



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, DECEMBER 12, 2019 - 7:00 PM**

AGENDA

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

- 1. Call to order**
- 2. Public Hearing**
 - A. Adoption of an updated official zoning map per Appendix C, Zoning Ordinance "Section 3. Provision for Official Zoning Map" incorporating zone changes and corrections since the last adopted map dated January 8, 2015
 - B. Proposed amendments to Appendix C Zoning Ordinance "Sections 7. Schedule of District Regulations," "Section 7.5. Community Overlay District," and "Section 8. N. Downtown District Supplemental Requirements" to change building material requirements per HB 2439
 - C. Proposed amendments to Appendix B Subdivision Ordinance "Section III. k.3. Sidewalks" to not require sidewalks in existing residential areas if sidewalks do not already exist
- 3. Communication from the public/committee liaisons**

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

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

 - A. Minutes from the regular meeting held November 14, 2019
- 5. Action Items**

- A. Consideration and possible action regarding the preliminary plat of Sterling Creek Section 4 being 10.0623 acres of land out of a called 194.21 acre tract of land known as Tract A and being recorded in Clerk's File No. 2010059686, being out of and part of Lots 1-3, 13-16 and 19-20 of the David Fahey Subdivision as recorded in Volume 118, Page 417 and also being out of and a part of Lot 4 of the Burgess Subdivision as recorded in Volume 119, Page 14, both subdivisions being situated in the Geo Patterson Survey, Abstract Number 645 and the Mary Fabreau Survey, Abstract Number 69, Friendswood, Galveston county, Texas; and a partial replat of Reserves B and a portion of Reserve A of Sterling Creek Section 3-B as recorded in Clerk's File Number 2019028674 of the Plat Records of Galveston County, Texas
- B. Consideration and possible action regarding a recommendation to City Council for the adoption of an updated official zoning map per Appendix C, Zoning Ordinance "Section 3. Provision for Official Zoning Map" incorporating zone changes and corrections since the last adopted map dated January 8, 2015
- C. Consideration and possible action regarding a recommendation to City Council for proposed amendments to Appendix C Zoning Ordinance "Sections 7. Schedule of District Regulations," "Section 7.5. Community Overlay District," and "Section 8. N. Downtown District Supplemental Requirements" to change building material requirements per HB 2439
- D. Consideration and possible action regarding a recommendation to City Council for proposed amendments to Appendix B Subdivision Ordinance "Section III. k.3. Sidewalks" to not require sidewalks in existing residential areas if sidewalks do not already exist

6. Discussion Items

- A. Discussion regarding proposed amendments to Appendix C, Zoning Ordinance Section 11. Powers and Duties to amend the authority of the Zoning Board of Adjustment to be consistent with state law, particularly Chapter 211 of the Local Government Code

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

- A. Monday, December 16, 2019 - annual retreat at Library; 6pm
Thursday, December 26, 2019 - No Meeting
Thursday, January 9, 2020 - regular meeting
Thursday, January 23, 2020 - regular meeting

8. Communications

- A. From Commissioners - suggestions for future agenda items, general comments and/or updates from liaison assignments
- B. From Planning Subcommittee – update on tasks
- C. From Ordinance Subcommittee – update on tasks
- D. From City Council Liaison, Trish Hanks - general comments and communication from City Council

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

9. Adjournment



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

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

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

DATE

AT TIME

MELINDA WELSH, TRMC
CITY SECRETARY

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



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: December 12, 2019

Subject: Adoption of an updated official zoning map per Appendix C, Zoning Ordinance "Section 3. Provision for Official Zoning Map" incorporating zone changes and corrections since the last adopted map dated January 8, 2015

Action: Significant

SUMMARY / ORIGINATING CAUSE

Appendix C, Zoning Ordinance, Section 3. requires zoning district boundary changes be incorporated into the official zoning map and adopted by City Council. The last official zoning map was updated in January 2015 and adopted by ordinance March 2, 2015. The proposed map includes all zone changes and corrections through November 25, 2019.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

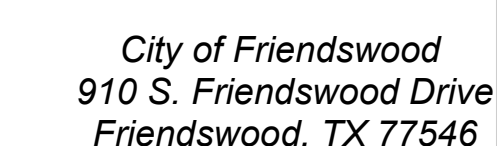
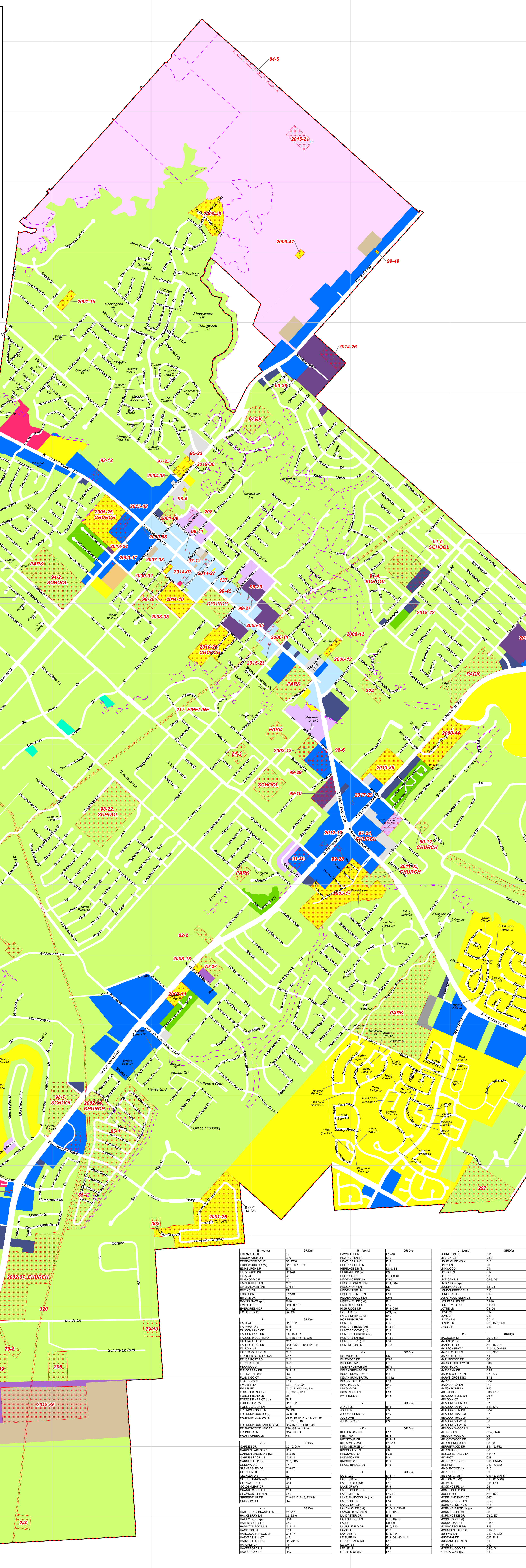
Adopting an updated zoning map will provide the most current information to the public.

RECOMMENDATIONS

The Ordinance Subcommittee recommends a positive recommendation to adopt the updated zoning map.

ATTACHMENTS

1. Proposed Official Zoning Map - Adoption Date 2.3.2020
2. Zoning Changes 1-8-15 to 11-25-19
3. 2015 Official Zoning Map



City of Friendswood
910 S. Friendswood Drive
Friendswood, TX 77546

This is to certify that this official zoning map supersedes and replaces the official zoning map adopted on March 2, 2015, as part of Ordinance No. 84-15, the City of Friendswood zoning ordinance.

Date Adopted: February 3, 2020

Date Adopted: February 3, 2020

Attested by:

Mayor Mike Foreman

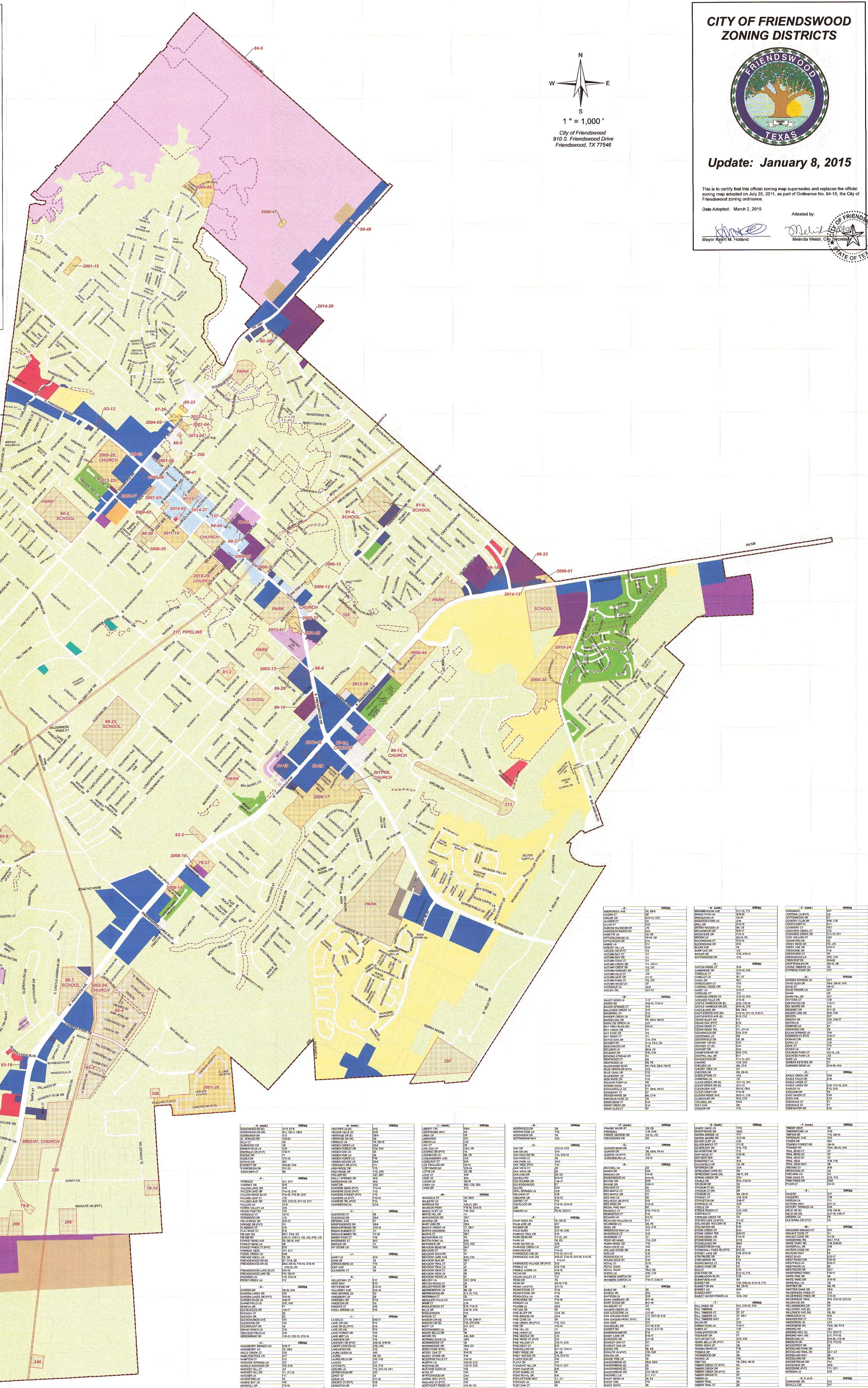
Melinda Welsh, City Secretary

[illegible]

Subsequent Zoning Changes/Corrections Since Last Official Map Adoption by City Council - January 8, 2015
On the dates indicated below, by official action of the city council, the following changes were made in the Official Zoning Map:

Ord No	Date	From	To	Description	Specific Use	Email Date	From	Notes
2015-03	2/2/2015	CSC	CSC/SUP	New Hope Church 108 W Edgewood Dr.	Religious Organizations	7/24/2015	Aubrey	Remove SUP 99-13 - building was demolished
2015-18	7/13/2015	PUD 2004-13 and 2005-34	PUD	New PUD for Friendswood Town Center 3700 FM 528	n/a	7/24/2015	Aubrey	Previous PUDs: 2004-13 and 2005-34
2015-19	7/13/2015	PUD/SUP	PUD	Bergamos Spa Retreat 307 E Edgewood Dr.	n/a	7/24/2015	Aubrey	Previous PUDs/SUPs: 307 E. Edgewood Dr. – PUD 95-1; SUP 95-9; SUP 2011-18; and SUP 2013-05 313 E. Edgewood Dr. – PUD 95-8; SUP 2001-04
2015-21	8/3/2015	I	I/SUP	Ergon Pipeline 14550 Beamer Rd.	NAICS Use #486, Pipeline Transportation	8/24/2015	Aubrey	
2015-23	9/14/15	DD	DD/SUP	810 S. Friendswood D.	Use #713940 Fitness and Recreational Sports	10/6/2015	Aubrey	SUP is only for 4200 sqft of the building
2015-26	10/5/2015	PUD/SUP	PUD/SUP	402 E. Edgewood Dr.	Add NAICS Uses #442, 446, and 448	12/22/2015	Aubrey	SUP amendment
2015-30	11/2/2015	PUD/SUP	PUD/SUP	1100-1110 S. Friendswood Dr.	Add NAICS Uses #8121, 8129, and 8139	12/22/2015	Aubrey	SUP amendment
2016-01	2/1/2016	PUD/SUP	PUD	103, 105, 107 Shadwell Ln.	n/a	3/1/2016	Aubrey	
2016-11	3/7/2016	LI	OPD	121 Magnolia St. and 312 Morningside Dr.	n/a	3/15/2016	Aubrey	
2016-23	5/2/2016	LI	DD	311 S. Friendswood Dr.	n/a	6/10/2016	Aubrey	
2016-31	8/1/2016	PUD/SUP	DD	1100 - 1110 S. Friendswood Dr.	n/a	8/9/2016	Aubrey	
2016-39	12/13/2016	n/a	n/a	Boundary Change on Nile Lake Ct.	n/a	12/19/2016	Becky	land swap with League City
2016-19	7/11/2016	SFR/MFR-M	PUD and NC	Friendswood Trails	n/a	12/19/2016	Aubrey	
n/a	n/a	A1	SFR	Old Rd. - 2 lots	n/a	11/17/2016	Aubrey	Unknown reason as to why A1 zoning was assigned to the two tracts adjacent to Old Rd. Requested that they be changed back to SFR.
2016-43	1/9/2017	SFR	CSC	2907 W. Parkwood Ave.	n/a	1/31/2017	Aubrey	
2016-45	1/9/2017	SFR	NC	FM 518 and Old Rd.	n/a	1/31/2017	Aubrey	
2017-01	2/6/2017	CSC/SUP	CSC/SUP	3700 and 3702 FM 528	NAICS Use #8131 Religious Organizations	2/28/2017	Aubrey	Remove old SUP 99-18; new SUP covers entire tract of 3700 and 3702
2004-19		SFR	CSC	West Ranch PUD	n/a	3/3/2017	Aubrey	correction to Tract 3 of the WR PUD; additional tract was included which should still be zoned SFR
2017-12	6/5/2017	BP/SFR	PUD	The Pond Senior Living 401 W. Edgewood Dr.	n/a		Becky	
1994-02	4/18/1994	CSC	CSC/SUP	3535 FM 528	School	1/4/2018	Aubrey	correction to include the SUP for school that was not referenced on the zoning map
2017-29	10/2/2017	CSC	CSC/SUP	212 E Parkwood Ave	NAICS 517 Telecommunications	1/4/2018	Aubrey	
2017-30	10/2/2017	OPD	CSC	1757 S Friendswood Dr	n/a	1/4/2018	Aubrey	
n/a	n/a	SFR	MFR-L	All 6 lots on Shady Nook; 207, 209, 211 and 303 Morningside Dr.; 201-205, 208, 211, and 213 E. Shadowbend; Lots 1, 2, and 3 Collins Subdivision; 202-214 (even side) Magnolia St; 212 Quaker Dr; 201-213 (odd side of ROW) E. Heritage Dr.	n/a	1/11/2018	Becky	Unknown reason as to why SFR zoning was assigned to the two blocks. Requested that they be changed back to MFR-L with the exception of 206 & 209 E Shadowbend.
n/a	n/a	SFR/SUP	SFR	104 Whispering Pines Dr.	n/a	8/7/2018	Aubrey	SUP for church use could not be verified
2018-08	5/7/2018	CSC	CSC/SUP	2245 and 2275 Thomas Trace	NAICS Uses 6231, 623311 and 323312	9/26/2018	Aubrey	
2018-21	9/10/2018	LI	DD	315 S. Friendswood Dr.	n/a	9/26/2018	Aubrey	
2018-22	9/10/2018	NC	NC/SUP	4203 Friendswood Link Rd.	NAICS Use 713940	9/26/2018	Aubrey	
2018-35	12/3/2018	LI	LI/SUP	3099 W. Parkwood Ave. PSC Shooting Club	NAICS Use 7139 Other Amusement & Recreation Industries	5/8/2019	Becky	
2019-08	3/4/2019	SFR	DD	104 Whispering Pines Dr.	n/a	5/6/2019	Becky	
2019-10	4/1/2019	CSC	DD	1 Hatcher Ln	n/a	5/6/2019	Becky	
2019-11	5/6/2019	SFR	PUD	Avalon at Friendswood	n/a	5/8/2019	Becky	
2019-24	8/5/2019	SFR	DD	108 Whispering Pines Ave.	n/a	9/23/2019	Aubrey	Ordinance 2019-24
2019-25	8/5/2019	SFR	DD	110 Whispering Pines Ave.	n/a	9/23/2019	Aubrey	Ordinance 2019-25
2019-26	8/5/2019	NC	NC/SUP	17158 Blackhawk Blvd.	NAICS Use 8131 Religious Organizations	9/23/2019	Aubrey	Ordinance 2019-26

2019-30	9/9/2019	PUD/SUP	PUD/SUP	402 E. Edgewood Dr.	NAICS Use 8121 Personal Care Services	10/16/2019	Becky	Amend 2015-26 to allow nail salon.
2019-31	9/9/2019	PUD	PUD	103, 105, 107 Shadwell Ln.		10/16/2019	Becky	Amend 2016-01 for demo and new building.
2019-37	11/4/2019	SFR/PUD 2019-11	PUD 2019-37	Avalon at Friendswood	n/a	11/25/2019	Aubrey	



Update: January 8, 2015

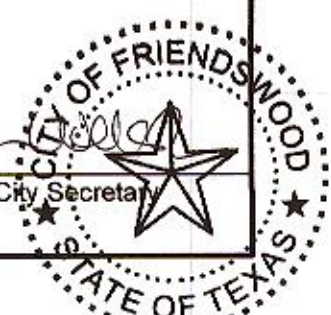
This is to certify that this official zoning map supersedes and replaces the official zoning map adopted on July 25, 2011, as part of Ordinance No. 84-15, the City of

Date Adopted: March 2, 2015

Attested by _____

Mayer, Kevin M. Holland

Melinda Walsh, City Secret





FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: December 12, 2019

Subject: Proposed amendments to Appendix C Zoning Ordinance "Sections 7. Schedule of District Regulations," "Section 7.5. Community Overlay District," and "Section 8. N. Downtown District Supplemental Requirements" to change building material requirements per HB 2439

Action: Significant

SUMMARY / ORIGINATING CAUSE

The State of Texas adopted House Bill 2439, which became effective September 1, 2019, and prohibits governmental entities from regulating building products, materials or methods used in the construction or renovation of residential or commercial buildings. The current Zoning Ordinance prohibits metal, wood, or cement fiber boards in the various commercial districts, as well as, provides for fenestration requirements in the Downtown District. The proposed changes amend the ordinance to state which materials the City of Friendswood prefers for commercial structures located in the various zoning districts, but does not prohibit materials permitted by the applicable national model codes.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Amending the Zoning Ordinance will bring city code into compliance with state law.

RECOMMENDATIONS

The Ordinance Subcommittee recommends the proposed amendments to the Zoning Ordinance.

ATTACHMENTS

1. Relines of amendments to App C ZONING ORD Sec 7 7.5 and 8

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.
 4. 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.
 4. 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.
 2. See section 8 for supplementary district regulations.

3. Reserved.
 4. Permitted uses. Uses permitted in an MFR-L district are set forth in subsection P of this section, permitted use table.
- 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.
 2. See section 8 for supplementary district regulations.
 3. Reserved.
 4. Permitted uses. Uses permitted in an MFR-M district are set forth in subsection P of this section, permitted use table.
- C.1. *MFR-GHD, garden home residential, general purpose and description.* The GHD, Garden Home Residential District, is intended to provide multifamily low-density dwelling units having open space between units which exceed existing normal multifamily buildings, with density not exceeding six units per acre. The intent of these regulations is to allow development of property which:
- (1) May have limited area suitable for residential development due to geographical limitations;
 - (2) Have portions of the property subject to flooding; or
 - (3) Is located adjacent to a district of a different zoning designation, and for which the development as MFR-GHD would be appropriate as a buffer between incompatible land uses.
- The interior living area of the first floor of any two-story residential structure in MFR-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.
 2. See section 8 for supplementary district regulations.
 3. Reserved.
 4. 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.
 4. Permitted uses. Uses permitted in an MHR district are set forth in subsection P of this section, permitted use table.
 5. 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.
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. 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.
 5. No CSC district shall be created which includes less than two acres.
 6. Buildings in the CSC zoning district ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are ~~prohibited~~~~discouraged~~, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The planning and zoning commission may approve alternative exterior facade materials.
- 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. 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. Permitted uses. Uses permitted in an NC district are set forth in subsection P of this section, permitted use table.
5. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.
6. Buildings in the NC zoning district shall have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are prohibited, except as trim for eaves and overhangs. The planning and zoning commission may approve alternative exterior facade materials.

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 commission.

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 ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are ~~prohibited~~~~discouraged~~, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The Planning and Zoning Commission may approve alternative exterior facade materials.

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 Commission.

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.
 4. Permitted uses. Uses permitted in an OPD are set forth in subsection P of this section, permitted use table.
 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.
 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.
 7. One caretaker's quarters unit may be provided for each office park complex.
 8. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.
 9. Buildings in the OPD ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are ~~prohibiteddiscouraged~~, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The Planning and Zoning Commission may approve alternative exterior facade materials.
- I. *Downtown District (DD), general purpose and description.* The DD, downtown district, is designed to accommodate and promote the city's original business and downtown areas. It is intended to achieve a balance of retail, commercial, office, and residential and public activities. Development within the DD should be pedestrian friendly with an emphasis on shared parking and shared access between developments. Development within the DD requires the approval of a development site plan by the Planning and Zoning Commission.
1. Area and height regulations. Structures within the DD are intended to be between one to four stories. The maximum height allowed is 70 feet as measured in accordance with the method prescribed in section 20. Additional regulations are set forth under subsection Q.2 of this section, regulation matrix.
 - a. No residential use shall be allowed on the first floor.
 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 ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco, glass, or lap sided cement fiberboard. Sheet cement fiberboards are ~~prohibiteddiscouraged~~, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The Planning and Zoning Commission may approve alternative exterior facade materials.
- 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) In no case shall a PUD be used for the sole purpose of circumventing the intent of city ordinances or plans. Unless standards for elements of site design are specifically described in a rezoning ordinance for a PUD, all design and development standards shall apply to all land development within a PUD district. The development must be planned as an integral unit and must protect nearby landowners from adverse impact with appropriate buffering and landscaping. A site plan is required for all PUDs.
- (c) 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 a public services and related facilities;
 - 5. To protect and enhance the aesthetic and visual qualities of development;
 - 6. To provide development of sites in a suitable fashion when such development is restricted by such factors as site location and shape;
 - 7. To promote economic development in accordance with the city's plans for such.

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

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. 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. 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. 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.
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.
 3. See section 8 for supplementary district regulations.

4. Permitted uses. Uses permitted in a BP district are set forth in subsection P of this section, permitted use table.
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.
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.
9. Performance standards shall conform to section 8.J as shown in the CSC zoning district.
10. Exterior requirements. All buildings are encouraged to be constructed ~~must have 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 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000 as may be approved by the planning and zoning commission.

Section 7.5. - Community overlay district.

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

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

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

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

4. *Utilities.* All permanent utilities serving the property shall be located underground, at the owner's expense.
5. *Landscaping.* The minimum landscaping requirements for areas within the COD shall be as follows:
 - a. All landscape buffers shall be provided with architectural and/or landscape materials to screen structures, facilities, drive areas, parking areas, etc. Shrubs shall be a minimum height of two feet when planted and shall be placed a maximum of two feet apart. Mature shrubs shall be maintained in a live or living condition to form a continuous hedge with a maximum height of three feet six inches.

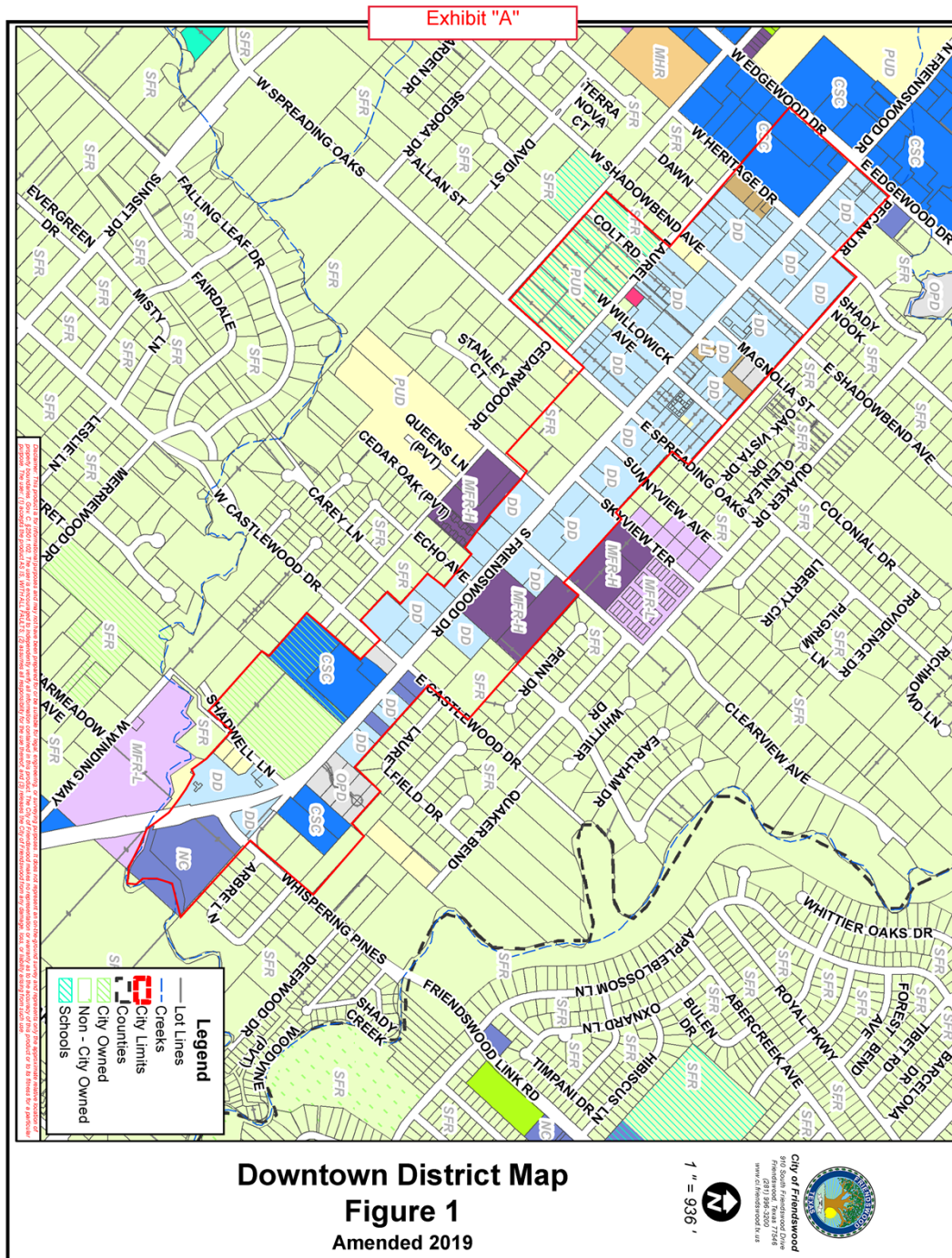
- b. Nothing contained in this subsection 5 shall be deemed to reduce applicable landscaping requirements contained in other sections of this Code, or any ordinance specifically applicable to a development (e.g., specific use permit or planned unit development), but instead to enhance the aesthetics along the city's major thoroughfares by requiring additional or higher percentages of landscaping.
 - c. Parking lots within the COD containing 20 parking spaces or less shall have open landscaped areas that are equal to not less than 15 percent of the parking area and drives in the parking area. The required area may be used as islands or perimeter landscaping or in any combination. A minimum of one Class 1 or Class 2 tree from the qualified tree list shall be planted and maintained for each 250 square feet, or portion thereof landscaped open space area.
 - d. Parking lots within the COD containing greater than 20 parking spaces shall have open landscaped areas equal to 20 percent of the parking area and drives in the parking area. Fifty percent of the required landscaped area must be used as islands. Perimeter landscaping shall have at least one such tree for each 30 (40 lineal feet if not located in the COD) lineal feet or fraction thereof. Each island shall have one such tree planted and maintained thereon.
 - e. If a buffer strip is required (along public rights-of-way, or to separate uses per section 8.1), 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 ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco or glass on all sides of the building. Fiber cement boards/siding are ~~prohibited~~discouraged, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 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. ~~The planning and zoning commission may approve alternative exterior facade materials.~~
 - (2) The design of walls and other structures located on the same site, including those used to screen outdoor storage areas, dumpsters, vehicles, etc., ~~shall be encouraged to~~ be constructed of the same materials as the main building on the lot. Cyclone fences are prohibited, except under limited circumstances, the commission may approve a vinyl coated cyclone fence.
 - (3) ~~Notwithstanding subsections 6.a(1) and (2) of this section, an applicant may present to the planning and zoning commission, on the site plan, specifications which include elevation drawings of proposed alternative materials. The planning and zoning commission may approve such alternative materials if they meet or exceed the appearance and durability requirements above.~~

b. *Residential.*

- (1) Residential developments not facing a COD thoroughfare shall be required to install a visual barrier to a minimum mature height of six feet as measured from the finished grade. The barrier shall be set back from the street right-of-way line by a minimum of ten feet. Various materials may be utilized, including landscaped earth berms, provided the materials are durable and require low maintenance. All barriers shall be maintained by the owner of the property on which such barrier is located, or by a homeowners' association. If a homeowners' association is to provide such maintenance, the obligations therefor shall be set forth in writing, and filed of record in the same manner that other restrictive covenants are filed. Subdivision plats submitted for residential property along a COD corridor shall include detailed information and visual representations of the proposed barrier, and such other information as deemed necessary by the planning and zoning commission to establish compliance with this subsection.
- (2) Trees shall be planted adjacent to the barrier, on the COD thoroughfare side, at intervals of 25 feet, with one-half having a minimum caliper of four inches and one-half having a minimum caliper of two inches. Existing qualified trees may be counted toward fulfillment of this requirement, provided that the size, species, and guaranteed duration shall meet the criteria of the landscaping section of this appendix. (Clustering of trees shall be permitted, provided, however, clustering shall not reduce the number of required trees, and trees shall not be clustered so as to lessen the survival rate of other trees.)

(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

- 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 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 8.1.2.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 ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco, glass, or lap sided cement fiberboard. Sheet cement fiberboards are ~~prohibited~~discouraged, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code

cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The Planning and Zoning Commission may approve alternative exterior facade materials.

- 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 shall 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 Commission.
 - 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 for 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. shall 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 Commission 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 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 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 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 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 shall determine the required screening after giving due consideration to the intensity of the commercial use, the zoning classification, and adjacent land uses. When a residentially zoned property is rezoned to commercial, an existing fence may, if requested by the staff, the Planning and Zoning Commission, or the applicant, be removed, in whole or in part, to allow joint or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners.
- 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;



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Date requested for City Council consideration: December 12, 2019

Date submitted: 11/18/2019

Prepared by: Aubrey Harbin, Director of Community Development

Subject: Proposed amendments to Appendix B Subdivision Ordinance "Section III. k.3. Sidewalks" to not require sidewalks in existing residential areas if sidewalks do not already exist

Originating Department: Community Development

Degree of importance: Significant

SUMMARY / ORIGINATING CAUSE

Several scenarios have surfaced recently regarding the requirement of sidewalks on residential lots in established neighborhoods. The scenarios include older houses that have been torn down and rebuilt, in-fill lots that were never developed now having homes constructed on them, and houses torn down due to flooding and being rebuilt. In each scenario, the current ordinance requires a four-foot sidewalk to be installed, regardless of the existing conditions of surrounding lots or neighborhoods. Most of these noted scenarios were located in established neighborhoods where no other sidewalks existed on the adjacent lots or same side of the street. In some cases sidewalks may have been existing on the opposite side of the street. Sidewalk requirements for new development of residential curb and gutter streets would remain.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

The benefit to the community is to not change the overall appearance and aesthetics of established neighborhoods that have never had sidewalks. Additionally, the benefit to individual homeowners is to not be overburdensome. Typically, developers of subdivisions install sidewalks, not individual property owners. When streets are redesigned or rebuilt by the City would be the time to account for new sidewalks in established neighborhoods.

RECOMMENDATIONS

The Ordinance Subcommittee recommends amending the Subdivision Ordinance by adding exceptions 2 and 3 below...as well as including a statement to clarify that the owner of a corner lot would be required to replace/match existing sidewalks along the streets respectively, and that if a residential lot had a sidewalk, and a property owner removed it, the property owner is responsible for replacing it.

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

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

- (1) open ditch streets are approved; or
- (2) the subdivision was accepted prior to sidewalks being a required improvement; or

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

...

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

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

ATTACHMENTS

1. SUBDIVISION ORD - Sidewalk Amendment Redline

SUBDIVISION ORDINANCE – APPENDIX B

Section III. - General requirements and design criteria.

k. *Public use and service areas.*

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

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

(1) open ditch streets are approved; or

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

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

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

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

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

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

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

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

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



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: December 12, 2019

Subject: Minutes from the regular meeting held November 14, 2019

Action:

SUMMARY / ORIGINATING CAUSE

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

1. 11-14-19 P and Z Minutes



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, NOVEMBER 14, 2019 - 7:00 PM**

MINUTES

MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS

1. Call to order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, NOVEMBER 14, 2019, AT 07:03 PM 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS,

VICE-CHAIRMAN RICHARD SASSON
COMMISSIONER ERIC GUENTHER
COMMISSIONER BRETT BANFIELD
COMMISSIONER LISA LUNDQUIST
COMMISSIONER RICHARD CLARK
COMMISSIONER MARCUS PERRY
CITY ATTORNEY MARY KAY FISCHER
DIRECTOR OF CDD/PLANNER AUBREY HARBIN
DEVELOPMENT COORDINATOR BECKY BENNETT

Absent: MATRANGA

2. Communication from the public/committee liaisons

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

No comments.

3. **Consent Agenda**

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

****Commissioner Brett Banfield moved to approve Consent Agenda. Seconded by Commissioner Richard Clark. The motion was approved unanimously.**

A. Minutes from October 17, 2019, regular meeting

B. Final Plat of Kessel Chateau

4. **Action Items**

A. Consideration and possible action regarding the site plan for 315 S. Friendswood Drive, a mixed-use building in the Downtown District

****Commissioner Eric Guenther moved to approve Consideration and possible action regarding the site plan for 315 S. Friendswood Drive, a mixed-use building in the Downtown District. Seconded by Commissioner Lisa Lundquist. The motion was approved unanimously.**

Harbin explained the existing building will be demolished and replaced with a two-story building consisting of retail on the first floor and shipping on the second floor. She said the project meets parking requirements through a combination of onsite parking, access through an adjacent property, and a shared parking agreement with a neighbor. Harbin stated that staff and the owner worked on the parking together and with lots of negotiating, finally landed on an acceptable plan that met code.

Sel Thint/Everest Design Group said the scope of work included removing the existing building and replacing it with a new building to house a yarn/quilt shop on first floor. He said the second floor would have internet based sales and a shipping area. Thint stated regional detention had already been approved through the Galveston County Consolidated Drainage District. He also said a TxDot permit had been submitted for the driveway improvement, Downtown District brick pavers, benches and lighting.

Guenther said during the previous zone change request he thought the intent was to keep the existing building. Thint explained the cost to build new was close to the cost of a remodel so the owner decided to start from scratch.

Lundquist said she has no reservations with the project.

Sasson asked where the trash container would be. Thint said the business would share the adjacent, existing dumpster. Sasson said it looks like the new building would be extending the footprint of the building back. Harbin stated there are zero setback lines in the Downtown District.

5. **Discussion Items**

A. Discussion regarding adoption of an updated official zoning map per Appendix C, Zoning Ordinance "Section 3. Provision for Official Zoning Map"

Harbin explained the official zoning map is required to be updated periodically so staff keeps a running spreadsheet of approved zone changes. She said when the list gets full, an updated map is created and presented for consideration.

Sasson said the subcommittee met and reviewed the updated map to make sure all the changes had been incorporated.

Harbin explained no vote was required at this time. She said as long as the full commission did not see any issues, the updated map would be advertised for public hearing and the process would move forward.

B. Discussion regarding proposed amendments to Appendix C Zoning Ordinance "Sections 7. Schedule of District Regulations," "Section 7.5. Community Overlay District," and "Section 8. N. Downtown District Supplemental Requirements" to change building material requirements per HB 2439

Harbin said this item would follow the same process as the zoning map. She said the subcommittee has discussed and are bringing the proposal to the full commission for thoughts. She explained the proposal is to change our local ordinance to match state law that prohibits cities from regulating building materials. Harbin said the ordinance change from saying "shall" to "preferred." Harbin stated the fenestration requirements removed and that hopefully the state will decide to change the rules and the city can later repeal this ordinance.

Sasson recapped that this a required change due to state law. He said the subcommittee is recommending minimal changes and hopefully will be able to change it back later.

Banfield asked if the current ordinance could be left on the books. Fischer answered that it could be handled either way. She said staff discussed leaving the ordinance as-is but her preference is to change to match the law to avoid confusion. Banfield said he wrote his representative and hopefully it will change back.

Guenther asked who pushed to have the law changed. Fischer said she would look it up and let him know.

C. Discussion regarding proposed amendments to Appendix B Subdivision Ordinance "Section III. k.3. Sidewalks" to not require sidewalks in existing residential areas if sidewalks do not already exist

Harbin stated the ordinance subcommittee were asked to discuss the current sidewalk ordinance. Harbin said she presented some issues staff had come across to city council during a work session. She explained that currently sidewalks are required for all residential districts, except on open ditch streets. Harbin stated that staff has been dealing with some infill lots and redevelopment where there are required to install a sidewalk when the rest of the neighborhood does not have sidewalks. She said staff does not have the leniency to not require the sidewalk so the discussion is to change the ordinance. She said there is the sidewalk fund that the owner could pay into but tracking which lots have paid into the fund over the years is difficult. Harbin said when Public Works is repaving streets and installing sidewalks, they are not aware if any of the lots have paid into a fund.

Harbin stated the proposal is to add some exceptions to the ordinance to account for flooded homes being rehabilitated and older neighborhood in-fill tracts to help preserve the heritage of the area. Harbin read the proposed exceptions and explained staff had added two other provisions; one to clarify corner lot requirements and one to be sure if a sidewalk is removed, it has to be replaced.

Sasson said he is a huge proponent of sidewalks and that the subcommittee discussed how to avoid unintended consequences. He said they tried to improve on the wording that staff presented and could not. He said the recommendation is to approve the changes.

Banfield said he has a little heartburn with not installing the sidewalks. He gave an example of a developer that was buying up a block for redevelopment. Bennett said the subcommittee had discussed that particular area of town but found it too hard to codify how to make that one install sidewalks but not another. Harbin said that particular lot also has a very large tree that sidewalks would not work around plus the city has rebuilt that road twice and not installed sidewalks.

D. Discussion regarding Comprehensive Plan

Harbin said the planning subcommittee met and bounced around ideas regarding a comprehensive plan. She said state law requires a municipality to have a comprehensive plan but is pretty vague as to what a comprehensive plan is.

Harbin said that, right now, the city has a 1998 comprehensive plan on the books. She said it has not been updated since then, other than parts like the map was updated in 2008, but not the wording. Harbin said the Major Thoroughfare Plan had been updated in 2018 and she had rewritten the applicable chapter, as well. She said the Parks Department has a master plan for parks and it was last updated in 2010. Harbin said the Parks Department is looking to update it that plan soon so it would be a good time to work on the Comp Plan.

Harbin said her proposal to city council now would be to update the current comprehensive plan, as that can be done in house. She said that would get the document current and then maybe in five years the city can hire a consultant to do a more robust plan. She said this plan is still relevant but needs to be updated and utilized. Harbin explained there are other plans that have been created since the 1998 plan: Downtown Improvement Plan, Capital Improvement Plan, and a City Wide Traffic Study. She said the land use assumptions are already updated every five years for the impact fee update and could be used for multiple plans. Harbin said the impact fee update would be a good reminder to update the comprehensive plan every five years since the commission is the advisory board for both.

Lundquist asked if the subcommittee discussed a sustainability plan. Harbin answered maybe in the future but for now the plan is just to refresh and hire a consultant later. Harbin stated she would present to city council on December 2nd and if they are in favor of updating the comprehensive plan then the subcommittee could start working on it.

Banfield agreed that they need to dust it off and get it out there. He said it will also help with land use change decisions.

Perry asked how it will be discussed: one bite at a time or as a whole? Lundquist answered as the pieces are updated it becomes a living document. Perry said he is concerned this will be another document with no teeth like Vision 2020 and the Economic Development plan. Perry said it is a huge concern that the city is not consistent.

Harbin said to be honest, staff is not wanting to create a new comprehensive plan in house. She explained some cities receive awards and spend a million dollars on their plans.

Perry mentioned if the plan is really generic then it has no teeth but if it is very specific then council will not want to be tied to the plan.

Sasson agreed that the commission needs support and getting feedback from council about how to proceed is very important.

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

- A. Thursday, November 28 - no meeting; Thanksgiving Day
- Thursday, December 12 - regular meeting
- Monday, December 16 - Annual Retreat at Library; 6pm to 9pm
- Thursday, December 26 - no meeting

Harbin said the next meeting falls on Thanksgiving so it will be cancelled. She said the next regular meeting after that would be held on December 12th. She reminded the commission their annual retreat is scheduled for December 16th at the Library.

7. Communications

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

Lundquist said the Keep Friendswood Beautiful meeting was held on an Astros playoff day so it went really quickly. She had nothing to report

B. From Ordinance Subcommittee - update on tasks

Sasson said the items discussed during the meeting is what the subcommittee had been working on and had nothing extra to report.

C. From Planning Subcommittee - update on tasks

Banfield said the Comprehensive Plan was being discussed by the subcommittee.

D. From City Council Liaison, Trish Hanks - general comments and communication from City Council

Council Member Trish Hanks said she likes to have a vision and have everyone be working in the same direction. She stated she has been a vocal voice on getting plans updated and really appreciates all the hard work the commission is putting in.

Hanks said she will be attending a Citizens FBI Training and would miss the next Keep Friendswood Beautiful meeting.

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

Harbin said the DRC report was included in the backup material. She reported the second reading of Avalon had been approved on November 4th and Sterling Creek Garden Homes passed first reading with a 5-2 vote.

8. Adjournment

This meeting was adjourned at 07:53 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION

AGENDA ITEM FORM

Meeting Date: December 12, 2019

Subject: Consideration and possible action regarding the preliminary plat of Sterling Creek Section 4 being 10.0623 acres of land out of a called 194.21 acre tract of land known as Tract A and being recorded in Clerk's File No. 2010059686, being out of and part of Lots 1-3, 13-16 and 19-20 of the David Fahey Subdivision as recorded in Volume 118, Page 417 and also being out of and a part of Lot 4 of the Burgess Subdivision as recorded in Volume 119, Page 14, both subdivisions being situated in the Geo Patterson Survey, Abstract Number 645 and the Mary Fabreau Survey, Abstract Number 69, Friendswood, Galveston county, Texas; and a partial replat of Reserves B and a portion of Reserve A of Sterling Creek Section 3-B as recorded in Clerk's File Number 2019028674 of the Plat Records of Galveston County, Texas

Action: Action Item

SUMMARY / ORIGINATING CAUSE

This is a preliminary plat for a new residential section for Sterling Creek. This section will consist of 24 lots and 1 reserve. The property owner is dedicating a public easement outside the plat boundary in order to meet the access requirements of the Subdivision Ordinance. Acceptance of that easement will be on City Council's agenda in January. Additionally, construction of the road within that easement will be reviewed with the construction plans for the subdivision and ultimately approved by Engineering and Fire Marshal.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Approval of the preliminary plat will allow the developer to move forward with developing another residential subdivision.

RECOMMENDATIONS

The plat has been reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, Parks and Police Department. The proposed project appears to be in compliance with current City codes with the following exceptions:

- 1) Correct the partial plat exhibit to remove excess property outside of Fahey Subdivision Lot 19
- 2) Remove line and references to lots 14 and 15 of the Fahey Subdivision (already platted as Sterling Creek Sections 3 and 3-B)
- 3) Dash the boundary line between lots 19 and 20 Fahey Subdivision outside the plat boundary

The plan is subject to approval by the Planning and Zoning Commission.

ATTACHMENTS

1. Sterling Creek Section 4 Prel Plat Compliance Memo
2. Sterling Creek 4 Prel Plat Pg 1
3. Sterling Creek 4 Prel Plat Pg 2

Memo

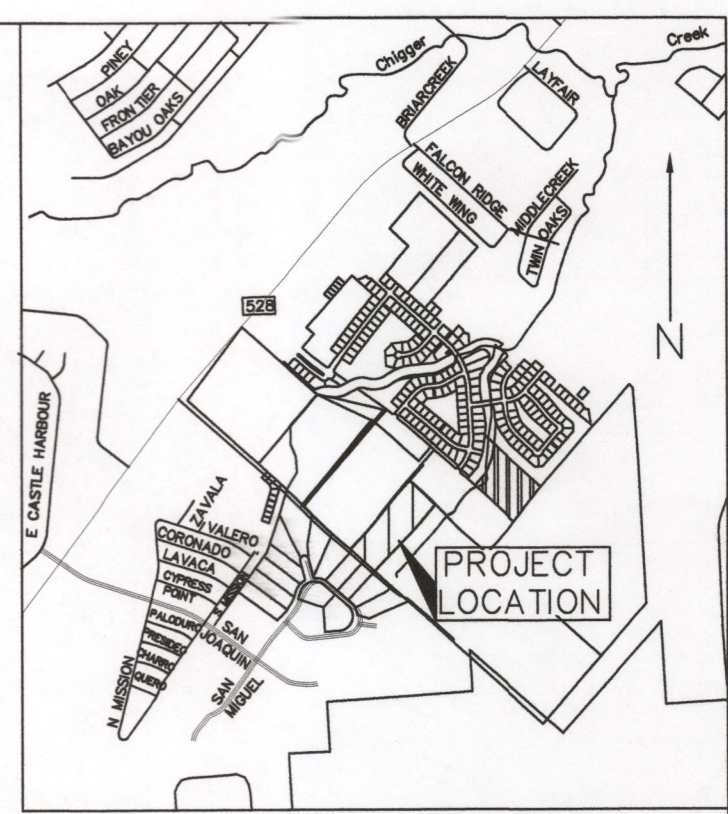
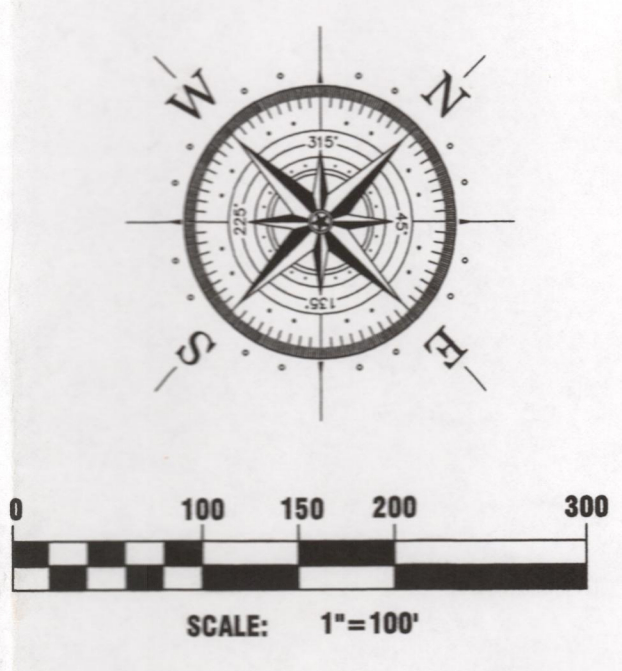
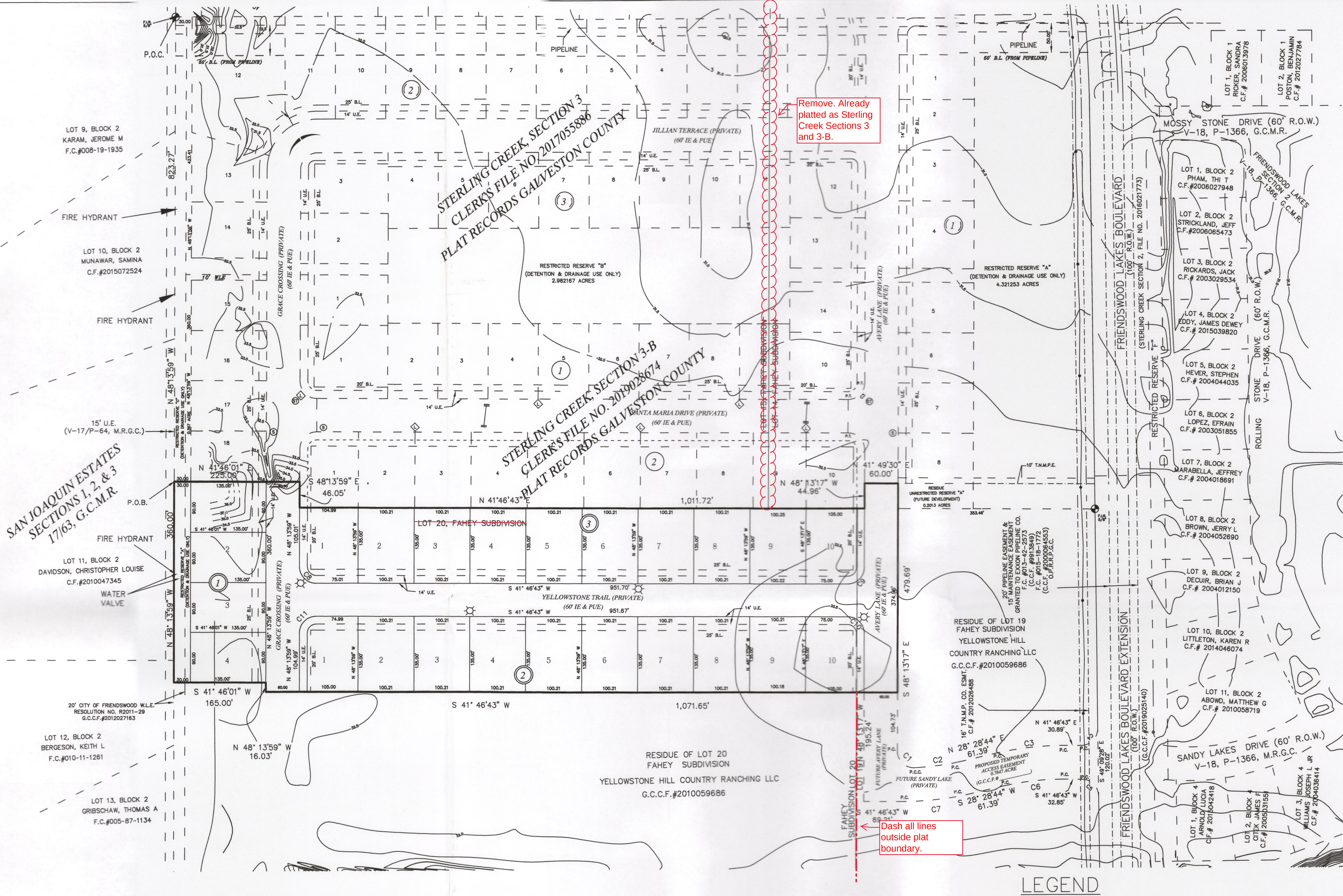
To: Planning and Zoning Commission
From: Becky Bennett, Development Coordinator
Date: December 9, 2019
Re: Sterling Creek Section 4 Preliminary Plat

Project Description: The preliminary plat is to construct 24 lots in the next phase of Sterling Creek. Secondary access will be provided through a temporary access easement until the completion of Friendswood Lakes Boulevard.

The plan has been reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, Parks and Police Department. The proposed project appears to be in compliance with current City codes with the following exceptions:

- 1) Correct the partial plat exhibit to remove excess property outside of Fahey Subdivision Lot 19
- 2) Remove line and references to lots 14 and 15 of the Fahey Subdivision (already platted as Sterling Creek Sections 3 and 3-B)
- 3) Dash the boundary line between lots 19 and 20 Fahey Subdivision outside the plat boundary

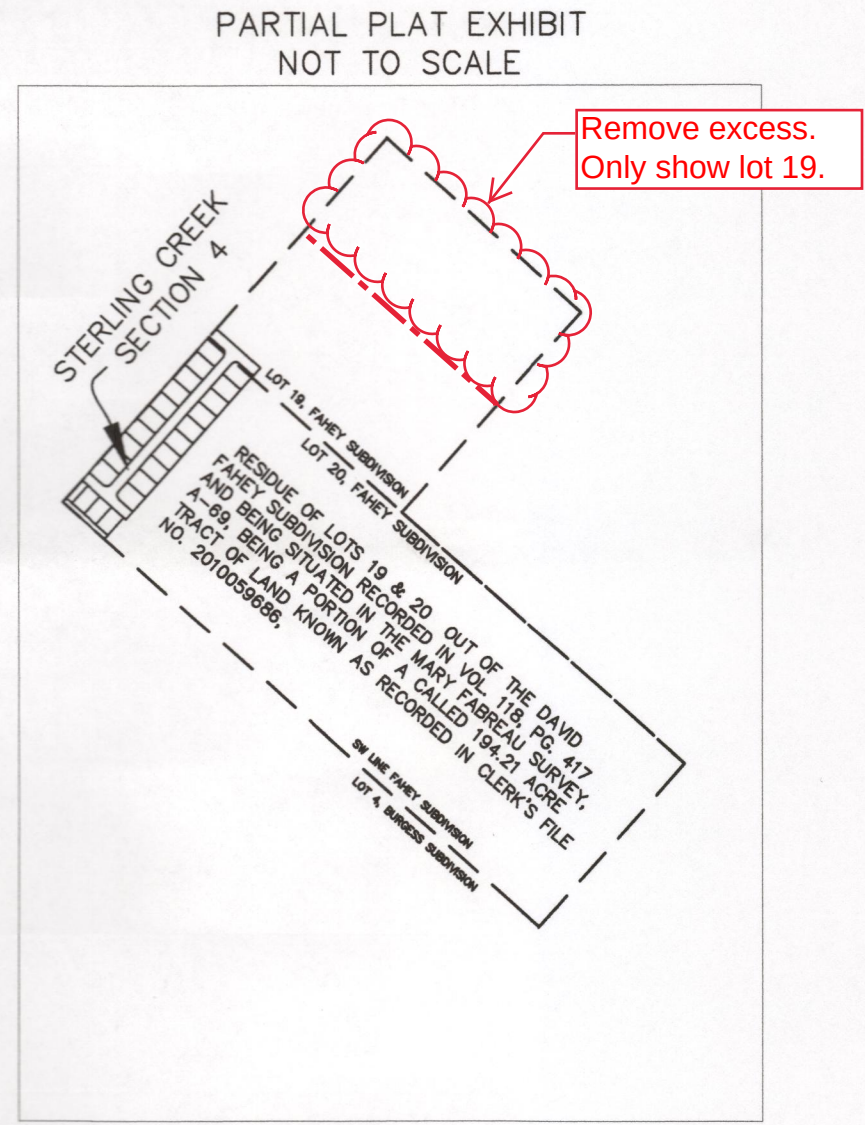
The plan is subject to approval by the Planning and Zoning Commission.



LOT COVERAGE TABLE				
BLK	LOT	Sq. Feet	Acres	
1	1	12149.90	0.28	
1	2	12150.00	0.28	
1	3	12150.00	0.28	
1	4	12150.03	0.28	
2	1	13981.79	0.32	
2	2	13528.37	0.31	
2	3	13528.37	0.31	
2	4	13528.37	0.31	
2	5	13528.37	0.31	
2	6	13528.37	0.31	
2	7	13528.37	0.31	
2	8	13528.37	0.31	
2	9	13528.36	0.31	
2	10	13981.88	0.32	
3	1	13981.93	0.32	
3	2	13528.33	0.31	
3	3	13528.33	0.31	
3	4	13528.33	0.31	
3	5	13528.33	0.31	
3	6	13528.33	0.31	
3	7	13528.33	0.31	
3	8	13528.33	0.31	
3	9	13531.70	0.31	
3	10	13981.84	0.32	

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	48.54'	43.42'	S 85°25'32" W	92°42'40"
C2	470.00'	86.88'	86.76'	S 33°46'28" W	10°35'59"
C3	530.00'	123.03'	122.75'	N 35°07'44" E	13°17'59"
C4	30.00'	47.61'	42.77'	S 03°41'22" E	90°56'11"
C5	30.00'	46.63'	42.08'	N 86°18'38" E	89°03'49"
C6	470.00'	109.10'	108.85'	N 35°07'44" E	13°17'59"
C7	530.00'	123.03'	122.75'	N 35°07'44" E	13°17'59"
C8	30.00'	47.12'	42.42'	S 86°46'22" W	89°59'18"
C9	30.00'	47.12'	42.43'	N 03°13'17" W	90°00'00"
C10	30.00'	47.12'	42.43'	N 86°46'43" E	90°00'00"
C11	30.00'	47.13'	42.43'	S 03°13'38" E	90°00'42"

RESERVE TABLE			
RESERVE	PURPOSE	SQ. FT.	ACREAGE
A	DRAINAGE & DETENTION	10,799.68	0.2479



PRELIMINARY PLAT OF
STERLING CREEK SECTION 4
10.0623 ACRES

10.0623 ACRES OF LAND OUT OF A CALLED 194.21 ACRE TRACT OF LAND KNOWN AS TRACT A AND BEING RECORDED IN CLERK'S FILE NO. 2010059686, BEING OUT OF AND A PART OF LOTS 1-3, 13-16 AND 19-20 OF THE DAVID FAHEY SUBDIVISION AS RECORDED IN VOLUME 118, PAGE 417 AND ALSO BEING OUT OF AND A PART OF LOT 4 OF THE BURGESS SUBDIVISION AS RECORDED IN VOLUME 119, PAGE 14, BOTH SUBDIVISIONS BEING SITUATED IN THE GEO PATTERSON SURVEY, ABSTRACT NUMBER 645 AND THE MARY FABREAU SURVEY, ABSTRACT NUMBER 69, GALVESTON COUNTY, TEXAS, AND A PARTIAL REPLAT OF RESERVES B AND A PORTION OF RESERVE A OF STERLING CREEK SECTION 3-B AS RECORDED IN CLERK'S FILE NUMBER 2019028674 OF THE PLAT RECORDS OF GALVESTON COUNTY, TEXAS

FLOOD STATEMENT
THIS TRACT IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN, THIS IS ACCORDING TO FIRM NUMBER 48167C0206G DATED AUGUST 15, 2019.

BENCHMARK
USGS BENCH MARK DISK (PID-AW1000), 3.3 MILES NE ALONG FM 528 FROM THE INTERSECTION OF STATE HIGHWAY 95 IN ALVIN TO THE MARK ON THE LEFT AT THE NE CORNER OF A CHAIN LINK FENCE AROUND A PHILLIPS PETROLEUM COMPANY VALVE STATION WITH HIGH PRESSURE GAS LINE, 278 FEET NE OF THE CENTER LINE OF WINDSONG STREET. THE MARK IS 2 FEET EAST FROM A WITNESS POST AND ABOUT 1 FOOT LOWER THAN THE ROAD.

TEMPORARY BENCHMARK (TBM)
BOX CUT IN CURB INLET, LOCATED IN EAGLE CREEK DRIVE ROW AND AS SHOWN ON PLANS. NGVD 1929, 1978 ADJUSTED

- NOTES:
- 1.) BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES TEXAS SOUTH CENTRAL.
 - 2.) STERLING CREEK SECTION 4 WILL BE A PRIVATE SUBDIVISION.
 - 3.) NO TREES GREATER THAN 12" IN DIAMETER EXIST IN THE COMMON AREAS OR DETENTION AREAS.

CITY OF FRIENDSWOOD REGULATION MATRIX									
YARDS-MINIMUM FEET					SIDE				
CURRENT	UNITS PER ACRE	MIN LOT AREA (SQ-FEET)	MIN LOT WIDTH (FEET)	MIN. FRONT YARD SETBACK (FEET)	MIN. REAR YARD SETBACK (FEET)	MIN. SIDE YARD SETBACK (FEET)	MIN. SIDE YARD SETBACK (FEET)	MIN. BUILDING HEIGHT (FEET)	MAX. BUILDING HEIGHT (FEET)
SFR	2.7	11,600	90.4	25.8	25	25.4	20.0	10.0	40

- NOTES:
- A. LOTS OF LESS THAN 120 FEET WIDE REQUIRE CURBS. LOTS 120 FEET WIDE OR GREATER MAY USE OPEN DITCHES.
 - B. THIRTY-FIVE FEET ON THOROUGHFARES.
 - C. TWENTY-FIVE FEET ON THOROUGHFARES.
 - F. LOTS CURRENTLY IN EXISTENCE WITH LESS THAN 90 FEET OF WIDTH THAT HAVE STRUCTURES ALREADY BUILT UPON THEM MAY CONTINUE WITH THE SAME EXISTING SET BACK FOR ADDITIONS PROVIDED THEY ARE NOT LESS THAN A MINIMUM OF FIVE FEET.
 - K. PARKING IS REQUIRED IN ACCORDANCE WITH THE PARKING GROUP TABLE IN THE DESIGN CRITERIA MANUAL.

- LEGEND
- 1 BLOCK NUMBER
 - Flags to denote where street address start and end
 - CONTROL MONUMENT
 - STREET LIGHT (PROPOSED)
 - STREET LIGHT (EXISTING)
 - STORM SEWER MANHOLE
 - SANITARY SEWER MANHOLE
 - STORM SEWER INLET
 - PIPELINE
 - EASEMENT
 - BUILDING LINE

24 LOTS 1 RESERVE 3 BLOCKS

REASON FOR PARTIAL REPLAT
CHANGE PART OF UNRESTRICTED RESERVE A & ALL OF RESERVE B TO EXTENSION OF PRIVATE STREET AND RESIDENTIAL LOT

DATE SUBMITTED: DECEMBER 03 2019

OWNER:
YELLOWSTONE HILL COUNTRY RANCHING, LLC
CHARLES GREGORY EVANS, MANAGER
770 SOUTH POST OAK LN
HOUSTON, TEXAS 77056
281-482-3034

ENGINEER:
DANIEL SCOTT ENGINEERING
SCOTT SHERIDAN, P.E., R.P.L.S.
P.O. Box 1549
ALVIN, TX 77512
(281) 968-7458

DEVELOPER:
YELLOWSTONE HILL COUNTRY RANCHING, LLC
CHARLES GREGORY EVANS
770 SOUTH POST OAK LN
HOUSTON, TEXAS 77056

STERLING CREEK SECTION 4
(PRIVATE SUBDIVISION)

PRO-SURV
SURVEYING & MAPPING SERVICES

P.O. Box 1366
FRIENDSWOOD, TX 77549
(281) 996-1113
FAX: (281) 996-0112
TBPELS FIRM NO. 10119300

Sheet
1 of 2

METES AND BOUNDS DESCRIPTION:

10.0623 ACRES (438,312 SQUARE FEET) OF LAND OUT OF A CALLED 194.21 ACRE TRACT OF LAND KNOWN AS TRACT "A" AS CONVEYED TO YELLOWSTONE HILL COUNTRY RANCHING LLC IN CLERK'S FILE NUMBER 2010059686 OF THE GALVESTON COUNTY DEED RECORDS, SAID 194.21 ACRES BEING OUT OF AND A PART OF LOTS 1-3, 13-16 AND 19-20 OF THE DAVID FAHEY SUBDIVISION AS RECORDED IN VOLUME 118, PAGE 417 AND ALSO BEING OUT OF AND A PART OF LOT 4 OF THE BURGESS SUBDIVISION AS RECORDED IN VOLUME 119, PAGE 14, BOTH SUBDIVISIONS BEING SITUATED IN THE GEO PATTERSON SURVEY, ABSTRACT NUMBER 645 AND THE MARY FABREAU SURVEY, ABSTRACT NUMBER 69, GALVESTON COUNTY, TEXAS; SAID 10.0623 ACRE TRACT BEING FULLY OUT OF AND PART OF SAID LOTS 19 AND 20 OF THE DAVID FAHEY SUBDIVISION AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF STERLING CREEK, SECTION 3, RECORDED IN CLERK'S FILE NUMBER 2017055886 OF THE PLAT RECORDS OF GALVESTON COUNTY, TEXAS, SAID POINT BEING ON THE NORTHEAST LINE OF SAN JOAQUIN ESTATES, SECTION 3, AS RECORDED IN VOLUME 17, PAGE 63, OF THE PLAT RECORDS OF GALVESTON COUNTY, TEXAS;

THENCE SOUTH 48°13'59" EAST, ALONG THE COMMON LINE OF SAID STERLING CREEK, SECTION 3 AND SAN JOAQUIN ESTATES, SECTION 3, A DISTANCE OF 823.27 FEET TO A 5/8 INCH IRON ROD FOUND AT THE MOST SOUTHERLY CORNER OF STERLING CREEK SECTION THREE AND BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 41°46'01" EAST, A DISTANCE OF 225.00 FEET TO A 5/8 INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT BEING LOCATED ON THE NORTHEAST LINE OF GRACE CROSSING A 60.00 FOOT PRIVATE INGRESS/EGRESS AND PUBLIC UTILITY EASEMENT AS RECORDED ON SAID STERLING CREEK SECTION 3 AND BEING ON THE SOUTHWEST LINE OF LOT 1, BLOCK 2 OF STERLING CREEK SECTION 3-B AS RECORDED IN CLERK'S FILE NUMBER 2019028674 OF THE PLAT RECORDS OF GALVESTON COUNTY, TEXAS;

THENCE SOUTH 46°13'59" EAST, ALONG THE SAID COMMON LINE OF LOT 1, BLOCK 2 AND GRACE CROSSING, A DISTANCE OF 46.05 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND IN THE SOUTHEAST LINE OF SAID BLOCK 2 OF STERLING CREEK SECTION 3-B;

THENCE NORTH 41°46'43" EAST, ALONG THE COMMON LINE OF SAID STERLING CREEK SECTION 3-B AND THE TRACT HEREIN DESCRIBED, A DISTANCE OF 1,011.72 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND FOR THE SOUTHEAST CORNER OF LOT 10, BLOCK 2 OF SAID SECTION 3-B AND BEING IN THE SOUTHWEST LINE OF AVERY LANE, A 60.00 FOOT PRIVATE INGRESS/EGRESS AND PUBLIC UTILITY EASEMENT;

THENCE NORTH 48°13'17" WEST, ALONG THE SAID PLANNED EXTENSION OF AVERY LANE, A DISTANCE OF 44.96 FEET TO A POINT FOR CORNER BEING AN INTERIOR CORNER OF STERLING CREEK SECTION 3-B SITUATED ON THE NORTHEAST LINE OF SAID LOT 10, BLOCK 2;

THENCE NORTH 41°49'30" EAST, A DISTANCE OF 60.00 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND FOR THE MOST NORTHERLY CORNER OF THE TRACT HEREIN DESCRIBED AND BEING THE SOUTH CORNER OF LOT 8, BLOCK 1 OF SAID STERLING CREEK SECTION 3;

THENCE SOUTH 48°13'17" EAST, ALONG THE EXTENSION OF SAID AVERY LANE, A DISTANCE OF 374.96 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR THE MOST EASTERLY CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 41°46'43" WEST, TRAVERSING THE SAID 194.21 ACRE TRACT "A" A DISTANCE OF 1,131.65 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR A CORNER AND BEING IN THE EXTENSION OF SAID GRACE CROSSING;

THENCE NORTH 48°13'59" WEST, A DISTANCE OF 16.03 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR AN INTERIOR CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 41°46'01" WEST, A DISTANCE OF 165.00 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR THE MOST SOUTHERLY CORNER OF THE TRACT HEREIN DESCRIBED AND BEING ON THE COMMON LINE OF SAID 194.21 ACRE TRACT AND SAID SAN JOAQUIN ESTATES SECTION 3;

THENCE NORTH 48°13'59" WEST, ALONG SAID COMMON LINE, A DISTANCE OF 360.00 FEET, RETURNING TO THE POINT OF BEGINNING AND CONTAINING 10.0623 ACRES OF LAND, MORE OR LESS.

GALVESTON COUNTY CONSOLIDATED DRAINAGE DISTRICT'S NOTES

- Buildings, fences or other structures shall not be erected in GALVESTON COUNTY CONSOLIDATED DRAINAGE DISTRICT (the DISTRICT) right-of-ways or drainage easements.
- The detention and drainage facilities are to be maintained by the property owner. Use this note for private or single lot system only.
- No building permit shall be issued for any lot within this subdivision until a detention and drainage plan has been approved by the DISTRICT.
- Additional drainage easements may be required at the time a drainage plan is submitted to the DISTRICT for approval.
- Plantings, flowerbeds or other landscaping is not permitted within side lot drainage or detention easements.
- No building permit shall be applied for until all drainage and detention facilities are constructed, inspected and approved by the DISTRICT.
- No permanent improvements including landscaping, paving, trees, sprinklers, utilities, playground equipment, park benches, tables, sport fields, piers, or sidewalks shall be constructed within the detention facility without the approval of the District.

REQUIRED CITY OF FRIENDSWOOD GENERAL PLAT NOTES AND STATEMENTS

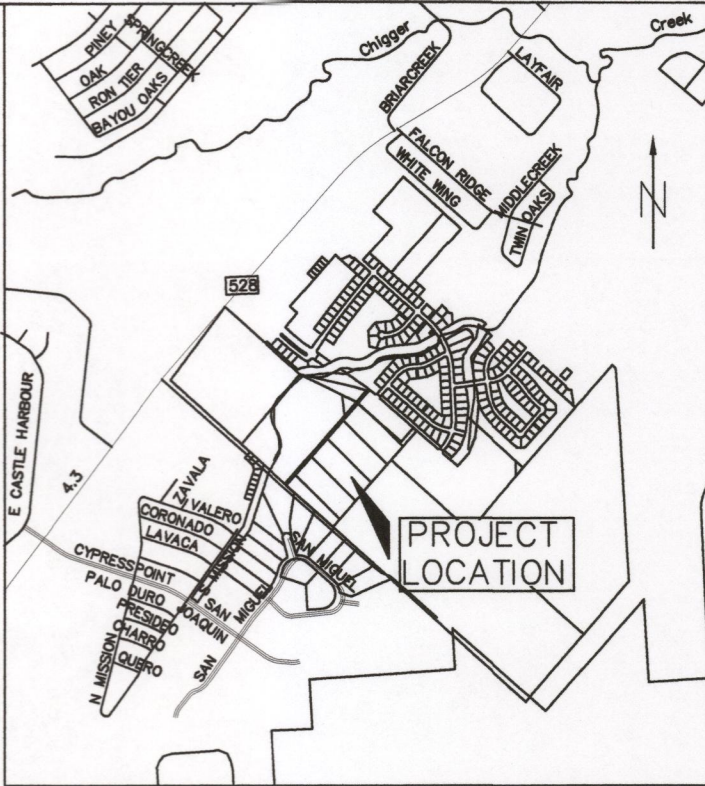
- ROW indicates Rights-Of-Way.
- IE&PUE indicates Ingress/Egress and Public Utility Easement.
- SSE indicates Sanitary Sewer Easement.
- BL indicates Building Line.
- UE indicates Utility Easement.
- T.N.M.P.E. indicates Texas/New Mexico Power Easement.
- L.E. indicates Landscape Easement.
- STM SWR ESMT indicates Storm Sewer Easement.
- GCMR indicates Galveston County Map Records.
- GCDR indicates Galveston County Deed Records.
- GCCF indicates Galveston County Clerk File.
- DE indicates Drainage Easement.
- WLE indicates Waterline Easement.
- POC indicates Point of Commencement .
- POB indicates Point of Beginning.
- PT indicates Point of Tangency
- PC indicates Point of Curvature
- Fire Hydrants cannot be more than 500 feet apart.
- Addresses must be visible from the street or main parking lot.
- All existing pipelines or pipeline easements through the subdivision have been shown.
- For areas located in the 100 year floodplain, the finished floor elevation of all structures shall be located above base flood elevation (established by FEMA), and as prescribed in the Flood Damage Prevention Ordinance of the City of Friendswood, Texas.
- All water and wastewater lines shall be located in the PUE unless agreed to and/or specified by the City.
- Sidewalks and ADA ramps are required along all curb and gutter streets per the approved sidewalk accessibility plan. The developer must install sidewalks and ADA ramps along reserves and common areas prior to the City Council acceptance of the subdivision infrastructure. When sidewalks are required they shall be a width of not less than four feet and comply with Federal, State, and Local requirements.
- No residential, commercial or industrial structure shall be permitted to be built nearer than 150 feet from any well or related facility other than structures necessary to operate the well or facility.
- 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 pipelines as defined in Chapter 26 of the Friendswood City Code.
- 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 the private easements; the H.O.A. 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 street lights shall be the responsibility of the H.O.A.
- All utility companies have been contacted and the easements shown on the plat constitute all of the easements required by the utility companies for their operations.
- Any and all right-of-way islands located within the boundaries of this plat, even if not shown on the face of this plat, shall be maintained by the H.O.A.

APPROVED BY THE GALVESTON COUNTY CONSOLIDATED DRAINAGE DISTRICT
GCCDD REF ID# G19017

DIRECTOR _____ DATE _____

DIRECTOR _____ DATE _____

THE APPROVAL GRANTED BY THESE SIGNATURES DOES NOT CONSTITUTE THE DISTRICT'S APPROVAL FOR GRANTING ANY CONSTRUCTION OR BUILDING PERMITS. THIS PRELIMINARY APPROVAL SHALL EXPIRE IN SIX (6) MONTHS.



VICINITY MAP

SCALE: 1" = 2000'

FLOOD STATEMENT

THIS TRACT IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN, THIS IS ACCORDING TO FIRM NUMBER 48167C0206G DATED AUGUST 15, 2019.

BENCHMARK

EL 32.39

USGS BENCH MARK DISK (PID-AW1000), 3.3 MILES NE ALONG FM 528 FROM THE INTERSECTION OF STATE HIGHWAY 35 IN ALVIN TO THE MARK ON THE LEFT AT THE NE CORNER OF A CHAIN LINK FENCE AROUND A PHILLIPS PETROLEUM COMPANY VALVE STATION WITH HIGH PRESSURE GAS LINE, 278 FEET NE OF THE CENTER LINE OF WINDSONG STREET. THE MARK IS 2 FEET EAST FROM A WITNESS POST AND ABOUT 1 FOOT LOWER THAN THE ROAD.

TEMPORARY BENCHMARK (TBM)

EL 31.63

BOX CUT IN CURB INLET, LOCATED IN EAGLE CREEK DRIVE ROW AND AS SHOWN ON PLANS. NGVD 1929, 1978 ADJUSTED

NOTES:

- BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES TEXAS SOUTH CENTRAL.
- STERLING CREEK SECTION 4 WILL BE A PRIVATE SUBDIVISION.
- NO TREES GREATER THAN 12" IN DIAMETER EXIST IN THE COMMON AREAS OR DETENTION AREAS.

PRELIMINARY PLAT OF
STERLING CREEK SECTION 4
10.0623 ACRES

10.0623 ACRES OF LAND OUT OF A CALLED 194.21 ACRE TRACT OF LAND KNOWN AS TRACT A AND BEING RECORDED IN CLERK'S FILE NO. 2010059686, BEING OUT OF AND A PART OF LOTS 1-3, 13-16 AND 19-20 OF THE DAVID FAHEY SUBDIVISION AS RECORDED IN VOLUME 118, PAGE 417 AND ALSO BEING OUT OF AND A PART OF LOT 4 OF THE BURGESS SUBDIVISION AS RECORDED IN VOLUME 119, PAGE 14, BOTH SUBDIVISIONS BEING SITUATED IN THE GEO PATTERSON SURVEY, ABSTRACT NUMBER 645 AND THE MARY FABREAU SURVEY, ABSTRACT NUMBER 69, GALVESTON COUNTY, TEXAS, AND A PARTIAL REPLAT OF RESERVES B AND A PORTION OF RESERVE A OF STERLING CREEK SECTION 3-B AS RECORDED IN CLERK'S FILE NUMBER 2019028674 OF THE PLAT RECORDS OF GALVESTON COUNTY, TEXAS

24 LOTS 1 RESERVE 3 BLOCKS

REASON FOR PARTIAL REPLAT

CHANGE PART OF UNRESTRICTED RESERVE A & ALL OF RESERVE B TO EXTENSION OF PRIVATE STREET AND RESIDENTIAL LOTS

DATE SUBMITTED: DECEMBER 06 2019

STERLING CREEK SECTION 4
(PRIVATE SUBDIVISION)

PRO-SURV
SURVEYING & MAPPING SERVICES



P.O. Box 1366
FRIENDSWOOD, TX 77549
PHONE:(281) 996-1113
FAX:(281) 996-0112
T.B.P.E.L.S. FIRM NO. 10119300

Sheet
2 of 2

PURPOSE OF DOCUMENT: PLAT REVIEW
SURVEYOR OF RECORD: TIMOTHY A LESAK
REGISTRATION #6052
RELEASE DATE: 12/06/2019

"PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEW OR RELIED UPON AS A FINAL SURVEY DOCUMENT"

OWNER:
YELLOWSTONE HILL COUNTRY RANCHING, LLC
CHARLES GREGORY EVANS, MANAGER
770 SOUTH POST OAK LN
HOUSTON, TEXAS 77056
281-482-3034

ENGINEER:
DANIEL SCOTT ENGINEERING
SCOTT SHERIDAN, PE, R.P.L.S.
P.O. Box 1549
ALVIN, TX 77512
PHONE:(281) 968-7458

DEVELOPER:
YELLOWSTONE HILL COUNTRY RANCHING, LLC
CHARLES GREGORY EVANS
770 SOUTH POST OAK LN
HOUSTON, TEXAS 77056



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: December 12, 2019

Subject: Consideration and possible action regarding a recommendation to City Council for the adoption of an updated official zoning map per Appendix C, Zoning Ordinance "Section 3. Provision for Official Zoning Map" incorporating zone changes and corrections since the last adopted map dated January 8, 2015

Action: Recommendation

SUMMARY / ORIGINATING CAUSE

Appendix C, Zoning Ordinance, Section 3. requires zoning district boundary changes be incorporated into the official zoning map and adopted by City Council. The last official zoning map was updated in January 2015 and adopted by ordinance March 2, 2015. The proposed map includes all zone changes and corrections through November 25, 2019.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Adopting an updated zoning map will provide the most current information to the public.

RECOMMENDATIONS

The Ordinance Subcommittee recommends a positive recommendation to adopt the updated zoning map.

ATTACHMENTS

1. Proposed Official Zoning Map - Adoption Date 2.3.2020
2. Zoning Changes 1-8-15 to 11-25-19
3. 2015 Official Zoning Map

Legend

- City Limits
- Restricted To Open Space
- Specific Use Permits
- Single-Family Residential Dwelling District
- Single-Family Residential Dwelling Estate District
- Multiple-Family Residential Dwelling District - Low
- Multiple-Family Residential Dwelling District - Medium
- Garden Home Residential District
- Multiple-Family Residential Dwelling District - High
- Mobile Home Residential Dwelling District
- Community Shopping Center District
- Neighborhood Commercial District
- Office Park District
- Downtown District
- Planned Unit District
- Agricultural District
- Business Park District
- Light Industrial District
- Industrial District

**CITY OF FRIENDSWOOD
ZONING DISTRICTS**



Updated: October 17, 2019

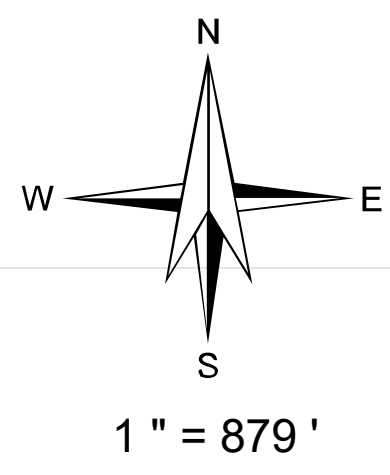
This is to certify that this official zoning map supersedes and replaces the official zoning map adopted on March 2, 2015, as part of Ordinance No. 84-15, the City of Friendswood zoning ordinance.

Date Adopted: February 3, 2020

Attested by:

Mayor Mike Foreman

Melinda Welsh, City Secretary



1" = 879'

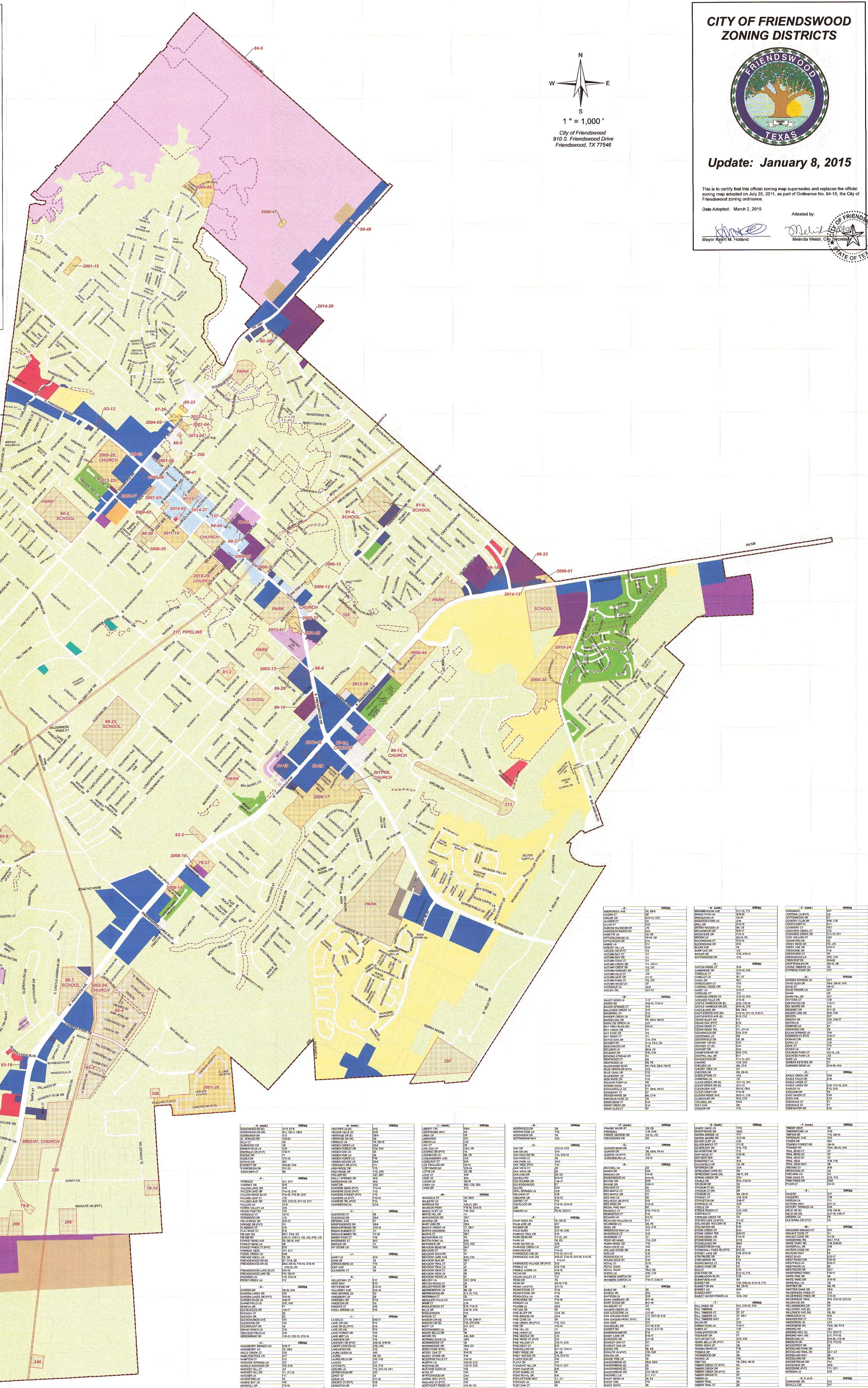
City of Friendswood
910 S. Friendswood Drive
Friendswood, TX 77546

Subsequent Zoning Changes/Corrections Since Last Official Map Adoption by City Council - January 6, 2015									
On the dates indicated below, by official action of the City Council, the following changes were made to the Official Zoning Map:									
Date	Ordinance	From	To	Location	Religious Organizations	Religious Organizations	Religious Organizations	Religious Organizations	Religious Organizations
2015-08	2/2/2015	CSC	CSC/UP	100 W. Edgewood Dr.					
2015-18	7/13/2015	PUD	PUD	New PUD for Friendswood Town Center					
2015-19	7/13/2015	PUD/UP	PUD	3700 FM 528					
2015-21	8/26/2015	UP	UP	Edgar Pipeline					
2015-25	9/24/15	UP	UP	8505 Friendswood (NAICS Use 4862, Pipeline Transportation)					
2015-26	9/24/2015	PUD/UP	PUD/UP	400 S. Edgewood Dr.					
2015-30	10/27/2015	PUD/UP	PUD/UP	1100 S. Edgewood Dr.					
2015-31	10/27/2015	PUD/UP	PUD	300 S. Edgewood Dr.					
2016-11	3/7/2016	UP	UP	111 Magnolia St. and 112 Magnolia St.					
2016-12	3/22/2016	UP	UP	311 S. Friendswood Dr.					
2016-21	3/22/2016	PUD/UP	UP	1300 S. Edgewood Dr.					
2016-28	10/13/2016	n/a	n/a	Boundary Change on N. Lake Dr.					
2016-39	11/10/2016	UP/UP	UP	Friendswood Town Center					
2016-40	11/10/2016	UP/UP	UP	Friendswood Town Center					
2016-41	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-42	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-43	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-44	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-45	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-46	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-47	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-48	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-49	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-50	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-51	11/10/2016	UP	UP	300 S. Edgewood Dr.					
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2016-70	11/10/2016	UP	UP	300 S. Edgewood Dr.					
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2016-73	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-74	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-75	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-76	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-77	11/10/2016	UP	UP	300 S. Edgewood Dr.					
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2016-79	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-80	11/10/2016	UP	UP	300 S. Edgewood Dr.					
2016-81	11/10/2016	UP	UP	300 S. Edgewood Dr.					
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2016-84	11/10/2016	UP	UP	300 S. Edgewood Dr.					
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2017-65	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-66	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-67	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-68	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-69	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-70	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-71	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-72	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-73	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-74	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-75	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-76	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-77	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-78	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-79	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-80	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-81	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-82	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-83	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-84	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-85	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-86	1/10/2017	UP	UP	300 S. Edgewood Dr.					
2017-87	1/10/2017	UP	UP	300 S. Edgewood Dr.					</

Subsequent Zoning Changes/Corrections Since Last Official Map Adoption by City Council - January 8, 2015
On the dates indicated below, by official action of the city council, the following changes were made in the Official Zoning Map:

Ord No	Date	From	To	Description	Specific Use	Email Date	From	Notes
2015-03	2/2/2015	CSC	CSC/SUP	New Hope Church 108 W Edgewood Dr.	Religious Organizations	7/24/2015	Aubrey	Remove SUP 99-13 - building was demolished
2015-18	7/13/2015	PUD 2004-13 and 2005-34	PUD	New PUD for Friendswood Town Center 3700 FM 528	n/a	7/24/2015	Aubrey	Previous PUDs: 2004-13 and 2005-34
2015-19	7/13/2015	PUD/SUP	PUD	Bergamos Spa Retreat 307 E Edgewood Dr.	n/a	7/24/2015	Aubrey	Previous PUDs/SUPs: 307 E. Edgewood Dr. – PUD 95-1; SUP 95-9; SUP 2011-18; and SUP 2013-05 313 E. Edgewood Dr. – PUD 95-8; SUP 2001-04
2015-21	8/3/2015	I	I/SUP	Ergon Pipeline 14550 Beamer Rd.	NAICS Use #486, Pipeline Transportation	8/24/2015	Aubrey	
2015-23	9/14/15	DD	DD/SUP	810 S. Friendswood D.	Use #713940 Fitness and Recreational Sports	10/6/2015	Aubrey	SUP is only for 4200 sqft of the building
2015-26	10/5/2015	PUD/SUP	PUD/SUP	402 E. Edgewood Dr.	Add NAICS Uses #442, 446, and 448	12/22/2015	Aubrey	SUP amendment
2015-30	11/2/2015	PUD/SUP	PUD/SUP	1100-1110 S. Friendswood Dr.	Add NAICS Uses #8121, 8129, and 8139	12/22/2015	Aubrey	SUP amendment
2016-01	2/1/2016	PUD/SUP	PUD	103, 105, 107 Shadwell Ln.	n/a	3/1/2016	Aubrey	
2016-11	3/7/2016	LI	OPD	121 Magnolia St. and 312 Morningside Dr.	n/a	3/15/2016	Aubrey	
2016-23	5/2/2016	LI	DD	311 S. Friendswood Dr.	n/a	6/10/2016	Aubrey	
2016-31	8/1/2016	PUD/SUP	DD	1100 - 1110 S. Friendswood Dr.	n/a	8/9/2016	Aubrey	
2016-39	12/13/2016	n/a	n/a	Boundary Change on Nile Lake Ct.	n/a	12/19/2016	Becky	land swap with League City
2016-19	7/11/2016	SFR/MFR-M	PUD and NC	Friendswood Trails	n/a	12/19/2016	Aubrey	
n/a	n/a	A1	SFR	Old Rd. - 2 lots	n/a	11/17/2016	Aubrey	Unknown reason as to why A1 zoning was assigned to the two tracts adjacent to Old Rd. Requested that they be changed back to SFR.
2016-43	1/9/2017	SFR	CSC	2907 W. Parkwood Ave.	n/a	1/31/2017	Aubrey	
2016-45	1/9/2017	SFR	NC	FM 518 and Old Rd.	n/a	1/31/2017	Aubrey	
2017-01	2/6/2017	CSC/SUP	CSC/SUP	3700 and 3702 FM 528	NAICS Use #8131 Religious Organizations	2/28/2017	Aubrey	Remove old SUP 99-18; new SUP covers entire tract of 3700 and 3702
2004-19		SFR	CSC	West Ranch PUD	n/a	3/3/2017	Aubrey	correction to Tract 3 of the WR PUD; additional tract was included which should still be zoned SFR
2017-12	6/5/2017	BP/SFR	PUD	The Pond Senior Living 401 W. Edgewood Dr.	n/a		Becky	
1994-02	4/18/1994	CSC	CSC/SUP	3535 FM 528	School	1/4/2018	Aubrey	correction to include the SUP for school that was not referenced on the zoning map
2017-29	10/2/2017	CSC	CSC/SUP	212 E Parkwood Ave	NAICS 517 Telecommunications	1/4/2018	Aubrey	
2017-30	10/2/2017	OPD	CSC	1757 S Friendswood Dr	n/a	1/4/2018	Aubrey	
n/a	n/a	SFR	MFR-L	All 6 lots on Shady Nook; 207, 209, 211 and 303 Morningside Dr.; 201-205, 208, 211, and 213 E. Shadowbend; Lots 1, 2, and 3 Collins Subdivision; 202-214 (even side) Magnolia St; 212 Quaker Dr; 201-213 (odd side of ROW) E. Heritage Dr.	n/a	1/11/2018	Becky	Unknown reason as to why SFR zoning was assigned to the two blocks. Requested that they be changed back to MFR-L with the exception of 206 & 209 E Shadowbend.
n/a	n/a	SFR/SUP	SFR	104 Whispering Pines Dr.	n/a	8/7/2018	Aubrey	SUP for church use could not be verified
2018-08	5/7/2018	CSC	CSC/SUP	2245 and 2275 Thomas Trace	NAICS Uses 6231, 623311 and 323312	9/26/2018	Aubrey	
2018-21	9/10/2018	LI	DD	315 S. Friendswood Dr.	n/a	9/26/2018	Aubrey	
2018-22	9/10/2018	NC	NC/SUP	4203 Friendswood Link Rd.	NAICS Use 713940	9/26/2018	Aubrey	
2018-35	12/3/2018	LI	LI/SUP	3099 W. Parkwood Ave. PSC Shooting Club	NAICS Use 7139 Other Amusement & Recreation Industries	5/8/2019	Becky	
2019-08	3/4/2019	SFR	DD	104 Whispering Pines Dr.	n/a	5/6/2019	Becky	
2019-10	4/1/2019	CSC	DD	1 Hatcher Ln	n/a	5/6/2019	Becky	
2019-11	5/6/2019	SFR	PUD	Avalon at Friendswood	n/a	5/8/2019	Becky	
2019-24	8/5/2019	SFR	DD	108 Whispering Pines Ave.	n/a	9/23/2019	Aubrey	Ordinance 2019-24
2019-25	8/5/2019	SFR	DD	110 Whispering Pines Ave.	n/a	9/23/2019	Aubrey	Ordinance 2019-25
2019-26	8/5/2019	NC	NC/SUP	17158 Blackhawk Blvd.	NAICS Use 8131 Religious Organizations	9/23/2019	Aubrey	Ordinance 2019-26

2019-30	9/9/2019	PUD/SUP	PUD/SUP	402 E. Edgewood Dr.	NAICS Use 8121 Personal Care Services	10/16/2019	Becky	Amend 2015-26 to allow nail salon.
2019-31	9/9/2019	PUD	PUD	103, 105, 107 Shadwell Ln.		10/16/2019	Becky	Amend 2016-01 for demo and new building.
2019-37	11/4/2019	SFR/PUD 2019-11	PUD 2019-37	Avalon at Friendswood	n/a	11/25/2019	Aubrey	



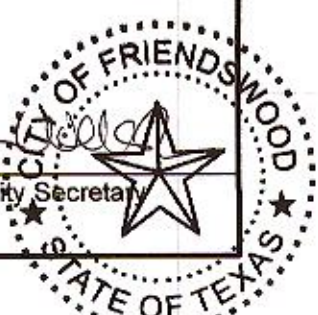
This is to certify that this official zoning map supersedes and replaces the official zoning map adopted on July 25, 2014, as part of Ordinance No. 04-15, the City of

Date Adopted: March 2, 2015

Attested by _____

Mayor Kevin M. Holland

Melinda Welsh, City Secret





FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: December 12, 2019

Subject: Consideration and possible action regarding a recommendation to City Council for proposed amendments to Appendix C Zoning Ordinance "Sections 7. Schedule of District Regulations," "Section 7.5. Community Overlay District," and "Section 8. N. Downtown District Supplemental Requirements" to change building material requirements per HB 2439

Action: Recommendation

SUMMARY / ORIGINATING CAUSE

The State of Texas adopted House Bill 2439, which became effective September 1, 2019, and prohibits governmental entities from regulating building products, materials or methods used in the construction or renovation of residential or commercial buildings. The current Zoning Ordinance prohibits metal, wood, or cement fiber boards in the various commercial districts, as well as, provides for fenestration requirements in the Downtown District. The proposed changes amend the ordinance to state which materials the City of Friendswood prefers for commercial structures located in the various zoning districts, but does not prohibit materials permitted by the applicable national model codes.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Amending the Zoning Ordinance will bring city code into compliance with state law.

RECOMMENDATIONS

The Ordinance Subcommittee recommends the proposed amendments the Zoning Ordinance.

ATTACHMENTS

1. Redlines of amendments to App C ZONING ORD Sec 7 7.5 and 8

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.
 4. 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.
 4. 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.
 2. See section 8 for supplementary district regulations.

3. Reserved.
 4. Permitted uses. Uses permitted in an MFR-L district are set forth in subsection P of this section, permitted use table.
- 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.
 2. See section 8 for supplementary district regulations.
 3. Reserved.
 4. Permitted uses. Uses permitted in an MFR-M district are set forth in subsection P of this section, permitted use table.
- C.1. *MFR-GHD, garden home residential, general purpose and description.* The GHD, Garden Home Residential District, is intended to provide multifamily low-density dwelling units having open space between units which exceed existing normal multifamily buildings, with density not exceeding six units per acre. The intent of these regulations is to allow development of property which:
- (1) May have limited area suitable for residential development due to geographical limitations;
 - (2) Have portions of the property subject to flooding; or
 - (3) Is located adjacent to a district of a different zoning designation, and for which the development as MFR-GHD would be appropriate as a buffer between incompatible land uses.
- The interior living area of the first floor of any two-story residential structure in MFR-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.
 2. See section 8 for supplementary district regulations.
 3. Reserved.
 4. 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.
 4. Permitted uses. Uses permitted in an MHR district are set forth in subsection P of this section, permitted use table.
 5. 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.
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. 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.
 5. No CSC district shall be created which includes less than two acres.
 6. Buildings in the CSC zoning district ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are ~~prohibited~~~~discouraged~~, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The planning and zoning commission may approve alternative exterior facade materials.
- 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. 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. Permitted uses. Uses permitted in an NC district are set forth in subsection P of this section, permitted use table.
5. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.
6. Buildings in the NC zoning district shall have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are prohibited, except as trim for eaves and overhangs. The planning and zoning commission may approve alternative exterior facade materials.

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 commission.

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 ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are ~~prohibited~~~~discouraged~~, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The Planning and Zoning Commission may approve alternative exterior facade materials.

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 Commission.

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.
 4. Permitted uses. Uses permitted in an OPD are set forth in subsection P of this section, permitted use table.
 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.
 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.
 7. One caretaker's quarters unit may be provided for each office park complex.
 8. Building site coverage consisting of all buildings and structures and all paved surfaces shall not exceed 90 percent of the total lot area.
 9. Buildings in the OPD ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco or glass. Fiber cement boards/siding are ~~prohibiteddiscouraged~~, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The Planning and Zoning Commission may approve alternative exterior facade materials.
- I. *Downtown District (DD), general purpose and description.* The DD, downtown district, is designed to accommodate and promote the city's original business and downtown areas. It is intended to achieve a balance of retail, commercial, office, and residential and public activities. Development within the DD should be pedestrian friendly with an emphasis on shared parking and shared access between developments. Development within the DD requires the approval of a development site plan by the Planning and Zoning Commission.
1. Area and height regulations. Structures within the DD are intended to be between one to four stories. The maximum height allowed is 70 feet as measured in accordance with the method prescribed in section 20. Additional regulations are set forth under subsection Q.2 of this section, regulation matrix.
 - a. No residential use shall be allowed on the first floor.
 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 ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco, glass, or lap sided cement fiberboard. Sheet cement fiberboards are ~~prohibiteddiscouraged~~, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The Planning and Zoning Commission may approve alternative exterior facade materials.
- 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) In no case shall a PUD be used for the sole purpose of circumventing the intent of city ordinances or plans. Unless standards for elements of site design are specifically described in a rezoning ordinance for a PUD, all design and development standards shall apply to all land development within a PUD district. The development must be planned as an integral unit and must protect nearby landowners from adverse impact with appropriate buffering and landscaping. A site plan is required for all PUDs.
- (c) 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 a public services and related facilities;
 - 5. To protect and enhance the aesthetic and visual qualities of development;
 - 6. To provide development of sites in a suitable fashion when such development is restricted by such factors as site location and shape;
 - 7. To promote economic development in accordance with the city's plans for such.

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

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. 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. 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. 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.
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.
 3. See section 8 for supplementary district regulations.

4. Permitted uses. Uses permitted in a BP district are set forth in subsection P of this section, permitted use table.
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.
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.
9. Performance standards shall conform to section 8.J as shown in the CSC zoning district.
10. Exterior requirements. All buildings are encouraged to be constructed ~~must have 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 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000 as may be approved by the planning and zoning commission.

Section 7.5. - Community overlay district.

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

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

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

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

4. *Utilities.* All permanent utilities serving the property shall be located underground, at the owner's expense.
5. *Landscaping.* The minimum landscaping requirements for areas within the COD shall be as follows:
 - a. All landscape buffers shall be provided with architectural and/or landscape materials to screen structures, facilities, drive areas, parking areas, etc. Shrubs shall be a minimum height of two feet when planted and shall be placed a maximum of two feet apart. Mature shrubs shall be maintained in a live or living condition to form a continuous hedge with a maximum height of three feet six inches.

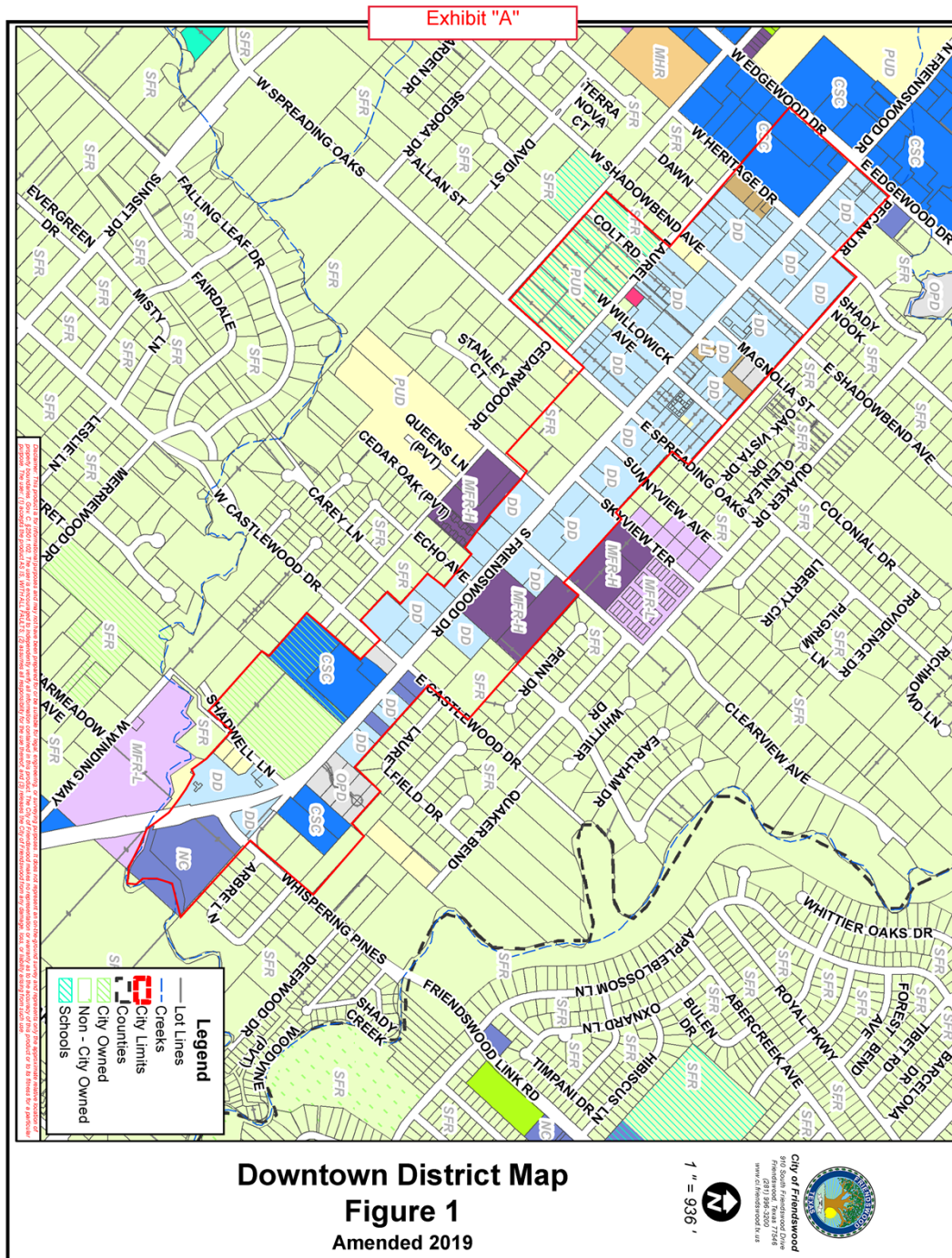
- b. Nothing contained in this subsection 5 shall be deemed to reduce applicable landscaping requirements contained in other sections of this Code, or any ordinance specifically applicable to a development (e.g., specific use permit or planned unit development), but instead to enhance the aesthetics along the city's major thoroughfares by requiring additional or higher percentages of landscaping.
 - c. Parking lots within the COD containing 20 parking spaces or less shall have open landscaped areas that are equal to not less than 15 percent of the parking area and drives in the parking area. The required area may be used as islands or perimeter landscaping or in any combination. A minimum of one Class 1 or Class 2 tree from the qualified tree list shall be planted and maintained for each 250 square feet, or portion thereof landscaped open space area.
 - d. Parking lots within the COD containing greater than 20 parking spaces shall have open landscaped areas equal to 20 percent of the parking area and drives in the parking area. Fifty percent of the required landscaped area must be used as islands. Perimeter landscaping shall have at least one such tree for each 30 (40 lineal feet if not located in the COD) lineal feet or fraction thereof. Each island shall have one such tree planted and maintained thereon.
 - e. If a buffer strip is required (along public rights-of-way, or to separate uses per section 8.1), 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 ~~shall be encouraged to~~ have exterior cladding of brick, masonry, stone, stucco or glass on all sides of the building. Fiber cement boards/siding are ~~prohibited~~discouraged, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 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. ~~The planning and zoning commission may approve alternative exterior facade materials.~~
 - (2) The design of walls and other structures located on the same site, including those used to screen outdoor storage areas, dumpsters, vehicles, etc., ~~shall be encouraged to~~ be constructed of the same materials as the main building on the lot. Cyclone fences are prohibited, except under limited circumstances, the commission may approve a vinyl coated cyclone fence.
 - (3) ~~Notwithstanding subsections 6.a(1) and (2) of this section, an applicant may present to the planning and zoning commission, on the site plan, specifications which include elevation drawings of proposed alternative materials. The planning and zoning commission may approve such alternative materials if they meet or exceed the appearance and durability requirements above.~~

b. *Residential.*

- (1) Residential developments not facing a COD thoroughfare shall be required to install a visual barrier to a minimum mature height of six feet as measured from the finished grade. The barrier shall be set back from the street right-of-way line by a minimum of ten feet. Various materials may be utilized, including landscaped earth berms, provided the materials are durable and require low maintenance. All barriers shall be maintained by the owner of the property on which such barrier is located, or by a homeowners' association. If a homeowners' association is to provide such maintenance, the obligations therefor shall be set forth in writing, and filed of record in the same manner that other restrictive covenants are filed. Subdivision plats submitted for residential property along a COD corridor shall include detailed information and visual representations of the proposed barrier, and such other information as deemed necessary by the planning and zoning commission to establish compliance with this subsection.
- (2) Trees shall be planted adjacent to the barrier, on the COD thoroughfare side, at intervals of 25 feet, with one-half having a minimum caliper of four inches and one-half having a minimum caliper of two inches. Existing qualified trees may be counted toward fulfillment of this requirement, provided that the size, species, and guaranteed duration shall meet the criteria of the landscaping section of this appendix. (Clustering of trees shall be permitted, provided, however, clustering shall not reduce the number of required trees, and trees shall not be clustered so as to lessen the survival rate of other trees.)

(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

- 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 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 8.1.2.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 ~~shall are encouraged to~~ have exterior cladding of brick, masonry, stone, stucco, glass, or lap sided cement fiberboard. Sheet cement fiberboards are ~~prohibited~~discouraged, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last 3 code

cycles (2018, 2015 and 2012) are allowed by Texas Government Code Chapter 3000. The Planning and Zoning Commission may approve alternative exterior facade materials.

- 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 shall 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 Commission.
 - 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 for 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. shall 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 Commission 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 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 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 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 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 shall determine the required screening after giving due consideration to the intensity of the commercial use, the zoning classification, and adjacent land uses. When a residentially zoned property is rezoned to commercial, an existing fence may, if requested by the staff, the Planning and Zoning Commission, or the applicant, be removed, in whole or in part, to allow joint or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners.
- 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;



FRIENDSWOOD PLANNING & ZONING COMMISSION

AGENDA ITEM FORM

Meeting Date: December 12, 2019

Subject: Consideration and possible action regarding a recommendation to City Council for proposed amendments to Appendix B Subdivision Ordinance "Section III. k.3. Sidewalks" to not require sidewalks in existing residential areas if sidewalks do not already exist

Action: Recommendation

SUMMARY / ORIGINATING CAUSE

Several scenarios have surfaced recently regarding the requirement of sidewalks on residential lots in established neighborhoods. The scenarios include older houses that have been torn down and rebuilt, in-fill lots that were never developed now having homes constructed on them, and houses torn down due to flooding and being rebuilt. In each scenario, the current ordinance requires a four-foot sidewalk to be installed, regardless of the existing conditions of surrounding lots or neighborhoods. Most of these noted scenarios were located in established neighborhoods where no other sidewalks existed on the adjacent lots or same side of the street. In some cases sidewalks may have been existing on the opposite side of the street. Sidewalk requirements for new development of residential curb and gutter streets would remain.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

The benefit to the community is to not change the overall appearance and aesthetics of established neighborhoods that have never had sidewalks. Additionally, the benefit to individual homeowners is to not be overburdensome. Typically, developers of subdivisions install sidewalks, not individual property owners. When streets are redesigned or rebuilt by the City would be the time to account for new sidewalks in established neighborhoods.

RECOMMENDATIONS

The Ordinance Subcommittee recommends amending the Subdivision Ordinance by adding exceptions 2 and 3 below...as well as including a statement to clarify that the owner of a corner lot would be required to replace/match existing sidewalks along the streets respectively, and that if a residential lot had a sidewalk, and a property owner removed it, the property owner is responsible for replacing it.

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

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

- (1) open ditch streets are approved; or
- (2) the subdivision was accepted prior to sidewalks being a required improvement; or
- (3) the property is an in-fill tract without an abutting sidewalk.

...

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

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

ATTACHMENTS

1. SUBDIVISION ORD - Sidewalk Amendment Redline

SUBDIVISION ORDINANCE – APPENDIX B

Section III. - General requirements and design criteria.

k. *Public use and service areas.*

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

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

(1) open ditch streets are approved; or

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

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

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

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

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

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

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

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

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



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: December 12, 2019

Subject: Discussion regarding proposed amendments to Appendix C, Zoning Ordinance Section 11. Powers and Duties to amend the authority of the Zoning Board of Adjustment to be consistent with state law, particularly Chapter 211 of the Local Government Code

Action: Discussion

SUMMARY / ORIGINATING CAUSE

Discussion regarding the authority of the Zoning Board of Adjustment started at senior staff level. Discussion was then had with City Council in a work session setting and councilmembers were agreeable to considering amendments to our local ordinance to allow ZBOA the full flexibility and authority that state law allows. In October 2019, the suggestion was also brought up to the ZBOA Board, and they too were in agreement of the changes.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Adopting a simpler ordinance will remove some of the restrictions the current ordinance places upon the board.

RECOMMENDATIONS

The ordinance subcommittee recommends a positive recommendation to update zoning ordinance sections 10-14.

ATTACHMENTS

1. Section 10-14, 20 ZBOA Clean
2. Section 10-14, 20 ZBOA Redline
3. LGC Sec 211.008

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.

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 subsection 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.

Section 11. - 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 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, 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)

Section 12. - 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 10 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.

Section 13. - Duties of administrative official, board of adjustment, city council, and courts on matters of appeal.

- A. It is the intent of this section that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the board of adjustment only on appeal from the decision of the administrative official, 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. 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.

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 20. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Height.

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

- c. For buildings located in the floodplain, height is measured from the top of the first finished floor which shall be two feet above the average base flood elevation at the site, as established by the latest available flood elevation maps for the city.
- d. No part of a building or structure is allowed to exceed the maximum height allowed in a specific zoning district except for the following:
 - (1) Elements inclusive of, but not limited to, chimneys, vents, and roof-top mechanical equipment, provided that the maximum allowed building or structure height is not exceeded by more than four feet; or
 - (2) Elements inclusive of, but not limited to, radio or television antennae or aerials (but not including microwave receivers, transmitters, repeaters, or satellite receivers), provided that the maximum allowed building or structure height is not exceeded by more than ten feet.

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

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

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

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

Lot measurements.

1. *Depth.* The distance between the midpoint of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. *Width.* The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost point (where they intersect with the street lines) shall not be less

than 90 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac where the 90 percent requirement shall not apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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

Section 10. - Board of adjustment—Establishment and procedure.

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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.

- B. ~~Hearings, appeals and notices~~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 ~~by~~ any officer, department, board, or bureau of the city affected by the decision of the administrative official. Such appeals shall be ~~taken within a reasonable time, not to exceed 45 days~~filed not later than the 20th day after the date the decision is made, by filing with the ~~official officer~~ from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. On receiving the notice, t~~The official officer~~ from whom the appeal is taken shall ~~forthwith~~immediately transmit to the board all the papers constituting the record of the action that is appealed~~upon which the action appealed from was taken~~.

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, and hearing process~~. 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 subsection 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.

- FD.** *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action that is appealed ~~from~~, unless the ~~official~~officer from whom the appeal is taken certifies in writing to the board ~~of adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property~~facts supporting the official's opinion that a stay would cause imminent peril to life or property. In ~~such that~~ case, the proceedings ~~shall not~~may be stayed ~~other than~~only by a restraining order ~~which may be~~ granted by the board of adjustment or by a court of record on application, ~~on after~~ notice to the ~~official~~officer, ~~from whom the appeal is taken and~~ on if due cause is shown.

Section 11. - Same—Powers and duties.

A. The board of adjustment shall have the following powers and duties:

- (1)A.** *Administrative review*~~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. ~~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.~~ The board shall apply the following standards in deciding the appeal:

- ~~1. That there is a reasonable difference of interpretation as to the specific intent of the zoning regulations or zoning map.~~
- ~~2. That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.~~
- ~~3. The decision of the board must be such as will be in the best interest of the community and consistent with the spirit and interest of the city's zoning laws.~~

- (2)B.** *Variance; conditions governing applications; authority and limitations.* To authorize upon appeal in specific cases, such a variance from the terms of this appendix a zoning ordinance as will not be if the variance is not contrary to the public interest and, due where, owing to special conditions, a literal enforcement of the provisions of this appendix ordinance would result in unnecessary hardship, and so that the spirit of the appendix ordinance is shall be observed and substantial justice is done. ~~In exercising such powers of variance, the board may, in conformity with the provisions of this appendix, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end the board shall have all the powers of the officer from whom the appeal is taken.~~

- ~~1. In granting any variance, the board of adjustment may describe appropriate conditions and safeguards in conformity with this appendix. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this appendix.~~

- (a)2.** *Exceptions.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this appendix a zoning ordinance in

the district involved, or any use, expressly or impliedly, prohibited by the terms of this appendix in said district.

~~(3)C. *Special exceptions.* To hear and decide special exceptions to the terms of this appendix a zoning ordinance upon which when this appendix requires the board is required to pass under this appendix do so.~~

- ~~1. *Authority and scope.* The board shall have the power to grant temporary and permanent special exceptions from the city's zoning ordinance.~~
- ~~2. *Permanent special exceptions.* A permanent special exception may be granted only for the following reasons:~~
 - ~~a. *Interpretive authority.* If a definition or term of the city's zoning ordinance is ambiguous or contrary to common understanding, the board would clarify the definition or term based on the common definition or understanding of the term. (Example: An attached garage is normally understood to mean one where there are one or more common walls and a roof structure between the garage and the main property building. A board determination may be that roof structures alone are not considered walls so one or more buildings with a breezeway between them may not be considered as "attached.") No additional special exception shall be granted based on the board's initially interpreted definition.~~
 - ~~b. *De minimus exception.* The board may grant a special exception for very small exceptions to the zoning ordinance, where the spirit of the Code is met and there is an overriding benefit to the applicant with no detriment to the surrounding neighbors or the city. (An example would be where a 9½-foot setback for building would be allowed where a ten-foot setback is required, to allow the property owner to save an oak tree.)~~
 - ~~c. *Medical necessity.* The board may grant a special exception to the above cited portions of the zoning ordinance if a medical necessity is proven, or to meet the requirements of the Americans with Disabilities Act. For medical reasons or necessity, the reason for the special exception must be related to the medical condition and be supported by a letter from the applicant's physician defining the physical limitations of the applicant.~~
 - ~~d. *No other permanent special exception based on the board's decision or determination in one case regarding structures may be granted for other cases without the proper board determination on the subsequent cases.*~~
 - ~~e. *A permanent special exception shall have no expiration date.*~~
- ~~3. *Temporary special exceptions.* A temporary special exception, not to exceed 90 days in term, may be granted by the board to allow for the construction of noncomplying structures for reasons in addition to ambiguous definitions or terms, medical reasons/necessity, or de minimus circumstances. In order for a request for a temporary special exception to be brought before the board, there needs to be:~~
 - ~~1) A finding by the city's building official that an issue of noncompliance with the city's zoning ordinance would exist by virtue of applicant's construction; and~~
 - ~~2) There are demonstrated significant reasons why immediate action cannot reasonably be taken by the applicant to achieve compliance with the city's zoning ordinance.~~

~~No other temporary special exception based on the board's decision or determination in one case regarding structures may be granted for other cases without the proper board determination on the subsequent cases.~~

~~4. *Requirements.* Temporary or permanent special exceptions may be granted only after the following items have been addressed:~~

- ~~a. The city's building official has denied the applicant a permit or permits based on noncompliance with the city's zoning ordinance;~~
- ~~b. The applicant has made a written request for a special exception in accordance with V.T.C.A., Local Government Code § 211.010, and section 10.B;~~
- ~~c. The applicant's request is based on ambiguous definitions or terms, medical reasons or necessity or ADA compliance, or other special de minimis circumstances, and that there are demonstrated significant economic reasons why action cannot be taken by the applicant to achieve compliance with the city's zoning ordinance;~~
- ~~d. There has been notice and a public hearing as required section 10.C;~~
- ~~e. The applicant agrees to accept reasonable conditions or actions that the board may suggest to mitigate potential issues with or objections to the applicant's request; however, the board cannot require such conditions or actions to be accepted in return for a favorable decision by the board, rather the case must be otherwise decided on its merits. (An example is installing additional property drainage as a condition for side setback relief);~~
- ~~f. In no case shall the board be authorized to grant permanent special exceptions or temporary special exceptions that would in effect allow a violation of the city's health code, life safety code or fire safety code; and~~
- ~~g. Under no circumstances shall the board grant a request for a special exception that would have the effect of allowing a use not permissible under the terms of the zoning ordinance in the district involved, or any use, expressly or impliedly, prohibited by the terms of the zoning ordinance in the subject district.~~

~~5. *Finding.* A special exception shall not be granted unless the board shall make a determination that the granting of the special exception will not adversely affect the public interest. In making its determination, the board shall duly consider, where applicable, the following:~~

- ~~a. The most appropriate use of the land and conservation and stabilization of property values;~~
- ~~b. Adequate open spaces for light and air and required yards and other open spaces;~~
- ~~c. Congestion of public streets, including ingress and egress to property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;~~
- ~~d. Off-street parking, loading and service areas where required;~~
- ~~e. Economic, noise, dust, heat, glare or odor effects of the special exception on surrounding properties or the city;~~
- ~~f. Utilities, with reference to locations, availability, adequacy and compatibility;~~
- ~~g. Screens and buffers with reference to type, dimensions, character and adequacy;~~

- h. ~~General compatibility with surrounding properties and general welfare of the persons residing and working in the area;~~
- i. ~~Whether, at the public hearing, there are objections from the surrounding and affected property owners and whether the objections, if any, can be or have been resolved;~~
- j. ~~For the medical necessity exception, whether the medical condition is proven and the requested exception reasonably relates to the medical condition;~~
- k. ~~For the de minimis exception, whether there is an overriding benefit to the applicant with no detriment to the surrounding neighbors or the city; and~~
- l. ~~The spirit of this Code is met.~~

(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.

DB. Vote required: ~~appeals; variances; special exceptions~~. The concurring vote of four members of the board shall be necessary to reverse any order, requirements, decision, or determination of an administrative official, ~~or to effect any variation in the application of this appendix, or to decide in favor of~~ an the applicant on ~~any~~ matter ~~or special exception upon which it the board is required to pass or decide under this appendix~~ a zoning ordinance.

(Ord. No. 90-18, § 2, 7-23-1990; Ord. No. 2009-04, § 1, 5-24-2009)

Section 12. - Appeals from the board of adjustment.

- A. Any person ~~or persons, jointly or severally,~~ aggrieved by ~~any~~ 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~~seek review by a court of record of such decision within 10 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.

Section 13. - Duties of administrative official, board of adjustment, city council, and courts on matters of appeal.

- A. It is the intent of this section that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the board of adjustment only on appeal from the decision of the administrative official, 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. 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.

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 20. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Height.

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

- c. For buildings located in the floodplain, height is measured from the top of the first finished floor which shall be two feet above the average base flood elevation at the site, as established by the latest available flood elevation maps for the city.
- d. No part of a building or structure is allowed to exceed the maximum height allowed in a specific zoning district except for the following:
 - (1) Elements inclusive of, but not limited to, chimneys, vents, and roof-top mechanical equipment, provided that the maximum allowed building or structure height is not exceeded by more than four feet; or
 - (2) Elements inclusive of, but not limited to, radio or television antennae or aerials (but not including microwave receivers, transmitters, repeaters, or satellite receivers), provided that the maximum allowed building or structure height is not exceeded by more than ten feet.

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

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

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

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

Lot measurements.

- 1. *Depth.* The distance between the midpoint of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- 2. *Width.* The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost point (where they intersect with the street lines) shall not be less

than 90 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac where the 90 percent requirement shall not apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

Variance means a relaxation of the terms of ~~this appendix~~ [a zoning ordinance](#) where such if the variance ~~will not be~~ [is not](#) contrary to the public interest and, ~~due to special conditions, as the result of the actions of the applicant,~~ [a literal enforcement of the regulations of this appendix ordinance](#) would result in

~~unnecessary and undue hardship, so that the spirit of the ordinance is observed and substantial justice is done. As used in this appendix, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.~~

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)

Sec. 211.008. BOARD OF ADJUSTMENT. (a) The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

(b) A board of adjustment must consist of at least five members to be appointed for terms of two years. The governing body must provide the procedure for appointment. The governing body may authorize each member of the governing body, including the mayor, to appoint one member to the board. The appointing authority may remove a board member for cause, as found by the appointing authority, on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.

(c) The governing body, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

(d) Each case before the board of adjustment must be heard by at least 75 percent of the members.

(e) The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter and with the approval of the governing body. Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(f) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

(g) The governing body of a Type A general-law municipality by ordinance may grant the members of the governing body the authority to act as a board of adjustment under this chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.
Amended by Acts 1993, 73rd Leg., ch. 126, Sec. 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, Sec. 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 363, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 820 (H.B. [2497](#)), Sec. 1, eff. September 1, 2019.

Sec. 211.009. AUTHORITY OF BOARD. (a) The board of adjustment may:

(1) hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;

(2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;

(3) authorize in specific cases a variance from 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, and so that the spirit of the ordinance is observed and substantial justice is done; and

(4) hear and decide other matters authorized by an ordinance adopted under this subchapter.

(b) In exercising its authority under Subsection (a)(1), 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.

(c) The concurring vote of 75 percent of the members of the board is necessary to:

(1) reverse an order, requirement, decision, or determination of an administrative official;

(2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or

(3) authorize a variation from the terms of a zoning ordinance.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1993, 73rd Leg., ch. 126, Sec. 2, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, Sec. 2, eff. Aug. 28, 1995.

Sec. 211.010. APPEAL TO BOARD. (a) Except as provided by Subsection (e), any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project:

(1) a person aggrieved by the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision.

(a-1) Except as provided by Subsection (e), any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project:

(1) a person who:

(A) filed the application that is the subject of the decision;

(B) is the owner or representative of the owner of the property that is the subject of the decision; or

(C) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision.

(b) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed not later than the 20th day after the date the decision is made. 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.

(c) 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 or a court of record on application, after notice to the official, if due cause is shown.

(d) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or 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.

(e) A member of the governing body of the municipality who serves on the board of adjustment under Section 211.008(g) may not bring an appeal under this section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.
Amended by Acts 1997, 75th Leg., ch. 363, Sec. 2, eff. Sept. 1, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 820 (H.B. [2497](#)), Sec. 2, eff. September 1, 2019.

Sec. 211.011. JUDICIAL REVIEW OF BOARD DECISION. (a) Any of the following persons 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 specifying the grounds of the illegality:

- (1) a person aggrieved by a decision of the board;
- (2) a taxpayer; or
- (3) an officer, department, board, or bureau of the municipality.

(b) The petition must be presented within 10 days after the date the decision is filed in the board's office.

(c) On the presentation of the petition, the court may grant a writ of certiorari directed to the board to review the board's decision. The writ must indicate the time by which the board's return must be made and served on the petitioner's attorney, which must be after 10 days and may be extended by the court. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the board the court may grant a restraining order if due cause is shown.

(d) The board's return must be verified and must concisely state any pertinent and material facts that show the grounds of the decision under appeal. The board is not required to return the original documents on which the board acted but may return certified or sworn copies of the documents or parts of the documents as required by the writ.

(e) If at the hearing the court determines that testimony is necessary for the proper disposition of the matter, it may

take evidence or appoint a referee to take evidence as directed. The referee shall report the evidence to the court with the referee's findings of fact and conclusions of law. The referee's report constitutes a part of the proceedings on which the court shall make its decision.

(f) The court may reverse or affirm, in whole or in part, or modify the decision that is appealed. Costs may not be assessed against the board unless the court determines that the board acted with gross negligence, in bad faith, or with malice in making its decision.

(g) The court may not apply a different standard of review to a decision of a board of adjustment that is composed of members of the governing body of the municipality under Section 211.008(g) than is applied to a decision of a board of adjustment that does not contain members of the governing body of a municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.
Amended by Acts 1997, 75th Leg., ch. 363, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 646, Sec. 1, eff. Aug. 30, 1999.

Sec. 211.012. ENFORCEMENT; PENALTY; REMEDIES. (a) The governing body of a municipality may adopt ordinances to enforce this subchapter or any ordinance or regulation adopted under this subchapter.

(b) A person commits an offense if the person violates this subchapter or an ordinance or regulation adopted under this subchapter. An offense under this subsection is a misdemeanor, punishable by fine, imprisonment, or both, as provided by the governing body. The governing body may also provide civil penalties for a violation.

(c) If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a building, other structure, or land is used in violation of this subchapter or an ordinance or regulation

adopted under this subchapter, the appropriate municipal authority, in addition to other remedies, may institute appropriate action to:

- (1) prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- (2) restrain, correct, or abate the violation;
- (3) prevent the occupancy of the building, structure, or land; or
- (4) prevent any illegal act, conduct, business, or use on or about the premises.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Memo

To: Planning & Zoning Commission
From: Aubrey Harbin, Director of Community Development/Planner
Date: December 2, 2019
Re: DRC Report

The following DRC Meeting was held in November 2019.

Project	Current Zoning	Zone Change Required? Y/N	Issues discussed	Location
1720 S. Friendswood Dr. Retail shell building – approx. 10,000sqft	CSC	No	Property has been replatted to change use of detention pond to commercial use; site plan approval required; subject to Community Overlay District (COD) requirements; water and sewer services exist; 5-ft sidewalk required along FM 528; no high hazard flood zones; TxDOT permits required for any work within the right-of-way on FM 528 (sidewalks, driveways, etc.); submittals to GCCDD required	