(a); and
 - (ii) Each are greater than five acres in size;
 - (c) Excluding the portion of the tract being divided but not included within the plat boundaries will not substantially alter or impede any pending or anticipated development;
 - (d) The boundaries of the portion of the tract not included within the plat are depicted and identified on the plat of the subdivision by dashed lines as provided for by section II.b.2(c)(2), and with a notation thereon indicating that development of such tract is contingent upon a subdivision plat thereof being filed and approved by the city, if such plat is required;
 - (e) The plat application includes an acknowledgement, executed by the owner of the tract being divided, confirming that development of the portion of the tract not included within the plat boundaries would be contingent upon a subdivision plat being filed and approved by the city, if such plat is required, in accordance with the rules and regulations of the city governing plats and the subdivision of land in effect at the time the application for plat approval for such portion is sought; and
 - (f) The general purposes of this appendix will be served without the necessity of including such tract within the boundaries of the plat.
5. Upon request by the owner of the tract resulting from a division under subsection 4(a)(i) of this section that is not intended to be a part of the development reflected in the proposed plat, and

who qualifies, the city must issue a certificate of exemption certifying that the division meets this exception.

- c. *Authority.* The city shall not repair, maintain, install or provide any street or public utility service, nor authorize the sale or supply of water or sewer service, in any subdivision for which a final plat has not been approved by the commission and filed for record. The city shall not repair, maintain, install, or provide any street or public utility service, nor authorize the sale or supply of water or sewage service, in any subdivision in which the permanent public improvements have not been approved and accepted by the city.
- d. *Exemptions.* The provisions of these subdivision regulations shall not apply to:
 1. *Annexed and consolidated areas.* Land legally platted and approved prior to the effective date of the city's subdivision regulations with frontage on an existing, improved public street and with all utilities and public infrastructure needed to serve the land.
 2. *In-fill tract.* Land constituting one or more contiguous tracts with total acreage of less than five acres with frontage on an existing, improved public street and with all utilities and public infrastructure needed to serve the land, for which a legal deed of record describing the boundary of said tract or parcel was filed of record in the deed records of the county clerk of the appropriate county on or before the effective date of the ordinance from which this appendix is derived.
 3. *Certificate of exemption.* Upon request by the owner of a tract who qualifies for an exemption under subsection d.1 or d.2 of this section, the city must issue a certificate of exemption certifying that the division meets this exception.

eSection 3. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this appendix. The terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning in municipal planning and engineering practices.

Access or *accessway* means the public or private street by which pedestrians and vehicles shall have lawful and usable ingress and egress to a property line, provided, however, that access may be provided through a private easement in a commercial development.

Alleys. Alleys shall only be used to provide secondary access to lots which otherwise have their primary access from an adjacent street. Minimum pavement width for alleys shall be 20 feet.

Amending plat means a finished map or plan amending the lots in a previously recorded subdivision. All property that was previously part of the lot(s) being amended shall be included in the boundaries of the amended plat, regardless of ownership. Amended plats are approved administratively by the city planner or designee.

Block means an area of land within a subdivision entirely bound by streets (other than alleys), highways, natural barriers, or the exterior boundaries of the subdivision.

Block length means the distance along a side of a street between the nearest two streets which intersect said street on said side.

Block-face means one side of a city street between two consecutive intersections.

City means the City of Friendswood, Texas, a municipal corporation located within Galveston and Harris Counties, Texas.

Commission means the planning and zoning commission of the City of Friendswood, Texas.

Comprehensive plan means the general plan adopted by the city council for the growth and development of the city and its environs, including any and all elements of such plan, addressing such topics as land use, streets and thoroughfares, utilities, drainage, parks, community facilities and schools, as well as other related topics or plans.

~~*Conceptual plan* means a plan showing all of the proposed improvements, including, but not limited to, streets, lots, drainageways, etc.~~

Council means the duly elected governing body of the City of Friendswood, Texas.

Cul-de-sac means a dead-end street with turnaround.

Easement means a right granted for the limited purpose of use over, across or under private land.

(1) *Easement, access* means an easement that provides access to platted lots or reserves. The easement shall meet all of the requirements as set forth for its intended use, including, but not limited to, construction, width, building lines and function, but shall be privately maintained.

(2) *Easement, aerial* means an easement for the exclusive use of constructing and maintaining above-ground utilities within its confines.

(3) *Easement, drainage or storm water easement* means an easement for the unobstructed use of constructing and maintaining drainage facilities within its confines.

(4) *Easement, maintenance.* A perpetual four-foot-wide wall-maintenance easement shall be provided on the lot adjacent to the zero lot line/property line, which, with the exception of walls or fences, shall be kept clear of structures. This easement shall be noted on the plat and incorporated into each deed transferring title to the property.

(5) *Easement, sidewalk* means a non-exclusive public easement for sidewalk purposes.

(6) *Easement, wastewater or sanitary sewer* means an easement for the unobstructed use of constructing and maintaining wastewater lines and appurtenances within its confines.

(7) *Easement, water* means an easement for the unobstructed use of constructing and maintaining water lines and appurtenances within its confines.

(8) *Easement, utility* means an easement granted for the purpose of placing and maintaining utilities within its confines.

~~*Filed plat* means the date the complete application is submitted to the city. *final plat* means the date of the commission meeting that the plat is set for action.~~

Final plat means a complete and exact subdivision plan prepared in conformity with the provisions of this appendix and other related ordinances and in a manner suitable for recording with the county clerk of the county or counties in which said subdivision is located.

Frontage means that side of a lot abutting an accessway where the lot is assigned an address.

In-fill tract means any vacant tract or tracts of land that can be developed for the use for which they are zoned, and which are surrounded by, or adjacent to, existing developed property.

Lot means a physically undivided tract or parcel of land having frontage on an accessway and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

Master Plan means the initial plan or map for all subdivisions to be developed in phases or sections. The master plan shall be submitted prior to or with the plat of the first section of development of a subdivision and with all sections thereafter. Changes anticipated for the master plan shall be approved in advance of all platting, and the master plan map and attendant overlays or plans corrected as the changes are anticipated.

Preliminary plat means a map or drawing of a proposed subdivision prepared in accordance with the provisions of this appendix and which illustrates the features of the development for the purpose of review and preliminary approval by the commission.

Private streets means a non-dedicated right-of-way or accessway, meeting all requirements of public streets, except owned and maintained by private interests.

Public sidewalk means the minimum paved walkway, built in conformance with the city design criteria manual and standard construction details, located within the public right-of-way, or easement dedicated for public use, which provides continuous pedestrian access to adjacent land.

Public streets means a public right-of-way, dedicated for public use, which provides vehicular and pedestrian access to adjacent land. Included within this definition are the following general classification of streets:

- (a) *Major thoroughfares or arterial streets* means principal traffic arteries more or less continuous across the city and which are intended to connect remote parts of the city and which are used primarily for fast or heavy-volume traffic.
- (b) *Collector streets* means streets which carry traffic from minor streets to the major system of arterial streets and highways; said street may service commercial or industrial areas.
- (c) *Minor streets* means streets which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited area.
- (d) *Boulevard* means a collector street utilizing two 22-foot, minimum width, paved roadway sections divided by a 12-foot-wide lane with raised median, which serves to separate traffic moving in opposite directions.

Subdivider and/or *developer* are synonymous and are used interchangeably, and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee, servant and trustee thereof, who does, or participates in the doing of, any act toward the subdivision of land within the intent, scope and purview of these regulations.

Subdivision or *subdivide* means the division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out (or realignment) of new streets, or other public accessways, with or without lotting, is a subdivision. The term "subdivision" or "subdivide" also includes the resubdivision and replatting of land or lots which are part of a previously recorded subdivision. An "addition" is a subdivision as defined herein. The term "subdivision" or "subdivide" includes the division of land whether by plat or by metes and bounds description, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Title certificate means a certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state certifying the true owner or owners of the property and describing all encumbrances of record which affect the property. Such certificate shall include all property included within the platted area, and such certificate shall not have been executed more than 45 days prior to the submission of same to the commission.

Tract means a lot or parcel of land, however denoted, fee simple title to which is owned by a person or persons by virtue of one or more deeds or other instruments. Multiple parcels of land described in a deed or other instrument are, despite being included in a single deed or other instrument, separate parcels of land if such parcels are described by separate, complete legal descriptions therein.

~~f. *Effective date and applicability* means all subdivision applications filed for preliminary plat approval on or after the effective date of the ordinance from which this appendix is derived shall be subject to these regulations. A subdivision application filed or which has received preliminary approval prior to the effective date of the ordinance from which this appendix is derived shall be subject to the subdivision regulations in effect at the time of filing the application for preliminary plat approval.~~

(Ord. No. 2000-01, § 2, 1-17-2000; Ord. No. 2007-05, § 1(A), 4-16-2007; Ord. No. 2008-10, § 1, 5-19-2008; Ord. No. 2008-19, § 2, 7-7-2008)

Section ~~4H.~~ - ~~Procedures for submission of plats.~~ Plat submittal and filing procedures.

- a. ~~Staff conference and conceptual plan procedure~~ Development Meeting. This is an informal process to allow an exchange of information between the developer, staff and the commission. ~~No approvals~~

~~shall be issued for conceptual plans. The conceptual plan for a project shall not be binding to the developer or the commission. This procedure shall contain the following steps:~~

- ~~1. **Staff conference.** Prior to the submission of the preliminary plat, the subdivider shall confer with the community development department staff on an informal basis to receive comments and advice on the procedures, specifications and standards required by the city as conditions for subdivision plat approval. At this meeting, staff shall also discuss the proposed plat and its conformity with the comprehensive plan, its relationship to surrounding property, availability of utilities, drainage, street pattern, and any other matters governed by this appendix.~~

~~The city department responsible for accepting, reviewing master plans, plats, engineering plans (plan profiles), and other development related documents, is authorized to establish in writing the information that must be submitted to the city, including the form and manner of submission, for those development documents. Should information not be submitted to the city as specified by the appropriate city department as authorized by this section, the document may be denied by the approving authority.~~

~~(1) **Master plan.** Master plan procedures are as follows:~~

~~a. The master plan shall be submitted to the planning department with the following:~~

- ~~(i) Completed application.~~
- ~~(ii) Review fees (non-refundable).~~
- ~~(iii) Overall map of total property, showing blocks, lots, reserves, street layouts, etc.~~
- ~~(iv) Stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc.~~
- ~~(v) Wastewater overlay or plan view indicating the proposed ultimate capacity needs.~~
- ~~(vi) Water main overlay or plan view indicating the proposed ultimate capacity needs.~~
- ~~(vii) Tree disposition plan.~~
- ~~(viii) Traffic study or written documentation from the city engineer that the development does not necessitate a traffic study.~~
- ~~(ix) If there will be private streets, submit private streets **agreement**.~~
- ~~(x) A copy of the receipt confirmation of notification sent to the school district(s) having jurisdiction of the subject site including schools to be attended by the projected student population of the project based upon attendance zones or service areas; the enrollment projected to be generated from the proposed development; and the student yield per dwelling unit.~~
- ~~(xi) The location of geologic fault lines in plan view, or in a geological report from a professional engineer, if any exist.~~
- ~~(xii) Original boundary and topographic data shall be certified by a registered professional land surveyor. Also, any area to be filled will be shown, with approximate proposed elevations.~~
- ~~(xiii) The number of copies of the plat and accompanying documents shall be submitted concurrently to the office of the city planner or designee in the planning department via hand delivery, mail or courier. The cover of the submittal package shall be properly addressed to the attention of the "City of Friendswood Planning Department", clearly labeled with the type of submittal, and include the name of the applicant. The city will not be responsible for submittals that are not addressed and labeled with the correct information.~~

Comment [BB1]: Jil - Do we want to leave this?

- (xiv) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.
 - b. Staff comments shall be addressed prior to approval by the planning and zoning commission. Said decision will be based upon a determination that the master plan meets the requirements of this article and all other applicable city ordinances and regulations. The master plan shall be subject to approval by the planning and zoning commission in concept only.
 - c. If another board/commission is required to make a recommendation to the planning and zoning commission, then the board/commission's recommendation shall be included when the planning and zoning commission consider the request.
 - d. The master plan shall expire after two years from the date of submittal, unless one of the following occur:
 - (i) An application for a permit (including a plat) necessary to begin or continue towards completion of the project is submitted;
 - (ii) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located; or
 - (iii) Fiscal security is posted to ensure performance of an obligation required by the regulatory agency;
 - e. All master plans that are associated with planned unit developments ("PUDs") are also subject to the requirements in the zoning ordinance.
- (2) Preliminary plat. Preliminary plat procedures are as follows:
 - a. The plat shall be submitted to the planning department with the following:
 - (i) Completed application.
 - (ii) Review fees (non-refundable).
 - (iii) Stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc., if not previously submitted in conjunction with a master plan.
 - (iv) A statement or engineering report by a professional engineer of the impact of developed surface water runoff onto adjacent property based upon design criteria as outlined in the engineering and construction ordinance.
 - (v) Wastewater overlay or plan view, if not previously submitted in conjunction with a master plan.
 - (vi) Water main overlay or plan view, if not previously submitted in conjunction with a master plan.
 - (vii) Tree mitigation plan.
 - (viii) Traffic study or written documentation from the city engineer that the development does not necessitate a traffic study.
 - (ix) A list of deviations from the master plan made to the plat by the applicant. Significant changes will require submittal of a revised master plan.
 - (x) A copy of the receipt confirmation of notification sent to the school district(s) having jurisdiction of the subject site including schools to be attended by the projected student population of the project based upon attendance zones or service areas; the

enrollment projected to be generated from the proposed development; and the student yield per dwelling unit.

- (xi) The number of copies of the plat and accompanying documents shall be submitted concurrently to the office of the city planner or designee in the planning department via hand delivery, U.S. mail or courier. The cover of the submittal package shall be properly addressed to the attention of the "City of Friendswood Planning Department", clearly labeled with the type of submittal, and include the name of the applicant.
- (xii) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

b. Preliminary plats shall show the following graphic information:

- (i) Location and length of boundary lines.
 - 1. Area to be subdivided drawn in heavy lines with overall dimensions and bearings.
 - 2. Lines outside of boundaries to be dashed.
 - 3. An accurate location of the subdivision should be provided by reference to a well-established survey or league corner, subdivision corner, or other known point.
- (ii) The approximate width, depth and location of all lots. Lot, block and section numbers shall be placed consecutively.
- (iii) All restricted reserves (HOA parks/facilities/sites, landscape amenities, parkland dedication, and utilities) shall be labeled with the acreage shown. Only the definitions of restricted reserves given in the article shall be used. Those reserves shall require additional action by the commission prior to development as a residential lot.
- (iv) Key map showing orientation of the area being subdivided in relation to adjacent areas and principal streets.
- (v) Title of plat shall show:
 - 1. Proposed name of the subdivision, which must not be similar to that of an existing subdivision as to cause confusion.
 - 2. Legal description of subdivision, including the name of the county and surveying abstract number.
 - 3. The number of lots, blocks, and reserves and the total acreage in the title block.
 - 4. Name and address of owner. If owner is a company or corporation, name of the principal officer or owner of the entity responsible for the subdivision must be given.
 - 5. The name of the registered professional engineer and/or registered public surveyor responsible for the survey and design. If different from the surveyor of the boundary, so indicate.
- (vi) Describe the subdivision by metes and bounds.
- (vii) Street names shall not be duplicated in the city.
- (viii) The location and width of existing and proposed street rights-of-way within the subdivision and immediately adjacent to it shall be shown, measured at right angles, or radially when curved.

- (ix) The alignment of proposed streets with existing city streets. Depending upon the location and design of the subdivision.
 - (x) Street design dimensions or a reference to the minimum standards for tangents, arcs, radii, etc.
 - (xi) Name, location, width and purpose of all existing and proposed easements.
 - (xii) Existing and proposed utilities on and adjacent to the tract up to a distance of 200 feet. Sizes of existing utilities and the location of proposed junctions with the existing system shall be shown.
 - (xiii) Vertical control monuments are to have 1,000-foot maximum spacing. All elevations, based on current National Geodetic Survey, will be registered with the city engineer upon plat submittal.
 - (xiv) Contours with intervals of one-half foot, referred to sea level (U.S. Coast and Geodetic Survey Data) as required to show at least two contours within the subdivision in addition to those necessary to clearly show outfall drainage. Identify basis of control and temporary benchmark set within the subdivision.
 - (xv) Flood hazard boundaries. A statement shall be included on the face of the plat that the property does or does not lie within a special flood hazard area. Also, the location of special flood hazard boundaries shall be indicated upon the face of the plat where the boundary divides the subdivision area.
 - (xvi) The scale must be drawn numerically and graphically shown on the plat. Graphic scale of 100 feet to the inch or larger.
 - (xvii) A north arrow (true or magnetic indicated on the plat) shall be provided on the plat. North shall be oriented to the top of the plat if possible, or at the left side.
 - (xviii), The date on which the plat was drawn shall be indicated on the plat. Each revision shall bear a new date. (month, day and year).
 - (xix) Names of subdivisions, streets, watercourses, pipelines and easements up to a distance of 200 feet. If adjacent property has been subdivided into residential lots, adjacent individual lot addresses will be shown. If adjacent property is acreage, adjacent property ownership will be shown.
 - (xx) Additional land in the area adjacent to the subdivision in which the applicant has legal interest.
- c. The applicant shall concurrently process the preliminary plat for approval with the Galveston County Consolidated Drainage District and/or Harris County Flood Control District, whichever entity has jurisdiction.
- d. The applicant shall submit the plat application and accompanying documents on one of the submittal dates advertised on the "P&Z Submittal Schedule."
- e. Plat applications shall comply with all applicable city ordinances and statutes prior to consideration by the planning and zoning commission. Plats that have not complied with all applicable city ordinances and statutes at least seven business days prior to the scheduled planning and zoning commission meeting shall go forward to the commission with a recommendation of disapproval.
- e. Prior to action by the planning and zoning commission, the applicant may submit a "notice of withdrawal" of the plat. This will suspend the running of the 30-day period. When the plat is administratively ready for re-submission, the applicant can then file a signed and dated "notice of re-filing" of the plat within six months of the initial submittal date of the plat, which then starts the 30-day clock anew. A new application and fee will be required for plats that

are re-submitted more than six months after the initial submittal date. One "notice of re-filing" is permitted for a plat.

(3) Final plat. The same procedures that apply to preliminary plats apply to final plats except as noted:

a. The final plat shall be submitted to the planning department with the following:

- (i) Plan profiles of all private and public infrastructure (including but not limited to, water and sewer lines, drainage and detention areas, utilities, berms, roads, sidewalks, and hike and bike trails shall be submitted to the engineering department and approved by the city engineer).
- (ii) An overlay showing location and types of street lights and poles.
- (iii) An overlay showing traffic control plan.
- (iv) Utility companies' statements that easements are acceptable to provide service and no other easements are necessary or required.
- (v) If applicable, letters of review by any local, county, state and federal departments as required by the city engineer or his designee.
- (vi) Statement from pipeline companies that all existing or proposed pipelines crossing the property have been satisfactorily provided for to the requirements of the pipeline operator, and that the pipeline operator agrees to all pipeline crossings by proposed streets and other subdivision features.
- (vii) The number of copies of the plat and accompanying documents shall be submitted concurrently to the office of the city planner or designee in the planning department via hand delivery, U.S. mail or courier. The cover of the submittal package shall be properly addressed to the attention of the "City of Friendswood City Planning Department", clearly labeled with the type of submittal, and include the name of the applicant.
- (viii) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

b. Final plats shall show the same graphic information as preliminary plats except as noted:

- (i) The plat shall show the location and identification of lots, streets, public highways, alleys, parks and other features, with accurate dimensions, in feet and decimals of feet, with the length of radii, tangents (or central angle) and arcs to all curves, and with all other information necessary to reproduce the plat on the ground, all to be set out within the perimeter lines.
- (ii) The plat shall show a heavy-lined perimeter to be the results of an accurate boundary survey of the property by a registered professional land surveyor with bearings and distances, and references to section/original survey corners, and showing the lines of adjacent lands and fines of adjacent streets and their names and widths (dashed lines). The location and datum used to determine elevations shall be noted on the face of the plat. (See the general design and construction standards.)
- (iii) The square footage of each lot shall be labeled on the plat.
- (iv) Traverse lines along streams and easements shall be shown adjacent to the high bank of streams and waterways.
- (v) The plat shall show existing pipeline easements, location of pipelines, and if material being transported is hazardous.
- (vi) Impervious coverage. Table showing the allotted maximum percent of impervious surface for each lot represented. This percentage shall be derived from the hydrologic

Comment [BB2]: For review with Eng Dept. Included with infrastructure reqs.

and hydraulic report, or the maximum percentage as stipulated in the above referenced zoning ordinance, for the plat. The table shall delineate between percentages for building(s) and accessory structure(s). In the absence of a hydrologic and hydraulic study the default maximum percent of impervious cover shall be that from the master drainage plan wherein the design percentage of impervious cover is 55 percent (Runoff Coefficient, C=0.30 where C=12). If the zoning ordinance stipulates a lower maximum percentage for the zoning district, then that percentage shall be followed.

- (vii) Front building setback lines shall be required on residential lots and reserves for commercial development.
- (viii) A statement by the owner dedicating streets, rights-of-way, parks, and easements and other dedicatory statements, as set out by the city engineer. Language in the statements shall be suitable for plat recording in the official records of plat in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate. A statement of certification shall also be provided for the chairman of the planning and zoning commission to approve the plat, pursuant to a motion duly made and passed by the planning and zoning commission, with the signature to be attested to by the commission's secretary. Reserves, easements, rights-of-way, etc., not specifically dedicated on the plat or in accompanying document, shall remain in the custody of the subdivision owner until transferred by other legal means.
- c. The name of the subdivision, street names, title block information, special notes, dedication and notary statements, and ownership certificate language are subject to review and acceptance by the city.
- d. Final staking of perimeter and block corners, angle points and points of curvature in street rights-of-way shall be performed prior to final acceptance of the subdivision by the city council. Monumentation is required to be performed per the engineering department.
- e. Upon approval of the plat, the applicant shall submit to the planning department the following items as required by Galveston and Harris Counties:
 - (i) Mylars including the notarized original signatures of the owner(s) of the property included in the plat and the original surveyor and notary seals. (The city will be responsible for the required city signatures and recording the plat with the county.)
 - (ii) An electronic version of the plat, in a format that is compatible with the city's software.
 - (iii) Original tax certificates and receipts from all applicable jurisdictions.
 - (iv) A certified or cashier's check, payable to the county clerk's office for either Galveston or Harris County, in the amount of the cost of the county's recording fees.
 - (v) If public and/or private improvements have not been completed and accepted by city council, the applicant shall provide a letter of credit from a federally insured lending institution or depository as security for the completion of the improvements before the plat is recorded at the county.
- (4) Vacating of plat. The procedure for vacating a plat shall conform with the current Texas Local Government Code and meet the same requirements as a final plat. The procedure shall consist of:
 - a. The owners of the tract covered by a plat may vacate the plat any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved by the commission and recorded as described in the plat recordation section of this appendix.
 - b. If lots in the plat have been sold, the plat, or any part of the plat may be vacated on the application of all the owners of the lots in the plat with approval by the commission.
- (5) Replat. Replat procedures are as follows:

- a. The same procedures for final plat approval applies to the replat, except as noted.
- b. The replat shall be submitted to the planning department with a copy of the preceding plat of land along with the proposed replat.
- c. Vacation of the previous plat is not required if:
 - 1. A public hearing is held; and
 - 2. The replat does not attempt to amend or remove any covenants or restrictions. A note shall be placed on the replat.
- d. If the property to be replatted currently has or previously had in the last five years been limited to residential use for two units or less, then the following is required:
 - 1. Notice of a public hearing shall be given before the 15th day of the hearing by publication in a newspaper of general circulation in Friendswood.
 - 2. Notice of a public hearing shall be given before the 15th day before the date of the hearing by written notice to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll.
- e. If the replat requires a variance and a legal protest is submitted, then the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the planning and zoning commission. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision must be submitted to the planning department prior to the close of the public hearing.
- f. A replat is a redesign of all or a part of a recorded plat or subdivision of land which substantially changes the elements of the plat. The same procedures shall be followed as for preliminary, final or short form final plat. The replat must be in accordance with the requirements of the current Texas Local Government Code. Notice shall be required on all residential replats when the previous plat is not vacated and is not in compliance with subsection f.(1) of this section.
 - 1. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 - (a) Is signed and acknowledge by all the owners of the property being replatted;
 - (b) Is approved by the commission;
 - (c) Does not attempt to amend or remove any covenants or restrictions;
 - (d) Identifies the lots or portions of the plat being replatted and provides a reason for the replat; and
 - (e) In addition, a replat without vacation of the preceding plat must also conform to the requirements of this subsection, if any, of the area being replatted was limited to residential use for two units or less during the preceding five years. These additional requirements are:
 - 1) If a proposed replat does not require a variance or exception, in accordance with the Texas Local Government Code, written notice shall be given not later than the 15th day after the date of the approval. Notification shall be by written notice sent to property owners within 200 feet of the property which is being replatted.

(2) If the proposed replat requires a variance or exception, a public hearing must be held by the commission. Notice of the hearing shall be given before the 15th day before the date of the hearing.

(a) Notice shall be published in the official newspaper.

(b) Notice shall be given in writing, with a copy of Subsection (c) attached, to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted.

(3) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of all the members present of the commission. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 from that area, but within the original subdivision, must be filed with the city prior to the close of the public hearing. In computing the percentage of land area under this subsection, the area of the streets and alleys shall be included.

(4) Compliance with subsection f.2(e)(2) of this section is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than residential use of two units or less by notation on the last legally recorded plat.

2. The final replat shall meet all the requirements in section (3) for final plats.

(5) Short form final plat. Short form final plat procedures are as follows:

a. An abbreviated procedure for plat submission may be used if the proposed subdivision satisfies the following requirements:

(1) The proposed subdivision is for development containing four lots or less.

(2) All lots in the proposed subdivision front on a previously dedicated or private accessway of adequate width and are so situated that no additional accessway, alley, easement or public property is required to meet the regulations of this appendix or any other ordinance of this city.

(3) All utilities and drainage facilities, as required by this appendix or any other ordinance of this city, are in place to serve each lot in the proposed subdivision and require no extensions.

(4) The proposed plat does not vacate, create or extend a public right-of-way or easement.

(5) The proposed plat does not require any variance or modification to the subdivision ordinance.

b. If a proposed subdivision satisfies the requirements of subsection (5)a. of this section, the subdivider may seek final plat approval without necessity of submitting a preliminary plat. Such plat shall meet all the requirements in subsection b. of this section for final plats.

(6) Amending plat.

a. The city manager or the city manager's designee shall have the authority to approve amending plats, without further action of the planning and zoning commission, as permitted by V.T.C.A., Local Government Code Chapter 212. The city manager or designee shall not have authority to disapprove any such amending plat and shall be required to refer any plat that the city manager or designee refuses to approve to the planning and zoning

commission. Nothing herein shall preclude the city manager or designee from electing to present the plat to the planning and zoning commission for approval.

- b. An amending plat shall contain all of the informational requirements set forth for a final plat.
- c. The city manager or designee may approve an amending plat that may be recorded and is controlling over the preceding or final plat with a vacation of that plat, if the amending plat is signed by the applicants only and the sole purpose of the amending plat shall be to:
 - (1) Correct an error in a course or distance shown on the preceding plat;
 - (2) Add a course or distance that was omitted on the preceding plat;
 - (3) Correct an error in a real property description shown on the preceding plat;
 - (4) Indicate monuments set after the death, disability, or retirement from practice of the surveyor responsible for setting monuments;
 - (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) Correct any other type of scrivener or clerical error or omission previously approved by the city manager, designee or commission. Such errors may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) Correct an error in courses and distances of lot lines between two adjacent lots if:
 - (a) Both lot owners join in the application for amending the plat
 - (b) Neither lot is abolished
 - (c) The amendment does not attempt to remove recorded covenants or restrictions
 - (d) The amendment does not have a material adverse effect on the property rights of the owners in the plat;
 - (e) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - (8) Relocate one or more lot lines between one or more adjacent lots if:
 - (a) The owners of all those lots join in the application for amending the plat;
 - (b) The amendment does not attempt to remove recorded covenants or restrictions;
 - (c) The amendment does not increase the number of lots; or
 - (9) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if:
 - (a) the changes do not affect applicable zoning and other regulations of the municipality
 - (b) the changes do not attempt to amend or remove any covenants or restrictions; and
 - (c) the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area;
 - (10) To replat one or more lots fronting on an existing street if:
 - (a) The owners of all those lots join in the application for amending the plat

(b) The amendment does not attempt to remove recorded covenants or restrictions

(c) The amendment does not increase the number of lots; and

(d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

d. When an amending plat is prepared, the surveyor signing and sealing the plat shall provide a statement in the title block denoting the change, in addition to any other corrections which have been made.

(7) *Covenants/conditions/restrictions required.* Final approval of any plat to subdivide property, whether residential or nonresidential shall not be granted unless the applicant submits a certified copy of covenants, conditions, and/or restrictions declared for said property that (i) establish materials, design and/or architectural standards acceptable to the city's planning director; and (ii) are recorded in the appropriate county clerk's office.

(8) *Association required.* A plat to subdivide property, whether residential or non-residential that creates common area or common land shall be accompanied by a copy of documents evidencing (i) approval by the Texas Secretary of State's Office of the formation of a homeowners' association, community association, or property owners' association; and (ii) such association's assumption of the responsibility for maintenance of the common area or common land.

2. *Conceptual plan.*

(a) Prior to submitting a preliminary plat, a subdivider may submit a conceptual plan of the entire development for review by the commission. Notwithstanding anything in this subsection to the contrary, a subdivider may submit a preliminary plat or plats along with a conceptual plan of a proposed development.

(b) Only major or significant changes by the developer in the conceptual plan shall require resubmission of such plan to the commission. Minor changes may be reviewed by staff who may determine that changes are more than minor and resubmit proposed changes to the commission.

3. *Contents of plan.* The conceptual plan shall contain the following information:

(a) The proposed name of the development.

(b) The total acreage included in the entire development.

(c) The scale of the plan should be indicated.

(d) The boundaries of the total acreage of the subdivision and the boundaries of the proposed land uses within the subdivision should be indicated.

(e) The plan shall indicate the total number of lots and the typical lot sizes.

(f) The plan shall indicate proposed streets, direction of manmade and natural drainage flows, location of schools, parks, detention ponds and other public or private facilities.

3. *Preliminary plat.*

1. Following the staff conference and the submittal of the conceptual plan, all persons desiring to subdivide a tract of land within the corporate limits of the city or within its extraterritorial jurisdiction shall prepare or cause to be prepared a preliminary plat which shall be kept on file with the commission, together with other supplementary information as specified below.

Comment [BB3]: Replaced with Master Plan.

Comment [BB4]: Replaced with Sections 4 & 5

2.—The preliminary plat submittal shall contain the information and/or language required hereunder.

(a)—Title of plat shall show:

- (1)—Proposed name of subdivision.
- (2)—Legal description of subdivision, including the name of the county and surveying abstract number.
- (3)—Total acreage and total number of lots, blocks and reserves. Lots within each block shall be numbered consecutively. Blocks shall also be numbered consecutively.
- (4)—Name and address of owner. If owner is a company or corporation, name of the principal officer or owner of the entity responsible for the subdivision must be given.
- (5)—The name of the registered professional engineer and/or registered public surveyor responsible for the survey and design. If different from the surveyor of the boundary, so indicate.
- (6)—The scale must be drawn numerically and graphically shown on the plat. The minimum scale acceptable for a plat shall be one inch equals 100 feet. Larger scales are permissible provided the scale chosen is divisible by ten and the area within 200 feet of the subdivision is shown on the plat.
- (7)—A north arrow (true or magnetic indicated on the plat) shall be provided on the plat. North shall be oriented to the top of the plat if possible, or at left side.
- (8)—The date on which the plat was drawn shall be indicated on the plat. (Each revision shall bear a new date.)

(b)—A vicinity map, preferably in the upper right corner of the plat, to show relation of subdivision to well-known streets, political subdivisions and watercourses in all directions to a distance of at least one mile. The suggested scale of the vicinity map is one inch equals 2,000 feet and shall be oriented in the same direction as the detailed subdivision drawing.

(c)—Boundaries of ownership with bearings and overall dimensions.

- (1)—Area to be subdivided drawn in heavy lines with overall dimensions and bearings.
- (2)—Lines outside of boundaries to be dashed.
- (3)—An accurate location of the subdivision should be provided by reference to a well-established survey or league corner, subdivision corner, or other known point.

(d)—Contours with intervals of one-half foot, referred to sea level (U.S. Coast and Geodetic Survey Data) as required to show at least two contours within the subdivision in addition to those necessary to clearly show outfall drainage. Identify basis of control and temporary benchmark set within the subdivision.

(e)—The areas outside the plat boundaries shall be identified with the names and recording information of adjacent subdivisions or owners of record of adjoining parcels of land.

(f)—The location, widths and names of all existing and proposed public and private streets or public rights-of-way within or adjacent to the subdivision shall be indicated. All railroad rights-of-way, pipelines, easements and other permanent features such as section lines, boundaries of political subdivisions, on all sides for a distance of not less than 200 feet shall also be indicated.

(g)—Existing sewers, water mains, culverts, pipelines or other underground structures, and other public utilities and buildings within the tract or within 200 feet shall be identified with pipe sizes, grades and locations indicated.

- ~~(h) The location and approximate width or dimension of existing and proposed lakes, watercourses, storm detention areas and drainage easements within the subdivision or within 200 feet thereof shall be indicated.~~
- ~~(i) All parcels of land intended to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision, together with the conditions or limitations of each reservation, if any, shall be identified. Those reserves not intended for residential shall be labeled as restricted reserves and shall require additional action by the commission prior to development as a residential lot.~~
- ~~(j) A preliminary drainage plan with calculations shall be provided. Floodplain information shall also be provided with the 100-year floodplain shown on the preliminary plat.~~
- ~~(k) A preliminary utility plan with calculations shall be provided.~~
- ~~(l) As applicable, the applicant shall concurrently process the preliminary plat for approval with the Galveston County Consolidated Drainage District and/or Harris County Flood Control District, whichever entity has jurisdiction.~~

~~3. Submittal.~~

- ~~(a) Prints of the plat and plans shall be submitted to the community development department, for the commission by 5:00 p.m., at least eight working days prior to a meeting of the commission, without exception. Refer to the plat submission application for the number of prints required.~~
- ~~(b) Prints shall be accompanied by the completed form, entitled "Application for Preliminary Approval of Subdivision Plat." (These forms may be obtained from the community development department upon request.)~~
- ~~(c) The owner shall, along with the preliminary plat, submit a certificate or letter from a title guaranty company or a title attorney indicating a current search and certifying to at least the following concerning the title to the land: A statement of records examined and date of examination; description of the property in question, including a metes and bounds description of the tract; name of the fee owner as of the date of examination, and the date, file number, date of filing, and volume and page of any lienholders; and general description of any easement or fee strips granted along with the file number, date of filing, and volume and page of recording.~~
- ~~(d) The draft of any protective covenants whereby the subdivider proposes to regulate the use of land in the subdivision shall be submitted, provided, however, that such restrictive covenants, conditions or limitations shall not be less than the minimum requirements of the city under the terms of these regulations.~~
- ~~(e) Certification stating that all current city, county, school, utility or other governmental entity taxes due and payable have been paid or a tax certificate from the city, county, school, utility or other governmental entity in which the land being platted is located showing no delinquent taxes are due on the property being platted.~~
- ~~(f) The applicant shall submit proof that the plat was submitted to the drainage district with jurisdiction as required by the drainage district, provided the drainage criteria of both the city and the drainage district are the same. Proof of submittal may be a receipt of payment or a letter on official letterhead.~~

~~4. Decision of the commission.~~

- ~~(a) On receipt by staff of an application containing all of the information described above, staff shall schedule the application for action by the commission on their next available agenda. Beginning with the date the preliminary plat appears on a posted agenda, the commission shall render a decision thereon within 30 days, providing the item is not withdrawn prior to commission review and action. Such decision may consist of approval, disapproval, or~~

~~conditional approval. Conditional approval may be granted only in those instances where the conditions to be satisfied are within the authority of the commission.~~

~~(b) — If a preliminary plat does not meet the description of a replat per subsection f of this section, but it amends a previously recorded subdivision map or survey for which there is no formal recorded plat approved by law, a written notice of the meeting shall be mailed to each owner of real property, as indicated by the most recent tax roll, situated within the original subdivision map or survey and located within 200 feet of the exterior boundary of the subject property, at least ten days prior to the meeting.~~

~~5. — Preliminary approval will expire six months after the approval by the commission of the preliminary plat or of final sections of a preliminary plat, except that if the subdivider shall apply in writing prior to the end of such six-month period, stating reasons therefor, an extension may be granted by the commission, upon a showing of good cause, for a single extension of six months.~~

~~6. — The subdivider may, at his discretion, after approval or conditional approval of a preliminary plat, file a final plat or plats covering a portion of the preliminary plat. The remainder of the preliminary plat shall be deemed as approved or conditionally approved as in subsections c.4 and 5 of this section, provided, however, that such approval or conditional approval of the remainder of the preliminary plat be limited to a two-year period after approval of the pertinent final plat or plats by the commission. Prior to the end of such two-year period, the subdivider may apply, in writing, for a one-year extension of the preliminary plat stating the reasons for the extension. The commission may, upon a showing of good cause, grant a single extension of up to one year.~~

~~c. — *Final plat.*~~

~~1. — No final plat shall be considered unless a preliminary plat has been submitted and approved (unless the alternate method of plat submission is used) and a set of final construction plans has been approved by the city engineer for the public infrastructure improvements.~~

~~2. — After the foregoing procedure has been complied with and the preliminary plat approved or conditionally approved by commission, the subdivider shall prepare or cause to be prepared a final plat, or plats, together with other supplementary information as specified herein. The final plat shall conform substantially to the preliminary plat as approved and incorporate all the provisions relating to preliminary plats in subsection b.2 of this section, except subsections b.2(d), (g), (j) and (k). This plat shall also reflect any conditions or requirements for final approval imposed by the commission, together with the following additional requirements:~~

~~(a) — All easements necessary for utility service shall be shown on the final plat and the applicant shall provide certification on the plat that all utility companies have been contacted and the easements shown on the plat constitute all of the easements requested by the utility companies.~~

~~(b) — Show all streets and alleys with street names, width measured at right angles or radially (where curved), complete curve data (radius, PC and PT), length and bearing all tangents between curves.~~

~~(c) — The plat must provide a note that all existing pipelines or pipeline easements though the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision.~~

~~(d) — Accurate dimensions, both linear and angular, of all items on the plat; the boundary survey on the side shall close within one in 10,000. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given; circular curves shall be defined by actual length of radii and by degree of curve. Complete dimensional data shall be given on fractional lots.~~

- ~~(e) The description and location of all lot and block corners and permanent survey reference monuments shall be shown.~~
- ~~(f) Designate any sites of schools, churches, parks, sewage disposal plants, water plants, business, industry, or other special land uses. If proposed use is unknown, designate as unrestricted. Tracts for nonresidential use should be numbered as blocks and lots.~~
- ~~(g) Watercourses and ravines, as determined by actual ground survey, showing high banks and width of existing or proposed easements.~~
- ~~(h) All dedication statements and certificates must be made a part of the final plat drawing and must include, but not be limited to, the statements, the general form and content of which are provided as examples available in the community development department. These dedication statements and certificates and various notations include the following:
 - ~~(1) Owner's acknowledgement;~~
 - ~~(2) Execution of owner's acknowledgment;~~
 - ~~(3) Lienholder's acknowledgment and subordination statement;~~
 - ~~(4) Notary public acknowledgment for all signatures;~~
 - ~~(5) Certificate for engineer and surveyor;~~
 - ~~(6) Certificate for commission;~~
 - ~~(7) County clerk filing acknowledgment statement;~~
 - ~~(8) Encumbrances certificate;~~
 - ~~(9) Vacation of subdivision plat;~~
 - ~~(10) Certificate of amending plat;~~
 - ~~(11) City engineer's certificate.~~~~
- ~~(i) A certificate by a registered public surveyor, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys actually made on the ground. If the surveyor who prepared the plat did not make the original boundary survey, this fact should be noted in the certificate.~~
- ~~(j) The final plat, as approved by the commission, to be filed by the city secretary for record with the county clerk, shall not show the construction features such as curblines or utility lines or other structures not involved in the title covenant.~~
- ~~(k) The plat shall provide a note that the finish floor elevations of all structures shall be located above the base flood elevation (established by FEMA) as prescribed in the flood damage prevention ordinance of the city (chapter 34, article II of the Code of Ordinances).~~
- ~~(l) The legal entity responsible for the maintenance of any improvements, including, but not limited to, building, recreational area, open space, equipment, pool or private driveway, which are to be owned and shared by the owners of real property in the proposed subdivision, shall be designated by appropriate articles of incorporation, contracts, restrictions, or other method. The means of securing payment for maintenance and operating expenses and any method of terminating such obligation shall be stated in the creating documents. In the event such entity is responsible for the maintenance of driveways, emergency access easements, recreational areas, or open spaces the following note shall be indicated on the face of the plat:

~~"The City of Friendswood shall not be responsible for maintenance of driveways, emergency access easements, recreational areas, and open spaces; and the (entity) which shall be responsible for such maintenance of driveways, emergency access easements, recreational areas and open spaces."~~~~

- (m) ~~As applicable, the applicant shall concurrently process the final plat for approval with the Galveston County Consolidated Drainage District and/or Harris County Flood Control District, whichever entity has jurisdiction over the area the plat covers.~~

3. ~~Submittal of final plat.~~

- (a) ~~Prints of final plat and the two original Mylar's shall be submitted to the commission with written application for approval at least eight working days prior to a meeting of the commission without exception. Refer to the plat submission application for the number of prints required.~~
- (b) ~~Prior to filing of the final plat, the letter or title certificate required in subsection b.3(c) of this section shall be brought up to current date by a supplementary report from the title guaranty company or title attorney; dated not more than 45 days from the date submitted to the city.~~
- (c) ~~A copy of the final restrictive covenants to govern the nature of the use of the property shall be submitted to the commission and may be sent to the city attorney for review and approval prior to filing of the final plat. The commission shall, in the public interest, require that said restrictive covenants be filed simultaneously with the plat.~~
- (d) ~~The applicant shall submit proof that the final plat has been approved by the appropriate drainage district as required, provided the drainage criteria of both the city and the drainage district are the same. Proof of approval shall be a letter of approval from the drainage district.~~

4. ~~Decision of the commission.~~

- (a) ~~On receipt by staff of an application containing all of the information described above, staff shall schedule the application for action by the commission on their next available agenda. Beginning with the meeting date for initial approval of the final plat, the commission shall render a decision thereon within 30 days. Said decision may consist of approval or disapproval.~~
- (b) ~~If a final plat does not meet the description of a replat per subsection f of this section, but it amends a previously recorded subdivision map or survey for which there is no formal recorded plat approved by law, a written notice of the meeting shall be mailed to each owner of real property, as indicated by the most recent tax roll, situated within the original subdivision map or survey and located within 200 feet of the exterior boundary of the subject property, at least ten days prior to the meeting.~~

5. ~~Final approval will expire one year after the commission action granting approval of any plat unless the plat has been filed of record with the county clerk, except that if the subdivider shall apply in writing prior to the end of such one-year period stating reasons for needing the extension, this period may, upon a showing of good cause, be extended by the commission for another year but not beyond that period.~~

- d. ~~*Plat recordation.* The final plat shall be drawn on three mil camera positive matte finish (both sides) film in permanent black ink and shall be no larger than 24 inches by 36 inches. Two film copies of the plat with original signatures are to be filed by the city secretary in the office of the county clerk as a permanent record. The final plat must be approved by the commission prior to being filed by the city secretary.~~

e. ~~*Short form final plat.*~~

1. ~~An abbreviated procedure for plat submission may be used if the proposed subdivision satisfies the following requirements:~~
- (a) ~~The proposed subdivision is for development containing four lots or less.~~
- (b) ~~All lots in the proposed subdivision front on a previously dedicated or private accessway of adequate width and are so situated that no additional accessway, alley, easement or public~~

~~property is required to meet the regulations of this appendix or any other ordinance of this city.~~

~~(c) All utilities and drainage facilities, as required by this appendix or any other ordinance of this city, are in place to serve each lot in the proposed subdivision and require no extensions.~~

~~(d) The proposed plat does not vacate, create or extend a public right-of-way or easement.~~

~~(e) The proposed plat does not require any variance or modification to the subdivision ordinance.~~

~~2. If a proposed subdivision satisfies the requirements of subsection e.1 of this section, the subdivider may seek final plat approval without necessity of submitting a preliminary plat. Such plat shall meet all the requirements in subsection c(2) of this section for final plats.~~

~~3. Decision of the commission.~~

~~(a) On receipt by staff of an application containing all of the information described above, staff shall schedule the application for action by the commission on their next available agenda. Beginning with the meeting date for initial approval of the final plat, the commission shall render a decision thereon within 30 days. Said decision may consist of approval or disapproval.~~

~~(b) If a short form final plat does not meet the description of a replat per subsection f of this section, but it amends a previously recorded subdivision map or survey for which there is no formal recorded plat approved by law, a written notice of the meeting shall be mailed to each owner of real property, as indicated by the most recent tax roll, situated within the original subdivision map or survey and located 200 feet of the exterior boundary of the subject property, at least ten days prior to the meeting.~~

~~4. Final approval will expire one year after planning commission action granting approval of such plat unless the plat has been filed of record with the county clerk as described in the plat recordation section, except that if the subdivider shall apply in writing prior to the end of such one-year period stating reasons for needing the extension, this period may, upon a showing of good cause, be extended for another year but not beyond that period.~~

~~f. *Replat.*~~

~~1. A replat is a redesign of all or a part of a recorded plat or subdivision of land which substantially changes the elements of the plat. The same procedures shall be followed as for preliminary, final or short form final plat. The replat must be in accordance with the requirements of the current Texas Local Government Code. A public hearing shall be required on all residential replats when the previous plat is not vacated and is not in compliance with subsection f.2 of this section.~~

~~2. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:~~

~~(a) Is signed and acknowledge by all the owners of the property being replatted;~~

~~(b) Is approved, after a public hearing on the matter at which interested parties and citizens have an opportunity to be heard, by the commission;~~

~~(c) Does not attempt to amend or remove any covenants or restrictions;~~

~~(d) Identifies the lots or portions of the plat being replatted and provides a reason for the replat; and~~

~~(e) In addition, a replat without vacation of the preceding plat must also conform to the requirements of this subsection, if any, of the area being replatted was limited to residential use for two units or less. These additional requirements are:~~

- ~~(1) Notice of the hearing required in accordance with the Texas Local Government Code shall be given before the 15th day before the date of the hearing. Notification shall be by publication in the official newspaper and by written notice sent to property owners within 200 feet of the property which is being replatted.~~
 - ~~(2) If the proposed replat is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of all the members of the commission. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 from that area, but within the original subdivision, must be filed with the city prior to the close of the public hearing. In computing the percentage of land area under this subsection, the area of the streets and alleys shall be included.~~
 - ~~(3) Compliance with subsection f.2(e)(2) of this section is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single residential use by notation on the last legally recorded plat.~~
- ~~3. The final replat shall meet all the requirements in subsection c.2 of this section for final plats.~~
 - ~~4. Decision of the commission. On receipt by staff of an application containing all of the information described above, staff shall schedule the application for action by the commission on its next available agenda following the public hearing. Beginning with the meeting date for initial approval of the final replat, the commission shall render a decision thereon within 30 days. Said decision may consist of approval or disapproval.~~
 - ~~5. Final approval will expire one year after planning commission action granting approval of such replat unless the replat has been filed of record with the county clerk as described in the plat recordation section, except that if the subdivider shall apply in writing prior to the end of such one-year period stating reasons for needing the extension, this period may, upon a showing of good cause, be extended for another year but not beyond that period.~~

g. Amending plat.

- ~~1. The city manager or the city manager's designee shall have the authority to approve amending plats, without further action of the planning and zoning commission, as permitted by V.T.C.A., Local Government Code ch. 212. The city manager or designee shall not have authority to disapprove any such amending plat and shall be required to refer any plat that the city manager or designee refuses to approve to the planning and zoning commission. Nothing herein shall preclude the city manager or designee from electing to present the plat to the planning and zoning commission for approval.~~
- ~~2. An amending plat shall contain all of the informational requirements set forth for a final plat.~~
- ~~3. The city manager or designee may approve an amending plat that may be recorded and is controlling over the preceding or final plat with a vacation of that plat, if the amending plat is signed by the applicants only and the sole purpose of the amending plat shall be to:
 - ~~(a) Correct an error in a course or distance shown on the preceding plat;~~
 - ~~(b) Add a course or distance that was omitted on the preceding plat;~~
 - ~~(c) Correct an error in a real property description shown on the preceding plat;~~
 - ~~(d) Indicate monuments set after the death, disability, or retirement from practice of the surveyor responsible for setting monuments;~~
 - ~~(e) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;~~
 - ~~(f) Correct any other type of scrivener or clerical error or omission previously approved by the city manager, designee or commission. Such errors may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;~~~~

- ~~(g) Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for amending the plat, neither lot is abolished, the amendment does not attempt to remove recorded covenants or restrictions, the amendment does not have a material adverse effect on the property rights of the owners in the plat, and no more than ten lots are affected per plat;~~
- ~~(h) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;~~
- ~~(i) Relocate one or more lot lines between one or more adjacent lots if:

 - ~~(1) The owners of all those lots join in the application for amending the plat;~~
 - ~~(2) The amendment does not attempt to remove recorded covenants or restrictions;~~
 - ~~(3) The amendment does not increase the number of lots; or~~~~
- ~~(j) The combination of two lots for the creation of a more developable site when:

 - ~~(1) No change in the platted land use category is anticipated.~~
 - ~~(2) No increase in the density or intensity of use is anticipated as determined by estimated traffic congestion or utility demands.~~
 - ~~(3) Off-site stormwater runoff is neither increased nor concentrated.~~
 - ~~(4) Adequate public access and thoroughfare rights-of-way exist.~~
 - ~~(5) Notice, a public hearing, and the approval of other lot owners are not required as a condition of approval and issuance of an amending plat.~~
 - ~~(6) When an amending plat is prepared, the surveyor signing and sealing the plat shall provide a statement in the title block denoting the change, in addition to any other corrections which have been made.~~~~
- ~~h. Vacating of plat. The procedure for vacating a plat shall conform with the current Texas Local Government Code and meet the same requirements as a final plat. The procedure shall consist of:

 - ~~1. The owners of the tract covered by a plat may vacate the plat any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved by the commission and recorded as described in the plat recordation section of this appendix.~~
 - ~~2. If lots in the plat have been sold, the plat, or any part of the plat may be vacated on the application of all the owners of the lots in the plat with approval by the commission.~~~~

~~(Ord. No. 2000-01, § 2, 1-17-2000; Ord. No. 2000-36, § 1, 9-25-2000; Ord. No. 2004-04, §§ 1, 2, 2-16-2004; Ord. No. 2010-04, § 2, 2-22-2010; Ord. No. 2010-38, §§ 1—3, 1-10-2011)~~

Section 5. Decisions of the commission

a. Beginning with the submittal date of the plat, the planning and zoning commission shall approve or disapprove within 30 days in accordance with the Texas Local Government Code (Section 212.009). Said decision will be based upon a determination that the plat meets the requirements of this article and all other applicable city ordinances and regulations. The commission shall approve, approve with conditions or disapprove a plat.

b. Prior to action by staff, the applicant may submit a "notice of withdrawal" of the plat. This will suspend the running of the 30-day period. When the plat is administratively ready for re-submission, the applicant can then file a signed and dated "notice of re-filing" of the plat within six months of the initial submitted date of the plat, which then starts the 30-day clock anew. A new application and fee will be

Comment [BB5]: Created separate section for Decisions of the commission. HB 3167 changes included.

required for plats that are re-submitted more than six months after the initial submittal date. One "notice of re-filing" is permitted for a plat.

c. Standards for approval – the Commission shall approve a plat if:

(1) It conforms to the general plan of the City of Friendswood and the current and futures streets, alleys, parks, playgrounds, and public utility facilities;

Comment [BB6]: General or Master?

(2) It conforms to the general plans for extension of roads, streets, and public highways, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and

Comment [BB7]: General or master?

(3) It conforms to this article.

d. Approve – If approved, the plat shall be endorsed with a certificate of approval by the planning and zoning commission chairman and attested by the commission's secretary.

e. Conditional approval or disapproval – the Commission shall provide the applicant a written statement of the conditions for a conditional approval or reasons for the disapproval that clearly articulates each specific condition. Each condition or reason specified in the written statement must be directly related to the requirements under this appendix and include a citation to the law, including a statute, municipal ordinance or resolution, that is the basis for the conditional approval or disapproval, and may not be arbitrary.

Comment [BB8]: Removed comment (2)
A majority of the members of PZ being allowed to sign plats.

(1) Applicant Response – After the conditional approval or disapproval of a plat, the applicant may submit to the Commission a written response that satisfies each condition for the conditional approval or remedies for each reason for disapproval. The Commission may not establish a deadline for an applicant to submit a response.

(2) Commission Response – Once a response is received from the applicant, the Commission shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat no later than the 15th day after the date the response was submitted. The decision of the Commission must comply with (add ref) and the Commission may disapprove the plat only for a specific condition or reason provided to the applicant previously.

(3) The Commission shall approve a previously conditionally approved plat or disapproved plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(4) Inaction: A previously conditionally approved or disapproved plat is approved if the applicant files a response that adequately addresses each condition of the conditional approval or each reason for the disapproval AND the Commission does not disapprove the plat within 15 days of the submittal of the response and in accordance with section (add ref).

f. A plat is deemed approved by the Planning and Zoning Commission, unless it is disapproved within 30 days.

(1) An applicant may request in writing an extension of 30-day period for a period not to exceed an additional 30 days. This request shall be submitted to the Commission for consideration.

(2) If the Commission fails to approve, approve with conditions, or disapprove within 30 days, the certificate on the plat shall include the date the plat was filed and a statement that the authority failed to act on the plat within that period, in accordance with (add ref).

Section 6HH. — Rights-of-way, private streets, and access – gGeneral design requirements and design criteria.

Comment [BB9]: Renamed Section and limited to access criteria. Created additional sections for other specific topics.

a. *General.*

~~Service drives; acceleration, deceleration, passing, or turning lanes; traffic control signal or other traffic control measures; and shared access with adjacent sites may be required by the appropriate approving authority at the request of the city engineer, at principal vehicular access points, with length and width as appropriate to the anticipated flow of traffic. Roads to serve the proposed development shall be designed and constructed in accordance with the subdivision ordinance and the Design Criteria Manual and shall be adequate to accommodate the vehicular traffic projected to be generated by the development. Pedestrian and bicycle access shall be coordinated with the vehicular access and separated to the maximum degree possible from vehicular access points to reduce congestion, friction, and hazard, except in those cases when a "shared space" arrangement is a safer alternative and is approved by the city engineer. The subdivision shall conform to the comprehensive plan of the city, as well as all duly adopted design criteria of the city, which shall be kept on file with the city engineer and be available to the public. The city engineer shall maintain the design criteria and propose such changes to them from time to time so that they are equivalent or more stringent than those in the area, provided, however, city council may, through the following ordinances, approve standards different from those contained in this appendix or the design criteria manual. Where different standards are approved, whether those standards are more stringent or less stringent, they shall control.~~

~~(1) An ordinance reclassifying land to a planned unit development district (PUD); or~~

~~(2) An ordinance approving a specific use permit for a PUD district.~~

b. *Public and private local streets.*

(1) The street pattern of a neighborhood must comply with the design criteria, all requirements of this section and shall:

- (a) Provide for adequate vehicular access to all properties within a subdivision's plat boundaries. All lots, tracts and reserves shall have frontage on an approved public right-of-way or access easement.
- (b) Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area.
- (c) Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services.
- (d) Provide a sufficient number of continuous streets and major thoroughfares, particularly in those area designated for the development of multifamily residential, commercial and industrial land uses, to accommodate the increased traffic demands generated by these land uses.
- (e) When necessary to continue the neighborhood pattern for adjacent developments, existing streets in the adjoining areas shall be continued and shall be at least as wide as such existing streets in alignment therewith, but in no case narrower than required by current regulation. Centerline offset shall be a minimum of 125 feet. Greater centerline offsets may be required by the commission when necessary for traffic safety.
- (f) When adjoining areas are not subdivided, the commission may require the arrangement of streets in the subdivision to make provisions for the proper projection of streets into such unsubdivided areas.
- (g) Street intersections shall be as nearly at right angles as practical giving due regard to terrain, topography, sight distances and safety.
- (h) Private streets, where allowed, shall meet all the requirements set forth for public streets, including, but not limited to, construction standards, width, curves, sight distance visibility

and function, and all other design criteria and specifications, and shall be privately maintained to those standards.

- (i) **Connectivity.** A proposed development shall provide multiple direct connections in its local street system to and between local destinations, such as parks, schools, and shopping. Each development shall incorporate and continue all collector or local streets stubbed to the boundary of the development plan by previously approved, but unbuilt development or existing development. The street system for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions. Where no adjacent connections are platted, the streets must be, in general, reasonable projections of streets in the nearest subdivided tract and must be continued to the boundaries of the tract being subdivided so that future subdivisions may connect thereto. The maximum distance between streets which are to align with existing or future planned city streets shall be 1,200 feet in residential areas.

Comment [BB10]: Replaced 75 lots with IFC 30 lots.
Need FMO review.

- (j) **Points of access.** Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus roads and shall meet the requirements of Section D104.3 of the 2000 International Fire Code. Exceptions:

a. Where there are 30 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

b. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire marshal.

Collector streets generally:

- (1) ~~There shall be a minimum of one point of access from a collector street into a subdivision or subdivision phase, up to a maximum of 75 platted lots. There shall be a minimum of two points of access into a subdivision or subdivision phase from a collector street for subdivisions in excess of 75 platted lots. In the case of phased construction, each phase should meet this requirement, but in no case shall there be less than one access to a collector street per 75 platted lots.~~
- (2) ~~A collector street may be a new or existing street built to current collector street standards for right-of-way width and pavement width, or an existing street built to past standards but which by definition currently functions as a collector street.~~
- (3) ~~No subdivision can connect to a collector street through another subdivision unless each is part of a planned, phased subdivision development. In such cases, the commission may require such through streets to have additional right-of-way width and paving width, in keeping with subsection b(1)(e) of this section, to promote better traffic flow.~~
- (4) ~~All lots in a subdivision must be within 750 feet of an intersection on a street within the subdivision that leads to a collector street, but the commission may approve a greater distance in keeping with the considerations for increased cul-de-sac lengths and block lengths.~~
- (5) ~~The commission may permit an isolated, stand-alone subdivision to connect to a collector street by way of a new street not built to collector standards if such street is within the plat boundaries of the subdivision.~~
- (6) ~~Due to existing conditions on the land being platted, such as the existence of pipelines, bodies of water, 100-year floodplain, etc., the commission may require additional points of access from a collector street to protect health, safety and welfare.~~

c. *Major thoroughfares and collector streets.*

1. *General.* Street classification, location and alignment shall be in accordance with the thoroughfare plan and finally determined by the commission.
2. *Right-of-way width and transitions.* The width of the right-of-way to be dedicated for any designated or proposed thoroughfare or collector street shall be in conformance with the thoroughfare plan. In those instances where the proposed subdivision is located contiguous to an existing thoroughfare or collector street having a right-of-way less than that required by the thoroughfare plan, sufficient additional right-of-way must be dedicated to bring the right-of-way width in conformance with the plan. The minimum right-of-way width required for the development of a designated or proposed thoroughfare or collector street must be of sufficient width to accommodate the approved roadway pavement and attendant drainage and utility facilities.
3. *Curves and intersections.* Curves proposed for the right-of-way of designated thoroughfares and collector streets shall be in conformance with the current design criteria. Reverse curves must be separated by a tangent distance of not less than 100 feet. Intersections with public and/or private streets shall be at right angles but may vary upon approval of the commission after due regard for terrain, topography, sight distances and safety. Where acute angles are approved, a radius of at least 25 feet in the right-of-way line in the acute corner must be provided.

d. *Buffering major thoroughfares.*

1. Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, reverse frontage with screen planting contained in non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. If landscaping or berming is used as a buffer between the major thoroughfare and residential property uses, the subdivider shall provide a ten-foot landscape easement along the major thoroughfare according to the major thoroughfare plan and shall construct sidewalks thereon in accordance with the city design criteria manual and standard construction details.
2. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the commission.
3. Residential developments not facing a Community Overlay District thoroughfare shall be required to install a visual barrier to a minimum mature height of six feet as measured from the finished grade. The barrier shall be set back from the street right-of-way line by a minimum of ten feet. Various materials may be utilized, including landscaped earth berms, provided the materials are durable and require low maintenance. All barriers shall be maintained by the owner of the property on which such barrier is located, or by a homeowners' association. If a homeowners' association is to provide such maintenance, the obligations therefor shall be set forth in writing, and filed of record in the same manner that other restrictive covenants are filed. Subdivision plats submitted for residential property along a COD corridor shall include detailed information and visual representations of the proposed barrier, and such other information as deemed necessary by the planning and zoning commission to establish compliance with this subsection.

Trees shall be planted adjacent to the barrier, on the COD thoroughfare side, at intervals of 25 feet, with one-half having a minimum caliper of four inches and one-half having a minimum caliper of two inches. Existing qualified trees may be counted toward fulfillment of this requirement, provided that the size, species, and guaranteed duration shall meet the criteria of the landscaping section of this appendix. (Clustering of trees shall be permitted, provided, however, clustering shall not reduce the number of required trees, and trees shall not be clustered so as to lessen the survival rate of other trees.)
4. Street right-of-way widths shall be as shown in the general plan for the city, and where not shown therein shall be not less than as follows:

Comment [BB11]: Include COD requirements for easy reference.

Street type	Minimum right-of-way width
Major thoroughfare	120 feet
Collector	80 feet
Minor (private and public)	60 feet
Commercial streets	80 feet
Boulevards	80 feet

- e. *Partial or half streets.* ~~Partial and H~~half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, the other remaining half of the street shall be platted within such subdivision, in accordance with section II. Appropriate notations and one-foot reserve must be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional right-of-way is acquired providing the full right-of-way as specified in this appendix.
- f. *Street names.* Proposed street names shall be submitted to and approved by the planning and zoning commission. Proposed streets, which are in alignment with others existing and named, shall conform to the names of the existing streets. Street names cannot be duplicated. Prior to plat approval, the applicant shall submit a list in alphabetical order of all streets within each section of the proposed subdivision.
- g. *~~Gates~~ on private streets.*
- Entrances to communities with private streets shall be controlled by electrically operated gates which are physically manner or electronically operated on a 24-hour-per-day basis. Where electrically operated, unmanned access gates are in place on private streets, one entrance gate at each entrance must be equipped with a 911 override control switch. For entrances with two gated lanes of entry, only one of these gated entries requires an electronically operated gate. The second one may be manually operated. Construction plans and gate specifications must be submitted to the fire marshal's office and approved prior to installation.
 - The Knox Company Model KS-2 or KS2-P (or approved equal) key operated switches are approved by the fire marshal's office.
 - The 911 override control switch must be installed in a weatherproof box or assembly approved by the fire marshal's office.
 - The 911 override switch must be accessible from the driver's side of every emergency response vehicle.
 - All electrically operated access gates shall have a manual override mechanism for use in the event of a power failure, approved by the fire marshal's office.
 - Electric gates must have a rest button near the override control switch to secure the gates when the emergency is terminated.

Comment [BB12]: Need FMO review.

- g. Streets in existence, finally platted and approved by the city council on the effective date of the ordinance from which this section is derived shall remain as they are; however, new construction of private streets shall provide a ten-foot curb-face to curb-face width. The gates in the fully opened position must provide a minimum of 12 feet clear width.
- h. A sensing device that will automatically open the gates for departure or exiting is required. Where manual exit gates exist, at least one gate at each exit shall be equipped with a 911 padlock.
- i. A final inspection by the fire marshal's office is required before the gates are operational. Each public safety department shall sign off on the acceptance form.
- j. Installation of the 911 override switches on all existing gates shall be accomplished within six months of the effective date of this article from which this section is derived. Gates and 911 switches must be maintained and kept in good working condition.
- k. The owner or operator or his agent is responsible for the ordering and the installation of the 911 override control switch. An approved order form must be obtained from the fire marshal's office.
- l. Distribution of numbered master keys will be controlled by the city fire marshal's office. Keys shall be distributed to authorized emergency response personnel only. Recordkeeping will be maintained in the office of the fire marshal.

- h. *One-foot reserves.* In those instances where any public street is established in a plat submitted to the commission and where such street forms a stub street into adjacent acreage or where such street lies along the parallel with the plat boundary and adjacent to acreage, a one-foot wide reserve must be established within the street right-of-way to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent unsubdivided acreage, to prevent access to this public street from the adjacent unsubdivided acreage unless and until the commission has had an opportunity to review the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation which must be placed upon the face of any plat where a one-foot reserve is to be established:

"One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns or successors."

ig. *Culs-de-sac.*

1. *Length.* The length of culs-de-sac shall not be longer than 750 feet. In cases where proposed subdivisions are surrounded by existing development which precludes compliance with block length standards, the commission may approve the creation of cul-de-sac streets which exceed 750 feet in length if the turnaround complies with the current design criteria and the subdivider can establish that lots fronting thereon will not, as a result of the length of such street, be deprived of a level of public services which would otherwise be afforded to lots on cul-de-sac streets of 750 feet or less. In considering any such application, the commission shall consider measures which would ensure:
 - (a) Adequate water pressure for potable water needs and firefighting capabilities;
 - (b) The ability of the city to timely provide emergency services; and
 - (c) That traffic hazards and traffic congestion is not created due to density or number of lots. In achieving these measures, the commission may require the use of medians, larger lot dimensions, or other alternative solutions deemed appropriate by the commission as may be necessary to satisfy the intent of this section. Each application for an extended dead-end cul-de-sac street shall be considered on an individual case-by-case basis, and depending on the particular circumstances surrounding the property in question.

2. *Cul-de-sac right-of-way radius.* The proposed cul-de-sac right-of-way and pavement radii shall comply with the requirements of the current design criteria.
3. *Temporary turnarounds.* Temporary turnarounds are to be used where curb and gutter is not installed at the end of the street more than 400 feet long that will be extended in the future and noted thus:

"Crosshatched area in temporary easement for turnaround until street is extended (direction) in a recorded plat."

j. Sidewalks. Sidewalks are required along all streets.

1. Exception: Sidewalks shall not be required in single-family residential (SFR) and single-family residential estate (SFR-E) districts where:

(a) Open ditch streets are approved; or

(b) The subdivision was accepted prior to sidewalks being a required improvement; or

2. The property is an in-fill tract without an abutting sidewalk.

(b) Sidewalks may not be required when, in the judgment of the planning and zoning commission, the safety of the pedestrians does not require such sidewalks.

(c) If a plat is required, the developer, prior to the city's final acceptance of the infrastructure, must install sidewalks along reserves and rights-of-way prior to the city's final acceptance of the infrastructure.

(d) If no platting or infrastructure construction is required, sidewalks must be installed prior to issuance of the final certificate of occupancy of the structure.

(e) If sidewalks are required by the city design criteria manual, subdivision ordinance, or zoning ordinance, and the installation at the required time is not feasible, the city may require, or the property owner may petition the planning and zoning commission to allow, the property owner to satisfy the sidewalk requirement by payment of a fee to the city's sidewalk installation fund in lieu of installing the approved sidewalk per section V.i.3.

(f) When sidewalks are required, they shall be built in accordance with the city design criteria manual and standard construction details.

(g) Corner lots are required to install sidewalks along each frontage that has an abutting sidewalk.

(h) Should an existing sidewalk be removed, the sidewalk must be replaced and built in accordance with the city design criteria manual and standard construction details.

k. Blocks.

1. The lengths, widths and shape of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (b) Requirements as to lot sizes and dimensions.
 - (c) Need for convenient access, circulation, control and safety of street traffic.
 - (d) Limitations and opportunities of topography.
2. Block lengths (measured along the block-face from intersection to intersection between the nearest two streets, or from center of the cul-de-sac radius to the nearest street intersection).

- (a) Minimum block length shall be not less than 300 feet, except for culs-de-sac which shall have no minimum length.
 - (b) Maximum block length for residential: 1,200 feet (see subsection g of this section for culs-de-sac).
 - (c) Maximum block length along a major thoroughfare: 1,600 feet, except under special conditions and upon approval of the commission.
3. The commission may approve the creation of blocks which exceed the maximum length if the subdivider can establish that lots fronting thereon will not, as a result of the length of such street, be deprived of a level of public services which would otherwise be afforded to lots on blocks that do not exceed the maximum length. In considering any such application, the commission shall consider measures which would ensure:
- (a) Adequate water pressure for potable water needs and firefighting capabilities;
 - (b) The ability of the city to timely provide emergency services;
 - (c) That a traffic hazard and/or traffic congestion is not created due to density or number of lots; and
 - (d) Alignment of any street with a block length greater than 1,200 feet does not promote excess speed on the street.

In achieving these measures, the commission may require the use of medians, larger lot dimensions, or other alternative solutions deemed appropriate by the commission as may be necessary to satisfy the intent of this section. Each application for an extended block length shall be considered on an individual case-by-case basis, and depending on the particular circumstances surrounding the property in question.

4. The proposed street right-of-way and pavement width shall comply with the requirements of the current design criteria.
5. Temporary turnarounds are to be used where curb and gutter is not installed at the end of a street more than 400 feet long that will be extended in the future, and should be noted thus:
- "Crosshatched area in temporary easement for turnaround until street is extended (direction) in a recorded plat."

~~i. Lots.~~

- ~~1. The lot size, width, depth, shape and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and for the type of development and use contemplated.~~
- ~~2. Lot dimensions shall conform to the latest zoning ordinance.~~
- ~~3. Corner lots for residential use shall have extra width to permit required building setback from an orientation to both streets.~~
- ~~4. The subdividing of the land shall be such as to provide, by means of a public or private street, each lot with satisfactory access, provided, however, such private streets shall comply with, and are privately maintained to, the requirements for public streets.~~
- ~~5. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages to topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of the lots abutting such traffic artery or other disadvantageous use.~~
- ~~6. Side lot lines shall be substantially at right angles or radial to street lines.~~

~~j. Building setback lines. Building setback lines shall conform to the latest zoning ordinance.~~

Comment [BB13]: Replaces with Lot Design Requirement Section.

~~8~~ ~~Public use and service areas.~~ Section 7. Easements.

Comment [BB14]: Renamed and created separate Section.

~~4a.~~ *Easements for utilities.* Except where alleys are permitted for the purpose, the city shall require easements of at least ten feet for poles, wires, conduits, storm sewers, gas, water, and wastewater or other utility lines, along all rear lot lines, along side lot lines if necessary, or in the same or greater widths may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities. All water and wastewater lines shall be located in the street rights-of-way unless agreed to and/or specified by the city.

~~2b.~~ *Drainage easements.* Where a subdivision is traversed by a watercourse, drainageway, bayou, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourses, and such further width or construction, or both, as will be adequate for the purpose. Parallels streets or parkways may be required in connection therewith. Location and width of drainage easements shall be determined by the commission and shall be in conformity with the city's master drainage plan.

~~3.~~ *Sidewalks.* Sidewalks are required along all streets.

Comment [BB15]: Moved to subsection j.

~~(a)~~ Exception: Sidewalks shall not be required in single-family residential (SFR) and single-family residential estate (SFR-E) districts where:

~~(1)~~ Open ditch streets are approved; or

~~(2)~~ The subdivision was accepted prior to sidewalks being a required improvement; or

~~(3)~~ The property is an in-fill tract without an abutting sidewalk.

~~(b)~~ Sidewalks may not be required when, in the judgment of the planning and zoning commission, the safety of the pedestrians does not require such sidewalks.

~~(c)~~ If a plat is required, the developer, prior to the city's final acceptance of the infrastructure, must install sidewalks along reserves and rights-of-way prior to the city's final acceptance of the infrastructure.

~~(d)~~ If no platting or infrastructure construction is required, sidewalks must be installed prior to issuance of the final certificate of occupancy of the structure.

~~(e)~~ If sidewalks are required by the city design criteria manual, subdivision ordinance, or zoning ordinance, and the installation at the required time is not feasible, the city may require, or the property owner may petition the planning and zoning commission to allow, the property owner to satisfy the sidewalk requirement by payment of a fee to the city's sidewalk installation fund in lieu of installing the approved sidewalk per section V.i.3.

~~(f)~~ When sidewalks are required, they shall be built in accordance with the city design criteria manual and standard construction details.

~~(g)~~ Corner lots are required to install sidewalks along each frontage that has an abutting sidewalk.

~~(h)~~ Should an existing sidewalk be removed, the sidewalk must be replaced and built in accordance with the city design criteria manual and standard construction details.

~~c4.~~ *Platting of public streets or easements across private easement fee strips.*

~~(1a)~~ A copy of the instrument establishing any private easement shall be submitted with the preliminary plat.

~~(2b)~~ Easement boundaries must be tied by dimensions to all adjacent lot and tract corners. Where the private easement has no defined location or width, an effort shall be made to reach agreement on a defined easement.

~~(a1)~~ No residential, commercial or industrial structure other than structures necessary to operate the pipeline shall be erected or moved to a location nearer than 50 feet to any

pipeline except low-pressure distribution system pipelines as defined in chapter 26 of this Code.

- (b2) No residential, commercial or industrial structure shall be permitted to be built nearer than 150 feet from any well or related facility other than structures necessary to operate the well or facility.
- (3e) Prior to approval of the final construction plans by the city engineer, the subdivider of any subdivision plat wherein public streets or easements are shown crossing private easements or fee strips shall, by letter to the city, assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines, or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the city prior to the filing of the plat for record.
- (4d) Prior to filing the final plat for record, the following requirements shall be met:
 - (a)1- The developer or dedicator of any plat shall obtain from the holder of any private easement or fee strip within the plat, crossed by proposed streets or other public easements, an instrument granting to the public the use of said public streets or easements over and across said private easements or fee strips for construction, operation and maintenance of those public facilities indicated. This instrument shall be delivered with the plat.
 - (b)2- The developer shall furnish the commission with a letter from the holder of the private easements or fee strips in question, stating that arrangements for any required adjustments on pipelines, electric transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement.
 - (c)3- Community assets. When considering the placement of streets and utilities within proposed subdivisions, the developer shall preserve all natural features such as large trees, watercourses, historical spots, and similar community assets which will add attractiveness and value to the property unless such preservation results in an economic penalty of such magnitude that development of the land is infeasible.
- ~~(e) — Compliance with density requirements for type of development. No plat shall be approved for the subdivision of land unless such plat reflects and satisfies the minimum open space (density) requirements for the particular type of development proposed (i.e., single-family, commercial, industrial), as provided in the zoning regulations of the city.~~

Section 8. Lot Design Requirements.

a. Lots.

1. The lot size, width, depth, shape and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Lot dimensions shall conform to the latest zoning ordinance.
3. Corner lots for residential use shall have extra width to permit required building setback from an orientation to both streets.
4. The subdividing of the land shall be such as to provide, by means of a public or private street, each lot with satisfactory access, provided, however, such private streets shall comply with, and are privately maintained to, the requirements for public streets.
5. Double-frontage and reverse-frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages to topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of the lots abutting such traffic artery or other disadvantageous use.
6. Side lot lines shall be substantially at right angles or radial to street lines.

b. Building set back lines. Building setback lines shall conform to the latest zoning ordinance.

c. Density. No plat shall be approved for the subdivision of land unless such plat reflects and satisfies the minimum open space (density) requirements for the particular type of development proposed (i.e., single-family, commercial, industrial), as provided in the zoning regulations of the city.

Section 9. Fire Prevention and suppression.

These provisions shall be administered in conjunction with the city fire marshal.

- (1) The proposed development shall be served by fire suppression facilities at the time of issuance of the first occupancy permit by an approved public water supply system capable of providing fire flow in accordance with the American Water Works Association and National Fire Protection Association (NFPA) standards for that type of development and all other NFPA codes which may be applicable.
- (2) Fire protection measures shall be required to progress with construction in planned groups of buildings in accordance with NFPA 1141, Standard for Fire Protection in Planned Building Groups.
- (3) Private fire service mains and their appurtenances shall be installed in accordance with NFPA 24 Standard for Installation of Private Fire Service Mains and Their Appurtenances.
- (4) If a water supply does not exist, aboveground water storage tanks may be approved as an alternate water supply. Capacity in gallons per minute and duration shall be determined by the developer with approval of the fire marshal department. Calculations shall be stamped and sealed by a licensed, professional engineer.

Section 10. Water, wastewater and drainage systems.

a. When a preliminary plat of a subdivision has been approved, the developer shall submit to the city engineer, plans and specifications for all improvements pertinent to said subdivision. The city engineer shall, within 30 days of receipt of said plans and specifications, approve same if they conform to the requirements of these regulations and the current design criteria, or disapprove same giving its reasons therefor in writing to the subdivider. Thereafter, when the subdivider has met the objections, if any, the city engineer shall approve the plans and specifications and forthwith deliver same to the subdivider, his agent or his engineer.

b. Before beginning any construction of the improvements required by this appendix, two complete sets of plans, specifications and contracts, including performance, payment and maintenance bonds covering said construction, shall be filed with the city. These shall show such features as required by the current design criteria.

c. All public infrastructure improvements within all of the area of any subdivision or portion thereof given final approval by the commission shall be inspected and accepted by the city before the plat is filed of record.

d. All improvements shall be designed and constructed in conformity with the provisions of these regulations and the current design criteria of the city. No construction shall be commenced until these regulations are complied with. It shall be the duty of the subdivider or his engineer to see that this provision is complied with in its entirety.

e. The subdivider, owner, and the design engineer responsible for the design improvements shall have the obligation upon acceptance of the preliminary plat by the city to grant the city engineer or his authorized representative the right of ingress and egress for the purpose of inspection of the facilities under construction. If at any time during the construction of the proposed improvements the city engineer or his authorized

Comment [BB16]: New Section.

Comment [BB17]: Created separate section.

representative finds the improvements not to be in conformance with the plans and specifications of the proposed improvements and the city subdivision ordinance or current design criteria, the city engineer or his representative will hereby be given the authority to cause the subdivider, owner, and the design engineer for the improvements to cease all operations within the property boundaries of the approved plat until all deficiencies are corrected to conform to the city subdivision ordinance and current design criteria.

f. Upon approval of the construction drawings by the city engineer, these drawings and specifications shall become the minimum standards required for final acceptance of the subdivision, provided, however, that in the case of conflict where the design criteria impose greater requirements, the design criteria will govern in this deficient specification; all other specifications being the same as had previously been approved by the city engineer.

g. The subdivider, owner or his engineer must furnish one certified complete set of as-built drawings on the street, drainage and utilities in the subdivision before final acceptance. The owner and the contractor must furnish to the city, upon final acceptance of the subdivision by the city, a maintenance bond for the duration of one year from the date of final acceptance of the subdivision. The bond shall be for 100 percent of the present worth of the installed utilities.

h. Adoption of minimum standards. The city design criteria manual shall provide the city's technical details for infrastructure improvements and shall be updated from time to time and adopted by resolution. The current design criteria for the city for infrastructure improvements shall be complied with in each subdivision before final approval of a plat by the commission. The current approved version shall be kept on file with the city secretary and the city engineer.

Comment [BB18]:

Section 11. Engineering and construction standards.

a. *Street lighting, signage and ~~signalization~~.*

Comment [BB19]: Created separate section.

1. Street lighting shall be provided in accordance with the city streetlight policy. A proposed street lighting plan shall be indicated on a copy of the final plat of the subdivision which has been approved by the commission. The proposed street lighting plan shall be submitted together with the construction plans for public improvements required in by section IV of this appendix.
2. The developer shall be required to provide and install all traffic signage and signalization determined by the city to be necessary because of the construction of the proposed subdivision. All signs and signals shall be provided in accordance with the state manual of uniform traffic control devices and shall be erected prior to acceptance of the streets by the city.

(f) ~~Street lighting, signage and signalization.~~

1. ~~Street lighting shall be provided in accordance with the city streetlight policy. A proposed street lighting plan shall be indicated on a copy of the final plat of the subdivision which has been approved by the commission. The proposed street lighting plan shall be submitted together with the construction plans for public improvements required in by section IV of this appendix.~~
2. ~~The developer shall be required to provide and install all traffic signage and signalization determined by the city to be necessary because of the construction of the proposed subdivision. All signs and signals shall be provided in accordance with the state manual of uniform traffic control devices and shall be erected prior to acceptance of the streets by the city.~~

Section 12. Tree Preservation, Mitigation, and Maintenance

Tree Preservation, Mitigation, and Maintenance regulations located in Appendix C, Zoning Ordinance, Section 8. Supplementary district regulations., I. Landscaping and screening requirements.

Comment [BB20]: Reference Zoning Ordinance

(Ord. No. 2000-01, § 2, 1-17-2000; Ord. No. 2000-36, § 2, 9-25-2000; Ord. No. 2000-42, § 2, 11-20-2000; Ord. No. 2007-05, § 1(B), (C), 4-16-2007; Ord. No. 2008-05, § 1, 2-18-2008; Ord. No. 2008-13, § 2, 6-2-2008; Ord. No. 2008-19, § 2, 7-7-2008; Ord. No. 2008-09, §§ 2, 3, 7-21-2008; Ord. No. 2010-04, § 3, 2-22-2010; Ord. No. 2011-29, § 2, 10-3-2011; Ord. No. 2020-03, § 2, 2-3-2020)

Section 13IV. — Parks and Recreation Areas.land dedication.

a. *Purpose.*

1. This section provides recreational areas in the form of city parks as a function of subdivision development in the city. This section is enacted in accordance with the home rule powers of the city under the state Constitution, and the statutes of the state, including, but not by way of limitation, V.T.C.A., Local Government Code ch. 212.
2. Park areas shall be recommended by Keep Friendswood Beautiful and shall be shown on an official parks and recreation map for the city, which shall be adopted and may be modified from time to time by the city council. Proposed city parks and recreational areas will be established by review with the developer and city staff at the earliest possible stage of development planning, and a proposed subdivision or development shall be reviewed in its entirety and not by sections or phases.
3. The primary cost of city parks should be borne ultimately by residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. New residents will increase the demands for parks proportionally, and new growth should bear their share of the costs of those facilities. Therefore, the following requirements are adopted to effect the purposes herein stated.

b. *General requirements.* Residentially zoned land, to be used for single-family, townhomes, garden homes, mobile homes, and/or multifamily residential purposes.

1. Whenever a final plat is filed of record with the county clerk for development of a residential area in accordance with the platting and zoning regulations of the city, such plat shall contain a clear fee simple dedication to the city of an area of land for park purposes, which area shall be equal to one acre for each 133 proposed dwellings, based on the proposed subdivision or development in its entirety and not by sections or phases. Any proposed plat submitted to the city for approval shall show the parkland proposed to be dedicated under this subsection. The dedication required by this section may be met by a payment of money in lieu of land when permitted or required by the other provisions of this subsection. The dedication required by this section should be in accordance with goals outlined within the city parks and open space master plan, or be located at the site for an identified existing park.
2. The city council declares that development of an area smaller than five acres for the purpose of a city park is impractical. Therefore, if fewer than 655 dwellings are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amounts provided by subsection d of this section, rather than to dedicate any land area. In most instances, no plat showing a dedication to the city of less than five acres shall be approved; provided, however, that the city may accept smaller parcels where such proposed dedication is in the best interests of the city, such as when a smaller parcel is adjacent to an existing park or future park site.

3. Developers should evaluate their proposed development and proposed dedication with city staff to ensure that as soon in the development process as possible the land dedicated is usable for city parks purposes.
 4. A dedication required by this section shall be made in accordance with subsection d.1 of this section. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, an additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by subsection d of this section.
- c. *Timing of dedication or payment of fees in lieu of land.*
1. Parkland shall be dedicated to the city at the time of filing of the final plat of the first phase and section, if a phased development. The dedication shall be made contemporaneously by separate instrument and must be accepted by the city council prior to the filing of the final plat. Lack of acceptance of such dedication shall preclude the filing of the final plat and shall not relieve the subdivider of complying with the requirements of this section. Where a dedication of parkland for the entirety of a phased development is proposed, the parkland shall be shown on the plat, if included within the first phase, and dedicated by separate instrument, or dedicated by separate instrument if located outside of the first phase of development, at the time of filing the final plat for the first section of such phased development.
 2. Payment of fees in lieu of land shall be done at the time of filing of the final plat. Where payment of fees in lieu of land for parks for the entirety of a phased development is planned, such payment may be made in full for all phases of the proposed development at the time of filing of the plat for the first phase, or payment of fees in lieu of land for each section of a phased development may be made at the time of filing of the final plat for each phase or section, at the discretion of the developer.
- d. *Fees in lieu of land.*
1. Any landowner responsible for dedication under this section shall review their proposed development with city staff, including Keep Friendswood Beautiful on recommendation of staff, prior to or simultaneously with making any formal application to the city, for the purpose of evaluating compliance with this section. If no agreement is reached between the developer and city staff, then within 14 days from receipt of a written request by the developer, city staff shall submit the issue to Keep Friendswood Beautiful. If Keep Friendswood Beautiful can reach an agreement with the developer, that recommendation shall be final, subject to the acceptance of such dedication by city council as described in this subsection d. If Keep Friendswood Beautiful cannot reach an agreement with the developer, the planning and zoning commission shall hear the issue at its next meeting, and shall make the final decision. This decision is final unless there is a substantial change in conditions. Generally, the landowner will have the option to dedicate land or pay fees in lieu thereof. However, the city expressly reserves the right to require dedication of land rather than accept fees in instances including, but not limited to, the proposed development is adjacent to an existing city park or in areas in which additional parkland is desired.
 2. As provided above, any landowner responsible for dedication under this section shall, when permitted, meet the requirements of subsection c of this subsection or this subsection d in whole or in part by a cash payment in lieu of land, in the amount set forth in this section IV. Such payment in lieu of land shall be made at or prior to the time of final plat approval for city parks as described in subsection c.1 of this section.
 3. A per-dwelling unit fee shall be set by resolution and printed in from time to time by the city council, incorporated in the fee schedule, Appendix D to this Code, in amounts sufficient to acquire land and provide for adjacent streets and utilities for a park.
- e. *Parkland dedication fund.*
1. There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section or any preceding ordinance, which fund shall be known as the "parkland dedication fund." Funds shall only be released from the parkland dedication fund

upon city council approval of a plan to utilize the funds to build or enhance an existing park or purchase land for a future park.

2. The city shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds paid for such purpose must be expended by the city within ten years after the filing of the final plat, or the filing of the final plat of each phase or section of the contributing subdivision, if a phased development. If not so expended, the owners of the property beginning on the first day after the expiration of such ten-year period shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owners of such property must request such refund within one year of entitlement. Such request must be made in writing to the city manager or his/her designee or such right shall be barred.
3. Where funds or a dedication for a phased development have been paid or made for the entire development at one time, and the original developer does not complete all phases of the entire development, credit for such prior dedication or payment shall be applied to subsequent plats for the same land on a pro rata basis. Increased density will require the dedication of additional parkland or payment of additional fees.

f. *Additional requirements.*

1. Any land dedicated to the city under this section must be suitable for park and recreation uses. The following characteristics of a proposed area are preferred wherever possible:
 - (a) The city reserves the right to decline any dedication of proposed parkland if it is determined to be in the best interests of the city.
 - (b) Park sites should preferably be located so that users are not required to cross arterial roadways to access them.
 - (c) Sites should be located adjacent to schools, where possible, in order to encourage both shared facilities and the potential co-development of new sites.
 - (d) Sites should be located adjacent to a greenbelt system, where possible, so that connections to a trail network may be easily achieved.
 - (e) Sites should not have unusual topography which would render the land unusable for organized recreational activities where these activities are necessary to the type of park.
 - (f) Sites should have and retain existing trees or other scenic elements.
 - (g) Land subject to an easement or a right-of-way shall comprise no more than 25 percent of the total land dedicated under the provisions of this section. In addition, any land that is subject to an easement or a right-of-way and which is dedicated under this section must be contiguous with the other area dedicated to the city and must conform to all other requirements of this section.
 - (h) All offers of dedication must be accompanied by a phase one environmental study verifying the absence of conditions which would inhibit or prohibit its future use and development as park facilities.
2. Parks should be easy to access and be open to public view so as to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. The following guidelines should be used in designing parks and adjacent development:
 - (a) Where physically feasible, parks should be bounded by streets, or by other public uses (e.g., school, library, recreation center).
 - (b) A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions. Street or pedestrian connections to existing and future adjoining subdivisions may be required to provide reasonable access to parks.

- (c) Where a nonresidential use directly abuts a park, the city may require the developer to construct, at his expense, screening of a minimum height of eight feet. The screened area must be landscaped on the park side. Access points from the nonresidential use to the park may be permitted.
 - (d) Alleys may abut a park, where otherwise allowed by ordinance, but they should not be designed to encourage motorized traffic to the park.
 - (e) Streets abutting a park shall be built in accordance with the thoroughfare plan and the standards of this section, provided, however, the city may require any residential street built adjacent to a park to be constructed to collector width to ensure access and prevent traffic congestion, subject to a proportionality review of the impacts generated by the subdivision, provided, further, that the city may enter into a development agreement with the subdivider to share the costs of street construction for abutting streets.
 - (f) Wildlife, existing trees and shrubs on the site shall be preserved to the greatest extent practicable.
 - (g) A park shall not have impervious cover exceeding 20 percent of the open space area.
3. When parkland is acquired, the city shall reserve sufficient land to provide a minimum of 50 percent of the total street width where a street is required to abut a park.
 4. In all cases, the city shall review and may require modification of the proposed street alignment fronting on city parks and recreation areas. Developers should also provide, where possible, street or pedestrian access to all creeks or drainageways which are maintained by a homeowner association or dedicated as a drainage and floodway easement to the city or the applicable drainage district.
 5. Drainage areas may be accepted as part of a park if the drainage facilities are constructed in accordance with city engineering standards, and if no significant area of the park is cut off from access by such drainage facilities. Where the city has designated a floodplain as part of the city park system, the park design shall provide public access for all areas of the park.
 6. Any parkland proposal considered by the commission under this section shall have been reviewed by the director of community services and his recommendation given to the commission. The commission may make a decision contrary to such recommendation by a simple majority vote.
- g. *Partial credit for land, private parkland, private recreation facilities, or open space.* Keep Friendswood Beautiful, upon an affirmative recommendation of the director of community services, may reduce the amount of parkland to be deeded to the city or reduce the fees in lieu of parkland to be paid to the city as provided below.
1. A reduction from the initial parkland dedication requirement may be made where parkland within the same park area as the subdivision which generates the required conveyance is dedicated for a private park. For purposes of this subsection, the private parkland dedication shall meet the following minimum requirements:
 - (a) The park area shall be leveled and seeded by the subdivider to produce green space. The city will determine if the parkland can be left in its natural state;
 - (b) The park area shall be located within the subdivision generating the parkland requirements; and
 - (c) Restrictive covenants shall be filed of record in the appropriate county providing for the creation and operation of a homeowner association to maintain and improve such private park area, or, in the case of such private park area within a multifamily development, such as an apartment complex, provide for maintenance and improvement by the owners of the multifamily development.
 2. A reduction from the initial parkland dedication requirement may be made for recreational improvements made to private parkland within the same park area as the subdivision which

generates the required conveyance. Such recreational improvements to parkland may include, but are not limited to, the following: children's play apparatus, landscaped areas, picnic areas, game court areas, playfields, swimming pools, and recreation center buildings and facilities. All improvements shall meet the same applicable regulations or codes as for like improvements on public property.

3. A reduction from the initial parkland dedication requirement may be made for common open space, whether public or private, within the subdivision which generates the required conveyance. Such open space may be in the form of greenbelts along creek beds, or around the perimeter of the subdivision, and may include improvements such as hike and bike trails. In no case shall credit be given under this subsection for landscaped or seeded medians. A further reduction may be given where the common open space is linked with undeveloped or developed parkland or other recreational facilities.
 4. In order to receive the credits under subsection g.1, 2, or 3 of this section, the subdivider shall provide documentation to the director of community services at the time of final plat filing sufficient to establish the validity of the estimated costs that will be used to determine the reduction under this subsection. In the event that the developer proposes to construct the improvements at a later date, as in a phased development, the city may require that the developer obtain a surety bond, performance bond, or other form of guarantee that the recreational amenities will be installed within four years from the date of filing of the final plat of the first phase of the phased development. The director of community services shall evaluate the documentation submitted and shall approve the value prior to any reduction being given under this subsection. Credits are cumulative, but in no case shall credits given under this subsection exceed 100 percent of the total dedication of land or fees required for city parks under this appendix. In cases where the estimated costs of the improvements are disputed, the value shall be as finally determined by the director of the community services. If no agreement is reached between the developer and city staff, then within 14 days from receipt of written request by the developer, city staff shall submit the issue to Keep Friendswood Beautiful. If Keep Friendswood Beautiful can reach an agreement with the developer that recommendation shall be final. If Keep Friendswood Beautiful cannot reach an agreement with the developer, the planning and zoning commission shall hear the issue at their next meeting, and shall make the final decision. This decision is final unless there is a substantial change in conditions.
 5. A credit may be given of up to 50 percent of the total dedication of land or fees required under this appendix where the developer makes improvements to public parks, as described under subsection g.2 of this section.
 6. Credit for city parks may be based on previously installed amenities within a phased development, where amenities and recreational improvement have been constructed in earlier phases, where no parkland dedication was required, subsequent phases for which park dedication is required, may count those previously installed amenities. Under no circumstances will double credit be given for a previously installed amenity.
- h. *Minimum park improvement standards.* Prior to acceptance by the city and prior to the filing of the final subdivision plat, any parkland dedicated to the city, or developed as a private park for credit against parkland dedication under this section, shall meet the following minimum standards:
1. The public park area shall be leveled and seeded (as deemed necessary by the city) by the subdivider to produce green space prior to the completion of the first phase of the development of the subdivision, if the development is being executed in phases. Existing trees and shrubs on the site shall be preserved to the greatest extent practicable. The subdivider will be responsible for the maintenance of the public park area for a minimum of one year after the completion of the subdivision (or the completion of the final phase or section of the subdivision), at which time the city will assume maintenance responsibilities in the park. The subdivider is also responsible for notifying each homeowner in the subdivision of the existence of any private park area and its conditions of ownership.

2. Any improvements provided by the developer to parkland shall comply with applicable regulations and codes set forth for such improvements.

(Ord. No. 2000-01, § 2, 1-17-2000; Ord. No. 2012-24, § 1(exh. A), 11-5-2012; Ord. No. 2015-29, §1 (exh. A), 12-7-2015; Ord. No. 2019-07, § 2, 3-4-2019)

Section V. ~~Required Improvements~~

- a. ~~When a preliminary plat of a subdivision has been approved, the developer shall submit to the city engineer, plans and specifications for all improvements pertinent to said subdivision. The city engineer shall, within 30 days of receipt of said plans and specifications, approve same if they conform to the requirements of these regulations and the current design criteria, or disapprove same giving its reasons therefor in writing to the subdivider. Thereafter, when the subdivider has met the objections, if any, the city engineer shall approve the plans and specifications and forthwith deliver same to the subdivider, his agent or his engineer.~~
- b. ~~Before beginning any construction of the improvements required by this appendix, three complete sets of plans, specifications and contracts, including performance, payment and maintenance bonds covering said construction, shall be filed with the city. These shall show such features as required by the current design criteria.~~
- c. ~~All public infrastructure improvements within all of the area of any subdivision or portion thereof given final approval by the commission shall be inspected and accepted by the city before the plat is filed of record.~~
- d. ~~All improvements shall be designed and constructed in conformity with the provisions of these regulations and the current design criteria of the city. No construction shall be commenced until these regulations are complied with. It shall be the duty of the subdivider or his engineer to see that this provision is complied with in its entirety.~~
- e. ~~The subdivider, owner, and the design engineer responsible for the design improvements shall have the obligation upon acceptance of the preliminary plat by the city to grant the city engineer or his authorized representative the right of ingress and egress for the purpose of inspection of the facilities under construction. If at any time during the construction of the proposed improvements the city engineer or his authorized representative finds the improvements not to be in conformance with the plans and specifications of the proposed improvements and the city subdivision ordinance or current design criteria, the city engineer or his representative will hereby be given the authority to cause the subdivider, owner, and the design engineer for the improvements to cease all operations within the property boundaries of the approved plat until all deficiencies are corrected to conform to the city subdivision ordinance and current design criteria.~~
- f. ~~Upon approval of the construction drawings by the city engineer, these drawings and specifications shall become the minimum standards required for final acceptance of the subdivision, provided; however, that in the case of conflict where the design criteria impose greater requirements, the design criteria will govern in this deficient specification; all other specifications being the same as had previously been approved by the city engineer.~~
- g. ~~The subdivider, owner or his engineer must furnish one certified complete set of as-built drawings on the street, drainage and utilities in the subdivision before final acceptance. The owner and the contractor must furnish to the city secretary, upon final acceptance of the subdivision by the city, a maintenance bond for the duration of one year from the date of final acceptance of the subdivision. The bond shall be for 100 percent of the present worth of the installed utilities.~~
- h. ~~Adoption of minimum standards. The city design criteria manual shall provide the city's technical details for infrastructure improvements and shall be updated from time to time and adopted by resolution. The current design criteria for the city for infrastructure improvements shall be complied with in each subdivision before final approval of a plat by the commission. The current approved version shall be kept on file with the city secretary and the city engineer.~~

Comment [BB21]: Created sections for streets, utilities, sidewalks, etc.

i. ~~Sidewalk installation fund.~~

- ~~1. *Payment in lieu of sidewalk installation.* Where a sidewalk is required by the city design criteria manual, subdivision ordinance, or zoning ordinance, and the installation at the required time is not feasible, the city may require, or the property owner may petition the planning and zoning commission to allow, the property owner to satisfy the sidewalk requirement by payment of a fee to the city's sidewalk installation fund in lieu of installing the approved sidewalk. Said payment shall be at the current rate of construction per square foot or square yard of sidewalk at the time of application, and such rate shall be determined by surveying local construction bid prices, TxDOT bid prices and any other available bid price information, and shall be the average of comparative prices from at least three such sources.~~
- ~~2. *Sidewalk installation fund.* There is hereby established a special fund for the deposit of all sums paid in lieu of sidewalk installation under this section or any preceding ordinance, which fund shall be known as the sidewalk installation fund. Funds shall only be released from the sidewalk installation fund upon city council approval of a plan to utilize the funds to build sidewalks at the location from which the funds originated.~~
- ~~3. *Timing of payment of fees in lieu of sidewalk installation.* Where plat approval is required as per section 1.b, sidewalks shall be required to be installed at the time of construction of the appropriate street pavement. Where plat approval is not required, sidewalks must be installed before the property owner applies for a certificate of occupancy. Payment of fees in lieu of sidewalk installation shall be due at the time of construction of the appropriate street pavement or application for certificate of occupancy, as appropriate. Where payment of fees in lieu of sidewalk installation for the entirety of a phased development is planned, such payment may be made in full for all phases of the proposed development at the time of filing of the plat for the first phase, or payment of fees in lieu of sidewalk installation for each section of a phased development may be made at the time of filing of the final plat for each phase or section, at the discretion of the developer. No improvements shall be accepted until the fees in lieu of sidewalk installation have been paid in full.~~
- ~~4. *Time limit/refund.* The city shall account for all sums paid in lieu of sidewalk installation under this section with reference to the individual plats involved. Any funds paid for such purpose must be expended by the city within ten years after the filing of the final plat, or the filing of the final plat of each phase or section of the contributing subdivision, if a phased development. If all the funds cannot be committed within the initial ten-year time period, the director of community development may request a time extension for a period not to exceed an additional ten years for the expenditure of the funds from the city council. The extension request shall be submitted in writing to the city council at least 60 days prior to the expiration period for the funds to be committed by the city, and shall include a detailed justification for the extension request. If not so expended, the owners of the property on the first day of such ten-year period shall be entitled to a pro-rata refund of such initial sum (principal only), computed on a square footage of area basis. The owners of such property must request such refund within one year of entitlement. Such request must be made in writing to the city manager or his/her designee or such right shall be barred.~~

Comment [BB22]: Moved to Fees Section.

(Ord. No. 2000-01, § 2, 1-17-2000; Ord. No. 2008-07, § 1, 3-24-2008; Ord. No. 2008-29, § 2, 10-6-2008)

Section ~~14V~~. - ~~Platting and filing f~~ees.

- a. *Platting fees.* Subdivision plats submitted to the commission for approval under the method provided for herein shall be accompanied by a check payable to the city according to the fee schedule as set by resolution and printed in Appendix D to this Code.
- b. *Filing fees.* The subdivider shall be responsible for providing the city a check payable to the county in which the final plat is to be filed. The amount shall be determined by the county clerk's office of the

appropriate county and shall cover the full cost of filing the plat and any associated documents required as part of the approval issued by the commission.

c. Construction plans and specifications review fees. The city reserves the right to assess fees based upon the actual costs incurred by the city for multiple iterations of reviews of construction plans and specifications. Fees charged shall be based upon rates posted and made available by the engineering/planning office for inspection by the applicant.

d. Sidewalk installation fund.

(1) Payment in lieu of sidewalk installation. Where a sidewalk is required by the city design criteria manual, subdivision ordinance, or zoning ordinance, and the installation at the required time is not feasible, the city may require, or the property owner may petition the planning and zoning commission to allow, the property owner to satisfy the sidewalk requirement by payment of a fee to the city's sidewalk installation fund in lieu of installing the approved sidewalk. Said payment shall be at the current rate of construction per square foot or square yard of sidewalk at the time of application, and such rate shall be determined by surveying local construction bid prices, TxDOT bid prices and any other available bid price information, and shall be the average of comparative prices from at least three such sources.

(2) Sidewalk installation fund. There is hereby established a special fund for the deposit of all sums paid in lieu of sidewalk installation under this section or any preceding ordinance, which fund shall be known as the sidewalk installation fund. Funds shall only be released from the sidewalk installation fund upon city council approval of a plan to utilize the funds to build sidewalks at the location from which the funds originated.

(3) Timing of payment of fees in lieu of sidewalk installation. Where plat approval is required as per section I.b, sidewalks shall be required to be installed at the time of construction of the appropriate street pavement. Where plat approval is not required, sidewalks must be installed before the property owner applies for a certificate of occupancy. Payment of fees in lieu of sidewalk installation shall be due at the time of construction of the appropriate street pavement or application for certificate of occupancy, as appropriate. Where payment of fees in lieu of sidewalk installation for the entirety of a phased development is planned, such payment may be made in full for all phases of the proposed development at the time of filing of the plat for the first phase, or payment of fees in lieu of sidewalk installation for each section of a phased development may be made at the time of filing of the final plat for each phase or section, at the discretion of the developer. No improvements shall be accepted until the fees in lieu of sidewalk installation have been paid in full.

(4) Time limit/refund. The city shall account for all sums paid in lieu of sidewalk installation under this section with reference to the individual plats involved. Any funds paid for such purpose must be expended by the city within ten years after the filing of the final plat, or the filing of the final plat of each phase or section of the contributing subdivision, if a phased development. If all the funds cannot be committed within the initial ten-year time period, the director of community development may request a time extension for a period not to exceed an additional ten years for the expenditure of the funds from the city council. The extension request shall be submitted in writing to the city council at least 60 days prior to the expiration period for the funds to be committed by the city, and shall include a detailed justification for the extension request. If not so expended, the owners of the property on the first day of such ten-year period shall be entitled to a pro rata refund of such initial sum (principal only), computed on a square footage of area basis. The owners of such property must request such refund within one year of entitlement. Such request must be made in writing to the city manager or his/her designee or such right shall be barred.

Section 15. Variances

(a) The planning and zoning commission may grant a variance to any of the provisions of article I of chapter 102, except for requirements in the city's adopted engineering and construction standards, pursuant to the procedures set forth in this section and upon a showing by clear and convincing evidence by the applicant that:

Comment [BB23]: New Section that was missing.

- (1) There are special circumstances or conditions affecting the property in question;
- (2) That enforcement of the provisions of this chapter would deprive the applicant of a substantial property right; and
- (3) That such variance, if granted, would not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

Each and every application for variance shall be decided solely and entirely on its own merits; neither the lack of enforcement of any ordinance nor the disposition of any prior or pending application for variance may be considered or allowed to affect any decision on the application in question. Pecuniary interests standing alone shall not be justification for the granting of a variance.

- (b) The application fee and procedures for a public hearing and provision of notice shall be the same as established by the city for a rezoning request, except that the applicant shall include a copy of this section with any notice that the applicant is required to mail.
- (c) The planning and zoning commission may, by affirmative vote of at least three-fourths of its members present and voting, grant a variance to the regulations of article I of chapter 102 if it finds, by clear and convincing evidence, that all of the following criteria are met:
 - (1) There are unique conditions peculiar to the subject parcel or tract that do not exist on adjacent parcels or tracts;
 - (2) Strict application of chapter 102 deprives the applicant of rights commonly enjoyed by other land in area or land with similar uses;
 - (3) The variance, if granted, does not frustrate the intent and purpose of chapter 102 and community, neighborhood, and other applicable land use and development plans, and will not adversely affect property or property values in the vicinity of the subject site;
 - (4) Conditions supporting the granting of the variance request are not self-created by disregard or ignorance of federal, state, or local codes and/or ordinances; and
 - (5) The variance is tailored as narrowly as possible while still granting the relief sought.
- (d) Factors that may not be considered to support the granting of a variance include, but are not limited, to the following:
 - (1) Personal and/or economic hardship;
 - (2) Misrepresentation of property conditions, uses, or regulations by a seller or agent;
 - (3) Errors made by a surveyor, contractor, or builder; and
 - (4) Increasing the profit, income, or competitive advantage of the applicant; and
 - (5) Threats to locate or relocate outside of the city, or cancel or scale back a project, if a variance is denied.
- (e) The applicant bears the burden of proof to demonstrate that the requirement(s) of article I of chapter 102 from which a variance is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the applicant. The applicant shall submit statements, studies, and any other relevant information as may be required by the city planner to substantiate the claim(s) for which a variance is requested. If any information is so required, the application for variance shall be deemed complete only upon the submittal of all such required information. The planning and zoning commission and/or city council during review and consideration of the request may require additional studies or information from the applicant, which additional information must be submitted before any action may be taken on the variance application. The offer or submittal, at any stage of the variance application process, by the applicant of any information that proves to be false shall cause the variance request to be denied. If a variance request is approved based upon information offered or submitted by the applicant, without regard to the applicant's knowledge of the falsity of said information, and subsequent to the approval of the variance the approving authority finds said information to be false by a preponderance of the evidence, the variance shall be considered null

and void as of the date of that finding and the approving authority shall reconsider the variance request in light of the corrected information.

(f) The decision of the planning and zoning commission on a variance request may be appealed within 14 days of said decision by filing with the city secretary:

(1) The applicant's written appeal; or

(2) A written request by two members of the city council to place consideration of the variance upon the agenda of a city council meeting.

The city council shall decide the appeal at a meeting not later than 45 calendar days after the date on which the appeal is submitted and may, by majority vote of those present and voting, affirm, modify, or reverse the decision of the planning and zoning commission. Such decision of the city council shall be final.

(Ord. No. 2000-01, § 2, 1-17-2000)

Section ~~16VII~~. - Conflict with other ordinances.

All ordinances or parts of ordinances inconsistent herewith or in conflict with the provisions of this appendix shall be and the same are hereby repealed.

(Ord. No. 2000-01, § 2, 1-17-2000)

Section ~~17VIII~~. - Extraterritorial jurisdiction.

- a. The provisions of this appendix are hereby extended in their application to include all of the area within the extraterritorial jurisdiction of the city. The provisions of this appendix shall have the same force and effect within said area of extraterritorial jurisdiction as within the corporate limits of the city, except as provided in subsections b and c of this section.
- b. No violation of any provision of this appendix outside the corporate limits of the city, but within such city's area of extraterritorial jurisdiction, shall constitute a misdemeanor under this appendix, nor shall any fine provided for in this appendix be applicable to a violation within such area of extraterritorial jurisdiction.
- c. In the event any provision of this appendix or revision to same is violated within the area of extraterritorial jurisdiction of the city, and outside its corporate limits, the city may institute any appropriate action or proceedings in the district court to enjoin the violation of such appendix.

(Ord. No. 2000-01, § 2, 1-17-2000)



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: February 25, 2021

Subject: Discussion regarding proposed amendments to Appendix C, Zoning Ordinance, Section 8.1.2(f)
Preserving Trees; Historical Significance

Action: Significant

SUMMARY / ORIGINATING CAUSE

The Ordinance Subcommittee has been discussing options regarding amendments to the Tree Preservation Ordinance. They have reviewed ordinances from surrounding cities and would like to discuss some options with the Commission as a whole in order to obtain direction for drafting an ordinance.

For reference, the current Tree Preservation Ordinance is attached.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Changing the tree mitigation requirements would affect development of property - more significantly commercially zoned properties. For commercially zoned properties, tree mitigation is required for the entire tract, whereas mitigation for residential developments applies to common areas only such as parks and open space. Tree mitigation does not apply to an individual residential lot; the requirement is one tree per lot.

RECOMMENDATIONS

None at this time.

ATTACHMENTS

1. Tree mitigation summary-bb
2. Current Tree Preservation Ordinance

Pearland

- 12-24" Replacement min is 2" dia and must total 200% of removed tree diameter
- 24-36" Replacement min is 6" dia and must total 300% of removed tree diameter
- 36" + Replacement min is 8" dia and must total 400% of removed tree diameter
- Plant replacement trees on the lot or pay into the tree fund
- Tree fund cost is \$200 per 1" of caliper needed. City manager approves offsite location.

League City

Table XX. Caliper Inch Replacement of a Protected Tree		
	On Site Replacement	Off Site Replacement or Payment in Lieu
<i>Small Trees</i>		
6" to 9"	100 percent	120 percent
9.1" to 12"	100 percent	130 percent
Greater than 12"	130 percent	140 percent
<i>Large Trees</i>		
12" to 15"	100 percent	120 percent
15.1" to 18"	100 percent	130 percent
Greater than 18"	130 percent	140 percent

Payment in lieu shall be calculated at a rate of \$250.00 per caliper inch of required replacement tree(s). Payment in lieu of replacement to the city reforestation and tree management fund to be used for public reforestation and maintenance of protected trees on public property or significant trees on public or private property.

Table XY. Reduction of Caliper Inch Replacement for Removal of Invasive Trees	
Caliper Inches of Invasive Trees Removed	Percent Reduction in Total Caliper Inches
50" to 150"	5 percent
150.1" to 300"	10 percent
300.1" to 500"	15 percent
Greater than 500"	20 percent

Comparison of tree mitigation requirements for Friendswood, Pearland and League City

***** Tree Replacement Requirements *****

Tree to be removed	Friendswood	Pearland	League City
18" Tree	3" of caliper 1 - 3" tree	36" of caliper (200% for 12-24") 18 - 2" trees	18" of caliper (100%) 9 - 2" trees
30" tree	3" of caliper 1 - 3" tree	90" of caliper (300% for 24-36") 15 - 6" trees (min 6")	39" of caliper (130%) 20- 2" trees
40" tree	3" of caliper 1 - 3" tree	160" of caliper (400% above 36") 20 - 8" trees (min 8")	52" of caliper (130%) 26 - 2" trees
Minimum Height at planting	8-feet	6-feet	7-feet
Off-site Tree Mitigation	Compensating trees shall be placed on public property, as near as reasonably practicable to the development site.	May plant and maintain offsite trees.	Off-site placement in parks, dedicated conservation areas or selected rights-of-way.
Payment in Lieu	Pay average of 3 bids for trees and labor.	\$200/caliper inch to be mitigated.	\$250/caliper inch of required replacement trees.
Trees requiring mitigation	Applies to any tree 12" or greater	Applies to Protected and Heritage trees.	LC designates a difference between "small" and "large" trees. Applies to any 6" small tree, 12" large tree, or any oak or pecan 38"+.
Credits		Tree credits given for excess calipers planted.	Credit available for removing invasive tree species

I. *Landscaping and screening requirements.*

1. *Purpose.* The provisions of this subsection I for the installation and maintenance of landscaping and screening are intended to protect the character and stability of residential, commercial, institutional and industrial areas, to conserve the value of land and buildings of surrounding properties and neighborhoods, and to enhance the aesthetic and visual image of the community. In furtherance thereof, trees utilized to comply with the requirements of this subsection I shall be of a type contained in the list of qualified trees approved from time to time by the city council and contained in the city's design criteria manual ("Qualified Tree List").

2. *Perimeter landscaping and screening.*

- a. Adjacent property, buffer maintenance and installation.

- (1) When a commercial (CSC, LNC, NC, OP, DD, PUD, A-1) or industrial (LI, I, BP) use is established on a lot or premises located adjacent to any residential zoning district, or when any multiple-family dwelling use is established on a lot or premises adjacent to any property located in a single-family residential zoning district, or when an industrial use is established on a lot or premises adjacent to any property located in a commercial zoning district, a ten-foot in width landscaped open space buffer strip shall be installed and maintained by the owner, developer or operator of the multiple-family dwelling, commercial or industrial property between it and the adjacent protected property.
 - (2) In addition, an eight-foot-high opaque fence or wall shall be erected and maintained along the common property line. Graduated fences may be allowed by the commission, when the safety and general welfare of the public would be better protected by such design. The fence or wall shall be constructed of wood, masonry, or decorative concrete, or any combination thereof. Metal may be used only as a concealed structural element. Alternatively, some types of vegetation may be allowed for such screening, provided plantings are evergreen and dense enough to provide an opaque or substantially opaque screen. Any combination of fencing, earthen berms, and vegetation may be used to comply with the eight-foot screening requirement.
 - (3) The provisions of this subsection may not apply where the uses are separated by a driveway, easement, drainage ditch, canal, or similar features determined to provide adequate buffering to those listed herein which are a minimum width of 30 feet. The commission shall determine the required screening after giving due consideration to the intensity of the commercial use, the zoning classification, and adjacent land uses. When a residentially zoned property is rezoned to commercial, an existing fence may, if requested by the staff, the commission, or the applicant, be removed, in whole or in part, to allow joint or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners.

Conversely, when a single-family use is established on property adjacent to any commercial, industrial, or multiple-family zoning district, an eight-foot high opaque fence or wall shall be erected and maintained along the property line. The ten-foot buffer strip shall not in this instance be required.

- a-1. Adjacent property, buffering streets. All land zoned commercial or industrial, as that term is defined in this section, shall have a minimum ten-foot landscaped open space adjacent to each public right-of-way located within the required yard.
 - b. Trees for buffer strips. If an open space buffer strip is required under the terms of this subsection I, not less than one tree, whether existing or planted, shall be maintained for each 25 lineal feet or portion thereof of solid open space buffer strip.
 - b-1. Landscape trees. All required trees for landscaping shall be not less than eight feet in height immediately upon planting and shall have a caliper of not less than two inches measured 18 inches above the natural ground level.
 - c. Off-street parking landscaping.

- (1) All areas, other than those located within the industrial district, that are used for parking or display of vehicles, boats, construction equipment or production equipment, shall conform to the minimum landscaping requirements of this subsection 2.c. Areas that are of a drive-in nature, such as filling stations, grocery stores, banks and restaurants also, shall conform to the minimum landscaping requirements of this subsection 2.c.
- (2) It is the intent of this subsection 2.c to promote the placement of trees along the thoroughfares of the city. Therefore, at least 50 percent of the required trees shall be located between the street and any buildings. No tree other than those species listed as small trees (size 3) on the qualified tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.
- (3) Parking lots shall be considered small if they contain spaces for 20 or less cars. Small parking lots shall have "open" landscaped areas that are equal to not less than ten percent of the parking area and drives in the parking area. The required area may be used as islands or perimeter landscaping or in any combination. A minimum of one Class 1 or Class 2 tree from the qualified tree list shall be planted and maintained for each 250 square feet or portion thereof of landscaped open space area.

Parking lots with more than 20 parking spaces shall have open landscaped areas equal to ten percent of the parking area and drives in the parking area. Fifty percent of the required landscaped area shall be used as islands. Perimeter landscaping shall have at least one such tree for each 40 lineal feet or fraction thereof. Each island shall have one such tree planted and maintained thereon.
- (4) All planted islands shall have curbs of sufficient height and width to contain the planted island.
- (5) Planted islands are to integrate groundcovers and small shrubs while minimizing the use of medium to tall shrubs; and shall not obstruct visibility of pedestrians and vehicles.
- (6) Off-street parking areas that are adjacent to residentially zoned property shall have opaque fences or walls, eight feet in height above ground level, which shall be erected and maintained along the property line to provide visual screening.
- (7) All trees required in this subsection 2.c shall have a caliper of not less than two inches, measured 18 inches above the natural ground level.
- (8) If paving around a tree is required on private property, use porous pavements such as cast-in place, monolithic turf, and concrete combinations over specimen roots to allow water and air exchange.
- (9) All plants shall receive proper irrigation to encourage deep root growth and survivability.

d. Existing plant material.

- (1) Where healthy planting exists on a site, the building official shall credit the property owner for existing plants that are retained and used when calculating vegetation requirements under this section. When healthy trees exist on a site, and when they are equivalent in size and species to those required by this subsection, the building official shall credit the property owner for existing trees that are retained and used when calculating requirements under this subsection.
- (2) Existing landscape areas to be retained shall be protected from vehicular encroachment and damage during and after the construction phase by appropriate barriers. Parking or storing of vehicles, equipment, or materials is not allowed within the protective root zone.

- (3) Protective barricades are to be installed around all protected trees prior to any construction activities on a development site. Barricades are to be installed a minimum of ten-feet from a protected tree or at the designated protective root zone.
 - (4) Protective barricades may be removed only to prepare the development site for final landscaping activities.
- e. Maintenance and care of trees.
 - (1) Maintenance period for trees. For any tree installed in fulfillment of the requirements of this appendix, or any previously existing tree used in fulfillment of the requirements of this appendix, it shall be the responsibility of the then property owner to maintain such tree in a healthy condition. In the event of serious damage, disease or death of the tree, or if the tree should otherwise fail to survive, the then property owner shall, at his sole cost and expense, replace it with a tree that meets the requirements of this appendix, within 120 days from the date of notification by the city.
 - (2) Pruning of trees. It shall be unlawful as a normal practice for any person, firm or city department to top any tree on public property. Topping is hereby defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from the requirements of this appendix at the determination of the building official.
 - (3) Maintenance of trees over rights-of-way.
 - (a) Any entity pruning trees located in public rights-of-way or in excavating in rights-of-way or in easements shall be required to notify the city building official and to prepare such plans or outline such programs as the official deems necessary. The building official's permission must be secured before such work may begin. A developer shall have the responsibility to verify that such approval has been granted prior to the installation of utilities within easements on the developer's property.
 - (b) Every owner of any tree overhanging an street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right, with 14 days advance notice to the owner or agent, to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.
 - (c) It is prohibited to cut trees or clear vegetation on public rights-of-way to provide better view of off-premise signs.
 - (4) Removal of hazardous trees. The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The city will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.
- f. Preserving trees; historical significance.
 - (1) Findings. The founders of the city chose to locate the community in its present location because of the inspiring, tranquil beauty of the huge oaks which occupied the creek

banks and surrounding terrain. The name given the new town, Friendswood, was chosen because of its apt description of the settlers members of the Friends Church, and the topographical character of the land, and the woods found in abundance along the four creeks. The city council hereby finds and determines that the preservation of the naturally wooded topography is of historical significance to the city.

- (2) Purpose. It is the intent of this subsection to encourage the preservation of existing trees within the city, and the historical significance thereof, and to prohibit their unwarranted destruction.
- (3) Tree survey required.
 - (a) A tree survey showing thereon the location of all living trees that have a caliper of 12 inches or greater, measured at a point 4½ feet above the natural ground level, shall be required for:
 - (i) All proposed development on land located in districts zoned as neighborhood commercial (NC), community shopping center (CSC), downtown district (DD), local neighborhood commercial (LNC), office park district (OPD), light industrial (LI), industrial (I), agricultural (A-1), business park (BP), planned unit development—mixed use (PUD-Mixed Use), or multifamily residential, low density (MFR-L), multifamily residential, medium density (MFR-M), and multifamily residential, high density (MFR-H);
 - (ii) All proposed development on land for which a specific use permit is required by sections 7.P and 9.G; and
 - (iii) For residential developments on land located in districts zoned as single-family residential (SFR), planned unit development cluster home (PUC—Cluster Home), or multifamily residential-garden home district (MFR-GHD), provided, however, the tree survey required by this subsection shall be required only for the common areas located within those developments, such as community parks, where residents of the developments would have common access.
 - (b) If the property contains no trees fitting the description in subsection (a) of this section, no tree survey shall be required if a signed statement verifying that no such trees exist is filed with the community development office of the city (hereinafter "community development").
 - (c) The developer or owner of the property to be developed shall sign the tree survey certifying that it is, to the best of their knowledge, true and correct.
 - (d) The tree survey shall be submitted to community development concurrently with or as a part of the site plan, development permit or plat. Community development shall be authorized to review the data on-site for verification. The tree survey shall be accepted by community development or community development shall provide a notice, in writing, of its reasons for any action other than an acceptance thereof.
- (4) Site plan to include trees.
 - (a) Every site plan submitted shall include all living trees identified on the tree survey as required by subsection I.f(3) of this section. Each such tree identified on the site plan shall bear a notation indicating the tree's status as either "protected" or "to be removed." A tree identified as "protected" indicates a tree that is not scheduled for removal during construction. A tree identified as "to be removed" indicates a tree that is scheduled for removal during construction. Each tree removed during construction shall be mitigated as required in subsection I.f(6) of this section.
 - (b) Trees identified with the notation "protected" shall also be physically marked at the development site so as to be readily distinguishable from trees that are identified on the site plan as "to be removed."

- (5) Review and acceptance of site plan. Community development shall review the tree survey portion of site plans to ensure compliance with the provisions of this subsection.
 - (6) Mitigation and incentives.
 - (a) Every development requiring the issuance of a development permit or the approval of a site plan or plat shall maintain a minimum of one tree from the qualified tree list for each 30 linear feet of street frontage, with such trees having a minimum caliper of two inches measured at a point 18 inches above the natural ground level.
 - (b) Class 1 or Class 2 trees, 12 inches in diameter or greater, measured at a point 4½ feet above the natural ground level, shall be counted, on a one-for-one basis, toward the minimum number of trees required by this subsection I. Trees located within a buffer zone shall not be counted unless identified as "protected."
 - (c) Mitigation shall be required, on a one-for-one basis, for every tree with a caliper of 12 inches or greater, measured at a point 4½ feet above the natural ground level, that is removed from the development site. For each such tree removed, mitigation shall be accomplished by planting one Class 1 or Class 2 tree from the qualified tree list.
 - (d) New trees used for mitigation purposes or for landscaping shall have a caliper of at least three inches, measured at a point 18 inches above the natural ground level.
 - (e) The landscaping plan shall clearly indicate which trees are being planted to replace trees identified as "to be removed" during development.
 - (f) If, due to the nature of a proposed development and unique characteristics of land, trees cannot be planted in a sufficient number to meet the requirements hereof, a developer may elect to provide for a compensating tree to be planted elsewhere within the city. Compensating trees shall be placed on public property, as near as reasonably practicable to the development site, and may be accomplished by donating a tree in kind, or by payment to the city of such amounts as may be established from time to time by city council, based on the city's actual costs of acquisition. Compensating trees shall be planted within the time periods required for replacement trees.
 - (g) To encourage maintenance of the suburban wooded character of the community, the city council may from time to time establish incentives to developments which retain more Class 1 or Class 2 category trees than is required by this subsection.
 - (7) Tree protection. Property owners shall be required to ensure that each of the trees identified as "protected" on the site plan survives. If a tree identified as "protected" fails to survive, the property owner shall replace such tree, at its sole cost and expense, within 120 days from the date of notification by the city, with a Class 1 or Class 2 tree from the qualified tree list, which has a minimum caliper of three inches, measured 18 inches above natural ground level.
- g. One tree required for each lot developed for single-family residential use. Each lot developed for single-family residential use shall have one of the qualified trees located in the required front yard, before a certificate of occupancy may be issued. An exception may be made by the building official for substantially wooded lots, in instances where the building official determines there is not sufficient space in the front yard for proper growth, or where the planting of the tree would constitute a hazard to persons or property.
 - h. Exception for lots used for single-family residential dwelling purposes. Notwithstanding any other provision of this subsection I to the contrary, nothing contained herein shall be deemed to prohibit the owner or occupant of a single-family residential dwelling from trimming, pruning, or removing any tree located on a lot owned or occupied by such person as a private residence, provided that at least one tree is retained in the front yard, per section 8.I.g.

