



**PLANNING AND ZONING COMMISSION, REGULAR MEETING
THURSDAY, AUGUST 22, 2024 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL
910 S. FRIENDSWOOD DR, FRIENDSWOOD, TX 77546**

AGENDA

1. CALL TO ORDER

2. COMMUNICATIONS FROM THE PUBLIC

In order 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 to 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 approval of the minutes for the Planning and Zoning Commission Regular Meeting held Thursday, August 8, 2024.

4. ACTION ITEMS

- A. Consider a recommendation to the City Council regarding proposed amendments to Appendix C "Zoning," Section 3 "Provision for official zoning map" and Section 9 "Administration and enforcement – Building permits and certificates of zoning compliance," Subsection G "Specific Use Permits," Paragraph 7 "Time Limit" of Friendswood City Code to (i) amend the process of maintaining the official zoning map and (ii) to amend the time limit criteria for Specific Use Permits.

5. COMMUNICATIONS

- A. Announcement of the next Planning and Zoning Commission regular meetings for (i) Thursday, September 12, 2024, and (ii) Thursday, September 26, 2024.
- B. Receive Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

6. ADJOURNMENT

PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.090 TO DISCUSS ANY MATTERS LISTED ABOVE.

THE CITY OF FRIENDSWOOD IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. PLEASE CONTACT THE CITY SECRETARY'S OFFICE BY PHONE AT (281) 996-3270, FAX (281) 482-1634, OR CONTACT (281) 996-3270 VIA RELAY TEXAS AT 711 OR 1-800-735-2988 FOR TYY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM).



Approved for posting by:
Aubrey Harbin, LEED AP
Director of Community Development/City Planning



Posted by: Leticia Brysch, City Secretary
Posted in compliance with the Texas Open Meetings Act
this 19th day of August 2024, at 5:00 P.M.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: August 22, 2024

Subject: Consider approval of the minutes for the Planning and Zoning Commission Regular Meeting held Thursday, August 8, 2024.

Action:

SUMMARY / ORIGINATING CAUSE

This item allows the Commission to review and approve of the minutes for the Planning and Zoning Commission Regular Meeting held Thursday, August 8, 2024. The draft minutes are attached for review.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. PZ Commission Minutes 8-08-2024



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, AUGUST 8, 2024 - 6:00 PM**

Minutes

**MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT 910 S. FRIENDSWOOD
DR, FRIENDSWOOD, TX 77546, COUNCIL CHAMBERS, CITY HALL**

DRAFT

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
AUGUST 8, 2024

1. CALL TO ORDER

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, AUGUST 8, 2024, AT 06:00 PM **910 S. FRIENDSWOOD DR, FRIENDSWOOD, TX 77546**

CHAIRMAN TOM HINCKLEY
VICE-CHAIRMAN RICHARD SASSON
COMMISSIONER TRAVIS MANN
COMMISSIONER MARCUS RIVES
COMMISSIONER BRIAN BOUNDS
COMMISSIONER MARSHA CONRAD
COMMISSIONER WILLIE C ANDERSON
COUNCIL LIAISON TRISH HANKS
CITY ATTORNEY KAREN HORNER
DIRECTOR OF CDD/PLANNER AUBREY HARBIN
ASSISTANT PLANNER BECKY BENNETT

2. COMMUNICATIONS FROM THE PUBLIC

In order 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 to be placed on a later regular Commission agenda for discussion and/or possible action.

No comments.

3. **CONSENT AGENDA**

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

**Commissioner Marsha Conrad moved to approve the consent agenda. Seconded by Commissioner Marcus Rives. The motion was approved unanimously.

- A. Consider approval of the minutes for the Planning and Zoning Commission Regular Meeting held Thursday, July 10, 2024.
- B. Consider approval of the Goodwin Estates Final Plat, which is approximately 2.25 acres located along the north right-of-way of S Friendswood Drive between Manison Parkway and West Boulevard.

4. **ACTION ITEMS**

A. **ZONING ORDINANCE AMENDMENT: REPLACEMENT OF OFFICIAL ZONING MAP**

- i Conduct a public hearing regarding the replacement of the official zoning map per Appendix C "Zoning," Section 3 "Provision for Official Zoning Map" of the Friendswood City Code reflecting zone changes and corrections since the last adopted map dated February 3, 2020.

Bennett explained the proposed official zoning map incorporates zone change amendments since the last official zoning map was adopted in 2020.

Chris Johnson/36 Wilderness Trail said there is a red hatched area on his property. Harbin answered the red hatched areas represent Specific Use Permits; most likely an old SUP for an oil well or pipeline. Commissioner Rives said the SUP on Mr. Johnson's property is from 1985.

- ii Consider a recommendation to the City Council regarding the replacement of the official zoning map per Appendix C "Zoning," Section 3 "Provision for Official Zoning Map" of the Friendswood City Code reflecting zone changes and corrections since the last adopted map dated February 3, 2020.

**Commissioner Marcus Rives moved to approve a recommendation to the City Council regarding the replacement of the official zoning map per Appendix C "Zoning," Section 3 "Provision for Official Zoning Map" of the Friendswood City Code reflecting zone changes and corrections since the last adopted map dated February 3, 2020. Seconded by Commissioner Brian Bounds. The motion was approved unanimously.

Bennett said this proposed map is a picture of previously approved ordinances. Commissioners Mann and Hinckley commented it is nice to have an updated version to use for reference.

B. **ZONING ORDINANCE AMENDMENT: SECTION 3 AND SECTION 9.G.7**

- i Conduct a public hearing regarding the proposed amendments to Appendix C "Zoning," Section 3 "Provision for official zoning map" and Section 9 "Administration and enforcement – Building permits and certificates of zoning compliance," Subsection G "Specific Use Permits," Paragraph 7 "Time Limit" of the Friendswood City Code to amend the process of maintaining the official zoning map and to amend the time limit criteria for Specific Use Permits.

Bennett explained the proposed changes to Section 3 are in an effort to remove redundant and unnecessary steps regarding the official zoning map. She said the change proposed to Section 9 is to allow for the removal of unused Specific Use Permits. Bennett gave an example of the SUP allowing a convalescent home at the corner of Quaker and Heritage. She said the facility flooded during Hurricane Harvey and has since been demolished; the land has been subdivided, and new homes are being constructed. The proposed ordinance change would allow for the removal of that SUP from the official zoning map.

Chris Johnson/36 Wilderness Trail spoke against the changes to Section 3. He said having the official zoning map located in the community development department is not good. He was concerned the map would not be an accurate depiction of the ordinances.

- ii Consider a recommendation to the City Council regarding the proposed amendments to Appendix C "Zoning," Section 3 "Provision for official zoning map" and Section 9 "Administration and enforcement – Building permits and certificates of zoning compliance," Subsection G "Specific Use Permits," Paragraph 7 "Time Limit" of Friendswood City Code to amend the process of maintaining the official zoning map and to amend the time limit criteria for Specific Use Permits.

Commissioner Rives made a motion to approve and seconded by Commissioner Sasson.

City Attorney Horner responded to Mr. Johnson's comments said the official map would be located in the community development department but also be available online. She said the ordinance clarifies that regardless of the number of copies, the official version would be located in the community development department. Harbin added that staff maintains the spreadsheet of zone changes between printings of the official zoning map.

Commissioner Rives suggested adding a reference to the map being online or verbiage to set a timeline for updating GIS. The commissioners discussed how the public accesses maps and how timely the information is.

Commissioner Rives moved to postpone the decision until the next commission meeting on August 22nd. Seconded by Commissioner Bounds. The motion passed unanimously.

5. COMMUNICATIONS

- A. Announcement of the next Planning and Zoning Commission regular meetings for (i) Thursday, August 22, 2024, and (ii) Thursday, September 12, 2024.
- B. Receive the July 2024 DRC Report, Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

Councilperson Hanks reported that council approved the Planned Unit Development for The Belmont at their last meeting. She said council also passed an ordinance to increase the tree trimming height above rights-of-way for maintenance. She said the council's budget and tax rate discussions have been going well and will continue next month.

Harbin further explained that the tree trimming ordinance increased the clear height above sidewalks to 10-feet and above roads to 15-feet. She said this allows for school buses and garbage trucks to drive unimpeded. Harbin mentioned that city council have given their permission for staff to apply for a General Land Office grant in the amount of \$300,000.

6. ADJOURNMENT

This meeting was adjourned at 06:48 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: August 22, 2024

Subject: Consider a recommendation to the City Council regarding proposed amendments to Appendix C "Zoning," Section 3 "Provision for official zoning map" and Section 9 "Administration and enforcement – Building permits and certificates of zoning compliance," Subsection G "Specific Use Permits," Paragraph 7 "Time Limit" of Friendswood City Code to (i) amend the process of maintaining the official zoning map and (ii) to amend the time limit criteria for Specific Use Permits.

Action:

SUMMARY / ORIGINATING CAUSE

Section 3 Amendments

Proposed amendments to this section will provide for the continued maintenance of an official zoning map to track zoning districts assigned to properties and removes the antiquated process of requiring the official zoning map to be adopted by council and attested by the mayor. Each individual zone change ordinance is attested, so the official zoning map does not need to be adopted and attested by the mayor. It also allows for the official map to be maintained in the community development department.

Section 9 Amendments

Proposed amendments to this section are regarding expiration of Specific Use Permits. It adds expiration criteria for phased developments. It also states that a SUP that is discontinued for one year expires, so that it can be removed from the official zoning map. The provision that allows an owner to request an extension applies to all expiration terms.

Since the last meeting, the amendments were changed to further define that the official zoning map is a paper map that will be maintained in the Community Development Department. Ordinance changes approved by City Council will be documented within 15 days of approval. A paragraph regarding digital mapping was also added to clarify that digital mapping is an additional tool and may contain more current zoning information, but it is not the official zoning map.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

The proposed changes are in compliance with state law and will modernize the processes for maintaining the official zoning map.

RECOMMENDATIONS

The Ordinance Subcommittee and staff have vetted the changes and recommend approving the amendments.

ATTACHMENTS

1. Zoning Ord Amendments Sec 3 Redline REVISED 08132024
2. Zoning Ord Amendments Sec 3 Clean REVISED 08132024
3. Zoning Ord Amendments Section 9 Black Line
4. Zoning Ord Amendments Sec 9 Clean Version

Section 3. Provision for official zoning map.

A. Official zoning map.

- (1) ~~The first official zoning map of the City of Friendswood was adopted April 13, 1970, and is systematically updated in accordance with this section to incorporate all amendments thereto approved by city council.~~
- (2) The boundaries of the zoning districts of the city are ~~adopted by ordinance and~~ shown graphically on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this appendix.
- (3) ~~The director shall maintain records identifying all amendments to the official zoning map, including the associated ordinance numbers. Such records shall be updated promptly and, in any event, no more than fifteen (15) days following city council approval of an amendment.~~
- (4) ~~Regardless of the existence of purported copies of the official zoning map which may be made or published from time to time, the official zoning map shall be located in the office of the community development department; and it along with the record of the amendments shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.~~
- (25) This official zoning map shall be identified by the signature of the ~~mayor, attested by the city secretary~~ director and ~~the effective date bearing the seal of the city~~ under the following words:

"This is to certify that this is the official zoning map referred to in Section 3 of ~~Ordinance No. 84-15~~, the City of Friendswood Zoning Ordinance";

~~Together with the date of the adoption of the ordinance from which this appendix is derived.~~
- (3) ~~If, in accordance with the provisions of this appendix and chapter 283, Acts of the 40th Legislature, Regular Session, 1927, as amended, changes are made in zoning district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council, with an entry on the official zoning map as follows:

"On (date), by official action of the city council, the following changes were made in the official zoning map: (brief description of nature of changes)";

Which entry shall be signed by the mayor and attested by the city secretary. No amendment to this appendix which involves matters portrayed on the official zoning map shall become effective until after such change and entry have been made on said map.~~
- (4) ~~No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this appendix. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this appendix. Regardless of the existence of purported copies of the official zoning map which may be made or published from time to time, the official zoning map shall be located in the office of the city secretary and it shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.~~

B. ~~Replacement of official zoning map.~~

- (46) In the event the official zoning map becomes ~~damaged, destroyed, lost, or~~ difficult to interpret because of the nature or number of changes or additions, the ~~city council~~ director may ~~by ordinance adopt~~ incorporate those changes or additions into a new official zoning map, ~~in compliance with Section 3.A.3.~~ which shall supersede the prior official zoning map. ~~The new official zoning map shall be identified by the signature of the mayor attested by the city secretary, and bearing the seal of the city under the following words:~~

Commented [bb1]: The subcommittee suggested specifying what triggers the 15 days.

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"This is to certify that this Official Zoning Map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of Ordinance No. 84-15, the City of Friendswood Zoning Ordinance."

(2) ~~Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.~~

B. Digital Mapping. Digital maps may be used in the administration and enforcement of this code. Digital mapping will not replace the official map but may represent the most accurate and up-to-date information in between printings.

Section 3. Provision for official zoning map.

A. *Official zoning map.*

- (1) The first official zoning map of the City of Friendswood was adopted April 13, 1970, and is systematically updated in accordance with this section to incorporate all amendments thereto approved by city council.
- (2) The boundaries of the zoning districts of the city are adopted by ordinance and shown graphically on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this appendix.
- (3) The director shall maintain records identifying all amendments to the official zoning map, including the associated ordinance numbers. Such records shall be updated promptly and, in any event, no more than fifteen (15) days following city council approval of an amendment.
- (4) Regardless of the existence of purported copies of the official zoning map which may be made or published from time to time, the official zoning map shall be located in the office of the community development department; and it along with the record of the amendments shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.
- (5) This official zoning map shall be identified by the signature of the director and the effective date under the following words:
"This is to certify that this is the official zoning map referred to in Section 3 of the City of Friendswood Zoning Ordinance".
- (6) In the event the official zoning map becomes difficult to interpret because of the nature or number of changes or additions, the director may incorporate those changes or additions into a new official zoning map, in compliance with Section 3.A.3., which shall supersede the prior official zoning map.

B. *Digital Mapping.* Digital maps may be used in the administration and enforcement of this code. Digital mapping will not replace the official map but may represent the most accurate and up-to-date information in between printings.

Section 9. Administration and enforcement—Building permits and certificates of zoning compliance.

- A. *Administration and enforcement.* An administrative official designated by the city manager shall administer and enforce this appendix. He may be provided with the assistance of such other persons as the city council may direct. If the administrative official shall find that any of the provisions of this appendix are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, and structures; removal of illegal buildings or structures or illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this appendix to ensure compliance with or to prevent violation of its provisions.
- B. *Building permits required.* No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the building official. No building permit shall be issued by the building official except in conformity with the provisions of this appendix, unless he receives a written order from the board of adjustment in the form of an administrative review, or variance as provided by this appendix.
- C. *Application for building permit.* All applications for building permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of the buildings already existing, if any; and the location and dimensions of the proposed building or structure or alteration thereof. The application shall include such other information as lawfully may be required by the building official, including, but not limited to, existing or proposed building or alteration, existing or proposed uses of the building and land; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this appendix. The application shall be accompanied with a site plan that should provide the following information:
- (1) Boundaries of the area covered by the site plan;
 - (2) Location of each existing and proposed building and structure in the area;
 - (3) The location of existing drainage ways; and significant natural features;
 - (4) Proposed landscaping and screening buffers;
 - (5) The location and dimensions of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside storage facilities;
 - (6) The location, height and type of each wall, fence and all other types of screening;
 - (7) The location, height and size of all proposed signs.
- One copy of the plans shall be returned to the applicant by the building official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the building official.
- D. *Certificate of zoning compliance for new, altered or nonconforming uses.*
- (1) It shall be unlawful to use or occupy or permit the use of or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the building official stating that the proposed use of the building or land conforms to the requirements of this appendix.

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- (2) No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been issued by the building official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this appendix, provided that upon adoption or amendment of the ordinance from which this appendix is derived, owners or occupants of nonconforming uses or structures shall have three months in which to apply for certificates of zoning compliance.
- E. *Expiration of building permit.* If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the building official; and written notice thereof shall be given to the person to whom the permit was issued. Further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. However, if work has not begun within 90 days of the issuance of said permit, or if there has not been substantial completion of the work within one year from the date of issuance of said permit, the building official may, at his option, extend the expiration dates of said permits.
- F. *Construction and use to be as provided in applications, plans, permits and certificates of zoning compliance.* Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the building official authorize only the use, arrangement, and the construction set forth in such approved plans and applications, and no other use, arrangement or construction.
- G. *Specific use permits.*
1. *Purpose.* This section provides the city council the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual nuisance characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgment relative to the location and site plan of the proposed use are required.
 2. *Permit required.* A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use only as a specific use unless a specific use permit has first been issued in accordance with the provisions of this section.
 3. *Application procedure.* An application for a specific use permit shall be filed with the planning and zoning commission. The application shall be accompanied by plans that, along with the application, will become a part of the specific use permit, if approved. The accompanying plans shall include the following:
 - a. *Site plan.*
 1. Data describing all processes and activities involved with the proposed use;
 2. Boundaries of the area covered by the site plan, identifying the zoning of the subject property and the adjacent properties;
 3. The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roofline, gross floor area and location of building entrances and exits;
 4. The location of existing drainageways, and significant natural features;
 5. The location and dimensions of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, outside trash storage facilities; and
 6. The location, height and size of all proposed signs.
 - b. *Landscape plan.*

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1. Proposed landscaping and screening buffers; and
 2. The location, height and type of each wall, fence, and all other types of screening.
 - c. *Photometric plan.* The plan shall show lighting calculations in footcandles along the property line.
 - d. *Building elevations.*
 1. Identifying building facade materials;
 2. Overall building height;
 3. Colored elevations, if applicable; and
 4. Building fenestration calculations, if applicable.
 - e. *Tree survey and mitigation plan.*
 - f. *Utility and drainage plans.* Verification of all information contained in the site plan shall be required to be certified by an engineer and/or surveyor, as applicable, as a condition for the granting of any specific use permit. There are two options available for obtaining approval for the utility and drainage plans:
 1. Submit utility and drainage plans with the SUP application; or
 2. Submit utility and drainage plans with the building permit application once the SUP/site plan is approved. Changes in the site plan due to unforeseen obstacles in the installation of the utilities and drainage may require approval of a site plan amendment by the planning and zoning commission. The planning and zoning commission may recommend approval of variations from the original site plan that do not increase the density or result in any increase in external impact on adjacent properties or neighborhoods. Other changes will be required to comply with the SUP amendment process per subsection G.9 of this section ("Amendments").
 4. *Public hearings.* The notification and public hearing process for a specific use permit or revocation thereof is set forth in section 15.
 5. *Conditions for approval.* A specific use permit shall be issued only if all of the following conditions have been found:
 - a. That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;
 - b. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
 - c. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
 - d. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
 - e. The adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
 - f. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
 - g. That there are sufficient landscaping and screening to ensure harmony and compatibility with adjacent property; and

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- h. That the proposed use is in accordance with the comprehensive plan.
6. *Additional conditions.* In authorizing a specific use permit, the city council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.
7. *Time limit.*
- a. Expiration.** A specific use permit issued under this section shall expire:
- (1) Two years after its date of issuance if construction or use authorized thereunder is not substantially under way prior to the expiration of said two-year period; provided, however, if, prior to the expiration of such two-year period, the owner of property to which a specific use permit applies requests, in writing, an extension thereof, the city council, after recommendation from the planning and zoning commission, may approve such extension for not more than two additional years. However, where the development is based on a long-term, multi-phased master plan, each phase of the specific use permit shall be severable and shall be subject to the two-year expiration period, which shall expire as follows: issued under this section shall have no expiration date. Further, any substantive change to the master plan shall require an amendment to the specific use permit.**
- (a) for the initial phase, two years after its date of issuance and**
- (b) for subsequent phases, two years after the date construction is commenced for each applicable phase; provided construction commences prior to the expiration of the previous phase; or**
- (2) One year following the discontinuation of the use for which the specific use permit was approved.**
- b. Extension.** **If, prior to the expiration of the expiration of the specific use permit, the owner of property to which a specific use permit applies requests, in writing, an extension thereof, the city council, after recommendation from the planning and zoning commission, may approve such extension for not more than two additional years.**
8. *Revocation.* A specific use permit may be revoked or modified, after notice and hearing, for either of the following reasons:
- a. The specific use permit was obtained or extended by fraud or deception; or
- b. That one or more of the conditions imposed by the permit has not been met or has been violated.
9. *Amendments.* The procedure for amendment of a specific use permit shall be the same as for a new application, provided, however, that the city manager may approve minor variations from the original permit which do not increase density, change traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods.
10. *Processing fee.* A processing fee as set forth in section 14 shall be required for the processing of each specific use permit request.
- H. *Site plan process.*
1. *Purpose.* The purpose of the site plan is to ensure compliance with this appendix and to assist in the orderly and harmonious development of the city, to protect and enhance the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions or alterations thereto without proper attention to site planning and preserving the intent of this appendix.
2. *Site plans required.* Site plans shall be required for:

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- a. All proposed development on land zoned neighborhood commercial (NC), community shopping center (CSC), downtown district (DD), local neighborhood commercial (LNC), office park development (OPD), light industrial (LI), industrial (I), agricultural (A-1), or business park (BP) or multiple-family residential low-density (MFR-L), multiple-family residential medium-density (MFR-M), and multiple-family residential high-density (MFR-H); and
 - b. Where a specific use permit is required by subsection 7.P, permitted use table, and this subsection G; and
 - c. A planned unit development (PUD), in accordance with the procedures set forth in section 7.J.
 3. *Content.* The content of site plans are described above in subsection G.3 of this section.
 4. *Staff review.* An applicant for development that requires a site plan shall first consult with staff regarding the ordinance requirements and proposed development plan. An applicant shall consult with staff until all significant issues surrounding the proposed site plan and development are resolved, prior to proceeding to the commission.
 5. *Commission action.* An applicant may submit a site plan for consideration by the commission at any time after staff review is completed. After the proposed site plan is first considered by the commission, the commission shall render a decision thereon within 30 days. Any corrections, changes, or conditions required to ensure the plan complies with all existing ordinances that are imposed by the commission shall be provided to the applicant, in writing, and shall become a part of the approved site plan which, if not met, may be cause for enforcement action or invalidation of the site plan. Approval will expire one year after the approval of the site plans by the commission. Upon expiration of that time, the applicant must resubmit a site plan that conforms to current ordinances, provided, however, the applicant may request an extension in writing, which may be granted by the commission, for a period not to exceed a total of six months.
 6. *Enforcement.* Following the approval of a site plan, the building official shall inspect the development to ensure that it is in full compliance with the approved site plan.

(Ord. No. 93-13, § 1, 8-16-1993; Ord. No. 99-2, §§ 4, 5, 1-18-1999; Ord. No. 2000-22, § 2, 8-7-2000; Ord. No. 2000-23, § 1, 8-21-2000; Ord. No. 2001-21, §§ 1, 2, 10-15-2001; Ord. No. 2002-09, § 1, 4-15-2002; Ord. No. 2007-12, § 2, 10-1-2007; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2011-35, § 4, 12-5-2011; Ord. No. 2014-04, § 2, 3-3-2014)

Section 9. Administration and enforcement—Building permits and certificates of zoning compliance.

- A. *Administration and enforcement.* An administrative official designated by the city manager shall administer and enforce this appendix. He may be provided with the assistance of such other persons as the city council may direct. If the administrative official shall find that any of the provisions of this appendix are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, and structures; removal of illegal buildings or structures or illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this appendix to ensure compliance with or to prevent violation of its provisions.
- B. *Building permits required.* No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the building official. No building permit shall be issued by the building official except in conformity with the provisions of this appendix, unless he receives a written order from the board of adjustment in the form of an administrative review, or variance as provided by this appendix.
- C. *Application for building permit.* All applications for building permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of the buildings already existing, if any; and the location and dimensions of the proposed building or structure or alteration thereof. The application shall include such other information as lawfully may be required by the building official, including, but not limited to, existing or proposed building or alteration, existing or proposed uses of the building and land; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this appendix. The application shall be accompanied with a site plan that should provide the following information:
- (1) Boundaries of the area covered by the site plan;
 - (2) Location of each existing and proposed building and structure in the area;
 - (3) The location of existing drainage ways; and significant natural features;
 - (4) Proposed landscaping and screening buffers;
 - (5) The location and dimensions of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside storage facilities;
 - (6) The location, height and type of each wall, fence and all other types of screening;
 - (7) The location, height and size of all proposed signs.
- One copy of the plans shall be returned to the applicant by the building official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the building official.
- D. *Certificate of zoning compliance for new, altered or nonconforming uses.*
- (1) It shall be unlawful to use or occupy or permit the use of or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the building official stating that the proposed use of the building or land conforms to the requirements of this appendix.

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- (2) No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been issued by the building official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this appendix, provided that upon adoption or amendment of the ordinance from which this appendix is derived, owners or occupants of nonconforming uses or structures shall have three months in which to apply for certificates of zoning compliance.
- E. *Expiration of building permit.* If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the building official; and written notice thereof shall be given to the person to whom the permit was issued. Further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. However, if work has not begun within 90 days of the issuance of said permit, or if there has not been substantial completion of the work within one year from the date of issuance of said permit, the building official may, at his option, extend the expiration dates of said permits.
- F. *Construction and use to be as provided in applications, plans, permits and certificates of zoning compliance.* Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the building official authorize only the use, arrangement, and the construction set forth in such approved plans and applications, and no other use, arrangement or construction.
- G. *Specific use permits.*
1. *Purpose.* This section provides the city council the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual nuisance characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgment relative to the location and site plan of the proposed use are required.
 2. *Permit required.* A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use only as a specific use unless a specific use permit has first been issued in accordance with the provisions of this section.
 3. *Application procedure.* An application for a specific use permit shall be filed with the planning and zoning commission. The application shall be accompanied by plans that, along with the application, will become a part of the specific use permit, if approved. The accompanying plans shall include the following:
 - a. *Site plan.*
 1. Data describing all processes and activities involved with the proposed use;
 2. Boundaries of the area covered by the site plan, identifying the zoning of the subject property and the adjacent properties;
 3. The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roofline, gross floor area and location of building entrances and exits;
 4. The location of existing drainageways, and significant natural features;
 5. The location and dimensions of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, outside trash storage facilities; and
 6. The location, height and size of all proposed signs.
 - b. *Landscape plan.*

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1. Proposed landscaping and screening buffers; and
 2. The location, height and type of each wall, fence, and all other types of screening.
 - c. *Photometric plan.* The plan shall show lighting calculations in footcandles along the property line.
 - d. *Building elevations.*
 1. Identifying building facade materials;
 2. Overall building height;
 3. Colored elevations, if applicable; and
 4. Building fenestration calculations, if applicable.
 - e. *Tree survey and mitigation plan.*
 - f. *Utility and drainage plans.* Verification of all information contained in the site plan shall be required to be certified by an engineer and/or surveyor, as applicable, as a condition for the granting of any specific use permit. There are two options available for obtaining approval for the utility and drainage plans:
 1. Submit utility and drainage plans with the SUP application; or
 2. Submit utility and drainage plans with the building permit application once the SUP/site plan is approved. Changes in the site plan due to unforeseen obstacles in the installation of the utilities and drainage may require approval of a site plan amendment by the planning and zoning commission. The planning and zoning commission may recommend approval of variations from the original site plan that do not increase the density or result in any increase in external impact on adjacent properties or neighborhoods. Other changes will be required to comply with the SUP amendment process per subsection G.9 of this section ("Amendments").
 4. *Public hearings.* The notification and public hearing process for a specific use permit or revocation thereof is set forth in section 15.
 5. *Conditions for approval.* A specific use permit shall be issued only if all of the following conditions have been found:
 - a. That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;
 - b. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
 - c. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
 - d. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
 - e. The adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
 - f. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
 - g. That there are sufficient landscaping and screening to ensure harmony and compatibility with adjacent property; and

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- h. That the proposed use is in accordance with the comprehensive plan.
6. *Additional conditions.* In authorizing a specific use permit, the city council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.
7. *Time limit.*
- a. *Expiration.* A specific use permit issued under this section shall expire:
- (1) Two years after its date of issuance if construction or use authorized thereunder is not substantially under way prior to the expiration of said two-year period; provided, however, where the development is based on a long-term, multi-phased master plan, each phase of the specific use permit shall be severable and shall be subject to the two-year expiration period, which shall expire as follows:
- (a) for the initial phase, two years after its date of issuance and
- (b) for subsequent phases, two years after the date construction is commenced for each applicable phase; provided construction commences prior to the expiration of the previous phase; or
- (2) One year following the discontinuation of the use for which the specific use permit was approved.
- b. *Extension.* If, prior to the expiration of the expiration of the specific use permit, the owner of property to which a specific use permit applies requests, in writing, an extension thereof, the city council, after recommendation from the planning and zoning commission, may approve such extension for not more than two additional years.
8. *Revocation.* A specific use permit may be revoked or modified, after notice and hearing, for either of the following reasons:
- a. The specific use permit was obtained or extended by fraud or deception; or
- b. That one or more of the conditions imposed by the permit has not been met or has been violated.
9. *Amendments.* The procedure for amendment of a specific use permit shall be the same as for a new application, provided, however, that the city manager may approve minor variations from the original permit which do not increase density, change traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods.
10. *Processing fee.* A processing fee as set forth in section 14 shall be required for the processing of each specific use permit request.
- H. *Site plan process.*
1. *Purpose.* The purpose of the site plan is to ensure compliance with this appendix and to assist in the orderly and harmonious development of the city, to protect and enhance the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions or alterations thereto without proper attention to site planning and preserving the intent of this appendix.
2. *Site plans required.* Site plans shall be required for:
- a. All proposed development on land zoned neighborhood commercial (NC), community shopping center (CSC), downtown district (DD), local neighborhood commercial (LNC), office park development (OPD), light industrial (LI), industrial (I), agricultural (A-1), or business park (BP) or multiple-family residential low-density (MFR-L), multiple-family residential medium-density (MFR-M), and multiple-family residential high-density (MFR-H); and

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- b. Where a specific use permit is required by subsection 7.P, permitted use table, and this subsection G; and
 - c. A planned unit development (PUD), in accordance with the procedures set forth in section 7.J.
- 3. *Content.* The content of site plans are described above in subsection G.3 of this section.
 - 4. *Staff review.* An applicant for development that requires a site plan shall first consult with staff regarding the ordinance requirements and proposed development plan. An applicant shall consult with staff until all significant issues surrounding the proposed site plan and development are resolved, prior to proceeding to the commission.
 - 5. *Commission action.* An applicant may submit a site plan for consideration by the commission at any time after staff review is completed. After the proposed site plan is first considered by the commission, the commission shall render a decision thereon within 30 days. Any corrections, changes, or conditions required to ensure the plan complies with all existing ordinances that are imposed by the commission shall be provided to the applicant, in writing, and shall become a part of the approved site plan which, if not met, may be cause for enforcement action or invalidation of the site plan. Approval will expire one year after the approval of the site plans by the commission. Upon expiration of that time, the applicant must resubmit a site plan that conforms to current ordinances, provided, however, the applicant may request an extension in writing, which may be granted by the commission, for a period not to exceed a total of six months.
 - 6. *Enforcement.* Following the approval of a site plan, the building official shall inspect the development to ensure that it is in full compliance with the approved site plan.

(Ord. No. 93-13, § 1, 8-16-1993; Ord. No. 99-2, §§ 4, 5, 1-18-1999; Ord. No. 2000-22, § 2, 8-7-2000; Ord. No. 2000-23, § 1, 8-21-2000; Ord. No. 2001-21, §§ 1, 2, 10-15-2001; Ord. No. 2002-09, § 1, 4-15-2002; Ord. No. 2007-12, § 2, 10-1-2007; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2011-35, § 4, 12-5-2011; Ord. No. 2014-04, § 2, 3-3-2014)