



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, JULY 8, 2021 - 7:00 PM**

AGENDA

NOTICE IS HEREBY GIVEN OF A FRIENDSWOOD PLANNING AND ZONING COMMISSION REGULAR MEETING TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL, LOCATED AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, 77546, , REGARDING THE ITEMS LISTED BELOW:

1. CALL TO ORDER

2. Communication from the public/committee liaisons

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

3. Consent Agenda

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

- A. Consider approving the minutes of the Planning and Zoning Commission regular meeting held on Thursday, June 10, 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 election of a chairperson and vice chairperson.

5. Discussion Items

- A. Discussion regarding proposed amendments to Appendix C, Zoning Ordinance Section 8.I.f Preserving Trees to amend the tree mitigation requirements.
- B. Discussion regarding proposed amendments to Appendix C, Zoning Ordinance Section 7.P.6. Permitted Use Table to allow NAICS use #524 Insurance carriers and related activities, #541 Professional, scientific and technical services, #551 Management of companies and enterprises, and #561 Administrative and support services as "Permitted" in the Industrial (I)

zoning district; amend Section 8.I.2. Perimeter landscaping and screening to allow the Commission to consider alternate screening plans for uses interior to a common development; Section 8.J.c. Lighting and glare to increase the foot-candles allowed interior to common developments; Section 7.5 Community Overlay District COD boundary to reduce the COD boundary on FM 2351 to 150 feet from Beamer Road to Clear Creek; and Section 20. Definitions to add a definition of Common Development.

- C. Discussion regarding the 2021 Liaison Schedule and Subcommittee Assignments.

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

- A. Consider setting the dates of the next Planning and Zoning Commission regular meetings (i) Thursday, July 22, 2021 and (ii) Thursday, August 12, 2021.

7. Communications

- A. Receive information from Commissioners to include but not limited to suggestions for future agenda items, general comments and/or updates from liaison assignments.
- B. Receive an update on tasks from the Planning Subcommittee.
- C. Receive an update on tasks from the Ordinance Subcommittee.
- D. Receive general comments and communication from City Council Liaison, Robert Griffon.
- E. Receive information from Staff regarding commercial and residential project updates, City Council action and ordinance updates.

8. 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, LETICIA BRYSCH, 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 AND IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT, ON THIS 2ND DAY OF JULY, 2021, AT 1:00 P.M.



LETICIA BRYSCH
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, JUNE 10, 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
JUNE 10, 2021

1. CALL TO ORDER

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, JUNE 10, 2021, AT 07:02 PM 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS

CHAIRMAN JOSEPH MATRANGA
COMMISSSIONER MARCUS PERRY
COMMISSIONER RICHARD CLARK
COMMISSIONER TRAVIS MANN
COMMISSIONER TOM HINCKLEY
COUNCIL LIAISON ROBERT GRIFFON
CITY ATTORNEY MARY KAY FISCHER
DIRECTOR OF CDD/PLANNER AUBREY HARBIN
DEVELOPMENT COORDINATOR BECKY BENNETT

VICE-CHAIRMAN RICHARD SASSON WAS ABSENT FROM THE MEETING.

2. Communication from the public/committee liaisons

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

None.

3. Public Hearing

- A. Conduct a public hearing to receive comments, both oral and written, regarding a zone classification change located at 1715 and 1771 S. Friendswood Drive, also known as Reserves D and F in the Howard Subdivision Partial Replat No. 2, Friendswood, Galveston County, Texas, to change from Community Shopping Center (CSC) to Community Shopping and Office Park District (OPD) to Planned Unit Development (PUD).

Harbin explained this is a proposed Planned Unit Development for a 4-story, Class A office building of approximately 100,000 square feet with 296 parking spaces. She said the current land is vacant and part of the Howard Subdivision where Chick-fil-A, the Virgata Commons strip centers, Valvoline, CareNow, and Chipotle are all built along the front.

She stated the current zoning on the property is Community Shopping Center and the pond is zoned Office Park District. The proposed zoning for both tracts is Planned Unit Development. Part of the PUD is a regulation matrix which uses the Office Park District as an underlying guide for setbacks. For the height restrictions, the proposal is a maximum 70 feet tall, 4 stories copied from the Downtown District regulations. Additionally, the uses that would be allowed on the property is mostly taken from the Office Park District. It would be professional offices so no restaurants and no retail would be allowed.

Additionally, amenities around the detention pond are included with the Planned Unit Development. The amenities include 45 large trees, 11 small trees, a walking trail, park benches, dog stations, and lighting and landscaping to improve the pond area.

4. Consent Agenda

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

- A. Consider approving the minutes of the Planning and Zoning Commission Regular Meeting held Thursday, May 27, 2021.

****Commissioner Tom Hinckley moved to approve Consider approving the minutes of the Planning and Zoning Commission Regular Meeting held Thursday, May 27, 2021. Seconded by Commissioner Travis Mann. The motion was approved unanimously.**

5. Action Items

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

- A. Consideration and possible action regarding a recommendation to City Council for the requested zone classification change located at 1715 and 1771 S. Friendswood Drive, also known as Reserves D and F in the Howard Subdivision Partial Replat No. 2, Friendswood, Galveston County, Texas, to change from Community Shopping Center (CSC) to Community Shopping and Office Park District (OPD) to Planned Unit Development (PUD).

****Commissioner Marcus Perry moved to approve Consideration and possible action regarding a recommendation to City Council for the requested zone classification change located at 1715 and**

1771 S. Friendswood Drive, also known as Reserves D and F in the Howard Subdivision Partial Replat No. 2, Friendswood, Galveston County, Texas, to change from Community Shopping Center (CSC) to Community Shopping and Office Park District (OPD) to Planned Unit Development (PUD). Seconded by Commissioner Tom Hinckley. The motion failed unanimously.

Perry commented the only thing the PUD would be changing is the allowable building height. He said the proposed uses are allowed in both CSC and Office Park District but are narrowed down to the types of office uses the applicant wants to put there with the intention of restricting traffic.

Louis Tannos/President of Tannos Development said he is not interested in leasing to any restaurant or retail uses but is targeting office uses where people come and stay and work.

Perry said the zoning ordinance, Section 7, specifically states that in no case shall a PUD be used for the sole purpose of circumventing the intent of any of the city ordinances. He said it feels a bit premature to look at something like this from a PUD because he feels the PUD process is being used to bypass that height ordinance. Tannos responded he had a plan and this was the path that seemed the way to move forward but he was not trying to circumvent any rules.

Hinckley said one of his main concerns will be traffic since there is already a lot of congestion there. Hinckley said he likes the design of the building. Tannos said he plans on following the Virgata building models. Hinckley asked what type of trees are being proposed around the pond. Tannos answered all the larger trees will be oaks.

Tannos said the way the building will be situation should decrease the speeding cut through traffic. He stated this building has a capacity of 750 people, most of which will get to work, eat lunch there, and visit the businesses in that park. He said they are currently in talks with 5 to 7 potential tenants, all financial, medical, petrochemical, office type uses.

Hinckley said he appreciates the retention pond plan, too. Tannos said the building has a large covered patio area on the side facing the detention pond. The pond area will have water fountains, landscape lighting, lighting in the trees, and 1,500 linear feet of crushed gravel walking paths.

Mann said he is excited about the project but is trying to figure out what besides the height of the building requires a PUD. Tannos said not knowing the ordinances in and out, he presented this plan and this was the avenue that was discussed. Harbin said including the detention pond and limiting the uses to help accommodate the traffic would be part of the PUD process in making this fit in the development.

Matranga said he is really very supportive of the project but is not supportive of the path using a PUD. He said the commission has recently directed another developer to work with staff on tweaking the project and ordinances instead of using a PUD.

- B. Consideration and possible action regarding a Partial Preliminary Plat of Friendswood Trails Section 3A, 4 and 5A, a subdivision of 62.957 acres of land situated in the Mary Sloan, Abstract 84, and William Henry, Abstract 184, City of Friendswood, Galveston County, Texas, also being a partial replat of Reserve "T" of Friendswood Trails Section 1, 2 and Commercial recorded in Doc. 2019069867, G.C.M.R.

****Commissioner Tom Hinckley moved to approve the Consideration and possible action regarding a Partial Preliminary Plat of Friendswood Trails Section 3A, 4 and 5A, a subdivision of 62.957 acres of land situated in the Mary Sloan, Abstract 84, and William Henry, Abstract 184, City of Friendswood, Galveston County, Texas, also being a partial replat of Reserve "T" of Friendswood Trails Section 1, 2 and Commercial recorded in Doc. 2019069867, G.C.M.R. Seconded**

by Commissioner Richard Clark.

Commissioner Hinckley moved to amend the motion to approve with conditions. Seconded by Commissioner Clark. The motion was approved unanimously.

Harbin said this is the next phase of Friendswood Trails. DR Horton is the developer and will be building a divided boulevard over the creek. She said the next section will contain 95 lots with a few hold out tracts. Harbin explained that after the PUD was approved, the applicant was not able to acquire the entire property. She explained Denbury, an oil company, ended up retaining 30 acres of land because they have wells that need to be cleaned up. The plan is for the owner to eventually acquire the rest of the property but until then they are still complying with the approved land plan.

Harbin said there are 9 remaining comments regarding the plat that need to be addressed and resubmitted for further commission action. Bennett said that from the time the applicant received the current comments to now, they have begun making corrections. She said out of the 9 comments, there are no items of substance that would change the design of the plat.

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

- A. Consider setting the next Planning and Zoning Commission regular meetings for (i) Thursday, June 24, 2021 and (ii) Thursday, July 8, 2021.

7. Communications

- A. Receive information from Commissioners to include but not limited to suggestions for future agenda items, general comments and/or updates from liaison assignments.

Perry mentioned rain delayed some public events for the future land use map outreach but would resume Friday night and Saturday morning.

Hinckley said the Zoning Board of Adjustment has a meeting this month on June 22nd, Tuesday at 7:00 p.m.

- B. Receive an update on tasks from the Planning Subcommittee
No comments.

- C. Receive an update on tasks from the Ordinance Subcommittee
No comments.

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

- E. Receive information from Staff regarding commercial and residential project updates, City Council action and ordinance updates.

Harbin announced the Friendswood Downtown Economic Development Corporation is having a groundbreaking on Tuesday, June 15 at 9:30 a.m. for the Downtown District sidewalk project. She said FDEDC sent out an RFP for their signage program and are looking for a sign company to help design entryway signs and logos. She said the other big project to start working on is an RFQ for the downtown lighting replacing all the downtown lighting with the new wood-look poles that the FDEDC has selected. She reported sales tax this month was up 8.9% meaning FDEDC has broken

the \$2 million mark and can use those funds to help with some of these public projects.

Harbin stated CEDC is looking at updating Vision 2020 and the FM 528 Strategy Plan while also creating a toolkit for businesses, hopefully, outside the downtown because the downtown area is getting a lot of support.

8. ADJOURNMENT

This meeting was adjourned at 08:28 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: July 8, 2021

Subject: Consideration and possible action regarding the election of a chairperson and vice chairperson.

Action:

SUMMARY / ORIGINATING CAUSE

Chair and Vice Chair selected every 3 years by Commission members. Officers will be appointed for three-year terms following the appointment and reappointment time frame. Chair and Vice Chair may not serve more than four 3-year terms, unless otherwise approved by Council.
Joe and Rich were elected to to Chair and Vice Chair in 2018 and are both eligible to serve another term.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Required per City of Friendswood Administrative Policies and Procedures (attached).

RECOMMENDATIONS

n/a

ATTACHMENTS

1. Policy for Appointment to City Boards - Amended 2021 05 03

APPOINTMENT TO CITY BOARDS, COMMISSIONS AND COMMITTEES

CITY OF FRIENDSWOOD ADMINISTRATIVE POLICIES AND PROCEDURES

ADOPTED AUGUST 5, 1996
AMENDED JUNE 19, 2000
AMENDED JUNE 26, 2006
AMENDED FEBRUARY 5, 2007
SUSPENDED JULY 12, 2010
RE-ADOPTED & AMENDED JANUARY 5, 2015
AMENDED JULY 10, 2017
AMENDED JULY 02, 2018
AMENDED AUGUST 06, 2018
AMENDED NOVEMBER 04, 2019
AMENDED DECEMBER 07, 2020
AMENDED MAY 3, 2021

CITY OF FRIENDSWOOD
ADMINISTRATIVE POLICIES AND PROCEDURES
Appointments to City Boards, Commissions, and Committees

I. PURPOSE

It is the desire and intent of the Friendswood City Council to encourage and support citizen participation in the governing of the affairs of the City. Service through membership on a City board, commission, or committee is a valued and important opportunity for participation in an advisory capacity. To these ends, this policy sets out an orderly process for citizens interested in serving as members of a City board, commission, or committee and for the City Council to oversee those appointments.

The Friendswood Charter gives the Mayor the authority to appoint special committees as he/she deems advisable and as instructed by the Council (City Charter Section 3.05). Special committees established for specific purposes are usually of limited duration and the Council may apply these policies and procedures to said committees as deemed necessary.

II. POLICY

This policy sets forth the comprehensive process for appointments to the City's boards, commissions, and committees, including advertising for candidates, application forms, and processing information to the City Council; appointment timetable; attendance records; letters of appointment; oaths of office; and letters of appreciation.

III. COUNCIL LIAISONS

The Mayor and City Council may annually appoint a councilmember to serve as a liaison to various boards, commissions, and committees. Liaison appointments will generally be made no later than the second regular meeting of the Council following the May General election. The Council Liaison shall serve as a conduit of information between the City Council and the board, commission, or committee. An information sheet listing all standing boards, commissions, and committees that may have an assigned Council Liaisons) is included as Exhibit A. A synopsis of most of the City's standing boards, commissions, and committees is included as Exhibit B.

IV. PROCEDURES

Sec. 4.01. Uniform Appointment Date

The City of Friendswood shall create or amend orders in such a manner that will allow for appointments to be effective on one of two uniform dates in July or November.

Sec. 4.02. Applicable Laws and Ordinances

All boards, commissions, and committees shall act in accordance with the authority granted to them through applicable state law, charter provision, and/or directives and policies of the City Council.

Some members of boards, commissions, and committees are considered officers because of their special responsibilities and decision-making duties, and as such, will require increased levels of commitment and responsibility. The boards, commissions, and committees whose members are considered officers are:

- Planning and Zoning Commission,
- Zoning Board of Adjustment,
- Construction Board of Adjustment and Appeals, and
- Charter Review Commission.

Sec. 4.03. Terms of Office

Each term of service on a board, commission or committee will be for a three-year period unless otherwise directed by Council or otherwise provided by law, except for the Charter Review Commission, which is a six-month term and Zoning Board of Adjustment, which requires a 2-year term by statute (LGC 54.033 and 211.008). No member/officer shall be elected to serve as Chair or Vice Chair for more than four terms unless otherwise directed by Council. Beginning with the most recent amendment and re-adoption of this policy on July 10, 2017, all existing board, commission or committee member's terms start at year zero.

Sec. 4.04. Oaths of Office

Oaths of Office appropriate to the position held and in accordance with the provisions of Section 6.05 of the City Charter (Every officer of the City, whether elected or appointed, before entering upon the duties of office, shall take and subscribe to the appropriate oath or affirmation to be filed and kept in the office of the City Secretary) will be administered to all newly appointed or reappointed members at their first regular meeting or as soon as possible after appointment. Arrangements to receive oaths of office at another time may also be made at the discretion of the City Secretary or whomever is authorized by law to give the oath such as a notary public. The following boards, commissions or committees are subject to this section:

- Planning & Zoning Commission,
- Zoning Board of Adjustment ,
- Construction Board of Adjustment and Appeals, and
- Charter Review Commission.

Sec. 4.05. Rules and Regulations

All boards, commissions, and committees shall follow procedures of conduct set out in Robert's Rules of Order. All board, commission, and committee meetings shall have an agenda and record the action by keeping minutes. Advisory boards, commissions, and committees shall not be required to comply with the Texas Open Meetings Act. However, the following boards, commissions or committees are subject to Texas Open Meetings Act:

- Planning and Zoning Commission,
- Zoning Board of Adjustment,
- Construction Board of Adjustment and Appeals,
- Friendswood Downtown Economic Development Corporation, and
- Charter Review Commission.

Some boards, commissions, and committees may desire or be directed to adopt rules of procedure, all such rules of procedure and subsequent amendments shall be approved by the City Council.

Sec. 4.06. Appointment of Officers/Members

Officers or members of each of the City's boards, commissions, and committees will be appointed in accordance with any applicable ordinances, state laws, or City Charter. The positions of Chair and Vice Chair may be rotated following the appointment and reappointment time frame, but may not serve more than four consecutive terms, unless otherwise approved by Council. Officers of the Planning and Zoning Commission, Zoning Board of Adjustment, Construction Board of Adjustment and Appeals, Friendswood Downtown Economic Development Corporation, and the Charter Review Commission are required to be a resident of Friendswood. Members of advisory boards, or committees are not required to be a resident of the city; however, a quorum of members from those advisory boards or committees must never be from outside of the city. The City Secretary shall include all newly appointed officers/members in the City's Boards, Commissions, and Committees' rosters.

Sec. 4.07. Providing and Maintaining Records

The City Secretary's office shall keep an up-to-date official record of pertinent information on each board, commission, and committee in an official notebook. City Staff Liaisons to the boards, commissions, and committees will work with the City Secretary's Office to provide up-to-date information of names, addresses, and telephone numbers for their boards, commissions, and committee members. The City Secretary's Office is responsible for maintaining the City's historical list of boards, commission and committee members.

Sec. 4.08. Attendance Policy and Records

Attendance records shall be maintained by all City Staff Liaisons providing support to the various City boards, commissions, and committees and input into the City's centralized meeting, agenda, and minute program; said attendance records can also be made available upon request to the boards, commissions, and committees members at each regular meeting.

Staff liaisons will work with the City Secretary's Office to ensure that attendance records are correct and available for Council review at the time of the appointment / reappointment process.

It shall be the responsibility of each member to attend meetings regularly. Three consecutive unexcused absences or the absence of an advisory board or committee member from more than 50 percent of the meetings in a six-month period shall be cause for Council to consider the removal of said member for excessive absences. Three consecutive unexcused absences or the absence of a member considered to be an officer from more than 20 percent of the meetings in a six-month period shall be cause for Council to consider the removal of said member for excessive absences.

Attendance at all regular meetings, special meetings, and work sessions by each board, commission, and committee member will be recorded, and absences shall be noted as excused or unexcused by the Chair; examples of excused absences include but are not limited to: illness, business reasons, death of family members, etc.

Sec. 4.09. Information Packets

Each applicant shall receive a welcome letter and packet of information about the committee, its purpose, members, meeting schedule and location, and any other information, such as rules of procedure, as requested. Additionally, the City Secretary's Office will provide each newly appointed board, commission, and committee member with a copy of the City's Volunteer Guidebook. Each individual will complete the guidebooks acknowledgement of receipt form and only one form is required for the individual for the duration of his/her time on the board, committee commission.

V. Appointments

Sec. 5.01. Applications

All citizens interested in being appointed or reappointed to a board, commission or committee must have an up-to-date application on file or submit a completed application to the City Secretary via its paper or online application. New applications will be forwarded to the Staff Liaison of the appropriate board, commission or committee. At the established time, applications will be distributed by the City Secretary's Office to the Mayor and City Council.

Upon request, the City Secretary shall provide an application and a background check disclosure and authorization form to citizens, as well as, information sheets on the various boards, commissions, and committees. A background check is required upon initial appointment and for reappointment.

The City Secretary shall advertise an invitation to citizens to submit an application indicating their interest and qualifications to serve on a board, commission, or committee at least once a year, or as needed, in the news media, social media, internet, and/or as otherwise directed by City Council.

The two regularly scheduled appointments cycles are as follows:

JULY:

- Planning and Zoning Commission,
- Zoning Board of Adjustment,
- Construction Board of Adjustment and Appeals,
- Library Board of Trustees,
- Community and Economic
- Development Committee, and
- Charter Review Commission (to be appointed in July every 5 years or as called by Council).

NOVEMBER:

- Fourth of July Steering Committee,
- Keep Friendswood Beautiful,
- Senior Citizen Advisory Committee, and
- Investment Committee.

All applications submitted to the City Secretary will be date stamped, e-mailed to the Staff Liaison to the committee(s) and will be retained by the City Secretary for a period in compliance with the

City's records retention schedule. The applications will be used in making appointments to boards, commissions, and committees for expiring terms of office and as vacancies occur.

The City Secretary will send a letter to each board, commission, and committee member who has an expiring term of office to determine if the member wishes to be considered for reappointment and/or to update the application on file.

Sec. 5.02. Appointment Process

By the end of May and September of each year, the City Secretary will notify the Staff Liaison what members/officers would like to be reappointed and who would not. The Staff Liaison will contact the Council Liaison to discuss the candidates for appointment/reappointment. Council liaisons, chairpersons, vice chairpersons, staff, or other members/officers may interview new candidates to be considered prior to the appointments. The Council Liaison to the board, commission or committee will contact the Mayor on the proposed appointments/reappointments and obtain his concurrence.

The Council Liaison will notify the City Secretary who will then prepare an Agenda Item form for the July or November Council meeting to have the appointments/reappointments approved by Mayor and Council.

Appointments shall be made to boards, commissions, and committees at the regular monthly Council meeting in July and November or as soon thereafter as possible. Appointments will be effective July and November, respectively.

A congratulatory letter and welcome packet with related forms will be prepared by the City Secretary's Office for all newly appointed or reappointed members to the City's boards, commissions, and committees. An example of said welcome packet is hereto included as Exhibit C. Appreciation letters will be sent by the City Secretary to all individuals who were not appointed.

All members/officers of the boards, commission and committees must complete Open Meetings Act (OMA) Training and Public Information Act Training administered by the Texas Attorney General within 90 days as required by law and must provide their certificate of completion to the City Secretary's office. Members/officers may designate the City Secretary as the public information coordinator to satisfy the training requirements of the Texas Public information Act.

Sec. 5.03. Selection Criteria

Members selected should not only be qualified, but also show a desire and commitment to serve in the capacity they are appointed. The selection of members to boards, commissions, and committees shall be made considering the stated interest and desire of the applicant to serve, as well as, other criteria as deemed appropriate by the Council and may include but is not limited to: the applicant's availability, qualifications, personal background, and any special skills he/she may have.

Sec. 5.04. Filling Vacancies

Vacancies on boards, commissions, and committees caused by resignations will be filled throughout the year as they occur in order to complete unexpired terms of office. When a vacancy occurs, the Staff Liaison of the board, commission, or committee shall notify the City Secretary.

Appointments to fill vacancies will be made at a Council meeting by a majority of City Council from the list of applicants provided on the Agenda Item form completed by the City Secretary.

Should there be no current applicants for the vacancy, the City Secretary shall follow the procedures previously described to seek new applicants.

EXHIBIT A
FRIENDSWOOD CITY COUNCIL LIAISONS

COMMITTEE	COUNCIL MEMBER
Clear Creek Watershed Steering Committee	Main Liaison: Alternate:
Community & Economic Development Committee	Main Liaison: Alternate:
4 th of July Steering Committee	Main Liaison: Alternate:
Galveston County Commissioners Court	Main Liaison: Alternate:
Galveston County Consolidated Drainage District	Main Liaison: Alternate:
Galveston County Mayors' & Councils' Association (GCMCA)	All City Council Members
Gulf Coast Authority	Main Liaison: Alternate:
Houston-Galveston Area Council (H-GAC)	Main Liaison: Alternate:
Harris County Commissioners Court	Main Liaison: Alternate:
Harris County Mayors' and Councils' Association (HCMCA)	All City Council Members
Homeowner's Associations	City Manager's Office/Staff
Keep Friendswood Beautiful (KFB)	Main Liaison: Alternate:
Library Board	Main Liaison: Alternate:
Planning and Zoning Commissions	Main Liaison: Alternate:
Senior Citizens Advisory Committee	Main Liaison: Alternate:
Zoning Board of Adjustment	Main Liaison: Alternate:
Investments Committee	No Liaison Required
Construction Board of Adjustment & Appeals	No Liaison Required
Charter Review Commission	No Liaison Required

EXHIBIT B

SYNOPSIS OF STANDING BOARDS, COMMISSIONS, AND COMMITTEES

PLANNING AND ZONING COMMISSION			
Number of Members:	7 regular	Term of Office:	3-years, overlapping terms
Established by:	City Code, Chapter 2 “Administration”, Article II “Boards, Committees and Commissions”, Division 3 “Planning and Zoning Commission, Section 2-69; LGC Chapters 211 & 212		
Appointed by:	City Council		
Regular Meetings:	2 nd and 4 th Thursday of the month		
Time:	7:00 P.M.		
Location:	Friendswood City Hall		
Compensation:	None		
Officers:	Chair & Vice Chair selected every 3 years by Commission members. Officers will be appointed for three-year terms following the appointment and reappointment time frame. Chair and Vice Chair may not serve more than four three-year terms, unless otherwise approved by Council.		
Staff Support:	Community Development - Department Head and staff.		
Council Liaison:	Yes, appointed by City Council		
<u>Duties of the Commissions:</u> The Commission shall submit recommendations to the City Council, after holding public hearings, on any change or amendment to any of the provisions of the Zoning Ordinance or the Zoning Districts Map: any request for a specific use permit or planned unit development any change or amendment to the subdivision ordinance: and any related request by Council. In public meeting, the commission also reviews and approves commercial site plans, preliminary and final plats, and subdivision developments. The commission also acts in the capacity of the Capital Improvements Advisory Committee created by Section 395.058 of the Texas Local Government Code.			

ZONING BOARD OF ADJUSTMENT			
Number of Members:	5 regular & 4 alternates	Term of Office:	2-years, overlapping terms
Established by:	City Code, Appendix C, Sections 10-13; LGC Sections 211.008 – 211.011		
Appointed by:	City Council		
Regular Meetings:	As needed		
Time:	4 th Tuesday of the month, as needed, unless a holiday falls during the week of the meeting date, and date is moved to the 3 rd Tuesday of the month.		
Location:	Friendswood City Hall		
Officers:	Chair& Vice Chair elected every 2 years by members. Officers will be appointed for two-year terms as required by statute (LGC 54.033 and 211.008). Chair and Vice Chair may not serve more than four terms, unless otherwise approved by Council.		
Compensation:	None		
Staff Support:	Building Official, City Planner and Development Coordinator		
Council Liaison:	No		
Duties of the Commissions:	This board hears and rules on requests for appeals, special exceptions and variances to the Zoning Ordinance and authorizes variances from the zoning ordinance when not contrary to the public interest. This board also serves as the appeals board for Fire and Life Safety Codes, Flood Damage Prevention Code (City Code, Section 34-41), and Building and Standards Commission (BASC) (City Code, Section 14-319).		

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS			
Number of Members:	7 regular & 2 alternates (if desired)	Term of Office:	3-years
Established by:	City Code, Chapter 14 “Buildings and Building Regulations”, Article II “Standard Building Code”, Section 105.1		
Appointed by:	City Council		
Regular Meetings:	As needed		
Time:	7:00 P.M.		
Location:	Friendswood City Hall		
Officers:	Chair& Vice Chair are selected every two years by members. Officers will be appointed for three-year terms following the appointment and reappointment time frame. Chair and Vice Chair may not serve more than four three-year terms, unless otherwise approved by Council.		
Compensation:	None		
Staff Support:	Building Official		
Council Liaison:	No		
<u>Duties of the Commissions:</u> The Construction Board of Adjustments and Appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes. Membership of the board should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors, or building industry representatives. Alternate members, if appointed, should consist of a member at-large front the building industry and one member at-large from the public.			

FRIENDSWOOD PUBLIC LIBRARY ADVISORY BOARD			
Number of Members:	7 regular & 3 alternates	Term of Office:	3-years, overlapping terms
Established by:	Ordinance No. 173; effective November 22, 1972		
Appointed by:	City Council		
Regular Meetings:	3 rd Tuesday of the month, as needed		
Time:	7:00 P.M.		
Location:	Friendswood Public Library		
Officers:	Chair and Vice Chair are selected by members. Officers will be appointed for three-year terms following the appointment and reappointment time frame. Chair and Vice Chair may not serve more than four three-year terms, unless otherwise approved by Council.		
Compensation:	None		
Staff Support:	Library Director and designated Library staff		
Council Liaison:	Yes; appointed by City Council		
Duties of the Commissions:	To establish general library policy, represent the public and its interest in the operation of the library, secure from the people of Friendswood support for the Library, and to interpret the needs of the people to the City Council.		

COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE			
Number of Members:	7 regular	Term of Office:	3-years, overlapping terms
Established by:	Council Action on February 15, 1993		
Appointed by:	City Council		
Regular Meetings:	1 st Wednesday of the month		
Time:	3:30 P.M.		
Location:	Friendswood City Hall		
Compensation:	None		
Officers:	Chair and Vice Chair are selected by members. Officers will be appointed for a three-year term following the appointment and		

	reappointment time frame. Chair and Vice Chair may not serve more than four three-year terms, unless otherwise approved by Council.
Ex Officios:	Chamber of Commerce Representative and Planning and Zoning Commission Representative
Staff Support:	Assistant City Manager and/or his/her designee
Council Liaison:	Yes, appointed by City Council
Duties of the Commissions: To encourage commercial and industrial developments which are compatible with the image of Friendswood; provide recommendations to the City Council regarding codes, ordinances, policies, and procedures that assist economic development and conduct surveys of citizens and businesses to gain understanding of economic development which is compatible with the city's interest, needs, and image.	

CHARTER REVIEW COMMISSION			
Number of Members:	7 regular	Term of Office:	6-months
Established by:	City Charter, Section 11.09 "Charter Review Commission"		
Appointed by:	City Council, every five years		
Regular Meetings:	3 rd Tuesday of the month, as needed		
Time:	7:00 P.M.		
Location:	Friendswood City Hall		
Officers:	Chair and Vice Chair are selected by members.		
Compensation:	None		
Staff Support:	City Manager, City Attorney and City Secretary		
Council Liaison:	No		
<u>Duties of the Commissions:</u> To (1) inquire into the operation of the City government under the Charter provisions and determine whether any such provisions require revision, to include public hearings as needed; (2) propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions; and (3) report its findings and present its proposed amendments, if any, to the Council.			

FOURTH OF JULY STEERING COMMITTEE			
Number of Members:	20 regular	Term of Office:	3-years, overlapping terms
Established by:	Council Action		
Appointed by:	City Council		
Regular Meetings:	3 rd Wednesday of the month		
Time:	6:00 P.M.		
Location:	Friendswood City Hall		
Compensation:	None		
Officers:	Chair and Vice Chair are selected by members. Members will be appointed for three-year terms following the appointment and reappointment time frame. Chair and Vice Chair may not serve more than four three-year terms, unless otherwise approved by Council.		
Staff Support:	Director of Parks and Recreation and/or his/her designee		
Council Liaison:	Yes, appointed by City Council		
<u>Duties of the Commissions:</u> To assist staff in organizing, planning, coordinating, and overseeing the annual City of Friendswood Fourth of July activities and any other related functions requested by the City Council.			

KEEP FRIENDSWOOD BEAUTIFUL			
Number of Members:	20 regular & 2 alternates	Term of Office:	3-years, overlapping terms
Established by:	City Council January 15, 1973, as Civic Beautification Committee City Council, January 25, 2010, from Community Appearance Board to Keep Friendswood Beautiful Committee		
Appointed by:	City Council		
Regular Meetings:	4 th Tuesday of the month		
Time:	6:30 P.M.		
Location:	Friendswood City Hall		
Compensation:	None		
Officers:	Chair and Vice Chair are selected by members. Members will be appointed for three-year terms following the appointment and reappointment time frame. Chair and Vice Chair may not serve more than four three-year terms, unless otherwise approved by Council.		
Staff Support:	Director of Parks and Recreation and/or his/her designee		
Council Liaison:	Yes, appointed by City Council		
<u>Duties of the Commissions:</u>	To enhance the aesthetic appearance of the city and to encourage residents to take an active role in maintaining its image. The KFB directs and coordinates management and planning of its projects and education of the community: recommends budget and project priorities to City Council: seeks grants for funding opportunities: makes suggestions for conserving and protecting natural resources: and performs such other duties as the City Council may reasonably request. Keep Friendswood Beautiful also serves as the advisory committee for the City's Storm Water Management Program (last updated 2014) per TCEQ.		

SENIOR CITIZEN ADVISORY COMMITTEE			
Number of Members:	8 regular & 1 alternate	Term of Office:	3-years, overlapping terms
Established by:	Council Action (1993)		
Appointed by:	City Council		
Regular Meetings:	2 nd Tuesday of the month		
Time:	9:00 A.M.		
Location:	Activities Building, 416 Morningside		
Compensation:	None		
Officers:	Chair and Vice Chair are selected by members. Members will be appointed for three-year terms following the appointment and reappointment time frame. Chair and Vice Chair may not serve more than four three-year terms, unless otherwise approved by Council.		
Staff Support:	Director of Parks and Recreation and/or his/her designee		
Council Liaison:	Yes, appointed by City Council		
<u>Duties of the Commissions:</u> To advise the City Council in all matters pertaining to Friendswood's Senior Citizens Program: acquaints itself with and makes a continuous study and review of the program: recommends the adoption of policies for the program: recommends to the City Council rules and regulations governing the program: makes recommendations to the City Council and City Manager and reasons therefore: and performs other duties as the City Council may reasonably request			

INVESTMENT COMMITTEE			
Number of Members:	3 regular & No alternates	Term of Office:	3-years
Established by:	Council Action (January 1997)		
Appointed by:	City Council		
Regular Meetings:	Quarterly		
Time:	4:00 P.M. or at the Request of the Chair		

Location:	Friendswood City Hall / Administrative Services Department
Compensation:	None
Officers:	Members will be appointed for three-year terms following the appointment and reappointment time frame. Chair and Vice Chair may not serve more than four three-year terms, unless otherwise approved by Council.
Staff Support:	Director of Administrative Services and/or his/her designee
Liaison/Deputy	City Manager
Council Liaison:	No
<u>Duties of the Commissions:</u> To assist staff in organizing, planning, coordinating, and overseeing the annual City of Friendswood Fourth of July activities and any other related functions requested by the City Council.	

EXHIBIT C

DATE

NAME

ADDRESS

BLOCK

DEAR (NAME):

On behalf of the Mayor and City Council, congratulations, on your recent appointment to the _____. Your term commences _____, and will expire on _____. It is at that time that you will be eligible for reappointment to another full _____-year term, should you and the City Council desire to do so. Your attendance is very important, so an attendance record is kept at each meeting; therefore, it is your responsibility to attend the meetings regularly and notify the staff liaison of your absence as soon as possible.

Please note that your appointment requires the completion and filing of the documents/trainings noted below, and they are:

1. Oath of Office and Statement of Elected/Appointed Officer;
2. Public Information Act Training and/or the Appointment of Public Information Coordinator;
3. Public Access Option;
4. Open Meeting Act Training; and
5. Volunteer Guidebook Acknowledgement Page.

If you require assistance with these documents or processes, please visit our City Secretary's Office located at 910 S. Friendswood Drive, where staff will be happy to assist you. Should you have any questions, please do not hesitate in contacting the Friendswood City Secretary, at 281-996-3270 or via email at **citysecretary@friendswood.com**.

Thank you for your time and service.

Sincerely yours,

City Secretary

In the name and by the authority of
The State of Texas
OATH OF OFFICE

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the _____ for the City of Friendswood, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, and the charter and ordinances of this city, so help me God.

Officer's Signature

Printed Name

SWORN TO and subscribed before me by on this _____ day of _____, _____.

Signature of Person Administering Oath

(Seal)

Printed Name

Title

STATEMENT OF ELECTED/APPOINTED OFFICER

(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I, _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Date

Officer's Signature

Position to Which Elected/Appointed

Friendswood, Galveston/Harris
City and/or County

TEXAS GOVERNMENT CODE SECTION 552.024
PUBLIC ACCESS OPTION FORM

[Note: This form should be completed and signed by the public official no later than the 14th day after the public official is elected or appointed.]

(Name of Appointed/Elected Official)

Title

Board/ Commission to Which Elected / Appointed

The Public Information Act allows employees, public officials and former employees and officials to elect whether to keep certain information about them confidential. Unless you choose to keep it confidential, the following information about you may be subject to public release if requested under the Texas Public Information Act. Therefore, please indicate whether you wish to allow public release of the following information:

	PUBLIC ACCESS?	
	NO	YES
Home Address		
Home Telephone Number		
Personal Cell Phone Numbers		
Emergency Contact Information		
Social Security Number		
Family Member Information		

Officer's Signature

(Date)

**APPOINTMENT OF THE PUBLIC INFORMATION COORDINATOR
PURSUANT TO THE TEXAS PUBLIC INFORMATION ACT**

THE STATE OF TEXAS §
COUNTIES OF §
GALVESTON/HARRIS §

The City Secretary of the City of Friendswood, Texas, is primarily responsible for administering the responsibilities of the public official or governmental body of the City under the Texas Public Information Act. As such, pursuant to Section 552.012(c) of the Texas Government Code, I _____ as a member of the _____ of the City of Friendswood, Texas, hereby appoint the City Secretary as the public information coordinator to satisfy my training requirements of the Texas Public Information Act.

Signed this _____ day of _____, _____

(Name of Appointed/Elected Official)

Title

THE STATE OF TEXAS §
COUNTIES OF §
GALVESTON/HARRIS §

BEFORE ME, the undersigned authority, this day personally appeared _____, a member of the _____ of the City of Friendswood, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER my hand and seal of this office this _____ day of _____,
_____.

(SEAL)

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

TO: Board, Commission or Committee Member
FROM: _____, City Secretary
SUBJECT: Texas Open Meetings Act

During the Regular Session of the 79th Legislature, the Legislature enacted legislation which, among other actions, amended the Texas Open Meetings Act (TOMA). Effective January 1, 2006, the new law requires public elected/appointed officials who are members of a governmental body to receive training concerning its responsibilities with regard to the Texas Open Meetings Act. The Act stipulates that training must be completed within 90 days from the date the oath of office is taken.

To fulfill the training requirement, you will need to do the following:

1) Watch the training video

To access the training video, please follow this link to the OAG's website:

<https://www.texasattorneygeneral.gov/open-government/open-meetings-act-training>

At the conclusion of the training video, you will be presented with an identification code/number. Please record this code/number as it will be used to obtain your course certificate.

If you do not have access to the internet, please contact the City Secretary's Office at 281-996-3270, to request a DVD copy of the video.

2) Print the course certificate

To obtain your course certificate, please follow this link:

https://www2.texasattorneygeneral.gov/forms/openrec/og_certificates.php

3) Mail, fax, email, or deliver the certificate to the City of Friendswood City Secretary's Office

Mail/Deliver: 910 S. Friendswood Drive, Friendswood, Texas 77546-4856

Fax: 281-482-1634

Email: citysecretary@friendswood.com

Thank you for taking the time to be in compliance with the Texas Open Meetings Act. Should you have any questions in regards to this process, the training or your board member paperwork, please contact our offices, at (281) 996-3270.

ACKNOWLEDGEMENT OF RECEIPT
OF THE
CITY OF FRIENDSWOOD
VOLUNTEER GUIDEBOOK

I hereby acknowledge receipt of the City of Friendswood Volunteer Guidebook, and that I am responsible for knowing and following the policies and procedures contained therein. I, also, understand the City of Friendswood Volunteer Guidebook may be modified at any time and I will be responsible staying abreast of those updates when notified.

Date Received

Volunteer Signature

Printed Name



FRIENDSWOOD PLANNING & ZONING COMMISSION

AGENDA ITEM FORM

Meeting Date: July 8, 2021

Subject: Discussion regarding proposed amendments to Appendix C, Zoning Ordinance Section 8.1.f Preserving Trees to amend the tree mitigation requirements.

Action: Choose an Option

SUMMARY / ORIGINATING CAUSE

The purpose of amending the tree preservation ordinance is to encourage the developers and property owners to preserve existing trees. The current mitigation regulations require an owner to replace any protected tree that is 12 inches or greater in diameter measured 4.5 feet above natural grade with a minimum 3-inch tree (tree for tree). The proposed regulations would require an owner to replace trees inch for inch and increases the mitigation tree sizes from 3-inch to 4,5 or 6 inch depending on the tree being removed. Percentages of mitigation required depends on the size of the original tree and the location of the new trees. Additionally, the proposed amendments provide incentives for removing invasive species (Class 4) such as Chinaberry and Chinese Tallow trees.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Amending the tree mitigation requirements is intended to preserve more of the existing trees in Friendswood.

RECOMMENDATIONS

The Ordinance Subcommittee recommends the proposed amendments.

ATTACHMENTS

1. REDLINE Section_8.1.f. Preserving Trees
2. CLEAN COPY Section_8.1.f. Preserving Trees
3. Mitigation Comparison_501
4. Mitigation Comparison_1401
5. Qualified Tree List

Section 8. - Supplementary district regulations.

I. Landscaping and screening requirements.

2. Perimeter landscaping and screening.

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. Over the years, the huge oaks have intertwined to create dense tree canopies throughout the city. The city council hereby finds and determines that the preservation of the naturally wooded topography is of historical significance to the city.

Commented [BB1]: Emphasis on existing trees and the purpose they serve.

(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:

Commented [BB2]: Details added under (b) below.

(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~~D), 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.

Commented [BB3]: Remove outdated term.

(b) The tree survey certified by a licensed surveyor, a certified arborist, or registered landscape architect, that:

Commented [BB4]: Provide detailed requirements for tree survey.

(i) Identifies:

1. The protected trees sought to be subjected to tree removal at the site, according to location, type and size;

2. Location and total caliper inches of invasive species to be removed, if seeking credit for elimination of invasive species;

3. Areas of construction or other activities to be performed within the critical root zone of a protected tree, including site plans documenting measures to be taken for protection of each impacted critical root zone;

Commented [BB5]: Offer credit for removal of invasive species (class 4 trees).

(ii) Includes tables summarizing the total caliper inches of protected trees to be removed in size categories as follows:

1. 12-inch to 24-inch caliper;
 2. Greater than 24-inch to 36-inch caliper; and
 3. Greater than 36-inch caliper.
- (iii) States the total number of caliper inches to be replaced, calculated using the tree replacement calculation set forth below, and how replacement will be achieved, whether by on-site replacement or off-site replacement, or payment in lieu of replacement; and
- (iv) Includes the proposed plan for tree replacement by location, type and size, if applicable;
- (bc) If the property contains no trees fitting the description in subsection (ba) 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").
- (ed) 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.
- (ee) 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) "Protected" 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.
- (c) 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."
- (d) The commission may consider alternate landscape plans to promote the protection of existing Class 1 or Class 2 trees.
- (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."

(a)(c) Mitigation shall be required, ~~on a one-for-one basis, for every tree~~ Class 1 and Class 2 trees 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 trees from the qualified tree list located in the city design criteria manual.

Commented [BB10]: Only require mitigation for class 1 and class 2 trees.

(bd) New trees used for mitigation purposes or for landscaping shall ~~have a caliper of at least three inches~~ be calculated in accordance with table XX, measured at a point 18 inches above the natural ground level.

Table XX. Caliper Inch Replacement of a Protected Tree

	On Site Replacement	Off Site Replacement	Minimum Caliper Per Tree in Inches
12" – 24"	100 percent	120 percent	4-inch
24.1" – 36"	100 percent	130 percent	6-inch
Greater than 36"	130 percent	140 percent	8-inch

(ce) The landscaping plan shall clearly indicate which trees are being planted to replace trees identified as "to be removed" during development.

(d) ~~Invasive tree species harm the native tree canopy, therefore incentives are available for elimination of species shown to be invasive on the qualified tree list. The city shall have the discretion to reduce tree replacement requirements based on the removal of invasive trees on-site. Reduction of caliper inch replacement, if granted, shall be calculated in accordance with table XY.~~

Commented [BB11]: Give credit for the removal of invasive (class 4) trees.

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

(ef) 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-Off site replacement~~ trees shall be placed within the city limits on public property, private commercial property, educational, or institutional property ~~as near as reasonably practicable to the development site, approved by the city planner~~ and may be accomplished by donating a tree in

Commented [BB12]: Allow trees to be planted offsite on other commercial properties.

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 in lieu at a rate of \$250.00 per caliper inch of required replacement tree(s).~~ Compensating-Off site replacement trees shall be planted by the applicant within the time periods required for replacement trees.

(f) 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 replacement trees and trees identified as "protected" on the site plan survives. If a replacement tree or a tree identified as "protected" fails to survive a minimum of five years at least, 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 the same tree ~~type from the qualified tree list~~, which has a minimum caliper of ~~three-four~~ 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 8.1.g.

Formatted: list2

Section 8. - Supplementary district regulations.

I. *Landscaping and screening requirements.*

2. *Perimeter landscaping and screening.*

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 settler members of the Friends Church, and the topographical character of the land, and the woods found in abundance along the four creeks. Over the years, the huge oaks have intertwined to create dense tree canopies throughout the city. The city council hereby finds and determines that the preservation of the naturally wooded topography is of historical significance to the city.

Commented [BB1]: Emphasis on existing trees and the purpose they serve.

(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 shall be required for:

Commented [BB2]: Details added under (b) below.

(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(PUD), 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.

Commented [BB3]: Remove outdated term.

(b) The tree survey certified by a licensed surveyor, a certified arborist, or registered landscape architect, that:

Commented [BB4]: Provide detailed requirements for tree survey.

(i) Identifies:

1. The protected trees sought to be subjected to tree removal at the site, according to location, type and size;
2. Location and total caliper inches of invasive species to be removed, if seeking credit for elimination of invasive species;
3. Areas of construction or other activities to be performed within the critical root zone of a protected tree, including site plans documenting measures to be taken for protection of each impacted critical root zone;

Commented [BB5]: Offer credit for removal of invasive species (class 4 trees).

(ii) Includes tables summarizing the total caliper inches of protected trees to be removed in size categories as follows:

1. 12-inch to 24-inch caliper;
2. Greater than 24-inch to 36-inch caliper; and

3. Greater than 36-inch caliper.
 - (iii) States the total number of caliper inches to be replaced, calculated using the tree replacement calculation set forth below, and how replacement will be achieved, whether by on-site replacement or off-site replacement, or payment in lieu of replacement; and
 - (iv) Includes the proposed plan for tree replacement by location, type and size, if applicable;
 - (c) If the property contains no trees fitting the description in subsection (b) 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").
 - (d) 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.
 - (e) 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) "Protected" 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.
 - (c) 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."
 - (d) The commission may consider alternate landscape plans to promote the protection of existing Class 1 or Class 2 trees.
- (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) Mitigation shall be required for every tree Class 1 and Class 2 trees 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 Class 1 or Class 2 trees from the qualified tree list located in the city design criteria manual.
 - (b) New trees used for mitigation purposes or for landscaping shall be calculated in accordance with table XX, measured at a point 18 inches above the natural ground level.

Table XX. Caliper Inch Replacement of a Protected Tree

Commented [BB6]: Moved from mitigation section.

Commented [BB7]: Allows the commission to take into consideration when a project protects large trees. Can then decrease the other minimum landscape requirements (not mitigation).

Commented [BB8]: Included with landscape requirements, not mitigation.

Commented [BB9]: Moved to section (4) above.

Commented [BB10]: Only require mitigation for class 1 and class 2 trees.

	On Site Replacement	Off Site Replacement	Minimum Caliper Per Tree in Inches
12" – 24"	100 percent	120 percent	4-inch
24.1" – 36"	100 percent	130 percent	6-inch
Greater than 36"	130 percent	140 percent	8-inch

- (c) The landscaping plan shall clearly indicate which trees are being planted to replace trees identified as "to be removed" during development.
- (d) Invasive tree species harm the native tree canopy, therefore incentives are available for elimination of species shown to be invasive on the qualified tree list. The city shall have the discretion to reduce tree replacement requirements based on the removal of invasive trees on-site. Reduction of caliper inch replacement, if granted, shall be calculated in accordance with table XY.

Commented [BB11]: Give credit for the removal of invasive (class 4) trees.

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

- (e) 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. Off site replacement trees shall be placed within the city limits on public property, private commercial property, educational, or institutional property as approved by the city planner and may be accomplished by donating a tree in kind, or by payment in lieu at a rate of \$250.00 per caliper inch of required replacement tree(s). Off site replacement trees shall be planted by the applicant within the time periods required for replacement trees.
- (f) 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 replacement trees and trees identified as "protected" on the site plan survives. If a replacement tree or a tree identified as "protected" fails to survive a minimum of five years at least, 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 the same tree type, which has a minimum caliper of four inches, measured 18 inches above natural ground level.

Commented [BB12]: Allow trees to be planted offsite on other commercial properties.

Commented [BB13]: Include a flat rate instead of the current system of getting bids.

- 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.

501 S Friendswood Dr

Tree Mitigation Required by caliper inches

DESCRIPTION	Current Friendswood	Proposed Subcommittee Friendswood	Pearland	League City
15" PALM	3			
15" PECAN	3	15	30	15
16" PALM	3			
18" PALM	3			
20" OAK	3	20	40	26
20" OAK	3	20	40	26
20" OAK	3	20	40	26
20" PINE	3			26
24" PINE	3			31.2
24" PINE	3			31.2
24" PINE	3			31.2
24" PINE	3			31.2
24" PINE	3			31.2
24" PINE	3			31.2
26" PINE	3			33.8
26" PINE	3			33.8
27" PINE	3			35.1
30" HACKBERRY	3			
30" OAK	3	30	90	39
30" OAK	3	30	90	39
30" PINE	3			39
37" OAK	3	48.1	148	48.1
37" OAK	3	48.1	148	48.1
40" OAK	3	52	160	52
60" OAK	3	46.8	240	78

Total Caliper	75	330	1026	752.1
Trees Total	25	No minimum. Quality over quantity.	No minimum	No minimum
Cost per Inches	\$6,250	\$97,125	\$205,200	\$262,485

NOTES	Friendwood counts all tree types.	Suggest only require mitigation for Class 1 and Class 2 trees. Remove pines from Qualified Tree List.	Protected Tree list. No palms, hackberry, or pines.	Protected Tree list. No palms or hackberry on list.
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1401 S. Friendswood Dr

Tree Mitigation by caliper inches

DESCRIPTION	Current Friendswood	Proposed Subcommittee Friendswood	Pearland	League City
12" JUNIPER	3			
12" OAK	3	12	24	12
12" PINE	3			12
12" PINE	3			12
14" JUNIPER	3			
14" PINE	3			14
14" PINE	3			14
14" PINE	3			14
17" JUNIPER	3			
17" PINE	3			17
17" PINE	3			17
18" SWEET GUM	3			
19" PINE	3			24.7
21" PINE	3			27.3
22" JUNIPER	3			
22" OAK	3	22	44	28.6
24" JUNIPER	3			
24" JUNIPER	3			
24" PINE	3			31.2
29" JUNIPER	3			
30" PINE	3			39
30" PINE	3			39
32" JUNIPER	3			
34" PINE	3			44.2
36" SWEET GUM	3			
42" JUNIPER	3			

Total Caliper	78	34	68	346
Total Trees	26	No minimum	No minimum	No minimum
Cost per inches	\$6,500	\$8,500	\$13,600	\$86,500

NOTES	Friendswood count	Suggest mitigation for Class 1 and Class 2 trees only. Remove pines.	Protected tree list. No pines, sweet gum, or juniper.	Protected tree list. No sweet gum or juniper.
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APPENDIX D

Qualified Tree List

<u>Common name</u>	<u>Botanical name</u>	<u>Class</u>	<u>N/I</u>	<u>Site</u>	<u>Light</u>	<u>Size</u>	<u>Foliage</u>
Bald Cypress	Taxodium distichum	1	N	2, 3	2	1	D
Bur Oak	Quercus macrocarpa	1	N	2	1	1	D
Cedar Elm	Ulmus crassifolia	1	N	2	1	2	D
Drummond Red Maple	Acer rubrum var. drummondii	1	N	2	1	2	D
Eastern Redbud	Cercis canadensis	1	N	2	2	2	D
Live Oak	Quercus virginiana	1	N	2	1	1	SE
Overcup Oak	Quercus lyrata	1	N	2, 3	1	1	D
Pecan	Carya illinoensis	1	N	2	1	1	D
Possumhaw Holly	Ilex decidua	1	N	2	1, 2	3	D
Shumard Red Oak	Quercus shumardii	1	N	2	1	1	D
Southern Magnolia	Magnolia grandiflora	1	N	2	1	1	E
Swamp Chestnut Oak	Quercus michauxii	1	N	2, 3	1	1	D
Sweet-Bay Magnolia	Magnolia virginiana	1	N	2	2	2	E
Wax Myrtle	Myrica cerifera	1	N	2, 3	1	3	E
American Elm	Ulmus americana	2	N	2	1	1	D
American Sycamore	Platanus occidentalis	2	N	2	1	1	D
Anacua/Sandpaper Tree	Ehretia anacua	2	N	2	1	2	E
Arrow-wood Viburnum	Viburnum dentatum	2	N	2	2	3	D
Black Hickory	Carya texana	2	N	2	1, 2	2	D
Black Walnut	Juglans nigra	2	N	2	1, 2	1	D
Blackgum	Nyssa sylvatica	2	N	2, 3	1, 2	3	D
Callery Pear/Braford	Pyrus calleryana	2	I	2	1	3	D
Carolina buckthorn	Rhamnus caroliniana	2	N	2	1, 2	3	D
Chalk Maple	Acer leucoderme	2	N	2	2	2	D
Cherry Laurel	Prunus caroliniana	2	N	2	2	2	E
Chinese Elm	Ulmus parvifolia	2	I	2	1	2	D
Chinquapin Oak	Quercus muhlenbergii	2	N	2	1	1	D
Common Crapemyrtle	Lagerstroemia indica	2	I	2	1	3	D
Common Fig	Ficus carica	2	I	2	1	3	D
Common Persimmon	Diospyros virginiana	2	N	2	1	2	D
Eastern Red Cedar	Juniperus virginiana	2	N	2	1, 2	2	E
Eve's Necklace	Sophora affinis	2	N	1	1	3	D
Green Ash	Fraxinus pennsylvanica	2	N	2, 3	1, 2	1	D
Huisache	Acacia farnesiana	2	N	1	1	3	D
Loblolly Pine	Pinus taeda	2	N	2	1	1	E
Mexican Plum	Prunus mexicana	2	N	1	1	3	D
Nuttall Oak	Quercus nuttallii	2	N	2, 3	1	1	D
Ornamental Holly	Ilex spp.	2	I	2	1, 2	3	E
Paloverde	Parkinsonia aculeata	2	N	1	1	2	D

<u>Common name</u>	<u>Botanical name</u>	<u>Class</u>	<u>N/I</u>	<u>Site</u>	<u>Light</u>	<u>Size</u>	<u>Foliage</u>
Parsley Hawthorn	Crataegus marshallii	2	N	2	2	3	D
Post Oak	Quercus stellata	2	N	2	2	1	D
Red Bay	Persea borbonia	2	N	2	2	2	E
River Birch	Betula nigra	2	N	2, 3	2	2	D
Rough-leaf Dogwood	Cornus drummondii	2	N	1, 2	3	3	D
Rusty Blackhaw Viburnum	Viburnum rufidulum	2	N	2	2	3	D
Sassafras	Sassafras albidum	2	N	2	2	2	D
Scarlet (Red) Buckeye	Aesculus pavia	2	N	2	2	3	D
Shagbark Hickory	Carya ovata	2	N	2	1	1	D
Slash Pine	Pinus elliottii	2	I	2	1	1	E
Snowbell	Styrax americana	2	N	2	1, 2	3	D
Southern Red Oak	Quercus falcata var. pagoda	2	N	2	1	1	D
Sweetgum	Liquidambar styraciflua	2	N	2	1	1	D
Texas Mountain-Laurel	Sophora secundiflora	2	N	1	1	3	E
Texas Persimmon	Diospyros virginiana(male)	2	N	1	1	3	D
Texas Pistache	Pistacia texana	2	N	1	1	3	D
Texas Redbud	Cercis canadensis texensis	2	N	1, 2	2	3	D
Water Hickory	Carya aquatica	2	N	2, 3	1	2	D
Water Oak	Quercus nigra	2	N	2, 3	1	1	D
Western Soapberry	Sapindus drummondii	2	N	2	1	2	D
White Ash	Fraxinus americana	2	N	2	1	1	D
White Oak	Quercus alba	2	N	2	1	1	D
Willow Oak	Quercus phellos	2	N	2, 3	1	1	D
Winged Elm	Ulmus alata	2	N	2	1	2	D
Woollybucket Bumelia	Bumelia lanuginosa	2	N	2	2	2	D
Wright Acacia	Acacia wrightii	2	N	1	1	3	D
Yaupon Holly	Ilex vomitoria	2	N	2	1, 2	3	E
American Elderberry	Sambucus canadensis	3	N	2	2	3	D
American Holly	Ilex opaca	3	N	2	2	2	E
American Hornbeam	Carpinus caroliniana	3	N	2	2	2	D
Black Locust	Robinia pseudoacacia	3	N	2, 3	1	2	D
Black Willow	Salix nigra	3	N	3	1	2	D
Box-Elder Maple	Acer negundo	3	N	2	2	2	D
Camphor-Tree	Cinnamomum camphora	3	I	2	1	2	E
Catalpa	Catalpa bignonioides	3	N	2	1	2	D
Common Pear	Pyrus communis	3	N	2	1	2	D
Eastern Cottonwood	Populus deltoides (male)	3	N	2	1	1	D
Flowering Crabapple	Malus spp.	3	I	2	1	3	D
Hercules-Club Prickly-Ash	Zanthoxylum clava-herculis	3	N	1	1	3	D
Honey-Locust	Gleditsia triacanthos	3	N	2, 3	1	2	D
Japanese Yew	Podocarpus macrophyllus	3	I	2	1	2	E
Japanese Maple	Acer palmatum	3	I	2	2	3	D
Loquat	Eriobotrya japonica	3	I	2	2	3	E
Mesquite	Prosopis glandulosa	3	N	1	1	2	D

<u>Common name</u>	<u>Botanical name</u>	<u>Class</u>	<u>N/I</u>	<u>Site</u>	<u>Light</u>	<u>Size</u>	<u>Foliage</u>
Mexican Buckeye	Ungnadia speciosa	3	N	1	1	3	D
Red Mulberry	Morus rubra	3	N	2	1	2	D
Sugar Hackberry	Celtis laevigata	3	N	2	1, 2	2	D
Vitex	Vitex agnus-castus	3	I	1	1	3	D
Water Tupelo	Nyssa aquatica	3	N	3	2	1	D
Weeping Willow	Salix babylonica	3	I	3	1	2	D
Arborvitae	Thuja spp.	4	I				
Arizona Ash	Fraxinus velutina	4	I				
Berlandier Ash	Fraxinus berlandieriana	4	I				
Chinaberry	Melia azedarach	4	I				
Chinese Pistache	Pistacia chinensis	4	I	2	1	2	D
Chinese Tallow	Sapium sebiferum	4	I				
Eucalyptus	Eucalyptus spp.	4	1	1, 2	1	3	E
Golden-Raintree	Koelreuteria paniculata	4	I	2	1	2	D
Japanese Black Pine	Pinus thunbergi	4	I	2	1	2	E
Mimosa(Silktree)	Albizia julibrissin	4	I				
Mulberry	Morus alba	4	I	2	1	2	D
Siberian Elm	Ulmus pumila	4	I				
Silver Maple	Acer saccharinum	4	I				
Tulip-Tree	Liriodendron tulipifera	4	I	2	1	1	D

Trees are divided into four classes. Class 1 and 2 trees are considered the most valuable in enhancing the environment and are the most likely to prosper in the Friendswood area. Therefore, only Class 1 and 2 trees shall be approved as new plantings for a) city parks and property, and parking lots and; b) for streets or other public right-of-ways, respectively, unless otherwise approved by the City Engineer on the advice of an Urban Forester. Species that are classified as shade trees will reach a height and size that will conflict with overhead powerlines, permanent structures, or the canopy will exceed the limits of a confined space. Species that are classified as small trees will not provide the protection or aesthetic impact of a large shade tree, yet they are suitable for planting beneath powerlines and are good alternatives for areas of limited space.

Class 1: For the most part this class is for trees that are native, will do relatively well in the Friendswood area, have few diseases or pest problems, are easy to find in local nurseries, and with few exceptions (redbud, possumhaw, and waxmyrtle) are larger in size.

Class 2: This class is for trees that are mostly native, will still do well in the Friendswood area, have little disease or pest problems, sometimes not quite as easy to find in nurseries, are more varied in size, and in many cases are more suitable for wildlife. These trees tend to have larger and messier fruit and/or are thornier than trees in Class 1. Some of these trees are also more prone to some decay at maturity and might not do as well in urbanized areas.

Class 3: This class starts to pick up more introduced species, the trees might or might not do as well in the Friendswood area, require a little more maintenance and care, the natives

might be harder to find in a nursery while the introduced species may be more readily available and in some cases these trees are more prone to decay, disease and pest problems.

Class 4: this class is exclusively introduced species. They may or may not do well in Friendswood. If they do grow well they have the potential to become invasive species and cause problems for local ecosystems and are more prone to decay, disease and pest problems. **NOT RECOMMENDED FOR PLANTINGS.**

Classifications:

- N – Native
- I – Introduced

Site:

- 1 – Xerophytic (requires little water)
- 2 – Mesic (requires moderate water with good drainage)
- 3 – Aquatic (tolerates poor drainage once established 3 years)

Light:

- 1 – Full Sun (requires a minimum of 6 hours of direct sunlight)
- 2 – Partial Sun (requires a minimum of 3 to 6 hours of direct sunlight)
- 3 – Shade (requires less than 3 hours of direct sunlight)

NOTE: Lower rating number on this scale is the minimum, but can use the next higher rating (i.e. a rating of 2 can also use the rating of 1, a rating of 3, can also use the ratings of 1 and 2)

Size:

- 1 – 60 feet and greater ultimate height (large shade tree)
- 2 – 30 to 60 feet in ultimate height (medium tree)
- 3 – 30 feet and less in ultimate height (small tree)

Foliage:

- D – Deciduous (sheds leaves annually) If placed on the south and west walls will reduce indoor temperatures in summer by shading the roof and walls. In winter, these trees allow sunlight through to help heat the building.
- E – Evergreen (having green leaves/needles throughout the year) can create a wind break if placed on the northwest side of a building.
- SE – Semi evergreen

For example, the code for Live Oak is 1/N/2/1/1, which indicates that the Live Oak is a Class 1 species that is native to Texas, requires moderate water with good drainage, demands or tolerates full sun, and will exceed 60 feet in ultimate height. As a shade tree, the Live Oak will provide protection and has aesthetic impact but the tree is not suitable for planting beneath powerlines or within confined spaces, or in streets or other public rights-of-way.



FRIENDSWOOD PLANNING & ZONING COMMISSION

AGENDA ITEM FORM

Meeting Date: July 8, 2021

Subject: Discussion regarding proposed amendments to Appendix C, Zoning Ordinance Section 7.P.6. Permitted Use Table to allow NAICS use #524 Insurance carriers and related activities, #541 Professional, scientific and technical services, #551 Management of companies and enterprises, and #561 Administrative and support services as "Permitted" in the Industrial (I) zoning district; amend Section 8.I.2. Perimeter landscaping and screening to allow the Commission to consider alternate screening plans for uses interior to a common development; Section 8.J.c. Lighting and glare to increase the foot-candles allowed interior to common developments; Section 7.5 Community Overlay District COD boundary to reduce the COD boundary on FM 2351 to 150 feet from Beamer Road to Clear Creek; and Section 20. Definitions to add a definition of Common Development.

Action:

SUMMARY / ORIGINATING CAUSE

These proposed changes are the result of discussions with the property owner and engineer of record for the proposed Panhandle PUD. The owner agreed to withdraw the PUD zone change application and these are the ordinance amendments that will make his development feasible, but also still be beneficial to other developments with the Industrial (I) zoning district.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Relaxing and amending some of the development regulations as they pertain to Industrial (I) zoning district and common developments will make many developments more feasible.

RECOMMENDATIONS

The Ordinance Subcommittee has reviewed these ordinance amendments and provides their approval.

ATTACHMENTS

1. Panhandle PUD - Ord. Excerpts and Proposals
2. Section 7.P.6. PUT Amendments
3. Section 7.5 COD Bounday FM 2351
4. Section 8 I. Screening and J.lighting
5. Section 20 Definitions

Panhandle PUD – City Ordinance Excerpts and Proposals

P&Z Action Items in Blue

Owner Action Items in Green

ZONING

OWNER REQUEST: We presented the blending of uses with more industrial uses by the City Water Plant to the least industrial in the front on FM 2351. As previously stated, we are open to a recommendation from City Staff with suggested uses for Industry Park & The Commons at Timber Creek specifically based on the mixed-use industrial development we are trying to accomplish.

Industrial (I) – landscaping and screening requirements are minimal for industrial type developments

Community Shopping Center (CSC) – P&Z's desire is to keep CSC zoning along FM 2351 frontage

P&Z: P&Z will consider adding the following uses to be "Permitted" in the Industrial zoning district

541 – Professional, scientific, and technical services

551 – Management of companies and enterprises

561 – Administrative and support services

Owner: Apply to change zoning of remainder of Industry Park 2 property to Industrial (I)

Apply to change the zoning of the back portion of The Commons at Timber Creek to Industrial (I)

PARKING

OWNER REQUEST: 1) We would like the ability to provide less parking upfront with the ability to add more parking at a later time as controlled by the Property Owners Association. 2) We would also like to use the new categories for parking that were created in the PUD.

P&Z regarding Request 1 – number of minimum required parking is required at the time of development; any extra parking can be added at a later date; phasing is allowed - provide phasing plan on site plan and define what would require the additional parking to be installed; a 5% reduction in required parking is allowed per DCM

Two proposed categories per PUD:

Exhibit 'C' Parking Group Table Amendments

Parking Use Category	Parking Spaces*
Buildings with Combined Office & Warehouse/Storage Use located in the PUD	1 space for each 1,000 sq. ft. GFA.
Vehicle Storage (Covered and/or Enclosed) located in the PUD	5 spaces, plus 1 space per 50 storage spaces. Spaces are allowed to be unmarked parking areas out of the travel path.

**Staff may approve an alternate plan during commercial site plan review per PUD Section III.C.1.*

Proposed Buildings per PUD:

Building A – Office/Warehouse – 11,900 sqft
 Building B – Open vehicle storage – 13,600 sqft
 Building C – Self Storage – 16,500 sqft

City Parking Requirements:

Buildings with Combined Office & Warehouse/Storage Use

Truck Transportation; Warehousing and Storage:

1 space for each 1,000 sqft non-office floor area plus 1 space per 300sqft office area

Vehicle Storage (Covered and/or enclosed) – not defined

P&Z regarding Request 2: The Commission feels that the City's calculations for Office/Warehouse are reasonable; apply for the other category via Design Modification Form in the Design Criteria Manual.

Owner: Apply for this category using a Design Modification Form – submit new parking category for review/approval by City Engineer. Justification and examples are required as part of the application. Plan to provide minimum required parking at time of development of each phase.

Community Overlay District (COD)

OWNER REQUEST: We are open to any limit or repeal of the COD from this area.

Section 7.5. - Community overlay district.

1. *General purpose and description.* The community overlay district (COD) is intended to preserve and enhance the physical characteristics of the city along its entryways and in the downtown area by promoting the safety, welfare, convenience, and enjoyment of travel along these roads; providing for unified and orderly development; and promoting and aiding economic growth. The establishment of a COD does not repeal the underlying zoning classification of property to which the COD applies. The requirements of the COD are in addition to the requirements of the underlying zoning district, with the exception of the downtown district. The COD does not apply to the DD. The DD is subject to supplementary regulations and the DD geographic limitations as shown on the official zoning map. The COD includes the following thoroughfares: **FM 2351 from Friendswood City Limit to Friendswood City Limit, FM 518 from the Friendswood City Limit to the Friendswood City Limit, FM 528 from Friendswood City Limit to Friendswood City Limit, Friendswood Lakes Boulevard (also known**

as Brittany Bay) from Friendswood City Limit to Friendswood City Limit, Bay Area Boulevard, from Friendswood City Limit to FM 528.

2. **Boundaries.** The boundary of the COD shall be parallel to the thoroughfare right-of-way to include nonresidential properties within 300 feet from the right-of-way. If any portion of such property is within 300 feet, the entire tract is subject to the COD requirements.
3. **Screening.** The following uses on the site shall be screened to a height sufficient to completely screen the use from view at ground level. For the purposes of this subsection, the term "view from ground level" shall mean the view from public walkways situated in the adjoining rights-of-way or from vehicular traffic in the first two traffic lanes in the bordering streets of the COD.
 - a. All outside storage;
 - b. Industrial activities;
 - c. Off-street loading areas;
 - d. Refuse storage areas, dumpsters, and all related activities; See section 8.L.
 - e. Air conditioning, refrigeration, heating, and other mechanical and electrical equipment;
 - f. Microwave and satellite antennas not otherwise preempted from regulation by applicable law or regulation;
 - g. Detention ponds*; and
 - h. Garage bays fronting on the thoroughfares described in subsection 1 of this section.

An opaque screen composed of berms,** walls, fences, vegetation, or a combination of these materials between the property line and the development shall be used; however, in no case shall any of the above-mentioned activities be closer to the street than the setback line.

*If detention ponds are part of the landscaping plan, screening would not be necessary. Ponds may be located no closer than ten feet from abutting rights-of-way if the pond serves only the subject property.

**Berms used for any type of screening shall be limited to a height of three feet above finished grade at the front property line (not including detention facilities), and shall be landscaped.

4. **Utilities.** All permanent utilities serving the property shall be located underground, at the owner's expense.
5. **Landscaping.** The minimum landscaping requirements for areas within the COD shall be as follows:
 - a. All landscape buffers shall be provided with architectural and/or landscape materials to screen structures, facilities, drive areas, parking areas, etc. Shrubs shall be a minimum height of two feet when planted and shall be placed a maximum of two feet apart. Mature shrubs shall be maintained in a live or living condition to form a continuous hedge with a maximum height of three feet six inches.
 - b. Nothing contained in this subsection 5 shall be deemed to reduce applicable landscaping requirements contained in other sections of this Code, or any ordinance specifically applicable to a development (e.g., specific use permit or planned unit development), but instead to enhance the aesthetics along the city's major thoroughfares by requiring additional or higher percentages of landscaping.
 - c. Parking lots within the COD containing 20 parking spaces or less shall have open landscaped areas that are equal to not less than 15 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 landscaped open space area.

- d. Parking lots within the COD containing greater than 20 parking spaces shall have open landscaped areas equal to 20 percent of the parking area and drives in the parking area. Fifty percent of the required landscaped area must be used as islands. Perimeter landscaping shall have at least one such tree for each 30 (40 lineal feet if not located in the COD) lineal feet or fraction thereof. Each island shall have one such tree planted and maintained thereon.
 - e. If a buffer strip is required (along public rights-of-way, or to separate uses per section 8.I), the buffer shall be a minimum width of 15 feet, and shall contain not less than one tree, whether existing or planted, for each 25 lineal feet or portion thereof. Each such tree shall have a caliper of not less than two inches measured 18 inches above the natural ground level.
 - f. If, at any time, the required vegetation becomes diseased, deteriorated, or dies, the owner of the premises must replace the vegetation within 90 days of written notice from the city.
 - g. The commission may approve an alternate equal or better landscape plan in the COD, after giving due consideration to the intensity of the commercial use, the zoning classification and adjacent land uses.
6. *Architectural elements.* Garage bays or other similar large openings designed for automotive or industrial work, or designed for vehicles to drive into, shall not front a COD thoroughfare unless screened with architectural or landscaping materials as outlined under subsection 3 of this section. This prohibition shall not include drive-throughs such as are typically found at banks or fast-food establishments. In the event that COD requirements overlap at intersections, architectural requirements regarding garage bays shall apply only to the frontage on one street as designated on the site plan.
- a. *Commercial.*
 - (1) Commercial developments are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass on all sides of the building. Fiber cement boards/siding are discouraged, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by V.T.C.A., Government Code ch. 3000. These exterior facades, as well as the roof, shall be limited to earth tone colors. Color samples shall be submitted and approved as a part of the commercial site plan.
 - (2) The design of walls and other structures located on the same site, including those used to screen outdoor storage areas, dumpsters, vehicles, etc., shall are encouraged to be constructed of the same materials as the main building on the lot. Cyclone fences are prohibited, except under limited circumstances, the commission may approve a vinyl coated cyclone fence.
 - b. *Residential.*
 - (1) Residential developments not facing a COD 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.
 - (2) 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.)

P&Z: Willing to consider an ordinance amendment to reduce the COD along FM 2351 to a 150-foot imaginary line (if a tract is deeper than 150 feet, the entire tract would not be subject to the COD requirements; the COD would extend along FM 2351 from Beamer Road to Clear Creek.

Owner: No action required

SCREENING

OWNER REQUEST: We would like to see an 8' tall opaque fence and 10' to 15' mandatory setback not required when you have industrial uses next to commercial uses. Both Eagle/Break Masters are in the CSC Zone which permits their use, however, their use is permitted in Industrial as well. It just doesn't make sense for us to have to screen an industrial use from another industrial use because the underlying zone is different or to screen between different uses in a mixed-use development.

F. *Off-street parking and loading regulations.* It is the intent of this section to ensure that adequate off-street parking and loading is provided with the construction, alteration, remodeling or change of use of any building or change of use of land. Specific guidelines regarding recommended off-street parking spaces and parking lot geometrics shall comply with the requirements of the current Design Criteria Manual.

1. Approval by the Planning and Zoning Commission shall be required of parking area layouts and design of all off-street parking, including shared parking areas, with the recommendation by the city engineer. The city engineer shall render to the Planning and Zoning Commission his recommendation regarding the usability of the proposed parking spaces, and the adequacy of vehicular circulation patterns.
2. The owner and the occupier of any property upon which a business is located shall provide loading and unloading areas of sufficient number and facility to accommodate on such business premises all vehicles that will be reasonably expected to simultaneously deliver or receive materials or merchandise, and of sufficient size to accommodate all types of vehicles that will be reasonably expected to engage in such loading or unloading activities.
3. Any person desiring a building permit for the construction, alteration, or change of use of the land or any business building or structure shall submit a plot plan to the building official designating the number, dimensions and locations of all loading areas and all proposed avenues of ingress and egress to the property from adjacent public thoroughfares. The building official shall not issue such permit if it is determined that the proposed loading and unloading facilities will present a direct or indirect hazard to vehicular or pedestrian traffic.

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.

(4) Add new note that an alternate screening plan for uses interior to a common development can be considered by the Planning and Zoning Commission (i.e. Commons at Timber Creek – CSC and I zoning)

- 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.

P&Z: Willing to consider adding a provision noted above regarding alternate landscaping requirements for the interior of a common development. The Commission feels that exterior screening requirements are valid requirements and not willing to reduce that requirement. The existing businesses along FM 2351 are non-conforming structures meaning that they do not meet the current zoning regulations. If/when those properties re-develop in the future, they will be developed according to regulations in place at the time.

One suggestion is to capitalize on the existing conditions of the properties.

Industrial (I) zoning does not require parking lot islands.

Reducing the COD to 150 feet makes the required landscape buffers for Industry Park 2 10 feet rather than 15 feet.

Owner: Provide 10-ft setback/10ft landscape buffer, 8ft opaque fence and tree every 25 feet adjacent to CSC zoning fronting FM 2351. Can use existing landscape or fencing as part of the "plan."

SETBACKS

OWNER REQUEST: If we are allowed to plat lots as shown in the provided exhibit including the zero lot lines for a building or parking area within the development, we are open to any suggestion that remedies this issue.

REGULATION MATRIX - COMMERCIAL DISTRICTS

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

Zoning District	Lot Area Minimum Square Feet	Lot Width Minimum Feet	Lot Depth Minimum Feet	Yards—Minimum Feet						Height Maximum Feet (b and e)	Landscape Requirements	Exception Notes	Maximum Lot Coverage
				Front	Rear (a)	Side							
						Interior		Exterior					
						When Abutting Property in a Residential District or Garden Home District	When Abutting Property in a Nonresidential District	When Backing Up to an Abutting Side Yard	When Backing Up to an Abutting Rear Yard				
CSC	15,000	100	150	30	15	25	10	25	10	40	Yes		30%
NC	12,000	100	120	30	15 D	25	10	25	10	40	Yes	D, H	30% H
LNC	10,000	100	100	30	15 D	25	10	25	10	40	Yes	D, I	30%; cc
DD	15,000 E	0	0	0	0 G 15 F	15	0	0	0	70 (max. 4 stories)	Yes	E, F, G	60%
OPD	10,000	100	100	30	15	25	10	25	10	40	Yes	H	30%
BP	10,000	100	100	30	25	25	10 J	25	10 J	40	Yes	J	40%
LI	15,000	100	100	30 A	25	25	10	25	10	40	Yes	A	50%
I	20,000	100	100	30 B	25 C	40 C	10	25 C	10 C	40	Yes	B, C	60%

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

3. Area and height exceptions.

- a. Unattached accessory buildings or structures less than 25 feet in height, as measured from the adjacent grade to the highest point of any portion of such building or structure, may be located in required rear or side yards within residential districts, provided they are set back not less than five feet from any interior side lot line, 20 feet from any side lot line adjacent to a side street, and ten feet from any rear lot line.
- b. A building or structure may not exceed 40 feet in height measured from the minimum habitable floor elevation; provided, however, that:
 - 1. Buildings or structures in community shopping center (CSC), neighborhood commercial (NC), office park (OPD), light industrial (LI), industrial (I), and business park (BP) districts may exceed 40 feet in height when:
 - a. The building setback from the nearest property line is equal to the building height. Further, the building or structure shall fit under an imaginary line that is not greater than 45.0 degrees at the property line from a horizontal line established at the minimum habitable floor elevation, provided, however, no building or structure on property adjacent to a residential zone shall have a height that exceeds 50 feet unless a specific use permit shall have been granted therefore in accordance with section 9.G.
 - b. Buildings or structures of 40 feet or less in height shall meet the setback requirements as defined in this appendix.

2. Exceptions. Structures located within a general PUD or PUD-mixed use district shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a general PUD or PUD-mixed use application will be as established in the ordinance authorizing and approving the planned unit development.
 3. The maximum height allowed for structures within the downtown district (DD) is 70 feet, as measured in accordance with the method prescribed in section 20, definitions.
- c. Interior side yards shall not be required for abutting properties in the same zoning district if both properties are developed as a unit under a common development plan.
 - d. When individual attached townhouses or condominiums are to be sold separately, there shall be no minimum lot area requirements, provided that the total land area of the project, including the land on which the units are located and the land held in common ownership by the unit owners, is equal to the total minimum land area required per dwelling unit or lot in the district in which the project is located.
 - e. The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.
 - f. Minimum front yard setbacks for lots with predominant frontage on the curved radius of a cul-de-sac shall be 15 feet.
 - g. Stairs in certain situations. In residential zoning districts that have minimum front yard requirements, uncovered stairways associated with a residential use may project into the required front yard but shall remain a minimum of ten feet from the front property line, if:
 1. A building is being elevated or reconstructed on an existing foundation to meet or exceed current city floodplain standards; and
 2. The stairway projection into the required front yard is limited to the minimum area required to meet elevation standards; and the stairway, at its widest point, shall not exceed ten feet.

P&Z: The requested zero-foot setbacks are interior to the development, which is already allowed, especially if the lots are platted as one large reserve.

Again, protection of adjacent developments is still a priority to the Commission. The only significant setback issues we noted were the 10ft setback/landscape buffer required abutting the CSC zoning fronting FM 2351 and the rear setback abutting Garage Ultimate, which will be a 25ft rear setback. The owner stated in the last City Council meeting that the layout of these buildings is not set in stone, so this adjustment should be accounted for. Another option is to purchase additional land from the adjacent property owner to provide the required rear yard setback.

As with Industry Park 1, the setbacks along the “private drives” will be measured from the middle of the private drive.

Owner: Provide 2 required setbacks noted above.

LIGHTING

OWNER REQUEST: Having the ability to install security lighting for the interior of the development is the main concern.

c. *Lighting and glare.*

- (i) *Prohibited.* It shall be unlawful for any person to cause or permit to be energized on property under his possession or control any lighting, including, but not limited to, spotlights, floodlights or similar illuminating devices which project a glare or brightness, in excess of the standards described below, directly or indirectly upon any lot, tract, or parcel of land, other than that upon which such lighting is situated, which shall annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, within the limits of the city.
- (ii) *Permitted.* All lighting in the city consisting of spotlights, floodlights, or similar illuminating devices shall be installed, hooded, regulated and maintained by the owner or person in control thereof in such a manner that the direct beam of any such light shall be oriented so that it will not glare upon any lot, tract, or parcel of land other than that upon which it is situated and so that it will not cause or permit any illumination from direct or indirect lighting in, on, or over the ground at or beyond the boundary of the lot, parcel, or tract above the following levels:
 - 1. One footcandle where the adjacent development is zoned for nonresidential uses.
 - 2. Twenty-five hundredths (0.25) footcandle where the adjacent development is zoned for residential uses.
- (iii) *Shielding required.* All exterior light sources visible to pedestrian or vehicular off-premises traffic are required to be shielded, except as provided below, so that the light source is not visible to said pedestrian or vehicular traffic. Lights elevated on standards, for example in parking areas, shall be side-shielded on pedestrian or off-premises vehicular travel sides. Lighting mounted on low standards (such as bollard lights) is the preferred method for illuminating smaller parking areas and walkways.
- (iv) *Exceptions.*
 - (1) Unshielded lighting facing pedestrian or off-premises vehicular sides of the property shall be permitted, provided the light source is not in excess of 1,700 lumens.
 - (2) Historical-style or architectural lighting visible to pedestrian or vehicular off-premises traffic shall be permitted, provided that the fixture or fixtures does not cause or permit any illumination in, on, or over the ground at or beyond the boundary of the lot, parcel, or tract above the following levels:
 - a. One footcandle where the adjacent development is zoned for nonresidential uses.
 - b. Twenty-five hundredths (0.25) footcandle where the adjacent development is zoned for residential uses.

(3) Common development plan – max 5fc interior to the development; each phase of the development must meet requirements (any exterior lot lines).
- (v) *Compliance required.* This appendix shall apply for all new facilities upon adoption and publication as required by law. All existing facilities with lighting in place on the date of adoption shall comply with the requirements herein within 24 months after the effective date of the ordinance from which this appendix is derived by installing shielding, redirecting lights, or other steps necessary for compliance. The commission may grant a one-time extension of up to an additional 24 months if the property owner or agent can demonstrate hardship, including undue expense related to the time requirement for facilities replacement. Further, existing publicly owned facilities shall be required to comply with the requirements herein at such time as the facilities undergo renovation to the exterior or where overall renovation exceed 50 percent of the costs of construction of the existing facilities. Welding, new construction and repairs of facilities shall be exempt from these regulations, provided, however, that no requirements will be imposed in derogation of federal or state safety and health regulations.

P&Z: Willing to consider an amendment to the Zoning Ordinance (noted above under exceptions)

Owner: No action required

*Wording for proposed ordinance amendments is not final.

Section 7. Schedule of district regulations.

P. Permitted uses.

1. *Use of land and buildings.* Buildings, structures, land or premises shall be used only in accordance with the uses specifically permitted in the zoning district classification for the site subject to compliance with parking regulations, height and area requirements, special conditions and all other requirements of the zoning ordinance.
2. *Permitted use table.* The permitted uses in each specific zoning district are shown by means of symbols in the permitted use tables on the following pages. The letter "P" in the zoning district column opposite the listed permitted use means the use is permitted as a use of right in that district. The letter "S" in the zoning district column opposite the permitted use means the use is permitted in that zoning district only obtaining a specific use permit as set forth in section 9.G. No primary use shall be permitted in any district unless the letter "P" or the letter "S" appears opposite the listed permitted use. The letter "O" in the zoning district column means that the permitted use is for office functions only. Parking requirements are in section 8.F. The letters "NP" in the PUD-Mixed Use Zoning District column means those uses so specified are not permitted under any circumstance.
3. *Uses not listed.* Primary uses not listed in the permitted use table may be permitted in any district where similar uses are permitted. The function and locational requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in the district, and be similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing characteristics.
4. *Accessory use.* A use which is customarily incidental to that of the primary existing use, which is located on the same lot or premises as the primary existing use, and which has the same zoning district classification shall be permitted as an accessory use without being separately listed as a permitted use.
5. *North America Industry Classification System (NAICS) Codes.* The activity descriptions in the current NAICS Codes prepared by the United States Executive Office of the President, Office of Management and Budget, shall be used to determine the primary establishment uses when reference is made in the tables to a designated standard industrial classification. Every January, community development staff shall determine if the manual has been revised. If the manual has been revised, such revisions and changes will be summarized in a written report and presented to the planning and zoning commission. The commission will make recommendations to council regarding adoption of the revised manual and appropriate changes to the zoning ordinance permitted use table. The commission may recommend that an ad hoc committee review and propose revisions to the permitted use table.
6. *Permitted use table.*

Residential Uses	SFR and SFR-E	MFR-GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
Single-Family Residence	P		P												
Multi-Family Residence—Garden Home		P													
Multiple-Family Residence—Low Density			P	P	P										
Multiple-Family Residence—Medium Density				P	P										
Multiple-Family Residence—High Density					P										

Mobile Home Residence							P												
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	2017 NAICS Industry Descriptions	SFR and SFR-E	MFR-GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
	Sexually oriented businesses (Ch. 62)														S	
11	<i>Agriculture, Forestry, Fishing and Hunting</i>															
111	Crop production							O	O		O	O	P			
1114	Greenhouse, nursery and floriculture production										O	O	P	S	S	O
112	Animal production							O	O		O	O	P			
113	Forestry and logging										O	O	P	S	P	
1133	Logging										O	O	S		S	
114	Fishing, hunting and trapping										O	O	P			
115	Support activities for agriculture and forestry							O	O		O	O	P		O	
21	<i>Mining</i>															
211	Oil and gas extraction										O	O	S	S	S	
212	Mining, except oil and gas										O	O	S	S	S	
213	Support activities for mining										O	O	S	S	S	
22	<i>Utilities</i>															
221	Utilities										O	O		S	P	O
23	<i>Construction</i>															
236	Construction of buildings							O	O		O	O		P	P	P
237	Heavy and civil engineering construction							O	O		O	O		P	P	S
238	Specialty trade contractors							O	O		O	O		P	P	P
31—33	<i>Manufacturing</i>															
311	Food manufacturing							O			O	O		S	S	S
311811	Retail bakeries							P	P			P				
312	Beverage and tobacco product manufacturing							O			O	O		S	S	S
313	Textile mills							O			O	O		S	S	S
314	Textile product mills							O			O	O		S	S	S
315	Apparel manufacturing							O			O	O		S	S	S

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316	Leather and allied product manufacturing							O			O	O		S	P	S
3161	Leather and hide tanning and finishing							O			O	O		O	S	O
321	Wood product manufacturing							O			O	O		S	P	S
322	Paper manufacturing							O			O	O		O	S	O
323	Printing and related support activities							S			O	S		P	P	P
323113	Commercial screen printing							P	S		O	P		P	P	P
324	Petroleum and coal products manufacturing							O			O	O		S	S	S
325	Chemical manufacturing							O			O	O		S	S	S
325412	Pharmaceutical preparation manufacturing							O			O	O		P	P	P
326	Plastics and rubber products manufacturing							O			O	O		S	P	S
3262	Rubber product manufacturing							O			O	O		O	P	O
327	Nonmetallic mineral product manufacturing							O			O	O		O	P	O
331	Primary metal manufacturing							O			O	O		O	S	O
332	Fabricated metal product manufacturing							O			O	O		S	P	S
333	Machinery manufacturing							O			O	O		S	P	S
334	Computer and electronic product manufacturing							O			O	O		P	P	P
335	Electrical equipment, appliance and component manufacturing							O			O	O		P	P	P
33591	Battery manufacturing							O			O	O		O	S	O
336	Transportation equipment manufacturing							O			O	O		S	P	S

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337	Furniture and related products manufacturing							O			O	O		S	P	S
339	Miscellaneous manufacturing							O			O	O		P	P	S
3391	Medical equipment and supplies manufacturing							O			O	O		P	P	P
42	<i>Wholesale Trade</i>															
423	Merchant wholesalers, durable goods							O			O	O		P	P	P
424	Merchant wholesalers, nondurable goods							O			O	O		P	P	P
425	Wholesale electronic markets and agents and brokers							O			O	O		P	P	P
44—45	<i>Retail Trade</i>															
4411	Automobile dealers							O			O	O		P	P	O
4412	Other motor vehicle dealers							O			O	O		P	P	O
4413	Automotive parts, accessories and tire stores							P	S		O	O		P	P	P
442	Furniture and home furnishing stores							P	P		O	P		S	S	P
443	Electronics and appliance stores							P	P		O	P		S	S	P
444	Building material and garden equipment and supplies dealers							P	P		O	P		P	P	P
444190	Other building material dealers							S	S		O	O		S	S	S
445	Food and beverage stores							P	P		O	P		S		S
446	Health and personal care stores							P	P		O	P		P		P
447	Gasoline stations							P	P		O			P	P	
447190	Other gasoline stations										O	O		S	S	
448	Clothing and clothing accessory stores							P	P		O	P				P
451	Sporting goods, hobby, book and music stores							P	P		O	P				P

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452	General merchandise stores							P	P		O	P		P	P	P
453	Miscellaneous store retailers							P	P		O	P		P	P	P
4533	Used merchandise stores							P	P			P		P	P	P
45393	Manufactured (mobile) home dealers										O	O			S	
45399	All other miscellaneous store retailers							P	P			P		P	P	P
454	Nonstore retailers							S	S		O	S		S	S	S
48—49	<i>Transportation and Warehousing</i>															
481	Air transportation										O	O		O	O	O
482	Rail transportation										O	O		S	P	S
483	Water transportation										O	O		O	S	O
484	Truck transportation										O	O		P	P	S
485	Transit and ground passenger transportation							S	S		O	S		S	S	S
486	Pipeline transportation	S	S	S	S	S	S	S	S		S	S	S	S	S	S
487	Scenic and sightseeing transportation							S			O	P				P
488	Support activities for transportation							S	S		O	O		S	P	P
48841	Motor vehicle towing										O	O		S	P	O
491	Postal service							P	P		O	P		P	P	P
492	Couriers and messengers							P	P		O	P		P	P	P
493	Warehousing and storage										O	S		P	P	P
51	<i>Information</i>															
511	Publishing industries							P			O	P		P	P	P
512	Motion picture and sound recording industries							S			O	S		S	S	S
515	Broadcasting (except internet)							S	S		O	O		P	P	P
517	Telecommunications							S	S		O	S		P	P	P
517911	Telecommunication resellers							P	P		O	P		P	P	P

518	Data processing, hosting and related services							S	S		O	S		S	P	P
519	Other information services							S	S		O	S		S	P	P
52	<i>Finance and Insurance</i>															
521	Monetary authorities—Central bank							P	P		P	P		P		P
522	Credit intermediation and related activities							P	P		P	P		P		P
522298	All other nondepository credit intermediation(i.e., pawn shops)							S			O	S		S	P	P
523	Securities, commodity contracts, and other financial investments and related activities							P	P		P	P		P		P
524	Insurance carriers and related activities							P	P		P	P		P	P	P
525	Funds, trusts, and other financial vehicles							P	P		P	P		P		P
53	<i>Real Estate and Rental and Leasing</i>															
531	Real estate							P	P		P	P		P	P	P
53113	Lessors of miniwarehouses and self-storage units							O	O		O	O		O	P	P
532	Rental and leasing services							P	S		O	S		P	P	P
53212	Truck, utility trailer and RV rental							O	O		O	O		O	P	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)							P	P		P	P		P	P	P
54	<i>Professional, Scientific and Technical Services</i>															
541	Professional, scientific and technical services							P	P		P	P		P	P	P
54138	Testing laboratories							S			O	S		S	P	P
55	<i>Management of Companies and Enterprises</i>															

551	Management of companies and enterprises							P	P		P	P		P	P	P
56	<i>Administration/Support Waste Management/Remediation Services</i>															
561	Administrative and support services							P	P		O	P		P	P	P
561730	Landscaping services							S			O	O		S	P	S
56179	Other services to buildings and dwellings							S			O	O		S	P	P
562	Waste management and remediation services										O	O		S	P	S
61	<i>Educational Services</i>															
6111	Elementary and secondary schools	S	S	S	S	S	S	S	S		O	S	S	S	S	S
6112	Junior colleges							S			O	S	S	S	S	S
6113	Colleges, universities and professional schools							S			O	S	S	S	S	S
6114	Business schools and computer and management training							S			O	S	S	S	S	S
6115	Technical and trade schools							S			O	S	S	S	S	S
6116	Other school and instruction							P	P		P	P	S	P	P	
62	<i>Health Care and Social Assistance</i>															
621	Ambulatory health care services							P	P		P	P				P
622	Hospitals							P			O	S		P		P
6231	Nursing care facilities—Skilled nursing facilities							S	S		O	S				
6232	Residential, intellectual and development disability, mental health, and substance abuse facilities	S1	S1													
623311	Continuing care retirement communities (with on-site nursing)	S1	S1					S	S		O	S				
623312	Assisted living facilities for the	S1	S1					S	S		O	S				

	elderly (without on-site nursing)															
624	Social assistance							S			O	S				S
6244	Child day care services (childcare centers)							P	P		O	P				
6244	Child day care services (registered and/or licensed childcare home)	P	P													
71	<i>Arts, Entertainment and Recreation</i>															
7111	Performing arts							P			O	P				P
7112	Spectator sports							S			O	O				P
7113	Promoters of performing arts, sports and similar events							P			O	P				P
712	Museums, historical sites and similar institutions	S	S	S	S	S	S	P	S		O	P	S	S	S	S
7131	Amusement parks and arcades											S		S	P	
7132	Gambling industries															
7139	Other amusement and recreation industries											S		S	P	
713940	Fitness and recreational sports centers							P	S			P		P	P	
72	<i>Accommodation and Food Services</i>															
7211	Traveler accommodation							S			O	S		S	S	S
7212	RV (recreational vehicle) parks and recreational camps										O			S	S	
7213	Roominghouses and boardinghouses							S			O	S		S	S	S
7223	Special food services							P	P		O	P		P		P
7224	Drinking places (more than 75% sales of alcoholic beverages)							S				S		S		S
7225	Restaurants and other eating places							P	P		O	P		P		P
81	<i>Other Services (Except Public Administration)</i>															
8111	Automotive repair and maintenance							P	S		O	S		S	P	

81112	Automotive body, paint, interior and glass repair							S	S		O	S		S	P	
8112	Electronic and precision equipment repair and maintenance							S			O	O		S	P	P
8113	Commercial and industrial machinery and equipment (except automotive and electronic repair and maintenance)							S			O	O		S	P	P
8114	Personal and household goods repair and maintenance							S			O	O		S	P	P
8121	Personal care services							P	P		P	P		P		P
8122	Death care services							S	S		O	S		S		S
8123	Dry cleaning and laundry services							P	P		P	P		P		P
8129	Other personal services							P	P		P	P		P		P
8131	Religious organizations	S	S	S	S	S	S	S	S		O	S	S			
8132	Grantmaking and giving services							O	O		O	O		O		O
8133	Social advocacy organizations							O	O		O	O		O	P	O
8134	Civic and social organizations							O	O		O	O		O	P	O
8139	Business, professional, labor, political, and similar organizations							O	O		O	O		O		O
814	Private households	P	P	P	P	P	P					P (a)	P			
92	<i>Public Administration</i>															
921	Executive, legislative, and other general government support							P			O	P		P		P
922	Justice, public order and safety activities							P			O	P		P		P
92214	Correctional institutions														S	

923	Administration of human resource programs							P			O	P		P		P
924	Administration of environment quality programs							P			O	P		P		P
925	Administration of housing programs, urban planning, and community development							P			O	P		P		P
926	Administration of economic programs							P			O	P		P		P
927	Space research and technology							P			O	P		P		P
928	National security and international affairs							P			O	P		P		P

(a) Second floor and above.

(b) Legend:

1. P: Permitted.
2. S: Special use permit required.
3. O: Office use only.
4. Blank: Not permitted.
5. S1: Site plan approval required; these facilities shall be subject to the following additional supplemental requirements at the time the first permit, certificate of occupancy, or zoning compliance request is submitted:
 - a. A site plan shall be submitted showing the layout of the proposed site, including present and proposed structures, driveways, parking areas, loading and delivery areas, trash collection areas, or other improvements. A site plan submitted under this subsection shall be subject to review and recommendation to the city council by the planning and zoning commission and approval by the city council.
 - b. An elevation shall be submitted that shows the exterior of the structure and any and all proposed changes to any existing building, yard, or other improvements. A personal care facility shall maintain its residential appearance. In no case will parking lots or spaces be authorized in a front yard, nor may loading and delivery areas, trash collection areas, or recreation areas be located in the front yard or so as to be visible from the street of any personal care facility.
 - c. A copy of the state license authorizing the individual proposing the use to open and operate such a facility, or, if the license has not been granted, a copy of the application submitted to the state department of licensing and regulation for such a license, along with a list of the remaining approvals or requirements to

be met in order to obtain such a license. Within 60 days of receipt of such license, and in any case, prior to the issuance by the city of a certificate of occupancy for the facility, a copy of such state license shall be provided to the city's building official.

- d. No personal care facility shall be allowed to open or operate until a license has been issued by the appropriate state regulatory agency. Any facility opening or operating without a valid state license or city approved site plan shall be subject to immediate closure by the city and all remedies and penalties available under state law.
 - e. All applications filed with the city must indicate what type (A, B, or C) of facility is planned for operation under the licensing standards for personal care facilities, published by the state department of human services, so staff may evaluate the plans under the appropriate code requirements.
 - f. Compliance with all applicable city and state codes, ordinances and regulations shall be required prior to issuance of a certificate of occupancy for the operation of a personal care facility. In case of a conflict between city and state regulations, the more stringent shall control.
- (c) Notwithstanding the permitted uses depicted in this table, which are intended to address uses not otherwise regulated or restricted by federal, state, or related law for protected specific uses, it is the intention of the city to fully comply with all such legal requirements. Any applicant who is relying upon any such specific rules or regulations not otherwise addressed in this table shall provide the relevant provisions to the city for review.
- (d) *Swimming pool.* Exception for private recreation facilities under subsection (e) of this section.
- 1. If located in any residential zoning district, the pool shall be intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests.
 - 2. A swimming pool shall be deemed an accessory structure under the terms of this appendix, and shall, except as otherwise specifically provided herein, be subject to all requirements and restrictions hereunder. A swimming pool may be erected within a required rear yard, provided it is set back no closer than five feet from any rear lot line, but shall not be erected within any required front or side yard. Swimming pool pump, filter, and heating equipment may be located within a required side or rear yard, but not nearer than five feet from any side or rear property line.
- (e) *Private recreation facility.* Private recreation facilities in residential districts for multifamily developments, subdivisions, or homeowners' associations shall be restricted to use by the occupants of the residence and their guests, or by members of a club or homeowners' association and their guests, and shall be limited to such uses as swimming pools, open game fields, basketball, shuffleboard, racquetball, croquet, and tennis courts, and meeting or locker rooms. Private recreation facilities shall not be located within 25 feet of any street right-of-way or within ten feet of any abutting property line. Activity areas shall be fenced and screened from abutting properties. Dispensing of food and beverages shall be permitted on the premises only for the benefit of users of the recreation facility and not for the general public. Off-street parking shall be required on the basis of one space for each 4,000 square feet of area devoted to recreational use with a minimum of four spaces and a maximum of 20 spaces.
- (f) *Auto repair garage.* Automobile repairing, painting, upholstering and body and fender work shall be performed only under the following conditions:

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1. All body and fender repairing shall be done within a completely enclosed building or room with stationary windows that may be opened only at intervals necessary for ingress and egress.
 2. No spray painting may be done except in a spray booth especially designed for that purpose.
 3. All other auto repairing, etc., shall be conducted within a building enclosed on at least three sides.
 4. All vehicles awaiting body repair and/or paint, not currently being worked on within the required building, shall be stored behind and completely screened by an eight-foot opaque fence. The fence must be placed as to not block visibility of traffic and allow required ingress and egress. In addition, the fence must comply with fence requirements as noted in section 8.B.
 5. Repaired vehicles, or those waiting to be repaired, cannot occupy recommended parking places.
- (g) *Temporary batching facility.* Before a specific use permit may be granted for a temporary batching facility, the city council shall find that such batching plant, yard, or building is both incidental to and necessary for construction within two miles of the plant. A specific use permit may be granted for a period of not more than 180 days, and approval shall not be granted for the same location for not more than four specific use permits during any 30-month period. Within 30 days following the termination of any batching plant, the permittee shall cause the site to be returned to its original condition.
- (h) *Junkyards.* No property located within the corporate limits of the city shall be used and no building shall be erected for or converted to be used as an auto wrecking yard, junkyard, salvage storage, scrap metal storage yard or wrecking material yard, except in the I, industrial district.
- (i) *Dry cleaning facilities.* Dry cleaning establishments shall be subject to the following additional supplemental requirements at the time of submittal for site plan approval, certificate of occupancy, first permit or zoning compliance request. Compliance with all applicable city, state and federal codes, ordinances and regulations shall be required prior to the issuance of a certificate of occupancy. In the case of a conflict between city, state and federal regulations, the more stringent shall control. Reports and copies of all documentation listed below must be provided to the city on a quarterly basis.
1. The facility may process only the clothing dropped off by customers at that location.
 2. All employees shall be certified by the equipment manufacturer before operating or maintaining the equipment at that site.
 3. The facility shall be registered with the EPA and TNRCC as a small industrial generator of hazardous waste, if required by state or federal regulations, or the owner shall provide proof that it is exempt from such registration.
 4. The facility shall have a sampling port installed on its property to allow compliance sampling by city, state, or federal agencies, of sewer effluent.
 5. Perchloroethylene waste storage shall be limited to no more than 90 days on-site.
 6. Perchloroethylene waste removal shall be handled by a third-party transporter and removed to a RCRA permitted treatment storage and disposal facility.
 7. No perchloroethylene shall be stored on-site other than in the dry cleaning machine system.

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- (j) *Single tenant or occupant retail uses occupying 50,000 gross square feet or more.* The following requirements shall be in addition to the requirements of any applicable zoning district or overlay district. The following regulations also apply if any interior portion of the 50,000 gross square feet of the building envelope is subleased to another tenant or occupant not affiliated with the primary tenant or occupant:
1. Provide a noise mitigation plan to verify compliance with the city's current maximum permissible sound levels located in article IV, chapter 54 of the Code of Ordinances;
 2. Front building facades and facades fronting private or public streets with facades greater than 200 feet in length shall incorporate wall plane projections or recesses that are at least six feet deep. Projections and/or recesses must be at least 25 percent of the length of the facade. Uninterrupted lengths of facade may not exceed 100 feet in length;
 3. Buildings shall be architecturally finished on all four sides with the same architectural elements as required in subsection P.6.(j)4 of this section except the rear of the building, provided that a double row of trees is planted along the property line behind the building. In this case, the architectural finish must match the remainder of the building in color and facade material only. A double row of trees shall include trees planted on offset 50-foot centers in a 15-foot landscape buffer, where 50 percent of the trees are canopy evergreen trees; and
 4. Buildings that are 50,000 square feet or more in size must include a minimum of six of the following architectural elements. Buildings that are 100,000 square feet or more in size must include a minimum of eight of the following architectural elements or other architectural features approved by the planning and zoning commission:
 - a. Canopies, awnings or porticos.
 - b. Overhangs.
 - c. Arches.
 - d. Arcades (a series of adjoining arches).
 - e. Peaked roof forms.
 - f. Outdoor patios.
 - g. Display windows.
 - h. Architectural work, such as tile work and moldings integrated into the building facade.
 - i. Articulated ground floor levels or base.
 - j. Articulated cornice lines.
 - k. Integrated planters or wing walls that incorporate landscape and sitting areas.
 - l. Offsets, reveals, or projecting ribs used to express architectural or structural bays.
 - m. Accent materials (minimum 15 percent of exterior facade).
 - n. Varied roof heights.
 - o. Other architectural features approved by the planning and zoning commission.

Section 7.5. Community overlay district.

1. *General purpose and description.* The community overlay district (COD) is intended to preserve and enhance the physical characteristics of the city along its entryways and in the downtown area by promoting the safety, welfare, convenience, and enjoyment of travel along these roads; providing for unified and orderly development; and promoting and aiding economic growth. The establishment of a COD does not repeal the underlying zoning classification of property to which the COD applies. The requirements of the COD are in addition to the requirements of the underlying zoning district, with the exception of the downtown district. The COD does not apply to the DD. The DD is subject to supplementary regulations and the DD geographic limitations as shown on the official zoning map. The COD includes the following thoroughfares: FM 2351 from Friendswood City Limit to Friendswood City Limit, FM 518 from the Friendswood City Limit to the Friendswood City Limit, FM 528 from Friendswood City Limit to Friendswood City Limit, Friendswood Lakes Boulevard (also known as Brittany Bay) from Friendswood City Limit to Friendswood City Limit, Bay Area Boulevard, from Friendswood City Limit to FM 528.
2. *Boundaries.* The boundary of the COD shall be parallel to the thoroughfare right-of-way to include nonresidential properties within 300 feet from the right-of-way. If any portion of such property is within 300 feet, the entire tract is subject to the COD requirements.
 - a. Exception: The COD boundary shall be limited to a depth of 150 feet abutting FM 2351 from Beamer Road to Clear Creek.
3. *Screening.* The following uses on the site shall be screened to a height sufficient to completely screen the use from view at ground level. For the purposes of this subsection, the term "view from ground level" shall mean the view from public walkways situated in the adjoining rights-of-way or from vehicular traffic in the first two traffic lanes in the bordering streets of the COD.
 - a. All outside storage;
 - b. Industrial activities;
 - c. Off-street loading areas;
 - d. Refuse storage areas, dumpsters, and all related activities; See section 8.L.
 - e. Air conditioning, refrigeration, heating, and other mechanical and electrical equipment;
 - f. Microwave and satellite antennas not otherwise preempted from regulation by applicable law or regulation;
 - g. Detention ponds*; and
 - h. Garage bays fronting on the thoroughfares described in subsection 1 of this section.

An opaque screen composed of berms,** walls, fences, vegetation, or a combination of these materials between the property line and the development shall be used; however, in no case shall any of the above-mentioned activities be closer to the street than the setback line.

*If detention ponds are part of the landscaping plan, screening would not be necessary. Ponds may be located no closer than ten feet from abutting rights-of-way if the pond serves only the subject property.

**Berms used for any type of screening shall be limited to a height of three feet above finished grade at the front property line (not including detention facilities), and shall be landscaped.
4. *Utilities.* All permanent utilities serving the property shall be located underground, at the owner's expense.
5. *Landscaping.* The minimum landscaping requirements for areas within the COD shall be as follows:

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- a. All landscape buffers shall be provided with architectural and/or landscape materials to screen structures, facilities, drive areas, parking areas, etc. Shrubs shall be a minimum height of two feet when planted and shall be placed a maximum of two feet apart. Mature shrubs shall be maintained in a live or living condition to form a continuous hedge with a maximum height of three feet six inches.
 - b. Nothing contained in this subsection 5 shall be deemed to reduce applicable landscaping requirements contained in other sections of this Code, or any ordinance specifically applicable to a development (e.g., specific use permit or planned unit development), but instead to enhance the aesthetics along the city's major thoroughfares by requiring additional or higher percentages of landscaping.
 - c. Parking lots within the COD containing 20 parking spaces or less shall have open landscaped areas that are equal to not less than 15 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 landscaped open space area.
 - d. Parking lots within the COD containing greater than 20 parking spaces shall have open landscaped areas equal to 20 percent of the parking area and drives in the parking area. Fifty percent of the required landscaped area must be used as islands. Perimeter landscaping shall have at least one such tree for each 30 (40 lineal feet if not located in the COD) lineal feet or fraction thereof. Each island shall have one such tree planted and maintained thereon.
 - e. If a buffer strip is required (along public rights-of-way, or to separate uses per section 8.I), the buffer shall be a minimum width of 15 feet, and shall contain not less than one tree, whether existing or planted, for each 25 lineal feet or portion thereof. Each such tree shall have a caliper of not less than two inches measured 18 inches above the natural ground level.
 - f. If, at any time, the required vegetation becomes diseased, deteriorated, or dies, the owner of the premises must replace the vegetation within 90 days of written notice from the city.
 - g. The commission may approve an alternate equal or better landscape plan in the COD, after giving due consideration to the intensity of the commercial use, the zoning classification and adjacent land uses.
6. *Architectural elements.* Garage bays or other similar large openings designed for automotive or industrial work, or designed for vehicles to drive into, shall not front a COD thoroughfare unless screened with architectural or landscaping materials as outlined under subsection 3 of this section. This prohibition shall not include drive-throughs such as are typically found at banks or fast-food establishments. In the event that COD requirements overlap at intersections, architectural requirements regarding garage bays shall apply only to the frontage on one street as designated on the site plan.
- a. *Commercial.*
 - (1) Commercial developments are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass on all sides of the building. Fiber cement boards/siding are discouraged, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last three code cycles (2018, 2015 and 2012) are allowed by V.T.C.A., Government Code ch. 3000. These exterior facades, as well as the roof, shall be limited to earth tone colors. Color samples shall be submitted and approved as a part of the commercial site plan.
 - (2) The design of walls and other structures located on the same site, including those used to screen outdoor storage areas, dumpsters, vehicles, etc., shall be encouraged to be constructed of the same materials as the main building on the lot. Cyclone fences are prohibited, except under limited circumstances, the commission may approve a vinyl coated cyclone fence.
 - b. *Residential.*

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- (1) Residential developments not facing a COD 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.
 - (2) 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.)

(Ord. No. 99-37, § 1, 10-18-1999; Ord. No. 2000-25, §§ 2—5, 8-24-2000; Ord. No. 2004-07, § 1, 8-16-2004; Ord. No. 2006-15, §§ 2, 3, 7-24-2006; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2008-38, § 1, 11-3-2008; Ord. No. 2010-37, § 1, 1-10-2011; Ord. No. 2013-10, § 2, 5-6-2013; Ord. No. 2019-06, § 2, 3-4-2019; Ord. No. 2020-04, § 3, 2-3-2020)

Section 8. Supplementary district regulations.

- A. *Visibility at intersections in residential districts.* On a corner lot in any residential district, hedges and vegetation shall not be planted or allowed to grow in such a manner to materially impede vision between a height of 2½ feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines on such corner lots and a line joining points along said street lines 25 feet from the point of the intersection.
- B. *Fences and walls.* Except as provided below, fences and walls are permitted in or along the edge of any required yard. However, no fence or wall shall be constructed on any exterior side yard so as to constitute a hazardous visual obstruction to traffic in any direction, and the same must conform to subsection A of this section. Additionally, fences and walls may only be constructed in front yards on lots adjacent to FM 528, FM 2351, and FM 518 north of FM 2351 and south of FM 528 or on lots greater than two acres, provided that no hazardous visual obstruction is created. On residential lots, decorative, transparent fences may be constructed in front yards on lots greater than two acres or that have a minimum lot width of 150 feet at the street. Chain-link and barbed wire fences are prohibited in the front yards in residential districts. Additionally, all fences must be installed with the finished side facing outward. Exception: any size lot may construct a fence when all adjoining lots facing the same right-of-way or private street have existing compliant fences in the front yard.
- C. *Accessory buildings.* Except as specifically permitted by this appendix, no accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet of any other buildings.
- D. *Erection of more than one principal structure on a lot.* In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard, street frontage, and other requirements of this appendix shall be met for each structure as though it were on an individual lot.
- E. *Structures to have access.* Every building hereafter erected shall be on a lot adjacent to a public street, an approved private street, or provide written documentation for shared access agreements, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, shared parking and/or off-street parking.
- F. *Off-street parking and loading regulations.* It is the intent of this section to ensure that adequate off-street parking and loading is provided with the construction, alteration, remodeling or change of use of any building or change of use of land. Specific guidelines regarding recommended off-street parking spaces and parking lot geometrics shall comply with the requirements of the current Design Criteria Manual.
1. Approval by the Planning and Zoning Commission shall be required of parking area layouts and design of all off-street parking, including shared parking areas, with the recommendation by the city engineer. The city engineer shall render to the Planning and Zoning Commission his recommendation regarding the usability of the proposed parking spaces, and the adequacy of vehicular circulation patterns.
 2. The owner and the occupier of any property upon which a business is located shall provide loading and unloading areas of sufficient number and facility to accommodate on such business premises all vehicles that will be reasonably expected to simultaneously deliver or receive materials or merchandise, and of sufficient size to accommodate all types of vehicles that will be reasonably expected to engage in such loading or unloading activities.
 3. Any person desiring a building permit for the construction, alteration, or change of use of the land or any business building or structure shall submit a plot plan to the building official designating the number, dimensions and locations of all loading areas and all proposed avenues of ingress and egress to the property from adjacent public thoroughfares. The building official shall not issue such permit if it

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is determined that the proposed loading and unloading facilities will present a direct or indirect hazard to vehicular or pedestrian traffic.

G. *Reserved.*

H. *Reserved.*

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.

(4) The commission may consider alternate screening plans for uses interior to a common development.

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- 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.

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- (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

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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.

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- (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.

J. *Performance standards.*

1. *Compliance required.* Except as otherwise provided herein, no land, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or dangerous element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises. Permitted uses as set forth in this appendix shall be undertaken and maintained only if they conform to the regulations of the section.
2. *Performance standard regulations.* The following standards shall apply in the various zoning districts as indicated:

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- a. *Exterior noise.* Noise standards shall apply to all property owners within the city and shall be in accordance with chapter 54, Offenses and Miscellaneous Provisions, article IV, Noise, of the Code of Ordinances.
 - b. *Vibration.* No vibration from any use within any zoning district shall be permitted which is perceptible without instruments at any residential property line within any residential zoning district.
 - c. *Lighting and glare.*
 - (i) *Prohibited.* It shall be unlawful for any person to cause or permit to be energized on property under his possession or control any lighting, including, but not limited to, spotlights, floodlights or similar illuminating devices which project a glare or brightness, in excess of the standards described below, directly or indirectly upon any lot, tract, or parcel of land, other than that upon which such lighting is situated, which shall annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, within the limits of the city.
 - (ii) *Permitted.* All lighting in the city consisting of spotlights, floodlights, or similar illuminating devices shall be installed, hooded, regulated and maintained by the owner or person in control thereof in such a manner that the direct beam of any such light shall be oriented so that it will not glare upon any lot, tract, or parcel of land other than that upon which it is situated and so that it will not cause or permit any illumination from direct or indirect lighting in, on, or over the ground at or beyond the boundary of the lot, parcel, or tract above the following levels:
 - 1. One footcandle where the adjacent development is zoned for nonresidential uses.
 - 2. Twenty-five hundredths (0.25) footcandle where the adjacent development is zoned for residential uses.
 - (iii) *Shielding required.* All exterior light sources visible to pedestrian or vehicular off-premises traffic are required to be shielded, except as provided below, so that the light source is not visible to said pedestrian or vehicular traffic. Lights elevated on standards, for example in parking areas, shall be side-shielded on pedestrian or off-premises vehicular travel sides. Lighting mounted on low standards (such as bollard lights) is the preferred method for illuminating smaller parking areas and walkways.
 - (iv) *Exceptions.*
 - (1) Unshielded lighting facing pedestrian or off-premises vehicular sides of the property shall be permitted, provided the light source is not in excess of 1,700 lumens.
 - (2) Historical-style or architectural lighting visible to pedestrian or vehicular off-premises traffic shall be permitted, provided that the fixture or fixtures does not cause or permit any illumination in, on, or over the ground at or beyond the boundary of the lot, parcel, or tract above the following levels:
 - a. One footcandle where the adjacent development is zoned for nonresidential uses.
 - b. Twenty-five hundredths (0.25) footcandle where the adjacent development is zoned for residential uses.

(3) Common developments. The maximum footcandle allowed at an interior lot line shall not exceed five footcandles. Each phase of development must comply with lighting requirements applicable to exterior lot lines.

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(v) *Compliance required.* This appendix shall apply for all new facilities upon adoption and publication as required by law. All existing facilities with lighting in place on the date of adoption shall comply with the requirements herein within 24 months after the effective date of the ordinance from which this appendix is derived by installing shielding, redirecting lights, or other steps necessary for compliance. The commission may grant a one-time extension of up to an additional 24 months if the property owner or agent can demonstrate hardship, including undue expense related to the time requirement for facilities replacement. Further, existing publicly owned facilities shall be required to comply with the requirements herein at such time as the facilities undergo renovation to the exterior or where overall renovation exceed 50 percent of the costs of construction of the existing facilities. Welding, new construction and repairs of facilities shall be exempt from these regulations, provided, however, that no requirements will be imposed in derogation of federal or state safety and health regulations.

d. *Particulate air contaminants.* No emissions, dust, fumes, vapors, gases, or other forms of air pollution shall be permitted in violation of the rules and regulations of the state air control board and the environmental protection agency.

3. *Exceptions from performance standards.* The owner or operator of any building, structure, operation or use which violates any performance standard may file an application for a variance from the provisions thereof wherein the applicant shall set forth all actions taken to comply with said provisions and the reasons why immediate compliance cannot be achieved. The board of adjustment may grant exceptions with respect to time of compliance, subject to such terms, conditions and requirements as it may deem reasonable to achieve maximum feasible compliance with the provisions of this section. In its determinations, the board of adjustment shall consider the following:

- a. The magnitude of the nuisance caused by the violation.
- b. The uses of property within the area of impingement by the violation.
- c. The time factors related to study, design, financing and construction of remedial work.
- d. The economic factors relating to age and useful life of the equipment.
- e. The general public interest, welfare and safety.

K. *Sign regulations.* The sign regulations are printed in Appendix A to this Code.

L. *Screening for dumpsters and recycling storage containers.*

1. *Dumpsters and recycling collection areas.*

- a. Dumpsters and recycling collection areas shall be located to minimize their visibility from public streets.
- b. Dumpsters and recycling receptacles shall be screened to a height sufficient to screen the refuse from public view.
- c. Dumpsters and recycling collection enclosures shall contain permanent walls on three sides with the service opening not directly abutting a public sidewalk. The fourth side shall incorporate enclosure doors.

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- d. The opening for removal of the dumpster or recycling receptacle for collection is a minimum of 12 feet to allow for proper access when it is serviced. For every dumpster added, an additional ten feet in width is required.

M. *Commercial activities and outdoor sales.*

1. *Commercial activities.*

- (a) *Permanent structure required.* Except as herein provided, every business within the city must be operated out of a permanent, stationary, site-built building.
- (b) *Temporary construction structures.* Temporary buildings and building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the building official for a period not exceeding the period of construction. Upon completion or abandonment of construction, such field offices and buildings shall be removed at the owner's expense. Such uses shall be located on a platted lot, and may not be placed on-site until improvements are accepted by the council, or in the case of developed sites where improvements exist, until a permit is issued.
- (c) *Temporary sales structures.* Temporary buildings for temporary sales offices, and temporary off-street parking areas, may be permitted in conjunction with new home sales. Such uses shall be located on a platted lot, may not be placed on-site until improvements are accepted by the council, or in the case of developed sites where improvements exist, until a permit is issued. Such structures and parking areas shall be removed when the subdivision is sold out. One temporary sales office is permitted per builder in a subdivision.
- (d) *Businesses creating nuisance.* Any business operating within a temporary structure as authorized above that constitutes a public nuisance to the surrounding neighbors or endangers public health, safety or welfare shall be cited for nuisance violations under this Code and shall be required to cease operations as directed by the building official, or other designee.
- (e) *Portable buildings or structures.* Portable buildings or structures, including, but not limited to, cargo boxes or tractor-trailers, are not permitted for use as commercial or business operations, provided, however, that such may be used as accessory structures for storage for a main business. The number and location of such structures are subject to a site plan review and approval by the city community development department. Mobile homes or RVs are not permitted to be used as accessory buildings.
- (f) *Restroom facilities.* Every business within the city must provide permanent restroom facilities on-site available for use by the customers of that particular business. These facilities may be located within the same building as the business, or may be provided in an adjacent business with evidence of a perpetual agreement for such with the owner of the adjacent business. Restroom facilities shall be in compliance with all applicable state, county and city building and health code provisions, including restroom facilities for handicapped individuals, for the size and type of business to be conducted at that location.
- (g) *Exceptions.* In the event of a natural disaster (e.g., flood, hurricane), or other catastrophic loss (e.g., fire), the city council may suspend the application of this appendix for such period of time as may be determined to be necessary for reconstruction of permanent structures.

- 2. *Outdoor sales.* For the purposes of this section, outdoor sales are defined as the display outside of a permanent structure, for the purpose of purchase by consumers, whether immediately or by placing of orders, of any merchandise, services, products, or goods irrespective of whether payment for such is made outdoors or in a permanent structure. Outdoor sales for commercial or business purposes shall be allowed only under the following conditions and procedures:

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- (a) *Permit required.* No person shall conduct outdoor sales either in the open or under a tent or other temporary cover for commercial or business purposes within the city limits without first obtaining a permit under this section.
 - (b) *Application for permit.* Any person desiring to conduct outdoor sales shall apply to the building office for a permit. The application shall state the name of the person conducting the activity; the proposed location; the name of the owner of the property where the sales are to be located; the nature of the intended activity; and the proposed dates of use; and other pertinent information on the form. Proof of insurance for the activity, in a minimum amount of coverage as determined by city council, or required by law, and a copy of the activity's sales tax certificate shall also be submitted prior to issuance of a permit. A site plan shall also be submitted to city staff containing all information required by the zoning ordinance for administrative review. The city reserves the right to require additional information or verifications, such as health permits, depending upon the type of business and regulatory oversight by other entities.
 - (c) *Fee.* The building department shall charge and collect a fee before issuance of a permit, in an amount set by the city council. If the activity ceases, closes, or is terminated for any reason prior to the expiration of the permit, there shall be no refund of the above fee.
 - (d) *Zoning compliance required.* Outdoor sales will be allowed for commercial or business purposes only at locations which are properly zoned for the nature of commercial or business activity to be conducted at that location. Further, all outdoor sales activities must comply with the setback requirements, parking requirements and other standards in city ordinances.
 - (e) *Number of permits.* There shall not be more than three permits issued to a person or business, or for a location, within a calendar year, nor shall permits be allowed to run consecutively during two, 12-month periods. Permits shall be issued a minimum of 30 days apart.
 - (f) *Hours of operation.* A permit for outdoor sales shall be for a period not to exceed 15 consecutive calendar days. The commercial or business activity shall be allowed to conduct business no earlier than 9:00 a.m., and must close activities no later than 10:00 p.m. or until dark (official sundown), whichever comes first, unless the applicant shows adequate lighting on the site plan or it is an outdoor sales activity related to the primary business activity on the site and adequate lighting is provided on-site. The permittee must remove all items, tents and materials used for the conduct of the outdoor sales from the location not later than 5:00 p.m. of the day after the final date of the permit. However, any such permit issued for an activity commencing on the Friday, Saturday or Sunday immediately preceding Thanksgiving shall be effective from that date until 12:00 midnight, December 25 that year, and all materials shall be removed by 5:00 p.m., December 26.
 - (g) *Compliance with all codes.* All tents or other coverings and materials used for commercial and business purposes must otherwise comply with all applicable fire, safety and other codes in effect during the dates of the permitted activity.
 - (h) *Posting.* A copy of the permit shall be conspicuously posted at or upon the entrance to the outdoor sales activity at all hours during the approved dates of the activity.
 - (i) *Operating without a permit; false information.* Any person or entity conducting outdoor sales for commercial or business purposes without complying with this section, or who gives false, misleading or incomplete information on an application, shall within one day of notice of violation obtain the required permit for a fee in an amount which shall be triple the normal fee, or immediately cease and desist from all activity covered by this article, and remove the outdoor sales activity from the premises before midnight of that day.

(j) *Existing outdoor sales.* Any person conducting outdoor sales as defined above, on the effective date of the ordinance from which this appendix is derived, must either apply for and receive a permit, or cease the use and remove the activity no later than 5:00 p.m. on the seventh calendar day after the effective date of the ordinance from which this section is derived.

(k) *Farmers markets.*

- i. For the purposes of this section, farmers markets are defined as an organized entity/operation, certified by the state department of agriculture, that allows a group of food growers/manufacturers to market and sell their farm produce and products in a specific location. The products would include herbs and spices in their natural or dried state, vegetables, fruits, nuts, berries, grains, honey, watermelons and other melons, and cantaloupes in their natural state as well as farm produce, shelled peas or legumes, yard eggs and packaged foods processed or manufactured by a vendor in a licensed food establishment and packaged and labeled according to law.
- ii. No resale or craft items are allowed to be sold at farmers markets.
- iii. These markets must comply with subsections m.2(a) through (d) and (g) through (i) of this section, as well as the following.
- iv. In addition to the application and supporting documents listed in subsection (b) of this section, the applicant must also provide:
 - 1) Security agreement with peace officers;
 - 2) Traffic control plan;
 - 3) County health district vendor's permit;
 - 4) Janitorial/clean up service agreement and/or plan.
- v. Hours of operation. Farmers markets may be permitted for one weekend a month (Saturday and Sunday only) for up to six months, from 8:00 a.m. to 6:00 p.m. At the close of the market on Sunday, all market items must be removed from the site, including display tables, tents, equipment, etc.

3. *Exemptions.*

- (a) *Charitable or nonprofit events.* The conducting of outdoor sales or commercial activity by a governmental entity, public utility, or tax exempt not-for-profit organization formed for education, philanthropic, scientific or religious purposes, where any proceeds and profits are designed to be contributed to such entity conducting the activity, or where the activity occurs on property owned by a governmental entity. However, such entities and organizations shall comply with all other ordinances and laws applicable to their activity, and no such activities shall be allowed on the public rights-of-way.
- (b) *Outdoor displays of merchandise.* Outdoor displays of merchandise by retail businesses shall be allowed if the display involves items for sale by a commercial retailer located within a permanent structure. Such displays may not cover more than half of the width of the pedestrian walkway between the storefront and the curb, unless other accommodations for pedestrian travel satisfactory to the building official are made. A permit shall be required for the placement of outdoor sales activities or items within any parking lot, and a permit shall not be granted if the proposed area eliminates required parking areas, provided, however, that special events shall be exempt from this latter provision, where emergency access and parking is approved by the building official in advance of the event. For the purposes of this section, "special event" is defined as a temporary outdoor use on private property that extends beyond the normal uses

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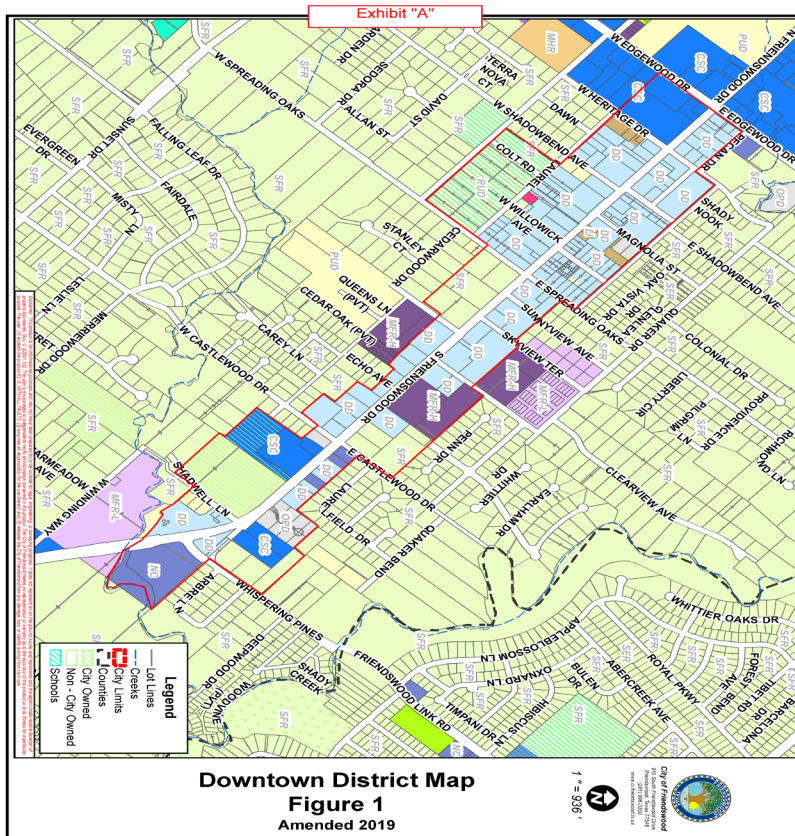
(Supp. No. 3)

and standards allowed by the zoning ordinance of the city and which runs not longer than four days. Special event includes, but are not limited to, art shows, sidewalk sales, pumpkin and holiday sales, festivals, craft shows and church bazaars.

- (c) *Suspension in the event of disaster or loss.* In the event of a natural disaster (e.g., flood, hurricane), or other catastrophic loss (e.g., fire), the city council may suspend the application of this appendix for such period of time as may be determined to be necessary for reconstruction of permanent structures.

N. *Downtown District supplemental requirements.* These supplemental requirements shall apply only to new developments within the Downtown District or where a structure in the district has lost its nonconformity. A new development shall be defined as any new project built on a raw or otherwise vacant tract or tracts of land, not associated with an existing structure. A structure shall be deemed to have lost its nonconformity as determined by Zoning Ordinance Section 6.

- 1. *Geographic limits.* The geographic limits of the Downtown District are as shown on the Downtown District map (Figure 1). All properties within these geographic limits may rezone to Downtown District (DD). Those properties outside the geographic limits may not rezone to Downtown District (DD).



2. *General purpose and description.* The downtown district (DD) is intended to create a mixed use environment based on traditional neighborhood and smart growth standards. It is designed for physical flexibility with zero setbacks and allows for the redevelopment of small, existing tracts. The encouragement of a pedestrian friendly environment is established by allowing shared parking and on-street parking, as well as sidewalks and street furnishing.

3. *Parking.* To promote pedestrian friendly environments, shared parking and shared parking access is encouraged. Parking spaces and parking lot geometrics shall comply with the requirements of the current Design Criteria Manual.

4. *Architectural standards.*
5. *Screening.*
6. *Sidewalks.*
7. *Parkways and landscaping.*

a. The 15-foot parkway required along FM 2351 and FM 518, which runs parallel and adjacent to each street's back of curb, includes a seven-foot landscape area. This area shall be reserved for amenities, such as street furniture, lighting and landscaping, and may include grass, brick pavers or other decorative material as approved by the Planning and Zoning Commission.

8. *Adjacent property, buffer maintenance and installation.*

9. *Utilities.* All permanent utilities serving the property shall be located underground, at the owner's expense.

(Ord. No. 86-10, § 1, 8-18-1986; Ord. No. 96-6, § 1, 5-20-1996; Ord. No. 97-14, §§ 1—11, 11-3-1997; Ord. No. 98-1, §§ 6, 7, 4-20-1998; Ord. No. 98-14, § 4, 8-17-1998; Ord. No. 99-6, §§ 8—12, 1-18-1999; Ord. No. 99-1, § 1, 1-18-1999; Ord. No. 2000-24, §§ 2—4, 8-7-2000; Ord. No. 2000-21, § 1, 9-11-2000; Ord. No. 2000-33, § 1, 10-16-2000; Ord. No. 2001-22, § 3, 10-15-2001; Ord. No. 2001-23, § 1, 11-19-2001; Ord. No. 2004-11, § 4, 8-2-2004; Ord. No. 2004-12, § 4, 8-2-2004; Ord. No. 2005-09, § 1, 2-21-2005; Ord. No. 2005-19, §§ 1—10, 9-12-2005; Ord. No. 2006-11, § 1, 6-26-2006; Ord. No. 2006-16, § 1, 7-24-2006; Ord. No. 2006-17, § 1, 8-7-2006; Ord. No. 2006-23, § 1, 10-16-2006; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2008-06, §§ 4, 5, 2-18-2008; Ord. No. 2008-08, § 1, 4-21-2008; ; Ord. No. 2008-08, § 1, 5-19-2008; Ord. No. 2008-12, § 1, 6-2-2008; Ord. No. 2008-29, § 2, 11-3-2008; Ord. No. 2009-10, § 2, 6-15-2009; Ord. No. 2009-19, § 1, 9-14-2009; Ord. No. 2010-39, § 1, 1-10-2011; Ord. No. 2010-42, § 1, 1-10-2011; Ord. No. 2011-12, § 1, 4-18-2011; Ord. No. 2011-35, § 3, 12-5-2011; Ord. No. 2012-32, § 2, 12-3-2012; Ord. No. 2013-11, § 2, 5-6-2013; Ord. No. 2013-36, § 2, 11-4-2013; Ord. No. 2014-19, § 2, 8-4-2014; Ord. No. 2015-07, § 2, 3-2-2015; Ord. No. 2017-23, § 2, 9-11-2017; Ord. No. 2019-05, §§ 2, 3, 3-4-2019; Ord. No. 2019-16, § 2, 6-3-2019; Ord. No. 2019-17, §§ 2, 3, 6-3-2019; Ord. No. 2019-18, § 3, 6-3-2019; Ord. No. 2019-19, §§ 2—4, 6-3-2019; Ord. No. 2020-04, § 4, 2-3-2020)

Section 20. Definitions.

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

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

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

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

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

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

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

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

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

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

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

Common development means a development consisting of two or more interrelated business establishments using common driveways and onsite parking facilities, including, but not limited to, shopping centers, office complexes, office buildings, and business parks.

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

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

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

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

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

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

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

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

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

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

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

Height.

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

which is otherwise proposed to raise the finished first floor elevation for any other purpose, shall not be considered to be finished grade for the purpose of measuring building height.

- c. For buildings located in the floodplain, height is measured from the top of the first finished floor which shall be two feet above the average base flood elevation at the site, as established by the latest available flood elevation maps for the city.

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

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

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

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

Lot measurements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2020 P&Z Liaison Schedule

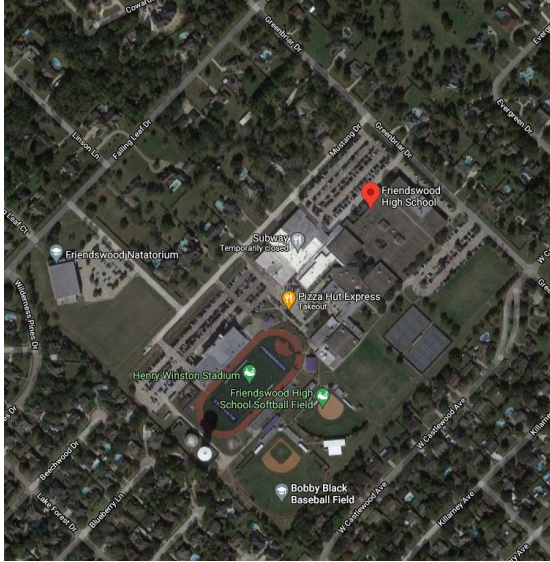
City Council 1st Monday - monthly - at 4:30pm City Hall Contact: Melinda Welsh Commissioner: Joe Matranga
Galveston County Consolidated Drainage District (GCCDD) 2nd & 4th Tuesdays at 8am 1605 Whitaker Dr. Contact: Joseph Anderson Commissioner: Dick Clark/Richard Sasson
Construction Board Of Adjustment (CBOA) as needed Council Chambers at City Hall Contact: Brian Rouane Commissioner: Brett Banfield
Zoning Board Of Adjustment (ZBOA) 4th Tuesday as needed at 7pm Council Chambers at City Hall Contact: Brian Rouane/ Becky Bennett Commissioner: Thomas Hinckley
Keep Friendswood Beautiful (KFB) 4th Tuesday monthly at 6:30pm 2nd Floor Conference Room at City Hall Contact: Kim Ramirez Commissioner: Lisa Lundquist
Friendswood Downtown Economic Development Corporation (FDEDC) 2nd Tuesday monthly at 4pm Friendswood Library Contact: Karen Capps Commissioner: Marc Perry

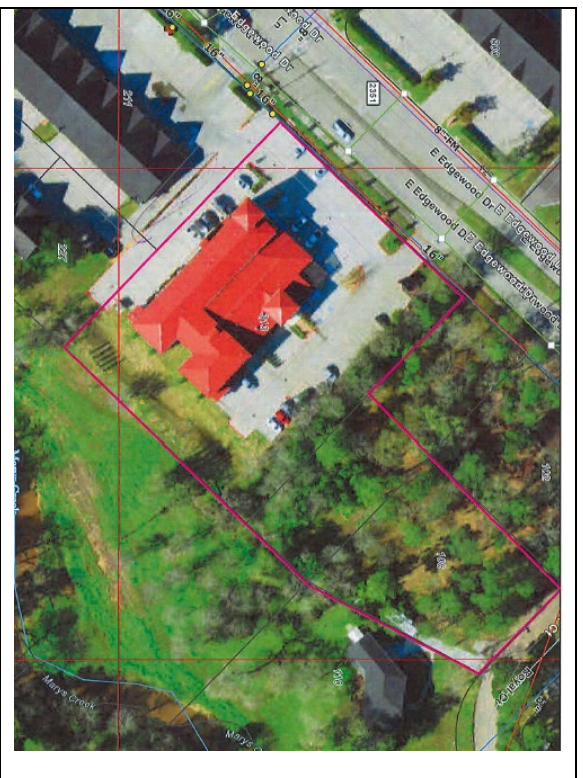
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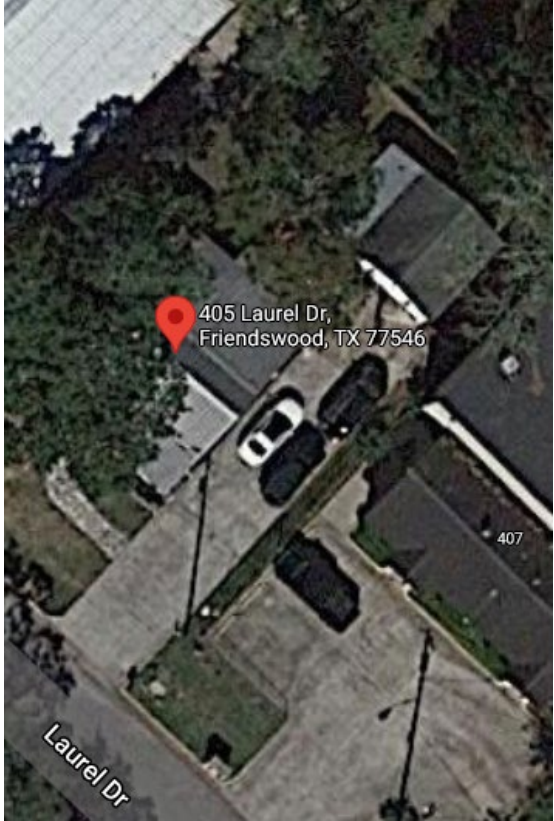
To: Planning & Zoning Commission
 From: Aubrey Harbin, Director of Community Development/Planner
 Date: July 2, 2021
 Re: DRC Report

The following DRC Meetings were held in June 2021.

Project	Current Zoning	Zone Change Required? Y/N	Issues discussed	Location
Lundy Lane 13.9 acres for a single family home and subdivide into additional residential lots	SFR	No	Preliminary and final plats required; an existing SUP for pipeline is located within the property – pipeline setbacks apply for habitable structures; water and street access (with approved fire truck turn around) required to be extended to serve newly created lots; city sewer service is not available – septic systems are permitted through Galveston County Health District; on-site detention required; setbacks from canal required per GCCDD	

Friendswood ISD High School Expansion	SFR	Yes – SUP	Follow up discussions: FHS expansion – adding arena, performing arts, parking, relocating athletic fields Campus drains to two different watersheds – may petition GCCDD to purchase regional detention, which will require a master drainage plan. Recommend using a combination of on-site and regional detention. Can obtain credit for existing impervious cover. New drainage criteria adopted by City and GCCDD. Vacating easements requires application to the City as well as authorization from dry utility companies. May need exception to height for fly loft on performing arts center.	
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313 E Edgewood Dr. Bergamos Spa & Retreat Add retail, kitchen, casitas, hotel/rental area, common gathering area Owner acquired additional property.	PUD	Yes – amend PUD	PUD amendment required (same as zone change process); replat required to incorporate additional land into plat; landscaping and screening required adjacent to residential zoning; COD requirements apply; additional parking required in accordance with DCM; changes in progress regarding tree mitigation/preservation; water and sewer are existing – need to evaluate for possible need to upgrade in size; submittals to GCCDD required; property contains AE and Floodway flood zones; new buildings will include fire sprinklers	
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405 Laurel Expand floral shop – building addition of about 720 sqft	DD	No	Eligible for Certificate of Platting Exemption; Site plan approval required as well as compliance with DD regulations; retail parking = 4 spaces per 1,000 sqft; water and sewer are existing; 6-ft concrete sidewalk required; preliminary and final drainage plans required to be submitted to GCCDD; no high hazard flood zones;	
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