CITY COUNCIL REGULAR MEETING
MONDAY, MAY 4, 2026, 5:30 PM
COUNCIL CHAMBERS, CITY HALL
910 S. FRIENDSWOOD DR., FRIENDSWOOD, TEXAS 77546

AGENDA

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE - United States Pledge and State of Texas Pledge.

4. COUNCIL COMMENTS AND REPORTS

Notice is hereby given in accordance with Section 551.0415 of the Texas Government Code, the City Council of the City of Friendswood may receive reports about items of community interest from City staff and/or a member of the City Council, but no action or possible action shall be taken or discussed concerning the subject of such report.

5. PUBLIC COMMENT

To comply with the provisions of the Texas Open Meetings Act, the City Council may not deliberate any item not listed on the agenda, as such, the City Council will listen to public comment and may (i) refer the item to City Management for further action or (ii) direct staff to place an item on a future agenda. During public comment, the public shall comply with the Council's rules of decorum.

6. COMMITTEES OR SPECIAL REPORTS

A. Receive the Animal Shelter Advisory Committee Annual report.

7. WORK SESSION TOPICS

A. Discuss possible amendments to the City of Friendswood Sign Ordinance.

B. Receive and discuss the Engineering Department's Quarterly Drainage Update.

8. REQUEST TO VACATE AN ELECTRIC EASEMENT AT 3535 E PARKWOOD (BROOKSIDE INTERMEDIATE SCHOOL)

A. Conduct a public hearing regarding a request to vacate an electric easement of 1.076 acres being 21.5 feet wide and located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control Ditch as recorded in Harris County Real Property Records, File Number RP-2024-424559, City of Friendswood, Harris County, Texas.

B. Consider authorizing a Consent to Release and Abandonment of an Electric Easement with the Clear Creek Independent School District and a Consent to Release and Abandonment of an Electric Easement with the Madison Development Corp., LLC.

C. Consider an ordinance authorizing the abandonment of an electric easement consisting of 1.076 acres and being 21.5 feet wide and located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control Ditch as recorded in Harris County Real Property Records, File Number RP-2024-424559, City of Friendswood, Harris County, Texas.

9. FUTURE LAND USE MAP AND ZONING MAP AMENDMENTS FOR AUTUMN CREEK

A. Conduct a public hearing regarding a City-initiated request to amend the Future Land Use Map to change the category designation of Reserves C and D of Autumn Creek Section 3; Reserve C of Autumn Creek Section 5; 3001 through 3011 Harvest Hill Drive; 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail; 3201 through 3205 Cedar Ridge Court; and 2910 and 2912 Harvest Hill Drive from "Garden Homes" to "Low Density Residential"; and to change the category designation of 3000, 3002, 3003, and 3005 Cedar Ridge Trail; 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive; and 2800, 2802, and 2804 Harvest Hill Court from "Garden Homes and "Low Density Residential" to "Low Density Residential."

B. Conduct a public hearing concerning a city-initiated request to amend the Official Zoning Map to change the zoning classifications of (i) Reserves C and D of Autumn Creek Section 3, (ii) Reserve C of Autumn Creek Section 5, (iii) 3001 through 3011 Harvest Hill Drive, (iv) 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail, (v) 3201 through 3205 Cedar Ridge Court, and (vi) 2910 and 2912 Harvest Hill Drive, Friendswood, Harris County, Texas, from “Garden Home District (GHD)” to “Single Family Residential (SFR)”; and to change the zoning classifications (i) 3000, 3002, 3003, and 3005 Cedar Ridge Trail, (ii) 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive, and (iv) 2800, 2802, 2804 Harvest Hill Court, Friendswood, Harris County, Texas, from “Garden Home District (GHD)” and “Single Family Residential (SFR)” to “Single Family Residential (SFR).”

C. Consider an ordinance amending the Future Land Use Map (FLUM) to change the category designations of (i) Reserves C and D of Autumn Creek Section 3, (ii) Reserve C of Autumn Creek Section 5, (iii) 3001 through 3011 Harvest Hill Drive, (iv) 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail, (v) 3201 through 3205 Cedar Ridge Court, and (vi) 2910 and 2912 Harvest Hill Drive, Friendswood, Harris County, Texas, from "Garden Homes" to "Low Density Residential" and amending the Official Zoning Map to change their zoning district classifications from "Garden Home District (GHD)" to "Single Family Residential (SFR)"; and amending the Future Land Use Map (FLUM) to change the category designations of (i) 3000, 3002, 3003, and 3005 Cedar Ridge Trail, (ii) 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive, and (iv) 2800, 2802, 2804 Harvest Hill Court, Friendswood, Harris County, Texas, from "Garden Homes" and "Low Density Residential" to "Low Density Residential" and amending the Official Zoning Map to change their zoning district classifications from "Garden Home District (GHD)" and "Single Family Residential (SFR)" to "Single Family Residential (SFR)."

10. SUBDIVISION ORDINANCE AMENDMENTS TO AUTHORIZE THE DIRECTOR OF CDD TO APPROVE PLATS

A. Conduct a public hearing concerning amendments to Appendix B “Subdivisions” of the Friendswood City Code to authorize the director of community development to approve plats except in certain situations consistent with Local Government Code Chapter 212.0065 and to make minor administrative corrections.

B. Consider an ordinance concerning amendments to Appendix B “Subdivisions” of the Friendswood City Code to authorize the director of community development to approve plats except in certain situations consistent with Local Government Code Chapter 212.0065 and to make minor administrative corrections.

11. ZONING ORDINANCE AMENDMENTS TO AUTHORIZE THE DIRECTOR OF CDD TO APPROVE SITE PLANS

A. Conduct a public hearing concerning amendments to Appendix C “Zoning” of the Friendswood City Code to authorize the director of community development to approve site plans except in certain situations, to consolidate site plan approval requirements, and to make minor administrative corrections.

B. Consider an ordinance concerning amendments to Appendix C “Zoning” of the Friendswood City Code to authorize the director of community development to approve site plans except in certain situations, to consolidate site plan approval requirements, and to make minor administrative corrections.

12. CITY MANAGER'S REPORT

A. Present an update regarding the City's Memorial Day Ceremony.

B. Present an update regarding Building Safety Month in May.

C. Present an update regarding Municipal Clerks Week, May 3-9, 2026.

D. Present an update regarding Police Week, May 10-16, 2026.

E. Present an update regarding Emergency Medical Services Week, May 17-23, 2026.

F. Present an update regarding the National Public Works Week, May 17-23, 2026.

G. Present an update regarding the Friendswood Public Library Summer Reading Program.

H. Present an update regarding the Friendswood Police Department receiving the 2026 Community Champion Award by the Bay Area Alliance.

I. Recognize Mayor Mike Foreman and Assistant City Managers Katina Hampton and Lettie Brysch for their participation as speakers at the TWLI's Women Shaping Texas Cities Conference in San Antonio on April 16, 2026.

13. BUSINESS ITEMS

A. Consider awarding the 2020 Lift Station Mitigation Package 4 - Lift Station 4 Construction Services Project to McDonald Municipal and Industrial, a Division of C.F. McDonald Electric, Inc. (Bid No. 2026-04).

B. Consider awarding the Lift Station No. 2 Rehabilitation Project to Sustanite Support Services, LLC (CSP #2026-03).

C. Consider awarding the Blackhawk Boulevard Reconstruction Phase II - Repackage C Project to Reytec Construction Resources, Inc. (CSP #2026-02).

D. Consider authorizing the Second Amendment to the Professional Services Agreement with HDR Engineering, Inc., for the Blackhawk Boulevard Reconstruction Phase II Repackage C Project to design parallel street parking along Blackhawk Boulevard and to incorporate such design into the reconstruction project.

E. Consider an Interlocal Agreement with the County of Galveston to partially fund improvements to city streets within the city limits of Friendswood, Texas.

F. Consider appointing a Grand Marshal of the City's 2026 4th of July Grand Parade.

14. PROPOSED ORDINANCES & RESOLUTIONS

A. Consider an ordinance amending the City’s General Budget for Fiscal Year 2025-2026 by approving “Budget Amendment VII” and providing for supplemental appropriation and/or transfer of certain funds.

15. CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. Consider a resolution authorizing the City Manager to execute a Local On-System Improvement Project Agreement (LOSA) with the Texas Department of Transportation for FM 528 signal improvements at Friendswood Parkway.

B. Consider a resolution amending Resolution No. R2025-30, which authorized an Advance Funding Agreement with the Texas Department of Transportation for a Surface Transportation Block Grant Project related to the Sunset Boulevard Signal Improvements Project, to authorize an in-kind match and a cash match and to ratify the payment of the initial remittance to the Texas Department of Transportation.

C. Consider a resolution amending Resolution No. R2025-32 to authorize additional local funds for the Community Development Block Grant (CDBG) Annalea Neighborhood Improvements Project.

D. Consider a resolution authorizing the City of Friendswood's submittal of a Motor Vehicle Crime Prevention Assistance (MVCPA) grant application; authorizing a cash match; and appointing authorized representatives to act on behalf of the City under the grant.

E. Consider authorizing an Emergency Dispatching Services Agreement with Harris County Municipal Utility District No. 55.

F. Consider accepting the Sterling Estates public paving and utilities infrastructure project and authorizing the commencement of the contractor's one-year maintenance period.

G. Consider authorizing the purchase of mobile shelving units from Library Interiors of Texas, LLC, through BuyBoard Contract No. 767-25.

H. Consider renewing the Janitorial Services Agreement with American Janitorial Services (AJS), for the first one-year renewal term.

I. Consider approving the Friendswood Downtown Economic Development Corporation's payment to Comcast to remove and relocate communication lines in the downtown area.

J. Consider approving the Friendswood Downtown Economic Development Corporation's payment to AT&T to prepare a cost estimate for a custom work order to remove and relocate communication lines for the downtown area.

K. Consider approving the ad valorem tax report for March 2026.

L. Consider approving the minutes of the City Council Regular Meeting held on April 6, 2026.

16. ADJOURNMENT

PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE CITY COUNCIL 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.

City of Friendswood FYE 2026 Taxpayer Impact Statement (Based upon Balanced Budgets)			
Description	**Property Tax Bill for FYE 2025**	**Estimated Property Tax Bill for FYE 2026 at the No New Revenue Rate**	**Estimated Property Tax Bill for FYE 2026 at the Proposed Tax Rate**
Total Tax Rate (per $100 of value)	$ 0.514172	$0.50117	$ 0.514172
Value of Median-Valued Homestead Property in City (with 20% Homestead Exemption)	$369,935	$384,073	$384,073
Tax on Median-Valued Homestead	**$ 1,902.10**	**$1,924.86**	**$1,974.80**

Raquel Martinez

Posted by: Raquel Martinez, TRMC, City Secretary
Posted in compliance with the Open Meetings Act on this 28th day of April 2026, at 7:30p.m.

CITY OF FRIENDSWOOD
STATE OF TEXAS

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/06/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Receive the Animal Shelter Advisory Committee Annual report.

Originating Department: Police Department

Degree of importance:

SUMMARY / ORIGINATING CAUSE

Attached for the Council's review is the Friendswood Animal Services Annual Report approved for submission by the Animal Shelter Advisory Committee

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Acceptance of the report by City Council

ATTACHMENTS

1. Friendswood Animal Services Annual Report 2025

Friendswood Animal Services

Annual Report & Three-Year Analysis (2023–2025)

Executive Summary

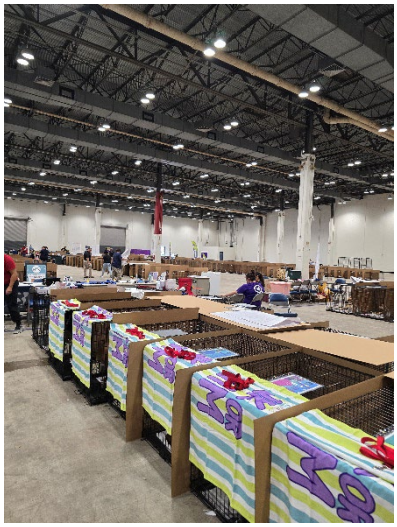
Friendswood Animal Services (FAS) continued to provide essential animal control, sheltering, and community support services throughout 2025. When viewed across a three-year period (2023–2025), the data reflect a department that is managing fluctuating intake levels, increasing wildlife interactions, strong return-to-owner outcomes for dogs, and a significant rise in volunteer engagement.

Total animal intake in 2025 decreased from the high seen in 2024 but remained above 2023 levels. Adoption outcomes remained consistent, euthanasia rates stayed relatively low for domestic animals, and field-based solutions increased, reducing shelter strain. Wildlife-related activity increased notably in 2025, influencing both intake and euthanasia figures.

Intake (2023–2025)

Year	Total Intake
2023	298
2024	364
2025	334

Intake increased 22% from 2023 to 2024, followed by an 8% decrease in 2025. Dog intake peaked in 2024 and declined in 2025, while cat intake remained relatively stable across all three years. Wildlife intake rose sharply in 2025, increasing from just 3 cases in 2024 to 20 cases in 2025, indicating growing wildlife interaction within the community.



Houston Mega Adoption Event

Outcomes Overview

Adoptions

Year	Total Adoptions
2023	152
2024	156
2025	150

Adoption totals remained stable over the three-year period. Cats consistently accounted for the majority of adoptions, followed by dogs.

Returns to Owner (RTO)

Year	Returned to Owner
2023	76
2024	132
2025	129

Returns to owners increased dramatically in 2024 and remained high in 2025. Dogs accounted for the overwhelming majority of RTOs, demonstrating effective field response, microchip scanning, and owner notification efforts. The RTO rates for dogs have steadily increased over the past three years from 45.89% in 2023 to 59.29% in 2024 and 67.90% in 2025. This is an outstanding accomplishment.

Transfers

Year	Transferred
2023	46
2024	72
2025	16

Transfers peaked in 2024, reflecting regional shelter capacity challenges. The significant reduction in 2025 suggests greater reliance on adoptions, RTOs, and in-field resolutions.

Euthanasia and Mortality

Euthanasia (Including Guardian-Ordered)

Year	Dogs	Cats	Wildlife	Total Euthanized
2023	8	8	2	18
2024	5	6	3	14
2025	5	5	20	30

Domestic animal euthanasia (dogs and cats) remained low and continued to trend downward. The increase in 2025 is almost entirely attributable to wildlife cases, which rose significantly. Guardian-ordered euthanasia remained consistent at one dog case per year.

Other Mortality

Category	2023	2024	2025
Died in Custody	8	5	7
Died in Foster Care	0	0	2
Dead on Pickup	0	0	0
Escaped	3	2	0

Mortality rates remained low overall. The elimination of escape incidents in 2025 reflects improved handling, housing, or procedural controls.

Field Services & Public Safety

Metric	2023	2024	2025
Wildlife Releases	329	336	293
Released in the Field	52	101	108
Bite Reports	24	37	36

Wildlife releases remain consistently high, reinforcing the department's role in humane wildlife response. Animals released in the field more than doubled from 2023 to 2025, reducing shelter intake and operational burden. Bite reports increased in 2024 and remained elevated in 2025, emphasizing the continued importance of enforcement, education, and rabies control efforts.

Volunteer Engagement

Year	Volunteer Hours
2023	782.86
2024	1,380.26
2025	2,669.50

Volunteer hours increased more than 240% from 2023 to 2025. This growth significantly enhances shelter capacity, animal enrichment, and community outreach while reducing staffing strain.

Calls for Service

Year	Calls for Service
2023	1,210
2024	1,524
2025	1,489

Calls for service increased by approximately 26% from 2023 to 2024, reflecting higher community demand and increased reporting. While calls declined slightly in 2025, they remained well above 2023 levels, indicating sustained service demand. These figures highlight the division's expanding role in public safety, animal welfare enforcement, and community response.

Community Outreach & Adoption Events

Friendswood Animal Services placed a strong emphasis on community engagement and education throughout 2025. Staff participated in or hosted numerous events designed to promote responsible pet ownership, increase adoption, and strengthen partnerships.

Monthly Event Highlights

January

- Zaki Cat with Friendswood Library

February

- Touch a Truck (city-sponsored)
- Pasta & Paws
- Career Day at Alexander Middle School
- New Hire: Micaela

March

- Mardi Paws
- Cat Café

April

- Paws & Play Sensory Day
- FISD Volunteer Day of Service
- Animal Control Appreciation Week

July

- July 4th Adoption Event (city-sponsored)
- Murdoch's Adoption Event
- Open House / Lifeline of Galveston County
- Hope Village Coffee & Kittens

August

- Petco Love Mega Adoption Event
- Dog Days of Summer
- Clear the Shelter
- Bark and Bake
- Rotary Club Play Yard Donation
- Friends of Friendswood Magazine Feature

September

- Paws2Protect

October

- Halloween in the Park
- Touch a Truck (Hope Village)

November

- Family Animal Hospital 10th Anniversary
- National Animal Shelter Appreciation Week

December

- Santa in the Park

Live Release Rate

The total Live Release Rate (LRR) for dogs and cats in 2025 was 97%.

- This rate reflects the combined outcomes of adoptions, returns to owner, and transfers for dogs and cats.
- Nationally, an LRR of 90% or higher is widely recognized within the animal welfare profession as the benchmark for a high-performing, lifesaving shelter. Friendswood Animal Services' 97% LRR significantly exceeds this standard.
- This outcome places Friendswood Animal Services among the top-performing municipal animal services programs when measured against commonly accepted national benchmarks.

The operational drivers of success were staffing and field operations, volunteer support and strategic partnerships. Proactive field response, timely owner notifications, and increased in-field releases reduced unnecessary shelter intake and improved return-to-owner outcomes. Record volunteer hours in 2025 expanded daily care capacity, improved animal enrichment, and increased adoptability, directly contributing to positive outcomes. Finally, collaboration with rescue partners, adoption event sponsors, and community organizations increased placement opportunities and public engagement.

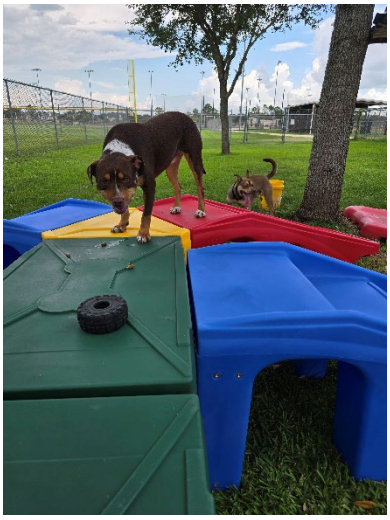
Animal Shelter Advisory Committee

Texas Law Compliance

Advisory committee includes a veterinarian, city official, shelter operator, and animal welfare representative.
Meetings in 2025: April 3, June 26, September 18

Current Members

Dr. Donald Stran (Chairperson)
Dr. Donna Coleman (Vice-chairperson)
Captain Douglas Lauersdorf (City official)
Margaret Pickell (Animal welfare representative)
Ashley Huynh (Animal Services Supervisor)



Shelter pets enjoying the new play yard donated by Friendswood Rotary Club

Summary

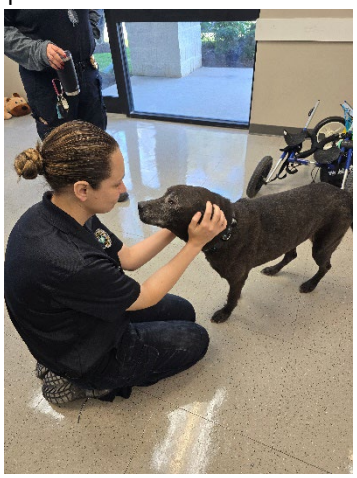
2025 was an outstanding year for Friendswood Animal Services, marked by growth, recognition, and meaningful community partnerships. The Friendswood Rotary Club proudly presented an education grant to Animal Services Supervisor Ashley Huynh and generously donated a brand-new play yard, giving shelter dogs a safe and enriching space to run and play. Friendswood Animal Services also hosted a Basic Animal Control Training Course led by Humane Educators of Texas, further strengthening professional development and best practices within the field.

The shelter's work gained well-deserved attention throughout the year, with Friends of Friendswood Magazine featuring Friendswood Animal Services and several adoptable pets in a monthly issue, and the Lifeline of Galveston podcast spotlighting the shelter's mission and impact in a dedicated episode. In addition, KONG donated enrichment toys and treats, enhancing the daily care and quality of life for shelter animals.

Community support remained at the heart of operations through the continued success of the Love Paws Pantry, which helps residents in need with essential pet supplies. Demonstrating its commitment to animal welfare, City Council also approved the addition of a new Animal Services employee during the budget process, expanding the shelter's capacity to serve the community.

Rounding out the year, Friendswood Animal Control proudly adopted a new name and logo, Friendswood Animal Services, better reflecting the true scope of the team's work. This update emphasizes the department's dedication to community engagement, education, and compassionate services, and represents an exciting new chapter for animal care in Friendswood.

A 97% live release rate for dogs and cats in 2025 highlights the department's commitment to humane, outcome-driven sheltering practices. Despite fluctuations in intake, adoption and RTO outcomes remained strong and consistent. Wildlife-related cases significantly influenced 2025 outcomes and will remain an area to monitor. Increased in-field releases and high RTO rates demonstrate effective use of proactive field services. Most importantly, record volunteer participation reflects strong community trust and engagement.



Sandy was reunited with her owner after being missing for 10 years

Friendswood Animal Services will continue focusing on:

- Expanding community education and prevention efforts
- Strengthening wildlife response partnerships
- Supporting volunteer program growth
- Maintaining low euthanasia rates for domestic animals
- Leveraging field-based solutions to reduce shelter intake

These efforts will ensure FAS remains responsive, humane, and aligned with community expectations while adapting to emerging challenges.

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/21/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Discuss possible amendments to the City of Friendswood Sign Ordinance.

Originating Department: Council and Board

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This workshop item was requested by Councilmembers Ross and Griffon in order for the City Council to have an open and comprehensive discussion regarding the City's current sign ordinance, including large-format and digital signage, and to provide direction to staff on whether amendments are warranted. Specifically, recent actions involving sign approvals and modifications have raised questions regarding the clarity, scope, and application of the existing ordinance.

Discussion topics may include some of the following items:

- Definitions and thresholds for large-format signage
- Operational characteristics of digital signage, including:
    - Illumination and brightness levels
    - Message duration and transition standards
    - Use of animation or motion
- Approval processes for new signage
- Criteria and procedures for modifications to approved signage, including relocation and operation changes
- Role of the Planning and Zoning Commission in future reviews
- Public safety considerations, including emergency messaging capabilities

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

No recommendations at this time.

ATTACHMENTS

1. Workshop Agenda Item Request for May 4, 2026, CC Meeting - Ross & Griffon
2. Discussion Topic - Sign Ordinance

April 21, 2026

Raquel Martinez
City Secretary
City of Friendswood
910 S Friendswood Dr
Friendswood, TX 77546

RE: Workshop Agenda Item Request

Dear Ms. Martinez,

Please accept this request to place the following item on an upcoming City Council Workshop agenda.

Workshop Agenda Item Request

Requested by: Councilmember Michael P. Ross, Position 6, and Councilmember Robert Griffon, Position 4
Meeting Type: City Council Workshop

Subject: Discussion and Direction on Potential Amendments to the City Sign Ordinance

Purpose:
To conduct an open and comprehensive discussion regarding the City's current sign ordinance, including large-format and digital signage, and to provide direction to staff on whether amendments are warranted.

Background / Context:
Recent actions involving sign approvals and modifications have raised questions regarding the clarity, scope, and application of the existing ordinance. A workshop setting will allow Council to review the ordinance in detail, clarify intent, and evaluate whether updates are needed to ensure alignment with Council expectations and community standards.

Discussion Topics:
- Definitions and thresholds for large-format signage
- Operational characteristics of digital signage, including:
  - Illumination and brightness levels
  - Message duration and transition standards
  - Use of animation or motion
- Approval processes for new signage
- Criteria and procedures for modifications to approved signage, including relocation and operational changes

- Role of the Planning and Zoning Commission in future reviews
- Public safety considerations, including emergency messaging capabilities

Requested Outcome:
Council discussion and consensus on policy direction to guide staff in drafting any proposed ordinance revisions for future consideration.

Sincerely,

Michael P. Ross
Councilmember, Position 6
City of Friendswood

Robert Griffon
Councilmember, Position 4
City of Friendswood

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/06/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Receive and discuss the Engineering Department's Quarterly Drainage Update.

Originating Department: Engineering

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The Engineering Department will present an update on the City’s ongoing and upcoming drainage initiatives, focusing on key projects aimed at mitigating flood risks and improving stormwater management. The update will include progress on significant projects and their next steps.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

1. Drainage May 2026 Update

CITY OF FRIENDSWOOD

Drainage Capital Improvement Projects Update

Council Meeting | April 24, 2026

Whitcomb Terracing and Stormwater Detention

LOCATION:

Adjacent to City Center Development

STATUS:

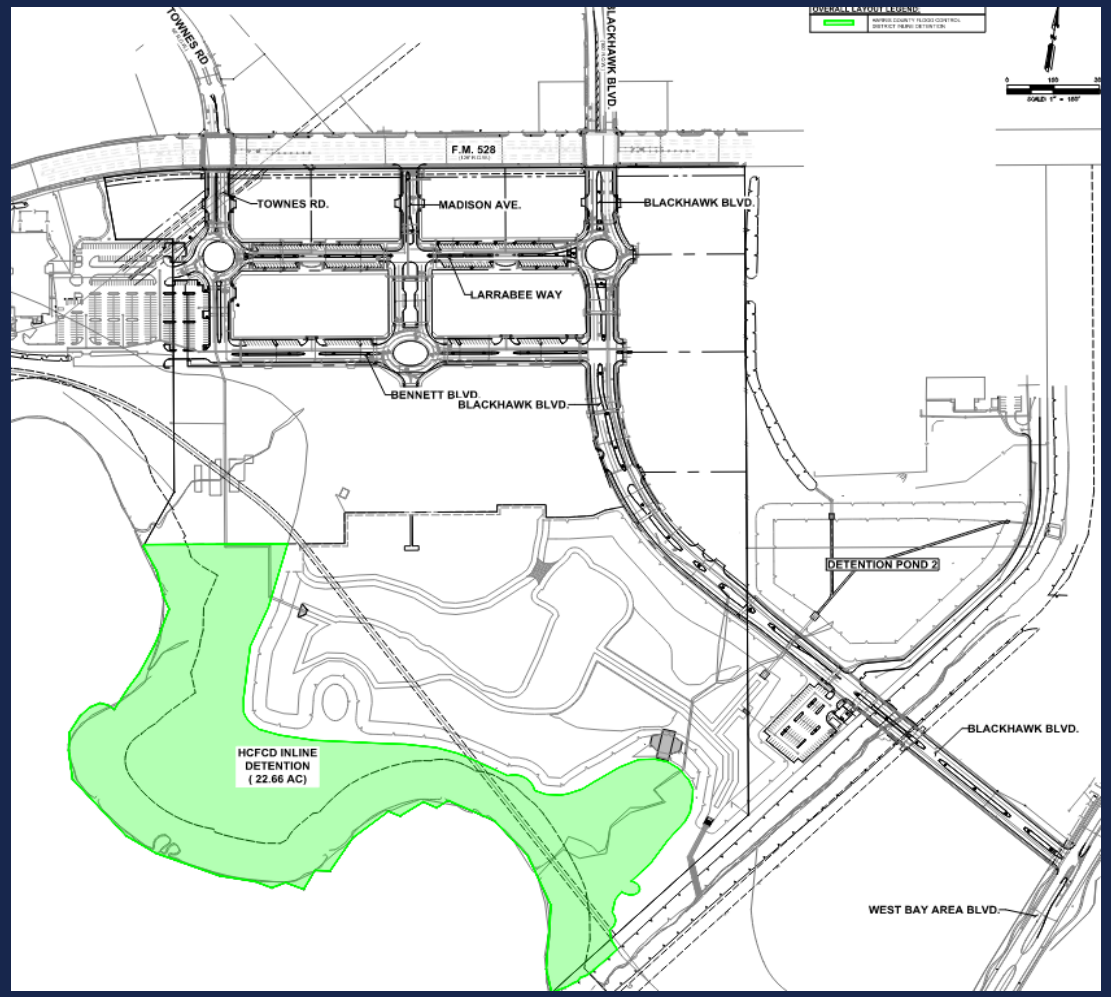
Hydrology and hydraulics analysis completed for three alternatives

Draft Preliminary Engineering Report submitted on April 3, 2026

One cultural site identified within the project limits, requiring design adjustments

Wetland impacts are minimal and will be mitigated through credits

A public engagement meeting will be announced soon, at which time performance metrics will be presented



Est. Const. Cost: $13.7M – Flood Control Bond Funds; $10 Million Allocation from TWDB to HCFCD

Bay Area Regional Flood Control Project

LOCATION:

Adjacent to Blackhawk Regional Wastewater Treatment Plant near Bay Area Boulevard

STATUS:

The State of Texas has awarded $10 million toward this project

An amendment to the Interlocal Agreement with HCFCD, Galveston County, and GCCDD is in progress to incorporate this project, currently under legal review by the Harris County Attorney

The project includes expansion of an existing pond to provide offline detention, terracing along Clear Creek, and consolidation of three HOA detention ponds into a single facility located across Bay Area Boulevard

Budget: $23M with any savings in Whitcomb applied towards Bay Area project

Comprehensive Master Drainage Plan

STATUS:

Study nearing completion

Project alternatives are being evaluated based on flooded structures, roadway inundation, and total inundated area

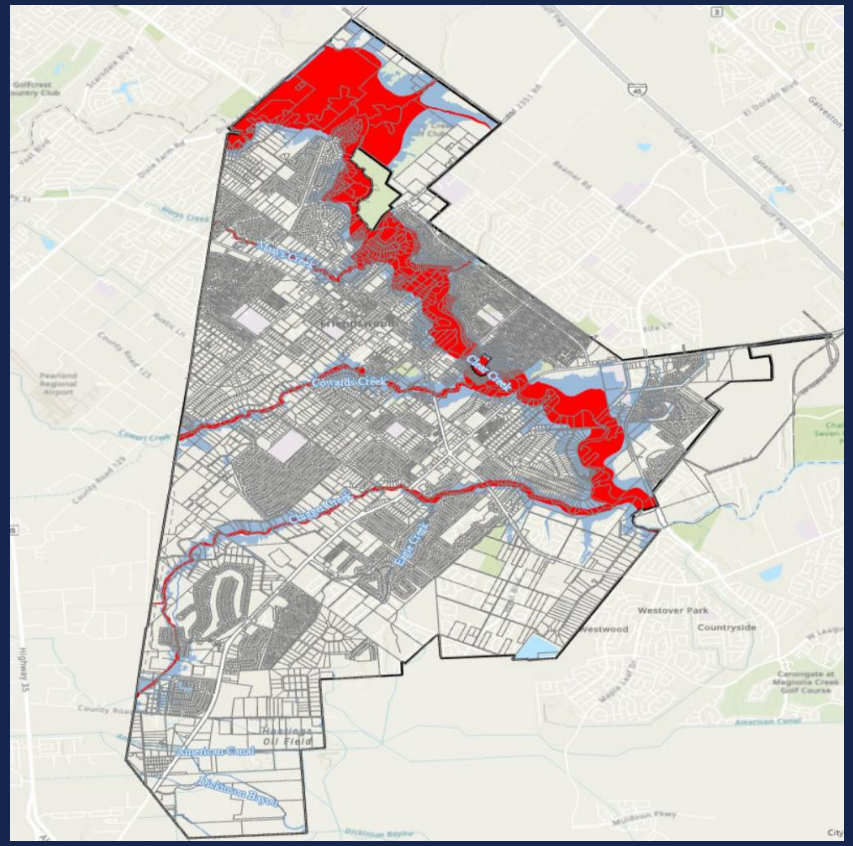
Benefit-Cost Analysis underway

Fifteen projects will be selected for final prioritization

Implementation plan in development

Draft report in preparation

Presentation to City Council scheduled for the June meeting



Funding Sources: Hazard Mitigation Grant; City Bonds Funds

Friendswood Regional Stormwater Detention Basin

LOCATION:

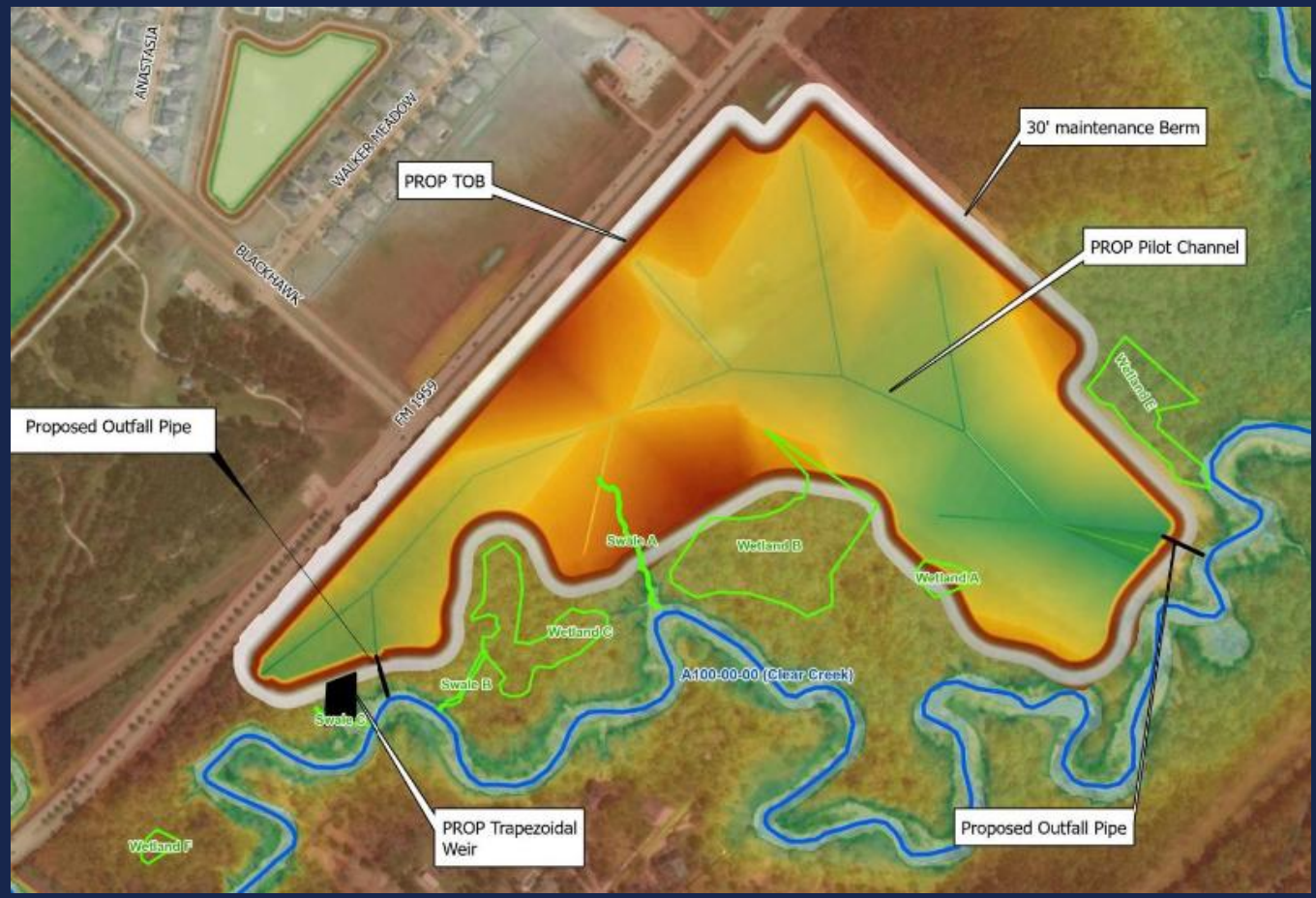
Clear Creek at Dixie Farm Road (FM 1959)

STATUS:

90% design plans under review

Draft final plans submission targeted for May 30, pending review comments

Approximately 730 acre-feet of detention provided



Budget: $32.4M – $8M Flood Control Bond Funds; HCFCD, GCCDD, Galveston County Partnership

Friendswood Regional Stormwater Detention Basin

Overall Summary of Benefits

Scenario	Total Estimated Construction Cost including Rough Grading	ILA (2022-183) Budget for this project	10% AEP (10-Year)				2% AEP (50-Year)				1% AEP (100-Year)			
			Structures in Floodplain (Number) Reduced	Inundated Area (ac) Reduced	Roadway Flooded (mi) Reduced	Δ (ft.) Dixie Farm Rd. (FM 1959)	Structures in Floodplain (Number) Reduced	Inundated Area (ac) Reduced	Roadway Flooded (mi) Reduced	Δ (ft.) Dixie Farm Rd. (FM 1959)	Structures in Floodplain (Number) Reduced	Inundated Area (ac) Reduced	Roadway Flooded (mi) Reduced	Δ (ft.) Dixie Farm Rd. (FM 1959)
1	$30.3M	$32.4M	23	109.7	1	-0.68	53	111.6	2.7	-0.49	77	114.2	2.9	-0.40

Alternatives were evaluated based on structures benefited, flood extent reduction, mobility, and hydraulic performance, consistent with HCFCD practices

2019 Bond Leverage Summary

Project	Location	2019 Bond Funds	Partnership/Grant Funds	Partner	Project Total
Harold Whitaker Detention Basin	Imperial Estates/1776 Park	$ 5,500,000	$ 10,000,000	Galveston County Consolidated Drainage District (GCCDD)	$ 15,500,000
Forest Bend Detention Basin	Forest Bend Park	$ 355,143	$ 28,189	City General Fund	$ 3,955,332
			$ 3,572,000	Harvey CDBG-DR Grant	
Friendswood Regional Stormwater Detention Basin	Dixie Farm Road at Clear Creek	$ 8,000,000	$ 13,453,298	HCFCD	$ 32,453,298
			$ 7,500,000	Galveston County ARPA Funds	
			$ 3,500,000	GCCDD	
City Center Development Detention Ponds	City Center Development	$ 5,000,000	$ 11,915,119	Private Developer	$ 16,915,119
Whitcomb Terracing Project	Adjacent to City Center along Clear Creek	$ 4,850,000	$ 10,000,000	Texas Water Development Board (TWDB)	$ 14,850,000
Property Acquisition & Buyouts Along Clear Creek	Various	$ 1,789,424	$ 2,716,573	Harvey CDBG-DR Grant	$ 4,505,997
Utility Relocation of Clear Creek Utility Bridge	Polly Ranch/Terra Bella Subdivisions	$ 16,500	$ 1,735,660	Harvey CDBG-DR Grant	$ 1,752,160
Deepwood Flood Control	Deepwood Drive	$ -	$ 464,219	Harvey CDBG-DR Grant	$ 464,219
Master Drainage Plan	N/A	$ 1,046,768	$ 676,110	Hazard Mitigation Grant - TDEM	$ 1,722,878
Lower Clear Creek & Dickinson Bayou Watershed Study Phase II - USACE 203 Feasibility	Clear Creek & Dickinson Bayou Watershed	$ 1,250,000	$ 3,750,000	City of League City, HCFCD, & Other Future Partners	$ 5,000,000
Bay Area Regional Flood Control Project	Adjacent to Blackhawk WWTP; Friendswood Cove, Autumn Creek, & Friendswood Oaks Detention Ponds	$ 13,150,000	$ 10,000,000	TWDB	$ 23,150,000
	Total:	**$ 40,957,835**	**$ 79,311,168**		**$ 120,269,003**

Questions / Comments

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 02/05/2026

Prepared by: Karen Horner, City Attorney

Subject: Conduct a public hearing regarding a request to vacate an electric easement of 1.076 acres being 21.5 feet wide and located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control Ditch as recorded in Harris County Real Property Records, File Number RP-2024-424559, City of Friendswood, Harris County, Texas.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This item allows for a public hearing to give all interested parties the right to appear and express their views regarding a request to vacate an electric easement of 1.076 acres being 21.5 feet wide and located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control Ditch as recorded in Harris County Real Property Records, File Number RP-2024-424559, City of Friendswood, Harris County, Texas.

This is a city-initiated action to release an electric easement. The easement was dedicated to the City of Friendswood by Clear Creek Independent School District ("CCISD") in anticipation of the City Center development. The plan was for the City to dedicate the easement to Centerpoint for future electrical services to various properties. During the platting process, Centerpoint Energy requested the easement be dedicated with different terms. CCISD has released the easement and this is the City's action to also begin the process to release the easement. A new electric easement will be dedicated to Centerpoint by CCISD and the City.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Releasing this easement will allow CCISD and the City to dedicate a new easement to Centerpoint that meets its requirements.

RECOMMENDATIONS

The Planning and Zoning Commission voted unanimously (6 to 0) to recommend approval of vacating the easement following the public hearing on Thursday, April 9, 2026. See the Final Report for additional details.

ATTACHMENTS

1. PH Notice - Vacate Electric Easement
2. Electric Easement Location Map
3. Original Easement RP-2024-424559
4. Electric Easement Staff Report 03-17-2026
5. Electric Easement PZ Final Report 04-20-2026

CITY OF FRIENDSWOOD

OFFICE OF THE CITY SECRETARY

NOTICE OF PUBLIC HEARINGS REGARDING REQUEST TO VACATE ELECTRIC EASEMENT CONSISTING OF 1.076 ACRES BEING 21.5 FEET WIDE AND LOCATED ALONG THE WESTERLY PROPERTY LINE OF 3535 FM 528 AND EXTENDING SOUTH TO THE HARRIS COUNTY FLOOD CONTROL DITCH

NOTICE is hereby given that the **Planning and Zoning Commission** and the **City Council** of the City of Friendswood will each hold a public hearing to give all interested parties the right to appear and express their views on the following:

> A request to vacate an electric easement consisting of 1.076 acres being 21.5 feet wide and located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control Ditch as recorded in Harris County Real Property Records, File Number RP-2024-424559, City of Friendswood, Harris County, Texas.

The **Planning and Zoning Commission** will hold its public hearing on **Thursday, April 9, 2026**, in the Council Chambers, located in City Hall, 910 S Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **6:00 P.M.**

The **City Council** will hold its public hearing on **Monday, May 4, 2026**, in the Council Chambers, located in City Hall, 910 South Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **5:30 P.M.**

Item documentation is available for review in the City's Secretary's Office, 910 South Friendswood Drive, Friendswood, Texas 77546-485 during regular business hours or on the City's website at: http://zoning.friendswood.com. For questions regarding the details of the documentation and its related public hearing, please contact Aubrey Harbin, Director of Community Development/City Planner at 281-996-3280.

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. For assistance, please contact the City's ADA Coordinator Brian Rouane at 281-996-3285 via phone, 281-482-1634 via fax or contact 281-996-3285 via Relay Texas at 711 or 1-800-735-2988 for TYY services. For more information concerning Relay Texas, please visit http://relaytexas.com.

Raquel Martinez

Raquel Martinez, TRMC, City Secretary
Posted on: Wednesday, March 18, 2026
Posting time: 7:30 A.M.

City of Friendswood

Location Map

2/11/2026, 4:34:05 PM

1:4,895

0 0.04 0.07 0.14 mi

0 0.05 0.1 0.2 km

- City Limit
- Creeks/Water
- Parcels
- Streets
- Surrounding Cities
- Water Lines

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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

ELECTRIC EASEMENT

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

THAT CLEAR CREEK INDEPENDENT SCHOOL DISTRICT, a political subdivision of the State of Texas ("GRANTOR"), for and in consideration of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration paid by the GRANTEE herein named, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the CITY OF FRIENDSWOOD, TEXAS, a home-rule municipal corporation located in Harris and Galveston Counties, Texas, its successors and assigns (collectively "GRANTEE"), a perpetual electric easement in, under, over, along, upon, and across that certain tract of land, being more particularly described in Exhibit "A," which is attached hereto and incorporated herein for all intents and purposes (the "Easement").

This conveyance is made subject to the following to the extent the same are still in effect, related to the Property: all easements, rights-of-way, reservations of mineral leases respecting mineral interests, and all other matters of record in the Official Public Records of Real Property of Harris County, Texas, to which GRANTEE may be legally bound.

TO HAVE AND TO HOLD the above-described Easement, together with all and singular the rights and appurtenances thereto in any wise belonging, together with the rights of ingress and egress to and from the Easement for the purposes of constructing, inspecting, reconstructing, repairing, relocating, altering, and maintaining electric service facilities, including lines and related facilities (the "Facilities"), unto the said GRANTEE, its successors and assigns forever, provided, however, only trees previously designated by GRANTOR may be removed from the Easement. GRANTOR binds itself as well as its successors and assigns, to warrant and forever defend all and singular the Easement unto GRANTEE and GRANTEE'S successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by,

UNOFFICIAL COPY

RP-2024-424559

through or under the GRANTOR, but not otherwise.

At all times after performing any work in connection with the Easement, GRANTEE shall, at GRANTEE'S expense, promptly restore the Easement as nearly as reasonably practicable to substantially the condition prior to the undertaking of such work.

GRANTEE, at GRANTEE'S sole expense, shall be solely responsible for the maintenance of the Facilities placed or constructed within the Easement by the GRANTEE.

GRANTEE agrees to comply in all material respects, at its sole cost, with all applicable federal, state and local laws, rules, and regulations which are applicable to GRANTEE'S activities hereunder.

GRANTOR expressly reserves the right to the use and enjoyment of the surface of the Easement for any and all purposes, provided, however, that such use and enjoyment of the surface of the Easement shall not materially and unreasonably interfere with or restrict the full and complete use and enjoyment of the Easement for the purposes set forth herein.

Executed this 8th day of November, 2024.

GRANTOR:
CLEAR CREEK INDEPENDENT SCHOOL DISTRICT

ARTURO SANCHEZ
President of the Board of Trustees

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, Greta McMahon, the undersigned notary public, on this day personally appeared Arturo Sanchez, President of the Board of Trustees of the Clear Creek Independent School District, the owner of the Property, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this 8th day of November, 2024.

GRETA LYNN MCMAHON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 03/27/27
NOTARY ID 13427388-2

Notary Public in and for the State of Texas

My commission expires: 3/27/27

RP-2024-424559

UNOFFICIAL

ACCEPTED BY:
CITY OF FRIENDSWOOD, TEXAS

By: _____
MORAD KABIRI, City Manager

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, Leticia Brysch, the undersigned notary public, on this day personally appeared MORAD KABIRI, the City Manager of the City of Friendswood, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this 13th day of November, 2024.

LETICIA C. BRYSCH
Notary ID #13412458-9
My Commission Expires
January 3, 2027

_____
Notary Public in and for the State of Texas

My commission expires: January 3, 2027

GRANTOR'S ADDRESS:
Clear Creek Independent School District
Attn: Superintendent
P.O. Box 799
League City, TX 77574

AFTER RECORDING RETURN TO:
City of Friendswood
Attn: City Secretary
910 S. Friendswood Drive
Friendswood, TX 77546

UNOFFICIAL COPY

RP-2024-424559

RP-2024-424559

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQUARE FEET)
SARAH MCKISSICK LEAGUE, A-549
CITY OF FRIENDSWOOD
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 1.076 acres (46,884 square feet) of land situated in the Sarah McKissick League, Abstract Number 549, Harris County, Texas; being out of and a part of Restricted Reserve "A", WESTSIDE MIDDLE SCHOOL, a subdivision plat of record at Film Code No. 359101, Harris County Map Records (H.C.M.R.); being out of and a part of a called 28.9270 are tract of land conveyed to Clear Creek Independent School District as described by deed recorded under Harris County Clerk's File (H.C.C.F.) No. P598260; being out of and a part of a called 10.0000 acre tract of land conveyed to Clear Creek Independent School District as described by deed recorded under H.C.C.F. No. P598262; said 1.076 acre tract of land being more particularly described as follows (bearings are oriented to the Texas State Plane Coordinate System of 1983, South Central Zone 4204, US Survey Feet, NAD83(NA2011):

COMMENCING at a 5/8-inch iron rod found marking the intersection of the southerly right-of-way (R.O.W.) line of F.M. 528 (120 feet wide) with a westerly line of a called 12.2828 acre tract of land conveyed to Harris County Flood Control District (H.C.F.C.D. Unit No. A-114-02-00) as described by deeds recorded under H.C.C.F. No(s). E449568 and K384682; said iron rod for the northwest corner of Restricted Reserve "F", AUTUMN CREEK COMMERCIAL TRACT "TWO", a subdivision plat of record at Film Code No. 410065, Harris County Map Records (H.C.M.R.) and also for the northeast corner of said Restricted Reserve "A"; said iron rod having Texas State Plane Grid Coordinates of X=3,187,884.24' and Y=13,757,264.17';

THENCE, South 81°12'37" West, along said southerly R.O.W. line, a distance of 958.50 feet to the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 08°47'23" East, departing said southerly R.O.W. line and over and across said Restricted Reserve "A" and 10.0000 acre tract, a distance of 2,170.69 feet to a northwesterly line of said H.C.F.C.D. tract and for an angle point of the herein described tract;

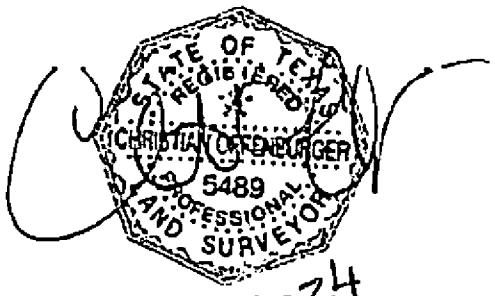
THENCE, South 38°20'29" West, continuing along a northwesterly line of said H.C.F.C.D. tract, a distance of 29.34 feet to a 5/8-inch iron rod with cap stamped "RPLS 3974" found marking the southerly common corner of said 10.0000 acre tract and a called 106.472 acre tract of land conveyed to Madison Development Corp., LLC as described by deed recorded under H.C.C.F. No. RP-2023-65754; said iron rod for the most southerly corner of the herein described tract;

THENCE, North 08°47'23" West, at 901.29 feet passing a 5/8-inch iron rod found marking the southwest corner of said Restricted Reserve "A" and northwest corner of said 10.0000 acre tract; continuing in all for a total distance of 2,190.65 feet to a 5/8-inch iron rod found at the base of a concrete lift station pad on the aforesaid southerly R.O.W. line of F.M. 528 and marking the northerly common corner of said Restricted Reserve "A" and 106.472 acre tract; said iron rod for the northwest corner of the herein described tract;

THENCE, North 81°12'37" East, along said southerly R.O.W. line, a distance of 21.50 feet to the POINT OF BEGINNING and containing 1.076 acres (46,884 square feet) of land. This description is based upon a Standard Land Survey of 38.927 Acres of land prepared by Boundary One, LLC. Project Number 6767-2209-667G.

Compiled by: Christian Offenburger, R.P.L.S.
Boundary One, L.L.C.
T.B.P.E.L.S Firm No. 10084800
150 W. Shadowbend Ave., Suite 300
Friendswood, TX 77546
(281) 648-3131
www.boundaryone.com
May 10, 2024

Mb1076.docx



5-10-24

UNOFFICIAL COPY

RP-2024-424559

RP-2024-424559
Pages 6
11/14/2024 09:33 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees $41.00

RP-2024-424559
UNOFFICIAL COPY

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

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

COUNTY CLERK
HARRIS COUNTY, TEXAS

Staff Report

March 2026

Location: 3535 FM 528

Legal: 1.076-acre easement being 21.5 feet wide and located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control District ditch

Project: n/a

Request: A request to vacate an electric easement consisting of 1.076 acres, being 21.5 feet wide and located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control Ditch as recorded in Harris County Real Property Records, File Number RP-2024-424559, City of Friendswood, Harris County, Texas.

Existing Use/Site Attributes

The easement was deeded to the City by Clear Creek Independent School District (CCISD) and intended to be deeded to Centerpoint for electrical infrastructure in the future. Centerpoint is requesting different terms to be included in the easement. A new easement will be dedicated in the future.

Planning & Zoning Commission

Final Report

To: Mayor and City Council

From: Thomas Hinckley, Planning & Zoning Commission Chairman

Aubrey Harbin, Director of Community Development/Planner

Date: April 20, 2026

Re: Request to vacate 21.5-foot Electric Easement

At the Planning and Zoning Commission meeting held Thursday, April 9, 2026, following the public hearing, the City of Friendswood Planning and Zoning Commission voted 6-0 (all commissioners were present; we currently have one vacancy) on a motion to approve the request.

This is a city-initiated request to release an electric easement. The easement was dedicated to the City of Friendswood by Clear Creek Independent School District in anticipation of the City Center development. The plan was for the City to dedicate the easement to Centerpoint for future electrical services to various properties. During the platting process, Centerpoint Energy requested the easement be dedicated with different terms. CCISD has released the easement, and this is the City's action to also begin the process to release the easement. A new electric easement will be dedicated to Centerpoint by CCISD and the City.

No public comments either in favor or in opposition of the request were received. The Commission is forwarding a positive recommendation.

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 02/03/2026

Prepared by: Karen Horner, City Attorney

Subject: Consider authorizing a Consent to Release and Abandonment of an Electric Easement with the Clear Creek Independent School District and a Consent to Release and Abandonment of an Electric Easement with the Madison Development Corp., LLC.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

On November 13, 2024, the City and the Clear Creek Independent School District (the "District") entered into an Agreement to Convey Property and to License Property. Pursuant to the Agreement, the District agreed to convey to the City an easement for electrical distribution facilities to be located along a portion of the District's property consisting of that certain 1.076-acre easement. On November 8, 2024, the District conveyed the electric easement to the City, which is recorded in the real property records of Harris County. Thereafter, the City assigned the license contained in the Agreement to Madison Development Corp., LLC (the "Developer") in order for the Developer to perform its obligations under the Development Agreement for TIRZ No. 1. Since the time of this conveyance, no facilities have been placed within the Electric Easement.

The District, Madison and the City now desire that the Electric Easement be released and abandoned in order for a new electric easement to be conveyed from the District directly to CenterPoint Energy Houston Electric, LLC.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. CCISD's Consent to Release and Abandonment of Electric Easement
2. Madison Development's Consent to Release and Abandonment of Electric Easement
3. Form 1295

CONSENT TO THE RELEASE AND ABANDONMENT OF AN ELECTRIC EASEMENT

STATE OF TEXAS §
§
COUNTY OF HARRIS §

This Consent to the Release and Abandonment of an Electric Easement (this "Consent") is made and entered into on the _____ day of April, 2026 (the "Effective Date") by and between Clear Creek Independent School District, a political subdivision of the State of Texas (the "District") and the City of Friendswood, Texas, a Texas home-rule municipal corporation located in Harris and Galveston Counties, Texas. The City and the District are herein collectively referred to as the "Parties" and individually as a "Party."

WITNESSETH:

WHEREAS, on November 13, 2024, the City and the District entered into an Agreement to Convey Property and to License Property by and between the District and the City (the "Agreement"); and

WHEREAS, pursuant to the Agreement, the District agreed to convey to the City an easement for electrical distribution facilities to be located along a portion of the District's property consisting of that certain 1.076-acre easement, which is more particularly described in Exhibit "A," which is attached hereto and incorporated herein for all intents and purposes; and

WHEREAS, on November 8, 2024, the District conveyed the electric easement to the City, which easement was filed in the real property records of Harris County under Harris County Clerk's File No. RP-2024-424559, which easement is incorporated herein by this reference for all intents and purposes (the "Electric Easement"); and

WHEREAS, since the time of such conveyance, no facilities have been placed within the Electric Easement; and

WHEREAS, the Parties now desire that the Electric Easement be released and abandoned in order for a new electric easement to be conveyed directly to CenterPoint Energy Houston Electric, LLC ("CenterPoint");

NOW, THEREFORE, the District and the City, in consideration of the promises, covenants, and conditions, hereby mutually agree as follows:

1. *Recitals.* The Parties agree that the recitals hereinabove are true and correct and that the District consents to the City's release and abandonment of the Electric Easement in accordance with Section 2 hereinbelow.

2. *Abandonment.* Within thirty (30) days from the Effective Date of this Consent, the City shall execute and file in the real property records of Harris County, Texas, a Release and

Abandonment of the Electric Easement in substantially the form which is attached hereto as Exhibit "B."

3. *Reconveyance of Easement.* The District agrees that it will endeavor to grant a similar electric easement to CenterPoint in order to provide electrical service as contemplated in the Agreement.

4. *Effect of Abandonment.* The Parties agree that this Consent only affects the Electric Easement granted to the City pursuant to the Agreement; and all other aspects of the Agreement and the subsequent License Assignment Agreement remain in full force and effect.

5. *Authority.* Each Party has the full power and authority to enter into and perform this Consent, and the person signing hereinbelow on behalf of each Party has been properly authorized and empowered to execute this Consent.

IN WITNESS WHEREOF, the Parties have executed this Consent in multiple copies, each of which shall be deemed an original, but all of which shall constitute but one and the same agreement, which will be effective on the date of execution by the City.

CITY OF FRIENDSWOOD	CLEAR CREEK INDEPENDENT SCHOOL DISTRICT
_____	_____
Signature	Signature
_____	Jonathan Cottrell
Name	Name
_____	President
Title:	Title
_____	March 23, 2026
Date	Date

Exhibit "A"

Electric Easement

METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQUARE FEET)
SARAH MCKISSICK LEAGUE, A-549
CITY OF FRIENDSWOOD
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 1.076 acres (46,884 square feet) of land situated in the Sarah McKissick League, Abstract Number 549, Harris County, Texas; being out of and a part of Restricted Reserve "A", WESTSIDE MIDDLE SCHOOL, a subdivision plat of record at Film Code No. 359101, Harris County Map Records (H.C.M.R.); being out of and a part of a called 28.9270 are tract of land conveyed to Clear Creek Independent School District as described by deed recorded under Harris County Clerk's File (H.C.C.F.) No. P598260; being out of and a part of a called 10.0000 acre tract of land conveyed to Clear Creek Independent School District as described by deed recorded under H.C.C.F. No. P598262; said 1.076 acre tract of land being more particularly described as follows (bearings are oriented to the Texas State Plane Coordinate System of 1983, South Central Zone 4204, US Survey Feet, NAD83(NA2011):

COMMENCING at a 5/8-inch iron rod found marking the intersection of the southerly right-of-way (R.O.W.) line of F.M. 528 (120 feet wide) with a westerly line of a called 12.2828 acre tract of land conveyed to Harris County Flood Control District (H.C.F.C.D. Unit No. A-114-02-00) as described by deeds recorded under H.C.C.F. No(s). E449568 and K384682; said iron rod for the northwest corner of Restricted Reserve "F", AUTUMN CREEK COMMERCIAL TRACT "TWO", a subdivision plat of record at Film Code No. 410065, Harris County Map Records (H.C.M.R.) and also for the northeast corner of said Restricted Reserve "A"; said iron rod having Texas State Plane Grid Coordinates of X=3,187,884.24' and Y=13,757,264.17';

THENCE, South 81°12'37" West, along said southerly R.O.W. line, a distance of 958.50 feet to the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 08°47'23" East, departing said southerly R.O.W. line and over and across said Restricted Reserve "A" and 10.0000 acre tract, a distance of 2,170.69 feet to a northwesterly line of said H.C.F.C.D. tract and for an angle point of the herein described tract;

THENCE, South 38°20'29" West, continuing along a northwesterly line of said H.C.F.C.D. tract, a distance of 29.34 feet to a 5/8-inch iron rod with cap stamped "RPLS 3974" found marking the southerly common corner of said 10.0000 acre tract and a called 106.472 acre tract of land conveyed to Madison Development Corp., LLC as described by deed recorded under H.C.C.F. No. RP-2023-65754; said iron rod for the most southerly corner of the herein described tract;

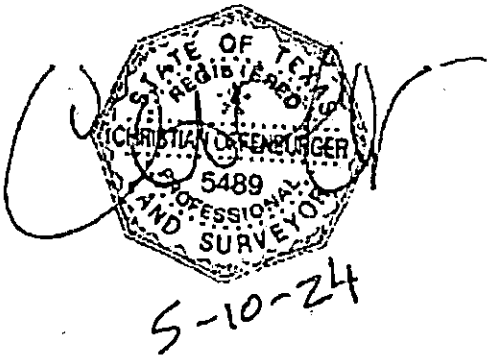
METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQ. FT.)
PAGE 2 OF 2

THENCE. North 08°47'23" West, at 901.29 feet passing a 5/8-inch iron rod found marking the southwest corner of said Restricted Reserve "A" and northwest corner of said 10.0000 acre tract; continuing in all for a total distance of 2,190.65 feet to a 5/8-inch iron rod found at the base of a concrete lift station pad on the aforesaid southerly R.O.W. line of F.M. 528 and marking the northerly common corner of said Restricted Reserve "A" and 106.472 acre tract; said iron rod for the northwest corner of the herein described tract;

THENCE. North 81°12'37" East, along said southerly R.O.W. line, a distance of 21.50 feet to the POINT OF BEGINNING and containing 1.076 acres (46,884 square feet) of land. This description is based upon a Standard Land Survey of 38.927 Acres of land prepared by Boundary One, LLC. Project Number 6767-2209-657G.

Compiled by: Christian Offenburger, R.P.L.S.
Boundary One, L.L.C.
T.B.P.E.L.S Firm No. 10084800
150 W. Shadowbend Ave., Suite 300
Friendswood, TX 77546
(281) 648-3131
www.boundaryone.com
May 10, 2024

Mb1076.docx



5-10-24

Exhibit "B"

RELEASE AND ABANDONMENT OF ELECTRIC EASEMENT

STATE OF TEXAS §
§
COUNTY OF HARRIS §

The CITY OF FRIENDSWOOD, TEXAS, a home-rule municipal corporation located in Harris and Galveston Counties, Texas, hereby releases, abandons and disclaims all rights, title and interest it may have in and to that certain Electric Easement granted to the CITY OF FRIENDSWOOD, TEXAS, as set out by the instrument filed and recorded in Harris County real property records under County Clerk File No. RP-2024-424559, which easement is attached hereto as Exhibit "A."

This release and abandonment is not intended to and shall not affect any other easement of the CITY OF FRIENDSWOOD, TEXAS, and no other easement or property right of the CITY OF FRIENDSWOOD, TEXAS, shall be deemed to be released, abandoned or waived by the execution and filing of this document.

EXECUTED this _____ day of _____, 2026.

THE CITY OF FRIENDSWOOD, TEXAS

_____
MORAD KABIRI, City Manager

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, _____, the undersigned notary public, on this day personally appeared MORAD KABIRI, the City Manager of the City of Friendswood, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this _____ day of _____, 2026.

_____
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:
City of Friendswood
Attn: City Secretary
910 S. Friendswood Dr.
Friendswood, TX 77546

RP-2024-424559
11/14/2024 ER $41.00

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

ELECTRIC EASEMENT

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

THAT CLEAR CREEK INDEPENDENT SCHOOL DISTRICT, a political subdivision of the State of Texas ("GRANTOR"), for and in consideration of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration paid by the GRANTEE herein named, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the CITY OF FRIENDSWOOD, TEXAS, a home-rule municipal corporation located in Harris and Galveston Counties, Texas, its successors and assigns (collectively "GRANTEE"), a perpetual electric easement in, under, over, along, upon, and across that certain tract of land, being more particularly described in Exhibit "A," which is attached hereto and incorporated herein for all intents and purposes (the "Easement").

RP-2024-424559

This conveyance is made subject to the following to the extent the same are still in effect, related to the Property: all easements, rights-of-way, reservations of mineral leases respecting mineral interests, and all other matters of record in the Official Public Records of Real Property of Harris County, Texas, to which GRANTEE may be legally bound.

TO HAVE AND TO HOLD the above-described Easement, together with all and singular the rights and appurtenances thereto in any wise belonging, together with the rights of ingress and egress to and from the Easement for the purposes of constructing, inspecting, reconstructing, repairing, relocating, altering, and maintaining electric service facilities, including lines and related facilities (the "Facilities"), unto the said GRANTEE, its successors and assigns forever, provided, however, only trees previously designated by GRANTOR may be removed from the Easement. GRANTOR binds itself as well as its successors and assigns, to warrant and forever defend all and singular the Easement unto GRANTEE and GRANTEE'S successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by,

At all times after performing any work in connection with the Easement, GRANTEE shall, at GRANTEE'S expense, promptly restore the Easement as nearly as reasonably practicable to substantially the condition prior to the undertaking of such work.

GRANTEE, at GRANTEE'S sole expense, shall be solely responsible for the maintenance of the Facilities placed or constructed within the Easement by the GRANTEE.

GRANTEE agrees to comply in all material respects, at its sole cost, with all applicable federal, state and local laws, rules, and regulations which are applicable to GRANTEE'S activities hereunder.

GRANTOR expressly reserves the right to the use and enjoyment of the surface of the Easement for any and all purposes, provided, however, that such use and enjoyment of the surface of the Easement shall not materially and unreasonably interfere with or restrict the full and complete use and enjoyment of the Easement for the purposes set forth herein.

Executed this 8th day of November, 2024.

GRANTOR:
CLEAR CREEK INDEPENDENT SCHOOL DISTRICT

ARTURO SANCHEZ
President of the Board of Trustees

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, Greta McMahon, the undersigned notary public, on this day personally appeared Arturo Sanchez, President of the Board of Trustees of the Clear Creek Independent School District, the owner of the Property, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this 8th day of November 2024.

GRETA LYNN MCMAHON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP 03/27/27
NOTARY ID 13427388-2

Notary Public in and for the State of Texas

My commission expires: 3/27/27

RP-2024-424559

ACCEPTED BY:
CITY OF FRIENDSWOOD, TEXAS

By: _____
MORAD KABIRI, City Manager

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, Leticia Brysch, the undersigned notary public, on this day personally appeared MORAD KABIRI, the City Manager of the City of Friendswood, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this 13th day of November, 2024.

LETICIA C BRYSCH
Notary ID #13412458-9
My Commission Expires
January 3, 2027

_____
Notary Public in and for the State of Texas

My commission expires: January 3, 2027

RP-2024-424559

GRANTOR'S ADDRESS:
Clear Creek Independent School District
Attn: Superintendent
P.O. Box 799
League City, TX 77574

AFTER RECORDING RETURN TO:
City of Friendswood
Attn: City Secretary
910 S. Friendswood Drive
Friendswood, TX 77546

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQUARE FEET)
SARAH MCKISSICK LEAGUE, A-549
CITY OF FRIENDSWOOD
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 1.076 acres (46,884 square feet) of land situated in the Sarah McKissick League, Abstract Number 549, Harris County, Texas; being out of and a part of Restricted Reserve "A", WESTSIDE MIDDLE SCHOOL, a subdivision plat of record at Film Code No. 359101, Harris County Map Records (H.C.M.R.); being out of and a part of a called 28.9270 are tract of land conveyed to Clear Creek Independent School District as described by deed recorded under Harris County Clerk's File (H.C.C.F.) No. P598260; being out of and a part of a called 10.0000 acre tract of land conveyed to Clear Creek Independent School District as described by deed recorded under H.C.C.F. No. P598262; said 1.076 acre tract of land being more particularly described as follows (bearings are oriented to the Texas State Plane Coordinate System of 1983, South Central Zone 4204, US Survey Feet, NAD83(NA2011):

COMMENCING at a 5/8-inch iron rod found marking the intersection of the southerly right-of-way (R.O.W.) line of F.M. 528 (120 feet wide) with a westerly line of a called 12.2828 acre tract of land conveyed to Harris County Flood Control District (H.C.F.C.D. Unit No. A-114-02-00) as described by deeds recorded under H.C.C.F. No(s). E449568 and K384682; said iron rod for the northwest corner of Restricted Reserve "F", AUTUMN CREEK COMMERCIAL TRACT "TWO", a subdivision plat of record at Film Code No. 410065, Harris County Map Records (H.C.M.R.) and also for the northeast corner of said Restricted Reserve "A"; said iron rod having Texas State Plane Grid Coordinates of X=3,187,884.24' and Y=13,757,264.17';

RP-2024-424559

THENCE, South 81°12'37" West, along said southerly R.O.W. line, a distance of 958.50 feet to the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 08°47'23" East, departing said southerly R.O.W. line and over and across said Restricted Reserve "A" and 10.0000 acre tract, a distance of 2,170.69 feet to a northwesterly line of said H.C.F.C.D. tract and for an angle point of the herein described tract;

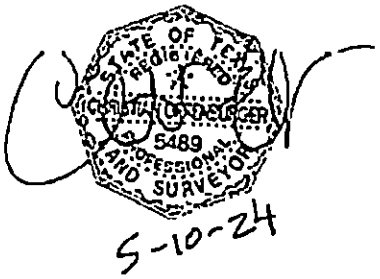
THENCE, South 38°20'29" West, continuing along a northwesterly line of said H.C.F.C.D. tract, a distance of 29.34 feet to a 5/8-inch iron rod with cap stamped "RPLS 3974" found marking the southerly common corner of said 10.0000 acre tract and a called 106.472 acre tract of land conveyed to Madison Development Corp., LLC as described by deed recorded under H.C.C.F. No. RP-2023-65754; said iron rod for the most southerly corner of the herein described tract;

THENCE, North 08°47'23" West, at 901.29 feet passing a 5/8-inch iron rod found marking the southwest corner of said Restricted Reserve "A" and northwest corner of said 10.0000 acre tract; continuing in all for a total distance of 2,190.65 feet to a 5/8-inch iron rod found at the base of a concrete filt station pad on the aforesaid southerly R.O.W. line of F.M. 528 and marking the northerly common corner of said Restricted Reserve "A" and 106.472 acre tract; said iron rod for the northwest corner of the herein described tract;

THENCE, North 81°12'37" East, along said southerly R.O.W. line, a distance of 21.50 feet to the POINT OF BEGINNING and containing 1.076 acres (46,884 square feet) of land. This description is based upon a Standard Land Survey of 38.927 Acres of land prepared by Boundary One, LLC. Project Number 6767-2209-657G.

Compiled by: Christian Offenburger, R.P.L.S.
Boundary One, L.L.C.
T.B.P.E.L.S Firm No. 10084800
150 W. Shadowbend Ave., Suite 300
Friendswood, TX 77546
(281) 648-3131
www.boundaryone.com
May 10, 2024

Mb1076.docx



RP-2024-424559

RP-2024-424559
Pages 6
11/14/2024 09:33 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees $41.00

RP-2024-424559

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

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

COUNTY CLERK
HARRIS COUNTY, TEXAS

CONSENT TO THE RELEASE AND ABANDONMENT
OF
AN ELECTRIC EASEMENT

STATE OF TEXAS §
§
COUNTY OF HARRIS §

This Consent to the Release and Abandonment of an Electric Easement (this "Consent") is made and entered into on the _____ day of March, 2026 (the "Effective Date") by and between Madison Development Corp., LLC, a Texas limited liability company (the "Developer") and the City of Friendswood, Texas, a Texas home-rule municipal corporation located in Harris and Galveston Counties, Texas. The City and the Developer are herein collectively referred to as the "Parties" and individually as a "Party."

WITNESSETH:

WHEREAS, on November 13, 2024, the City and the Clear Creek Independent School District (the "District") entered into an Agreement to Convey Property and to License Property by and between the District and the City (the "Agreement"); and

WHEREAS, pursuant to the Agreement, the District agreed to convey to the City an easement for electrical distribution facilities to be located along a portion of the District's property consisting of that certain 1.076-acre easement, which is more particularly described in Exhibit "A," which is attached hereto and incorporated herein for all intents and purposes; and

WHEREAS, on November 8, 2024, the District conveyed the electric easement to the City, which easement was filed in the real property records of Harris County under Harris County Clerk's File No. RP-2024-424559, which easement is incorporated herein by this reference for all intents and purposes (the "Electric Easement"); and

WHEREAS, thereafter, the City assigned the license contained in the Agreement to the Developer in order for the Developer to perform its obligations under the Tax Increment Reinvestment Zone ("TIRZ") Development Agreement for TIRZ No. 1; and

WHEREAS, to date, no facilities have been placed within the Electric Easement; and

WHEREAS, the Parties now desire that the Electric Easement be released and abandoned in order for a new electric easement to be conveyed directly from the District to CenterPoint Energy Houston Electric, LLC ("CenterPoint") in order to provide electrical service as contemplated by the Parties;

NOW, THEREFORE, the Developer and the City, in consideration of the promises, covenants, and conditions, hereby mutually agree as follows:

1. *Recitals*. The Parties agree that the recitals hereinabove are true and correct and that the Developer consents to the City's release and abandonment of the Electric Easement in accordance with Section 2 hereinbelow.

2. *Consent*. The Developer, on behalf of itself, its agents, representatives, managers, and assigns, hereby consents to the City's release and abandonment of the Electric Easement in substantially the form which is attached hereto as Exhibit "B." Furthermore, the Developer fully, finally, and forever releases the City and its officers, agents and employees from any and all claims, causes of action, demands, contribution, and all other rights that the Developer has or had arising out of or relating to, or in any manner concerning the Electric Easement and the provision of electrical service to the property within TIRZ No. 1.

3. *Effect of Abandonment*. The Parties agree that this Consent only affects the Electric Easement; and all other aspects of the License Assignment Agreement remain in full force and effect.

4. *Authority*. Each Party has the full power and authority to enter into and perform this Consent, and the person signing hereinbelow on behalf of each Party has been properly authorized and empowered to execute this Consent.

IN WITNESS WHEREOF, the Parties have executed this Consent in multiple copies, each of which shall be deemed an original, but all of which shall constitute but one and the same agreement, which will be effective on the date of execution by the City.

CITY OF FRIENDSWOOD	MADISON DEVELOPMENT CORP., LLC
MORAD KABIRI, City Manager	LOUIS TANNOS, Managing Member
Date	03-28-26 Date

Exhibit "A"

Electric Easement

METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQUARE FEET)
SARAH MCKISSICK LEAGUE, A-549
CITY OF FRIENDSWOOD
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 1.076 acres (46,884 square feet) of land situated in the Sarah McKissick League, Abstract Number 549, Harris County, Texas; being out of and a part of Restricted Reserve "A", WESTSIDE MIDDLE SCHOOL, a subdivision plat of record at Film Code No. 359101, Harris County Map Records (H.C.M.R.); being out of and a part of a called 28.9270 are tract of land conveyed to Clear Creek Independent School District as described by deed recorded under Harris County Clerk's File (H.C.C.F.) No. P598260; being out of and a part of a called 10.0000 acre tract of land conveyed to Clear Creek Independent School District as described by deed recorded under H.C.C.F. No. P598262; said 1.076 acre tract of land being more particularly described as follows (bearings are oriented to the Texas State Plane Coordinate System of 1983, South Central Zone 4204, US Survey Feet, NAD83(NA2011):

COMMENCING at a 5/8-inch iron rod found marking the intersection of the southerly right-of-way (R.O.W.) line of F.M. 528 (120 feet wide) with a westerly line of a called 12.2828 acre tract of land conveyed to Harris County Flood Control District (H.C.F.C.D. Unit No. A-114-02-00) as described by deeds recorded under H.C.C.F. No(s). E449568 and K384682; said iron rod for the northwest corner of Restricted Reserve "F", AUTUMN CREEK COMMERCIAL TRACT "TWO", a subdivision plat of record at Film Code No. 410065, Harris County Map Records (H.C.M.R.) and also for the northeast corner of said Restricted Reserve "A"; said iron rod having Texas State Plane Grid Coordinates of X=3,187,884.24' and Y=13,757,264.17';

THENCE, South 81°12'37" West, along said southerly R.O.W. line, a distance of 958.50 feet to the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 08°47'23" East, departing said southerly R.O.W. line and over and across said Restricted Reserve "A" and 10.0000 acre tract, a distance of 2,170.69 feet to a northwesterly line of said H.C.F.C.D. tract and for an angle point of the herein described tract;

THENCE, South 38°20'29" West, continuing along a northwesterly line of said H.C.F.C.D. tract, a distance of 29.34 feet to a 5/8-inch iron rod with cap stamped "RPLS 3974" found marking the southerly common corner of said 10.0000 acre tract and a called 106.472 acre tract of land conveyed to Madison Development Corp., LLC as described by deed recorded under H.C.C.F. No. RP-2023-65754; said iron rod for the most southerly corner of the herein described tract;

METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQ. FT.)

THENCE, North 08°47'23" West, at 901.29 feet passing a 5/8-inch iron rod found marking the southwest corner of said Restricted Reserve "A" and northwest corner of said 10.0000 acre tract; continuing in all for a total distance of 2,190.65 feet to a 5/8-inch iron rod found at the base of a concrete lift station pad on the aforesaid southerly R.O.W. line of F.M. 528 and marking the northerly common corner of said Restricted Reserve "A" and 106.472 acre tract; said iron rod for the northwest corner of the herein described tract;

THENCE, North 81°12'37" East, along said southerly R.O.W. line, a distance of 21.50 feet to the POINT OF BEGINNING and containing 1.076 acres (46,884 square feet) of land. This description is based upon a Standard Land Survey of 38.927 Acres of land prepared by Boundary One, LLC. Project Number 6767-2209-657G.

Compiled by: Christian Offenburger, R.P.L.S.
Boundary One, L.L.C.
T.B.P.E.L.S Firm No. 10084800
150 W. Shadowbend Ave., Suite 300
Friendswood, TX 77546
(281) 648-3131
www.boundaryone.com
May 10, 2024

Mb1076.docx

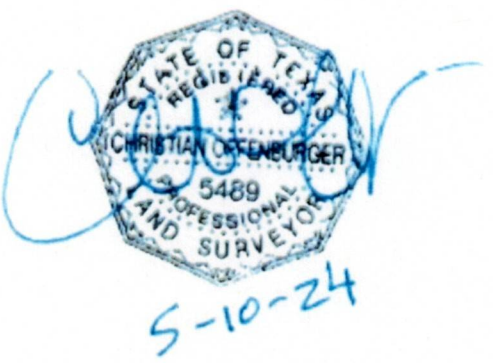


Exhibit "B"

RELEASE AND ABANDONMENT OF ELECTRIC EASEMENT

STATE OF TEXAS §
§
COUNTY OF HARRIS §

The CITY OF FRIENDSWOOD, TEXAS, a home-rule municipal corporation located in Harris and Galveston Counties, Texas, hereby releases, abandons and disclaims all rights, title and interest it may have in and to that certain Electric Easement granted to the CITY OF FRIENDSWOOD, TEXAS, as set out by the instrument filed and recorded in Harris County real property records under County Clerk File No. RP-2024-424559, which easement is attached hereto as Exhibit "A."

This release and abandonment is not intended to and shall not affect any other easement of the CITY OF FRIENDSWOOD, TEXAS, and no other easement or property right of the CITY OF FRIENDSWOOD, TEXAS, shall be deemed to be released, abandoned or waived by the execution and filing of this document.

EXECUTED this _____ day of _____, 2026.

THE CITY OF FRIENDSWOOD, TEXAS

_____
MORAD KABIRI, City Manager

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, _____, the undersigned notary public, on this day personally appeared MORAD KABIRI, the City Manager of the City of Friendswood, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this _____ day of _____, 2026.

_____
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:
City of Friendswood
Attn: City Secretary
910 S. Friendswood Dr.
Friendswood, TX 77546

RP-2024-424559
11/14/2024 ER $41.00

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

ELECTRIC EASEMENT

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

THAT CLEAR CREEK INDEPENDENT SCHOOL DISTRICT, a political subdivision of the State of Texas ("GRANTOR"), for and in consideration of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration paid by the GRANTEE herein named, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the CITY OF FRIENDSWOOD, TEXAS, a home-rule municipal corporation located in Harris and Galveston Counties, Texas, its successors and assigns (collectively "GRANTEE"), a perpetual electric easement in, under, over, along, upon, and across that certain tract of land, being more particularly described in Exhibit "A," which is attached hereto and incorporated herein for all intents and purposes (the "Easement").

RP-2024-424559

This conveyance is made subject to the following to the extent the same are still in effect, related to the Property: all easements, rights-of-way, reservations of mineral leases respecting mineral interests, and all other matters of record in the Official Public Records of Real Property of Harris County, Texas, to which GRANTEE may be legally bound.

TO HAVE AND TO HOLD the above-described Easement, together with all and singular the rights and appurtenances thereto in any wise belonging, together with the rights of ingress and egress to and from the Easement for the purposes of constructing, inspecting, reconstructing, repairing, relocating, altering, and maintaining electric service facilities, including lines and related facilities (the "Facilities"), unto the said GRANTEE, its successors and assigns forever, provided, however, only trees previously designated by GRANTOR may be removed from the Easement. GRANTOR binds itself as well as its successors and assigns, to warrant and forever defend all and singular the Easement unto GRANTEE and GRANTEE'S successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by,

At all times after performing any work in connection with the Easement, GRANTEE shall, at GRANTEE'S expense, promptly restore the Easement as nearly as reasonably practicable to substantially the condition prior to the undertaking of such work.

GRANTEE, at GRANTEE'S sole expense, shall be solely responsible for the maintenance of the Facilities placed or constructed within the Easement by the GRANTEE.

GRANTEE agrees to comply in all material respects, at its sole cost, with all applicable federal, state and local laws, rules, and regulations which are applicable to GRANTEE'S activities hereunder.

GRANTOR expressly reserves the right to the use and enjoyment of the surface of the Easement for any and all purposes, provided, however, that such use and enjoyment of the surface of the Easement shall not materially and unreasonably interfere with or restrict the full and complete use and enjoyment of the Easement for the purposes set forth herein.

Executed this 8th day of November, 2024.

GRANTOR:
CLEAR CREEK INDEPENDENT SCHOOL DISTRICT

ARTURO SANCHEZ
President of the Board of Trustees

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, Greta McMahon, the undersigned notary public, on this day personally appeared Arturo Sanchez, President of the Board of Trustees of the Clear Creek Independent School District, the owner of the Property, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this 8th day of November 2024.

GRETA LYNN MCMAHON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP 03/27/27
NOTARY ID 13427388-2

Notary Public in and for the State of Texas

My commission expires: 3/27/27

RP-2024-424559

ACCEPTED BY:
CITY OF FRIENDSWOOD, TEXAS

By: _____
MORAD KABIRI, City Manager

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, Leticia Brysch, the undersigned notary public, on this day personally appeared MORAD KABIRI, the City Manager of the City of Friendswood, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this 13th day of November, 2024.

LETICIA C. BRYSCH
Notary ID #13412458-9
My Commission Expires
January 3, 2027

Notary Public in and for the State of Texas

My commission expires: January 3, 2027

RP-2024-424559

GRANTOR'S ADDRESS:
Clear Creek Independent School District
Attn: Superintendent
P.O. Box 799
League City, TX 77574

AFTER RECORDING RETURN TO:
City of Friendswood
Attn: City Secretary
910 S. Friendswood Drive
Friendswood, TX 77546

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQUARE FEET)
SARAH MCKISSICK LEAGUE, A-549
CITY OF FRIENDSWOOD
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 1.076 acres (46,884 square feet) of land situated in the Sarah McKissick League, Abstract Number 549, Harris County, Texas; being out of and a part of Restricted Reserve "A", WESTSIDE MIDDLE SCHOOL, a subdivision plat of record at Film Code No. 359101, Harris County Map Records (H.C.M.R.); being out of and a part of a called 28.9270 are tract of land conveyed to Clear Creek Independent School District as described by deed recorded under Harris County Clerk's File (H.C.C.F.) No. P598260; being out of and a part of a called 10.0000 acre tract of land conveyed to Clear Creek Independent School District as described by deed recorded under H.C.C.F. No. P598262; said 1.076 acre tract of land being more particularly described as follows (bearings are oriented to the Texas State Plane Coordinate System of 1983, South Central Zone 4204, US Survey Feet, NAD83(NA2011):

COMMENCING at a 5/8-inch iron rod found marking the intersection of the southerly right-of-way (R.O.W.) line of F.M. 528 (120 feet wide) with a westerly line of a called 12.2828 acre tract of land conveyed to Harris County Flood Control District (H.C.F.C.D. Unit No. A-114-02-00) as described by deeds recorded under H.C.C.F. No(s). E449568 and K384682; said iron rod for the northwest corner of Restricted Reserve "F", AUTUMN CREEK COMMERCIAL TRACT "TWO", a subdivision plat of record at Film Code No. 410065, Harris County Map Records (H.C.M.R.) and also for the northeast corner of said Restricted Reserve "A"; said iron rod having Texas State Plane Grid Coordinates of X=3,187,884.24' and Y=13,757,264.17';

THENCE, South 81°12'37" West, along said southerly R.O.W. line, a distance of 958.50 feet to the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 08°47'23" East, departing said southerly R.O.W. line and over and across said Restricted Reserve "A" and 10.0000 acre tract, a distance of 2,170.69 feet to a northwesterly line of said H.C.F.C.D. tract and for an angle point of the herein described tract;

THENCE, South 38°20'29" West, continuing along a northwesterly line of said H.C.F.C.D. tract, a distance of 29.34 feet to a 5/8-inch iron rod with cap stamped "RPLS 3974" found marking the southerly common corner of said 10.0000 acre tract and a called 106.472 acre tract of land conveyed to Madison Development Corp., LLC as described by deed recorded under H.C.C.F. No. RP-2023-65754; said iron rod for the most southerly corner of the herein described tract;

RP-2024-424559

METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQ. FT.)
PAGE 2 OF 2

THENCE, North 08°47'23" West, at 901.29 feet passing a 5/8-inch iron rod found marking the southwest corner of said Restricted Reserve "A" and northwest corner of said 10.0000 acre tract; continuing in all for a total distance of 2,190.65 feet to a 5/8-inch iron rod found at the base of a concrete lift station pad on the aforesaid southerly R.O.W. line of F.M. 528 and marking the northerly common corner of said Restricted Reserve "A" and 106.472 acre tract; said iron rod for the northwest corner of the herein described tract;

THENCE, North 81°12'37" East, along said southerly R.O.W. line, a distance of 21.50 feet to the POINT OF BEGINNING and containing 1.076 acres (46,884 square feet) of land. This description is based upon a Standard Land Survey of 38.927 Acres of land prepared by Boundary One, LLC. Project Number 6767-2209-657G.

Compiled by: Christian Offenburger, R.P.L.S.
Boundary One, L.L.C.
T.B.P.E.L.S Firm No. 10084800
150 W. Shadowbend Ave., Suite 300
Friendswood, TX 77546
(281) 648-3131
www.boundaryone.com
May 10, 2024

Mb1076.docx

STATE OF TEXAS
REGISTERED
CHRISTIAN OFFENBURGER
5489
PROFESSIONAL
LAND SURVEYOR

5-10-24

RP-2024-424559

RP-2024-424559
Pages 6
11/14/2024 09:33 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees $41.00

RP-2024-424559

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

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

COUNTY CLERK
HARRIS COUNTY, TEXAS

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 11/26/2025

Prepared by: Karen Horner, City Attorney

Subject: Consider an ordinance authorizing the abandonment of an electric easement consisting of 1.076 acres and being 21.5 feet wide and located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control Ditch as recorded in Harris County Real Property Records, File Number RP-2024-424559, City of Friendswood, Harris County, Texas.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This proposed ordinance authorizes the abandonment of an electric easement consisting of 1.076 acres and being 21.5 feet wide and located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control Ditch as recorded in Harris County Real Property Records, File Number RP-2024-424559, City of Friendswood, Harris County, Texas.

This is a city-initiated action to release an electric easement. The easement was dedicated to the City of Friendswood by Clear Creek Independent School District in anticipation of the City Center development. The plan was for the City to dedicate the easement to Centerpoint for future electrical services to various properties. During the platting process, Centerpoint Energy requested the easement be dedicated with different terms. CCISD has released the easement and this is the city's action to also begin the process to release the easement. A new electric easement will be dedicated to Centerpoint by CCISD and the City.

See attachments on the public hearing item.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

The Planning and Zoning Commission voted unanimously (6 to 0) to recommend approval of vacating the easement following the public hearing on Thursday, April 9, 2026. See the Final Report for additional details.

ATTACHMENTS

1. Ordinance - Abandonment of Electric Easement
2. Exhibit A - Release and Abandonment of Electric Easement

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AUTHORIZING THE RELEASE AND ABANDONMENT OF A TWENTY-ONE AND ONE-HALF FOOT (21.5') WIDE ELECTRIC EASEMENT CONSISTING OF 1.076 ACRES LOCATED ALONG THE WESTERLY PROPERTY LINE OF 3535 FM 528 AND EXTENDING SOUTH TO THE HARRIS COUNTY FLOOD CONTROL DITCH AS RECORDED IN HARRIS COUNTY REAL PROPERTY RECORDS, FILE NUMBER RP-2024-424559, CITY OF FRIENDSWOOD, HARRIS COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE AND ABANDONMENT OF ELECTRIC EASEMENT RELEASING THE CITY'S INTEREST IN SAID EASEMENT; AND ESTABLISHING THE EFFECTIVE DATE.

****

WHEREAS, on November 4, 2024, the City Council authorized the Property Conveyance and License Agreement (the "Agreement") with Clear Creek Independent School District (the "District"), wherein the District agreed, among other things, to convey a twenty-one-and-one-half foot (21.5') wide electric easement consisting of 1.076 acres located along the westerly property line of 3535 FM 528 and extending south to the Harris County Flood Control Ditch as recorded in Harris County Real Property Records, File Number RP-2024-424559, City of Friendswood, Harris County, Texas (the "Easement") to the City of Friendswood (the "City") to facilitate the development of certain public improvements by Madison Development Corp., LLC (the "Developer"); and

WHEREAS, on November 8, 2024, the District conveyed the Easement to the City, and on November 13, 2024, the City accepted the same; and

WHEREAS, since the time of such conveyance, no facilities have been placed within the Easement; and

WHEREAS, the District, the Developer, and the City now desire that the Easement be released and abandoned in order for a new electric easement to be conveyed directly to CenterPoint Energy Houston Electric, LLC ("CenterPoint");

WHEREAS, on April 9, 2026, after conducting a public hearing in the time and manner required by law, the Planning and Zoning Commission of the City of Friendswood voted to recommend approval of vacating the Easement to the City Council; and

WHEREAS, on May 4, 2026, the City Council conducted a public hearing to consider any public comments concerning the request to vacate the Easement; and

WHEREAS, after considering the testimony and evidence received at the public, the City Council has determined that the Easement is no longer necessary for the City; and

WHEREAS, City Council has further determined that all public notices have been posted and published, all required hearings on this matter have been held, and that this ordinance complies

with the applicable provisions of the City Charter, the Friendswood City Code, and all other applicable laws; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. That the facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2. That the City Council of the City of Friendswood, Texas, hereby authorizes the abandonment of the City's interest in the Easement.

Section 3. That the City Manager is hereby authorized to execute and the City Secretary to attest to the Release and Abandonment of Electric Easement, which is attached as Exhibit "A" and incorporated herein for all intents and purposes.

Section 4. This ordinance shall take effect immediately from and after its passage by the City Council of the City of Friendswood, Texas.

INTRODUCED, READ AND PASSED on first and final reading by the affirmative vote of the City Council of the City of Friendswood on this the 4th day of May, 2026.

_____
MIKE FOREMAN, Mayor

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

_____
KAREN L. HORNER, City Attorney

EXHIBIT "A"

RELEASE AND ABANDONMENT OF ELECTRIC EASEMENT

STATE OF TEXAS §
§
COUNTY OF HARRIS §

The CITY OF FRIENDSWOOD, TEXAS, a home-rule municipal corporation located in Harris and Galveston Counties, Texas, hereby releases, abandons and disclaims all rights, title and interest it may have in and to that certain Electric Easement granted to the CITY OF FRIENDSWOOD, TEXAS, as set out by the instrument filed and recorded in Harris County real property records under County Clerk File No. RP-2024-424559, which easement is attached hereto as Exhibit "A."

This release and abandonment is not intended to and shall not affect any other easement of the CITY OF FRIENDSWOOD, TEXAS, and no other easement or property right of the CITY OF FRIENDSWOOD, TEXAS, shall be deemed to be released, abandoned or waived by the execution and filing of this document.

EXECUTED this _____ day of _____, 2026.

THE CITY OF FRIENDSWOOD, TEXAS

_____
MORAD KABIRI, City Manager

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, _____, the undersigned notary public, on this day personally appeared MORAD KABIRI, the City Manager of the City of Friendswood, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this _____ day of _____, 2026.

_____
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:
City of Friendswood
Attn: City Secretary
910 S. Friendswood Dr.
Friendswood, TX 77546

RP-2024-424559
11/14/2024 ER $41.00

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

ELECTRIC EASEMENT

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

THAT CLEAR CREEK INDEPENDENT SCHOOL DISTRICT, a political subdivision of the State of Texas ("GRANTOR"), for and in consideration of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration paid by the GRANTEE herein named, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the CITY OF FRIENDSWOOD, TEXAS, a home-rule municipal corporation located in Harris and Galveston Counties, Texas, its successors and assigns (collectively "GRANTEE"), a perpetual electric easement in, under, over, along, upon, and across that certain tract of land, being more particularly described in Exhibit "A," which is attached hereto and incorporated herein for all intents and purposes (the "Easement").

RP-2024-424559

This conveyance is made subject to the following to the extent the same are still in effect, related to the Property: all easements, rights-of-way, reservations of mineral leases respecting mineral interests, and all other matters of record in the Official Public Records of Real Property of Harris County, Texas, to which GRANTEE may be legally bound.

TO HAVE AND TO HOLD the above-described Easement, together with all and singular the rights and appurtenances thereto in any wise belonging, together with the rights of ingress and egress to and from the Easement for the purposes of constructing, inspecting, reconstructing, repairing, relocating, altering, and maintaining electric service facilities, including lines and related facilities (the "Facilities"), unto the said GRANTEE, its successors and assigns forever, provided, however, only trees previously designated by GRANTOR may be removed from the Easement. GRANTOR binds itself as well as its successors and assigns, to warrant and forever defend all and singular the Easement unto GRANTEE and GRANTEE'S successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by,

At all times after performing any work in connection with the Easement, GRANTEE shall, at GRANTEE'S expense, promptly restore the Easement as nearly as reasonably practicable to substantially the condition prior to the undertaking of such work.

GRANTEE, at GRANTEE'S sole expense, shall be solely responsible for the maintenance of the Facilities placed or constructed within the Easement by the GRANTEE.

GRANTEE agrees to comply in all material respects, at its sole cost, with all applicable federal, state and local laws, rules, and regulations which are applicable to GRANTEE'S activities hereunder.

GRANTOR expressly reserves the right to the use and enjoyment of the surface of the Easement for any and all purposes, provided, however, that such use and enjoyment of the surface of the Easement shall not materially and unreasonably interfere with or restrict the full and complete use and enjoyment of the Easement for the purposes set forth herein.

Executed this 8th day of November, 2024.

GRANTOR:
CLEAR CREEK INDEPENDENT SCHOOL DISTRICT

ARTURO SANCHEZ
President of the Board of Trustees

RP-2024-424559

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, Greta McMahon, the undersigned notary public, on this day personally appeared Arturo Sanchez, President of the Board of Trustees of the Clear Creek Independent School District, the owner of the Property, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this 8th day of November 2024.

GRETA LYNN MCMAHON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP 03/27/27
NOTARY ID 13427388-2

Notary Public in and for the State of Texas

My commission expires: 3/27/27

Electric Easement, Page 2

ACCEPTED BY:
CITY OF FRIENDSWOOD, TEXAS

By: _____
MORAD KABIRI, City Manager

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

BEFORE ME, Leticia Brysch, the undersigned notary public, on this day personally appeared MORAD KABIRI, the City Manager of the City of Friendswood, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN before me this 13th day of November, 2024.

LETICIA C BRYSCH
Notary ID #134124458-9
My Commission Expires
January 3, 2027

Notary Public in and for the State of Texas

My commission expires: January 3, 2027

RP-2024-424559

GRANTOR'S ADDRESS:
Clear Creek Independent School District
Attn: Superintendent
P.O. Box 799
League City, TX 77574

AFTER RECORDING RETURN TO:
City of Friendswood
Attn: City Secretary
910 S. Friendswood Drive
Friendswood, TX 77546

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQUARE FEET)
SARAH MCKISSICK LEAGUE, A-549
CITY OF FRIENDSWOOD
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 1.076 acres (46,884 square feet) of land situated in the Sarah McKissick League, Abstract Number 549, Harris County, Texas; being out of and a part of Restricted Reserve "A", WESTSIDE MIDDLE SCHOOL, a subdivision plat of record at Film Code No. 359101, Harris County Map Records (H.C.M.R.); being out of and a part of a called 28.9270 are tract of land conveyed to Clear Creek Independent School District as described by deed recorded under Harris County Clerk's File (H.C.C.F.) No. P598260; being out of and a part of a called 10.0000 acre tract of land conveyed to Clear Creek Independent School District as described by deed recorded under H.C.C.F. No. P598262; said 1.076 acre tract of land being more particularly described as follows (bearings are oriented to the Texas State Plane Coordinate System of 1983, South Central Zone 4204, US Survey Feet, NAD83(NA2011):

COMMENCING at a 5/8-inch iron rod found marking the intersection of the southerly right-of-way (R.O.W.) line of F.M. 528 (120 feet wide) with a westerly line of a called 12.2828 acre tract of land conveyed to Harris County Flood Control District (H.C.F.C.D. Unit No. A-114-02-00) as described by deeds recorded under H.C.C.F. No(s). E449568 and K384682; said iron rod for the northwest corner of Restricted Reserve "F", AUTUMN CREEK COMMERCIAL TRACT "TWO", a subdivision plat of record at Film Code No. 410065, Harris County Map Records (H.C.M.R.) and also for the northeast corner of said Restricted Reserve "A"; said iron rod having Texas State Plane Grid Coordinates of X=3,187,884.24' and Y=13,757,264.17';

RP-2024-424559

THENCE, South 81°12'37" West, along said southerly R.O.W. line, a distance of 958.50 feet to the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 08°47'23" East, departing said southerly R.O.W. line and over and across said Restricted Reserve "A" and 10.0000 acre tract, a distance of 2,170.69 feet to a northwesterly line of said H.C.F.C.D. tract and for an angle point of the herein described tract;

THENCE, South 38°20'29" West, continuing along a northwesterly line of said H.C.F.C.D. tract, a distance of 29.34 feet to a 5/8-inch iron rod with cap stamped "RPLS 3974" found marking the southerly common corner of said 10.0000 acre tract and a called 106.472 acre tract of land conveyed to Madison Development Corp., LLC as described by deed recorded under H.C.C.F. No. RP-2023-65754; said iron rod for the most southerly corner of the herein described tract;

METES AND BOUNDS DESCRIPTION
1.076 ACRES (46,884 SQ. FT.)
PAGE 2 OF 2

THENCE, North 08°47'23" West, at 901.29 feet passing a 5/8-inch iron rod found marking the southwest corner of said Restricted Reserve "A" and northwest corner of said 10.0000 acre tract; continuing in all for a total distance of 2,190.65 feet to a 5/8-inch iron rod found at the base of a concrete filt station pad on the aforesaid southerly R.O.W. line of F.M. 528 and marking the northerly common corner of said Restricted Reserve "A" and 106.472 acre tract; said iron rod for the northwest corner of the herein described tract;

THENCE, North 81°12'37" East, along said southerly R.O.W. line, a distance of 21.50 feet to the POINT OF BEGINNING and containing 1.076 acres (46,884 square feet) of land. This description is based upon a Standard Land Survey of 38.927 Acres of land prepared by Boundary One, LLC. Project Number 6767-2209-657G.

Compiled by: Christian Offenburger, R.P.L.S.
Boundary One, L.L.C.
T.B.P.E.L.S Firm No. 10084800
150 W. Shadowbend Ave., Suite 300
Friendswood, TX 77546
(281) 648-3131
www.boundaryone.com
May 10, 2024

Mb1076.docx

5-10-24

RP-2024-424559

RP-2024-424559
Pages 6
11/14/2024 09:33 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees $41.00

RP-2024-424559

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

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

COUNTY CLERK
HARRIS COUNTY, TEXAS

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 03/13/2026

Prepared by: Karen Horner, City Attorney

Subject: Conduct a public hearing regarding a City-initiated request to amend the Future Land Use Map to change the category designation of Reserves C and D of Autumn Creek Section 3; Reserve C of Autumn Creek Section 5; 3001 through 3011 Harvest Hill Drive; 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail; 3201 through 3205 Cedar Ridge Court; and 2910 and 2912 Harvest Hill Drive from "Garden Homes" to "Low Density Residential"; and to change the category designation of 3000, 3002, 3003, and 3005 Cedar Ridge Trail; 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive; and 2800, 2802, and 2804 Harvest Hill Court from "Garden Homes and "Low Density Residential" to "Low Density Residential."

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This public hearing is being held to give interested parties the right to appear and express their views on the following Future Land Use Map amendments:

Subject Properties in Friendswood, Harris County, Texas	Future Land Use Map Amendments	
	Current Category Designation	Proposed Category Designation
➢ Reserves C and D of Autumn Creek Section 3 ➢ Reserve C of Autumn Creek Section 5 ➢ 3001 through 3011 Harvest Hill Drive ➢ 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail ➢ 3201 through 3205 Cedar Ridge Court ➢ 2910 and 2912 Harvest Hill Drive	Garden Homes	Low Density Residential
➢ 3000, 3002, 3003, and 3005 Cedar Ridge Trail ➢ 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive ➢ 2800, 2802, and 2804 Harvest Hill Court	Garden Homes and Low Density Residential	Low Density Residential

The purpose of this city-initiated amendment of the Future Land Use Map is to correct the discrepancies so that the land use designations match what is platted and built. City staff often receive phone calls from real estate appraisers requesting the zoning of the lots, which is especially confusing on the lots with two zoning districts assigned. The corrections will allow for more accurate calculations of the city's zoning districts for both the official zoning map and the future land use categories – Garden Homes versus Low Density Residential.

The Districts

The **Future Land Use Map** is a guide to direct land use decisions to meet the current and future community desire for development and redevelopment. The map is a part of the City's comprehensive plan. It provides guidance as to the location of land uses for future development. A FLUM depicts the types of future development using different colors for different types of development such as yellow for single-family, red for commercial, green for parks and blue for open space.

There are 13 designated future land use categories that make up the Future Land Use Map. The Garden Homes and Low Density Residential categories are defined as follows:

Garden Homes - The Garden Home District (GHD) is a single-family district that allows for increase density, while still providing detached housing with open space between units. The district may be located adjacent to a district of a different zoning designation and may be used as a buffer between incompatible uses. Acceptable zoning district: Garden Home District (GHD).

Low Density Residential - The most common use category in Friendswood is single family residential. Being primarily a bedroom community has its advantages and disadvantages. Acceptable Zoning District: Single Family Residential (SFR), Multi-Family Residential – Low Density (MFR-L).

City staff attended the Autumn Creek HOA meeting in January to explain the correction needed. We also mailed out a courtesy notice to the affected property owners in addition to the required legal notices which included the newspaper notice, signs posted, and notices to all property owners within 200 feet of the affected properties.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

This correction is administrative in nature and is not intended to introduce new land use policies or change the allowed uses that were originally contemplated.

RECOMMENDATIONS

The Planning and Zoning Commission voted 6 to 0 (one vacancy) on a motion to approve the city-initiated amendment to the Future Land Use Map (FLUM). See the attached final report.

ATTACHMENTS

1. PH Notice - Zone Change Autumn Creek Sections 3 and 5
2. Autumn Creek Future Land Use Map
3. Autumn Creek Rezoning Corrrection Explanation
4. Final Plat_Autumn Creek Section 3
5. Final Plat_Autumn Creek Section 5
6. Autumn Creek FLUM Amendment PZ Final Report 04-20-2026

CITY OF FRIENDSWOOD

OFFICE OF THE CITY SECRETARY

NOTICE OF PUBLIC HEARINGS REGARDING CITY-INITIATED FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AMENDMENTS FOR CERTAIN PROPERTIES IN AUTUMN CREEK SECTIONS 3 AND 5

NOTICE is hereby given that the **Planning and Zoning Commission** and the **City Council** of the City of Friendswood will each hold public hearings to give all interested parties the right to appear and express their views on the following Future Land Use Map Amendments and Zoning Map Amendments:

Subject Properties in Friendswood, Harris County, Texas	Future Land Use Map Amendments		Zoning Map Amendments	
	Current Category Designation	Proposed Category Designation	Current Zoning District	Proposed Zoning District
➢ Reserves C and D of Autumn Creek Section 3 ➢ Reserve C of Autumn Creek Section 5 ➢ 3001 through 3011 Harvest Hill Drive ➢ 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail ➢ 3201 through 3205 Cedar Ridge Court ➢ 2910 and 2912 Harvest Hill Drive	Garden Homes	Low Density Residential	Garden Home District (GHD)	Single Family Residential (SFR)
➢ 3000, 3002, 3003, and 3005 Cedar Ridge Trail ➢ 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive ➢ 2800, 2802, and 2804 Harvest Hill Court	Garden Homes and Low Density Residential	Low Density Residential	Garden Home District (GHD) and Single Family Residential (SFR)	Single Family Residential (SFR)

The **Planning and Zoning Commission** will hold its public hearing on **Thursday, April 9, 2026**, in the Council Chambers, located in City Hall, 910 S Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **6:00 P.M.**

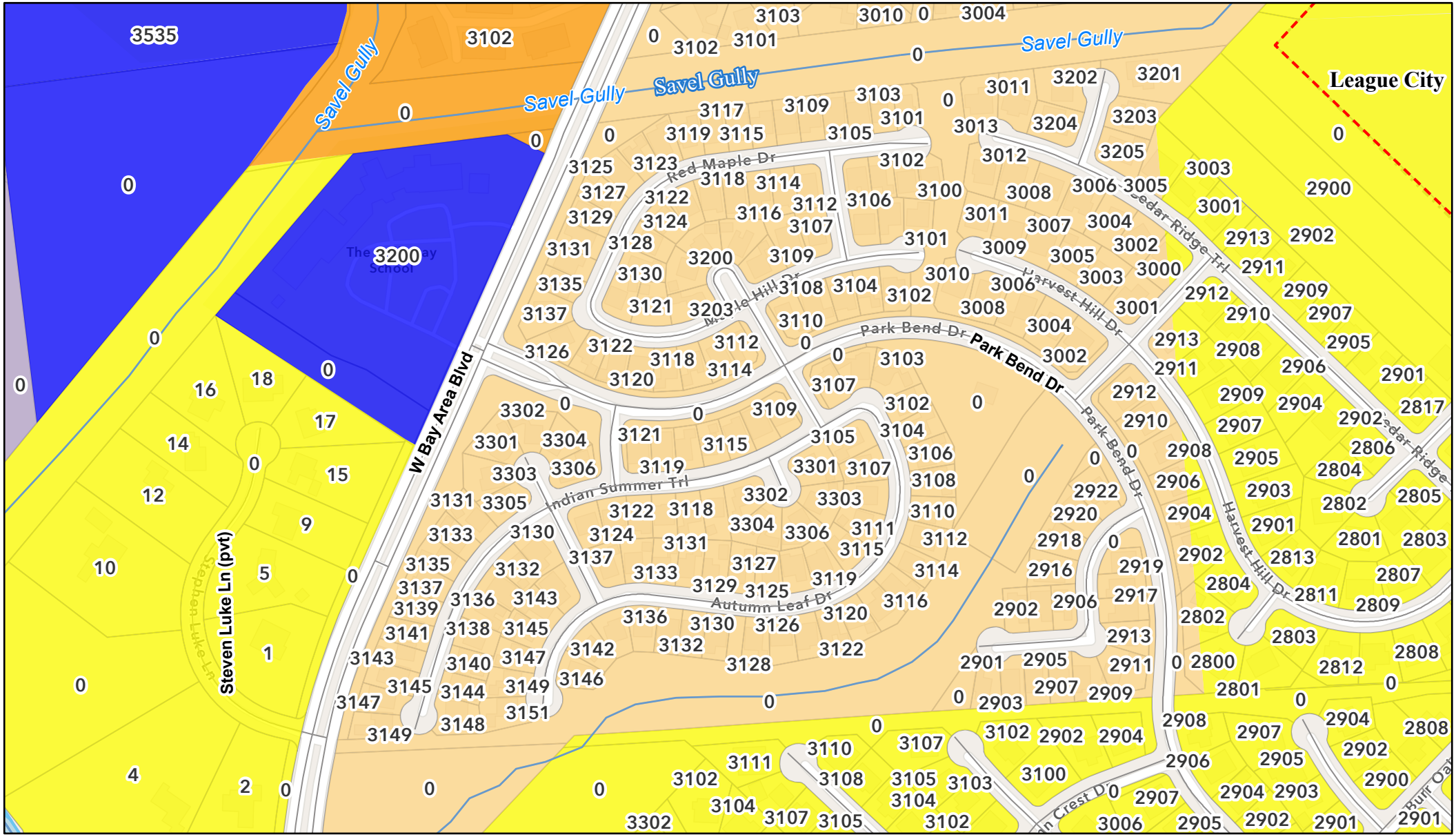
The **City Council** will hold its public hearing on **Monday, May 4, 2026**, in the Council Chambers, located in City Hall, 910 South Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **5:30 P.M.**

Item documentation is available for review in the City's Secretary's Office, 910 South Friendswood Drive, Friendswood, Texas 77546-485 during regular business hours or on the City's website at: http://zoning.friendswood.com. For questions regarding the details of the documentation and its related public hearing, please contact Aubrey Harbin, Director of Community Development/City Planner at 281-996-3280.

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. For assistance, please contact the City's ADA Coordinator Brian Rouane at 281-996-3285 via phone, 281-482-1634 via fax or contact 281-996-3285 via Relay Texas at 711 or 1-800-735-2988 for TYY services. For more information concerning Relay Texas, please visit http://relaytexas.com.

Raquel Martinez, TRMC, City Secretary
Posted on: Wednesday, March 18, 2026
Posting time: 7:30 A.M.

City of Friendswood



2/9/2026, 5:21:51 PM

City Limit
Creeks/Water

Future Land Use Adopted 2021
Low Density
Garden Homes
High Density Residential
Mixed Use
Public and Semi-Public
Parcels
Streets
Surrounding Cities
Water Lines

1:4,895
0 0.04 0.07 0.14 mi
0 0.05 0.1 0.2 km

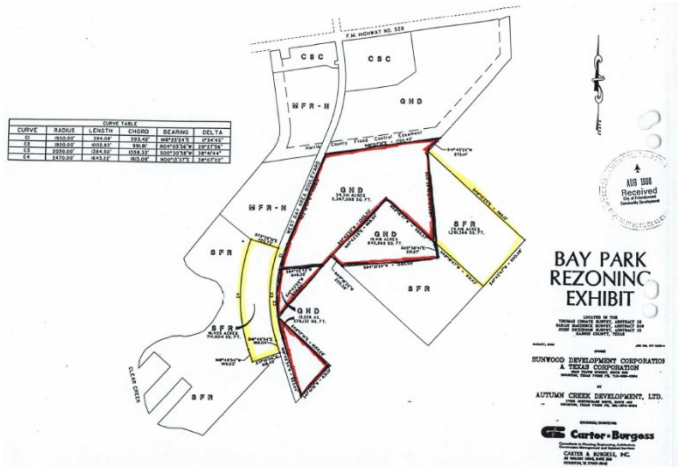
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Autumn Creek Subdivision

City-Initiated Future Land Use Map & Official Zoning Map Amendment Explanation

Origination

1998 – The property owner/developer submitted request for a zone change in the configuration shown below. Ordinance 98-34 zoning of land was changed in accordance with the exhibit below.



2000 – Most of the property was platted in accordance with the zone change; however, two sections, Autumn Creek Section Three and Section Five, were not platted in the same configuration, so the lot configurations do not align with the boundaries of the previous zone change approval.

Zoning Map

Future Land Use Map

Additionally, when the Future Land Use Map was amended in 2021, the same shape of the original zoning was used on the map.

The Remedy

The purpose of this city-initiated zone change and amendment of the Future Land Use Map is to correct the discrepancies so that the land use designations match what is platted and built. City staff often receive phone calls from real estate appraisers requesting the zoning of the lots, which is especially confusing on the lots with two zoning districts assigned. The corrections will allow for more accurate calculations of the city's zoning districts for both the official zoning map and the future land use categories – Garden Homes versus Low Density Residential.

The proposed zone changes will affect these properties:

On the lots listed below, the Future Land Use Map category would change from "Garden Homes" to "Low Density Residential" and the zoning would change from "Garden Home District (GHD)" to Single Family Residential (SFR)":

Autumn Creek Section 3
Reserve C
Reserve D
Block 1, Lots 1 thru 11 and Lots 14 thru 25
Block 2, Lots 1 and 2

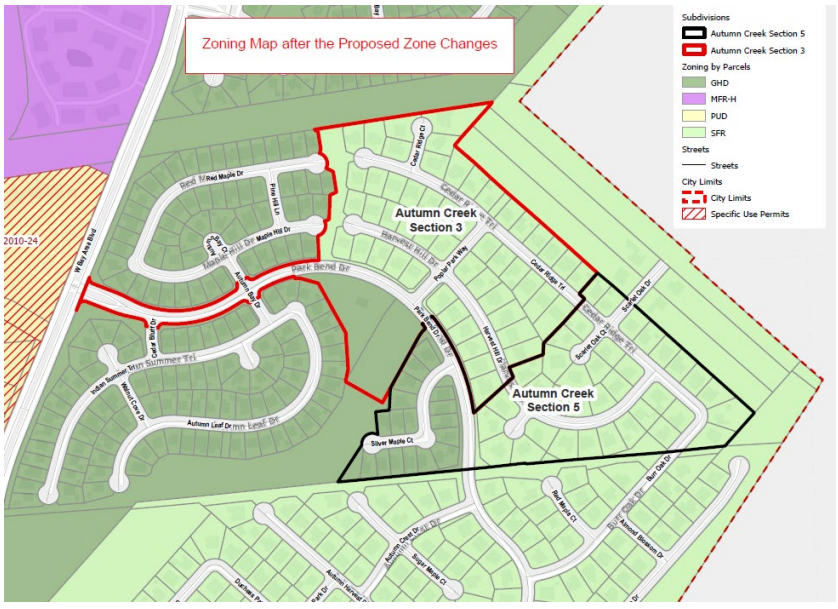
Autumn Creek Section 5
Reserve C

On the lots listed below, the Future Land Use Map category would change from "Garden Homes" and "Low Density Residential" to "Low Density Residential" and the zoning would change "Garden Home District (GHD)" and "Single Family Residential (SFR)" to "Single Family Residential (SFR)":

Autumn Creek Section 3
Block 1, Lot 12, 13, 26 and 27
Block 2, Lots 3 thru 6
Block 3, Lots 5 and 6

Autumn Creek Section 5
Block 2, Lots 1 thru 3

Ultimately, the zoning map would look like the map to the right.



The Districts

The **Future Land Use Map** is a guide to direct land use decisions to meet the current and future community desire for

development and redevelopment. The map is a part of the City's comprehensive plan. It provides guidance as to the location of land uses for future development. A FLUM depicts the types of future development using different colors for different types of development such as yellow for single-family, red for commercial, green for parks and blue for open space.

There are 13 designated future land use categories that make up the Future Land Use Map. The Garden Homes and Low Density Residential categories are defined as follows:

Low Density Residential - The most common use category in Friendswood is single family residential. Being primarily a bedroom community has its advantages and disadvantages. Acceptable Zoning District: Single Family Residential (SFR), Multi-Family Residential – Low Density (MFR-L)

Garden Homes - The Garden Home District (GHD) is a single-family district that allows for increase density, while still providing detached housing with open space between units. The district may be located adjacent to a district of a different zoning designation and may be used as a buffer between incompatible uses.

The **Official Zoning Map** depicts the zoning districts that are assigned to each property inside the city limits. The Zoning Ordinance then provides the regulations that each of the zoning districts must follow.

The main differences in the GHD and SFR zoning districts are the lot size, setbacks and density. Dwellings in the Garden Home District utilize a zero-foot lot line along one side of the property. The intent is to utilize one side of the structure as a shared wall and create a U-shaped, garden area or patio inset on the opposite side of the structure. The Residential Regulation Matrix can also be located in the Zoning Ordinance, Section 7.P.6. Information about zoning is also available on the City's web site at www.ci.friendswood.tx.us under the Community Development Department/Planning/Zoning.

Below are the current zoning descriptions of each district from the City's Zoning Ordinance.

SFR, residential, general purpose and description. The SFR, Single-Family Residential Dwelling District, is restricted to single-family dwellings, up to 2.7 units per acre, and to related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly convenient, and attractive residential area. Single-family residential areas shall be protected from higher density residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities.

1. Area and height regulations. Area and height regulations in an SFR district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the SFR district under certain circumstances and conditions.

4. Permitted uses. Uses permitted in an SFR district are set forth in subsection P of this section, permitted use table.

GHD, residential, general purpose and description. The GHD, Garden Home District, is intended to provide medium-density, detached, single-family dwellings having open space between units which exceed multi-family buildings, with density not exceeding six units per acre.

The district may be located adjacent to a district of a different zoning designation, and for which the development as GHD would be appropriate as a buffer between incompatible land uses.

(1) Dwellings in the GHD utilize a zero-foot lot line along one side of the property. The intent is to utilize one side of the structure as a shared wall and create a U-shaped, garden area or patio inset on the opposite side of the structure.

(2) Fifty percent or more of one side of the structure shall be located within (1) one foot of the zero-lot line. Building walls which are located on the zero-foot lot line shall meet the adopted building code requirements, which may limit the types of allowed penetrations and projections.

(3) The final plat shall show graphic easements, or a plat note, that dedicates a five (5) foot wide access and maintenance easement for all lots adjacent to lots with a zero-foot lot line. The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.

(4) The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the subject property.

(5) The interior living area of the first floor of any two-story residential structure in GHD shall contain not less than 60 percent of the structure's total living area, and not more than 40 percent of the structure's total living area shall be contained on the second floor, excluding open decks, porches, terraces, and garages.

Future Impacts

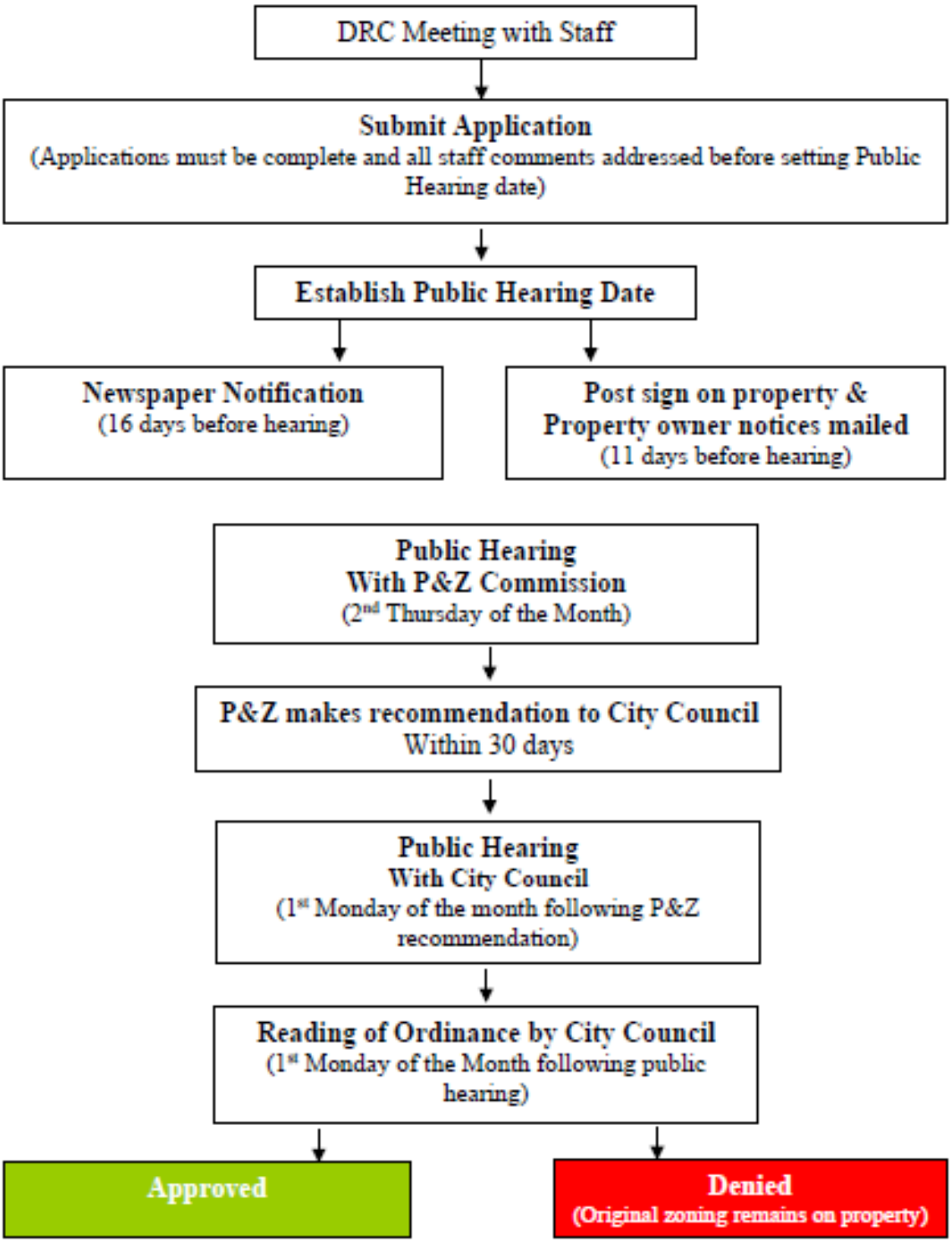
This correction is administrative in nature and is not intended to introduce new land use policies or change the allowed uses that were originally contemplated.

The Zone Change Process

No action will be required from the property owners. Notices will be mailed to notify all property owners of the public hearing dates, times and locations. A flow chart of the zone change process is below.

Zone Change Process

(60 – 90 day process)



STATE OF TEXAS
COUNTY OF HARRIS

WE AUTUMN CREEK DEVELOPMENT, LTD., A TEXAS LIMITED PARTNERSHIP, BY LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., A TEXAS LIMITED PARTNERSHIP, DBA FRIENDSWOOD DEVELOPMENT COMPANY AS ATTORNEY-IN-FACT, BY LENNAR TEXAS HOLDING COMPANY, JOSEPH L. STUNJA, VICE PRESIDENT AND NANETTE R. PEAVEY, ASSISTANT SECRETARY, HEREIN CALLED "OWNER" OF THE 29.05 ACRE TRACT DESCRIBED IN THE ABOVE FOREGOING MAP OF AUTUMN CREEK SECTION THREE, DOES HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAP OR PLAT AND HEREBY DEDICATES TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DOES HEREBY BIND ITSELF, ITS SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET SIX INCHES (11'-6") FOR TEN FEET (10'-0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'-6") FOR FOURTEEN FEET (14'-0") PERIMETER GROUND EASEMENTS FROM PLANE SIXTEEN FEET (16'-0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE, SIX INCHES FEET (21'-6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'-0") FOR TEN FEET (10'-0") BACK-TO-BACK GROUND EASEMENTS OR EIGHT FEET (8'-0") FOR FOURTEEN FEET (14'-0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'-0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30'-0") IN WIDTH.

FURTHER, OWNERS DO HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE ORIGINALLY INTENDED FOR THE CONSTRUCTION OF RESIDENTIAL DWELLING UNITS THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OR LAND FIFTEEN (15') FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF FRIENDSWOOD, HARRIS COUNTY OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAYS SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNERS DO HEREBY CERTIFY THAT THEY ARE THE OWNERS OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAT OF

AUTUMN CREEK SECTION THREE

WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAT AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

FURTHER, OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH THE EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63RD LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

IN TESTIMONY WHEREOF, LENNAR TEXAS HOLDING COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOSEPH L. STUNJA, ITS VICE PRESIDENT, THEREUNTO, AUTHORIZED ATTESTED BY ITS ASSISTANT SECRETARY, NANETTE R. PEAVEY, THIS 9th DAY OF March, 2000.

AUTUMN CREEK DEVELOPMENT, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.,
A TEXAS LIMITED PARTNERSHIP

DBA FRIENDSWOOD DEVELOPMENT COMPANY
AS ATTORNEY-IN-FACT

BY: LENNAR TEXAS HOLDING COMPANY, A TEXAS CORPORATION,
ITS GENERAL PARTNER

BY: _____
JOSEPH L. STUNJA, VICE PRESIDENT

ATTEST: Nanette R Peavey
NANETTE R. PEAVEY, ASSISTANT SECRETARY

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOSEPH L. STUNJA, VICE PRESIDENT AND NANETTE R. PEAVEY, ASSISTANT SECRETARY OF LENNAR TEXAS HOLDING COMPANY, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION ACTING FOR ITSELF. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 9th DAY OF March, 2000.

Heather L. Shawver
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES _____

HEATHER L. SHAWVER
NOTARY PUBLIC
STATE OF TEXAS
Comm. Exp. 01-21-2004

I, GARY W. CARLILE, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS AND POINTS OF CURVATURE NOT FOUND HAVE BEEN MARKED WITH IRON RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTERS OF ONE INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE (3') FEET AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

GARY W. CARLILE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4917

STATE OF TEXAS
REGISTERED
GARY W. CARLILE
4917
PROFESSIONAL
LAND SURVEYOR

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF AUTUMN CREEK SECTION THREE AS SHOWN THEREON IN TESTIMONY WHEREOF, WITNESS THE OFFICIAL SIGNATURE OF THE CHAIRMAN AND SECRETARY OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS THIS 25th DAY OF April, 2000.

Mike Domingue 4/10/00
MIKE DOMINGUE
SECRETARY

W. L. Finger
WILLIAM R. FINGER
CHAIRMAN

THIS CERTIFICATE IS VALID ONLY AS TO THE DOCUMENT ON WHICH THE ORIGINAL SIGNATURES APPEARED AND ONLY IF THE DOCUMENT IS NOT ALTERED OR CHANGED AFTER RECORDING.

METES AND BOUNDS
AUTUMN CREEK SECTION THREE

Description of a 29.05 acre (1,265,550 square feet) tract of land being out of a called 227.776 acre tract of land being described in the deed to Autumn Creek Development, Ltd. And Harris County L.P. recorded under Harris County Clerk's File Numbers S953732 and S953733 and being situated in the Thomas Choate Survey Abstract No.12 and John Dickson Survey Abstract No. 15, Harris County, Texas. Said 29.05 acres described as follows:

BEGINNING at a 5/8-inch iron rod set at the intersection of the southerly line of a 160 feet wide Harris County Flood Control District Drainage Easement recorded under Harris County Clerk's File No. K384682 with the westerly line of a called 11.73 acre tract of land being described in the deed to George W. Dorrance and recorded in Volume 2681, Page 520 of the Harris County Deed Records;

THENCE, South 41°43'25" West, with said westerly line, a distance of 275.13 feet to a 5/8-inch iron rod found for the west corner of said 11.73 acres;

THENCE, South 48°13'25" East, with the southerly line of said 11.73 acres, a distance of 910.05 feet to a 5/8-inch iron rod set for corner;

THENCE, South 41°46'35" West, a distance of 135.00 feet to a 5/8-inch iron rod set for corner;

THENCE, South 48°13'25" East, a distance of 36.00 feet to a 5/8-inch iron rod set for corner;

THENCE, South 41°46'35" West, a distance of 155.00 feet to a 5/8-inch iron rod set for corner;

THENCE, South 48°13'25" East, a distance of 131.29 feet to a 5/8-inch iron rod set for corner;

THENCE, South 03°00'10" West, a distance of 54.85 feet to a 5/8-inch iron rod set for corner;

THENCE, South 69°13'04" West, a distance of 171.02 feet to a 5/8-inch iron rod set for corner;

THENCE, South 20°28'46" East, a distance of 14.96 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 345.00 feet, through a delta angle of 08°19'03", the chord bears South 24°38'17" East, a distance of 50.04 feet for a total arc a total arc length of 50.08 feet to a 5/8-inch iron rod set for corner;

THENCE, South 61°16'31" West, a distance of 60.00 feet to a 5/8-inch iron rod set for corner;

THENCE, South 47°37'00" West, a distance of 188.47 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, northwesterly, with said curve to the left, having a radius of 930.00 feet, through a delta angle of 31°14'54", the chord bears North 23°25'09" West, a distance of 500.95 feet for a total arc length of 507.21 feet to a 5/8-inch iron rod set for corner;

THENCE, South 50°53'24" West, a distance of 60.00 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the right;

THENCE, southeasterly, with said curve to the right, having a radius of 870.00 feet through a delta angle of 02°48'05", the chord bears South 38°05'34" East, a distance of 25.83 feet for a total arc length of 25.83 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, southwesterly, with said curve to the left, having a radius of 50.00 feet through a delta angle of 20°06'02", the chord bears South 38°53'37" West, a distance of 52.35 feet for a total arc length of 52.62 feet to a 5/8-inch iron rod set for corner;

THENCE, South 28°50'36" West, a distance of 354.95 feet to a 5/8-inch iron rod set for corner;

THENCE, North 60°09'02" West, a distance of 202.40 feet to a 5/8-inch iron rod set for corner;

THENCE, North 1°47'39" East, a distance of 60.49 feet to a 5/8-inch iron rod set for corner;

THENCE, North 03°51'39" West, a distance of 172.82 feet to a 5/8-inch iron rod set for corner;

THENCE, North 28°55'49" West, a distance of 269.08 feet to a 5/8-inch iron rod set for corner;

THENCE, North 74°29'39" West, a distance of 88.53 feet to a 5/8-inch iron rod set for corner;

THENCE, South 89°27'00" West, a distance of 28.09 feet to a 5/8-inch iron rod set for corner;

THENCE, North 13°33'20" West, a distance of 10.00 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 570.00 feet, through a delta angle of 16°42'26", the chord bears South 68°05'27" West, a distance of 165.62 feet for a total arc length of 166.21 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the left;

THENCE, southwesterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 92°12'12", the chord bears South 13°38'08" West, a distance of 36.03 feet for a total arc length of 40.23 feet to a 5/8-inch iron rod set for corner;

THENCE, South 57°55'07" West, a distance of 60.00 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, northwesterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 90°00'00", the chord bears North 77°27'58" West, a distance of 35.36 feet for a total arc length of 39.27 feet to a 5/8-inch iron rod set for corner;

THENCE, South 57°32'02" West, a distance of 47.56 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the right;

THENCE, southwesterly, with said curve to the right, having a radius of 530.00 feet, through a delta angle of 37°18'40", the chord bears South 75°41'22" West, a distance of 339.08 feet for a total arc length of 345.15 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the left;

THENCE, southwesterly, with said curve to the left, having a radius of 470.00 feet, through a delta angle of 11°40'52", the chord bears South 50°00'20" West, a distance of 34.63 feet for a total arc length of 38.26 feet to a 5/8-inch iron rod set for corner;

THENCE, North 82°50'06" West, a distance of 60.00 feet to the beginning of a non-tangent curve to the right;

THENCE, northeasterly, with said curve to the right, having a radius of 330.00 feet, through a delta angle of 07°02'48", the chord bears North 07°41'18" East, a distance of 6.03 feet for a total arc length of 6.03 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the left;

THENCE, northeasterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 89°58'38", the chord bears North 48°48'37" West, a distance of 32.80 feet for a total arc length of 35.17 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the right;

THENCE, northwesterly, with said curve to the right, having a radius of 530.00 feet, through a delta angle of 00°18'03", the chord bears North 73°36'54" West, a distance of 2.78 feet for a total arc length of 2.78 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the left;

THENCE, northwesterly, with said curve to the left, having a radius of 500.00 feet, through a delta angle of 05°45'31", the chord bears North 76°20'38" West, a distance of 50.23 feet for a total arc length of 50.25 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the right;

THENCE, northwesterly, with said curve to the right, having a radius of 510.00 feet, through a delta angle of 1°26'9", the chord bears North 73°30'16" West, a distance of 10.63 feet for a total arc length of 10.80 feet to a 5/8-inch iron rod set for corner;

THENCE, North 67°47'13" West, a distance of 127.71 feet to the beginning of a tangent curve to the left;

THENCE, southwesterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 90°00'00", the chord bears South 67°47'13" West, a distance of 35.36 feet for a total arc length of 39.27 feet to a 5/8-inch iron rod set in the easterly right-of-way line of Bay Area Blvd. (a 100 foot wide right-of-way);

THENCE, North 22°12'47" East, with said easterly right-of-way, a distance of 140.00 feet a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 90°00'00", the chord bears South 22°47'13" East, a distance of 35.36 feet, for a total arc length of 39.27 feet to a 5/8-inch iron rod set for corner;

THENCE, South 67°47'13" East, a distance of 127.71 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the right;

THENCE, southeasterly, with said curve to the right, having a radius of 510.00 feet, through a delta angle of 06°50'54", the chord bears South 64°21'46" East, a distance of 60.92 feet for a total arc length of 60.96 feet to a 5/8-inch iron rod set for the point of reverse curvature to the left;

THENCE, northeasterly, with said curve to the left, having a radius of 450.00 feet, through a delta angle of 6°35'56", the chord bears North 88°48'13" East, a distance of 51.80 feet for a total arc length of 51.83 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the left;

THENCE, northeasterly, with said curve to the left, having a radius of 470.00 feet, through a delta angle of 0°00'43", the chord bears North 88°00'24" East, a distance of 8.30 feet for a total arc length of 8.30 feet to a 5/8-inch iron rod set for corner;

THENCE, North 57°32'02" East, a distance of 47.56 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 90°00'00", the chord bears North 12°32'02" East, a distance of 35.36 feet for a total arc length of 39.27 feet to a 5/8-inch iron rod set for corner;

THENCE, North 57°50'14" East, a distance of 60.00 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 89°08'03", the chord bears South 78°38'58" East, a distance of 34.79 feet for a total arc length of 38.47 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the right;

THENCE, northeasterly, with said curve to the right, having a radius of 630.00 feet, through a delta angle of 29°41'07", the chord bears North 73°59'05" East, a distance of 317.98 feet for a total arc length of 321.46 feet to a 5/8-inch iron rod set for corner;

THENCE, North 02°27'00" West, a distance of 116.36 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, northeasterly, with said curve to the left, having a radius of 50.00 feet, through a delta angle of 99°06'24", the chord bears North 25°08'48" East, a distance of 76.10 feet for a total arc length of 86.49 feet to a 5/8-inch iron rod set for corner;

THENCE, North 65°35'36" East, a distance of 22.74 feet to a 5/8-inch iron rod set for corner;

THENCE, North 02°16'20" East, a distance of 114.76 feet to a 5/8-inch iron rod set for corner;

THENCE, North 68°44'22" East, a distance of 32.97 feet to a 5/8-inch iron rod set for corner;

THENCE, North 08°52'40" West, a distance of 98.07 feet to a 5/8-inch iron rod set for corner;

THENCE, North 63°50'32" West, a distance of 36.50 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, northwesterly, with said curve to the left, having a radius of 50.00 feet, through a delta angle of 100°16'28", the chord bears North 23°58'46" West, a distance of 76.76 feet for a total arc length of 87.51 feet to a 5/8-inch iron rod set for corner;

THENCE, North 01°53'00" East, a distance of 20.00 feet to a 5/8-inch iron rod set for corner;

THENCE, North 08°52'40" West, a distance of 81.44 feet to a 5/8-inch iron rod set for corner;

THENCE, North 53°52'40" West, a distance of 21.21 feet to a 5/8-inch iron rod set for corner;

THENCE, North 81°07'20" East, a distance of 858.29 feet to the POINT OF BEGINNING and containing 29.05 acres (1,265,550 square feet) of land.

I, MICKIEL G. HODGE, P.E., CITY ENGINEER OF THE CITY OF FRIENDSWOOD, TEXAS DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE CITY OF FRIENDSWOOD, TEXAS, AND FURTHER IT COMPLIES WITH ALL OF THE ORDINANCES AS ADOPTED BY THE CITY COUNCIL.

Mickiel G. Hodge 4/10/00
MICKIEL G. HODGE, P.E.
CITY ENGINEER

STATE OF TEXAS
COUNTY OF HARRIS

I, BEVERLY B. KAUFMAN, CLERK OF THE COUNTY COURT OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON MAY 16, 2000, AT 8:53 O'CLOCK A.M. AND DULY RECORDED ON MAY 16, 2000 AT 10:15 O'CLOCK A M. AND AT FILM CODE NO. 448034 OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

BEVERLY B. KAUFMAN
CLERK OF THE COUNTY COURT
HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

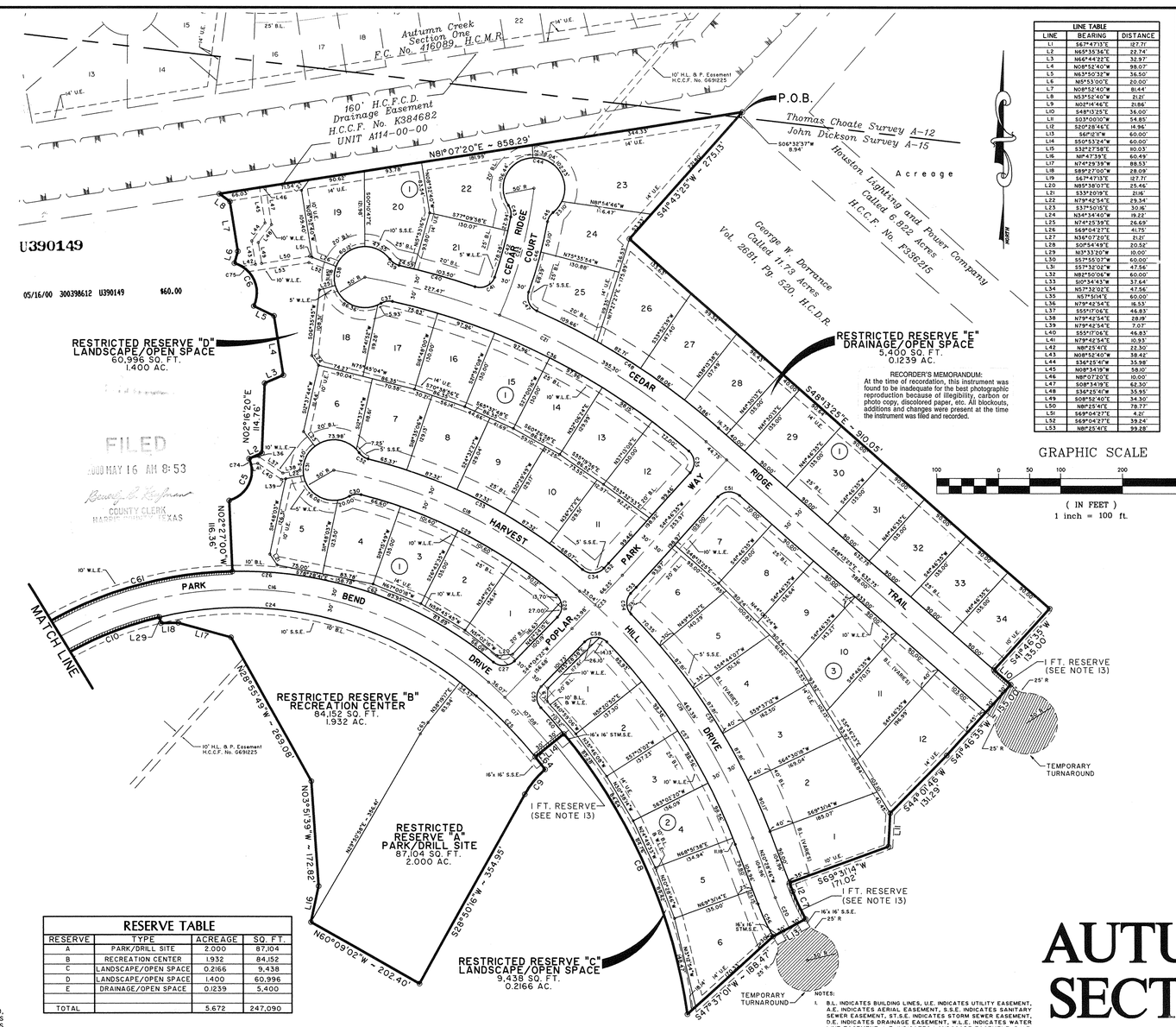
I, ARTHUR L. STOREY, JR., EXECUTIVE DIRECTOR OF HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH THE REQUIREMENTS FOR INTERNAL SUBDIVISION DRAINAGE AS ADOPTED BY COMMISSIONERS' COURT; HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ANY OTHER AREA OR SUBDIVISION WITHIN THE WATERSHED.

Arthur L. Storey 3.27.00
ARTHUR L. STOREY, JR., P.E.
EXECUTIVE DIRECTOR

05/16/00 300398612 U390149 $60.00

FILED
2000 MAY 16 AM 8:53
Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

U390149


Autumn Creek Section One E.C. No. 416089, H.C.M.R.
160' H.C.F.C.D. Drainage Easement H.C.C.F. No. K384682 UNIT A114-00-00
10' H.L. & P. Easement H.C.C.F. No. 069125
P.O.B.
Thomas Choate Survey A-12
John Dickson Survey A-15
Houston Lighting and Power Company Called 6.822 Acres H.C.C.F. No. F398215
George W. Dorrance Called 11.73 Acres Vol. 2681, Pg. 520, H.C.D.R.
Acreage
N81°07'20"E - 858.29'
S41°43'25"W 275.13'
RESTRICTED RESERVE "D" LANDSCAPE/OPEN SPACE 60,996 SQ. FT. 1.400 AC.
RESTRICTED RESERVE "E" DRAINAGE/OPEN SPACE 5,400 SQ. FT. 0.1239 AC.
RECORDER'S MEMORANDUM: At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.
S48°13'25"E - 910.05'
N02°16'20"E 114.76'
N22°27'00"W 191.36'
N28°55'49"W - 269.08'
N03°51'39"W - 172.82'
N01°47'39"E - 60.49'
N60°09'02"W - 202.40'
S28°50'36"W - 354.95'
S82°50'06"E - 98.07'
S68°44'22"W - 32.97'
S65°35'36"W - 22.74'
S02°27'00"E - 116.36'
S57°55'07"W - 60.00'
S57°32'02"W - 47.56'
S50°53'24"W - 60.00'
S57°50'14"W - 60.00'
S61°16'31"E - 60.00'
S20°28'46"E - 14.96'
S03°00'10"W - 54.85'
S69°13'04"W - 171.02'
S48°13'25"E - 131.29'
N41°46'35"E - 155.00'
S48°13'25"E - 36.00'
N41°46'35"E - 135.00'
S48°13'25"E - 910.05'
RESTRICTED RESERVE "B" RECREATION CENTER 84,152 SQ. FT. 1.932 AC.
RESTRICTED RESERVE "C" PARK/DRILL SITE 87,104 SQ. FT. 2.000 AC.
RESTRICTED RESERVE "A" LANDSCAPE/OPEN SPACE 9,438 SQ. FT. 0.2166 AC.
I FT. RESERVE (SEE NOTE 13)
TEMPORARY TURNAROUND
CEDAR RIDGE COURT
CEDAR RIDGE
HARVEST PARK
PARK BEND
POPLAR DRIVE
HILL DRIVE
CEDAR BLUFF DRIVE
AUTUMN OAK DRIVE
AUTUMN DRIVE
AUTUMN TRAIL
MATCH LINE
WEST BAY AREA BLVD. (100' R.O.W.)
Autumn Creek Development, Ltd. Harris County L.P. Inc. H.C.C.F. Nos. S953732 & S953733
128.897 Acres
Perpetual Right-of-Way Easement Gulf Coast Waste Disposal Authority H.C.C.F. No. J652541
N12°12'47"E 24.00'
S68°44'22"W - 301.07'
S21°15'38"E - 24.00'
N68°44'22"E - 281.07'
S68°44'22"W - 32.97'
N68°44'22"E - 32.97'
S68°44'22"W - 281.07'
N68°44'22"E - 301.07'
S21°15'38"E - 24.00'
N12°12'47"E 24.00

STATE OF TEXAS
COUNTY OF HARRIS

WE AUTUMN CREEK DEVELOPMENT, LTD., A TEXAS LIMITED PARTNERSHIP, BY LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., A TEXAS LIMITED PARTNERSHIP, DBA FRIENDSWOOD DEVELOPMENT COMPANY, AS ATTORNEY-IN-FACT, BY LENNAR TEXAS HOLDING COMPANY HEREIN CALLED "OWNER" OF THE 22.28 ACRE TRACT DESCRIBED IN THE ABOVE FOREGOING MAP OF AUTUMN CREEK SECTION FIVE, DOES HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAP OR PLAT AND HEREBY DEDICATES TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DOES HEREBY BIND ITSELF, ITS SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNER HAS DEDICATED AND BY THESE PRESENTS DOES DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET SIX INCHES (11'-6") FOR TEN FEET (10'-0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'-6") FOR FOURTEEN FEET (14'-0") PERIMETER GROUND EASEMENTS FROM PLANE SIXTEEN FEET (16'-0")ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE, SIX INCHES FEET (21'-6") IN WIDTH.

FURTHER, OWNER HAS DEDICATED AND BY THESE PRESENTS DOES DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'-0") FOR TEN FEET (10'-0") BACK-TO-BACK GROUND EASEMENTS OR EIGHT FEET (8'-0") FOR FOURTEEN FEET (14'-0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'-0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30'-0") IN WIDTH.

FURTHER, OWNER DOES HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE ORIGINALLY INTENDED FOR THE CONSTRUCTION OF RESIDENTIAL DWELLING UNITS THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, OWNER DOES HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNER DOES HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN (15) FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF FRIENDSWOOD, HARRIS COUNTY OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNER DOES HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAYS SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNER DOES HEREBY CERTIFY THAT IT IS THE OWNER OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAT OF

AUTUMN CREEK SECTION FIVE

WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAT AND DOES HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

FURTHER, OWNER CERTIFIES AND COVENANTS THAT IT HAS COMPLIED WITH OR WILL COMPLY WITH THE EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63RD LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

IN TESTIMONY WHEREOF, LENNAR TEXAS HOLDING COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOSEPH L. STUNJA, ITS VICE PRESIDENT, THEREUNTO, AUTHORIZED ATTESTED BY ITS ASSISTANT SECRETARY, NANETTE R. PEAVEY, THIS 21st DAY OF December, 2000.

AUTUMN CREEK DEVELOPMENT , LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION , LTD.,
A TEXAS LIMITED PARTNERSHIP

DBA FRIENDSWOOD DEVELOPMENT COMPANY
AS ATTORNEY-IN-FACT

BY: LENNAR TEXAS HOLDING COMPANY, A TEXAS CORPORATION,
ITS GENERAL PARTNER

BY: _____ qfa
JOSEPH L. STUNJA, VICE PRESIDENT

ATTEST: _____
NANETTE R. PEAVEY, ASSISTANT SECRETARY

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOSEPH L. STUNJA, VICE PRESIDENT AND NANETTE R. PEAVEY, ASSISTANT SECRETARY OF LENNAR TEXAS HOLDING COMPANY, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION ACTING FOR ITSELF, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 27th DAY OF December, 2000.

_____
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 1-21-04

HEATHER L. SHAWVER
NOTARY PUBLIC
STATE OF TEXAS
Comm. Exp. 01-21-2004

I, ANTHONY R. PEACOCK, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS AND POINTS OF CURVATURE NOT FOUND HAVE BEEN MARKED WITH IRON RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTERS OF ONE INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE (3') FEET AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

_____ 12/28/2000
ANTHONY R. PEACOCK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5047

STATE OF TEXAS
REGISTERED
ANTHONY R. PEACOCK
5047
PROFESSIONAL
LAND SURVEYOR

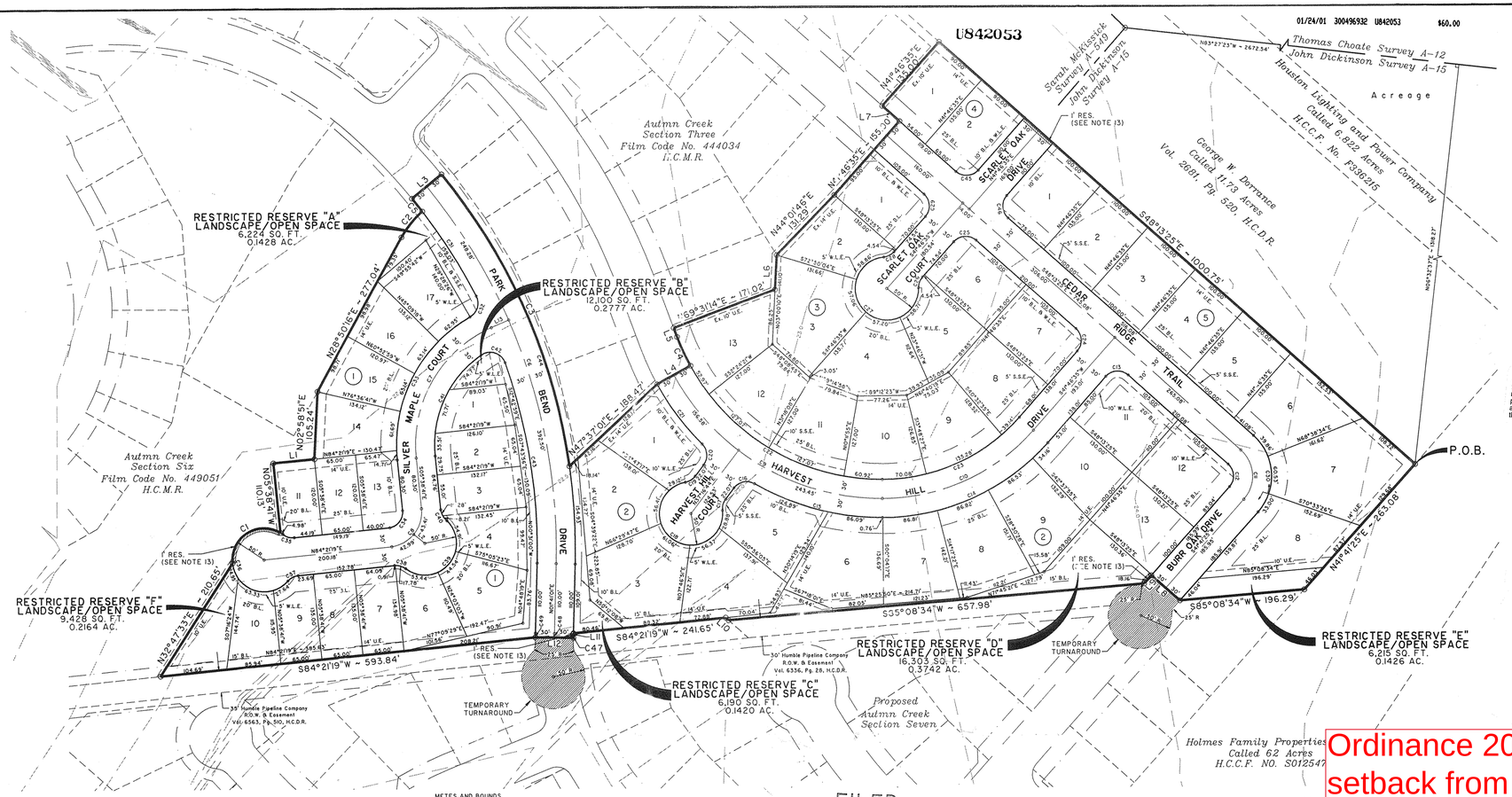
THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF AUTUMN CREEK SECTION FIVE AS SHOWN THEREON IN TESTIMONY WHEREOF, WITNESS THE OFFICIAL SIGNATURE OF THE CHAIRMAN AND SECRETARY OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS THIS 11th DAY OF JANUARY, 2001.

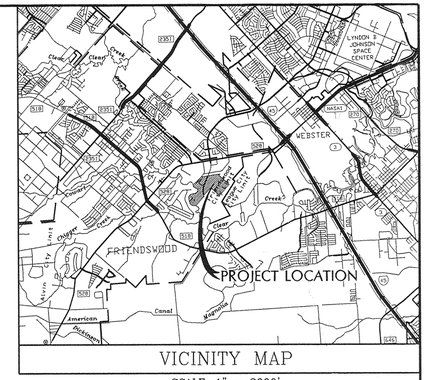
_____
DIANA STEELQUIST
SECRETARY

_____
THOMAS E. BURKE
CHAIRMAN

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THIS CERTIFICATE IS VALID ONLY AS TO THE INSTRUMENT ON WHICH THE ORIGINAL SIGNATURE IS AFFIXED AND ONLY THEN TO THE EXTENT THAT SUCH INSTRUMENT IS NOT ALTERED OR CHANGED AFTER RECORDING.





RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

01/24/01 300496932 U842053 $60.00

Ordinance 2011-14 changed rear setback from 10-feet to 20-feet.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N84°21'19"E	65.00'
L2	S50°25'40"E	22.49'
L3	N50°53'24"E	50.00'
L4	N16°12'11"E	60.00'
L5	N20°28'46"W	14.96'
L6	N03°00'10"E	54.85'
L7	N48°13'25"W	36.00'
L8	N48°12'19"W	60.00'
L9	S41°41'25"W	17.21'
L10	N48°12'19"W	6.17'
L11	S01°41'01"W	0.99'
L12	N89°12'40"W	60.00'
L13	N66°41'46"E	29.29'

METES AND BOUNDS
AUTUMN CREEK SECTION FIVE

Description of a 22.28 acre (970,576 square feet) tract of land being out of a called 227.716 acres tract of land described in the deed to Autumn Creek Development, LTD. and Harris County L.P., Inc., recorded under Harris County Clerk's File Nos. S953732 and S953733 and being situated in the John Dickinson Survey Abstract No.15, Harris County, Texas. Said 22.28 acres being described as follows:

BEGINNING at the intersection point at the northerly line of Holmes Family Properties, Ltd. called 62 acres, recorded under Harris County Clerk's File No. S012547 with the southwest corner of the George W. Dorrance called 11.73 acres, recorded in Volume 2661, Page 520 of the Harris County Deed Records;

THENCE, South 41°41'25" West, with said northerly line of said Holmes Family Properties, Ltd. called 62 acres, a distance of 263.08 feet to a point for corner;

THENCE, South 85°08'34" West, a distance of 196.29 feet to a point for corner;

THENCE, North 48°23'29" West, a distance of 60.00 feet to a point for corner;

THENCE, South 41°41'25" West, a distance of 17.21 feet to a point for corner;

THENCE, South 85°08'34" West, a distance of 657.98 feet to a point for corner;

THENCE, North 48°12'19" West, a distance of 6.17 feet to a point for corner;

THENCE, South 84°21'19" West, a distance of 241.65 feet to a point for corner;

THENCE, South 01°41'01" West, a distance of 0.99 feet to the beginning of a curve to the left;

THENCE, southwesterly, with said curve to the left, having a radius of 370.00 feet, through delta angle 00°53'41", the chord bears South 01°14'10" West, a distance of 5.78 feet, for a total arc length of 5.78 feet to a point for corner;

THENCE, North 89°12'40" West, a distance of 60.00 feet to a point for corner;

THENCE, South 84°21'19" West, a distance of 593.84 feet to a point for corner;

THENCE, North 32°47'33" East, a distance of 210.65 feet to the beginning of a non-tangent curve to the right;

THENCE, northeasterly, with said non-tangent curve to the right, having a radius of 50.00 feet through delta angle 127°07'18", the chord bears North 57°54'58" East, a distance of 89.54 feet, for a total arc length of 110.93 feet to a point for corner;

THENCE, North 05°38'41" West, a distance of 110.13 feet to a point for corner;

THENCE, North 84°21'19" East, a distance of 65.00 feet to a point for corner;

THENCE, North 02°58'51" East, a distance of 105.24 feet to a point for corner;

THENCE, North 28°50'16" East, a distance of 277.04 feet to the beginning of a curve to the right;

THENCE, northeasterly, with said curve to the right, having a radius of 150.00 feet, through delta angle 20°06'02", the chord bears North 38°53'17" East, a distance of 52.35 feet, for a total arc length of 52.68 feet to a point for corner and the beginning of a non-tangent curve to the left;

THENCE, northwesterly, with said non-tangent curve to the left, having a radius of 870.00 feet, through delta angle 09°43'05", the chord bears North 38°15'34" West, a distance of 25.83 feet, for a total arc length of 25.83 feet to a point for a corner;

THENCE, North 50°53'24" East, a distance of 60.00 feet to the beginning of a non-tangent curve to the right;

THENCE, southeasterly, with said non-tangent curve to the right, having a radius of 930.00 feet, through delta angle 31°45'54", the chord bears South 23°29'09" East, a distance of 500.95 feet, for a total arc length of 507.21 feet to a point for corner;

THENCE, North 47°37'01" East, a distance of 188.47 feet to a point for corner;

THENCE, North 61°12'11" East, a distance of 60.00 feet to the beginning of a non-tangent curve to the right;

THENCE, northeasterly, with said non-tangent curve to the right, having a radius of 345.00 feet, through a delta angle of 08°19'03", the chord bears North 24°38'17" West, a distance of 50.04 feet for a total arc length of 50.08 feet to a point of tangency;

THENCE, North 20°28'46" West, a distance of 14.96 feet to a point for corner;

THENCE, North 69°31'14" East, a distance of 171.02 feet to a point for corner;

THENCE, North 03°00'10" East, a distance of 54.85 feet to a point for corner;

THENCE, North 44°01'46" East, a distance of 131.29 feet to a point for corner;

THENCE, North 41°46'35" East, a distance of 155.00 feet to a point for corner;

THENCE, North 48°13'25" West, a distance of 36.00 feet to a point for corner;

THENCE, North 41°46'35" East, a distance of 135.00 feet to a point for corner;

THENCE, South 48°13'25" East, with south line of said George W. Dorrance called 11.73 acres, a distance of 1000.75 feet to the POINT OF BEGINNING and containing 22.28 acres of land.

FILED
2001 JAN 24 AM 8:44
Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

I, BEVERLY B. KAUFMAN, CLERK OF THE COUNTY COURT OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON Jan. 24, 2001, AT 8:44 O'CLOCK A.M. AND DULY RECORDED ON Jan. 26, 2001 AT 9:00 O'CLOCK A.M. AND AT FILM CODE NO. 466144 OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

BEVERLY B. KAUFMAN
CLERK OF THE COUNTY COURT
HARRIS COUNTY, TEXAS

BY: _____
DEPUTY
TIM WADE

I, MICKIEL G. HODGE, P.E., CITY ENGINEER OF THE CITY OF FRIENDSWOOD, TEXAS DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE CITY OF FRIENDSWOOD, TEXAS, AND FURTHER IT COMPLIES WITH ALL OF THE ORDINANCES AS ADOPTED BY THE CITY COUNCIL.

_____ 1/11/01
MICKIEL G. HODGE, P.E.
CITY ENGINEER

STATE OF TEXAS
COUNTY OF HARRIS

I, BEVERLY B. KAUFMAN, CLERK OF THE COUNTY COURT OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON Jan. 24, 2001, AT 8:44 O'CLOCK A.M. AND DULY RECORDED ON Jan. 26, 2001 AT 9:00 O'CLOCK A.M. AND AT FILM CODE NO. 466144 OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

BEVERLY B. KAUFMAN
CLERK OF THE COUNTY COURT
HARRIS COUNTY, TEXAS

BY: _____
DEPUTY
TIM WADE

I, ARTHUR L. STOREY, JR., EXECUTIVE DIRECTOR OF HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH THE REQUIREMENTS FOR INTERNAL SUBDIVISION DRAINAGE AS ADOPTED BY COMMISSIONERS' COURT; HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ANY OTHER AREA OR SUBDIVISION WITHIN THE WATERSHED.

_____ 1-08-01
ARTHUR L. STOREY, JR., P.E.
EXECUTIVE DIRECTOR

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	50.00'	110.93'	100.55'	89.54'	N57°54'58"E	127°07'18"
C2	150.00'	52.62'	26.58'	52.35'	N38°53'17"E	20°06'02"
C3	930.00'	507.21'	260.08'	500.95'	S23°29'09"E	31°14'54"
C4	345.00'	50.08'	25.09'	50.04'	N24°38'17"W	08°19'03"
C5	870.00'	25.83'	12.92'	25.83'	N38°15'34"W	01°42'05"
C6	900.00'	640.78'	334.65'	627.34'	N18°42'48"W	40°47'37"
C7	200.00'	252.52'	146.22'	236.08'	S30°31'32"W	72°20'27"
C8	55.00'	86.39'	55.00'	77.78'	N39°21'19"E	90°00'00"
C9	375.00'	400.04'	221.43'	381.34'	S59°21'27"E	61°07'17"
C10	320.00'	269.79'	143.50'	261.87'	N65°55'45"E	48°18'20"
C11	55.00'	86.31'	54.92'	77.72'	N03°16'00"W	89°54'50"
C12	25.00'	39.23'	24.96'	35.33'	N03°16'00"W	89°54'50"
C13	25.00'	39.27'	25.00'	35.36'	S86°46'35"W	90°00'00"
C14	350.00'	295.08'	156.95'	286.42'	N65°55'45"E	48°18'20"
C15	405.00'	210.99'	107.95'	208.61'	S74°59'38"E	29°50'54"
C16	25.00'	36.06'	21.98'	33.02'	S78°36'16"W	82°39'05"
C17	25.00'	18.69'	9.81'	18.26'	S15°51'44"W	42°50'00"
C18	50.00'	231.84'	53.93'	73.33'	S52°43'16"E	265°40'01"
C19	25.00'	18.69'	9.81'	18.26'	N58°41'44"E	42°50'00"
C20	25.00'	36.06'	21.98'	33.02'	N04°02'48"W	82°39'05"
C21	405.00'	117.17'	59.00'	116.76'	S37°05'05"E	16°34'32"
C22	345.00'	368.03'	203.71'	350.83'	S59°21'27"E	61°07'17"
C23	290.00'	244.50'	130.04'	237.32'	N65°55'45"E	48°18'20"
C24	25.00'	39.27'	25.00'	35.36'	N03°13'25"W	90°00'00"
C25	25.00'	39.27'	25.00'	35.36'	S86°46'35"W	90°00'00"
C26	25.00'	18.69'	9.81'	18.26'	S20°21'35"W	42°50'00"
C27	50.00'	231.84'	53.93'	73.33'	S48°13'25"E	265°40'01"
C28	25.00'	18.69'	9.81'	18.26'	N63°11'35"E	42°50'00"
C29	25.00'	39.27'	25.00'	35.36'	N03°13'25"W	90°00'00"
C30	65.00'	133.39'	84.87'	120.12'	N03°10'00"W	117°34'50"
C31	870.00'	184.86'	92.78'	184.52'	N33°01'22"W	12°10'28"
C32	25.00'	38.16'	23.92'	34.56'	N16°47'43"E	87°27'42"
C33	255.00'	294.79'	166.35'	278.65'	S30°46'44"W	66°14'13"
C33	230.00'	265.63'	149.85'	251.11'	S27°26'27"W	66°10'16"
C34	25.00'	39.27'	25.00'	35.36'	N39°21'19"E	90°00'00"
C35	25.00'	18.69'	9.81'	18.26'	S74°13'41"E	42°50'00"
C36	50.00'	231.84'	53.93'	73.33'	S05°38'41"E	265°40'01"
C37	25.00'	18.69'	9.81'	18.26'	S62°56'19"W	42°50'00"
C38	25.00'	18.69'	9.81'	18.26'	N74°13'41"W	42°50'00"
C39	50.00'	152.89'	192.50'	99.91'	N39°35'22"E	175°11'53"
C40	25.00'	18.49'	9.69'	18.07'	S26°49'38"E	42°21'53"
C41	170.00'	181.99'	100.81'	173.42'	S23°01'23"W	61°20'09"
C42	25.00'	45.78'	32.53'	39.65'	N71°50'59"W	104°55'05"
C43	870.00'	320.00'	161.83'	318.20'	N08°51'13"W	21°04'28"
C44	930.00'	662.14'	345.80'	648.25'	N18°42'48"W	40°47'37"
C45	25.00'	39.27'	25.00'	35.36'	N86°46'35"E	90°00'00"
C46	25.00'	39.27'	25.00'	35.36'	S03°13'25"E	90°00'00"
C47	370.00'	5.78'	2.89'	5.78'	S01°14'10"W	00°53'41"
C48	400.00'	6.25'	3.12'	6.25'	S01°14'09"W	00°53'43"
C49	430.00'	6.71'	3.36'	6.71'	S01°14'10"W	00°53'41"

RESERVE TABLE

RESERVE	TYPE	ACREAGE	SQ. FT.
A	LANDSCAPE/OPEN SPACE	0.1428	6,224
B	LANDSCAPE/OPEN SPACE	0.2777	12,100
C	LANDSCAPE/OPEN SPACE	0.1420	6,190
D	LANDSCAPE/OPEN SPACE	0.3742	16,303
E	LANDSCAPE/OPEN SPACE	0.1426	6,215
F	LANDSCAPE/OPEN SPACE	0.2164	9,428
TOTAL		1.2957	56,460

NOTES:
1. B.L. INDICATES BUILDING LINES, U.E. INDICATES UTILITY EASEMENT, A.E. INDICATES AERIAL EASEMENT, S.S.E. INDICATES SANITARY SEWER EASEMENT, ST.S.E. INDICATES STORM SEWER EASEMENT, D.E. INDICATES DRAINAGE EASEMENT, W.L.E. INDICATES WATER LINE EASEMENT, L.E. INDICATES LANDSCAPE EASEMENT, P.U.E. INDICATES PUBLIC UTILITY EASEMENT.
2. ALL BEARINGS ARE REFERENCED TO THE NORTH LINE OF A CALLED 227.716 ACRE TRACT OF LAND RECORDED UNDER HARRIS COUNTY CLERK'S FILE NOS. S953732 & S953733, CALLED NORTH 81°12'47" EAST.
3. BENCHMARK:
F.E.M.A. BENCHMARK RM 1098
CHISELED SQUARE IN CURB ON SOUTHWEST SIDE OF INTERSTATE ROUTE 45 ACCESS ROAD. APPROXIMATELY 2.2 MILES SOUTHEAST ON INTERSTATE ROUTE 45 ACCESS ROAD FROM ITS INTERSECTION WITH F.M. 2351.
ELEV. = 31.55 (1973 ADJUSTMENT)
4. SIDEWALKS HAVING A MINIMUM WIDTH OF FOUR FEET SHALL BE BUILT ALONG ALL PUBLIC RIGHTS-OF-WAY.
5. EXISTING SHEET FLOW DRAINAGE PATTERNS WITHIN THIS SUBDIVISION SHALL NOT BE IMPEDED BY BUILDERS.
6. ALL BUILDING LINE TRANSITIONS ARE AT 45-DEGREE ANGLES TO THE STRAIGHT SIDE LOT LINES WHERE THE TRANSITION OCCURS.
7. ALL UTILITY EASEMENTS EXTEND EQUAL DISTANCE EITHER SIDE OF PROPERTY LINES UNLESS OTHERWISE NOTED.
8. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 48546800005E REVISED DATE SEPTEMBER 22, 1999 THE PROPERTY WITHIN THE PLATTED BOUNDARY LIES WHOLLY WITHIN ZONE "X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.
9. MAINTENANCE RESPONSIBILITIES FOR THE STORM WATER DETENTION FACILITIES SHOWN HEREON WILL BE THE RESPONSIBILITY OF THE AUTUMN CREEK HOMEOWNERS ASSOCIATION.
10. MAINTENANCE FOR THE LANDSCAPE AND OPEN SPACE RESERVES SHOWN HEREON WILL BE THE RESPONSIBILITY OF THE AUTUMN CREEK HOMEOWNERS ASSOCIATION.
11. ACCESS TO ADJACENT PROPERTY AND COMMON DRIVEWAYS MAY BE REQUIRED.
12. ALL PIPELINES AND PIPELINE EASEMENTS HAVE BEEN SHOWN ON THIS PLAT OR DO NOT EXIST WITHIN THE LIMITS OF THIS SUBDIVISION.
13. 1' RES. INDICATES "ONE-FOOT RESERVE DEDICATED FOR BUFFER PURPOSES TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR END OF STREETS WHERE SUCH STREETS ABUT ADJACENT PROPERTY, THE CONDITION OF SUCH DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RE-SUBDIVIDED IN A RECORDED PLAT, THE ONE-FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND THE FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS, OR SUCCESSORS."

A FINAL PLAT OF

AUTUMN CREEK SECTION FIVE

CONTAINING
22.28 ACRES
53 LOTS IN 5 BLOCKS AND 6 RESERVES

LOCATED IN THE
JOHN DICKINSON SURVEY, ABSTRACT 15
HARRIS COUNTY, TEXAS

DECEMBER, 2000 JOB NO. 97-3201-620-05

OWNER:
AUTUMN CREEK DEVELOPMENT, LTD.
A TEXAS LIMITED PARTNERSHIP
550 GREENS PARKWAY, SUITE 100
HOUSTON, TEXAS 77067-4526 PH. (281)-875-1552
JOSEPH L. STUNJA, VICE-PRESIDENT

ENGINEER/SURVEYOR:
Carter :: Burgess
Consultants in Planning, Engineering, Architecture, Construction Management and Related Services
CARTER & BURGESS, INC.
55 WAUGH DRIVE, SUITE 300
HOUSTON, TX 77007-5842

FILE NOTE: K:\Division\03201620\DWG\PLAT\AC5PLOT.dwg 1=1 12/20/00 11:24 bbeloff ATTACHED XREFS: ALSURVEY, ACSURVEY

Planning & Zoning Commission

Final Report

To: Mayor and City Council

From: Thomas Hinckley, Planning & Zoning Commission Chairman

Aubrey Harbin, Director of Community Development/Planner

Date: April 20, 2026

Re: Autumn Creek Future Land Use Map (FLUM) Amendment

At the Planning and Zoning Commission meeting held April 9, 2026, following the public hearing, the City of Friendswood Planning and Zoning Commission voted 6-0 (commissioners were all present; we currently have one vacancy) on a motion to approve the amendment to the Future Land Use Map.

The purpose of this city-initiated amendment of the Future Land Use Map is to correct the discrepancies so that the land use designations match what is platted and built. City staff often receive phone calls from real estate appraisers requesting the zoning of the lots, which is especially confusing on the lots with two zoning districts assigned. The corrections will allow for more accurate calculations of the city's zoning districts for both the official zoning map and the future land use categories – Garden Homes versus Low Density Residential.

No public comments either in favor or in opposition of the zone change were received. The Commission is forwarding a positive recommendation.

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 03/13/2026

Prepared by: Karen Horner, City Attorney

Subject: Conduct a public hearing concerning a city-initiated request to amend the Official Zoning Map to change the zoning classifications of (i) Reserves C and D of Autumn Creek Section 3, (ii) Reserve C of Autumn Creek Section 5, (iii) 3001 through 3011 Harvest Hill Drive, (iv) 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail, (v) 3201 through 3205 Cedar Ridge Court, and (vi) 2910 and 2912 Harvest Hill Drive, Friendswood, Harris County, Texas, from "Garden Home District (GHD)" to "Single Family Residential (SFR)"; and to change the zoning classifications (i) 3000, 3002, 3003, and 3005 Cedar Ridge Trail, (ii) 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive, and (iv) 2800, 2802, 2804 Harvest Hill Court, Friendswood, Harris County, Texas, from "Garden Home District (GHD)" and "Single Family Residential (SFR)" to "Single Family Residential (SFR)."

Originating Department: Community Development

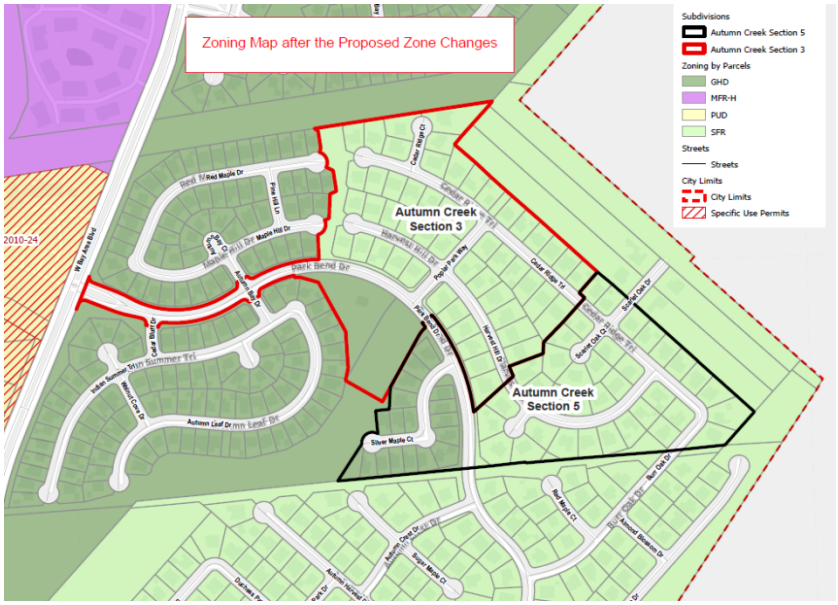
Degree of importance:

SUMMARY / ORIGINATING CAUSE

This public hearing is being held to give interested parties the right to appear and express their views on the following zoning map amendments:

Subject Properties in Friendswood, Harris County, Texas	Zoning Map Amendments	
	Current Zoning District	Proposed Zoning District
➢ Reserves C and D of Autumn Creek Section 3 ➢ Reserve C of Autumn Creek Section 5 ➢ 3001 through 3011 Harvest Hill Drive ➢ 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail ➢ 3201 through 3205 Cedar Ridge Court ➢ 2910 and 2912 Harvest Hill Drive	Garden Home District (GHD)	Single Family Residential (SFR)
➢ 3000, 3002, 3003, and 3005 Cedar Ridge Trail ➢ 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive ➢ 2800, 2802, and 2804 Harvest Hill Court	Garden Home District (GHD) and Single Family Residential (SFR)	Single Family Residential (SFR)

The purpose of this city-initiated zone change is to correct the discrepancies so that the zoning designations match what is platted and built. City staff often receive phone calls from real estate appraisers requesting the zoning of the lots, which is especially confusing on the lots with two zoning districts assigned. The corrections will allow for more accurate calculations of the city's zoning districts for both the official zoning map and the future land use categories – Garden Homes versus Low Density Residential.
Ultimately, the zoning map would look like the map below.



The **Official Zoning Map** depicts the zoning districts that are assigned to each property inside the city limits. The Zoning Ordinance then provides the regulations that each of the zoning districts must follow.

The main differences in the GHD and SFR zoning districts are the lot size, setbacks and density. Dwellings in the Garden Home District utilize a zero-foot lot line along one side of the property. The intent is to utilize one side of the structure as a shared wall and create a U-shaped, garden area or patio inset on the opposite side of the structure. The Residential Regulation Matrix can also be located in the Zoning Ordinance, Section 7.P.6. Information about zoning is also available on the City's web site at www.ci.friendswood.tx.us under the Community Development Department/Planning/Zoning.

Below are the current zoning descriptions of each district from the City's Zoning Ordinance.

SFR, residential, general purpose and description. The SFR, Single-Family Residential Dwelling District, is restricted to single-family dwellings, up to 2.7 units per acre, and to related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly convenient, and attractive residential area. Single-family residential areas shall be protected from higher density residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities.
1. Area and height regulations. Area and height regulations in an SFR district are set forth in subsection Q.2 of this section, regulation matrix.
2. See section 8 for supplementary district regulations.
3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the SFR district under certain circumstances and conditions.
4. Permitted uses. Uses permitted in an SFR district are set forth in subsection P of this section, permitted use table.

GHD, residential, general purpose and description. The GHD, Garden Home District, is intended to provide medium-density, detached, single-family dwellings having open space between units which exceed multi-family buildings, with density not exceeding six units per acre.
The district may be located adjacent to a district of a different zoning designation, and for which the development as GHD would be appropriate as a buffer between incompatible land uses.

1. Dwellings in the GHD utilize a zero-foot lot line along one side of the property. The intent is to utilize one side of the structure as a shared wall and create a U-shaped, garden area or patio inset on the opposite side of the structure.
2. Fifty percent or more of one side of the structure shall be located within (1) one foot of the zero-lot line. Building walls which are located on the zero-foot lot line shall meet the adopted building code requirements, which may limit the types of allowed penetrations and projections.
3. The final plat shall show graphic easements, or a plat note, that dedicates a five (5) foot wide access and maintenance easement for all lots adjacent to lots with a zero-foot lot line. The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.
4. The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the subject property.
5. The interior living area of the first floor of any two-story residential structure in GHD shall contain not less than 60 percent of the structure's total living area, and not more than 40 percent of the structure's total living area shall be contained on the second floor, excluding open decks, porches, terraces, and garages.

City staff attended the Autumn Creek HOA meeting in January to explain the correction needed. We also mailed out a courtesy notice to the affected property owners in addition to the required legal notices which included the newspaper notice, signs posted, and notices to all property owners within 200 feet of the affected properties

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

This correction is administrative in nature and is not intended to introduce new land use policies or change the allowed uses that were originally contemplated.

RECOMMENDATIONS

The Planning and Zoning Commission voted 6 to 0 (one vacancy) on a motion to approve the city-initiated zone change correction. See the attached final report.

ATTACHMENTS

1. PH Notice - Zone Change Autumn Creek Sections 3 and 5
2. Autumn Creek Zoning Map
3. Autumn Creek Rezoning Corrrection Explanation
4. Final Plat_Autumn Creek Section 3
5. Final Plat_Autumn Creek Section 5
6. Autumn Creek Zoning Correction PZ Final Report 04-20-2026

CITY OF FRIENDSWOOD

OFFICE OF THE CITY SECRETARY

NOTICE OF PUBLIC HEARINGS REGARDING CITY-INITIATED FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AMENDMENTS FOR CERTAIN PROPERTIES IN AUTUMN CREEK SECTIONS 3 AND 5

NOTICE is hereby given that the **Planning and Zoning Commission** and the **City Council** of the City of Friendswood will each hold public hearings to give all interested parties the right to appear and express their views on the following Future Land Use Map Amendments and Zoning Map Amendments:

Subject Properties in Friendswood, Harris County, Texas	Future Land Use Map Amendments		Zoning Map Amendments	
	Current Category Designation	Proposed Category Designation	Current Zoning District	Proposed Zoning District
➢ Reserves C and D of Autumn Creek Section 3 ➢ Reserve C of Autumn Creek Section 5 ➢ 3001 through 3011 Harvest Hill Drive ➢ 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail ➢ 3201 through 3205 Cedar Ridge Court ➢ 2910 and 2912 Harvest Hill Drive	Garden Homes	Low Density Residential	Garden Home District (GHD)	Single Family Residential (SFR)
➢ 3000, 3002, 3003, and 3005 Cedar Ridge Trail ➢ 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive ➢ 2800, 2802, and 2804 Harvest Hill Court	Garden Homes and Low Density Residential	Low Density Residential	Garden Home District (GHD) and Single Family Residential (SFR)	Single Family Residential (SFR)

The **Planning and Zoning Commission** will hold its public hearing on **Thursday, April 9, 2026**, in the Council Chambers, located in City Hall, 910 S Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **6:00 P.M.**

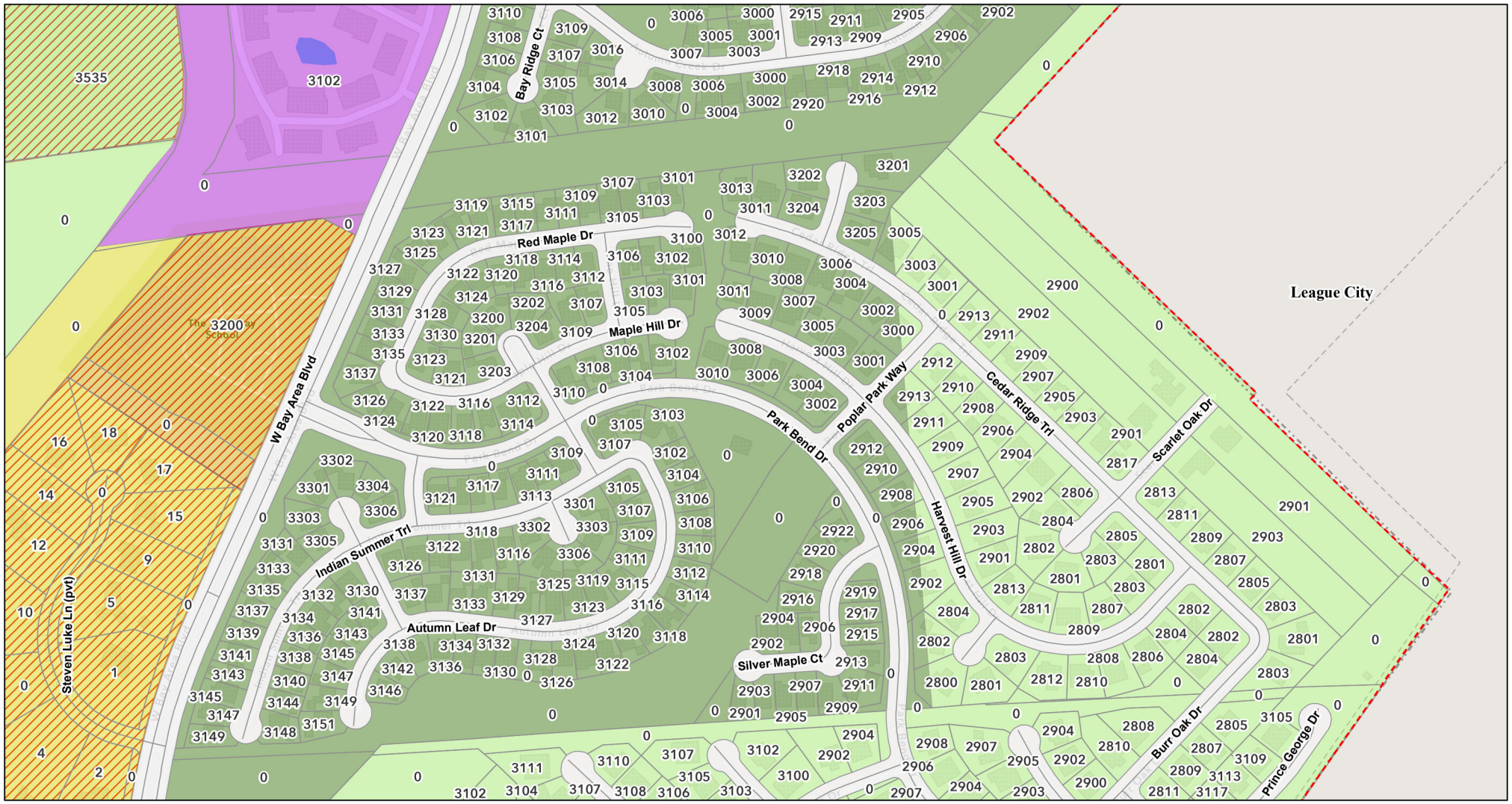
The **City Council** will hold its public hearing on **Monday, May 4, 2026**, in the Council Chambers, located in City Hall, 910 South Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **5:30 P.M.**

Item documentation is available for review in the City's Secretary's Office, 910 South Friendswood Drive, Friendswood, Texas 77546-485 during regular business hours or on the City's website at: http://zoning.friendswood.com. For questions regarding the details of the documentation and its related public hearing, please contact Aubrey Harbin, Director of Community Development/City Planner at 281-996-3280.

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. For assistance, please contact the City's ADA Coordinator Brian Rouane at 281-996-3285 via phone, 281-482-1634 via fax or contact 281-996-3285 via Relay Texas at 711 or 1-800-735-2988 for TYY services. For more information concerning Relay Texas, please visit http://relaytexas.com.

Raquel Martinez, TRMC, City Secretary
Posted on: Wednesday, March 18, 2026
Posting time: 7:30 A.M.

City of Friendswood



5/12/2025, 9:55:44 AM

1:4,035

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

City Limit

Parcels

Streets

Surrounding Cities

Zoning by Parcel

GHD

MFR-H

PUD-COMM

PUD-RES

SFR

Specific Use Permit

ROW Streets (white - to cover labels)

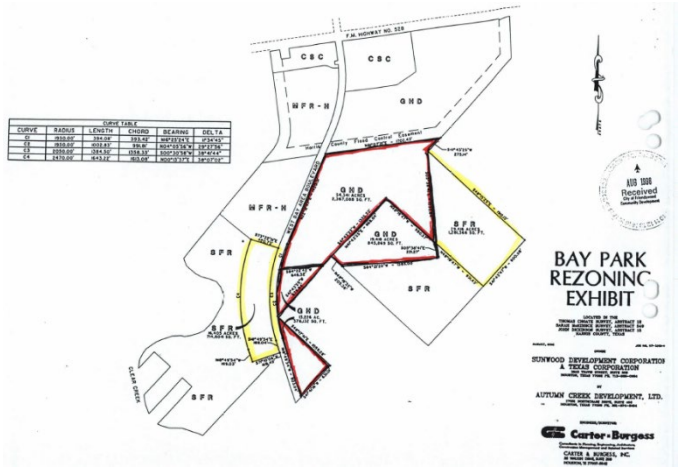
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Autumn Creek Subdivision

City-Initiated Future Land Use Map & Official Zoning Map Amendment Explanation

Origination

1998 – The property owner/developer submitted request for a zone change in the configuration shown below. Ordinance 98-34 zoning of land was changed in accordance with the exhibit below.



2000 – Most of the property was platted in accordance with the zone change; however, two sections, Autumn Creek Section Three and Section Five, were not platted in the same configuration, so the lot configurations do not align with the boundaries of the previous zone change approval.

Zoning Map

Future Land Use Map

Additionally, when the Future Land Use Map was amended in 2021, the same shape of the original zoning was used on the map.

The Remedy

The purpose of this city-initiated zone change and amendment of the Future Land Use Map is to correct the discrepancies so that the land use designations match what is platted and built. City staff often receive phone calls from real estate appraisers requesting the zoning of the lots, which is especially confusing on the lots with two zoning districts assigned. The corrections will allow for more accurate calculations of the city's zoning districts for both the official zoning map and the future land use categories – Garden Homes versus Low Density Residential.

The proposed zone changes will affect these properties:

On the lots listed below, the Future Land Use Map category would change from "Garden Homes" to "Low Density Residential" and the zoning would change from "Garden Home District (GHD)" to Single Family Residential (SFR)":

Autumn Creek Section 3
Reserve C
Reserve D
Block 1, Lots 1 thru 11 and Lots 14 thru 25
Block 2, Lots 1 and 2

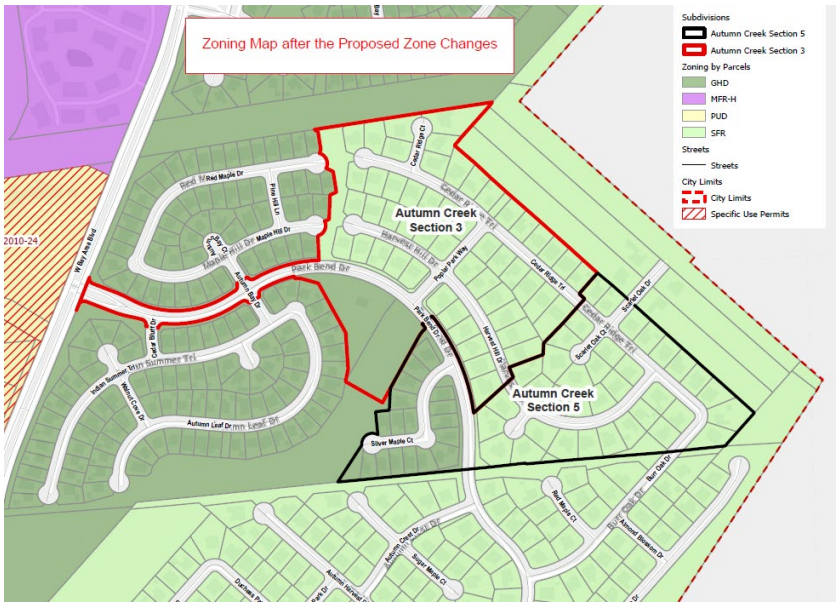
Autumn Creek Section 5
Reserve C

On the lots listed below, the Future Land Use Map category would change from "Garden Homes" and "Low Density Residential" to "Low Density Residential" and the zoning would change "Garden Home District (GHD)" and "Single Family Residential (SFR)" to "Single Family Residential (SFR)":

Autumn Creek Section 3
Block 1, Lot 12, 13, 26 and 27
Block 2, Lots 3 thru 6
Block 3, Lots 5 and 6

Autumn Creek Section 5
Block 2, Lots 1 thru 3

Ultimately, the zoning map would look like the map to the right.



The Districts

The **Future Land Use Map** is a guide to direct land use decisions to meet the current and future community desire for

development and redevelopment. The map is a part of the City's comprehensive plan. It provides guidance as to the location of land uses for future development. A FLUM depicts the types of future development using different colors for different types of development such as yellow for single-family, red for commercial, green for parks and blue for open space.

There are 13 designated future land use categories that make up the Future Land Use Map. The Garden Homes and Low Density Residential categories are defined as follows:

Low Density Residential - The most common use category in Friendswood is single family residential. Being primarily a bedroom community has its advantages and disadvantages. Acceptable Zoning District: Single Family Residential (SFR), Multi-Family Residential – Low Density (MFR-L)

Garden Homes - The Garden Home District (GHD) is a single-family district that allows for increase density, while still providing detached housing with open space between units. The district may be located adjacent to a district of a different zoning designation and may be used as a buffer between incompatible uses.

The **Official Zoning Map** depicts the zoning districts that are assigned to each property inside the city limits. The Zoning Ordinance then provides the regulations that each of the zoning districts must follow.

The main differences in the GHD and SFR zoning districts are the lot size, setbacks and density. Dwellings in the Garden Home District utilize a zero-foot lot line along one side of the property. The intent is to utilize one side of the structure as a shared wall and create a U-shaped, garden area or patio inset on the opposite side of the structure. The Residential Regulation Matrix can also be located in the Zoning Ordinance, Section 7.P.6. Information about zoning is also available on the City's web site at www.ci.friendswood.tx.us under the Community Development Department/Planning/Zoning.

Below are the current zoning descriptions of each district from the City's Zoning Ordinance.

SFR, residential, general purpose and description. The SFR, Single-Family Residential Dwelling District, is restricted to single-family dwellings, up to 2.7 units per acre, and to related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly convenient, and attractive residential area. Single-family residential areas shall be protected from higher density residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities.

1. Area and height regulations. Area and height regulations in an SFR district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the SFR district under certain circumstances and conditions.

4. Permitted uses. Uses permitted in an SFR district are set forth in subsection P of this section, permitted use table.

GHD, residential, general purpose and description. The GHD, Garden Home District, is intended to provide medium-density, detached, single-family dwellings having open space between units which exceed multi-family buildings, with density not exceeding six units per acre.

The district may be located adjacent to a district of a different zoning designation, and for which the development as GHD would be appropriate as a buffer between incompatible land uses.

(1) Dwellings in the GHD utilize a zero-foot lot line along one side of the property. The intent is to utilize one side of the structure as a shared wall and create a U-shaped, garden area or patio inset on the opposite side of the structure.

(2) Fifty percent or more of one side of the structure shall be located within (1) one foot of the zero-lot line. Building walls which are located on the zero-foot lot line shall meet the adopted building code requirements, which may limit the types of allowed penetrations and projections.

(3) The final plat shall show graphic easements, or a plat note, that dedicates a five (5) foot wide access and maintenance easement for all lots adjacent to lots with a zero-foot lot line. The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.

(4) The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the subject property.

(5) The interior living area of the first floor of any two-story residential structure in GHD shall contain not less than 60 percent of the structure's total living area, and not more than 40 percent of the structure's total living area shall be contained on the second floor, excluding open decks, porches, terraces, and garages.

Future Impacts

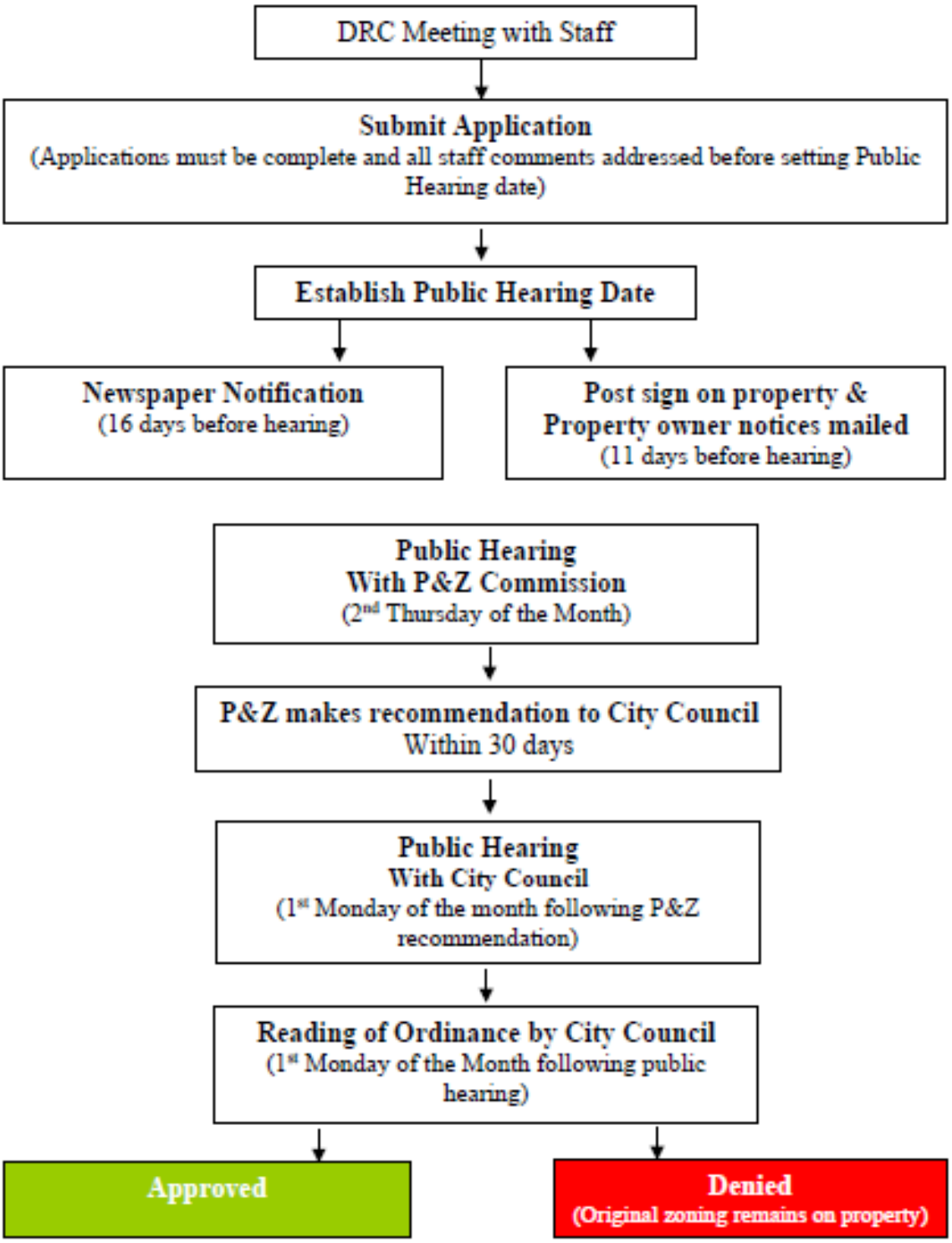
This correction is administrative in nature and is not intended to introduce new land use policies or change the allowed uses that were originally contemplated.

The Zone Change Process

No action will be required from the property owners. Notices will be mailed to notify all property owners of the public hearing dates, times and locations. A flow chart of the zone change process is below.

Zone Change Process

(60 – 90 day process)



STATE OF TEXAS
COUNTY OF HARRIS

WE AUTUMN CREEK DEVELOPMENT, LTD., A TEXAS LIMITED PARTNERSHIP, BY LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., A TEXAS LIMITED PARTNERSHIP, DBA FRIENDSWOOD DEVELOPMENT COMPANY AS ATTORNEY-IN-FACT, BY LENNAR TEXAS HOLDING COMPANY, JOSEPH L. STUNJA, VICE PRESIDENT AND NANETTE R. PEAVEY, ASSISTANT SECRETARY, HEREIN CALLED "OWNER" OF THE 29.05 ACRE TRACT DESCRIBED IN THE ABOVE FOREGOING MAP OF AUTUMN CREEK SECTION THREE, DOES HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAP OR PLAT AND HEREBY DEDICATES TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DOES HEREBY BIND ITSELF, ITS SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET SIX INCHES (11'-6") FOR TEN FEET (10'-0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'-6") FOR FOURTEEN FEET (14'-0") PERIMETER GROUND EASEMENTS FROM PLANE SIXTEEN FEET (16'-0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE, SIX INCHES FEET (21'-6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'-0") FOR TEN FEET (10'-0") BACK-TO-BACK GROUND EASEMENTS OR EIGHT FEET (8'-0") FOR FOURTEEN FEET (14'-0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'-0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30'-0") IN WIDTH.

FURTHER, OWNERS DO HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE ORIGINALLY INTENDED FOR THE CONSTRUCTION OF RESIDENTIAL DWELLING UNITS THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OR LAND FIFTEEN (15') FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF FRIENDSWOOD, HARRIS COUNTY OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAYS SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNERS DO HEREBY CERTIFY THAT THEY ARE THE OWNERS OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAT OF

AUTUMN CREEK SECTION THREE

WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAT AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

FURTHER, OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH THE EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63RD LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

IN TESTIMONY WHEREOF, LENNAR TEXAS HOLDING COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOSEPH L. STUNJA, ITS VICE PRESIDENT, THEREUNTO, AUTHORIZED ATTESTED BY ITS ASSISTANT SECRETARY, NANETTE R. PEAVEY, THIS 9th DAY OF March, 2000.

AUTUMN CREEK DEVELOPMENT, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.,
A TEXAS LIMITED PARTNERSHIP

DBA FRIENDSWOOD DEVELOPMENT COMPANY
AS ATTORNEY-IN-FACT

BY: LENNAR TEXAS HOLDING COMPANY, A TEXAS CORPORATION,
ITS GENERAL PARTNER

BY: _____
JOSEPH L. STUNJA, VICE PRESIDENT

ATTEST: Nanette R Peavey
NANETTE R. PEAVEY, ASSISTANT SECRETARY

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOSEPH L. STUNJA, VICE PRESIDENT AND NANETTE R. PEAVEY, ASSISTANT SECRETARY OF LENNAR TEXAS HOLDING COMPANY, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION ACTING FOR ITSELF. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 9th DAY OF March, 2000.

Heather L. Shawver
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES _____

HEATHER L. SHAWVER
NOTARY PUBLIC
STATE OF TEXAS
Comm. Exp. 01-21-2004

I, GARY W. CARLILE, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS AND POINTS OF CURVATURE NOT FOUND HAVE BEEN MARKED WITH IRON RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTERS OF ONE INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE (3') FEET AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

GARY W. CARLILE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4917

STATE OF TEXAS
REGISTERED
GARY W. CARLILE
4917
PROFESSIONAL
LAND SURVEYOR

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF AUTUMN CREEK SECTION THREE AS SHOWN THEREON IN TESTIMONY WHEREOF, WITNESS THE OFFICIAL SIGNATURE OF THE CHAIRMAN AND SECRETARY OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS THIS 25th DAY OF April, 2000.

Mike Domiguez 4/10/00
MIKE DOMINGUEZ

W. L. Finger
WILLIAM R. FINGER
CHAIRMAN

THIS CERTIFICATE IS VALID ONLY AS TO THE INSTRUMENT ON WHICH THE ORIGINAL SIGNATURE IS AFFIXED AND ONLY IF THE INSTRUMENT IS NOT ALTERED OR CHANGED AFTER RECORDING.

METES AND BOUNDS
AUTUMN CREEK SECTION THREE

Description of a 29.05 acre (1,265,550 square feet) tract of land being out of a called 227.776 acre tract of land being described in the deed to Autumn Creek Development, Ltd. And Harris County L.P. recorded under Harris County Clerk's File Numbers S953732 and S953733 and being situated in the Thomas Choate Survey Abstract No.12 and John Dickson Survey Abstract No. 15, Harris County, Texas. Said 29.05 acres described as follows:

BEGINNING at a 5/8-inch iron rod set at the intersection of the southerly line of a 160 foot wide Harris County Flood Control District Drainage Easement recorded under Harris County Clerk's File No. K384682 with the westerly line of a called 8.73 acre tract of land being described in the deed to George W. Dorrance and recorded in Volume 2681, Page 520 of the Harris County Deed Records;

THENCE, South 4°43'25" West, with said westerly line, a distance of 275.13 feet to a 5/8-inch iron rod found for the west corner of said 8.73 acres;

THENCE, South 48°13'25" East, with the southerly line of said 8.73 acres, a distance of 910.05 feet to a 5/8-inch iron rod set for corner;

THENCE, South 41°46'35" West, a distance of 135.00 feet to a 5/8-inch iron rod set for corner;

THENCE, South 48°13'25" East, a distance of 36.00 feet to a 5/8-inch iron rod set for corner;

THENCE, South 41°46'35" West, a distance of 155.00 feet to a 5/8-inch iron rod set for corner;

THENCE, South 48°13'25" East, a distance of 131.29 feet to a 5/8-inch iron rod set for corner;

THENCE, South 03°00'10" West, a distance of 54.85 feet to a 5/8-inch iron rod set for corner;

THENCE, South 69°13'04" West, a distance of 171.02 feet to a 5/8-inch iron rod set for corner;

THENCE, South 20°28'46" East, a distance of 14.96 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 345.00 feet, through a delta angle of 08°19'03", the chord bears South 24°38'17" East, a distance of 50.04 feet for a total arc a total arc length of 50.08 feet to a 5/8-inch iron rod set for corner;

THENCE, South 61°16'31" West, a distance of 60.00 feet to a 5/8-inch iron rod set for corner;

THENCE, South 47°37'00" West, a distance of 188.47 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, northwesterly, with said curve to the left, having a radius of 930.00 feet, through a delta angle of 31°14'54", the chord bears North 23°29'09" West, a distance of 500.95 feet for a total arc length of 507.21 feet to a 5/8-inch iron rod set for corner;

THENCE, South 50°53'24" West, a distance of 60.00 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the right;

THENCE, southeasterly, with said curve to the right, having a radius of 870.00 feet through a delta angle of 02°49'05", the chord bears South 38°05'54" East, a distance of 25.83 feet for a total arc length of 25.83 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, southwesterly, with said curve to the left, having a radius of 50.00 feet through a delta angle of 20°06'02", the chord bears South 38°53'37" West, a distance of 52.35 feet for a total arc length of 52.62 feet to a 5/8-inch iron rod set for corner;

THENCE, South 28°50'36" West, a distance of 354.95 feet to a 5/8-inch iron rod set for corner;

THENCE, North 60°09'02" West, a distance of 202.40 feet to a 5/8-inch iron rod set for corner;

THENCE, North 1°47'39" East, a distance of 60.49 feet to a 5/8-inch iron rod set for corner;

THENCE, North 03°51'39" West, a distance of 172.82 feet to a 5/8-inch iron rod set for corner;

THENCE, North 28°55'49" West, a distance of 269.08 feet to a 5/8-inch iron rod set for corner;

THENCE, North 74°29'39" West, a distance of 88.53 feet to a 5/8-inch iron rod set for corner;

THENCE, South 89°27'00" West, a distance of 28.09 feet to a 5/8-inch iron rod set for corner;

THENCE, North 13°33'20" West, a distance of 10.00 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 570.00 feet, through a delta angle of 16°42'26", the chord bears South 68°05'27" West, a distance of 165.62 feet for a total arc length of 166.21 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 92°12'12", the chord bears South 13°38'08" West, a distance of 36.03 feet for a total arc length of 40.23 feet to a 5/8-inch iron rod set for corner;

THENCE, South 57°55'07" West, a distance of 60.00 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, northwesterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 90°00'00", the chord bears North 77°27'58" West, a distance of 35.36 feet for a total arc length of 39.27 feet to a 5/8-inch iron rod set for corner;

THENCE, South 57°32'02" West, a distance of 47.56 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the right;

THENCE, southwesterly, with said curve to the right, having a radius of 530.00 feet, through a delta angle of 37°18'40", the chord bears South 75°41'22" West, a distance of 339.08 feet for a total arc length of 345.15 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the left;

THENCE, southwesterly, with said curve to the left, having a radius of 470.00 feet, through a delta angle of 11°40'52", the chord bears South 50°00'20" West, a distance of 34.63 feet for a total arc length of 38.26 feet to a 5/8-inch iron rod set for corner;

THENCE, North 82°50'06" West, a distance of 60.00 feet to the beginning of a non-tangent curve to the right;

THENCE, northeasterly, with said curve to the right, having a radius of 330.00 feet, through a delta angle of 07°02'48", the chord bears North 07°41'18" East, a distance of 6.03 feet for a total arc length of 6.03 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the left;

THENCE, northeasterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 89°51'38", the chord bears North 38°47'37" West, a distance of 32.80 feet for a total arc length of 35.37 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the right;

THENCE, northwesterly, with said curve to the right, having a radius of 530.00 feet, through a delta angle of 00°18'05", the chord bears North 73°36'54" West, a distance of 2.78 feet for a total arc length of 2.78 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the left;

THENCE, northwesterly, with said curve to the left, having a radius of 500.00 feet, through a delta angle of 05°45'31", the chord bears North 76°20'38" West, a distance of 50.23 feet for a total arc length of 50.25 feet to a 5/8-inch iron rod set for the beginning of a reverse curve to the right;

THENCE, northwesterly, with said curve to the right, having a radius of 510.00 feet, through a delta angle of 1°26'9", the chord bears North 73°30'16" West, a distance of 10.63 feet for a total arc length of 10.80 feet to a 5/8-inch iron rod set for corner;

THENCE, North 67°47'13" West, a distance of 127.71 feet to the beginning of a tangent curve to the left;

THENCE, southwesterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 90°00'00", the chord bears South 67°47'13" West, a distance of 35.36 feet for a total arc length of 39.27 feet to a 5/8-inch iron rod set in the easterly right-of-way line of Bay Area Blvd. (a 100 foot wide right-of-way);

THENCE, North 22°12'47" East, with said easterly right-of-way, a distance of 140.00 feet a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 90°00'00", the chord bears South 22°47'13" East, a distance of 35.36 feet, for a total arc length of 39.27 feet to a 5/8-inch iron rod set for corner;

THENCE, South 67°47'13" East, a distance of 127.71 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the right;

THENCE, southeasterly, with said curve to the right, having a radius of 510.00 feet, through a delta angle of 06°50'54", the chord bears South 64°21'46" East, a distance of 60.92 feet for a total arc length of 60.96 feet to a 5/8-inch iron rod set for the point of reverse curvature to the left;

THENCE, northeasterly, with said curve to the left, having a radius of 450.00 feet, through a delta angle of 10°53'56", the chord bears North 89°48'13" East, a distance of 853.56 feet for a total arc length of 475.29 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the left;

THENCE, northeasterly, with said curve to the left, having a radius of 470.00 feet, through a delta angle of 0°00'43", the chord bears North 58°00'24" East, a distance of 8.30 feet for a total arc length of 8.30 feet to a 5/8-inch iron rod set for corner;

THENCE, North 57°32'02" East, a distance of 47.56 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 90°00'00", the chord bears North 12°32'02" East, a distance of 35.36 feet for a total arc length of 39.27 feet to a 5/8-inch iron rod set for corner;

THENCE, North 57°32'02" East, a distance of 60.00 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, southeasterly, with said curve to the left, having a radius of 25.00 feet, through a delta angle of 89°08'24", the chord bears North 25°08'48" East, a distance of 35.04 feet for a total arc length of 38.47 feet to a 5/8-inch iron rod set for the beginning of a tangent curve to the right;

THENCE, northeasterly, with said curve to the right, having a radius of 630.00 feet, through a delta angle of 29°41'07", the chord bears North 73°59'05" East, a distance of 317.98 feet for a total arc length of 320.46 feet to a 5/8-inch iron rod set for corner;

THENCE, North 02°27'00" West, a distance of 116.36 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, northeasterly, with said curve to the left, having a radius of 50.00 feet, through a delta angle of 99°06'24", the chord bears North 25°08'48" East, a distance of 76.10 feet for a total arc length of 86.49 feet to a 5/8-inch iron rod set for corner;

THENCE, North 65°35'36" East, a distance of 22.74 feet to a 5/8-inch iron rod set for corner;

THENCE, North 02°16'20" East, a distance of 114.76 feet to a 5/8-inch iron rod set for corner;

THENCE, North 68°44'22" East, a distance of 32.97 feet to a 5/8-inch iron rod set for corner;

THENCE, North 08°52'40" West, a distance of 98.07 feet to a 5/8-inch iron rod set for corner;

THENCE, North 63°50'32" West, a distance of 36.50 feet to a 5/8-inch iron rod set for the beginning of a non-tangent curve to the left;

THENCE, northwesterly, with said curve to the left, having a radius of 50.00 feet, through a delta angle of 100°16'28", the chord bears North 23°58'46" West, a distance of 76.76 feet for a total arc length of 87.51 feet to a 5/8-inch iron rod set for corner;

THENCE, North 01°53'00" East, a distance of 20.00 feet to a 5/8-inch iron rod set for corner;

THENCE, North 08°52'40" West, a distance of 81.44 feet to a 5/8-inch iron rod set for corner;

THENCE, North 53°52'40" West, a distance of 21.21 feet to a 5/8-inch iron rod set for corner;

THENCE, North 81°07'20" East, a distance of 858.29 feet to the POINT OF BEGINNING and containing 29.05 acres (1,265,550 square feet) of land.

I, MICKIEL G. HODGE, P.E., CITY ENGINEER OF THE CITY OF FRIENDSWOOD, TEXAS DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE CITY OF FRIENDSWOOD, TEXAS, AND FURTHER IT COMPLIES WITH ALL OF THE ORDINANCES AS ADOPTED BY THE CITY COUNCIL.

Mickiel G. Hodge 4/10/00
MICKIEL G. HODGE, P.E.
CITY ENGINEER

STATE OF TEXAS
COUNTY OF HARRIS

I, BEVERLY B. KAUFMAN, CLERK OF THE COUNTY COURT OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON MAY 16, 2000, AT 8:53 O'CLOCK A.M. AND DULY RECORDED ON MAY 16, 2000 AT 10:15 O'CLOCK A M. AND AT FILM CODE NO. 448034 OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

BEVERLY B. KAUFMAN
CLERK OF THE COUNTY COURT
HARRIS COUNTY, TEXAS

BY: Tom Wood
DEPUTY

I, ARTHUR L. STOREY, JR., EXECUTIVE DIRECTOR OF HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH THE REQUIREMENTS FOR INTERNAL SUBDIVISION DRAINAGE AS ADOPTED BY COMMISSIONERS' COURT; HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ANY OTHER AREA OR SUBDIVISION WITHIN THE WATERSHED.

Arthur L. Storey 3.27.00
ARTHUR L. STOREY, JR., P.E.
EXECUTIVE DIRECTOR

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

05/16/00 300398612 U390149 $60.00

U390149

FILED
2000 MAY 16 AM 8:53
Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

Autumn Creek Section One F.C. No. 416089, H.C.M.R.

160' H.C.F.C.D. Drainage Easement H.C.C.F. No. K384682 UNIT A114-00-00

10' H.L. & P. Easement H.C.C.F. No. 069I225

P.O.B.
Thomas Choate Survey A-12
John Dickson Survey A-15
S06°32'37"W 8.94'

Houston Lighting and Power Company Called 8.822 Acres H.C.C.F. No. F398215

George W. Dorrance Called 11.73 Acres Vol. 2681, Pg. 520, H.C.D.R.

Acreage

N81°07'20"E - 858.29'

S48°13'25"E - 910.05'

S47°43'25"W 275.13'

N02°16'20"E 114.76'

N02°27'00"W 116.36'

N22°12'47"E 140.00'

N28°55'49"W - 269.08'

N03°51'39"W - 172.82'

N01°47'39"E - 60.49'

N60°09'02"W - 202.40'

S28°50'06"W - 354.95'

S47°37'10"W - 186.47'

S69°13'04"W 171.02'

N82°50'06"W 60.00'

S57°55'07"W 60.00'

S50°53'24"W 60.00'

N47°37'00"E 188.47'

S57°32'02"E 47.56'

N61°16'31"E 60.00'

S47°43'25"W 275.13'

RESTRICTED RESERVE "D"
LANDSCAPE/OPEN SPACE
60,996 SQ. FT.
1.400 AC.

RESTRICTED RESERVE "E"
DRAINAGE/OPEN SPACE
5,400 SQ. FT.
0.1239 AC.

RESTRICTED RESERVE "B"
RECREATION CENTER
84,152 SQ. FT.
1.932 AC.

RESTRICTED RESERVE "A"
PARK/DRILL SITE
87,104 SQ. FT.
2.000 AC.

RESTRICTED RESERVE "C"
LANDSCAPE/OPEN SPACE
9,438 SQ. FT.
0.2166 AC.

1 FT. RESERVE (SEE NOTE 13)

TEMPORARY TURNAROUND

CEDAR RIDGE COURT
CEDAR RIDGE
CEDAR WAY
HARVEST PARK
PARK BEND
POPLAR DRIVE
HILL DRIVE
PARK TRAIL
AUTUMN GLEN DRIVE
AUTUMN GLEN COURT
AUTUMN GLEN WAY
AUTUMN GLEN DRIVE
CEDAR BLUFF LANE
CEDAR BLUFF DRIVE
MATCH LINE
MATCH LINE

RESERVE TABLE

RESERVE	TYPE	ACREAGE	SQ. FT.
A	PARK/DRILL SITE	2.000	87,104
B	RECREATION CENTER	1.932	84,152
C	LANDSCAPE/OPEN SPACE	0.2166	9,438
D	LANDSCAPE/OPEN SPACE	1.400	60,996
E	DRAINAGE/OPEN SPACE	0.1239	5,400
TOTAL		5.672	247,090

Ordinance 2011-14 changed rear setback from 10-feet to 20-feet.

128.897 Acres Autumn Creek Development, Ltd. Harris County L.P. Inc. H.C.C.F. Nos. S953732 & S953733

Perpetual Right-of-Way Easement Gulf Coast Waste Disposal Authority H.C.C.F. No. J652541

WEST BAY AREA BLVD. (100' R.O.W.)

N22°12'47"E 24.00'

S67°47'13"E - 301.07'

I FT. RESERVE (SEE NOTE 13)

I FT. RESERVE (SEE NOTE 13)

I FT. RESERVE (SEE NOTE 13)

LINE TABLE

LINE	BEARING	DISTANCE
L1	S67°47'13"E	127.71'
L2	N65°35'36"E	22.74'
L3	N66°44'22"E	32.97'
L4	N08°52'40"W	98.07'
L5	N63°50'32"W	36.50'
L6	N65°53'00"E	20.00'
L7	N08°52'40"W	81.44'
L8	N53°52'40"W	21.21'
L9	N02°16'46"E	21.86'
L10	S48°13'25"E	15.00'
L11	S03°00'10"W	54.85'
L12	S20°28'46"E	14.96'
L13	S69°27'00"W	60.00'
L14	S50°53'24"W	60.00'
L15	S32°32'36"E	10.03'
L16	N8°47'39"E	10.49'
L17	N74°29'39"W	88.53'
L18	S89°27'00"W	29.09'
L19	S67°47'13"E	127.71'
L20	N85°38'01"E	25.46'
L21	S33°59'09"E	21.16'
L22	N78°42'54"E	29.34'
L23	S37°50'05"E	30.16'
L24	N34°34'40"W	19.22'
L25	N74°25'39"E	26.65'
L26	S68°04'27"E	41.75'
L27	N36°07'20"E	21.21'
L28	S05°45'49"E	20.52'
L29	N33°33'20"W	10.00'
L30	S57°55'07"W	60.00'
L31	S57°32'02"W	47.56'
L32	N82°50'06"W	60.00'
L33	S07°54'54"E	37.84'
L34	N57°32'02"E	47.56'
L35	N57°50'14"E	60.00'
L36	N79°42'54"E	16.53'
L37	S55°17'06"E	46.83'
L38	N42°18'41"E	25.99'
L39	N79°42'54"E	7.07'
L40	S55°17'06"E	46.83'
L41	N79°42'54"E	10.93'
L42	N80°25'41"E	22.30'
L43	N08°52'40"W	38.42'
L44	S36°25'14"W	33.98'
L45	N08°34'19"W	58.10'
L46	N89°07'20"E	10.00'
L47	S08°34'19"E	62.30'
L48	S36°25'41"W	35.95'
L49	S08°52'40"E	34.30'
L50	N80°25'41"E	78.77'
L51	S69°04'27"E	14.21'
L52	S69°04'27"E	39.24'
L53	N80°25'41"E	99.28'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD	BEARING
C1	90°00'00"	25.00'	39.27'	35.36'	N47°47'13"E
C2	06°50'54"	510.00'	60.96'	60.92'	N64°21'46"W
C3	60°30'56"	450.00'	475.29'	453.50'	N89°48'13"E
C4	01°09'43"	470.00'	9.50'	9.50'	N58°00'24"E
C5	99°08'24"	50.00'	86.49'	76.10'	N23°08'48"E
C6	100°16'28"	50.00'	87.51'	76.76'	N85°58'46"W
C7	08°19'03"	345.00'	50.08'	50.04'	S24°38'17"E
C8	31°14'54"	930.00'	507.21'	500.95'	N23°29'09"W
C9	20°06'02"	150.00'	52.62'	52.35'	S38°53'37"W
C10	16°42'26"	570.00'	166.21'	165.62'	S68°05'27"W
C11	37°18'40"	530.00'	345.15'	339.08'	S75°41'22"W
C12	05°45'31"	500.00'	50.25'	50.23'	N76°20'38"W
C13	1°26'9"	510.00'	10.80'	10.63'	S73°30'38"E
C14	90°00'00"	25.00'	39.27'	35.36'	N42°47'13"W
C15	54°40'45"	500.00'	477.17'	459.26'	N84°52'25"E
C16	7°41'33"	500.00'	67.09'	67.04'	N85°02'06"E
C17	09°06'49"	900.00'	143.16'	143.00'	N63°40'09"W
C18	31°55'04"	810.00'	451.23'	445.42'	N63°24'23"W
C19	28°26'35"	1000.00'	496.43'	491.34'	N64°12'03"W
C20	08°19'03"	375.00'	54.44'	54.39'	S24°38'17"E
C21	31°34'31"	830.00'	622.77'	614.92'	N64°40'44"W
C22	16°24'06"	750.00'	214.70'	213.97'	N76°49'53"E
C23	02°17'47"	3000.00'	120.23'	120.22'	N62°55'28"E
C24	12°02'21"	570.00'	119.77'	119.57'	N70°14'36"W
C25	09°06'49"	870.00'	138.38'	138.24'	N63°40'09"W
C26	70°56'36"	630.00'	780.06'	731.18'	N85°09'41"W
C27	86°41'36"	25.00'	37.83'	34.34'	N83°10'25"E
C28	93°15'48"	25.00'	40.69'	36.35'	N02°33'32"W
C29	26°28'53"	780.00'	359.99'	356.73'	N62°24'34"W
C30	44°44'04"	25.00'	19.52'	19.03'	S82°00'06"W
C31	265°36'20"	50.00'	231.78'	73.37'	S12°26'23"W
C32	47°07'33"	25.00'	20.56'	17.94'	S55°59'57"E
C33	26°58'12"	840.00'	395.40'	391.76'	N62°23'31"E
C34	89°06'13"	25.00'	38.88'	35.07'	N48°32'39"E
C35	90°33'47"	25.00'	39.51'	35.52'	N03°29'49"W
C36	28°22'47"	900.00'	544.85'	539.30'	N62°57'36"W
C37	44°40'32"	25.00'	19.49'	19.00'	N86°45'45"W
C38	265°38'07"	50.00'	231.80'	73.35'	S8°29'33"W
C39	49°33'01"	25.00'	21.62'	17.77'	S56°28'56"E
C40	09°39'35"	1160.00'	128.08'	128.02'	N74°06'45"W
C41	89°59'15"	25.00'	39.26'	35.35'	N64°03'25"E
C42	08°03'08"	720.00'	101.21'	101.12'	N61°02'25"E
C43	44°53'44"	25.00'	19.59'	19.09'	N8°26'28"W
C44	90°33'47"	25.00'	39.51'	35.52'	N86°30'23"E
C45	40°59'31"	25.00'	17.88'	17.50'	S31°25'53"W
C46	08°42'35"	780.00'	118.58'	118.58'	N05°04'25"E
C47	85°02'58"	25.00'	37.11'	33.80'	S32°05'37"E
C48	17°24'00"	1160.00'	352.28'	350.93'	N56°55'25"W
C49	89°59'15"	25.00'	39.26'	35.35'	N64°03'25"E
C50	08°03'08"	720.00'	101.21'	101.12'	N61°02'25"E
C51	44°53'44"	25.00'	19.59'	19.09'	N8°26'28"W
C52	90°33'47"	25.00'	39.51'	35.52'

STATE OF TEXAS
COUNTY OF HARRIS

WE AUTUMN CREEK DEVELOPMENT, LTD., A TEXAS LIMITED PARTNERSHIP, BY LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., A TEXAS LIMITED PARTNERSHIP, DBA FRIENDSWOOD DEVELOPMENT COMPANY, AS ATTORNEY-IN-FACT, BY LENNAR TEXAS HOLDING COMPANY HEREIN CALLED "OWNER" OF THE 22.28 ACRE TRACT DESCRIBED IN THE ABOVE FOREGOING MAP OF AUTUMN CREEK SECTION FIVE, DOES HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAP OR PLAT AND HEREBY DEDICATES TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DOES HEREBY BIND ITSELF, ITS SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNER HAS DEDICATED AND BY THESE PRESENTS DOES DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET SIX INCHES (11'-6") FOR TEN FEET (10'-0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'-6") FOR FOURTEEN FEET (14'-0") PERIMETER GROUND EASEMENTS FROM PLANE SIXTEEN FEET (16'-0")ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE, SIX INCHES FEET (21'-6") IN WIDTH.

FURTHER, OWNER HAS DEDICATED AND BY THESE PRESENTS DOES DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'-0") FOR TEN FEET (10'-0") BACK-TO-BACK GROUND EASEMENTS OR EIGHT FEET (8'-0") FOR FOURTEEN FEET (14'-0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'-0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30'-0") IN WIDTH.

FURTHER, OWNER DOES HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE ORIGINALLY INTENDED FOR THE CONSTRUCTION OF RESIDENTIAL DWELLING UNITS THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, OWNER DOES HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNER DOES HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN (15) FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF FRIENDSWOOD, HARRIS COUNTY OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNER DOES HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAYS SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNER DOES HEREBY CERTIFY THAT IT IS THE OWNER OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAT OF

AUTUMN CREEK SECTION FIVE

WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING PLAT AND DOES HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

FURTHER, OWNER CERTIFIES AND COVENANTS THAT IT HAS COMPLIED WITH OR WILL COMPLY WITH THE EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63RD LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

IN TESTIMONY WHEREOF, LENNAR TEXAS HOLDING COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOSEPH L. STUNJA, ITS VICE PRESIDENT, THEREUNTO, AUTHORIZED ATTESTED BY ITS ASSISTANT SECRETARY, NANETTE R. PEAVEY, THIS 21st DAY OF December, 2000.

AUTUMN CREEK DEVELOPMENT , LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION , LTD.,
A TEXAS LIMITED PARTNERSHIP

DBA FRIENDSWOOD DEVELOPMENT COMPANY
AS ATTORNEY-IN-FACT

BY: LENNAR TEXAS HOLDING COMPANY, A TEXAS CORPORATION,
ITS GENERAL PARTNER

BY: _____ qfa
JOSEPH L. STUNJA, VICE PRESIDENT

ATTEST: Nanette R. Peavey
NANETTE R. PEAVEY, ASSISTANT SECRETARY

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOSEPH L. STUNJA, VICE PRESIDENT AND NANETTE R. PEAVEY, ASSISTANT SECRETARY OF LENNAR TEXAS HOLDING COMPANY, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION ACTING FOR ITSELF, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 27th DAY OF December, 2000.

Heather L. Shawver
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 1-21-04

HEATHER L. SHAWVER
NOTARY PUBLIC
STATE OF TEXAS
Comm. Exp. 01-21-2004

I, ANTHONY R. PEACOCK, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS AND POINTS OF CURVATURE NOT FOUND HAVE BEEN MARKED WITH IRON RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTERS OF ONE INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE (3') FEET AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

Anthony R. Peacock 12/28/2000
ANTHONY R. PEACOCK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5047

STATE OF TEXAS · REGISTERED · ANTHONY R. PEACOCK · 5047 · PROFESSIONAL · LAND SURVEYOR

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF AUTUMN CREEK SECTION FIVE AS SHOWN THEREON IN TESTIMONY WHEREOF, WITNESS THE OFFICIAL SIGNATURE OF THE CHAIRMAN AND SECRETARY OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS THIS 11th DAY OF JANUARY, 2001.

Diana Steelquist
DIANA STEELQUIST
SECRETARY

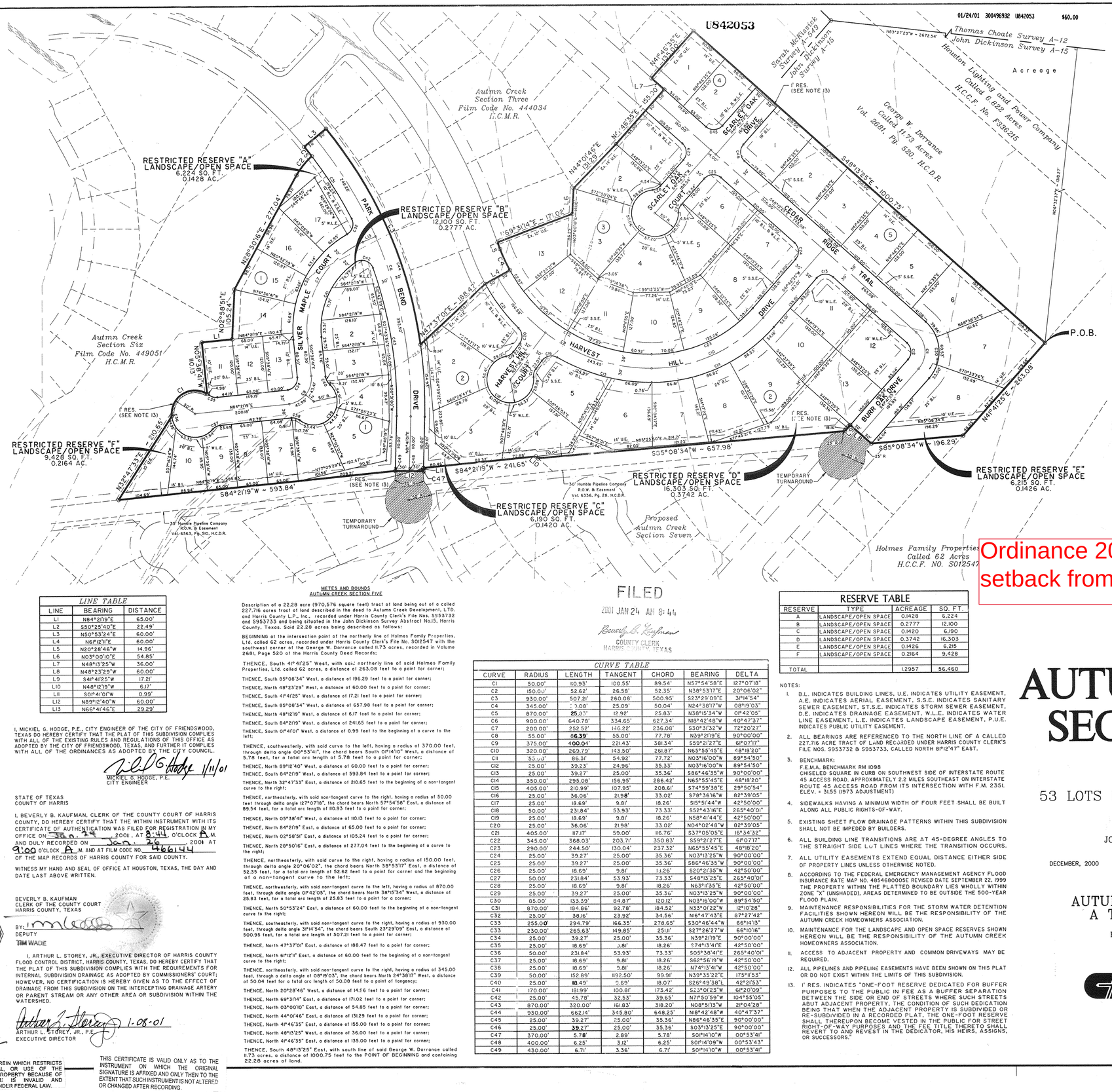
Thomas E. Burke
THOMAS E. BURKE
CHAIRMAN

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THIS CERTIFICATE IS VALID ONLY AS TO THE INSTRUMENT ON WHICH THE ORIGINAL SIGNATURE IS AFFIXED AND ONLY THEN TO THE EXTENT THAT SUCH INSTRUMENT IS NOT ALTERED OR CHANGED AFTER RECORDING.

U842053

01/24/01 300496932 U842053 $60.00



RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

Ordinance 2011-14 changed rear setback from 10-feet to 20-feet.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N84°21'19"E	65.00'
L2	S50°25'40"E	22.49'
L3	N50°53'24"E	50.00'
L4	N16°12'11"E	60.00'
L5	N20°28'46"W	14.96'
L6	N03°00'10"E	54.85'
L7	N48°13'25"W	36.00'
L8	N48°12'19"W	60.00'
L9	S41°41'25"W	17.21'
L10	N48°12'19"W	6.17'
L11	S01°41'01"W	0.99'
L12	N89°12'40"W	60.00'
L13	N66°41'46"E	29.29'

METES AND BOUNDS
AUTUMN CREEK SECTION FIVE

Description of a 22.28 acre (970,576 square feet) tract of land being out of a called 227.716 acres tract of land described in the deed to Autumn Creek Development, LTD. and Harris County L.P., Inc., recorded under Harris County Clerk's File Nos. S953732 and S953733 and being situated in the John Dickinson Survey Abstract No.15, Harris County, Texas. Said 22.28 acres being described as follows:

BEGINNING at the intersection point at the northerly line of Holmes Family Properties, Ltd. called 62 acres, recorded under Harris County Clerk's File No. S012547 with the southwest corner of the George W. Dorrance called 11.73 acres, recorded in Volume 2661, Page 520 of the Harris County Deed Records;

THENCE, South 41°41'25" West, with said northerly line of said Holmes Family Properties, Ltd. called 62 acres, a distance of 263.08 feet to a point for corner;

THENCE, South 85°08'34" West, a distance of 196.29 feet to a point for corner;

THENCE, North 48°23'29" West, a distance of 60.00 feet to a point for corner;

THENCE, South 41°41'25" West, a distance of 17.21 feet to a point for corner;

THENCE, South 85°08'34" West, a distance of 657.98 feet to a point for corner;

THENCE, North 48°12'19" West, a distance of 6.17 feet to a point for corner;

THENCE, South 84°21'19" West, a distance of 241.65 feet to a point for corner;

THENCE, South 01°41'01" West, a distance of 0.99 feet to the beginning of a curve to the left;

THENCE, southwesterly, with said curve to the left, having a radius of 370.00 feet, through delta angle 00°53'41", the chord bears South 01°14'10" West, a distance of 5.78 feet, for a total arc length of 5.78 feet to a point for corner;

THENCE, North 89°12'40" West, a distance of 60.00 feet to a point for corner;

THENCE, South 84°21'19" West, a distance of 593.84 feet to a point for corner;

THENCE, North 32°47'33" East, a distance of 210.65 feet to the beginning of a non-tangent curve to the right;

THENCE, northeasterly, with said non-tangent curve to the right, having a radius of 50.00 feet through delta angle 127°07'18", the chord bears North 57°54'58" East, a distance of 89.54 feet, for a total arc length of 110.93 feet to a point for corner;

THENCE, North 05°38'41" West, a distance of 10.13 feet to a point for corner;

THENCE, North 84°21'19" East, a distance of 65.00 feet to a point for corner;

THENCE, North 02°58'51" East, a distance of 105.24 feet to a point for corner;

THENCE, North 28°50'16" East, a distance of 277.04 feet to the beginning of a curve to the right;

THENCE, northeasterly, with said curve to the right, having a radius of 150.00 feet, through delta angle 20°06'02", the chord bears North 38°53'17" East, a distance of 52.35 feet, for a total arc length of 52.68 feet to a point for corner and the beginning of a non-tangent curve to the left;

THENCE, northwesterly, with said non-tangent curve to the left, having a radius of 870.00 feet, through delta angle 09°43'05", the chord bears North 38°15'34" West, a distance of 25.83 feet, for a total arc length of 25.83 feet to a point for a corner;

THENCE, North 50°53'24" East, a distance of 60.00 feet to the beginning of a non-tangent curve to the right;

THENCE, southeasterly, with said non-tangent curve to the right, having a radius of 930.00 feet, through delta angle 31°41'54", the chord bears South 23°29'09" East, a distance of 500.95 feet, for a total arc length of 507.21 feet to a point for corner;

THENCE, North 47°37'01" East, a distance of 188.47 feet to a point for corner;

THENCE, North 61°12'11" East, a distance of 60.00 feet to the beginning of a non-tangent curve to the right;

THENCE, northeasterly, with said non-tangent curve to the right, having a radius of 345.00 feet, through a delta angle of 08°19'03", the chord bears North 24°38'17" West, a distance of 50.04 feet for a total arc length of 50.08 feet to a point of tangency;

THENCE, North 20°28'46" West, a distance of 14.96 feet to a point for corner;

THENCE, North 69°31'14" East, a distance of 171.02 feet to a point for corner;

THENCE, North 03°00'10" East, a distance of 54.85 feet to a point for corner;

THENCE, North 44°01'46" East, a distance of 131.29 feet to a point for corner;

THENCE, North 41°41'25" East, a distance of 155.00 feet to a point for corner;

THENCE, North 48°13'25" West, a distance of 36.00 feet to a point for corner;

THENCE, North 41°46'35" East, a distance of 135.00 feet to a point for corner;

THENCE, South 48°13'25" East, with south line of said George W. Dorrance called 11.73 acres, a distance of 1000.75 feet to the POINT OF BEGINNING and containing 22.28 acres of land.

FILED
2001 JAN 24 AM 8:44
Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

I, MICKIEL G. HODGE, P.E., CITY ENGINEER OF THE CITY OF FRIENDSWOOD, TEXAS DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE CITY OF FRIENDSWOOD, TEXAS, AND FURTHER IT COMPLIES WITH ALL OF THE ORDINANCES AS ADOPTED BY THE CITY COUNCIL.

1/11/01
MICKIEL G. HODGE, P.E.
CITY ENGINEER

STATE OF TEXAS
COUNTY OF HARRIS

I, BEVERLY B. KAUFMAN, CLERK OF THE COUNTY COURT OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON Jan. 24, 2001, AT 8:44 O'CLOCK A.M. AND DULY RECORDED ON Jan. 26, 2001 AT 9:00 O'CLOCK A.M. AND AT FILM CODE NO. 466144 OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

BEVERLY B. KAUFMAN
CLERK OF THE COUNTY COURT
HARRIS COUNTY, TEXAS

BY: _____
DEPUTY
TIM WADE

I, ARTHUR L. STOREY, JR., EXECUTIVE DIRECTOR OF HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH THE REQUIREMENTS FOR INTERNAL SUBDIVISION DRAINAGE AS ADOPTED BY COMMISSIONERS' COURT; HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ANY OTHER AREA OR SUBDIVISION WITHIN THE WATERSHED.

1-08-01
ARTHUR L. STOREY, JR., P.E.
EXECUTIVE DIRECTOR

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	50.00'	110.93'	100.55'	89.54'	N57°54'58"E	127°07'18"
C2	150.00'	52.62'	26.58'	52.35'	N38°53'17"E	20°06'02"
C3	930.00'	507.21'	260.08'	500.95'	S23°29'09"E	31°14'54"
C4	345.00'	50.08'	25.09'	50.04'	N24°38'17"W	08°19'03"
C5	870.00'	25.83'	12.92'	25.83'	N38°15'34"W	01°42'05"
C6	900.00'	640.78'	334.65'	627.34'	N18°42'48"W	40°47'37"
C7	200.00'	252.52'	146.22'	236.08'	S30°31'32"W	72°20'27"
C8	55.00'	86.39'	55.00'	77.78'	N39°21'19"E	90°00'00"
C9	375.00'	400.04'	221.43'	381.34'	S59°21'27"E	61°07'17"
C10	320.00'	269.79'	143.50'	261.87'	N65°55'45"E	48°18'20"
C11	55.00'	86.31'	54.92'	77.72'	N03°16'00"W	89°54'50"
C12	25.00'	39.23'	24.96'	35.33'	N03°16'00"W	89°54'50"
C13	25.00'	39.27'	25.00'	35.36'	S86°46'35"W	90°00'00"
C14	350.00'	295.08'	156.95'	286.42'	N65°55'45"E	48°18'20"
C15	405.00'	210.99'	107.95'	208.61'	S74°59'38"E	29°50'54"
C16	25.00'	36.06'	21.98'	33.02'	S78°36'16"W	82°39'05"
C17	25.00'	18.69'	9.81'	18.26'	S15°51'44"W	42°50'00"
C18	50.00'	231.84'	53.93'	73.33'	S52°43'16"E	265°40'01"
C19	25.00'	18.69'	9.81'	18.26'	N58°41'44"E	42°50'00"
C20	25.00'	36.06'	21.98'	33.02'	N04°02'48"W	82°39'05"
C21	405.00'	117.17'	59.00'	116.76'	S37°05'05"E	16°34'32"
C22	345.00'	368.03'	203.71'	350.83'	S59°21'27"E	61°07'17"
C23	290.00'	244.50'	130.04'	237.32'	N65°55'45"E	48°18'20"
C24	25.00'	39.27'	25.00'	35.36'	N03°13'25"W	90°00'00"
C25	25.00'	39.27'	25.00'	35.36'	S86°46'35"W	90°00'00"
C26	25.00'	18.69'	9.81'	18.26'	S20°21'35"W	42°50'00"
C27	50.00'	231.84'	53.93'	73.33'	S48°13'25"E	265°40'01"
C28	25.00'	18.69'	9.81'	18.26'	N63°11'35"E	42°50'00"
C29	25.00'	39.27'	25.00'	35.36'	N03°13'25"W	90°00'00"
C30	65.00'	133.39'	84.87'	120.12'	N03°11'00"W	117°35'50"
C31	870.00'	184.86'	92.78'	184.52'	N33°01'22"W	12°10'28"
C32	25.00'	38.16'	23.92'	34.56'	N16°47'43"E	87°27'42"
C33	255.00'	294.79'	166.35'	278.65'	S30°46'44"W	66°14'13"
C33	230.00'	265.63'	149.85'	251.11'	S27°26'27"W	66°10'16"
C34	25.00'	39.27'	25.00'	35.36'	N39°21'19"E	90°00'00"
C35	25.00'	18.69'	9.81'	18.26'	S74°13'41"E	42°50'00"
C36	50.00'	231.84'	53.93'	73.33'	S05°38'41"E	265°40'01"
C37	25.00'	18.69'	9.81'	18.26'	S62°56'19"W	42°50'00"
C38	25.00'	18.69'	9.81'	18.26'	N74°13'41"W	42°50'00"
C39	50.00'	152.89'	192.50'	99.91'	N39°35'22"E	175°11'53"
C40	25.00'	18.49'	9.69'	18.07'	S26°49'38"E	42°21'53"
C41	170.00'	181.99'	100.81'	173.42'	S23°01'23"W	61°20'09"
C42	25.00'	45.78'	32.53'	39.65'	N71°50'59"W	104°55'05"
C43	870.00'	320.00'	161.83'	318.20'	N08°51'13"W	21°04'28"
C44	930.00'	662.14'	345.80'	648.25'	N18°42'48"W	40°47'37"
C45	25.00'	39.27'	25.00'	35.36'	N86°46'35"E	90°00'00"
C46	25.00'	39.27'	25.00'	35.36'	S03°13'25"E	90°00'00"
C47	370.00'	5.78'	2.89'	5.78'	S01°14'10"W	00°53'41"
C48	400.00'	6.25'	3.12'	6.25'	S01°14'09"W	00°53'43"
C49	430.00'	6.71'	3.36'	6.71'	S01°14'10"W	00°53'41"

RESERVE TABLE

RESERVE	TYPE	ACREAGE	SQ. FT.
A	LANDSCAPE/OPEN SPACE	0.1428	6,224
B	LANDSCAPE/OPEN SPACE	0.2777	12,100
C	LANDSCAPE/OPEN SPACE	0.1420	6,190
D	LANDSCAPE/OPEN SPACE	0.3742	16,303
E	LANDSCAPE/OPEN SPACE	0.1426	6,215
F	LANDSCAPE/OPEN SPACE	0.2164	9,428
TOTAL		1.2957	56,460

NOTES:
1. B.L. INDICATES BUILDING LINES, U.E. INDICATES UTILITY EASEMENT, A.E. INDICATES AERIAL EASEMENT, S.S.E. INDICATES SANITARY SEWER EASEMENT, ST.S.E. INDICATES STORM SEWER EASEMENT, D.E. INDICATES DRAINAGE EASEMENT, W.L.E. INDICATES WATER LINE EASEMENT, L.E. INDICATES LANDSCAPE EASEMENT, P.U.E. INDICATES PUBLIC UTILITY EASEMENT.
2. ALL BEARINGS ARE REFERENCED TO THE NORTH LINE OF A CALLED 227.716 ACRE TRACT OF LAND RECORDED UNDER HARRIS COUNTY CLERK'S FILE NOS. S953732 & S953733, CALLED NORTH 81°12'47" EAST.
3. BENCHMARK:
F.E.M.A. BENCHMARK RM 1098
CHISELED SQUARE IN CURB ON SOUTHWEST SIDE OF INTERSTATE ROUTE 45 ACCESS ROAD. APPROXIMATELY 2.2 MILES SOUTHEAST ON INTERSTATE ROUTE 45 ACCESS ROAD FROM ITS INTERSECTION WITH F.M. 2351. ELEV. = 31.55 (1973 ADJUSTMENT)
4. SIDEWALKS HAVING A MINIMUM WIDTH OF FOUR FEET SHALL BE BUILT ALONG ALL PUBLIC RIGHTS-OF-WAY.
5. EXISTING SHEET FLOW DRAINAGE PATTERNS WITHIN THIS SUBDIVISION SHALL NOT BE IMPEDED BY BUILDERS.
6. ALL BUILDING LINE TRANSITIONS ARE AT 45-DEGREE ANGLES TO THE STRAIGHT SIDE LOT LINES WHERE THE TRANSITION OCCURS.
7. ALL UTILITY EASEMENTS EXTEND EQUAL DISTANCE EITHER SIDE OF PROPERTY LINES UNLESS OTHERWISE NOTED.
8. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 48546800005E REVISED DATE SEPTEMBER 22, 1999 THE PROPERTY WITHIN THE PLATTED BOUNDARY LIES WHOLLY WITHIN ZONE "X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.
9. MAINTENANCE RESPONSIBILITIES FOR THE STORM WATER DETENTION FACILITIES SHOWN HEREON WILL BE THE RESPONSIBILITY OF THE AUTUMN CREEK HOMEOWNERS ASSOCIATION.
10. MAINTENANCE FOR THE LANDSCAPE AND OPEN SPACE RESERVES SHOWN HEREON WILL BE THE RESPONSIBILITY OF THE AUTUMN CREEK HOMEOWNERS ASSOCIATION.
11. ACCESS TO ADJACENT PROPERTY AND COMMON DRIVEWAYS MAY BE REQUIRED.
12. ALL PIPELINES AND PIPELINE EASEMENTS HAVE BEEN SHOWN ON THIS PLAT OR DO NOT EXIST WITHIN THE LIMITS OF THIS SUBDIVISION.
13. 1' RES. INDICATES "ONE-FOOT RESERVE DEDICATED FOR BUFFER PURPOSES TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR END OF STREETS WHERE SUCH STREETS ABUT ADJACENT PROPERTY, THE CONDITION OF SUCH DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RE-SUBDIVIDED IN A RECORDED PLAT, THE ONE-FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND THE FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS, OR SUCCESSORS."

A FINAL PLAT OF

AUTUMN CREEK SECTION FIVE

CONTAINING
22.28 ACRES
53 LOTS IN 5 BLOCKS AND 6 RESERVES

LOCATED IN THE
JOHN DICKINSON SURVEY, ABSTRACT 15
HARRIS COUNTY, TEXAS

DECEMBER, 2000 JOB NO. 97-3201-620-05

OWNER:
AUTUMN CREEK DEVELOPMENT, LTD.
A TEXAS LIMITED PARTNERSHIP
550 GREENS PARKWAY, SUITE 100
HOUSTON, TEXAS 77067-4526 PH. (281)-875-1552
JOSEPH L. STUNJA, VICE-PRESIDENT

ENGINEER/SURVEYOR:
Carter :: Burgess
Consultants in Planning, Engineering, Architecture, Construction Management and Related Services
CARTER & BURGESS, INC.
55 WAUGH DRIVE, SUITE 300
HOUSTON, TX 77007-5842

FILE: N:\Sessions\3201\620\DWG\PLAT\SEC5PLAT.dwg Jan 11, 2001 - 10:24 - bbeard ATTACHED XREFS: ALSURVEY, ACSURVEY

Planning & Zoning Commission

Final Report

To: Mayor and City Council

From: Thomas Hinckley, Planning & Zoning Commission Chairman

Aubrey Harbin, Director of Community Development/Planner

Date: April 20, 2026

Re: Autumn Creek Zoning Correction

At the Planning and Zoning Commission meeting held April 9, 2026, following the public hearing, the City of Friendswood Planning and Zoning Commission voted 6-0 (commissioners were all present; we currently have one vacancy) on a motion to approve the zoning correction.

The purpose of this city-initiated zone change is to correct the discrepancies so that the zoning designations match what is platted and built. City staff often receive phone calls from real estate appraisers requesting the zoning of the lots, which is especially confusing on the lots with two zoning districts assigned. The corrections will allow for more accurate calculations of the city's zoning districts for both the official zoning map and the future land use categories – Garden Homes versus Low Density Residential.

No public comments either in favor or in opposition of the zone change were received. The Commission is forwarding a positive recommendation.

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 03/13/2026

Prepared by: Karen Horner, City Attorney

Subject: Consider an ordinance amending the Future Land Use Map (FLUM) to change the category designations of (i) Reserves C and D of Autumn Creek Section 3, (ii) Reserve C of Autumn Creek Section 5, (iii) 3001 through 3011 Harvest Hill Drive, (iv) 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail, (v) 3201 through 3205 Cedar Ridge Court, and (vi) 2910 and 2912 Harvest Hill Drive, Friendswood, Harris County, Texas, from "Garden Homes" to "Low Density Residential" and amending the Official Zoning Map to change their zoning district classifications from "Garden Home District (GHD)" to "Single Family Residential (SFR)"; and amending the Future Land Use Map (FLUM) to change the category designations of (i) 3000, 3002, 3003, and 3005 Cedar Ridge Trail, (ii) 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive, and (iv) 2800, 2802, 2804 Harvest Hill Court, Friendswood, Harris County, Texas, from "Garden Homes" and "Low Density Residential" to "Low Density Residential" and amending the Official Zoning Map to change their zoning district classifications from "Garden Home District (GHD)" and "Single Family Residential (SFR)" to "Single Family Residential (SFR)."

Originating Department: Community Development

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This proposed ordinance makes the following amendments to the Future Land Use Map and Official Zoning Map:

Subject Properties in Friendswood, Harris County, Texas	Future Land Use Map Amendments		Zoning Map Amendments	
	Current Category Designation	Proposed Category Designation	Current Zoning District	Proposed Zoning District
➢ Reserves C and D of Autumn Creek Section 3 ➢ Reserve C of Autumn Creek Section 5 ➢ 3001 through 3011 Harvest Hill Drive ➢ 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail ➢ 3201 through 3205 Cedar Ridge Court ➢ 2910 and 2912 Harvest Hill Drive	Garden Homes	Low Density Residential	Garden Home District (GHD)	Single Family Residential (SFR)
➢ 3000, 3002, 3003, and 3005 Cedar Ridge Trail ➢ 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive ➢ 2800, 2802, and 2804 Harvest Hill Court	Garden Homes and Low Density Residential	Low Density Residential	Garden Home District (GHD) and Single Family Residential (SFR)	Single Family Residential (SFR)

The purpose of this city-initiated zone change and amendment of the Future Land Use Map is to correct the discrepancies so that the land use designations match what is platted and built. City staff often receive phone calls from real estate appraisers requesting the zoning of the lots, which is especially confusing on the lots with two zoning districts assigned. The corrections will allow for more accurate calculations of the city's zoning districts for both the official zoning map and the future land use categories – Garden Homes versus Low Density Residential.

Additional details are included on the public hearing item.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

This correction is administrative in nature and is not intended to introduce new land use policies or change the allowed uses that were originally contemplated.

RECOMMENDATIONS

The Planning and Zoning Commission voted 6 to 0 (one vacancy) on a motion to approve both the city-initiated amendment to the Future Land Use Map (FLUM) and the zone change correction. See the attached final reports on the public hearing items.

ATTACHMENTS

1. Ordinance - Updating FLUM and Zoning Map
2. Autumn Creek Location Map - affected properties only

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING THE FRIENDSWOOD COMPREHENSIVE PLAN TO UPDATE THE FUTURE LAND USE MAP ("FLUM") TO CHANGE THE CATEGORY DESIGNATIONS OF (I) RESERVES C AND D OF AUTUMN CREEK SECTION 3, (II) RESERVE C OF AUTUMN CREEK SECTION 5, (III) 3001 THROUGH 3011 HARVEST HILL DRIVE, (IV) 3004, 3006, 3008, AND 3010 THROUGH 3013 CEDAR RIDGE TRAIL, (V) 3201 THROUGH 3205 CEDAR RIDGE COURT, AND (VI) 2910 AND 2912 HARVEST HILL DRIVE, FRIENDSWOOD, HARRIS COUNTY, TEXAS, FROM "GARDEN HOMES" TO "LOW DENSITY RESIDENTIAL" AND TO AMEND THE OFFICIAL ZONING MAP TO CHANGE THEIR ZONING DISTRICT CLASSIFICATIONS FROM "GARDEN HOME DISTRICT (GHD)" TO "SINGLE FAMILY RESIDENTIAL (SFR)"; AND TO AMEND THE FUTURE LAND USE MAP (FLUM) TO CHANGE THE CATEGORY DESIGNATIONS OF (I) 3000, 3002, 3003, AND 3005 CEDAR RIDGE TRAIL, (II) 2902, 2904, 2906, 2908, 2911, AND 2913 HARVEST HILL DRIVE, AND (III) 2800, 2802, 2804 HARVEST HILL COURT, FRIENDSWOOD, HARRIS COUNTY, TEXAS, FROM "GARDEN HOMES" AND "LOW DENSITY RESIDENTIAL" TO "LOW DENSITY RESIDENTIAL" AND AMEND THE OFFICIAL ZONING MAP TO CHANGE THEIR ZONING DISTRICT CLASSIFICATIONS FROM "GARDEN HOME DISTRICT (GHD)" AND "SINGLE FAMILY RESIDENTIAL (SFR)" TO "SINGLE FAMILY RESIDENTIAL (SFR)"; PROVIDING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS ($2,000.00); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

****

WHEREAS, the Friendswood Comprehensive Plan (the "Plan") assists City officials, staff and citizens in making sound decisions affecting the future growth and development of the City and the surrounding area; and

WHEREAS, the Planning and Zoning Commission (the "Commission") reviewed the following proposed amendments to the Future Land Use Map (the "FLUM") contained in the Plan:

Subject Properties in Friendswood, Harris County, Texas	**Future Land Use Map Amendments**	
	Current Category Designation	**Proposed Category Designation**
➢ Reserves C and D of Autumn Creek Section 3 ➢ Reserve C of Autumn Creek Section 5 ➢ 3001 through 3011 Harvest Hill Drive ➢ 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail ➢ 3201 through 3205 Cedar Ridge Court ➢ 2910 and 2912 Harvest Hill Drive	Garden Homes	Low Density Residential
➢ 3000, 3002, 3003, and 3005 Cedar Ridge Trail ➢ 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive ➢ 2800, 2802, and 2804 Harvest Hill Court	Garden Homes and Low Density Residential	Low Density Residential

; and

WHEREAS, the Commission also reviewed the following proposed amendments to the Official Zoning Map:

Subject Properties in Friendswood, Harris County, Texas	Zoning Map Amendments	
	Current Zoning District	**Proposed Zoning District**
➢ Reserves C and D of Autumn Creek Section 3 ➢ Reserve C of Autumn Creek Section 5 ➢ 3001 through 3011 Harvest Hill Drive ➢ 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail ➢ 3201 through 3205 Cedar Ridge Court ➢ 2910 and 2912 Harvest Hill Drive	Garden Home District (GHD)	Single Family Residential (SFR)
➢ 3000, 3002, 3003, and 3005 Cedar Ridge Trail ➢ 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive ➢ 2800, 2802, and 2804 Harvest Hill Court	Garden Home District (GHD) and Single Family Residential (SFR)	Single Family Residential (SFR)

; and

WHEREAS, on April 9, 2026, the Commission conducted two public hearings – one public hearing regarding the proposed amendments to the Plan at which the public was given the opportunity to give testimony and present written evidence regarding the proposed FLUM amendments and one public hearing regarding the proposed amendments to the Official Zoning Map at which parties in interest and residents were given the opportunity to be heard regarding the proposed zoning classification amendments; and

WHEREAS, after such public hearings, the Commission voted to approve such amendments and filed its written report in accordance with all applicable laws for the City Council's consideration; and

WHEREAS, on May 4, 2026, the City Council conducted two public hearings – one public hearing regarding the proposed amendments to the Plan at which the public was given the opportunity to give testimony and present written evidence regarding the proposed FLUM amendments and one public hearing regarding the proposed amendments to the Official Zoning Map at which parties in interest and residents were given the opportunity to be heard regarding the proposed zoning classification changes; and

WHEREAS, after receiving the recommendations of the Commission as well the input received at the public hearings, the City Council desires (i) to amend the Plan to update the Future Land Use Map to better reflect future development within the boundaries of the City and (ii) to amend the Official Zoning Map consistent with the amendment to the Plan; and

WHEREAS, in accordance with the Friendswood City Code and all applicable laws, the City Council has determined that all public notices have been posted and published and all required hearings on this matter have been held; and

WHEREAS, the City Council further finds that this ordinance, together with the public hearing conducted, complies with the applicable provisions of the City Charter, City Code and all other applicable laws; and

WHEREAS, the City Council deems it appropriate to approve the proposed amendments, subject to applicable regulations, restrictions, and exceptions contained herein; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. All matters and facts set forth in the recitals above are found to be true and are approved as the processes and procedures which the City Council of the City of Friendswood undertook and completed prior to the adoption of this ordinance.

Section 2. That the City Council of the City of Friendswood, Texas, hereby amends the Friendswood Comprehensive Plan to update the Future Land Use Map as follows:

Subject Properties in Friendswood, Harris County, Texas	**Future Land Use Map Amendments**	
	Previous Category Designation	**New Category Designation**
➢ Reserves C and D of Autumn Creek Section 3 ➢ Reserve C of Autumn Creek Section 5 ➢ 3001 through 3011 Harvest Hill Drive ➢ 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail ➢ 3201 through 3205 Cedar Ridge Court ➢ 2910 and 2912 Harvest Hill Drive	Garden Homes	Low Density Residential
➢ 3000, 3002, 3003, and 3005 Cedar Ridge Trail ➢ 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive ➢ 2800, 2802, and 2804 Harvest Hill Court	Garden Homes and Low Density Residential	Low Density Residential

Section 3. That the City Council of the City of Friendswood, Texas, hereby amends the Official Zoning Map of the City of Friendswood as follows:

Subject Properties in Friendswood, Harris County, Texas	**Zoning Map Amendments**	
	Previous Zoning District	**New Zoning District**
➢ Reserves C and D of Autumn Creek Section 3 ➢ Reserve C of Autumn Creek Section 5 ➢ 3001 through 3011 Harvest Hill Drive ➢ 3004, 3006, 3008, and 3010 through 3013 Cedar Ridge Trail ➢ 3201 through 3205 Cedar Ridge Court ➢ 2910 and 2912 Harvest Hill Drive	Garden Home District (GHD)	Single Family Residential (SFR)
➢ 3000, 3002, 3003, and 3005 Cedar Ridge Trail ➢ 2902, 2904, 2906, 2908, 2911, and 2913 Harvest Hill Drive ➢ 2800, 2802, and 2804 Harvest Hill Court	Garden Home District (GHD) and Single Family Residential (SFR)	Single Family Residential (SFR)

The City Council hereby directs the Director of Community Development to add an entry concerning this amendment on the official zoning map in accordance with Section 3, Appendix C of the Friendswood City Code.

Section 4. This ordinance shall in no manner amend, change, supplement or revise any provision of any ordinance of the City of Friendswood, save and except the changes described in Sections 2 and 3 hereinabove.

Section 5. A violation of this ordinance is subject to the penalty provisions contained in Section 1-14 of the Friendswood City Code and as otherwise provided by law. Any person who shall

intentionally, knowingly, recklessly, or with criminal negligence fail to comply with any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not to exceed TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

Section 6. That all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby expressly repealed.

Section 7. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Friendswood, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 8. The City Secretary shall give notice of the enactment of this ordinance by promptly publishing the caption of this ordinance after final passage in the official newspaper of the City.

Section 9. This ordinance shall take effect upon its publication.

INTRODUCED, READ AND PASSED on first and final reading by the affirmative vote of the City Council of the City of Friendswood on this the 4th day of May, 2026.

_____
MIKE FOREMAN, Mayor

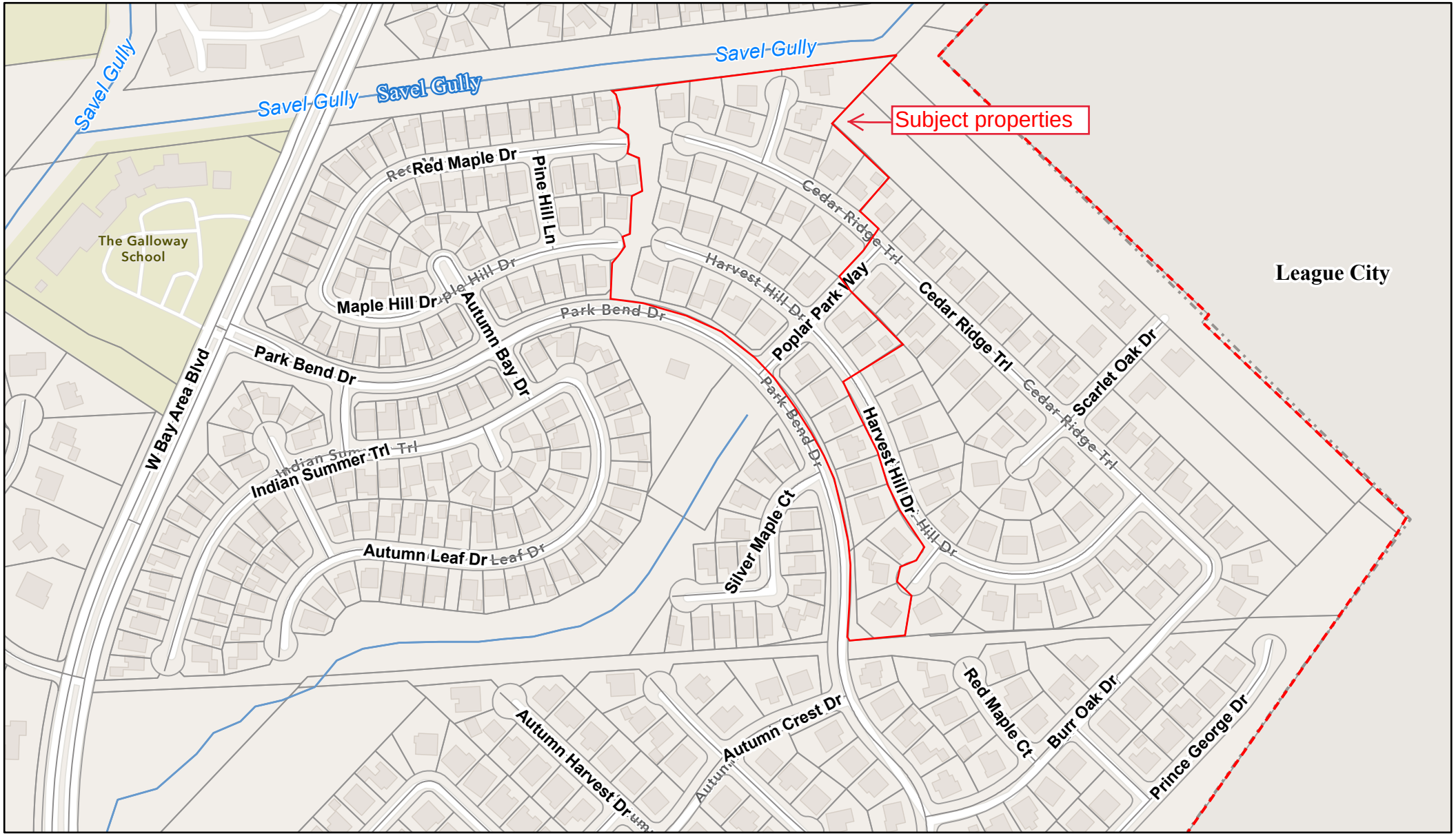
ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

_____
KAREN L. HORNER, City Attorney

City of Friendswood



4/23/2026, 12:14:21 PM

City Limit
Parcels
Surrounding Cities
Creeks/Water
Streets
Water Lines

1:5,436

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/07/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Conduct a public hearing concerning amendments to Appendix B “Subdivisions” of the Friendswood City Code to authorize the director of community development to approve plats except in certain situations consistent with Local Government Code Chapter 212.0065 and to make minor administrative corrections.

Originating Department: Community Development

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This item allows for a public hearing to give all interested parties the right to appear and express their views concerning amendments to Appendix B “Subdivisions” of the Friendswood City Code to authorize the director of community development to approve plats except in certain situations consistent with Local Government Code Chapter 212.0065 and to make minor administrative corrections.

PLATS

Plats are ministerial and must be approved if they meet the code requirements. In 2023, the State changed the law regarding approval of plats allowing for city council and planning and zoning commission to delegate approval responsibility to one or more officers or employees of the City. Staff is proposing that plats that meet the code and do not require a variance be approved at the staff level.

The Commission would still be responsible for the following under Appendix B "Subdivisions" of the Friendswood City Code:

- Master plans;
- Approve plats that include a variance request;
- Hear and decide appeals if the director of community development disapproves a plat;
- Any plats that the director chooses for the commission to consider;
- Requests for plat extensions if the commission approved the original plat, and
- Hear and decide appeals from Keep Friendswood Beautiful (KFB) regarding parkland improvements.

Standards for approval of plats would remain the same - approve, approve with condition, disapprove with reasons.

Director approvals would include preliminary plats, final plats, replat, and amending plats (currently approved by City Manager).

Making these changes will save time for everyone - the developer, the commissioners, and staff. The developers could obtain building permits once all staff reviews are complete rather than having to wait for their item to be placed on a Commission agenda. The changes would save Commissioners' time by reducing the number of meetings to once per month. Staff time would be saved by reducing the number

of meetings to once per month in addition to the time required to prepare the materials for the meetings.

Benchmarking approving authority of other cities for plats and site plans

City	Plat Approvals	Commercial/MF Site Plan Approvals
Alvin	Planning Commission	N/A - no zoning
Clear Lake Shores	Planning & Zoning Commission	Staff – Building Official
Dickinson	Planning & Zoning Commission	Staff – Zoning Official
Galveston	Planning Commission	Staff – Development Services Director
Kemah	City Council	N/A – no zoning
League City	Planning & Zoning Commission	Staff – City Planner
Pearland	Planning & Zoning Commission	Staff – Director of Planning
Santa Fe	Planning Commission	N/A – no zoning
Webster	Planning & Zoning Commission	Staff – Zoning Official

Two versions of changes are included in the attachments - a redlined version and a clean version.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

The Planning and Zoning Commission voted 6-0 (unanimous; we currently have one vacancy) to disapprove authorizing staff to approve plats, but approving the minor administrative corrections to the Subdivision Ordinance. See attached final report.

ATTACHMENTS

1. PH Notice - Amendment to Appendix B Subdivision (website)
2. DRAFT CLEAN COPY Appendix B SUBDIVISIONS 04-08-2026
3. DRAFT Redline Appendix B SUBDIVISIONS 04-08-2026
4. PZ Final Report 04-20-2026

CITY OF FRIENDSWOOD

OFFICE OF THE CITY SECRETARY

NOTICE OF PUBLIC HEARINGS REGARDING PROPOSED AMENDMENTS TO APPENDIX B "SUBDIVISIONS" OF THE FRIENDSWOOD CITY CODE TO AUTHORIZE THE DIRECTOR OF COMMUNITY DEVELOPMENT TO APPROVE PLATS EXCEPT IN CERTAIN SITUATIONS AND TO MAKE MINOR ADMINISTRATIVE CORRECTIONS

NOTICE is hereby given that the **Planning and Zoning Commission** and the **City Council** of the City of Friendswood will each hold a public hearing to give all interested parties the right to appear and express their views on the following:

> Proposed amendments to Appendix B "Subdivisions" of the Friendswood City Code to authorize the director of community development to approve plats except in certain situations consistent with Local Government Code Chapter 212.0065 and to make minor administrative corrections.

The **Planning and Zoning Commission** will hold its public hearing on **Thursday, April 9, 2026**, in the Council Chambers, located in City Hall, 910 S Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **6:00 P.M.**

The **City Council** will hold its public hearing on **Monday, May 4, 2026**, in the Council Chambers, located in City Hall, 910 South Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **5:30 P.M.**

Item documentation is available for review in the City's Secretary's Office, 910 South Friendswood Drive, Friendswood, Texas 77546-485 during regular business hours or on the City's website at: http://zoning.friendswood.com. For questions regarding the details of the documentation and its related public hearing, please contact Aubrey Harbin, Director of Community Development/City Planner at 281-996-3280.

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. For assistance, please contact the City's ADA Coordinator Brian Rouane at 281-996-3285 via phone, 281-482-1634 via fax or contact 281-996-3285 via Relay Texas at 711 or 1-800-735-2988 for TYY services. For more information concerning Relay Texas, please visit http://relaytexas.com.

Raquel Martinez

Raquel Martinez, TRMC, City Secretary
Posted on: Wednesday, March 18, 2026
Posting time: 7:30 A.M.

Appendix B SUBDIVISIONS[1]

Section I. Purpose.

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

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

B. The city council may, through a Planned Unit Development (PUD) ordinance, approve standards different from those contained in this appendix or the design criteria manual. Where different standards are approved, whether those standards are more stringent or less stringent, they shall control. In no case shall a PUD decrease a required life safety code.

C. When considering the placement of streets and utilities within proposed subdivisions, the developer shall preserve all natural features such as large trees, watercourses, historical spots, and similar community assets which will add attractiveness and value to the property unless such preservation results in an economic penalty of such magnitude that development of the land is infeasible.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section II. Statutory authority; jurisdiction.

In pursuance of the authority granted to cities under the constitution and laws of the state, the city council does hereby adopt the rules and regulations in this appendix governing the subdivision and development of land within the city limits and the city's extraterritorial jurisdiction. Where there is any conflict in the subdivision ordinance or with other ordinances, the more restrictive shall apply.

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

B. *Plat approval required.*

1. It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the city or its extraterritorial jurisdiction unless and until a preliminary and final plat of such subdivision has been approved, or an exemption satisfied, in accordance with the terms of this appendix. Unless and until a preliminary and final plat, amending plat or replat of a subdivision shall have been first approved in the manner provided herein or an exemption satisfied, it shall be unlawful for any person to construct or cause to be constructed any street, utility, facility, building, structure,

or any other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted herein.

2. No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction of any structure on a lot or tract in a subdivision for which a final plat has not been approved and filed for record or certificate of exemption issued. No site plan shall be approved by the city for the construction of any structure on a lot or tract in a subdivision for which a final plat has not been approved, or certificate of exemption issued. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision in which the permanent public improvements have not been approved and accepted by the city.

3. Large tract division. A division of land under subsection B.1 of this section does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. Access shall be satisfied by compliance with section VI.A.I.a. Upon request by the owner of a tract resulting from this division who qualifies, the city must issue a certificate of exemption certifying that the division meets this exception.

4. Partial plat approval. Notwithstanding section II.B.1., a subdivision plat need not include all of a tract being divided if:

    a. General.

        (1) The portion of the tract being divided but not included within the plat boundaries is not intended to be a part of the development reflected in the proposed plat; or

        (2) If some or all of the portion being divided but not included within the plat boundaries is intended to be a part of the development reflected in the proposed plat, then such part may be platted in a subsequent phase of the development, provided the person dividing the property submits a master plan pursuant to section IV.C.1. that meets with city approval;

    b. The tracts being divided:

        (1) Each have access that complies with section VI.A.I.a.; and

        (2) Each are greater than five acres in size;

    c. Excluding the portion of the tract being divided but not included within the plat boundaries will not substantially alter or impede any pending or anticipated development;

    d. The boundaries of the portion of the tract not included within the plat are depicted and identified on the plat of the subdivision by dashed lines as provided for by section IV.C.2.b.(1)(b), and with a notation thereon indicating that development of such tract is contingent upon a subdivision plat thereof being filed and approved by the city, if such plat is required;

    e. The plat application includes an acknowledgement, executed by the owner of the tract being divided, confirming that development of the portion of the tract not included within the plat boundaries would be contingent upon a subdivision plat being filed and approved by the city, if such plat is required, in accordance with the rules and regulations of the city governing plats and the subdivision of land in effect at the time the application for plat approval for such portion is sought; and

    f. The general purposes of this appendix will be served without the necessity of including such tract within the boundaries of the plat.

5. Upon request by the owner of the tract resulting from a division under section II.B.4.a.(1) that is not intended to be a part of the development reflected in the proposed plat, and who qualifies, the city must issue a certificate of exemption certifying that the division meets this exception.

C. *Authority.* The city shall not repair, maintain, install or provide any street or public utility service, nor authorize the sale or supply of water or sewer service, in any subdivision for which a final plat has not been approved and filed for record. The city shall not repair, maintain, install, or provide any street or public utility service, nor authorize the sale or supply of water or sewage service, in any subdivision in which the permanent public improvements have not been approved and accepted by the city.

D. *Exemptions.* The provisions of these subdivision regulations shall not apply to:

1. *Annexed and consolidated areas.* Land legally platted and approved prior to the effective date of the city's subdivision regulations with frontage on an existing, improved public street and with all utilities and public infrastructure needed to serve the land.

2. *In-fill tract.* Land constituting one or more contiguous tracts with total acreage of less than five acres with frontage on an existing, improved public street and with all utilities and public infrastructure needed to serve the land, for which a legal deed of record describing the boundary of said tract or parcel was filed of record in the deed records of the county clerk of the appropriate county on or before the effective date of the ordinance from which this appendix is derived.

3. *Certificate of platting exemption.* Upon request by the owner of a tract who qualifies for an exemption under subsections D.1. or D.2. of this section, the city must issue a certificate of platting exemption certifying that the division meets this exception.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section III. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

Development Meeting is an informal process to allow an exchange of information between the developer and city staff.

Director means the director of community development.

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

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

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

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

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

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

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

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

(8) *Easement, utility* means an easement granted for the purpose of placing and maintaining utilities within its confines.*Final plat* means a complete and exact subdivision plan prepared in conformity with the provisions of this appendix and other related ordinances and in a manner suitable for recording with the county clerk of the county or counties in which said subdivision is located.

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

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

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

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

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

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

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

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

(1) *Major thoroughfares or arterial streets* means principal traffic arteries more or less continuous across the city and which are intended to connect remote parts of the city and which are used primarily for fast or heavy-volume traffic.

(2) *Collector streets* means streets which carry traffic from minor streets to the major system of arterial streets and highways; said street may service commercial or industrial areas.

(3) *Minor streets* means streets which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited area.

(4) *Boulevard* means streets utilizing opposing travel lanes separated by a landscaped median, which serves to separate traffic moving in opposite directions.

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

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

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

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section IV. Plat submittal and filing procedures.

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

B The community development department is responsible for accepting plans, plats, and other development-related documents,and is authorized to establish in writing the information that must be submitted, including the form and manner of submission. Incomplete applications shall not be accepted..

1. *Master plan.* Master plan procedures are as follows:

    a. The master plan shall be submitted to the community development department with the following:

        (1) Completed application submitted online through the city's public portal.

        (2) Review fees (non-refundable).

        (3) Overall map of total property, showing blocks, lots, reserves, street layouts, etc.

        (4) Stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc.

        (5) Wastewater overlay or plan view indicating the proposed ultimate capacity needs.

        (6) Water main overlay or plan view indicating the proposed ultimate capacity needs.

        (7) Tree preservation, mitigation, and maintenance plan.

        (8) Traffic study, if required per the Design Criteria Manual.

        (9) Original boundary and topographic data shall be certified by a registered professional land surveyor. Also, any area to be filled will be shown, with approximate proposed elevations.

        (10) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

    b. Staff comments shall be addressed prior to approval by the commission. Said decision will be based upon a determination that the master plan meets the requirements of this article and all other applicable city ordinances and regulations. The master plan shall be subject to approval by the commission in concept only.

    c. The master plan shall expire after two years from the date of approval, unless one of the following occur:

        (1) An application for a permit (including a plat) necessary to begin or continue towards completion of the project is submitted;

        (2) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of

five percent of the most recent appraised market value of the real property on which the project is located; or

(3) Fiscal security is posted to ensure performance of an obligation required by the regulatory agency.

d. All master plans that are associated with planned unit developments ("PUDs") are also subject to the requirements in the zoning ordinance.

2. *Preliminary plat.* Preliminary plat procedures are as follows:

a. *Submittal Requirements.* The plat shall be submitted to the planning department with the following:

(1) Completed application submitted online through the city's public portal.

(2) Review fees (non-refundable).

(3) A certificate or letter from a title guarantee company or a title attorney indicating a current search (within 45 days of submittal to the city) and certifying to at least the following concerning title to the land: A statement of records examined and date of examination; description of the property in question, including a metes and bounds description of the tract; name of the fee owner as of the date of examination, and the date, file number, date of filing, and volume and page of any lienholders; and general description of any easements or fee strips granted along with the file number, date of filing, and volume and page of recording.

(4) Certification stating that all current city, county, school, utility, or other governmental entity taxes due and payable have been paid for; a tax certificate from the city, county, school, utility, or other governmental entity in which the land being platted is located showing no delinquent taxes are due on the property being platted.

(5) The draft of any protective covenants whereby the subdivider proposed to regulate the use of land in the subdivision, provided however, that such restrictive covenants, conditions, or limitations shall not be less than the minimum requirements of the city under the terms of these regulations.

(6) Reserved.

(7) Reserved.

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

(9) Preliminary stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc., if not previously submitted in conjunction with a master plan.

(10) Preliminary wastewater overlay or plan view, if not previously submitted in conjunction with a master plan.

(11) Preliminary water main overlay or plan view, if not previously submitted in conjunction with a master plan.

(12) Tree preservation, mitigation, and maintenance plan.

(13) Traffic study, if required per the Design Criteria Manual.

(14) A list of deviations from the master plan made to the plat by the applicant. Significant changes will require submittal of a revised master plan.

(15) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

b. *Graphic Requirements.* Preliminary plats shall show the following graphic information:

(1) Title of plat shall show:

(a) Proposed name of the subdivision, which must not be similar to that of an existing subdivision as to cause confusion.

(b) Legal description of subdivision, including the name of the county and surveying abstract number.

(c) The number of lots, blocks, and reserves and the total acreage in the title block.

(d) Name and address of owner. If owner is a company or corporation, name of the principal officer or owner of the entity responsible for the subdivision must be given.

(e) The name of the registered professional engineer and/or registered public surveyor responsible for the survey and design. If different from the surveyor of the boundary, so indicate.

(2) The scale must be drawn numerically and graphically shown on the plat. Graphic scale of 100 feet to the inch or larger.

(3) A north arrow (true or magnetic indicated on the plat) shall be provided on the plat. North shall be oriented to the top of the plat if possible, or at the left side.

(4) The date on which the plat was drawn shall be indicated on the plat. Each revision shall bear a new date, (month, day and year).

(5) Key map or vicinity map, preferably in the top right corner of the plat, showing orientation of the area being subdivided in relation to adjacent areas and principal streets. The suggested scale of the vicinity map is one-inch equals 2,000 feet and shall be oriented in the same directions as the detailed subdivision drawing.

(6) Location and length of boundary lines.

(a) Area to be subdivided drawn in heavy lines with overall dimensions and bearings.

(b) Lines outside of boundaries to be dashed.

(c) An accurate location of the subdivision should be provided by reference to a well-established survey or league corner, subdivision corner, or other known point.

(7) The width, depth and location of all lots. Lot, block, and section numbers shall be placed consecutively.

(8) All restricted reserves including parks and facilities, landscape amenities, parkland dedication, and utility areas shall be clearly labeled on the plat with both the acreage and the intended restricted use. Development of a restricted reserve shall be limited to the designated use. Restricted reserves shall not be converted to residential lots or used for a purpose other than the designated use without the approval of a replat.

(9) Describe the subdivision by metes and bounds.

(10) Street names shall not be duplicated in the city.

(11) The location and width of existing and proposed streets (public and private) within the subdivision and immediately adjacent to it shall be shown, measured at right angles, or radially when curved.

(12) The alignment of proposed streets with existing city streets.

(13) Street design dimensions or a reference to the minimum standards for tangents, arcs, radii, etc.

(14) Name, location, width and purpose of all existing and proposed easements.

(15) Existing and proposed utilities on and adjacent to the tract up to a distance of 200 feet. Sizes of existing utilities and the location of proposed junctions with the existing system shall be shown.

(16) Vertical control monuments are to have half-mile maximum spacing. All elevations, based on current National Geodetic Survey, will be registered with the city engineer upon plat submittal.

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

(18) Special Flood Hazard Areas. A statement shall be included on the face of the plat that the property does or does not lie within a special flood hazard area. Also, the location of special flood hazard boundaries shall be indicated upon the face of the plat where the boundary divides the subdivision area.

(19) Names of subdivisions, streets, watercourses, pipelines and easements up to a distance of 200 feet. If adjacent property has been subdivided into residential lots, adjacent individual lot addresses will be shown. If adjacent property is acreage, adjacent property ownership will be shown.

(20) Additional land in the area adjacent to the subdivision in which the applicant has legal interest.

(21) The name of the subdivision, street names, title block information, special notes, dedication and notary statements, and ownership certificate language are subject to review and acceptance by the city.

(22) The applicable row(s), column(s), and notes from the Regulation Matrix per Appendix C, Zoning Ordinance.

c. *Expiration*. Approval shall expire six months after the date of approval of the preliminary plat, or of final sections of a preliminary plat, except that if the subdivider shall apply in writing prior to the end of such six-month period, stating reasons therefore, an extension may be granted by the authority that approved the plat upon a showing of good cause, for a single extension of six months.

d. The subdivider may, at his discretion, after approval or conditional approval of a preliminary plat, file a final plat or plats covering a portion of the preliminary plat. The remainder of the preliminary plat shall be deemed as approved or conditionally approved as in section V of this section, provided, however, that such approval or conditional approval of the remainder of the preliminary plat be limited to a two-year period after approval of the pertinent final plat or plats . Prior to the end of such two-year period, the subdivider may apply, in writing, for a one-year

extension of the preliminary plat stating the reasons for the extension. The authority that approved the plat may, upon a showing of good cause, grant a single extension of up to one year.

3. *Final plat.* Final plat procedures are as follows:

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

   b. *Submittal Requirements.* After the foregoing procedure has been complied with and the preliminary plat approved or conditionally approved, the subdivider shall prepare or cause to be prepared a final plat, or plats, together with other supplementary information as specified herein.

      (1) Construction Plans and Specifications in accordance with Section X. Plan profiles of all private and public infrastructure (including but not limited to, water and sewer lines, drainage and detention areas, utilities, berms, roads, sidewalks, fences, and hike and bike trails) shall be submitted and approved by the city engineer.

      (2) Utility companies' statements that easements are acceptable to provide service and no other easements are necessary or required.

      (3) If applicable, letters of review by any local, county, state and federal departments as required.

      (4) Statement from pipeline companies that all existing or proposed pipelines crossing the property have been satisfactorily provided for per the requirements of the pipeline operator, and that the pipeline operator agrees to all pipeline crossings by proposed streets and other subdivision features.

      (5) Statement from well companies that all existing or proposed wells have been satisfactorily provided for per the requirements of the well operator or owner, and that the well operator or owner agrees to all setbacks from the wells for any proposed structures or other subdivision features.

      (6) The applicant shall submit proof that the plat was submitted to the drainage district with jurisdiction as required by the drainage district, provided the drainage criteria of both the city and the drainage district are the same. Proof of submittal may be a receipt of payment or a letter on official letterhead.

      (7) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

   c. *Graphic Requirements.* The final plat shall conform substantially to the preliminary plat as approved and incorporate all the provisions relating the preliminary plats in subsection 2 of this section, except subsections 2.a.(9), 2.a.(10), and 2a.(11) preliminary plans and 2.b.(15) utilities and 2.b.(17). This plat shall also reflect any conditions or requirements for final approval together with the following additional requirements:

      (1) The plat shall show the location and identification of lots, streets, public highways, alleys, parks and other features, with accurate dimensions, in feet and decimals of feet, with the length of radii, tangents (or central angle) and arcs to all curves, and with all other information necessary to reproduce the plat on the ground, all to be set out within the perimeter lines.

(2) The plat shall show a heavy-lined perimeter to be the results of an accurate boundary survey of the property by a registered professional land surveyor with bearings and distances, and references to section/original survey corners, and showing the lines of adjacent lands and lines of adjacent streets and their names and widths (dashed lines). The location and datum used to determine elevations shall be noted on the face of the plat.

(3) The square footage of each lot shall be labeled on the plat. This can be provided for in a table.

(4) Traverse lines along streams and easements shall be shown adjacent to the high bank of streams and waterways.

(5) The plat shall show existing pipeline easements, location of pipelines, required setbacks, and if material being transported is hazardous.

(6) Impervious coverage. Table showing the allotted maximum percent of impervious surface for each lot represented, per the Design Criteria Manual.

(7) Front building setback lines shall be required on residential lots and reserves for commercial development.

(8) All applicable dedication statements and certificates must be made a part of the final plat drawing and must include, but not be limited to, the statements, the general form and content of which are provided as examples available in the Community Development Department. Language in the statements shall be suitable for plat recording in the official records in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate.

These dedication statements and certificates and various notations include the following as applicable:

Owner Acknowledgment and notarized signature;

Lienholder acknowledgement and notarized signature;

;

Certificate for engineer and surveyor;

Certificate for the director;

Certificate for the Commission and attested by the secretary;

Certificate for city engineer;

County clerk filing acknowledgment statement;

Vacation of subdivision plat;

Certificate of amending plat.

(9) Reserves, easements, rights-of-way, etc., not specifically dedicated on the plat or in accompanying document, shall remain in the custody of the subdivision owner until transferred by other legal means.

(10) The legal entity responsible for the maintenance of any improvements, including, but not limited to, building, recreational area, open space, equipment, pool or private driveway, which are to be owned and shared by the owners of real property in the proposed subdivision, shall be designated by appropriate articles of incorporation, contracts,

restrictions, or other method. The means of securing payment for maintenance and operating expenses and any method of terminating such obligation shall be stated in the creating documents. The following note shall be indicated on the face of the plat:

"The City of Friendswood shall not be responsible for maintenance of private streets (driveways, sidewalks, and emergency access easements), waterlines, sanitary sewer lines, storm sewer facilities (detention ponds, drainage easements, outfalls and swales), recreational areas, reserves and other private facilities that are within private easements; the property owner or HOA/POA shall be responsible for these items. The City of Friendswood shall be responsible for maintenance of public streets, sidewalks, street signs, waterlines, sanitary sewer lines, storm sewer facilities, drainage easements, outfalls and swales that are within the public right-of-way or within public and/or exclusive easements. The maintenance of public street lights shall be the responsibility of (insert either Texas New Mexico Power or CenterPoint Energy as applicable)."

d. *Expiration.* Approval will expire one year after the date of approval of a final plat unless the plat has been filed of record with the county clerk, except that if the subdivider shall apply in writing prior to the end of such one-year period stating reasons for needing the extension, this period may, upon a showing of good cause, be extended by the authority that approved the plat, for another year but not beyond that period.

e. *Plat Recordation.* Upon approval of the plat, the applicant shall submit to the community development department the following items as required by Galveston and Harris Counties:

(1) Mylars including all original signatures, stamps and seals.. The city will be responsible for the required city signatures and recording the plat with the county.

(2) Original tax certificates and receipts from all applicable jurisdictions.

(3) The letter or title certificate required in subsection IV.C.2. shall be brought up to current date by a supplementary report form the title guaranty company or title attorney; dated not more than 45 days from the date submitted to the city.

(4) The original, executed protective covenants whereby the subdivider proposes to regulate the use of land in the subdivision, provided however, that such restrictive covenants, conditions, or limitations shall not be less than the minimum requirements of the city under the terms of these regulations.

(5) A check, payable to the county clerk's office for either Galveston or Harris County, in the amount of the cost of the county's recording fees.

(6) Under extreme circumstance and approval by the City Engineer, if public and/or private improvements have not been completed and accepted by city council, the city may accept a bond as security for the completion of the required improvements. The applicant shall provide a letter of credit from a federally insured lending institution or depository before the plat is recorded at the county.

4. *Replat.* Replat without vacating preceding plat procedures are as follows:

a. The same procedures for final plat approval applies to the replat, except as noted.

b. The proposed replat shall be submitted to the community development department with a copy of the preceding plat.

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

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

(2) Is approved by the commission or director, as applicable;

(3) Does not attempt to amend or remove any covenants or restrictions.

d. In addition, a replat without vacation of the preceding plat must also conform to the requirements of this subsection:

(1) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

(2) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

e. If a proposed replat described by section (d) does not require a variance or exception, in accordance with the Texas Local Government Code, written notice shall be given not later than the 15th day after the date of the approval.

(1) Notification shall be written notice sent to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent county tax roll.

(2) This subsection does not apply to a proposed replat if the commission holds a public hearing and gives notice of the hearing in the manner provided by Subsection (f).

(3) The notice of a replat must include the zoning designation of the property after the replat and a telephone number and e-mail address an owner of a lot may use to contact the city about the replat.

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

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

(2) Notice shall be given in writing, with a copy of Subsection f(3) attached, to the owners of lots that are in the original subdivision and that are within the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved county tax roll. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

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

g. Compliance with subsections f(2) and f(3) of this section is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

h. *Expiration.* Approval of a replat will expire one year after date of approval of a replat unless the plat has been filed of record with the county clerk, except that if the subdivider shall apply in

writing prior to the end of such one-year period stating reasons for needing the extension, this period may, upon a showing of good cause, be extended by the authority that approved the replat for another year but not beyond that period.

5. *Short form final plat.* Short form final plat procedures are as follows:

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

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

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

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

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

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

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

   c. *Expiration.* Approval will expire one year after the date of approval of a short form final plat unless the plat has been filed of record with the county clerk, except that if the subdivider shall apply in writing prior to the end of such one-year period stating reasons for needing the extension, this period may, upon a showing of good cause, be extended by the authority that approved plat for another year but not beyond that period.

6. *Amending plat.* Amending plat procedures are as follows:

   a.

   a. An amending plat shall contain all of the informational requirements set forth for a final plat.

   b. The director may approve an amending plat that may be recorded and is controlling over the preceding plat without a vacation of that plat, if the amending plat is signed by the applicants only and is solely for the purpose of one or more of the following:

      (1) Correct an error in a course or distance shown on the preceding plat;

      (2) Add a course or distance that was omitted on the preceding plat;

      (3) Correct an error in a real property description shown on the preceding plat;

      (4) Indicate monuments set after the death, disability, or retirement from practice of the surveyor responsible for setting monuments;

      (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

      (6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats. Such errors may include, but are not

limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

(a) Both lot owners join in the application for amending the plat;

(b) Neither lot is abolished;

(c) The amendment does not attempt to remove recorded covenants or restrictions; and

(d) The amendment does not have a material adverse effect on the property rights of the owners in the plat.

(8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) Relocate one or more lot lines between one or more adjacent lots if:

(a) The owners of all those lots join in the application for amending the plat;

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

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

(10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if:

(a) the changes do not affect applicable zoning and other regulations of the municipality;

(b) the changes do not attempt to amend or remove any covenants or restrictions; and

(c) the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area.

(11) To replat one or more lots fronting on an existing street if:

(a) The owners of all those lots join in the application for amending the plat;

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

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

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

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

d. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

7. *Vacating of plat.* The procedure for vacating a plat shall conform with the current Texas Local Government Code and meet the same requirements as a final plat. The procedure shall consist of:

a. The owners of the tract covered by a plat may vacate the plat any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved by the director and recorded as described in the plat recordation section of this appendix.

b. If lots in the plat have been sold, the plat, or any part of the plat may be vacated on the application of all the owners of the lots in the plat with approval by the director.

8. *Association required.* A plat to subdivide property, whether residential or non-residential that creates common area or common land shall be accompanied by a copy of documents evidencing:

a. Approval by the Texas Secretary of State's Office of the formation of a homeowners' association, community association, or property owners' association; and

b. Such association's assumption of the responsibility for maintenance of the common area and/or common land.

9. *Covenants/conditions/restrictions required.* Final approval of any plat to subdivide property, whether residential or nonresidential shall not be granted unless the applicant submits a certified copy of covenants, conditions, and/or restrictions declared for said property that:

a. Establish materials, design and/or architectural standards acceptable to the city's planning director; and

b. Are recorded in the appropriate county clerk's office.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section V. Approval Procedures.

A. *Delegation of approval authority*. The director is the person designated by city council and the commission to receive, review and approve, approve with conditions, or disapprove a plat. The director may, for any reason, elect to present the plat for consideration to the commission. If a plat is referred to the commission, the commission shall have the authority delegated to the director in this appendix.

B. *Timing.* Beginning with the submittal date, plats shall be approved, approved with conditions, or disapproved within 30 days in accordance with the V.T.C.A., Local Government Code § 212.009. Said decision will be based upon a determination that the plat meets the requirements of this article and all other applicable city ordinances and regulations.

C. *Request for 30-day extension*. An applicant may request one or more extensions, each extension shall not exceed 30 days, provided that the applicant submits a request in writing before the expiration of the original 30-day period and the director approves the request.

D. *Withdrawal of the plat*. Prior to action by the director or the commission, the applicant may submit written notice withdrawing the plat. A new application and fee will be required upon submittal.

E. *Standards for approval.* A plat shall be approved provided:

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

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

3. It conforms to this article, the Design Criteria Manual, and any other applicable city code.

F. *Approve.* If approved, the plat shall be endorsed with a certificate indicating approval . The certificate shall be signed and attested in accordance with state law. .

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

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

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

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

4. *Inaction.* A previously conditionally approved or disapproved plat is approved if the applicant files a response that adequately addresses each condition of the conditional approval or each reason for the disapproval AND the director does not disapprove the plat within 15 days of the submittal of the response and in accordance with section V.G.2.

H.

Failure to take action. If a plat is not approved, approved with conditions, or disapproved within the prescribed period, the director on the applicant's request shall issue a certificate stating the date the plat was filed and that the authority responsible for approving the plat failed to act on the plat within the period. The certificate is effective in place of the endorsement required by Section V.F. of this code.

I. *Appeal*. Appeal of a plat disapproved by the director.

1. An applicant has the right to appeal to the commission if the director disapproves the plat.

2. Appeals shall be perfected by a request in writing to the commission. The request shall include:

1) Name, address and primary email address of the person making the appeal;

2) Facts surrounding the disapproval; and

3) Reasons why the ruling should be set aside.

3. The plat will be placed on a commission agenda within 30 days for consideration. The standards for approval and action options in this code will apply.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section VI. General requirements and design criteria.

A. *Public and private local streets.*

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

    a. Provide for adequate vehicular access to all properties within a subdivision's plat boundaries. All lots, tracts and reserves shall have frontage on an approved public right-of-way or access easement.

    b. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area.

    c. Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services.

    d. Provide a sufficient number of continuous streets and major thoroughfares, particularly in those areas designated for the development of multifamily residential, commercial and industrial land uses, to accommodate the increased traffic demands generated by these land uses.

    e. When necessary to continue the neighborhood pattern for adjacent developments, existing streets in the adjoining areas shall be continued and shall be at least as wide as such existing streets in alignment therewith, but in no case narrower than required by current regulation. Centerline offset shall be a minimum of 125 feet. Greater centerline offsets may be required by the director when necessary for traffic safety.

    f. When adjoining areas are not subdivided, the director may require the arrangement of streets in the subdivision to make provisions for the proper projection of streets into such unsubdivided areas.

    g. Street intersections shall be as nearly at right angles as practical giving due regard to terrain, topography, sight distances and safety.

    h. Private streets, where allowed, shall meet all the requirements set forth for public streets, including, but not limited to, construction standards, width, curves, sight distance visibility and function, and all other design criteria and specifications, and shall be privately maintained to those standards.

    i. Points of access. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus roads and shall meet the requirements of adopted International Fire Code. Exceptions:

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

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

B. *Collector streets generally.*

1. There shall be a minimum of one point of access from a collector street into a subdivision or subdivision phase, up to a maximum of 75 platted lots. There shall be a minimum of two points of access into a subdivision or subdivision phase from a collector street for subdivisions in excess of 75 platted lots. In the case of phased construction, each phase should meet this requirement, but in no case shall there be less than one access to a collector street per 75 platted lots.

2. A collector street may be a new or existing street built to current collector street standards for right-of-way width and pavement width, or an existing street built to past standards but which by definition currently functions as a collector street.

3. No subdivision can connect to a collector street through another subdivision unless each is part of a planned, phased subdivision development. In such cases, the director may require such through streets to have additional right-of-way width and paving width, in keeping with subsection b(1)(e) of this section, to promote better traffic flow.

4. All lots in a subdivision must be within 750 feet of an intersection on a street within the subdivision that leads to a collector street, but the commission may approve a greater distance in keeping with the considerations for increased cul-de-sac lengths and block lengths.

5. The director may permit an isolated, stand-alone subdivision to connect to a collector street by way of a new street not built to collector standards if such street is within the plat boundaries of the subdivision.

6. Due to existing conditions on the land being platted, such as the existence of pipelines, bodies of water, floodplains, etc., the director may require additional points of access from a collector street to protect health, safety and welfare.

C. *Major thoroughfares and arterial streets.*

1. *General.* Street classification, location and alignment shall be in accordance with the thoroughfare plan and finally determined by the director.

2. *Right-of-way width and transitions.* The width of the right-of-way to be dedicated for any designated or proposed thoroughfare or collector street shall be in conformance with the thoroughfare plan. In those instances where the proposed subdivision is located contiguous to an existing thoroughfare or collector street having a right-of-way less than that required by the thoroughfare plan, sufficient additional right-of-way must be dedicated to bring the right-of-way width in conformance with the plan. The minimum right-of-way width required for the development of a designated or proposed thoroughfare or collector street must be of sufficient width to accommodate the approved roadway pavement and attendant drainage and utility facilities.

3. *Curves and intersections.* Curves proposed for the right-of-way of designated thoroughfares and collector streets shall be in conformance with the current design criteria. Reverse curves must be separated by a tangent distance of not less than 100 feet. Intersections with public and/or private streets shall be at right angles but may vary upon approval of the director after due regard for terrain, topography, sight distances and safety. Where acute angles are approved, a radius of at least 25 feet in the right-of-way line in the acute corner must be provided.

D. *Buffering major thoroughfares.*

1. Where a subdivision abuts or contains an existing or proposed arterial street, the director may require marginal access streets, reverse frontage with screen planting contained in nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. If landscaping or berming is used as a buffer between the major thoroughfare and residential property uses, the subdivider shall provide a ten-foot landscape easement along the major thoroughfare according to the major thoroughfare plan and shall construct sidewalks thereon in accordance with the city design criteria manual and standard construction details.

2. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city.

3. Community Overlay District (COD).

a. Residential developments not facing a Community Overlay District thoroughfare shall be required to install a visual barrier to a minimum mature height of six feet as measured from the finished grade. The barrier shall be set back from the street right-of-way line by a minimum of ten feet. Various materials may be utilized, including landscaped earth berms, provided the materials are durable and require low maintenance. All barriers shall be maintained by the owner of the property on which such barrier is located, or by a homeowner association if a homeowner 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.

b. 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.)

c. Community Overlay District boundaries and requirements are located in the Zoning Ordinance, Appendix C. Should any portion of this Section conflict with any provisions of the Zoning Ordinance, the Zoning Ordinance shall govern.

4. Street right-of-way widths shall be as shown in the general plan for the city, and where not shown therein shall be not less than as follows:

Street type	Minimum right-of-way width
Major thoroughfare	120 feet
Collector	80 feet
Minor (private and public)	60 feet
Commercial streets	80 feet
Boulevards	100 feet

E. *Partial or half streets.* Partial and half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the director finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, the other remaining half of the street shall be platted within such subdivision, in accordance with section II. Appropriate notations and one-foot reserve must be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional right-of-way is acquired providing the full right-of-way as specified in this appendix.

F. *Street names.* Proposed street names shall be submitted to and approved by the director. Proposed street names, which are aligned with other existing named streets shall conform to the names of the existing streets. Street names cannot be duplicated. Prior to plat approval, the applicant shall submit a list in alphabetical order of all streets within each section of the proposed subdivision.

G. *Gates on private streets.*

1. Entrances to communities with private streets that utilize gates shall be controlled by electrically operated gates which are physically manner or electronically operated on a 24-hour-per-day basis. Where electrically operated, unmanned access gates are in place on private streets, one entrance gate at each entrance must be equipped with a 911 override control switch. For entrances with two gated

lanes of entry, only one of these gated entries requires an electronically operated gate. The second one may be manually operated. Construction plans and gate specifications must be submitted to the fire marshal's office and approved prior to installation.

2. The Knox Company Model KS-2 or KS2-P (or approved equal) key operated switches are approved by the fire marshal's office.
3. The 911 override control switch must be installed in a weatherproof box or assembly approved by the fire marshal's office.
4. The 911 override switch must be accessible from the driver's side of every emergency response vehicle.
5. All electrically operated access gates shall have a manual override mechanism for use in the event of a power failure, approved by the fire marshal's office.
6. Electric gates must have a rest button near the override control switch to secure the gates when the emergency is terminated.
7. Streets in existence, finally platted and approved by the city council on the effective date of the ordinance from which this section is derived shall remain as they are; however, new construction of private streets shall provide a ten-foot curb-face to curb-face width. The gates in the fully opened position must provide a minimum of 12 feet clear width.
8. A sensing device that will automatically open the gates for departure or exiting is required. Where manual exit gates exist, at least one gate at each exit shall be equipped with a 911 padlock.
9. A final inspection by the fire marshal's office is required before the gates are operational. Each public safety department shall sign off on the acceptance form.
10. Installation of the 911 override switches on all existing gates shall be accomplished within six months of the effective date of this article from which this section is derived. Gates and 911 switches must be maintained and kept in good working condition.
11. The owner or operator or his agent is responsible for the ordering and the installation of the 911 override control switch. An approved order form must be obtained from the fire marshal's office.
12. Distribution of numbered master keys will be controlled by the city fire marshal's office. Keys shall be distributed to authorized emergency response personnel only. Recordkeeping will be maintained in the office of the fire marshal.

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

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

I. *Culs-de-sac.*

1. *Length.* The length of culs-de-sac shall not be longer than 750 feet. In cases where proposed subdivisions are surrounded by existing development which precludes compliance with block length standards, the director may approve the creation of cul-de-sac streets which exceed 750 feet in length if the turnaround complies with the current design criteria and the subdivider can establish that lots fronting thereon will not, as a result of the length of such street, be deprived of a level of public services which would otherwise be afforded to lots on cul-de-sac streets of 750 feet or less. In considering any such application, the director shall consider measures which would ensure:

    a. Adequate water pressure for potable water needs and firefighting capabilities;

    b. The ability of the city to timely provide emergency services; and

    c. That traffic hazards and traffic congestion is not created due to density or number of lots. In achieving these measures, the installation of medians, larger lot dimensions, or other alternative solutions may be necessary to satisfy the intent of this section. Each application for an extended dead-end cul-de-sac street shall be considered on an individual case-by-case basis, and depending on the particular circumstances surrounding the property in question.

2. *Cul-de-sac right-of-way radius.* The proposed cul-de-sac right-of-way and pavement radii shall comply with the requirements of the current design criteria.

3. *Temporary turnarounds.* Temporary turnarounds are to be used where curb and gutter is not installed at the end of the street more than 400 feet long that will be extended in the future and noted thus: "Crosshatched area in temporary easement for turnaround until street is extended (direction) in a recorded plat."

J. *Sidewalks.* Sidewalks are required along all streets.

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

    a. Open ditch streets are approved; or

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

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

2. Sidewalks may not be required when, in the judgment of the director, the safety of the pedestrians does not require such sidewalks.

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

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

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

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

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

K. *Blocks.*

1. The lengths, widths and shape of blocks shall be determined with due regard to:

    a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

b. Requirements as to lot sizes and dimensions.

c. Need for convenient access, circulation, control and safety of street traffic.

d. Limitations and opportunities of topography.

2. Block lengths (measured along the block-face from intersection to intersection between the nearest two streets, or from center of the cul-de-sac radius to the nearest street intersection).

a. Minimum block length shall be not less than 300 feet, except for culs-de-sac which shall have no minimum length.

b. Maximum block length for residential: 1,200 feet (see subsection I for culs-de-sac).

c. Maximum block length along a major thoroughfare: 1,600 feet, except under special conditions and upon approval of the director.

3. The director may approve the creation of blocks which exceed the maximum length if the subdivider can establish that lots fronting thereon will not, as a result of the length of such street, be deprived of a level of public services which would otherwise be afforded to lots on blocks that do not exceed the maximum length. In considering any such application, the director shall consider measures which would ensure:

a. Adequate water pressure for potable water needs and firefighting capabilities;

b. The ability of the city to timely provide emergency services;

c. That a traffic hazard and/or traffic congestion is not created due to density or number of lots; and

d. Alignment of any street with a block length greater than 1,200 feet does not promote excess speed on the street.

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

4. The proposed street right-of-way and pavement width shall comply with the requirements of the current design criteria.

5. Temporary turnarounds are to be used where curb and gutter is not installed at the end of a street more than 400 feet long that will be extended in the future, and should be noted thus:

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

L. *Street lighting, signage, and signalization.*

1. Street lighting shall be provided in accordance with the city streetlight policy. A proposed street lighting plan shall be indicated on a copy of the final plat of the subdivision. The proposed street lighting plan shall be submitted together with the construction plans for public improvements required by section IV.C.3.b.(1) of this appendix.

2. The developer shall be required to provide and install all traffic signage and signalization determined by the city to be necessary because of the construction of the proposed subdivision. All signs and signals shall be provided in accordance with the state manual of uniform traffic control devices and shall be erected prior to acceptance of the streets by the city.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section VII. Easements.

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

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

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

D. Prior to approval of the final construction plans by the city engineer, the subdivider of any subdivision plat wherein public streets or easements are shown crossing private easements or fee strips shall, by letter to the city, assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines, or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the city prior to the filing of the plat for record.

E. Prior to filing the final plat for record, the following requirements shall be met:

    1. The developer or dedicator of any plat shall obtain from the holder of any private easement or fee strip within the plat, crossed by proposed streets or other public easements, an instrument granting to the public the use of said public streets or easements over and across said private easements or fee strips for construction, operation and maintenance of those public facilities indicated. This instrument shall be delivered with the plat.

    2. The developer shall furnish a letter from the holder of the private easements or fee strips in question, stating that arrangements for any required adjustments on pipelines, electric transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement.

F. *Sidewalk easements.* If sidewalks cannot be placed wholly within the right-of-way and must be placed on private property, easements of the appropriate width shall be required.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section VIII. Lot design requirements.

A. *Lots.*

    1. The lot size, width, depth, shape and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

    2. Lot dimensions shall conform to the latest zoning ordinance.

    3. Corner lots for residential use shall have extra width to permit required building setback from an orientation to both streets.

4. The subdividing of the land shall be such as to provide, by means of a public or private street, each lot with satisfactory access, provided, however, such private streets shall comply with, and are privately maintained to, the requirements for public streets.

5. Double-frontage and reverse-frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages to topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of the lots abutting such traffic artery or other disadvantageous use.

6. Side lot lines shall be substantially at right angles or radial to street lines.

7. The square footage of each lot shall be labeled on the plat. This can be provided for in a table on the plat.

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

C. *Provide required setbacks from pipelines and active wells.*

1. No residential, commercial or industrial structure other than structures necessary to operate the pipeline shall be erected or moved to a location nearer than 50 feet to any pipeline except low-pressure distribution system pipelines as defined in chapter 26 of this Code.

2. No residential, commercial or industrial structure shall be permitted to be built nearer than 150 feet from any active well or related facility other than structures necessary to operate the well or facility.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section IX. Fire prevention and suppression.

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

A. The proposed development shall be served by fire suppression facilities at the time of issuance of the first occupancy permit by an approved public water supply system capable of providing fire flow in accordance with the American Water Works Association and National Fire Protection Association (NFPA) standards for that type of development and all other NFPA codes which may be applicable.

B. Fire protection measures shall be required to progress with construction in planned groups of buildings in accordance with NFPA 1141, Standard for Fire Protection in Planned Building Groups.

C. Private fire service mains and their appurtenances shall be installed in accordance with NFPA 24 Standard for Installation of Private Fire Service Mains and Their Appurtenances.

D. If a water supply does not exist, aboveground water storage tanks may be approved as an alternate water supply. Capacity in gallons per minute and duration shall be determined by the developer with approval of the fire marshal department. Calculations shall be stamped and sealed by a licensed, professional engineer.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section X. Construction plans and specifications.

When a preliminary plat of a subdivision has been approved, the developer shall submit plans and specifications for all improvements pertinent to said subdivision. All improvements shall be designed and constructed in conformity with the provisions of these regulations and the current design criteria of the city. No construction shall commence prior to compliance with these regulations. It shall be the duty of the subdivider or his engineer to see that this provision is complied with in its entirety.

A. *Submittal Requirements.*

1. Complete application submitted online through the city's public portal.
2. Fee (non-refundable).
3. A complete set of plans, specifications, and contracts, including performance, payment and maintenance bonds covering said construction. These shall show such features as required by the current design criteria manual including but not limited to, the following plans: water, sanitary sewer, stormwater, drainage and detention, streetlight plan, traffic control plan, and street sign plans.

B. *Approval.* The city engineer shall, within 30 days of receipt of said plans and specifications, approve same if they conform to the requirements of these regulations and the current design criteria, or disapprove same giving its reasons therefor in writing to the subdivider. Thereafter, when the subdivider has met the objections, if any, the city engineer shall approve the plans and specifications and forthwith deliver same to the subdivider, his agent or his engineer.

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

C. *Inspection Required.* All public infrastructure improvements within all of the area of any subdivision or portion thereof shall be inspected by the city engineer and accepted by city council before the plat is filed of record.

The subdivider, owner, and the design engineer responsible for the design improvements shall have the obligation upon acceptance of the preliminary plat by the city to grant the city engineer the right of ingress and egress for the purpose of inspection of the facilities under construction. If at any time during the construction of the proposed improvements the city engineer finds the improvements not to be in conformance with the plans and specifications of the proposed improvements and the subdivision ordinance or current design criteria, the city engineer will hereby be given the authority to cause the subdivider, owner, and the design engineer for the improvements to cease all operations within the property boundaries of the approved plat until all deficiencies are corrected to conform to the subdivision ordinance and current design criteria.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XI. Engineering and construction standards.

A. *Adoption of minimum standards.* The city design criteria manual shall provide the city's technical details for infrastructure improvements and shall be updated from time to time and adopted by ordinance following a public hearing. The current design criteria for the city for infrastructure improvements shall be complied with in each subdivision before final approval of a plat by the director. The current approved version shall be kept on file with the city secretary and the city engineer. An electronic version shall be accessible on the city website.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XII. Tree preservation, mitigation, and maintenance.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XIII. Parks and recreation areas.

A. *Purpose.*

1. This section provides recreational areas in the form of city parks as a function of subdivision development in the city. This section is enacted in accordance with the home rule powers of the city under the state Constitution, and the statutes of the state, including, but not by way of limitation, V.T.C.A., Local Government Code Chapter 212.

2. Park areas shall be recommended by Keep Friendswood Beautiful and shall be shown on an official parks and recreation map for the city, which shall be adopted and may be modified from time to time by the city council. Proposed city parks and recreational areas will be established by review with the developer and city staff at the earliest possible stage of development planning, and a proposed subdivision or development shall be reviewed in its entirety and not by sections or phases.

3. The primary cost of city parks should be borne ultimately by residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. New residents will increase the demands for parks proportionally, and new growth should bear their share of the costs of those facilities. Therefore, the following requirements are adopted to effect the purposes herein stated.

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

1. Whenever a final plat is filed of record with the county clerk for development of a residential area in accordance with the platting and zoning regulations of the city, such plat shall contain a clear fee simple dedication to the city of an area of land for park purposes, which area shall be equal to one acre for each 133 proposed dwellings, based on the proposed subdivision or development in its entirety and not by sections or phases. Any proposed plat submitted to the city for approval shall show the parkland proposed to be dedicated under this subsection. The dedication required by this section may be met by a payment of money in lieu of land when permitted or required by the other provisions of this subsection. The dedication required by this section should be in accordance with goals outlined within the city parks and open space master plan, or be located at the site for an identified existing park.

2. The city council declares that development of an area smaller than five acres for the purpose of a city park is impractical. Therefore, if fewer than 655 dwellings are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amounts provided by subsection D of this section, rather than to dedicate any land area. In most instances, no plat showing a dedication to the city of less than five acres shall be approved; provided, however, that the city may accept smaller parcels where such proposed dedication is in the best interests of the city, such as when a smaller parcel is adjacent to an existing park or future park site.

3. Developers should evaluate their proposed development and proposed dedication with city staff to ensure that as soon in the development process as possible the land dedicated is usable for city parks purposes.

4. A dedication required by this section shall be made in accordance with subsection D.1. of this section. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, an additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by subsection D of this section.

C. *Timing of dedication or payment of fees in lieu of land.*

1. Parkland shall be dedicated to the city at the time of filing of the final plat of the first phase and section, if a phased development. The dedication shall be made contemporaneously by separate instrument and must be accepted by the city council prior to the filing of the final plat. Lack of acceptance of such dedication shall preclude the filing of the final plat and shall not relieve the subdivider of complying with the requirements of this section. Where a dedication of parkland for the entirety of a phased development is proposed, the parkland shall be shown on the plat, if included within the first phase, and dedicated by separate instrument, or dedicated by separate instrument if located outside of the first phase of development, at the time of filing the final plat for the first section of such phased development.

2. Payment of fees in lieu of land for single-family residential developments shall be done at the time of filing of the final plat. Where payment of fees in lieu of land for parks for the entirety of a phased development is planned, such payment may be made in full for all phases of the proposed development at the time of filing of the plat for the first phase, or payment of fees in lieu of land for each section of a phased development may be made at the time of filing of the final plat for each phase or section, at the discretion of the developer.

3. Payment of fees in lieu of land for multi-family residential developments shall be done at the time of site plan approval, prior to the issuance of building permits.

D. *Fees in lieu of land.*

1. Any landowner responsible for dedication under this section shall review their proposed development with city staff, including Keep Friendswood Beautiful on recommendation of staff, prior to or simultaneously with making any formal application to the city, for the purpose of evaluating compliance with this section. If no agreement is reached between the developer and city staff, then within 14 days from receipt of a written request by the developer, city staff shall submit the issue to Keep Friendswood Beautiful. If Keep Friendswood Beautiful can reach an agreement with the developer, that recommendation shall be final, subject to the acceptance of such dedication by city council as described in this subsection D. If Keep Friendswood Beautiful cannot reach an agreement with the developer, the commission shall hear the issue at its next meeting, and shall make the final decision. This decision is final unless there is a substantial change in conditions. Generally, the landowner will have the option to dedicate land or pay fees in lieu thereof. However, the city expressly reserves the right to require dedication of land rather than accept fees in instances including, but not limited to, the proposed development is adjacent to an existing city park or in areas in which additional parkland is desired.

2. As provided above, any landowner responsible for dedication under this section shall, when permitted, meet the requirements of subsection C of this subsection or this subsection D in whole or in part by a cash payment in lieu of land, in the amount set forth in this section. Such payment in lieu of land shall be made at or prior to the time of final plat approval for city parks as described in subsection C.1. of this section.

3. A per-dwelling unit fee shall be set by resolution and printed in from time to time by the city council, incorporated in the fee schedule, Appendix D to this Code, in amounts sufficient to acquire land and provide for adjacent streets and utilities for a park.

E. *Parkland dedication fund.*

1. There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section or any preceding ordinance, which fund shall be known as the "parkland dedication fund." Funds shall only be released from the parkland dedication fund upon city council approval of a plan to utilize the funds to build or enhance an existing park or purchase land for a future park.

2. The city shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds paid for such purpose must be expended by the city within ten years after the filing of the final plat, or the filing of the final plat of each phase or section of the contributing subdivision, if a phased development. If not so expended, the owners of the property beginning on the first day after the expiration of such ten-year period shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owners of such property must request such refund within one year of entitlement. Such request must be made in writing to the city manager or his/her designee or such right shall be barred.

3. Where funds or a dedication for a phased development have been paid or made for the entire development at one time, and the original developer does not complete all phases of the entire development, credit for such prior dedication or payment shall be applied to subsequent plats for the same land on a pro rata basis. Increased density will require the dedication of additional parkland or payment of additional fees.

F. *Additional requirements.*

1. Any land dedicated to the city under this section must be suitable for park and recreation uses. The following characteristics of a proposed area are preferred wherever possible:

   a. The city reserves the right to decline any dedication of proposed parkland if it is determined to be in the best interests of the city.

   b. Park sites should preferably be located so that users are not required to cross arterial roadways to access them.

   c. Sites should be located adjacent to schools, where possible, in order to encourage both shared facilities and the potential co-development of new sites.

   d. Sites should be located adjacent to a greenbelt system, where possible, so that connections to a trail network may be easily achieved.

   e. Sites should not have unusual topography which would render the land unusable for organized recreational activities where these activities are necessary to the type of park.

   f. Sites should have and retain existing trees or other scenic elements.

   g. Land subject to an easement or a right-of-way shall comprise no more than 25 percent of the total land dedicated under the provisions of this section. In addition, any land that is subject to an easement or a right-of-way and which is dedicated under this section must be contiguous with the other area dedicated to the city and must conform to all other requirements of this section.

h. All offers of dedication must be accompanied by a phase one environmental study verifying the absence of conditions which would inhibit or prohibit its future use and development as park facilities.

2. Parks should be easy to access and be open to public view so as to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. The following guidelines should be used in designing parks and adjacent development:

   a. Where physically feasible, parks should be bounded by streets, or by other public uses (e.g., school, library, recreation center).

   b. A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions. Street or pedestrian connections to existing and future adjoining subdivisions may be required to provide reasonable access to parks.

   c. Where a nonresidential use directly abuts a park, the city may require the developer to construct, at his expense, screening of a minimum height of eight feet. The screened area must be landscaped on the park side. Access points from the nonresidential use to the park may be permitted.

   d. Alleys may abut a park, where otherwise allowed by ordinance, but they should not be designed to encourage motorized traffic to the park.

   e. Streets abutting a park shall be built in accordance with the thoroughfare plan and the standards of this section, provided, however, the city may require any residential street built adjacent to a park to be constructed to collector width to ensure access and prevent traffic congestion, subject to a proportionality review of the impacts generated by the subdivision, provided, further, that the city may enter into a development agreement with the subdivider to share the costs of street construction for abutting streets.

   f. Wildlife, existing trees and shrubs on the site shall be preserved to the greatest extent practicable.

   g. A park shall not have impervious cover exceeding 20 percent of the open space area.

3. When parkland is acquired, the city shall reserve sufficient land to provide a minimum of 50 percent of the total street width where a street is required to abut a park.

4. In all cases, the city shall review and may require modification of the proposed street alignment fronting on city parks and recreation areas. Developers should also provide, where possible, street or pedestrian access to all creeks or drainageways which are maintained by a homeowner association or dedicated as a drainage and floodway easement to the city or the applicable drainage district.

5. Drainage areas may be accepted as part of a park if the drainage facilities are constructed in accordance with city engineering standards, and if no significant area of the park is cut off from access by such drainage facilities. Where the city has designated a floodplain as part of the city park system, the park design shall provide public access for all areas of the park.

6. Any parkland proposal considered by the commission under this section shall have been reviewed by the director of parks and recreation and his recommendation given to the commission. The commission may make a decision contrary to such recommendation by a simple majority vote.

G. *Partial credit for land, private parkland, private recreation facilities, or open space.* Keep Friendswood Beautiful, upon an affirmative recommendation of the director of parks and recreation, may reduce the amount of parkland to be deeded to the city or reduce the fees in lieu of parkland to be paid to the city as provided below.

1. A reduction from the initial parkland dedication requirement may be made where parkland within the same park area as the subdivision which generates the required conveyance is dedicated for a private park. For purposes of this subsection, the private parkland dedication shall meet the following minimum requirements:

    a. The park area shall be leveled and seeded by the subdivider to produce green space. The city will determine if the parkland can be left in its natural state;

    b. The park area shall be located within the subdivision generating the parkland requirements; and

    c. Restrictive covenants shall be filed of record in the appropriate county providing for the creation and operation of a homeowner association to maintain and improve such private park area, or, in the case of such private park area within a multifamily development, such as an apartment complex, provide for maintenance and improvement by the owners of the multifamily development.

2. A reduction from the initial parkland dedication requirement may be made for recreational improvements made to private parkland within the same park area as the subdivision which generates the required conveyance. Such recreational improvements to parkland may include, but are not limited to, the following: children's play apparatus, landscaped areas, picnic areas, game court areas, playfields, swimming pools, and recreation center buildings and facilities. All improvements shall meet the same applicable regulations or codes as for like improvements on public property.

3. A reduction from the initial parkland dedication requirement may be made for common open space, whether public or private, within the subdivision which generates the required conveyance. Such open space may be in the form of greenbelts along creek beds, or around the perimeter of the subdivision, and may include improvements such as hike and bike trails. In no case shall credit be given under this subsection for landscaped or seeded medians. A further reduction may be given where the common open space is linked with undeveloped or developed parkland or other recreational facilities.

4. In order to receive the credits under subsections G.1., 2., or 3. of this section, the subdivider shall provide documentation to the director of parks and recreation at the time of final plat filing sufficient to establish the validity of the estimated costs that will be used to determine the reduction under this subsection. In the event that the developer proposes to construct the improvements at a later date, as in a phased development, the city may require that the developer obtain a surety bond, performance bond, or other form of guarantee that the recreational amenities will be installed within four years from the date of filing of the final plat of the first phase of the phased development. The director of parks and recreation shall evaluate the documentation submitted and shall approve the value prior to any reduction being given under this subsection. Credits are cumulative, but in no case shall credits given under this subsection exceed 100 percent of the total dedication of land or fees required for city parks under this appendix. In cases where the estimated costs of the improvements are disputed, the value shall be as finally determined by the director of the parks and recreation. If no agreement is reached between the developer and city staff, then within 14 days from receipt of written request by the developer, city staff shall submit the issue to Keep Friendswood Beautiful. If Keep Friendswood Beautiful can reach an agreement with the developer that recommendation shall be final. If Keep Friendswood Beautiful cannot reach an agreement with the developer, the commission shall hear the issue at their next meeting and shall make the final decision. This decision is final unless there is a substantial change in conditions.

5. A credit may be given of up to 50 percent of the total dedication of land or fees required under this appendix where the developer makes improvements to public parks, as described under subsection G.2. of this section.

6. Credit for city parks may be based on previously installed amenities within a phased development, where amenities and recreational improvement have been constructed in earlier phases, where no

parkland dedication was required, subsequent phases for which park dedication is required, may count those previously installed amenities. Under no circumstances will double credit be given for a previously installed amenity.

H. *Minimum park improvement standards.* Prior to acceptance by the city and prior to the filing of the final subdivision plat, any parkland dedicated to the city, or developed as a private park for credit against parkland dedication under this section, shall meet the following minimum standards:

1. The public park area shall be leveled and seeded (as deemed necessary by the city) by the subdivider to produce green space prior to the completion of the first phase of the development of the subdivision, if the development is being executed in phases. Existing trees and shrubs on the site shall be preserved to the greatest extent practicable. The subdivider will be responsible for the maintenance of the public park area for a minimum of one year after the completion of the subdivision (or the completion of the final phase or section of the subdivision), at which time the city will assume maintenance responsibilities in the park. The subdivider is also responsible for notifying each homeowner in the subdivision of the existence of any private park area and its conditions of ownership.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XIV. Fees.

A. *Platting fees.* Subdivision plats submitted for approval shall be accompanied bypayment to the city according to the fee schedule as set forth in Appendix D of this Code.

B. *Filing fees.* The subdivider shall be responsible for providing the city a check payable to the county in which the final plat is to be filed. The amount shall be determined by the county clerk's office of the appropriate county and shall cover the full cost of filing the plat and any associated documents required.

C. *Construction plans and specifications review fees.* The city reserves the right to assess fees based upon the actual costs incurred by the city for multiple iterations of reviews of construction plans and specifications as set by resolution and printed in Appendix D to this code.

D. *Impact Fees.* The City of Friendswood has elected to adopt Water and Wastewater Impact Fees to assist in the financing of Capital Improvements for those systems that are necessitated for growth and development anticipated within the city, as authorized by V.T.C.A., Local Government Code Chapter 395. The fees are reassessed every five years and are defined in Appendix D to this Code. Fees are payable at the time of building permit issuance.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XV. Variances.

A. The commission may grant a variance to any of the provisions of appendix B, except for requirements in the city's adopted engineering and construction standards, pursuant to the procedures set forth in this section and upon a showing by clear and convincing evidence by the applicant that:

1. There are special circumstances or conditions affecting the property in question;

2. That enforcement of the provisions of this chapter would deprive the applicant of a substantial property right; and

3. That such variance, if granted, would not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

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

C. The application fee and procedures for a public hearing and provision of notice shall be the same as established by the city for a rezoning request.

D. The commission may, by affirmative vote of at least three-fourths of its members present and voting, grant a variance to the regulations of appendix B if it finds, by clear and convincing evidence, that all of the following criteria are met:

1. There are unique conditions peculiar to the subject parcel or tract that do not exist on adjacent parcels or tracts;

2. Strict application of appendix B deprives the applicant of rights commonly enjoyed by other land in area or land with similar uses;

3. The variance, if granted, does not frustrate the intent and purpose of appendix B and community, neighborhood, and other applicable land use and development plans, and will not adversely affect property or property values in the vicinity of the subject site;

4. Conditions supporting the granting of the variance request are not self-created by disregard or ignorance of federal, state, or local codes and/or ordinances; and

5. The variance is tailored as narrowly as possible while still granting the relief sought.

E. Factors that may not be considered to support the granting of a variance include, but are not limited, to the following:

1. Personal and/or economic hardship;

2. Misrepresentation of property conditions, uses, or regulations by a seller or agent;

3. Errors made by a surveyor, contractor, or builder;

4. Increasing the profit, income, or competitive advantage of the applicant; and

5. Threats to locate or relocate outside of the city, or cancel or scale back a project, if a variance is denied.

F. The applicant bears the burden of proof to demonstrate that the requirement(s) of appendix B from which a variance is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the applicant. The applicant shall submit statements, studies, and any other relevant information.

G. The decision of the commission on a variance request may be appealed within 14 days of said decision by filing with the city:

1. The applicant's written appeal; or

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

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XVI. Conflict with other ordinances.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XVII. Extraterritorial jurisdiction.

A. The provisions of this appendix are hereby extended in their application to include all of the area within the extraterritorial jurisdiction of the city. The provisions of this appendix shall have the same force and effect within said area of extraterritorial jurisdiction as within the corporate limits of the city, except as provided in subsections B and C of this section.

B. No violation of any provision of this appendix outside the corporate limits of the city, but within such city's area of extraterritorial jurisdiction, shall constitute a misdemeanor under this appendix, nor shall any fine provided for in this appendix be applicable to a violation within such area of extraterritorial jurisdiction.

C. In the event any provision of this appendix or revision to same is violated within the area of extraterritorial jurisdiction of the city, the city may institute any appropriate action or proceedings in the district court to enjoin the violation of such appendix.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Appendix B SUBDIVISIONS[1]

Section I. Purpose.

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

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

B. The ~~C~~city ~~c~~council may, through a Planned Unit Development (PUD) ordinance, approve standards different from those contained in this appendix or the design criteria manual. Where different standards are approved, whether those standards are more stringent or less stringent, they shall control. In no case shall a PUD decrease a required life safety code.

C. When considering the placement of streets and utilities within proposed subdivisions, the developer shall preserve all natural features such as large trees, watercourses, historical spots, and similar community assets which will add attractiveness and value to the property unless such preservation results in an economic penalty of such magnitude that development of the land is infeasible.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section II. Statutory authority; jurisdiction.

In pursuance of the authority granted to cities ~~and counties~~ under the constitution and laws of the state, ~~including the provisions of V.T.C.A., Local Government Code § 212.003, as amended,~~ the city council does hereby adopt the rules and regulations in this appendix governing the subdivision and development of land within the city limits and the city's extraterritorial jurisdiction. Where there is any conflict in the subdivision ordinance or with other ordinances, the more restrictive shall apply.

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

B. *Plat approval required.*

1. It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the city or its extraterritorial jurisdiction unless and until a preliminary and final plat of such subdivision has been approved, or an exemption satisfied, in accordance with the terms of this appendix. Unless and until a preliminary and final plat, amending plat or replat of a subdivision shall have been first approved in the manner provided herein ~~by the commission~~ or an exemption satisfied, it shall be unlawful for any person to construct or cause to be constructed any street, utility,

facility, building, structure, or any other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted herein.

2. No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction of any structure on a lot or tract in a subdivision for which a final plat has not been approved ~~by the commission~~ and filed for record or certificate of exemption issued. No site plan shall be approved by the city for the construction of any structure on a lot or tract in a subdivision for which a final plat has not been approved ~~by the commission~~, or certificate of exemption issued. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision in which the permanent public improvements have not been approved and accepted by the city.

3. Large tract division. A division of land under subsection B.1 of this section does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. Access shall be satisfied by compliance with section VI.A.I.a. Upon request by the owner of a tract resulting from this division who qualifies, the city must issue a certificate of exemption certifying that the division meets this exception.

4. Partial plat approval. Notwithstanding section II.B.1., a subdivision plat need not include all of a tract being divided if:

    a. General.

        (1) The portion of the tract being divided but not included within the plat boundaries is not intended to be a part of the development reflected in the proposed plat; or

        (2) If some or all of the portion being divided but not included within the plat boundaries is intended to be a part of the development reflected in the proposed plat, then such part may be platted in a subsequent phase of the development, provided the person dividing the property submits a master plan pursuant to section IV.C.1. that meets with city approval;

    b. The tracts being divided:

        (1) Each have access that complies with section VI.A.I.a.; and

        (2) Each are greater than five acres in size;

    c. Excluding the portion of the tract being divided but not included within the plat boundaries will not substantially alter or impede any pending or anticipated development;

    d. The boundaries of the portion of the tract not included within the plat are depicted and identified on the plat of the subdivision by dashed lines as provided for by section IV.C.2.b.(1)(b), and with a notation thereon indicating that development of such tract is contingent upon a subdivision plat thereof being filed and approved by the city, if such plat is required;

    e. The plat application includes an acknowledgement, executed by the owner of the tract being divided, confirming that development of the portion of the tract not included within the plat boundaries would be contingent upon a subdivision plat being filed and approved by the city, if such plat is required, in accordance with the rules and regulations of the city governing plats and the subdivision of land in effect at the time the application for plat approval for such portion is sought; and

    f. The general purposes of this appendix will be served without the necessity of including such tract within the boundaries of the plat.

5. Upon request by the owner of the tract resulting from a division under section II.B.4.a.(1) that is not intended to be a part of the development reflected in the proposed plat, and who qualifies, the city must issue a certificate of exemption certifying that the division meets this exception.

C. *Authority.* The city shall not repair, maintain, install or provide any street or public utility service, nor authorize the sale or supply of water or sewer service, in any subdivision for which a final plat has not been approved ~~by the commission~~ and filed for record. The city shall not repair, maintain, install, or provide any street or public utility service, nor authorize the sale or supply of water or sewage service, in any subdivision in which the permanent public improvements have not been approved and accepted by the city.

D. *Exemptions.* The provisions of these subdivision regulations shall not apply to:

1. *Annexed and consolidated areas.* Land legally platted and approved prior to the effective date of the city's subdivision regulations with frontage on an existing, improved public street and with all utilities and public infrastructure needed to serve the land.

2. *In-fill tract.* Land constituting one or more contiguous tracts with total acreage of less than five acres with frontage on an existing, improved public street and with all utilities and public infrastructure needed to serve the land, for which a legal deed of record describing the boundary of said tract or parcel was filed of record in the deed records of the county clerk of the appropriate county on or before the effective date of the ordinance from which this appendix is derived.

3. *Certificate of platting exemption.* Upon request by the owner of a tract who qualifies for an exemption under subsections D.1. or D.2. of this section, the city must issue a certificate of platting exemption certifying that the division meets this exception.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section III. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

Development Meeting is an informal process to allow an exchange of information between the developer~~,~~ and city staff ~~and the commission~~.

Director means the director of community development.

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

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

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

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

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

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

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

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

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

~~*Filed plat* means the date the complete application is submitted to the city.~~

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

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

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

Lot means a physically undivided tract or parcel of land having frontage on an accessway and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and

separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

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

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

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

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

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

(1) *Major thoroughfares or arterial streets* means principal traffic arteries more or less continuous across the city and which are intended to connect remote parts of the city and which are used primarily for fast or heavy-volume traffic.

(2) *Collector streets* means streets which carry traffic from minor streets to the major system of arterial streets and highways; said street may service commercial or industrial areas.

(3) *Minor streets* means streets which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited area.

(4) *Boulevard* means streets utilizing opposing travel lanes separated by a landscaped median, which serves to separate traffic moving in opposite directions.

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

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

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

Tract means a lot or parcel of land, however denoted, fee simple title to which is owned by a person or persons by virtue of one or more deeds or other instruments. Multiple parcels of land described in a deed or other

instrument are, despite being included in a single deed or other instrument, separate parcels of land if such parcels are described by separate, complete legal descriptions therein.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section IV. Plat submittal and filing procedures.

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

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

1. *Master plan.* Master plan procedures are as follows:

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

      (1) Completed application submitted online through the city's public portal.

      (2) Review fees (non-refundable).

      (3) Overall map of total property, showing blocks, lots, reserves, street layouts, etc.

      (4) Stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc.

      (5) Wastewater overlay or plan view indicating the proposed ultimate capacity needs.

      (6) Water main overlay or plan view indicating the proposed ultimate capacity needs.

      (7) Tree preservation, mitigation, and maintenance plan.

      (8) Traffic study, if required per the Design Criteria Manual.

      (9) Original boundary and topographic data shall be certified by a registered professional land surveyor. Also, any area to be filled will be shown, with approximate proposed elevations.

      ~~(10) The number of copies of the plat specified on the application and accompanying documents shall be submitted concurrently to the office of the city planner or designee in the planning department via hand delivery, mail or courier. The cover of the submittal package shall be properly addressed to the attention of the "City of Friendswood Planning Department", clearly labeled with the type of submittal, and include the name of the applicant. The city will not be responsible for submittals that are not addressed and labeled with the correct information.~~

      (10~~1~~) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

b. Staff comments shall be addressed prior to approval by the ~~planning and zoning~~ commission. Said decision will be based upon a determination that the master plan meets the requirements of this article and all other applicable city ordinances and regulations. The master plan shall be subject to approval by the ~~planning and zoning~~ commission in concept only.

c. The master plan shall expire after two years from the date of approval~~submittal~~, unless one of the following occur:

(1) An application for a permit (including a plat) necessary to begin or continue towards completion of the project is submitted;

(2) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located; or

(3) Fiscal security is posted to ensure performance of an obligation required by the regulatory agency.

d. All master plans that are associated with planned unit developments ("PUDs") are also subject to the requirements in the zoning ordinance.

2. *Preliminary plat.* Preliminary plat procedures are as follows:

a. *Submittal Requirements.* The plat shall be submitted to the planning department with the following:

(1) Completed application submitted online through the city's public portal.

(2) Review fees (non-refundable).

(3) A certificate or letter from a title guarantee company or a title attorney indicating a current search (within 45 days of submittal to the city) and certifying to at least the following concerning title to the land: A statement of records examined and date of examination; description of the property in question, including a metes and bounds description of the tract; name of the fee owner as of the date of examination, and the date, file number, date of filing, and volume and page of any lienholders; and general description of any easements or fee strips granted along with the file number, date of filing, and volume and page of recording.

(4) Certification stating that all current city, county, school, utility, or other governmental entity taxes due and payable have been paid for; a tax certificate from the city, county, school, utility, or other governmental entity in which the land being platted is located showing no delinquent taxes are due on the property being platted.

(5) The draft of any protective covenants whereby the subdivider proposed to regulate the use of land in the subdivision, provided however, that such restrictive covenants, conditions, or limitations shall not be less than the minimum requirements of the city under the terms of these regulations.

(6) ~~The number of copies of the plat specified on the application and accompanying documents shall be submitted concurrently to the office of the city planner or designee in the planning department via hand delivery, U.S. mail or courier on one of the submittal dates advertised on the P&Z Submittal Schedule. The cover of the submittal package shall be properly addressed to the attention of the "City of Friendswood Planning Department", clearly labeled with the type of submittal, and include the name of the applicant.~~ Reserved.

(7) ~~The applicant shall submit proof that the plat was submitted to the drainage district with jurisdiction as required by the drainage district, provided the drainage criteria of both the city and the drainage district are the same. Proof of submittal may be a receipt of payment or a letter on official letterhead.~~Reserved.

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

(9) Preliminary stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc., if not previously submitted in conjunction with a master plan.

(10) Preliminary wastewater overlay or plan view, if not previously submitted in conjunction with a master plan.

(11) Preliminary water main overlay or plan view, if not previously submitted in conjunction with a master plan.

(12) Tree preservation, mitigation, and maintenance plan.

(13) Traffic study, if required per the Design Criteria Manual.

(14) A list of deviations from the master plan made to the plat by the applicant. Significant changes will require submittal of a revised master plan.

(15) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

b. *Graphic Requirements.* Preliminary plats shall show the following graphic information:

(1) Title of plat shall show:

(a) Proposed name of the subdivision, which must not be similar to that of an existing subdivision as to cause confusion.

(b) Legal description of subdivision, including the name of the county and surveying abstract number.

(c) The number of lots, blocks, and reserves and the total acreage in the title block.

(d) Name and address of owner. If owner is a company or corporation, name of the principal officer or owner of the entity responsible for the subdivision must be given.

(e) The name of the registered professional engineer and/or registered public surveyor responsible for the survey and design. If different from the surveyor of the boundary, so indicate.

(2) The scale must be drawn numerically and graphically shown on the plat. Graphic scale of 100 feet to the inch or larger.

(3) A north arrow (true or magnetic indicated on the plat) shall be provided on the plat. North shall be oriented to the top of the plat if possible, or at the left side.

(4) The date on which the plat was drawn shall be indicated on the plat. Each revision shall bear a new date, (month, day and year).

(5) Key map or vicinity map, preferably in the top right corner of the plat, showing orientation of the area being subdivided in relation to adjacent areas and principal streets. The

suggested scale of the vicinity map is one- -inch equals 2,000 feet and shall be oriented in the same directions as the detailed subdivision drawing.

(6) Location and length of boundary lines.

(a) Area to be subdivided drawn in heavy lines with overall dimensions and bearings.

(b) Lines outside of boundaries to be dashed.

(c) An accurate location of the subdivision should be provided by reference to a well-established survey or league corner, subdivision corner, or other known point.

(7) The width, depth and location of all lots. Lot, block, and section numbers shall be placed consecutively.

(8) All restricted reserves including- (HOA parks /and facilities/sites, landscape amenities, parkland dedication, and utility areasies) shall be clearly labeled on the plat with both the acreage shownand the intended restricted use. Development of a restricted reserve shall be limited to the designated use. Only the definitions of restricted reserves given in the article shall be used. Those Restricted reserves shall not be converted to residential lots or used for a purpose other than the designated use shall requirewithout the approval of a replatadditional action by the commission prior to development as a residential lot.

(9) Describe the subdivision by metes and bounds.

(10) Street names shall not be duplicated in the city.

(11) The location and width of existing and proposed streets (public and private) within the subdivision and immediately adjacent to it shall be shown, measured at right angles, or radially when curved.

(12) The alignment of proposed streets with existing city streets.

(13) Street design dimensions or a reference to the minimum standards for tangents, arcs, radii, etc.

(14) Name, location, width and purpose of all existing and proposed easements.

(15) Existing and proposed utilities on and adjacent to the tract up to a distance of 200 feet. Sizes of existing utilities and the location of proposed junctions with the existing system shall be shown.

(16) Vertical control monuments are to have half-mile maximum spacing. All elevations, based on current National Geodetic Survey, will be registered with the city engineer upon plat submittal.

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

(18) Special Flood Hazard Areas. A statement shall be included on the face of the plat that the property does or does not lie within a special flood hazard area. Also, the location of special flood hazard boundaries shall be indicated upon the face of the plat where the boundary divides the subdivision area.

(19) Names of subdivisions, streets, watercourses, pipelines and easements up to a distance of 200 feet. If adjacent property has been subdivided into residential lots, adjacent individual lot addresses will be shown. If adjacent property is acreage, adjacent property ownership will be shown.

(20) Additional land in the area adjacent to the subdivision in which the applicant has legal interest.

(21) The name of the subdivision, street names, title block information, special notes, dedication and notary statements, and ownership certificate language are subject to review and acceptance by the city.

(22) The applicable row(s), column(s), and notes from the Regulation Matrix per Appendix C, Zoning Ordinance.

c. *Expiration*. ~~Preliminary plat~~ A~~a~~pproval ~~w~~shall expire six months after the date of approval ~~by the commission~~ of the preliminary plat, or of final sections of a preliminary plat, except that if the subdivider shall apply in writing prior to the end of such six-month period, stating reasons therefore, an extension may be granted by the authority that approved the plat~~,~~ upon a showing of good cause, for a single extension of six months.

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

3. *Final plat.* Final plat procedures are as follows:

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

b. *Submittal Requirements.* After the foregoing procedure has been complied with and the preliminary plat approved or conditionally approved ~~by the commission~~, the subdivider shall prepare or cause to be prepared a final plat, or plats, together with other supplementary information as specified herein.

(1) Construction Plans and Specifications in accordance with Section X. Plan profiles of all private and public infrastructure (including but not limited to, water and sewer lines, drainage and detention areas, utilities, berms, roads, sidewalks, fences, and hike and bike trails) shall be submitted and approved by the city engineer.

(2) Utility companies' statements that easements are acceptable to provide service and no other easements are necessary or required.

(3) If applicable, letters of review by any local, county, state and federal departments as required ~~by the city engineer or his designee~~.

(4) Statement from pipeline companies that all existing or proposed pipelines crossing the property have been satisfactorily provided for per the requirements of the pipeline

operator, and that the pipeline operator agrees to all pipeline crossings by proposed streets and other subdivision features.

(5) Statement from well companies that all existing or proposed wells have been satisfactorily provided for per the requirements of the well operator or owner, and that the well operator or owner agrees to all setbacks from the wells for any proposed structures or other subdivision features.

(6) The applicant shall submit proof that the plat was submitted to the drainage district with jurisdiction as required by the drainage district, provided the drainage criteria of both the city and the drainage district are the same. Proof of submittal may be a receipt of payment or a letter on official letterhead.

(7) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

c. *Graphic Requirements.* The final plat shall conform substantially to the preliminary plat as approved and incorporate all the provisions relating the preliminary plats in subsection 2 of this section, except subsections 2.a.(9), 2.a.(10), and 2a.(11) preliminary plans and 2.b.(15) utilities and 2.b.(17). This plat shall also reflect any conditions or requirements for final approval ~~imposed by the commission,~~ together with the following additional requirements:

(1) The plat shall show the location and identification of lots, streets, public highways, alleys, parks and other features, with accurate dimensions, in feet and decimals of feet, with the length of radii, tangents (or central angle) and arcs to all curves, and with all other information necessary to reproduce the plat on the ground, all to be set out within the perimeter lines.

(2) The plat shall show a heavy-lined perimeter to be the results of an accurate boundary survey of the property by a registered professional land surveyor with bearings and distances, and references to section/original survey corners, and showing the lines of adjacent lands and lines of adjacent streets and their names and widths (dashed lines). The location and datum used to determine elevations shall be noted on the face of the plat.

(3) The square footage of each lot shall be labeled on the plat. This can be provided for in a table.

(4) Traverse lines along streams and easements shall be shown adjacent to the high bank of streams and waterways.

(5) The plat shall show existing pipeline easements, location of pipelines, required setbacks, and if material being transported is hazardous.

(6) Impervious coverage. Table showing the allotted maximum percent of impervious surface for each lot represented, per the Design Criteria Manual.

(7) Front building setback lines shall be required on residential lots and reserves for commercial development.

(8) All applicable dedication statements and certificates must be made a part of the final plat drawing and must include, but not be limited to, the statements, the general form and content of which are provided as examples available in the Community Development Department. Language in the statements shall be suitable for plat recording in the official records ~~of plat~~ in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate.

These dedication statements and certificates and various notations include the following as applicable:

Owners Acknowledgment and notarized signature;

~~Execution of owner's acknowledgement;~~

Lienholder's acknowledgement and notarized signature;

~~Notary public acknowledgement for all signatures~~;

Certificate for engineer and surveyor;

Certificate for the director;

Certificate for the Commission and attested by the secretary;

~~Certificate for Commission Secretary;~~

Certificate for ~~City~~ city e~~E~~ngineer;

County clerk filing acknowledgment statement;

Vacation of subdivision plat;

Certificate of amending plat.

(9) Reserves, easements, rights-of-way, etc., not specifically dedicated on the plat or in accompanying document, shall remain in the custody of the subdivision owner until transferred by other legal means.

(10) The legal entity responsible for the maintenance of any improvements, including, but not limited to, building, recreational area, open space, equipment, pool or private driveway, which are to be owned and shared by the owners of real property in the proposed subdivision, shall be designated by appropriate articles of incorporation, contracts, restrictions, or other method. The means of securing payment for maintenance and operating expenses and any method of terminating such obligation shall be stated in the creating documents. The following note shall be indicated on the face of the plat:

"The City of Friendswood shall not be responsible for maintenance of private streets (driveways, sidewalks, and emergency access easements), waterlines, sanitary sewer lines, storm sewer facilities (detention ponds, drainage easements, outfalls and swales), recreational areas, reserves and other private facilities that are within private easements; the property owner or HOA/POA shall be responsible for these items. The City of Friendswood shall be responsible for maintenance of public streets, sidewalks, street signs, waterlines, sanitary sewer lines, storm sewer facilities, drainage easements, outfalls and swales that are within the public right-of-way or within public and/or exclusive easements. The maintenance of public street lights shall be the responsibility of (insert either Texas New Mexico Power or CenterPoint Energy as applicable)."

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

e. *Plat Recordation.* Upon approval of the plat, the applicant shall submit to the community development ~~planning~~ department the following items as required by Galveston and Harris Counties:

(1) Mylars including all ~~the notarized~~ original signatures, stamps and seals. ~~of the owner(s) and lienholders of the property included in the plat and the original surveyor.~~ and the ~~Galveston County Consolidated Drainage District, if applicable. (~~The city will be responsible for the required city signatures and recording the plat with the county.~~)~~

(2) Original tax certificates and receipts from all applicable jurisdictions.

(3) The letter or title certificate required in subsection IV.C.2. shall be brought up to current date by a supplementary report form the title guaranty company or title attorney; dated not more than 45 days from the date submitted to the city.

(4) The original, executed protective covenants whereby the subdivider proposes to regulate the use of land in the subdivision, provided however, that such restrictive covenants, conditions, or limitations shall not be less than the minimum requirements of the city under the terms of these regulations.

(5) A check, payable to the county clerk's office for either Galveston or Harris County, in the amount of the cost of the county's recording fees.

(6) Under extreme circumstance and approval by the City Engineer, if public and/or private improvements have not been completed and accepted by city council, the city may accept a bond as security for the completion of the required improvements. The applicant shall provide a letter of credit from a federally insured lending institution or depository before the plat is recorded at the county.

4. *Replat.* Replat without vacating preceding plat procedures are as follows:

a. The same procedures for final plat approval applies to the replat, except as noted.

b. The proposed replat shall be submitted to the community development ~~planning~~ department with a copy of the preceding plat.

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

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

(2) Is approved by the commission or director, as applicable;

(3) Does not attempt to amend or remove any covenants or restrictions.

d. In addition, a replat without vacation of the preceding plat must also conform to the requirements of this subsection:

(1) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

(2) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

e. If a proposed replat described by section (d) does not require a variance or exception, in accordance with the Texas Local Government Code, written notice shall be given not later than the 15th day after the date of the approval.

(1) Notification shall be written notice sent to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent county tax roll.

(2) This subsection does not apply to a proposed replat if the ~~municipal planning~~ commission ~~or the governing body of the municipality~~ holds a public hearing and gives notice of the hearing in the manner provided by Subsection (f).

(3) The notice of a replat must include the zoning designation of the property after the replat and a telephone number and e-mail address an owner of a lot may use to contact the city~~municipality~~ about the replat.

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

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

(2) Notice shall be given in writing, with a copy of Subsection f(3) attached, to the owners of lots that are in the original subdivision and that are within the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved county tax roll. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

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

g. Compliance with subsections f(2) and f(3) of this section is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

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

5. *Short form final plat.* Short form final plat procedures are as follows:

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

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

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

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

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

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

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

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

6. *Amending plat.* Amending plat procedures are as follows:

a. ~~The city manager or the city manager's designee shall have the authority to approve amending plats, without further action of the planning and zoning commission, as permitted by V.T.C.A., Local Government Code Chapter 212. The city manager or designee shall not have authority to disapprove any such amending plat and shall be required to refer any plat that the city manager or designee refuses to approve to the planning and zoning commission. Nothing herein shall preclude the city manager or designee from electing to present the plat to the planning and zoning commission for approval.~~

~~b~~a. An amending plat shall contain all of the informational requirements set forth for a final plat.

~~c~~b. The director ~~city manager or designee~~ may approve an amending plat that may be recorded and is controlling over the preceding ~~or final~~ plat without a vacation of that plat, if the amending plat is signed by the applicants only and ~~the~~ is solely for the purpose of one or more of the following: ~~the amending plat shall be to:~~

(1) Correct an error in a course or distance shown on the preceding plat;

(2) Add a course or distance that was omitted on the preceding plat;

(3) Correct an error in a real property description shown on the preceding plat;

(4) Indicate monuments set after the death, disability, or retirement from practice of the surveyor responsible for setting monuments;

(5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats. Such errors may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

(a) Both lot owners join in the application for amending the plat;

(b) Neither lot is abolished;

(c) The amendment does not attempt to remove recorded covenants or restrictions; and

(d) The amendment does not have a material adverse effect on the property rights of the owners in the plat.

(8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) Relocate one or more lot lines between one or more adjacent lots if:

(a) The owners of all those lots join in the application for amending the plat;

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

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

(10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if:

(a) the changes do not affect applicable zoning and other regulations of the municipality;

(b) the changes do not attempt to amend or remove any covenants or restrictions; and

(c) the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area.

(11) To replat one or more lots fronting on an existing street if:

(a) The owners of all those lots join in the application for amending the plat;

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

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

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

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

~~e~~d. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

7. *Vacating of plat.* The procedure for vacating a plat shall conform with the current Texas Local Government Code and meet the same requirements as a final plat. The procedure shall consist of:

a. The owners of the tract covered by a plat may vacate the plat any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved by the ~~commission~~ director and recorded as described in the plat recordation section of this appendix.

b. If lots in the plat have been sold, the plat, or any part of the plat may be vacated on the application of all the owners of the lots in the plat with approval by the director~~commission~~.

8. *Association required.* A plat to subdivide property, whether residential or non-residential that creates common area or common land shall be accompanied by a copy of documents evidencing:

a. Approval by the Texas Secretary of State's Office of the formation of a homeowners' association, community association, or property owners' association; and

b. Such association's assumption of the responsibility for maintenance of the common area and/or common land.

9. *Covenants/conditions/restrictions required.* Final approval of any plat to subdivide property, whether residential or nonresidential shall not be granted unless the applicant submits a certified copy of covenants, conditions, and/or restrictions declared for said property that:

a. Establish materials, design and/or architectural standards acceptable to the city's planning director; and

b. Are recorded in the appropriate county clerk's office.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section V. Approval Procedures~~Decisions of the commissiondirector of community development~~.

~~A.~~

A. *Delegation of approval authority*. The director is the person designated by city council and the ~~planning and zoning~~ commission to receive, review and approve, approve with conditions, or disapprove a plat. The director may, for any reason, elect to present the plat for consideration to the commission. If a plat is referred to the commission, the commission shall have the authority delegated to the director in this appendix.

B. *Timing.* Beginning with the submittal date ~~of the plat~~, ~~the planning and zoning commission~~plats shall be approved, approved with conditions, or disapproved within 30 days in accordance with the V.T.C.A., Local Government Code § 212.009. Said decision will be based upon a determination that the plat meets the requirements of this article and all other applicable city ordinances and regulations. ~~The commission~~ director ~~of community development shall approve, approve with conditions or disapprove a plat.~~

~~B~~C. *Request for 30-day extension*. An applicant may request one or more extensions, each extension shall not exceed 30 days, provided that the applicant submits a request in writing before the expiration of the original 30-day period and the director approves the request.

D. *Withdrawal of the plat*. Prior to action by the director or the commission~~staff~~, the applicant may submit ~~a~~ written ~~"~~notice ~~of~~ withdrawing~~al" of~~ the plat. ~~This will suspend the running of the 30-day period. When the plat is administratively ready for resubmission, the applicant can then file a signed and dated "notice of re-filing" of the plat within six months of the initial submitted date of the plat, which then starts the 30-day clock anew. A new application and fee will be required for plats that are re-submitted more than six months after the initial submittal date. One "notice of re-filing" is permitted for a plat.~~ A new application and fee will be required upon submittal.

E~~C~~. *Standards for approval.* ~~The commission director of community development~~A plat shall be approved provided ~~a plat if~~:

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

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

3. It conforms to this article, the Design Criteria Manual, and any other applicable city code.

F~~D~~. *Approve.* If approved, the plat shall be endorsed with a certificate ~~of~~indicating approval ~~by the~~ . The certificate shall be signed and attested in accordance with state law. ~~planning and zoning commission chairman and attested by the commission's secretary~~.

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

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

2. *Director~~Commission~~ Response.* Once a response is received from the applicant, the ~~commission~~ director shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat no later than the 15th day after the date the response was submitted. The decision of the ~~commission~~ director must comply with section V.~~C~~E. and the ~~commission~~ director may disapprove the plat only for a specific condition or reason provided to the applicant previously.

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

4. *Inaction.* A previously conditionally approved or disapproved plat is approved if the applicant files a response that adequately addresses each condition of the conditional approval or each reason for the disapproval AND the ~~commission~~ director does not disapprove the plat within 15 days of the submittal of the response and in accordance with section V.G~~E~~.2.

H~~F~~. ~~A plat is deemed approved by the planning and zoning commission, unless it is disapproved within 30 days.~~

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

~~2. If the commission fails to approve, approve with conditions, or disapprove within 30 days, the certificate on the plat shall include the date the plat was filed and a statement that the authority failed to act on the plat within that period, in accordance with section V.A.~~

Failure to take action. If a plat is not approved, approved with conditions, or disapproved within the prescribed period, the director on the applicant's request shall issue a certificate stating the date the plat was filed and that the authority responsible for approving the plat failed to act on the plat within the period. The certificate is effective in place of the endorsement required by Section V.F. of this code.

I. *Appeal.* Appeal of a plat disapproved by the director.

1. An applicant has the right to appeal to the commission if the director disapproves the plat.

2. Appeals shall be perfected by a request in writing to the commission. The request shall include:

1) Name, address and primary email address of the person making the appeal;

2) Facts surrounding the disapproval; and

3) Reasons why the ruling should be set aside.

3. The plat will be placed on a commission agenda within 30 days for consideration. The standards for approval and action options in this code will apply.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section VI. General requirements and design criteria.

A. *Public and private local streets.*

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

   a. Provide for adequate vehicular access to all properties within a subdivision's plat boundaries. All lots, tracts and reserves shall have frontage on an approved public right-of-way or access easement.

   b. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area.

   c. Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services.

   d. Provide a sufficient number of continuous streets and major thoroughfares, particularly in those areas designated for the development of multifamily residential, commercial and industrial land uses, to accommodate the increased traffic demands generated by these land uses.

   e. When necessary to continue the neighborhood pattern for adjacent developments, existing streets in the adjoining areas shall be continued and shall be at least as wide as such existing streets in alignment therewith, but in no case narrower than required by current regulation. Centerline offset shall be a minimum of 125 feet. Greater centerline offsets may be required by the ~~commission~~ director when necessary for traffic safety.

   f. When adjoining areas are not subdivided, the ~~commission~~ director may require the arrangement of streets in the subdivision to make provisions for the proper projection of streets into such unsubdivided areas.

   g. Street intersections shall be as nearly at right angles as practical giving due regard to terrain, topography, sight distances and safety.

   h. Private streets, where allowed, shall meet all the requirements set forth for public streets, including, but not limited to, construction standards, width, curves, sight distance visibility and function, and all other design criteria and specifications, and shall be privately maintained to those standards.

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

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

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

B. *Collector streets generally.*

1. There shall be a minimum of one point of access from a collector street into a subdivision or subdivision phase, up to a maximum of 75 platted lots. There shall be a minimum of two points of access into a subdivision or subdivision phase from a collector street for subdivisions in excess of 75 platted lots. In the case of phased construction, each phase should meet this requirement, but in no case shall there be less than one access to a collector street per 75 platted lots.

2. A collector street may be a new or existing street built to current collector street standards for right-of-way width and pavement width, or an existing street built to past standards but which by definition currently functions as a collector street.

3. No subdivision can connect to a collector street through another subdivision unless each is part of a planned, phased subdivision development. In such cases, the ~~commission~~ director may require such through streets to have additional right-of-way width and paving width, in keeping with subsection b(1)(e) of this section, to promote better traffic flow.

4. All lots in a subdivision must be within 750 feet of an intersection on a street within the subdivision that leads to a collector street, but the commission may approve a greater distance in keeping with the considerations for increased cul-de-sac lengths and block lengths.

5. The ~~commission~~ director may permit an isolated, stand-alone subdivision to connect to a collector street by way of a new street not built to collector standards if such street is within the plat boundaries of the subdivision.

6. Due to existing conditions on the land being platted, such as the existence of pipelines, bodies of water, ~~100-year~~ floodplains, etc., the ~~commission~~ director may require additional points of access from a collector street to protect health, safety and welfare.

C. *Major thoroughfares and arterial streets.*

1. *General.* Street classification, location and alignment shall be in accordance with the thoroughfare plan and finally determined by the ~~commission~~director.

2. *Right-of-way width and transitions.* The width of the right-of-way to be dedicated for any designated or proposed thoroughfare or collector street shall be in conformance with the thoroughfare plan. In those instances where the proposed subdivision is located contiguous to an existing thoroughfare or collector street having a right-of-way less than that required by the thoroughfare plan, sufficient additional right-of-way must be dedicated to bring the right-of-way width in conformance with the plan. The minimum right-of-way width required for the development of a designated or proposed thoroughfare or collector street must be of sufficient width to accommodate the approved roadway pavement and attendant drainage and utility facilities.

3. *Curves and intersections.* Curves proposed for the right-of-way of designated thoroughfares and collector streets shall be in conformance with the current design criteria. Reverse curves must be separated by a tangent distance of not less than 100 feet. Intersections with public and/or private streets shall be at right angles but may vary upon approval of the ~~commission~~ director after due regard for terrain, topography, sight distances and safety. Where acute angles are approved, a radius of at least 25 feet in the right-of-way line in the acute corner must be provided.

D. *Buffering major thoroughfares.*

1. Where a subdivision abuts or contains an existing or proposed arterial street, the ~~commission~~ director ~~city engineer~~ may require marginal access streets, reverse frontage with screen planting contained in nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. If landscaping or berming is used as a buffer between the major thoroughfare and residential property uses, the subdivider shall provide a ten-foot landscape easement along the major thoroughfare according to the major thoroughfare plan and shall construct sidewalks thereon in accordance with the city design criteria manual and standard construction details.

2. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city ~~under conditions approved by the commission~~.

3. Community Overlay District (COD).

   a. Residential developments not facing a Community Overlay District thoroughfare shall be required to install a visual barrier to a minimum mature height of six feet as measured from the finished grade. The barrier shall be set back from the street right-of-way line by a minimum of ten feet. Various materials may be utilized, including landscaped earth berms, provided the materials are durable and require low maintenance. All barriers shall be maintained by the owner of the property on which such barrier is located, or by a homeowner~~s'~~ association if a homeowner~~s'~~ 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~~.

   b. 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.)

   c. Community Overlay District boundaries and requirements are located in the Zoning Ordinance, Appendix C. Should any portion of this Section conflict with any provisions of the Zoning Ordinance, the Zoning Ordinance shall govern.

4. Street right-of-way widths shall be as shown in the general plan for the city, and where not shown therein shall be not less than as follows:

Street type	Minimum right-of-way width
Major thoroughfare	120 feet
Collector	80 feet
Minor (private and public)	60 feet
Commercial streets	80 feet
Boulevards	100 feet

E. *Partial or half streets.* Partial and half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the ~~commission~~ director finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, the other remaining half of the street shall be platted within such subdivision, in accordance with section II. Appropriate notations and one-foot reserve must be placed upon the plat

restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional right-of-way is acquired providing the full right-of-way as specified in this appendix.

F. *Street names.* Proposed street names shall be submitted to and approved by the ~~planning and zoning commission~~director. Proposed street~~s~~ names, which are ~~in~~ aligned~~ment~~ with other~~s~~ existing ~~and~~ named streets~~,~~ shall conform to the names of the existing streets. Street names cannot be duplicated. Prior to plat approval, the applicant shall submit a list in alphabetical order of all streets within each section of the proposed subdivision.

G. *Gates on private streets.*

1. Entrances to communities with private streets that utilize gates shall be controlled by electrically operated gates which are physically manner or electronically operated on a 24-hour-per-day basis. Where electrically operated, unmanned access gates are in place on private streets, one entrance gate at each entrance must be equipped with a 911 override control switch. For entrances with two gated lanes of entry, only one of these gated entries requires an electronically operated gate. The second one may be manually operated. Construction plans and gate specifications must be submitted to the fire marshal's office and approved prior to installation.
2. The Knox Company Model KS-2 or KS2-P (or approved equal) key operated switches are approved by the fire marshal's office.
3. The 911 override control switch must be installed in a weatherproof box or assembly approved by the fire marshal's office.
4. The 911 override switch must be accessible from the driver's side of every emergency response vehicle.
5. All electrically operated access gates shall have a manual override mechanism for use in the event of a power failure, approved by the fire marshal's office.
6. Electric gates must have a rest button near the override control switch to secure the gates when the emergency is terminated.
7. Streets in existence, finally platted and approved by the city council on the effective date of the ordinance from which this section is derived shall remain as they are; however, new construction of private streets shall provide a ten-foot curb-face to curb-face width. The gates in the fully opened position must provide a minimum of 12 feet clear width.
8. A sensing device that will automatically open the gates for departure or exiting is required. Where manual exit gates exist, at least one gate at each exit shall be equipped with a 911 padlock.
9. A final inspection by the fire marshal's office is required before the gates are operational. Each public safety department shall sign off on the acceptance form.
10. Installation of the 911 override switches on all existing gates shall be accomplished within six months of the effective date of this article from which this section is derived. Gates and 911 switches must be maintained and kept in good working condition.
11. The owner or operator or his agent is responsible for the ordering and the installation of the 911 override control switch. An approved order form must be obtained from the fire marshal's office.
12. Distribution of numbered master keys will be controlled by the city fire marshal's office. Keys shall be distributed to authorized emergency response personnel only. Recordkeeping will be maintained in the office of the fire marshal.

H. *One-foot reserves.* In those instances where any public street is established in a plat submitted to the ~~commission~~ director for consideration and where such street forms a stub street into adjacent acreage or

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

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

I. *Culs-de-sac.*

1. *Length.* The length of culs-de-sac shall not be longer than 750 feet. In cases where proposed subdivisions are surrounded by existing development which precludes compliance with block length standards, the ~~commission~~ director may approve the creation of cul-de-sac streets which exceed 750 feet in length if the turnaround complies with the current design criteria and the subdivider can establish that lots fronting thereon will not, as a result of the length of such street, be deprived of a level of public services which would otherwise be afforded to lots on cul-de-sac streets of 750 feet or less. In considering any such application, the ~~commission~~ director shall consider measures which would ensure:

   a. Adequate water pressure for potable water needs and firefighting capabilities;

   b. The ability of the city to timely provide emergency services; and

   c. That traffic hazards and traffic congestion is not created due to density or number of lots. In achieving these measures, ~~the commission may require~~ the installation~~use~~ of medians, larger lot dimensions, or other alternative solutions ~~deemed appropriate by the commission as may be~~ may be necessary to satisfy the intent of this section. Each application for an extended ~~dead end~~dead-end cul-de-sac street shall be considered on an individual case-by-case basis, and depending on the particular circumstances surrounding the property in question.

2. *Cul-de-sac right-of-way radius.* The proposed cul-de-sac right-of-way and pavement radii shall comply with the requirements of the current design criteria.

3. *Temporary turnarounds.* Temporary turnarounds are to be used where curb and gutter is not installed at the end of the street more than 400 feet long that will be extended in the future and noted thus: "Crosshatched area in temporary easement for turnaround until street is extended (direction) in a recorded plat."

J. *Sidewalks.* Sidewalks are required along all streets.

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

   a. Open ditch streets are approved; or

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

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

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

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

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

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

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

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

K. *Blocks.*

1. The lengths, widths and shape of blocks shall be determined with due regard to:

   a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

   b. Requirements as to lot sizes and dimensions.

   c. Need for convenient access, circulation, control and safety of street traffic.

   d. Limitations and opportunities of topography.

2. Block lengths (measured along the block-face from intersection to intersection between the nearest two streets, or from center of the cul-de-sac radius to the nearest street intersection).

   a. Minimum block length shall be not less than 300 feet, except for culs-de-sac which shall have no minimum length.

   b. Maximum block length for residential: 1,200 feet (see subsection ~~lg of this section~~ for culs-de-sac).

   c. Maximum block length along a major thoroughfare: 1,600 feet, except under special conditions and upon approval of the ~~commission~~director.

3. The ~~commission~~ director may approve the creation of blocks which exceed the maximum length if the subdivider can establish that lots fronting thereon will not, as a result of the length of such street, be deprived of a level of public services which would otherwise be afforded to lots on blocks that do not exceed the maximum length. In considering any such application, the ~~commission~~ director shall consider measures which would ensure:

   a. Adequate water pressure for potable water needs and firefighting capabilities;

   b. The ability of the city to timely provide emergency services;

   c. That a traffic hazard and/or traffic congestion is not created due to density or number of lots; and

   d. Alignment of any street with a block length greater than 1,200 feet does not promote excess speed on the street.

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

4. The proposed street right-of-way and pavement width shall comply with the requirements of the current design criteria.

5. Temporary turnarounds are to be used where curb and gutter is not installed at the end of a street more than 400 feet long that will be extended in the future, and should be noted thus:

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

L. *Street lighting, signage, and signalization.*

1. Street lighting shall be provided in accordance with the city streetlight policy. A proposed street lighting plan shall be indicated on a copy of the final plat of the subdivision. The proposed street lighting plan shall be submitted together with the construction plans for public improvements required by section IV.C.3.b.(1) of this appendix.

2. The developer shall be required to provide and install all traffic signage and signalization determined by the city to be necessary because of the construction of the proposed subdivision. All signs and signals shall be provided in accordance with the state manual of uniform traffic control devices and shall be erected prior to acceptance of the streets by the city.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section VII. Easements.

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

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

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

D. Prior to approval of the final construction plans by the city engineer, the subdivider of any subdivision plat wherein public streets or easements are shown crossing private easements or fee strips shall, by letter to the city, assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines, or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the city prior to the filing of the plat for record.

E. Prior to filing the final plat for record, the following requirements shall be met:

1. The developer or dedicator of any plat shall obtain from the holder of any private easement or fee strip within the plat, crossed by proposed streets or other public easements, an instrument granting to the public the use of said public streets or easements over and across said private easements or fee strips

for construction, operation and maintenance of those public facilities indicated. This instrument shall be delivered with the plat.

2. The developer shall furnish ~~the commission with~~ a letter from the holder of the private easements or fee strips in question, stating that arrangements for any required adjustments on pipelines, electric transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement.

F. *Sidewalk easements.* If sidewalks cannot be placed wholly within the right-of-way and must be placed on private property, easements of the appropriate width shall be required.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section VIII. Lot design requirements.

A. *Lots.*

1. The lot size, width, depth, shape and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Lot dimensions shall conform to the latest zoning ordinance.

3. Corner lots for residential use shall have extra width to permit required building setback from an orientation to both streets.

4. The subdividing of the land shall be such as to provide, by means of a public or private street, each lot with satisfactory access, provided, however, such private streets shall comply with, and are privately maintained to, the requirements for public streets.

5. Double-frontage and reverse-frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages to topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of the lots abutting such traffic artery or other disadvantageous use.

6. Side lot lines shall be substantially at right angles or radial to street lines.

7. The square footage of each lot shall be labeled on the plat. This can be provided for in a table on the plat.

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

C. *Provide required setbacks from pipelines and active wells.*

1. No residential, commercial or industrial structure other than structures necessary to operate the pipeline shall be erected or moved to a location nearer than 50 feet to any pipeline except low-pressure distribution system pipelines as defined in chapter 26 of this Code.

2. No residential, commercial or industrial structure shall be permitted to be built nearer than 150 feet from any active well or related facility other than structures necessary to operate the well or facility.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section IX. Fire prevention and suppression.

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

A. The proposed development shall be served by fire suppression facilities at the time of issuance of the first occupancy permit by an approved public water supply system capable of providing fire flow in accordance with the American Water Works Association and National Fire Protection Association (NFPA) standards for that type of development and all other NFPA codes which may be applicable.

B. Fire protection measures shall be required to progress with construction in planned groups of buildings in accordance with NFPA 1141, Standard for Fire Protection in Planned Building Groups.

C. Private fire service mains and their appurtenances shall be installed in accordance with NFPA 24 Standard for Installation of Private Fire Service Mains and Their Appurtenances.

D. If a water supply does not exist, aboveground water storage tanks may be approved as an alternate water supply. Capacity in gallons per minute and duration shall be determined by the developer with approval of the fire marshal department. Calculations shall be stamped and sealed by a licensed, professional engineer.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section X. Construction plans and specifications.

When a preliminary plat of a subdivision has been approved, the developer shall submit ~~to the city,~~ plans and specifications for all improvements pertinent to said subdivision. All improvements shall be designed and constructed in conformity with the provisions of these regulations and the current design criteria of the city. No construction shall commence prior to compliance with these regulations. It shall be the duty of the subdivider or his engineer to see that this provision is complied with in its entirety.

A. *Submittal Requirements.*

1. Complete ~~A~~application submitted online through the city's public portal.
2. Fee (non-refundable).
3. ~~Two~~A complete set~~s~~ of plans, specifications, and contracts, including performance, payment and maintenance bonds covering said construction~~, shall be filed with the city~~. These shall show such features as required by the current design criteria manual including but not limited to, the following plans: water, sanitary sewer, stormwater, drainage and detention, streetlight plan, traffic control plan, and street sign plans.

B. *Approval.* The city engineer shall, within 30 days of receipt of said plans and specifications, approve same if they conform to the requirements of these regulations and the current design criteria, or disapprove same giving its reasons therefor in writing to the subdivider. Thereafter, when the subdivider has met the objections, if any, the city engineer shall approve the plans and specifications and forthwith deliver same to the subdivider, his agent or his engineer.

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

C. *Inspection Required.* All public infrastructure improvements within all of the area of any subdivision or portion thereof ~~given final approval by the commission~~ shall be inspected by the city engineer and accepted by city council before the plat is filed of record.

The subdivider, owner, and the design engineer responsible for the design improvements shall have the obligation upon acceptance of the preliminary plat by the city to grant the city engineer ~~or his authorized representative~~ the right of ingress and egress for the purpose of inspection of the facilities under construction. If at any time during the construction of the proposed improvements the city engineer ~~or his authorized representative~~ finds the improvements not to be in conformance with the plans and specifications of the proposed improvements and the ~~city~~ subdivision ordinance or current design criteria, the city engineer ~~or his representative~~ will hereby be given the authority to cause the subdivider, owner, and the design engineer for the improvements to cease all operations within the property boundaries of the approved plat until all deficiencies are corrected to conform to the ~~city~~ subdivision ordinance and current design criteria.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XI. Engineering and construction standards.

A. *Adoption of minimum standards.* The city design criteria manual shall provide the city's technical details for infrastructure improvements and shall be updated from time to time and adopted by ordinance following a public hearing~~resolution~~. The current design criteria for the city for infrastructure improvements shall be complied with in each subdivision before final approval of a plat by the ~~commission~~director. The current approved version shall be kept on file with the city secretary and the city engineer. An electronic version shall be accessible on the city website.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XII. Tree preservation, mitigation, and maintenance.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XIII. Parks and recreation areas.

A. *Purpose.*

1. This section provides recreational areas in the form of city parks as a function of subdivision development in the city. This section is enacted in accordance with the home rule powers of the city under the state Constitution, and the statutes of the state, including, but not by way of limitation, V.T.C.A., Local Government Code Chapter 212.

2. Park areas shall be recommended by Keep Friendswood Beautiful and shall be shown on an official parks and recreation map for the city, which shall be adopted and may be modified from time to time

by the city council. Proposed city parks and recreational areas will be established by review with the developer and city staff at the earliest possible stage of development planning, and a proposed subdivision or development shall be reviewed in its entirety and not by sections or phases.

3. The primary cost of city parks should be borne ultimately by residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. New residents will increase the demands for parks proportionally, and new growth should bear their share of the costs of those facilities. Therefore, the following requirements are adopted to effect the purposes herein stated.

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

1. Whenever a final plat is filed of record with the county clerk for development of a residential area in accordance with the platting and zoning regulations of the city, such plat shall contain a clear fee simple dedication to the city of an area of land for park purposes, which area shall be equal to one acre for each 133 proposed dwellings, based on the proposed subdivision or development in its entirety and not by sections or phases. Any proposed plat submitted to the city for approval shall show the parkland proposed to be dedicated under this subsection. The dedication required by this section may be met by a payment of money in lieu of land when permitted or required by the other provisions of this subsection. The dedication required by this section should be in accordance with goals outlined within the city parks and open space master plan, or be located at the site for an identified existing park.

2. The city council declares that development of an area smaller than five acres for the purpose of a city park is impractical. Therefore, if fewer than 655 dwellings are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amounts provided by subsection D of this section, rather than to dedicate any land area. In most instances, no plat showing a dedication to the city of less than five acres shall be approved; provided, however, that the city may accept smaller parcels where such proposed dedication is in the best interests of the city, such as when a smaller parcel is adjacent to an existing park or future park site.

3. Developers should evaluate their proposed development and proposed dedication with city staff to ensure that as soon in the development process as possible the land dedicated is usable for city parks purposes.

4. A dedication required by this section shall be made in accordance with subsection D.1. of this section. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, an additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by subsection D of this section.

C. *Timing of dedication or payment of fees in lieu of land.*

1. Parkland shall be dedicated to the city at the time of filing of the final plat of the first phase and section, if a phased development. The dedication shall be made contemporaneously by separate instrument and must be accepted by the city council prior to the filing of the final plat. Lack of acceptance of such dedication shall preclude the filing of the final plat and shall not relieve the subdivider of complying with the requirements of this section. Where a dedication of parkland for the entirety of a phased development is proposed, the parkland shall be shown on the plat, if included within the first phase, and dedicated by separate instrument, or dedicated by separate instrument if located outside of the first phase of development, at the time of filing the final plat for the first section of such phased development.

2. Payment of fees in lieu of land for single-family residential developments shall be done at the time of filing of the final plat. Where payment of fees in lieu of land for parks for the entirety of a phased development is planned, such payment may be made in full for all phases of the proposed

development at the time of filing of the plat for the first phase, or payment of fees in lieu of land for each section of a phased development may be made at the time of filing of the final plat for each phase or section, at the discretion of the developer.

3. Payment of fees in lieu of land for multi-family residential developments shall be done at the time of site plan approval, prior to the issuance of building permits.

D. *Fees in lieu of land.*

1. Any landowner responsible for dedication under this section shall review their proposed development with city staff, including Keep Friendswood Beautiful on recommendation of staff, prior to or simultaneously with making any formal application to the city, for the purpose of evaluating compliance with this section. If no agreement is reached between the developer and city staff, then within 14 days from receipt of a written request by the developer, city staff shall submit the issue to Keep Friendswood Beautiful. If Keep Friendswood Beautiful can reach an agreement with the developer, that recommendation shall be final, subject to the acceptance of such dedication by city council as described in this subsection D. If Keep Friendswood Beautiful cannot reach an agreement with the developer, the ~~planning and zoning~~ commission shall hear the issue at its next meeting, and shall make the final decision. This decision is final unless there is a substantial change in conditions. Generally, the landowner will have the option to dedicate land or pay fees in lieu thereof. However, the city expressly reserves the right to require dedication of land rather than accept fees in instances including, but not limited to, the proposed development is adjacent to an existing city park or in areas in which additional parkland is desired.

2. As provided above, any landowner responsible for dedication under this section shall, when permitted, meet the requirements of subsection C of this subsection or this subsection D in whole or in part by a cash payment in lieu of land, in the amount set forth in this section. Such payment in lieu of land shall be made at or prior to the time of final plat approval for city parks as described in subsection C.1. of this section.

3. A per-dwelling unit fee shall be set by resolution and printed in from time to time by the city council, incorporated in the fee schedule, Appendix D to this Code, in amounts sufficient to acquire land and provide for adjacent streets and utilities for a park.

E. *Parkland dedication fund.*

1. There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section or any preceding ordinance, which fund shall be known as the "parkland dedication fund." Funds shall only be released from the parkland dedication fund upon city council approval of a plan to utilize the funds to build or enhance an existing park or purchase land for a future park.

2. The city shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds paid for such purpose must be expended by the city within ten years after the filing of the final plat, or the filing of the final plat of each phase or section of the contributing subdivision, if a phased development. If not so expended, the owners of the property beginning on the first day after the expiration of such ten-year period shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owners of such property must request such refund within one year of entitlement. Such request must be made in writing to the city manager or his/her designee or such right shall be barred.

3. Where funds or a dedication for a phased development have been paid or made for the entire development at one time, and the original developer does not complete all phases of the entire development, credit for such prior dedication or payment shall be applied to subsequent plats for the same land on a pro rata basis. Increased density will require the dedication of additional parkland or payment of additional fees.

F. *Additional requirements.*

1. Any land dedicated to the city under this section must be suitable for park and recreation uses. The following characteristics of a proposed area are preferred wherever possible:

    a. The city reserves the right to decline any dedication of proposed parkland if it is determined to be in the best interests of the city.

    b. Park sites should preferably be located so that users are not required to cross arterial roadways to access them.

    c. Sites should be located adjacent to schools, where possible, in order to encourage both shared facilities and the potential co-development of new sites.

    d. Sites should be located adjacent to a greenbelt system, where possible, so that connections to a trail network may be easily achieved.

    e. Sites should not have unusual topography which would render the land unusable for organized recreational activities where these activities are necessary to the type of park.

    f. Sites should have and retain existing trees or other scenic elements.

    g. Land subject to an easement or a right-of-way shall comprise no more than 25 percent of the total land dedicated under the provisions of this section. In addition, any land that is subject to an easement or a right-of-way and which is dedicated under this section must be contiguous with the other area dedicated to the city and must conform to all other requirements of this section.

    h. All offers of dedication must be accompanied by a phase one environmental study verifying the absence of conditions which would inhibit or prohibit its future use and development as park facilities.

2. Parks should be easy to access and be open to public view so as to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. The following guidelines should be used in designing parks and adjacent development:

    a. Where physically feasible, parks should be bounded by streets, or by other public uses (e.g., school, library, recreation center).

    b. A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions. Street or pedestrian connections to existing and future adjoining subdivisions may be required to provide reasonable access to parks.

    c. Where a nonresidential use directly abuts a park, the city may require the developer to construct, at his expense, screening of a minimum height of eight feet. The screened area must be landscaped on the park side. Access points from the nonresidential use to the park may be permitted.

    d. Alleys may abut a park, where otherwise allowed by ordinance, but they should not be designed to encourage motorized traffic to the park.

    e. Streets abutting a park shall be built in accordance with the thoroughfare plan and the standards of this section, provided, however, the city may require any residential street built adjacent to a park to be constructed to collector width to ensure access and prevent traffic congestion, subject to a proportionality review of the impacts generated by the subdivision, provided, further, that the city may enter into a development agreement with the subdivider to share the costs of street construction for abutting streets.

    f. Wildlife, existing trees and shrubs on the site shall be preserved to the greatest extent practicable.

g. A park shall not have impervious cover exceeding 20 percent of the open space area.

3. When parkland is acquired, the city shall reserve sufficient land to provide a minimum of 50 percent of the total street width where a street is required to abut a park.

4. In all cases, the city shall review and may require modification of the proposed street alignment fronting on city parks and recreation areas. Developers should also provide, where possible, street or pedestrian access to all creeks or drainageways which are maintained by a homeowner association or dedicated as a drainage and floodway easement to the city or the applicable drainage district.

5. Drainage areas may be accepted as part of a park if the drainage facilities are constructed in accordance with city engineering standards, and if no significant area of the park is cut off from access by such drainage facilities. Where the city has designated a floodplain as part of the city park system, the park design shall provide public access for all areas of the park.

6. Any parkland proposal considered by the commission under this section shall have been reviewed by the director of ~~community services~~parks and recreation and his recommendation given to the commission. The commission may make a decision contrary to such recommendation by a simple majority vote.

G. *Partial credit for land, private parkland, private recreation facilities, or open space.* Keep Friendswood Beautiful, upon an affirmative recommendation of the director of parks and recreation~~community services~~, may reduce the amount of parkland to be deeded to the city or reduce the fees in lieu of parkland to be paid to the city as provided below.

1. A reduction from the initial parkland dedication requirement may be made where parkland within the same park area as the subdivision which generates the required conveyance is dedicated for a private park. For purposes of this subsection, the private parkland dedication shall meet the following minimum requirements:

   a. The park area shall be leveled and seeded by the subdivider to produce green space. The city will determine if the parkland can be left in its natural state;

   b. The park area shall be located within the subdivision generating the parkland requirements; and

   c. Restrictive covenants shall be filed of record in the appropriate county providing for the creation and operation of a homeowner association to maintain and improve such private park area, or, in the case of such private park area within a multifamily development, such as an apartment complex, provide for maintenance and improvement by the owners of the multifamily development.

2. A reduction from the initial parkland dedication requirement may be made for recreational improvements made to private parkland within the same park area as the subdivision which generates the required conveyance. Such recreational improvements to parkland may include, but are not limited to, the following: children's play apparatus, landscaped areas, picnic areas, game court areas, playfields, swimming pools, and recreation center buildings and facilities. All improvements shall meet the same applicable regulations or codes as for like improvements on public property.

3. A reduction from the initial parkland dedication requirement may be made for common open space, whether public or private, within the subdivision which generates the required conveyance. Such open space may be in the form of greenbelts along creek beds, or around the perimeter of the subdivision, and may include improvements such as hike and bike trails. In no case shall credit be given under this subsection for landscaped or seeded medians. A further reduction may be given where the common open space is linked with undeveloped or developed parkland or other recreational facilities.

4. In order to receive the credits under subsections G.1., 2., or 3. of this section, the subdivider shall provide documentation to the director of parks and recreation ~~community services~~ at the time of final

plat filing sufficient to establish the validity of the estimated costs that will be used to determine the reduction under this subsection. In the event that the developer proposes to construct the improvements at a later date, as in a phased development, the city may require that the developer obtain a surety bond, performance bond, or other form of guarantee that the recreational amenities will be installed within four years from the date of filing of the final plat of the first phase of the phased development. The director of parks and recreation ~~community services~~ shall evaluate the documentation submitted and shall approve the value prior to any reduction being given under this subsection. Credits are cumulative, but in no case shall credits given under this subsection exceed 100 percent of the total dedication of land or fees required for city parks under this appendix. In cases where the estimated costs of the improvements are disputed, the value shall be as finally determined by the director of the parks and recreation~~community services~~. If no agreement is reached between the developer and city staff, then within 14 days from receipt of written request by the developer, city staff shall submit the issue to Keep Friendswood Beautiful. If Keep Friendswood Beautiful can reach an agreement with the developer that recommendation shall be final. If Keep Friendswood Beautiful cannot reach an agreement with the developer, the ~~planning and zoning~~ commission shall hear the issue at their next meeting and shall make the final decision. This decision is final unless there is a substantial change in conditions.

5. A credit may be given of up to 50 percent of the total dedication of land or fees required under this appendix where the developer makes improvements to public parks, as described under subsection G.2. of this section.

6. Credit for city parks may be based on previously installed amenities within a phased development, where amenities and recreational improvement have been constructed in earlier phases, where no parkland dedication was required, subsequent phases for which park dedication is required, may count those previously installed amenities. Under no circumstances will double credit be given for a previously installed amenity.

H. *Minimum park improvement standards.* Prior to acceptance by the city and prior to the filing of the final subdivision plat, any parkland dedicated to the city, or developed as a private park for credit against parkland dedication under this section, shall meet the following minimum standards:

1. The public park area shall be leveled and seeded (as deemed necessary by the city) by the subdivider to produce green space prior to the completion of the first phase of the development of the subdivision, if the development is being executed in phases. Existing trees and shrubs on the site shall be preserved to the greatest extent practicable. The subdivider will be responsible for the maintenance of the public park area for a minimum of one year after the completion of the subdivision (or the completion of the final phase or section of the subdivision), at which time the city will assume maintenance responsibilities in the park. The subdivider is also responsible for notifying each homeowner in the subdivision of the existence of any private park area and its conditions of ownership.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XIV. Fees.

A. *Platting fees.* Subdivision plats submitted ~~to the commission~~ for approval ~~under the method provided for herein~~ shall be accompanied by ~~a check payable~~ payment to the city according to the fee schedule as set fortht ~~by resolution and printed~~ in Appendix D ~~to~~of this Code.

B. *Filing fees.* The subdivider shall be responsible for providing the city a check payable to the county in which the final plat is to be filed. The amount shall be determined by the county clerk's office of the appropriate county and shall cover the full cost of filing the plat and any associated documents required ~~as part of the approval issued by the commission~~.

C. *Construction plans and specifications review fees.* The city reserves the right to assess fees based upon the actual costs incurred by the city for multiple iterations of reviews of construction plans and specifications as set by resolution and printed in Appendix D to this code.

D. *Impact Fees.* The City of Friendswood has elected to adopt Water and Wastewater Impact Fees to assist in the financing of Capital Improvements for those systems that are necessitated for growth and development anticipated within the city, as authorized by V.T.C.A., Local Government Code Chapter 395. The fees are reassessed every five years and are defined in Appendix D to this Code. Fees are payable at the time of building permit issuance.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XV. Variances.

A. The ~~planning and zoning~~ commission may grant a variance to any of the provisions of appendix B, except for requirements in the city's adopted engineering and construction standards, pursuant to the procedures set forth in this section and upon a showing by clear and convincing evidence by the applicant that:

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

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

C. The application fee and procedures for a public hearing and provision of notice shall be the same as established by the city for a rezoning request~~, except that the applicant shall include a copy of this section with any notice that the applicant is required to mail~~.

D. The ~~planning and zoning~~ commission may, by affirmative vote of at least three-fourths of its members present and voting, grant a variance to the regulations of appendix B if it finds, by clear and convincing evidence, that all of the following criteria are met:

1. There are unique conditions peculiar to the subject parcel or tract that do not exist on adjacent parcels or tracts;
2. Strict application of appendix B deprives the applicant of rights commonly enjoyed by other land in area or land with similar uses;
3. The variance, if granted, does not frustrate the intent and purpose of appendix B and community, neighborhood, and other applicable land use and development plans, and will not adversely affect property or property values in the vicinity of the subject site;
4. Conditions supporting the granting of the variance request are not self-created by disregard or ignorance of federal, state, or local codes and/or ordinances; and

5. The variance is tailored as narrowly as possible while still granting the relief sought.

E. Factors that may not be considered to support the granting of a variance include, but are not limited, to the following:

1. Personal and/or economic hardship;

2. Misrepresentation of property conditions, uses, or regulations by a seller or agent;

3. Errors made by a surveyor, contractor, or builder;

4. Increasing the profit, income, or competitive advantage of the applicant; and

5. Threats to locate or relocate outside of the city, or cancel or scale back a project, if a variance is denied.

F. The applicant bears the burden of proof to demonstrate that the requirement(s) of appendix B from which a variance is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the applicant. The applicant shall submit statements, studies, and any other relevant information. ~~as may be required by the city planner to substantiate the claim(s) for which a variance is requested. If any information is so required, the application for variance shall be deemed complete only upon the submittal of all such required information. The planning and zoning commission and/or city council during review and consideration of the request may require additional studies or information from the applicant, which additional information must be submitted before any action may be taken on the variance application. The offer or submittal, at any stage of the variance application process, by the applicant of any information that proves to be false shall cause the variance request to be denied. If a variance request is approved based upon information offered or submitted by the applicant, without regard to the applicant's knowledge of the falsity of said information, and subsequent to the approval of the variance the approving authority finds said information to be false by a preponderance of the evidence, the variance shall be considered null and void as of the date of that finding and the approving authority shall reconsider the variance request in light of the corrected information.~~

G. The decision of the ~~planning and zoning~~ commission on a variance request may be appealed within 14 days of said decision by filing with the city:

1. The applicant's written appeal; or

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

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XVI. Conflict with other ordinances.

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

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Section XVII. Extraterritorial jurisdiction.

A. The provisions of this appendix are hereby extended in their application to include all of the area within the extraterritorial jurisdiction of the city. The provisions of this appendix shall have the same force and effect

within said area of extraterritorial jurisdiction as within the corporate limits of the city, except as provided in subsections B and C of this section.

B. No violation of any provision of this appendix outside the corporate limits of the city, but within such city's area of extraterritorial jurisdiction, shall constitute a misdemeanor under this appendix, nor shall any fine provided for in this appendix be applicable to a violation within such area of extraterritorial jurisdiction.

C. In the event any provision of this appendix or revision to same is violated within the area of extraterritorial jurisdiction of the city, ~~and outside its corporate limits,~~ the city may institute any appropriate action or proceedings in the district court to enjoin the violation of such appendix.

(Ord. No. 2021-33, § 2(Exh. B), 12-6-2021)

Planning & Zoning Commission

Recommendation Memo

To: Mayor and City Council

From: Thomas Hinckley, Planning & Zoning Commission Chairman TH (ADH)

Aubrey Harbin, Director of Community Development/Planner

Date: April 20, 2026

Re: Proposed amendments to Appendix B, Subdivisions, to authorize staff to approve plats except in certain situations and to make minor administrative corrections.

At the Planning and Zoning Commission meeting held April 20, 2026, following the public hearing, the City of Friendswood Planning and Zoning Commission voted 6-0 (all commissioners were present; we currently have one vacancy) on a motion to disapprove authorizing staff to approve plats, but to approve the minor administrative corrections.

The commissioners agreed that while efficiency and streamlining processes in some cases is helpful, that it would not necessarily be helpful in this case. Some positive aspects of allowing staff to approve plats include saving time for the developers and applicants, reducing the number of meetings that commissioners and staff must attend, streamlining the development process, and reducing preparation time for staff.

The cons of making the change to allow staff to approve plats lacks the opportunity for citizens to provide input and public comments, lacks extra oversight on projects, and omits the process to hear questions and concerns from citizens. Sometimes it is helpful to hear ideas, thoughts, and concerns from citizens to incorporate into the decision-making process. The commissioners feel that public feedback is important, and they like being involved in the process. Friendswood is nearing a built-out scenario, and the commissioners agree that many approvals are not going to be routine in nature. Special considerations may be needed in relation to development of property.

The commissioners emphasized and agreed that this recommendation is not a reflection on the ability of staff to perform these duties well; they feel that presenting plats to the commission in a public meeting is an important part of the process. Several commissioners indicated that they were approached by many citizens who were concerned about this change. Ultimately, the commissioners agreed that the cons outweighed the pros and did not approve of making the change to allow staff to approve plat; they did agree that they are not opposed to the minor administrative changes.

One representative of the public attended the meeting and expressed the importance of plats and site plans being placed on agendas of public meetings so that residents can stay informed and provide input as needed. He stated that government processes are not intended to be convenient. He also stated that people need to know what is happening around them.

The commission is forwarding a negative recommendation regarding authorizing staff to approve plats but also forwarding a positive recommendation regarding the minor administrative corrections to the Subdivision Ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING APPENDIX B "SUBDIVISIONS" OF THE FRIENDSWOOD CITY CODE TO AUTHORIZE THE DIRECTOR OF COMMUNITY DEVELOPMENT TO APPROVE PLATS EXCEPT IN CERTAIN SITUATIONS CONSISTENT WITH LOCAL GOVERNMENT CODE CHAPTER 212.0065 AND TO MAKE MINOR ADMINISTRATIVE CORRECTIONS; PROVIDING A MAXIMUM PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS ($500.00); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

****

WHEREAS, in accordance with the Friendswood City Code and all applicable laws, the Planning and Zoning Commission and the City Council conducted public hearings concerning the amendments contained herein to Appendix B "Subdivisions" of the Friendswood City Code, allowing all interested parties the opportunity to be heard; and

WHEREAS, after the public hearing on the proposed amendments and after having considered the amendments and public testimony, the Planning and Zoning Commission filed a final report and recommendation with the City Council to deny the delegation of additional plat approval authority to the Director of Community Development but to approve the minor administrative corrections contained in this ordinance; and

WHEREAS, in accordance with the Friendswood City Code and all applicable laws, the City Council has determined that all public notices have been posted and published and all required hearings on this matter have been held; and

WHEREAS, the City Council further finds that this ordinance complies with the applicable provisions of the City Charter, City Code and all other applicable laws; and

WHEREAS, the City Council deems it appropriate to approve the amendments contained herein; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. The facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2. That Appendix B "Subdivisions" of the Friendswood City Code is hereby amended to read as follows:

See Exhibit "A,"
which is attached hereto and incorporated herein for all intents and purposes.

Section 3. A violation of this ordinance is subject to the penalty provisions contained in Section 1-14 of the Friendswood City Code and as otherwise provided by law. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence fail to comply with any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an

amount not to exceed FIVE HUNDRED AND NO/100 DOLLARS ($500.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

Section 4. That all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby expressly repealed.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Friendswood, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. The City Secretary shall give notice of the enactment of this ordinance by promptly publishing the caption of this ordinance after final passage in the official newspaper of the City.

Section 7. This ordinance shall take effect upon its publication.

INTRODUCED, READ, AND PASSED on first and final reading by the affirmative vote of the City Council of the City of Friendswood this 4th day of May, 2026.

_____
MIKE FOREMAN, Mayor

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

_____
KAREN L. HORNER, City Attorney

EXHIBIT "A"

Appendix B. SUBDIVISIONS

Section I. Purpose.

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

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

B. The city council may, through a Planned Unit Development (PUD) ordinance, approve standards different from those contained in this appendix or the design criteria manual. Where different standards are approved, whether those standards are more stringent or less stringent, they shall control. In no case shall a PUD decrease a required life safety code.

C. When considering the placement of streets and utilities within proposed subdivisions, the developer shall preserve all natural features such as large trees, watercourses, historical spots, and similar community assets which will add attractiveness and value to the property unless such preservation results in an economic penalty of such magnitude that development of the land is infeasible.

Section II. Statutory authority; jurisdiction.

In pursuance of the authority granted to cities under the constitution and laws of the state, the city council does hereby adopt the rules and regulations in this appendix governing the subdivision and development of land within the city limits and the city's extraterritorial jurisdiction. Where there is any conflict in the subdivision ordinance or with other ordinances, the more restrictive shall apply.

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

B. *Plat approval required.*

1. It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the city or its extraterritorial jurisdiction unless and until a preliminary and final plat of such subdivision has been approved, or an exemption satisfied, in accordance with the terms of this appendix. Unless and until a preliminary and final plat, amending plat or replat of a subdivision shall have been first approved in the manner provided herein or an exemption satisfied, it shall be unlawful for any person to construct or cause to be constructed any street, utility, facility, building, structure, or any other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted herein.

2. No building, plumbing, electrical or mechanical permit shall be issued by the city for the construction of any structure on a lot or tract in a subdivision for which a final plat has not been approved and filed for record or certificate of exemption issued. No site plan shall be approved by the city for the construction of any structure on a lot or tract in a subdivision

for which a final plat has not been approved, or certificate of exemption issued. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot or tract in a subdivision in which the permanent public improvements have not been approved and accepted by the city.

3. Large tract division. A division of land under subsection B.1 of this section does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. Access shall be satisfied by compliance with section VI.A.I.a. Upon request by the owner of a tract resulting from this division who qualifies, the city must issue a certificate of exemption certifying that the division meets this exception.

4. Partial plat approval. Notwithstanding section II.B.1., a subdivision plat need not include all of a tract being divided if:

    a. General.

        (1) The portion of the tract being divided but not included within the plat boundaries is not intended to be a part of the development reflected in the proposed plat; or

        (2) If some or all of the portion being divided but not included within the plat boundaries is intended to be a part of the development reflected in the proposed plat, then such part may be platted in a subsequent phase of the development, provided the person dividing the property submits a master plan pursuant to section IV.C.1. that meets with city approval;

    b. The tracts being divided:

        (1) Each have access that complies with section VI.A.I.a.; and

        (2) Each are greater than five acres in size;

    c. Excluding the portion of the tract being divided but not included within the plat boundaries will not substantially alter or impede any pending or anticipated development;

    d. The boundaries of the portion of the tract not included within the plat are depicted and identified on the plat of the subdivision by dashed lines as provided for by section IV.C.2.b.(1)(b), and with a notation thereon indicating that development of such tract is contingent upon a subdivision plat thereof being filed and approved by the city, if such plat is required;

    e. The plat application includes an acknowledgement, executed by the owner of the tract being divided, confirming that development of the portion of the tract not included within the plat boundaries would be contingent upon a subdivision plat being filed and approved by the city, if such plat is required, in accordance with the rules and regulations of the city governing plats and the subdivision of land in effect at the time the application for plat approval for such portion is sought; and

    f. The general purposes of this appendix will be served without the necessity of including such tract within the boundaries of the plat.

5. Upon request by the owner of the tract resulting from a division under section II.B.4.a.(1) that is not intended to be a part of the development reflected in the proposed plat, and who qualifies, the city must issue a certificate of exemption certifying that the division meets this exception.

C. *Authority.* The city shall not repair, maintain, install or provide any street or public utility service, nor authorize the sale or supply of water or sewer service, in any subdivision for which a final plat has not been approved and filed for record. The city shall not repair, maintain, install, or provide any street or public utility service, nor authorize the sale or supply of water or sewage service, in any subdivision in which the permanent public improvements have not been approved and accepted by the city.

D. *Exemptions.* The provisions of these subdivision regulations shall not apply to:

1. *Annexed and consolidated areas.* Land legally platted and approved prior to the effective date of the city's subdivision regulations with frontage on an existing, improved public street and with all utilities and public infrastructure needed to serve the land.

2. *In-fill tract.* Land constituting one or more contiguous tracts with total acreage of less than five acres with frontage on an existing, improved public street and with all utilities and public infrastructure needed to serve the land, for which a legal deed of record describing the boundary of said tract or parcel was filed of record in the deed records of the county clerk of the appropriate county on or before the effective date of the ordinance from which this appendix is derived.

3. *Certificate of platting exemption.* Upon request by the owner of a tract who qualifies for an exemption under subsections D.1. or D.2. of this section, the city must issue a certificate of platting exemption certifying that the division meets this exception.

Section III. Definitions.

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

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

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

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

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

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

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

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

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

Comprehensive plan means the general plan adopted by the city council for the growth and development of the city and its environs, including any and all elements of such plan, addressing such topics

as land use, streets and thoroughfares, utilities, drainage, parks, community facilities and schools, as well as other related topics or plans.

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

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

Development Meeting is an informal process to allow an exchange of information between the developer and city staff.

Director means the director of community development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) *Major thoroughfares or arterial streets* means principal traffic arteries more or less continuous across the city and which are intended to connect remote parts of the city and which are used primarily for fast or heavy-volume traffic.

(2) *Collector streets* means streets which carry traffic from minor streets to the major system of arterial streets and highways; said street may service commercial or industrial areas.

(3) *Minor streets* means streets which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited area.

(4) *Boulevard* means streets utilizing opposing travel lanes separated by a landscaped median, which serves to separate traffic moving in opposite directions.

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

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

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

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

Section IV. Plat submittal and filing procedures.

A. Prior to the submission of the preliminary plat, the subdivider shall schedule a development meeting to confer with the community development department staff on an informal basis to receive comments

and advice on the procedures, specifications and standards required by the city as conditions for subdivision plat approval. At this meeting, staff shall also discuss the proposed plat and its conformity with the comprehensive plan, its relationship to surrounding property, availability of utilities, drainage, street pattern, and any other matters.

B The community development department is responsible for accepting plans, plats, and other development-related documents, and is authorized to establish in writing the information that must be submitted, including the form and manner of submission. Incomplete applications shall not be accepted..

1. *Master plan.* Master plan procedures are as follows:

   a. The master plan shall be submitted to the community development department with the following:

      (1) Completed application submitted online through the city's public portal.

      (2) Review fees (non-refundable).

      (3) Overall map of total property, showing blocks, lots, reserves, street layouts, etc.

      (4) Stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc.

      (5) Wastewater overlay or plan view indicating the proposed ultimate capacity needs.

      (6) Water main overlay or plan view indicating the proposed ultimate capacity needs.

      (7) Tree preservation, mitigation, and maintenance plan.

      (8) Traffic study, if required per the Design Criteria Manual.

      (9) Original boundary and topographic data shall be certified by a registered professional land surveyor. Also, any area to be filled will be shown, with approximate proposed elevations.

      (10) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

   b. Staff comments shall be addressed prior to approval by the commission. Said decision will be based upon a determination that the master plan meets the requirements of this article and all other applicable city ordinances and regulations. The master plan shall be subject to approval by the commission in concept only.

   c. The master plan shall expire after two years from the date of approval, unless one of the following occur:

      (1) An application for a permit (including a plat) necessary to begin or continue towards completion of the project is submitted;

      (2) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located; or

      (3) Fiscal security is posted to ensure performance of an obligation required by the regulatory agency.

d. All master plans that are associated with planned unit developments ("PUDs") are also subject to the requirements in the zoning ordinance.

2. *Preliminary plat.* Preliminary plat procedures are as follows:

a. *Submittal requirements.* The plat shall be submitted to the planning department with the following:

(1) Completed application submitted online through the city's public portal.

(2) Review fees (non-refundable).

(3) A certificate or letter from a title guarantee company or a title attorney indicating a current search (within 45 days of submittal to the city) and certifying to at least the following concerning title to the land: A statement of records examined and date of examination; description of the property in question, including a metes and bounds description of the tract; name of the fee owner as of the date of examination, and the date, file number, date of filing, and volume and page of any lienholders; and general description of any easements or fee strips granted along with the file number, date of filing, and volume and page of recording.

(4) Certification stating that all current city, county, school, utility, or other governmental entity taxes due and payable have been paid for; a tax certificate from the city, county, school, utility, or other governmental entity in which the land being platted is located showing no delinquent taxes are due on the property being platted.

(5) The draft of any protective covenants whereby the subdivider proposed to regulate the use of land in the subdivision, provided however, that such restrictive covenants, conditions, or limitations shall not be less than the minimum requirements of the city under the terms of these regulations.

(6) Reserved.

(7) Reserved.

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

(9) Preliminary stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc., if not previously submitted in conjunction with a master plan.

(10) Preliminary wastewater overlay or plan view, if not previously submitted in conjunction with a master plan.

(11) Preliminary water main overlay or plan view, if not previously submitted in conjunction with a master plan.

(12) Tree preservation, mitigation, and maintenance plan.

(13) Traffic study, if required per the Design Criteria Manual.

(14) A list of deviations from the master plan made to the plat by the applicant. Significant changes will require submittal of a revised master plan.

(15) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

b. *Graphic requirements.* Preliminary plats shall show the following graphic information:

(1) Title of plat shall show:

(a) Proposed name of the subdivision, which must not be similar to that of an existing subdivision as to cause confusion.

(b) Legal description of subdivision, including the name of the county and surveying abstract number.

(c) The number of lots, blocks, and reserves and the total acreage in the title block.

(d) Name and address of owner. If owner is a company or corporation, name of the principal officer or owner of the entity responsible for the subdivision must be given.

(e) The name of the registered professional engineer and/or registered public surveyor responsible for the survey and design. If different from the surveyor of the boundary, so indicate.

(2) The scale must be drawn numerically and graphically shown on the plat. Graphic scale of 100 feet to the inch or larger.

(3) A north arrow (true or magnetic indicated on the plat) shall be provided on the plat. North shall be oriented to the top of the plat if possible, or at the left side.

(4) The date on which the plat was drawn shall be indicated on the plat. Each revision shall bear a new date, (month, day and year).

(5) Key map or vicinity map, preferably in the top right corner of the plat, showing orientation of the area being subdivided in relation to adjacent areas and principal streets. The suggested scale of the vicinity map is one-inch equals 2,000 feet and shall be oriented in the same directions as the detailed subdivision drawing.

(6) Location and length of boundary lines.

(a) Area to be subdivided drawn in heavy lines with overall dimensions and bearings.

(b) Lines outside of boundaries to be dashed.

(c) An accurate location of the subdivision should be provided by reference to a well-established survey or league corner, subdivision corner, or other known point.

(7) The width, depth and location of all lots. Lot, block, and section numbers shall be placed consecutively.

(8) All restricted reserves including parks and facilities, landscape amenities, parkland dedication, and utility areas shall be clearly labeled on the plat with both the acreage and the intended restricted use. Development of a restricted reserve shall be limited to the designated use. Restricted reserves shall not be converted to residential lots or used for a purpose other than the designated use without the approval of a replat.

(9) Describe the subdivision by metes and bounds.

(10) Street names shall not be duplicated in the city.

(11) The location and width of existing and proposed streets (public and private) within the subdivision and immediately adjacent to it shall be shown, measured at right angles, or radially when curved.

(12) The alignment of proposed streets with existing city streets.

(13) Street design dimensions or a reference to the minimum standards for tangents, arcs, radii, etc.

(14) Name, location, width and purpose of all existing and proposed easements.

(15) Existing and proposed utilities on and adjacent to the tract up to a distance of 200 feet. Sizes of existing utilities and the location of proposed junctions with the existing system shall be shown.

(16) Vertical control monuments are to have half-mile maximum spacing. All elevations, based on current National Geodetic Survey, will be registered with the city engineer upon plat submittal.

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

(18) Special Flood Hazard Areas. A statement shall be included on the face of the plat that the property does or does not lie within a special flood hazard area. Also, the location of special flood hazard boundaries shall be indicated upon the face of the plat where the boundary divides the subdivision area.

(19) Names of subdivisions, streets, watercourses, pipelines and easements up to a distance of 200 feet. If adjacent property has been subdivided into residential lots, adjacent individual lot addresses will be shown. If adjacent property is acreage, adjacent property ownership will be shown.

(20) Additional land in the area adjacent to the subdivision in which the applicant has legal interest.

(21) The name of the subdivision, street names, title block information, special notes, dedication and notary statements, and ownership certificate language are subject to review and acceptance by the city.

(22) The applicable row(s), column(s), and notes from the Regulation Matrix per Appendix C, Zoning Ordinance.

c. *Expiration*. Approval shall expire six months after the date of approval of the preliminary plat, or of final sections of a preliminary plat, except that if the subdivider shall apply in writing prior to the end of such six-month period, stating reasons therefore, an extension may be granted by the authority that approved the plat upon a showing of good cause, for a single extension of six months.

d. The subdivider may, at his discretion, after approval or conditional approval of a preliminary plat, file a final plat or plats covering a portion of the preliminary plat. The remainder of the preliminary plat shall be deemed as approved or conditionally approved as in section V of this section, provided, however, that such approval or conditional approval of the remainder of the preliminary plat be limited to a two-year period after approval of the pertinent final plat or plats. Prior to the end of such two-year period, the subdivider may apply, in writing, for a one-year extension of the preliminary plat stating

the reasons for the extension. The authority that approved the plat may, upon a showing of good cause, grant a single extension of up to one year.

3. *Final plat.* Final plat procedures are as follows:

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

   b. *Submittal requirements.* After the foregoing procedure has been complied with and the preliminary plat approved or conditionally approved, the subdivider shall prepare or cause to be prepared a final plat, or plats, together with other supplementary information as specified herein.

      (1) Construction Plans and Specifications in accordance with Section X. Plan profiles of all private and public infrastructure (including but not limited to, water and sewer lines, drainage and detention areas, utilities, berms, roads, sidewalks, fences, and hike and bike trails) shall be submitted and approved by the city engineer.

      (2) Utility companies' statements that easements are acceptable to provide service and no other easements are necessary or required.

      (3) If applicable, letters of review by any local, county, state and federal departments as required.

      (4) Statement from pipeline companies that all existing or proposed pipelines crossing the property have been satisfactorily provided for per the requirements of the pipeline operator, and that the pipeline operator agrees to all pipeline crossings by proposed streets and other subdivision features.

      (5) Statement from well companies that all existing or proposed wells have been satisfactorily provided for per the requirements of the well operator or owner, and that the well operator or owner agrees to all setbacks from the wells for any proposed structures or other subdivision features.

      (6) The applicant shall submit proof that the plat was submitted to the drainage district with jurisdiction as required by the drainage district, provided the drainage criteria of both the city and the drainage district are the same. Proof of submittal may be a receipt of payment or a letter on official letterhead.

      (7) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

   c. *Graphic requirements.* The final plat shall conform substantially to the preliminary plat as approved and incorporate all the provisions relating the preliminary plats in subsection 2 of this section, except subsections 2.a.(9), 2.a.(10), and 2a.(11) preliminary plans and 2.b.(15) utilities and 2.b.(17). This plat shall also reflect any conditions or requirements for final approval together with the following additional requirements:

      (1) The plat shall show the location and identification of lots, streets, public highways, alleys, parks and other features, with accurate dimensions, in feet and decimals of feet, with the length of radii, tangents (or central angle) and arcs to all curves, and with all other information necessary to reproduce the plat on the ground, all to be set out within the perimeter lines.

(2) The plat shall show a heavy-lined perimeter to be the results of an accurate boundary survey of the property by a registered professional land surveyor with bearings and distances, and references to section/original survey corners, and showing the lines of adjacent lands and lines of adjacent streets and their names and widths (dashed lines). The location and datum used to determine elevations shall be noted on the face of the plat.

(3) The square footage of each lot shall be labeled on the plat. This can be provided for in a table.

(4) Traverse lines along streams and easements shall be shown adjacent to the high bank of streams and waterways.

(5) The plat shall show existing pipeline easements, location of pipelines, required setbacks, and if material being transported is hazardous.

(6) Impervious coverage. Table showing the allotted maximum percent of impervious surface for each lot represented, per the Design Criteria Manual.

(7) Front building setback lines shall be required on residential lots and reserves for commercial development.

(8) All applicable dedication statements and certificates must be made a part of the final plat drawing and must include, but not be limited to, the statements, the general form and content of which are provided as examples available in the Community Development Department. Language in the statements shall be suitable for plat recording in the official records in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate.

These dedication statements and certificates and various notations include the following as applicable:

Owner Acknowledgment and notarized signature;

Lienholder acknowledgement and notarized signature;

Certificate for engineer and surveyor;

Certificate for the director;

Certificate for the Commission and attested by the secretary;

Certificate for city engineer;

County clerk filing acknowledgment statement;

Vacation of subdivision plat; and

Certificate of amending plat.

(9) Reserves, easements, rights-of-way, etc., not specifically dedicated on the plat or in accompanying document, shall remain in the custody of the subdivision owner until transferred by other legal means.

(10) The legal entity responsible for the maintenance of any improvements, including, but not limited to, building, recreational area, open space, equipment, pool or private driveway, which are to be owned and shared by the owners of real property in the proposed subdivision, shall be designated by appropriate articles of incorporation, contracts, restrictions, or other method. The means of securing payment for maintenance and operating expenses and any method of terminating such obligation

shall be stated in the creating documents. The following note shall be indicated on the face of the plat:

> "The City of Friendswood shall not be responsible for maintenance of private streets (driveways, sidewalks, and emergency access easements), waterlines, sanitary sewer lines, storm sewer facilities (detention ponds, drainage easements, outfalls and swales), recreational areas, reserves and other private facilities that are within private easements; the property owner or HOA/POA shall be responsible for these items. The City of Friendswood shall be responsible for maintenance of public streets, sidewalks, street signs, waterlines, sanitary sewer lines, storm sewer facilities, drainage easements, outfalls and swales that are within the public right-of-way or within public and/or exclusive easements. The maintenance of public streetlights shall be the responsibility of (insert either Texas New Mexico Power or CenterPoint Energy as applicable)."

d. *Expiration.* Approval will expire one year after the date of approval of a final plat unless the plat has been filed of record with the county clerk, except that if the subdivider shall apply in writing prior to the end of such one-year period stating reasons for needing the extension, this period may, upon a showing of good cause, be extended by the authority that approved the plat, for another year but not beyond that period.

e. *Plat recordation.* Upon approval of the plat, the applicant shall submit to the community development department the following items as required by Galveston and Harris Counties:

(1) Mylars including all original signatures, stamps and seals.. The city will be responsible for the required city signatures and recording the plat with the county.

(2) Original tax certificates and receipts from all applicable jurisdictions.

(3) The letter or title certificate required in subsection IV.C.2. shall be brought up to current date by a supplementary report form the title guaranty company or title attorney; dated not more than 45 days from the date submitted to the city.

(4) The original, executed protective covenants whereby the subdivider proposes to regulate the use of land in the subdivision, provided however, that such restrictive covenants, conditions, or limitations shall not be less than the minimum requirements of the city under the terms of these regulations.

(5) A check, payable to the county clerk's office for either Galveston or Harris County, in the amount of the cost of the county's recording fees.

(6) Under extreme circumstance and approval by the City Engineer, if public and/or private improvements have not been completed and accepted by city council, the city may accept a bond as security for the completion of the required improvements. The applicant shall provide a letter of credit from a federally insured lending institution or depository before the plat is recorded at the county.

4. *Replat.* Replat without vacating preceding plat procedures are as follows:

a. The same procedures for final plat approval applies to the replat, except as noted.

b. The proposed replat shall be submitted to the community development department with a copy of the preceding plat.

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

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

(2) Is approved by the commission or director, as applicable;

(3) Does not attempt to amend or remove any covenants or restrictions.

d. In addition, a replat without vacation of the preceding plat must also conform to the requirements of this subsection:

(1) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

(2) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

e. If a proposed replat described by section (d) does not require a variance or exception, in accordance with the Texas Local Government Code, written notice shall be given not later than the 15th day after the date of the approval.

(1) Notification shall be written notice sent to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent county tax roll.

(2) This subsection does not apply to a proposed replat if the commission holds a public hearing and gives notice of the hearing in the manner provided by Subsection (f).

(3) The notice of a replat must include the zoning designation of the property after the replat and a telephone number and e-mail address an owner of a lot may use to contact the city about the replat.

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

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

(2) Notice shall be given in writing, with a copy of Subsection f(3) attached, to the owners of lots that are in the original subdivision and that are within the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved county tax roll. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

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

g. Compliance with subsections f(2) and f(3) of this section is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

h. *Expiration.* Approval of a replat will expire one year after date of approval of a replat unless the plat has been filed of record with the county clerk, except that if the subdivider shall apply in writing prior to the end of such one-year period stating reasons for needing the extension, this period may, upon a showing of good cause, be extended by the authority that approved the replat for another year but not beyond that period.

5. *Short form final plat.* Short form final plat procedures are as follows:

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

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

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

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

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

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

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

c. *Expiration.* Approval will expire one year after the date of approval of a short form final plat unless the plat has been filed of record with the county clerk, except that if the subdivider shall apply in writing prior to the end of such one-year period stating reasons for needing the extension, this period may, upon a showing of good cause, be extended by the authority that approved plat for another year but not beyond that period.

6. *Amending plat.* Amending plat procedures are as follows:

a. An amending plat shall contain all of the informational requirements set forth for a final plat.

b. The director may approve an amending plat that may be recorded and is controlling over the preceding plat without a vacation of that plat, if the amending plat is signed by the applicants only and is solely for the purpose of one or more of the following:

(1) Correct an error in a course or distance shown on the preceding plat;

(2) Add a course or distance that was omitted on the preceding plat;

(3) Correct an error in a real property description shown on the preceding plat;

(4) Indicate monuments set after the death, disability, or retirement from practice of the surveyor responsible for setting monuments;

(5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats. Such errors may include,

but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

(a) Both lot owners join in the application for amending the plat;

(b) Neither lot is abolished;

(c) The amendment does not attempt to remove recorded covenants or restrictions; and

(d) The amendment does not have a material adverse effect on the property rights of the owners in the plat.

(8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) Relocate one or more lot lines between one or more adjacent lots if:

(a) The owners of all those lots join in the application for amending the plat;

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

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

(10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if:

(a) the changes do not affect applicable zoning and other regulations of the municipality;

(b) the changes do not attempt to amend or remove any covenants or restrictions; and

(c) the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area.

(11) To replat one or more lots fronting on an existing street if:

(a) The owners of all those lots join in the application for amending the plat;

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

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

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

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

d. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

7. *Vacating a plat.* The procedure for vacating a plat shall conform with the current Texas Local Government Code and meet the same requirements as a final plat. The procedure shall consist of:

    a. The owners of the tract covered by a plat may vacate the plat any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved by the director and recorded as described in the plat recordation section of this appendix.

    b. If lots in the plat have been sold, the plat, or any part of the plat may be vacated on the application of all the owners of the lots in the plat with approval by the director.

8. *Association required.* A plat to subdivide property, whether residential or non-residential that creates common area or common land shall be accompanied by a copy of documents evidencing:

    a. Approval by the Texas Secretary of State's Office of the formation of a homeowners' association, community association, or property owners' association; and

    b. Such association's assumption of the responsibility for maintenance of the common area and/or common land.

9. *Covenants/conditions/restrictions required.* Final approval of any plat to subdivide property, whether residential or nonresidential shall not be granted unless the applicant submits a certified copy of covenants, conditions, and/or restrictions declared for said property that:

    a. Establish materials, design and/or architectural standards acceptable to the city's planning director; and

    b. Are recorded in the appropriate county clerk's office.

Section V. Approval Procedures.

A. *Delegation of approval authority*. The director is the person designated by city council and the commission to receive, review and approve, approve with conditions, or disapprove a plat. The director may, for any reason, elect to present the plat for consideration to the commission. If a plat is referred to the commission, the commission shall have the authority delegated to the director in this appendix.

B. *Timing.* Beginning with the submittal date, plats shall be approved, approved with conditions, or disapproved within 30 days in accordance with the V.T.C.A., Local Government Code § 212.009. Said decision will be based upon a determination that the plat meets the requirements of this article and all other applicable city ordinances and regulations.

C. *Request for 30-day extension*. An applicant may request one or more extensions, each extension shall not exceed 30 days, provided that the applicant submits a request in writing before the expiration of the original 30-day period and the director approves the request.

D. *Withdrawal of the plat*. Prior to action by the director or the commission, the applicant may submit written notice withdrawing the plat. A new application and fee will be required upon submittal.

E. *Standards for approval.* A plat shall be approved provided:

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

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

3. It conforms to this article, the Design Criteria Manual, and any other applicable city code.

F. *Approve.* If approved, the plat shall be endorsed with a certificate indicating approval. The certificate shall be signed and attested in accordance with state law.

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

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

2. *Director response.* Once a response is received from the applicant, the director shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat no later than the 15th day after the date the response was submitted. The decision of the director must comply with section V.E., and the director may disapprove the plat only for a specific condition or reason provided to the applicant previously.

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

4. *Inaction.* A previously conditionally approved or disapproved plat is approved if the applicant files a response that adequately addresses each condition of the conditional approval or each reason for the disapproval AND the director does not disapprove the plat within 15 days of the submittal of the response and in accordance with section V.G.2.

H. *Failure to take action. If* a plat is not approved, approved with conditions, or disapproved within the prescribed period, the director, on the applicant's request, shall issue a certificate stating the date the plat was filed and that the authority responsible for approving the plat failed to act on the plat within the period. The certificate is effective in place of the endorsement required by Section V.F. of this code.

I. *Appeal*. Appeal of a plat disapproved by the director.

1. An applicant has the right to appeal to the commission if the director disapproves the plat.

2. Appeals shall be perfected by a request in writing to the commission. The request shall include:

1) Name, address and primary email address of the person making the appeal;

2) Facts surrounding the disapproval; and

3) Reasons why the ruling should be set aside.

3. The plat will be placed on a commission agenda within 30 days for consideration. The standards for approval and action options in this code will apply.

Section VI. General requirements and design criteria.

A. *Public and private local streets.*

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

a. Provide for adequate vehicular access to all properties within a subdivision's plat boundaries. All lots, tracts and reserves shall have frontage on an approved public right-of-way or access easement.

b. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area.

c. Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services.

d. Provide a sufficient number of continuous streets and major thoroughfares, particularly in those areas designated for the development of multifamily residential, commercial and industrial land uses, to accommodate the increased traffic demands generated by these land uses.

e. When necessary to continue the neighborhood pattern for adjacent developments, existing streets in the adjoining areas shall be continued and shall be at least as wide as such existing streets in alignment therewith, but in no case narrower than required by current regulation. Centerline offset shall be a minimum of 125 feet. Greater centerline offsets may be required by the director when necessary for traffic safety.

f. When adjoining areas are not subdivided, the director may require the arrangement of streets in the subdivision to make provisions for the proper projection of streets into such unsubdivided areas.

g. Street intersections shall be as nearly at right angles as practical giving due regard to terrain, topography, sight distances and safety.

h. Private streets, where allowed, shall meet all the requirements set forth for public streets, including, but not limited to, construction standards, width, curves, sight distance visibility and function, and all other design criteria and specifications, and shall be privately maintained to those standards.

i. Points of access. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus roads and shall meet the requirements of adopted International Fire Code. Exceptions:

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

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

B. *Collector streets generally.*

1. There shall be a minimum of one point of access from a collector street into a subdivision or subdivision phase, up to a maximum of 75 platted lots. There shall be a minimum of two points of access into a subdivision or subdivision phase from a collector street for subdivisions in excess of 75 platted lots. In the case of phased construction, each phase should meet this requirement, but in no case shall there be less than one access to a collector street per 75 platted lots.

2. A collector street may be a new or existing street built to current collector street standards for right-of-way width and pavement width, or an existing street built to past standards but which by definition currently functions as a collector street.

3. No subdivision can connect to a collector street through another subdivision unless each is part of a planned, phased subdivision development. In such cases, the director may require such through streets to have additional right-of-way width and paving width, in keeping with subsection b(1)(e) of this section, to promote better traffic flow.

4. All lots in a subdivision must be within 750 feet of an intersection on a street within the subdivision that leads to a collector street, but the commission may approve a greater distance in keeping with the considerations for increased cul-de-sac lengths and block lengths.

5. The director may permit an isolated, stand-alone subdivision to connect to a collector street by way of a new street not built to collector standards if such street is within the plat boundaries of the subdivision.

6. Due to existing conditions on the land being platted, such as the existence of pipelines, bodies of water, floodplains, etc., the director may require additional points of access from a collector street to protect health, safety and welfare.

C. *Major thoroughfares and arterial streets.*

1. *General.* Street classification, location and alignment shall be in accordance with the thoroughfare plan and finally determined by the director.

2. *Right-of-way width and transitions.* The width of the right-of-way to be dedicated for any designated or proposed thoroughfare or collector street shall be in conformance with the thoroughfare plan. In those instances where the proposed subdivision is located contiguous to an existing thoroughfare or collector street having a right-of-way less than that required by the thoroughfare plan, sufficient additional right-of-way must be dedicated to bring the right-of-way width in conformance with the plan. The minimum right-of-way width required for the development of a designated or proposed thoroughfare or collector street must be of sufficient width to accommodate the approved roadway pavement and attendant drainage and utility facilities.

3. *Curves and intersections.* Curves proposed for the right-of-way of designated thoroughfares and collector streets shall be in conformance with the current design criteria. Reverse curves must be separated by a tangent distance of not less than 100 feet. Intersections with public and/or private streets shall be at right angles but may vary upon approval of the director after due regard for terrain, topography, sight distances and safety. Where acute angles are approved, a radius of at least 25 feet in the right-of-way line in the acute corner must be provided.

D. *Buffering major thoroughfares.*

1. Where a subdivision abuts or contains an existing or proposed arterial street, the director may require marginal access streets, reverse frontage with screen planting contained in nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. If landscaping or berming is used as a buffer between the major thoroughfare and residential property uses, the subdivider shall provide a ten-foot landscape easement along the major thoroughfare according to the major thoroughfare plan and shall construct sidewalks thereon in accordance with the city design criteria manual and standard construction details.

2. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city.

3. Community Overlay District (COD).

   a. Residential developments not facing a Community Overlay District thoroughfare shall be required to install a visual barrier to a minimum mature height of six feet as measured from the finished grade. The barrier shall be set back from the street right-of-way line by a minimum of ten feet. Various materials may be utilized, including landscaped earth berms, provided the materials are durable and require low maintenance. All barriers shall be maintained by the owner of the property on which such barrier is located, or by a homeowner association if a homeowner 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.

   b. 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.)

   c. Community Overlay District boundaries and requirements are located in the Zoning Ordinance, Appendix C. Should any portion of this Section conflict with any provisions of the Zoning Ordinance, the Zoning Ordinance shall govern.

4. Street right-of-way widths shall be as shown in the general plan for the city, and where not shown therein shall be not less than as follows:

Street type	Minimum right-of-way width
Major thoroughfare	120 feet
Collector	80 feet
Minor (private and public)	60 feet
Commercial streets	80 feet
Boulevards	100 feet

E. *Partial or half streets.* Partial and half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the director finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, the other remaining half of the street shall be platted within such subdivision, in accordance with section II. Appropriate notations and one-foot reserve must be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional right-of-way is acquired providing the full right-of-way as specified in this appendix.

F. *Street names.* Proposed street names shall be submitted to and approved by the director. Proposed street names, which are aligned with other existing named streets, shall conform to the names of the existing streets. Street names cannot be duplicated. Prior to plat approval, the applicant shall submit a list in alphabetical order of all streets within each section of the proposed subdivision.

G. *Gates on private streets.*

1. Entrances to communities with private streets that utilize gates shall be controlled by electrically operated gates which are physically manner or electronically operated on a 24-hour-per-day basis. Where electrically operated, unmanned access gates are in place on private streets, one

entrance gate at each entrance must be equipped with a 911 override control switch. For entrances with two gated lanes of entry, only one of these gated entries requires an electronically operated gate. The second one may be manually operated. Construction plans and gate specifications must be submitted to the fire marshal's office and approved prior to installation.

2. The Knox Company Model KS-2 or KS2-P (or approved equal) key operated switches are approved by the fire marshal's office.
3. The 911 override control switch must be installed in a weatherproof box or assembly approved by the fire marshal's office.
4. The 911 override switch must be accessible from the driver's side of every emergency response vehicle.
5. All electrically operated access gates shall have a manual override mechanism for use in the event of a power failure, approved by the fire marshal's office.
6. Electric gates must have a rest button near the override control switch to secure the gates when the emergency is terminated.
7. Streets in existence, finally platted and approved by the city council on the effective date of the ordinance from which this section is derived shall remain as they are; however, new construction of private streets shall provide a ten-foot curb-face to curb-face width. The gates in the fully opened position must provide a minimum of 12 feet clear width.
8. A sensing device that will automatically open the gates for departure or exiting is required. Where manual exit gates exist, at least one gate at each exit shall be equipped with a 911 padlock.
9. A final inspection by the fire marshal's office is required before the gates are operational. Each public safety department shall sign off on the acceptance form.
10. Installation of the 911 override switches on all existing gates shall be accomplished within six months of the effective date of this article from which this section is derived. Gates and 911 switches must be maintained and kept in good working condition.
11. The owner or operator or his agent is responsible for the ordering and the installation of the 911 override control switch. An approved order form must be obtained from the fire marshal's office.
12. Distribution of numbered master keys will be controlled by the city fire marshal's office. Keys shall be distributed to authorized emergency response personnel only. Recordkeeping will be maintained in the office of the fire marshal.

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

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

I. *Culs-de-sac.*

1. *Length.* The length of culs-de-sac shall not be longer than 750 feet. In cases where proposed subdivisions are surrounded by existing development which precludes compliance with block length standards, the director may approve the creation of cul-de-sac streets which exceed 750 feet in length if the turnaround complies with the current design criteria and the subdivider can establish that lots fronting thereon will not, as a result of the length of such street, be deprived of a level of public services which would otherwise be afforded to lots on cul-de-sac streets of 750 feet or less. In considering any such application, the director shall consider measures which would ensure:

   a. Adequate water pressure for potable water needs and firefighting capabilities;

   b. The ability of the city to timely provide emergency services; and

   c. That traffic hazards and traffic congestion is not created due to density or number of lots. In achieving these measures, the installation of medians, larger lot dimensions, or other alternative solutions may be necessary to satisfy the intent of this section. Each application for an extended dead-end cul-de-sac street shall be considered on an individual case-by-case basis, and depending on the particular circumstances surrounding the property in question.

2. *Cul-de-sac right-of-way radius.* The proposed cul-de-sac right-of-way and pavement radii shall comply with the requirements of the current design criteria.

3. *Temporary turnarounds.* Temporary turnarounds are to be used where curb and gutter is not installed at the end of the street more than 400 feet long that will be extended in the future and noted thus: "Crosshatched area in temporary easement for turnaround until street is extended (direction) in a recorded plat."

J. *Sidewalks.* Sidewalks are required along all streets.

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

   a. Open ditch streets are approved; or

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

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

2. Sidewalks may not be required when, in the judgment of the director, the safety of the pedestrians does not require such sidewalks.

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

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

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

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

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

K. *Blocks.*

1. The lengths, widths and shape of blocks shall be determined with due regard to:

   a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

   b. Requirements as to lot sizes and dimensions.

   c. Need for convenient access, circulation, control and safety of street traffic.

   d. Limitations and opportunities of topography.

2. Block lengths (measured along the block-face from intersection to intersection between the nearest two streets, or from center of the cul-de-sac radius to the nearest street intersection).

   a. Minimum block length shall be not less than 300 feet, except for culs-de-sac which shall have no minimum length.

   b. Maximum block length for residential: 1,200 feet (see subsection I for culs-de-sac).

   c. Maximum block length along a major thoroughfare: 1,600 feet, except under special conditions and upon approval of the director.

3. The director may approve the creation of blocks which exceed the maximum length if the subdivider can establish that lots fronting thereon will not, as a result of the length of such street, be deprived of a level of public services which would otherwise be afforded to lots on blocks that do not exceed the maximum length. In considering any such application, the director shall consider measures which would ensure:

   a. Adequate water pressure for potable water needs and firefighting capabilities;

   b. The ability of the city to timely provide emergency services;

   c. That a traffic hazard and/or traffic congestion is not created due to density or number of lots; and

   d. Alignment of any street with a block length greater than 1,200 feet does not promote excess speed on the street.

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

4. The proposed street right-of-way and pavement width shall comply with the requirements of the current design criteria.

5. Temporary turnarounds are to be used where curb and gutter is not installed at the end of a street more than 400 feet long that will be extended in the future, and should be noted thus:

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

L. *Street lighting, signage, and signalization.*

1. Street lighting shall be provided in accordance with the city streetlight policy. A proposed street lighting plan shall be indicated on a copy of the final plat of the subdivision. The proposed street lighting plan shall be submitted together with the construction plans for public improvements required by section IV.C.3.b.(1) of this appendix.

2. The developer shall be required to provide and install all traffic signage and signalization determined by the city to be necessary because of the construction of the proposed subdivision. All signs and signals shall be provided in accordance with the state manual of uniform traffic control devices and shall be erected prior to acceptance of the streets by the city.

Section VII. Easements.

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

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

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

D. Prior to approval of the final construction plans by the city engineer, the subdivider of any subdivision plat wherein public streets or easements are shown crossing private easements or fee strips shall, by letter to the city, assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines, or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the city prior to the filing of the plat for record.

E. Prior to filing the final plat for record, the following requirements shall be met:

1. The developer or dedicator of any plat shall obtain from the holder of any private easement or fee strip within the plat, crossed by proposed streets or other public easements, an instrument granting to the public the use of said public streets or easements over and across said private easements or fee strips for construction, operation and maintenance of those public facilities indicated. This instrument shall be delivered with the plat.

2. The developer shall furnish a letter from the holder of the private easements or fee strips in question, stating that arrangements for any required adjustments on pipelines, electric transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement.

F. *Sidewalk easements.* If sidewalks cannot be placed wholly within the right-of-way and must be placed on private property, easements of the appropriate width shall be required.

Section VIII. Lot design requirements.

A. *Lots.*

1. The lot size, width, depth, shape and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Lot dimensions shall conform to the latest zoning ordinance.

3. Corner lots for residential use shall have extra width to permit required building setback from an orientation to both streets.

4. The subdividing of the land shall be such as to provide, by means of a public or private street, each lot with satisfactory access, provided, however, such private streets shall comply with, and are privately maintained to, the requirements for public streets.

5. Double-frontage and reverse-frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages to topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of the lots abutting such traffic artery or other disadvantageous use.

6. Side lot lines shall be substantially at right angles or radial to street lines.

7. The square footage of each lot shall be labeled on the plat. This can be provided for in a table on the plat.

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

C. *Provide required setbacks from pipelines and active wells.*

1. No residential, commercial or industrial structure other than structures necessary to operate the pipeline shall be erected or moved to a location nearer than 50 feet to any pipeline except low-pressure distribution system pipelines as defined in chapter 26 of this Code.

2. No residential, commercial or industrial structure shall be permitted to be built nearer than 150 feet from any active well or related facility other than structures necessary to operate the well or facility.

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

Section IX. Fire prevention and suppression.

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

A. The proposed development shall be served by fire suppression facilities at the time of issuance of the first occupancy permit by an approved public water supply system capable of providing fire flow in accordance with the American Water Works Association and National Fire Protection Association (NFPA) standards for that type of development and all other NFPA codes which may be applicable.

B. Fire protection measures shall be required to progress with construction in planned groups of buildings in accordance with NFPA 1141, Standard for Fire Protection in Planned Building Groups.

C. Private fire service mains and their appurtenances shall be installed in accordance with NFPA 24 Standard for Installation of Private Fire Service Mains and Their Appurtenances.

D. If a water supply does not exist, aboveground water storage tanks may be approved as an alternate water supply. Capacity in gallons per minute and duration shall be determined by the developer with approval of the fire marshal department. Calculations shall be stamped and sealed by a licensed, professional engineer.

Section X. Construction plans and specifications.

When a preliminary plat of a subdivision has been approved, the developer shall submit plans and specifications for all improvements pertinent to said subdivision. All improvements shall be designed and constructed in conformity with the provisions of these regulations and the current design criteria of the city. No construction shall commence prior to compliance with these regulations. It shall be the duty of the subdivider or his engineer to see that this provision is complied with in its entirety.

A. *Submittal requirements.*

1. Complete application submitted online through the city's public portal.
2. Fee (non-refundable).
3. A complete set of plans, specifications, and contracts, including performance, payment and maintenance bonds covering said construction. These shall show such features as required by the current design criteria manual including but not limited to, the following plans: water, sanitary sewer, stormwater, drainage and detention, streetlight plan, traffic control plan, and street sign plans.

B. *Approval.* The city engineer shall, within 30 days of receipt of said plans and specifications, approve same if they conform to the requirements of these regulations and the current design criteria, or disapprove same giving its reasons therefor in writing to the subdivider. Thereafter, when the subdivider has met the objections, if any, the city engineer shall approve the plans and specifications and forthwith deliver same to the subdivider, his agent or his engineer.

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

C. *Inspection required.* All public infrastructure improvements within all of the area of any subdivision or portion thereof shall be inspected by the city engineer and accepted by city council before the plat is filed of record.

The subdivider, owner, and the design engineer responsible for the design improvements shall have the obligation upon acceptance of the preliminary plat by the city to grant the city engineer the right of ingress and egress for the purpose of inspection of the facilities under construction. If at any time during the construction of the proposed improvements the city engineer finds the improvements not to be in conformance with the plans and specifications of the proposed improvements and the subdivision ordinance or current design criteria, the city engineer will hereby be given the authority to cause the subdivider, owner, and the design engineer for the improvements to cease all operations within the property boundaries of the approved plat until all deficiencies are corrected to conform to the subdivision ordinance and current design criteria.

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

Section XI. Engineering and construction standards.

A. *Adoption of minimum standards.* The city design criteria manual shall provide the city's technical details for infrastructure improvements and shall be updated from time to time and adopted by

ordinance following a public hearing. The current design criteria for the city for infrastructure improvements shall be complied with in each subdivision before final approval of a plat by the director. The current approved version shall be kept on file with the city secretary and the city engineer. An electronic version shall be accessible on the city website.

Section XII. Tree preservation, mitigation, and maintenance.

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

Section XIII. Parks and recreation areas.

A. *Purpose.*

1. This section provides recreational areas in the form of city parks as a function of subdivision development in the city. This section is enacted in accordance with the home rule powers of the city under the state Constitution, and the statutes of the state, including, but not by way of limitation, V.T.C.A., Local Government Code Chapter 212.

2. Park areas shall be recommended by Keep Friendswood Beautiful and shall be shown on an official parks and recreation map for the city, which shall be adopted and may be modified from time to time by the city council. Proposed city parks and recreational areas will be established by review with the developer and city staff at the earliest possible stage of development planning, and a proposed subdivision or development shall be reviewed in its entirety and not by sections or phases.

3. The primary cost of city parks should be borne ultimately by residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. New residents will increase the demands for parks proportionally, and new growth should bear their share of the costs of those facilities. Therefore, the following requirements are adopted to effect the purposes herein stated.

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

1. Whenever a final plat is filed of record with the county clerk for development of a residential area in accordance with the platting and zoning regulations of the city, such plat shall contain a clear fee simple dedication to the city of an area of land for park purposes, which area shall be equal to one acre for each 133 proposed dwellings, based on the proposed subdivision or development in its entirety and not by sections or phases. Any proposed plat submitted to the city for approval shall show the parkland proposed to be dedicated under this subsection. The dedication required by this section may be met by a payment of money in lieu of land when permitted or required by the other provisions of this subsection. The dedication required by this section should be in accordance with goals outlined within the city parks and open space master plan, or be located at the site for an identified existing park.

2. The city council declares that development of an area smaller than five acres for the purpose of a city park is impractical. Therefore, if fewer than 655 dwellings are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amounts provided by subsection D of this section, rather than to dedicate any land area. In most instances, no plat showing a dedication to the city of less than five acres shall be approved; provided, however, that the city may accept smaller parcels where such proposed dedication is in the best interests of the city, such as when a smaller parcel is adjacent to an existing park or future park site.

3. Developers should evaluate their proposed development and proposed dedication with city staff to ensure that as soon in the development process as possible the land dedicated is usable for city parks purposes.

4. A dedication required by this section shall be made in accordance with subsection D.1. of this section. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, an additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by subsection D of this section.

C. *Timing of dedication or payment of fees in lieu of land.*

1. Parkland shall be dedicated to the city at the time of filing of the final plat of the first phase and section, if a phased development. The dedication shall be made contemporaneously by separate instrument and must be accepted by the city council prior to the filing of the final plat. Lack of acceptance of such dedication shall preclude the filing of the final plat and shall not relieve the subdivider of complying with the requirements of this section. Where a dedication of parkland for the entirety of a phased development is proposed, the parkland shall be shown on the plat, if included within the first phase, and dedicated by separate instrument, or dedicated by separate instrument if located outside of the first phase of development, at the time of filing the final plat for the first section of such phased development.

2. Payment of fees in lieu of land for single-family residential developments shall be done at the time of filing of the final plat. Where payment of fees in lieu of land for parks for the entirety of a phased development is planned, such payment may be made in full for all phases of the proposed development at the time of filing of the plat for the first phase, or payment of fees in lieu of land for each section of a phased development may be made at the time of filing of the final plat for each phase or section, at the discretion of the developer.

3. Payment of fees in lieu of land for multi-family residential developments shall be done at the time of site plan approval, prior to the issuance of building permits.

D. *Fees in lieu of land.*

1. Any landowner responsible for dedication under this section shall review their proposed development with city staff, including Keep Friendswood Beautiful, on recommendation of staff, prior to or simultaneously with making any formal application to the city, for the purpose of evaluating compliance with this section. If no agreement is reached between the developer and city staff, then within 14 days from receipt of a written request by the developer, city staff shall submit the issue to Keep Friendswood Beautiful. If Keep Friendswood Beautiful can reach an agreement with the developer, that recommendation shall be final, subject to the acceptance of such dedication by city council as described in this subsection D. If Keep Friendswood Beautiful cannot reach an agreement with the developer, the commission shall hear the issue at its next meeting, and shall make the final decision. This decision is final unless there is a substantial change in conditions. Generally, the landowner will have the option to dedicate land or pay fees in lieu thereof. However, the city expressly reserves the right to require dedication of land rather than accept fees in instances including, but not limited to, the proposed development is adjacent to an existing city park or in areas in which additional parkland is desired.

2. As provided above, any landowner responsible for dedication under this section shall, when permitted, meet the requirements of subsection C of this subsection or this subsection D in whole or in part by a cash payment in lieu of land, in the amount set forth in this section. Such payment in lieu of land shall be made at or prior to the time of final plat approval for city parks as described in subsection C.1. of this section.

3. A per-dwelling unit fee shall be set by resolution and printed in from time to time by the city council, incorporated in the fee schedule, Appendix D to this Code, in amounts sufficient to acquire land and provide for adjacent streets and utilities for a park.

E. *Parkland dedication fund.*

1. There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section or any preceding ordinance, which fund shall be known as the "parkland dedication fund." Funds shall only be released from the parkland dedication fund upon city council approval of a plan to utilize the funds to build or enhance an existing park or purchase land for a future park.

2. The city shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds paid for such purpose must be expended by the city within ten years after the filing of the final plat, or the filing of the final plat of each phase or section of the contributing subdivision, if a phased development. If not so expended, the owners of the property beginning on the first day after the expiration of such ten-year period shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owners of such property must request such refund within one year of entitlement. Such request must be made in writing to the city manager or his/her designee or such right shall be barred.

3. Where funds or a dedication for a phased development have been paid or made for the entire development at one time, and the original developer does not complete all phases of the entire development, credit for such prior dedication or payment shall be applied to subsequent plats for the same land on a pro rata basis. Increased density will require the dedication of additional parkland or payment of additional fees.

F. *Additional requirements.*

1. Any land dedicated to the city under this section must be suitable for park and recreation uses. The following characteristics of a proposed area are preferred wherever possible:

   a. The city reserves the right to decline any dedication of proposed parkland if it is determined to be in the best interests of the city.

   b. Park sites should preferably be located so that users are not required to cross arterial roadways to access them.

   c. Sites should be located adjacent to schools, where possible, in order to encourage both shared facilities and the potential co-development of new sites.

   d. Sites should be located adjacent to a greenbelt system, where possible, so that connections to a trail network may be easily achieved.

   e. Sites should not have unusual topography which would render the land unusable for organized recreational activities where these activities are necessary to the type of park.

   f. Sites should have and retain existing trees or other scenic elements.

   g. Land subject to an easement or a right-of-way shall comprise no more than 25 percent of the total land dedicated under the provisions of this section. In addition, any land that is subject to an easement or a right-of-way and which is dedicated under this section must be contiguous with the other area dedicated to the city and must conform to all other requirements of this section.

h. All offers of dedication must be accompanied by a phase one environmental study verifying the absence of conditions which would inhibit or prohibit its future use and development as park facilities.

2. Parks should be easy to access and be open to public view so as to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. The following guidelines should be used in designing parks and adjacent development:

a. Where physically feasible, parks should be bounded by streets, or by other public uses (e.g., school, library, recreation center).

b. A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions. Street or pedestrian connections to existing and future adjoining subdivisions may be required to provide reasonable access to parks.

c. Where a nonresidential use directly abuts a park, the city may require the developer to construct, at his expense, screening of a minimum height of eight feet. The screened area must be landscaped on the park side. Access points from the nonresidential use to the park may be permitted.

d. Alleys may abut a park, where otherwise allowed by ordinance, but they should not be designed to encourage motorized traffic to the park.

e. Streets abutting a park shall be built in accordance with the thoroughfare plan and the standards of this section, provided, however, the city may require any residential street built adjacent to a park to be constructed to collector width to ensure access and prevent traffic congestion, subject to a proportionality review of the impacts generated by the subdivision, provided, further, that the city may enter into a development agreement with the subdivider to share the costs of street construction for abutting streets.

f. Wildlife, existing trees and shrubs on the site shall be preserved to the greatest extent practicable.

g. A park shall not have impervious cover exceeding 20 percent of the open space area.

3. When parkland is acquired, the city shall reserve sufficient land to provide a minimum of 50 percent of the total street width where a street is required to abut a park.

4. In all cases, the city shall review and may require modification of the proposed street alignment fronting on city parks and recreation areas. Developers should also provide, where possible, street or pedestrian access to all creeks or drainageways which are maintained by a homeowner association or dedicated as a drainage and floodway easement to the city or the applicable drainage district.

5. Drainage areas may be accepted as part of a park if the drainage facilities are constructed in accordance with city engineering standards, and if no significant area of the park is cut off from access by such drainage facilities. Where the city has designated a floodplain as part of the city park system, the park design shall provide public access for all areas of the park.

6. Any parkland proposal considered by the commission under this section shall have been reviewed by the director of parks and recreation and his recommendation given to the commission. The commission may make a decision contrary to such recommendation by a simple majority vote.

G. *Partial credit for land, private parkland, private recreation facilities, or open space.* Keep Friendswood Beautiful, upon an affirmative recommendation of the director of parks and recreation, may reduce the amount of parkland to be deeded to the city or reduce the fees in lieu of parkland to be paid to the city as provided below.

1. A reduction from the initial parkland dedication requirement may be made where parkland within the same park area as the subdivision which generates the required conveyance is dedicated for a private park. For purposes of this subsection, the private parkland dedication shall meet the following minimum requirements:

    a. The park area shall be leveled and seeded by the subdivider to produce green space. The city will determine if the parkland can be left in its natural state;

    b. The park area shall be located within the subdivision generating the parkland requirements; and

    c. Restrictive covenants shall be filed of record in the appropriate county providing for the creation and operation of a homeowner association to maintain and improve such private park area, or, in the case of such private park area within a multifamily development, such as an apartment complex, provide for maintenance and improvement by the owners of the multifamily development.

2. A reduction from the initial parkland dedication requirement may be made for recreational improvements made to private parkland within the same park area as the subdivision which generates the required conveyance. Such recreational improvements to parkland may include, but are not limited to, the following: children's play apparatus, landscaped areas, picnic areas, game court areas, playfields, swimming pools, and recreation center buildings and facilities. All improvements shall meet the same applicable regulations or codes as for like improvements on public property.

3. A reduction from the initial parkland dedication requirement may be made for common open space, whether public or private, within the subdivision which generates the required conveyance. Such open space may be in the form of greenbelts along creek beds, or around the perimeter of the subdivision, and may include improvements such as hike and bike trails. In no case shall credit be given under this subsection for landscaped or seeded medians. A further reduction may be given where the common open space is linked with undeveloped or developed parkland or other recreational facilities.

4. In order to receive the credits under subsections G.1., 2., or 3. of this section, the subdivider shall provide documentation to the director of parks and recreation at the time of final plat filing sufficient to establish the validity of the estimated costs that will be used to determine the reduction under this subsection. In the event that the developer proposes to construct the improvements at a later date, as in a phased development, the city may require that the developer obtain a surety bond, performance bond, or other form of guarantee that the recreational amenities will be installed within four years from the date of filing of the final plat of the first phase of the phased development. The director of parks and recreation shall evaluate the documentation submitted and shall approve the value prior to any reduction being given under this subsection. Credits are cumulative, but in no case shall credits given under this subsection exceed 100 percent of the total dedication of land or fees required for city parks under this appendix. In cases where the estimated costs of the improvements are disputed, the value shall be as finally determined by the director of the parks and recreation. If no agreement is reached between the developer and city staff, then within 14 days from receipt of written request by the developer, city staff shall submit the issue to Keep Friendswood Beautiful. If Keep Friendswood Beautiful can reach an agreement with the developer that recommendation shall be final. If Keep Friendswood Beautiful cannot reach an agreement with the developer, the commission shall hear the issue at their next meeting and shall make the final decision. This decision is final unless there is a substantial change in conditions.

5. A credit may be given of up to 50 percent of the total dedication of land or fees required under this appendix where the developer makes improvements to public parks, as described under subsection G.2. of this section.

6. Credit for city parks may be based on previously installed amenities within a phased development, where amenities and recreational improvement have been constructed in earlier phases, where no parkland dedication was required, subsequent phases for which park dedication is required, may count those previously installed amenities. Under no circumstances will double credit be given for a previously installed amenity.

H. *Minimum park improvement standards.* Prior to acceptance by the city and prior to the filing of the final subdivision plat, any parkland dedicated to the city, or developed as a private park for credit against parkland dedication under this section, shall meet the following minimum standards:

1. The public park area shall be leveled and seeded (as deemed necessary by the city) by the subdivider to produce green space prior to the completion of the first phase of the development of the subdivision, if the development is being executed in phases. Existing trees and shrubs on the site shall be preserved to the greatest extent practicable. The subdivider will be responsible for the maintenance of the public park area for a minimum of one year after the completion of the subdivision (or the completion of the final phase or section of the subdivision), at which time the city will assume maintenance responsibilities in the park. The subdivider is also responsible for notifying each homeowner in the subdivision of the existence of any private park area and its conditions of ownership.

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

Section XIV. Fees.

A. *Platting fees.* Subdivision plats submitted for approval shall be accompanied by payment to the city according to the fee schedule as set forth in Appendix D of this Code.

B. *Filing fees.* The subdivider shall be responsible for providing the city a check payable to the county in which the final plat is to be filed. The amount shall be determined by the county clerk's office of the appropriate county and shall cover the full cost of filing the plat and any associated documents required.

C. *Construction plans and specifications review fees.* The city reserves the right to assess fees based upon the actual costs incurred by the city for multiple iterations of reviews of construction plans and specifications as set by resolution and printed in Appendix D to this code.

D. *Impact fees.* The City of Friendswood has elected to adopt Water and Wastewater Impact Fees to assist in the financing of Capital Improvements for those systems that are necessitated for growth and development anticipated within the city, as authorized by V.T.C.A., Local Government Code Chapter 395. The fees are reassessed every five years and are defined in Appendix D to this Code. Fees are payable at the time of building permit issuance.

Section XV. Variances.

A. The commission may grant a variance to any of the provisions of appendix B, except for requirements in the city's adopted engineering and construction standards, pursuant to the procedures set forth in this section and upon a showing by clear and convincing evidence by the applicant that:

1. There are special circumstances or conditions affecting the property in question;

2. That enforcement of the provisions of this chapter would deprive the applicant of a substantial property right; and

3. That such variance, if granted, would not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

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

C. The application fee and procedures for a public hearing and provision of notice shall be the same as established by the city for a rezoning request.

D. The commission may, by affirmative vote of at least three-fourths of its members present and voting, grant a variance to the regulations of appendix B if it finds, by clear and convincing evidence, that all of the following criteria are met:

1. There are unique conditions peculiar to the subject parcel or tract that do not exist on adjacent parcels or tracts;

2. Strict application of appendix B deprives the applicant of rights commonly enjoyed by other land in area or land with similar uses;

3. The variance, if granted, does not frustrate the intent and purpose of appendix B and community, neighborhood, and other applicable land use and development plans, and will not adversely affect property or property values in the vicinity of the subject site;

4. Conditions supporting the granting of the variance request are not self-created by disregard or ignorance of federal, state, or local codes and/or ordinances; and

5. The variance is tailored as narrowly as possible while still granting the relief sought.

E. Factors that may not be considered to support the granting of a variance include, but are not limited, to the following:

1. Personal and/or economic hardship;

2. Misrepresentation of property conditions, uses, or regulations by a seller or agent;

3. Errors made by a surveyor, contractor, or builder;

4. Increasing the profit, income, or competitive advantage of the applicant; and

5. Threats to locate or relocate outside of the city, or cancel or scale back a project, if a variance is denied.

F. The applicant bears the burden of proof to demonstrate that the requirement(s) of appendix B from which a variance is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the applicant. The applicant shall submit statements, studies, and any other relevant information.

G. The decision of the commission on a variance request may be appealed within 14 days of said decision by filing with the city:

1. The applicant's written appeal; or

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

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

Section XVI. Conflict with other ordinances.

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

Section XVII. Extraterritorial jurisdiction.

A. The provisions of this appendix are hereby extended in their application to include all of the area within the extraterritorial jurisdiction of the city. The provisions of this appendix shall have the same force and effect within said area of extraterritorial jurisdiction as within the corporate limits of the city, except as provided in subsections B and C of this section.

B. No violation of any provision of this appendix outside the corporate limits of the city, but within such city's area of extraterritorial jurisdiction, shall constitute a misdemeanor under this appendix, nor shall any fine provided for in this appendix be applicable to a violation within such area of extraterritorial jurisdiction.

C. In the event any provision of this appendix or revision to same is violated within the area of extraterritorial jurisdiction of the city, the city may institute any appropriate action or proceedings in the district court to enjoin the violation of such appendix.

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/07/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Conduct a public hearing concerning amendments to Appendix C “Zoning” of the Friendswood City Code to authorize the director of community development to approve site plans except in certain situations, to consolidate site plan approval requirements, and to make minor administrative corrections.

Originating Department: Community Development

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This item allows for a public hearing to give all interested parties the right to appear and express their views concerning amendments to Appendix C “Zoning” of the Friendswood City Code to authorize the director of community development to approve site plans except in certain situations, to consolidate site plan approval requirements, and to make minor administrative corrections.

SITE PLAN APPROVALS

All commercially zoned properties require site plan approval. Currently, that approval is required by the Planning and Zoning Commission. Staff is proposing to change it so that site plans that meet the code can be approved at the staff level. Any site plan requiring special considerations, such as alternate landscape plans, screening, parking or increased building heights would be submitted for Commission review and consideration.

The Commission would still be responsible for the following under the Zoning Ordinance:

- Hear and decide appeals regarding abandonment, destruction or damage, and the timeframe of repairs and maintenance for non-conforming uses and structures;
- Hold public hearings and make recommendations to City Council for ordinance changes to Appendix B "Subdivisions" and Appendix C "Zoning";
- Hold public hearings and make recommendations to City Council for zone change requests, specific use permit requests, and requests to vacate public easements; and
- Approve site plans that include requests for alternate landscaping, screening, parking, increased building heights or other special exceptions/requests.

Making these changes will save time for everyone - the developer, the commissioners, and staff. The developers could obtain building permits once all staff reviews are complete rather than having to wait for their item to be placed on a Commission agenda. The changes would save Commissioners' time by reducing the number of meetings to once per month. Staff time would be saved by reducing the number of meetings to once per month in addition to the time required to prepare the materials for the meetings. Staff would present reports to the Commission to keep them informed of site plans or new projects that were approved.

Benchmarking approving authority of other cities for plats and site plans:

City	Plat Approvals	Commercial/MF Site Plan Approvals
Alvin	Planning Commission	N/A - no zoning
Clear Lake Shores	Planning & Zoning Commission	Staff – Building Official
Dickinson	Planning & Zoning Commission	Staff – Zoning Official
Galveston	Planning Commission	Staff – Development Services Director
Kemah	City Council	N/A – no zoning
League City	Planning & Zoning Commission	Staff – City Planner
Pearland	Planning & Zoning Commission	Staff – Director of Planning
Santa Fe	Planning Commission	N/A – no zoning
Webster	Planning & Zoning Commission	Staff – Zoning Official

Two versions of changes are included in the attachments - a redlined version and a clean version.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

The Planning and Zoning Commission voted 6-0 (unanimous; we currently have one vacancy) to disapprove authorizing staff to approve site plans, but approving the minor administrative corrections to the Zoning Ordinance. See attached final report.

ATTACHMENTS

1. PH Notice - Amendments to Appendix C Zoning
2. DRAFT CLEAN COPY Appendix C Zoning Ordinance 04-08-2026
3. DRAFT Redlines Appendix C Zoning Ordinance 04-08-2026
4. PZ Final Report 04-20-2026

CITY OF FRIENDSWOOD

OFFICE OF THE CITY SECRETARY

PROPOSED AMENDMENTS TO APPENDIX C "ZONING" OF THE FRIENDSWOOD CITY CODE TO AUTHORIZE THE DIRECTOR OF COMMUNITY DEVELOPMENT TO APPROVE SITE PLANS EXCEPT IN CERTAIN SITUATIONS, TO CONSOLIDATE SITE PLAN APPROVAL REQUIREMENTS, AND TO MAKE MINOR ADMINISTRATIVE CORRECTIONS

NOTICE is hereby given that the **Planning and Zoning Commission** and the **City Council** of the City of Friendswood will each hold a public hearing to give all interested parties the right to appear and express their views on the following:

> Proposed amendments to Appendix C "Zoning" of the Friendswood City Code to authorize the director of community development to approve site plans except in certain situations, to consolidate site plan approval requirements, and to make minor administrative corrections.

The **Planning and Zoning Commission** will hold its public hearing on **Thursday, April 9, 2026**, in the Council Chambers, located in City Hall, 910 S Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **6:00 P.M.**

The **City Council** will hold its public hearing on **Monday, May 4, 2026**, in the Council Chambers, located in City Hall, 910 South Friendswood Drive, Friendswood, Texas 77546-4856, at its meeting commencing at **5:30 P.M.**

Item documentation is available for review in the City's Secretary's Office, 910 South Friendswood Drive, Friendswood, Texas 77546-485 during regular business hours or on the City's website at: http://zoning.friendswood.com. For questions regarding the details of the documentation and its related public hearing, please contact Aubrey Harbin, Director of Community Development/City Planner at 281-996-3280.

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. For assistance, please contact the City's ADA Coordinator Brian Rouane at 281-996-3285 via phone, 281-482-1634 via fax or contact 281-996-3285 via Relay Texas at 711 or 1-800-735-2988 for TYY services. For more information concerning Relay Texas, please visit http://relaytexas.com.

Raquel Martinez

Raquel Martinez, TRMC, City Secretary
Posted on: Wednesday, March 18, 2026
Posting time: 7:30 A.M.

Appendix C ZONING[1]

Section 1. Short title; minimum requirements.

A. This appendix shall be known and may be cited as the "City of Friendswood Zoning Ordinance."

B. In their interpretation and application, the provisions of this appendix shall be held to be minimum requirements, adopted for the protection of public health, safety, morals, or general welfare. Whenever the requirements of this appendix are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that which imposes the higher standards shall govern.

C. Should any section or provision of this appendix be adjudged invalid or unconstitutional, such decision shall not affect the validity of this appendix as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 2. Establishment of districts.

The city is hereby divided into the following districts:

	District		Description	Density (units per acre)
	Old	New		
A.	R-1	SFR	Single-Family Residential Dwelling District	2.7
A.1.		SFR-E	Single-Family Residential Dwelling Estate District	0.5
B.	R-2 and R-3	MFR-L	Multiple-Family Residential Dwelling District—Low	6.0
C.	R-4	MFR-M	Multiple-Family Residential Dwelling District—Medium	9.0
C.1.		GHD	Garden Home Residential District	6.0
D.	R-5	MFR-H	Multiple-Family Residential Dwelling District—Highest	12.0
E.	R-6	MHR	Mobile Home Residential Dwelling District	10.0
F.	C-1	CSC	Community Shopping Center District	
G.	C-2	NC	Neighborhood Commercial District	
H.	C-3	OPD	Office Park District	
I.	C-1	DD	Downtown District	
J.		PUD	Planned Unit District	

K.		RSC	Regional Shopping Center District	
L.	A-1	A-1	Agricultural District	
M.	M-1	LI	Light Industrial District	
N.		I	Industrial District	
O.		BP	Business Park District	

(Ord. No. 96-14, § 1, 7-1-1996; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2022-08, § 2, 5-2-2022)

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 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.

(1) 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 may by ordinance adopt a new official zoning map 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:

"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.

(Ord. No. 2024-27, § 2, 9-9-2024)

Section 4. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.

D. Boundaries indicated as parallel to or extensions of features indicated in subsections A and B of this section shall be thus construed. Distances not specifically shown on the official zoning map shall be determined by the scale of the map.

E. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through D of this section, the board of adjustment shall interpret the district boundaries.

F. Whenever any street or alley is vacated by official action of the city council, the district adjoining each side of said street or alley shall be automatically extended to the centerline of property thus vacated and all area included in the vacation shall then and henceforth be subject to all regulations of the extended zoning district or districts.

G. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

Section 5. Application of district regulations.

The regulations set by this appendix within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure on land, and particularly, except as herein provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller front yards, side yards, rear yards, or other open spaces, in any manner contrary to the provisions of this appendix.

C. No part of a lot area, yard or other open space, or off-street parking or loading space required about or in connection with any building or structure for the purpose of complying with this appendix, shall be included as part of a lot area, yard, open space, or off-street parking or loading space similarly required for any other building or structure.

D. No lot or yard existing at the time of passage of the ordinance from which this appendix is derived shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of the ordinance from which this appendix is derived shall meet at least the minimum requirements established herein.

Section 6. Nonconforming uses, structures, and lots.

A. *Types of nonconformity.* There are three types of nonconformity as follows:

1. *Nonconforming use.* Any use of land or buildings which does not conform to the current use regulations prescribed in the city's zoning ordinance or amendments thereto.

2. *Nonconforming structure.* Any structure that does not conform to zoning ordinance provisions regulating structures, including, but not limited to, the following requirements: lot coverage area, required minimum lot dimensions, front yard, side yard, rear yard, height, parking, landscaping, buffer yards, screening, architectural design, exterior construction materials or other structural regulations of the district in which it is located.

3. *Nonconforming lot.* Any lot that fails to meet the requirements for area, width, or depth that are applicable to the zoning district in which the lot is located.

B. *Nonconforming uses.*

1. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

2. It is the intent of this appendix to permit those nonconforming uses to continue until they are removed, but not to encourage their survival.

3. A nonconforming use or a lawful use that has become nonconforming by the future adoption or amendment of a zoning ordinance, or a nonconforming use that exists by virtue of annexation to the city, shall be permitted to exist, subject to the following:

a. *Enlargement.* No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of the ordinance from which this appendix is derived.

b. *Abandonment.* A nonconforming use shall terminate if the nonconforming use or premises is abandoned or discontinued for 12 months or more. The commission may determine that a use or premises which has remained vacant or unused for 12 months or more has not been discontinued under the intent of this section if the owner can state unusual circumstances of any nature that prevented or precluded use of the property during that period, in which case the property may be reoccupied and the nonconforming use reinstituted in compliance with the other provisions of this section.

c. *Change.* Whenever a nonconforming use has been changed to a conforming use, such nonconforming use shall be deemed to be permanently abandoned and shall not be reinstituted on the property.

d. *Annexation.* After annexing an area, a person may continue to use land in that area in the manner in which the land was being used on the date the annexation proceedings were instituted, except where inconsistent with V.T.C.A., Local Government Code § 43.002.

4. To avoid undue hardship, nothing in this appendix shall be deemed to require a change in the plans, construction, or designated use of any building on which an active process was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this appendix is derived and

upon which an active process has been carried on diligently. The phrase "active process" is hereby defined as follows:

a. For land zoned single-family residential (SFR), single-family residential estate (SFR-E), or garden home district (GHD), when a development proposal has been approved in conjunction with a previously approved preliminary plat;

b. For land zoned NC (neighborhood commercial), CSC (community shopping center), DD (downtown district), OPD (office park district), LI (light industrial), I (industrial), BP (business park) or A-1 (agricultural), when the land is subject to a valid existing preliminary site plan in accordance with section 9; or

c. For land zoned MFR-H (multiple-family residential—high density), MFR-M (multiple-family residential—medium density), MFR-L (multiple-family residential—low density) or PUD (planned unit district), when a proposed specific use permit (SUP) has been heard at public hearings of the city council and the commission.

C. *Nonconforming lots.*

1. *Development.* Development shall be permitted on any single nonconforming lot of record. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply if the lot is nonconforming only because it fails to meet the requirements for size (area, width, or depth) that are generally applicable in such district. Yard dimensions and requirements, other than those applying to area, width, or depth, any or all, of the lot shall conform to the regulations of applicable zoning district. Variance of yard requirements shall be obtained only through action of the board of adjustment. Development may still be restricted by limitations imposed by other provisions of this appendix.

2. *Subdivision.* Nonconforming lots may not be further subdivided.

3. *Combination.* Nonconforming lots may be combined and treated as a single lot for development, without platting or replatting, even if the resulting lot is nonconforming.

D. *Nonconforming structures.*

1. It is the intent of this appendix to permit nonconforming structures to remain but to prohibit any nonconforming structure from being enlarged or altered in a manner which increases its nonconformity. Nonconforming structures can be enlarged or altered, provided the enlargement or alteration itself conforms to current regulations. If the enlarged or altered portion of the structure conforms to current regulations, the existing nonconforming portion of the structure may remain in its existing nonconforming condition.

2. Where a nonconforming structure exists, or where a lawful structure becomes nonconforming by the future adoption or amendment of an ordinance, such structure may continue to exist as long as it remains otherwise lawful, subject to the following provisions:

a. *Enlargement.* No such nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity. Nonconforming structures can be enlarged or altered, provided the enlargement or alteration itself conforms to current regulations. If the enlarged or altered portion of the structure conforms to current regulations, the existing nonconforming portion of the structure may remain in its existing nonconforming condition.

b. *Abandonment.*

(1) When a nonconforming structure becomes vacant or is abandoned for 12 months or more, the structure shall be brought up to the current structural regulations of the district in which it is located. An abandoned or vacant structure shall not thereafter be occupied until

the structure conforms to the current structural regulations of the district in which it is located.

(2) Abandonment of a nonconforming structure shall be determined by relevant evidence of nonuse of the structure, including, but not limited to, termination or nonuse of utilities, termination of leasehold, or evidence of lack of occupancy of the structure.

(3) The commission may determine that a structure which has been abandoned under the intent of this section may continue to exist if the owner can show unusual circumstances which prevented or precluded use of the structure during that period, in which case the structure may be reoccupied.

c. *Destruction or damage.*

(1) If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by less than 50 percent of the current replacement cost of the structure by accidental means, including, but not limited to, accidental fire, windstorm, flood, civil disorder, or act of war, the structure may be restored to its preexisting nonconforming state. Such restored structure shall meet all other applicable city codes, and nothing herein shall be construed as constituting a waiver of requirements other than those governed by the zoning ordinance. If plans to restore or repair the structure are not submitted for issuance of a building permit within 12 months from the date of the destruction or damage, the structure must be replaced or restored in full conformity with current structural regulations for the district in which it is located. The commission may grant, upon written application by the property owner showing cause, a one-time extension to seek a building permit for a period not to exceed six months.

(2) If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by 50 percent or more of the current replacement cost of the structure by accidental means, the structure must be restored in full conformity with current structural regulations for the district in which it is located.

(3) Multifamily. Notwithstanding the foregoing, existing nonconforming multifamily dwelling developments may be rebuilt in districts MFR-H, MFR-M and MFR-L, in the event of any such damage or destruction, at the same unit per acre density that existed prior to such damage or destruction, and with no increase in the nonconformity and meeting all current codes.

d. *Relocation of structure.* Should any such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the structural regulations for the district in which it is located after it is moved.

e. *Repairs and maintenance.*

(1) On any nonconforming structure or portion of a nonconforming structure, work may be done in any period of 36 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming structure or portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(2) A property owner may apply to the commission for an increase in the time period or the percentage limits contained herein to enable repairs necessary for the protection of the public health, safety, and welfare.

(Ord. No. 96-14, § 2, 7-1-1996; Ord. No. 99-2, §§ 1—3, 1-18-1999; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2008-29, § 1, 11-3-2008; Ord. No. 2014-18, § 2, 8-4-2014; Ord. No. 2022-08, § 3, 5-2-2022)

Section 6.5. Amendments.

A. *Authority.* The city council may from time to time amend, supplement, or change by ordinance the boundaries of the district or the regulations herein established.

B. *Submission to commission.* Before taking action on any proposed amendment, supplement or change by ordinance of a district boundary or regulation, the city council shall submit the proposed revision to the commission for its recommendation and report. The commission shall make its report within 30 days following the close of the public hearing thereon.

C. *Public hearings.* Prior to adopting any ordinance amending, supplementing, or changing the boundaries of any district or any regulation herein established, the commission and city council shall each hold a public hearing at which any person desiring to be heard regarding such matter shall be given an opportunity to do so. The city council may not hold a public hearing until it receives the final report of the commission.

D. *Notice of public hearings.*

1. Notice of any public hearing involving a proposed change in a zoning classification shall be given, in writing, to each owner of real property, as indicated by the most recently approved city tax roll, which lies within 200 feet of any property on which said change in classification is proposed, such notice to be given before the tenth day before the hearing date.

2. Notice of all public hearings shall also be published in the official newspaper of the city, or a newspaper having general circulation in the city, before the fifteenth day before the public hearing.

3. In addition, notice of any public hearing involving a proposed change in zoning classification shall be given by causing a sign to be erected on the property which would be affected by the proposed change stating the time and place of the hearing. Such sign shall be erected not less than ten days prior to the date on which such hearing is to be held.

4. Before the tenth day before the hearing date, notice of any public hearing involving a proposed change in a zoning classification affecting residential or multifamily zoning shall be given, in writing, via United States Postal Service, to each school district in which the property for which the proposed change in classification is located.

E. *Vote required in the event of protest.* In the event of a written protest to any such proposed amendment, supplement, or change to a district boundary or regulation signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change or those immediately adjacent to the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, such amendment shall not become effective except by the affirmative vote of three-fourths of all members of city council. In computing the percentage of land area, the area of streets and alleys shall be included.

(Ord. No. 90-2, § 1, 2-5-1990; Ord. No. 96-16, §§ 1, 2, 8-19-1996; Ord. No. 2011-13, § 1, 6-6-2011; Ord. No. 2013-30, § 2, 10-7-2013; Ord. No. 2019-13, § 2, 5-6-2019)

Section 7. Schedule of district regulations.

A. *SFR, residential, general purpose and description.* The SFR, Single-Family Residential Dwelling District, is restricted to single-family dwellings, up to 2.7 units per acre, and to related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly convenient, and attractive residential area. Single-family residential areas shall be protected from higher density residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities.

1. Area and height regulations. Area and height regulations in an SFR district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3. Permitted uses. Uses permitted in an SFR district are set forth in subsection P of this section, permitted use table.

A.1. *SFR-E, residential, general purpose and description.* The SFR-E, Single-Family Residential Estate Dwelling District, is the most restrictive residential district. The principal use of land in this district is for low-density single-family dwellings, up to 0.5 units per acre, and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. Low-density residential areas shall be protected from multiple-family residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities.

1. Area and height regulations. Area and height regulations in an SFR-E district, are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3. Permitted uses. Uses permitted in an SFR-E district are the same as SFR, and are set forth in subsection P of this section, permitted use table.

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

1. Area and height regulations. Area and height regulations in an MFR-L district are set forth in subsection Q.2 of this section, regulation matrix, provided, however, that for SFR uses permitted in MFR-L districts, all the district regulations for SFR development shall apply, including but not limited to, lot area, width and setback requirements.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an MFR-L district are set forth in subsection P of this section, permitted use table.

C. *(R-4) MFR-M, residential, general purpose and description.* The MFR-M, Multiple-Family Residential Dwelling—Medium-Density District, is intended to provide for medium-density multiple-family dwellings

which may have a relatively intense concentration of dwelling units, up to nine per acre, served by large open spaces consisting of common areas and recreation facilities, thereby resulting in medium gross densities. The principal use of land may be one or several dwelling types, including low-rise multiple-family dwellings, garden apartments, condominiums and townhouses. Recreational, religious and educational uses normally located to service adjacent residential areas are also permitted to meet the basic needs of a balanced, orderly, convenient, economical and attractive residential area. The MFR-M, multiple-family residential district, functions as a buffer or transition between commercial or higher-density residential areas, and lower-density residential areas.

1. Multifamily residential area and height regulations. Area and height regulations in an MFR-M district are set forth in subsection Q.2 of this section, regulation matrix, provided, however, that for MFR-L uses permitted in MFR-M districts, all the district regulations for MFR-L development shall apply, including but not limited to lot area, width and setback requirements.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an MFR-M district are set forth in subsection P of this section, permitted use table.

C.1. *GHD, residential, general purpose and description.* The GHD, Garden Home District, is intended to provide medium-density, detached, single-family dwellings having open space between units which exceed multi-family buildings, with density not exceeding six units per acre.

The district may be located adjacent to a district of a different zoning designation, and for which the development as GHD would be appropriate as a buffer between incompatible land uses.

(1) Dwellings in the GHD utilize a zero-foot lot line along one side of the property. The intent is to utilize one side of the structure as a shared wall and create a U-shaped, garden area or patio inset on the opposite side of the structure.

(2) Fifty percent or more of one side of the structure shall be located within (1) one foot of the zero-lot line. Building walls which are located on the zero-foot lot line shall meet the adopted building code requirements, which may limit the types of allowed penetrations and projections.

(3) The final plat shall show graphic easements, or a plat note, that dedicates a five (5) foot wide access and maintenance easement for all lots adjacent to lots with a zero-foot lot line. The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.

(4) The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the subject property.

(5) The interior living area of the first floor of any two-story residential structure in GHD shall contain not less than 60 percent of the structure's total living area, and not more than 40 percent of the structure's total living area shall be contained on the second floor, excluding open decks, porches, terraces, and garages.

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

1. Area and height regulations. Area and height regulations in an MFR-H district are set forth in subsection Q.2 of this section, regulation matrix, provided, however, that for MFR-L and MFR-M uses permitted in MFR-H districts, all the district regulations for MFR-L and MFR-M development shall apply, including but not limited to lot area, width and setback requirements.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an MFR-H district are set forth in subsection P of this section, permitted use table.

E. *(R-6) MHR, Mobile Home District, general purpose and description.* The MHR, Mobile Home District, is a residential district intended for mobile home development, up to ten units per acre. Recreational uses normally located in mobile home developments are permitted in this district.

1. Area and height regulations. Area and height regulations in an MHR, mobile home residential dwelling district, are set forth in section 7-Q.2, regulation matrix.

2. See section 8 for supplementary district regulations. 3. Permitted uses. Uses permitted in an MHR district are set forth in subsection P of this section, permitted use table.

4. Other required conditions. The provisions of Ordinance No. 129 (Mobile Home Ordinance) of the city shall apply to the MHR district.

F. *(C-1) CSC, Community Shopping Center District, general purpose and description.* The CSC, Community Shopping Center District, is intended for a unified grouping, in one or more buildings of several, typically between five and 20, retail and service shops or stores that provide for the regular needs and are for the convenience of the people residing in adjacent residential neighborhoods. Gross floor area in a community shopping center typically ranges from 30,000 to 100,000 square feet, and land area consists of two to ten acres in size. It is intended that the community shopping center be developed as a unit, with adequate off-street parking for customers and employees, and with appropriate landscaping and screening to ensure compatibility with surrounding residential environment. This district is ideally located at the intersection of two or more arterial or major streets with a service area of up to 1½ miles.

1. Area and height regulations. Area and height regulations in a CSC district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3. Permitted uses. Uses permitted in a CSC district are set forth in subsection P of this section, permitted use table. A specific use permit for a shopping center as a particular use is required before any building permit or certificate of occupancy may be issued in this district.

4. No CSC district shall be created which includes less than two acres.

5. Buildings in the CSC zoning district are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. 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.

G. *NC, Neighborhood Commercial District, general purpose and description.* The NC, Neighborhood Commercial District, is primarily intended for retail sales, services and office activities in a mixed grouping. This designation is intended for use along major thoroughfares and collector streets where larger tracts of land can be utilized as coordinated commercial centers. This designation is intended for use of land areas between one-quarter acre and two acres. Structure size is typically between 4,000 and 20,000 square feet. Office uses permitted in this district shall not exceed 60 percent of the gross building and structure floor area.

1. Area and height regulations. Area and height regulations in an NC district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an NC district are set forth in subsection P of this section, permitted use table.

4. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.

5. Buildings in the NC zoning district are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are discouraged, except as trim for eves 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.

H. *OPD, Office Park District, general purpose and description.* The OPD, Office Park District, is intended to encourage and permit general professional and business office development in a fashion consistent with surrounding development. This district is ideally suited as a buffer between commercial and residential areas. As such, it shall be considered for entrances and land adjacent to residential developments. The ultimate development is to provide land use intensity and landscaping consistent with surrounding areas.

1. Area and height regulations. Area and height regulations in an OPD are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an OPD are set forth in subsection P of this section, permitted use table.

4. Show window or display window effects shall not be permitted and there shall be no display from windows or doors and no storage of merchandise in the building or on the premises except in quantities customarily found in professional or business offices.

5. Retail operations that are primarily for selling to office park occupants are permitted. Examples of these retail operations would be restaurants, coffee shops, office supply, barbershops, gift shops, health spas, specialty stores.

6. One caretaker's quarters unit may be provided for each office park complex.

7. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.

8. Buildings in the OPD are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are discouraged, except as trim for eves 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.

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

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

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

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in the DD are set forth in subsection P of this section, permitted use table.

4. Buildings in the DD are encouraged to have exterior cladding of brick, masonry, stone, stucco, glass or lap sided cement fiberboard. Sheet cement fiberboards are discouraged, except as trim for eves 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.

J. *PUD, planned unit development, general purpose and description.*

(1) *General.*

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

(b) The general purposes of all PUD districts are several-fold:

1. To encourage unified design and development of tracts of land incorporating a variety of uses, including, but not limited to, residential, commercial, office, and institutional;

2. To accommodate innovation in development by modifying the city's land use and development regulations;

3. To provide for and protect the public health, safety, and general welfare of the city by assuring quality development in accordance with the city's comprehensive plan and other related goals;

4. To minimize the negative impact of developments, especially those related to drainage, environment, traffic, and public services and related facilities;

5. To protect and enhance the aesthetic and visual qualities of development;

6. To provide development of sites in a suitable fashion when such development is restricted by such factors as site location and shape; or

7. To promote economic development in accordance with the city's plans for such.

(c) In no case shall a PUD be used for the sole purpose of circumventing the intent of city ordinances or plans. For the PUD district, the use and property development regulations shall be the same as if each use approved in the PUD were situated in the most restrictive district in which such use is otherwise permitted in this ordinance, unless other restrictions and regulations are approved as a part of the site plan and the PUD district.

(d) The development must be planned as an integral unit and must protect nearby landowners from adverse impact with appropriate buffering and landscaping. A site plan is required for all PUDs.

(e) A PUD district must meet a minimum of one of the following criteria. The commission may recommend, and city council may determine, that more than one criterion is needed to approve a PUD.

1. The land is proposed for development as a mixed-use development requiring more flexible and innovative design standards;
2. The land is proposed for redevelopment or infill development and special design considerations are deemed necessary;
3. The land serves as transition between different and seemingly incompatible land uses;
4. The land is proposed for development of a major employment center or of major economic benefit for the community, and for which special design standards may be warranted;
5. To provide amenities or features that would be of a special benefit to the community; or
6. The land has unique environmental features or unusually configured parcels requiring a more flexible approach to zoning and clustering of uses, or special design standards.

(2) *Application.*

(a) *Application and approval process.* A development review committee meeting with staff is required prior to application for a PUD. Following the DRC meeting, the applicant will submit all required documents described below to city staff for comments and corrections prior to scheduling the public hearing.

(b) Each PUD application shall be accompanied by payment for the processing fee as established in section 14. Advertisement and public hearings shall be held by the commission and city council in accordance with the notification procedure set forth for a rezoning application. Following the public hearing, the commission shall forward the plan with its recommendation to the city council for consideration. The commission and/or city council may require additional information throughout the process.

(c) An applicant may choose one of two ways to seek PUD approval:

1. Submit all items listed below with the application and the required processing fee for rezoning. This option would allow the site plan to be approved as a part of the zone change and prevent the applicant from a second submittal after rezoning to obtain site plan approval.

(a) Data describing all processes and activities involved with the proposed use;

(b) Boundaries of the area covered by the site plan;

(c) 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;

(d) The location of existing drainage ways, and significant natural features;

(e) Proposed landscaping and screening buffers;

(f) The location and dimensions of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities and outside trash storage facilities;

(g) The location, height and type of each wall, fence, and all other types of screening;

(h) The location, height, and size of all proposed signs;

(i) Utility and drainage plans;

(j) Regulation matrix designating what zoning district the development will follow; and

(k) Data describing any variation from the typical development requirements; or

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

(a) General land use and density plan;

(b) Identify proposed general uses, densities, major open spaces, circulation, and access features. Detention and/or retention areas may be calculated as open space only when, in the opinion of the commission, the detention area is designed to act as an amenity;

(c) Statement indicating proposed phasing of development and the projected timing of each;

(d) Data describing all processes and activities involved with the proposed use;

(e) Regulation matrix designating what zoning district the development will follow; and

(f) Data describing any variation from the typical development requirements.

(3) *Modification of standards proposed within a PUD.*

(a) Following adoption of a PUD ordinance pursuant to this section, all subsequent plans prepared for the development or any portion of the property within a PUD must conform to the approved plan in accordance with the standards of the PUD ordinance, this section, and all other applicable ordinances of the city.

(b) The city recognizes that market conditions may alter the development of a large PUD and hereby provides that alterations in the land area or square footage, as appropriate, covered by a category of use, may be varied by not more than 10 percent. In no case shall such variations change traffic or circulation patterns, substantially alter the number or arrangement of buildings, increase the height of buildings, lessen the amount or effectiveness of open space or landscaped buffers, or result in a greater impact on adjacent properties or neighborhoods. Percentage changes specified herein shall be the maximum change allowed; multiple changes exceeding those percentages shall not be approved administratively but shall require the owner to submit an application for an amendment to the district standards.

(4) *Time limit.* A planned unit development issued under this section shall expire two years after its date of issuance if the construction or use authorized thereunder is not substantial and is not providing consistent progress 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 PUD applies requests, in writing, an extension thereof, the city council, after recommendation from the commission, may approve such extension for not more than two additional years. The PUD zoning will remain in place, however, and a new application, fee, and development plan must be submitted in accordance this section. The new submittal must be approved for any construction to occur.

(5) *Revocation.* A PUD may be revoked or modified, after notice and hearing, if the PUD was obtained or extended by fraud or deception or if the terms of the PUD have not been met.

K. *Reserved.*

L. *A-1, Agricultural District, general purpose and description.* The A-1, Agricultural District, is intended for the growing and/or marketing of agricultural products.

1. Area and height regulations. Area and height regulations in an A-1 district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3. Permitted uses. Uses permitted in an A-1 district are set forth in subsection P of this section, Permitted use table. Residential development is prohibited in the A-1 district; however, dwelling quarters for onsite employees and their families are permitted provided such residential use conforms to the SFR district regulations, including lot area, width and setback requirements and parking ratio.

M. *(M-1) LI, Light Industrial District, general purpose and description.* The LI, Light Industrial District, is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesaling, and service operations. This district is designed to upgrade industrial development standards, prevent industrial blight, and protect light industrial development from incompatible residential, commercial or heavy industrial uses.

1. Area and height regulations. Area and height regulations in an LI district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3. Permitted uses. Uses permitted in an LI district are set forth in section 7-P, permitted use table.

N. *I, Industrial District, general purpose and description.* The I, Industrial District, is intended to provide for industrial uses and other uses not otherwise provided for in the other districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts and most commercial districts wherever possible.

1. Area and height regulations. Area and height regulations in an I district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3. Permitted uses. Uses permitted in an I district are set forth in subsection P of this section, permitted use table.

O. *BP, Business Park District.* The BP, Business Park District, is intended to encourage and permit light manufacturing and/or service operations and auxiliary retail and wholesale sales. The business may be individually owned or leased by a common owner. The types of uses, and the design and exterior appearance shall be so controlled as to maintain the integrity and be generally compatible with adjacent surrounding residential and commercial development. All services, manufacturing and storage are to be indoors. This district shall access or abut major thoroughfare and/or collector streets. It is intended that the business park be developed as a unit.

1. Area and height regulations. Minimum size business park 10,000 square feet, no structure within a BP shall be located within 25 feet of an exterior BP boundary (an exterior BP boundary is one that abuts a zone other than BP).

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in a BP district are set forth in subsection P of this section, permitted use table.

4. Light manufacturing is permitted only if limited to final machining, assembly, testing, processing and packaging into finished goods from raw materials produced elsewhere, such as electronic parts assembly, medical products processing, mechanical parts assembly and aerospace equipment processing.

5. Truck docking facilities are permitted, provided they are located in the rear or side yard and screened from view of adjacent street right-of-way.

.

. .

6. Performance standards shall conform to section 8.J as shown in the CSC zoning district.

7. Exterior requirements. All buildings are encouraged to be constructed with at least 65 percent of their exterior walls, excluding doors and windows, constructed of masonry materials, or concrete construction or a combination of masonry, concrete, aluminum or glass materials, 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.

8. Except as specifically provided in the permitted use table in subsection P of this section, retail sales shall be permitted as accessory uses only and then only to the extent that such sales are sales of products manufactured or serviced on the premises. Retail sales shall not be permitted as a primary use in the BP district except where specifically authorized in said subsection P of this section.

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. .

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, the community development department 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 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	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC		OPD	DD	A-1	L1	I	BP
Single-Family Residence	P		P												
Garden Home Residence		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									

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC		OPD	DD	A-1	L1	I	BP
	Sexually oriented businesses (Ch. 62)														S	
11	*Agriculture, Forestry, Fishing and Hunting*															
111	Crop production							O	O		O	O	P			
1114	Greenhouse, nursery, and floriculture production										O	O	P	S	S	O
112	Animal production and aquaculture							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	*Mining, Quarrying, and Oil and Gas Extraction*															

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	*Utilities*															
221	Utilities										O	O		S	P	O
23	*Construction*															
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	*Manufacturing*															
311	Food manufacturing							O			O	O		S	S	S
311811	Retail bakeries							P	P			P		P	P	
3121	Beverage manufacturing							P			O	P		P	P	P
3122	Tobacco 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
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
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	*Wholesale Trade*															
423	Merchant wholesalers, durable goods							O			O	O		P	P	P
424	Merchant wholesalers, nondurable goods							O			O	O		P	P	P
425	Wholesale trade agents and brokers							O			O	O		P	P	P
44—45	*Retail Trade*															
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 retailers							P	S		O	O		P	P	P
4491	Furniture and home furnishing retailers							P	P		O	P		S	S	P
4492	Electronics and appliance retailers							P	P		O	P		S	S	P
444	Building material and garden equipment and supplies dealers							P	P		O	P		P	P	P
444180	Other building material dealers							S	S		O	O		S	S	S
445	Food and beverage retailers							P	P		O	P		P	P	S
455	General merchandise retailers							P	P		O	P		P	P	P

4561	Health and personal care retailers							P	P		O	P		P	P	P
457	Gasoline stations and fuel dealers							P	P		O			P	P	
45712	Other gasoline stations										O	O		S	S	
458	Clothing, clothing accessories, shoe, and jewelry retailers							P	P		O	P		P	P	P
4591	Sporting goods, hobby, and musical instrument, retailers							P	P		O	P		P	P	P
4592	Book retailers and news dealers							P	P		O	P		P	P	P
4593	Florists							P	P		O	P		P	P	P
4594	Office supplies, stationary, and gift retailers							P	P		O	P		P	P	P
4595	Used merchandise retailers							P	P			P		P	P	P
45993	Manufactured (mobile) home dealers										O	O			S	
4599	Other miscellaneous retailers							P	P			P		P	P	P
48—49	*Transportation and Warehousing*															
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	*Information*															
513	Publishing industries							P			O	P		P	P	P
512	Motion picture and sound recording industries							S			O	S		S	S	S
516	Broadcasting and content providers							S	S		O	O		P	P	P
517	Telecommunications							S	S		O	S		P	P	P
517121	Telecommunication resellers							P	P		O	P		P	P	P
518	Computing infrastructure providers, data processing, web hosting and related services							S	S		O	S		S	P	P
519	Web search portals, libraries, archives, and other information services							S	S		O	S		S	P	P
52	*Finance and Insurance*															
521	Monetary authorities—Central bank							P	P		P	P		P	P	P

522	Credit intermediation and related activities							P	P		P	P		P	P	P
522299	International, secondary market, and 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	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	P
53	*Real Estate and Rental and Leasing*															
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 and leasing							O	O		O	O		O	P	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)							P	P		P	P		P	P	P
54	*Professional, Scientific and Technical Services*															
541	Professional, scientific, and technical services							P	P		P	P		P	P	P
54138	Testing laboratories							S			O	S		S	P	P

55	*Management of Companies and Enterprises*															
551	Management of companies and enterprises							P	P		P	P		P	P	P
56	*Administration and Support and Waste Management and Remediation Services*															
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	*Educational Services*															
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	*Health Care and Social Assistance*															
621	Ambulatory health care services							P	P		P	P			P	P
622	Hospitals							P			O	S		P	P	P

6231	Nursing care facilities—Skilled nursing facilities							S	S		O	S			S	
6232	Residential, intellectual and development disability, mental health, and substance abuse facilities	P	P	P	P	P	P									
623311	Continuing care retirement communities (with on-site nursing)							S	S		O	S		S	S	
623312	Assisted living facilities for the elderly (without on-site nursing)							S	S		O	S		S	S	
624	Social assistance							S			O	S		S	S	S
6244	Child day care services (childcare centers)							P	P		O	P		P	P	
6244	Child day care services (registered and/or licensed childcare home)	P	P													
71	*Arts, Entertainment and Recreation*															
7111	Performing arts							P			O	P		P	P	P
7112	Spectator sports							S			O	O		P	P	P
7113	Promoters of performing arts, sports, and similar events							P			O	P		P	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		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	
713990	All other amusement and recreation activities							S	S			P		P	P	
72	*Accommodation and Food Services*															
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	P
7224	Drinking places (more than 75% sales of alcoholic beverages)							S				S		S	S	S
7225	Restaurants and other eating places							P	P		O	P		P	P	P
81	*Other Services (Except Public Administration)*															
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							S			O	O		S	P	P

	(except automotive and electronic repair and maintenance)															
8114	Personal and household goods repair and maintenance							S			O	O		S	P	P
8121	Personal care services							P	P		P	P		P	P	P
8122	Death care services							S	S		O	S		S	S	S
8123	Dry cleaning and laundry services							P	P		P	P		P	P	P
8129	Other personal services							P	P		P	P		P	P	P
8131	Religious organizations	S	S	S	S	S	S	S	S		O	S	S	S	S	S
8132	Grantmaking and giving services							O	O		O	O		O	P	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	P	O
814	Private households	P	P	P	P	P	P					P (a)	P			
92	*Public Administration*															
921	Executive, legislative, and other general government support							P			O	P		P	P	P
922	Justice, public order, and safety activities							P			O	P		P	P	P

92214	Correctional institutions														S	
923	Administration of human resource programs							P			O	P		P	P	P
924	Administration of environment quality programs							P			O	P		P	P	P
925	Administration of housing programs, urban planning, and community development							P			O	P		P	P	P
926	Administration of economic programs							P			O	P		P	P	P
927	Space research and technology							P			O	P		P	P	P
928	National security and international affairs							P			O	P		P	P	P

(a) Second floor and above.

(b) *Legend:*

1. P: Permitted.
2. S: Specific use permit required.
3. O: Office use only.
4. Blank: Not permitted.

(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:

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.

(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:

    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. A similar architectural feature may be presented for consideration approved by the director.

Q. *District area and height regulations.*

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

2. See regulation matrix.

REGULATION MATRIX - COMMERCIAL DISTRICTS

Refer to paragraphs in section 7-Q.3. for area and height exceptions.

Zoning District	Lot Area Minimum Square Feet	Lot Width Minimum Feet	Lot Depth Minimum Feet	Yards—Minimum Feet						Height Maximum Feet (max. 4 stories)	Landscape Requirements	Ex No
				Front	Rear	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	
NC	12,000	100	120	30	15 D	25	10	25	10	40	Yes	D,
DD	15,000 E	0	0	0	0 F	15	0	0	0	70	Yes	E,
OPD	10,000	100	100	30	15	25	10	25	10	40	Yes	H
BP	10,000	100	100	30	25	25	25 J	25	25 J	40	Yes	J
LI	15,000	100	100	30 A	25	25	10	25	10	40	Yes	A
I	20,000	100	100	30 B	25 C	40 C	10	25 C	10 C	40	Yes	B,

A. When LI district is across the street from a residential district, front yard shall be a minimum of 40 feet.

B. When I district is across the street from a residential district, front yard setback shall be a minimum of 50 feet.

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 district abuts a residential district, rear yard setback shall be a minimum of 25 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 Reserved.

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. Reserved.

J. When side yard of a BP district abuts another BP district, side yard setback shall be a minimum of 10 feet. In BP, no structure shall be located within 25 feet of an exterior BP boundary. An exterior BP boundary is one that abuts a zone other than BP, per subsection O.1 of this section.

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

L. Setbacks shall be measured from the edge of the street ROW. If streets or drives are private, setbacks shall be measured from the edge of the drainage, utility, or access easement, whichever is greater.

REGULATION MATRIX—RESIDENTIAL DISTRICTS

Refer to paragraphs in section 7-Q.3. for area and height exceptions.

	Units per Acre	Lot Area Minimum Square Feet	Lot Width	Yards—Minimum Feet					Height Maximum Feet	Zero Lot Lines Y or N	Maximum Lot Coverage
				Front	Rear	Side					
						Interior	Exterior (Corner Lot)				
							Backing Up to an Abutting Side Yard	Backing Up to an Abutting Rear Yard			
SFR Single-Family Residential	2.7	11,600	90 A	25 B	25	10 F	25 A	20 C	40	No	35%
SFR Single-Family Residential	2.7	15,600	120 A	25 B	25	10	25 B	20 C	40	No	35%
SFR-E Single-Family—Residential Estate	0.5	87,120	150 A	75	25	25	35	35	40	No	20%
MFR-L Multifamily—Low	6 G	7,260 G	45 G	25 B	25	10 E, I	25 B	20 C	40	No	50%
MFR-M Multifamily—Medium	9	—	—	25 B	0	10 E, I	25 B	20 C	40	No	50%

MFR-H Multifamily—Highest	12	—	—	25 B	0	10 E, I	25 B	20 C	40	No	50%
MHR Mobile Home	10	—	—	25 B	25	10 I	30	25	20	No	50%
A-1	—	—	—	25 B	25	10 I	25 B	20 C	40	No	10%
GHD Garden Home District	6	6,000	60	20 B, H	20	0 D, E	5 B, H	4 C, H	40	Yes D	50%

A. Lots of less than 120 feet wide require curbs. Lots 120 feet wide or greater may use open ditches.

B. 35 feet on thoroughfares.

C. 25 feet on thoroughfares.

D. Zero-foot lot line on one side only.

E. Ten-foot minimum separation between buildings.

F. Lots currently in existence with less than 90 feet of width may continue with the same existing setback provided they are not less than a minimum of five feet.

G. Developer must elect either units per acre or lot area. Two-family residential units on two lots are required when lot area is elected. Example: a duplex requires two 45-foot-wide lots.

H. Setbacks shall be measured from the edge of the street ROW. If streets or drives are private, setbacks shall be measured from the edge of the drainage, utility, or access easement, whichever is greater.

I. 25 feet when abutting land zoned single-family residential (SFR) district.

J. Reserved.

K. Parking is required in accordance with the parking group table in the design criteria manual.

3. *Area and height exceptions.*

a. Height maximum in community shopping center (CSC), neighborhood commercial (NC), office park district (OPD), light industrial (LI), industrial (I), and business park (BP) districts may exceed 40 feet in height, but in no event greater than 70 feet in height, when the building setback from the nearest property line is equal to or greater than the building height. Buildings or structures that exceed 40 feet in height shall have a minimum distance to the nearest single family residential (SFR) zoning of at least two and a half (2.5) times the overall building height. Distance shall be measured from the nearest point of the building to the single family residential (SFR) property line.

b. Exceptions for community shopping center (CSC), neighborhood commercial (NC), office park district (OPD), light industrial (LI), industrial (I), and business park (BP) districts:

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

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

c. Exceptions for the downtown district (DD):

1. On buildings or structures located in the downtown district (DD), finials, crosses and other religious symbols shall not extend more than 18 feet above the building or extend more than 18 feet above the allowable building height; and

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

d. Communications towers height criteria:

1. Height limitations of communication towers. The maximum communication tower height, including antennae, lightning rods and accessories, in non-residential districts shall not exceed 200 feet.

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

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

e. Buildings or structures located in a planned unit development (PUD): Buildings and structures located in a planned unit development (PUD) shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a PUD application will be as established in the ordinance authorizing and approving the PUD.

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

g. 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.

h. 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.

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

j. 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.

k. Elementary and secondary schools shall be exempt from the height limitations contained herein. Height limitations for elementary and secondary schools will be established in the ordinance authorizing and approving a specific use permit (SUP).

(Ord. No. 85-37, § 1, 1-6-1986; Ord. No. 89-10, §§ 1—3, 9-11-1989; Ord. No. 89-18, § 1, 11-16-1989; Ord. No. 90-5, § 2, 3-5-1990; Ord. No. 90-6, §§ 1, 2, 3-19-1990; Ord. No. 90-18, § 1, 7-23-1990; Ord. No. 92-15, § 1, 10-5-1992; Ord. No. 92-16, §§ 1, 2, 10-19-1992; Ord. No. 93-5, §§ 1—3, 4-19-1993; Ord. No. 93-8, § 1, 6-7-1993; Ord. No. 94-4, § 1, 4-18-1994; Ord. No. 95-12, § 1, 5-15-1995; Ord. No. 95-4, § 1, 7-24-1995; Ord. No. 95-31, 12-4-1995; Ord. No. 96-10, § 1, 6-3-1996; Ord. No. 96-14, § 3—7, 7-1-1996; Ord. No. 97-5, §§ 1—4, 3-3-1997; Ord. No. 98-1, §§ 1—5, 4-20-1998; Ord. No. 98-14, § 1, 8-17-1998; Ord. No. 98-17, § 1, 9-14-1998; Ord. No. 99-3, §§ 2—7, 1-18-1999; Ord. No. 99-6, §§ 1—7, 13, 1-18-1999; Ord. No. 99-7, § 1, 1-18-1999; Ord. No. 99-11, § 1, 7-26-1999; Ord. No. 99-21, § 2, 10-18-1999; Ord. No. 99-23, §§ 1—3, 10-18-1999; Ord. No. 2000-22, §§ 1, 3, 8-7-2000; Ord. No. 2000-24, § 1, 8-7-2000; Ord. No. 2000-23, §§ 2—4, 8-21-2000; Ord. No. 2000-26, §§ 1, 2, 8-7-2000; Ord. No. 2000-45, §§ 1, 2, 12-18-2000; Ord. No. 2002-1, §§ 1, 2, 1-21-2002; Ord. No. 2004-11, §§ 1—3, 8-2-2004; Ord. No. 2004-12, §§ 1—3, 8-2-2004; Ord. No. 2004-08, §§ 1—4, 8-16-2004; Ord. No. 2004-21, § 1, 12-6-2004; Ord. No. 2005-32, § 1, 10-17-2005;

Ord. No. 2005-33, §§ 2, 3, 10-17-2005; Ord. No. 2006-15, § 1, 7-24-2006; Ord. No. 2007-04, § 1, 4-2-2007; Ord. No. 2007-11, § 2, 10-1-2007; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2008-06, § 2, 2-18-2008; Ord. No. 2008-16, §§ 1, 2, 7-21-2008; Ord. No. 2008-28, §§ 1, 2, 11-3-2008; Ord. No. 2008-41, § 1, 11-17-2008; Ord. No. 2009-10, § 1, 6-15-2009; Ord. No. 2009-09, §§ 1, 2, 8-3-2009; Ord. No. 2009-25, § 1, 1-4-2010; Ord. No. 2010-11, §§ 1—11(exh. A), 4-19-2010; Ord. No. 2010-41, § 1, 1-10-2011; Ord. No. 2011-14, § 1, 4-18-2011; Ord. No. 2011-35, §§ 2, 5(exh. A), 6(exh. A), 12-5-2011; Ord. No. 2011-36, § 2(exh. A), 12-5-2011; Ord. No. 2012-31, § 1(exh. A), 12-3-2012; Ord. No. 2013-09, § 2, 5-6-2013; Ord. No. 2013-45, § 4(exh. A), 12-2-2013; Ord. No. 2014-05, § 2(exh. A), 4-7-2014; Ord. No. 2016-10, § 2(exh. A), 4-4-2016; Ord. No. 2017-07, § 2, 3-6-2017; Ord. No. 2018-15, §§ 2(exh. A), 3(exh. B), 7-2-2018; Ord. No. 2018-16, § 2(exh. A), 7-2-2018; Ord. No. 2019-18, § 2, 6-3-2019; Ord. No. 2019-19, § 5, 6-3-2019; Ord. No. 2020-04, § 2, 2-3-2020; Ord. No. 2020-17, § 2(Exh. A), 4-6-2020; Ord. No. 2020-44, § 2, 12-7-2020; Ord. No. 2021-04, §§ 2, 3, 3-1-2021; Ord. No. 2021-05, § 2, 3-1-2021; Ord. No. 2021-20, § 2(Exh. A), 9-13-2021; Ord. No. 2021-28, § 2, 10-4-2021; Ord. No. 2022-01, § 2, 2-7-2022; Ord. No. 2022-06, § 2, 4-4-2022; Ord. No. 2022-08, §§ 4—7, 5-2-2022; Ord. No. 2023-18, § 2, 8-7-2023)

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 at 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 eves 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., 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 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; Ord. No. 2021-28, § 5, 10-4-2021)

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 facilities are provided in connection with the construction, alteration, remodeling or change of use of any building or land. Specific guidelines regarding required off-street parking spaces and parking lot geometry shall comply with the requirements of the current Design Criteria Manual.

1. Parking Area Design. All off-street parking areas, including shared parking areas, shall be designed to provide safe and efficient parking and vehicular circulation. Parking layouts and design shall comply with the standards contained in the Design Criteria Manual, including requirements related to the number of parking spaces, parking space dimensions, aisle widths, and circulation patterns.

2. Loading and Unloading Areas. The owner or occupant of any property upon which a business is located shall provide loading and unloading areas of sufficient number and capacity to accommodate all vehicles reasonably expected to simultaneously deliver or receive materials or merchandise on the premises. Such areas shall be of adequate size to accommodate the types of vehicles reasonably expected to utilize the facility.

3. Site Plan Requirements. Any person applying for a building permit for the construction, alteration, or change of use of the land or of any building or structure shall submit a site plan 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 proposed loading and unloading facilities shall not create 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, 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 director may determine the provisions of this subsection may not apply in the following circumstances:

(a) 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.

(b) A commercial use has been established by specific use permit on a residentially zoned lot.

(4) When a residentially zoned property is rezoned to commercial and is adjacent to a commercially zoned property, an existing fence may be removed, in whole or in part, to allow the commercially zoned properties joint or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners

(5) 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.

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

(7) 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.

a-1. *Adjacent property, buffering streets.* All land zoned commercial or industrial, as that term is defined in this section, shall have a minimum ten-foot landscaped open space adjacent to each public right-of-way located within the required yard.

b. *Trees for buffer strips.* If an open space buffer strip is required under the terms of this subsection I, not less than one tree, whether existing or planted, shall be maintained for each 25 lineal feet or portion thereof of solid open space buffer strip.

b-1. *Landscape trees.* All required trees for landscaping shall be not less than eight feet in height immediately upon planting and shall have a caliper of not less than two inches measured 18 inches above the natural ground level.

c. *Off-street parking landscaping.*

(1) All areas, other than those located within the industrial district, that are used for parking or display of vehicles, boats, construction equipment or production equipment, shall conform to the minimum landscaping requirements of this subsection 2.c. Areas that are of a drive-in nature, such as filling stations, grocery stores, banks and restaurants also, shall conform to the minimum landscaping requirements of this subsection 2.c.

(2) It is the intent of this subsection 2.c to promote the placement of trees along the thoroughfares of the city. Therefore, at least 50 percent of the required trees shall be located between the street and any buildings. No tree other than those species listed as small trees (size 3) on the qualified tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(3) Parking lots shall be considered small if they contain spaces for 20 or less cars. Small parking lots shall have "open" landscaped areas that are equal to not less than ten percent of the parking area and drives in the parking area. The required area may be used as islands or perimeter landscaping or in any combination. A minimum of one Class 1 or Class 2 tree from the qualified tree list shall be planted and maintained for each 250 square feet or portion thereof of landscaped open space area.

Parking lots with more than 20 parking spaces shall have open landscaped areas equal to ten percent of the parking area and drives in the parking area. Fifty percent of the required landscaped area shall be used as islands. Perimeter landscaping shall have at least one such tree for each 40 lineal feet or fraction thereof. Each island shall have one such tree planted and maintained thereon.

(4) All planted islands shall have curbs of sufficient height and width to contain the planted island.

(5) Planted islands are to integrate groundcovers and small shrubs while minimizing the use of medium to tall shrubs; and shall not obstruct visibility of pedestrians and vehicles.

(6) Off-street parking areas that are adjacent to residentially zoned property shall have opaque fences or walls, eight feet in height above ground level, which shall be erected and maintained along the property line to provide visual screening.

(7) All trees required in this subsection 2.c shall have a caliper of not less than two inches, measured 18 inches above the natural ground level.

(8) If paving around a tree is required on private property, use porous pavements such as cast-in place, monolithic turf, and concrete combinations over specimen roots to allow water and air exchange.

(9) All plants shall receive proper irrigation to encourage deep root growth and survivability.

d. *Existing plant material.*

(1) Where healthy planting exists on a site, the director 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 director 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 for any person, firm or city department to top any tree on public property. To top 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 director.

(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 any 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 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.

(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:

(i) All proposed development on land located in districts zoned as neighborhood commercial (NC), community shopping center (CSC), downtown district (DD), , 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.B; and

(iii) For residential developments on land located in districts zoned as single-family residential (SFR), planned unit development (PUD), or residential-garden home district (GHD), provided, however, the tree survey required by this subsection shall be required only for the common areas located within those developments, such as community parks, where residents of the developments would have common access.

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

(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;

(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 department.

(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 department concurrently with or as a part of the site plan, development permit or plat. The director shall review the data on-site for verification. The tree survey shall be accepted by the director or the director 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 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 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

	On-Site Replacement	Off-Site Replacement	Minimum Caliper Per Tree in Inches
12"—24"	100 percent	120 percent	4-inch
24.1"—36"	150 percent	170 percent	6-inch
Greater than 36"	200 percent	220 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.

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 as established in Appendix D, Schedule of Fees, Rates, Charges, Deposits, Bond and Insurance Amounts. 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 from the issuance of a certificate of occupancy 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 as prescribed in section I.2.f.(6)(b) of this appendix.

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 director for substantially wooded lots, in instances where the director 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:

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.

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.

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 temporary uses.*

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.

(1) Temporary construction structures may be placed on sites that have been legally platted; or

(2) Temporary construction structures may be placed on undeveloped sites upon city approval of infrastructure plans.

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. 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 director. 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.

2. *Temporary outdoor uses.*

a. For the purpose of this section, a "temporary outdoor use" is defined as the display of any merchandise, service, product, or good outside of a permanent structure for the purpose of sale, whether immediately or by accepting orders and irrespective of where payment is made. Such use may take place in required parking areas, invite outside vendors to the property, and/or utilize off-site parking.

(1) *30-day permit.* A 30-day permit may be issued for the temporary sale of holiday merchandise, such as pumpkins, flowers, and Christmas trees.

(a) *Number of permits.* There shall not be more than three permits issued per lot within a calendar year, nor shall permits be allowed to run consecutively during two, 12-month periods.

(b) *Hours of operation.* A permit for the temporary sale of holiday merchandise shall be for a period not to exceed 30 consecutive calendar days. The temporary outdoor use shall be allowed to conduct business no earlier than 9:00 a.m. and must close activities at official sundown, unless the applicant shows adequate lighting on the site plan. All outdoor activities must close by 10:00 p.m. 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. on the day after the final date of the permit. However, any such permit issued for an activity commencing on 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.

(c) *Mobile food and beverage units.* Food trucks, concession trailers, or similar vehicles selling food or drink items are prohibited.

(2) *Four-day permit.* A four-day permit may be issued for short-term temporary uses that include, but are not limited to, art and craft shows, festivals, fairs, grand openings, and church bazaars.

(a) *Number of permits.* There shall not be more than six permits issued per lot, within a calendar year, nor shall permits be allowed to run consecutively during two, 12- month periods.

(b) *Hours of operation.* A permit for a short-term temporary use shall be for a period not to exceed four 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 at official sundown, unless the applicant shows adequate lighting on the site plan. All outdoor activities must close by 10:00 p.m. The permittee must remove all items, tents and materials used for the

conduct of the special event from the location not later than 5:00 p.m. on the day after the final date of the permit.

(c) *Mobile food and beverage units.* Food trucks, concession trailers, or similar vehicles selling food or drink items may be permitted provided they possess a permit issued by Galveston County Health District and/or Texas Alcohol and Beverage Commission, whichever is applicable.

b. *Permit required.* No person shall conduct temporary outdoor uses either in the open or under a tent or other temporary cover within the city limits without first obtaining a permit under this section. 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.

c. *Application for permit.* Applications must be submitted a minimum of 30 days before the start date of the temporary outdoor use. Complete applications will be granted or denied a minimum of seven business days before the start of the temporary outdoor use to allow the applicant adequate time to promote the temporary use. A complete application shall include:

(1) Name and contact information of the person conducting the activity,

(2) Proposed location,

(3) Name and contact information of the property owner where the use will take place,

(4) Description of the intended activity,

(5) Proposed dates for the temporary use,

(6) Number of anticipated attendees,

(7) Proof of insurance for the activity, in a minimum amount of coverage as determined by the city council or required by law,

(8) Site plan showing the location of all activities that will take place on the property including tents, temporary structures, food trucks (for 4-day permits), restrooms, parking, trash receptacles, and any other pertinent information,

(9) Lighting plan, if required by section 2.a.(1)b. or 2.a.(2).b.,

(10) Fire related items required by the International Fire Code,

(11) Written authorization for the use of offsite parking, if applicable,

(12) A copy of the activity's sales tax certificate,

Depending on the number of attendees, number of businesses involved, or nature of the temporary use, the city may require the following,

(13) Security agreement with peace officers,

(14) Traffic control plan,

(15) Janitorial/clean-up service agreement and/or plan, or

(16) Health permits or state alcoholic beverage commission permits.

The appropriate city department may waive one or more of the above items it deems unnecessary due to the nature of the temporary use and the adequacy of existing infrastructure servicing the location.

d. *Fee.* The community development department shall charge and collect a fee before issuance of a permit as determined in Appendix D. 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. The conducting of a temporary use 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 may be exempt from the permit fee.

e. *Rescheduling.* Permitted temporary outdoor uses may be rescheduled one time due to inclement weather or other reasonable reason.

f. *Compliance required.* Temporary outdoor uses 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 temporary outdoor uses must comply with the setback requirements, parking requirements, noise ordinance, and other standards in city ordinances. 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.

g. *Operating without a permit; false information.* Any person or entity conducting a temporary outdoor use 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 temporary use from the premises before midnight of that day.

h. *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.

i. *Determination of number of permits.* Permits issued the same calendar year of the effective date of this ordinance shall be subject to the limitations on the number of allowable permits for the calendar year.

3. *Farmers' markets.* 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.

   a. No resale or craft items are allowed to be sold at farmers' markets.

   b. In addition to the application and supporting documents listed in subsection 2.(c) of this section, the applicant must also provide an issued and approved county health district farmers' market and vendor permits.

   c. 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 closure of the market on Sunday, all market items must be removed from the site, including display tables, tents, equipment, etc.

   d. Food trucks, concession trailers, or similar vehicles selling food or drinks may be allowed during the operation hours of a farmers' market.

4. *Exemptions.*

   a. *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 on the same parcel. Such displays may not cover more than one-half of the width of the pedestrian walkway between the storefront and the curb, nor impede the minimum egress width required by code, whichever is greater.

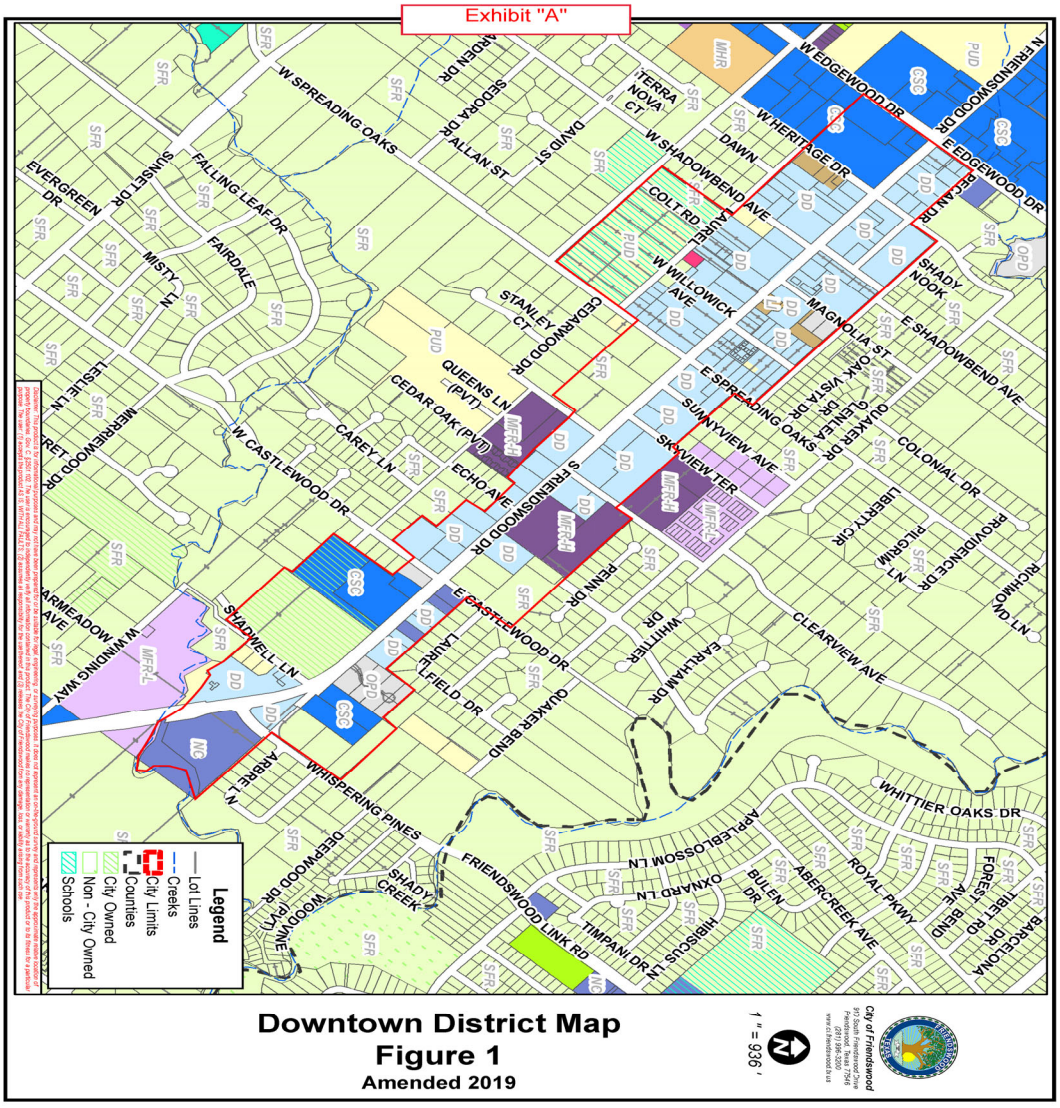
   b. *Suspension in the event of disaster or loss.* In the event of a natural disaster (e.g., flood, hurricane), or other catastrophic loss (e.g., fire), the city council may suspend the application of this appendix for such period of time as may be determined to be necessary for reconstruction of permanent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

   c. *Temporary uses.* The conducting of temporary uses by the city shall be exempt from the provisions of this section.

5. *Signs.* Signage shall comply with City of Friendswood Code of Ordinances, Appendix A.

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.

    a. Off-site parking shall be allowed if within one block of the development. For purposes of this subsection, one block shall constitute no less than 300 linear feet and no more than 1,200 linear feet.

    b. Shared parking areas shall be allowed.

    c. Shared access agreements shall be required between adjacent developments.

d. On street, head-in parking may be allowed in the Downtown District (DD) with the approval of the director, upon recommendation of the city engineer, in areas at least 75 feet from FM 518 and/or FM 2351. No on-street parking shall be allowed on FM 518 or on FM 2351 within the DD.

e. Development plans shall indicate how freight and goods will be delivered.

f. Development plans shall show the design and layout for all parking. Documentation shall be provided to verify authority for all shared or off-site parking.

g. All such required documentation shall be presented before a development plan is approved.

h. 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.

i. All planted islands shall have curbs of sufficient height and width to contain the planted island.

j. 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.

k. 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.

l. All trees required in subsection 8.I.2.c(2) shall have a caliper of not less than two inches, measured 18 inches above the natural ground level.

m. 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.

n. All plants shall receive proper irrigation to encourage deep root growth and survivability.

4. *Architectural standards.*

a. Buildings in the DD are encouraged to have exterior cladding of brick, masonry, stone, stucco, glass, or lap sided cement fiberboard. Sheet cement fiberboards are discouraged, except as trim for eves and overhangs, while all building products and materials approved for use by a national model code published within the last three code cycles are allowed by V.T.C.A., Government Code ch. 3000.

b. Exterior facades, including the roof, shall be limited to earth tone colors. Color samples shall be submitted as part of the commercial site plan. Earth tone colors depict the colors in nature; they include flat and muted shades of brown, green, blue, orange, and some reds and tans.

c. Fenestration shall mean the openings in a wall, such as doors and windows, to include faux windows whether transparent or not. Such windows may be inoperative but must be framed as a window and otherwise appear to be a window. Painted openings would not be counted in

fenestration calculations. Fenestration along front or other facades visible to the public are encouraged to be as follows:

(1) Walls visible to the public shall have windows and or doors (i.e., no blank walls allowed).

(2) Not less than 40 percent fenestration shall be provided for all ground floor primary facades (front or side) that face a public right-of-way.

(3) Not less than 25 percent fenestration shall be provided for all upper floor facades.

d. Reserved.

e. Fenestration calculations. Preferred fenestration minimum:

(1) Area of ground floor primary wall facing ROW x 40 percent = minimum fenestration.

(2) Area of upper floor x 25 percent = minimum fenestration.

f. Garage bays or other similar large openings designed for automotive or industrial work, or designed for vehicles to drive into, shall not front FM 518 or FM 2351 within the Downtown District boundary. This prohibition shall not include drive-thrus such as are typically found at banks or fast-food establishments. In the event that this requirement overlaps at an intersection, the architectural requirement regarding garage bays shall apply only to the frontage on one street as designated on the site plan.

5. *Screening.*

a. Mechanical equipment, such as roof top equipment, compressors, refrigeration units and trash enclosures, outside storage, and other nonpublic service areas that are visible from a public area, shall be screened to a height sufficient to completely screen the use from view at ground level. The term "view at 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 street or streets.

b. The design of walls and other structures located on the same site, including those used to screen outdoor storage areas, dumpsters, vehicles, etc. are encouraged to be constructed of the same materials as the building on the lot. Cyclone fences are prohibited.

c. See Section 8.L. for additional dumpster screening requirements.

6. *Sidewalks.*

a. Each development along FM 2351 and FM 518 shall provide a minimum 15-foot-wide parkway adjacent to the street right-of-way. The 15-foot parkway must contain an unobstructed brick-paved sidewalk, as described in Appendix E of the Design Criteria Manual, at least eight feet wide and a seven-foot wide landscape area.

b. Each development along all other streets within the downtown district shall provide a concrete sidewalk built in accordance with city standard specifications and shall be a minimum of six feet in width. Concrete sidewalks shall be built within the street right-of-way and adjacent to the right-of-way lines.

c. If sidewalks cannot be placed wholly within the right-of-way and must be placed on private property, easements of the appropriate width shall be required.

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 commission.

(1) Trees shall be provided every 25 linear feet. Trees used in the 15-foot parkway shall be Class 2 or Class 3 trees from the city's qualified tree list, and other landscaping material such as bushes and/or groundcover may be used. The tree and landscaping material shall be maintained in living condition. One-half of the trees shall have a minimum caliper of four inches and one-half shall have 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.)

(2) Amenities shall be provided in accordance with the design criteria manual, Exhibit E, Downtown District Amenities. A minimum of two lights and two benches are required within the 15-foot parkway of each development. All provided amenities shall be permanently maintained by the property owner, including the brick-paved sidewalks.

b. Developments along all other streets within the downtown district shall have a minimum ten-foot landscaped buffer located on private property and not less than one tree, whether existing or planted, shall be planted and maintained for each 25 lineal feet or portion thereof. Each such tree 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. Alternate sidewalk, landscape and amenity designs specific to the site or the function of the development within the downtown district may be considered by the commission if it determines that the proposed alternative sidewalk is not narrower than six feet and provides, respectively:

(i) Equal or better pedestrian access to and along the development property;

(ii) Equal or enhanced landscape beautification for the development; or

(iii) Equal or better design amenities than otherwise required herein.

d. See Section 8.I. for additional information on maintenance and preservation of trees.

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

a. When a commercial use is established on a lot or premises located adjacent to any residential 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 commercial property between it and the adjacent protected property.

b. 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, with commission approval.

c. 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 director 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 and is adjacent to a commercially zoned property, an existing fence maybe removed, in whole or in part, to allow the commercially zoned properties joint or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners.

d. 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.

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; Ord. No. 2021-28, §§ 3, 4, 10-4-2021; Ord. No. 2021-29, § 2, 11-1-2021; Ord. No. 2022-08, §§ 8, 9, 5-2-2022; Ord. No. 2025-12, § 2, 5-5-2025; Ord. No. 2025-13, § 2, 5-5-2025)

Section 9. Site plans and Specific Use Permits.

A. *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), 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);

b. Where a specific use permit is required by subsection 7.P, permitted use table, and this subsection B; or

c. A planned unit development (PUD), in accordance with the procedures set forth in section 7.J.

3. *Content.* The application shall be accompanied by plans that 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.*

      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 site plan approval.

4. *Staff review.* Prior to submission of a site plan, an applicant shall schedule a development meeting with staff on an informal basis to receive comments and advice on the procedures, specifications and standards required by the city.

5. *Administrative Approval*. The director is authorized to review and approve site plans that comply with all applicable requirements of this Code, including but not limited to zoning, subdivision, engineering and development standards. Site plans eligible for administrative approval shall be reviewed and considered within thirty (30) days of a complete application.

6. *Commission action.* Any site plan that involves special consideration as defined by the Zoning Ordinance shall be presented to the commission for review and approval. Site plans requiring commission review shall be scheduled for consideration and a decision will be made within 30 days of being placed on an agenda.

   Special considerations include, but are not limited to:

      a. Requests for alternative compliance provisions;

      b. Developments requiring interpretation of zoning standards; or

c. Any other circumstance identified in this Code requiring commission review.

7. *Determination of Review Authority.* The director shall determine whether a proposed site plan qualifies for administrative approval or must be referred to the commission.

8. Denied site plans. Any corrections, changes, or conditions required to ensure the plan complies with all existing ordinances that are imposed 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.

9. *Expiration*. Approval will expire one year after the approval of the site plans. 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.

10. *Enforcement.* Following the approval of a site plan, the director shall inspect the development to ensure that it is in full compliance with the approved site plan.

B. *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 community development department. The application shall be accompanied by plans that 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.*

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 commission. The 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 B.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 6.5.

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

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 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 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.

(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; Ord. No. 2024-27, § 3, 9-9-2024)

Section 10. Board of adjustment—Establishment and procedure.

A. The board of adjustment shall have the following powers and duties:

   (1) *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this appendix.

   (2) *Variance.* To authorize in specific cases, a variance from the terms of the 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, and so that the spirit of the ordinance is observed and substantial justice is done.

(a) *Exceptions.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of a zoning ordinance in the district involved, or any use, expressly or impliedly, prohibited by the terms of this appendix in said district.

(3) *Special exceptions.* To hear and decide special exceptions to the terms of a zoning ordinance when this appendix requires the board to do so.

(4) To hear and decide other matters authorized by a zoning ordinance.

(5) In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose, the board has the same authority as the administrative official.

B. *Application.* Appeals to the board of adjustment concerning interpretation or administration of this appendix may be taken by any person aggrieved by the decision or any officer, department, board, or bureau of the city affected by the decision of the administrative official. Such appeals shall be filed not later than the 20th day after the date the decision is made, by filing with the official from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed. A member of the governing body of the municipality who serves on the board of adjustment may not bring an appeal under this section.

C. *Notification.* Any request for an appeal, variance or special exception shall require a public hearing before the board. A written notice of the hearing shall be sent to owners of property situated within 200 feet of the exterior boundary of the property with respect to which such appeal, variance or exception is requested ten days prior to public hearing. It shall be sufficient that such written notice is addressed to the owner appearing on the most current tax roll of the city and addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll, or no address appears thereon, the written notice to such property owner shall not be required.

The city council and commission shall be informed of any hearing for an appeal, variance or special exception of the zoning or sign ordinance.

D. *Fee.* A processing fee as described in section 14 shall be paid to the city in advance of the hearing. In the event the application is withdrawn prior to the mailing of the required written notification or publication in the official newspaper, the fee shall be refunded.

E. *Hearings.* The board shall set a reasonable time for the appeal hearing. A party may appear at the hearing in person or by agent or by attorney. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

F. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action that is appealed, unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board of adjustment or by a court of record on application, after notice to the official if due cause is shown.

G. *Reapplication.* No application for a variance, special exception, or appeal, which has been denied, shall be again filed earlier than one year from date of original denial, unless there has been a material change. For the purposes of this section, material change shall mean a substantial change in conditions or circumstances as it relates to the property in question.

(Ord. No. 2020-16, § 2, 4-6-2020)

Section 11. Reserved.

(Ord. No. 90-18, § 2, 7-23-1990; Ord. No. 2009-04, § 1, 5-24-2009; Ord. No. 2020-16, § 3, 4-6-2020)

Section 12. Reserved

(Ord. No. 2020-16, § 3, 4-6-2020)

Section 13. Administration and Enforcement

A. The director shall administer and enforce this appendix. If the director 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. It is the intent of this section that all questions of interpretation and enforcement shall be first presented to the director and that such questions shall be presented to the board of adjustment only on appeal from the decision of the director.

C. It is further the intent of this section that the duties of the city council in connection with this appendix shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this appendix. Under this appendix, the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this appendix, as provided by law, and of establishing a schedule of fees and charges as stated in section 14.

D. Whenever a violation of this appendix occurs, or is alleged to have occurred, any person may file a written complaint; such complaint stating fully the causes and basis thereof shall be filed with the director. He shall record properly such complaint, immediately investigate the same at the earliest reasonable time, and take action thereon as provided by this appendix.

E. Any person who violates any of the provisions of this appendix or who fails to comply therewith or with any of the requirements thereof, including violations of conditions and safeguards established in connection with grants of variances or specific uses, or who erects or alters any structure, or who commences to erect or alter any structure in violation of any detail statement of plan submitted or approved thereunder, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor. The owners of a building, structure, or premises, or part thereof, where anything in violation of this appendix be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction, shall be subject to the penalties asprovided in section 1-14 of the code.

Section 14. Schedule of fees, charges, and expenses.

A. The city council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, specific use permits, and changes in district classification, appeals, and other matters pertaining to this appendix. The schedule of fees shall be maintained in the office of the city secretary and in the office of the administrative official, and may be altered or amended only by the city council. It is set by resolution and printed in Appendix D to this Code.

B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 17. Reserved.

Section 18. Reserved.

(Ord. No. 2005-19, § 11, 9-12-2005)

Section 19. Reserved.

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.

Assisted living facility means an establishment as defined by V.T.C.A., Health and Safety Code Ch. 247.

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 two or more business establishments developed under a common plan which may utilize shared driveways and on-site parking facilities, including, but not limited to, shopping centers, office complexes, business parks, and industrial parks.

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.

Director means the director of community development.

Dwelling, garden home, means a detached dwelling unit which utilizes smaller lots than traditional single-family houses and where the building is built along a "zero" side lot line.

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.

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.

(Ord. No. 89-9, § 1, 9-11-1989; Ord. No. 89-29, § 1, 1-22-1990; Ord. No. 90-5, § 1, 3-5-1990; Ord. No. 95-36, § 1, 1-8-1996; Ord. No. 96-6, § 2, 5-20-1996; Ord. No. 98-14, §§ 2, 3, 8-17-1998; Ord. No. 98-17, § 2, 9-14-1998; Ord. No.

2001-23, § 2, 11-19-2001; Ord. No. 2005-36, § 1, 11-21-2005; Ord. No. 2008-06, § 3, 2-18-2008; Ord. No. 2009-05, § 1, 6-15-2009; Ord. No. 2013-45, §§ 2, 3, 12-2-2013; Ord. No. 2015-04, § 2, 2-2-2015; Ord. No. 2017-23, § 3, 9-11-2017; Ord. No. 2020-16, § 5, 4-6-2020; Ord. No. 2020-44, § 3, 12-7-2020; Ord. No. 2021-28, § 6, 10-4-2021; Ord. No. 2022-01, § 3, 2-7-2022; Ord. No. 2022-08, § 10, 5-2-2022)

Appendix C ZONING[1]

Section 1. Short title; minimum requirements.

A. This appendix shall be known and may be cited as the "City of Friendswood Zoning Ordinance."

B. In their interpretation and application, the provisions of this appendix shall be held to be minimum requirements, adopted for the protection of public health, safety, morals, or general welfare. Whenever the requirements of this appendix are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that which imposes the higher standards shall govern.

~~Section 16. Provisions of appendix declared to be minimum requirements.~~

C. ~~In their interpretation and application, the provisions of this appendix shall be held to be minimum requirements, adopted for the protection of public health, safety, morals, or general welfare. Whenever the requirements of this appendix are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, restrictions, or covenants, the most restrictive or that which imposes the higher standards shall govern.~~ Should any section or provision of this appendix be adjudged invalid or unconstitutional, such decision shall not affect the validity of this appendix as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 2. Establishment of districts.

The city is hereby divided into the following districts:

	District		Description	Density (units per acre)
	Old	New		
A.	R-1	SFR	Single-Family Residential Dwelling District	2.7
A.1.		SFR-E	Single-Family Residential Dwelling Estate District	0.5
B.	R-2 and R-3	MFR-L	Multiple-Family Residential Dwelling District—Low	6.0
C.	R-4	MFR-M	Multiple-Family Residential Dwelling District—Medium	9.0
C.1.		GHD	Garden Home Residential District	6.0
D.	R-5	MFR-H	Multiple-Family Residential Dwelling District—Highest	12.0
E.	R-6	MHR	Mobile Home Residential Dwelling District	10.0

F.	C-1	CSC	Community Shopping Center District	
G.	C-2	NC	Neighborhood Commercial District	
~~G.1~~	~~G-1~~	~~LNC~~	~~Local Neighborhood Commercial District~~	
H.	C-3	OPD	Office Park District	
I.	C-1	DD	Downtown District	
J.		PUD	Planned Unit District	
K.		RSC	Regional Shopping Center District	
L.	A-1	A-1	Agricultural District	
M.	M-1	LI	Light Industrial District	
N.		I	Industrial District	
O.		BP	Business Park District	

(Ord. No. 96-14, § 1, 7-1-1996; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2022-08, § 2, 5-2-2022)

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 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.

(1) 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 may by ordinance adopt a new official zoning map 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:

"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.

(Ord. No. 2024-27, § 2, 9-9-2024)

Section 4. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.

D. Boundaries indicated as parallel to or extensions of features indicated in subsections A and B of this section shall be thus construed. Distances not specifically shown on the official zoning map shall be determined by the scale of the map.

E. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through D of this section, the board of adjustment shall interpret the district boundaries.

F. Whenever any street or alley is vacated by official action of the city council, the district adjoining each side of said street or alley shall be automatically extended to the centerline of property thus vacated and all area included in the vacation shall then and henceforth be subject to all regulations of the extended zoning district or districts.

G. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

Section 5. Application of district regulations.

The regulations set by this appendix within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure on land, and particularly, except as herein provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller front yards, side yards, rear yards, or other open spaces, in any manner contrary to the provisions of this appendix.

C. No part of a lot area, yard or other open space, or off-street parking or loading space required about or in connection with any building or structure for the purpose of complying with this appendix, shall be included as part of a lot area, yard, open space, or off-street parking or loading space similarly required for any other building or structure.

D. No lot or yard existing at the time of passage of the ordinance from which this appendix is derived shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of the ordinance from which this appendix is derived shall meet at least the minimum requirements established herein.

Section 6. Nonconforming uses, structures, and lots.

A. *Types of nonconformity.* There are three types of nonconformity as follows:

1. *Nonconforming use.* Any use of land or buildings which does not conform to the current use regulations prescribed in the city's zoning ordinance or amendments thereto.

2. *Nonconforming structure.* Any structure that does not conform to zoning ordinance provisions regulating structures, including, but not limited to, the following requirements: lot coverage area, required minimum lot dimensions, front yard, side yard, rear yard, height, parking, landscaping, buffer yards, screening, architectural design, exterior construction materials or other structural regulations of the district in which it is located.

3. *Nonconforming lot.* Any lot that fails to meet the requirements for area, width, or depth that are applicable to the zoning district in which the lot is located.

B. *Nonconforming uses.*

1. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

2. It is the intent of this appendix to permit those nonconforming uses to continue until they are removed, but not to encourage their survival.

3. A nonconforming use or a lawful use that has become nonconforming by the future adoption or amendment of a zoning ordinance, or a nonconforming use that exists by virtue of annexation to the city, shall be permitted to exist, subject to the following:

a. *Enlargement.* No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of the ordinance from which this appendix is derived.

b. *Abandonment.* A nonconforming use shall terminate if the nonconforming use or premises is abandoned or discontinued for 12 months or more. The commission may determine that a use or premises which has remained vacant or unused for 12 months or more has not been discontinued under the intent of this section if the owner can state unusual circumstances of any nature that prevented or precluded use of the property during that period, in which case the property may be reoccupied and the nonconforming use reinstituted in compliance with the other provisions of this section.

c. *Change.* Whenever a nonconforming use has been changed to a conforming use, such nonconforming use shall be deemed to be permanently abandoned and shall not be reinstituted on the property.

d. *Annexation.* After annexing an area, a person may continue to use land in that area in the manner in which the land was being used on the date the annexation proceedings were instituted, except where inconsistent with V.T.C.A., Local Government Code § 43.002.

4. To avoid undue hardship, nothing in this appendix shall be deemed to require a change in the plans, construction, or designated use of any building on which an active process was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this appendix is derived and upon which an active process has been carried on diligently. The phrase "active process" is hereby defined as follows:

a. For land zoned single-family residential (SFR), single-family residential estate (SFR-E), or garden home district (GHD), when a development proposal ~~must~~has been approved in conjunction with a previously approved preliminary plat;

b. For land zoned NC (neighborhood commercial), CSC (community shopping center), DD (downtown district)~~, LNC (local neighborhood commercial)~~, OPD (office park district), LI (light industrial), I (industrial), BP (business park) or A-1 (agricultural), when the land is subject to a valid existing preliminary site plan in accordance with section 9; or

c. For land zoned MFR-H (multiple-family residential—high density), MFR-M (multiple-family residential—medium density), MFR-L (multiple-family residential—low density) or PUD (planned unit district), when a proposed specific use permit (SUP) has been heard at public hearings of the city council and the ~~planning and zoning~~ commission.

C. *Nonconforming lots.*

1. *Development.* Development shall be permitted on any single nonconforming lot of record. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply if the lot is nonconforming only because it fails to meet the requirements for size (area, width, or depth) that are generally applicable in such district. Yard dimensions and requirements, other than those applying to area, width, or depth, any or all, of the lot shall conform to the regulations of applicable zoning district. Variance of yard requirements shall be obtained only through action of the board of adjustment. Development may still be restricted by limitations imposed by other provisions of this appendix.

2. *Subdivision.* Nonconforming lots may not be further subdivided.

3. *Combination.* Nonconforming lots may be combined and treated as a single lot for development, without platting or replatting, even if the resulting ~~nonconforming~~ lot is nonconforming.

D. *Nonconforming structures.*

1. It is the intent of this appendix to permit nonconforming structures to remain but to prohibit any nonconforming structure from being enlarged or altered in a manner which increases its nonconformity. Nonconforming structures can be enlarged or altered, provided the enlargement or alteration itself conforms to current regulations. If the enlarged or altered portion of the structure conforms to current regulations, the existing nonconforming portion of the structure may remain in its existing nonconforming condition.

2. Where a nonconforming structure exists, or where a lawful structure becomes nonconforming by the future adoption or amendment of an ordinance, such structure may continue to exist as long as it remains otherwise lawful, subject to the following provisions:

a. *Enlargement.* No such nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity. Nonconforming structures can be enlarged or altered, provided the enlargement or alteration itself conforms to current regulations. If the enlarged or altered portion of the structure conforms to current regulations, the existing nonconforming portion of the structure may remain in its existing nonconforming condition.

b. *Abandonment.*

(1) When a nonconforming structure becomes vacant or is abandoned for 12 months or more, the structure shall be brought up to the current structural regulations of the district in which it is located. An abandoned or vacant structure shall not thereafter be occupied until the structure conforms to the current structural regulations of the district in which it is located.

(2) Abandonment of a nonconforming structure shall be determined by relevant evidence of nonuse of the structure, including, but not limited to, termination or nonuse of utilities, termination of leasehold, ~~and~~ or evidence of lack of occupancy of the structure.

(3) The commission may determine that a structure which has been abandoned under the intent of this section may continue to exist if the owner can show unusual circumstances which prevented or precluded use of the structure during that period, in which case the structure may be reoccupied.

c. *Destruction or damage.*

(1) If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by less than 50 percent of the current replacement cost of the structure by accidental means, including, but not limited to, accidental fire, windstorm, flood, civil disorder, or act of war, the structure may be restored to its preexisting nonconforming state. Such restored structure shall meet all other applicable city codes, and nothing herein shall be construed as constituting a waiver of requirements other than those governed by the zoning ordinance. If plans to restore or repair the structure are not submitted for issuance of a building permit within 12 months from the date of the destruction or damage, the structure must be replaced or restored in full conformity with current structural regulations for the district in which it is located. The commission may grant, upon written application by the property owner showing cause, a one-time extension to seek a building permit for a period not to exceed six months.

(2) If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by 50 percent or more of the current replacement cost of the structure by accidental means, the structure must be restored in full conformity with current structural regulations for the district in which it is located.

(3) Multifamily. Notwithstanding the foregoing, existing nonconforming multifamily dwelling developments may be rebuilt in districts MFR-H, MFR-M and MFR-L, in the event of any such damage or destruction, at the same unit per acre density that existed prior to such damage or destruction, and with no increase in the nonconformity and meeting all current codes.

d. *Relocation of structure.* Should any such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the structural regulations for the district in which it is located after it is moved.

e. *Repairs and maintenance.*

(1) On any nonconforming structure or portion of a nonconforming structure, work may be done in any period of 36 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming structure or portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(2) A property owner may apply to the commission for an increase in the time period or the percentage limits contained herein to enable repairs necessary for the protection of the public health, safety, and welfare.

(Ord. No. 96-14, § 2, 7-1-1996; Ord. No. 99-2, §§ 1—3, 1-18-1999; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2008-29, § 1, 11-3-2008; Ord. No. 2014-18, § 2, 8-4-2014; Ord. No. 2022-08, § 3, 5-2-2022)

Section ~~15~~6.5. Amendments.

A. *Authority.* The city council may from time to time amend, supplement, or change by ordinance the boundaries of the district or the regulations herein established.

B. *Submission to ~~planning and zoning~~ commission.* Before taking action on any proposed amendment, supplement or change by ordinance of a district boundary or regulation, the city council shall submit the proposed revision to the ~~planning and zoning~~ commission for its recommendation and report. The ~~planning and zoning~~ commission shall make its report within 30 days following the close of the public hearing thereon.

C. *Public hearings.* Prior to adopting any ordinance amending, supplementing, or changing the boundaries of any district or any regulation herein established, the ~~planning and zoning~~ commission and city council shall each hold a public hearing~~s~~ at which any person desiring to be heard regarding such matter shall be given an opportunity to do so. The c~~C~~ity council may not hold a public hearing until it receives the final report of the ~~planning and zoning~~ commission.

D. *Notice of public hearings.*

1. Notice of any public hearing involving a proposed change in a zoning classification shall be given, in writing, to each owner of real property, as indicated by the most recently approved city tax roll, which lies within 200 feet of any property on which said change in classification is proposed, such notice to be given before the tenth day before the hearing date.

2. Notice of all public hearings shall also be published in the official newspaper of the city, or a newspaper having general circulation in the city, before the fifteenth day before the public hearing.

3. In addition, notice of any public hearing involving a proposed change in zoning classification shall be given by causing a sign to be erected on the property which would be affected by the proposed change stating the time and place of the hearing. Such sign shall be erected not less than ten days prior to the date on which such hearing is to be held.

4. Before the tenth day before the hearing date, notice of any public hearing involving a proposed change in a zoning classification affecting residential or multifamily zoning shall be given, in writing, via United States Postal Service, to each school district in which the property for which the proposed change in classification is located.

E. *Vote required in the event of protest.* In the event of a written protest to any such proposed amendment, supplement, or change to a district boundary or regulation signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change or those immediately adjacent to the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, such amendment shall not become effective except by the affirmative vote of three-

fourths of all members of city council. In computing the percentage of land area, the area of streets and alleys shall be included.

(Ord. No. 90-2, § 1, 2-5-1990; Ord. No. 96-16, §§ 1, 2, 8-19-1996; Ord. No. 2011-13, § 1, 6-6-2011; Ord. No. 2013-30, § 2, 10-7-2013; Ord. No. 2019-13, § 2, 5-6-2019)

Section 7. Schedule of district regulations.

A. *SFR, residential, general purpose and description.* The SFR, Single-Family Residential Dwelling District, is restricted to single-family dwellings, up to 2.7 units per acre, and to related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly convenient, and attractive residential area. Single-family residential areas shall be protected from higher density residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities.

1. Area and height regulations. Area and height regulations in an SFR district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

~~3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the SFR district under certain circumstances and conditions.~~

34. Permitted uses. Uses permitted in an SFR district are set forth in subsection P of this section, permitted use table.

A.1. *SFR-E, residential, general purpose and description.* The SFR-E, Single-Family Residential Estate Dwelling District, is the most restrictive residential district. The principal use of land in this district is for low-density single-family dwellings, up to 0.5 units per acre, and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. Low-density residential areas shall be protected from multiple-family residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities.

1. Area and height regulations. Area and height regulations in an SFR-E district, are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

~~3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission with the SFR-E district under certain circumstances and conditions.~~

34. Permitted uses. Uses permitted in an SFR-E district are the same as SFR, and are set forth in subsection P of this section, permitted use table.

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

1. Area and height regulations. Area and height regulations in an MFR-L district are set forth in subsection Q.2 of this section, regulation matrix, provided, however, that for SFR uses permitted in MFR-L districts, all the district regulations for SFR development shall apply, including but not limited to, lot area, width and setback requirements.

2. See section 8 for supplementary district regulations.

~~3. Reserved.~~

~~4~~3. Permitted uses. Uses permitted in an MFR-L district are set forth in subsection P of this section, permitted use table.

C. *(R-4) MFR-M, residential, general purpose and description.* The MFR-M, Multiple-Family Residential Dwelling—Medium-Density District, is intended to provide for medium-density multiple-family dwellings which may have a relatively intense concentration of dwelling units, up to nine per acre, served by large open spaces consisting of common areas and recreation facilities, thereby resulting in medium gross densities. The principal use of land may be one or several dwelling types, including low-rise multiple-family dwellings, garden apartments, condominiums and townhouses. Recreational, religious and educational uses normally located to service adjacent residential areas are also permitted to meet the basic needs of a balanced, orderly, convenient, economical and attractive residential area. The MFR-M, multiple-family residential district, functions as a buffer or transition between commercial or higher-density residential areas, and lower-density residential areas.

1. Multifamily residential area and height regulations. Area and height regulations in an MFR-M district are set forth in subsection Q.2 of this section, regulation matrix, provided, however, that for MFR-L uses permitted in MFR-M districts, all the district regulations for MFR-L development shall apply, including but not limited to lot area, width and setback requirements.

2. See section 8 for supplementary district regulations.

~~3. Reserved.~~

~~4~~3. Permitted uses. Uses permitted in an MFR-M district are set forth in subsection P of this section, permitted use table.

C.1. *GHD, residential, general purpose and description.* The GHD, Garden Home District, is intended to provide medium-density, detached, single-family dwellings having open space between units which exceed multi-family buildings, with density not exceeding six units per acre.

The district may be located adjacent to a district of a different zoning designation, and for which the development as GHD would be appropriate as a buffer between incompatible land uses.

(1) Dwellings in the GHD utilize a zero-foot lot line along one side of the property. The intent is to utilize one side of the structure as a shared wall and create a U-shaped, garden area or patio inset on the opposite side of the structure.

(2) Fifty percent or more of one side of the structure shall be located within (1) one foot of the zero-lot line. Building walls which are located on the zero-foot lot line shall meet the adopted building code requirements, which may limit the types of allowed penetrations and projections.

(3) The final plat shall show graphic easements, or a plat note, that dedicates a five (5) foot wide access and maintenance easement for all lots adjacent to lots with a zero-foot lot line. The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.

(4) The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the subject property.

(5) The interior living area of the first floor of any two-story residential structure in GHD shall contain not less than 60 percent of the structure's total living area, and not more than 40 percent of the structure's total living area shall be contained on the second floor, excluding open decks, porches, terraces, and garages.

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

1. Area and height regulations. Area and height regulations in an MFR-H district are set forth in subsection Q.2 of this section, regulation matrix, provided, however, that for MFR-L and MFR-M uses permitted in MFR-H districts, all the district regulations for MFR-L and MFR-M development shall apply, including but not limited to lot area, width and setback requirements.

2. See section 8 for supplementary district regulations.

~~3. Reserved.~~

34. Permitted uses. Uses permitted in an MFR-H district are set forth in subsection P of this section, permitted use table.

E. *(R-6) MHR, Mobile Home District, general purpose and description.* The MHR, Mobile Home District, is a residential district intended for mobile home development, up to ten units per acre. Recreational uses normally located in mobile home developments are permitted in this district.

1. Area and height regulations. Area and height regulations in an MHR, mobile home residential dwelling district, are set forth in section 7-Q.2, regulation matrix.

2. See section 8 for supplementary district regulations.

~~3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the MHR district under certain circumstances and conditions.~~

34. Permitted uses. Uses permitted in an MHR district are set forth in subsection P of this section, permitted use table.

45. Other required conditions. The provisions of Ordinance No. 129 (Mobile Home Ordinance) of the city shall apply to the MHR district.

F. *(C-1) CSC, Community Shopping Center District, general purpose and description.* The CSC, Community Shopping Center District, is intended for a unified grouping, in one or more buildings of several, typically between five and 20, retail and service shops or stores that provide for the regular needs and are for the convenience of the people residing in adjacent residential neighborhoods. Gross floor area in a community shopping center typically ranges from 30,000 to 100,000 square feet, and land area consists of two to ten acres in size. It is intended that the community shopping center be developed as a unit, with adequate off-street parking for customers and employees, and with appropriate landscaping and screening to ensure compatibility with surrounding residential environment. This district is ideally located at the intersection of two or more arterial or major streets with a service area of up to 1½ miles. ~~Development of a community shopping center requires approval of a development site plan by the planning and zoning commission~~director of community development~~.~~

1. Area and height regulations. Area and height regulations in a CSC district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

~~3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the CSC district under certain circumstances and conditions.~~

~~4~~3. Permitted uses. Uses permitted in a CSC district are set forth in subsection P of this section, permitted use table. A specific use permit for a shopping center as a particular use is required before any building permit or certificate of occupancy may be issued in this district.

~~4~~5. No CSC district shall be created which includes less than two acres.

~~5~~6. Buildings in the CSC zoning district are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. 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.

G. *NC, Neighborhood Commercial District, general purpose and description.* The NC, Neighborhood Commercial District, is primarily intended for retail sales, services and office activities in a mixed grouping. This designation is intended for use along major thoroughfares and collector streets where larger tracts of land can be utilized as coordinated commercial centers. This designation is intended for use of land areas between one-quarter acre and two acres. Structure size is typically between 4,000 and 20,000 square feet. ~~Development of a neighborhood commercial district requires approval of a development site plan by the planning and zoning commission~~director of community development. ~~-~~Office uses permitted in this district shall not exceed 60 percent of the gross building and structure floor area.

1. Area and height regulations. Area and height regulations in an NC district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

~~3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the NC district under certain circumstances and conditions.~~

~~4~~3. Permitted uses. Uses permitted in an NC district are set forth in subsection P of this section, permitted use table.

~~4~~5. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.

~~5~~6. Buildings in the NC zoning district are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are discouraged, except as trim for eves 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.

~~G-1. *LNC, Local Neighborhood Commercial District, general purpose and description.* The LNC, Local Neighborhood Commercial District, is primarily intended for retail sale of convenience goods or services for persons residing in adjacent residential areas. Other uses are permitted in the LNC when they are of similar land use intensity and physical impact as those uses to be integrated into the surrounding residential area. Because the retail and personal service uses permitted may be an integral part of the neighborhood, closely associated with the residential, religious, recreational, and educational uses in the neighborhood, more restrictive requirements are placed on development relative to other commercial zoning categories. The local neighborhood district is intended for use at the entrance to residential areas and in some situations within the confines of a~~

~~residential district. This designation is intended for use of land areas of up to one acre. Development of a local neighborhood commercial district requires approval of a development site plan by the planning and zoning commissiondirector of community development.~~

~~1. Area and height regulations. Area and height regulations in an LNC district are set forth in subsection Q.2 of this section, regulation matrix.~~

~~2. See section 8 for supplementary district regulations.~~

~~3. See section 9 for temporary certificate of zoning, compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the LNC district under certain circumstances and conditions.~~

~~4. Permitted uses. Uses permitted in an LNC district are set forth in subsection P of this section, permitted use table.~~

~~5. The gross building and structure floor space shall not exceed 4,000 square feet.~~

~~6. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 80 percent of the total lot area.~~

~~7. Buildings in the LNC zoning district are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are discouraged, except as trim for eves 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.~~

H. *OPD, Office Park District, general purpose and description.* The OPD, Office Park District, is intended to encourage and permit general professional and business office development in a fashion consistent with surrounding development. This district is ideally suited as a buffer between commercial and residential areas. As such, it shall be considered for entrances and land adjacent to residential developments. The ultimate development is to provide land use intensity and landscaping consistent with surrounding areas. ~~Development of an office park district requires approval of a development site plan by the Planning and Zoning Commissiondirector of community development.~~

1. Area and height regulations. Area and height regulations in an OPD are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

~~3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the Planning and Zoning Commission within the OPD under certain circumstances and conditions.~~

3~~4~~. Permitted uses. Uses permitted in an OPD are set forth in subsection P of this section, permitted use table.

4~~5~~. Show window or display window effects shall not be permitted and there shall be no display from windows or doors and no storage of merchandise in the building or on the premises except in quantities customarily found in professional or business offices.

5~~6~~. Retail operations that are primarily for selling to office park occupants are permitted. Examples of these retail operations would be restaurants, coffee shops, office supply, barbershops, gift shops, health spas, specialty stores.

6~~7~~. One caretaker's quarters unit may be provided for each office park complex.

7~~8~~. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.

89. Buildings in the OPD are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are discouraged, except as trim for eves 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.

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

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

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

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in the DD are set forth in subsection P of this section, permitted use table.

4. Buildings in the DD are encouraged to have exterior cladding of brick, masonry, stone, stucco, glass or lap sided cement fiberboard. Sheet cement fiberboards are discouraged, except as trim for eves 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.

J. *PUD, planned unit development, general purpose and description.*

(1) *General.*

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

(b) The general purposes of all PUD districts are several-fold:

1. To encourage unified design and development of tracts of land incorporating a variety of uses, including, but not limited to, residential, commercial, office, and institutional;

2. To accommodate innovation in development by modifying the city's land use and development regulations;

3. To provide for and protect the public health, safety, and general welfare of the city by assuring quality development in accordance with the city's comprehensive plan and other related goals;

4. To minimize the negative impact of developments, especially those related to drainage, environment, traffic, and public services and related facilities;

5. To protect and enhance the aesthetic and visual qualities of development;

6. To provide development of sites in a suitable fashion when such development is restricted by such factors as site location and shape; or

7. To promote economic development in accordance with the city's plans for such.

(c) In no case shall a PUD be used for the sole purpose of circumventing the intent of city ordinances or plans. For the PUD district, the use and property development regulations shall be the same as if each use approved in the PUD were situated in the most restrictive district in which such use is otherwise permitted in this ordinance, unless other restrictions and regulations are approved as a part of the site plan and the PUD district.

(d) The development must be planned as an integral unit and must protect nearby landowners from adverse impact with appropriate buffering and landscaping. A site plan is required for all PUDs.

(e) A PUD district must meet a minimum of one of the following criteria. The ~~planning and zoning~~ commission may recommend, and city council may determine, that more than one criterion is needed to approve a PUD.

1. The land is proposed for development as a mixed-use development requiring more flexible and innovative design standards;
2. The land is proposed for redevelopment or infill development and special design considerations are deemed necessary;
3. The land serves as transition between different and seemingly incompatible land uses;
4. The land is proposed for development of a major employment center or of major economic benefit for the community, and for which special design standards may be warranted;
5. To provide amenities or features that would be of a special benefit to the community; or
6. The land has unique environmental features or unusually configured parcels requiring a more flexible approach to zoning and clustering of uses, or special design standards.

(2) *Application.*

(a) *Application and approval process.* A development review committee meeting with staff is required prior to application for a PUD. Following the DRC meeting, the applicant will submit all required documents described below to city staff for comments and corrections prior to scheduling the public hearing.

(b) Each PUD application shall be accompanied by payment for the processing fee as established in section 14. Advertisement and public hearings shall be held by the ~~planning and zoning~~ commission and city council in accordance with the notification procedure set forth for a rezoning application. Following the public hearing, the ~~planning and zoning~~ commission shall forward the plan with its recommendation to the city council for consideration. The ~~planning and zoning~~ commission and/or city council may require additional information throughout the process.

(c) An applicant may choose one of two ways to seek PUD approval:

1. Submit all items listed below with the application and the required processing fee for rezoning. This option would allow the site plan to be approved as a part of the zone change and prevent the applicant from a second submittal after rezoning to obtain site plan approval.
    (a) Data describing all processes and activities involved with the proposed use;
    (b) Boundaries of the area covered by the site plan;

(c) 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;

(d) The location of existing drainage ways, and significant natural features;

(e) Proposed landscaping and screening buffers;

(f) The location and dimensions of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities and outside trash storage facilities;

(g) The location, height and type of each wall, fence, and all other types of screening;

(h) The location, height, and size of all proposed signs;

(i) Utility and drainage plans;

(j) Regulation matrix designating what zoning district the development will follow; and

(k) Data describing any variation from the typical development requirements; or

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

(a) General land use and density plan;

(b) Identify proposed general uses, densities, major open spaces, circulation, and access features. Detention and/or retention areas may be calculated as open space only when, in the opinion of the ~~planning and zoning~~ commission, the detention area is designed to act as an amenity;

(c) Statement indicating proposed phasing of development and the projected timing of each;

(d) Data describing all processes and activities involved with the proposed use;

(e) Regulation matrix designating what zoning district the development will follow; and

(f) Data describing any variation from the typical development requirements.

(3) *Modification of standards proposed within a PUD.*

(a) Following adoption of a PUD ordinance pursuant to this section, all subsequent plans prepared for the development or any portion of the property within a PUD must ~~substantially~~ conform to the approved plan in accordance with the standards of the PUD ordinance, this section, and all other applicable ordinances of the city.

(b) The city recognizes that market conditions may alter the development of a large PUD and hereby provides that alterations in the land area or square footage, as appropriate, covered by a category of use, may be varied by not more than 10 percent. In no case shall such variations change traffic or circulation patterns, substantially alter the number or arrangement of buildings, increase the height of buildings, lessen the amount or effectiveness of open space or landscaped buffers, or result in a greater impact on adjacent properties or neighborhoods. Percentage

changes specified herein shall be the maximum change allowed; multiple changes exceeding those percentages shall not be approved administratively but shall require the owner to submit an application for an amendment to the district standards.

(4) *Time limit.* A planned unit development issued under this section shall expire two years after its date of issuance if the construction or use authorized thereunder is not substantial and is not providing consistent progress 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 PUD 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. The PUD zoning will remain in place, however, and a new application, fee, and development plan must be submitted in accordance this section. The new submittal must be approved for any construction to occur.

(5) *Revocation.* A PUD may be revoked or modified, after notice and hearing, if the PUD was obtained or extended by fraud or deception or if the terms of the PUD have not been met.

K. *Reserved.*

L. *A-1, Agricultural District, general purpose and description.* The A-1, Agricultural District, is intended for the growing and/or marketing of agricultural products.

1. Area and height regulations. Area and height regulations in an A-1 district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

~~3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the A-1 district under certain circumstances and conditions.~~

~~4~~3. Permitted uses. Uses permitted in an A-1 district are set forth in subsection P of this section, Permitted use table. Residential development is prohibited in the A-1 district; however, dwelling quarters for onsite employees and their families are permitted provided such residential use conforms to the SFR district regulations, including lot area, width and setback requirements and parking ratio.

M. *(M-1) LI, Light Industrial District, general purpose and description.* The LI, Light Industrial District, is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesaling, and service operations. This district is designed to upgrade industrial development standards, prevent industrial blight, and protect light industrial development from incompatible residential, commercial or heavy industrial uses.

1. Area and height regulations. Area and height regulations in an LI district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

~~3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the LI district under certain circumstances and conditions.~~

~~4~~3. Permitted uses. Uses permitted in an LI district are set forth in section 7-P, permitted use table.

N. *I, Industrial District, general purpose and description.* The I, Industrial District, is intended to provide for industrial uses and other uses not otherwise provided for in the other districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts and most commercial districts wherever possible.

1. Area and height regulations. Area and height regulations in an I district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

~~3. See section 9 for temporary certificate of zoning compliance that may be granted by the administrative official and specific use permits that may be recommended by the planning and zoning commission within the I district under certain circumstances and conditions.~~

~~4~~3. Permitted uses. Uses permitted in an I district are set forth in subsection P of this section, permitted use table.

O. *BP, Business Park District.* The BP, Business Park District, is intended to encourage and permit light manufacturing and/or service operations and auxiliary retail and wholesale sales. The business may be individually owned or leased by a common owner. The types of uses, and the design and exterior appearance shall be so controlled as to maintain the integrity and be generally compatible with adjacent surrounding residential and commercial development. All services, manufacturing and storage are to be indoors. This district shall access or abut major thoroughfare and/or collector streets. It is intended that the business park be developed as a unit. ~~Development of a business park district shall be developed on a minimum of 10,000 square feet and shall be subject to site plan approval by the planning and zoning commission~~director of ~~community development~~.

1. Area and height regulations. Minimum size business park 10,000 square feet, no structure within a BP shall be located within 25 feet of an exterior BP boundary (an exterior BP boundary is one that abuts a zone other than BP).

~~2. See section 9 for temporary certificates of zoning compliance that may be granted by the administrative official and specific use permit that may be recommended by the planning and zoning commission within the BP district under certain circumstances and conditions.~~

2~~3~~. See section 8 for supplementary district regulations.

3~~4~~. Permitted uses. Uses permitted in a BP district are set forth in subsection P of this section, permitted use table.

4~~5~~. Light manufacturing is permitted only if limited to final machining, assembly, testing, processing and packaging into finished goods from raw materials produced elsewhere, such as electronic parts assembly, medical products processing, mechanical parts assembly and aerospace equipment processing.

5~~6~~. Truck docking facilities are permitted, provided they are located in the rear or side yard and screened from view of adjacent street right-of-way.

~~7. Screening devices for refuse containers are required.~~

~~8. Parking shall be designated on the parking group section of the permitted use table. However, a minimum of four parking spaces per business or four spaces per 1,000 square feet of gross building floor space for each structure, whichever is greater, is required.~~

6~~9~~. Performance standards shall conform to section 8.J as shown in the CSC zoning district.

7~~10~~. Exterior requirements. All buildings are encouraged to be constructed with at least 65 percent of their exterior walls, excluding doors and windows, constructed of masonry materials, or concrete construction or a combination of masonry, concrete, aluminum or glass materials, 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.

8~~11~~. Except as specifically provided in the permitted use table in subsection P of this section, retail sales shall be permitted as accessory uses only and then only to the extent that such sales are sales of products manufactured or serviced on the premises. Retail sales shall not be permitted as a primary use in the BP district except where specifically authorized in said subsection P of this section.

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, the community development department~~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	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	~~LNC~~	OPD	DD	A-1	L1	I	BP
Single-Family Residence	P		P												
Garden Home Residence		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									

	2017 NAICS Industry Descriptions	SFR and SFR-E	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	*Agriculture, Forestry, Fishing and Hunting*															
111	Crop production							O	O		O	O	P			
1114	Greenhouse, nursery, and floriculture production										O	O	P	S	S	O
112	Animal production and aquaculture							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	*Mining, Quarrying, and Oil and Gas Extraction*															

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	*Utilities*															
221	Utilities										O	O		S	P	O
23	*Construction*															
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	*Manufacturing*															
311	Food manufacturing							O			O	O		S	S	S
311811	Retail bakeries							P	P			P		P	P	
3121	Beverage manufacturing							P			O	P		P	P	P
3122	Tobacco 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
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
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	*Wholesale Trade*															
423	Merchant wholesalers, durable goods							O			O	O		P	P	P
424	Merchant wholesalers, nondurable goods							O			O	O		P	P	P
425	Wholesale trade agents and brokers							O			O	O		P	P	P
44—45	*Retail Trade*															
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 retailers							P	S		O	O		P	P	P
4491	Furniture and home furnishing retailers							P	P		O	P		S	S	P
4492	Electronics and appliance retailers							P	P		O	P		S	S	P
444	Building material and garden equipment and supplies dealers							P	P		O	P		P	P	P
444180	Other building material dealers							S	S		O	O		S	S	S
445	Food and beverage retailers							P	P		O	P		P	P	S
455	General merchandise retailers							P	P		O	P		P	P	P

4561	Health and personal care retailers							P	P		O	P		P	P	P
457	Gasoline stations and fuel dealers							P	P		O			P	P	
45712	Other gasoline stations										O	O		S	S	
458	Clothing, clothing accessories, shoe, and jewelry retailers							P	P		O	P		P	P	P
4591	Sporting goods, hobby, and musical instrument, retailers							P	P		O	P		P	P	P
4592	Book retailers and news dealers							P	P		O	P		P	P	P
4593	Florists							P	P		O	P		P	P	P
4594	Office supplies, stationary, and gift retailers							P	P		O	P		P	P	P
4595	Used merchandise retailers							P	P			P		P	P	P
45993	Manufactured (mobile) home dealers										O	O			S	
4599	Other miscellaneous retailers							P	P			P		P	P	P
48—49	*Transportation and Warehousing*															
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	*Information*															
513	Publishing industries							P			O	P		P	P	P
512	Motion picture and sound recording industries							S			O	S		S	S	S
516	Broadcasting and content providers							S	S		O	O		P	P	P
517	Telecommunications							S	S		O	S		P	P	P
517121	Telecommunication resellers							P	P		O	P		P	P	P
518	Computing infrastructure providers, data processing, web hosting and related services							S	S		O	S		S	P	P
519	Web search portals, libraries, archives, and other information services							S	S		O	S		S	P	P
52	*Finance and Insurance*															
521	Monetary authorities—Central bank							P	P		P	P		P	P	P

522	Credit intermediation and related activities							P	P		P	P		P	P	P
522299	International, secondary market, and 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	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	P
53	*Real Estate and Rental and Leasing*															
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 and leasing							O	O		O	O		O	P	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)							P	P		P	P		P	P	P
54	*Professional, Scientific and Technical Services*															
541	Professional, scientific, and technical services							P	P		P	P		P	P	P
54138	Testing laboratories							S			O	S		S	P	P

55	*Management of Companies and Enterprises*															
551	Management of companies and enterprises							P	P		P	P		P	P	P
56	*Administration and Support and Waste Management and Remediation Services*															
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	*Educational Services*															
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	*Health Care and Social Assistance*															
621	Ambulatory health care services							P	P		P	P			P	P
622	Hospitals							P			O	S		P	P	P

6231	Nursing care facilities—Skilled nursing facilities							S	S		O	S			S	
6232	Residential, intellectual and development disability, mental health, and substance abuse facilities	P	P	P	P	P	P									
623311	Continuing care retirement communities (with on-site nursing)							S	S		O	S		S	S	
623312	Assisted living facilities for the elderly (without on-site nursing)							S	S		O	S		S	S	
624	Social assistance							S			O	S		S	S	S
6244	Child day care services (childcare centers)							P	P		O	P		P	P	
6244	Child day care services (registered and/or licensed childcare home)	P	P													
71	*Arts, Entertainment and Recreation*															
7111	Performing arts							P			O	P		P	P	P
7112	Spectator sports							S			O	O		P	P	P
7113	Promoters of performing arts, sports, and similar events							P			O	P		P	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		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	
713990	All other amusement and recreation activities							S	S			P		P	P	
72	*Accommodation and Food Services*															
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	P
7224	Drinking places (more than 75% sales of alcoholic beverages)							S				S		S	S	S
7225	Restaurants and other eating places							P	P		O	P		P	P	P
81	*Other Services (Except Public Administration)*															
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							S			O	O		S	P	P

	(except automotive and electronic repair and maintenance)															
8114	Personal and household goods repair and maintenance							S			O	O		S	P	P
8121	Personal care services							P	P		P	P		P	P	P
8122	Death care services							S	S		O	S		S	S	S
8123	Dry cleaning and laundry services							P	P		P	P		P	P	P
8129	Other personal services							P	P		P	P		P	P	P
8131	Religious organizations	S	S	S	S	S	S	S	S		O	S	S	S	S	S
8132	Grantmaking and giving services							O	O		O	O		O	P	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	P	O
814	Private households	P	P	P	P	P	P					P (a)	P			
92	*Public Administration*															
921	Executive, legislative, and other general government support							P			O	P		P	P	P
922	Justice, public order, and safety activities							P			O	P		P	P	P

92214	Correctional institutions														S	
923	Administration of human resource programs							P			O	P		P	P	P
924	Administration of environment quality programs							P			O	P		P	P	P
925	Administration of housing programs, urban planning, and community development							P			O	P		P	P	P
926	Administration of economic programs							P			O	P		P	P	P
927	Space research and technology							P			O	P		P	P	P
928	National security and international affairs							P			O	P		P	P	P

(a) Second floor and above.

(b) *Legend:*

1. P: Permitted.
2. S: Specific~~Special~~ use permit required.
3. O: Office use only.
4. Blank: Not permitted.

(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:

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.

(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~~director of ~~community development~~:

    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. A similar ~~Other~~ architectural feature~~s~~ may be presented for consideration approved by the ~~planning and zoning commission~~ directory ~~of community development~~.

Q. *District area and height regulations.*

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

2. See regulation matrix.

REGULATION MATRIX - COMMERCIAL DISTRICTS

Refer to paragraphs in section 7-Q.3. for area and height exceptions.

Zoning District	Lot Area Minimum Square Feet	Lot Width Minimum Feet	Lot Depth Minimum Feet	Yards—Minimum Feet						Height Maximum Feet (max. 4 stories)	Landscape Requirements	Ex No
				Front	Rear	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	
NC	12,000	100	120	30	15 D	25	10	25	10	40	Yes	D,
~~LNC~~	~~10,000~~	~~100~~	~~100~~	~~30~~	~~15 D~~	~~25~~	~~10~~	~~25~~	~~10~~	~~40~~	~~Yes~~	~~D,~~
DD	15,000 E	0	0	0	0 F	15	0	0	0	70	Yes	E,
OPD	10,000	100	100	30	15	25	10	25	10	40	Yes	H
BP	10,000	100	100	30	25	25	25 J	25	25 J	40	Yes	J
LI	15,000	100	100	30 A	25	25	10	25	10	40	Yes	A
I	20,000	100	100	30 B	25 C	40 C	10	25 C	10 C	40	Yes	B,

A. When LI district is across the street from a residential district, front yard shall be a minimum of 40 feet.

B. When I district is across the street from a residential district, front yard setback shall be a minimum of 50 feet.

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 residential district, rear yard setback shall be a minimum of 25 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 Reserved.

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.~~ Reserved.

J. When side yard of a BP district abuts another BP district, side yard setback shall be a minimum of 10 feet. In BP, no structure shall be located within 25 feet of an exterior BP boundary. An exterior BP boundary is one that abuts a zone other than BP, per subsection O.1 of this section.

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

L. Setbacks shall be measured from the edge of the street ROW. If streets or drives are private, setbacks shall be measured from the edge of the drainage, utility, or access easement, whichever is greater.

REGULATION MATRIX—RESIDENTIAL DISTRICTS

Refer to paragraphs in section 7-Q.3. for area and height exceptions.

	Units per Acre	Lot Area Minimum Square Feet	Lot Width	Yards—Minimum Feet					Height Maximum Feet	Zero Lot Lines Y or N	Maximum Lot Coverage
				Front	Rear	Side					
						Interior	Exterior (Corner Lot)				
							Backing Up to an Abutting Side Yard	Backing Up to an Abutting Rear Yard			
SFR Single-Family Residential	2.7	11,600	90 A	25 B	25	10 F	25 A	20 C	40	No	35%
SFR Single-Family Residential	2.7	15,600	120 A	25 B	25	10	25 B	20 C	40	No	35%
SFR-E Single-Family—Residential Estate	0.5	87,120	150 A	75	25	25	35	35	40	No	20%
MFR-L Multifamily—Low	6 G	7,260 G	45 G	25 B	25	10 E, I	25 B	20 C	40	No	50%
MFR-M Multifamily—Medium	9	—	—	25 B	0	10 E, I	25 B	20 C	40	No	50%
MFR-H Multifamily—Highest	12	—	—	25 B	0	10 E, I	25 B	20 C	40	No	50%

MHR Mobile Home	10	—	—	25 B	25	10 I	30	25	20	No	50%
A-1	—	—	—	25 B	25	10 I	25 B	20 C	40	No	10%
GHD Garden Home District	6	6,000	60	20 B, H	20	0 D, E	5 B, H	4 C, H	40	Yes D	50%

A. Lots of less than 120 feet wide require curbs. Lots 120 feet wide or greater may use open ditches.

B. 35 feet on thoroughfares.

C. 25 feet on thoroughfares.

D. Zero-foot lot line on one side only.

E. Ten-foot minimum separation between buildings.

F. Lots currently in existence with less than 90 feet of width may continue with the same existing setback provided they are not less than a minimum of five feet.

G. Developer must elect either units per acre or lot area. Two-family residential units on two lots are required when lot area is elected. Example: a duplex requires two 45-foot-wide lots.

H. Setbacks shall be measured from the edge of the street ROW. If streets or drives are private, setbacks shall be measured from the edge of the drainage, utility, or access easement, whichever is greater.

I. 25 feet when abutting land zoned single-family residential (SFR) district.

J. Reserved.

K. Parking is required in accordance with the parking group table in the design criteria manual.

3. *Area and height exceptions.*

a. Height maximum in community shopping center (CSC), neighborhood commercial (NC), office park district (OPD), light industrial (LI), industrial (I), and business park (BP) districts may exceed 40 feet in height, but in no event greater than 70 feet in height, when the building setback from the nearest property line is equal to or greater than the building height. Buildings or structures that exceed 40 feet in height shall have a minimum distance to the nearest single family residential (SFR) zoning of at least two and a half (2.5) times the overall building height. Distance shall be measured from the nearest point of the building to the single family residential (SFR) property line.

b. Exceptions for community shopping center (CSC), neighborhood commercial (NC), office park district (OPD), light industrial (LI), industrial (I), and business park (BP) districts:

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

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

c. Exceptions for the downtown district (DD):

1. On buildings or structures located in the downtown district (DD), finials, crosses and other religious symbols shall not extend more than 18 feet above the building or extend more than 18 feet above the allowable building height; and

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

d. Communications towers height criteria:

1. Height limitations of communication towers. The maximum communication tower height, including antennae, lightning rods and accessories, ~~in residential districts shall not exceed~~

~~40 feet and~~ in non-residential districts shall not exceed 200 feet.~~, unless otherwise approved by city council.~~

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

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

e. Buildings or structures located in a planned unit development (PUD): Buildings and structures located in a planned unit development (PUD) shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a PUD application will be as established in the ordinance authorizing and approving the PUD.

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

g. 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.

h. 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.

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

j. 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.

k. Elementary and secondary schools shall be exempt from the height limitations contained herein. Height limitations for elementary and secondary schools will be established in the ordinance authorizing and approving a specific use permit (SUP).

(Ord. No. 85-37, § 1, 1-6-1986; Ord. No. 89-10, §§ 1—3, 9-11-1989; Ord. No. 89-18, § 1, 11-16-1989; Ord. No. 90-5, § 2, 3-5-1990; Ord. No. 90-6, §§ 1, 2, 3-19-1990; Ord. No. 90-18, § 1, 7-23-1990; Ord. No. 92-15, § 1, 10-5-1992; Ord. No. 92-16, §§ 1, 2, 10-19-1992; Ord. No. 93-5, §§ 1—3, 4-19-1993; Ord. No. 93-8, § 1, 6-7-1993; Ord. No. 94-4, § 1, 4-18-1994; Ord. No. 95-12, § 1, 5-15-1995; Ord. No. 95-4, § 1, 7-24-1995; Ord. No. 95-31, 12-4-1995; Ord. No. 96-10, § 1, 6-3-1996; Ord. No. 96-14, § 3—7, 7-1-1996; Ord. No. 97-5, §§ 1—4, 3-3-1997; Ord. No. 98-1, §§ 1—5, 4-20-1998; Ord. No. 98-14, § 1, 8-17-1998; Ord. No. 98-17, § 1, 9-14-1998; Ord. No. 99-3, §§ 2—7, 1-18-1999; Ord. No. 99-6, §§ 1—7, 13, 1-18-1999; Ord. No. 99-7, § 1, 1-18-1999; Ord. No. 99-11, § 1, 7-26-1999; Ord. No. 99-21, § 2, 10-18-1999; Ord. No. 99-23, §§ 1—3, 10-18-1999; Ord. No. 2000-22, §§ 1, 3, 8-7-2000; Ord. No. 2000-24, § 1, 8-7-2000; Ord. No. 2000-23, §§ 2—4, 8-21-2000; Ord. No. 2000-26, §§ 1, 2, 8-7-2000; Ord. No. 2000-45, §§ 1, 2, 12-

18-2000; Ord. No. 2002-1, §§ 1, 2, 1-21-2002; Ord. No. 2004-11, §§ 1—3, 8-2-2004; Ord. No. 2004-12, §§ 1—3, 8-2-2004; Ord. No. 2004-08, §§ 1—4, 8-16-2004; Ord. No. 2004-21, § 1, 12-6-2004; Ord. No. 2005-32, § 1, 10-17-2005; Ord. No. 2005-33, §§ 2, 3, 10-17-2005; Ord. No. 2006-15, § 1, 7-24-2006; Ord. No. 2007-04, § 1, 4-2-2007; Ord. No. 2007-11, § 2, 10-1-2007; Ord. No. 2007-18, § 1, 10-15-2007; Ord. No. 2008-06, § 2, 2-18-2008; Ord. No. 2008-16, §§ 1, 2, 7-21-2008; Ord. No. 2008-28, §§ 1, 2, 11-3-2008; Ord. No. 2008-41, § 1, 11-17-2008; Ord. No. 2009-10, § 1, 6-15-2009; Ord. No. 2009-09, §§ 1, 2, 8-3-2009; Ord. No. 2009-25, § 1, 1-4-2010; Ord. No. 2010-11, §§ 1—11(exh. A), 4-19-2010; Ord. No. 2010-41, § 1, 1-10-2011; Ord. No. 2011-14, § 1, 4-18-2011; Ord. No. 2011-35, §§ 2, 5(exh. A), 6(exh. A), 12-5-2011; Ord. No. 2011-36, § 2(exh. A), 12-5-2011; Ord. No. 2012-31, § 1(exh. A), 12-3-2012; Ord. No. 2013-09, § 2, 5-6-2013; Ord. No. 2013-45, § 4(exh. A), 12-2-2013; Ord. No. 2014-05, § 2(exh. A), 4-7-2014; Ord. No. 2016-10, § 2(exh. A), 4-4-2016; Ord. No. 2017-07, § 2, 3-6-2017; Ord. No. 2018-15, §§ 2(exh. A), 3(exh. B), 7-2-2018; Ord. No. 2018-16, § 2(exh. A), 7-2-2018; Ord. No. 2019-18, § 2, 6-3-2019; Ord. No. 2019-19, § 5, 6-3-2019; Ord. No. 2020-04, § 2, 2-3-2020; Ord. No. 2020-17, § 2(Exh. A), 4-6-2020; Ord. No. 2020-44, § 2, 12-7-2020; Ord. No. 2021-04, §§ 2, 3, 3-1-2021; Ord. No. 2021-05, § 2, 3-1-2021; Ord. No. 2021-20, § 2(Exh. A), 9-13-2021; Ord. No. 2021-28, § 2, 10-4-2021; Ord. No. 2022-01, § 2, 2-7-2022; Ord. No. 2022-06, § 2, 4-4-2022; Ord. No. 2022-08, §§ 4—7, 5-2-2022; Ord. No. 2023-18, § 2, 8-7-2023)

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~~ at 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 eves 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~~ 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~~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~~~~director of community development~~ 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; Ord. No. 2021-28, § 5, 10-4-2021)

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 facilities areis provided in connection with the construction, alteration, remodeling or change of use of any building or change of use of land. Specific guidelines regarding requiredcommended off-street parking spaces and parking lot geometryics 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.Parking Area Design. All off-street parking areas, including shared parking areas, shall be designed to provide safe and efficient parking and vehicular circulation. Parking layouts and design shall comply with the standards contained in the Design Criteria Manual, including requirements related to the number of parking spaces, parking space dimensions, aisle widths, and circulation patterns.

2. Loading and Unloading Areas. The owner and theor occupantier of any property upon which a business is located shall provide loading and unloading areas of sufficient number and facilitycapacity to accommodate on such business premises all vehicles that will be reasonably expected to simultaneously deliver or receive materials or merchandise on the premises. , and ofSuch areas shall be of sufficientadequate size to accommodate theall types of vehicles that will be reasonably expected to engage in such loading or unloading activitiesutilize the facility.

3. Site Plan Requirements. Any person applying fordesiring a building permit for the construction, alteration, or change of use of the land or of any business building or structure shall submit a plotsite 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~~shall not create ~~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 ~~commission~~ director may determine the provisions of this subsection may not apply in the following circumstances:

(a) 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~~.~~.

(b) A commercial use has been established by specific use permit on a residentially zoned lot.

(4) When a residentially zoned property is rezoned to commercial and is adjacent to a commercially zoned property, an existing fence may~~, if requested by the staff, the commission, or the applicant,~~ be removed, in whole or in part, to allow the commercially zoned properties joint or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners

(5) 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.

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

(7) 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.

a-1. *Adjacent property, buffering streets.* All land zoned commercial or industrial, as that term is defined in this section, shall have a minimum ten-foot landscaped open space adjacent to each public right-of-way located within the required yard.

b. *Trees for buffer strips.* If an open space buffer strip is required under the terms of this subsection I, not less than one tree, whether existing or planted, shall be maintained for each 25 lineal feet or portion thereof of solid open space buffer strip.

b-1. *Landscape trees.* All required trees for landscaping shall be not less than eight feet in height immediately upon planting and shall have a caliper of not less than two inches measured 18 inches above the natural ground level.

c. *Off-street parking landscaping.*

(1) All areas, other than those located within the industrial district, that are used for parking or display of vehicles, boats, construction equipment or production equipment, shall conform to the minimum landscaping requirements of this subsection 2.c. Areas that are of a drive-in nature, such as filling stations, grocery stores, banks and restaurants also, shall conform to the minimum landscaping requirements of this subsection 2.c.

(2) It is the intent of this subsection 2.c to promote the placement of trees along the thoroughfares of the city. Therefore, at least 50 percent of the required trees shall be located between the street and any buildings. No tree other than those species listed as small trees (size 3) on the qualified tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(3) Parking lots shall be considered small if they contain spaces for 20 or less cars. Small parking lots shall have "open" landscaped areas that are equal to not less than ten percent of the parking area and drives in the parking area. The required area may be used as islands or perimeter landscaping or in any combination. A minimum of one Class 1 or Class 2 tree from the qualified tree list shall be planted and maintained for each 250 square feet or portion thereof of landscaped open space area.

Parking lots with more than 20 parking spaces shall have open landscaped areas equal to ten percent of the parking area and drives in the parking area. Fifty percent of the required landscaped area shall be used as islands. Perimeter landscaping shall have at least one such tree for each 40 lineal feet or fraction thereof. Each island shall have one such tree planted and maintained thereon.

(4) All planted islands shall have curbs of sufficient height and width to contain the planted island.

(5) Planted islands are to integrate groundcovers and small shrubs while minimizing the use of medium to tall shrubs; and shall not obstruct visibility of pedestrians and vehicles.

(6) Off-street parking areas that are adjacent to residentially zoned property shall have opaque fences or walls, eight feet in height above ground level, which shall be erected and maintained along the property line to provide visual screening.

(7) All trees required in this subsection 2.c shall have a caliper of not less than two inches, measured 18 inches above the natural ground level.

(8) If paving around a tree is required on private property, use porous pavements such as cast-in place, monolithic turf, and concrete combinations over specimen roots to allow water and air exchange.

(9) All plants shall receive proper irrigation to encourage deep root growth and survivability.

d. *Existing plant material.*

(1) Where healthy planting exists on a site, the directorbuilding 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 directorbuilding 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. To Ttopping 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 directorbuilding 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 any 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 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.

(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:

(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.BG; and

(iii) For residential developments on land located in districts zoned as single-family residential (SFR), planned unit development ~~cluster home~~ (PUDC ~~Cluster Home~~), or residential-garden home district (GHD), provided, however, the tree survey required by this subsection shall be required only for the common areas located within those developments, such as community parks, where residents of the developments would have common access.

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

(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;

(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 department ~~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 department concurrently with or as a part of the site plan, development permit or plat. The director ~~Community development~~ shall ~~be authorized to~~ review the data on-site for verification. The tree survey shall be accepted by ~~community development~~ the director or the director ~~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 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 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

	On-Site Replacement	Off-Site Replacement	Minimum Caliper Per Tree in Inches
12"—24"	100 percent	120 percent	4-inch
24.1"—36"	150 percent	170 percent	6-inch
Greater than 36"	200 percent	220 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.

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 as established in Appendix D, Schedule of Fees, Rates, Charges, Deposits, Bond and Insurance Amounts. 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 from the issuance of a certificate of occupancy 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 as prescribed in section I.2.f.(6)(b) of this appendix.

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~~ director for substantially wooded lots, in instances where the ~~building official~~ director 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:

    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.

~~(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.

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 temporary uses.*

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.

(1) Temporary construction structures may be placed on sites that have been legally platted; or

(2) Temporary construction structures may be placed on undeveloped sites upon city approval of infrastructure plans.

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. 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~~ director. 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~~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.

2. *Temporary outdoor uses.*

a. For the purpose of this section, a "temporary outdoor use" is defined as the display of any merchandise, service, product, or good outside of a permanent structure for the purpose of sale, whether immediately or by accepting orders and irrespective of where payment is made. Such use may take place in required parking areas, invite outside vendors to the property, and/or utilize off-site parking.

(1) *30-day permit.* A 30-day permit may be issued for the temporary sale of holiday merchandise, such as pumpkins, flowers, and Christmas trees.

(a) *Number of permits.* There shall not be more than three permits issued per lot within a calendar year, nor shall permits be allowed to run consecutively during two, 12-month periods.

(b) *Hours of operation.* A permit for the temporary sale of holiday merchandise shall be for a period not to exceed 30 consecutive calendar days. The temporary outdoor use shall be allowed to conduct business no earlier than 9:00 a.m. and must close activities at official sundown, unless the applicant shows adequate lighting on the site plan. All outdoor activities must close by 10:00 p.m. 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. on the day after the final date of the permit. However, any such permit issued for an activity commencing on 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.

(c) *Mobile food and beverage units.* Food trucks, concession trailers, or similar vehicles selling food or drink items are prohibited.

(2) *Four-day permit.* A four-day permit may be issued for short-term temporary uses that include, but are not limited to, art and craft shows, festivals, fairs, grand openings, and church bazaars.

(a) *Number of permits.* There shall not be more than six permits issued per lot, within a calendar year, nor shall permits be allowed to run consecutively during two, 12- month periods.

(b) *Hours of operation.* A permit for a short-term temporary use shall be for a period not to exceed four 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 at official sundown, unless the applicant shows adequate lighting on the site plan. All outdoor activities must close by 10:00 p.m. The permittee must remove all items, tents and materials used for the conduct of the special event from the location not later than 5:00 p.m. on the day after the final date of the permit.

(c) *Mobile food and beverage units.* Food trucks, concession trailers, or similar vehicles selling food or drink items may be permitted provided they possess a permit issued by Galveston County Health District and/or Texas Alcohol and Beverage Commission, whichever is applicable.

b. *Permit required.* No person shall conduct temporary outdoor uses either in the open or under a tent or other temporary cover within the city limits without first obtaining a permit under this section. 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.

c. *Application for permit.* Applications must be submitted a minimum of 30 days before the start date of the temporary outdoor use. Complete applications will be granted or denied a minimum of seven business days before the start of the temporary outdoor use to allow the applicant adequate time to promote the temporary use. A complete application shall include:

(1) Name and contact information of the person conducting the activity,

(2) Proposed location,

(3) Name and contact information of the property owner where the use will take place,

(4) Description of the intended activity,

(5) Proposed dates for the temporary use,

(6) Number of anticipated attendees,

(7) Proof of insurance for the activity, in a minimum amount of coverage as determined by the city council or required by law,

(8) Site plan showing the location of all activities that will take place on the property including tents, temporary structures, food trucks (for 4-day permits), restrooms, parking, trash receptacles, and any other pertinent information,

(9) Lighting plan, if required by section 2.a.(1)b. or 2.a.(2).b.,

(10) Fire related items required by the International Fire Code,

(11) Written authorization for the use of offsite parking, if applicable,

(12) A copy of the activity's sales tax certificate,

Depending on the number of attendees, number of businesses involved, or nature of the temporary use, the city may require the following,

(13) Security agreement with peace officers,

(14) Traffic control plan,

(15) Janitorial/clean-up service agreement and/or plan, or

(16) Health permits or state alcoholic beverage commission permits.

The appropriate city department may waive one or more of the above items it deems unnecessary due to the nature of the temporary use and the adequacy of existing infrastructure servicing the location.

d. *Fee.* The community development department shall charge and collect a fee before issuance of a permit as determined in Appendix D. 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. The conducting of a temporary use 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 may be exempt from the permit fee.

e. *Rescheduling.* Permitted temporary outdoor uses may be rescheduled one time due to inclement weather or other reasonable reason.

f. *Compliance required.* Temporary outdoor uses 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 temporary outdoor uses must comply with the setback requirements, parking requirements, noise ordinance, and other standards in city ordinances. 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.

g. *Operating without a permit; false information.* Any person or entity conducting a temporary outdoor use 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 temporary use from the premises before midnight of that day.

h. *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.

i. *Determination of number of permits.* Permits issued the same calendar year of the effective date of this ordinance shall be subject to the limitations on the number of allowable permits for the calendar year.

3. *Farmers' markets.* 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.

   a. No resale or craft items are allowed to be sold at farmers' markets.

   b. In addition to the application and supporting documents listed in subsection 2.(c) of this section, the applicant must also provide an issued and approved county health district farmers' market and vendor permits.

   c. 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 closure of the market on Sunday, all market items must be removed from the site, including display tables, tents, equipment, etc.

   d. Food trucks, concession trailers, or similar vehicles selling food or drinks may be allowed during the operation hours of a farmers' market.

4. *Exemptions.*

   a. *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 on the same parcel. Such displays may not cover more than one-half of the width of the pedestrian walkway between the storefront and the curb, nor impede the minimum egress width required by code, whichever is greater.

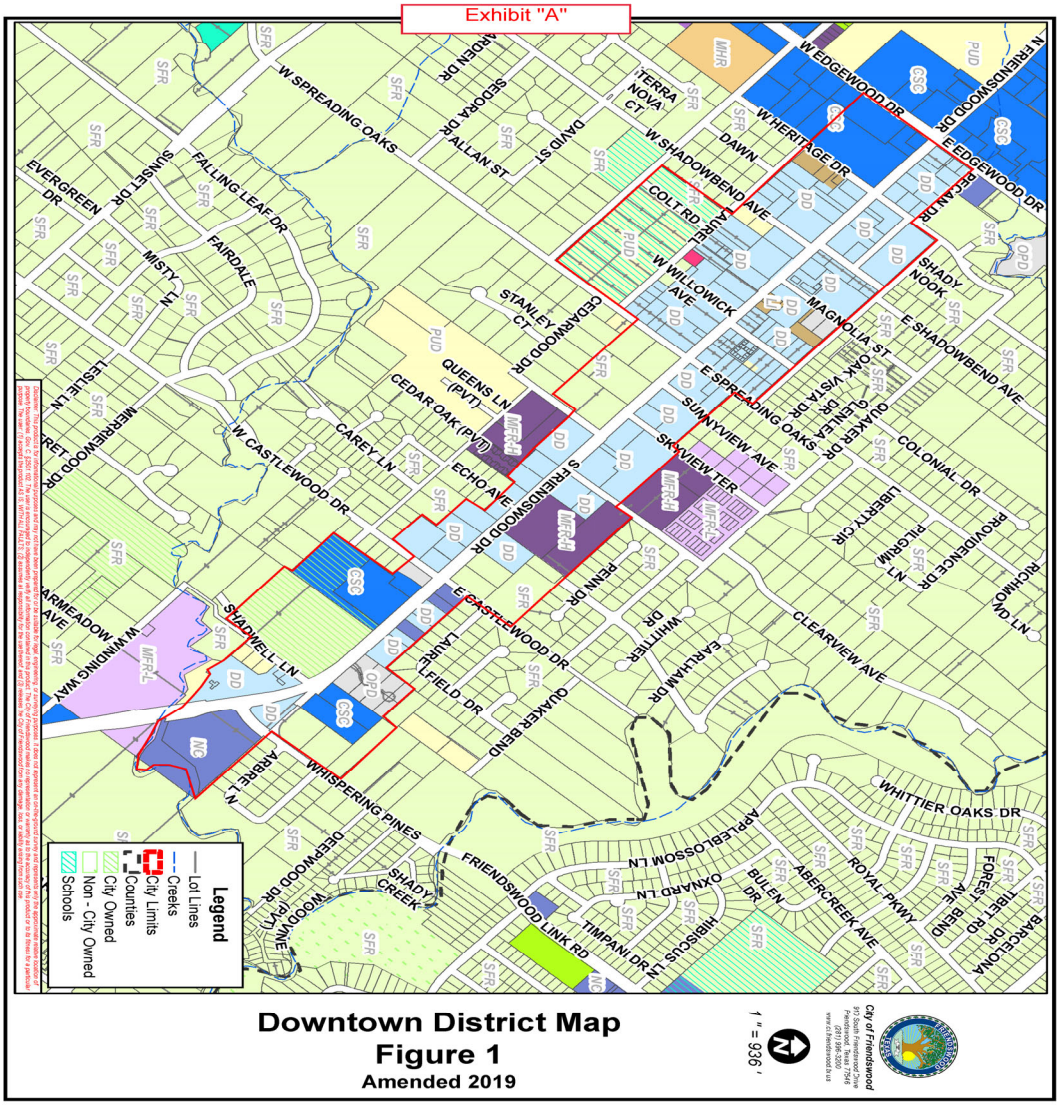
   b. *Suspension in the event of disaster or loss.* In the event of a natural disaster (e.g., flood, hurricane), or other catastrophic loss (e.g., fire), the city council may suspend the application of this appendix for such period of time as may be determined to be necessary for reconstruction of permanent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

c. *Temporary uses.* The conducting of temporary uses by the city shall be exempt from the provisions of this section.

5. *Signs.* Signage shall comply with City of Friendswood Code of Ordinances, Appendix A.

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.

    a. Off-site parking shall be allowed if within one block of the development. For purposes of this subsection, one block shall constitute no less than 300 linear feet and no more than 1,200 linear feet.

    b. Shared parking areas shall be allowed.

    c. Shared access agreements shall be required between adjacent developments.

    d. On street, head-in parking may be allowed in the Downtown District (DD) with the approval of the director~~Planning and Zoning Commission~~, upon recommendation of the city engineer, in areas at least 75 feet from FM 518 and/or FM 2351. No on-street parking shall be allowed on FM 518 or on FM 2351 within the DD.

    e. Development plans shall indicate how freight and goods will be delivered.

    f. Development plans shall show the design and layout for all parking. Documentation shall be provided to verify authority for all shared or off-site parking.

    g. All such required documentation shall be presented before a development plan is approved.

    h. 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.

    i. All planted islands shall have curbs of sufficient height and width to contain the planted island.

    j. 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.

    k. 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.

    l. All trees required in subsection 8.I.2.c(2) shall have a caliper of not less than two inches, measured 18 inches above the natural ground level.

    m. 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.

    n. All plants shall receive proper irrigation to encourage deep root growth and survivability.

4. *Architectural standards.*

   a. Buildings in the DD are encouraged to have exterior cladding of brick, masonry, stone, stucco, glass, or lap sided cement fiberboard. Sheet cement fiberboards are discouraged, except as trim for eves 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.

   b. Exterior facades, including the roof, shall be limited to earth tone colors. Color samples shall be submitted as part of the commercial site plan. Earth tone colors depict the colors in nature; they include flat and muted shades of brown, green, blue, orange, and some reds and tans.

   c. Fenestration shall mean the openings in a wall, such as doors and windows, to include faux windows whether transparent or not. Such windows may be inoperative but must be framed as a window and otherwise appear to be a window. Painted openings would not be counted in fenestration calculations. Fenestration along front or other facades visible to the public are encouraged to be as follows:

      (1) Walls visible to the public shall have windows and or doors (i.e., no blank walls allowed).

      (2) Not less than 40 percent fenestration shall be provided for all ground floor primary facades (front or side) that face a public right-of-way.

      (3) Not less than 25 percent fenestration shall be provided for all upper floor facades.

   d. ~~Awnings and canopies are allowed upon approval of the Planning and Zoning Ccommission~~Reserved.

   e. Fenestration calculations. Preferred fenestration minimum:

      (1) Area of ground floor primary wall facing ROW x 40 percent = minimum fenestration.

      (2) Area of upper floor x 25 percent = minimum fenestration.

   f. Garage bays or other similar large openings designed for automotive or industrial work, or designed for vehicles to drive into, shall not front FM 518 or FM 2351 within the Downtown District boundary. This prohibition shall not include drive-thrus such as are typically found at banks ~~f~~or fast-food establishments. In the event that this requirement overlaps at an intersection, the architectural requirement regarding garage bays shall apply only to the frontage on one street as designated on the site plan.

5. *Screening.*

   a. Mechanical equipment, such as roof top equipment, compressors, refrigeration units and trash enclosures, outside storage, and other nonpublic service areas that are visible from a public area, shall be screened to a height sufficient to completely screen the use from view at ground level. The term "view at 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 street or streets.

   b. The design of walls and other structures located on the same site, including those used to screen outdoor storage areas, dumpsters, vehicles, etc. are encouraged to be constructed of the same materials as the building on the lot. Cyclone fences are prohibited. ~~Under limited circumstances, the Planning and Zoning Ccommission may approve a vinyl coated cyclone fence.~~

   c. See Section 8.L. for additional dumpster screening requirements.

6. *Sidewalks.*

a. Each development along FM 2351 and FM 518 shall provide a minimum 15-foot-wide parkway adjacent to the street right-of-way. The 15-foot parkway must contain an unobstructed brick-paved sidewalk, as described in Appendix E of the Design Criteria Manual, at least eight feet wide and a seven-foot wide landscape area.

b. Each development along all other streets within the downtown district shall provide a concrete sidewalk built in accordance with city standard specifications and shall be a minimum of six feet in width. Concrete sidewalks shall be built within the street right-of-way and adjacent to the right-of-way lines.

c. If sidewalks cannot be placed wholly within the right-of-way and must be placed on private property, easements of the appropriate width shall be required.

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 C~~commission.

(1) Trees shall be provided every 25 linear feet. Trees used in the 15-foot parkway shall be Class 2 or Class 3 trees from the city's qualified tree list, and other landscaping material such as bushes and/or groundcover may be used. The tree and landscaping material shall be maintained in living condition. One-half of the trees shall have a minimum caliper of four inches and one-half shall have 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.)

(2) Amenities shall be provided in accordance with the design criteria manual, Exhibit E, Downtown District Amenities. A minimum of two lights and two benches are required within the 15-foot parkway of each development. All provided amenities shall be permanently maintained by the property owner, including the brick-paved sidewalks.

b. Developments along all other streets within the downtown district shall have a minimum ten-foot landscaped buffer located on private property and not less than one tree, whether existing or planted, shall be planted and maintained for each 25 lineal feet or portion thereof. Each such tree 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. Alternate sidewalk, landscape and amenity designs specific to the site or the function of the development within the downtown district may be considered by the ~~Planning and Zoning C~~commission if it determines that the proposed alternative sidewalk is not narrower than six feet and provides, respectively:

(i) Equal or better pedestrian access to and along the development property;

(ii) Equal or enhanced landscape beautification for the development; or

(iii) Equal or better design amenities than otherwise required herein.

d. See Section 8.I. for additional information on maintenance and preservation of trees.

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

a. When a commercial use is established on a lot or premises located adjacent to any residential 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 commercial property between it and the adjacent protected property.

b. 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 ~~Planning and Zoning C~~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, with ~~Planning and Zoning C~~commission approval.

c. 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 ~~Planning and Zoning Commission~~ director 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 and is adjacent to a commercially zoned property, an existing fence may~~, if requested by the staff, the Planning and Zoning Commission, or the applicant,~~ be removed, in whole or in part, to allow the commercially zoned properties joint or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners.

d. 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.

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; Ord. No. 2021-28, §§ 3, 4, 10-4-2021; Ord. No. 2021-29, § 2, 11-1-2021; Ord. No. 2022-08, §§ 8, 9, 5-2-2022; Ord. No. 2025-12, § 2, 5-5-2025; Ord. No. 2025-13, § 2, 5-5-2025)

Section 9. ~~Administration and enforcement—Building permits and certificates of zoning compliance.~~Site plans and Specific Use Permits.

A. *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), 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 B; ~~and~~or

   c. A planned unit development (PUD), in accordance with the procedures set forth in section 7.J.

3. *Content.* The application shall be accompanied by plans that 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.*

      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 site plan approval.

4. *Staff review.* Prior to submission of a site plan, an applicant shall schedule a development meeting with staff on an informal basis to receive comments and advice on the procedures, specifications and standards required by the city.

5. *Administrative Approval*. The director is authorized to review and approve site plans that comply with all applicable requirements of this Code, including but not limited to zoning, subdivision, engineering and development standards. Site plans eligible for administrative approval shall be reviewed and considered within thirty (30) days of a complete application.

6. ~~*Planning and Zoning* Commission action.~~ Any site plan that involves special consideration as defined by the Zoning Ordinance shall be presented to the ~~C~~commission for review and approval. Site plans requiring ~~C~~commission review shall be scheduled for consideration and a decision will be made within 30 days of being placed on an agenda.

Special considerations include, but are not limited to:

a. Requests for alternative compliance provisions;

b. Developments requiring interpretation of zoning standards; or

c. Any other circumstance identified in this Code requiring ~~C~~commission review.

7. *Determination of Review Authority.* The director shall determine whether a proposed site plan qualifies for administrative approval or must be referred to the ~~C~~commission.

8. Denied site plans. Any corrections, changes, or conditions required to ensure the plan complies with all existing ordinances that are imposed 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.

9. *Expiration*. Approval will expire one year after the approval of the site plans. 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.

10. *Enforcement.* Following the approval of a site plan, the director shall inspect the development to ensure that it is in full compliance with the approved site plan. ~~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.

(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.

GB. *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 community development department~~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.*

        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 B~~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 6.5~~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

   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 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~~

~~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; Ord. No. 2024-27, § 3, 9-9-2024)

Section 10. Board of adjustment—Establishment and procedure.

~~A board of adjustment is hereby established, which shall consist of five members and four alternates to be appointed by the city council, each for a term of two years. Members and alternates of the board of adjustment may be removed from office by the city council when absent from two consecutive meetings without an excuse or for cause upon written charges and after public hearing. Vacancies shall be filled by the city council for the unexpired term of the member affected.~~

~~A. *Proceedings of the board of adjustment.*~~

~~(1) The board of adjustment shall adopt rules necessary to the conduct of its affairs, elect a chairperson and an acting chairperson, and act in keeping with the provisions of this appendix. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.~~

~~(2) The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and all of which shall be immediately filed in the office of the board and shall be public record.~~

A. The board of adjustment shall have the following powers and duties:

(1) *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this appendix.

(2) *Variance.* To authorize in specific cases, a variance from the terms of the 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, and so that the spirit of the ordinance is observed and substantial justice is done.

(a) *Exceptions.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of a zoning ordinance in the district involved, or any use, expressly or impliedly, prohibited by the terms of this appendix in said district.

(3) *Special exceptions.* To hear and decide special exceptions to the terms of a zoning ordinance when this appendix requires the board to do so.

(4) To hear and decide other matters authorized by a zoning ordinance.

(5) In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is

taken and make the correct order, requirement, decision, or determination, and for that purpose, the board has the same authority as the administrative official.

B. *Application.* Appeals to the board of adjustment concerning interpretation or administration of this appendix may be taken by any person aggrieved by the decision or any officer, department, board, or bureau of the city affected by the decision of the administrative official. Such appeals shall be filed not later than the 20th day after the date the decision is made, by filing with the official from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed. A member of the governing body of the municipality who serves on the board of adjustment may not bring an appeal under this section.

C. *Notification.* Any request for an appeal, variance or special exception shall require a public hearing before the board. A written notice of the hearing shall be sent to owners of property situated within 200 feet of the exterior boundary of the property with respect to which such appeal, variance or exception is requested ten days prior to public hearing. It shall be sufficient that such written notice is addressed to the owner appearing on the most current tax roll of the city and addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll, or no address appears thereon, the written notice to such property owner shall not be required.

The city council and ~~planning and zoning~~ commission shall be informed of any hearing for an appeal, variance or special exception of the zoning or sign ordinance.

D. *Fee.* A processing fee as described in section 14 shall be paid to the city in advance of the hearing. In the event the application is withdrawn prior to the mailing of the required written notification or publication in the official newspaper, the fee shall be refunded.

E. *Hearings.* The board shall set a reasonable time for the appeal hearing. A party may appear at the hearing in person or by agent or by attorney. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

F. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action that is appealed, unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board of adjustment or by a court of record on application, after notice to the official if due cause is shown.

G. *Reapplication.* No application for a variance, special exception, or appeal, which has been denied, shall be again filed earlier than one year from date of original denial, unless there has been a material change. For the purposes of this section, material change shall mean a substantial change in conditions or circumstances as it relates to the property in question.

(Ord. No. 2020-16, § 2, 4-6-2020)

Section 11. Reserved. ~~Same—Powers and duties.~~

~~A. The board of adjustment shall have the following powers and duties:~~

(1) *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this appendix.

(2) *Variance.* To authorize in specific cases, a variance from the terms of the 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, and so that the spirit of the ordinance is observed and substantial justice is done.

(a) *Exceptions.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of a zoning ordinance in the district involved, or any use, expressly or impliedly, prohibited by the terms of this appendix in said district.

(3) *Special exceptions.* To hear and decide special exceptions to the terms of a zoning ordinance when this appendix requires the board to do so.

(4) To hear and decide other matters authorized by a zoning ordinance.

(5) In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose, the board has the same authority as the administrative official.

B. *Vote required.* The concurring vote of four members of the board shall be necessary to reverse any order, requirements, decision, or determination of an administrative official, decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance.

(Ord. No. 90-18, § 2, 7-23-1990; Ord. No. 2009-04, § 1, 5-24-2009; Ord. No. 2020-16, § 3, 4-6-2020)

Section 12. Reserved~~Appeals from the board of adjustment.~~

A. Any person aggrieved by a decision of the board of adjustment, or any taxpayer, or officer, department, board, or bureau of the city may present to a district court, county court, or county court at law a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specify the grounds of illegality within ten days after the date the decision is filed in the board's office and in the manner provided by the laws of the state, particularly V.T.C.A., Local Government Code §§ 211.008—211.011.

B. *Reapplication.* No application for a variance, special exception, or appeal, which has been denied, shall be again filed earlier than one year from date of original denial, unless there has been a material change. For the purposes of this section, material change shall mean a substantial change in conditions or circumstances as it relates to the property in question.

(Ord. No. 2020-16, § 3, 4-6-2020)

Section 13. Administration and Enforcement ~~Duties of administrative official, board of adjustment, city council, and courts on matters of appeal.~~

A. ~~A. *Administration and enforcement.*~~ The director ~~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~~director 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. It is the intent of this section that all questions of interpretation and enforcement shall be first presented to the ~~administrative official,~~director and that such questions shall be presented to the board of adjustment only on appeal from the decision of the ~~administrative official~~director ., ~~and that recourse from the decisions of the board of adjustment shall be to the courts in the manner provided by law, particularly V.T.C.A., Local Government Code §§ 211.008—211.011.~~

~~B~~C. It is further the intent of this section that the duties of the city council in connection with this appendix shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this appendix. Under this appendix, the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this appendix, as provided by law, and of establishing a schedule of fees and charges as stated in section 14.

D. Whenever a violation of this appendix occurs, or is alleged to have occurred, any person may file a written complaint; such complaint stating fully the causes and basis thereof shall be filed with the director~~administrative official~~. He shall record properly such complaint, immediately investigate the same at the earliest reasonable time, and take action thereon as provided by this appendix.

E. Any person who violates any of the provisions of this appendix or who fails to comply therewith or with any of the requirements thereof, including violations of conditions and safeguards established in connection with grants of variances or specific uses, or who erects or alters any structure, or who commences to erect or alter any structure in violation of any detail statement of plan submitted or approved thereunder, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor. The owners of a building, structure, or premises, or part thereof, where anything in violation of this appendix be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction, shall be subject to the penalties as~~herein~~ provided in section 1-14 of the code.

Section 14. Schedule of fees, charges, and expenses.

A. The city council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, specific use permits, and changes in district classification, appeals, and other matters pertaining to this appendix. The schedule of fees shall be maintained in the office of the city secretary and in the office of the administrative official, and may be altered or amended only by the city council. It is set by resolution and printed in Appendix D to this Code.

B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

~~Section 15. Amendments.~~ Section 15. Reserved.

~~A. *Authority.* The city council may from time to time amend, supplement, or change by ordinance the boundaries of the district or the regulations herein established.~~

~~B. *Submission to planning and zoning commission.* Before taking action on any proposed amendment, supplement or change by ordinance of a district boundary or regulation, the city council shall submit the proposed revision to the planning and zoning commission for its recommendation and report. The planning and zoning commission shall make its report within 30 days following the close of the public hearing thereon.~~

C. *Public hearings.* Prior to adopting any ordinance amending, supplementing, or changing the boundaries of any district or any regulation herein established, the planning and zoning commission and city council shall hold public hearings at which any person desiring to be heard regarding such matter shall be given an opportunity to do so. City council may not hold a public hearing until it receives the final report of the planning and zoning commission.

D. *Notice of public hearings.*

1. Notice of any public hearing involving a proposed change in a zoning classification shall be given, in writing, to each owner of real property, as indicated by the most recently approved city tax roll, which lies within 200 feet of any property on which said change in classification is proposed, such notice to be given before the tenth day before the hearing date.

2. Notice of all public hearings shall also be published in the official newspaper of the city, or a newspaper having general circulation in the city, before the fifteenth day before the public hearing.

3. In addition, notice of any public hearing involving a proposed change in zoning classification shall be given by causing a sign to be erected on the property which would be affected by the proposed change stating the time and place of the hearing. Such sign shall be erected not less than ten days prior to the date on which such hearing is to be held.

4. Before the tenth day before the hearing date, notice of any public hearing involving a proposed change in a zoning classification affecting residential or multifamily zoning shall be given, in writing, via United States Postal Service, to each school district in which the property for which the proposed change in classification is located.

E. *Vote required in the event of protest.* In the event of a written protest to any such proposed amendment, supplement, or change to a district boundary or regulation signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change or those immediately adjacent to the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, such amendment shall not become effective except by the affirmative vote of three-fourths of all members of city council. In computing the percentage of land area, the area of streets and alleys shall be included.

(Ord. No. 90-2, § 1, 2-5-1990; Ord. No. 96-16, §§ 1, 2, 8-19-1996; Ord. No. 2011-13, § 1, 6-6-2011; Ord. No. 2013-30, § 2, 10-7-2013; Ord. No. 2019-13, § 2, 5-6-2019)

Section 16. Provisions of appendix declared to be minimum requirements. Section 16. Reserved.

In their interpretation and application, the provisions of this appendix shall be held to be minimum requirements, adopted for the protection of public health, safety, morals, or general welfare. Whenever the requirements of this appendix are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, restrictions, or covenants, the most restrictive or that which imposes the higher standards shall govern.

Section 17. ReservedComplaints regarding violations.

Whenever a violation of this appendix occurs, or is alleged to have occurred, any person may file a written complaint; such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate the same at the earliest reasonable time, and take action thereon as provided by this appendix.

Section 18. ReservedPenalties for violations.

~~Any person who violates any of the provisions of this appendix or who fails to comply therewith or with any of the requirements thereof, including violations of conditions and safeguards established in connection with grants of variances or specific uses, or who erects or alters any structure, or who commences to erect or alter any structure in violation of any detail statement of plan submitted or approved thereunder, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor. The owners of a building, structure, or premises, or part thereof, where anything in violation of this appendix be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction, shall be subject to the penalties herein provided.~~

(Ord. No. 2005-19, § 11, 9-12-2005)

Section 19. ReservedSeverability.

~~Should any section or provision of this appendix be adjudged invalid or unconstitutional, such decision shall not affect the validity of this appendix as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.~~

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.

Assisted living facility means an establishment as defined by V.T.C.A., Health and Safety Code Ch. 247.

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 two or more business establishments developed under a common plan which may utilize shared driveways and on-site parking facilities, including, but not limited to, shopping centers, office complexes, business parks, and industrial parks.

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.

Director means the director of community development.

Dwelling, garden home, means a detached dwelling unit which utilizes smaller lots than traditional single-family houses and where the building is built along a "zero" side lot line.

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.

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.

(Ord. No. 89-9, § 1, 9-11-1989; Ord. No. 89-29, § 1, 1-22-1990; Ord. No. 90-5, § 1, 3-5-1990; Ord. No. 95-36, § 1, 1-8-1996; Ord. No. 96-6, § 2, 5-20-1996; Ord. No. 98-14, §§ 2, 3, 8-17-1998; Ord. No. 98-17, § 2, 9-14-1998; Ord. No. 2001-23, § 2, 11-19-2001; Ord. No. 2005-36, § 1, 11-21-2005; Ord. No. 2008-06, § 3, 2-18-2008; Ord. No. 2009-05, § 1, 6-15-2009; Ord. No. 2013-45, §§ 2, 3, 12-2-2013; Ord. No. 2015-04, § 2, 2-2-2015; Ord. No. 2017-23, § 3, 9-11-

2017; Ord. No. 2020-16, § 5, 4-6-2020; Ord. No. 2020-44, § 3, 12-7-2020; Ord. No. 2021-28, § 6, 10-4-2021; Ord. No. 2022-01, § 3, 2-7-2022; Ord. No. 2022-08, § 10, 5-2-2022)

Planning & Zoning Commission

Recommendation Memo

To: Mayor and City Council

From: Thomas Hinckley, Planning & Zoning Commission Chairman TH (APH)

Aubrey Harbin, Director of Community Development/Planner

Date: April 20, 2026

Re: Proposed amendments to Appendix C, Zoning, to authorize staff to approve site plans except in certain situations and to make minor administrative corrections.

At the Planning and Zoning Commission meeting held April 20, 2026, following the public hearing, the City of Friendswood Planning and Zoning Commission voted 6-0 (all commissioners were present; we currently have one vacancy) on a motion to disapprove authorizing staff to approve site plans, but to approve the minor administrative corrections.

The commissioners agreed that while efficiency and streamlining processes in some cases is helpful, that it would not necessarily be helpful in this case. Some positive aspects of allowing staff to approve site plans include saving time for the developers and applicants, reducing the number of meetings that commissioners and staff must attend, streamlining the development process, and reducing preparation time for staff.

The cons of making the change to allow staff to approve site plans lacks the opportunity for citizens to provide input and public comments, lacks extra oversight on projects, and omits the process to hear questions and concerns from citizens. Sometimes it is helpful to hear ideas, thoughts, and concerns from citizens to incorporate into the decision-making process. The commissioners feel that public feedback is important, and they like being involved in the process. Friendswood is nearing a built-out scenario, and the commissioners agree that many approvals are not going to be routine in nature. Special considerations may be needed in relation to development of property.

The commissioners emphasized and agreed that this recommendation is not a reflection on the ability of staff to perform these duties well; they feel that presenting site plans to the commission in a public meeting is an important part of the process. Several commissioners indicated that they were approached by many citizens who were concerned about this change. Ultimately, the commissioners agreed that the cons outweighed the pros and did not approve of making the change to allow staff to approve site plans; they did agree that they are not opposed to the minor administrative changes.

One representative of the public attended the meeting and expressed the importance of plats and site plans being placed on agendas of public meetings so that residents can stay informed and provide input as needed. He stated that government processes are not intended to be convenient. He also stated that people need to know what is happening around them.

The commission is forwarding a negative recommendation regarding authorizing staff to approve site plans but also forwarding a positive recommendation regarding to the minor administrative corrections to the Zoning Ordinance.

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/07/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider an ordinance concerning amendments to Appendix C “Zoning” of the Friendswood City Code to authorize the director of community development to approve site plans except in certain situations, to consolidate site plan approval requirements, and to make minor administrative corrections.

Originating Department: Community Development

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This proposed ordinance approves the amendments to Appendix C “Zoning” of the Friendswood City Code to authorize the director of community development to approve site plans except in certain situations, to consolidate site plan approval requirements, and to make minor administrative corrections.

SITE PLAN APPROVALS

All commercially zoned properties require site plan approval. Currently, that approval is required by the Planning and Zoning Commission. Staff is proposing to change it so that site plans that meet the code can be approved at the staff level. Any site plan requiring special considerations, such as alternate landscape plans, screening, parking or increased building heights would be submitted for Commission review and consideration.

The Commission would still be responsible for the following under the Zoning Ordinance:

- Hear and decide appeals regarding abandonment, destruction or damage, and the timeframe of repairs and maintenance for non-conforming uses and structures;
- Hold public hearings and make recommendations to City Council for ordinance changes to Appendix B "Subdivisions" and Appendix C "Zoning";
- Hold public hearings and make recommendations to City Council for zone change requests, specific use permit requests, and requests to vacate public easements; and
- Approve site plans that include requests for alternate landscaping, screening, parking, increased building heights or other special exceptions/requests.

Making these changes will save time for everyone — the developer, the commissioners, and staff. The developers could obtain building permits once all staff reviews are complete rather than having to wait for their item to be placed on a Commission agenda. The changes would save Commissioners' time by reducing the number of meetings to once per month. Staff time would be saved by reducing the number of meetings to once per month in addition to the time required to prepare the materials for the meetings. Staff would present reports to the Commission to keep them informed of site plans or new projects that were approved.

Benchmarking approving authority of other cities for plats and site plans:

City	Plat Approvals	Commercial/MF Site Plan Approvals
Alvin	Planning Commission	N/A - no zoning
Clear Lake Shores	Planning & Zoning Commission	Staff – Building Official
Dickinson	Planning & Zoning Commission	Staff – Zoning Official
Galveston	Planning Commission	Staff – Development Services Director
Kemah	City Council	N/A – no zoning
League City	Planning & Zoning Commission	Staff – City Planner
Pearland	Planning & Zoning Commission	Staff – Director of Planning
Santa Fe	Planning Commission	N/A – no zoning
Webster	Planning & Zoning Commission	Staff – Zoning Official

See the redlined and clean version of the proposed amendments to the Subdivision Ordinance in the public hearing item.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

The Planning and Zoning Commission voted 6-0 (unanimous; we currently have one vacancy) to disapprove authorizing staff to approve site plans, but approving the minor administrative corrections to the Zoning Ordiannce. See attached final report.

ATTACHMENTS

1. Ordinance - Zoning Text Amendments
2. Option 1 - Exhibit A - Delegation - Zoning
3. Option 2 - Exhibit A - No Delegation - Zoning
4. Option 1 and Option 2 Comparison - Zoning

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING APPENDIX C "ZONING" OF THE FRIENDSWOOD CITY CODE TO AUTHORIZE THE DIRECTOR OF COMMUNITY DEVELOPMENT TO APPROVE SITE PLANS EXCEPT IN CERTAIN SITUATIONS, TO CONSOLIDATE SITE PLAN APPROVAL REQUIREMENTS, AND TO MAKE MINOR ADMINISTRATIVE CORRECTIONS; PROVIDING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS ($2,000.00); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

****

WHEREAS, in accordance with the Friendswood City Code and all applicable laws, the Planning and Zoning Commission and the City Council conducted public hearings concerning the amendments contained herein to Appendix C "Zoning" of the Friendswood City Code, allowing all interested persons the opportunity to be heard; and

WHEREAS, after the public hearing on the proposed amendments and after having considered the amendments and public testimony, the Planning and Zoning Commission filed a final report and recommendation with the City Council to deny the delegation of site plan approval authority to the Director of Community Development but to approve the minor administrative corrections contained in this ordinance; and

WHEREAS, in accordance with the Friendswood City Code and all applicable laws, the City Council has determined that all public notices have been posted and published and all required hearings on this matter have been held; and

WHEREAS, the City Council further finds that this ordinance complies with the applicable provisions of the City Charter, City Code and all other applicable laws; and

WHEREAS, the City Council deems it appropriate to approve the amendments contained herein; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. The facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2. That Appendix C "Zoning" of the Friendswood City Code is hereby amended to read as follows:

See Exhibit "A,"
which is attached hereto and incorporated herein for all intents and purposes.

Section 3. A violation of this ordinance is subject to the penalty provisions contained in Section 1-14 of the Friendswood City Code and as otherwise provided by law. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence fail to comply with any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an

amount not to exceed TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

Section 4. That all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby expressly repealed.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Friendswood, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. The City Secretary shall give notice of the enactment of this ordinance by promptly publishing the caption of this ordinance after final passage in the official newspaper of the City.

Section 7. This ordinance shall take effect upon its publication.

INTRODUCED, READ, AND PASSED on first and final reading by the affirmative vote of the City Council of the City of Friendswood this 4th day of May, 2026.

_____
MIKE FOREMAN, Mayor

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

_____
KAREN L. HORNER, City Attorney

Exhibit "A"

Appendix C. ZONING

Section 1. Short title; minimum requirements.

A. This appendix shall be known and may be cited as the "City of Friendswood Zoning Ordinance."

B. In their interpretation and application, the provisions of this appendix shall be held to be minimum requirements, adopted for the protection of public health, safety, morals, or general welfare. Whenever the requirements of this appendix are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that which imposes the higher standards shall govern.

C. Should any section or provision of this appendix be adjudged invalid or unconstitutional, such decision shall not affect the validity of this appendix as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 2. Establishment of districts.

The city is hereby divided into the following districts:

	District		Description	Density (units per acre)
	Old	New		
A.	R-1	SFR	Single-Family Residential Dwelling District	2.7
A.1.		SFR-E	Single-Family Residential Dwelling Estate District	0.5
B.	R-2 and R-3	MFR-L	Multiple-Family Residential Dwelling District—Low	6.0
C.	R-4	MFR-M	Multiple-Family Residential Dwelling District—Medium	9.0
C.1.		GHD	Garden Home Residential District	6.0
D.	R-5	MFR-H	Multiple-Family Residential Dwelling District—Highest	12.0
E.	R-6	MHR	Mobile Home Residential Dwelling District	10.0
F.	C-1	CSC	Community Shopping Center District	
G.	C-2	NC	Neighborhood Commercial District	
H.	C-3	OPD	Office Park District	
I.	C-1	DD	Downtown District	
J.		PUD	Planned Unit District	
K.		RSC	Regional Shopping Center District	
L.	A-1	A-1	Agricultural District	
M.	M-1	LI	Light Industrial District	
N.		I	Industrial District	
O.		BP	Business Park District	

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 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.

(1) 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 may by ordinance adopt a new official zoning map 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:

"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.

Section 4. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.

D. Boundaries indicated as parallel to or extensions of features indicated in subsections A and B of this section shall be thus construed. Distances not specifically shown on the official zoning map shall be determined by the scale of the map.

E. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through D of this section, the board of adjustment shall interpret the district boundaries.

F. Whenever any street or alley is vacated by official action of the city council, the district adjoining each side of said street or alley shall be automatically extended to the centerline of property thus vacated and all area included in the vacation shall then and henceforth be subject to all regulations of the extended zoning district or districts.

G. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

Section 5. Application of district regulations.

The regulations set by this appendix within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure on land, and particularly, except as herein provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller front yards, side yards, rear yards, or other open spaces, in any manner contrary to the provisions of this appendix.

C. No part of a lot area, yard or other open space, or off-street parking or loading space required about or in connection with any building or structure for the purpose of complying with this appendix, shall be included as part of a lot area, yard, open space, or off-street parking or loading space similarly required for any other building or structure.

D. No lot or yard existing at the time of passage of the ordinance from which this appendix is derived shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of the ordinance from which this appendix is derived shall meet at least the minimum requirements established herein.

Section 6. Nonconforming uses, structures, and lots.

A. *Types of nonconformity.* There are three types of nonconformity as follows:

1. *Nonconforming use.* Any use of land or buildings which does not conform to the current use regulations prescribed in the city's zoning ordinance or amendments thereto.

2. *Nonconforming structure.* Any structure that does not conform to zoning ordinance provisions regulating structures, including, but not limited to, the following requirements: lot coverage area, required minimum lot dimensions, front yard, side yard, rear yard, height, parking, landscaping,

buffer yards, screening, architectural design, exterior construction materials or other structural regulations of the district in which it is located.

3. *Nonconforming lot.* Any lot that fails to meet the requirements for area, width, or depth that are applicable to the zoning district in which the lot is located.

B. *Nonconforming uses.*

1. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

2. It is the intent of this appendix to permit those nonconforming uses to continue until they are removed, but not to encourage their survival.

3. A nonconforming use or a lawful use that has become nonconforming by the future adoption or amendment of a zoning ordinance, or a nonconforming use that exists by virtue of annexation to the city, shall be permitted to exist, subject to the following:

a. *Enlargement.* No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of the ordinance from which this appendix is derived.

b. *Abandonment.* A nonconforming use shall terminate if the nonconforming use or premises is abandoned or discontinued for 12 months or more. The commission may determine that a use or premises which has remained vacant or unused for 12 months or more has not been discontinued under the intent of this section if the owner can state unusual circumstances of any nature that prevented or precluded use of the property during that period, in which case the property may be reoccupied and the nonconforming use reinstituted in compliance with the other provisions of this section.

c. *Change.* Whenever a nonconforming use has been changed to a conforming use, such nonconforming use shall be deemed to be permanently abandoned and shall not be reinstituted on the property.

d. *Annexation.* After annexing an area, a person may continue to use land in that area in the manner in which the land was being used on the date the annexation proceedings were instituted, except where inconsistent with V.T.C.A., Local Government Code § 43.002.

4. To avoid undue hardship, nothing in this appendix shall be deemed to require a change in the plans, construction, or designated use of any building on which an active process was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this appendix is derived and upon which an active process has been carried on diligently. The phrase "active process" is hereby defined as follows:

a. For land zoned single-family residential (SFR), single-family residential estate (SFR-E), or garden home district (GHD), when a development proposal has been approved in conjunction with a previously approved preliminary plat;

b. For land zoned NC (neighborhood commercial), CSC (community shopping center), DD (downtown district), OPD (office park district), LI (light industrial), I (industrial), BP (business park) or A-1 (agricultural), when the land is subject to a valid existing preliminary site plan in accordance with section 9; or

c. For land zoned MFR-H (multiple-family residential—high density), MFR-M (multiple-family residential—medium density), MFR-L (multiple-family residential—low density) or PUD (planned unit district), when a proposed specific use permit (SUP) has been heard at public hearings of the city council and the commission.

C. *Nonconforming lots.*

1. *Development.* Development shall be permitted on any single nonconforming lot of record. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply if the lot is nonconforming only because it fails to meet the requirements for size (area, width, or depth) that are generally applicable in such district. Yard dimensions and requirements, other than those applying to area, width, or depth, any or all, of the lot shall conform to the regulations of applicable zoning district. Variance of yard requirements shall be obtained only through action of the board of adjustment. Development may still be restricted by limitations imposed by other provisions of this appendix.

2. *Subdivision.* Nonconforming lots may not be further subdivided.

3. *Combination.* Nonconforming lots may be combined and treated as a single lot for development, without platting or replatting, even if the resulting lot is nonconforming.

D. *Nonconforming structures.*

1. It is the intent of this appendix to permit nonconforming structures to remain but to prohibit any nonconforming structure from being enlarged or altered in a manner which increases its nonconformity. Nonconforming structures can be enlarged or altered, provided the enlargement or alteration itself conforms to current regulations. If the enlarged or altered portion of the structure conforms to current regulations, the existing nonconforming portion of the structure may remain in its existing nonconforming condition.

2. Where a nonconforming structure exists, or where a lawful structure becomes nonconforming by the future adoption or amendment of an ordinance, such structure may continue to exist as long as it remains otherwise lawful, subject to the following provisions:

a. *Enlargement.* No such nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity. Nonconforming structures can be enlarged or altered, provided the enlargement or alteration itself conforms to current regulations. If the enlarged or altered portion of the structure conforms to current regulations, the existing nonconforming portion of the structure may remain in its existing nonconforming condition.

b. *Abandonment.*

(1) When a nonconforming structure becomes vacant or is abandoned for 12 months or more, the structure shall be brought up to the current structural regulations of the district in which it is located. An abandoned or vacant structure shall not thereafter be occupied until the structure conforms to the current structural regulations of the district in which it is located.

(2) Abandonment of a nonconforming structure shall be determined by relevant evidence of nonuse of the structure, including, but not limited to, termination or nonuse of utilities, termination of leasehold, or evidence of lack of occupancy of the structure.

(3) The commission may determine that a structure which has been abandoned under the intent of this section may continue to exist if the owner can show unusual circumstances which prevented or precluded use of the structure during that period, in which case the structure may be reoccupied.

c. *Destruction or damage.*

(1) If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by less than 50 percent of the current replacement cost of the structure by accidental means, including, but not limited to, accidental fire, windstorm, flood, civil

disorder, or act of war, the structure may be restored to its preexisting nonconforming state. Such restored structure shall meet all other applicable city codes, and nothing herein shall be construed as constituting a waiver of requirements other than those governed by the zoning ordinance. If plans to restore or repair the structure are not submitted for issuance of a building permit within 12 months from the date of the destruction or damage, the structure must be replaced or restored in full conformity with current structural regulations for the district in which it is located. The commission may grant, upon written application by the property owner showing cause, a one-time extension to seek a building permit for a period not to exceed six months.

(2) If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by 50 percent or more of the current replacement cost of the structure by accidental means, the structure must be restored in full conformity with current structural regulations for the district in which it is located.

(3) Multifamily. Notwithstanding the foregoing, existing nonconforming multifamily dwelling developments may be rebuilt in districts MFR-H, MFR-M and MFR-L, in the event of any such damage or destruction, at the same unit per acre density that existed prior to such damage or destruction, and with no increase in the nonconformity and meeting all current codes.

d. *Relocation of structure.* Should any such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the structural regulations for the district in which it is located after it is moved.

e. *Repairs and maintenance.*

(1) On any nonconforming structure or portion of a nonconforming structure, work may be done in any period of 36 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming structure or portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(2) A property owner may apply to the commission for an increase in the time period or the percentage limits contained herein to enable repairs necessary for the protection of the public health, safety, and welfare.

Section 6.5. Amendments.

A. *Authority.* The city council may from time to time amend, supplement, or change by ordinance the boundaries of the district or the regulations herein established.

B. *Submission to commission.* Before taking action on any proposed amendment, supplement or change by ordinance of a district boundary or regulation, the city council shall submit the proposed revision to the commission for its recommendation and report. The commission shall make its report within 30 days following the close of the public hearing thereon.

C. *Public hearings.* Prior to adopting any ordinance amending, supplementing, or changing the boundaries of any district or any regulation herein established, the commission and city council shall each hold a public hearing at which any person desiring to be heard regarding such matter shall be given an opportunity to do so. The city council may not hold a public hearing until it receives the final report of the commission.

D. *Notice of public hearings.*

1. Notice of any public hearing involving a proposed change in a zoning classification shall be given, in writing, to each owner of real property, as indicated by the most recently approved city tax roll, which lies within 200 feet of any property on which said change in classification is proposed, such notice to be given before the tenth day before the hearing date.

2. Notice of all public hearings shall also be published in the official newspaper of the city, or a newspaper having general circulation in the city, before the fifteenth day before the public hearing.

3. In addition, notice of any public hearing involving a proposed change in zoning classification shall be given by causing a sign to be erected on the property which would be affected by the proposed change stating the time and place of the hearing. Such sign shall be erected not less than ten days prior to the date on which such hearing is to be held.

4. Before the tenth day before the hearing date, notice of any public hearing involving a proposed change in a zoning classification affecting residential or multifamily zoning shall be given, in writing, via United States Postal Service, to each school district in which the property for which the proposed change in classification is located.

E. *Vote required in the event of protest.* In the event of a written protest to any such proposed amendment, supplement, or change to a district boundary or regulation signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change or those immediately adjacent to the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, such amendment shall not become effective except by the affirmative vote of three-fourths of all members of city council. In computing the percentage of land area, the area of streets and alleys shall be included.

Section 7. Schedule of district regulations.

A. *SFR, residential, general purpose and description.* The SFR, Single-Family Residential Dwelling District, is restricted to single-family dwellings, up to 2.7 units per acre, and to related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly convenient, and attractive residential area. Single-family residential areas shall be protected from higher density residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities.

1. Area and height regulations. Area and height regulations in an SFR district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an SFR district are set forth in subsection P of this section, permitted use table.

A.1. *SFR-E, residential, general purpose and description.* The SFR-E, Single-Family Residential Estate Dwelling District, is the most restrictive residential district. The principal use of land in this district is for low-density single-family dwellings, up to 0.5 units per acre, and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. Low-density residential areas shall be protected from multiple-family residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities.

1. Area and height regulations. Area and height regulations in an SFR-E district, are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an SFR-E district are the same as SFR, and are set forth in subsection P of this section, permitted use table.

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

1. Area and height regulations. Area and height regulations in an MFR-L district are set forth in subsection Q.2 of this section, regulation matrix, provided, however, that for SFR uses permitted in MFR-L districts, all the district regulations for SFR development shall apply, including but not limited to, lot area, width and setback requirements.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an MFR-L district are set forth in subsection P of this section, permitted use table.

C. *(R-4) MFR-M, residential, general purpose and description.* The MFR-M, Multiple-Family Residential Dwelling—Medium-Density District, is intended to provide for medium-density multiple-family dwellings which may have a relatively intense concentration of dwelling units, up to nine per acre, served by large open spaces consisting of common areas and recreation facilities, thereby resulting in medium gross densities. The principal use of land may be one or several dwelling types, including low-rise multiple-family dwellings, garden apartments, condominiums and townhouses. Recreational, religious and educational uses normally located to service adjacent residential areas are also permitted to meet the basic needs of a balanced, orderly, convenient, economical and attractive residential area. The MFR-M, multiple-family residential district, functions as a buffer or transition between commercial or higher-density residential areas, and lower-density residential areas.

1. Multifamily residential area and height regulations. Area and height regulations in an MFR-M district are set forth in subsection Q.2 of this section, regulation matrix, provided, however, that for MFR-L uses permitted in MFR-M districts, all the district regulations for MFR-L development shall apply, including but not limited to lot area, width and setback requirements.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an MFR-M district are set forth in subsection P of this section, permitted use table.

C.1. *GHD, residential, general purpose and description.* The GHD, Garden Home District, is intended to provide medium-density, detached, single-family dwellings having open space between units which exceed multi-family buildings, with density not exceeding six units per acre.

The district may be located adjacent to a district of a different zoning designation, and for which the development as GHD would be appropriate as a buffer between incompatible land uses.

(1) Dwellings in the GHD utilize a zero-foot lot line along one side of the property. The intent is to utilize one side of the structure as a shared wall and create a U-shaped, garden area or patio inset on the opposite side of the structure.

(2) Fifty percent or more of one side of the structure shall be located within (1) one foot of the zero-lot line. Building walls which are located on the zero-foot lot line shall meet the adopted building code requirements, which may limit the types of allowed penetrations and projections.

(3) The final plat shall show graphic easements, or a plat note, that dedicates a five (5) foot wide access and maintenance easement for all lots adjacent to lots with a zero-foot lot line. The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.

(4) The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the subject property.

(5) The interior living area of the first floor of any two-story residential structure in GHD shall contain not less than 60 percent of the structure's total living area, and not more than 40 percent of the structure's total living area shall be contained on the second floor, excluding open decks, porches, terraces, and garages.

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

1. Area and height regulations. Area and height regulations in an MFR-H district are set forth in subsection Q.2 of this section, regulation matrix, provided, however, that for MFR-L and MFR-M uses permitted in MFR-H districts, all the district regulations for MFR-L and MFR-M development shall apply, including but not limited to lot area, width and setback requirements.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an MFR-H district are set forth in subsection P of this section, permitted use table.

E. *(R-6) MHR, Mobile Home District, general purpose and description.* The MHR, Mobile Home District, is a residential district intended for mobile home development, up to ten units per acre. Recreational uses normally located in mobile home developments are permitted in this district.

1. Area and height regulations. Area and height regulations in an MHR, mobile home residential dwelling district, are set forth in section 7-Q.2, regulation matrix.

2. See section 8 for supplementary district regulations. 3.Permitted uses. Uses permitted in an MHR district are set forth in subsection P of this section, permitted use table.

4. Other required conditions. The provisions of Ordinance No. 129 (Mobile Home Ordinance) of the city shall apply to the MHR district.

F. *(C-1) CSC, Community Shopping Center District, general purpose and description.* The CSC, Community Shopping Center District, is intended for a unified grouping, in one or more buildings of several, typically between five and 20, retail and service shops or stores that provide for the regular needs and are for the convenience of the people residing in adjacent residential neighborhoods. Gross floor area in a community shopping center typically ranges from 30,000 to 100,000 square feet, and land area consists of two to ten acres in size. It is intended that the community shopping center be developed as a unit, with adequate off-street parking for customers and employees, and with appropriate landscaping and screening to ensure compatibility with surrounding residential environment. This district is ideally located at the intersection of two or more arterial or major streets with a service area of up to 1½ miles.

1. Area and height regulations. Area and height regulations in a CSC district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3.Permitted uses. Uses permitted in a CSC district are set forth in subsection P of this section, permitted use table. A specific use permit for a shopping center as a particular use is required before any building permit or certificate of occupancy may be issued in this district.

4. No CSC district shall be created which includes less than two acres.

5. Buildings in the CSC zoning district are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. 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.

G. *NC, Neighborhood Commercial District, general purpose and description.* The NC, Neighborhood Commercial District, is primarily intended for retail sales, services and office activities in a mixed grouping. This designation is intended for use along major thoroughfares and collector streets where larger tracts of land can be utilized as coordinated commercial centers. This designation is intended for use of land areas between one-quarter acre and two acres. Structure size is typically between 4,000 and 20,000 square feet. Office uses permitted in this district shall not exceed 60 percent of the gross building and structure floor area.

1. Area and height regulations. Area and height regulations in an NC district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in an NC district are set forth in subsection P of this section, permitted use table.

4. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.

5. Buildings in the NC zoning district are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are discouraged, except as trim for eves 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.

H. *OPD, Office Park District, general purpose and description.* The OPD, Office Park District, is intended to encourage and permit general professional and business office development in a fashion consistent with surrounding development. This district is ideally suited as a buffer between commercial and residential areas. As such, it shall be considered for entrances and land adjacent to

residential developments. The ultimate development is to provide land use intensity and landscaping consistent with surrounding areas.

1. Area and height regulations. Area and height regulations in an OPD are set forth in subsection Q.2 of this section, regulation matrix.
2. See section 8 for supplementary district regulations.
3. Permitted uses. Uses permitted in an OPD are set forth in subsection P of this section, permitted use table.
4. Show window or display window effects shall not be permitted and there shall be no display from windows or doors and no storage of merchandise in the building or on the premises except in quantities customarily found in professional or business offices.
5. Retail operations that are primarily for selling to office park occupants are permitted. Examples of these retail operations would be restaurants, coffee shops, office supply, barbershops, gift shops, health spas, specialty stores.
6. One caretaker's quarters unit may be provided for each office park complex.
7. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.
8. Buildings in the OPD are encouraged to have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are discouraged, except as trim for eves 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.

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

1. Area and height regulations. Structures within the DD are intended to be between one to four stories. The maximum height allowed is 70 feet as measured in accordance with the method prescribed in section 20. Additional regulations are set forth under subsection Q.2 of this section, regulation matrix.
    a. No residential use shall be allowed on the first floor.
2. See section 8 for supplementary district regulations.
3. Permitted uses. Uses permitted in the DD are set forth in subsection P of this section, permitted use table.
4. Buildings in the DD are encouraged to have exterior cladding of brick, masonry, stone, stucco, glass or lap sided cement fiberboard. Sheet cement fiberboards are discouraged, except as trim for eves 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.

J. *PUD, planned unit development, general purpose and description.*

(1) *General.*

(a) This district allows for greater flexibility in the design and coordination of a single use or mixed uses than in other districts because a specific ordinance is written for every PUD. A

PUD is a unique zoning classification and shall be granted only when the commission and city council determine that the applicant has submitted a complete application containing sufficient detail. An applicant is not entitled to a PUD as a matter of right. The city reserves the right to establish conditions as determined appropriate.

(b) The general purposes of all PUD districts are several-fold:

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

(c) In no case shall a PUD be used for the sole purpose of circumventing the intent of city ordinances or plans. For the PUD district, the use and property development regulations shall be the same as if each use approved in the PUD were situated in the most restrictive district in which such use is otherwise permitted in this ordinance, unless other restrictions and regulations are approved as a part of the site plan and the PUD district.

(d) The development must be planned as an integral unit and must protect nearby landowners from adverse impact with appropriate buffering and landscaping. A site plan is required for all PUDs.

(e) A PUD district must meet a minimum of one of the following criteria. The commission may recommend, and city council may determine, that more than one criterion is needed to approve a PUD.

1. The land is proposed for development as a mixed-use development requiring more flexible and innovative design standards;
2. The land is proposed for redevelopment or infill development and special design considerations are deemed necessary;
3. The land serves as transition between different and seemingly incompatible land uses;
4. The land is proposed for development of a major employment center or of major economic benefit for the community, and for which special design standards may be warranted;
5. To provide amenities or features that would be of a special benefit to the community; or
6. The land has unique environmental features or unusually configured parcels requiring a more flexible approach to zoning and clustering of uses, or special design standards.

(2) *Application.*

(a) *Application and approval process.* A development review committee meeting with staff is required prior to application for a PUD. Following the DRC meeting, the applicant will submit all required documents described below to city staff for comments and corrections prior to scheduling the public hearing.

(b) Each PUD application shall be accompanied by payment for the processing fee as established in section 14. Advertisement and public hearings shall be held by the commission and city council in accordance with the notification procedure set forth for a rezoning application. Following the public hearing, the commission shall forward the plan with its recommendation to the city council for consideration. The commission and/or city council may require additional information throughout the process.

(c) An applicant may choose one of two ways to seek PUD approval:

1. Submit all items listed below with the application and the required processing fee for rezoning. This option would allow the site plan to be approved as a part of the zone change and prevent the applicant from a second submittal after rezoning to obtain site plan approval.

    (a) Data describing all processes and activities involved with the proposed use;

    (b) Boundaries of the area covered by the site plan;

    (c) 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;

    (d) The location of existing drainage ways, and significant natural features;

    (e) Proposed landscaping and screening buffers;

    (f) The location and dimensions of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities and outside trash storage facilities;

    (g) The location, height and type of each wall, fence, and all other types of screening;

    (h) The location, height, and size of all proposed signs;

    (i) Utility and drainage plans;

    (j) Regulation matrix designating what zoning district the development will follow; and

    (k) Data describing any variation from the typical development requirements; or

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

    (a) General land use and density plan;

(b) Identify proposed general uses, densities, major open spaces, circulation, and access features. Detention and/or retention areas may be calculated as open space only when, in the opinion of the commission, the detention area is designed to act as an amenity;

(c) Statement indicating proposed phasing of development and the projected timing of each;

(d) Data describing all processes and activities involved with the proposed use;

(e) Regulation matrix designating what zoning district the development will follow; and

(f) Data describing any variation from the typical development requirements.

(3) *Modification of standards proposed within a PUD.*

(a) Following adoption of a PUD ordinance pursuant to this section, all subsequent plans prepared for the development or any portion of the property within a PUD must conform to the approved plan in accordance with the standards of the PUD ordinance, this section, and all other applicable ordinances of the city.

(b) The city recognizes that market conditions may alter the development of a large PUD and hereby provides that alterations in the land area or square footage, as appropriate, covered by a category of use, may be varied by not more than 10 percent. In no case shall such variations change traffic or circulation patterns, substantially alter the number or arrangement of buildings, increase the height of buildings, lessen the amount or effectiveness of open space or landscaped buffers, or result in a greater impact on adjacent properties or neighborhoods. Percentage changes specified herein shall be the maximum change allowed; multiple changes exceeding those percentages shall not be approved administratively but shall require the owner to submit an application for an amendment to the district standards.

(4) *Time limit.* A planned unit development issued under this section shall expire two years after its date of issuance if the construction or use authorized thereunder is not substantial and is not providing consistent progress 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 PUD applies requests, in writing, an extension thereof, the city council, after recommendation from the commission, may approve such extension for not more than two additional years. The PUD zoning will remain in place, however, and a new application, fee, and development plan must be submitted in accordance this section. The new submittal must be approved for any construction to occur.

(5) *Revocation.* A PUD may be revoked or modified, after notice and hearing, if the PUD was obtained or extended by fraud or deception or if the terms of the PUD have not been met.

K. *Reserved.*

L. *A-1, Agricultural District, general purpose and description.* The A-1, Agricultural District, is intended for the growing and/or marketing of agricultural products.

1. Area and height regulations. Area and height regulations in an A-1 district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3.Permitted uses. Uses permitted in an A-1 district are set forth in subsection P of this section, Permitted use table. Residential development is prohibited in the A-1 district; however, dwelling quarters for onsite employees and their

families are permitted provided such residential use conforms to the SFR district regulations, including lot area, width and setback requirements and parking ratio.

M. *(M-1) LI, Light Industrial District, general purpose and description.* The LI, Light Industrial District, is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesaling, and service operations. This district is designed to upgrade industrial development standards, prevent industrial blight, and protect light industrial development from incompatible residential, commercial or heavy industrial uses.

1. Area and height regulations. Area and height regulations in an LI district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3.Permitted uses. Uses permitted in an LI district are set forth in section 7-P, permitted use table.

N. *I, Industrial District, general purpose and description.* The I, Industrial District, is intended to provide for industrial uses and other uses not otherwise provided for in the other districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts and most commercial districts wherever possible.

1. Area and height regulations. Area and height regulations in an I district are set forth in subsection Q.2 of this section, regulation matrix.

2. See section 8 for supplementary district regulations. 3.Permitted uses. Uses permitted in an I district are set forth in subsection P of this section, permitted use table.

O. *BP, Business Park District.* The BP, Business Park District, is intended to encourage and permit light manufacturing and/or service operations and auxiliary retail and wholesale sales. The business may be individually owned or leased by a common owner. The types of uses, and the design and exterior appearance shall be so controlled as to maintain the integrity and be generally compatible with adjacent surrounding residential and commercial development. All services, manufacturing and storage are to be indoors. This district shall access or abut major thoroughfare and/or collector streets. It is intended that the business park be developed as a unit.

1. Area and height regulations. Minimum size business park 10,000 square feet, no structure within a BP shall be located within 25 feet of an exterior BP boundary (an exterior BP boundary is one that abuts a zone other than BP).

2. See section 8 for supplementary district regulations.

3. Permitted uses. Uses permitted in a BP district are set forth in subsection P of this section, permitted use table.

4. Light manufacturing is permitted only if limited to final machining, assembly, testing, processing and packaging into finished goods from raw materials produced elsewhere, such as electronic parts assembly, medical products processing, mechanical parts assembly and aerospace equipment processing.

5. Truck docking facilities are permitted, provided they are located in the rear or side yard and screened from view of adjacent street right-of-way.

6. Performance standards shall conform to section 8.J as shown in the CSC zoning district.

7. Exterior requirements. All buildings are encouraged to be constructed with at least 65 percent of their exterior walls, excluding doors and windows, constructed of masonry materials, or concrete construction or a combination of masonry, concrete, aluminum or glass materials, 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.

8. Except as specifically provided in the permitted use table in subsection P of this section, retail sales shall be permitted as accessory uses only and then only to the extent that such sales are sales of products manufactured or serviced on the premises. Retail sales shall not be permitted as a primary use in the BP district except where specifically authorized in said subsection P of this section.

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. .

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, the community development department 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 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	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
Single-Family Residence	P		P											
Garden Home Residence		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								

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
	Sexually oriented businesses (Ch. 62)													S	
11	*Agriculture, Forestry, Fishing and Hunting*														
111	Crop production							O	O	O	O	P			
1114	Greenhouse, nursery, and floriculture production									O	O	P	S	S	O
112	Animal production and aquaculture							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	*Mining, Quarrying, and Oil and Gas Extraction*														
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	

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
22	*Utilities*														
221	Utilities									O	O		S	P	O
23	*Construction*														
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	*Manufacturing*														
311	Food manufacturing							O		O	O		S	S	S
311811	Retail bakeries							P	P		P		P	P	
3121	Beverage manufacturing							P		O	P		P	P	P
3122	Tobacco 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
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

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
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
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	*Wholesale Trade*														
423	Merchant wholesalers, durable goods							O		O	O		P	P	P
424	Merchant wholesalers, nondurable goods							O		O	O		P	P	P
425	Wholesale trade agents and brokers							O		O	O		P	P	P
44—45	*Retail Trade*														
4411	Automobile dealers							O		O	O		P	P	O
4412	Other motor vehicle dealers							O		O	O		P	P	O

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
4413	Automotive parts, accessories, and tire retailers							P	S	O	O		P	P	P
4491	Furniture and home furnishing retailers							P	P	O	P		S	S	P
4492	Electronics and appliance retailers							P	P	O	P		S	S	P
444	Building material and garden equipment and supplies dealers							P	P	O	P		P	P	P
444180	Other building material dealers							S	S	O	O		S	S	S
445	Food and beverage retailers							P	P	O	P		P	P	S
455	General merchandise retailers							P	P	O	P		P	P	P
4561	Health and personal care retailers							P	P	O	P		P	P	P
457	Gasoline stations and fuel dealers							P	P	O			P	P	
45712	Other gasoline stations									O	O		S	S	
458	Clothing, clothing accessories, shoe, and jewelry retailers							P	P	O	P		P	P	P
4591	Sporting goods, hobby, and musical instrument, retailers							P	P	O	P		P	P	P
4592	Book retailers and news dealers							P	P	O	P		P	P	P
4593	Florists							P	P	O	P		P	P	P
4594	Office supplies, stationary, and gift retailers							P	P	O	P		P	P	P
4595	Used merchandise retailers							P	P		P		P	P	P
45993	Manufactured (mobile) home dealers									O	O			S	
4599	Other miscellaneous retailers							P	P		P		P	P	P
48—49	*Transportation and Warehousing*														
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

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
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	*Information*														
513	Publishing industries							P		O	P		P	P	P
512	Motion picture and sound recording industries							S		O	S		S	S	S
516	Broadcasting and content providers							S	S	O	O		P	P	P
517	Telecommunications							S	S	O	S		P	P	P
517121	Telecommunication resellers							P	P	O	P		P	P	P
518	Computing infrastructure providers, data processing, web hosting and related services							S	S	O	S		S	P	P
519	Web search portals, libraries, archives, and other information services							S	S	O	S		S	P	P
52	*Finance and Insurance*														
521	Monetary authorities—Central bank							P	P	P	P		P	P	P
522	Credit intermediation and related activities							P	P	P	P		P	P	P

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
522299	International, secondary market, and all other non-depository 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	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	P
53	*Real Estate and Rental and Leasing*														
531	Real estate							P	P	P	P		P	P	P
53113	Lessors of mini warehouses 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 and leasing							O	O	O	O		O	P	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)							P	P	P	P		P	P	P
54	*Professional, Scientific and Technical Services*														
541	Professional, scientific, and technical services							P	P	P	P		P	P	P
54138	Testing laboratories							S		O	S		S	P	P
55	*Management of Companies and Enterprises*														
551	Management of companies and enterprises							P	P	P	P		P	P	P
56	*Administration and Support and Waste Management and Remediation Services*														
561	Administrative and support services							P	P	O	P		P	P	P

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
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	*Educational Services*														
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	*Health Care and Social Assistance*														
621	Ambulatory health care services							P	P	P	P			P	P
622	Hospitals							P		O	S		P	P	P
6231	Nursing care facilities—Skilled nursing facilities							S	S	O	S			S	
6232	Residential, intellectual and development disability, mental health, and substance abuse facilities	P	P	P	P	P	P								
623311	Continuing care retirement communities (with on-site nursing)							S	S	O	S		S	S	
623312	Assisted living facilities for the elderly (without on-site nursing)							S	S	O	S		S	S	
624	Social assistance							S		O	S		S	S	S

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
6244	Child day care services (childcare centers)							P	P	O	P		P	P	
6244	Child day care services (registered and/or licensed childcare home)	P	P												
71	*Arts, Entertainment and Recreation*														
7111	Performing arts							P		O	P		P	P	P
7112	Spectator sports							S		O	O		P	P	P
7113	Promoters of performing arts, sports, and similar events							P		O	P		P	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		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	
713990	All other amusement and recreation activities							S	S		P		P	P	
72	*Accommodation and Food Services*														
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	P
7224	Drinking places (more than 75% sales of alcoholic beverages)							S			S		S	S	S
7225	Restaurants and other eating places							P	P	O	P		P	P	P

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
81	*Other Services (Except Public Administration)*														
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	P
8122	Death care services							S	S	O	S		S	S	S
8123	Dry cleaning and laundry services							P	P	P	P		P	P	P
8129	Other personal services							P	P	P	P		P	P	P
8131	Religious organizations	S	S	S	S	S	S	S	S	O	S	S	S	S	S
8132	Grantmaking and giving services							O	O	O	O		O	P	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	P	O
814	Private households	P	P	P	P	P	P				P (a)	P			

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	OPD	DD	A-1	L1	I	BP
92	*Public Administration*														
921	Executive, legislative, and other general government support							P		O	P		P	P	P
922	Justice, public order, and safety activities							P		O	P		P	P	P
92214	Correctional institutions													S	
923	Administration of human resource programs							P		O	P		P	P	P
924	Administration of environment quality programs							P		O	P		P	P	P
925	Administration of housing programs, urban planning, and community development							P		O	P		P	P	P
926	Administration of economic programs							P		O	P		P	P	P
927	Space research and technology							P		O	P		P	P	P
928	National security and international affairs							P		O	P		P	P	P

(a) Second floor and above.

(b) *Legend:*

1. P: Permitted.
2. S: Specific use permit required.
3. O: Office use only.
4. Blank: Not permitted.

(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:

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.

(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:

    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. A similar architectural feature may be presented for consideration approved by the director.

Q. *District area and height regulations.*

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

2. See regulation matrix.

REGULATION MATRIX - COMMERCIAL DISTRICTS

Refer to paragraphs in section 7-Q.3. for area and height exceptions.

Zoning District	Lot Area Minimum Square Feet	Lot Width Minimum Feet	Lot Depth Minimum Feet	Yards—Minimum Feet						Height Maximum Feet (max. 4 stories)	Landscape Require-ments	Exception Notes	Maximum Lot Coverage
				Front	Rear	Side							
						Interior		Exterior					
						When Abutting Property in a Residential District or Garden Home District	When Abutting Property in a Non-residential 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
DD	15,000 E	0	0	0	0 F	15	0	0	0	70	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	25 J	25	25 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.

B. When I district is across the street from a residential district, front yard setback shall be a minimum of 50 feet.

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 district abuts a residential district, rear yard setback shall be a minimum of 25 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. Reserved.

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. Reserved.

J. When side yard of a BP district abuts another BP district, side yard setback shall be a minimum of 10 feet. In BP, no structure shall be located within 25 feet of an exterior BP boundary. An exterior BP boundary is one that abuts a zone other than BP, per subsection O.1 of this section.

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

L. Setbacks shall be measured from the edge of the street ROW. If streets or drives are private, setbacks shall be measured from the edge of the drainage, utility, or access easement, whichever is greater.

REGULATION MATRIX—RESIDENTIAL DISTRICTS

Refer to paragraphs in section 7-Q.3. for area and height exceptions.

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

A. Lots of less than 120 feet wide require curbs. Lots 120 feet wide or greater may use open ditches.

B. 35 feet on thoroughfares.

C. 25 feet on thoroughfares.

D. Zero-foot lot line on one side only.

E. Ten-foot minimum separation between buildings.

F. Lots currently in existence with less than 90 feet of width may continue with the same existing setback provided they are not less than a minimum of five feet.

G. Developer must elect either units per acre or lot area. Two-family residential units on two lots are required when lot area is elected. Example: a duplex requires two 45-foot-wide lots.

H. Setbacks shall be measured from the edge of the street ROW. If streets or drives are private, setbacks shall be measured from the edge of the drainage, utility, or access easement, whichever is greater.

I. 25 feet when abutting land zoned single-family residential (SFR) district.

J. Reserved.

K. Parking is required in accordance with the parking group table in the design criteria manual.

3. *Area and height exceptions.*

a. Height maximum in community shopping center (CSC), neighborhood commercial (NC), office park district (OPD), light industrial (LI), industrial (I), and business park (BP) districts may exceed 40 feet in height, but in no event greater than 70 feet in height, when the building setback from the nearest property line is equal to or greater than the building height. Buildings or structures that exceed 40 feet in height shall have a minimum distance to the nearest single family residential (SFR) zoning of at least two and a half (2.5) times the overall building height. Distance shall be measured from the nearest point of the building to the single family residential (SFR) property line.

b. Exceptions for community shopping center (CSC), neighborhood commercial (NC), office park district (OPD), light industrial (LI), industrial (I), and business park (BP) districts:

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

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

c. Exceptions for the downtown district (DD):

1. On buildings or structures located in the downtown district (DD), finials, crosses and other religious symbols shall not extend more than 18 feet above the building or extend more than 18 feet above the allowable building height; and

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

d. Communications towers height criteria:

1. Height limitations of communication towers. The maximum communication tower height, including antennae, lightning rods and accessories, in non-residential districts shall not exceed 200 feet.

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

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

e. Buildings or structures located in a planned unit development (PUD): Buildings and structures located in a planned unit development (PUD) shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a PUD application will be as established in the ordinance authorizing and approving the PUD.

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

g. 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.

h. 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.

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

j. 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.

k. Elementary and secondary schools shall be exempt from the height limitations contained herein. Height limitations for elementary and secondary schools will be established in the ordinance authorizing and approving a specific use permit (SUP).

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 at 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 eves 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., 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 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.)

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 facilities are provided in connection with the construction, alteration, remodeling or change of use of any building or land. Specific guidelines regarding required off-street

parking spaces and parking lot geometry shall comply with the requirements of the current Design Criteria Manual.

1. *Parking Area design*. All off-street parking areas, including shared parking areas, shall be designed to provide safe and efficient parking and vehicular circulation. Parking layouts and design shall comply with the standards contained in the Design Criteria Manual, including requirements related to the number of parking spaces, parking space dimensions, aisle widths, and circulation patterns.

2. *Loading and unloading areas*. The owner or occupant of any property upon which a business is located shall provide loading and unloading areas of sufficient number and capacity to accommodate all vehicles reasonably expected to simultaneously deliver or receive materials or merchandise on the premises. Such areas shall be of adequate size to accommodate the types of vehicles reasonably expected to utilize the facility.

3. *Site plan requirements*. Any person applying for a building permit for the construction, alteration, or change of use of the land or of any building or structure shall submit a site plan 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 proposed loading and unloading facilities shall not create 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, 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 director may determine the provisions of this subsection may not apply in the following circumstances:

(a) 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.

(b) A commercial use has been established by specific use permit on a residentially zoned lot.

(4) When a residentially zoned property is rezoned to commercial and is adjacent to a commercially zoned property, an existing fence may be removed, in whole or in part, to allow the commercially zoned properties joint or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners

(5) 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.

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

(7) 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.

a-1. *Adjacent property, buffering streets.* All land zoned commercial or industrial, as that term is defined in this section, shall have a minimum ten-foot landscaped open space adjacent to each public right-of-way located within the required yard.

b. *Trees for buffer strips.* If an open space buffer strip is required under the terms of this subsection I, not less than one tree, whether existing or planted, shall be maintained for each 25 lineal feet or portion thereof of solid open space buffer strip.

b-1. *Landscape trees.* All required trees for landscaping shall be not less than eight feet in height immediately upon planting and shall have a caliper of not less than two inches measured 18 inches above the natural ground level.

c. *Off-street parking landscaping.*

(1) All areas, other than those located within the industrial district, that are used for parking or display of vehicles, boats, construction equipment or production equipment, shall conform to the minimum landscaping requirements of this subsection 2.c. Areas that are of a drive-in nature, such as filling stations, grocery stores, banks and restaurants also, shall conform to the minimum landscaping requirements of this subsection 2.c.

(2) It is the intent of this subsection 2.c to promote the placement of trees along the thoroughfares of the city. Therefore, at least 50 percent of the required trees shall be located between the street and any buildings. No tree other than those species listed as small trees (size 3) on the qualified tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(3) Parking lots shall be considered small if they contain spaces for 20 or less cars. Small parking lots shall have "open" landscaped areas that are equal to not less than ten percent of the parking area and drives in the parking area. The required area may be used as islands or perimeter landscaping or in any combination. A minimum of one Class 1 or Class 2 tree from the qualified tree list shall be planted and maintained for each 250 square feet or portion thereof of landscaped open space area.

Parking lots with more than 20 parking spaces shall have open landscaped areas equal to ten percent of the parking area and drives in the parking area. Fifty percent of the required landscaped area shall be used as islands. Perimeter landscaping shall have at least one such tree for each 40 lineal feet or fraction thereof. Each island shall have one such tree planted and maintained thereon.

(4) All planted islands shall have curbs of sufficient height and width to contain the planted island.

(5) Planted islands are to integrate groundcovers and small shrubs while minimizing the use of medium to tall shrubs; and shall not obstruct visibility of pedestrians and vehicles.

(6) Off-street parking areas that are adjacent to residentially zoned property shall have opaque fences or walls, eight feet in height above ground level, which shall be erected and maintained along the property line to provide visual screening.

(7) All trees required in this subsection 2.c shall have a caliper of not less than two inches, measured 18 inches above the natural ground level.

(8) If paving around a tree is required on private property, use porous pavements such as cast-in place, monolithic turf, and concrete combinations over specimen roots to allow water and air exchange.

(9) All plants shall receive proper irrigation to encourage deep root growth and survivability.

d. *Existing plant material.*

(1) Where healthy planting exists on a site, the director 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 director 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 for any person, firm or city department to top any tree on public property. To top 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 director.

(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 any 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 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.

(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:

(i) All proposed development on land located in districts zoned as neighborhood commercial (NC), community shopping center (CSC), downtown district (DD), , 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.B; and

(iii) For residential developments on land located in districts zoned as single-family residential (SFR), planned unit development (PUD), or residential-garden home district (GHD), provided, however, the tree survey required by this subsection shall be required only for the common areas located within those developments, such as community parks, where residents of the developments would have common access.

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

(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;

(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 department.

(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 department concurrently with or as a part of the site plan, development permit or plat. The director shall review the data on-site for verification. The tree survey shall be accepted by the director or the director 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 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 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

Caliper Inches of 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"	150 percent	170 percent	6-inch
Greater than 36"	200 percent	220 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.

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 as established in Appendix D, Schedule of Fees, Rates, Charges, Deposits, Bond and Insurance Amounts. 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 from the issuance of a certificate of occupancy 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 as prescribed in section I.2.f.(6)(b) of this appendix.

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 director for substantially wooded lots, in instances where the director 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:

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.

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.

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 temporary uses.*

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.

(1) Temporary construction structures may be placed on sites that have been legally platted; or

(2) Temporary construction structures may be placed on undeveloped sites upon city approval of infrastructure plans.

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. 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 director. 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.

2. *Temporary outdoor uses.*

a. For the purpose of this section, a "temporary outdoor use" is defined as the display of any merchandise, service, product, or good outside of a permanent structure for the purpose of sale, whether immediately or by accepting orders and irrespective of where payment is made. Such use may take place in required parking areas, invite outside vendors to the property, and/or utilize off-site parking.

(1) *30-day permit.* A 30-day permit may be issued for the temporary sale of holiday merchandise, such as pumpkins, flowers, and Christmas trees.

(a) *Number of permits.* There shall not be more than three permits issued per lot within a calendar year, nor shall permits be allowed to run consecutively during two, 12-month periods.

(b) *Hours of operation.* A permit for the temporary sale of holiday merchandise shall be for a period not to exceed 30 consecutive calendar days. The temporary outdoor use shall be allowed to conduct business no earlier than 9:00 a.m. and must close activities at official sundown, unless the applicant shows adequate lighting on the site plan. All outdoor activities must close by 10:00 p.m. 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. on the day after the final date of the permit. However, any such permit issued for an activity commencing on 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.

(c) *Mobile food and beverage units.* Food trucks, concession trailers, or similar vehicles selling food or drink items are prohibited.

(2) *Four-day permit.* A four-day permit may be issued for short-term temporary uses that include, but are not limited to, art and craft shows, festivals, fairs, grand openings, and church bazaars.

(a) *Number of permits.* There shall not be more than six permits issued per lot, within a calendar year, nor shall permits be allowed to run consecutively during two, 12- month periods.

(b) *Hours of operation.* A permit for a short-term temporary use shall be for a period not to exceed four 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 at official sundown, unless the applicant

shows adequate lighting on the site plan. All outdoor activities must close by 10:00 p.m. The permittee must remove all items, tents and materials used for the conduct of the special event from the location not later than 5:00 p.m. on the day after the final date of the permit.

(c) *Mobile food and beverage units.* Food trucks, concession trailers, or similar vehicles selling food or drink items may be permitted provided they possess a permit issued by Galveston County Health District and/or Texas Alcohol and Beverage Commission, whichever is applicable.

b. *Permit required.* No person shall conduct temporary outdoor uses either in the open or under a tent or other temporary cover within the city limits without first obtaining a permit under this section. 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.

c. *Application for permit.* Applications must be submitted a minimum of 30 days before the start date of the temporary outdoor use. Complete applications will be granted or denied a minimum of seven business days before the start of the temporary outdoor use to allow the applicant adequate time to promote the temporary use. A complete application shall include:

(1) Name and contact information of the person conducting the activity,

(2) Proposed location,

(3) Name and contact information of the property owner where the use will take place,

(4) Description of the intended activity,

(5) Proposed dates for the temporary use,

(6) Number of anticipated attendees,

(7) Proof of insurance for the activity, in a minimum amount of coverage as determined by the city council or required by law,

(8) Site plan showing the location of all activities that will take place on the property including tents, temporary structures, food trucks (for 4-day permits), restrooms, parking, trash receptacles, and any other pertinent information,

(9) Lighting plan, if required by section 2.a.(1)b. or 2.a.(2).b.,

(10) Fire related items required by the International Fire Code,

(11) Written authorization for the use of offsite parking, if applicable,

(12) A copy of the activity's sales tax certificate,

Depending on the number of attendees, number of businesses involved, or nature of the temporary use, the city may require the following,

(13) Security agreement with peace officers,

(14) Traffic control plan,

(15) Janitorial/clean-up service agreement and/or plan, or

(16) Health permits or state alcoholic beverage commission permits.

The appropriate city department may waive one or more of the above items it deems unnecessary due to the nature of the temporary use and the adequacy of existing infrastructure servicing the location.

d. *Fee.* The community development department shall charge and collect a fee before issuance of a permit as determined in Appendix D. 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. The conducting of a temporary use 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 may be exempt from the permit fee.

e. *Rescheduling.* Permitted temporary outdoor uses may be rescheduled one time due to inclement weather or other reasonable reason.

f. *Compliance required.* Temporary outdoor uses 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 temporary outdoor uses must comply with the setback requirements, parking requirements, noise ordinance, and other standards in city ordinances. 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.

g. *Operating without a permit; false information.* Any person or entity conducting a temporary outdoor use 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 temporary use from the premises before midnight of that day.

h. *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.

i. *Determination of number of permits.* Permits issued the same calendar year of the effective date of this ordinance shall be subject to the limitations on the number of allowable permits for the calendar year.

3. *Farmers' markets.* 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.

a. No resale or craft items are allowed to be sold at farmers' markets.

b. In addition to the application and supporting documents listed in subsection 2.(c) of this section, the applicant must also provide an issued and approved county health district farmers' market and vendor permits.

c. 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 closure of the

market on Sunday, all market items must be removed from the site, including display tables, tents, equipment, etc.

d. Food trucks, concession trailers, or similar vehicles selling food or drinks may be allowed during the operation hours of a farmers' market.

4. *Exemptions.*

a. *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 on the same parcel. Such displays may not cover more than one-half of the width of the pedestrian walkway between the storefront and the curb, nor impede the minimum egress width required by code, whichever is greater.

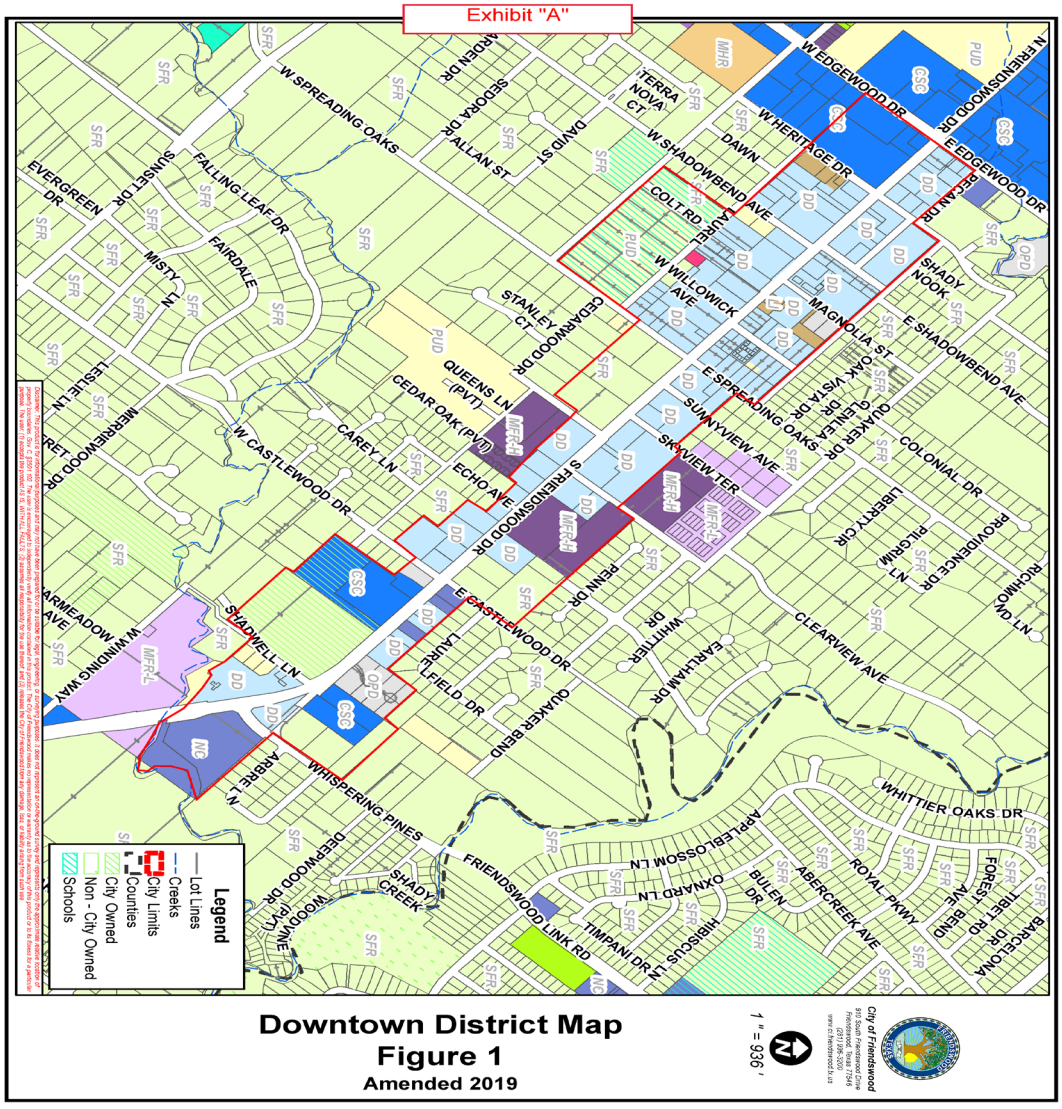
b. *Suspension in the event of disaster or loss.* In the event of a natural disaster (e.g., flood, hurricane), or other catastrophic loss (e.g., fire), the city council may suspend the application of this appendix for such period of time as may be determined to be necessary for reconstruction of permanent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

c. *Temporary uses.* The conducting of temporary uses by the city shall be exempt from the provisions of this section.

5. *Signs.* Signage shall comply with City of Friendswood Code of Ordinances, Appendix A.

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.

   a. Off-site parking shall be allowed if within one block of the development. For purposes of this subsection, one block shall constitute no less than 300 linear feet and no more than 1,200 linear feet.

   b. Shared parking areas shall be allowed.

   c. Shared access agreements shall be required between adjacent developments.

d. On street, head-in parking may be allowed in the Downtown District (DD) with the approval of the director, upon recommendation of the city engineer, in areas at least 75 feet from FM 518 and/or FM 2351. No on-street parking shall be allowed on FM 518 or on FM 2351 within the DD.

e. Development plans shall indicate how freight and goods will be delivered.

f. Development plans shall show the design and layout for all parking. Documentation shall be provided to verify authority for all shared or off-site parking.

g. All such required documentation shall be presented before a development plan is approved.

h. 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.

i. All planted islands shall have curbs of sufficient height and width to contain the planted island.

j. 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.

k. 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.

l. All trees required in subsection 8.I.2.c(2) shall have a caliper of not less than two inches, measured 18 inches above the natural ground level.

m. 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.

n. All plants shall receive proper irrigation to encourage deep root growth and survivability.

4. *Architectural standards.*

a. Buildings in the DD are encouraged to have exterior cladding of brick, masonry, stone, stucco, glass, or lap sided cement fiberboard. Sheet cement fiberboards are discouraged, except as trim for eves and overhangs, while all building products and materials approved for use by a national model code published within the last three code cycles are allowed by V.T.C.A., Government Code ch. 3000.

b. Exterior facades, including the roof, shall be limited to earth tone colors. Color samples shall be submitted as part of the commercial site plan. Earth tone colors depict the colors in nature; they include flat and muted shades of brown, green, blue, orange, and some reds and tans.

c. Fenestration shall mean the openings in a wall, such as doors and windows, to include faux windows whether transparent or not. Such windows may be inoperative but must be framed

as a window and otherwise appear to be a window. Painted openings would not be counted in fenestration calculations. Fenestration along front or other facades visible to the public are encouraged to be as follows:

(1) Walls visible to the public shall have windows and or doors (i.e., no blank walls allowed).

(2) Not less than 40 percent fenestration shall be provided for all ground floor primary facades (front or side) that face a public right-of-way.

(3) Not less than 25 percent fenestration shall be provided for all upper floor facades.

d. Reserved.

e. Fenestration calculations. Preferred fenestration minimum:

(1) Area of ground floor primary wall facing ROW x 40 percent = minimum fenestration.

(2) Area of upper floor x 25 percent = minimum fenestration.

f. Garage bays or other similar large openings designed for automotive or industrial work, or designed for vehicles to drive into, shall not front FM 518 or FM 2351 within the Downtown District boundary. This prohibition shall not include drive-thrus such as are typically found at banks or fast-food establishments. In the event that this requirement overlaps at an intersection, the architectural requirement regarding garage bays shall apply only to the frontage on one street as designated on the site plan.

5. *Screening.*

a. Mechanical equipment, such as roof top equipment, compressors, refrigeration units and trash enclosures, outside storage, and other nonpublic service areas that are visible from a public area, shall be screened to a height sufficient to completely screen the use from view at ground level. The term "view at 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 street or streets.

b. The design of walls and other structures located on the same site, including those used to screen outdoor storage areas, dumpsters, vehicles, etc. are encouraged to be constructed of the same materials as the building on the lot. Cyclone fences are prohibited.

c. See Section 8.L. for additional dumpster screening requirements.

6. *Sidewalks.*

a. Each development along FM 2351 and FM 518 shall provide a minimum 15-foot-wide parkway adjacent to the street right-of-way. The 15-foot parkway must contain an unobstructed brick-paved sidewalk, as described in Appendix E of the Design Criteria Manual, at least eight feet wide and a seven-foot wide landscape area.

b. Each development along all other streets within the downtown district shall provide a concrete sidewalk built in accordance with city standard specifications and shall be a minimum of six feet in width. Concrete sidewalks shall be built within the street right-of-way and adjacent to the right-of-way lines.

c. If sidewalks cannot be placed wholly within the right-of-way and must be placed on private property, easements of the appropriate width shall be required.

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 commission.

(1) Trees shall be provided every 25 linear feet. Trees used in the 15-foot parkway shall be Class 2 or Class 3 trees from the city's qualified tree list, and other landscaping material such as bushes and/or groundcover may be used. The tree and landscaping material shall be maintained in living condition. One-half of the trees shall have a minimum caliper of four inches and one-half shall have 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.)

(2) Amenities shall be provided in accordance with the design criteria manual, Exhibit E, Downtown District Amenities. A minimum of two lights and two benches are required within the 15-foot parkway of each development. All provided amenities shall be permanently maintained by the property owner, including the brick-paved sidewalks.

b. Developments along all other streets within the downtown district shall have a minimum ten-foot landscaped buffer located on private property and not less than one tree, whether existing or planted, shall be planted and maintained for each 25 lineal feet or portion thereof. Each such tree 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. Alternate sidewalk, landscape and amenity designs specific to the site or the function of the development within the downtown district may be considered by the commission if it determines that the proposed alternative sidewalk is not narrower than six feet and provides, respectively:

(i) Equal or better pedestrian access to and along the development property;

(ii) Equal or enhanced landscape beautification for the development; or

(iii) Equal or better design amenities than otherwise required herein.

d. See Section 8.I. for additional information on maintenance and preservation of trees.

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

a. When a commercial use is established on a lot or premises located adjacent to any residential 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 commercial property between it and the adjacent protected property.

b. 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, with commission approval.

c. 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 director 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 and is adjacent to a commercially zoned property, an existing fence maybe removed, in whole or in part, to allow the commercially zoned properties joint or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners.

d. 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.

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

Section 9. Site plans and Specific Use Permits.

A. *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), 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);

b. Where a specific use permit is required by subsection 7.P, permitted use table, and this subsection B; or

c. A planned unit development (PUD), in accordance with the procedures set forth in section 7.J.

3. *Content.* The application shall be accompanied by plans that 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.*

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 site plan approval.

4. *Staff review.* Prior to submission of a site plan, an applicant shall schedule a development meeting with staff on an informal basis to receive comments and advice on the procedures, specifications and standards required by the city.

5. *Administrative Approval*. The director is authorized to review and approve site plans that comply with all applicable requirements of this Code, including but not limited to zoning, subdivision, engineering and development standards. Site plans eligible for administrative approval shall be reviewed and considered within thirty (30) days of a complete application.

6. *Commission action.* Any site plan that involves special consideration as defined by the Zoning Ordinance shall be presented to the commission for review and approval. Site plans requiring commission review shall be scheduled for consideration and a decision will be made within 30 days of being placed on an agenda.

Special considerations include, but are not limited to:

a. Requests for alternative compliance provisions;

b. Developments requiring interpretation of zoning standards; or

c. Any other circumstance identified in this Code requiring commission review.

7. *Determination of Review Authority.* The director shall determine whether a proposed site plan qualifies for administrative approval or must be referred to the commission.

8. *Denied site plans*. Any corrections, changes, or conditions required to ensure the plan complies with all existing ordinances that are imposed 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.

9. *Expiration*. Approval will expire one year after the approval of the site plans. 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.

10. *Enforcement.* Following the approval of a site plan, the director shall inspect the development to ensure that it is in full compliance with the approved site plan.

B. *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 community development department. The application shall be accompanied by plans that 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.*

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 commission. The 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 B.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 6.5.

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

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 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 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.

Section 10. Board of adjustment—Establishment and procedure.

A. The board of adjustment shall have the following powers and duties:

(1) *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this appendix.

(2) *Variance.* To authorize in specific cases, a variance from the terms of the 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, and so that the spirit of the ordinance is observed and substantial justice is done.

(a) *Exceptions.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of a zoning ordinance in the district involved, or any use, expressly or impliedly, prohibited by the terms of this appendix in said district.

(3) *Special exceptions.* To hear and decide special exceptions to the terms of a zoning ordinance when this appendix requires the board to do so.

(4) To hear and decide other matters authorized by a zoning ordinance.

(5) In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an

appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose, the board has the same authority as the administrative official.

B. *Application.* Appeals to the board of adjustment concerning interpretation or administration of this appendix may be taken by any person aggrieved by the decision or any officer, department, board, or bureau of the city affected by the decision of the administrative official. Such appeals shall be filed not later than the 20th day after the date the decision is made, by filing with the official from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed. A member of the governing body of the municipality who serves on the board of adjustment may not bring an appeal under this section.

C. *Notification.* Any request for an appeal, variance or special exception shall require a public hearing before the board. A written notice of the hearing shall be sent to owners of property situated within 200 feet of the exterior boundary of the property with respect to which such appeal, variance or exception is requested ten days prior to public hearing. It shall be sufficient that such written notice is addressed to the owner appearing on the most current tax roll of the city and addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll, or no address appears thereon, the written notice to such property owner shall not be required.

The city council and commission shall be informed of any hearing for an appeal, variance or special exception of the zoning or sign ordinance.

D. *Fee.* A processing fee as described in section 14 shall be paid to the city in advance of the hearing. In the event the application is withdrawn prior to the mailing of the required written notification or publication in the official newspaper, the fee shall be refunded.

E. *Hearings.* The board shall set a reasonable time for the appeal hearing. A party may appear at the hearing in person or by agent or by attorney. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

F. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action that is appealed, unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board of adjustment or by a court of record on application, after notice to the official if due cause is shown.

G. *Reapplication.* No application for a variance, special exception, or appeal, which has been denied, shall be again filed earlier than one year from date of original denial, unless there has been a material change. For the purposes of this section, material change shall mean a substantial change in conditions or circumstances as it relates to the property in question.

Section 11. Reserved.

Section 12. Reserved.

Section 13. Administration and Enforcement.

A. The director shall administer and enforce this appendix. If the director 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. It is the intent of this section that all questions of interpretation and enforcement shall be first presented to the director and that such questions shall be presented to the board of adjustment only on appeal from the decision of the director.

C. It is further the intent of this section that the duties of the city council in connection with this appendix shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this appendix. Under this appendix, the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this appendix, as provided by law, and of establishing a schedule of fees and charges as stated in section 14.

D. Whenever a violation of this appendix occurs, or is alleged to have occurred, any person may file a written complaint; such complaint stating fully the causes and basis thereof shall be filed with the director. He shall record properly such complaint, immediately investigate the same at the earliest reasonable time, and take action thereon as provided by this appendix.

E. Any person who violates any of the provisions of this appendix or who fails to comply therewith or with any of the requirements thereof, including violations of conditions and safeguards established in connection with grants of variances or specific uses, or who erects or alters any structure, or who commences to erect or alter any structure in violation of any detail statement of plan submitted or approved thereunder, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor. The owners of a building, structure, or premises, or part thereof, where anything in violation of this appendix be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction, shall be subject to the penalties asprovided in section 1-14 of the code.

Section 14. Schedule of fees, charges, and expenses.

A. The city council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, specific use permits, and changes in district classification, appeals, and other matters pertaining to this appendix. The schedule of fees shall be maintained in the office of the city secretary and in the office of the administrative official, and may be altered or amended only by the city council. It is set by resolution and printed in Appendix D to this Code.

B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 17. Reserved.

Section 18. Reserved.

Section 19. Reserved.

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.

Assisted living facility means an establishment as defined by V.T.C.A., Health and Safety Code Ch. 247.

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 two or more business establishments developed under a common plan which may utilize shared driveways and on-site parking facilities, including, but not limited to, shopping centers, office complexes, business parks, and industrial parks.

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.

Director means the director of community development.

Dwelling, garden home, means a detached dwelling unit which utilizes smaller lots than traditional single-family houses and where the building is built along a "zero" side lot line.

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.

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.

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/06/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Present an update regarding the City's Memorial Day Ceremony.

Originating Department: City Manager

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The City of Friendswood Memorial Day Celebration is scheduled for Monday, May 25, 2026, beginning at 9:00 a.m., at the Veterans Memorial, located adjacent to City Hall, 910 S Friendswood Drive. The special guest speaker will be Captain Barry "Butch" Wilmore, a U.S. Navy (Ret.), NASA Astronaut. There will be musical tributes, including Bagpipe Melody and Taps, as well as a veteran photo opportunity following the ceremony.

Stand with us this Memorial Day as we pay tribute to the heroes who made the ultimate sacrifice in service to our country.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

No action required.

ATTACHMENTS

1. Memorial Day Graphic

CITY OF FRIENDSWOOD & FRIENDSWOOD PARKS & RECREATION
MEMORIAL DAY
MONDAY, MAY 25 • 9AM

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 03/25/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Present an update regarding Building Safety Month in May.

Originating Department: City Secretary

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The International Code Council's (ICC) Building Safety Month is an international campaign celebrated in May to raise awareness about building safety. This year's theme is "Built to Last" and includes the following weekly themes throughout the month of May:

Key 2026 Weekly Themes:

Week 1 (May 1–10): Safe Homes, Strong Communities – Focuses on residential safety, including smoke alarms, fire safety, and maintenance.

Week 2 (May 11–17): Voices of the Built Environment – Highlights building professionals such as inspectors, contractors, and code officials.

Week 3 (May 18–24): Prepared to Protect – Focuses on disaster mitigation, including resilience against wildfires, floods, and earthquakes.

Week 4/5 (May 25–31): Communities Without Limits – Showcases sustainability, accessibility, and innovative construction

We want to commend the hard work and dedication of the City's Community Development Department and their continued dedication to ensure the safety and welfare of our community.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

No action required.

ATTACHMENTS

1. Proclamation - Building Safety Month
2. 2026_BSM_Poster

City of Friendswood
Office of the Mayor

PROCLAMATION

I, Mike Foreman, by virtue of the authority vested in me as Mayor of the City of Friendswood, do hereby proclaim the month of May 2026 as

BUILDING SAFETY MONTH
"BUILT TO LAST"

WHEREAS, the City of Friendswood is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike; and

WHEREAS, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

WHEREAS, the Friendswood City Council has adopted modern building codes of the International Code Council (ICC) to protect us in the buildings where we live, learn, work, and play, which codes include safeguards for various hazards, such as hurricanes, snowstorms, tornadoes, wildfires, floods and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the ICC to remind the public about the critical role of our communities' largely unknown protectors of public safety—our code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity; and

WHEREAS, "Built to Last," the theme for Building Safety Month 2026, encourages us all to get involved and raise awareness about building safety on a personal, local and global scale; and

WHEREAS, each year, in observance of Building Safety Month, the public is asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building safety and fire prevention departments and federal agencies in protecting lives and property;

NOW THEREFORE, I, Mike Foreman, the Mayor of the City of Friendswood, do hereby proclaim the month of May 2026 as

BUILDING SAFETY MONTH

in the City of Friendswood, and I encourage our citizens to join us as we participate in Building Safety Month activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Friendswood, this 13th day of May, 2026.

_____
Mike Foreman, Mayor

BUILDING SAFETY MONTH 2026

BUILT TO LAST

Week 1

Safe Homes, Strong Communities

Week 2

Voices of the Built Environment

Week 3

Prepared to Protect

Week 4

Communities Without Limits

www.buildingsafetymonth.org

#BuildingSafety365

International Code Council family of solutions

© Copyright 2026 – All Rights Reserved | International Code Council

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/06/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Present an update regarding Municipal Clerks Week, May 3-9, 2026.

Originating Department: City Secretary

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The 57th Annual Professional Municipal Clerks Week will be May 3, 2026, through May 9, 2026. Initiated in 1969 by IIMC and endorsed by all of its members throughout the United States, Canada and 15 other countries, the week is a time of celebration and reflection on the importance of the Clerk's office. In 1984 and in 1994, Presidents Ronald Reagan and Bill Clinton, respectively, signed a Proclamation officially declaring Professional Municipal Clerks Week the first full week of May and recognizing the essential role Municipal Clerks play in local government.

The week will feature a week-long series of activities aimed at increasing the public's awareness of Municipal Clerks and the vital services they provide for local government and the community.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

1. Proclamation - Professional Municipal Clerks Week
2. Official Logo

City of Friendswood
Office of the Mayor

PROCLAMATION

I, Mike Foreman, by virtue of the authority vested in me as Mayor of the City of Friendswood, do hereby proclaim the week of May 3–9, 2026, as the

57TH ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

WHEREAS, the Office of the Professional Municipal Clerk, a time-honored and vital part of local government, exists throughout the world; and

WHEREAS, the Office of the Professional Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Professional Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk;

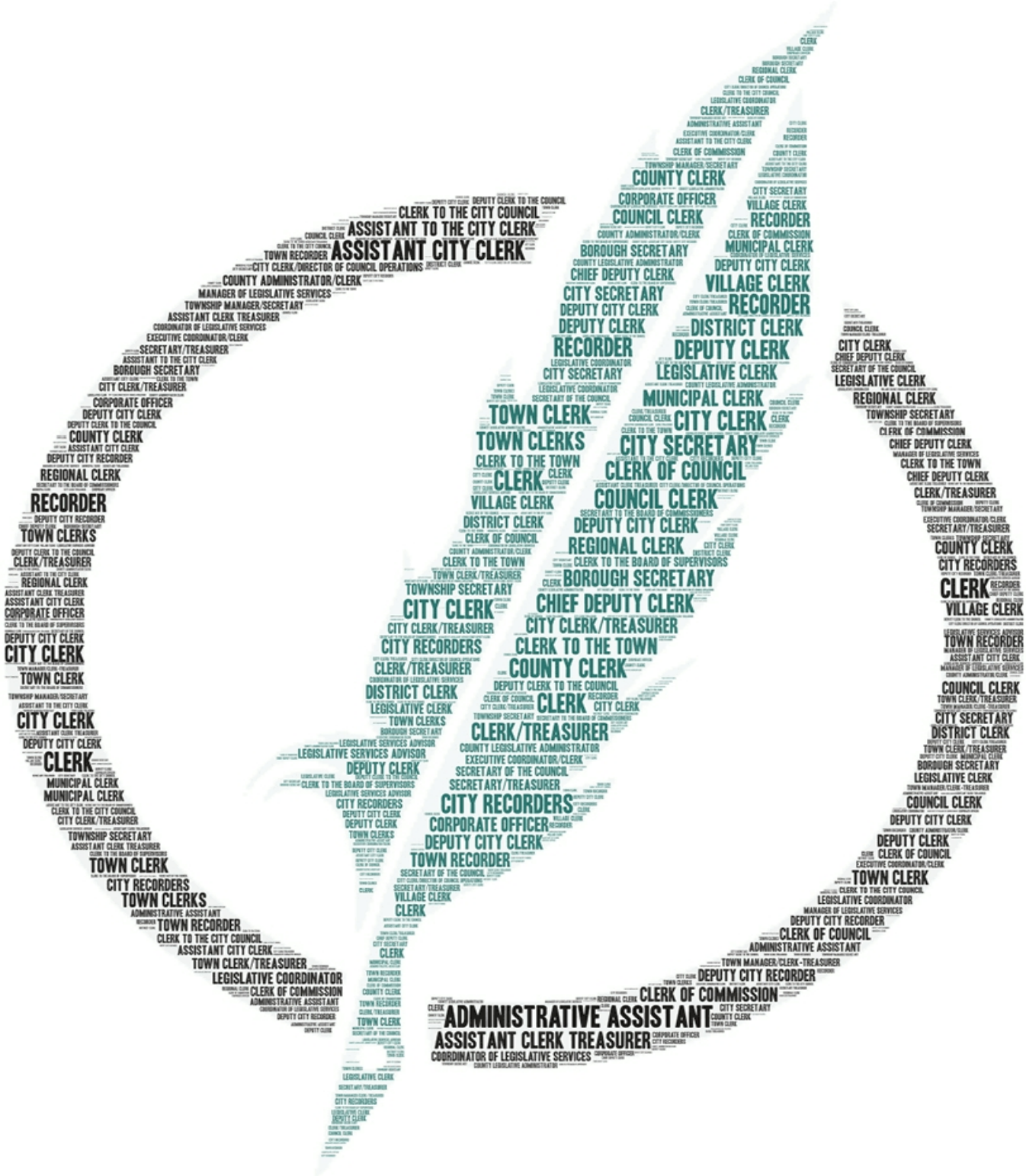
NOW THEREFORE, I, Mike Foreman, the Mayor of the City of Friendswood, do hereby proclaim the week of May 3–9, 2026, as

PROFESSIONAL MUNICIPAL CLERKS WEEK

in the City of Friendswood and further extend appreciation to our Professional Municipal Clerks and to all Professional Municipal Clerks for the vital services they provide and their exemplary dedication to the communities they represent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Friendswood, this 4th day of May, 2026.

_____
Mike Foreman, Mayor



Professional Municipal

CLERKS WEEK

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/06/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Present an update regarding Police Week, May 10-16, 2026.

Originating Department: City Secretary

Degree of importance:

SUMMARY / ORIGINATING CAUSE

Police Week 2026 will be observed from Sunday, May 10, through Saturday, May 16, honoring the service and sacrifice of law enforcement officers across our community and nation. In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others.

As part of this week's events, the Galveston County 50 Club will host its Officer of the Year Luncheon on Monday, May 11. The Friendswood Police Department is proud to nominate Officer Steven Sills for this distinguished recognition, highlighting his outstanding work in collaboration with federal, state, and local partners during a complex gold fraud investigation.

On Tuesday, May 12, the 2026 Annual Peace Officers Memorial Ceremony will be held at the Galveston Island Convention Center. This annual ceremony honors the memory and sacrifice of law enforcement officers from across Galveston County who have lost their lives in the line of duty. This is an event with our very own fallen hero, Sgt. James Dement, is honored.

Police Week provides an important opportunity for the community to recognize the dedication, professionalism, and courage of our law enforcement personnel.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

No action is required.

ATTACHMENTS

1. Proclamation - National Police Week

City of Friendswood
Office of the Mayor

PROCLAMATION

I, Mike Foreman, by virtue of the authority vested in me as Mayor of the City of Friendswood, do hereby recognize the week of May 10–16, 2026, as

NATIONAL POLICE WEEK

WHEREAS, on behalf of the City of Friendswood, I salute the men and women who do the difficult and dangerous work of safeguarding our communities. Police officers around the nation understand the tremendous responsibility bestowed upon them in safeguarding the rights and freedoms of all citizens; and

WHEREAS, the men and women of the Friendswood Police Department are dedicated to protecting all City residents and visitors with respect and dignity against deception, violence, and disorder; and

WHEREAS, Friendswood residents and visitors recognize the dangers of the law enforcement profession and understand the difficulties in performing the duties and responsibilities of a law enforcement officer; and

WHEREAS, more than 800,000 law enforcement officers serve communities across the United States, including 62 sworn police officers with the Friendswood Police Department; and

WHEREAS, while officers are ever vigilant, 111 police officers died in the line of duty in 2025, adding to the more than 24,500 line-of-duty deaths in the United States since the first recorded death in 1786; the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day in honor of all fallen officers and their families, and U.S. flags should be flown at half-staff;

NOW THEREFORE, I, Mike Foreman, the Mayor of the City of Friendswood, do hereby proclaim that the City of Friendswood will observe the week of May 10–16, 2026, as

NATIONAL POLICE WEEK

as we publicly salute the service of law enforcement officers in our community and in communities across the nation. I ask you to join me in honoring the service and sacrifice of law enforcement officers in protecting our communities and safeguarding our democracy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Friendswood, this 13th day of May, 2026.

_____
Mike Foreman, Mayor

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/09/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Present an update regarding Emergency Medical Services Week, May 17-23, 2026.

Originating Department: City Manager

Degree of importance:

SUMMARY / ORIGINATING CAUSE

EMS Week is presented by the American College of Emergency Physicians (ACEP) in partnership with the National Associations of Emergency Medical Technicians (NAEMT). This year, Emergency Medical Services Week is scheduled from May 17-23, 2026, with a theme of "Improving Outcomes, Together."

Together, NAEMT and ACEP lead annual EMS Week activities. These organizations are working to ensure that the important contributions of EMS professionals in safeguarding the health, safety and well-being of their communities are fully celebrated and recognized.

In 1974, President Gerald Ford authorized EMS Week™ to celebrate EMS professionals and the important work they do in our nation's communities. National Emergency Medical Services Week brings together local communities and medical personnel to honor the dedication of those who provide the day-to-day lifesaving services of medicine's frontline.

We want to thank our dedicated EMS staff for their hard work and readiness to provide lifesaving care to those in need 24 hours a day, seven days a week

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

No action is required.

ATTACHMENTS

1. Proclamation - EMS Week

City of Friendswood
Office of the Mayor

PROCLAMATION

I, Mike Foreman, by virtue of the authority vested in me as Mayor of the City of Friendswood, do hereby proclaim the week of May 17–23, 2026, as

EMERGENCY MEDICAL SERVICES WEEK
Improving Outcomes, Together

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, 7 days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services fill healthcare gaps by providing important, out-of-hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out-of-hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and accomplishments of emergencymedical services providers by designating the Emergency Medical Services Week;

NOW THEREFORE, I, Mike Foreman, the Mayor of the City of Friendswood, do hereby proclaim the week of May 17–23, 2026, as

EMERGENCY MEDICAL SERVICES WEEK

and encourage the community to observe this, the 52nd anniversary of EMS Week, with appropriate programs, ceremonies, and activities in honor of the EMS profession and the essential service it provides.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Friendswood, this 18th day of May, 2026.

_____
Mike Foreman, Mayor

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/06/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Present an update regarding the National Public Works Week, May 17-23, 2026.

Originating Department: City Secretary

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The American Public Works Association is celebrating National Public Works Week, from May 17-23, 2026. This year's theme “Rooted in Service, Powered by Community” acknowledges that the roots of service run deep in public works. It’s what has propelled public works innovations that have helped our communities evolve into places where people can lead lives of purpose and possibility. Some work—like building roads and bridges—is highly visible, while other public works contributions—like maintaining water and sewer systems—are sometimes hidden from view. Together, these efforts form the foundation of thriving communities, reminding us that every project, seen or unseen, powers the connection between service and the people it supports.

This is the 66th year of this celebration that focuses on paying tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

We want to thank our dedicated staff in both the Public Works Department and the Engineering Department for their hard work in rebuilding, improving, and protecting our City's transportation, infrastructure, water supply, water treatment and solid waste systems.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

No action is required.

ATTACHMENTS

1. Proclamation - National Public Works Week
2. 26-NPWW-Poster

City of Friendswood
Office of the Mayor

PROCLAMATION

I, Mike Foreman, by virtue of the authority vested in me as Mayor of the City of Friendswood, do hereby recognize the week of May 17–23, 2026, as

NATIONAL PUBLIC WORKS WEEK
"ROOTED IN SERVICE, POWERED BY COMMUNITY"

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to public health, high quality of life, and well-being of the people of the City of Friendswood; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Friendswood to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2026 marks the 66th annual National Public Works Week sponsored by the American Public Works Association;

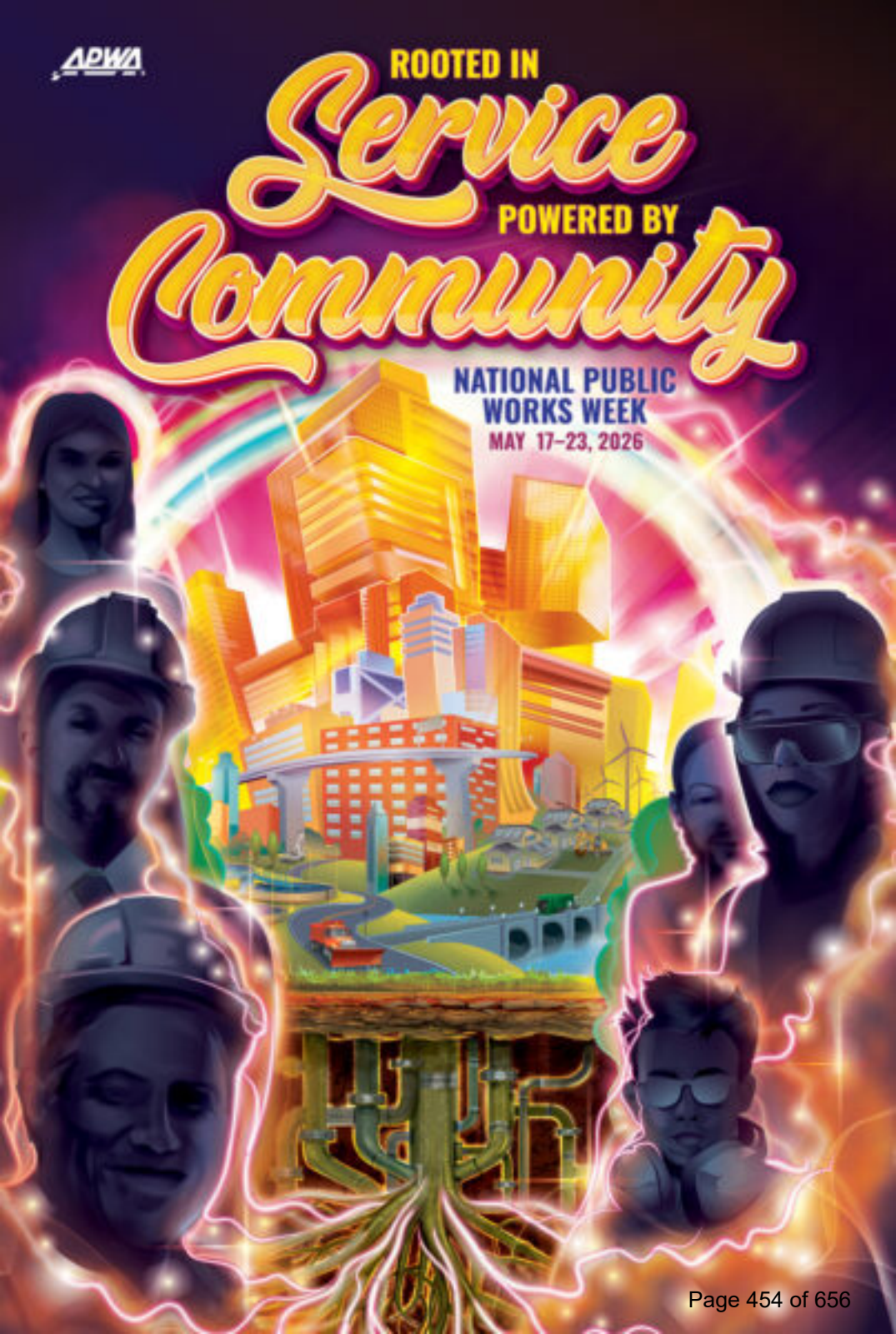
NOW THEREFORE, I, Mike Foreman, the Mayor of the City of Friendswood, do hereby recognize the week of May 17–23, 2026, as

NATIONAL PUBLIC WORKS WEEK

and ask you to join me in thanking our dedicated staff in the Public Works and Engineering Departments for their hard work in rebuilding, improving, and protecting the City's infrastructure. I further urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Friendswood, this 18th day of May, 2026.

_____
Mike Foreman, Mayor


APWA
ROOTED IN
Service
POWERED BY
Community
NATIONAL PUBLIC
WORKS WEEK
MAY 17–23, 2026

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/06/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Present an update regarding the Friendswood Public Library Summer Reading Program.

Originating Department: City Manager

Degree of importance:

SUMMARY / ORIGINATING CAUSE

Get ready to “Unearth a Story” at the Friendswood Public Library!

More than 1,200 readers of all ages are expected to participate in the online reading challenge for a chance to win prizes all summer long. A summer reading kickoff party is planned for Friday, May 22, from 6:00-7:00 p.m., followed by special events happening daily from June 1–July 31. Dig into ancient civilizations, pop culture, dinosaurs, live music, special guest performers and more!

Visit the Friendswood Library website for details: https://www.friendswood.lib.tx.us/

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

1. Facebook Banner

UNEARTH
A STORY™

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/06/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Present an update regarding the Friendswood Police Department receiving the 2026 Community Champion Award by the Bay Area Alliance.

Originating Department: Finance

Degree of importance: Significant

SUMMARY / ORIGINATING CAUSE

The Friendswood Police Department has been selected as a recipient of the 2026 Community Champion Award.

This award honors organizations that demonstrate a strong commitment to fostering healthy communities, while actively supporting the goals and initiatives of the Bay Area Alliance's FISDCares Community Coalition. Their continued partnership through Project Rx, including Medication Take Back events, and the Ready Set Rescue initiative has made a meaningful impact on substance-use prevention efforts in our community. We are truly grateful for your dedication and service.

The award will be presented at their Annual Meeting on Wednesday, May 13.

Thank you, Friendswood Police Department for all you do to strengthen and support our community!

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

The award represents a significant achievement by the City. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the City had to satisfy nationally recognized guidelines for effective budget presentation. Budget documents must be rated "proficient" by serving as 1) a policy document, 2) a financial plan, 3) an operations guide and 4) a communications device.

This is the twentieth consecutive year the City has received this award.

This Distinguished Budget Presentation Award also comes with the special recognition for Special Strategic Goals and Strategies. This is only the second time in 20 years the City's budget document received a special recognition designation.

We would like to recognize the efforts of Katina Hampton, Director of Administrative Services, Rhonda Bloskas, Deputy Director of Administrative Services – Finance, and Emily Peltier, Budget Manager, and Andree Calhoun, Financial Analyst. We would also like to recognize the Budget Team, the Accounting staff, the entire Administrative Services Department. Their cumulative efforts enable us to achieve this award.

RECOMMENDATIONS

N/A

ATTACHMENTS

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/17/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Recognize Mayor Mike Foreman and Assistant City Managers Katina Hampton and Lettie Brysch for their participation as speakers at the TWLI's Women Shaping Texas Cities Conference in San Antonio on April 16, 2026.

Originating Department: City Secretary

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The Texas Women's Leadership Institute was proud to hold the inaugural Women Shaping Texas Cities Conference in San Antonio, Texas on Thursday, April 16, 2026.

Women Shaping Texas Cities was a powerful, future-focused conference created to ignite the leadership potential of women across local government. Presented by the Texas Women’s Leadership Institute, this event brought together mid-career professionals to learn from experienced leaders, gain practical tools, and build meaningful connections. Through skill-building sessions, collaborative discussions, and opportunities to hear from seasoned experts, participants gained strategies for managing teams, navigating local government, advocating for themselves, and creating long-lasting impact.

Former NASA Astronaut and City Mayor Mike Foreman gave an inspiring speech on how to adopt a "Mission Control" mindset in local government. He shared concrete techniques for cultivating extreme competence and unshakable composure by simulating complex, real-world scenarios. He outlined how to use clear, open communication and shared, unambiguous goals to overcome organizational fear, foster a high-trust, psychologically safe team environment, and ensure critical success in public service delivery.

Assistant City Managers Katina Hampton and Lettie Brysch served as panelists during The Power of One: Driving Change and Opportunity from the Inside Out session, in which they shared their personal experiences as they navigated complex professional and personal landscapes to create lasting positive change. They expressed the unique challenges and strategies of being the "only one in the room," making high-stakes decisions that balance career and family, and the commitment required to transform organizations and uplift future generations of diverse leaders. This panel was designed to inspire action and provide tangible advice for building inclusive environments and leveraging personal resilience.

This conference brought professionals together for real-world learning, honest conversations, practical skill building, and connections that go beyond surface-level networking.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 02/09/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider awarding the 2020 Lift Station Mitigation Package 4 - Lift Station 4 Construction Services Project to McDonald Municipal and Industrial, a Division of C.F. McDonald Electric, Inc. (Bid No. 2026-04).

Originating Department: Engineering

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The City of Friendswood sustained severe damage to many of its sanitary sewer lift stations during Hurricane Harvey. Immediate repairs were made to keep the City's sanitary sewer system operational, but eleven (11) lift stations were determined to require additional work to mitigate future flooding. The mitigation of these lift stations includes raising equipment and electrical components such as generators, transfer switches, electrical services, wiring, etc., to two feet above the Harvey flood elevation. Submersible pumps and piping will be replacing above-ground pumps where applicable. Wet wells are to be equipped with sealed hatches. Eight-foot-tall wooden fences will also be installed.

The eleven lift stations were separated into four packages for bidding. Package #4 includes Lift Station 4.

The City recently opened bids for Package #4, having received bids from three interested parties. McDonald Municipal & Industrial, a Division of C.F. McDonald Electric, Inc., was determined to be the lowest qualified bidder with a base bid of $834,519.00 and a bid of $40,000.00 for Texas-New Mexico Power allowance, or a stipulated price of $874,519.00. This project will be funded with Water/Sewer Bond Funds.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. McDonald Municipal and Industrial - Standard Agreement
2. Form 1295 - McDonald Municipal and Industrial
3. Certificate of Insurance Exp 04-01-2027
4. MMI - Performance Bond
5. MMI - Payment Bond
6. Government Code Verification Form

THE STATE OF TEXAS §
§
COUNTY OF GALVESTON §

STANDARD AGREEMENT FOR CONTRACTING SERVICES

THIS AGREEMENT, entered into as of this 4th day of May, 2026, by and between the City of Friendswood, Texas (hereinafter called the "CITY") acting herein by its Mayor, duly authorized by approval of the City Council of the City of Friendswood and McDonald Municipal and Industrial – A Division of C.F. McDonald Electric, Inc., 5044 Timber Creek Drive, Houston, TX 77017 (hereinafter called the "CONTRACTOR") acting herein by Wayne Berkenmeier, Vice President hereunto duly authorized:

WITNESSETH THAT:

WHEREAS, the CITY and the CONTRACTOR in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE I: WORK

1.1 The Contractor shall complete all the Work as specified in the Contract Documents. The Work is generally described as follows:

2020 Lift Station Mitigation Pkg 4 – Lift Station 4 Construction Services

1.2 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

2020 Lift Station Mitigation Package 4 – Lift Station 4 Construction Services

ARTICLE II: DESIGN PROFESSIONAL

2.1 The Project has been designed by 5Engineering, 11200 Westheimer Rd., Suite 353, Houston, TX 77042, who is hereinafter called the Design Professional and who is to act as the City's Representative, assume all duties and responsibilities and shall have the rights and authority assigned to the Design Professional in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE III: CONTRACT TIME

3.1 The Work shall be Substantially Complete within THREE HUNDRED AND SIXTY-FIVE (365) CALENDAR Days after the date when the Contract Time commences to run as provided by the General Conditions, except for the standby generator work which shall be Substantially Complete within SIX

HUNDRED (600) CALENDAR days after the date when the Contract Time commences to run as provided by the General Conditions.

3.2 The Work shall have Final Completion and be ready for Final Payment in accordance with the General Conditions within THREE HUBNDRED AND NINETY-FIVE (395) CALENDAR Days after the date when the Contract Time commences to run as provided by the General Conditions, except for the standby generator work which shall have final completion within SIX HUNDRED AND THIRTY(630) CALENDAR Days after the date when the Contract Time commences to run as provided by the General Conditions.

ARTICLE IV: LIQUIDATED DAMAGES

4.1 The City and the Contractor recognize that time is of the essence of this Agreement and that the City shall suffer financial loss if the Work is not completed within the time specified in Article 3.1 above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by the City if the Work is not completed on time. Accordingly, instead of requiring any such proof, the City and the Contractor agree that as liquidated damages for delay (not as a penalty) the Contractor shall pay the City FIVE HUNDRED Dollars ($500.00) for each day that expires after the time specified in Article 3.1, in this Agreement, for Substantial Completion until the Work is Substantially Complete.

4.2 After Substantial Completion, if the Contractor shall neglect, refuse or fail to complete the remaining Work within the time specified in Article 3.2 for Final Completion and readiness for Final Payment or any proper extension thereof granted by the City, the Contractor shall pay City Five Hundred Dollars ($500.00) for each day that expires after the time specified in Article 3.2, in this Agreement, for Final Completion until the Work is Finally Complete and ready for Final Payment.

4.3 Contractor agrees any assessed liquidated damages may be offset against retainage held by the City.

ARTICLE V: CONTRACT PRICE

5.1 The City shall pay the Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Document 145 – Unit Price Form.

5.2 TOTAL AMOUNT OF BID is EIGHT HUNDRED SEVENTY-FOUR THOUSAND FIVE HUNDRED NINETEEN Dollars and NO/100 Cents ($874,519.00).

5.3 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by the City as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions. Unit prices specified as per lump sum have been computed an accordance with of the General Conditions.

ARTICLE VI: PAYMENT PROCEDURES

6.1 The Contractor shall submit Contractor Payment Application. Payment Applications shall be processed by the City as provided in the General Conditions.

6.2 Progress Payments; The City shall make progress payments on account of the Contract Price on the basis of the Contractor's Payment Application on or about the twentieth (20th) day of each month during construction as provided in Paragraph 6.3 below. All such payments shall be measured by the schedule of value established in Section 01295 – Schedule of Values (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

6.3 Prior to Substantial Completion progress payments shall be made equal to the percentage of the Work completed, as established above, and materials and/or equipment not incorporated in the work completed but delivered, suitably stored, and accompanied by suitable documentation satisfactory to the City as provided in the General Conditions. Progress payments shall be made less retainage as indicated in Paragraph 6.4 and 6.5 below, but in each case, less the aggregate of payments previously made less such amounts as the City shall determine or withhold, in accordance with of the General Conditions.

6.4 Retainage prior to Substantial Completion; If the total Contract Price at the time of Contract Execution is Five Hundred Thousand Dollars ($500,000) or more, the agreed retainage until Substantial Completions shall be five percent (5%), otherwise the agreed retainage shall be ten percent (10%).

6.5 Retainage after Substantial Completion: On projects where a long period of time is expected to occur between the Substantial Completion and Final Acceptance, retainage shall be reduced by one-half (1/2). The reduced retainage shall never be less that the expected value of any work requiring correction or unfinished work. A portion of the retainage shall always be held until issuance of a Certification of Final Completion.

ARTICLE VII: INTEREST

7.1 All monies except retainage, not paid when due as provided in the General Conditions shall bear interest at the maximum rate allowed by the law.

ARTICLE VII: CONTRACTOR'S REPRESENTATIONS

In order to induce the City to enter into this Agreement the Contractor makes the following representations:

8.1 The Contractor has examined and carefully studied the Contract Documents (including the Addenda listed in Article IX) and other related data identified in the Documents including "technical data" and performed a constructability review.

8.2 The Contractor has visited the site and become familiar with and is satisfied as to the general local and site conditions, including utilities that may affect cost, progress, performance and furnishing of the Work.

8.3 The Contractor is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance or furnishing of the Work.

8.4 The Contractor has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings if physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in the General Conditions. Contractor accepts the determination set forth in the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which the Contractor is entitled to rely as provided in the General Conditions. The Contractor acknowledges that such reports and drawings are not Contract Documents and may not be complete for the Contractor's purposes. The Contractor acknowledges that the City and the Design Professional shall not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. The Contractor has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by the Contractor and safety precautions and programs incident hereto. The Contractor does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract

Price, within the Contract Times and in accordance with other terms and conditions of the Contract Documents.

8.5 The Contractor is aware of the general nature of work to be performed by the City and others at the site that relates to the Work as indicated in the Contract Documents.

8.6 The Contractor has correlated the information known to the Contractor, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all examinations, investigations, explorations, tests, studies and data with the Contract Documents.

8.7 The Contractor has given the City written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and the written resolution thereof by the City is acceptable to the Contractor, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE IX: THE CONTRACT DOCUMENTS

The Contract Documents, which comprise the entire agreement between the FDEDC and the Contractor concerning the Work, consist of those referenced in this article. The Contract Documents are complementary, and what is called for by any one shall be as binding as if called for by all. In case of conflict between any of the Contract Documents, priority of interpretation shall be in the following order:

9.1 Any modification, including Change Orders, duly delivered after Execution of the Agreement

9.2 Addenda as issued, with Acknowledgement of Addenda if applicable

9.3 Federal Contract Required Clauses, including Certification for Contracts, Grants, Loans and Cooperative Agreements

9.4 Standard Agreement for Contracting Services (this agreement)

9.5 General Conditions.

9.6 Supplemental Conditions

9.7 Technical Specifications Divisions 1 through 16

9.8 Invitation to Bid (Cover Sheet and numbered sheets)

9.9 Insurance Requirements

9.10 Performance Bond, included herein

9.11 Payment Bond, included herein.

9.12 Texas Workers' Compensation

9.13 Wage Scale

9.14 Affidavit of Insurance, and Certificates of Insurance

9.15 Alcohol and Drug Free Workplace Policy

9.16 Construction Storm Preparation Policy

9.17 Hazardous Communications Program Requirement Agreement.

9.18 Homeland Security Policy

9.19 Child Support Affidavit

9.20 Unit Price Bid Form

9.21 Texas Ethics Commission Form 1295

9.22 Texas Government Code Verification

There are no Contract Documents other than those listed above in this Article IX. The Contract Documents shall only be altered, amended, or repealed by a modification (as defined in the General Conditions).

ARTICLE X: INDEMNIFICATION

CONTRACTOR SHALL PROTECT, DEFEND, INDEMNIFY, AND HOLD THE CITY, ITS OFFICERS, ELECTED OFFICIALS, AGENTS, AND EMPLOYEES, HARMLESS FROM ANY CLAIMS, FINES, DEMANDS, LOSS, DAMAGE, SUIT, AND LIABILITY OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES, FOR INJURY TO OR DEATH OF ANY PERSON, OR FOR DAMAGE TO ANY PROPERTY, CAUSED BY THE NEGLIGENT, INTENTIONAL OR WILLFUL ACTS OR OMISSIONS OF THE CONTRACTOR, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACT LABORERS, OR SUBCONTRACTORS IN THE PERFORMANCE OF THIS AGREEMENT.

CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS IN CONNECTION WITH THE SERVICES OF CONTRACTOR AND SHALL EXONERATE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS AND ALL EMPLOYEES FROM ANY AND ALL LIABILITY, LOSS OR DAMAGE ARISING OUT OF NONCOMPLIANCE WITH SUCH LAWS, RULES AND REGULATIONS, WITHOUT LIMITATION. CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR PAYMENTS OF FEDERAL, STATE AND LOCAL TAXES OR CONTRIBUTIONS IMPOSED OR REQUIRED UNDER THE SOCIAL SECURITY, WORKER'S COMPENSATION, AND INCOME TAX LAWS WITH RESPECT TO CONTRACTOR'S EMPLOYEES. FURTHER, CONTRACTOR SHALL EXONERATE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS AND ALL EMPLOYEES FROM ANY AND ALL LIABILITY, LOSS, DAMAGES, EXPENSES OR CLAIMS ARISING OUT OF ANY ACT OR OMISSION, INTENTIONAL TORT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER OF CONTRACTOR, ITS OFFICERS, AGENTS AND EMPLOYEES IN CONNECTION WITH ANY OF THE WORK PERFORMED OR TO BE PERFORMED UNDER THIS CONTRACT BY CONTRACTOR OR AS A RESULT OF CONTRACTOR'S FAILURE TO USE AND EMPLOY REASONABLE SKILL AND CARE BEFITTING THE PROFESSION IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT. FURTHER, CONTRACTOR SHALL EXONERATE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, AND ALL EMPLOYEES FROM ANY AND ALL LIABILITY, LOSS, DAMAGES, EXPENSES OR CLAIMS FOR INFRINGEMENT OF ANY INTELLECTUAL PROPERTY ARISING OUT OF THE USE OF ANY PLANS, DESIGN, DRAWINGS, OR SPECIFICATIONS FURNISHED BY CONTRACTOR IN THE PERFORMANCE OF THIS AGREEMENT.

THE FOREGOING INDEMNIFICATION PROVISION SHALL APPLY TO CONTRACTOR REGARDLESS OF WHETHER OR NOT SAID LIABILITY, LOSS, DAMAGES, EXPENSES, OR CLAIMS IS CAUSED IN PART BY A PARTY INDEMNIFIED HEREUNDER.

THE CONTRACTOR SHALL REQUIRE ALL OF ITS APPROVED SUBCONTRACTORS TO INCLUDE IN THEIR SUBCONTRACTS, A RELEASE AND INDEMNITY IN FAVOR OF THE CITY IN

SUBSTANTIALLY THE SAME FORM AS ABOVE.

ARTICLE XI: MISCELLANEOUS

11.1 Terms used in this Agreement which are defined in the General Conditions will have the meanings indicated in the General Conditions.

11.2 Termination. In addition to the termination rights elsewhere in Contract Documents, the City may terminate this Agreement as follows:

a. For Convenience.
The performance of the work may be terminated at any time in whole or in part, by the City for its convenience. Any such termination shall be effected by delivery to the Contractor of a written notice (notice of termination) specifying the extent to which performance of the work is terminated and the date upon which termination becomes effective. If, for whatever reason, this contract is terminated for cause, which is later determined not to exist, the parties agree that the contract will be deemed to be terminated for convenience. In the event of termination for convenience, the Contractor shall only be paid its reimbursable costs incurred prior to the effective date of the termination notice and shall not be entitled to receive any further payment hereunder and shall be further subject to any claim the City may have against the Contractor under other provisions of this Contract or as a matter of law, including the refund of any overpayment of reimbursable costs and/or other payment.

b. For Cause.
Without prejudice to any other legal or equitable right or remedy that the City would otherwise possess hereunder or as a matter of law, the City, upon giving the Contractor ten (10) days' prior written notice, shall be entitled to terminate this Contract in its entirety at any time for the following:
(1) If the Contractor becomes insolvent, commits any act of bankruptcy, makes a general assignment for the benefit of creditors, or becomes the subject of any proceeding commenced under any statute or law for the relief of debtors;
(2) If a receiver, trustee or liquidator of any of the property or income of the Contractor shall be appointed;
(3) If the Contractor shall fail to prosecute the work or any part thereof with diligence necessary to ensure its progress and completion as prescribed by the time schedules;
(4) If within ten (10) calendar days after written notice thereof from the City or the City's Representative, the Contractor shall fail to remedy any defective work or work that does not conform to the requirements

of this Contract, specifications, and other Contract Documents, or any other default under any of the terms, provisions, conditions, or covenants contained in this Contract or any other current agreement between the Contractor and another City for similar construction work on other property; or

(5) If the Contractor shall fail for any reason other than the failure by the City to make payment called upon when due.

In the event of such termination for cause, the Contractor shall only be paid its reimbursable costs incurred prior to the effective date of the termination and shall not be entitled to receive any further payment hereunder and shall be further subject to any claim that the City's Representative or the City may have against the Contractor under the provisions of this Contract or as a matter of law, including the refund of any overpayments of reimbursable costs or other payments.

c. Procedure after Notice of Termination.
After receipt of a notice of termination, whether with or without cause, the Contractor shall, in good faith and to the best of its ability, do all things necessary in light of such notice to assure the efficient and proper close-out of the terminated work (including, but not limited to, the protection of the City's property). Among other things the Contractor shall, except as otherwise directed or approved by the City, do the following:

(1) Stop the work on the date and to the extent specified in the notice of termination;
(2) Place no further orders or subcontracts for services, equipment, or material, except as may be necessary for completion of such portion of the work as is not terminated;
(3) Immediately terminate all orders and subcontracts to the extent that they relate to the performance of the work terminated by the notice of termination;
(4) Assign to the City, in the manner and to the extent directed by it, all of the right, title and interest of the Contractor under the orders or subcontracts so terminated in which case, the City shall have the right to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
(5) With the approval of the City, settle all outstanding liabilities and all claims arising out of such termination, orders and subcontracts;
(6) Deliver to the City, when directed by the City, all documents and all property, which if the work had been completed, the Contractor would have been required to account for or deliver to the City, and transfer title to such property to the City to the extent not already transferred; and/or
(7) Take actions necessary or as otherwise directed by the City's Representative or the City for the protection and preservation of the

work.

In the event of such termination, there shall be an equitable reduction of the Contract Price to reflect the reduction in the work. Costs incurred after the effective date of the notice of termination shall not be treated as reimbursable costs unless they relate to carrying out the unterminated portion or taking close-out measures, approved by the City.

11.3 No assignment by a party hereto of any rights under or interests in the Contract Documents shall be binding on another party hereto without written consent of the party sought to be bound; and specifically but without limitation, monies that may become due and monies that are due but may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment shall release or discharge the assignor from any duty or responsibility under the Contract Documents.

11.3 The City and the Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

11.4 Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the City and the Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close to expressing the intention of the stricken provision.

11.5 Other Provisions – None.

ARTICLE XII: ADDRESSES FOR GIVING NOTICES

12.1 The City:

City of Friendswood
910 S. Friendswood Drive
Friendswood, Texas 77546

12.2 The Contractor:

McDonald Municipal & Industrial
5044 Timber Creek Drive
Houston, TX 77017

ARTICLE XIII: VENUE

13.1 Any action brought by either party based on any claim arising under or as a result of this contract shall be brought in a court of competent jurisdiction in Galveston County, Texas.

EXECUTED IN on behalf of the Contractor by Wyne Berkenmeier its Vice President of Special Projects shown below, and on behalf of the City by Mike Foreman, its Mayor, thereto duly authorized this 4th day of May, 2026.

ACCEPTED:	**PROPOSED AND AGREED TO:**
CITY:	CONTRACTOR:
CITY OF FRIENDSWOOD, TEXAS	McDonald Municipal & Industrial – A Division of C.F. McDonald Electric, Inc.
_____ MAYOR	BY: _____ Vice President of Special Projects
DATE: _____	DATE: 04/15/2026
ATTEST:	**ATTEST:**
_____ CITY SECRETARY	_____ (OFFICER OR SECRETARY) Michelle Brooks Assistant to Secretary

APPROVED AS TO FORM:

_____
CITY ATTORNEY

END OF SECTION

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/14/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider awarding the Lift Station No. 2 Rehabilitation Project to Sustanite Support Services, LLC (CSP #2026-03).

Originating Department: Engineering

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The Lift Station No. 2 Rehabilitation Project is a critical infrastructure project for the City's wastewater system, as Lift Station No. 2 serves a significant portion of the community. The project is needed to address aging infrastructure, improve system reliability, and reduce the risk of service interruptions. The Preliminary Engineering Report identified several deficiencies, including deterioration of the existing discharge header, outdated electrical and control systems, and other items that no longer meet current standards.

The scope of work generally includes rehabilitation of mechanical, electrical, and structural components to extend the service life of the facility and improve overall performance. The selected contractor's proposal aligns with the design intent and includes a construction approach that prioritizes minimizing bypass duration and proactively addressing long-lead equipment to reduce schedule risk.

The City solicited Competitive Sealed Proposals (CSP #2026-03) for this project. Proposals were received and evaluated based on qualifications, experience, project approach, and cost. The selected firm demonstrated a strong understanding of the project's complexity and presented an approach focused on maintaining operations and reducing construction-related risk, and was determined to provide the best overall value to the City.

Funding for this project is through Water/Sewer Bonds.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff Recommends Approval

ATTACHMENTS

1. Form 1295 - Sustanite Support
2. Government Code Verification - Sustanite Support
3. Sustanite Certificate of Insurance Exp 05-25-2026
4. Kimley-Horn Recommendation Letter
5. Sustanite Proposal Package
6. Lift Station 2 Master Score Sheet Final
7. Sustanite - Performance Bond

8. Sustanite - Payment Bond
9. Sustanite - Standard Agreement

THE STATE OF TEXAS §
§
COUNTY OF GALVESTON §

STANDARD AGREEMENT FOR CONTRACTING SERVICES

THIS AGREEMENT, entered into as of this 4th day of May, 2026, by and between the City of Friendswood, Texas (hereinafter called the "CITY") acting herein by its Mayor, duly authorized by approval of the City Council of the City of Friendswood and Sustanite Support Services, LLC, 17119 Red Oak Drive, Unit 73523, Houston, TX 77037 (hereinafter called the "CONTRACTOR") acting herein by Bart Adams, Vice President hereunto duly authorized:

WITNESSETH THAT:

WHEREAS, the CITY and the CONTRACTOR in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE I: WORK

1.1 The Contractor shall complete all the Work as specified in the Contract Documents. The Work is generally described as follows:

Lift Station No. 2 Rehabilitation

1.2 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

Lift Station No. 2 Rehabilitation

ARTICLE II: DESIGN PROFESSIONAL

2.1 The Project has been designed by Kimley-Horn & Associates, Inc., 11700 Katy Fwy, Suite 800, Houston, TX 77091, who is hereinafter called the Design Professional and who is to act as the City's Representative, assume all duties and responsibilities and shall have the rights and authority assigned to the Design Professional in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE III: CONTRACT TIME

3.1 The Work shall be Substantially Complete within Three Hundred Thirty (330) Calendar Days after the date when the Contract Time commences to run as provided by the General Conditions.

3.2 The Work shall have Final Completion and be ready for Final Payment in accordance with the General Conditions within Three Hundred Sixty (360) Calendar Days after the date when the Contract Time commences to run as provided by the General Conditions.

ARTICLE IV: LIQUIDATED DAMAGES

4.1 The City and the Contractor recognize that time is of the essence of this Agreement and that the City shall suffer financial loss if the Work is not completed within the time specified in Article 3.1 above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by the City if the Work is not completed on time. Accordingly, instead of requiring any such proof, the City and the Contractor agree that as liquidated damages for delay (not as a penalty) the Contractor shall pay the City FIVE HUNDRED Dollars ($500.00) for each day that expires after the time specified in Article 3.1, in this Agreement, for Substantial Completion until the Work is Substantially Complete.

4.2 After Substantial Completion, if the Contractor shall neglect, refuse or fail to complete the remaining Work within the time specified in Article 3.2 for Final Completion and readiness for Final Payment or any proper extension thereof granted by the City, the Contractor shall pay City Five Hundred Dollars ($500.00) for each day that expires after the time specified in Article 3.2, in this Agreement, for Final Completion until the Work is Finally Complete and ready for Final Payment.

4.3 Contractor agrees any assessed liquidated damages may be offset against retainage held by the City.

ARTICLE V: CONTRACT PRICE

5.1 The City shall pay the Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Document 00145 – Cost Proposal Form.

5.2 TOTAL AMOUNT OF BID is Four Million Fifty-Two Thousand Dollars and No/100 Cents ($4,052,000.00).

5.3 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by the City as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions. Unit prices specified as per lump sum have been computed an accordance with of the

General Conditions.

ARTICLE VI: PAYMENT PROCEDURES

6.1 The Contractor shall submit Contractor Payment Application. Payment Applications shall be processed by the City as provided in the General Conditions.

6.2 Progress Payments; The City shall make progress payments on account of the Contract Price on the basis of the Contractor's Payment Application on or about the twentieth (20th) day of each month during construction as provided in Paragraph 6.3 below. All such payments shall be measured by the schedule of value established in Section 01295 – Schedule of Values (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

6.3 Prior to Substantial Completion progress payments shall be made equal to the percentage of the Work completed, as established above, and materials and/or equipment not incorporated in the work completed but delivered, suitably stored, and accompanied by suitable documentation satisfactory to the City as provided in the General Conditions. Progress payments shall be made less retainage as indicated in Paragraph 6.4 and 6.5 below, but in each case, less the aggregate of payments previously made less such amounts as the City shall determine or withhold, in accordance with of the General Conditions.

6.4 Retainage prior to Substantial Completion; If the total Contract Price at the time of Contract Execution is Five Hundred Thousand Dollars ($500,000) or more, the agreed retainage until Substantial Completions shall be five percent (5%), otherwise the agreed retainage shall be ten percent (10%).

6.5 Retainage after Substantial Completion: On projects where a long period of time is expected to occur between the Substantial Completion and Final Acceptance, retainage shall be reduced by one-half (1/2). The reduced retainage shall never be less that the expected value of any work requiring correction or unfinished work. A portion of the retainage shall always be held until issuance of a Certification of Final Completion.

ARTICLE VII: INTEREST

7.1 All monies except retainage, not paid when due as provided in the General Conditions shall bear interest at the maximum rate allowed by the law.

ARTICLE VII: CONTRACTOR'S REPRESENTATIONS

In order to induce the City to enter into this Agreement the Contractor makes the following representations:

8.1 The Contractor has examined and carefully studied the Contract Documents (including the Addenda listed in Article IX) and other related data identified in the Documents including "technical data" and performed a constructability review.

8.2 The Contractor has visited the site and become familiar with and is satisfied as to the general local and site conditions, including utilities that may affect cost, progress, performance and furnishing of the Work.

8.3 The Contractor is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance or furnishing of the Work.

8.4 The Contractor has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings if physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in the General Conditions. Contractor accepts the determination set forth in the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which the Contractor is entitled to rely as provided in the General Conditions. The Contractor acknowledges that such reports and drawings are not Contract Documents and may not be complete for the Contractor's purposes. The Contractor acknowledges that the City and the Design Professional shall not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. The Contractor has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by the Contractor and safety precautions and programs incident hereto. The Contractor does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with other terms and conditions of the Contract Documents.

8.5 The Contractor is aware of the general nature of work to be performed by the City and others at the site that relates to the Work as indicated in the

Contract Documents.

8.6 The Contractor has correlated the information known to the Contractor, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all examinations, investigations, explorations, tests, studies and data with the Contract Documents.

8.7 The Contractor has given the City written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and the written resolution thereof by the City is acceptable to the Contractor, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE IX: THE CONTRACT DOCUMENTS

The Contract Documents, which comprise the entire agreement between the FDEDC and the Contractor concerning the Work, consist of those referenced in this article. The Contract Documents are complementary, and what is called for by any one shall be as binding as if called for by all. In case of conflict between any of the Contract Documents, priority of interpretation shall be in the following order:

9.1 Any modification, including Change Orders, duly delivered after Execution of the Agreement

9.2 Addenda as issued, with Acknowledgment of Addenda if applicable

9.3 Standard Agreement for Contracting Services (this agreement)

9.4 General Conditions.

9.5 Supplemental Conditions

9.6 Technical Specifications Divisions 1 through 16

9.7 Request for Proposals (Cover Sheet and numbered sheets)

9.8 Insurance Requirements

9.9 Performance Bond, included herein

9.10 Payment Bond, included herein.

9.11 Texas Workers' Compensation

9.12 Wage Scale

9.13 Affidavit of Insurance, and Certificates of Insurance

9.14 Alcohol and Drug Free Workplace Policy

9.15 Construction Storm Preparation Policy

9.16 Hazardous Communications Program Requirement Agreement.

9.17 Homeland Security Policy

9.18 Child Support Affidavit

9.19 Unit Price Bid Form

9.20 Texas Ethics Commission Form 1295

9.21 Texas Government Code Verification

There are no Contract Documents other than those listed above in this Article IX. The Contract Documents shall only be altered, amended, or repealed by a modification (as defined in the General Conditions).

ARTICLE X: INDEMNIFICATION

CONTRACTOR SHALL PROTECT, DEFEND, INDEMNIFY, AND HOLD THE CITY, ITS OFFICERS, ELECTED OFFICIALS, AGENTS, AND EMPLOYEES, HARMLESS FROM ANY CLAIMS, FINES, DEMANDS, LOSS, DAMAGE, SUIT, AND LIABILITY OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES, FOR INJURY TO OR DEATH OF ANY PERSON, OR FOR DAMAGE TO ANY PROPERTY, CAUSED BY THE NEGLIGENT, INTENTIONAL OR WILLFUL ACTS OR OMISSIONS OF THE CONTRACTOR, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACT LABORERS, OR SUBCONTRACTORS IN THE PERFORMANCE OF THIS AGREEMENT.

CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS IN CONNECTION WITH THE SERVICES OF CONTRACTOR AND SHALL EXONERATE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS AND ALL EMPLOYEES FROM ANY AND ALL LIABILITY, LOSS OR DAMAGE ARISING OUT OF NONCOMPLIANCE

WITH SUCH LAWS, RULES AND REGULATIONS, WITHOUT LIMITATION. CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR PAYMENTS OF FEDERAL, STATE AND LOCAL TAXES OR CONTRIBUTIONS IMPOSED OR REQUIRED UNDER THE SOCIAL SECURITY, WORKER'S COMPENSATION, AND INCOME TAX LAWS WITH RESPECT TO CONTRACTOR'S EMPLOYEES. FURTHER, CONTRACTOR SHALL EXONERATE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS AND ALL EMPLOYEES FROM ANY AND ALL LIABILITY, LOSS, DAMAGES, EXPENSES OR CLAIMS ARISING OUT OF ANY ACT OR OMISSION, INTENTIONAL TORT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER OF CONTRACTOR, ITS OFFICERS, AGENTS AND EMPLOYEES IN CONNECTION WITH ANY OF THE WORK PERFORMED OR TO BE PERFORMED UNDER THIS CONTRACT BY CONTRACTOR OR AS A RESULT OF CONTRACTOR'S FAILURE TO USE AND EMPLOY REASONABLE SKILL AND CARE BEFITTING THE PROFESSION IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT. FURTHER, CONTRACTOR SHALL EXONERATE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, AND ALL EMPLOYEES FROM ANY AND ALL LIABILITY, LOSS, DAMAGES, EXPENSES OR CLAIMS FOR INFRINGEMENT OF ANY INTELLECTUAL PROPERTY ARISING OUT OF THE USE OF ANY PLANS, DESIGN, DRAWINGS, OR SPECIFICATIONS FURNISHED BY CONTRACTOR IN THE PERFORMANCE OF THIS AGREEMENT.

THE FOREGOING INDEMNIFICATION PROVISION SHALL APPLY TO CONTRACTOR REGARDLESS OF WHETHER OR NOT SAID LIABILITY, LOSS, DAMAGES, EXPENSES, OR CLAIMS IS CAUSED IN PART BY A PARTY INDEMNIFIED HEREUNDER.

THE CONTRACTOR SHALL REQUIRE ALL OF ITS APPROVED SUBCONTRACTORS TO INCLUDE IN THEIR SUBCONTRACTS, A RELEASE AND INDEMNITY IN FAVOR OF THE CITY IN SUBSTANTIALLY THE SAME FORM AS ABOVE.

ARTICLE XI: MISCELLANEOUS

11.1 Terms used in this Agreement which are defined in the General Conditions will have the meanings indicated in the General Conditions.

11.2 Termination. In addition to the termination rights elsewhere in Contract Documents, the City may terminate this Agreement as follows:

a. For Convenience.
The performance of the work may be terminated at any time in whole or in part, by the City for its convenience. Any such termination shall be effected by delivery to the Contractor of a written notice (notice of termination) specifying the extent to which performance of the work is terminated and the date upon which termination becomes effective. If, for whatever reason, this contract is terminated for cause, which is later determined not to exist, the parties agree that the contract will be deemed to be terminated for convenience. In the event of termination for convenience, the Contractor shall only be paid its reimbursable costs incurred prior to the effective date of the termination notice and shall not be entitled to receive any further payment hereunder and shall be further subject to any claim the City may have against the Contractor under other provisions of this Contract or as a matter of law, including the refund of any overpayment of reimbursable costs and/or other payment.

b. For Cause.
Without prejudice to any other legal or equitable right or remedy that the City would otherwise possess hereunder or as a matter of law, the City, upon giving the Contractor ten (10) days' prior written notice, shall be entitled to terminate this Contract in its entirety at any time for the following:
(1) If the Contractor becomes insolvent, commits any act of bankruptcy, makes a general assignment for the benefit of creditors, or becomes the subject of any proceeding commenced under any statute or law for the relief of debtors;
(2) If a receiver, trustee or liquidator of any of the property or income of the Contractor shall be appointed;
(3) If the Contractor shall fail to prosecute the work or any part thereof with diligence necessary to ensure its progress and completion as prescribed by the time schedules;
(4) If within ten (10) calendar days after written notice thereof from the City or the City's Representative, the Contractor shall fail to remedy any defective work or work that does not conform to the requirements of this Contract, specifications, and other Contract Documents, or any other default under any of the terms, provisions, conditions, or covenants contained in this Contract or any other current agreement between the Contractor and another City for similar construction work on other property; or
(5) If the Contractor shall fail for any reason other than the failure by the City to make payment called upon when due.

In the event of such termination for cause, the Contractor shall only be paid its reimbursable costs incurred prior to the effective date of the termination and shall not be entitled to receive any further payment hereunder and shall be further subject to any claim that the City's Representative or the City may have against the Contractor under the provisions of this Contract or as a matter of law, including the refund of any overpayments of reimbursable costs or other payments.

c. Procedure after Notice of Termination.
After receipt of a notice of termination, whether with or without cause, the Contractor shall, in good faith and to the best of its ability, do all things necessary in light of such notice to assure the efficient and proper close-out of the terminated work (including, but not limited to, the protection of the City's property). Among other things the Contractor shall, except as otherwise directed or approved by the City, do the following:
(1) Stop the work on the date and to the extent specified in the notice of termination;
(2) Place no further orders or subcontracts for services, equipment, or material, except as may be necessary for completion of such portion of the work as is not terminated;
(3) Immediately terminate all orders and subcontracts to the extent that they relate to the performance of the work terminated by the notice of termination;
(4) Assign to the City, in the manner and to the extent directed by it, all of the right, title and interest of the Contractor under the orders or subcontracts so terminated in which case, the City shall have the right to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
(5) With the approval of the City, settle all outstanding liabilities and all claims arising out of such termination, orders and subcontracts;
(6) Deliver to the City, when directed by the City, all documents and all property, which if the work had been completed, the Contractor would have been required to account for or deliver to the City, and transfer title to such property to the City to the extent not already transferred; and/or
(7) Take actions necessary or as otherwise directed by the City's Representative or the City for the protection and preservation of the work.

In the event of such termination, there shall be an equitable reduction of the Contract Price to reflect the reduction in the work. Costs incurred after the effective date of the notice of termination shall not be treated as reimbursable costs unless they relate to carrying out the unterminated portion or taking close-out measures, approved by the City.

11.3 No assignment by a party hereto of any rights under or interests in the

Contract Documents shall be binding on another party hereto without written consent of the party sought to be bound; and specifically but without limitation, monies that may become due and monies that are due but may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment shall release or discharge the assignor from any duty or responsibility under the Contract Documents.

11.3 The City and the Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

11.4 Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the City and the Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close to expressing the intention of the stricken provision.

11.5 Other Provisions – None.

ARTICLE XII: ADDRESSES FOR GIVING NOTICES

12.1 The City:

City of Friendswood
910 S. Friendswood Drive
Friendswood, Texas 77546

12.2 The Contractor:

Sustanite Support Services, LLC
17119 Red Oak Drive, Unit 73523
Houston, Texas 77273

ARTICLE XIII: VENUE

13.1 Any action brought by either party based on any claim arising under or as a result of this contract shall be brought in a court of competent jurisdiction in Galveston County, Texas.

EXECUTED IN on behalf of the Contractor by Bart Adams its Vice President shown below, and on behalf of the City by Mike Foreman, its Mayor, thereto duly authorized this 4th day of May, 2026.

ACCEPTED:

CITY:

CITY OF FRIENDSWOOD, TEXAS

_____
MAYOR

DATE:_____

PROPOSED AND AGREED TO:

CONTRACTOR:

SUSTANITE SUPPORT SERVICES, LLC

BY: _____
Vice President

DATE: April 17, 2026

ATTEST:

_____
CITY SECRETARY

ATTEST:

_____
(OFFICER OR SECRETARY)

APPROVED AS TO FORM:

_____
CITY ATTORNEY

END OF SECTION

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/14/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider awarding the Blackhawk Boulevard Reconstruction Phase II - Repackage C Project to Reytec Construction Resources, Inc. (CSP #2026-02).

Originating Department: Engineering

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The Blackhawk Boulevard Reconstruction Phase II-C Project is a continuation of the City's ongoing efforts to rehabilitate one of its primary transportation corridors. This phase includes full roadway reconstruction, storm sewer improvements, waterline installation, and associated infrastructure upgrades. The project is necessary to address deteriorated pavement conditions, improve drainage capacity, and enhance overall mobility and safety along the corridor.

The work will be completed in multiple phases to maintain traffic flow and access for residents, businesses, and emergency services throughout construction. Due to the complexity of reconstructing an active corridor, the project requires careful coordination of traffic control, utility work, and construction sequencing to minimize disruption and maintain operations.

The City solicited Competitive Sealed Proposals (CSP #2026-02) for this project. A total of eleven (11) proposals were received and evaluated based on qualifications, experience, project approach, and cost. The evaluation placed a strong emphasis on construction phasing, traffic control, and the ability to maintain corridor operations. The selected firm demonstrated a strong understanding of these critical elements and presented a clear, phased construction approach that prioritizes maintaining mobility, coordinating utility work, and proactively managing construction risks within an active corridor. The firm's proposal reflects relevant experience with similar roadway reconstruction projects and a practical approach to delivering the project efficiently while minimizing disruption to the public. Based on this evaluation, the firm was determined to provide the best overall value to the City.

Funding for this project is provided through the Harris County Precinct 2 Partnership Program, Streets Improvement Fund, Water/Sewer Working Capital, and Water/Sewer Bonds.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval

ATTACHMENTS

1. Form 1295 - Reytec Construction
2. HDR Letter of Recommendation
3. Reytec Proposal Package

4. Reytec - Standard Agreement
5. Government Code Verification - Reytec Construction
6. Certificate of Insurance - Reytec
7. Reytec - Performance Bond
8. Reytec - Payment Bond
9. Blackhawk Pkg C-II CSP Evaluation Summary Final

April 16, 2026

Jildardo Arias, PE
City Engineer
910 S Friendswood Drive
Friendswood, Texas 77546

Re: Blackhawk Boulevard Reconstruction Phase II Repackage C
CSP #2026-02 – Letter of Recommendation
City of Friendswood
HDR Job No. 10390880

Dear Mr. Arias,

On March 31, 2026, the City of Friendswood received eleven (11) bids for the above referenced project. The Competitive Sealed Proposal (CSP) rating methodology was utilized to score bidders based on several criteria and each of the eleven (11) bidders were ranked using the CSP Scoring Matrix.

Reytec Construction Resources, Inc. (Reytec)'s proposal of $8,629,733.50 was the most advantageous proposal and scored highest on the CSP Scoring Matrix. The proposal prices received are indicative of the current availability and cost of local construction resources.

HDR Engineering, Inc. (HDR) conducted a thorough review of the proposal, including verification of mathematical accuracy and an evaluation of the references provided by Reytec. HDR has no objections to the received bid prices and find them to be appropriate for the work involved.

Reytec has the necessary resources and has demonstrated the capability of performing the quality of work required for this type of project. Therefore, HDR recommends the City of Friendswood award the construction contract based on the highest scored proposal to Reytec with a price of $8,629,733.50.

If you have any questions, please feel free to contact us.

Sincerely,

HDR Engineering, Inc.

Ngoc Kim Le

Ngoc Kim Le, PE

Senior Project Manager

hdrinc.com

4828 Loop Central Drive, Suite 700, Houston, TX 77081-2220
T (713) 622-9264 **F** 713.622.9265
Texas Registered Engineering Firm F-754

THE STATE OF TEXAS §
§
COUNTY OF GALVESTON §

STANDARD AGREEMENT FOR CONTRACTING SERVICES

THIS AGREEMENT, entered into as of this 4th day of May, 2026, by and between the City of Friendswood, Texas (hereinafter called the "CITY") acting herein by its Mayor, duly authorized by approval of the City Council of the City of Friendswood and Reytec Construction Resources, Inc., 1901 Hollister Street, Houston, TX 77080 (hereinafter called the "CONTRACTOR") acting herein by Gregg T. Reyes, President hereunto duly authorized:

WITNESSETH THAT:

WHEREAS, the CITY and the CONTRACTOR in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE I: WORK

1.1 The Contractor shall complete all the Work as specified in the Contract Documents. The Work is generally described as follows:

Blackhawk Boulevard Reconstruction Phase II – Repackage C

1.2 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

Blackhawk Boulevard Reconstruction Phase II – Repackage C

ARTICLE II: DESIGN PROFESSIONAL

2.1 The Project has been designed by HDR Engineering, Inc., 4828 Loop Central Drive, Suite 700, Houston, TX 77081, who is hereinafter called the Design Professional and who is to act as the City's Representative, assume all duties and responsibilities and shall have the rights and authority assigned to the Design Professional in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE III: CONTRACT TIME

3.1 The Work shall be Substantially Complete within Five Hundred Forty (540) Calendar Days after the date when the Contract Time commences to run as provided by the General Conditions.

3.2 The Work shall have Final Completion and be ready for Final Payment in accordance with the General Conditions within Five Hundred Seventy (570) Calendar Days after the date when the Contract Time commences to run as provided by the General Conditions.

ARTICLE IV: LIQUIDATED DAMAGES

4.1 The City and the Contractor recognize that time is of the essence of this Agreement and that the City shall suffer financial loss if the Work is not completed within the time specified in Article 3.1 above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by the City if the Work is not completed on time. Accordingly, instead of requiring any such proof, the City and the Contractor agree that as liquidated damages for delay (not as a penalty) the Contractor shall pay the City FIVE HUNDRED Dollars ($500.00) for each day that expires after the time specified in Article 3.1, in this Agreement, for Substantial Completion until the Work is Substantially Complete.

4.2 After Substantial Completion, if the Contractor shall neglect, refuse or fail to complete the remaining Work within the time specified in Article 3.2 for Final Completion and readiness for Final Payment or any proper extension thereof granted by the City, the Contractor shall pay City Seven Hundred Fifty Dollars ($750.00) for each day that expires after the time specified in Article 3.2, in this Agreement, for Final Completion until the Work is Finally Complete and ready for Final Payment.

4.3 Contractor agrees any assessed liquidated damages may be offset against retainage held by the City.

ARTICLE V: CONTRACT PRICE

5.1 The City shall pay the Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Document 00145 – Cost Proposal Form.

5.2 TOTAL AMOUNT OF BID is Eight Million Six Hundred Twenty-Nine Thousand Seven Hundred Thirty-Three Dollars and Fifty Cents ($8,629,733.50).

5.3 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by the City as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions. Unit prices

specified as per lump sum have been computed an accordance with of the General Conditions.

ARTICLE VI: PAYMENT PROCEDURES

6.1 The Contractor shall submit Contractor Payment Application. Payment Applications shall be processed by the City as provided in the General Conditions.

6.2 Progress Payments; The City shall make progress payments on account of the Contract Price on the basis of the Contractor's Payment Application on or about the twentieth (20th) day of each month during construction as provided in Paragraph 6.3 below. All such payments shall be measured by the schedule of value established in Section 01295 – Schedule of Values (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

6.3 Prior to Substantial Completion progress payments shall be made equal to the percentage of the Work completed, as established above, and materials and/or equipment not incorporated in the work completed but delivered, suitably stored, and accompanied by suitable documentation satisfactory to the City as provided in the General Conditions. Progress payments shall be made less retainage as indicated in Paragraph 6.4 and 6.5 below, but in each case, less the aggregate of payments previously made less such amounts as the City shall determine or withhold, in accordance with of the General Conditions.

6.4 Retainage prior to Substantial Completion; If the total Contract Price at the time of Contract Execution is Five Hundred Thousand Dollars ($500,000) or more, the agreed retainage until Substantial Completions shall be five percent (5%), otherwise the agreed retainage shall be ten percent (10%).

6.5 Retainage after Substantial Completion: On projects where a long period of time is expected to occur between the Substantial Completion and Final Acceptance, retainage shall be reduced by one-half (1/2). The reduced retainage shall never be less that the expected value of any work requiring correction or unfinished work. A portion of the retainage shall always be held until issuance of a Certification of Final Completion.

ARTICLE VII: INTEREST

7.1 All monies except retainage, not paid when due as provided in the General Conditions shall bear interest at the maximum rate allowed by the law.

ARTICLE VII: CONTRACTOR'S REPRESENTATIONS

In order to induce the City to enter into this Agreement the Contractor makes the following representations:

8.1 The Contractor has examined and carefully studied the Contract Documents (including the Addenda listed in Article IX) and other related data identified in the Documents including "technical data" and performed a constructability review.

8.2 The Contractor has visited the site and become familiar with and is satisfied as to the general local and site conditions, including utilities that may affect cost, progress, performance and furnishing of the Work.

8.3 The Contractor is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance or furnishing of the Work.

8.4 The Contractor has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings if physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in the General Conditions. Contractor accepts the determination set forth in the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which the Contractor is entitled to rely as provided in the General Conditions. The Contractor acknowledges that such reports and drawings are not Contract Documents and may not be complete for the Contractor's purposes. The Contractor acknowledges that the City and the Design Professional shall not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. The Contractor has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by the Contractor and safety precautions and programs incident hereto. The Contractor does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with other terms and conditions of the Contract Documents.

8.5 The Contractor is aware of the general nature of work to be performed by

the City and others at the site that relates to the Work as indicated in the Contract Documents.

8.6 The Contractor has correlated the information known to the Contractor, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all examinations, investigations, explorations, tests, studies and data with the Contract Documents.

8.7 The Contractor has given the City written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and the written resolution thereof by the City is acceptable to the Contractor, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE IX: THE CONTRACT DOCUMENTS

The Contract Documents, which comprise the entire agreement between the FDEDC and the Contractor concerning the Work, consist of those referenced in this article. The Contract Documents are complementary, and what is called for by any one shall be as binding as if called for by all. In case of conflict between any of the Contract Documents, priority of interpretation shall be in the following order:

9.1 Any modification, including Change Orders, duly delivered after Execution of the Agreement

9.2 Addenda as issued, with Acknowledgment of Addenda if applicable

9.3 Standard Agreement for Contracting Services (this agreement)

9.4 General Conditions.

9.5 Supplemental Conditions

9.6 Technical Specifications Divisions 1 through 16

9.7 Request for Proposals (Cover Sheet and numbered sheets)

9.8 Insurance Requirements

9.9 Performance Bond, included herein

9.10 Payment Bond, included herein.

9.11 Texas Workers' Compensation

9.12 Wage Scale

9.13 Affidavit of Insurance, and Certificates of Insurance

9.14 Alcohol and Drug Free Workplace Policy

9.15 Construction Storm Preparation Policy

9.16 Hazardous Communications Program Requirement Agreement.

9.17 Homeland Security Policy

9.18 Child Support Affidavit

9.19 Unit Price Bid Form

9.20 Texas Ethics Commission Form 1295

9.21 Texas Government Code Verification

There are no Contract Documents other than those listed above in this Article IX. The Contract Documents shall only be altered, amended, or repealed by a modification (as defined in the General Conditions).

ARTICLE X: INDEMNIFICATION

CONTRACTOR SHALL PROTECT, DEFEND, INDEMNIFY, AND HOLD THE CITY, ITS OFFICERS, ELECTED OFFICIALS, AGENTS, AND EMPLOYEES, HARMLESS FROM ANY CLAIMS, FINES, DEMANDS, LOSS, DAMAGE, SUIT, AND LIABILITY OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES, FOR INJURY TO OR DEATH OF ANY PERSON, OR FOR DAMAGE TO ANY PROPERTY, CAUSED BY THE NEGLIGENT, INTENTIONAL OR WILLFUL ACTS OR OMISSIONS OF THE CONTRACTOR, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACT LABORERS, OR SUBCONTRACTORS IN THE PERFORMANCE OF THIS AGREEMENT.

CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS IN CONNECTION WITH THE SERVICES OF CONTRACTOR AND SHALL EXONERATE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS AND ALL EMPLOYEES FROM ANY AND ALL LIABILITY, LOSS OR DAMAGE ARISING OUT OF NONCOMPLIANCE

WITH SUCH LAWS, RULES AND REGULATIONS, WITHOUT LIMITATION. CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR PAYMENTS OF FEDERAL, STATE AND LOCAL TAXES OR CONTRIBUTIONS IMPOSED OR REQUIRED UNDER THE SOCIAL SECURITY, WORKER'S COMPENSATION, AND INCOME TAX LAWS WITH RESPECT TO CONTRACTOR'S EMPLOYEES. FURTHER, CONTRACTOR SHALL EXONERATE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS AND ALL EMPLOYEES FROM ANY AND ALL LIABILITY, LOSS, DAMAGES, EXPENSES OR CLAIMS ARISING OUT OF ANY ACT OR OMISSION, INTENTIONAL TORT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER OF CONTRACTOR, ITS OFFICERS, AGENTS AND EMPLOYEES IN CONNECTION WITH ANY OF THE WORK PERFORMED OR TO BE PERFORMED UNDER THIS CONTRACT BY CONTRACTOR OR AS A RESULT OF CONTRACTOR'S FAILURE TO USE AND EMPLOY REASONABLE SKILL AND CARE BEFITTING THE PROFESSION IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT. FURTHER, CONTRACTOR SHALL EXONERATE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, AND ALL EMPLOYEES FROM ANY AND ALL LIABILITY, LOSS, DAMAGES, EXPENSES OR CLAIMS FOR INFRINGEMENT OF ANY INTELLECTUAL PROPERTY ARISING OUT OF THE USE OF ANY PLANS, DESIGN, DRAWINGS, OR SPECIFICATIONS FURNISHED BY CONTRACTOR IN THE PERFORMANCE OF THIS AGREEMENT.

THE FOREGOING INDEMNIFICATION PROVISION SHALL APPLY TO CONTRACTOR REGARDLESS OF WHETHER OR NOT SAID LIABILITY, LOSS, DAMAGES, EXPENSES, OR CLAIMS IS CAUSED IN PART BY A PARTY INDEMNIFIED HEREUNDER.

THE CONTRACTOR SHALL REQUIRE ALL OF ITS APPROVED SUBCONTRACTORS TO INCLUDE IN THEIR SUBCONTRACTS, A RELEASE AND INDEMNITY IN FAVOR OF THE CITY IN SUBSTANTIALLY THE SAME FORM AS ABOVE.

ARTICLE XI: MISCELLANEOUS

11.1 Terms used in this Agreement which are defined in the General Conditions will have the meanings indicated in the General Conditions.

11.2 Termination. In addition to the termination rights elsewhere in Contract Documents, the City may terminate this Agreement as follows:

a. For Convenience.
The performance of the work may be terminated at any time in whole or in part, by the City for its convenience. Any such termination shall be effected by delivery to the Contractor of a written notice (notice of termination) specifying the extent to which performance of the work is terminated and the date upon which termination becomes effective. If, for whatever reason, this contract is terminated for cause, which is later determined not to exist, the parties agree that the contract will be deemed to be terminated for convenience. In the event of termination for convenience, the Contractor shall only be paid its reimbursable costs incurred prior to the effective date of the termination notice and shall not be entitled to receive any further payment hereunder and shall be further subject to any claim the City may have against the Contractor under other provisions of this Contract or as a matter of law, including the refund of any overpayment of reimbursable costs and/or other payment.

b. For Cause.
Without prejudice to any other legal or equitable right or remedy that the City would otherwise possess hereunder or as a matter of law, the City, upon giving the Contractor ten (10) days' prior written notice, shall be entitled to terminate this Contract in its entirety at any time for the following:
(1) If the Contractor becomes insolvent, commits any act of bankruptcy, makes a general assignment for the benefit of creditors, or becomes the subject of any proceeding commenced under any statute or law for the relief of debtors;
(2) If a receiver, trustee or liquidator of any of the property or income of the Contractor shall be appointed;
(3) If the Contractor shall fail to prosecute the work or any part thereof with diligence necessary to ensure its progress and completion as prescribed by the time schedules;
(4) If within ten (10) calendar days after written notice thereof from the City or the City's Representative, the Contractor shall fail to remedy any defective work or work that does not conform to the requirements of this Contract, specifications, and other Contract Documents, or any other default under any of the terms, provisions, conditions, or covenants contained in this Contract or any other current agreement between the Contractor and another City for similar construction work on other property; or
(5) If the Contractor shall fail for any reason other than the failure by the City to make payment called upon when due.

In the event of such termination for cause, the Contractor shall only be paid its reimbursable costs incurred prior to the effective date of the termination and shall not be entitled to receive any further payment hereunder and shall be further subject to any claim that the City's Representative or the City may have against the Contractor under the provisions of this Contract or as a matter of law, including the refund of any overpayments of reimbursable costs or other payments.

c. Procedure after Notice of Termination.
After receipt of a notice of termination, whether with or without cause, the Contractor shall, in good faith and to the best of its ability, do all things necessary in light of such notice to assure the efficient and proper close-out of the terminated work (including, but not limited to, the protection of the City's property). Among other things the Contractor shall, except as otherwise directed or approved by the City, do the following:
(1) Stop the work on the date and to the extent specified in the notice of termination;
(2) Place no further orders or subcontracts for services, equipment, or material, except as may be necessary for completion of such portion of the work as is not terminated;
(3) Immediately terminate all orders and subcontracts to the extent that they relate to the performance of the work terminated by the notice of termination;
(4) Assign to the City, in the manner and to the extent directed by it, all of the right, title and interest of the Contractor under the orders or subcontracts so terminated in which case, the City shall have the right to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
(5) With the approval of the City, settle all outstanding liabilities and all claims arising out of such termination, orders and subcontracts;
(6) Deliver to the City, when directed by the City, all documents and all property, which if the work had been completed, the Contractor would have been required to account for or deliver to the City, and transfer title to such property to the City to the extent not already transferred; and/or
(7) Take actions necessary or as otherwise directed by the City's Representative or the City for the protection and preservation of the work.

In the event of such termination, there shall be an equitable reduction of the Contract Price to reflect the reduction in the work. Costs incurred after the effective date of the notice of termination shall not be treated as reimbursable costs unless they relate to carrying out the unterminated portion or taking close-out measures, approved by the City.

11.3 No assignment by a party hereto of any rights under or interests in the

Contract Documents shall be binding on another party hereto without written consent of the party sought to be bound; and specifically but without limitation, monies that may become due and monies that are due but may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment shall release or discharge the assignor from any duty or responsibility under the Contract Documents.

11.3 The City and the Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

11.4 Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the City and the Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close to expressing the intention of the stricken provision.

11.5 Other Provisions – None.

ARTICLE XII: ADDRESSES FOR GIVING NOTICES

12.1 The City:

City of Friendswood
910 S. Friendswood Drive
Friendswood, Texas 77546

12.2 The Contractor:

Reytec Construction Resources, Inc.
1901 Hollister Street
Houston, TX 77080

ARTICLE XIII: VENUE

13.1 Any action brought by either party based on any claim arising under or as a result of this contract shall be brought in a court of competent jurisdiction in Galveston County, Texas.

EXECUTED IN on behalf of the Contractor by Gregg T. Reyes its President shown below, and on behalf of the City by Mike Foreman, its Mayor, thereto duly authorized this 4th day of May, 2026.

ACCEPTED:	**PROPOSED AND AGREED TO:**
CITY:	CONTRACTOR:
CITY OF FRIENDSWOOD, TEXAS	REYTEC CONSTRUCTION RESOURCES, INC.
_____	BY: _____
MAYOR	Gregg T. Reyes
DATE:_____	DATE: 04/23/2026

ATTEST:	**ATTEST:**
_____	_____
CITY SECRETARY	(OFFICER OR SECRETARY)

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Reytec Construction Resources, Inc. 1996 TEXAS

END OF SECTION

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/13/2026

Prepared by: Karen Horner, City Attorney

Subject: Consider authorizing the Second Amendment to the Professional Services Agreement with HDR Engineering, Inc., for the Blackhawk Boulevard Reconstruction Phase II Repackage C Project to design parallel street parking along Blackhawk Boulevard and to incorporate such design into the reconstruction project.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

On December 5, 2023, the City of Friendswood (the "City") entered into a Professional Services Agreement with HDR Engineering, Inc. ("HDR") for the Blackhawk Boulevard Reconstruction Phase II-C Project (the "Project") in an amount not to exceed $510,749.80. On August 26, 2025, the parties entered into the First Amendment to the Agreement in order to repackage the remaining work for Blackhawk Boulevard Package II-B that was not completed due to the default of the contractor. The First Amendment added an additional $79,990.00 to the Project's cost.

After the execution of the First Amendment, staff evaluated the feasibility of incorporating additional parking along this segment of Blackhawk Boulevard to serve a nearby recreational area that includes an existing backstop and is anticipated to be improved for increased use. The proposed improvement is limited to the addition of parallel street parking and does not include any modifications to the recreational area itself. The addition of parallel street parking is intended to provide improved access and convenience for this area. Incorporating the parking improvements at this stage of design allows the City to evaluate and implement the changes in a coordinated manner as part of the overall project, with any associated construction costs to be addressed during the construction phase via change order.

The proposed amendment is for the design of the parallel street parking along Blackhawk Boulevard and for the incorporation of the design into the Project. The cost of this additional effort shall not exceed $20,860.00. The scope of work for the proposed Second Amendment includes not only the design of the parallel street parking along Blackhawk Boulevard, opposite Geneva Drive intersection, but also the redesign and realignment of the sidewalk and paving grades along with the needed boundary survey.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. HDR Engineering Inc. - Blkhwk 2-C Second Amendment

2. Certificate of Insurance - HDR
3. Professional Liability - HDR
4. HDR - Form 1295
5. HDR - Govt Code Verification Form

SECOND AMENDMENT
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

This Second Amendment to the Professional Services Agreement between the City of Friendswood and HDR Engineering, Inc., dated December 5, 2023, is made by and between the same parties on the date hereinafter last specified for the Repackage Design, Phase I updated Environmental Site Assessment ("ESA") and Soil Management Plan, Bid, and Construction Administration Phase Services for Blackhawk Boulevard Reconstruction Phase II-C Project (the "Project").

W I T N E S S E T H:

WHEREAS, the City of Friendswood (the "City") and HDR Engineering, Inc. (the "Professional") did enter into the Professional Services Agreement for the Project, dated December 5, 2023, in an amount not to exceed FIVE HUNDRED TEN THOUSAND SEVEN HUNDRED FORTY-NINE AND 80/100 DOLLARS ($510,749.80) (the "Agreement"); and

WHEREAS, the City and the Professional entered into the First Amendment to the Agreement on August 26, 2025, in order to repackage the remaining work for Blackhawk Boulevard Package II-B that was not completed due to the default of the contractor and add it into the Package II-C construction contract for SEVENTY-NINE THOUSAND NINE HUNDRED NINETY AND NO/100 DOLLARS ($79,990.00) (the "First Amendment"); and

WHEREAS, the City and the Professional desire to amend the Agreement to design parallel street parking along Blackhawk Boulevard and incorporate into the Blackhawk Boulevard Reconstruction Phase II Repackage C plan drawings for TWENTY THOUSAND EIGHT HUNDRED SIXTY AND NO/100 DOLLARS ($20,860.00) ("Second Amendment");

NOW THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby mutually agree as follows:

1. Definitions. Unless a different meaning clearly appears from the context, words and phrases as used in this First Amendment shall have the same meanings as in the Agreement.

2. Amendments.

   a. Section 5 "Compensation and Method of Payment," Subsection a "Compensation" of the Agreement is hereby amended to read as follows:

      5. Compensation and Method of Payment.

         a. Compensation.
         It is agreed that total fees for the Scope of Services, including reimbursable expenses, described in Exhibit "A" shall not exceed the sum of SIX HUNDRED ELEVEN THOUSAND FIVE HUNDRED NINETY-NINE AND 80/100 DOLLARS ($611,599.80) and as more

particularly detailed in Exhibit "B," which is attached hereto and incorporated herein for all intents and purposes.

b. Exhibit "A" of the Agreement is hereby amended and replaced with a revised Exhibit "A," which is attached hereto and incorporated herein for all intents and purposes.

c. Exhibit "B" of the Agreement is hereby amended and replaced with a revised Exhibit "B," which is attached hereto and incorporated herein for all intents and purposes.

d. Exhibit "C" of the Agreement is hereby amended and replaced with a revised Exhibit "C," which is attached hereto and incorporated herein for all intents and purposes.

3. Entire Agreement. The provisions of this Second Amendment, the First Amendment, and the Agreement shall be read together and construed as one agreement; provided that in the event of any conflict or inconsistency between the provisions of this Second Amendment and the provisions of the First Amendment and/or the Agreement, the provisions of this Second Amendment shall control.

4. Interpretation. This Second Amendment has been jointly negotiated by the parties hereunder and shall not be construed against a party hereunder because that party may have assumed primary responsibility for the drafting of this Second Amendment.

5. Captions. Captions contained in the Agreement, the First Amendment, and Second Amendment are for reference only and, therefore, have no effect in construing the documents. The captions are not restrictive of the subject matter of any section.

6. No Waiver. By this Second Amendment, the City does not consent to litigation or suit, and the City hereby expressly revokes any consent to litigation that it may have granted by the terms of this Second Amendment, the First Amendment, the Agreement or any other contract or agreement or addenda, any charter, or applicable state law. Nothing contained in this Second Amendment or in the First Amendment or the Agreement shall be construed in any way to limit or to waive the City's sovereign immunity.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment in multiple copies, each of which shall be deemed to be an original, but all of which shall constitute but one and the same amendment, this ____ day of May, 2026, the date of execution by the City Manager.

CITY OF FRIENDSWOOD

By:_____
MORAD KABIRI, City Manager

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

HDR ENGINEERING, INC.

By: _____
(Signature)

Karan Khosla, PE, PTOE
(Printed Name)

Vice President
(Title)

ATTEST:

_____
(Signature)

Elizabeth C. Hoffman
(Printed Name)

Assistant Secretary
(Title)

Exhibit "A"
Scope

A. PROJECT INFORMATION

1. Project Information for Agreement. The Professional completed the design of Blackhawk Boulevard Reconstruction Phase II in July 2019. This package was shelved due to construction funds that were not available. Recently, Harris County indicated to the City that they plan to participate in funding to complete the remaining sections of Blackhawk Boulevard. Phase II-B segment is from where the Package A limits end (approximately Sta. 31+15) through Geneva intersection (approx. Sta. 20+00). Design for Phase II-B has been completed and this segment of Blackhawk Boulevard is currently under construction.

   The Professional under this Agreement shall perform one (1) design package for Phase II-C. Phase II-C is approximately from Geneva Drive to FM 2351 (0.39-mile) and Thursa Lane to FM 528 (0.16-mile). Due to budget constraints, Package C was postponed until fiscal year 2024. The Project includes paving, drainage, and water line. As part of this Project, a segment of the proposed 24" transmission water main alignment is proposed along Blackhawk Boulevard between FM 2351 and Edenvale Street. This transmission main is to be designed and constructed concurrently with the reconstruction project to minimize inconvenience to residents.

   In April 2017, the Professional completed a Phase 1 Environmental Site Assessment (Phase I ESA) for the length of Blackhawk Boulevard including the limits of Package C. Several RECs (four gas station sites and one dry cleaner site) were identified within the boundaries of Package C. In February 2023, the Professional completed an updated Phase I ESA for the length of Blackhawk Boulevard including the limits of Package C. During this Phase I ESA, one additional REC, a dry cleaner site, was identified. Through the review of the identified RECs in relation to the project limits, the Professional completed a Phase II ESA within the vicinity of the RECs in March 2023. The City of Friendswood has requested a proposal for an updated Phase I ESA to provide valid CERCLA defenses ("innocent landowner" and "bona fide prospective purchaser" protections) for the existing RECs, modify any exiting RECs and determine the presence of any additional RECs with potential to impact the project limits. In addition, the ESA II for the project area recommended a Soil Management Plan to assist with project and construction related activities.

2. Project Information for First Amendment. The First Amendment expands the scope of work to include the Professional's performance of an as-built survey of the construction work that was completed on Package II-B, repackage the plans to incorporate the remaining work to the Package II-C plans, prepare updated specifications, Opinion of Probable Construction Cost and provide additional construction administration.

B. SCOPE OF SERVICES

1. Basic Services. The Professional shall provide the following scope of services after the City's issuance of a notice to proceed:

a. Design Phase Services

The Professional shall perform the following Design Phase Services for Blackhawk Boulevard Reconstruction Phase II-C from Geneva Drive to FM 2351 and Thursa Lane to FM 528:

(1) Project Management and Meetings
- (a) Perform project management activities throughout the duration of the project design.
- (b) Attend one (1) kick-off meeting with the City, which includes the creation of an agenda and formulation of meeting minutes.
- (c) Host one (1) internal kick-off meeting, which includes the creation of an agenda and formulation of meeting minutes.
- (d) Coordination with subconsultant (Garver) on the final design phase of the 24-inch water transmission line.
- (e) Attend one (1) 60% submittal review meeting with the City, which includes the creation of an agenda and formulation of meeting minutes.
- (f) Attend one (1) 90% submittal review meeting with the City, which includes the creation of an agenda and formulation of meeting minutes.

(2) Quality Control
- (a) Perform a 60% Quality Assurance/Quality Control review.
- (b) Perform a 90% Quality Assurance/Quality Control review.
- (c) Perform a 100% Quality Assurance/Quality Control review.

(3) Repackage Design - 60% Submittal
- (a) Coordinate with respective entities to request utility information and include in the Computer Aided Drafting (CAD) drawings.
- (b) Update front-end plan sheets to reflect the updated project limits. (Plans sheets include cover sheet, index, general notes, survey control map, project layouts, and drainage area map).
- (c) Update Plan and Profile (P&P) sheets to include revised tie-in locations for paving, drainage, and water lines.
- (d) Incorporate design plan of Garver's 24-inch water transmission line design into plan sheets.
- (e) Review and incorporate plan and profiles.
- (f) Perform a site visit to observe updated changes and to walk the 24" water transmission line alignment with City and Garver.
- (g) Update Storm Water Pollution Prevention Plan (SWPPP) notes, layouts, and details.
- (h) Review and update back-end plans (City's details).
- (i) Show limits of tree protections in plan sheets. Determine if additional tree protection plans are needed for the 24" water transmission line.
- (j) Perform quantity take-off, unit price research, and develop Opinion of Probable Construction Cost (OPCC).
- (k) Compile list of required specifications.
- (l) Address QA/QC comments.

(m) Complete 60% project submittal.

(4) 90% Submittal
- (a) Incorporate 60% comments from the City into the design plans.
- (b) Adjust the Traffic Control Plan (TCP) to updated project limits while incorporating the 24-inch water line phasing and details.
- (c) Temporary Signal Layout/Details for the mast arm at FM 2351 and span wire at FM 528.
- (d) Update the signing and marking plan, including details.
- (e) Update the front-end documents, special conditions, measurement and payment, and technical specifications with the City's specifications.
- (f) Perform quantity take-offs, unit price research, and update the OPCC.
- (g) Address QA/QC comments.
- (h) Complete 90% project submittal.

(5) Final Submittal
- (a) Incorporate 90% comments from the City into the design plans.
- (b) Perform quantity take-off and OPCC adjustments with an independent person for accuracy.
- (c) Update the City's specifications for bidding purposes.
- (d) Address QA/QC comments.
- (e) Finalize Construction Documents and submit the documents to the City.
- (f) Fill out the Texas Department of Licensing and Regulation (TDLR) application for submittal.

b. Bid Phase Services

The City will enter into this phase after the acceptance of the Design Phase documents for Phase II-C. The Professional shall:

(1) Assist the City in obtaining bids for the project from qualified bidders. The City will advertise the project and will absorb all related advertising costs. The Professional will coordinate with the City and will assist in developing the wording of the advertisement.

(2) Conduct a pre-bid conference for potential bidders, including the preparation of the meeting agenda and preparing a meeting minutes summary.

(3) Distribute construction documents from the Professional's office to potential bidders. During the bidding process, provide information to and answer questions from potential bidders concerning the Project's bidding documents and prepare addendums as necessary.

(4) Attend one (1) bid opening that will be held in person.

(5) Create bid tabulations, evaluate the bids and the qualifications of the apparent low bidder and provide a Letter of Recommendation to the City as to the acceptability of the apparent low bidder.

(6) Review and check the bids for any mathematical errors.

(7) Prepare a Letter of Recommendation to be submitted to the City.

(8) Attend one (1) City Council Meeting for Awarding of Contract.

c. Construction Administration

(1) The Professional will perform project management responsibilities as necessary throughout construction phase.
(2) The Professional will prepare contracts for execution.
(3) Attend one (1) pre-construction meeting and generate meeting minutes.
(4) Review and respond accordingly to contractor submittals (assume 30) as required by the contract specifications.
(5) Attend one (1) monthly meeting (assume up to18 meetings).
(6) The Professional will perform site visits (approximately 18 times) at various stages to observe the progress and quality of executed work and to determine in general if such work is proceeding in accordance with the Contract Documents. Detailed measurements and investigations are not part of this task. Site representation is not included as part of Construction Administration.
(7) The Professional will not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor(s) or the safety precautions and programs incident to the work of the Contractor(s). The Professional's effort will be directed toward providing a greater degree of confidence for the City that the completed work of Contractor(s) will conform to the Contract Documents, but the Professional will not be responsible for the failure of Contractor(s) to perform the work in accordance with the Contract Documents. During site visits and on the basis of on-site observations, the Professional will keep the City informed of the progress of the work, endeavor to guard the City against defects and deficiencies in such work and may recommend the City disapprove or reject work failing to conform to the Contract Documents.
(8) Prepare monthly meeting agenda and meeting minutes. Meeting minutes will be distributed after each meeting.
(9) Review the contractor's pay estimates (assume 18) based on City's and Contractor's verified quantities and make payment recommendations to the City.
(10) Review and respond to contractor Request for Information (RFI) as necessary. The Professional will assume 10 RFIs.
(11) Prepare change orders (assume 4) necessitated by field conditions or at the City's direction.
(12) Conduct an initial walk-through of the Project at completion, create walkthrough punch list, and attend final walkthrough.
(13) Assist with project closeout process.
(14) Provide one (1) set of reproducible record plans (As-Builts) in an electronic format based on the red-line drawings provided to the Professional by the Contractor(s) and verified by the City inspector.

2. Special Services: The Professional shall provide the following scope of services only after the City's issuance of a notice to proceed for each special service:

a. Redesign through lane on Blackhawk Boulevard at FM 528 and Coordination with the Developer and Texas Department of Transportation (TxDOT).
From the meeting with City and developer who is extending Blackhawk Blvd east of FM 528, the developer requested that the Professional redesign the

median to add a through lane. This task would include design, coordination and meetings for proposed through lane with developer and TxDOT.

b. TxDOT permitting at FM 2351 and FM 528

This task is to include the permit to add the through lane on Blackhawk Blvd at FM 528. This may require a street tie-in permit. This task would also include coordination and meetings to obtain approval for proposed traffic control and temporary signals from TxDOT. These costs do not include any potential fees associated for obtaining approval. The City will be responsible for any fees if required for the reviewing entity.

c. Phase I Environmental Site Assessment (Phase I ESA) Update

The Professional shall update the Phase I ESA to be prepared in accordance with the American Society for Testing and Materials (ASTM) E1527-21 Standard Practice for Phase I ESAs. The goal of the Phase I ESA is to update and identify RECs within and in the vicinity of the project limits that may adversely affect the City's future use of the project limits or cause potential long-term environmental compliance obligations. One of the goals of completing a Phase I ESA is to provide "innocent landowner" and "bonafide prospective purchaser" protections afforded by Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and all appropriate inquiry protocols. Due to the age of the current ESA nearing one (1) year at the time of this executed contract, a new Phase I ESA is required.

The Phase I services will be completed pursuant to ASTM E1527-21 standards. Information can be used as supporting documentation to design or construction documents and bid packages to properly cost and provide appropriate health and safety.

(l) Subtasks in the Phase I ESA include:

(a) The Professional will order and review database reports for the vicinity of the project limits pursuant to the ASTM standard radius distances and databases. The database report will conform to ASTM standards.

(b) Two of the Professional's scientists shall conduct a site visit that will include review of the project limits from public venues. The Professional does not anticipate entering into structures or private parcels along the corridor unless access has been granted.

(c) The Professional shall review historic aerial photographs and topographic maps of the project limits.

(d) The Professional will prepare a draft of the updated Phase I ESA report. The report will be transmitted in electronic (PDF) formats. The following information will be included in the update report:

- Site soils, vegetation, and drainage characteristics
- Chain of title review
- Site and surrounding land use details and history
- Historic aerial photographs and topographic maps
- Floodplains and natural features
- Proximity of landfills, petroleum storage tanks, etc.

- Site Visit
- Interviews with relevant individuals knowledgeable about the area and any changes that have occurred since the last Phase I ESA
- Environmental records search with sources and citations (a above)
- Previous Phase II ESA detailed review of findings
- Updated RECs posing any potential liability to the project
- Updated photos of the project limits

(2) Phase I ESA Assumptions

(a) The Phase I ESA will be conducted on the project limits as outlined in the Project Description section above (0.55-mile).

(b) Reasonable site access is available to the project limits using roadworthy vehicles. The Professional will observe properties from public vantage points only.

(c) Chain of title reports will only be requested from the City for sites that have an industrial history, or some other indicator is discovered during the data review that triggers the need for investigation of title history. Costs for title reports have not been included in our estimate. If required, a supplemental scope and fee agreement will be required.

(d) The Professional will conduct interviews (oral or written) with a landowner or city manager familiar with the area and historic use of the project limits.

(e) The Professional will not contact individual landowners in the residential area without prior consent from the City.

(f) Site reconnaissance for the Phase I ESA will be conducted during a one-day mobilization using two staff members of the Professional.

(g) The Professional staff will not enter or inspect residences or habitable structures but will make general observations of the structure conditions from outside.

(h) The scope and fee estimate does not include a letter of reliance.

(i) If additional property is acquired and added to the project limits, or project designs are modified requiring modification of the database report area, a supplemental scope and fee agreement will be required.

d. Soil Management Plan (SMP)

The Professional shall prepare an SMP that can be included in a bid specification for construction or design documents to guide contractors to identify and manage unsuitable soils identified during construction.

(1) Subtasks in the SMP include:

(a) One (1) meeting with the City to review the task deliverables.

(b) One (1) draft electronic .pdf copy of the SMP will be provided. The Professional will respond to one (1) round of consolidated comments and submit a final SMP for inclusion into bid specification.

(c) The SMP will be completed based on the RECs and findings identified in the most recent Phase I and II ESA.

(d) The SMP may require updates if conditions change on the site during design and construction.

(2) SMP Assumptions

(a) The City will designate a location to stage impacted soil encountered during construction of the project, if encountered.

(b) Soils will be tested with a Photoionization Detector (PID) during excavation. Soils with a PID reading greater than 25 ppm will be placed into the approved staging area.

(c) Impacted soil can be used within the excavation. However, the City may elect to dispose of the impacted soil, if encountered.

(d) Testing and transport of impacted soil to a landfill is not included as part of this scope. If requested, additional scope can be created. The below bullets refer to additional assumptions relating to the testing and transport of impacted soil.

- Soil would be placed into drums, dumpsters or placed on plastic depending upon the volume of material encountered. All containers or piles would require that a cover be maintained through disposal.
- Samples would be collected from each different area of contaminated materials (e.g., fuel release or dry cleaner (solvent) release). Grab and composite samples will be analyzed for the receiving landfill disposal parameters. This may include Toxicity Characteristic Leaching Procedure (TCLP) VOC, TCLP SVOC, TCLP Metals, ignitability, reactivity and corrosivity. The landfill may require additional analysis, and coordination should be completed prior to soil sampling.
- Water used for decontamination of equipment will be placed directly onto the pile, dumpster or drum. Use of water will be minimalized.
- The soil should be disposed of within ninety (90) days of collecting the soil samples.
- Weight tickets from soil disposal shall be provided by the trucking company to track volume of material disposed.

(e) If materials are deemed to be hazardous, the City will designate a person to sign manifest prior to shipment.

(f) Groundwater is not expected and has not been addressed as part of the SMP.

(3) Reimbursables

(a) A budgetary amount will be allocated for reproduction including but not limited to: Civcast fee for bidding phase, EDR Report, bid and construction sets, specifications, submittals, and record drawings. Reimbursable material charges will be invoiced on the basis of direct cost plus ten percent (10%).

(b) A budgetary amount for mileage will be set as part of this contract and will be billed at the prevailing IRS rates.

(4) 24" Water Line Design by Garver
Per the City's request, a segment of 24" water line route is proposed along Blackhawk Boulevard from FM 2351 to Edenvale Street. This segment is approximately 1,500 LF and will be designed by Garver who is a subconsultant to the Professional. Garver will design the proposed 24" transmission water line and provide final signed and sealed design drawings and specifications, assist the Professional in bidding phase and construction administration phase services. See attached Garver proposal.

(5) Urban Forestry budget for Tree Protection Plans for 24" water transmission line
With the proposed 24" water line added to the Blackhawk Boulevard reconstruction, a budgetary amount is added to update tree protection plans based on the proposed 24" water alignment. The alignment will be finalized during the design phase and will require coordination with the C.N. Koehl Urban Forestry services to update tree protection plans.

(6) TDLR Review, Inspection, and Filing
The Professional will utilize Otten Consulting Group who specializes in projects that require a formal review by the TDLR. This is required for this project to meet the requirements of the Americans with Disabilities Act with regards to accessibility standards.

3. Supplemental Services

a. Supplemental Design Services.
The Professional shall perform the following design services for repackaging the remaining east half of the Blackhawk Boulevard from Package B (Geneva Drive to approximately 400 feet south of Pennystone Way) to the Package II-C plans, specifications and Opinion of Probable Construction Costs:

(1) Contact private utility companies for map requests and combine Package B and C limits.
(2) Process survey performed by C.L. Davis & Company to show the as-built survey from Package B limits.
(3) Repackage plan drawings to include new project limits (cover, index, GN, survey control map, layouts and drainage area maps).
(4) Revise tie-in points for paving and drainage on plan and profile sheets to new project limits.
(5) Repackage Storm Water Pollution Prevention Notes, Layout and Details to new project limits.
(6) Adjust traffic control plans to new project limits.
(7) Repackage Signing and Pavement Marking Plan and Details to new project limits.
(8) Repackage Tree Protection Plans to new project limits.
(9) Prepare quantity take-off and Opinions of Probable Construction Cost.
(10) Update Bid Proposal and Measurement and Payment sections in specifications.
(11) Perform a 90% QA/QC of the plan drawings, specifications and opinions of probable construction cost.

(12) Provide a 90% set of draft plan drawings, specifications and opinions of probable cost to the City and Harris County for review and comments.

(13) Address comments from City and Harris County and sign and seal plans and specifications.

(14) Submit plans to utility companies for approval and signatures for repackaged project.

(15) Provide electronic set of complete bidding documents to the City for repackaged project.

b. Reimbursables

Professional shall:

(1) Provide a budgetary amount that will be allocated for reproduction, including, but not limited to, bid and construction sets, specifications, submittals, and record drawings. Reimbursable material charges will be invoiced on the basis of direct cost plus 10%.

(2) Provide a budgetary amount for mileage that will be set as part of this Agreement and will be billed at the prevailing IRS rates.

c. Additional Construction Administration

Professional shall perform the following additional construction administration services:

(1) Provide construction administration services for estimated additional 3-month construction duration for the east half boulevard of Package II-B work.

(2) Review and respond to RFIs as required.

(3) Prepare change orders necessitated by field conditions or at the City's direction.

(4) Review the contractor's pay estimates.

(5) Attend three (3) monthly progress meetings and prepare meeting minutes summary.

(6) Attend Preliminary and Final Walk-Through.

(7) Visit the site at intervals appropriate to the various stages of construction to observe the progress and quality of executed work and to determine in general if such work is proceeding in accordance with the Contract Documents. Detailed measurements and investigations are not part of this task. Full-time site representation is not included as part of Construction Administration.

(8) The Professional will not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor(s) or the safety precautions and programs incident to the work of the Contractor(s). The Professional's effort will be directed toward providing a greater degree of confidence for the City that the completed work of Contractor(s) conforms to the Contract Documents, but the Professional will not be responsible for the failure of Contractor(s) to perform the work in accordance with the Contract Documents. During site visits and on the basis of onsite observations, the Professional shall keep the City informed of the progress of the work, shall endeavor to notify the City of potential defects and deficiencies in the Contractor's

work and may recommend the City disapprove or reject work failing to conform to the Contract Documents.

d. Survey Services

(1) The Professional will engage C.L. Davis & Company to perform the as-built survey for Package B limits between Geneva Drive and Edenvale Street (limits between Stations 20+05 to 31+25). See Attachment A.

(2) Survey will be prepared relative to (Horizontal) State Plane Coordinates (NAD83) Texas South Central Zone. (Vertical) reference will be based on NAVD88 2001 adjustment.

(3) A Signed and Sealed Survey Control Map will be provided by a Registered Professional Land Surveyor.

4. Authorized Additional Services

The Professional shall perform the following authorized additional services for the design and boundary survey for parallel street parking along Blackhawk Boulevard, opposite the Geneva Drive intersection:

a. Design Services

The Professional shall perform the following authorized additional design services:

(1) Design the parallel street parking along Blackhawk Boulevard, opposite Geneva Drive intersection.

(2) Redesign and realign the proposed 5-feet sidewalk around the proposed parallel parking.

(3) Redesign the paving grades, sidewalk, curbs and inlet in this section.

(4) Prepare a typical paving section detail, representing the proposed parallel street parking and sidewalk.

(5) Update the paving and drainage on plan and profile sheets to incorporate the parallel parking on Sheet Nos. 16 and 17.

(6) Update the striping and signing on Sheet No. 100.

(7) Add Modified Grate Inlet Detail to Sheet No. 53.

(8) Add Typical Paving Section Detail for proposed parallel street parking limits and sidewalk on Sheet No. 47.

(9) Prepare quantity take-off on items associated with the parallel street parking and utilize the unit prices from the awarded contract.

(10) Perform Quality Assurance/Quality Control review and address comments.

(11) Submit updated revision plan sheets and quantities for the 90% submittal review.

(12) Meet with the City to discuss the submittal and prepare meeting minutes summary.

(13) Address comments from City and sign and seal revision sheets.

(14) Provide electronic set of revision sheets to City, Harris County and awarded contractor.

(15) Prepare change order to be presented to the awarded contractor for the authorized additional services.

b. Boundary Survey Metes and Bounds

(1) The Professional will engage C.L. Davis & Company to prepare a boundary survey on a 10'-wide strip along the easterly right-of-way line of Blackhawk Boulevard out of Reserve "J," Wedgewood Village Section 2.

(2) Survey will be prepared relative to (Horizontal) State Plane Coordinates (NAD83) Texas South Central Zone. (Vertical) reference will be based on NAVD88 2001 adjustment.

(3) A Signed and Sealed Survey Control Map will be provided by a Registered Professional Land Surveyor.

5. Additional Services:

The City shall not be responsible or liable for any additional services performed by the Professional unless such additional services have been approved in writing prior to the performance of the same. The Professional will perform additional services at a price agreed upon by the Parties in writing prior to the performance of such services. Additional services may include, but not be limited to, the following:

a. Services resulting from significant changes in the extent of the project or its design, including, but not limited to, changes in size, complexity, the City's schedule, or character of construction or method of financing; and revising previously accepted studies, reports design documents or Contract Documents when such revisions are due to causes beyond the Professional's control.

b. Preparing documents for alternate bids outside of the original scope requested by the City or documents for out-of-sequence work.

c. Preparing to serve or serving as a consultant or witness for the City in any litigation, public hearing or other legal or administrative proceeding involving the Project.

The Professional will apprise the City of any potential additional or extended services that may result from the above-listed items prior to the Professional's expenditure of time on such services. As previously noted, any such extended or additional services shall only be performed when directed by the City in writing to the Professional.

Exhibit "B"
Compensation

Basic Special, Supplemental, and Authorized Additional Services
Basic, Special, Supplemental, and Authorized Services required under this Agreement shall be a fee not to exceed SIX HUNDRED ELEVEN THOUSAND FIVE HUNDRED NINETY-NINE AND 80/100 DOLLARS ($611,599.80) for the Project based upon the following and as detailed in Exhibits "B-1," "B-2," and "B-3" which are attached hereto and incorporated herein for all intents and purposes:

Basic Services**	
Description	**Cost Not-to-Exceed**
Design Services (Lump Sum)	$188,895.00
Bid Phase Services (Lump Sum)	$8,760.00
Construction Phase Services (Hourly)	$115,475.00
Total Basic Services	**$313,130.00**
Special Services**	
Description	**Cost Not to Exceed**
FM 528 Redesign and Coordination (Hourly)	$15,160.00
TxDOT permitting at FM 2351 and FM 528 (Hourly)	$16,280.00
Phase I ESA Update (Lump Sum)	$7,550.00
Soil Management Plan (Lump Sum)	$11,650.00
Reimbursables (Cost Plus 10%)*	$6,600.00
24" Transmission Water Line Design (Cost Plus 10%)	$131,304.80
Urban Forestry Services for Tree Protection Plans (Cost Plus 10%)	$7,700.00
TDLR (Cost plus 10%)	$1,375.00
Total Special Services	**$197,619.80**
Supplemental Services***	
Description	**Cost Not to Exceed**
Design Basic Services (Lump Sum)	$40,600.00
Reimbursables (Cost Plus 10%)*	$550.00
Additional Construction Administration Services (Hourly)**	$19,920.00
Survey Services (Subcontractor Cost Plus 10%)	$18,920.00
Total Supplemental Services	**$79,990.00**
Authorized Additional Services****	
Description	**Cost Not to Exceed**
Design Services for Street Parking (Lump Sum)	$11,840.00
Boundary Survey Services (Subcontractor Cost + 10%)	$9,020.00
Total Supplemental Services No. 2	**$20,860.00**
Total Basic, Special, and Supplemental Services	**$611,599.80**

*Reimbursable expenses shall include costs for incidental items such as parking, mileage, deliveries, and copies. Such expenses will be invoiced to the City at the Professional's direct cost plus 10%, except that mileage will be invoiced at the IRS rate, which is currently $0.725 per mile. Reimbursable expenses will not exceed SEVEN THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS ($7,150.00) as noted hereinabove.

Additionally, expenses associated with transportation, including, but not limited to, meals, travel, and lodging, must be approved in writing by the City prior to the Professional incurring any expense associated therewith;

otherwise, the Parties hereto agree and understand that the City shall not be liable, and the Professional shall not make a claim against the City for any such expenses.

** Based upon Exhibit "B-1."

*** Based upon Exhibit "B-2."

****Based upon Exhibit "B-3"

Exhibit "B-1"
Basic and Special Services

WBS	Task Name	Principal	Senior Project Manager	Project Manager	Senior Drainage Designer	Project Engineer	Traffic Engineer	Cadd Operator	QC Coordinator	QC Reviewer (General)	Sr. Hazmat QC Reviewer	Environmental Project Manager	Environmental Scientist I	GIS Analyst	Project Acct.	Admin	Construction Manager	Expenses	Quantity	Total Amount
1	**Design Basic Services**	8	26	242	5	357	20	319	6	36	0	1	5	0	16	14	0	0	**1055**	**$188,895.00**
1.1	**Project Management and Meetings**	5	8	82	1	55	5	21	0	0	0	1	5	0	16	0	0	0	**199**	**$38,770.00**
1.1.1	Project Management	4		24											16				44	$8,720.00
1.1.2	Kick-Off Meeting w/ City including agenda and minutes		3	5		8													16	$3,225.00
1.1.3	Kick-Off Meeting Internal, including agenda and minutes	1	1	3	1	1	1	1				1	1						11	$2,635.00
1.1.4	Coordination with Subconsultant (Garver) on 24" water line		4	40		30		20											94	$18,080.00
1.1.5	60% Submittal Review Meeting with City including agenda and minutes			6		8							4						18	$2,950.00
1.1.6	90% Submittal Review Meeting with City including agenda and minutes			4		8	4												16	$3,160.00
1.2	**Quality Control**	3	0	3	0	0	0	0	6	36	0	0	0	0	0	0	0	0	**48**	**$13,305.00**
1.2.1	60% QA/QC	1		1					2	12									16	$4,435.00
1.2.2	90% QA/QC	1		1					2	12									16	$4,435.00
1.2.3	Final 100% QA/QC	1		1					2	12									16	$4,435.00
1.3	**Repackage Design**	0	18	157	4	302	15	298	0	0	0	0	0	0	0	14	0	0	**808**	**$136,820.00**
1.3.1	**60% Submittal**	0	7	85	4	136	0	160	0	0	0	0	0	0	0	0	0	0	**392**	**$66,945.00**
1.3.1.1	Utility Request/Coordination, cadd utility information			4		24		12											40	$5,960.00
1.3.1.2	Update Front End Plans to project limits (cover, index, GN, survey control map, layouts, drainage area map)			6		12		24											42	$6,750.00
1.3.1.3	Revise tie-in points for paving, drainage and water line on P&Ps			4		8		12											24	$3,880.00
1.3.1.4	Review and incorporate plan and profiles		4	40	4	20		60											128	$24,380.00
1.3.1.5	Site visit for updated changes and 24" water line alignment			8		10		8											26	$4,500.00
1.3.1.6	Update SWPPP Notes, Layout and Details			1		4		8											13	$2,005.00
1.3.1.7	Back End Plans (City's details)			2		4		8											14	$2,250.00
1.3.1.8	Show limits of Tree Protection			2		6		4											12	$1,890.00
1.3.1.9	Quantity Take-off, unit price research and OPCC		2	6		24													32	$5,230.00
1.3.1.10	List of Specifications		1	2		4													7	$1,330.00
1.3.1.11	Address QA/QC Comments			6		12		20											38	$6,130.00
1.3.1.12	Complete Submittal			4		8		4											16	$2,640.00
1.3.2	**90% Submittal**	0	7	45	0	98	10	98	0	0	0	0	0	0	0	10	0	0	**268**	**$45,095.00**
1.3.2.1	Incorporate 60% City Comments		2	8		12	4	24											50	$9,020.00
1.3.2.2	Adust TCP to project limits, incorporate 24" water line phasing and details		2	8		16	2	30											58	$9,900.00
1.3.2.3	Temporary Signal Layout /Details (mast arm at FM 2351 and span wire at FM 528)			2		4	4	12											22	$4,010.00
1.3.2.4	Signing and Marking Plan /Details			1		2		4											7	$1,125.00
1.3.2.5	Update with City's Specifications (Front End, Special Conditions, Measurement and Payment and Technical Specifications)		1	10		32										10			53	$7,980.00
1.3.2.6	Quantity Take-off, unit price research and OPCC		2	6		16													24	$4,190.00
1.3.2.7	Address QA/QC Comments			6		12		20											38	$6,130.00
1.3.2.8	Complete Submittal			4		4		8											16	$2,740.00
1.3.3	**Final Submittal**	0	4	27	0	68	5	40	0	0	0	0	0	0	0	4	0	0	**148**	**$24,780.00**
1.3.3.1	Incorporate 90% City Comments		2	8		12	4	24											50	$9,020.00
1.3.3.2	Quantity Take-off including independent person and OPCC		2	6		32													40	$6,270.00

WBS	Task Name	Principal	Senior Project Manager	Project Manager	Senior Drainage Designer	Project Engineer	Traffic Engineer	Cadd Operator	QC Coordinator	QC Reviewer (General)	Sr. Hazm at QC Reviewer	Environmental Project Manager	Environmental Scientist I	GIS Analyst	Project Acct.	Admin	Construction Manager	Expenses	Quantity	Total Amount
1.3.3.3	Update City's Specifications for bidding			4		8										4			16	$2,440.00
1.3.3.4	Address QA/QC Comments			4		8		12											24	$3,880.00
1.3.3.5	Finalize Construction Documents and Submit to City			4		4	1	4											13	$2,405.00
1.3.3.6	Fill out TDLR application for submittal			1		4													5	$765.00
2	**FM 528 Redesign and Coordination**	0	0	20	0	24	12	24	0	0	0	0	0	0	0	0	0	$ -	**80**	**$15,160.00**
3	**TxDOT permitting at FM 2351 and FM 528**	0	2	24	0	40	8	12	0	0	0	0	0	0	0	4	0	$ -	**90**	**$16,280.00**
4	**Phase I ESA Update**	0	0	2	0	0	0	0	0	0	2	13	28	3	1	4	0	$ -	**53**	**$7,550.00**
5	**Soil Management Plan**	0	2	4	0	0	0	0	0	0	10	8	32	8	1	2	0	$ 1,000.00	**67**	**$11,650.00**
6	**Reimbursable**																	$ 6,000.00		**$ 6,600.00**
7	**Bid Phase**	0	0	20	0	20	0	0	0	0	0	0	0	0	0	12	0	0	**52**	**$8,760.00**
7.1	Assist the City with Bidders			1		1													2	$375.00
7.2	Pre-Bid Agenda, Conference & Prepare Minutes			4		8													12	$2,020.00
7.3	Addenda & Answer Questions			8		4													12	$2,480.00
7.4	Attend Bid Opening			2															2	$490.00
7.5	Prepare Bid Tabulation															4			4	$420.00
7.6	Review/Check Bids for Mathematical Errors			1		3													4	$635.00
7.7	Prepare Letter of Recommendation			2		4										8			14	$1,850.00
7.8	Attend Council Meeting for award of contract			2															2	$490.00
8	**Construction Administration (Estimated 18-month duration)**	0	10	257	0	198	0	58	1	4	0	0	0	0	40	12	30	0	**610**	**$115,475.00**
8.1	Project Management			40											40				80	$13,400.00
8.2	Prepare contracts for execution			1		2										4			7	$925.00
8.3	Pre-con meeting and minutes			4		6													10	$1,760.00
8.4	Submittals (assume 30)			20		10											30		60	$14,600.00
8.5	Monthly meeting (assume 18 meeting 2 hr each)		4	36		36													76	$14,780.00
8.6	Site Visits (18 times)		2	18		18													38	$7,390.00
8.7	Preparing agenda, meeting minutes, and send them out			18		54													72	$11,430.00
8.8	Pay Estimates (assume 18)			36															36	$8,820.00
8.9	RFI (assume 10)		2	40		30		10											82	$15,890.00
8.10	Change order (Assume 4)		2	24		16		8											50	$9,840.00
8.11	Attend Final Walkthrough			8		8													16	$3,000.00
8.12	Close out			6		2										8			16	$2,570.00
8.13	Incorporate As-Builts into Record Drawings			6		16		40	1	4									67	$11,070.00

Task	Fee Summary	
1	Design Basic Services	$188,895.00
2	FM 528 Redesign and Coordination	$15,160.00
3	TxDOT permitting at FM 2351 and FM 528	$16,280.00
4	Phase I ESA Update	$7,550.00
5	Soil Management Plan	$11,650.00
6	Reimbursable	$6,600.00
7	Bid Phase	$8,760.00
8	Construction Administration (Estimated 18-month duration)	$115,475.00
SUB	24" Water Line Design by Garver	$131,304.80
SUB	Urban Forestry Services	$7,700.00
SUB	TDLR (Cost Plus 10%)	$1,375.00
	Total:	**$510,749.80**

Exhibit "B-2"
Supplemental Services

WBS	Task Name	Principal	Senior Project Manager	Project Manager	Senior Drainage Designer	Project Engineer	Cadd Operator	QC Reviewer (General)	Project Acct.	Admin	Expenses	Quantity	Total Amount
		$ 330.00	$ 320.00	$ 270.00	$ 360.00	$ 140.00	$ 160.00	$ 300.00	$ 110.00	$ 105.00	110%		
1	**Design Basic Services**	1	5	39	1	70	88	8	6	8	0	**226**	**$40,600.00**
1.1	**Project Management and Meetings**	1	2	7	0	6	0	0	6	0	0	**22**	**$4,360.00**
1.1.1	Project Management	1		3					6			10	$1,800.00
1.1.2	90% Submittal Review Meeting with City		2	4		6						12	$2,560.00
1.2	**Quality Control**	0	0	2	0	0	0	8	0	0	0	**10**	**$2,940.00**
1.2.1	90% QA/QC			2				8				10	$2,940.00
1.3	**Repackage Design**	0	3	30	1	64	88	0	0	8	0	**194**	**$33,300.00**
1.3.1	**90% Submittal**	0	2	23	1	52	78	0	0	8	0	**164**	**$27,810.00**
1.3.1.1	Utility Coordination			2		8	4					14	$2,300.00
1.3.1.2	Process updated survey			1		2	16					19	$3,110.00
1.3.1.3	Update Front End Plans to project limits (cover, index, GN, survey control map, layouts, drainage area map)			1		4	10					15	$2,430.00
1.3.1.4	Revise tie-in points for paving and drainage on P&Ps			2	1	4	6					13	$2,420.00
1.3.1.5	Update SWPPP Notes, Layout and Details			1		2	6					9	$1,510.00
1.3.1.6	Adust TCP to project limits and details		1	4		8	16					29	$5,080.00
1.3.1.7	Signing and Marking Plan /Details			1		1	4					6	$1,050.00
1.3.1.8	Show limits of Tree Protection			1		1	2					4	$730.00
1.3.1.9	Quantity Take-off and Cost Estimate		1	3		8	2					14	$2,570.00
1.3.1.10	Update with City's Specifications (Front End, Special Conditions, Measurement and Payment and Technical Specifications)			3		6				8		17	$2,490.00
1.3.1.11	Address QA/QC Comments			2		4	8					14	$2,380.00
1.3.1.12	Complete Submittal			2		4	4					10	$1,740.00
1.3.4	**Final**	0	1	7	0	12	10	0	0	0	0	**30**	**$5,490.00**
1.3.4.1	Incorporate 90% City Comments			3		8	6					17	$2,890.00
1.3.4.2	Finalize Construction Documents and Submit to City		1	4		4	4					13	$2,600.00

WBS	Task Name	Principal	Senior Project Manager	Project Manager	Senior Drainage Designer	Project Engineer	Cadd Operator	QC Reviewer (General)	Project Acct.	Admin	Expenses	Quantity	Total Amount
		$ 330.00	$ 320.00	$ 270.00	$ 360.00	$ 140.00	$ 160.00	$ 300.00	$ 110.00	$ 105.00	110%		
2	**Reimbursable**										$ 500.00		**$ 550.00**
3	**Construction Administration**	1	1	37	0	41	18	0	6	0	0	**104**	**$19,920.00**
3.1	Project Management	1		3					6			10	$1,800.00
3.2	Monthly meeting (assume 3 meetings 3 hrs each to include agenda and sign-in sheet)			9		9						18	$3,690.00
3.3	Site Visits (3 times)			3		3						6	$1,230.00
3.4	Preparing meeting minutes and send them out			3		6						9	$1,650.00
3.5	Pay Estimates (assume 3)			3		3						6	$1,230.00
3.6	RFI (assume 2)			4		4	2					10	$1,960.00
3.7	Change order (Assume 1)		1	4		4	4					13	$2,600.00
3.8	Prelim/Final Walkthrough and Punch List			6		6						12	$2,460.00
3.9	As Builts			2		6	12					20	$3,300.00

Task	Fee Summary	
1	Design Basic Services	$40,600.00
2	Reimbursable	$550.00
3	Construction Administration	$19,920.00
	Survey (Sub Cost + 10%)	$18,920.00
	Total:	**$79,990.00**

Exhibit "B-3"
Authorized Additional Services

WBS	Task Name	Principal	Project Manager	Project Engineer	Cadd Operator	QC Reviewer (General)	Project Acct.	Quantity	Total Amount
		$ 350.00	$ 300.00	$ 150.00	$ 175.00	$ 320.00	$ 120.00		
1	**Design Services for Street Parking for Wedgewood Village HOA**	1	14	21	18	2	2	**59**	**$11,840.00**
1.1	Project Management	1	2				2	5	$1,190.00
1.2	Update plan and profile sheets to incorporate the parallel parking		4	8	8			20	$3,800.00
1.3	Update the striping and signing sheet		1	2	2			5	$950.00
1.4	Add Modified Grate Inlet Detail		0.5	1	1			3.5	$585.00
1.5	Add Typical Paving Section Detail		0.5	1	1			2.5	$475.00
1.6	Prepare quantity take-off		1	2				3	$600.00
1.7	QAQC Plans and Addressed Comments		1	2	4	2		9	$1,940.00
1.8	90% Submittal Review Meeting with City		2	2				4	$900.00
1.9	Addressed City's Comments and Signed and Sealed Plans		2	3	2			7	$1,400.00
	Fee Summary								
1	Design Services for Street Parking for Wedgewood Village HOA								$11,840.00
SUB	Boundary Survey by CL Davis & Company								$9,020.00
	Total Fee Summary								**$20,860.00**

Exhibit "B-3," Page Solo

Exhibit "C"
Schedule

Basic Services	
Description	**Completion**
Kickoff Meeting	14 days from Notice to Proceed
Design Services	
60% Design Documents	60 days from receipt of Topographic Survey, Environmental Site Assessment and Geotechnical Report
90% Design Documents	60 days from 60% Design Meeting
Final Design Documents	45 days from 90% Design Meeting
Bid Phase Services	Upon completion of Design Phase Services
Construction Phase Services	Upon final payment to Contractor
Special Services	
Description	**Completion**
TDLR	
Phase I ESA Update Order and Review Data Base Reports Site Visit Draft Phase I ESA Report Final Phase I ESA Report	 10 business days of NTP 20 business days of NTP 20 business days from completion of site visit 10 business days of receipt of written comments from City
Phase II ESA Site Visit Draft Phase II ESA Report Final Phase II ESA Report	 21 business days of NTP 25 business days of completion of site visit 20 business days of receipt of written comments from City
Drilling Services	Commensurate with ESA's
Laboratory Testing	Commensurate with ESA's
Supplemental Services	
Design Basic Services	70 business days from the NTP for Supplemental Services
Survey Services	70 business days from the NTP for Supplemental Services
Construction Administration Services	Upon final payment to Contractor
Authorized Additional Services	
Design Basic Services	30 business days from the NTP for Authorized Additional Services

*Business day means any day except any Saturday, any Sunday, or any day which is the City recognizes as a holiday.

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 03/02/2026

Prepared by: Karen Horner, City Attorney

Subject: Consider an Interlocal Agreement with the County of Galveston to partially fund improvements to city streets within the city limits of Friendswood, Texas.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

Galveston County (the "County") has agreed to allocate $6,000,000 in road funds to be used as the County's share for the Friendswood Parkway Project, which consists of approximately 2,100 LF of new concrete pavement from West Parkwood Avenue to Wilderness Trail (the "Project"). Two lanes of an ultimate four-lane divided boulevard section will be designed and constructed as part of this Project, including storm sewer and a bridge over Chigger Creek. This funding is part of the County's road bond program and represents a partnership opportunity to advance a key segment of the Friendswood Parkway corridor. The Project is limited to this segment and represents a portion of the ultimate Friendswood Parkway corridor.

Pursuant to this proposed interlocal agreement,

The County will:

a. Design, construct and manage the project per the City's requirements.
b. Furnish the City with a set of plans and specifications;
c. Transfer any and all warranties to the City;
d. Resolve any disputes with contractor(s);
e. Inform the City of any additional right-of-way required;
f. Inform the City of any utilities requiring relocation; and
g. Coordinate with the City throughout design and construction.

The City will:

a. Deal with local citizen issues and questions during design and construction;
b. Provide any necessary right-of-way;
c. Provide construction requirements during the design phase of the Project;
d. After completion of the Project, be responsible for such maintenance and upkeep as is required to keep the Project properly functioning; and
e. Assist in utility relocations and provide funding for such relocations.

The County's total financial participation under this agreement is limited to $6,000,000. Should the total cost of the Project exceed this amount, the City will either provide additional funding, subject to City Council approval, or work with the County to revise the scope of the Project to remain within the allocated budget. Additionally, upon completion of construction, maintenance responsibilities will be those of the City.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. Interlocal with Galveston County for Funding of Street Improvements

The State of Texas §
§
County of Galveston §

Interlocal Agreement to Partially Fund Improvements to City Streets within the City Limits of Friendswood, Texas

This Agreement is entered into pursuant to Chapter 791, Texas Government Code, and Transportation Code §251.012. It is by and between the **County of Galveston**, hereinafter referred to as the "County," and the **City of Friendswood,** a home-rule municipality, hereinafter referred to as the "City," both of which are political subdivisions of the State of Texas.

A. Preamble

The parties agree:

The County allocated $6,000,000.00 in road funds to be used as the County's share for road improvements in the City.

B. Project

The City has selected the Friendswood Parkway Extension Project (the "Project").

The Project consists of approximately 2,100 linear feet of new concrete roadway, extending from a point approximately 600 feet north of West Parkwood Avenue to Wilderness Trail. The Project includes the design and construction of two lanes of an ultimate four-lane divided boulevard, including storm sewer infrastructure, a bridge crossing Chigger Creek.

The Project generally follows an existing 60-foot right-of-way, as reflected in historical survey documents, with ultimate plans to establish a 120-foot right-of-way corridor consistent with the planned ultimate section of Friendswood Parkway.

C. City Approval

As required by the **Texas Transportation Code §251.012,** the City gives its approval to the County to finance the Project up to the limits established herein.

D. Payment

The County will finance the project without any City funds up to $6,000,000.00.

After the Project has been designed and bids have been received, the County will notify the City of the bids and provide it a copy of the same. Should the Project cost exceed $6,000,000.00, the City will either (i) provide the County with the City’s portion of the Project costs after approval of the City Council or (ii) work with the County to revise the

scope of the Project. Upon receipt of the City's share of the costs if any, the County will award the construction contract and proceed with construction of the Project. If the scope of the Project is revised prior to the award, the County shall award the contract with the new Project scope or rebid the Project, whichever is appropriate and in compliance with all applicable law. Should any change orders be necessary during construction that exceed the County's agreed share, the County will notify the City of the cost and reason for the change order, and the City will either (i) provide payment to the County after the City Council's approval of the same or (ii) will work with the County to bring the Project within the amounts previously authorized by both parties.

E. Duties

1. The County will:

    a. Design, construct, and manage the Project per the City's requirements;
    b. Furnish the City with a set of plans and specifications;
    c. Transfer any and all warranties to the City;
    d. Resolve any disputes with contractor(s);
    e. Inform the City of any additional rights-of-way required; and
    f. Inform the City of any utilities requiring relocation.

2. The City will:

    a. Deal with local citizen issues and questions during design and construction;
    b. Provide any necessary additional rights-of-way;
    c. Provide construction requirements during the design phase of the Project;
    d. After completion of the Project, be responsible for such maintenance and upkeep as is required to keep the Project properly functioning; and
    e. Assist in utility relocations and provide funding for such relocations as authorized by the City Council.

F. Completion of Project

Upon completion and acceptance of this Project, the County's responsibility under this Agreement ends.

G. General Provisions:

1. Anything in this Agreement to the contrary notwithstanding, in no event shall any provision of this Agreement be construed to impose, create, or increase any liability to any third party whatsoever; and in no manner shall this Agreement be construed to operate for the benefit of any third party.
2. This Agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understanding or written or oral agreement between the parties representing the subject matter within.
3. Each party represents that it has full authorization to enter into this Agreement as required by law.
4. The parties agree to make any payments made pursuant to this Agreement from current

revenues.

5. This Agreement may be executed in multiple originals.
6. In case any one or more of the provisions contained in the Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such fact shall not affect any other provision thereof, and this Agreement shall be construed as if the stricken provision had never been contained herein.
7. Each party to this Agreement agrees that in any legal action brought hereunder, venue shall lie in Galveston County, Texas. The validity of this Agreement and of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas.
8. It is expressly understood and agreed that under this Agreement, neither party waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

Executed this _____ day of _____, 2026.

County of Galveston

By: _____
Mark Henry
County Judge

Attest:

_____
Dwight Sullivan
County Clerk

Executed this _____ day of _____, 2026.

City of Friendswood

By: _____
Morad Kabiri
City Manager

Attest:

_____
Raquel Martinez
City Secretary

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/08/2026

Prepared by: Leticia Brysch, Assistant City Manager

Subject: Consider appointing a Grand Marshal of the City's 2026 4th of July Grand Parade.

Originating Department: City Secretary

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This item allows the City Council to consider the nomination of and appoint the Honorable Larry Taylor, for this year's 4th of July Parade Grand Marshal.

On April 8, 2026, as the City Secretary's Office did not receive any nominations for Grand Marshal within the designated deadline of March 1st, Mayor Mike Foreman, in compliance with the City's Grand Marshal Selection Policy, extended the application deadline to April 15, 2026.

On April 8, 2026, the City Secretary's Office received an application nominating Friendswood resident, the Honorable Larry Taylor.

Former Texas Senator Larry Taylor is a lifelong Texan and Baylor University graduate raised in Friendswood. He has three adult children and five grandchildren. Senator Taylor formerly owned Truman Taylor Insurance Agency in Friendswood, an independent agency started by his father more than 50 years ago. The agency merged with Galveston Insurance Associates in 2017. Before his election to the Texas Senate in 2012, he served five terms in the Texas House of Representatives and three years as councilmember on the Friendswood City Council (1999-2001). Senator Taylor served five sessions in the Texas Senate, four of them as Chair of the Senate Committee on Education. For more information on Mr. Taylor, his nomination form is attached for your review.

There is no fiscal impact associated with this item.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. Re_ Extending the application deadline - Grand Marshal Selection Policy
2. 2026 Grand Marshal Application_Redacted - Taylor, Larry

From: Mike Foreman
To: Leticia Brysch
Subject: Re: Extending the application deadline - Grand Marshal Selection Policy
Date: Wednesday, April 8, 2026 2:59:29 PM
Attachments: image001.png
image002.png

Yes, I am extending the deadline this year for such an excellent candidate.
Mike

> On Apr 8, 2026, at 2:56 PM, Leticia Brysch <lbrysch@friendswood.com> wrote:
>
> Good afternoon, Mayor Foreman:
>
> As the City Secretary's Office did not receive any nomination for Grand Marshal within the designated deadline of March 1st, can you please extend the nomination deadline pursuant to the City of Friendswood Grand Marshal Selection Policy, which states in part:
>
> > Nominations must be submitted via application on the City's website to the City Secretary at citysecretary@friendswood.com and received on or before March 1st of the year in which the parade will be held; provided that such date may be extended upon approval of the Mayor.
>
> Do you approve the extension of this deadline to April 15, 2026, I believe that we will receive a completed application in the next few days, but would like you to officially extend the deadline in order to received in compliance with the Council's policy.
>
> Please let me know how you would like to proceed.
>
> Thanks so much!
> Lettie
> ***Leticia "Lettie" Brysch***
> <image001.png>
>
> **Assistant City Manager**
> lbrysch@friendswood.com
> Phone: (281) 996-3270 Fax: (281) 482-1634
> 910 S. Friendswood Dr. Friendswood, Texas 77546
> <image002.png>

CITY OF FRIENDSWOOD
Applications must be submitted to the City Secretary's Office via email to: citysecretary@friendswood.com

FOR OFFICE USE ONLY
Date Received: '26 APR- 8 3:23PM
Date of Meeting: 5/04/2026
Date of Response: _____

4TH OF JULY GRAND MARSHAL APPLICATION

Applicant Information

Applicant's Name: Leticia Brysch
Mailing Address: [redacted] Friendswood, Texas Zip: 77546
Home Phone: _____ Mobile [redacted] Email: lbrysch@friendswood.com

Nominee's Information

Nominee's Name: Larry Taylor
Mailing Address: [redacted] Friendswood, Texas Zip: 77546
Home Phone: _____ Mobile [redacted] Email: [redacted]

Basis of Application

Select the basis on which the Nominee qualifies:

- ☒ Civic and/or social services
- ☐ Humanitarianism
- ☐ Personal achievements in the areas of the arts, sports, etc.
- ☒ Distinction brought to Friendswood resulting from achievements elsewhere

Has the Nominee been a Grand Marshal for the City's parade in the past? ☐ Yes ☒ No

Description of the Nominee's act(s) or which have displayed outstanding service, support, and commitment to the community, county, state, and/or country.

The Honorable Larry Taylor was raised in Friendswood and owned Truman Insurance Agency in Friendswood, a business started by his father over 50 years ago. Mr. Taylor has a long history of public service and volunteerism to include: (1) five terms in the Texas House of Representatives, (2) five more in the Texas Senate, and (3) multiple City boards. For more information, please see the attached bio.

Applicant's Signature

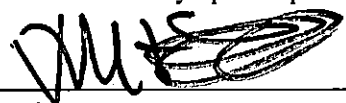
I have read and understand the City of Friendswood's Grand Marshal Selection Policy and affirm that I have visited with the Nominee, who is willing to undergo a background check and to serve if selected by the City Council.

Applicant's Signature 04/08/2026 (Date)

Additional sheets may be submitted for consideration.

References' Signatures

I have read the foregoing application and desire to support the nominee. I further affirm that I am a qualified voter of the City of Friendswood and have not signed as an applicant or a reference for another nominee for Grand Marshal this year. I am willing to provide additional information to the City upon request.

Reference's Signature: 

Reference's Printed Name: Kevin Holland

Reference's Mailing Address: [redacted] Friendswood, Texas Zip: 77546

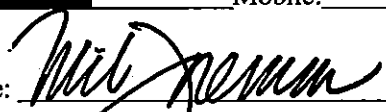
Home Phone: [redacted] Mobile: Email: [redacted]

Reference's Signature:

Reference's Printed Name: Dave Smith

Reference's Mailing Address: [redacted] Friendswood, Texas Zip: 77546

Home Phone: [redacted] Mobile: Email: [redacted]

Reference's Signature: 

Reference's Printed Name: Mike Foreman

Reference's Mailing Address: [redacted] Friendswood, Texas Zip: 77546

Home Phone: 281-996-3270 Mobile: Email: mayor@friendswood.com

Additional sheets may be submitted for consideration.

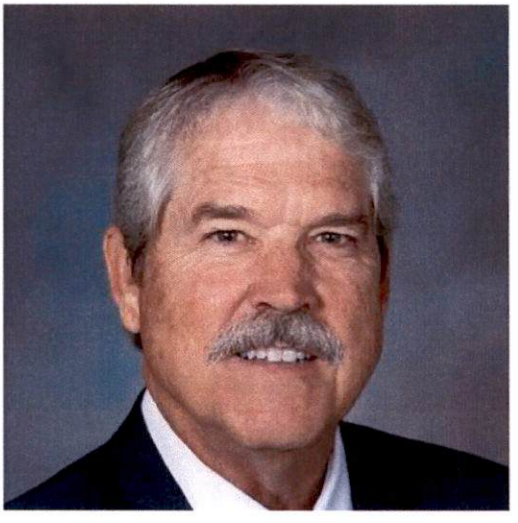
THE HONORABLE LARRY TAYLOR

Former Texas Senator Larry Taylor is a lifelong Texan and Baylor University graduate raised in Friendswood. He has three adult children and five grandchildren. Senator Taylor formerly owned Truman Taylor Insurance Agency in Friendswood, an independent agency started by his father more than 50 years ago. The agency merged with Galveston Insurance Associates in 2017. He also served and as a Director and Chairman of the Board for the recently sold Texan Bank.

Before his election to the Texas Senate in 2012, he served five terms in the Texas House of Representatives and three years as councilmember on the Friendswood City Council (1999-2001). Senator Taylor served five sessions in the Texas Senate, four of them as Chairman of the Senate Committee on Education. Throughout his Senate tenure he had been a member of other committees including, but not limited to, Business and Commerce; Higher Education; Veteran Affairs; Water, Agriculture and Rural Affairs; and the budget-writing Finance Committee. He was also a member of the Legislative Budget Board, a permanent joint committee responsible for developing budget and policy recommendations for legislative appropriations.

During his time in the legislature, he was able to work on many issues including insurance and tort reforms, although he will be most remembered for his work on transforming our public education system here in Texas.

Over the years, Senator Taylor has received numerous awards and recognitions. Some of his most recent include being named 2020 "Galvestonian of the Year" by the Galveston Chamber of Commerce and given the 2022 inaugural "Senator Larry Taylor Champion of Education" award by the League City Chamber of Commerce for his years of advocacy on behalf of Texas students and teachers.



FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/06/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider an ordinance amending the City's General Budget for Fiscal Year 2025-2026 by approving "Budget Amendment VII" and providing for supplemental appropriation and/or transfer of certain funds.

Originating Department: Finance

Degree of importance: Significant

SUMMARY / ORIGINATING CAUSE

By its nature, our budget is an estimate of the revenues and expenditures needed to accomplish the City Council and Staff goals for the year.

Throughout the year, events occur that require adjustments to the budget. These adjustments may be needed for various reasons, such as the recognition of extraordinary revenues or expenditures, new projects that are authorized by the Council or providing funding for expenditures resulting from extraordinary events like natural disasters. As the need arises, items for budget appropriations are accumulated and then submitted for approval at the City Council meeting each month. The budget adjustments covered by this ordinance comprise the seventh set for fiscal year 2025-2026.

We have attempted to provide as much explanation of the adjustments as possible through two sets of exhibits. Exhibit A provides a narrative explanation of each budget amendment. Exhibit B provides the details of each accounting transaction.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. Ordinance - Budget Amendment No. VII
2. FY26 BA VII Exhibit A 2026-05-04
3. FY26 BA VII Exhibit B 2026-05-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING ORDINANCE NO. 2025-23, PASSED AND APPROVED AUGUST 25, 2025, THE SAME BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY'S GENERAL BUDGET FOR FISCAL YEAR 2025-26, BY APPROVING "BUDGET AMENDMENT VII" THERETO; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; AND PROVIDING FOR THE EFFECTIVE DATE.

****

WHEREAS, by Ordinance No. 2025-23, the City Council of the City of Friendswood, Texas, adopted its "Original General Budget for Fiscal Year 2025-26"; and

WHEREAS, the City Council has determined that revenues and/or reserves are available for supplemental appropriation, and/or that the transfer of certain funds interdepartmentally is economically feasible and in the best interest of prudent budgeting and for municipal purposes; and

WHEREAS, Section 8.04 of the City Charter provides for amendments after adoption of the budget; and

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2025-26; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. The facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2. The "Original General Budget of the City of Friendswood, Texas, for the Fiscal Year 2025-26" is hereby amended for municipal purposes as shown on "Budget Amendment VII" to the "Original Budget of the City of Friendswood, Texas, for the Fiscal Year 2025-26" attached hereto. Said Budget Amendment VII shall be attached to and made a part of such Original General Budget by the City Secretary and shall be filed as required by state law. A true and correct copy of said amendment is attached hereto as Exhibits "A" and "B" and is incorporated herein for all intents and purposes.

Section 3. In the event any clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Friendswood, Texas, declares

that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4. This ordinance shall take effect immediately from and after its passage by the City Council of the City of Friendswood, Texas.

INTRODUCED, READ AND PASSED on first and final reading by the affirmative vote of the City Council of the City of Friendswood on this the 4th day of May, 2026.

_____
MIKE FOREMAN, Mayor

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

_____
KAREN L. HORNER, City Attorney

City of Friendswood
Budget Amendment Summary
Fiscal Year FY2025-2026
Budget Amendment VII
May 4, 2026

1. **City-wide Traffic Study, $224,997.** Appropriate funds for a city-wide traffic study. Council approved a contract for services with STV Incorporated at the April 6, 2026, City Council meeting. The funding source will be unassigned general fund balance.

2. **Sunset Drive Signalization Project, $148,701.** Appropriate funds for the Texas Department of Transportation (TxDOT) Signalization project. Council approved an agreement with TxDOT for the project at the September 8, 2025, City Council meeting. The funding source will be unassigned general fund balance.

3. **Information Technology Department – Sportspark Security Cameras, $36,460.** Appropriate funds for the purchase of security cameras at the Friendswood Sportspark. The cameras are necessary for enhanced security at the location. The funding source will be unassigned general fund balance.

4. **Emergency Services Department – Cardiac Monitors, $279,014.** Appropriate public property financing loan proceeds for the purchase of cardiac monitors. The monitors were ordered in FY2025 and the encumbrance carried forward into FY2026. The prior appropriation from the general fund will be reversed and the loan proceeds will be appropriated to the Emergency Medical Services' capital equipment account.

5. **Old City Park Playground Equipment - $22,247.** Appropriate funds for the purchase of additional playground equipment at Old City Park. An additional swing set structure will be added to the existing playground. The funding source will be undesignated fund balance in the park land dedication fund.

6. **Friendswood Downtown Economic Development Corporation – Permanent Lighting, $78,400.** Appropriate funds for permanent lighting at the Library, City Hall, and Activity Center. Council approved the purchase at the April 6, 2026, City Council meeting. The funding source will be FDEDC undesignated fund balance.

7. **Parks and Recreation Department – VRP PR15 Replacement, $42,076.** Appropriate funds for the early replacement of PR15. The vehicle experienced mechanical failure and costs of repair exceed its value and expected lifespan. The funding source will be vehicle replacement fund undesignated fund balance ($37,354) and the Parks division's vehicle maintenance account ($4,722) in the general fund.

8. **Public Works Department – Sewer Inspection Camera, $13,793.** Appropriate funds for a new sewer inspection camera for the sewer operations division. The current inspection camera is obsolete, and certain parts are not available for repair. The funding source will be water and sewer working capital.

9. **Public Works Department – Dumpster and Trailer Package $38,586.** Appropriate funds to purchase three dumpsters and a trailer as part of the Deepwood Demolition and Redevelopment Project. The dumpsters will be used to collect scrap metal and various debris. The funding source will be water and sewer working capital.

10. **Public Works Department – Pneumatic Piercing Tool, $6,775.** Appropriate funds to purchase a pneumatic piecing tool for the water operations division. The current piercing tool is at the end of its useful life and will be replaced. The funding source will be water and sewer working capital.

11. **Lift Station #2 Rehabilitation – Construction Observation Services, $172,200.** Appropriate funds for construction observation services related to the Lift Station #2 Rehabilitation Project. Council approved a

contract for services with HDR Engineering at the April 6, 2026, City Council meeting. The funding source will be 2025 water and sewer revenue bonds.

12. **Lift Station Mitigation Package #1 – Construction, $1,610,559.** Appropriate funds for construction services for Lift Station Mitigation Package #1. Council awarded a construction contract to Branch Construction Group, LLC at the April 6, 2026, City Council meeting. The funding sources will be from the 2025 water and sewer revenue bonds ($883,784) and water and sewer working capital ($726,775). Reimbursements from FEMA are expected and will be appropriated back to water and sewer working capital when received.

City of Friendswood
May 4, 2026
2025-2026 Budget Amendment VII - Exhibit B

BA Number	Account Number	Project Number	Description	Amount
1	001-0000-30500		Appropriate unassigned general fund balance for city-wide traffic study	(224,997)
1	001-7001-431.7800	STRT2026.002	Appropriate unassigned general fund balance for city-wide traffic study	224,997
2	001-0000-30500		Appropriate unassigned general fund balance for TxDOT Sunset Drive Signalization Project	(148,701)
2	001-7001-431.7800	ST2026	Appropriate unassigned general fund balance for TxDOT Sunset Drive Signalization Project	148,701
3	001-0000-30500		Appropriate unassigned general fund balance for Sportspark Security Cameras	(36,460)
3	001-0716-419.8800		Appropriate unassigned general fund balance for Sportspark Security Cameras	36,460
4	001-2507-422.8800		Reverse prior year encumbrance appropriation for EMS cardiac monitors	(279,014)
4	001-0000-30200		Reverse prior year encumbrance appropriation for EMS cardiac monitors	279,014
4	001-0000-39370		Appropriate public property financing loan proceeds for EMS cardiac monitors	(279,014)
4	001-2507-422.8800		Appropriate public property financing loan proceeds for EMS cardiac monitors	279,014
5	164-0000-30100		Appropriate undesignated fund balance for the purchase of additional playground equipment at Old City Park	(22,247)
5	164-7001-453.8560	PK0070	Appropriate undesignated fund balance for the purchase of additional playground equipment at Old City Park	22,247
6	175-0000-30100		Appropriate undesignated fund balance for Library, City Hall, Activity Center permanent lighting	(78,400)
6	175-0303-419.8800		Appropriate undesignated fund balance for Library, City Hall, Activity Center permanent lighting	78,400
7	301-0000-30100		Appropriate undesignated fund balance for the replacement of PR15 in the Parks and Recreation department	(37,354)
7	301-0501-456.8300	PR35	Appropriate undesignated fund balance for the replacement of PR15 in the Parks and Recreation department	37,354
7	001-6430-456.6300		Transfer vehicle maintenance funds for the replacement of PR15 in the Parks and Recreation department	(4,722)
7	001-9002-491.9130		Transfer vehicle maintenance funds for the replacement of PR15 in the Parks and Recreation department	4,722
7	301-0000-39120		Transfer vehicle maintenance funds for the replacement of PR15 in the Parks and Recreation department	(4,722)
7	301-0501-456.8300	PR35	Transfer vehicle maintenance funds for the replacement of PR15 in the Parks and Recreation department	4,722
8	401-0000-30600		Appropriate water and sewer working capital for a sewer inspection camera in Public Works' sewer operations division	(13,793)
8	401-3651-433.8400		Appropriate water and sewer working capital for a sewer inspection camera in Public Works' sewer operations division	13,793
9	401-0000-30600		Appropriate water and sewer working capital for three dumpsters and a trailer package for recyclable steel and green waste	(38,586)
9	401-3655-434.8400		Appropriate water and sewer working capital for three dumpsters and a trailer package for recyclable steel and green waste	38,586
10	401-0000-30600		Appropriate water and sewer working capital for a pneumatic piercing tool in Public Works' water operations division	(6,775)
10	401-3650-434.8400		Appropriate water and sewer working capital for a pneumatic piercing tool in Public Works' water operations division	6,775
11	423-0000-30600		Appropriate 2025 water and sewer revenue bond proceeds for HDR Engineering Lift Station #2 Construction Observation Services	(172,200)
11	423-7001-433.7130	LS002REHAB	Appropriate 2025 water and sewer revenue bond proceeds for HDR Engineering Lift Station #2 Construction Observation Services	172,200
12	401-0000-30600		Appropriate water and sewer working capital for Lift Station Mitigation Package 1 construction services	(726,775)
12	401-7001-433.8552	LS001MIT; LS017MIT	Appropriate water and sewer working capital for Lift Station Mitigation Package 1 construction services	726,775
12	423-0000-30600		Appropriate 2025 water and sewer revenue bond proceeds for Lift Station Mitigation Package 1 construction services	(883,784)
12	423-7001-433.8552	LS001MIT; LS017MIT	Appropriate 2025 water and sewer revenue bond proceeds for Lift Station Mitigation Package 1 construction services	883,784

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/02/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider a resolution authorizing the City Manager to execute a Local On-System Improvement Project Agreement (LOSA) with the Texas Department of Transportation for FM 528 signal improvements at Friendswood Parkway.

Originating Department: Engineering

Degree of importance:

SUMMARY / ORIGINATING CAUSE

The City of Friendswood has coordinated with the Texas Department of Transportation (TxDOT) on proposed signal improvements at the intersection of FM 528 and Friendswood Parkway. The project is intended to improve traffic operations, enhance safety, and accommodate existing and future traffic demands at this key intersection.

The signal improvements are being constructed by Castle Biosciences as part of the construction of Friendswood Parkway. The City is serving in a coordinating role with TxDOT and acting as the local agency sponsor to facilitate the project on the state system.

The Local On-System Improvement Project Agreement (LOSA) establishes the responsibilities of both the City and TxDOT for coordination and delivery of the improvements in accordance with TxDOT requirements.

The agreement includes a required payment of $21,735.06 to TxDOT; however, this cost as well as the cost of the associated with project will be funded by Castle Biosciences.

Execution of the LOSA is required to allow the project to move forward and to formalize coordination between the City and TxDOT.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval

ATTACHMENTS

1. Resolution - LOSA
2. Exhibit A - LOSA Agreement

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AUTHORIZING AN AGREEMENT FOR A LOCAL ON-SYSTEM IMPROVEMENT PROJECT WITH THE STATE OF TEXAS BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR FM 528 SIGNAL IMPROVEMENTS AT FRIENDSWOOD PARKWAY; AUTHORIZING PAYMENT IN THE AMOUNT OF TWENTY-ONE THOUSAND SEVEN HUNDRED THIRTY-FIVE AND 06/100 DOLLARS ($21,735.06) AND PROVIDING AN EFFECTIVE DATE.

****

WHEREAS, the State owns and operates a system of highways for public use and benefit, including FM 518 in Galveston County, Texas; and

WHEREAS, the State of Texas, acting by and through the Texas Department of Transportation, and the City of Friendswood seek to enter into an agreement for a Local On-System Improvement Project, which includes the construction of a signal modification and street tie-in from westbound FM 528 to Friendswood Parkway; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. That the facts and matters set forth in the recitals of this resolution are hereby found to be true and correct.

Section 2. That the City Council of the City of Friendswood authorizes and directs the City Manager to execute and the City Secretary to attest to the Agreement for a Local On-System Improvement Project with the State of Texas, acting by and through the Texas Department of Transportation, for signal modification and street tie-in from westbound FM 528 to Friendswood Parkway. Such agreement is attached hereto as Exhibit "A" and incorporated herein for all purposes.

Section 3. That the City Council of the City of Friendswood authorizes payment in the amount of TWENTY-ONE THOUSAND SEVEN HUNDRED THIRTY-FIVE AND 06/100 DOLLARS ($21,735.06) in accordance with the agreement authorized in Section 2 hereinabove.

Section 4. That this resolution shall be effective immediately upon its passage and approval.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Friendswood on this the 4th day of May, 2026.

_____
MIKE FOREMAN, Mayor

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

_____
KAREN L. HORNER, City Attorney
H:\City Council\Resolutions\2026\05-04-2026\Resolution - LOSA.docx

CSJ #	**1414-01-027**
District #	**12**
Code Chart 64 #	**15320**
Project Name	**FM 528; Narnia Way/Friendswood Parkway**

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT
For A
LOCAL ON-SYSTEM IMPROVEMENT PROJECT

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the Texas Department of Transportation called the "State", and the **City of Friendswood**, acting by and through its duly authorized officials, called the "Local Government." The State and Local Government shall be collectively referred to as "the parties" hereinafter.

WITNESSETH

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision; and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **116997**, authorizing the State to accept Local Government funded projects performed on the state highway system. The project covered by this Agreement includes only work within the state right of way as described in the Agreement, Article 2, Scope of Work (Project); and,

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated May 4, 2026 which is attached to and made a part of this Agreement as Attachment C, Resolution, Ordinance, or Commissioners Court Order (Attachment C) for the improvement covered by this Agreement. A map showing the Project location appears in Attachment A, Project Location Map (Attachment A), which is attached to and made a part of this Agreement**.**

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the completed Project is accepted by the State or unless terminated as provided below.

CSJ #	**1414-01-027**
District #	**12**
Code Chart 64 #	**15320**
Project Name	**FM 528; Narnia Way/Friendswood Parkway**

2. Scope of Work

The Project consists of **Construction of a signal modification and street tie-in from west bound FM 528 to the Friendswood Parkway in Friendswood, Galveston County, Texas as shown in Attachment A.**

3. Local Project Sources and Uses of Funds

A. The total estimated cost of the Project is shown in Attachment B, Local On-System Improvement Project Budget (Attachment B), which is attached to and made a part of this Agreement. The estimated funds from the Local Government are shown in Attachment B. The State will pay for no Project costs performed by or managed by Local Government under this Agreement.

B. Attachment B shows how necessary resources for completing the Project will be provided by major cost categories. These categories may include but are not limited to: (1) costs of real property (right of way); (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other Project costs.

C. The Local Government shall be solely responsible for all of its costs associated with the Project provided for in this Agreement. The Local Government shall be responsible for cost overruns for the Project in excess of the estimated amount to be paid by the Local Government on Attachment B. The Local Government shall also be responsible for direct and indirect costs incurred by the State related to performance of this project if so indicated on Attachment B. If the State determines that the on-system improvements are of significant operational benefit to the State, the State may waive its direct or indirect costs. The State's waiver of its direct or indirect costs shall be indicated on Attachment B by showing the State as responsible for these costs. When the Local Government is responsible for the State's direct or indirect costs, the amount indicated on Attachment B is a fixed fee and not subject to adjustment except through the execution of an amendment to this Agreement.

D. Prior to the performance of any engineering review work by the State, the Local Government shall pay to the State the amount of direct and indirect State costs specified in Attachment B.

E. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Financial Management Division. The funds shall be deposited and managed by the State and are not refundable.

F. The Local Government will begin construction on the Project within 12 months after execution of the Agreement.

G. The Local Government will complete construction and receive the State's acceptance of the project within 36 months after the date the State authorizes in writing for the Local Government to commence construction of the Project.

H. If the Local Government chooses not to or fails to complete the work once construction on the Project commences, the State may terminate this Agreement in accordance with paragraph 4.C. below. The State may address unfinished construction work as it determines necessary to protect the interests of the State, which includes returning the

Project area to its original condition or completing the work using State forces or contractors. The Local Government shall pay all costs incurred by the State under this provision.

4. Termination of this Agreement

This Agreement shall remain in effect until the Project is completed and accepted by the State, unless:

A. The Agreement is terminated in writing with the mutual consent of the parties;

B. The State terminates the Agreement in writing due to the Local Government's failure to comply with paragraphs 3.F or 3.G; or

C. The Agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party.

5. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment. Amendments may not include the addition of State or Federal funds. If any funds other than Local Government funds are proposed, this Agreement must be terminated and a new agreement with appropriate terms and clauses executed in its place.

6. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any Agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

7. Architectural and Engineering Services

The Local Government has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable *State's Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. The Project design shall, at a minimum conform to applicable State manuals.

The State shall review the plans, specifications, and estimates provided by the Local Government upon completion or at any time deemed necessary by the State. Should the State determine that the complete plans, specifications, and estimates for the Project are not acceptable, the Local Government shall correct the design documents to the State's satisfaction. Should additional specifications or data be required by the State, the Local Government shall redesign the plans and specifications to the State's satisfaction. The costs for additional work on the plans, specifications, and estimates shall be borne by the Local Government.

8. Environmental Assessment and Mitigation

Development of a transportation project must comply with applicable environmental laws. The Local Government is responsible for:

A. The identification and assessment of any environmental problems associated with the development of the Project governed by this Agreement.

B. The cost of any environmental problem's mitigation and remediation.
C. Providing any public meetings or public hearings required for development of all required environmental documents and obtaining all required permits and approvals.
D. The preparation of documents required for the environmental clearance of the Project.

Before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances and approvals have been obtained.

9. Right of Way and Real Property

The Local Government shall acquire all required right of way and necessary right of entry for performance of the Project in accordance with applicable requirements of the Texas Department of Transportation Right of Way Manual, State law, and Federal law governing the acquisition of real property including but not limited to Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C.A. Section 4601 et seq. Right of way acquired for improvements to the state highway system shall be acquired in the name of the State. Local Government shall provide right of entry to State personnel and its authorized representatives to areas off the state highway system throughout the duration of the Project for the State to perform inspection and oversight of the Project.

10. Utilities

The Local Government shall be responsible for the adjustment, removal, or relocation of utility facilities for the Project in accordance with applicable State and Federal laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures.

11. Compliance with Texas Accessibility Standards and ADA

Local Government shall ensure that the plans for and the construction of the Project are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

12. Construction Responsibilities

A. The Local Government shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. Project plans and specifications for improvements on the state highway system must be approved by the State prior to advertising for construction. Upon selection of a contractor and prior to commencing construction within the state highway system right of way, the Local Government shall request and obtain written authorization to commence construction of the Project from the State.

The Local Government will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the construction is accomplished in accordance with the approved plans and specifications. All construction change orders impacting the proposed improvements, traffic control, environmental mitigation, or drainage on the state highway system require written pre-approval by the State prior to execution by the Local Government.

B. Upon completion of the Project, the Local Government will issue and sign a "Notification of Completion" acknowledging the Project's construction completion. A copy will be provided to the State prior to State's final acceptance of the improvements.

C. Prior to the State's acceptance of the improvements on the state highway system, Local Government shall furnish to the State written certification from a Texas Registered Professional Engineer that the Project was constructed in substantial compliance with the Project's plans, specifications, and quality assurance requirements.

13. Project Maintenance

After Local Government completion of the work and acceptance by the State, the State will be responsible for maintenance of the improvements within the state highway system right of way outside the boundaries of an incorporated city. This obligation may be fulfilled through other agreements signed by the State.

14. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government	State
City Manager City of Friendswood 910 S Friendswood Drive Friendswood, Texas 77546	Director of Contract Services Texas Department of Transportation 125 E. 11th Street Austin, Texas 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

15. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

16. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

17. Ownership of Documents

Upon completion or termination of this Agreement, copies of all documents and data prepared under this Agreement by the Local Government for improvements within the state highway system right of way shall be provided to the State prior to State acceptance of the Project without restriction or limitation on their further use. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any Project information required by the State in the format directed by the State.

18. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

19. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

20. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred and engineering inspection and testing services performed under this Agreement and shall make such materials available to the State and the Local Government or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of completion of work defined under this Agreement or until any impending litigation or claims are resolved. Additionally, the State and the Local Government and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

21. Insurance

Before beginning work on the state highway system, the Local Government and its contractor performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on state right of way. Self-insurance documentation acceptable to the State may be substituted for all or part of the coverage's required for the Local Government. This coverage shall be maintained until all work on the state right of way is complete. If coverage is not maintained, all work on state right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

CSJ #	**1414-01-027**
District #	**12**
Code Chart 64 #	**15320**
Project Name	**FM 528; Narnia Way/Friendswood Parkway**

22. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, the Local Government, for itself, its assignees, and successors in interest agree to comply with all applicable Federal and State nondiscrimination statutes and authorities.

23. Signatory Warranty

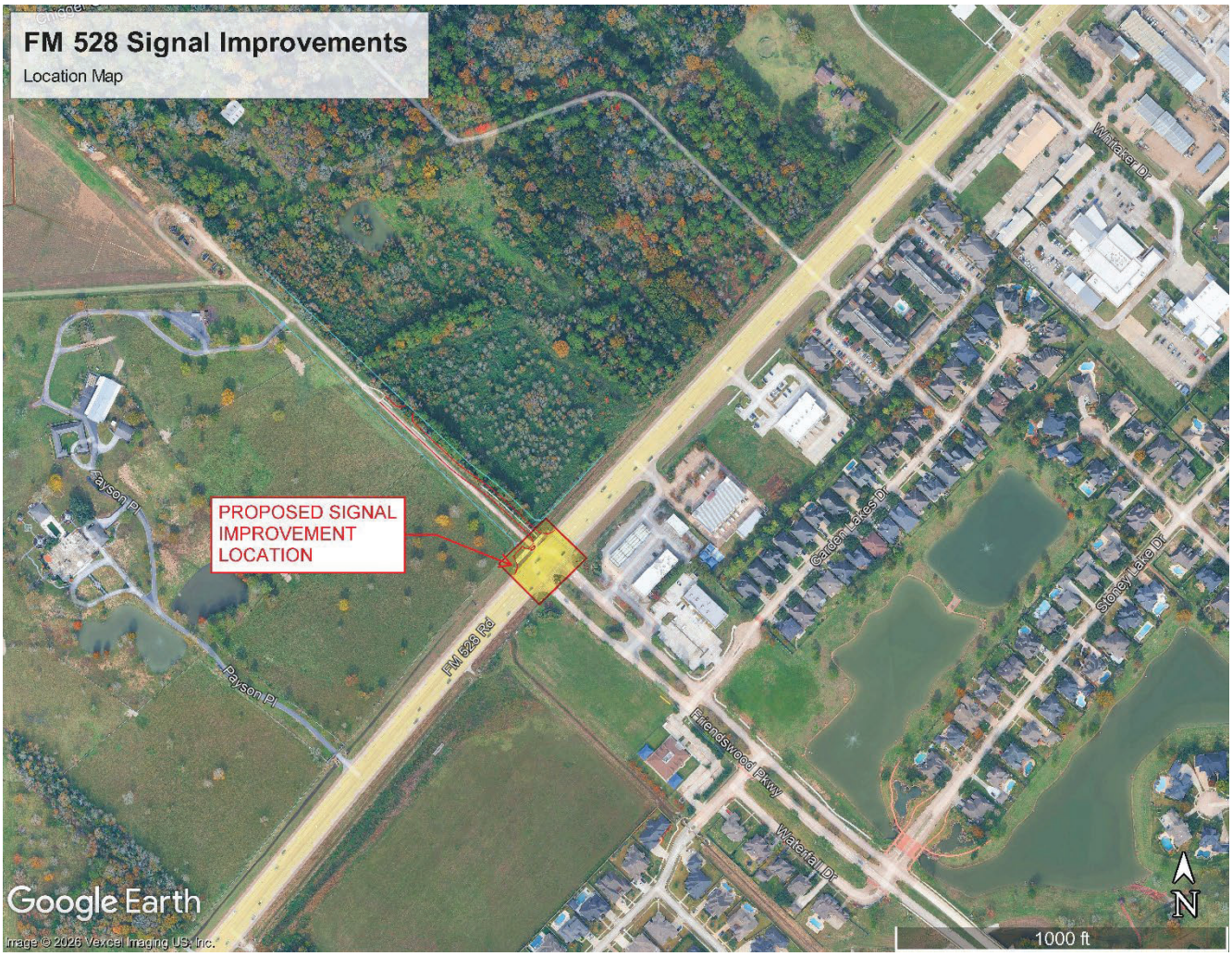
Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

Each party is signing this agreement on the date stated under that party's signature.

THE STATE OF TEXAS	**THE LOCAL GOVERNMENT**
Signature	Signature
Typed or Printed Name	Typed or Printed Name
Typed or Printed Title	Typed or Printed Title
Date	Date

CSJ #	**1414-01-027**
District #	**12**
Code Chart 64 #	**15320**
Project Name	**FM 528; Narnia Way/Friendswood Parkway**

ATTACHMENT A
PROJECT LOCATION MAP



CSJ #	**1414-01-027**
District #	**12**
Code Chart 64 #	**15320**
Project Name	**FM 528; Narnia Way/Friendswood Parkway**

ATTACHMENT B
LOCAL ON-SYSTEM IMPROVEMENT PROJECT BUDGET
(Locally Funded and Performed Project)

The Local Government is responsible for 100% of the costs allocated to it as described below, including overruns.

Description	Estimated Costs	Subtotals
PROJECT PHASES: Work performed by the Local Government or its Consultant or Contractor		
Environmental	$0	
Right of Way	$0	
Engineering	$80,000	
Utility Work	$0	
Construction	$420,000	
Subtotal for Project Phases		$500,000
DIRECT STATE COSTS:	**Paid By: ☒ Local Government ☐ State**	
Environmental	$200	
Right of Way	$200	
Engineering	$3200	
Utility Work	$200	
Construction	$16,800	
Subtotal for Direct State Costs		$20,600
INDIRECT STATE COSTS:	**Paid By: ☒ Local Government ☐ State**	
Subtotal for Indirect State Costs		$1135.06
TOTAL ESTIMATED COST OF PROJECT		$ 521,735.06

$21,735.06	Fixed price amount of payment by the Local Government to the State for the State's direct and indirect costs as stated in Article 3, C and D of the Agreement.

CSJ #	**1414-01-027**
District #	**12**
Code Chart 64 #	**15320**
Project Name	**FM 528; Narnia Way/Friendswood Parkway**

ATTACHMENT C
RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/16/2026

Prepared by: Karen Horner, City Attorney

Subject: Consider a resolution amending Resolution No. R2025-30, which authorized an Advance Funding Agreement with the Texas Department of Transportation for a Surface Transportation Block Grant Project related to the Sunset Boulevard Signal Improvements Project, to authorize an in-kind match and a cash match and to ratify the payment of the initial remittance to the Texas Department of Transportation.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

On September 8, 2025, the City Council passed Resolution No. R2025-30, which authorized an Advance Funding Agreement with the Texas Department of Transportation for a Surface Transportation Block Grant Project related to the Sunset Boulevard Signal Improvements Project. Such resolution authorized a local match to be comprised solely of Transportation Development Credits ("TDCs"). However, an additional cash match of $148,701.00 is required for the initial payment, and an additional amount not to exceed $51,000.00 is needed for surveying and environmental services. The engineering services shall be performed in-house.

Therefore, this resolution amends Resolution No. R2025-30 to provide for the requisite cash and in-kind matches and to ratify all actions and payments made by the City consistent with Resolution No. R2025-30 and this proposed resolution.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval

ATTACHMENTS

1. Resolution - Amending Resolution 2025-30
2. Resolution No. R2025-30

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING RESOLUTION NO. R2025-30, WHICH AUTHORIZED AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A SURFACE TRANSPORTATION BLOCK GRANT PROJECT RELATED TO THE SUNSET BOULEVARD SIGNAL IMPROVEMENTS PROJECT, TO AUTHORIZE A CASH MATCH IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED ONE AND NO/100 DOLLARS ($199,701.00); AND PROVIDING FOR THE EFFECTIVE DATE.

****

WHEREAS, the Houston-Galveston Area Council's Transportation Policy Council has authorized the City of Friendswood to receive Surface Transportation Block Grant ("STBG") funds for the following project:

Project Name	Project Description
Sunset Boulevard Signal Improvements Project	➢ Rehabilitation of existing traffic signals along Sunset Drive at its intersections with W Castlewood Avenue, Falling Leaf Drive, and Cowards Creek Drive ➢ Installation of new traffic signals along Sunset Drive at its intersection with Briarmeadow Avenue

(the "Project"); and

WHEREAS, the STBG funds require a local match; and

WHEREAS, the City Council previously committed Transportation Development Credits ("TDCs") for such local match via Resolution No. R2025-30; and

WHEREAS, under the Advance Funding Agreement ("AFA") with the Texas Department of Transportation ("TxDOT"), additional funding is needed for the City's local match, namely ONE HUNDRED FORTY-EIGHT THOUSAND SEVEN HUNDRED ONE AND NO/100 DOLLARS ($148,701.00) for the City's initial payment and an additional amount not to exceed FIFTY-ONE THOUSAND AND NO/100 DOLLARS ($51,000.00) for surveying and environmental services for the Project; and

WHEREAS, the City Council of the City of Friendswood desires to authorize such additional funding and to ratify the payment thereof; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. The facts and matters set forth in the preamble of this resolution are hereby found to be true and correct.

Section 2. That the second recital of Resolution No. R2025-30 is hereby amended to read as follows:

WHEREAS, the STBG funds require a local match, and the City of Friendswood commits to provide the match, which match is comprised of Transportation Development Credits ("TDCs") along with the payment of an amount not to exceed ONE HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED ONE AND NO/100 DOLLARS ($199,701.00); and

Section 3. That the City Council hereby amends Section 2 of Resolution No. R2025-30 to read as follows:

> Section 2. The City Council of the City of Friendswood hereby approves an AFA with TxDOT for the Project and authorizes the City Manager to execute and the City Secretary to attest to an AFA with TxDOT for the Project and authorizes the required local match consisting of TDCs and the payment of an amount not to exceed ONE HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED ONE AND NO/100 DOLLARS ($199,701.00).

Section 4. That the City Council hereby ratifies all actions and payments made by the City consistent with Resolution No. R2025-30, as amended herein.

Section 5. This resolution shall be effective immediately upon its passage and approval.

INTRODUCED, READ, AND PASSED by the affirmative vote of the City Council of the City of Friendswood on this the 4th day of May, 2026.

_____
MIKE FOREMAN, Mayor

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

_____
KAREN L. HORNER, City Attorney

TXDOT Information
CSJ #: 0912-73-112
Project Name: Sunset Boulevard Signal Improvements

RESOLUTION NO. R2025-30

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AUTHORIZING AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A SURFACE TRANSPORTATION BLOCK GRANT PROJECT RELATED TO THE SUNSET DRIVE SIGNAL IMPROVEMENTS PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE.

****

WHEREAS, the Houston-Galveston Area Council's Transportation Policy Council has authorized the City of Friendswood to receive Surface Transportation Block Grant ("STBG") funds for the following project:

Project Name	Project Description
Sunset Drive Signal Improvements Project	➢ Rehabilitation of existing traffic signals along Sunset Drive at its intersections with W Castlewood Avenue, Falling Leaf Drive, and Cowards Creek Drive ➢ Installation of new traffic signals along Sunset Drive at its intersection with Briarmeadow Avenue

(the "Project"); and

WHEREAS, the STBG funds require a local match, and the City of Friendswood commits to provide the match, which match is comprised of solely Transportation Development Credits ("TDCs"); and

WHEREAS, the City of Friendswood is responsible for all non-reimbursable costs and 100% of overruns, if any; and

WHEREAS, the City Council of the City of Friendswood desires to reaffirm its support of the Project and approve and authorize the execution of an Advance Funding Agreement ("AFA") with the Texas Department of Transportation ("TxDOT") for the Project; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. The facts and matters set forth in the preamble of this resolution are hereby found to be true and correct.

Section 2. The City Council of the City of Friendswood hereby approves an AFA with TxDOT for the Project and authorizes the City Manager to execute and the City Secretary to attest to an AFA with TxDOT for the Project with the local match being comprised solely of TDCs.

Section 3. This resolution shall be effective immediately upon its passage and approval.

INTRODUCED, READ, AND PASSED by the affirmative vote of the City Council of the City of Friendswood on this the 8th day of September, 2025.

MIKE FOREMAN, Mayor

ATTEST:

RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

KAREN L. HORNER, City Attorney

TxDOT Information
CSJ #: 0912-73-112
Project Name: Sunset Boulevard Signal Improvements

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/23/2026

Prepared by: Karen Horner, City Attorney

Subject: Consider a resolution amending Resolution No. R2025-32 to authorize additional local funds for the Community Development Block Grant (CDBG) Annalea Neighborhood Improvements Project.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

Since the monies necessary for the professional services agreement for the CDBG Annalea Neighborhood Improvement Project exceed both (i) the grant budget allowances for engineering services and (ii) the local funds previously approved by Council via Resolution Nos. R2025-01 and R2025-32, a resolution committing additional local funds is required. This resolution amends Resolution No. R2025-32 in order to commit an additional $28,861.80 from local funds for the CDBG Annalea Neighborhood Improvement Project. These additional funds are necessary for the for the redesign of the storm sewer portion of the project.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. Resolution - Committing Local Funds

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING RESOLUTION NO. R2025-32 IN ORDER TO COMMIT ADDITIONAL LOCAL FUNDS IN THE AMOUNT NOT TO EXCEED TWENTY-EIGHT THOUSAND EIGHT HUNDRED SIXTY-ONE AND 80/100 DOLLARS ($28,861.80) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNALEA NEIGHBORHOOD IMPROVEMENTS PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

****

WHEREAS, the City Council of the City of Friendswood desires to develop a viable community, including decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, on January 6, 2025, the City Council passed Resolution No. R2025-01 committing local funds for the Community Development Block Grant ("CDBG")/Texas General Land Office ("GLO") State Contract No. 24-065-030-E485, for engineering services associated with the Ground Storage Tank at Groundwater Plant 4 Project and the Annalea Neighborhood Improvements Project (collectively the "Projects"); and

WHEREAS, the engineering costs associated with the Annalea Neighborhood Improvements Project exceeded (i) the budget allowances for engineering services under the CDBG/GLO State Contract No. 24-065-030-E485 and (ii) the local funds committed pursuant to Resolution No. R2025-01; and

WHEREAS, on September 8, 2025, the City Council passed Resolution No. R2025-32 to amend Resolution No. R2025-01 to include the following additional local funds the Annalea Neighborhood Improvements Project:

Services	Amount
Sulfate Testing	$8,160.00
Subsurface Utility Engineering	$3,820.00
Total Additional Local Funds Committed	**$11,980.00**

; and

WHEREAS, the engineering costs associated with the Annalea Neighborhood Improvements Project again have exceeded (i) the budget allowances for engineering services under the CDBG/GLO State Contract No. 24-065-030-E485 and (ii) the local funds committed pursuant to Resolution Nos. R2025-01 and R2025-32; and

WHEREAS, the City Council desires to amend Resolution NO. 2025-32 to include additional local funds in the amount of TWENTY-EIGHT THOUSAND EIGHT HUNDRED SIXTY-ONE AND 80/100 DOLLARS ($28,861.80) for the Annalea Neighborhood Improvements Project for engineering costs associated with the redesign of the storm sewer; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby adopted, ratified, and confirmed.

Section 2. That Section 2 of Resolution No. R2025-32 is hereby amended to read as follows:

> Section 2. That the City commits up to NINETY-FOUR THOUSAND FIVE HUNDRED EIGHT AND 14/100 DOLLARS ($94,508.14) from local funds for the engineering costs associated with the Ground Storage Tank at Groundwater Plant 4 Project and the Annalea Neighborhood Improvements Project under CDBG/GLO Contract No. 24-065-030-E485.

Section 3. That Section 4 of Resolution No. R2025-01 is hereby amended to read as follows:

> Section 4. That with these additional funds, combined with the CDBG/GLO Grant funds, the City's professional services contract with Garver, LLC, shall not exceed TWO HUNDRED NINETY-EIGHT THOUSAND SIX HUNDRED FOURTEEN AND NO/100 DOLLARS ($298,614.00) for the Ground Storage Tank at Groundwater Plant 4 Project; and the City's professional services with WSB, LLC, shall not exceed THREE HUNDRED SEVENTY THOUSAND SIXTY-FOUR AND 14/100 DOLLARS ($370,064.14) for the Annalea Neighborhood Improvements Project.

Section 5. This resolution shall take effect immediately from and after its passage by the City Council of the City of Friendswood.

INTRODUCED, READ AND PASSED by the affirmative vote of the City Council of the City of Friendswood on this the 4th day of May, 2026.

_____
MIKE FOREMAN, Mayor

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

_____
KAREN L. HORNER, City Attorney

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/02/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider a resolution authorizing the City of Friendswood's submittal of a Motor Vehicle Crime Prevention Assistance (MVCPA) grant application; authorizing a cash match; and appointing authorized representatives to act on behalf of the City under the grant.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This proposed resolution authorizes the City of Friendswood's (the "City") submittal of a Motor Vehicle Crime Prevention Assistance (MVCPA) grant application, authorizes a cash match; and appoints authorized representatives to act on behalf of the City under the grant.. The City anticipates requesting a grant in the amount of $111,500 for the purchase of a Peregine Technologies platform for the Friendswood Police Department. Such platform is a data integration platform specializing in public safety which will enable officers to conduct a single search across all available data sources. This proposed resolution authorizes the City Manager as the City's Representative to accept or affirm the grant award that may result and authorizes the requisite cash match. It further designates the Chief of Police and the Director of Finance as the Program Director and the Financial Officer, respectively.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Peregrine Technologies integrates Computer Aided Dispatch (CAD) data, Records Management Systems (RMS) data, collision reporting, mapping information, body and dash camera footage, automatic license plate reader information and camera systems.

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. Resolution - FY2027 Catalytic Converter Theft Prevention Grant
2. Friendswood - Senate Bill 224 Grant Application for 2027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, DESIGNATING THE CITY MANAGER AS THE CITY'S REPRESENTATIVE IN SEEKING ELIGIBLE GRANT FUNDS UNDER THE CATALYTIC CONVERTER THEFT PREVENTION GRANT PROGRAM; AUTHORIZING THE SUBMISSION OF SUCH GRANT APPLICATION TO THE MOTOR VEHICLE CRIME PREVENTION AUTHORITY; DESIGNATING THE DIRECTOR OF FINANCE AS THE CITY'S REPRESENTATIVE IN SUBMITTING FINANCIAL AND/OR PROGRAMMATIC REPORTS; AUTHORIZING THE REQUISITE CASH MATCH; AND PROVIDING AN EFFECTIVE DATE.

****

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code, Title 43, Part 3, Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement taskforces and agencies for economic motor vehicle theft, including catalytic converter theft; and

WHEREAS, this grant program will assist the City in combatting catalytic converter theft; and

WHEREAS, in the event of loss or misuse of the grant funds, the City of Friendswood agrees and assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. The facts and matters set forth in the preamble of this resolution are hereby found to be true and correct.

Section 2. The City Council of the City of Friendswood, Texas, hereby authorizes and approves the submission of a grant application, pursuant to Catalytic Converter Theft Program, to the Motor Vehicle Crime Prevention Authority.

Section 3. That pursuant to the terms of the grant referenced in Section 2 hereof, the City Council of the City of Friendswood hereby authorizes the requisite cash match.

Section 4. The City Council hereby designates and appoints the Morad Kabiri, City Manager of the City of Friendswood, as the authorized official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and to execute all other necessary documents to accept said grant.

Section 5. The City Council hereby designates and appoints Christoper Josh Rogers, Chief of Police, as the Program Director and Rhonda Bloskas, Director of Finance, as the Financial Officer for this grant.

Section 6. That in the event of loss or misuse of the grant funds, the City Council of the City of Friendswood hereby assures the Motor Vehicle Crime Prevention Authority that such grant funds will be returned to the Motor Vehicle Crime Prevention Authority in full.

Section 7. This resolution shall be effective immediately upon its passage and approval.

INTRODUCED, READ, AND PASSED by the affirmative vote of the City Council of the City of Friendswood on this the 4th day of May, 2026.

_____
MIKE FOREMAN, Mayor

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

APPROVED AS TO FORM:

_____
KAREN L. HORNER, City Attorney

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/23/2026

Prepared by: Karen Horner, City Attorney

Subject: Consider authorizing an Emergency Dispatching Services Agreement with Harris County Municipal Utility District No. 55.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

Harris County Municipal Utility District No. 55 (the "District") provides firefighting and ambulance services to citizens within its territory for which the City has provided dispatching services. The current emergency dispatching services agreement between the parties expires on May 31, 2026. The new agreement is for a three-year term and is similar to the previous agreement with the following notable changes:

1. an annual 5% increase in monthly costs to the District for the services provided;
2. the removal of references to VHF patching since the City will no longer be supporting the same due to its acquisition of new Motorola consoles; and
3. an update for name of our dispatch to "Public Safety Dispatch Center."

The District will consider approving the proposed agreement at its May 19th meeting, and will provide the City a copy of the same prior to expiration of the current agreement.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. HCMUD No. 55 - Emergency Dispatching Services Agreement

EMERGENCY DISPATCHING SERVICES AGREEMENT BETWEEN HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55 AND THE CITY OF FRIENDSWOOD

STATE OF TEXAS §
§
COUNTY OF HARRIS §

This Emergency Dispatching Services Agreement (the "Agreement") effective as of 1st day of June, 2026, is between the City of Friendswood, a home-rule municipality located in Harris and Galveston Counties, Texas (the "City") and Harris County Municipal Utility District No. 55, a conservation and reclamation district created pursuant to Article XVI, Section 59, of the Texas Constitution and operating under Chapters 49 and 54 of the Texas Water Code ("HCMUD 55").

RECITALS

WHEREAS. firefighting services as defined in Section 49.351(k) of the Texas Water Code, including, but not limited to, fire suppression, fire prevention, training, safety education, maintenance, communications, emergency medical services, photography, and administration, ("Firefighting and Ambulance Services") are a public necessity for the citizens of HCMUD 55; and

WHEREAS, the City has facilities and personnel for emergency dispatch operations within the incorporated limits; and

WHEREAS, HCMUD 55 is empowered to establish, operate and maintain a fire department to perform all Firefighting and Ambulance Services within its boundaries as depicted in Exhibit "A," which is attached hereto and incorporated herein for all intents and purposes; and

WHEREAS, HCMUD 55 desires to contract with the City to provide emergency dispatching services for HCMUD 55's Firefighting and Ambulance Services, which are provided to the citizens within its boundaries; and

WHEREAS, the City has agreed to provide such services under the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual promises, covenants, obligations and benefits of this Agreement, the City and HCMUD 55 (each a "Party" and jointly the "Parties") agree as follows:

I.
Services Provided

The City shall maintain and operate an Emergency Communications Center which shall provide a central facility for the receipt of emergency and non-emergency communications (whether oral, written, telephonic, radio or other means) directed to HCMUD 55, and for the dispatching of HCMUD 55 personnel and equipment, either by oral communication, radio, or telephone or other electronic means, for Firefighting and Ambulance Services within the geographic area served by HCMUD 55 (the "Services").

II .
Payment by HCMUD 55 for Emergency Dispatch Services

2.01 *Payment Amount*. In consideration of the performance of the Services described herein, HCMUD 55 shall pay the City, on or before the first of each month, the following for all personnel costs and non-personnel costs associated with the Services:

Contract Year	Monthly Amount Due
Year 1 (June 1, 2026 – May 31, 2027)	$8,750
Year 2 (June 1, 2027 – May 31, 2028)	$9,188
Year 3 (June 1, 2028 – May 31, 2029)	$9,648

2.02 *Adjustments*. If laws and/or ordinances (e.g., labor, benefits, insurance, training, certifications) are enacted that increase the City's costs to supply the Services, whether for personnel or otherwise, the actual direct and indirect financial impact of said laws shall be added to the monthly fee.

III.
Responsibilities of HCMUD 55

3.01 *Equipment and Services*. HCMUD 55 will utilize standard industry radio communications at all times. All units must be equipped with a current approved radio capable of communicating directly with the City Police Department and Dispatch. HCMUD 55 shall ensure that personnel on scene must be equipped with appropriately programmed hand-held radios. Radios must be programmed with an approved template provided by the City of Friendswood to provide inter-operative communications. HCMUD 55 shall provide and be responsible for the acquisition, maintenance and replacement of all equipment needed to interface with the City Police Department and Dispatch, including, but not limited to, the following:

- Portable and mobile radios with remote speaker microphones and one battery;
- Radio/pager related equipment and accessories;
- Radio subscriber services;
- Administrative access to the City of any third-party communications applications; and
- Licenses/subscriptions for any third-party applications, including, but not limited to, ESO software.

3.02 *Protocols*. HCMUD 55 and City will agree to protocols and procedures required for Services pursuant to this Agreement, including the following:

(a) The Friendswood Police Department will be responsible for the original notification and continued communication of information that it receives into the Public Safety Dispatch Center.

(b) The dissemination of that information described in subsection (a) of this section will be in the following protocol:

(1) The primary form of incident notification (the alerts for a call for service) and incident data for service for HCMUD 55 will be through radio communications and/or the use of radio tones. This notification will be sent out by the Police Department's Public Safety Dispatch Center via the Police Department's radio communications equipment to 800 MHz radios.

(2) The secondary form of incident data information will be through a computer-aided dispatch ("CAD") system utilized by the City. The City will provide access to the CAD information for all HCMUD 55's calls-for-service and the billing information; however, HCMUD 55 shall be responsible for all CAD software licenses and associated hardware necessary to access such information.

(3) The additional method of incident notification and incident data information will be through HCMUD 55-sponsored third-party applications, where members can subscribe to e-vendors for HCMUD 55 call information and notifications on their personal mobile devices. HCMUD 55 shall be solely responsible for such applications, including, but not limited to, the applications' functionality and reliability as well as the cost thereof. Prior to HCMUD 55's use of any such application, the same must be approved in writing by the City. Any change in vendors must be approved by the City in the same manner. HCMUD 55 hereby agrees to provide information requested by the City needed to approve the application. The use of these applications must be reviewed/audited by HCMUD 55 at least quarterly to ensure functionality, membership status, and the accuracy of contact information within the application.

(4) HCMUD 55 will be responsible, at its sole cost and expense, for any data transfer interface needed to allow the City's CAD call information to be populated into incident reporting systems, including those used for HCMUD 55 billing and state reports.

Notwithstanding anything to the contrary contained herein, HCMUD 55, at all times, shall be responsible for the functionality, operation, and costs associated with its access to the City's CAD system information.

IV.
Term, Suspension and Termination

4.01 *Initial Term*. The initial term of this Agreement shall begin on June 1, 2026, (the "Effective Date") and shall be in force and effect for three (3) years, ending on May 31, 2029.

4.02 *Extended Term*. The Agreement may be extended for two (2) intervals of one (1) year each, upon mutual agreement of the Parties; provided, however, the cost to provide the Services required herein during any extended term shall be amended to reflect the actual cost of the City providing the Services and shall in no event be less than a three percent (3%) increase each year.

4.03 *Termination without Cause*. The City, besides all other rights or remedies it may have, shall have the right to terminate this Agreement without cause upon one hundred and eighty (180) days' written notice from the City Manager to HCMUD 55 of the City's election to do so.

4.04 *Termination with Cause*. The City may immediately and upon notice suspend Services under this Agreement for up to ninety (90) days if HCMUD 55 commits a breach of this Agreement, which shall include, but not be limited to, the following:

(a) By failing to pay insurance premiums, liens, claims or other charges;

(b) By failing to make any payments due the City, State or Federal Government, including, but not limited to, payments identified in this Agreement, any taxes, fees, assessments, or liens;

(c) On the institution of voluntary or involuntary bankruptcy proceeding against HCMUD 55;

(d) By dissolution of HCMUD 55; and/or

(e) By violation of any provision of this Agreement.

If, within thirty (30) days of receipt of the notice of default, HCMUD 55 cures the same, the Services shall be restored. If the default is not timely cured, this Agreement shall automatically terminate at the expiration of the ninety-day period specified in the notice. In such event, HCMUD 55 forfeits all rights under this Agreement. Under no circumstances shall the City accept liability for providing or failing to provide emergency communication services to HCMUD 55 for being in default as per the terms of this Agreement.

V.
Indemnification, Release, and Insurance

5.01 *Indemnity*

HCMUD 55 HEREBY AGREES TO AND SHALL INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY AS USED IN THIS SECTION THE "CITY") FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, DEMANDS, CAUSES OF ACTION, SUITS AND LIABILITY OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS AND ATTORNEYS' FEES, FOR INJURY TO OR DEATH OF ANY PERSON AND FOR DAMAGE TO ANY PROPERTY ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT. SUCH INDEMNITY SHALL APPLY WHERE THE CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS OR LIABILITY ARISE IN PART FROM (I) THE JOINT NEGLIGENCE OF THE CITY AND HCMUD 55, AND/OR THEIR RESPECTIVE OFFICERS, AGENTS AND/OR EMPLOYEES OR (II) THE SOLE NEGLIGENCE OF HCMUD 55, ITS OFFICERS, AGENTS AND EMPLOYEES. IT IS THE EXPRESSED INTENTION OF THE PARTIES HERETO, BOTH HCMUD 55 AND THE CITY, THAT THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH IS INDEMNITY BY HCMUD 55 TO INDEMNIFY AND PROTECT THE CITY FROM THE CONSEQUENCES OF (I) HCMUD 55'S OWN NEGLIGENCE WHERE THAT NEGLIGENCE IS A CONCURRING CAUSE WITH THAT OF THE CITY OF THE INJURY,

DEATH, OR DAMAGE AND/OR (II) HCMUD 55'S OWN NEGLIGENCE WHERE THAT NEGLIGENCE IS THE SOLE CAUSE OF THE INJURY, DEATH, OR DAMAGE. FURTHERMORE, THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL HAVE NO APPLICATION TO ANY CLAIM, LOSS, DAMAGE, CAUSE OF ACTION, SUIT, AND LIABILITY WHERE THE INJURY, DEATH, OR DAMAGE RESULTS FROM THE SOLE NEGLIGENCE OF THE CITY UNMIXED WITH THE FAULT OF ANY OTHER PERSON OR ENTITY OR THE CONCURRENT NEGLIGENCE OF THE CITY UNMIXED WITH THE FAULT OF HCMUD 55. IN THE EVENT ANY ACTION OR PROCEEDING IS BROUGHT AGAINST THE CITY BY REASON OF ANY OF THE ABOVE, HCMUD 55 AGREES AND COVENANTS TO DEFEND THE ACTION OR PROCEEDING BY COUNSEL ACCEPTABLE TO THE CITY. THE INDEMNITY PROVIDED FOR HEREIN SHALL SURVIVE THE TERMINATION OR EXPIRATION OF THIS AGREEMENT. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS AGREEMENT, HCMUD 55 IS NOT OBLIGATED TO INDEMNIFY, HOLD HARMLESS, OR DEFEND THE CITY AGAINST ANY CLAIM, WHETHER DIRECT OR INDIRECT, IF SUCH CLAIM OR CORRESPONDING LOSSES ARISE OUT OF OR RESULT FROM, IN WHOLE OR IN PART, THE CITY'S (A) GROSS NEGLIGENCE, RECKLESSNESS, OR WILLFUL MISCONDUCT; OR (B) BAD-FAITH FAILURE TO COMPLY WITH ANY OF ITS OBLIGATIONS SET FORTH IN THIS AGREEMENT.

5.02 *Release*. By this Agreement, neither Party consents to litigation or suit, and the Parties expressly revoke any consent to litigation that they may have granted by the terms of this Agreement or any other contract or agreement, any charter, or applicable state law. Nothing herein shall be construed so as to limit or waive either Party's sovereign immunity. HCMUD 55 assumes full responsibility for its services and hereby releases, relinquishes and discharges the City, its officers, agents, and employees from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to or death of any person (whether they be either of the Parties hereto, their employees, or other third parties) and any loss of or damage to property (whether the property be that of either of the Parties hereto, their employees, or other third parties) that is caused by or alleged to be caused by, arising out of, or in connection with HCMUD 55's services. This release shall apply with respect HCMUD 55's services regardless of whether said claims, demands, and causes of action are covered in whole or in part by insurance.

5.03 *Insurance*. HCMUD 55 shall at all times during this Agreement maintain in full force and effect insurance as provided herein and which meets or exceeds the following minimum limits:

Commercial General Liability:

- General aggregate: $2,000,000
- Per occurrence: $1,000,000
- Bodily Injury: $500,000
- Coverage shall be broad form.

- No coverage shall be excluded from standard policy without notification of individual exclusions being attached for review and acceptance.

Workers' Compensation:

- Statutory limits
- Employer's Liability Insurance: $500,000

Business Automobile Liability:

- Combined single limits of $1,000,000
- All automotive coverage is to include any auto.

Prior to the execution of this Agreement, HCMUD 55 shall file with the City valid certificates of insurance and endorsements acceptable to the City. Such certificates shall contain a provision that coverage afforded under the policies will not be canceled, suspended, voided, or reduced until at least thirty (30) days' prior written notice has been given to the City via certified mail, return receipt requested. HCMUD 55 shall also file with the City valid certificates of insurance covering its fire department and all contractors performing Firefighting and Ambulance Services within HCMUD 55.

The following are general requirements which are applicable to all policies:

- AM Best Rating of A:VII or better for all liability policies.
- Insurance carriers must be licensed and admitted to do business in the State of Texas.
- Liability policies will be on occurrence form.
- On insurance policies of HCMUD 55's fire department and all contractors performing Firefighting and Ambulance Services within HCMUD 55,
  - the City, its officials, and employees are to be added as Additional Insureds to liability policies, and
  - a waiver of subrogation shall be granted in favor of the City on all liability policies as well as the workers' compensation policy.
- Upon request of and without cost to the City, certified copies of insurance policies and/or certificates of insurance of HCMUD 55, its fire department and all contractors performing Firefighting and Ambulance Services within HCMUD 55 shall be furnished to the Director. Certificates of insurance showing evidence of insurance coverage shall be provided to the City's representative prior to the City's execution of this Agreement.

Should any insurance required by this Agreement lapse, (i) HCMUD 55 shall immediately notify the City, (ii) the Services shall be suspended as of the time and date of such lapse, and (iii) the Services shall not resume until coverages have resumed.

VI.
Notices

All notices required to be given hereunder shall be given in writing by telecopy, overnight, or facsimile transmission, certified or registered mail or by hand delivery at the respective addresses of the Parties set forth herein or at such other address as may be designated in writing by either Party. Notice given by mail shall be deemed given three (3) days after the date of mailing thereof to the following addresses:

HCMUD 55
Harris County Municipal Utility District No. 55
Attn: President
2300 Pilgrims Point Dr.
Webster, TX 77598

with a copy to:
Harris County Municipal Utility District No. 55
Attn: Attorney
1301 McKinney St., Suite 5100
Houston, TX 77010

CITY
City of Friendswood
Attn: City Manager
910 S. Friendswood Drive
Friendswood, TX 77546

with a copy to:
City of Friendswood
Attn: Chief of Police
1600 Whitaker Drive
Friendswood, TX 77546

VII.
Miscellaneous

7.01 *Governing Laws.* Throughout the term of this Agreement, HCMUD 55 shall comply with all federal, state, and local rules, regulations, and laws as they now exist or may hereafter be enacted or amended. The obligations of the City and HCMUD 55 shall be construed and enforced in accordance with the laws of the State of Texas. Venue for any dispute arising out of the performance of this Agreement shall lie in a court of competent jurisdiction in Harris County, Texas.

7.02 *Entire Agreement and Severability*. This Agreement, and any amendments thereto, contain the entire agreement between the City and HCMUD 55 for the Services. No variations, modifications or changes shall be binding unless in writing. The phrases, clauses, sentences, paragraphs, or sections of this Agreement are severable and, if any phrase, clause, sentence, paragraph, or section of this Agreement should be declared invalid by the final decree or judgment of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Agreement.

7.03 *Assignment*. HCMUD 55 may not sell or assign all or part interest in this Agreement to another party or parties without written approval of the City Manager of such sale or assignment. The City may require any records or financial statements necessary in its opinion to ensure such sale or assignment will be in the best interest of the City.

7.04 *Non-waiver*. Failure of either Party hereto to insist on the strict performance of any of the agreements contained herein or to exercise any rights or remedies accruing thereunder upon default or failure of performance shall not be considered a waiver of the right to insist on and to enforce by an appropriate remedy, strict compliance with any other obligation hereunder to exercise any right or remedy occurring as a result of any future default or failure of performance.

7.05 *No Right to Arbitration.* Notwithstanding anything to the contrary contained in this Agreement, the City and HCMUD 55 hereby agree that no claim or dispute between the City and HCMUD 55 arising out of or relating to this Agreement shall be decided by any arbitration proceeding, including, without limitation, any proceeding under the Federal Arbitration Act (9 U.S.C. Sections 1-14), or any applicable State arbitration statute, including, but not limited to, the Texas General Arbitration Act, provided that in the event that the City is subjected to an arbitration proceeding notwithstanding this provision, HCMUD 55 consents to be joined in the arbitration proceeding if HCMUD 55's presence is required or requested by the City of complete relief to be recorded in the arbitration proceeding.

7.06 *Interpretation*. The paragraph headings contained in this Agreement are for convenience only and will in no way enlarge or limit the scope or meaning of the various and several paragraphs. Each of the Parties has been represented by counsel of their choosing in the negotiation and preparation of this Agreement. Regardless of which Party prepared the initial draft of this Agreement, this Agreement shall, in the event of any dispute regarding its meaning or application, be interpreted fairly and reasonably and neither more strongly for, nor against any Party.

7.07 *No Third-Party Beneficiaries*. This Agreement is not intended to confer any rights, privileges, or causes of action upon any third party.

7.08 *Authority*. The officers executing this Agreement on behalf of the Parties hereby confirm that such officers have full authority to execute this Agreement and to bind the Party he/she represents.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in multiple copies, each of which shall be deemed to be an original, as of the Effective Date.

CITY OF FRIENDSWOOD

_____
MORAD KABIRI, City Manager

ATTEST:

_____
RAQUEL MARTINEZ, City Secretary

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55

_____
(Signature)

_____
(Printed Name)

_____
(Title)

STATE OF TEXAS §
§
COUNTY OF HARRIS §

Before me, _____, the undersigned notary public, on this day personally appeared _____, in his/her capacity as _____ of Harris County Municipal Utility District No. 55, on behalf of such entity, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed that instrument for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2026.

_____
Notary Public in and for the State of Texas

My commission expires: _____

Exhibit "A"
Boundaries of HCMUD 55

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/23/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider accepting the Sterling Estates public paving and utilities infrastructure project and authorizing the commencement of the contractor's one-year maintenance period.

Originating Department: Engineering

Degree of importance: Siginificant

SUMMARY / ORIGINATING CAUSE

This item provides for acceptance of the Sterling Estates public paving and utilities infrastructure Project (the “Project”) and authorizes the commencement of the one-year maintenance period for each contractor: Beyer Construction, LLC, for the public paving improvements, and Fellers & Clark, LP, for the public utilities infrastructure.

City staff has inspected the Project and found it to be built in compliance with the contract specifications and City requirements. As such, the City accepts the project and allows for the commencement of the contractor's maintenance period. During this time, the City will hold the contractor's one-year maintenance bond until such time as any and all project deficiencies are remedied per staff directions. Upon the completion of this period, the City will take full ownership of the project, and the remaining bond will be released to the contractor.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. 00600 - Certification of Substantial Completion
2. Sterling Estates Paving One Year Maintenance Bond
3. Sterling Estates Utilities One-Year Maintenance Bond

CERTIFICATE OF SUBSTANTIAL COMPLETION

Date: 04/20/2026

LPI Management, LLC
ATTN: Garrett Goza
1660 Winding Way Dr.
Friendswood, TX 77546

RE: Project Name: Sterling Estates (Civil Package/Public Infrastructure)

Dear Mr. Goza:

1.1 NOTIFICATION

On 03/31/2026 Projects Division received notification that the Contractor wished to declare the Work of the above referenced project Substantially Complete.

1.2 INSPECTION

A site visit and inspection of the Work performed under this Contract was carried out on 04/16/2026 by the City to ascertain the compliance of the Work with the Contract. The Date of Substantial Completion is hereby established as 05/04/2026. During this site visit a punch list of incomplete or non-conforming work was identified and agreed to by the City of Friendswood and the Contractor.

1.3 PUNCH LIST

The list of incomplete or outstanding items to be completed or corrected by the Contractor and verified by the Project Manager, (Document 00785 – Punch List) is attached hereto. The project shall not be considered complete until those items have been corrected or otherwise brought into compliance with the Contract and that correction is demonstrated to the City. Failure to include any items on such list shall not alter the responsibility of the Contractor to complete the Work in accordance with the Contract. The Contractor shall complete or correct the Work on the Punch List attached hereto within ten (10) working days from the date shown on the punch list generated on the date of the Substantial Completion walk-through.

1.4 WARRANTY PERIOD

However, with the issuance of this certificate, the project is considered and accepted as Substantially Complete and the Contractor’s warranty period of one (1) year shall commence from the above Date of Substantial Completion, or as stated in the contract if different, shall begin as of the date of this Certificate.

1.5 OCCUPANCY BY THE CITY

Substantial Completion of the Work entitles the City to take possession and make use of the Work and to conduct routine operations therein. Such operation by the City shall take precedence over all activities of the Contractor. The Public Works Department shall assume full possession of the Work at 11:59PM on 05/04/2026. {or will not take possession until after Final Completion.}

1.6 TRANSITION OF RESPONSIBILITIES

The City and the Contractor agree that security, maintenance, heating, ventilating, air conditioning, utilities, damage to the Work, and provision of insurance, during the period after Substantial Completion and prior to Final Completion, transfer to the City. The Contractor shall remove all his locks from gates at this time. Entry to the site by the Contractor from this point forward shall be by means of scheduled appointment that shall be approved by the City's operations staff.

1.7 COORDINATION OF CORRECTIVE WORK

All corrective activities conducted by the Contractor, his forces, subcontractors, and suppliers, shall comply with the City's operational schedule and shall in no way interfere with, impinge, or prevent the City's use of the project or benefit from its service. Any corrective actions that may require temporary shut down of any part or component of the project shall be reported in writing, scheduled, and approved by the City's operational staff at least twenty-four (24) hours prior to conducting that work. A list of all the Contractor's personnel, suppliers, and subcontractors expected or required to enter the project site shall be furnished to the City's operations staff prior to the scheduled work beginning. No exceptions shall be made.

The Contractor shall contact the City's Engineering staff at (281) 996-3411 for scheduling all further work on the project. Projects Division retains administrative control of the contract and all questions regarding approval of corrective work or payment for that work shall be directed to same.

1.8 ACCEPTANCE BY THE CITY

Marcos E. Martinez, Jr., ENV-SP Project Manager	Marcos E. Martinez Jr. Signature	4/17/2025 Date
Michael Medwedeff, CFM Assistant Director of Engineering - Projects	 Signature	4/17/2025 Date
Morad Kabiri, PE, CFM City Manager	 Signature	 Date

END OF DOCUMENT

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/09/2026

Prepared by: Leticia Brysch, Assistant City Manager

Subject: Consider authorizing the purchase of mobile shelving units from Library Interiors of Texas, LLC, through BuyBoard Contract No. 767-25.

Originating Department: Library

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This item approves the purchase of movable shelving in the Children's section and the Adult Non-Fiction section to replace the existing old and static shelving. The shelving is being purchased from Library Interiors of Texas, LLC, through BuyBoard Contract No. 767-25, in the amount of $167,581.

The new shelving allows the Library staff to move the shelves without having to remove the books quickly and efficiently to optimize the use of the limited spaces within the Library itself. This also helps with ADA compliance as it relates to height, so that individuals in wheelchairs or some other physical limitation can easily access the top shelves without the need for assistance, thus allowing for a more inclusive environment for patrons with physical challenges. This will also allow for enhancements to programs by making more space available as needed.

The shelving costs are noted below and include the removal of the books, the disassembling and disposal of existing shelving and the re-shelving of books as directed by the Library staff.

Description	Cost
Children's Shelves	$62,694
Adult Shelves	$104,887
Total	$167,581

This item is being paid for by the City's Capital Maintenance Fund.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. Quote - Mobile Shelving for Library 2026
2. Buyboard_end_user
3. Library Interiors 1295 Form

4. Library Interiors - Government Verfications Form

Quotation No. QT-6206

LIBRARY INTERIORS OF TEXAS
Library Interiors of Texas
3503 Wild Cherry Dr, Bldg 4
Lakeway TX, 78738
P. 512 964 2790
E. info@li-tx.com

Issued By: BOB WILLIAMS
Email: bob@library.furniture
Phone: 281-513-6423

Project ID:
Date: 2/5/2026
BUY BOARD Contract: 767-25
Terms: NET 30

Bill-to: FRIENDSWOOD PUBLIC LIBRARY
416 S. FRIENDSWOOD DR.
FRIENDSWOOD, TX 77546

Contact: KAREN HART
Email: khart@friendswood.com
Phone: 281-482-7135

Ship-to: FRIENDSWOOD PUBLIC LIBRARY
416 S. FRIENDSWOOD DR.
FRIENDSWOOD, TX 77546

Contact: KAREN HART
Email: khart@friendswood.com
Phone: 281-482-7135

Item	Tag	Colors/Finishes	Quantity	Part #	Description	Unit Net	Ext Net
CHILDREN'S AREA SHELVING, END PANELS AND CANOPY TOPS TO REPLACE EXISTING, IN THE SAME CONFIGURATION. ALL SHELVES ARE LOW BACK WITH SLIDING WIRE BOOK SUPPORTS						$	$
					1 RANGE OF 3 DOUBLE FACE SECTIONS ON CASTERS. 48" TALL X 24" DEEP X 36" WIDE. BASE SHELF PLUS 3 ADJUSTABLE SHELVES. NEW END PANELS AND CANOPY TOP. 2 RANGES OF 2 DOUBLE FACE SECTIONS ON CASTERS. 4 SECTIONS TOTAL. 48" TALL X 26" DEEP X 36" WIDE. BASE SHELF PLUS 2 ADJUSTABLE SHELVES ON ONE SIDE, BASE SHELF PLUS 3 ADJUSTABLE SHELVES ON THE OTHER SIDE. NEW END PANELS AND CANOPY TOPS. 1 RANGE OF DOUBLE FACE SECTIONS ON CASTERS. 66" TALL X 30" DEEP X 36" WIDE. BASE SHELF PLUS 4 ADJUSTABLE SHELVES. NEW END PANELS. NO CANOPY TOPS 1 RANGE OF DOUBLE FACE SECTIONS ON CASTERS. 66" TALL X 30" DEEP X 36" WIDE. BASE SHELF PLUS 4 ADJUSTABLE SHELVES. NEW END PANELS. 2 RANGES OF 2 DOUBLE FACE SECTIONS ON CASTERS. 4 SECTIONS TOTAL. 66" TALL X 24" DEEP X 36" WIDE. BASE SHELF PLUS 5 ADJUSTABLE SHELVES. NEW END PANELS. NO CANOPY TOPS. 2 RANGES OF 2 DOUBLE FACE SECTIONS ON CASTERS. 4 SECTIONS TOTAL. 66" TALL X 24" DEEP X 36" WIDE. BASE SHELF PLUS 5 ADJUSTABLE SHELVES. NEW END PANELS. NO CANOPY TOPS.		
PARTS NEEDED FOR THE ABOVE SHELVING							
1		TBD	4	EDDUPT4812	DESIGNER SERIES DOUBLE FACE UPRIGHT 48" TALL X 12" DEEP	167.94	671.76
2		TBD	8	EDDUPT6616	DESIGNER SERIES DOUBLE FACE UPRIGHT 66" TALL X 16" DEEP	189.54	1,516.32
3		TBD	14	EDDUPT6612	DESIGNER SERIES DOUBLE FACE UPRIGHT 66" TALL X 12" DEEP	167.94	2,351.16
4		TBD	6	EDDUPT4813	DESIGNER SERIES DOUBLE FACE UPRIGHT 48" TALL X13" DEEP	212.22	1,273.32
5		TBD	46	DSTRUT36	DESIGNER SERIES UPPER/LOWER STRUT 36"	46.98	2,161.08
6		TBD	46	DSDKP36	DESIGNER SERIES KICK PLATE	31.86	1,465.56
7		TBD	144	DBLIB3612A	DESIGNER SERIES ADJUSTABLE SHELF WITH INTEGRAL BACK AND SLIDING WIRE BOOK SUPPORT. 35.375" WIDE X 11" DEEP	58.86	8,475.84

Library Furniture International standard terms and conditions of sale apply.

Quotation No. QT-6206

LIBRARY INTERIORS OF TEXAS
Library Interiors of Texas
3503 Wild Cherry Dr, Bldg 4
Lakeway TX, 78738
P. 512 964 2790
E. info@li-tx.com

Issued By: BOB WILLIAMS
Email: bob@library.furniture
Phone: 281-513-6423

Project ID:
Date: 2/5/2026
BUY BOARD Contract: 767-25
Terms: NET 30

Bill-to: FRIENDSWOOD PUBLIC LIBRARY
416 S. FRIENDSWOOD DR.
FRIENDSWOOD, TX 77546

Contact: KAREN HART
Email: khart@friendswood.com
Phone: 281-482-7135

Ship-to: FRIENDSWOOD PUBLIC LIBRARY
416 S. FRIENDSWOOD DR.
FRIENDSWOOD, TX 77546

Contact: KAREN HART
Email: khart@friendswood.com
Phone: 281-482-7135

Item	Tag	Colors/Finishes	Quantity	Part #	Description	Unit Net	Ext Net
CHILDREN'S AREA SHELVING, END PANELS AND CANOPY TOPS TO REPLACE EXISTING, IN THE SAME CONFIGURATION. ALL SHELVES ARE LOW BACK WITH SLIDING WIRE BOOK SUPPORTS						$	$
8		TBD	56	DBLIB3613A	DESIGNER SERIES ADJUSTABLE SHELF WITH INTEGRAL BACK AND SLIDING WIRE BOOK SUPPORT. 35.375" WIDE X 12" DEEP	66.42	3,719.52
9		TBD	60	DBLIB3616A	DESIGNER SERIES ADJUSTABLE SHELF WITH INTEGRAL BACK AND SLIDING WIRE BOOK SUPPORT. 35.375" WIDE X 15" DEEP	127.44	7,646.40
10		TBD	6	DCTIB08S	DESIGNER SERIES CANOPY TOP BRACKET 8"	37.80	226.80
11		TBD	8	DCTIB12S	DESIGNER SERIES CANOPY TOP BRACKET 12"	46.44	371.52
12		TBD	72	DSPB	DESIGNER SERIES END PANEL BRACKET	4.00	287.71
13		-	9	DSCK-S	DESIGNER SERIES CASTER KIT - STARTER	173.88	1,564.92
14		-	14	DSCK-A	DESIGNER SERIES CASTER KIT - ADDER	91.26	1,277.64
15		TBD	2	T25025EP	T2 LAMINATE END PANEL. 50" TALL X 25.5" X 1" THICK. PVC EDGE BAND ON 4 EDGES	638.18	1,276.36
16		TBD	4	T25027EP	T2 LAMINATE END PANEL. 50" TALL X 27.5" X 1" THICK. PVC EDGE BAND ON 4 EDGES	638.18	2,552.72
17		TBD	4	T26633EP	T2 LAMINATE END PANEL. 66" TALL X 33.5" X 1" THICK. PVC EDGE BAND ON 4 EDGES	878.18	3,512.72
18		TBD	8	T26625EP	T2 LAMINATE END PANEL. 66" TALL X 25.5" X 1" THICK. PVC EDGE BAND ON 4 EDGES	798.18	6,385.44
19		TBD	1	T210825CT	T2 LAMINATE CANOPY TOP 108" LONG X 25" X 1.25" THICK. PVC EDGE BAND ON 2 LONG EDGES	1,169.09	1,169.09
20		TBD	2	T27227CT	T2 LAMINATE CANOPY TOP 72" LONG X 27" X 1.25" THICK. PVC EDGE BAND ON 2 LONG EDGES	778.18	1,556.36

Product Total: 49,462.24

Freight, Delivery & Installation: 13,231.00

Total; Supplied, Delivered & Installed: $62,693.24

Quote is valid for 30 days from date of issue

OPTION TO REMOVE BOOKS, DISASSEMBLE AND DISPOSE OF EXISTING SHELVING, AND RESHELVE BOOKS $7,769.06

Library Furniture International standard terms and conditions of sale apply.

Quotation No. QT-6205

LIBRARY INTERIORS OF TEXAS
Library Interiors of Texas
3503 Wild Cherry Dr, Bldg 4
Lakeway TX, 78738
P. 512 964 2790
E. info@li-tx.com

Issued By: BOB WILLIAMS
Email: bob@library.furniture
Phone: 281-513-6423

Project ID:
Date: 2/4/2026
BUY BOARD Contract: 767-25
Terms: NET 30

Bill-to: FRIENDSWOOD PUBLIC LIBRARY
416 S. FRIENDSWOOD DR.
FRIENDSWOOD, TX 77546

Contact: KAREN HART
Email: khart@friendswood.com
Phone: 281-482-7135

Ship-to: FRIENDSWOOD PUBLIC LIBRARY
416 S. FRIENDSWOOD DR.
FRIENDSWOOD, TX 77546

Contact: KAREN HART
Email: khart@friendswood.com
Phone: 281-482-7135

Item	Tag	Colors/Finishes	Quantity	Part #	Description	Unit Net	Ext Net
ADULT AREA SHELVING. DOUBLE FACE 66" TALL X 36" WIDE X 24" DEEP ON CASTERS. BASE SHELF PLUS 4 ADJUSTABLE SHELVES. WOOD STAINED END PANELS. STEEL CANOPY TOPS. ALL TO MATCH EXISTING.						$	$
		001-150			1 RANGE OF 3 SECTIONS, AND 1 RANGE OF 2 SECTIONS		
		150-390			1 RANGE OF 3 SECTIONS, AND 1 RANGE OF 2 SECTIONS		
		250-360			2 RANGES OF 3 SECTIONS, AND 1 RANGE OF 2 SECTIONS		
		390-720			1 RANGE OF 3 SECTIONS, AND 1 RANGE OF 2 SECTIONS		
		590-640			2 RANGES OF 3 SECTIONS, AND 1 RANGE OF 2 SECTIONS		
		720-790			2 RANGES OF 3 SECTIONS		
		790-910			2 RANGES OF 3 SECTIONS		
		ADDITIONAL RANGES			2 RANGES OF 3 SECTIONS		
		PARTS NEEDED FOR THE ABOVE SHELVING					
1		PUTTY	67	EDDUPT6612	DESIGNER SERIES DOUBLE FACE UPRIGHT 66" TALL X 12" DEEP	167.94	11,251.98
2		PUTTY	98	DSTRUT36	DESIGNER SERIES UPPER AND LOWER STRUT 36" WIDE	46.98	4,604.04
3		PUTTY	98	DSDKP36	DESIGNER SERIES KICKPLATE 36" WIDE	31.86	3,122.28
4		PUTTY	490	DBLIB3612A	DESIGNER SERIES ADJUSTABLE SHELF WITH INTEGRAL BACK AND SLIDING WIRE BOOK SUPPORT. 36" WIDE X 11" DEEP	58.86	28,841.40
5		PUTTY	49	DCTD3624	DESIGNER SERIES DOUBLE FACE CANOPY TOP. 36" WIDE X 24.5" DEEP	158.76	7,779.24
6		PUTTY	144	DSPB	DESIGNER SERIES WOOD END PANEL BRACKET	4.00	575.42
7		-	18	DSCK-S	DESIGNER SERIES CASTER KIT - STARTER	173.88	3,129.84
8		-	31	DSCK-A	DESIGNER SERIES CASTER KIT - ADDER	91.26	2,829.06
9		ENGLISH OAK	36	T2 6625EP	T2 OAK WOOD VENEER END PANEL 66" TALL X 25.5" WIDE X 1" THICK	706.05	25,417.73

Product Total: 87,550.99

Library Furniture International standard terms and conditions of sale apply.

Quotation No. QT-6205

LIBRARY INTERIORS OF TEXAS
Library Interiors of Texas
3503 Wild Cherry Dr, Bldg 4
Lakeway TX, 78738
P. 512 964 2790
E. info@li-tx.com

Issued By: BOB WILLIAMS
Email: bob@library.furniture
Phone: 281-513-6423

Project ID:
Date: 2/4/2026
BUY BOARD Contract: 767-25
Terms: NET 30

Bill-to: FRIENDSWOOD PUBLIC LIBRARY
416 S. FRIENDSWOOD DR.
FRIENDSWOOD, TX 77546

Contact: KAREN HART
Email: khart@friendswood.com
Phone: 281-482-7135

Ship-to: FRIENDSWOOD PUBLIC LIBRARY
416 S. FRIENDSWOOD DR.
FRIENDSWOOD, TX 77546

Contact: KAREN HART
Email: khart@friendswood.com
Phone: 281-482-7135

Item	Tag	Colors/Finishes	Quantity	Part #	Description	Unit Net	Ext Net
ADULT AREA SHELVING. DOUBLE FACE 66" TALL X 36" WIDE X 24" DEEP ON CASTERS. BASE SHELF PLUS 4 ADJUSTABLE SHELVES. WOOD STAINED END PANELS. STEEL CANOPY TOPS. ALL TO MATCH EXISTING.						$	$

Freight, Delivery & Installation: 17,335.96

Total; Supplied, Delivered & Installed: $104,886.96

Quote is valid for 30 days from date of issue

OPTION TO REMOVE BOOKS, DISASSEMBLE AND DISPOSE OF EXISTING SHELVING, AND RESHELVE BOOKS $15,442.48

Library Furniture International standard terms and conditions of sale apply.

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/14/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider renewing the Janitorial Services Agreement with American Janitorial Services (AJS), for the first one-year renewal term.

Originating Department: Parks and Recreation

Degree of importance: Staff recommends approval.

SUMMARY / ORIGINATING CAUSE

The City entered into the Janitorial Services Agreement with American Janitorial Services (AJS) on May 4, 2023, for a three-year term. The agreement may be renewed for two one-year periods. This item allows Council to authorize the agreement's first renewal term under the same terms and conditions.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. First Renewal of Janitorial Services Agreement
2. 2023 Janitorial Services Agreement - American Janitorial Services Ltd
3. Friendswood COI 26-27(1)
4. Government Verification Form
5. Form 1295

FIRST RENEWAL OF THE JANITORIAL SERVICES AGREEMENT

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

This First Renewal of the Janitorial Services Agreement (this "First Renewal") is made, entered into, and effective on the ___ day of _____, 2026, by and between American Janitorial Services, Ltd., a Texas limited partnership, (the "Contractor") and the City of Friendswood, a Texas home-rule municipal corporation (the "City"). The City and the Contractor are collectively referred to herein as the "Parties" and individually as a "Party." The Parties do hereby make and enter into the following agreement:

WITNESSETH:

WHEREAS, the Parties entered into the Janitorial Services Agreement on May 4, 2023, (the "Agreement") for a term of three (3) years with two (2) one-year renewals; and

WHEREAS, the City desires to renew the Agreement for the first one-year renewal period under the same terms and conditions; and

WHEREAS, the Parties desire to memorialize this First Renewal of the Agreement;

NOW THEREFORE, in consideration of the promises and of the mutual covenants and agreements herein contained, the City and the Contractor agree as follows:

1. Extension. The Agreement is hereby renewed for an additional one-year period under the same terms and conditions pursuant to Section 2.02 of the Agreement.

2. Entire Agreement. The provisions of this First Renewal and the Agreement shall be read together and construed as one agreement; provided that in the event of any conflict or inconsistency between the provisions of this First Renewal and the provisions of the Agreement, the provisions of this First Renewal shall control.

3. Interpretation. In the event of any ambiguity in any of the terms of this First Renewal, it shall not be construed for or against any Party hereto on the basis that such Party did or did not author the same.

4. Captions. Captions contained in the Agreement and this First Renewal are for reference only and, therefore, have no effect in construing the documents. The captions are not restrictive of the subject matter of any section.

5. No Waiver. By this First Renewal, the City does not consent to litigation or suit, and the City hereby expressly revokes any consent to litigation that it may have granted by the terms of this First Renewal; the Agreement; any other contract, agreement or addenda; any charter provision; or applicable state law. Nothing contained in this First Renewal or the Agreement shall be construed in any way to limit or to waive the City's sovereign immunity.

6. Authority. The officers executing this First Renewal on behalf of the Parties hereby represent that they have full authority to execute this First Renewal and to bind the Party the undersigned represents.

IN WITNESS WHEREOF, the Parties have executed this First Renewal as of the date first set forth above in multiple copies, each of which shall be deemed to be an original, but all of which shall constitute but one and the same agreement.

CONTRACTOR:
AMERICAN JANITORIAL SERVICES, LTD.

BY: ADVANCED CLEANING SERVICES, LLC, its General Partner

(Signature)

Annabella Greene
(Printed Name)

Partner
(Title)

CITY:
CITY OF FRIENDSWOOD

MORAD KABIRI, City Manager

ATTEST:

RAQUEL MARTINEZ, City Secretary

JANITORIAL SERVICES AGREEMENT

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

This Janitorial Services Agreement (the "Agreement") made and entered into on the Effective Date, by and between the City of Friendswood, a Texas home-rule municipality located in Galveston and Harris Counties, Texas, hereinafter called the "City," and American Janitorial Services, Ltd., a Texas limited partnership, hereinafter called the "Contractor."

1. Contractor's Responsibilities.

1.01 Scope. The Contractor shall furnish all the material, labor, and equipment to perform all janitorial services in a timely and worker like manner as required herein to the facilities in Exhibit "A" which is attached hereto and incorporated herein for all intents and purposes, (the "Facilities") in accordance with the cleaning tasks specified in Exhibit "B," which is attached hereto and incorporated herein for all intents and purposes (the "Services").

1.02 Manner of Performance. The Contractor shall conduct cleaning in such a manner that there will be no interruption in or interference with the proper execution of City business. Any work that is unsatisfactory to the Director will be called to the attention of the Contractor and the Contractor will be required to properly service the area in question within the time prescribed by the Director and to take steps to improve the overall results in the future. It is expressly understood and agreed that all deficiencies shall be corrected by the Contractor without additional compensation. Failure by the Contractor to correct deficiencies may result in the termination of this Agreement or in the corrective work being done by the City or a third party at the Contractor's sole cost and expense. The City may recoup such costs by invoicing the Contractor and/or by permanently withholding the amount to cover the City's costs. If invoiced, the Contractor shall pay the City within thirty (30) days and late payments will accrue interest in accordance with Section 2251.025 of the Texas Government Code. Approval by the City of any of the Services performed shall not constitute nor be deemed a release or waiver of the responsibility and liability of the Contractor for the same.

1.03 Materials and Equipment. The Contractor shall have the materials and equipment necessary to perform and complete all aspects of the Services. The Contractor shall have sufficient workforce to complete the Services in a timely manner pursuant to the scheduled noted in Exhibit "B" (the "Schedule") All materials and equipment used in connection in providing the Services shall be in good repair and safe to use. The City reserves the right to prohibit the Contractor from using equipment or materials that the Director of Parks and Recreation (the "Director") deems to be a danger to the Contractor, the general public, or the Facilities. The use of insufficient and/or inadequate materials or equipment, as determined by the Director, shall be deemed a breach of this Agreement.

1.04 Safety. The Contractor shall be responsible for the safety of all persons performing work in furtherance of this Agreement. The Contractor shall maintain an inventory of all cleaning chemicals, paper products and equipment required to perform Services. The Contractor shall comply with all fire protection measures prescribed in the City Fire Code, a copy of which is on file in the Office of the Fire Marshal. All dust cloths and mop

treatment products, and floor treatment products (exclusive of waxes) shall be free of spontaneous heating tendency. Listing of these products as free of this tendency by qualified nationally recognized testing organizations shall be considered as meeting this requirement. The Contractor shall not store combustible supplies, including, but not limited to rags and paper, near possible sources of ignition. The Contractor shall consider contaminated buckets, mops, cloths and brushes as potentially subject to spontaneous heating and shall not store such items in the building. The Contractor shall store used wiping cloths and treated dust mops in covered metal containers. Mop buckets shall be emptied and sanitized daily.

1.05 Contractor's Employees.

(a) Supervision. The Contractor shall provide supervision of all employees at all times while performing Services under this Agreement. Personal supervision is not required; provided that the personnel are able to communicate with the Contractor, if needed. Each crew shall have a designated person at the Facility who has the authority to respond to inquiries about work details or priorities. Such designated person shall have the authority to receive instructions from the Director as well as to bind the Contractor.

(b) Employees. The Contractor shall at all times during the term of this Agreement have sufficient, trained, qualified personnel to perform the Services under this Agreement. Such personnel may not be employees of or having any contractual relationship with the City. None of the Services shall be subcontracted by the Contractor without the express prior written consent of the City Manager. The Contractor shall (i) provide employees with suitable photo identification and uniform or smock to be worn at all times when performing Services in the Facilities, (ii) provide the Director with contact information of at least two of the Contractor's employees, who will be available for custodial emergencies, as determined by the Director, (iii) ensure that its employees shall comply with all applicable rules and laws when at a Facility; and (iv) perform background checks and bonding on all employees. It is expressly understood and agreed that all employees of Contractor performing Services at the Public Safety Building must have and maintain the proper clearances at all times before entering the Facility.

1.06 Records Keeping. The Contractor shall keep records of all Services performed. Such records shall include a breakdown of all hours worked, fees incurred, and other related records required or requested by the Director. The City at no cost shall have the right, through its agents and employees, to audit and examine and obtain copies, at all reasonable times, the Contractor's books, financial and operational records, which may be reasonably required by the City in order to enforce the terms of this Agreement or to evaluate the Contractor's performance thereof. Financial records will be maintained with such adequacy so as to allow identification of the source of all expenditures related to this Agreement and be kept for a period of not less than five (5) years after the expiration or earlier termination hereof.

1.07 Damages. Any damages to a Facility that are the fault of the Contractor, shall be the responsibility of the Contractor to make whole again by the Contractor at Contractor's expense. Failure to timely do so could result in the City terminating this Agreement or performing or causing to be performed the necessary repairs at the Contractor's sole cost and expense. If the City performs or causes to be performed the repairs, the City may

invoice or permanently withhold withholding amounts otherwise due under this Agreement. If invoiced, the Contractor shall pay the City within thirty (30) days and late payments will accrue interest in accordance with Section 2251.025 of the Texas Government Code.

2. Term and Termination.

2.01 Initial Term. The initial term of this Agreement shall be for a period of three (3) years commencing on the Effective Date.

2.02 Renewal Terms. This Agreement may be renewed under the same terms and conditions for two (2) successive one-year terms at the sole option of the City by providing written notice of such renewal to the Contractor at least thirty (30) days prior to the expiration of the then-current term. Each such renewal must be evidenced in writing. Such renewal shall be for the same compensation set forth in this Agreement; however, the Contractor may request that the prices be adjusted by no more than any increase in the Consumer Price Index (Urban) sixty-three (63) days prior to a renewal date if the Contractor makes such request at least sixty (60) days prior to the expiration of the then current term. Nothing contained herein, however, shall obligate the City to renew this Agreement or restrict the City from terminating this Agreement at any time pursuant to Section 2.04.

2.03 Temporary Extension. The Contractor understands and agrees that the City may extend this Agreement for a period of time, not to exceed two (2) months after the expiration of the initial term or any renewal thereof, for the same compensation as the City was receiving immediately prior to such extension. Nothing contained herein, however, shall obligate the City to extend this Agreement or restrict the City from terminating this Agreement at any time pursuant to Sections 2.04 or 2.05.

2.04 Termination without Cause. The City, besides all other rights or remedies it may have, shall have the right to terminate this Agreement without cause upon ten (10) days' written notice from the Director or City Manager to the Contractor of the City's election to do so.

2.05 Termination with Cause. Furthermore, the City may immediately and without notice terminate this Agreement if the Contractor breaches this Agreement, which shall include, but not be limited to, the following:

(a) By failing to pay insurance premiums, liens, claims or other charges;

(b) By failing to perform the Services pursuant to the Schedule;

(c) By failing to pay any payments due the City, State or Federal Government from the Contractor or its principals, including, but not limited to, payments identified in this Agreement any taxes, fees, assessments, or liens;

(d) On the institution of voluntary or involuntary bankruptcy proceeding against the Contractor;

(e) Dissolution of the Contractor;

(f) By violation of any provision of this Agreement; and/or

(g) By the abandonment or discontinuance of the Contractor's operations for a period of ten (10) days. Should this occur, the City shall not be responsible for the custodial protection of merchandise, fixtures or equipment abandoned, even though it may be necessary for the City to remove the same for storage or disposal in its sole discretion.

3. Compensation.

3.01 Invoice for Services: An invoice for the Services the Contractor performed and completed shall be submitted to the City no more than once a month.

3.02 Compensation. The Contractor shall be paid for the Services performed in accordance with Exhibit "C," which is attached hereto and incorporated herein for all intents and purposes. All wages, taxes, workers' compensation of all of the Contractor's employees and all other expenses incurred in performing the Services under this Agreement are to be paid by the Contractor.

3.03 Payment: Any payment required herein to be made by the City shall be paid within thirty (30) days after receipt of an invoice or thirty (30) days after receipt of the Services, whichever is later. All invoices must specifically indicate the date the Services were performed. The maximum liability of the City for Services of the Contractor under this Agreement is TWO HUNDRED FORTY-SEVEN THOUSAND SIX HUNDRED SEVENTY-EIGHT AND NO/100 DOLLARS ($247,678.00).

4. Independent Contractor.

It is expressly agreed and understood by both parties hereto that the Contractor is an independent contractor in its relationship to the City of Friendswood. Nothing herein contained at any time or in any manner shall be construed to effect an agreement of partnership or joint venture or render any party hereto the employer or master of the other party and/or its employees, agents, or representatives.

5. Insurance, Indemnity and Release.

5.01 Insurance.

(1) Requirements. Throughout the term of this Agreement, the Contractor at its own expense shall purchase, maintain and keep in full force and effect insurance against claims for injuries to or death of persons or damages to property which may arise out of or result from the Contractor's operations and/or performance of the work under this Agreement, whether such operations and/or performance be by the Contractor, its agents, representatives, volunteers, employees or subcontractors or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable.

The Contractor's insurance coverage shall be primary insurance with respect to the City and its volunteers and agents. Any insurance or self-insurance maintained by the City, its officials, employees or volunteers shall be considered in excess of the Contractor's insurance and shall not contribute to it.

(2) Coverages and Minimum Limits. The following is the insurance required under this Agreement along with its minimum coverage amounts required in this Agreement:

(a) Commercial General Liability Policy
- General aggregate of $2,000,000
- Owners' and Contractors' Protective Liability of $500,000
- Products and Completed Operations of $1,000,000
- Personal and Advertising Injury of $1,000,000
- Minimum of $1,000,000 per occurrence
- Coverage shall be broad form.
- No coverage exclusions shall be deleted from standard policy without notification of individual exclusions being attached for review and acceptance.
- Waiver of Subrogation required.

(b) Workers' Compensation Policy
- Statutory amounts required by Texas law.
- Employer's Liability of $1,000,000.
- Waiver of Subrogation required.

(c) Business Automobile Policy (BAP)
- Combined Single Limits: $1,000,000
- Coverage for "Any Auto"
- Waiver of Subrogation required.

(d) Umbrella
- General Aggregate of $5,000,000
- Per Occurrence of $5,000,000
- Waiver of Subrogation required.

(e) Business Services Bond
- $100,000

(3) Certificates of Insurance. Prior to or upon the execution of this Agreement and before commencing any use of the Premises, the Contractor shall file with the City a valid Certificate of Insurance and endorsements acceptable to the City. Such certificate shall contain a provision that coverages afforded under the policies will not be canceled, suspended, voided, or reduced until at least thirty (30) days' prior written notice has been given to the City via certified mail, return receipt requested. Prior to the end of each coverage period during the Term of this Agreement, new Certificates of Insurance must be filed with the City evidencing continuation of coverage.

(4) Additional Requirements.

(a) General Liability insurance shall be written by a carrier with an A.M. Best Rating of A/VII or higher in accordance with the current Best Key Rating Guide.

(b) Only Insurance Carriers licensed and admitted to do business in the State of Texas will be accepted.

(c) Deductibles shall be listed on the Certificate of Insurance and are acceptable only on a per occurrence basis.

(d) Claims-made policies will not be accepted.

(e) The City, its officials, employees and agents, are to be added as "Additional Insureds" to all liability policies. The coverage shall contain no special limitation on the scope of protection afforded to the City, its officials, employees or volunteers.

(f) Upon request, certified copies of the insurance policy and/or certificate of insurance shall be furnished to the City at no cost to the City.

(g) Upon request of and without cost to the City, loss runs (claims listing) of the insurance coverage shall be furnished to the City.

5.02 Indemnity.

THE CONTRACTOR HEREBY AGREES TO AND SHALL INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (HEREINAFTER AS USED IN THIS PARAGRAPH, WHETHER SINGULARLY OR COLLECTIVELY, THE "CITY") FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, DEMANDS, CAUSES OF ACTION, SUITS AND LIABILITY OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS AND ATTORNEYS' FEES, FOR INJURY TO OR DEATH OF ANY PERSON, FOR LOSS OF USE OR REVENUE, OR FOR DAMAGE TO ANY PROPERTY ARISING OUT OF OR IN CONNECTION WITH THE WORK PERFORMED OR REQUIRED TO BE PERFORMED BY THE CONTRACTOR, HIS AGENTS, SERVANTS, EMPLOYEES, AND/OR SUBCONTRACTORS PURSUANT TO THIS AGREEMENT, THE CONDUCT OR MANAGEMENT OF CONTRACTOR'S BUSINESS OR ACTIVITIES, OR FROM ANY ACT OR OMISSION BY CONTRACTOR, HIS AGENTS, SERVANTS, EMPLOYEES, AND/OR SUBCONTRACTORS ON OR ABOUT THE PROPERTY. SUCH INDEMNITY SHALL APPLY WHERE THE CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS OR LIABILITY ARISE FROM (I) THE JOINT NEGLIGENCE OF THE CITY AND ANY OTHER PERSON OR ENTITY AND/OR (II) THE SOLE OR JOINT NEGLIGENCE OF THE CONTRACTOR, ITS OFFICERS, AGENTS AND EMPLOYEES. IT IS THE EXPRESSED INTENTION OF THE PARTIES HERETO, BOTH

CONTRACTOR AND THE CITY, THAT THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH IS INDEMNITY BY CONTRACTOR TO INDEMNIFY AND PROTECT THE CITY FROM THE CONSEQUENCE OF (I) THE CITY'S OWN NEGLIGENCE WHERE THAT NEGLIGENCE IS A CONCURRING CAUSE OF THE INJURY, DEATH OR DAMAGE AND (II) THE CONTRACTOR'S OWN NEGLIGENCE WHERE THAT NEGLIGENCE IS THE SOLE OR JOINT CAUSE OF THE INJURY, DEATH, OR DAMAGE. FURTHERMORE, THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL HAVE NO APPLICATION TO ANY CLAIM, LOSS, DAMAGE, CAUSE OF ACTION, SUIT AND LIABILITY WHERE THE INJURY, DEATH OR DAMAGE RESULTS FROM THE SOLE NEGLIGENCE OF THE CITY UNMIXED WITH THE FAULT OF ANY OTHER PERSON OR ENTITY. IN THE EVENT ANY ACTION OR PROCEEDING IS BROUGHT AGAINST THE CITY BY REASON OF ANY OF THE ABOVE, THE CONTRACTOR AGREES AND COVENANTS TO DEFEND THE ACTION OR PROCEEDING BY COUNSEL ACCEPTABLE TO THE CITY. THE INDEMNITY PROVIDED FOR HEREIN SHALL SURVIVE THE TERMINATION OR EXPIRATION OF THIS AGREEMENT.

5.03 Release

By this Agreement, the City does not consent to litigation or suit, and the City hereby expressly revokes any consent to litigation that it may have granted by the terms of this Agreement or any other contract or agreement, any charter, or applicable state law. Nothing contained herein shall be construed in any way so as to waive in whole or part the City's sovereign immunity. The Contractor assumes full responsibility for the work performed hereunder and hereby releases, relinquishes and discharges the City, its officers, agents, and employees from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to or death of any person (whether they be either of the parties hereto, their employees, or other third parties) and any loss of or damage to property (whether the property be that of either of the parties hereto, their employees, or other third parties) that is caused by or alleged to be caused by, arising out of, or in connection with the Contractor's services to be performed hereunder. This release shall apply with respect to the Contractor's services regardless of whether said claims, demands, and causes of action are covered in whole or in part by insurance.

6. Miscellaneous Provisions.

6.01 Entire Agreement. This Agreement and all exhibits incorporated herein, shall constitute the entire understanding of the parties hereto with respect to the subject matter hereof, and no amendment, modification, or alteration of the terms shall be binding unless the same be in writing, dated subsequent to the date hereof, and duly executed by all parties hereto. Furthermore, this Agreement shall not bestow any rights upon any third party, but rather, shall bind and benefit the Contractor and the City only. Should any of the provisions contained in any of the Agreement documents be in conflict or inconsistent with each other,

Exhibit "A"
Facilities and Schedule

FACILITY	ADDRESS	FREQUENCY	SQUARE FOOTAGE
City Hall	910 S. Friendswood Dr	Mon.-Fri. evenings cleanings, One (1) Day Porter Mon. & Thurs. only, 8:00 a.m. – 12:00 p.m.	23,200
Public Safety Building	1600 Whitaker	Mon.-Fri. 8:00 a.m. – 3:00 p.m. cleanings only, Two (2) Day Porters Evenings, if needed	37,614
Library	416 S. Friendswood Dr	Mon. – Fri. evening	21,700
Activity Building	416 Morningside	Mon. – Fri. evening	7,850
Public Works Building	15355 Blackhawk	Mon. – Fri. evening	11,138
Leavesley Park Hanger	901 Buckingham	Mon.-Fri. evening	6,000
Centennial Park	2200 S. Friendswood Dr.	Dec. – Jan. & June – July 2 times/week (Tues and Thurs) and Feb. – May & Aug. – Nov. 6 times/week (Mon - Sat)	55 acres land area
Renwick	205 Stadium Dr.	Dec. – Jan. & June – July 2 times/week (Tues and Thurs) and Feb. – May & Aug. – Nov. 6 times/week (Mon - Sat)	20 acres land area
Animal Control	3000 W. Parkwood	Mon. – Sat., 8:00 a.m. – 12:00 p.m. cleaning only Two (2) Day Porters	5,527
Shultz Sportspark	2910 W. Parkwood	Dec. – Jan. & May – July 2 times/week (Tues and Thurs) and Feb. – April & Aug. – Nov. 6 times/week (Mon - Sat)	27 acres land area
Stevenson Park	1100 S. Friendswood Dr.	Tues., Wed., & Thurs. Day cleaning only, evening if necessary	24 acres land area

* All parks must be cleaned weekdays before 4:00 p.m. and weekends before 8:00 a.m.

such conflict or inconsistency shall be construed in favor of the City. Furthermore, both parties expressly agree that the City Manager shall be the sole and final decision-maker should any conflict arise hereunder. In the event of any such conflict or any ambiguity in any of the terms of this Agreement, such conflict or ambiguity shall not be construed for or against any party hereto on the basis that such party did or did not author the same.

6.02 Notices. All notices required to be given hereunder shall be given in writing by telecopy, overnight, or facsimile transmission, certified or registered mail or by hand delivery at the respective addresses of the parties set forth herein or at such other address as may be designated in writing by either party. Notice given by mail shall be deemed given three (3) days after the date of mailing thereof to the following addresses:

CONTRACTOR
American Janitorial Services LTD
520 Dickinson Avenue
League City, TX 77573
Cell: _____

CITY
City of Friendswood
Attn: City Manager
910 S. Friendswood Dr.
Friendswood, TX 77546

6.03 Compliance with Rules and Regulations. The Contractor shall comply with all rules, regulations, and laws of the United States of America, the State of Texas, and all laws, regulations and ordinances of the City of Friendswood as they now exist or may hereafter be enacted or amended.

6.04 Sale of Interest. The Contractor may not sell or assign all or part interest in activities to another party or parties without written approval of the City Manager of such sale or assignment. The City may require any records or financial statements necessary in its opinion to ensure such sale or assignment will be in the best interest of the City.

6.05 Waivers. Failure of either party hereto to insist on the strict performance of any of the agreements contained herein or to exercise any rights or remedies accruing thereunder upon default or failure of performance shall not be considered a waiver of the right to insist on and to enforce by an appropriate remedy, strict compliance with any other obligation hereunder to exercise any right or remedy occurring as a result of any future default or failure of performance.

6.06 Governing Law And Venue. This Agreement shall in all respects be interpreted and construed in accordance with and governed by the laws of the State of Texas and the City, regardless of the place of its execution or performance. The place of making and the place of performance for all purposes shall be Galveston County, Texas.

6.07 No Right To Arbitration. Notwithstanding anything to the contrary contained in this Agreement, the City and the Contractor hereby agree that no claim or dispute between the City and the Contractor arising out of or relating to this Agreement shall be decided by any arbitration proceeding, including, without limitation, any proceeding under the Federal Arbitration Act (9 U.S.C. Sections 1-14), or any applicable State arbitration statute,

including, but not limited to, the Texas General Arbitration Act, provided that in the event that the City is subjected to an arbitration proceeding notwithstanding this provision, the Contractor consents to be joined in the arbitration proceeding if the Contractor's presence is required or requested by the City of complete relief to be recorded in the arbitration proceeding.

6.08 Severability. All parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

6.09 Authority. The officers executing this Agreement on behalf of the parties hereby confirm that such officers have full authority to execute this Agreement and to bind the party he/she represents.

6.10 Immunity. It is expressly understood and agreed that, in the execution of this Agreement, the City does not waive any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

6.11 Headings. The headings appearing at the first of each numbered section in this Agreement are inserted and included solely for convenience and shall never be considered or given any effect in construing this Agreement or any provision hereof, or in connection with the duties, obligations or liabilities of the respective parties hereto or in ascertaining intent, if any question of intent should arise.

6.12 Agreement Read. The parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in multiple copies, each of which shall be deemed to be an original, but all of which shall constitute but one and the same agreement on the 4th day of May, 2023, the date of execution by the City Manager of the City of Friendswood (the "Effective Date").

CITY OF FRIENDSWOOD

BY: _____
MORAD KABIRI, City Manager

ATTEST:

_____
LETICIA BRYSCH, City Secretary

CITY OF FRIENDSWOOD
STATE OF TEXAS

AMERICAN JANITORIAL SERVICES LTD,

BY: _____
ANNI GREEN, General Partner

STATE OF TEXAS §
§
COUNTY OF GALVESTON §

Before me, Roger Flores, the undersigned notary public, on this day personally appeared Anni Greene, the General Partner of American Janitorial Services LTD, on behalf of such company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed that instrument for the purposes and consideration therein expressed.

Given under my hand and seal of office this 25th day of ~~May~~ April, 2023.

ROGER STEVE FLORES
Notary Public, State of Texas
My Comm. Exp. 08-19-2023
ID No. 132135410

Notary Public in and for the State of Texas

My commission expires: 08-19-2023

Exhibit "B"
Janitorial Services

Daily Services:

- Clean and disinfect all restroom facilities, including all basins, urinals, commodes and replenish paper products (cleaning supplies to be furnished by Contractor) unless other arrangements are made.
- Clean and disinfect all partitions, restroom walls, and shower stalls.
- Clean all flush rings, sanitary receptable and paper units.
- Clean and polish all mirrors.
- Clean inside and outside glass entranceways and partition glass excluding glass entranceway above doorway.
- Sweep and clear debris at all landings adjacent to entrances/exits to maintain a clean and favorable appearance.
- Clean and disinfect all sinks and refill soap dispensers.
- Clean and polish chrome fixtures in restrooms.
- Clean and disinfect all kitchen areas.
- Clean inside and outside of all microwave units.
- Clean outside of all refrigerators, coffee machines, and other appliances.
- Clean and disinfect all table units and wipe down chairs.
- Clean and disinfect all drinking fountains.
- Empty all trash receptacles, inside and outside, and change liners.
- Remove all garbage from premises. Dumpsters are provided at each site.
- Check ceilings for cobwebs and knock down cobwebs. Report excessive cobwebs.
- Address notes or correspondence left by City personnel.
- Animal Control Building - clean dog and cat kennels. Staff will direct contractor on desired standards.

Daily Floor Care:

- Dust mop all hard surfaces with a treated dust mop.
- Damp mop all hard surface floors to remove stain and spills as necessary.
- Damp mop or wet mop floors when necessary due to inclement weather.
- Wet mop and disinfect restroom and kitchen floors daily in all buildings.
- Vacuum all carpeted areas, excluding locked individual offices.
- Vacuum floor mats; wipe walls behind trash containers.
- Spot clean carpet as needed; spots 6 inches or less.
- Sweep and/or vacuum all stairs.

Weekly Service:

- Wet mop all hard surfaces/floors thoroughly.
- Clean all door fronts and handles.
- Clean all light switches.
- Dust all mini-blinds, windowsills, library shelves, picture frames and doorframes.
- Dust all ledges, chair rails, pictures and office furniture.
- Dust all desks, file cabinets, counters, partitions, and other office equipment/furniture.
- Desks shall be feather dusted and only cleaned thoroughly if desk is not in disarray.
- Clean and disinfect all telephones.
- Dust tops of cubicle partitions.

Monthly Services:

- Clean all air returns and vents.
- Replace air filters at Leavesley Park Jones Hangar Facility.
- Clean all baseboards.
- Dust all corners and ceiling fans.
- Clean and/or dust all hall and lobby walls.

Quarterly:

- Scrub and re-wax all tile floors.

Upon Request (additional charge at a per square foot rate):

- Shampoo/Steam clean carpeted areas.
- Carpet extraction.
- Strip and refinish all tile floors.
- Clean inside and outside glass above doorways.

Daily Maid Services:

- Clean restrooms.
- Clean lobby.
- Breakroom/kitchen area.
- Check with each office/department for cleaning instructions.
- Parking lot trash.
- Emergency cleanups.

Daily Park Services:

- Restrooms.
- Pavilions.
- Gazebo.
- Pick up trash on athletic fields, common areas and all green spaces.
- Empty trashcans.
- Wash interior cans and lids as needed.

Exhibit "C"
Compensation

PRICING SHEET FOR RFP 2023-07 JANITORIAL SERVICES FOR CITY FACILITIES

FACILITY	SQUARE FOOTAGE	PRICE PER MONTH	ANNUAL PRICE (MONTH TIMES 12)	ESTIMATED SUPPLIES	GRAND TOTAL
				Per YEAR	
City Hall	23,200	$1,850.00	$22,200.00	$4,320.00	$26,520.00
Public Safety Building	37,614	$4,490.00	$53,880.00	$5,400.00	$59,280.00
Library	21,700	$1,550.00	$18,600.00	$3,780.00	$22,380.00
Activity Building	7,850	$700.00	$8,400.00	$2,280.00	$10,680.00
Public Works	11,138	$1,200.00	$14,400.00	$3,240.00	$17,640.00
Leavesley Park Hanger	6,000	$535.00	$6,420.00	$1,620.00	$8,040.00
Centennial Park	55 acres	$1,100.00	$13,200.00	$1,620.00	$14,820.00
Renwick	20 acres	$900.00	$10,800.00	$1,728.00	$12,528.00
Animal Control	5,527	$3,600.00	$43,200.00	$1,350.00	$44,550.00
Shultz Sportspark	27 acres	$1,350.00	$16,200.00	$1,620.00	$17,820.00
Stevenson Park	24 acres	$990.00	$11,800.00	$1,620.00	$13,420.00

EST. ANNUAL TOTAL COST OF SUPPLIES	$28,578.00	$247,678.00

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 02/04/2026

Prepared by: Karen Horner, City Attorney

Subject: Consider approving the Friendswood Downtown Economic Development Corporation's payment to Comcast to remove and relocate communication lines in the downtown area.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

At the meeting on April 14, 2026, the Friendswood Downtown Economic Development Corporation (FDEDC) Board of Directors voted to approve payment in the amount of $625,483.26 to Comcast to remove and relocate communication lines for the downtown area.

This item is being presented to the City Council, as the FDEDC's expenditure of funds is subject to the approval of the City Council pursuant to Section 501.073(a) of the Texas Local Government Code.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. FRELO_INVOICE_265207

INVOICE

Comcast

Project Resources Group, Inc.
5690 DTC Boulevard, Ste. 650-E
Greenwood Village, CO 80111
ATTN: Forced Relocation Recovery Division
(720) 582-4262

Responsible Party:	Payable To:	Invoice Details:	
	Comcast 5690 DTC Boulevard, Ste. 650-E Greenwood Village, CO 80111 Attn: FRELO Department	Invoice #:	265207-2
		Comcast WO#:	JB0001839114
		Invoice Date:	04-01-2026
		Due Date:	
ATTN:	Project Address:		
	1003 S FRIENDSWOOD DR Friendswood, Texas 77546		

Applicable Charges	Cost to Date	
External Labor	$560,159.13	$560,159.13
Internal Labor	$8,582.18	$8,582.18
Materials	$56,741.95	$56,741.95
	Total Due:	$625,483.26

Click here to pay

Billing Questions:
Asia Black
Project Resources Group | FRELO Coordinator
P: (720) 582-4262
E: ablack@prgconsulting.net
5690 DTC Blvd. Suite 650 E
Greenwood Village, CO 80111

***** This invoice reflects the construction costs to reimburse Comcast for the amounts above on the stated project only and does not provide the authorization for any additional cost(s) unrelated to the stated project. The document details the cost as issued by Comcast. Payment is due in a net 15 days from the date this invoiced is received. *****

Labor:

Full Report | **Grid Edit** | **Email** | **More** ▾ **59 Labor records**

	Description	Unit of Measurement	Quantity
☐	Resag Strand	FOOT	2000
☐	Aerial Wreck Out All Strand and Cable	FOOT	9000
☐	Install New Riser Guard to Secure Cables to Pole	EACH	36
☐	Install Down Guy	EACH	17
☐	Pole Transfer - Simple	EACH	15
☐	Pole Transfer - Complex	EACH	10
☐	Drafting Base Map Strand and Trench Information <2,000'-Drafting Base Map Strand and Trench Information <2,000'	EACH	1
☐	Drafting Base Map Strand and Trench Information >2,000' (Has To Be Drafted In Spatial)-Drafting Base Map Strand and Trench Information >2,000' (Has To Be Drafted In Spatial)	FOOT	4871
☐	System Design - RF and Fiber Design and Draft for Forced Relocates - Base per project <2,000'-System Design - RF and Fiber Design and Draft for Forced Relocates - Base per project <2,000'	EACH	1
☐	System Design - RF and Fiber Design and Draft for Forced Relocates - Base + per foot >2,000'-System Design - RF and Fiber Design and Draft for Forced Relocates - Base + per foot >2,000'	FOOT	25,430
☐	Field Walkout/Strand Trench Mapping - Coax and/or Fiber <2,000 Ft	EACH	1
☐	TNMP-Walkout for Permit Fielding <300 Ft Complex	EACH	1
☐	CO FRIENDSWOOD-TXDOT-Walkout for Permit Fielding <300 Ft Non-Complex	EACH	2
☐	CO FRIENDSWOOD-TXDOT-Walkout for Permit Fielding greater than 300' Non-Complex - Walkout for Permit Fielding greater than 300' Non-Complex	FOOT	1154
☐	CO FRIENDSWOOD-TXDOT-Walkout for Permit Fielding greater than 300' Non-Complex	FOOT	13,966
☐	TNMP-Walkout for Permit Fielding Aerial	EACH	2
☐	E15-PIPELINE-Walkout and Fielding for Specialty Permit (Bridge/Tunnel/Structure/Alongside Railroad)	QUOTE	
☐	CITY OF FRIENDSWOOD	QUOTE	
☐	Estimate Creation	EACH	1
☐	Initial Strand Trench Mapping/Walkout for New Build >2,000 Ft	FOOT	5840
☐	Splice Loose Tube Fiber (Per Fusion 13-24)	EACH	2600
☐	OTDR End to End	EACH	250
☐	Fiber Optic Cable Strand Continuity Verification	EACH	130
☐	Splice Enclosure Audit (Separate Trip)	EACH	30
☐	Install New Splice Enclosure - Aerial	EACH	20
☐	Install New Splice Enclosure - Underground	EACH	20
☐	Fiber Enclosure Access only	EACH	30
☐	Fiber Enclosure Re-Entry - New Cable	EACH	30
☐	Splicer or Lineman with Bucket Truck	HOUR	20
☐	Ground Person/Laborer	HOUR	20
☐	Fiber Splicer with Truck and Tools (Night)	HOUR	20
☐	Vacuum Excavator and Crew	HOUR	20
☐	REV CITY OF FRIENDSWOOD 2-Permit Application within 300 Ft Complex	EACH	4
☐	CO FRIENDSWOOD-PIPELINE-TXDOT-Permit Application within 300 Ft Non-Complex - Permit Application within 300 Ft Non-Complex	EACH	1
☐	CO FRIENDSWOOD-PIPELINE-TXDOT-Permit Application within 300 Ft Non-Complex	EACH	2
☐	CO FRIENDSWOOD-TXDOT-Permit Application greater than 300 Ft Non-Complex - Permit Application greater than 300 Ft Non-Complex	FOOT	1154
☐	CO FRIENDSWOOD-TXDOT-Permit Application greater than 300 Ft Non-Complex	FOOT	13,966
☐	P6- BP PIPELINES (NORTH AMERICA),INC, ENTERPRISE CRUDE PIPELINE LLC-Specialty Permits (Bridge/Tunnel/Structure/Excessive TCP/Alongside Railroad)	QUOTE	
☐	Place New Ground Mounted Power Supply	EACH	4
☐	Wreck Out Old Aerial Power Supply	EACH	4
☐	Re-Powering Coax Plant	EACH	4
☐	17 anchors	QUOTE	
☐	high traffic	QUOTE	
☐	Drop Transfer	EACH	30
☐	Extend Drops	EACH	30

	Description	Unit of Measurement	Quantity
☐	Coaxial Cold Splicing	FOOT	23,000
☐	Coaxial Cold Splice Activation	FOOT	28,000
☐	Splice Tap	EACH	40
☐	Splice Splitter/DC	EACH	10
☐	Splice Active Device	EACH	10
☐	Span Placement 4" Directional Bore (SMB, MetroE, Fiber Deep)	FOOT	9000
☐	Install Large 36"x48"x30" Vault	EACH	18
☐	Install Node/DA Pedestal	EACH	10
☐	Install Tap/Splitter Pedestal	EACH	38
☐	Proof Existing Conduit	FOOT	23,000
☐	Intercept Existing Conduit(s) And Over Set New Vault Or Pedestal	EACH	20
☐	Dig Up and Repair and Restore	EACH	30
☐	Pull Coax, Fiber or Innerduct Separate Trip	FOOT	23,000
☐	Span Placement 2" Directional Bore (SMB, MetroE, Fiber Deep)	FOOT	6000

Materials:

Full Report | **Grid Edit** | **Email** | **More** ▾ **37 Material records**

☐	Description	Unit of Measurement	Quantity
☐	FST Comp. FP Tap,1.25GHz,2way,20dB	Each	15
☐	2 PORT 11 TAP		1
☐	24 x 36 x 24. VAULT WITH LID. PLASTIC HDPE. GRADE LEVEL. HEX BOLT. CHANNELL PN# SGLB2436241C120	Each	18
☐	FIBER OPTIC SPLICE. HEAT SHRINK PROTECTIVE SLEEVE. SINGLE FUSION. PN# CFSP-12-61. CANUSA. 100 PER PACKAGE	Each	2526
☐	CLOSURE, OPTICAL SPLICE (MIDPAK LG-200, BUTT), 120 SF SPLICE CAP, 5 PORTS/2 TRAYS/3 CABLES	Each	20
☐	CABLE SUSPENSION (THREE BOLT). CLAMP. HOT DIPPED GALVANIZED.5 3/4 LONG FOR 1/4-7/16 STRAND.	Each	18
☐	CABLE IN CONDUIT. .875 INCH. P3 CABLE. IN 2 INCH CONDUIT. SCHEDULE 40. TERRA COTTA	Foot	9000
☐	3 3/16 INCH X 8 FEET. U-STYLE. CABLE RISER. GUARD. GALVANIZED STEEL	Each	36
☐	ANCHOR.SCREW.TRIPLEYE.6'	Each	17
☐	P3 1000		2943
☐	2.05 INCH X 48 INCH. HEAT. SHRINK TUBING. 3:1 SHRINK RATIO. BLACK	Each	20
☐	DC-8		1
☐	48CT		17,472
☐	FST Comp. FP Tap,1.25GHz,2way,11dB	Each	10
☐	132CT		145
☐	WASHER. SQUARE. 2 X 1/8 INCH. 11/16 INCH HOLE SIZE. HOT DIP GALVANIZED	Each	36
☐	42 X 30 X 41H. AMP / NODE PEDESTAL, HIGH HEAT, COVER 38 X 24 X 26H, OVERALL 42 X 30 X 41H, LIGHT GREEN, HEX HEAD SELF-LATCHING DOME, LOW PROFILE BRACKET WITH FIBER STORAGE, COMCAST NAMEPLATE	Each	8
☐	D CABLE LASHING. CLAMP. HOT DIPPED GALVANIZED..	Each	36
☐	FFT*-PBA-V: RF/AC Bypass blank tap 5-1218 MHz. Fits all FFT housing bases for 2, 4, and 8 port taps	Each	15
☐	4 PORT 14 TAP		1
☐	5/8 INCH. SQUARE. NUT. HOT DIP GALVANIZED	Each	36
☐	.625 INCH. PIN CONNECTOR. 2 INCH PIN. P3/T10. 3 PIECE	Each	71
☐	CABLE IN CONDUIT. .625 INCH. P3 CABLE. IN 2 INCH CONDUIT. SCHEDULE 40. TERRA COTTA	Foot	9000
☐	FST Comp. FP Tap,1.25GHz,2way,4dB	Each	15
☐	48 Count, Low Water Peak, 12 fibers per tube, Loose Fibers, Dry Core and Dry Tube, Epoxy Glass or Equiv Strength Member, 600 Pounds Tensile Strength ,Single Armor-Single Jacket .35/.25dB/km@1310/1550nm	Foot	36,000
☐	625		5381
☐	MACHINE. BOLT. 5/8 X 14 INCH. HOT DIP GALVANIZED	Each	18
☐	CABLE SUPPORT. STRAP. 16 INCH. STAINLESS STEEL. 1-3/16 INCH MAXIMUM DIAMETER.	Each	36
☐	Z06 Series 12x12x30" Vented Vertical Pedestal, hex head lock, light green, stake	Each	38
☐	NMRB Phase Out -Consolidate To37769, 37734, 33146, 301018, 301019, 93510, 93504 - 240Count,LowWaterPeak,LooseFibers,DryCoreandDryTube,EpoxyGlassorEquivStrengthMember,600PoundsTensileStrength,SingleArmor-SingleJacket.35/.25dB/km@1310/1550nm	Foot	900

	Description	Unit of Measurement	Quantity
☐	POWER CABLE		1489
☐	CONNECTOR, PIN TYPE, 875, 3 PIECE, LONG PIN, C/S P3 OR T/F T10 CABLE	Each	15
☐	FST Comp. FP Tap,1.25GHz,2way,14dB	Each	15
☐	1.5 INCH X 48 INCH. HEAT. SHRINK TUBING. 3:1 SHRINK RATIO. BLACK. MEDIUM WALL	Each	20
☐	B-SPLICE		13
☐	SPLICE ENCLOSURE		13
☐	DUPLICATE USE 2916 1/2 INCH. BELL. CABLE SPACER. PLASTIC. UV STABILIZED	Each	36

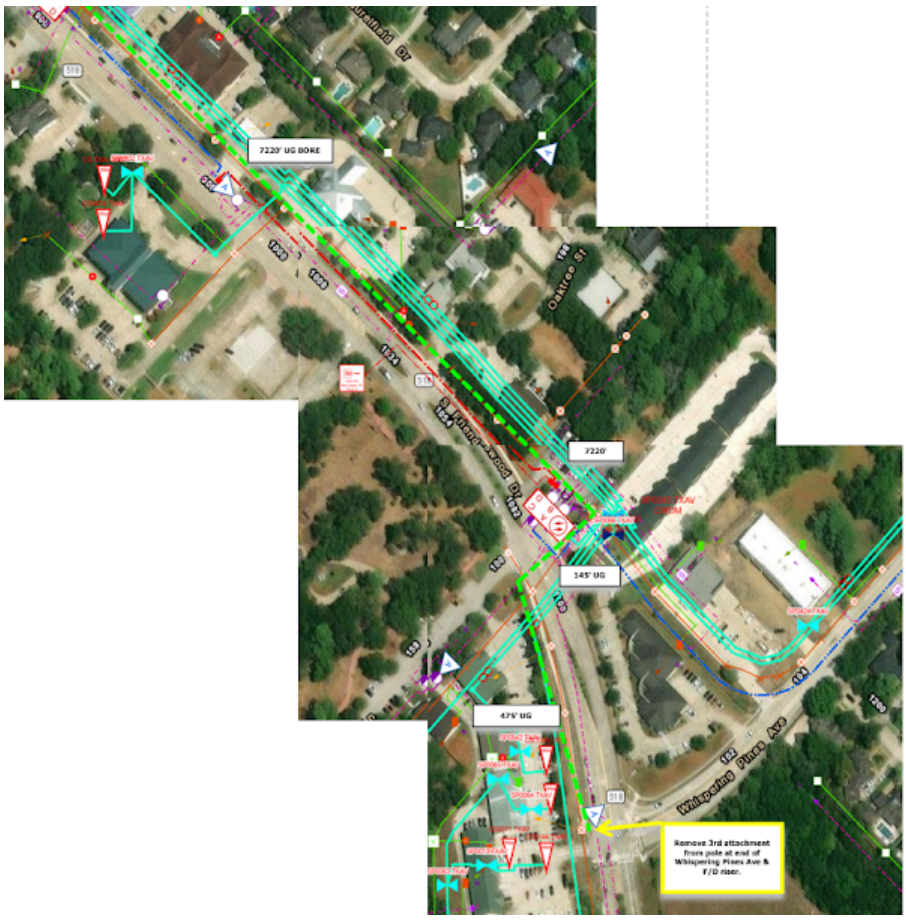
Attachments:

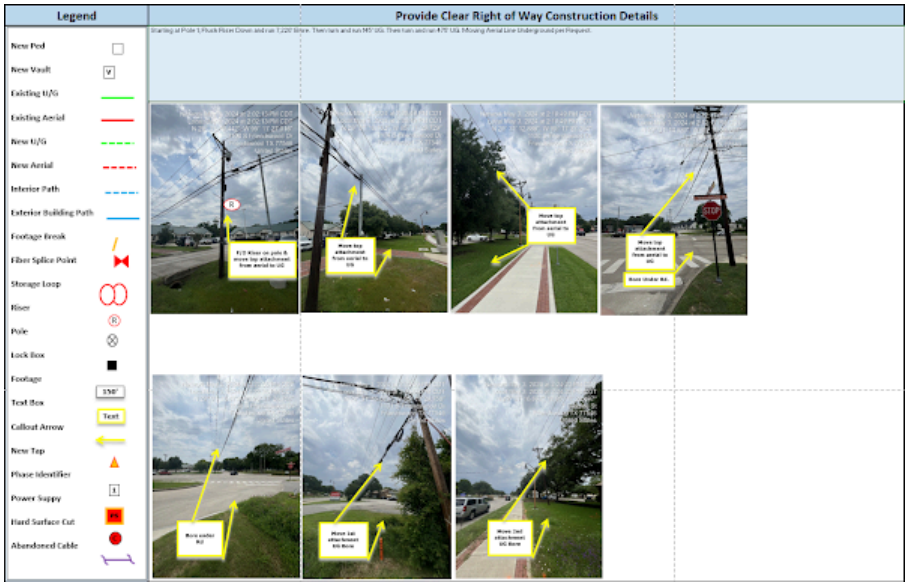
Full Report | **Grid Edit** | **Email** | **More** ▾ **1 Connection**

☐	Display
☐	

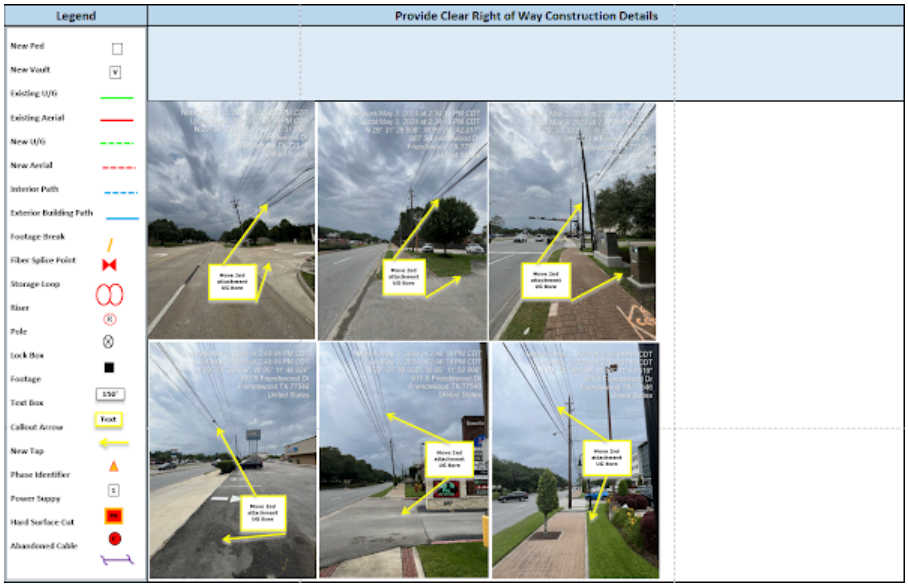
	Display

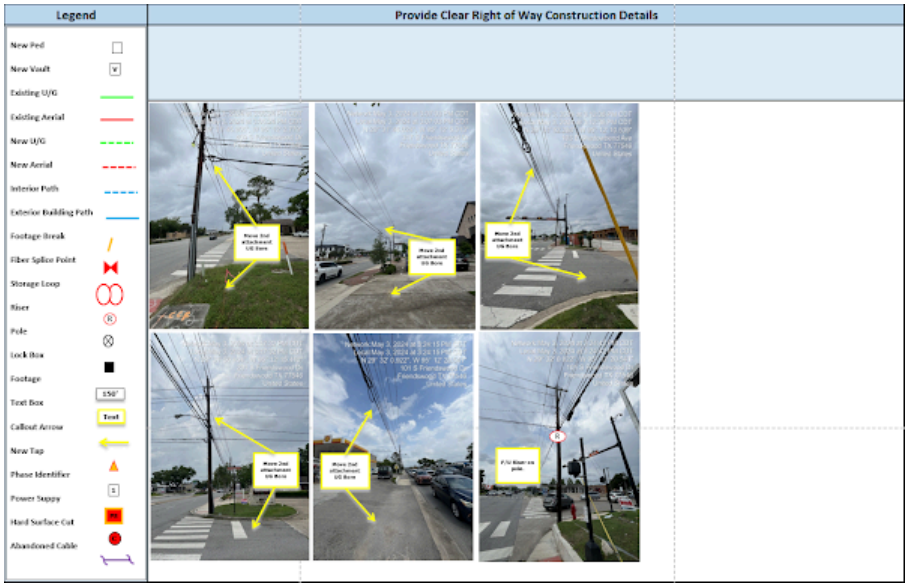
	Display


7220' UG BORE
7220'
145' UG
475' UG
Remove 3rd attachment from pole at end of Whispering Pines Ave & F/D riser.


Legend
Provide Clear Right of Way Construction Details
New Ped
New Vault
Existing U/G
Existing Aerial
New U/G
New Aerial
Interior Path
Exterior Building Path
Footage Break
Fiber Splice Point
Storage Loop
Riser
Pole
Lock Box
Footage
Text Box
Callout Arrow
New Tap
Phase Identifier
Power Supply
Hard Surface Cut
Abandoned Cable

	Display


Legend
Provide Clear Right of Way Construction Details
New Ped
New Vault
Existing U/G
Existing Aerial
New U/G
New Aerial
Interior Path
Exterior Building Path
Footage Break
Fiber Splice Point
Storage Loop
Riser
Pole
Lock Box
Footage
Text Box
Callout Arrow
New Tap
Phase Identifier
Power Supply
Hand Surface Cut
Abandoned Cable


Legend
Provide Clear Right of Way Construction Details
New Ped
New Vault
Existing U/G
Existing Aerial
New U/G
New Aerial
Interior Path
Exterior Building Path
Footage Break
Fiber Splice Point
Storage Loop
Riser
Pole
Lock Box
Footage
Text Box
Callout Arrow
New Tap
Phase Identifier
Power Supply
Hand Surface Cut
Abandoned Cable

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 04/22/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider approving the Friendswood Downtown Economic Development Corporation's payment to AT&T to prepare a cost estimate for a custom work order to remove and relocate communication lines for the downtown area.

Originating Department: City Attorney

Degree of importance:

SUMMARY / ORIGINATING CAUSE

At the meeting on April 14, 2026, the Friendswood Downtown Economic Development Corporation's (FDEDC) Board of Directors voted to approve an additional payment in the amount of $53,000 to AT&T to prepare a cost estimate for a custom work order to remove and relocate communication lines for the downtown area. During the initial request to provide the design and cost information, AT&T determined that additional research and field verification is required to provide accurate cost information.

This item is being presented to the City Council, as the FDEDC's expenditure of funds is subject to the approval of the City Council pursuant to Section 501.073(a) of the Texas Local Government Code.

For background purposes and comparison, staff has included the work authorization form provided by AT&T.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. Work Authorization Form -CWO-46781.pdf_encrypted_ (1)

AUTHORIZATION TO PREPARE COST ESTIMATE FOR WORK THAT REQUIRES CUSTOM WORK ORDER CHARGES

January 05, 2026

Work Order ID: CWO-46781

Applicant Billing Information

Billing Company Name:	CITY OF FRIENDSWOOD
Billing Address:	910 S.FRIENDSWOOD DR, FRIENDSWOOD, TX 77546
Billing Contact Name:	STEVEN RHEA
Email Address:	SRHEA@FRIENDSWOOD.COM
Phone Number:	(281) 996-3250

Location where work is to be performed (Address): **101 SOUTH FRIENDSWOOD DR,, FRIENDSWOOD, TX 77546**

Description of work being estimated: **THE CITY IS INTERESTED IN CONVERTING THE AERIAL UTILITIES LOCATED ALONG OUR DOWNTOWN DISTRICT INTO BURIED UTILITIES. THE CITY WOULD LIKE TO SEE WHAT THE COST WOULD BE TO MOVE ALL OF AT&T'S AERIAL LINES TO BURIED UTILITIES.**

Work Authorization

SOUTHWESTERN BELL TELEPHONE COMPANY ("AT&T") has received a request to prepare a Cost Estimate for work that requires AT&T charge the applicant Custom Work Order Charges.

In accordance with AT&T guidelines, a non-refundable quotation development and engineering preparation charge of $15,000.00 must be paid in advance to AT&T for expenditures incurred for providing you the detailed Custom Work estimate. If we do not receive payment and the signed application by **March 06, 2026**, your request will be cancelled.

After your payment and this original signed agreement are received, we will proceed with developing the detailed estimate of charges for the Custom Work associated with your request. Once the detailed estimate of charges are developed, an Agreement for the Custom Work Order we will be sent.

Understand that you are responsible for any additional quotation development and engineering preparation costs that AT&T incurs beyond the $15,000.00 payment in the above paragraph, in connection with preparing this cost estimate even if you choose to cancel the request prior to receiving the cost estimate. Also understand that, once you obtain the cost estimate for the Custom Work Order,

you are not obligated to proceed with the work. Further understand that if you proceed with the requested work, the engineering charges are included as part of those costs.

Payment Remit to: 14575 PRESIDIO SQUARE BLVD, FLOOR 1, ROOM 111, HOUSTON, TX 77083

Signature:
Email: srhea@friendswood.com
Title:
Company:

Signature:
Email: db7217@att.com
Title:
Company:

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 03/26/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider approving the ad valorem tax report for March 2026.

Originating Department: Finance

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This item allows the Council to receive the ad valorem tax report for March 2026.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. GalCo Tax March 2026

Cheryl E. Johnson, PCC, CTOP
Assessor and Collector of Taxes
County of Galveston
722 Moody Avenue, Galveston Texas 77550
Toll Free (877) 766-2284 Fax:(409) 766-2479
Email: galcotax@galvestoncountytx.gov

April 7, 2026

The Governmental Entities of the Galveston County Tax Assessor/Collector's Office:

I, Cheryl E. Johnson, Tax Assessor and Collector of the County of Galveston do solemnly swear that this statement of collections made by me and the disposition thereof during the month of March, 2026 is true and correct.

Under my hand and seal this 7th day of April, 2026.

Cheryl E. Johnson, PCC
Galveston County Tax Assessor/Collector

cc: Sergio Cruz, County Auditor
Linebarger, Goggan, Blair, & Simpson
Perdue, Brandon, Fielder, Collins, & Mott
Assessment & Collection Partners:

City of Bayou Vista
City of Clear Lake Shores (delinquent)
City of Dickinson
City of Friendswood
City of Galveston
City of Hitchcock
City of Jamaica Beach
City of Kemah
City La Marque
City of League City
City of Santa Fe
City of Texas City
City of Tiki Island
Dickinson Independent School District
Galveston Independent School District
High Island Independent School District
Hitchcock Independent School District
College of the Mainland
Galveston Community College

GC Drainage District No. 1
GC Drainage District No. 2
GC Emergency Services Dist. No. 1
GC Emergency Services Dist. No. 2
GC Consolidated Drainage District
GC Fresh Water Supply Dist. No. 6
Bacliff MUD
Bayview MUD
Galveston County MUD No. 12
Galveston County MUD No. 13
Galveston County MUD No. 44
San Leon MUD
Tara Glen MUD
GC Navigation District No. 1
WCID No. 1
WCID No. 12
WCID No. 19
Westwood Management District

Bay Colony West MUD
Galveston County MUD No. 2
Galveston County MUD No. 3
South Shore Harbour MUD No. 2
South Shore Harbour MUD No. 3
South Shore Harbour MUD No. 6
South Shore Harbour MUD No. 7
Galveston County MUD No. 35
Galveston County MUD No. 81
Galveston County MUD No. 82

Non Entity Partners (as appropriate):

Clear Creek Independent School District
Friendswood Independent School District
Santa Fe Independent School District
Texas City Independent School District
Flamingo Isles MUD
Galveston Co Management Dist #1
Galveston County MUD No. 1
Galveston County MUD No. 6
Galveston County MUD No. 14
Galveston County MUD No. 15
Galveston County MUD No. 29
Galveston County MUD No. 30
Galveston County MUD No. 31
Galveston County MUD No. 32
Galveston County MUD No. 39
Galveston County MUD No. 43
Galveston County MUD No. 45
Galveston County MUD No. 46
Galveston County MUD No. 52
Galveston County MUD No. 54
Galveston County MUD No. 56
Galveston County MUD No. 66
Galveston County MUD No. 68
WCID No. 8
West Ranch Management Dist. #1

YEAR	FUND	TAX RATE	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	TIF AMOUNT	DISBURSE TOTAL	ATTORNEY	OTHER FEES	REFUND AMOUNT	PAYMENT AMOUNT
2025	M & O	.399749	357,842.45	.00	27,526.81	.00	385,369.26	193.13	.00	.00	385,562.39
	I & S	.114423	102,427.82	.00	7,879.18	.00	110,307.00	.00	.00	.00	110,307.00
	TOTAL	.514172	460,270.27	.00	35,405.99	.00	495,676.26	193.13	.00	.00	495,869.39
2024	M & O	.404140	3,481.53-	.00	1,101.76	.00	2,379.77-	1,328.16	.00	.00	1,051.61-
	I & S	.110032	947.88-	.00	299.94	.00	647.94-	.00	.00	.00	647.94-
	TOTAL	.514172	4,429.41-	.00	1,401.70	.00	3,027.71-	1,328.16	.00	.00	1,699.55-
2023	M & O	.379450	1,989.51	.00	1,194.83	.00	3,184.34	1,191.85	.00	.00	4,376.19
	I & S	.121278	635.90	.00	381.87	.00	1,017.77	.00	.00	.00	1,017.77
	TOTAL	.500728	2,625.41	.00	1,576.70	.00	4,202.11	1,191.85	.00	.00	5,393.96
2022	M & O	.388560	138.55-	.00	93.24	.00	45.31-	73.54	.00	.00	28.23
	I & S	.098754	35.21-	.00	23.70	.00	11.51-	.00	.00	.00	11.51-
	TOTAL	.487314	173.76-	.00	116.94	.00	56.82-	73.54	.00	.00	16.72
2021	M & O	.385147	306.35-	.00	.09-	.00	306.44-	.09-	.00	.00	306.53-
	I & S	.102167	81.27-	.00	.03-	.00	81.30-	.00	.00	.00	81.30-
	TOTAL	.487314	387.62-	.00	.12-	.00	387.74-	.09-	.00	.00	387.83-
2020	M & O	.392153	3.06	.00	.00	.00	3.06	.00	.00	.00	3.06
	I & S	.095161	.74	.00	.00	.00	.74	.00	.00	.00	.74
	TOTAL	.487314	3.80	.00	.00	.00	3.80	.00	.00	.00	3.80
2019	M & O	.432160	3.38	.00	.00	.00	3.38	.00	.00	.00	3.38
	I & S	.089279	.69	.00	.00	.00	.69	.00	.00	.00	.69
	TOTAL	.521439	4.07	.00	.00	.00	4.07	.00	.00	.00	4.07
2018	M & O	.437173	3.41	.00	.00	.00	3.41	.00	.00	.00	3.41
	I & S	.095218	.74	.00	.00	.00	.74	.00	.00	.00	.74
	TOTAL	.532391	4.15	.00	.00	.00	4.15	.00	.00	.00	4.15
2017	M & O	.432349	3.38	.00	.00	.00	3.38	.00	.00	.00	3.38
	I & S	.095000	.74	.00	.00	.00	.74	.00	.00	.00	.74
	TOTAL	.527349	4.12	.00	.00	.00	4.12	.00	.00	.00	4.12
2016	M & O	.462000	3.61	.00	.00	.00	3.61	.00	.00	.00	3.61
	I & S	.084000	.65	.00	.00	.00	.65	.00	.00	.00	.65
	TOTAL	.546000	4.26	.00	.00	.00	4.26	.00	.00	.00	4.26
2015	M & O	.497200	3.87	.00	.00	.00	3.87	.00	.00	.00	3.87
	I & S	.071500	.56	.00	.00	.00	.56	.00	.00	.00	.56
	TOTAL	.568700	4.43	.00	.00	.00	4.43	.00	.00	.00	4.43
2014	M & O	.530300	5.25	.00	.80	.00	6.05	.30	.00	.00	6.35
	I & S	.061100	.61	.00	.09	.00	.70	.00	.00	.00	.70
	TOTAL	.591400	5.86	.00	.89	.00	6.75	.30	.00	.00	7.05

YEAR	FUND	TAX RATE	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	TIF AMOUNT	DISBURSE TOTAL	ATTORNEY	OTHER FEES	REFUND AMOUNT	PAYMENT AMOUNT
2013	M & O	.530300	7.48	.00	1.87	.00	9.35	.00	.00	.00	9.35
	I & S	.061100	.86	.00	.21	.00	1.07	.00	.00	.00	1.07
	TOTAL	.591400	8.34	.00	2.08	.00	10.42	.00	.00	.00	10.42
2012	M & O	.530700	2.07	.00	.00	.00	2.07	.00	.00	.00	2.07
	I & S	.066300	.26	.00	.00	.00	.26	.00	.00	.00	.26
	TOTAL	.597000	2.33	.00	.00	.00	2.33	.00	.00	.00	2.33
2011	M & O	.521800	1.26	.00	2.28	.00	3.54	.00	.00	.00	3.54
	I & S	.068400	.16	.00	.30	.00	.46	.00	.00	.00	.46
	TOTAL	.590200	1.42	.00	2.58	.00	4.00	.00	.00	.00	4.00
ALL	M & O		355,942.30	.00	29,921.50	.00	385,863.80	2,786.89	.00	.00	388,650.69
ALL	I & S		102,005.37	.00	8,585.26	.00	110,590.63	.00	.00	.00	110,590.63
ALL	TOTAL		457,947.67	.00	38,506.76	.00	496,454.43	2,786.89	.00	.00	499,241.32
DLQ	M & O		1,900.15-	.00	2,394.69	.00	494.54	2,593.76	.00	.00	3,088.30
DLQ	I & S		422.45-	.00	706.08	.00	283.63	.00	.00	.00	283.63
DLQ	TOTAL		2,322.60-	.00	3,100.77	.00	778.17	2,593.76	.00	.00	3,371.93
CURR	M & O		357,842.45	.00	27,526.81	.00	385,369.26	193.13	.00	.00	385,562.39
CURR	I & S		102,427.82	.00	7,879.18	.00	110,307.00	.00	.00	.00	110,307.00
CURR	TOTAL		460,270.27	.00	35,405.99	.00	495,676.26	193.13	.00	.00	495,869.39

YEAR DEPOSIT	ACCOUNT NUMBER	EFF YR/MO	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	ATTORNEY CAUSE /REV	REFUND AMOUNT	PAYMENT AMOUNT CAT
2021 RF260331	612939	202112	391.10-	0.00	0.00	0.00 21S3	391.10	0.00 RF
2021 RF260331	612939	202112	0.00	0.00	0.00	0.00 21S3	391.10-	391.10-RF
2021 RF260331	733390	202312	0.32-	0.00	0.12-	0.09-21S322TX052	0.53	0.00 RF
2021 RF260331	733390	202312	0.00	0.00	0.00	0.00 21S322TX052	0.53-	0.53-RF
	2021 TOTAL		391.42-	0.00	0.12-	0.09-	0.00	391.63-
2022 RF260331	612939	202301	430.21-	0.00	0.00	0.00 22S3	430.21	0.00 RF
2022 RF260331	612939	202301	0.00	0.00	0.00	0.00 22S3	430.21-	430.21-RF
	2022 TOTAL		430.21-	0.00	0.00	0.00	0.00	430.21-
2023 RF260323	1004130000014	202401	0.00	0.00	0.00	0.00 HK31	350.51-	350.51-RF
2023 RF260323	1004130000014	202401	350.51-	0.00	0.00	0.00 HK31	350.51	0.00 RF
2023 RF260323	1022310000001	202401	125.19-	0.00	0.00	0.00 HK31	125.19	0.00 RF
2023 RF260323	1022310000001	202401	0.00	0.00	0.00	0.00 HK31	125.19-	125.19-RF
2023 RF260323	1022360000005	202401	0.00	0.00	0.00	0.00 HK31	279.86-	279.86-RF
2023 RF260323	1022360000005	202401	279.86-	0.00	0.00	0.00 HK31	279.86	0.00 RF
2023 RF260323	1043970000009	202401	0.00	0.00	0.00	0.00 HK31	125.18-	125.18-RF
2023 RF260323	1043970000009	202401	125.18-	0.00	0.00	0.00 HK31	125.18	0.00 RF
2023 RF260323	1063160000001	202401	254.59-	0.00	0.00	0.00 HK31	254.59	0.00 RF
2023 RF260323	1063160000001	202401	0.00	0.00	0.00	0.00 HK31	254.59-	254.59-RF
2023 RF260309	202124	202311	0.00	0.00	0.00	0.00 23S2	385.88-	385.88-RF
2023 RF260309	202124	202311	385.88-	0.00	0.00	0.00 23S2	385.88	0.00 RF
2023 RF260309	202494	202401	0.00	0.00	0.00	0.00 23S2	226.07-	226.07-RF
2023 RF260309	202494	202401	226.07-	0.00	0.00	0.00 23S2	226.07	0.00 RF
2023 124132032426	606645	202603	1,942.78-	0.00	738.26-	536.21-CERT24TX064	0.00	3,217.25-TR
2023 RF260331	612939	202401	486.26-	0.00	0.00	0.00 23S2	486.26	0.00 RF
2023 RF260331	612939	202401	0.00	0.00	0.00	0.00 23S2	486.26-	486.26-RF
	2023 TOTAL		4,176.32-	0.00	738.26-	536.21-	0.00	5,450.79-
2024 RF260323	1004130000014	202412	0.00	0.00	0.00	0.00 HK19	357.49-	357.49-RF
2024 RF260323	1004130000014	202412	357.49-	0.00	0.00	0.00 HK19	357.49	0.00 RF
2024 RF260323	1022310000001	202412	0.00	0.00	0.00	0.00 HK19	151.81-	151.81-RF
2024 RF260323	1022310000001	202412	151.81-	0.00	0.00	0.00 HK19	151.81	0.00 RF
2024 RF260305	1022340000001	202412	288.63-	0.00	0.00	0.00 HK18	288.63	0.00 RF
2024 RF260305	1022340000001	202412	0.00	0.00	0.00	0.00 HK18	288.63-	288.63-RF
2024 RF260323	1022360000005	202501	0.00	0.00	0.00	0.00 HK19	698.43-	698.43-RF
2024 RF260323	1022360000005	202501	698.43-	0.00	0.00	0.00 HK19	698.43	0.00 RF
2024 RF260323	1043970000009	202412	0.00	0.00	0.00	0.00 HK19	194.26-	194.26-RF
2024 RF260323	1043970000009	202412	194.26-	0.00	0.00	0.00 HK19	194.26	0.00 RF

YEAR	DEPOSIT	ACCOUNT NUMBER	EFF YR/MO	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	ATTORNEY CAUSE /REV	REFUND AMOUNT	PAYMENT AMOUNT CAT
2024	RF260323	1063160000001	202412	0.00	0.00	0.00	0.00 HK19	261.43-	261.43-RF
2024	RF260323	1063160000001	202412	261.43-	0.00	0.00	0.00 HK19	261.43	0.00 RF
2024	RF260323	1084720000036	202410	317.70-	0.00	0.00	0.00 HK19	317.70	0.00 RF
2024	RF260323	1084720000036	202410	0.00	0.00	0.00	0.00 HK19	317.70-	317.70-RF
2024	RF260305	1084740000005	202501	0.00	0.00	0.00	0.00 HK18	368.41-	368.41-RF
2024	RF260305	1084740000005	202501	368.41-	0.00	0.00	0.00 HK18	368.41	0.00 RF
2024	RF260331	184213	202412	391.90-	0.00	0.00	0.00 24S2	391.90	0.00 RF
2024	RF260331	184213	202412	0.00	0.00	0.00	0.00 24S2	391.90-	391.90-RF
2024	RF260331	200809	202501	0.00	0.00	0.00	0.00 24S2	471.09-	471.09-RF
2024	RF260331	200809	202501	471.09-	0.00	0.00	0.00 24S2	471.09	0.00 RF
2024	RF260309	202124	202411	0.00	0.00	0.00	0.00 24S1	388.33-	388.33-RF
2024	RF260309	202124	202411	388.33-	0.00	0.00	0.00 24S1	388.33	0.00 RF
2024	RF260309	202494	202501	325.72-	0.00	0.00	0.00 24S1	325.72	0.00 RF
2024	RF260309	202494	202501	0.00	0.00	0.00	0.00 24S1	325.72-	325.72-RF
2024	RF260309	218805	202412	25.71-	0.00	0.00	0.00 24S1	25.71	0.00 RF
2024	RF260309	218805	202412	0.00	0.00	0.00	0.00 24S1	25.71-	25.71-RF
2024	RF260331	219103	202412	636.02-	0.00	0.00	0.00 24S2	636.02	0.00 RF
2024	RF260331	219103	202412	0.00	0.00	0.00	0.00 24S2	636.02-	636.02-RF
2024	RF260331	366437	202412	0.00	0.00	0.00	0.00 24S2	617.26-	617.26-RF
2024	RF260331	366437	202412	617.26-	0.00	0.00	0.00 24S2	617.26	0.00 RF
2024	RF260309	508853	202412	2,011.81-	0.00	0.00	0.00 24S1	2,011.81	0.00 RF
2024	RF260309	508853	202412	0.00	0.00	0.00	0.00 24S1	2,011.81-	2,011.81-RF
2024	RF260331	516176	202412	0.00	0.00	0.00	0.00 24S2	644.91-	644.91-RF
2024	RF260331	516176	202412	644.91-	0.00	0.00	0.00 24S2	644.91	0.00 RF
2024	124132032426	606645	202603	2,069.28-	0.00	538.01-	521.46-CERT24TX064	0.00	3,128.75-TR
2024	RF260331	612939	202412	549.24-	0.00	0.00	0.00 24S2	549.24	0.00 RF
2024	RF260331	612939	202412	0.00	0.00	0.00	0.00 24S2	549.24-	549.24-RF
2024	RF260331	742322	202501	0.00	0.00	0.00	0.00 24S2	839.64-	839.64-RF
2024	RF260331	742322	202501	839.64-	0.00	0.00	0.00 24S2	839.64	0.00 RF
2024	RF260309	747787	202501	0.00	0.00	0.00	0.00 24S1	8.65-	8.65-RF
2024	RF260309	747787	202501	8.65-	0.00	0.00	0.00 24S1	8.65	0.00 RF
2024	RF260331	747799	202502	0.00	0.00	0.00	0.00 24S2	866.88-	866.88-RF
2024	RF260331	747799	202502	810.17-	0.00	56.71-	0.00 24S2	866.88	0.00 RF
2024	RF260309	751887	202411	0.00	0.00	0.00	0.00 24S1	277.81-	277.81-RF
2024	RF260309	751887	202411	277.81-	0.00	0.00	0.00 24S1	277.81	0.00 RF
2024	RF260305	H1016289	202501	4.28-	0.00	0.00	0.00 HK18	4.28	0.00 RF
2024	RF260305	H1016289	202501	0.00	0.00	0.00	0.00 HK18	4.28-	4.28-RF
2024	RF260305	H2282636	202501	6.05-	0.00	0.00	0.00 HK18	6.05	0.00 RF
2024	RF260305	H2282636	202501	0.00	0.00	0.00	0.00 HK18	6.05-	6.05-RF

YEAR DEPOSIT	ACCOUNT NUMBER	EFF YR/MO	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	ATTORNEY CAUSE /REV	REFUND AMOUNT	PAYMENT AMOUNT CAT
2024 TOTAL			12,716.03-	0.00	594.72-	521.46-	0.00	13,832.21-
2025 RF260305	1000430000006	202512	80.07-	0.00	0.00	0.00 HK07	80.07	0.00 RF
2025 RF260305	1000430000006	202512	0.00	0.00	0.00	0.00 HK07	80.07-	80.07-RF
2025 RF260324	1004090000011	202601	128.54-	0.00	0.00	0.00 HK08	128.54	0.00 RF
2025 RF260324	1004090000011	202601	0.00	0.00	0.00	0.00 HK08	128.54-	128.54-RF
2025 RF260324	1004130000014	202512	0.00	0.00	0.00	0.00 HK08	371.38-	371.38-RF
2025 RF260324	1004130000014	202512	371.38-	0.00	0.00	0.00 HK08	371.38	0.00 RF
2025 RF260324	1012800000015	202512	0.00	0.00	0.00	0.00 HK08	128.54-	128.54-RF
2025 RF260324	1012800000015	202512	128.54-	0.00	0.00	0.00 HK08	128.54	0.00 RF
2025 RF260303	1012800000017	202602	348.99-	0.00	24.43-	0.00 25HC	373.42	0.00 RF
2025 RF260303	1012800000017	202602	0.00	0.00	0.00	0.00 25HC	373.42-	373.42-RF
2025 RF260324	1022310000001	202512	207.81-	0.00	0.00	0.00 HK08	207.81	0.00 RF
2025 RF260324	1022310000001	202512	0.00	0.00	0.00	0.00 HK08	207.81-	207.81-RF
2025 RF260305	1022340000001	202512	0.00	0.00	0.00	0.00 HK07	317.41-	317.41-RF
2025 RF260305	1022340000001	202512	317.41-	0.00	0.00	0.00 HK07	317.41	0.00 RF
2025 RF260324	1022360000005	202601	0.00	0.00	0.00	0.00 HK08	1,546.98-	1,546.98-RF
2025 RF260324	1022360000005	202601	1,546.98-	0.00	0.00	0.00 HK08	1,546.98	0.00 RF
2025 RF260324	1034970000001	202602	128.54-	0.00	9.00-	0.00 HK08	137.54	0.00 RF
2025 RF260324	1034970000001	202602	0.00	0.00	0.00	0.00 HK08	137.54-	137.54-RF
2025 RF260324	1043970000009	202601	274.39-	0.00	0.00	0.00 HK08	274.39	0.00 RF
2025 RF260324	1043970000009	202601	0.00	0.00	0.00	0.00 HK08	274.39-	274.39-RF
2025 864031726CHC	1043990010082	202602	682.42-	0.00	47.77-	0.00 25HC	0.00	730.19-TR
2025 RF260305	1043990010139	202601	128.54-	0.00	0.00	0.00 HK07	128.54	0.00 RF
2025 RF260305	1043990010139	202601	0.00	0.00	0.00	0.00 HK07	128.54-	128.54-RF
2025 RF260305	1050070000037	202601	115.36-	0.00	0.00	0.00 HK07	115.36	0.00 RF
2025 RF260305	1050070000037	202601	0.00	0.00	0.00	0.00 HK07	115.36-	115.36-RF
2025 RF260306	1050120000013	202603	0.00	0.00	0.00	0.00 25HC	95.67-	95.67-RF
2025 RF260306	1050120000013	202603	89.41-	0.00	6.26-	0.00 25HC	95.67	0.00 RF
2025 RF260306	1050120000013	202602	0.00	0.00	0.00	0.00 25HC	95.67-	95.67-RF
2025 RF260306	1050120000013	202602	89.42-	0.00	6.25-	0.00 25HC	95.67	0.00 RF
2025 RF260305	1050120000032	202511	273.56-	0.00	0.00	0.00 HK07	273.56	0.00 RF
2025 RF260305	1050120000032	202511	0.00	0.00	0.00	0.00 HK07	273.56-	273.56-RF
2025 RF260324	1057880000013	202601	0.00	0.00	0.00	0.00 HK08	128.54-	128.54-RF
2025 RF260324	1057880000013	202601	128.54-	0.00	0.00	0.00 HK08	128.54	0.00 RF
2025 RF260324	1063160000001	202511	0.00	0.00	0.00	0.00 HK08	253.99-	253.99-RF
2025 RF260324	1063160000001	202511	253.99-	0.00	0.00	0.00 HK08	253.99	0.00 RF
2025 RF260305	1084720000023	202512	0.00	0.00	0.00	0.00 HK07	102.83-	102.83-RF
2025 RF260305	1084720000023	202512	102.83-	0.00	0.00	0.00 HK07	102.83	0.00 RF
2025 RF260324	1084720000036	202511	307.33-	0.00	0.00	0.00 HK08	307.33	0.00 RF
2025 RF260324	1084720000036	202511	0.00	0.00	0.00	0.00 HK08	307.33-	307.33-RF
2025 RF260305	1084740000005	202512	0.00	0.00	0.00	0.00 HK07	373.79-	373.79-RF
2025 RF260305	1084740000005	202512	373.79-	0.00	0.00	0.00 HK07	373.79	0.00 RF

YEAR	DEPOSIT	ACCOUNT NUMBER	EFF YR/MO	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	ATTORNEY	CAUSE /REV	REFUND AMOUNT	PAYMENT AMOUNT	CAT
2025	RF260324	1084780000001	202602	0.00	0.00	0.00	0.00	HK08	290.45-	290.45-	RF
2025	RF260324	1084780000001	202602	290.45-	0.00	0.00	0.00	HK08	290.45	0.00	RF
2025	RF260324	1209130030001	202601	0.00	0.00	0.00	0.00	HK08	128.54-	128.54-	RF
2025	RF260324	1209130030001	202601	128.54-	0.00	0.00	0.00	HK08	128.54	0.00	RF
2025	RF260324	1209130030017	202602	1,305.92-	0.00	0.00	0.00	HK08	1,305.92	0.00	RF
2025	RF260324	1209130030017	202602	0.00	0.00	0.00	0.00	HK08	1,305.92-	1,305.92-	RF
2025	RF260324	1254280070007	202512	1,748.67-	0.00	0.00	0.00	HK08	1,748.67	0.00	RF
2025	RF260324	1254280070007	202512	0.00	0.00	0.00	0.00	HK08	1,748.67-	1,748.67-	RF
2025	RF260305	1294700020012	202512	0.00	0.00	0.00	0.00	HK07	61.15-	61.15-	RF
2025	RF260305	1294700020012	202512	61.15-	0.00	0.00	0.00	HK07	61.15	0.00	RF
2025	RF260309	167901	202512	18,510.19-	0.00	0.00	0.00	25S7	18,510.19	0.00	RF
2025	RF260309	167901	202512	0.00	0.00	0.00	0.00	25S7	18,510.19-	18,510.19-	RF
2025	RF260309	168188	202603	0.00	0.00	0.00	0.00	25S7	65.24-	65.24-	RF
2025	RF260309	168188	202603	60.97-	0.00	4.27-	0.00	25S7	65.24	0.00	RF
2025	RF260331	168517	202601	0.00	0.00	0.00	0.00	25S0	133.10-	133.10-	RF
2025	RF260331	168517	202601	133.10-	0.00	0.00	0.00	25S0	133.10	0.00	RF
2025	RF260331	168527	202512	0.00	0.00	0.00	0.00	25S0	311.41-	311.41-	RF
2025	RF260331	168527	202512	311.41-	0.00	0.00	0.00	25S0	311.41	0.00	RF
2025	RF260331	168639	202602	210.32-	0.00	14.72-	0.00	25S0	225.04	0.00	RF
2025	RF260331	168639	202602	0.00	0.00	0.00	0.00	25S0	225.04-	225.04-	RF
2025	RF260309	168645	202601	128.54-	0.00	0.00	0.00	25S7	128.54	0.00	RF
2025	RF260309	168645	202601	0.00	0.00	0.00	0.00	25S7	128.54-	128.54-	RF
2025	902033026T	168727	202412	1,433.63-	0.00	0.00	0.00	CERT	0.00	1,433.63-	TR
2025	RF260309	169214	202512	152.53-	0.00	0.00	0.00	25S7	152.53	0.00	RF
2025	RF260309	169214	202512	0.00	0.00	0.00	0.00	25S7	152.53-	152.53-	RF
2025	RF260309	184116	202512	0.00	0.00	0.00	0.00	25S7	128.54-	128.54-	RF
2025	RF260309	184116	202512	128.54-	0.00	0.00	0.00	25S7	128.54	0.00	RF
2025	902032526T	184209	202512	1,433.59-	0.00	0.00	0.00	CERT	0.00	1,433.59-	TR
2025	RF260331	184213	202512	383.86-	0.00	0.00	0.00	25S0	383.86	0.00	RF
2025	RF260331	184213	202512	0.00	0.00	0.00	0.00	25S0	383.86-	383.86-	RF
2025	RF260310	184405	202602	1,195.82-	0.00	83.71-	0.00	CERT	1,279.53	0.00	RF
2025	RF260310	184405	202602	0.00	0.00	0.00	0.00	CERT	1,279.53-	1,279.53-	RF
2025	RF260331	184464	202512	394.34-	0.00	0.00	0.00	25S0	394.34	0.00	RF
2025	RF260331	184464	202512	0.00	0.00	0.00	0.00	25S0	394.34-	394.34-	RF
2025	RF260331	200379	202512	0.00	0.00	0.00	0.00	25S0	59.22-	59.22-	RF
2025	RF260331	200379	202512	59.22-	0.00	0.00	0.00	25S0	59.22	0.00	RF
2025	924032726PHC	200543	202603	2,136.20-	0.00	192.26-	0.00	CERT	0.00	2,328.46-	TR
2025	RF260331	200809	202601	426.98-	0.00	0.00	0.00	25S0	426.98	0.00	RF
2025	RF260331	200809	202601	0.00	0.00	0.00	0.00	25S0	426.98-	426.98-	RF
2025	RF260309	201946	202512	114.51-	0.00	0.00	0.00	25S7	114.51	0.00	RF
2025	RF260309	201946	202512	0.00	0.00	0.00	0.00	25S7	114.51-	114.51-	RF
2025	RF260309	202124	202512	0.00	0.00	0.00	0.00	25S7	440.14-	440.14-	RF
2025	RF260309	202124	202512	440.14-	0.00	0.00	0.00	25S7	440.14	0.00	RF
2025	RF260309	202494	202601	0.00	0.00	0.00	0.00	25S7	278.66-	278.66-	RF
2025	RF260309	202494	202601	278.66-	0.00	0.00	0.00	25S7	278.66	0.00	RF

YEAR	DEPOSIT	ACCOUNT NUMBER	EFF YR/MO	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	ATTORNEY	CAUSE /REV	REFUND AMOUNT	PAYMENT AMOUNT	CAT
2025	RF260309	202518	202601	0.00	0.00	0.00	0.00	25S7	128.54-	128.54-	RF
2025	RF260309	202518	202601	128.54-	0.00	0.00	0.00	25S7	128.54	0.00	RF
2025	902031926T	202714	202601	207.24-	0.00	0.00	0.00	CERT	0.00	207.24-	TR
2025	902031926T	202714	202601	454.76-	0.00	0.00	0.00	CERT	0.00	454.76-	TR
2025	RF260309	218805	202512	25.71-	0.00	0.00	0.00	25S7	25.71	0.00	RF
2025	RF260309	218805	202512	0.00	0.00	0.00	0.00	25S7	25.71-	25.71-	RF
2025	RF260309	218872	202512	0.00	0.00	0.00	0.00	25S7	123.67-	123.67-	RF
2025	RF260309	218872	202512	123.67-	0.00	0.00	0.00	25S7	123.67	0.00	RF
2025	RF260309	218963	202512	359.69-	0.00	0.00	0.00	25S7	359.69	0.00	RF
2025	RF260309	218963	202512	0.00	0.00	0.00	0.00	25S7	359.69-	359.69-	RF
2025	RF260331	218997	202512	522.40-	0.00	0.00	0.00	25S0	522.40	0.00	RF
2025	RF260331	218997	202512	0.00	0.00	0.00	0.00	25S0	522.40-	522.40-	RF
2025	RF260331	219103	202512	472.17-	0.00	0.00	0.00	25S0	472.17	0.00	RF
2025	RF260331	219103	202512	0.00	0.00	0.00	0.00	25S0	472.17-	472.17-	RF
2025	902031826T	219339	202512	422.41-	0.00	0.00	0.00	CERT	0.00	422.41-	TR
2025	RF260326	233491	202601	1,967.81-	0.00	0.00	0.00	25S0	1,967.81	0.00	RF
2025	RF260326	233491	202601	0.00	0.00	0.00	0.00	25S0	1,967.81-	1,967.81-	RF
2025	RF260304	233555	202602	1,708.59-	0.00	119.59-	0.00	CERT	1,828.18	0.00	RF
2025	RF260304	233555	202602	0.00	0.00	0.00	0.00	CERT	1,828.18-	1,828.18-	RF
2025	902031826T	287511	202512	1,523.64-	0.00	0.00	0.00	CERT	0.00	1,523.64-	TR
2025	RF260309	287513	202512	128.54-	0.00	0.00	0.00	25S7	128.54	0.00	RF
2025	RF260309	287513	202512	0.00	0.00	0.00	0.00	25S7	128.54-	128.54-	RF
2025	RF260309	288620	202602	168.78-	0.00	11.82-	0.00	25S7	180.60	0.00	RF
2025	RF260309	288620	202602	0.00	0.00	0.00	0.00	25S7	180.60-	180.60-	RF
2025	864031726CHC	288704	202603	1,923.05-	0.00	134.61-	0.00	CERT	0.00	2,057.66-	TR
2025	RF260331	288741	202512	0.00	0.00	0.00	0.00	25S0	301.92-	301.92-	RF
2025	RF260331	288741	202512	301.92-	0.00	0.00	0.00	25S0	301.92	0.00	RF
2025	RF260331	292258	202601	0.00	0.00	0.00	0.00	25S0	151.32-	151.32-	RF
2025	RF260331	292258	202601	151.32-	0.00	0.00	0.00	25S0	151.32	0.00	RF
2025	RF260331	306810	202601	0.00	0.00	0.00	0.00	25S0	128.54-	128.54-	RF
2025	RF260331	306810	202601	128.54-	0.00	0.00	0.00	25S0	128.54	0.00	RF
2025	RF260309	306928	202512	0.00	0.00	0.00	0.00	25S7	791.82-	791.82-	RF
2025	RF260309	306928	202512	791.82-	0.00	0.00	0.00	25S7	791.82	0.00	RF
2025	RF260309	310431	202601	0.00	0.00	0.00	0.00	25S7	340.93-	340.93-	RF
2025	RF260309	310431	202601	340.93-	0.00	0.00	0.00	25S7	340.93	0.00	RF
2025	869175030526	311781	202603	26.53-	0.00	2.39-	0.00	CERT	0.00	28.92-	TR
2025	RF260331	358131	202601	0.00	0.00	0.00	0.00	25S0	345.30-	345.30-	RF
2025	RF260331	358131	202601	345.30-	0.00	0.00	0.00	25S0	345.30	0.00	RF
2025	RF260331	366086	202512	58.36-	0.00	0.00	0.00	25S0	58.36	0.00	RF
2025	RF260331	366086	202512	0.00	0.00	0.00	0.00	25S0	58.36-	58.36-	RF
2025	RF260331	366437	202601	523.61-	0.00	0.00	0.00	25S0	523.61	0.00	RF
2025	RF260331	366437	202601	0.00	0.00	0.00	0.00	25S0	523.61-	523.61-	RF
2025	RF260331	387479	202512	1,238.62-	0.00	0.00	0.00	25S0	1,238.62	0.00	RF
2025	RF260331	387479	202512	0.00	0.00	0.00	0.00	25S0	1,238.62-	1,238.62-	RF
2025	929031326T	387557	202511	1,587.17-	0.00	0.00	0.00	CERT	0.00	1,587.17-	TR

REVERSALS DETAIL SCHEDULE
FROM: 03/01/2026 THRU 03/31/2026
JURISDICTION: 337 FRIENDWD CITY

YEAR	DEPOSIT	ACCOUNT NUMBER	EFF YR/MO	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	ATTORNEY	CAUSE /REV	REFUND AMOUNT	PAYMENT AMOUNT CAT
2025	908030226T	387585	202601	2,238.92-	0.00	0.00	0.00	CERT	0.00	2,238.92-TR
2025	RF260309	389617	202601	20,345.79-	0.00	0.00	0.00	25S7	20,345.79	0.00 RF
2025	RF260309	389617	202601	0.00	0.00	0.00	0.00	25S7	20,345.79-	20,345.79-RF
2025	RF260304	394231	202602	0.00	0.00	0.00	0.00	CERT	3,298.10-	3,298.10-RF
2025	RF260304	394231	202602	3,082.34-	0.00	215.76-	0.00	CERT	3,298.10	0.00 RF
2025	RF260331	401008	202512	83.03-	0.00	0.00	0.00	25S0	83.03	0.00 RF
2025	RF260331	401008	202512	0.00	0.00	0.00	0.00	25S0	83.03-	83.03-RF
2025	RF260331	405885	202602	571.67-	0.00	40.02-	0.00	25S0	611.69	0.00 RF
2025	RF260331	405885	202602	0.00	0.00	0.00	0.00	25S0	611.69-	611.69-RF
2025	RF260331	407349	202601	0.00	0.00	0.00	0.00	25S0	471.07-	471.07-RF
2025	RF260331	407349	202601	471.07-	0.00	0.00	0.00	25S0	471.07	0.00 RF
2025	RF260309	407394	202601	194.65-	0.00	0.00	0.00	25S0	194.65	0.00 RF
2025	RF260309	407394	202601	0.00	0.00	0.00	0.00	25S0	194.65-	194.65-RF
2025	RF260331	407394	202601	556.60-	0.00	0.00	0.00	25S0	556.60	0.00 RF
2025	RF260331	407394	202601	0.00	0.00	0.00	0.00	25S0	556.60-	556.60-RF
2025	RF260309	413004	202601	145.79-	0.00	0.00	0.00	25S7	145.79	0.00 RF
2025	RF260309	413004	202601	0.00	0.00	0.00	0.00	25S7	145.79-	145.79-RF
2025	RF260331	420124	202601	0.00	0.00	0.00	0.00	25S0	690.33-	690.33-RF
2025	RF260331	420124	202601	690.33-	0.00	0.00	0.00	25S0	690.33	0.00 RF
2025	902031926T	508816	202512	2,580.12-	0.00	0.00	0.00	CERT	0.00	2,580.12-TR
2025	RF260309	508853	202512	2,219.16-	0.00	0.00	0.00	25S7	2,219.16	0.00 RF
2025	RF260309	508853	202512	0.00	0.00	0.00	0.00	25S7	2,219.16-	2,219.16-RF
2025	902031926T	511941	202512	2,340.51-	0.00	0.00	0.00	D08	0.00	2,340.51-TR
2025	RF260309	512147	202601	0.00	0.00	0.00	0.00	25S7	755.15-	755.15-RF
2025	RF260309	512147	202601	755.15-	0.00	0.00	0.00	25S7	755.15	0.00 RF
2025	RF260309	516091	202512	163.87-	0.00	0.00	0.00	25S7	163.87	0.00 RF
2025	RF260309	516091	202512	0.00	0.00	0.00	0.00	25S7	163.87-	163.87-RF
2025	RF260331	516176	202512	0.00	0.00	0.00	0.00	25S0	643.40-	643.40-RF
2025	RF260331	516176	202512	643.40-	0.00	0.00	0.00	25S0	643.40	0.00 RF
2025	864031726CHC	522411	202603	2,488.66-	0.00	223.98-	0.00	CERT	0.00	2,712.64-TR
2025	RF260331	523868	202601	0.00	0.00	0.00	0.00	25S0	996.32-	996.32-RF
2025	RF260331	523868	202601	996.32-	0.00	0.00	0.00	25S0	996.32	0.00 RF
2025	RF260309	601303	202601	0.00	0.00	0.00	0.00	25S7	879.87-	879.87-RF
2025	RF260309	601303	202601	879.87-	0.00	0.00	0.00	25S7	879.87	0.00 RF
2025	864030626CHC	605174	202602	3,328.34-	0.00	232.98-	0.00	CERT	0.00	3,561.32-TR
2025	RF260309	605183	202602	247.74-	0.00	0.00	0.00	25S7	247.74	0.00 RF
2025	RF260309	605183	202602	0.00	0.00	0.00	0.00	25S7	247.74-	247.74-RF
2025	RF260309	606624	202601	0.00	0.00	0.00	0.00	25S7	128.54-	128.54-RF
2025	RF260309	606624	202601	128.54-	0.00	0.00	0.00	25S7	128.54	0.00 RF
2025	908030326T	606651	202602	2,211.88-	0.00	154.83-	0.00	CERT	0.00	2,366.71-TR
2025	RF260331	606700	202601	1,490.59-	0.00	0.00	0.00	25S0	1,490.59	0.00 RF
2025	RF260331	606700	202601	0.00	0.00	0.00	0.00	25S0	1,490.59-	1,490.59-RF
2025	RF260331	612939	202512	21.89-	0.00	0.00	0.00	25S0	21.89	0.00 RF
2025	RF260331	612939	202512	0.00	0.00	0.00	0.00	25S0	21.89-	21.89-RF
2025	908030226T	613499	202512	1,596.22-	0.00	0.00	0.00	D08	0.00	1,596.22-TR

YEAR DEPOSIT	ACCOUNT NUMBER	EFF YR/MO	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	ATTORNEY CAUSE /REV	REFUND AMOUNT	PAYMENT AMOUNT CAT
2025 RF260331	711448	202511	0.00	0.00	0.00	0.00 25S0	250.55-	250.55-RF
2025 RF260331	711448	202511	250.55-	0.00	0.00	0.00 25S0	250.55	0.00 RF
2025 RF260331	742322	202601	0.00	0.00	0.00	0.00 25S0	831.86-	831.86-RF
2025 RF260331	742322	202601	831.86-	0.00	0.00	0.00 25S0	831.86	0.00 RF
2025 RF260331	747327	202601	349.10-	0.00	0.00	0.00 25S0	349.10	0.00 RF
2025 RF260331	747327	202601	0.00	0.00	0.00	0.00 25S0	349.10-	349.10-RF
2025 RF260309	747787	202512	0.00	0.00	0.00	0.00 25S7	724.48-	724.48-RF
2025 RF260309	747787	202512	724.48-	0.00	0.00	0.00 25S7	724.48	0.00 RF
2025 RF260331	747799	202601	0.00	0.00	0.00	0.00 25S0	1,208.79-	1,208.79-RF
2025 RF260331	747799	202601	1,208.79-	0.00	0.00	0.00 25S0	1,208.79	0.00 RF
2025 902031926T	747800	202511	4,353.27-	0.00	0.00	0.00 CERT	0.00	4,353.27-TR
2025 RF260331	751198	202512	301.22-	0.00	0.00	0.00 25S0	301.22	0.00 RF
2025 RF260331	751198	202512	0.00	0.00	0.00	0.00 25S0	301.22-	301.22-RF
2025 RF260309	751887	202601	0.00	0.00	0.00	0.00 25S7	381.16-	381.16-RF
2025 RF260309	751887	202601	381.16-	0.00	0.00	0.00 25S7	381.16	0.00 RF
2025 RF260331	757211	202512	7.20-	0.00	0.00	0.00 25S0	7.20	0.00 RF
2025 RF260331	757211	202512	0.00	0.00	0.00	0.00 25S0	7.20-	7.20-RF
2025 RF260309	757228	202512	0.00	0.00	0.00	0.00 25S7	361.97-	361.97-RF
2025 RF260309	757228	202512	361.97-	0.00	0.00	0.00 25S7	361.97	0.00 RF
2025 RF260309	757236	202601	51.37-	0.00	0.00	0.00 25S7	51.37	0.00 RF
2025 RF260309	757236	202601	0.00	0.00	0.00	0.00 25S7	51.37-	51.37-RF
2025 RF260309	757237	202512	27.21-	0.00	0.00	0.00 25S7	27.21	0.00 RF
2025 RF260309	757237	202512	0.00	0.00	0.00	0.00 25S7	27.21-	27.21-RF
2025 RF260309	757238	202512	81.56-	0.00	0.00	0.00 25S7	81.56	0.00 RF
2025 RF260309	757238	202512	0.00	0.00	0.00	0.00 25S7	81.56-	81.56-RF
2025 RF260331	757267	202512	0.00	0.00	0.00	0.00 25S0	349.59-	349.59-RF
2025 RF260331	757267	202512	349.59-	0.00	0.00	0.00 25S0	349.59	0.00 RF
2025 RF260309	757282	202601	0.00	0.00	0.00	0.00 25S7	192.56-	192.56-RF
2025 RF260309	757282	202601	192.56-	0.00	0.00	0.00 25S7	192.56	0.00 RF
2025 RF260309	757301	202601	6.64-	0.00	0.00	0.00 25S7	6.64	0.00 RF
2025 RF260309	757301	202601	0.00	0.00	0.00	0.00 25S7	6.64-	6.64-RF
2025 RF260309	759546	202601	0.00	0.00	0.00	0.00 25S0	204.03-	204.03-RF
2025 RF260309	759546	202601	204.03-	0.00	0.00	0.00 25S0	204.03	0.00 RF
2025 RF260306	767972	202603	192.89-	0.00	13.50-	0.00 CERT	206.39	0.00 RF
2025 RF260306	767972	202603	0.00	0.00	0.00	0.00 CERT	206.39-	206.39-RF
	2025 TOTAL		113,524.14-	0.00	1,538.15-	0.00	0.00	115,062.29-
	YEAR 2021							
	REFUNDS		391.42-	0.00	0.12-	0.09-	0.00	391.63-
	RETURNED ITEMS		0.00	0.00	0.00	0.00	0.00	0.00
	TRANSFERS/REVERSALS		0.00	0.00	0.00	0.00	0.00	0.00
	TOTAL		391.42-	0.00	0.12-	0.09-	0.00	391.63-

YEAR DEPOSIT	ACCOUNT NUMBER	EFF YR/MO	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	ATTORNEY CAUSE /REV	REFUND AMOUNT	PAYMENT AMOUNT CAT
	YEAR 2022							
	REFUNDS		430.21-	0.00	0.00	0.00	0.00	430.21-
	RETURNED ITEMS		0.00	0.00	0.00	0.00	0.00	0.00
	TRANSFERS/REVERSALS		0.00	0.00	0.00	0.00	0.00	0.00
	TOTAL		430.21-	0.00	0.00	0.00	0.00	430.21-
	YEAR 2023							
	REFUNDS		2,233.54-	0.00	0.00	0.00	0.00	2,233.54-
	RETURNED ITEMS		0.00	0.00	0.00	0.00	0.00	0.00
	TRANSFERS/REVERSALS		1,942.78-	0.00	738.26-	536.21-	0.00	3,217.25-
	TOTAL		4,176.32-	0.00	738.26-	536.21-	0.00	5,450.79-
	YEAR 2024							
	REFUNDS		10,646.75-	0.00	56.71-	0.00	0.00	10,703.46-
	RETURNED ITEMS		0.00	0.00	0.00	0.00	0.00	0.00
	TRANSFERS/REVERSALS		2,069.28-	0.00	538.01-	521.46-	0.00	3,128.75-
	TOTAL		12,716.03-	0.00	594.72-	521.46-	0.00	13,832.21-
	ALL YEARS							
	REFUNDS		174,813.08-	0.00	1,155.49-	0.09-	0.00	175,968.66-
	RETURNED ITEMS		0.00	0.00	0.00	0.00	0.00	0.00
	TRANSFERS/REVERSALS		69,949.18-	0.00	3,253.91-	1,057.67-	0.00	74,260.76-
	TOTAL		244,762.26-	0.00	4,409.40-	1,057.76-	0.00	250,229.42-

SUMMARY OF PAYMENTS AND REVERSALS
FROM: 03/01/2026 THRU 03/31/2026
JURISDICTION: 337 FRIENDWD CITY

YEAR DEPOSIT	ACCOUNT NUMBER	EFF YR/MO	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	ATTORNEY CAUSE /REV	REFUND AMOUNT	PAYMENT AMOUNT
	2011 TOTAL		1.42	0.00	2.58	0.00	0.00	4.00
	2012 TOTAL		2.33	0.00	0.00	0.00	0.00	2.33
	2013 TOTAL		8.34	0.00	2.08	0.00	0.00	10.42
	2014 TOTAL		5.86	0.00	0.89	0.30	0.00	7.05
	2015 TOTAL		4.43	0.00	0.00	0.00	0.00	4.43
	2016 TOTAL		4.26	0.00	0.00	0.00	0.00	4.26
	2017 TOTAL		4.12	0.00	0.00	0.00	0.00	4.12
	2018 TOTAL		4.15	0.00	0.00	0.00	0.00	4.15
	2019 TOTAL		4.07	0.00	0.00	0.00	0.00	4.07
	2020 TOTAL		3.80	0.00	0.00	0.00	0.00	3.80
	2021 TOTAL		3.80	0.00	0.00	0.00	0.00	3.80
	2022 TOTAL		256.45	0.00	116.94	73.54	0.00	446.93
	2023 TOTAL		6,801.73	0.00	2,314.96	1,728.06	0.00	10,844.75
	2024 TOTAL		8,286.62	0.00	1,996.42	1,849.62	0.00	12,132.66
	2025 TOTAL		573,794.41	0.00	36,944.14	193.13	0.00	610,931.68
	TOTAL PAYMENTS		589,185.79	0.00	41,378.01	3,844.65	0.00	634,408.45
	2021 TOTAL		391.42-	0.00	0.12-	0.09-	0.00	391.63-
	2022 TOTAL		430.21-	0.00	0.00	0.00	0.00	430.21-
	2023 TOTAL		4,176.32-	0.00	738.26-	536.21-	0.00	5,450.79-
	2024 TOTAL		12,716.03-	0.00	594.72-	521.46-	0.00	13,832.21-
	2025 TOTAL		113,524.14-	0.00	1,538.15-	0.00	0.00	115,062.29-
	TOTAL REVERSALS		131,238.12-	0.00	2,871.25-	1,057.76-	0.00	135,167.13-
	TOTAL FOR UNIT		457,947.67	0.00	38,506.76	2,786.89	0.00	499,241.32

FISCAL START: 08/01/2025 END: 07/31/2026 JURISDICTION: 0337 FRIENDWD CITY

	CERT TAXABLE VALUE	ADJUSTMENTS	ADJ TAX VALUE		TAX RATE	TAX LEVY	PAID ACCTS
CURRENT YEAR	5,921,204,982	283,929,743	6,205,134,725	0	00.514172	29,450,097.86	17,102

YEAR	TAXES DUE	MONTH ADJ	ADJUSTMENT YTD	LEVY PAID	PAID YTD	BALANCE	COLL %	YTD UNCOLL
2025	28,085,783.72	1,364,314.14	1,364,314.14	28,155,356.47	28,155,356.47	1,294,741.39	95.60	0.00
2024	292,504.02	69,443.49-	69,443.49-	32,603.02	32,603.02	190,457.51	14.62	0.00
2023	90,269.76	29,582.16-	29,582.16-	4,367.04-	4,367.04-	65,054.64	7.20-	0.00
2022	46,639.80	201.53-	201.53-	4,025.83	4,025.83	42,412.44	8.67	0.00
2021	27,567.15	2,919.97-	2,919.97-	51.91	51.91	24,595.27	.21	0.00
2020	19,946.57	.00	0.00	753.01	753.01	19,193.56	3.78	0.00
2019	15,213.80	.00	0.00	376.38	376.38	14,837.42	2.47	0.00
2018	12,293.33	.00	0.00	393.15	393.15	11,900.18	3.20	0.00
2017	11,156.64	.00	0.00	146.92	146.92	11,009.72	1.32	0.00
2016	9,727.29	.00	0.00	258.42	258.42	9,468.87	2.66	0.00
2015	9,600.44	.00	0.00	265.02	265.02	9,335.42	2.76	0.00
2014	6,417.74	.00	0.00	196.80	196.80	6,220.94	3.07	0.00
2013	6,272.78	.00	0.00	62.20	62.20	6,210.58	.99	0.00
2012	5,458.39	.00	0.00	2.33	2.33	5,456.06	.04	0.00
2011	5,550.88	.00	0.00	1.42	1.42	5,549.46	.03	0.00
2010	3,596.44	.00	0.00	0.59	0.59	3,595.85	.02	0.00
2009	5,154.38	.00	0.00	0.58	0.58	5,153.80	.01	0.00
2008	4,278.43	.00	0.00	0.58	0.58	4,277.85	.01	0.00
2007	1,318.21	.00	0.00	0.58	0.58	1,317.63	.04	0.00
2006	2,437.90	.00	0.00	0.58	0.58	2,437.32	.02	0.00
2005	1,170.61	.00	0.00	0.00	0.00	1,170.61		0.00
2004	1,537.12	.00	0.00	0.00	0.00	1,537.12		0.00
****	28,663,895.40	1,262,166.99	1,262,166.99	28,190,128.75	28,190,128.75	1,735,933.64		0.00
CURR	28,085,783.72	1,364,314.14	1,364,314.14	28,155,356.47	28,155,356.47	1,294,741.39		0.00
DELQ	578,111.68	102,147.15-	102,147.15-	34,772.28	34,772.28	441,192.25		0.00

TAX COLLECTION SYSTEM
SUPPLEMENTAL / ADJUSTMENT CONTROL TOTALS
FOR TAX YEAR: 2025
JURISDICTION: 0337 FRIENDWD CITY

ALL PROPERTY

INCLUDES AG ROLLBACK

	CERTIFIED ROLL	ROLL AS OF 08/01/2025	SUPPLEMENTALS THIS PERIOD	ADJUSTMENTS THIS PERIOD	NET CHANGE THIS PERIOD	ROLL AS OF 03/31/2026
LAND VALUE	8,027,944,608	8,027,944,608	79,541,192	3,514,487-	76,026,705	8,103,971,313
AG EXCLUSION	39,387,887	39,387,887	8,197,470	550,750	8,748,220	48,136,107
IMPROVEMENTS	1,061,342,920	1,061,342,920	351,369,671	37,565,205-	313,804,466	1,375,147,386
APPRAISED VALUE	8,027,944,608	8,027,944,608	430,910,863	41,079,692-	389,831,171	8,417,775,779
EXEMPTIONS	2,067,351,739	2,067,351,739	94,351,583	10,999,095	105,901,428	2,173,253,167
TAXABLE VALUE	5,921,204,982	5,921,204,982	336,559,280	52,629,537-	283,929,743	6,205,134,725
LEVY	28,085,783.72	28,085,783.72	1,928,075.87	563,761.73-	1,364,314.14	29,450,097.86
UNCOLLECTIBLE	.00	.00	.00	.00	.00	.00
RECEIVABLE					.00	
EXEMPTION COUNTS:						
HOMESTEADS	10,479	10,479	664	147	816	11,295
OVER 65	3,794	3,794	208	52	261	4,055
DISABLED	190	190	8	3	11	201
VETERAN	271	271	18	0	18	289
TOTAL EXEMPT	92	92	0	0	0	92

TAX COLLECTION SYSTEM
SUPPLEMENTAL / ADJUSTMENT CONTROL TOTALS
FOR TAX YEAR: 2024
JURISDICTION: 0337 FRIENDWD CITY

ALL PROPERTY

INCLUDES AG ROLLBACK

	CERTIFIED ROLL	ROLL AS OF 08/01/2025	SUPPLEMENTALS THIS PERIOD	ADJUSTMENTS THIS PERIOD	NET CHANGE THIS PERIOD	ROLL AS OF 03/31/2026
LAND VALUE	7,686,327,908	7,686,327,908	68,322	0	68,322	7,686,396,230
AG EXCLUSION	36,196,207	36,196,207	0	3,720-	3,720-	36,192,487
IMPROVEMENTS	1,020,792,976	1,020,792,976	14,050,547	16,836,680-	2,786,133-	1,018,006,843
APPRAISED VALUE	7,686,327,908	7,686,327,908	14,118,869	16,836,680-	2,717,811-	7,683,610,097
EXEMPTIONS	2,032,678,237	2,032,678,237	3,505,205	7,858,148	11,359,633	2,044,037,870
TAXABLE VALUE	5,617,453,464	5,617,453,464	10,613,664	24,691,108-	14,077,444-	5,603,376,020
LEVY	292,504.02	292,504.02	54,572.50	124,015.99-	69,443.49-	223,060.53
UNCOLLECTIBLE	.00	.00	.00	.00	.00	.00
RECEIVABLE					.00	
EXEMPTION COUNTS:						
HOMESTEADS	10,666	10,666	0	52	52	10,718
OVER 65	3,772	3,772	0	13	13	3,785
DISABLED	190	190	0	1	1	191
VETERAN	268	268	0	1-	1-	267
TOTAL EXEMPT	86	86	0	0	0	86

ALL PROPERTY

TAX COLLECTION SYSTEM
SUPPLEMENTAL / ADJUSTMENT CONTROL TOTALS
FOR TAX YEAR: 2023
JURISDICTION: 0337 FRIENDWD CITY

INCLUDES AG ROLLBACK

	CERTIFIED ROLL	ROLL AS OF 08/01/2025	SUPPLEMENTALS THIS PERIOD	ADJUSTMENTS THIS PERIOD	NET CHANGE THIS PERIOD	ROLL AS OF 03/31/2026
LAND VALUE	7,378,007,830	7,378,007,830	64,979	0	64,979	7,378,072,809
AG EXCLUSION	32,425,077	32,425,077	0	0	0	32,425,077
IMPROVEMENTS	942,980,218	942,980,218	186,423	4,088,764-	3,902,341-	939,077,877
APPRAISED VALUE	7,378,007,830	7,378,007,830	251,402	4,088,764-	3,837,362-	7,374,170,468
EXEMPTIONS	2,071,397,163	2,071,397,163	137,293	2,182,709	2,320,002	2,073,717,165
TAXABLE VALUE	5,274,185,590	5,274,185,590	114,109	6,271,473-	6,157,364-	5,268,028,226
LEVY	90,269.76	90,269.76	333.81	29,915.97-	29,582.16-	60,687.60
UNCOLLECTIBLE	.00	.00	.00	.00	.00	.00
RECEIVABLE					.00	
EXEMPTION COUNTS:						
HOMESTEADS	10,427	10,427	1	23	24	10,451
OVER 65	3,603	3,603	0	7	7	3,610
DISABLED	178	178	1	1	2	180
VETERAN	259	259	1	1	2	261
TOTAL EXEMPT	88	88	0	0	0	88

	CERTIFIED ROLL	ROLL AS OF 08/01/2025	SUPPLEMENTALS THIS PERIOD	ADJUSTMENTS THIS PERIOD	NET CHANGE THIS PERIOD	ROLL AS OF 03/31/2026
LAND VALUE	6,593,325,295	6,593,325,295	0	0	0	6,593,325,295
AG EXCLUSION	32,486,183	32,486,183	0	0	0	32,486,183
IMPROVEMENTS	873,775,097	873,775,097	0	196,570-	196,570-	873,578,527
APPRAISED VALUE	6,593,325,295	6,593,325,295	0	196,570-	196,570-	6,593,128,725
EXEMPTIONS	1,782,152,718	1,782,152,718	0	123,282-	123,282-	1,782,029,436
TAXABLE VALUE	4,778,686,394	4,778,686,394	0	73,288-	73,288-	4,778,613,106
LEVY	46,639.80	46,639.80	.00	201.53-	201.53-	46,438.27
UNCOLLECTIBLE	.00	.00	.00	.00	.00	.00
RECEIVABLE					.00	
EXEMPTION COUNTS:						
HOMESTEADS	10,595	10,595	0	1-	1-	10,594
OVER 65	3,475	3,475	0	1-	1-	3,474
DISABLED	180	180	0	0	0	180
VETERAN	253	253	0	1	1	254
TOTAL EXEMPT	84	84	0	0	0	84

	CERTIFIED ROLL	ROLL AS OF 08/01/2025	SUPPLEMENTALS THIS PERIOD	ADJUSTMENTS THIS PERIOD	NET CHANGE THIS PERIOD	ROLL AS OF 03/31/2026
LAND VALUE	5,827,810,207	5,827,810,207	0	0	0	5,827,810,207
AG EXCLUSION	33,691,313	33,691,313	0	0	0	33,691,313
IMPROVEMENTS	775,157,465	775,157,465	0	611,818-	611,818-	774,545,647
APPRAISED VALUE	5,827,810,207	5,827,810,207	0	611,818-	611,818-	5,827,198,389
EXEMPTIONS	1,579,451,702	1,579,451,702	0	20,064-	20,064-	1,579,431,638
TAXABLE VALUE	4,214,667,192	4,214,667,192	0	591,754-	591,754-	4,214,075,438
LEVY	27,567.15	27,567.15	.00	2,919.97-	2,919.97-	24,647.18
UNCOLLECTIBLE	.00	.00	.00	.00	.00	.00
RECEIVABLE					.00	
EXEMPTION COUNTS:						
HOMESTEADS	10,298	10,298	0	0	0	10,298
OVER 65	3,255	3,255	0	0	0	3,255
DISABLED	181	181	0	0	0	181
VETERAN	240	240	0	0	0	240
TOTAL EXEMPT	84	84	0	0	0	84

Summary of Jurisdiction Remittances Processed Property Tax File

Batch Seq 5116312

For Remitted Deposit Dates 03/01/2026 thru 03/31/2026 as of 04/06/2026

Report run on: April 6, 2026 11:37 AM

Tax Unit		M & O Total	I & S Total	TIF Levy	TIF Interest	Fee Total	Total
337 FRIENDWD CITY							
ACH 97298 Print Date:04/06/2026							
	Current	120,748.30	34,562.55	0.00	0.00	0.00	155,310.85
	Delq	394.75	107.48	0.00	0.00	0.00	502.23
Last Deposit Date	03/04/2026	$121,143.05	$34,670.03	$0.00	$0.00	$0.00	$155,813.08
ACH 97346 Print Date:04/06/2026							
	Current	66,781.80	19,115.49	0.00	0.00	0.00	85,897.29
	Delq	286.26	79.66	0.00	0.00	0.00	365.92
Last Deposit Date	03/06/2026	$67,068.06	$19,195.15	$0.00	$0.00	$0.00	$86,263.21
ACH 97461 Print Date:04/06/2026							
	Current	29,226.50	8,365.74	0.00	0.00	0.00	37,592.24
	Delq	(573.96)	(141.85)	0.00	0.00	0.00	(715.81)
Last Deposit Date	03/12/2026	$28,652.54	$8,223.89	$0.00	$0.00	$0.00	$36,876.43
ACH 97504 Print Date:04/06/2026							
	Current	6,813.48	1,950.23	0.00	0.00	0.00	8,763.71
Last Deposit Date	03/13/2026	$6,813.48	$1,950.23	$0.00	$0.00	$0.00	$8,763.71
ACH 97550 Print Date:04/06/2026							
	Current	12,160.06	3,480.66	0.00	0.00	0.00	15,640.72
	Delq	89.62	24.40	0.00	0.00	0.00	114.02
Last Deposit Date	03/16/2026	$12,249.68	$3,505.06	$0.00	$0.00	$0.00	$15,754.74
ACH 97594 Print Date:04/06/2026							
	Current	5,883.30	1,684.03	0.00	0.00	0.00	7,567.33
	Delq	0.61	0.16	0.00	0.00	0.00	0.77
Last Deposit Date	03/17/2026	$5,883.91	$1,684.19	$0.00	$0.00	$0.00	$7,568.10
ACH 97640 Print Date:04/06/2026							
	Current	4,869.01	1,393.68	0.00	0.00	0.00	6,262.69
	Delq	114.19	31.10	0.00	0.00	0.00	145.29
Last Deposit Date	03/18/2026	$4,983.20	$1,424.78	$0.00	$0.00	$0.00	$6,407.98
ACH 97684 Print Date:04/06/2026							
	Current	46,659.28	13,355.62	0.00	0.00	0.00	60,014.90
Last Deposit Date	03/20/2026	$46,659.28	$13,355.62	$0.00	$0.00	$0.00	$60,014.90
ACH 97730 Print Date:04/06/2026							
	Current	6,283.91	1,798.72	0.00	0.00	0.00	8,082.63
	Delq	(2,417.52)	(698.93)	0.00	0.00	0.00	(3,116.45)
Last Deposit Date	03/23/2026	$3,866.39	$1,099.79	$0.00	$0.00	$0.00	$4,966.18
ACH 97776 Print Date:04/06/2026							
	Current	1,966.68	562.91	0.00	0.00	0.00	2,529.59
	Delq	4,553.14	1,352.36	0.00	0.00	0.00	5,905.50
Last Deposit Date	03/24/2026	$6,519.82	$1,915.27	$0.00	$0.00	$0.00	$8,435.09
ACH 97819 Print Date:04/06/2026							
	Current	41,315.24	11,825.96	0.00	0.00	0.00	53,141.20
	Delq	2,079.90	624.37	0.00	0.00	0.00	2,704.27
Last Deposit Date	03/26/2026	$43,395.14	$12,450.33	$0.00	$0.00	$0.00	$55,845.47

Summary of Jurisdiction Remittances Processed Property Tax File

Batch Seq 5116312

For Remitted Deposit Dates 03/01/2026 thru 03/31/2026 as of 04/06/2026

Report run on: April 6, 2026 11:37 AM

Tax Unit		M & O Total	I & S Total	TIF Levy	TIF Interest	Fee Total	Total
337 FRIENDWD CITY							
ACH 97865	Print Date:04/06/2026						
	Current	7,496.42	2,145.75	0.00	0.00	0.00	9,642.17
	Delq	484.44	129.48	0.00	0.00	0.00	613.92
Last Deposit Date	03/27/2026	$7,980.86	$2,275.23	$0.00	$0.00	$0.00	$10,256.09
ACH 97908	Print Date:04/06/2026						
	Current	35,165.28	10,065.66	0.00	0.00	0.00	45,230.94
	Delq	(4,516.89)	(1,224.60)	0.00	0.00	0.00	(5,741.49)
Last Deposit Date	03/31/2026	$30,648.39	$8,841.06	$0.00	$0.00	$0.00	$39,489.45
	Total:	**$385,863.80**	**$110,590.63**	**$0.00**	**$0.00**	**$0.00**	**$496,454.43**

FISCAL START: 08/01/2025 END: 07/31/2026 JURISDICTION: 0175 FRIENDWD CITY CENTER PID

	CERT TAXABLE VALUE	ADJUSTMENTS	ADJ TAX VALUE	TAX RATE	TAX LEVY	PAID ACCTS
CURRENT YEAR	0	4,095,664	4,095,664	0 00.000000	1,083,718.80	3

YEAR	TAXES DUE	MONTH ADJ	ADJUSTMENT YTD	LEVY PAID	PAID YTD	BALANCE	COLL %	YTD UNCOLL
2025	0.00	1,083,718.80	1,083,718.80	69,934.49	69,934.49	1,013,784.31	6.45	0.00
****	0.00	1,083,718.80	1,083,718.80	69,934.49	69,934.49	1,013,784.31		0.00
CURR	0.00	1,083,718.80	1,083,718.80	69,934.49	69,934.49	1,013,784.31		0.00
DELQ	0.00	.00	0.00	0.00	0.00	0.00		0.00

FISCAL START: 08/01/2025 END: 07/31/2026 JURISDICTION: 0175 FRIENDWD CITY CENTER PID

	CERT TAXABLE VALUE	ADJUSTMENTS	ADJ TAX VALUE	TAX RATE	TAX LEVY	PAID ACCTS
CURRENT YEAR	0	4,095,664	4,095,664	0 00.000000	1,083,718.80	3

YEAR	TAXES DUE	MONTH ADJ	ADJUSTMENT YTD	LEVY PAID	PAID YTD	BALANCE	COLL %	YTD UNCOLL
2025	0.00	.00	1,083,718.80	0.00	69,934.49	1,013,784.31	6.45	0.00
****	0.00	.00	1,083,718.80	0.00	69,934.49	1,013,784.31		0.00
CURR	0.00	.00	1,083,718.80	0.00	69,934.49	1,013,784.31		0.00
DELQ	0.00	.00	0.00	0.00	0.00	0.00		0.00

TAX COLLECTION SYSTEM
SUPPLEMENTAL / ADJUSTMENT CONTROL TOTALS
FOR TAX YEAR: 2025
JURISDICTION: 0175 FRIENDWD CITY CENTER PID

ALL PROPERTY

INCLUDES AG ROLLBACK

	CERTIFIED ROLL	ROLL AS OF 08/01/2025	SUPPLEMENTALS THIS PERIOD	ADJUSTMENTS THIS PERIOD	NET CHANGE THIS PERIOD	ROLL AS OF 03/31/2026
LAND VALUE	0	0	3,919,124	0	3,919,124	3,919,124
AG EXCLUSION	0	0	0	0	0	0
IMPROVEMENTS	0	0	176,540	0	176,540	176,540
APPRAISED VALUE	0	0	4,095,664	0	4,095,664	4,095,664
EXEMPTIONS	0	0	0	0	0	0
TAXABLE VALUE	0	0	4,095,664	0	4,095,664	4,095,664
LEVY	.00	.00	1,083,718.80	.00	1,083,718.80	1,083,718.80
UNCOLLECTIBLE	.00	.00	.00	.00	.00	.00
RECEIVABLE					.00	
EXEMPTION COUNTS:						
HOMESTEADS	0	0	0	0	0	0
OVER 65	0	0	0	0	0	0
DISABLED	0	0	0	0	0	0
VETERAN	0	0	0	0	0	0
TOTAL EXEMPT	0	0	0	0	0	0

FRIENDSWOOD CITY COUNCIL
AGENDA ITEM FORM

Date requested for City Council consideration: May 4, 2026

Date submitted: 03/26/2026

Prepared by: Raquel Martinez, City Secretary

Subject: Consider approving the minutes of the City Council Regular Meeting held on April 6, 2026.

Originating Department: City Secretary

Degree of importance:

SUMMARY / ORIGINATING CAUSE

This item allows the City Council to review and approve the minutes of the City Council Regular Meeting held on April 6, 2026. The draft minutes are attached to the item.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. 2026 04 06 CC Meeting Minutes (DRAFT)

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD
April 6, 2026

THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD MET IN A REGULAR MEETING ON MONDAY, APRIL 6, 2026, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE FRIENDSWOOD CITY HALL, LOCATED AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING MEMBERS PRESENT CONSTITUTING A QUORUM:

John Ellisor	Mayor Pro Tem
Sally Branson	Councilmember
Trish Hanks	Councilmember
Robert J. Griffon	Councilmember
Joe Matranga	Councilmember
Michael P. Ross	Councilmember
Mike Foreman	Mayor
Morad Kabiri	City Manager
Karen Horner	City Attorney
Raquel Martinez	City Secretary

1. CALL TO ORDER

Mayor Foreman called the meeting to order with a quorum present at 5:30 P.M. All members were present.

2. INVOCATION

The invocation was led by Mayor Pro Tem John Ellisor.

3. PLEDGE OF ALLEGIANCE - United States and State of Texas

Mayor Foreman led the Pledge of Allegiance of the United States and the Pledge to the State of Texas.

4. FRIENDSWOOD ACADEMY RECOGNITION

A. Receive the second Friendswood Academy report and recognize the members for their class completion for 2026.

Parks and Recreation Specialist Cierra Sutton introduced the item noting that Friendswood Academy is an 8-week program designed to give adult residents of Friendswood the opportunity to learn how their city operates by meeting each department. The graduating participants where recognized as follows:

- Mr. James Box
- Ms. Chelsea Chase
- Ms. Sheri Contella
- Mr. Eugene Gonzales
- Ms. Ashleigh Guillory
- Mr. Eric Jones
- Ms. Betty Moreno
- Mr. Chris Scarpa
- Ms. Amanda Schoby
- Ms. Denise Spruiell
- Ms. Judy Wiggins

At 5:38 P.M., Mayor Foreman recessed the meeting for the Friendswood Academy Reception, and later reconvened at 5:48 P.M.

5. COUNCIL COMMENTS AND REPORTS

Mayor Forman opened council comments congratulating the recent Artemis II mission and noted that two of the four astronauts, Jeremy Hansen and Reid Wiseman, are Friendswood residents. He noted Jeremy Hansen was the 645th human to orbit the Earth, the other three had orbited the Earth before on previous missions.

Councilmember Hanks shared that she and Councilmember Ross spoke to a group of Friendswood High School students participating in a leadership academy through the City and Keep Friendswood Beautiful (KFB), where students learn about civic duty and how the city operates. Next, Mayor Pro Tem Ellisor expressed his appreciation to the Parks and Recreation Department as he "orbits" Centennial Park everyday with his nine-year-old labrador.

Councilmember Branson wished everyone a happy Easter and announced a few upcoming events, including the Rotary Club of Friendswood's Reverse Draw Fundraiser on April 11 and the Houston-Galveston Area Council (H-GAC) Bringing Back Main Street Roundtable on April 29, which Friendswood was selected to host and had not hosted since 2018. She also highlighted Small Business Week on April 27, at Hope Village. She noted it will conclude with a presentation by Mr. Ryan Walsh of the Houston Sports Authority on FIFA events, advising attendees to rideshare due to expected traffic and parking challenges.

Councilmember Griffon hoped everyone had a wonderful Easter weekend and shared his appreciation for the U.S. military, highlighting a recent mission that returned a missing pilot from Iran and stating it made him proud to be an American. Councilmember Matranga shared that he attended the Touch-a-Truck event and thanked those involved, noting it was well received by the community. He also highlighted the upcoming KFB and Parks and Recreation Spring Sparkle event on Saturday, April 11, encouraging residents to participate in the shredding and electronics disposal services. Lastly, he announced an opening on the Planning and Zoning Commission and invited interested residents to apply online.

Councilmember Ross extended Easter wishes and reflected on the teen leadership group he attended. He praised Councilmember Hanks' interaction with the students and encouraged the idea of forming a youth council or committee to engage with the City. Lastly, he emphasized growing safety concerns around e-bikes, encouraging policy development, continued education, and increased parental awareness.

6. PUBLIC COMMENT

Mayor Foreman announced the following citizens had signed up to provide a public comment.

Mr. Santos Venegas invited Council to upcoming community prayer events, including the National Day of Prayer on May 7 and a prayer breakfast on April 25. He then raised concerns about inadequate fencing in the Eagles Point subdivision due to nearby commercial development, noting privacy, noise, lighting, and drainage issues, and asked for guidance on potential resources to address the cost of improvements.

Mr. Jason Jones, of the Galveston County Consolidated Drainage District (GCCDD), came forward to speak to Council because he believes a line was crossed involving a letter being printed on City of

Friendswood letterhead, which carries the weight of the governing body and the trust the public places in it, and used to intervene in a criminal case involving an aggravated assault with a deadly weapon. He questioned whether City leadership was aware, whether it is appropriate to use official authority in private criminal matters, and called for clearly defined standards to ensure neutrality and integrity moving forward.

Mr. Kevin Holland thanked the Council for their volunteerism, individually and collectively, as it takes a lot of time to attend events and interact with the community. A couple of months ago he spoke before Council to ask for a call to action to open up Baker Road. He announced his candidacy for the Galveston County Consolidated Drainage District (GCCDD) Position 3 to finish that call of action.

Mr. Rusty Burkett, resident and President of the GCCDD, spoke on the ongoing efforts in partnership with Texas A&M Galveston's Institute for Disaster Resilience Texas (IDRT) to develop flood mitigation solutions for the Clear Creek watershed, such as increased conveyance capacity. He criticized opposition to the project, affirming the district's commitment to maintaining infrastructure, pursuing low-tax approach, and continuing efforts despite political challenges.

Ms. Lindsay French, resident and Parks Superintendent for the City of La Porte, spoke in support of building a recreation center in Friendswood at Lundy Lane and how it would benefit the community.

Mr. Don Johnson spoke about improving water flow along Clear Creek. He expressed concern about the Chairman of the GCCDD opposition to the Dixie Farm Road Detention Basin Project. He urged transparency from candidates in the upcoming election on their positions and emphasized the importance of detention basins as a necessary component before implementing broader conveyance solutions.

Ms. Connie Rattisseau, a Harris County resident, spoke about regional flooding concerns of Clear Creek. She criticized mitigation strategies, such as detention "credits," as ineffective for major flood events. She argued that development practices have worsened flooding by elevating surrounding areas and urged support for a path focused on getting water out of the region.

Mr. Jim Gibson spoke to Council to announce his candidacy for GCCDD Position 4. He also to thanked the City for showing what the power of regionalization and collaboration does with leveraging their 40 million dollars from the 2019 Bond Election into 120 million dollars' worth of flood mitigation projects on the Harris County side of Clear Creek, by partnering with local, state, and federal agencies.

7. PROCLAMATION

A. Present a proclamation designating the month of April as Fair Housing Month in the City of Friendswood.

Mayor Foreman confirmed he had presented a proclamation designating the month of April as Fair Housing Month in the City of Friendswood.

8. SPECIAL RECOGNITIONS AND ACKNOWLEDGEMENTS

A. Present the City of Friendswood Five Star Spirit Award for the Fourth Quarter of 2025 to Officer Jason Ives in the Police Department.

City Manager Morad Kabiri and Council recognized Officer Jason Ives as the recipient of the City of Friendswood Five-Star Spirit Award for the fourth quarter of 2025 for his actions during a medical emergency at a football game, where he quickly coordinated EMS and rendered aid. Officer Ives expressed appreciation, stating it was part of serving the community.

9. COMMITTEES OR SPECIAL REPORTS

A. Receive the Keep Friendswood Beautiful Annual Report.

Keep Friendswood Beautiful (KFB) Chairman Patty Steinke presented to Council the Keep Friendswood Beautiful Annual Report, with the following highlights:

MISSION & RECOGNITION
• KFB is a volunteer board focused on enhancing the City's appearance and encouraging resident involvement • Recognized as a Gold Star Affiliate (13th consecutive year) • Continued participation in anti-litter and statewide initiatives

FOCUS AREAS
• Education • Community Partnerships • Habitat Preservation & Cleanups • Recycling • Beautification

KEY EVENTS & PROGRAMS 2025-2026

April
- Pollinators in the Park (70+ participants; Girl Scouts engagement; returning April 25)
- Spring Sparkle (high participation and large volume of materials collected; upcoming April 11 event)
- FISD Day of Service (campus improvements, litter cleanup, native plantings despite weather delays)

May
- FISD Field Trip (48 students; hands-on lessons in gardening, pollinators, and composting)

June
- Photo Contest (community spirit theme; winners recognized at Concert in the Park)

July
- Movie in the Park (The Wild Robot)
- July 4th Event (interactive recycling education activity conducted multiple times)

August
- Figgy Triathlon and CHARA Back-to-School Event (community engagement through mascot outreach)

September
- Completion of six electrical box murals along Friendswood Drive in partnership with FEDEC

October
- Teen Leadership Program launch (10 students engaged in civic learning)
- Matching Grant awarded (Wedgewood Village HOA pollinator garden)
- Little Fairy Library installed at Stevenson Park

November
- Fall Haul (strong turnout; recycling, shredding, and haul-off services)
- Scarecrow Contest (recycled-material entry by Hunt family)

December
- Holiday programming (Lighted Christmas Trail, Santa in the Park; high attendance)
- Arena Roundup installation (educational native animal displays in Old City Park)

January
- Arbor Day Tree Giveaway (100 trees distributed)

February
- Citizen Science Water Testing Workshop (Lake Friendswood field training)
- GCAA Grant Application submitted
- Touch-a-Truck participation (300+ attendees; recycling education booth)

AWARDS & RECOGNITION
Business Beautification Awards presented to: • Jacob White Construction • C.L. Davis and Company • Friendswood Hospital • 161 Building (C & D)

ONGOING INITIATIVES
• Community litter cleanups (including Scouting groups and community organizations) • Invasive species removal and habitat restoration in Stevenson Park (phased project with native replanting) • Scout-led environmental projects (fishing line recycling stations, frog habitats) • Educational outreach (youth programs, library events, environmental awareness activities)

Ms. Steinke closed thanking the Mayor, Council, Parks Staff, their sponsors, and community partners that help the Keep Friendswood Beautiful committee.

B. Receive the Fourth of July Steering Committee Annual Report.

Fourth of July Steering Committee Chairperson Barbara Blanchard opened the item by inviting Council and the public to attend this year's celebration, themed "Party Like It's 1776" in honor of the United States' 250th anniversary, and proceeded to report the following:

DAY SCHEDULE (Stevenson Park)

• Dignitary Breakfast
• Grand Parade at 10:00 AM
  – Begins at Heritage Drive
  – Travels along FM 518
  – Concludes at Stevenson Park
  – Road closures in effect during parade hours

PROGRAM CHANGES
• Daytime program at Stevenson Park discontinued • Change due to declining attendance and cost inefficiency • Resources redirected to enhance evening programming

EVENING CELEBRATION (Centennial Park)
• First 250 attendees receive giveaways • Festival-style environment with food vendors (barbecue, tacos, ice cream, etc.) • New attractions include Ferris wheel and expanded entertainment offerings **Logistics & Parking** • No public parking at Centennial Park • Shuttle service from: Friendswood High School, Friendswood Methodist Church, and Special needs shuttle from Mary Queen Catholic Church • Temporary parking restrictions in surrounding areas

EVENING SCHEDULE (Centennial Park)
• 5:00 PM – Gates Open • 7:00 PM – Joilux Band Live Concert • 9:20 PM – Fireworks display

Ms. Blanchard closed encouraging everyone to join the City of Friendswood's Fourth of July festivities.

C. Receive the Community Development Department's Quarterly Update.

Community Development Department (CDD) Director Aubrey Harbin presented to Council the Department's Quarterly Update with the following highlights:

INSPECTIONS
• Building Official Brian Rouane obtained Master Code Professional (MCP) certification through ICC • City Works Software Update Complete • Building code and fire code updates effective March 1, 2026

DRC MEETINGS
• August to December 2025 – 17 meetings • January to March 2026 – 4 meetings

STAFF TRAINING
• Land Use Conference in Austin, Texas • CEAT Conference in El Paso, Texas • Master Code Professional Certification (ICC)

COMING SOON…
• Permitting HUB • Third party plan review and inspections for City Center • Third party consultant for damage assessments following a flood or other storm event

With regard the Comprehensive Plan, Ms. Harbin presented the following:

RESILIENT COMMUNITIES PROGRAM (RCP) Community Development & Revitalization Texas General Land Office
Awarded a $250,000 grant to update the Comprehensive Plan which will be: • Forward-looking and integrated with the Galveston and Harris County Hazard Mitigation Plans • Identify local hazard risks and how to mitigate against those risks And will include: • Population Study • Housing Study • Land Use Study/Plan • Zoning Ordinance amendments, if necessary • Infrastructure Study/Capital Improvement Plan Adoption of the approved Comprehensive Plan and Zoning Ordinance must be complete within 24 months of contract execution.

COMPREHENSIVE PLAN UPDATE
COMMUNITY EVENTS 10/26/2025 – Halloween in the Park public event ***FOCUS GROUP MEETINGS*** 09/16/2025 – City staff 10/06/2025 – City Council 11/13/2025 – Planning and Zoning Commission ***COMPREHENSIVE PLAN ADVISORY COMMITTEE (CPAC)*** 12/16/2025 – CPAC Meeting 1 02/23/2025 – Bus Tour 04/30/2026 – CPAC Meeting 3 ***STAKEHOLDER MEETINGS*** 02/19/2026 – Teen Leadership Program (high school students) 03/17/2026 – Panhandle Property Owners (mailed XX meeting invitations 03/17/2026 – Emergency Operations Center (EOC) staff 03/17/2026 – FDEDC

COMPREHENSIVE PLAN SURVEY
• Closed at end of March • Flier distribution to schools, at public events and meetings, on web site • Over 300 responses

NEXT STEPS
• CPAC Meeting – April 30 • Draft Recommendations – plan and implementation (May/June) • Draft Plan – finalization and adoption of the plan (July/August)

Next, Ms. Harbin gave updates on the Department's GIS Division, noting their most recently completed project of Addressing Survey for new address requests. She provided additional updates as follows:

TRAINING
• **Nov 19 -21**: GIS Day - Beginner's Guide To Field Mapping: Asset Management Seminar, Unlocking Insights: Exploring GeoAI in ArcGIS • **Nov 21:** Texas State Library - e2025 e-Records Conference • **March 5**: TDEM - State of Texas Emergency Damage Assessment (STAT, iSTAT, pSTAT)

DAILY WORK (Since September 26, 2025)
• Digitized 276 easements (from plat & easements agreements) • Added missing assets from as-builts, work orders, or field verification • Water distribution: – 36 Fire Hydrants – 176 Fittings – 81 Valves – 249 Water Meters

In addition, Ms. Harbin spoke on the new development in town which is available to view online on the City's GIS Story Map. The new developments mentioned were: 1) The Bristol, 800 N Friendswood Drive and 2) City Center, four retail sites on FM 528.

Lastly, Ms. Harbin discussed over the Planning and Zoning Commission with the following highlights:

JAN – MARCH 2026
• 4 Meetings • 4 site plans; 1 site plan extension; 1 site plan amendment • 6 plats (4 final; 2 replat) • 0 zone change recommendation

PLANNING SUBCOMMITTEE
Members: Travis, Brian, and Marcus – Aubrey Comprehensive Plan Update with Ardurra Group • CPAC participants • Attend focus groups/public events • Review recommendations from Ardurra

ORDINANCE SUBCOMMITTEE
Members: Marsha, Willie, and Stacey - Becky • ***Zoning Ord***: Annual review of Permitted Use Table • ***Zoning Ord***: Multi-family density • ***Zoning Ord***: Mobile food vendors in response to state law changes • ***Zoning Ord***: Review landscaping requirements specifically as it relates to conflicts with overhead and underground utility easements, visibility of structures once trees are fully grown, effects on infrastructure such as utilities and paving, and tree requirements in the Community Overlay District (COD), Downtown District (DD), and along major thoroughfares • ***Subdivision Ord***: remove GCCDD approval to be compliant with current interlocal agreement

MISCELLANEOUS/ DESIGN CRITERIA MANUAL
Review Downtown District (DD) amenity requirements – Installation of sidewalks by TxDOT and lighting by FDEDC

D. Receive the 2025 Annual Comprehensive Financial Report.

Whitley Penn Representative Lupe Garcia provided Council with the results of the 2025 Fiscal Year Audit, explaining that the process included interim fieldwork in August focused on internal controls and preliminary procedures, followed by final fieldwork in January after the fiscal year close. The audit concluded with the issuance of the Annual Comprehensive Financial Report and resulted in an

unmodified ("clean") opinion, indicating the City's financial statements are in accordance with generally accepted accounting principles and free of material misstatements.

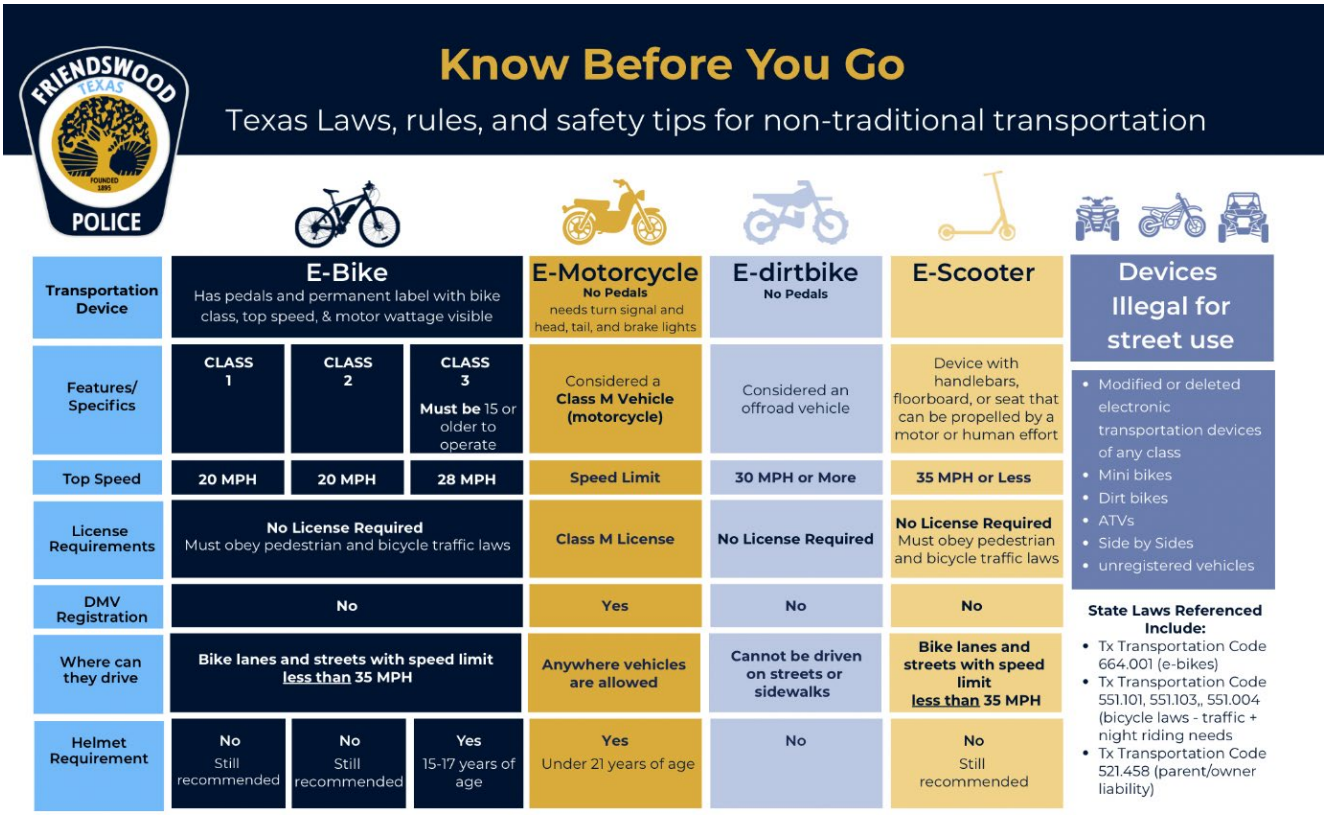
He further reported that no deficiencies, material weaknesses, or instances of noncompliance were identified. The federal single audit—covering ARPA funds and FEMA disaster grants—also resulted in clean findings with no questioned costs. He additionally provided the following metrics:

GOVERNMENT-WIDE FINANCIAL POSITION	LONG-TERM LIABILITIES
• Total Assets & Deferred Outflows: $393.0 million • Total Liabilities & Deferred Inflows: $217.4 million • Net Position: $175.6 million (approx. 10% increase year-over-year) • Liabilities largely tied to long-term debt and TMRS pension obligations	Total: ~$191.3 million (increase from prior year) Increase driven by: • $20.4M water and sewer revenue bonds (FY2025) • $36.9M Friendswood City Center PID bonds
GOVERNMENTAL FUND ACTIVITY	**GENERAL FUND PERFORMANCE**
Total Fund Balance: $61.9 million Key contributors: • New City Center PID fund (~$8.5M) • General Fund increase (~$5.8M), largely from FEMA reimbursement (Hurricane Beryl-related costs incurred in prior year)	• Revenues exceeded budget by $2.9 million • Expenditures were $4.4 million under budget • Net increase in fund balance: $5.8 million • Ending General Fund Balance: $19.1 million
FUND BALANCE & RESERVES	**WATER & SEWER FUND**
• Unassigned Fund Balance: $15.6 million • Represents 36% of expenditures • Exceeds policy requirement of minimum 25% (90-day reserve) • Prior year decrease attributed to upfront Hurricane Beryl costs	• Net Position: $68.0 million • Unrestricted balance (~$11.6M) meets 90-day reserve requirement • Primarily tied to infrastructure assets

Lastly, Mr. Garcia noted that the audit followed all required accounting standards, no difficulties were encountered, no misstatements or disagreements with management were identified, full cooperation was received from City staff, and there were no independence concerns. Councilmember Hanks congratulated the Finance Department. Councilmember Griffon praised the City's success in securing nearly $7 million in grant funding for 2025, noting this reduces the burden on taxpayers. He emphasized the importance of federal compliance tied to those funds and expressed overall satisfaction with the audit

10. WORK SESSION TOPICS

A. Discuss safety awareness for E-Bike riders.



Councilmember Joe Matranga introduced the discussion on e-bike safety, noting increasing incidents involving young riders. He clarified their intent is not to take the place of parental duties but to try to get ahead before somebody gets seriously hurt. City Manager Morad Kabiri added that e-bike safety concerns are a nationwide issue and presented three potential approaches: 1) public education, 2) registration of e-bikes, or 3) regulation. He noted the ongoing educational efforts by the Police Department, Municipal Court, and Communications by displaying the infographic above. He clarified no decisions will be made tonight and invited Council's feedback to debate the issue to figure out what they would like to do.

Councilmember Griffon questioned the differences between the e-bike classifications presented and noted that whether it's an e-bike or bicycle, drivers must give them the right-of-way. He relayed parent responsibility is necessary here and he does not like the thought of a municipality being the parent for them by licensing or telling parents they cannot ride bicycles. He further suggested actions similar to what Council previously discussed for golf carts. Deputy Chief Reyna then took a minute to explain that many reported e-bike issues actually involve electric dirt bikes, which do not have pedals and are not allowed. He noted that education in conjunction with enforcement should reduce unsafe behavior.

Considering e-bike riders in her subdivision are often elementary age kids, Councilmember Hanks suggested education through mothers, PTOs, and schools. Give them this information and they will come up with creative ways to help police their kids rather than the City handing out tickets. On the other hand, Councilmember Ross compared this situation to seat belt laws, noting that it took laws and writing tickets to induce people to wear seat belts. He emphasized it would take time for the industry or state to take action. As they have already had a severe accident, his opinion is for the City to be more assertive with the policing of e-bikes.

Mayor Pro Tem Ellisor requested the City Attorney to canvass municipalities around the state to see what other communities are doing, such as ordinances and enforcement effectiveness, and report back on approaches that would work for Friendswood. Councilmember Matranga also asked Deputy Chief Reyna to share his findings from Memorial Village. Deputy Chief Reyna shared this community created a targeted education effort informing parents about e-bike legality and laws that led to a significant reduction in incidents. Councilmember Matranga also voiced support for the approach of having staff and the Police Department further evaluate effective strategies from other communities and return with a more robust proposal.

Mr. Kabiri added the note that getting information to the public can be challenging, as with previous efforts by the City had shown. He encouraged residents and Council to engage directly with neighbors and parents. Mayor Foreman closed the discussion by identifying their next steps, including research by the City Attorney and Police Department, and pushing education material out with Communications.

B. Discuss an update regarding the City of Friendswood Capital Improvement Projects.

Engineering Director Jil Arias provided Council with an update of the City of Friendswood Capital Improvement Projects with the following highlights:

24" WATER LINE PHASE II PROJECT

LOCATION: From FM 518 to High School Natatorium

STATUS:

- Continuation of the previously constructed 24-inch water line terminating at FM 518 and Spreading Oaks
- Completes a critical connection between Surface Water Plant No. 2 and Elevated Storage Tank No. 1 near the Friendswood High School football stadium
- Improves system reliability, increases conveyance capacity, and enhances water distribution to the central portion of the City
- Engineering underway with construction anticipated to begin early 2027

$8.7M (Construction) – Water/Sewer Bonds

BLACKHAWK BOULEVARD PHASE II-C

LOCATION:

- Blackhawk Boulevard
- Pennystone Way to FM 2351
- Thursa Lane to FM 528

STATUS:

- Competitive Sealed Proposals received March 31, 2026
- Contract award anticipated at the May 2026 Council meeting
- Completes the remaining segments of Blackhawk Boulevard reconstruction

$9.0M (Construction) - Pct.2 Partnership, Street Improvements (Sales Tax), W/S Working Capital, W/S Bonds

LIFT STATION #2 REHABILITATION

LOCATION: Old Public Works Deepwood Facility

STATUS:

- Competitive Sealed Proposals received March 26, 2026
- Proposals currently under evaluation
- Contract award anticipated at the May 2026 Council meeting
- Lift Station No. 2 is one of the most critical facilities in the City's system, conveying a majority of the wastewater flow
- Existing infrastructure is aging and experiencing deterioration due to a corrosive environment

LIFT STATION MITIGATION PACKAGES

LOCATION:

- Lift Station No. 1 – FM 2351 @ Clear Creek (Galveston County)
- Lift Station No. 17 – FM 2351 @ Clear Creek (Harris County)
- Lift Station No. 4 – Polly Ranch

STATUS:

- Lift Station Mitigation Package No. 1 includes Lift Stations No. 1 and No. 17
- Lift Station Mitigation Package No. 4 includes Lift Station No. 4

- Current configuration complicates maintenance and repairs
- Project will rehabilitate and modernize the facility to ensure long-term reliability and performance

$4.0 M (Construction) – Water/Sewer Bonds

- Funded through FEMA grant associated with Hurricane Harvey
- Improvements include system hardening, pump and motor upgrades, electrical and control system replacements, and installation of standby generators
- Electrical equipment elevated above the Harvey flood level and wet wells sealed to improve resilience
- Lift Station No. 1 currently operating on bypass pumping due to outdated electrical infrastructure no longer supported by the utility
- Projects will improve system reliability and reduce risk during storm events

$1.3 M (Construction) – FEMA Funds, Water/Sewer Bonds

TANK PROJECT AT SURFACE WATER PLANT #1

LOCATION: Blackhawk Boulevard near FM 528

STATUS:

- 750,000-gallon concrete water tank constructed
- Coating, piping, and pump room upgrades scheduled to begin
- Includes expansion of the existing building
- Substantial completion anticipated October 2026

$5.0M (Construction): ARPA Funds

FRIENDSWOOD ACTIVE TRANSPORTATION PLAN

- Friendswood Active Transportation Plan led by the Houston-Galveston Area Council
- Develops a citywide plan for safe, multimodal connectivity including walking, biking, and rolling
- Focused on closing connectivity gaps and improving safety across the network
- Establishes project recommendations and a phased implementation strategy
- Project list developed based on community input and identified priorities
- Includes inventory of sidewalk gaps along the primary active transportation network
- Final report anticipated in the near term

Funding: No local match; $250,000 paid for by H-GAC

2024 H-GAC CARRY-OVER SPEND DOWN PROJECTS

LOCATIONS/STATUS:

TxDOT is currently advancing engineering for summer letting:

- FM 528 at FM 518 - Striping project including dual left turn lanes along FM 528

TxDOT advancing engineering for future letting:

- FM 528 at Bay Area Boulevard - Additional lanes within existing right of way to improve turning movements and reduce intersection delay (30 percent plans delivered to TxDOT)
- FM 528 at Winding Way - New northbound right turn lane (30 percent plans delivered to TxDOT)

2026 H-GAC CARRY-OVER SPEND DOWN PROJECTS

LOCATIONS/STATUS:

Friendswood Parkway / Pearland Parkway

- Regionally significant mobility project improving east-west connectivity and capacity
- Advance Funding Agreement (AFA) currently under TxDOT internal review
- Awaiting completion of TxDOT review and execution of agreement
- Project will advance to design upon AFA approval

Sunset Drive Signal Improvements

- Traffic signal upgrades to improve operations, safety, and efficiency along the Sunset corridor

• FM 528 at Sunset - Restriping and signal reprogramming to add a second southbound left turn lane (30 percent plans delivered to TxDOT) *$2.6M – Funding: H-GAC Carry-Over Funds (20% local match, half of which can be another transportation project such as annual street maintenance)*	• Draft AFA approved by TxDOT and in final signature routing • Pending remaining TxDOT administrative signatures • Execution of agreement anticipated in the near term *Funding: H-GAC Carry-Over Funds (No Local Match)*

With regard to the 2024 Houston-Galveston Area Council (H-GAC) Carry-Over Spend Down Projects, Councilmember Hanks asked for clarification on what "TxDOT currently advancing engineering for summer letting" means in terms of doing the project. City Manager Morad Kabiri explained the City does not have autonomy over FM roadways as they are Texas Department of Transportation (TxDOT) managed. TxDOT will begin engineering around August, which could take 9–12 months before construction follows. Councilmember Ross asked when the City would gain autonomy over FM roadways. Mr. Kabiri explained that control typically transfers at a population threshold of 50,000 following a decennial census, which is likely not until around 2040. Although, he noted this could change with state legislation.

Onto the 2026 Houston-Galveston Area Council (H-GAC) Carry-Over Spend Down Projects, Mr. Kabiri clarified Sunset and Friendswood Parkway are City of Friendswood roadways. Thus, the City is able to manage the engineering and construction. However, because they are utilizing federal and state funds, TxDOT is involved in the advanced funding agreement and prescribes how the engineering and environmental will take place in order to continue to receive those federal and state funds.

Councilmember Griffon thanked the H-GAC for providing funding for these City projects and commended Councilmember Branson and the Mayor for their efforts in securing that assistance. Councilmember Branson thanked Mr. Kabiri for his service on the Technical Advisory Group (TAG), as they inform the Transportation Policy Council, who she relies on.

11. CITY MANAGER'S REPORT

A. Recognize Sergeant David Brechtel for his thirty-one years of service and retirement with the City of Friendswood.

City Manager Morad Kabiri recognized Sergeant David Brechtel for his 31 years of service and announced his retirement with the City of Friendswood.

B. Recognize Andree Calhoun, Finance Budget Manager, for obtaining her Certified Government Finance Officer (CGFO) designation through the Government Finance Officers Association of Texas (GFOAT).

City Manager Morad Kabiri recognized Budget Manager Andree Calhoun for obtaining her Certified Government Finance Officer (CGFO) designation through the Government Finance Officers Association of Texas (GFOAT).

C. Recognize the City of Friendswood Municipal Court as a "New Application Winner" of the 2026 Municipal Traffic Safety Initiatives (MTSI) Awards, presented by the Texas Municipal Courts Education Center (TMCEC).

City Manager Morad Kabiri recognized the City of Friendswood Municipal Court as a "New Application Winner" of the 2026 Municipal Traffic Safety Initiatives (MTSI) Awards regarding their e-bike education efforts, presented by the Texas Municipal Courts Education Center (TMCEC).

D. Present an update regarding the receipt of a ten-million-dollar Community Development Block (CDR) Grant from the Texas Land General Office for the Lower Clear Creek Drainage Project.

City Manager Morad Kabiri reported the Mayor and Engineering Assistant Director Michael Medwedeff with Commissioner Buckingham that the City received $10 million from the State of Texas. He noted the funding supports projects such as FM 1959, Whitcomb, and Bay Area terracing efforts, and credited partnerships with Galveston County, Harris County Flood Control District (HCFCD), and the Galveston County Consolidated Drainage District (GCCDD) for making the funding possible.

E. Present an update regarding the upcoming Spring Sparkle Event hosted by the Parks and Recreation Department and Keep Friendswood Beautiful scheduled for Saturday, April 11, 2026.

City Manager Morad Kabiri announced the Spring Sparkle Event hosted by the Parks and Recreation Department and Keep Friendswood Beautiful is scheduled for Saturday, April 11, at Centennial Park from 8:00 A.M. to 2:00 P.M.

F. Present an update regarding National Library Week, April 19 - 25, 2026.

City Manager Morad Kabiri announced that April 19–25 is National Library Week. There will be a number of events going on at the Friendswood Library. This year's theme is "Find Your Joy."

G. Present an update regarding Small Business Week to be held April 27–May 1, 2026.

City Manager Morad Kabiri announced, as Councilmember Branson mentioned in the Council Comments Item, Small Business Week is coming up at the end of this month. He noted it will be interesting to hear the keynote speaker on how the FIFA World Cup will impact the Houston region.

H. Present an update regarding the Mitch and Artha Wright Concert in the Park series.

City Manager Morad Kabiri announced the Concert in the Park series will begin May 1 with performances by Clear Brook and Friendswood High School jazz bands, continuing every Friday night through June.

I. Present an update regarding the May 2, 2026, Friendswood General Election voting locations and times.

City Manager Morad Kabiri provided the following material regarding the May 2, 2026, Friendswood General Election voting locations and times:

EARLY VOTING BY PERSONAL APPEARANCE POLLING LOCATIONS FOR GALVESTON COUNTY

Main Voting Location
Galveston CO Records and Election Center
10000 Emmett F. Lowry Expressway #1152
Texas City, TX 77591

Monday, April 20, 2026 - 8:00 a.m. to 5:00 p.m.
Tuesday, April 21, 2026 - No Voting as it is a State Holiday (San Jacinto Day)
Wednesday, April 22 through Friday, April 24, 2026 - 8:00 a.m. to 5:00 p.m.
Saturday, April 25th, 2026 - 7:00 a.m. to 7:00 p.m.
Sunday, April 26, 2026, 1:00 p.m. to 7:00 p.m.
Monday, April 27 through Tuesday, April 28, 2026 - 7:00 a.m. to 7:00 p.m.

- **First Baptist Friendswood**
  209 S Friendswood Dr., Room 209
  Friendswood, TX 77546
- **Village on the Park**
  400 E. Parkwood (Town Hall)
  Friendswood, TX 77546

For More Information or Additional EV Locations: Call 409-770-5108 or visit:
https://www.galvestonvotes.org/election-information/current-and-upcoming-elections

12. BUSINESS ITEMS

A. Consider concurring with the City Manager's appointment of a Director of Library Services.

City Manager Morad Kabiri presented his recommendation of Ms. Melissa Baker as his appointment of Director of Library Services. Ms. Baker has over 20 years of experience both in Texas and in the state of Florida. Currently, in Florida, she manages programming and outreach for 13 libraries. We're excited for Melissa to join us to our already stellar team at the Library and look forward to the work that she will do here in Friendswood.

A motion was made by Councilmember Griffon and seconded by Councilmember Ross to concurring with the City Manager's appointment of Ms. Melissa Baker as Director of Library Services, related to Item 12.A. The vote was the following:

Ayes: Mayor Mike Foreman, Mayor Pro Tem John Ellisor, Councilmember Sally Branson, Councilmember Trish Hanks, Councilmember Joe Matranga, and Councilmember Robert J. Griffon, and Councilmember Michael P. Ross

Nays: None

The item passed unanimously.

B. Consider awarding the 2020 Lift Station Mitigation Package 1 — Lift Station 1 & 17 Construction Services Project to Branch Construction Group, LLC (Bid No. 2026-01).

Engineering Director Jil Arias relayed that multiple bids were received for the project with Branch Construction Group selected as the low bidder. The company was engaged during the pre-bid process and has worked in Dickinson. This would be their first project with the City of Friendswood.

Councilmember Griffon asked what the scope of this project. Mr. Arias explained that Lift Station No. 1 has electrical components so outdated that TNP will not work on them and it is currently operating on a

bypass pump. Also, the visible generator will be elevated several feet, the existing building will be demolished, and electrical equipment will be relocated to a raised platform. Similar improvements will be made on the opposite side of the creek. City Manager Morad Kabiri added both stations were built nearly 50 years ago and while combining them into one location was considered, it was not economically feasible.

A motion was made by Councilmember Griffon and seconded by Councilmember Matranga to award the 2020 Lift Station Mitigation Package 1 — Lift Station 1 & 17 Construction Services Project to Branch Construction Group, LLC (Bid No. 2026-01), related to Item 12.B. The vote was the following:

Ayes: Mayor Mike Foreman, Mayor Pro Tem John Ellisor, Councilmember Sally Branson, Councilmember Trish Hanks, Councilmember Joe Matranga, and Councilmember Robert J. Griffon, and Councilmember Michael P. Ross

Nays: None

The item passed unanimously.

C. Consider ratifying the City's filing of IRS Form 8038-T and the remittance of the associated arbitrage rebate and yield reduction payments in connection with the Waterworks and Sewer System Revenue Bonds, Series 2021.

City Manager Morad Kabiri explained this item is an arbitrage payment related to tax-exempt bonds. Since the City does not pay taxes on it, they are subject to paying taxes on interest earned as compared to interest paid when issuing debt initially. Historically, interest rates have been low, so this has never been an issue. However, the federal government continues to increase interest. He noted the $602,000 pays that tax liability associated with that interest earned and is not a bad position for the City.

Councilmember Hanks asked if the money could have been spent faster on projects to reduce the arbitrage. Mr. Kabiri responded it could have been reduced somewhat but not completely, as many projects require multi-year efforts and partnerships. He confirmed that is the only way to address it.

A motion was made by Councilmember Branson and seconded by Councilmember Hanks to ratify the City's filing of IRS Form 8038-T and the remittance of the associated arbitrage rebate and yield reduction payments in connection with the Waterworks and Sewer System Revenue Bonds, Series 2021, related to Item 12.C. The vote was the following:

Ayes: Mayor Mike Foreman, Mayor Pro Tem John Ellisor, Councilmember Sally Branson, Councilmember Trish Hanks, Councilmember Joe Matranga, and Councilmember Robert J. Griffon, and Councilmember Michael P. Ross

Nays: None

The item passed unanimously.

13. PROPOSED ORDINANCES & RESOLUTIONS

A. Consider an ordinance amending the City's General Budget for Fiscal Year 2025-2026 by approving "Budget Amendment VI" and providing for supplemental appropriation and/or transfer of certain funds.

A motion was made by Councilmember Griffon and seconded by Councilmember Branson to approve Ordinance No. 2026-11, as submitted and related to Item 13.A. The vote was the following:

Ayes: Mayor Mike Foreman, Mayor Pro Tem John Ellisor, Councilmember Sally Branson, Councilmember Trish Hanks, Councilmember Joe Matranga, and Councilmember Robert J. Griffon, and Councilmember Michael P. Ross

Nays: None

The item passed unanimously.

ORDINANCE NO. 2026-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING ORDINANCE NO. 2025-23, PASSED AND APPROVED AUGUST 25, 2025, THE SAME BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY'S GENERAL BUDGET FOR FISCAL YEAR 2025-26, BY APPROVING "BUDGET AMENDMENT VI" THERETO;PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; AND PROVIDING FOR THE EFFECTIVE DATE.

B. Consider a resolution amending Chapter 7 "Benefits" of the City of Friendswood Personnel Policy Manual to amend Section 7.02 "Holidays" to provide for holiday pay for certain part-time employees and amending City of Friendswood Personnel Policy Manual to add a new section to be numbered and entitled 7.08 "Paid Time Off for Eligible Part-time Employees" for paid time off for such employees.

City Manager Morad Kabiri explained that the City has a handful of part-time employees who receive TMRS and some health benefits but do not qualify for paid time off, meaning they are not paid for holidays or time off. He stated the proposal would extend paid time off to them for flexibility, noting the cost is nominal since their hours are already budgeted.

Councilmember Ross asked Mr. Kabiri to quantify the "nominal" cost. Mr. Kabiri replied that from a budgetary standpoint the impact is negligible since part-time hours are already budgeted. He estimated the cost to be less than $7,000, and this would apply to approximately 12 part-time employees. Mr. Kabiri also confirmed there is no effect on pension obligations.

A motion was made by Councilmember Griffon and seconded by Councilmember Matranga to approve Resolution No R2026-09, as submitted and related to Item 13.B. The vote was the following:

Ayes: Mayor Mike Foreman, Mayor Pro Tem John Ellisor, Councilmember Sally Branson, Councilmember Trish Hanks, Councilmember Robert J. Griffon, Councilmember Joe Matranga, and Councilmember Michael P. Ross

Nays: None

The item passed unanimously.

RESOLUTION NO. R2026-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING CHAPTER 7 "BENEFITS" OF THE CITY OF FRIENDSWOOD PERSONNEL POLICY MANUAL TO AMEND SECTION 7.02 "HOLIDAYS" TO PROVIDE FOR HOLIDAY PAY FOR CERTAIN PART-TIME EMPLOYEES; AND AMENDING THE CITY OF FRIENDSWOOD PERSONNEL POLICY MANUAL TO ADD A NEW SECTION TO BE NUMBERED AND ENTITLED 7.08"PAID TIME OFF FOR ELIGIBLE PART-TIME EMPLOYEES" TO PROVIDE FOR PAID TIME OFF FOR SUCH EMPLOYEES; RENUMBERING THE REMAINING SECTIONS OF SUCH CHAPTER; INCLUDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

14. CONSENT AGENDA

A motion was made by Councilmember Hanks and seconded by Councilmember Ross to approve Consent Agenda Items 14.A. through 14.S. The vote was the following:

Ayes: Mayor Mike Foreman, Mayor Pro Tem John Ellisor, Councilmember Sally Branson, Councilmember Trish Hanks, Councilmember Robert J. Griffon, Councilmember Joe Matranga, and Councilmember Michael P. Ross

Nays: None

The Consent Agenda passed.

A. Consider a resolution amending Section 2 of Resolution No. R2019-07 concerning the tax assessment and collection services performed by the Galveston County Assessor and Collector of Taxes to update the per parcel fees to be charged for such ad valorem services.

RESOLUTION NO. R2026-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING SECTION 2 OF RESOLUTION NO. R2019-07 CONCERNING THE TAX ASSESSMENT AND COLLECTION SERVICES PERFORMED BY THE GALVESTON COUNTY ASSESSOR AND COLLECTOR OF TAXES TO UPDATE THE PER PARCEL FEES TO BE CHARGED FOR SUCH SERVICES; AUTHORIZING THE CITY MANAGER TO TAKE FURTHER ACTION TO EFFECTUATE THE CHANGE; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Consider authorizing the purchase of Nutanix virtualization hardware and software, including related licenses and subscriptions from Freeit Data Solutions, Inc. for the Friendswood Police Department under DIR Contract No. DIR-CPO-5688.

C. Consider authorizing an interlocal agreement with the City of San Marcos concerning the sale of the 2000 Pierce Ladder Truck.

D. Consider authorizing the First Amendment to the Professional Services Agreement with Guy Engineering Services, Inc., for the Greenbriar Bridge Rehabilitation Project.

E. Consider authorizing a Professional Services Agreement with HDR Engineering, Inc., for professional part-time observation services for the Lift Station No. 2 Rehabilitation Project.

F. Consider authorizing a Professional Services Agreement with STV Incorporated, for engineering services associated with the City-wide Traffic Study Project.

G. Consider authorizing the final acceptance of the 2020 Lift Station Mitigation Package 2/Harvey Lift Station Repairs and Mitigation Project.

H. Consider authorizing the final acceptance of the Friendswood High School Utilities Improvements Project.

I. Consider authorizing the final acceptance of the Red Ball Oxygen Waterline Improvements Project.

J. Consider authorizing the final acceptance of the Fire Station No. 2 Reconstruction and Training Field Upgrades Project.

K. Consider authorizing a Lease Agreement with David Davis regarding 24.693 acres of land located near Fire Station No. 2, Galveston County, Texas.

L. Consider electing to participate in a new proposed national opioid settlement concerning six settlement defendants Associated Pharmacies, Inc. (and American Associated Pharmacies); J M Smith Corporation; Louisiana Wholesale Drug Company, Inc.; Morris and Dickson Co.; North Carolina Mutual Wholesale Drug Company, Inc.; and United Natural Foods, Inc. (including its subsidiaries SuperValu and Advantage Logistics); and authorizing the City Manager to execute the associated Combined Subdivision Participation and Release Form.

M. Consider approving the disposal of one (1) Police Department vehicle through EBlock Houston.

N. Consider approving the disposal of five (5) Public Works Vehicles, three (3) Zero Turn Mowers, and one (1) Equipment Lift through Purple Wave, Inc.

O. Consider approving the disposal of one (1) service vehicle and one (1) piece of equipment from Parks and Recreation through Purple Wave, Inc.

P. Consider approving the Friendswood Downtown Economic Development Corporation's expenditure of funds to purchase permanent lighting for City Hall, the Friendswood Public Library and the Senior Activity Center from The Perfect Light, Inc., through The Interlocal Purchasing System.

Q. Consider approving the Friendswood Downtown Economic Development Corporation's expenditure of funds to purchase holiday decorations for the Downtown District from Dekra-Lite Industries, Incorporated, through the Buyboard.

R. Consider approving the ad valorem tax report for February 2026.

S. Consider approving the minutes of the City Council Regular Meeting held on March 2, 2026.

15. EXECUTIVE SESSION

A. Recess and convene into an executive session pursuant to Section 551.074 of the Texas Government Code to deliberate the annual performance of the City Manager.

At 7:53 P.M., Mayor Foreman recessed and convened into an Executive Session pursuant to deliberate the annual performance of the City Manager.

At 8:24 P.M., Mayor Foreman reconvened the meeting and announced that, in accordance with Section 551.102 of the Texas Government Code, no action was taken in the Executive Session.

16. DISCUSSION AND POSSIBLE ACTION

A. Consider taking appropriate action regarding the City Manager's annual performance evaluation.

A motion was made by Councilmember Hanks and seconded by Councilmember Griffon to increase the City Manager Morad Kabiri's salary by 2.75%, as discussed in Executive Session. The vote was the following:

Ayes: Mayor Mike Foreman, Mayor Pro Tem John Ellisor, Councilmember Sally Branson, Councilmember Trish Hanks, Councilmember Joe Matranga, and Councilmember Robert J. Griffon, and Councilmember Michael P. Ross

Nays: None

The item passed unanimously.

17. ADJOURNMENT

With there being no further business, Mayor Foreman adjourned the April 6, 2026, City Council Regular Meeting at 8:25 P.M.

_____
Mike Foreman, Mayor

Attest:

_____
Raquel Martinez, TRMC, City Secretary