



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, FEBRUARY 13, 2020 - 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. Communication from the public/committee liaisons

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

3. Public Hearing

A. Receive comments, both oral and written regarding:

Proposed amendments to Appendix C, Zoning Ordinance Sections 10-12 regarding board of adjustment establishment and procedure, powers and duties, and appeals from the board of adjustment and Section 20, Definitions, to be consistent with state law, particularly Chapter 211 of the Local Government Code

B. Receive comments, both oral and written regarding:

Proposed amendments to Appendix C, Zoning Ordinance, Section 7. P. 6. Permitted Use Table regarding changes for NAICS Use #447 Gasoline Stations, #511 Publishing Industries, and #713940 Fitness and Recreational Sports Centers

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. Sterling Creek Section 4 Final Plat

B. Minutes of the Regular Meeting held on January 23, 2020

5. Action Items

According to the Planning and Zoning Rules of Procedure (R2010-09), all action of the Commission shall be made by an affirmative vote of four (4) or more members of the Commission present at such Commission meetings.

- A. Consideration and possible action regarding a proposed site plan amendment at 107 W. Heritage Drive, to amend the type of fence material
- B. Consideration and possible action regarding site plan approval for a proposed gas station at 2210 S. Friendswood Drive (This site plan was approved previously, as well as an extension, but the extension expired requiring a new approval.)
- C. Consideration and possible action regarding a recommendation to City Council for the proposed amendments to Appendix C, Zoning Ordinance Section 10-12 regarding board of adjustment establishment and procedure, powers and duties, and appeals from the board of adjustment and Section 20, Definitions, to be consistent with state law, particularly Chapter 211 of the Local Government Code
- D. Consideration and possible action regarding a recommendation to City Council for the proposed amendments to Appendix C, Zoning Ordinance, Section 7. P. 6. Permitted Use Table regarding changes for NAICS Use #447 Gasoline Stations, #511 Publishing Industries, and #713940 Fitness and Recreational Sports Centers

6. Discussion Items

- A. Presentation by Samantha Haritos, Deputy City Engineer, regarding updates on drainage plans for the City

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

- A. Thursday, February 27 - Regular Meeting
Thursday, March 12 - 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 - January 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 & Zoning Commission are open to the public, except when there is a necessity to meet in an Executive Session (closed to the public) under the provisions of Section 551, Texas Government Code. The Planning & Zoning Commission reserves the right to convene into Executive Session to hear any of the above described agenda items that qualifies for an executive session by publicly announcing the applicable section number of the Open Meetings Act.

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. ~~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)

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

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.

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

316	Leather and allied product manufacturing							O			O	O		S	P	S
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
3161	Leather and hide tanning and finishing							O			O	O		O	S	O
321	Wood product manufacturing							O			O	O		S	P	S
322	Paper manufacturing							O			O	O		O	S	O
323	Printing and related support activities							S			O	S		P	P	P
323113	Commercial screen printing							P	S		O	P		P	P	P
324	Petroleum and coal products manufacturing							O			O	O		S	S	S
325	Chemical manufacturing							O			O	O		S	S	S
325412	Pharmaceutical preparation manufacturing							O			O	O		P	P	P
326	Plastics and rubber products manufacturing							O			O	O		S	P	S
3262	Rubber product manufacturing							O			O	O		O	P	O
327	Nonmetallic mineral product manufacturing							O			O	O		O	P	O
331	Primary metal manufacturing							O			O	O		O	S	O
332	Fabricated metal product manufacturing							O			O	O		S	P	S
333	Machinery manufacturing							O			O	O		S	P	S
334	Computer and electronic product manufacturing							O			O	O		P	P	P
335	Electrical equipment, appliance and component manufacturing							O			O	O		P	P	P
33591	Battery manufacturing							O			O	O		O	S	O
336	Transportation equipment manufacturing							O			O	O		S	P	S
337	Furniture and related products manufacturing							O			O	O		S	P	S
339	Miscellaneous manufacturing							O			O	O		P	P	S
3391	Medical equipment and supplies manufacturing							O			O	O		P	P	P
42	Wholesale Trade															
423	Merchant wholesalers, durable goods							O			O	O		P	P	P

424	Merchant wholesalers, nondurable goods							O			O	O		P	P	P
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
425	Wholesale electronic markets and agents and brokers							O			O	O		P	P	P
44—45	Retail Trade															
4411	Automobile dealers							O			O	O		P	P	O
4412	Other motor vehicle dealers							O			O	O		P	P	O
4413	Automotive parts, accessories and tire stores							P	S		O	O		P	P	P
442	Furniture and home furnishing stores							P	P		O	P		S	S	P
443	Electronics and appliance stores							P	P		O	P		S	S	P
444	Building material and garden equipment and supplies dealers							P	P		O	P		P	P	P
444190	Other building material dealers							S	S		O	O		S	S	S
445	Food and beverage stores							P	P		O	P		S		S
446	Health and personal care stores							P	P		O	P		P		P
447	Gasoline stations							P	P		O	S		P	P	
447190	Other gasoline stations										O	O		S	S	
448	Clothing and clothing accessory stores							P	P		O	P				P
451	Sporting goods, hobby, book and music stores							P	P		O	P				P
452	General merchandise stores							P	P		O	P		P	P	P
453	Miscellaneous store retailers							P	P		O	P		P	P	P
4533	Used merchandise stores							P	P			P		P	P	P
45393	Manufactured (mobile) home dealers										O	O			S	
45399	All other miscellaneous store retailers							P	P			P		P	P	P
454	Nonstore retailers							S	S		O	S		S	S	S
48—49	Transportation and Warehousing															
481	Air transportation										O	O		O	O	O
482	Rail transportation										O	O		S	P	S

Commented [BB1]: Remove Specific Use Permit and do not allow Gasoline Stations in the Downtown District.

483	Water transportation										O	O		O	S	O
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
484	Truck transportation										O	O		P	P	S
485	Transit and ground passenger transportation							S	S		O	S		S	S	S
486	Pipeline transportation	S	S	S	S	S	S	S	S		S	S	S	S	S	S
487	Scenic and sightseeing transportation							S			O	P				P
488	Support activities for transportation							S	S		O	O		S	P	P
48841	Motor vehicle towing										O	O		S	P	O
491	Postal service							P	P		O	P		P	P	P
492	Couriers and messengers							P	P		O	P		P	P	P
493	Warehousing and storage										O	S		P	P	P
51	Information															
511	Publishing industries							P			O	PS		P	P	P
512	Motion picture and sound recording industries							S			O	S		S	S	S
515	Broadcasting (except internet)							S	S		O	O		P	P	P
517	Telecommunications							S	S		O	S		P	P	P
517911	Telecommunication resellers							P	P		O	P		P	P	P
518	Data processing, hosting and related services							S	S		O	S		S	P	P
519	Other information services							S	S		O	S		S	P	P
52	Finance and Insurance															
521	Monetary authorities—Central bank							P	P		P	P		P		P
522	Credit intermediation and related activities							P	P		P	P		P		P
522298	All other nondepository credit intermediation(i.e., pawn shops)							S			O	S		S	P	P
523	Securities, commodity contracts, and other financial investments and related activities							P	P		P	P		P		P
524	Insurance carriers and related activities							P	P		P	P		P		P
525	Funds, trusts, and other financial vehicles							P	P		P	P		P		P

Commented [BB2]: Publishing is classified in the Information Sector; whereas Printing remains under Manufacturing. The classification of book and newspaper publishing is intended to portray their roles in a modern economy, in which they do not resemble manufacturing activities.

53	Real Estate and Rental and Leasing															
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
531	Real estate							P	P		P	P		P	P	P
53113	Lessors of miniwarehouses and self-storage units							O	O		O	O		O	P	P
532	Rental and leasing services							P	S		O	S		P	P	P
53212	Truck, utility trailer and RV rental							O	O		O	O		O	P	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)							P	P		P	P		P	P	P
54	Professional, Scientific and Technical Services															
541	Professional, scientific and technical services							P	P		P	P		P		P
54138	Testing laboratories							S			O	S		S	P	P
55	Management of Companies and Enterprises															
551	Management of companies and enterprises							P	P		P	P		P		P
56	Administration/Support Waste Management/Remediation Services															
561	Administrative and support services							P	P		O	P		P		P
561730	Landscaping services							S			O	O		S	P	S
56179	Other services to buildings and dwellings							S			O	O		S	P	P
562	Waste management and remediation services										O	O		S	P	S
61	Educational Services															
6111	Elementary and secondary schools	S	S	S	S	S	S	S	S		O	S	S	S	S	S
6112	Junior colleges							S			O	S	S	S	S	S
6113	Colleges, universities and professional schools							S			O	S	S	S	S	S
6114	Business schools and computer and management training							S			O	S	S	S	S	S
6115	Technical and trade schools							S			O	S	S	S	S	S
6116	Other school and instruction							P	P		P	P	S	P	P	

62	Health Care and Social Assistance																
	2017 NAICS	SFR and SFR-E	MFR-GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP	
621	Ambulatory health care services							P	P		P	P				P	
622	Hospitals							P			O	S		P		P	
6231	Nursing care facilities—Skilled nursing facilities							S	S		O	S					
6232	Residential, intellectual and development disability, mental health, and substance abuse facilities	S1	S1														
623311	Continuing care retirement communities (with on-site nursing)	S1	S1					S	S		O	S					
623312	Assisted living facilities for the elderly (without on-site nursing)	S1	S1					S	S		O	S					
624	Social assistance							S			O	S				S	
6244	Child day care services (childcare centers)							P	P		O	P					
6244	Child day care services (registered and/or licensed childcare home)	P	P														
71	Arts, Entertainment and Recreation																
7111	Performing arts							P			O	P				P	
7112	Spectator sports							S			O	O				P	
7113	Promoters of performing arts, sports and similar events							P			O	P				P	
712	Museums, historical sites and similar institutions	S	S	S	S	S	S	P	S		O	P	S	S	S	S	
7131	Amusement parks and arcades											S		S	P		
7132	Gambling industries																
7139	Other amusement and recreation industries											S		S	P		
713940	Fitness and recreational sports centers							P	S			S-P		P	P		
72	Accommodation and Food Services																

Commented [BB3]: Aerobic dance or exercise centers
Ice or roller skating rinks
Gymnasiums
Swimming or wave pools
Physical fitness centers
Handball, racquetball, or tennis club facilities

7211	Traveler accommodation							S			O	S		S	S	S
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
7212	RV (recreational vehicle) parks and recreational camps										O			S	S	
7213	Roominghouses and boardinghouses							S			O	S		S	S	S
7223	Special food services							P	P		O	P		P		P
7224	Drinking places (more than 75% sales of alcoholic beverages)							S				S		S		S
7225	Restaurants and other eating places							P	P		O	P		P		P
81	Other Services (Except Public Administration)															
8111	Automotive repair and maintenance							P	S		O	S		S	P	
81112	Automotive body, paint, interior and glass repair							S	S		O	S		S	P	
8112	Electronic and precision equipment repair and maintenance							S			O	O		S	P	P
8113	Commercial and industrial machinery and equipment (except automotive and electronic repair and maintenance)							S			O	O		S	P	P
8114	Personal and household goods repair and maintenance							S			O	O		S	P	P
8121	Personal care services							P	P		P	P		P		P
8122	Death care services							S	S		O	S		S		S
8123	Dry cleaning and laundry services							P	P		P	P		P		P
8129	Other personal services							P	P		P	P		P		P
8131	Religious organizations	S	S	S	S	S	S	S	S		O	S	S			
8132	Grantmaking and giving services							O	O		O	O		O		O
8133	Social advocacy organizations							O	O		O	O		O	P	O
8134	Civic and social organizations							O	O		O	O		O	P	O

8139	Business, professional, labor, political, and similar organizations							O	O		O	O		O		O
	2017 NAICS	SFR and SFR-E	MFR-GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
814	Private households	P	P	P	P	P	P					P (a)	P			
92	Public Administration															
921	Executive, legislative, and other general government support							P			O	P		P		P
922	Justice, public order and safety activities							P			O	P		P		P
92214	Correctional institutions														S	
923	Administration of human resource programs							P			O	P		P		P
924	Administration of environment quality programs							P			O	P		P		P
925	Administration of housing programs, urban planning, and community development							P			O	P		P		P
926	Administration of economic programs							P			O	P		P		P
927	Space research and technology							P			O	P		P		P
928	National security and international affairs							P			O	P		P		P

Cross-References. Establishments primarily engaged in--

- Retailing specialized health and personal care merchandise via electronic home shopping, mail-order, or direct sale--are classified in Subsector 454, Nonstore Retailers;
- Retailing food supplement products--are classified in U.S. Industry 446191, Food (Health) Supplement Stores;
- Retailing prescription or nonprescription drugs and medicines--are classified in Industry 446110, Pharmacies and Drug Stores;
- Retailing eyeglasses and contact lenses--are classified in Industry 446130, Optical Goods Stores;
- Retailing perfumes, cosmetics, and beauty supplies--are classified in Industry 446120, Cosmetics, Beauty Supplies, and Perfume Stores;
- Retailing orthopedic shoes--are classified in Industry 448210, Shoe Stores; and
- Retailing orthopedic and prosthetic appliances that are made on the premises--are classified in U.S. Industry 339113, Surgical Appliance and Supplies Manufacturing.

447 Gasoline Stations

Industries in the Gasoline Stations subsector retail automotive fuels (e.g., gasoline, diesel fuel, gasohol, alternative fuels) and automotive oils or retail these products in combination with convenience store items. These establishments have specialized equipment for storing and dispensing automotive fuels.

4471 Gasoline Stations**44711 Gasoline Stations with Convenience Stores**

See industry description for 447110.

447110 Gasoline Stations with Convenience Stores

This industry comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) in combination with convenience store or food mart items. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting. These establishments may also provide automotive repair services.

Cross-References. Establishments primarily engaged in--

- Retailing automotive fuels without a convenience store--are classified in Industry 447190, Other Gasoline Stations; and
- Retailing a limited line of goods, known as convenience stores or food marts (except those with fuel pumps)--are classified in Industry 445120, Convenience Stores.

44719 Other Gasoline Stations

See industry description for 447190.

447190 Other Gasoline Stations

This industry comprises establishments known as gasoline stations (except those with convenience stores) primarily engaged in (1) retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline, alternative fuels) or (2) retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

Illustrative Examples:

Gasoline stations without convenience stores
Truck stops

Marine service stations

T—Canadian, Mexican, and United States industries are comparable.

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Cross-References. Establishments primarily engaged in--

- Repairing motor vehicles without retailing automotive fuels--are classified in Industry Group 8111, Automotive Repair and Maintenance; and
- Retailing automotive fuels in combination with a convenience store or food mart--are classified in Industry 447110, Gasoline Stations with Convenience Stores.

448 Clothing and Clothing Accessories Stores

Industries in the Clothing and Clothing Accessories Stores subsector retail new clothing and clothing accessories from fixed point-of-sale locations. Establishments in this subsector have similar display equipment and staff that is knowledgeable regarding fashion trends and the proper match of styles, colors, and combinations of clothing and accessories to the characteristics and tastes of the customer.

4481 Clothing Stores

This industry group comprises establishments primarily engaged in retailing new clothing.

44811 Men's Clothing Stores

See industry description for 448110.

448110 Men's Clothing Stores

This industry comprises establishments primarily engaged in retailing a general line of new men's and boys' clothing. These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

Cross-References. Establishments primarily engaged in--

- Retailing men's and boys' clothing via electronic home shopping, mail-order, or direct sale--are classified in Subsector 454, Nonstore Retailers;
- Retailing custom men's clothing made on the premises--are classified in Industry Group 3152, Cut and Sew Apparel Manufacturing;
- Retailing new men's and boys' accessories--are classified in Industry 448150, Clothing Accessories Stores;
- Retailing specialized new apparel, such as raincoats, leather coats, fur apparel, and swimwear--are classified in Industry 448190, Other Clothing Stores;
- Retailing new clothing for all genders and age groups--are classified in Industry 448140, Family Clothing Stores;
- Retailing secondhand clothes--are classified in Industry 453310, Used Merchandise Stores; and
- Providing clothing alterations and repair--are classified in Industry 811490, Other Personal and Household Goods Repair and Maintenance.

44812 Women's Clothing Stores

See industry description for 448120.

448120 Women's Clothing Stores

This industry comprises establishments primarily engaged in retailing a general line of new women's, misses', and juniors' clothing, including maternity wear. These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

Cross-References. Establishments primarily engaged in--

- Retailing women's clothing via electronic home shopping, mail-order, or direct sale--are classified in Subsector 454, Nonstore Retailers;

T—Canadian, Mexican, and United States industries are comparable.

example, can be printed locally or by the final consumer. Similarly, packaged software is available mainly on-line. The NAICS Information sector is designed to make such economic changes transparent as they occur, or to facilitate designing surveys that will monitor the new phenomena and provide data to analyze the changes.

Many of the industries in the NAICS Information sector are engaged in producing products protected by copyright law, or in distributing them (other than distribution by traditional wholesale and retail methods). Examples are traditional publishing industries, software and directory and mailing list publishing industries, and film and sound industries. Broadcasting and telecommunications industries and information providers and processors are also included in the Information sector, because their technologies are so closely linked to other industries in the Information sector.

511 Publishing Industries (except Internet)^T

Industries in the Publishing Industries (except Internet) subsector group establishments engaged in the publishing of newspapers, magazines, other periodicals, and books, as well as directory and mailing list and software publishing. In general, these establishments, which are known as publishers, issue copies of works for which they usually possess copyright. Works may be in one or more formats including traditional print form, CD-ROM, or proprietary electronic networks. Publishers may publish works originally created by others for which they have obtained the rights and/or works that they have created in-house. Software publishing is included here because the activity, creation of a copyrighted product and bringing it to market, is equivalent to the creation process for other types of intellectual products.

In NAICS, publishing--the reporting, writing, editing, and other processes that are required to create an edition of a newspaper--is treated as a major economic activity in its own right, rather than as a subsidiary activity to a manufacturing activity, printing. Thus, publishing is classified in the Information sector; whereas, printing remains in the Manufacturing sector. In part, the NAICS classification reflects the fact that publishing increasingly takes place in establishments that are physically separate from the associated printing establishments. More crucially, the NAICS classification of book and newspaper publishing is intended to portray their roles in a modern economy, in which they do not resemble manufacturing activities.

Music publishers are not included in the Publishing Industries (except Internet) subsector, but are included in the Motion Picture and Sound Recording Industries subsector. Reproduction of prepackaged software is treated in NAICS as a manufacturing activity; on-line distribution of software products is in the Information sector; and custom design of software to client specifications is included in the Professional, Scientific, and Technical Services sector. These distinctions arise because of the different ways that software is created, reproduced, and distributed.

The Publishing Industries (except Internet) subsector includes establishments that publish software exclusively on the Internet but excludes establishments that publish other content exclusively on the Internet. Establishments publishing content other than software exclusively on the Internet are included in Subsector 519, Other Information Services. The Publishing Industries (except Internet) subsector also excludes products, such as manifold business forms and appointment books. Information is not the essential component of these items. Establishments producing these items are included in Subsector 323, Printing and Related Support Activities.

5111 Newspaper, Periodical, Book, and Directory Publishers^T

This industry group comprises establishments primarily engaged in publishing newspapers, magazines, other periodicals, books, directories and mailing lists, and other works, such as calendars, greeting cards, and maps. These works are characterized by the intellectual creativity required in their development and are usually protected by copyright. Publishers distribute or arrange for the distribution of these works.

Publishing establishments may create the works in-house, or contract for, purchase, or compile works that were originally created by others. These works may be published in one or more formats, such as print and/or electronic form, including proprietary electronic networks. Establishments in this industry may print, reproduce, or offer direct access to the works themselves or may arrange with others to carry out such functions.

Establishments that both print and publish may fill excess capacity with commercial or job printing. However, the publishing activity is still considered to be the primary activity of these establishments.

51111 Newspaper Publishers^T

See industry description for 511110.

^T—Canadian, Mexican, and United States industries are comparable.

511110 Newspaper Publishers

This industry comprises establishments known as newspaper publishers. Establishments in this industry carry out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials; and selling and preparing advertisements. These establishments may publish newspapers in print or electronic form.

Cross-References.

- Establishments publishing newspapers exclusively on the Internet are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments primarily engaged in printing newspapers without publishing are classified in Industry 32311, Printing;
- Establishments, such as trade associations, schools and universities, and social welfare organizations, that publish newsletters for distribution to their membership, but that are not commonly known as newspaper publishers, are classified according to their primary activity designation;
- Establishments primarily engaged in supplying the news media with information, such as news, reports, and pictures, are classified in Industry 519110, News Syndicates; and
- Establishments of independent representatives primarily engaged in selling advertising space are classified in Industry 541840, Media Representatives.

51112 Periodical Publishers^T

See industry description for 511120.

511120 Periodical Publishers

This industry comprises establishments known either as magazine publishers or periodical publishers. These establishments carry out the operations necessary for producing and distributing magazines and other periodicals, such as gathering, writing, and editing articles, and selling and preparing advertisements. These establishments may publish magazines and other periodicals in print or electronic form.

Illustrative Examples:

Comic book publishers (except exclusive Internet publishing)
Radio and television guide publishers (except exclusive Internet publishing)
Magazine publishers (except exclusive Internet publishing)

Scholarly journal publishers (except exclusive Internet publishing)
Newsletter publishers (except exclusive Internet publishing)
Trade journal publishers (except exclusive Internet publishing)

Cross-References.

- Establishments publishing periodicals exclusively on the Internet are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments primarily engaged in printing periodicals without publishing are classified in Industry 32311, Printing;
- Establishments, such as trade associations, schools and universities, and social welfare organizations, that publish magazines and periodicals for distribution to their membership, but that are not commonly known as periodical publishers, are classified according to their primary activity designation;
- Establishments primarily engaged in publishing directories and mailing lists are classified in Industry 511140, Directory and Mailing List Publishers; and
- Establishments of independent representatives primarily engaged in selling advertising space are classified in Industry 541840, Media Representatives.

^T—Canadian, Mexican, and United States industries are comparable.

51113 Book Publishers^T

See industry description for 511130.

511130 Book Publishers

This industry comprises establishments known as book publishers. Establishments in this industry carry out design, editing, and marketing activities necessary for producing and distributing books. These establishments may publish books in print, electronic, or audio form.

Illustrative Examples:

Atlas publishers (except exclusive Internet publishing)
 Religious book publishers (except exclusive Internet publishing)
 Book publishers (except exclusive Internet publishing)
 School textbook publishers (except exclusive Internet publishing)

Encyclopedia publishers (except exclusive Internet publishing)
 Technical manual publishers (except exclusive Internet publishing)
 Map publishers (except exclusive Internet publishing)
 Travel guide book publishers (except exclusive Internet publishing)

Cross-References.

- Establishments publishing books on the Internet exclusively are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments primarily engaged in printing books without publishing are classified in U.S. Industry 323117, Books Printing;
- Establishments known as music publishers are classified in Industry 512230, Music Publishers;
- Establishments, such as trade associations, schools and universities, and social welfare organizations, that publish books for distribution to their membership, that are not commonly known as book publishers, are classified according to their primary activity designation; and
- Book clubs primarily engaged in direct sales activities without publishing are classified in Industry 454390, Other Direct Selling Establishments.

51114 Directory and Mailing List Publishers^T

See industry description for 511140.

511140 Directory and Mailing List Publishers

This industry comprises establishments primarily engaged in publishing directories, mailing lists, and collections or compilations of fact. The products are typically protected in their selection, arrangement and/or presentation. Examples are lists of mailing addresses, telephone directories, directories of businesses, collections or compilations of proprietary drugs or legal case results, compilations of public records, etc. These establishments may publish directories and mailing lists in print or electronic form.

Illustrative Examples:

Business directory publishers (except exclusive Internet publishing)
 Mailing list publishers (except exclusive Internet publishing)

Directory publishers (except exclusive Internet publishing)
 Telephone directory publishers (except exclusive Internet publishing)

^T—Canadian, Mexican, and United States industries are comparable.

Cross-References. Establishments primarily engaged in--

- Operating Web search portals or developing and publishing, exclusively on the Internet, collections or compilations of creative works or facts--are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Compiling mailing lists in conjunction with providing direct mail advertising services--are classified in Industry 541860, Direct Mail Advertising;
- Printing without publishing directories and mailing lists--are classified in Industry 32311, Printing;
- Publishing computer software--are classified in Industry 511210, Software Publishers;
- Creating and publishing encyclopedias and similar collections of creative works in print and/or electronic media--are classified in Industry 511130, Book Publishers; and
- Creating and publishing collections of creative works that are periodically updated--are classified in Industry 511120, Periodical Publishers.

51119 Other Publishers^T

This industry comprises establishments known as publishers (except newspaper, magazine, book, directory, mailing list, and music publishers). These establishments may publish works in print or electronic form.

Illustrative Examples:

Art print publishers (except exclusive Internet publishing)
Greeting card publishers (except exclusive Internet publishing)

Calendar publishers (except exclusive Internet publishing)

Cross-References.

- Establishments publishing exclusively on the Internet are classified in Industry 51913, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments known as newspaper publishers are classified in Industry 51111, Newspaper Publishers;
- Establishments known as magazine and other periodical publishers are classified in Industry 51112, Periodical Publishers;
- Establishments known as book publishers are classified in Industry 51113, Book Publishers;
- Establishments primarily engaged in publishing directories and mailing lists are classified in Industry 51114, Directory and Mailing List Publishers;
- Establishments known as music publishers are classified in Industry 51223, Music Publishers; and
- Establishments primarily engaged in manufacturing appointment books and/or manifold business forms are classified in Industry 32311, Printing.

511191 Greeting Card Publishers

This U.S. industry comprises establishments primarily engaged in publishing greeting cards.

Cross-References. Establishments primarily engaged in--

- Publishing greeting cards exclusively on the Internet--are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals; and
- Printing greeting cards without publishing--are classified in Industry 32311, Printing.

511199 All Other Publishers

This U.S. industry comprises establishments generally known as publishers (except newspaper, magazine, book, directory, database, music, and greeting card publishers). These establishments may publish works in print or electronic form.

^T—Canadian, Mexican, and United States industries are comparable.

Illustrative Examples:

Art print publishers (except exclusive Internet publishing)

Calendar publishers (except exclusive Internet publishing)

Cross-References.

- Establishments publishing exclusively on the Internet are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments known as newspaper publishers are classified in Industry 511110, Newspaper Publishers;
- Establishments known as magazine or other periodical publishers are classified in Industry 511120, Periodical Publishers;
- Establishments known as book publishers are classified in Industry 511130, Book Publishers;
- Establishments primarily engaged in publishing directories and mailing lists are classified in Industry 511140, Directory and Mailing List Publishers;
- Establishments primarily engaged in greeting card publishing are classified in U.S. Industry 511191, Greeting Card Publishers;
- Establishments known as music publishers are classified in Industry 512230, Music Publishers; and
- Establishments primarily engaged in manufacturing appointment books and/or manifold business forms are classified in U.S. Industry 323111, Commercial Printing (except Screen and Books).

5112 Software Publishers^T**51121 Software Publishers^T**

See industry description for 511210.

511210 Software Publishers

This industry comprises establishments primarily engaged in computer software publishing or publishing and reproduction. Establishments in this industry carry out operations necessary for producing and distributing computer software, such as designing, providing documentation, assisting in installation, and providing support services to software purchasers. These establishments may design, develop, and publish, or publish only. These establishments may publish and distribute software remotely through subscriptions and downloads.

Cross-References. Establishments primarily engaged in--

- Reselling packaged software--are classified in Sector 42, Wholesale Trade, or Sector 44-45, Retail Trade;
- Providing access for clients to software published by others from a central host site--are classified in Industry 518210, Data Processing, Hosting, and Related Services;
- Designing software to meet the needs of specific users--are classified in U.S. Industry 541511, Custom Computer Programming Services; and
- Mass duplication of software--are classified in U.S. Industry 334614, Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing.

512 Motion Picture and Sound Recording Industries^T

Industries in the Motion Picture and Sound Recording Industries subsector group establishments involved in the production and distribution of motion pictures and sound recordings. While producers and distributors of motion pictures and sound recordings issue works for sale as traditional publishers do, the processes are sufficiently different to warrant placing establishments engaged in these activities in a separate subsector. Production is typically a complex process that involves several distinct types of establishments that are engaged in activities, such as contracting with performers, creating the film or sound content, and providing technical postproduction services. Film distribution is often to exhibitors, such as theaters and broadcasters, rather than through the wholesale and retail distribution chain. When the product is in a mass-produced form, NAICS treats production and distribution as

^T—Canadian, Mexican, and United States industries are comparable.

713 Amusement, Gambling, and Recreation Industries^T

Industries in the Amusement, Gambling, and Recreation Industries subsector (1) operate facilities where patrons can primarily engage in sports, recreation, amusement, or gambling activities and/or (2) provide other amusement and recreation services, such as supplying and servicing amusement devices in places of business operated by others; operating sports teams, clubs, or leagues engaged in playing games for recreational purposes; and guiding tours without using transportation equipment.

This subsector does not cover all establishments providing recreational services. Other sectors of NAICS also provide recreational services. Providers of recreational services are often engaged in processes classified in other sectors of NAICS. For example, operators of resorts and hunting and fishing camps provide both accommodation and recreational facilities and services. These establishments are classified in Subsector 721, Accommodation, partly to reflect the significant costs associated with the provision of accommodation services and partly to ensure consistency with international standards. Likewise, establishments using transportation equipment to provide recreational and entertainment services, such as those operating sightseeing buses, dinner cruises, or helicopter rides, are classified in Sector 48-49, Transportation and Warehousing.

The industry groups in this subsector highlight particular types of activities: amusement parks and arcades, gambling industries, and other amusement and recreation industries. The groups, however, are not all-inclusive of the activity. The Gambling Industries industry group does not provide for full coverage of gambling activities. For example, casino hotels are classified in Subsector 721, Accommodation; and horse and dog racing tracks are classified in Industry Group 7112, Spectator Sports.

7131 Amusement Parks and Arcades^T

This industry group comprises establishments primarily engaged in operating amusement parks and amusement arcades and parlors.

71311 Amusement and Theme Parks^T

See industry description for 713110.

713110 Amusement and Theme Parks

This industry comprises establishments, known as amusement or theme parks, primarily engaged in operating a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds. These establishments may lease space to others on a concession basis.

Cross-References. Establishments primarily engaged in--

- Operating mechanical or water rides on a concession basis in amusement parks, fairs, and carnivals or operating a single attraction, such as a waterslide--are classified in Industry 713990, All Other Amusement and Recreation Industries;
- Operating refreshment stands on a concession basis--are classified in Industry 72251, Restaurants and Other Eating Places;
- Supplying and servicing coin-operated amusement (except gambling) devices in places of business operated by others--are classified in Industry 713990, All Other Amusement and Recreation Industries;
- Supplying and servicing coin-operated gambling devices (e.g., slot machines or video gambling terminals) in places of business operated by others--are classified in Industry 713290, Other Gambling Industries; and
- Organizing, promoting, and/or managing events, such as carnivals and fairs, with or without facilities--are classified in Industry Group 7113, Promoters of Performing Arts, Sports, and Similar Events.

71312 Amusement Arcades^T

See industry description for 713120.

^T—Canadian, Mexican, and United States industries are comparable.

713120 Amusement Arcades

This industry comprises establishments primarily engaged in operating amusement (except gambling, billiard, or pool) arcades and parlors.

Cross-References. Establishments primarily engaged in--

- Supplying and servicing coin-operated amusement (except gambling) devices in places of business operated by others or in operating billiard or pool parlors--are classified in Industry 713990, All Other Amusement and Recreation Industries;
- Operating bingo, off-track betting, or slot machine parlors or in supplying and servicing coin-operated gambling devices (e.g., slot machines or video gambling terminals) in places of business operated by others--are classified in Industry 713290, Other Gambling Industries;
- Operating casinos (except casino hotels)--are classified in Industry 713210, Casinos (except Casino Hotels); and
- Operating casino hotels--are classified in Industry 721120, Casino Hotels.

7132 Gambling Industries^T

This industry group comprises establishments (except casino hotels) primarily engaged in operating gambling facilities, such as casinos, bingo halls, and video gaming terminals, or in the provision of gambling services, such as lotteries and off-track betting. Casino hotels are classified in Industry 72112, Casino Hotels.

71321 Casinos (except Casino Hotels)^T
See industry description for 713210.

713210 Casinos (except Casino Hotels)

This industry comprises establishments primarily engaged in operating gambling facilities that offer table wagering games along with other gambling activities, such as slot machines and sports betting. These establishments often provide food and beverage services. Included in this industry are floating casinos (i.e., gambling cruises, riverboat casinos).

Cross-References. Establishments primarily engaged in--

- Operating bingo, off-track betting, or slot machine parlors or in supplying and servicing coin-operated gambling devices, such as slot machines and video gaming terminals, in places of business operated by others--are classified in Industry 713290, Other Gambling Industries; and
- Operating casino hotels--are classified in Industry 721120, Casino Hotels.

71329 Other Gambling Industries^T
See industry description for 713290.

713290 Other Gambling Industries

This industry comprises establishments primarily engaged in operating gambling facilities (except casinos or casino hotels) or providing gambling services.

Illustrative Examples:

Bingo, off-track betting, or slot machine parlors
Coin-operated gambling device concession operators
(i.e., supplying and servicing in others' facilities)

Bookmakers
Lottery ticket sales agents (except retail stores)
Card rooms (e.g., poker rooms)

^T—Canadian, Mexican, and United States industries are comparable.

Cross-References. Establishments primarily engaged in--

- Operating casinos--are classified in Industry 713210, Casinos (except Casino Hotels);
- Operating casino hotels--are classified in Industry 721120, Casino Hotels;
- Operating facilities with coin-operated amusement (except gambling) devices--are classified in Industry 713120, Amusement Arcades;
- Supplying and servicing coin-operated amusement (except gambling) devices in places of business operated by others--are classified in Industry 713990, All Other Amusement and Recreation Industries; and
- Operating racetracks or presenting live racing or sporting events--are classified in Industry 71121, Spectator Sports.

7139 Other Amusement and Recreation Industries^T

This industry group comprises establishments primarily engaged in operating golf courses and country clubs; skiing facilities; marinas; fitness and recreational sports centers; bowling centers; and providing other amusement and recreation services.

71391 Golf Courses and Country Clubs^T

See industry description for 713910.

713910 Golf Courses and Country Clubs

This industry comprises (1) establishments primarily engaged in operating golf courses (except miniature) and (2) establishments primarily engaged in operating golf courses, along with dining facilities and other recreational facilities that are known as country clubs. These establishments often provide food and beverage services, equipment rental services, and golf instruction services.

Cross-References. Establishments primarily engaged in--

- Operating driving ranges and miniature golf courses--are classified in Industry 713990, All Other Amusement and Recreation Industries; and
- Operating resorts where golf facilities are combined with accommodations--are classified in Industry Group 7211, Traveler Accommodation.

71392 Skiing Facilities^T

See industry description for 713920.

713920 Skiing Facilities

This industry comprises establishments engaged in (1) operating downhill, cross country, or related skiing areas and/or (2) operating equipment, such as ski lifts and tows. These establishments often provide food and beverage services, equipment rental services, and ski instruction services. Four season resorts without accommodations are included in this industry.

Cross-References.

Establishments primarily engaged in operating resorts where skiing facilities are combined with accommodations are classified in Industry Group 7211, Traveler Accommodation.

71393 Marinas^T

See industry description for 713930.

^T—Canadian, Mexican, and United States industries are comparable.

713930 Marinas

This industry comprises establishments, commonly known as marinas, engaged in operating docking and/or storage facilities for pleasure craft owners, with or without one or more related activities, such as retailing fuel and marine supplies; and repairing, maintaining, or renting pleasure boats.

Cross-References. Establishments primarily engaged in--

- Building ships--are classified in U.S. Industry 336611, Ship Building and Repairing;
- Building boats--are classified in U.S. Industry 336612, Boat Building;
- Renting pleasure boats--are classified in U.S. Industry 532284, Recreational Goods Rental;
- Repairing pleasure boats--are classified in Industry 811490, Other Personal and Household Goods Repair and Maintenance;
- Retailing marine supplies--are classified in U.S. Industry 441222, Boat Dealers; and
- Retailing fuel for boats--are classified in Industry 447190, Other Gasoline Stations.

71394 Fitness and Recreational Sports Centers^T

See industry description for 713940.

713940 Fitness and Recreational Sports Centers

This industry comprises establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.

Illustrative Examples:

Aerobic dance or exercise centers
Ice or roller skating rinks
Gymnasiums

Physical fitness centers
Handball, racquetball, or tennis club facilities
Swimming or wave pools

Cross-References.

- Establishments primarily engaged in providing non-medical services to assist clients in attaining or maintaining a desired weight are classified in U.S. Industry 812191, Diet and Weight Reducing Centers;
- Establishments primarily engaged in providing personal fitness training services are classified in Industry 812990, All Other Personal Services;
- Establishments primarily engaged in operating health resorts and spas where recreational facilities are combined with accommodations are classified in Industry 721110, Hotels (except Casino Hotels) and Motels; and
- Recreational sports clubs (i.e., sports teams) not operating sports facilities are classified in Industry 713990, All Other Amusement and Recreation Industries.

71395 Bowling Centers^T

See industry description for 713950.

713950 Bowling Centers

This industry comprises establishments engaged in operating bowling centers. These establishments often provide food and beverage services.

71399 All Other Amusement and Recreation Industries^T

See industry description for 713990.

^T—Canadian, Mexican, and United States industries are comparable.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: February 13, 2020

Subject: Sterling Creek Section 4 Final Plat

Action: Significant

SUMMARY / ORIGINATING CAUSE

Sterling Creek Section 4 is a residential subdivision consisting of 24 lots. The preliminary plat was approved by the Planning and Zoning Commission on December 12, 2019.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, Parks and Police Department. The proposed plat appears to be in compliance with current City codes. The plat is subject to approval by the Planning and Zoning Commission.

ATTACHMENTS

1. Sterling Creek Section 4 Compliance Memo
2. Sterling Creek Section 4 Final Plat pg 1
3. Sterling Creek Section 4 Final Plat pg 2

Memo

To: Planning and Zoning Commission

From: Becky Bennett, Development Coordinator

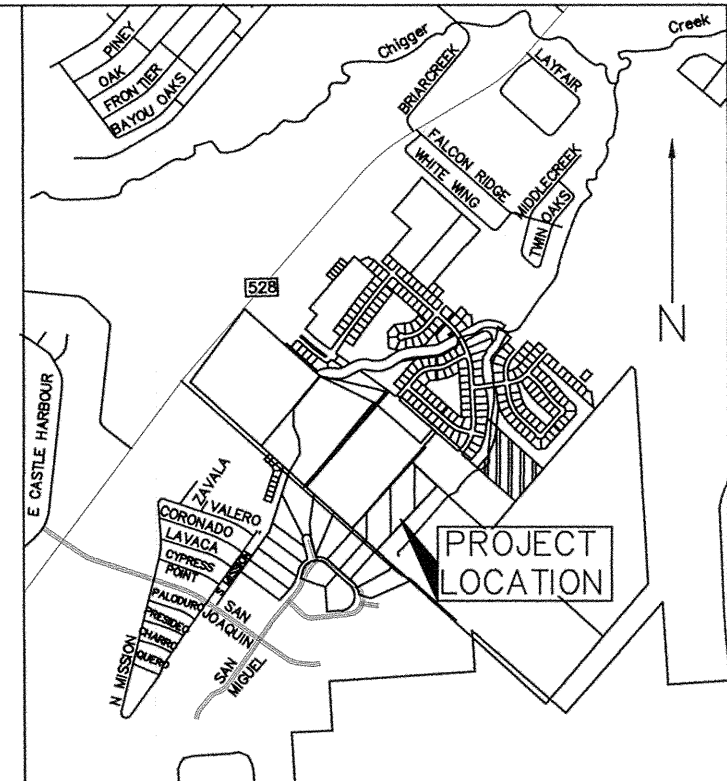
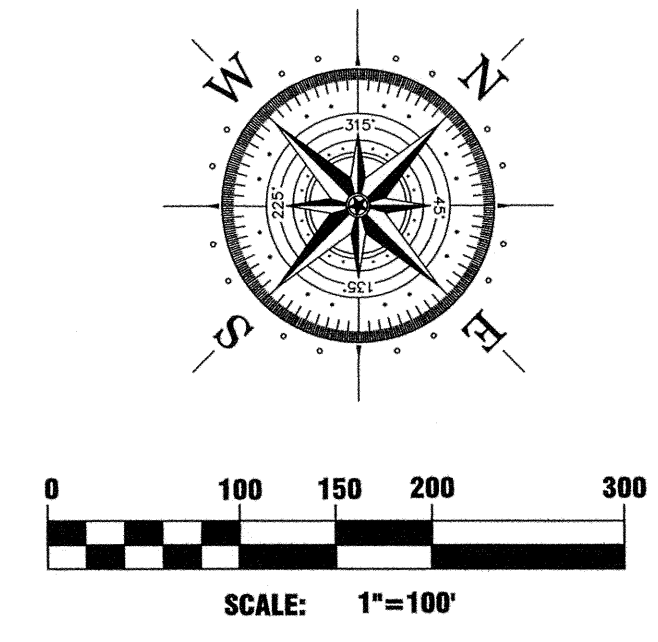
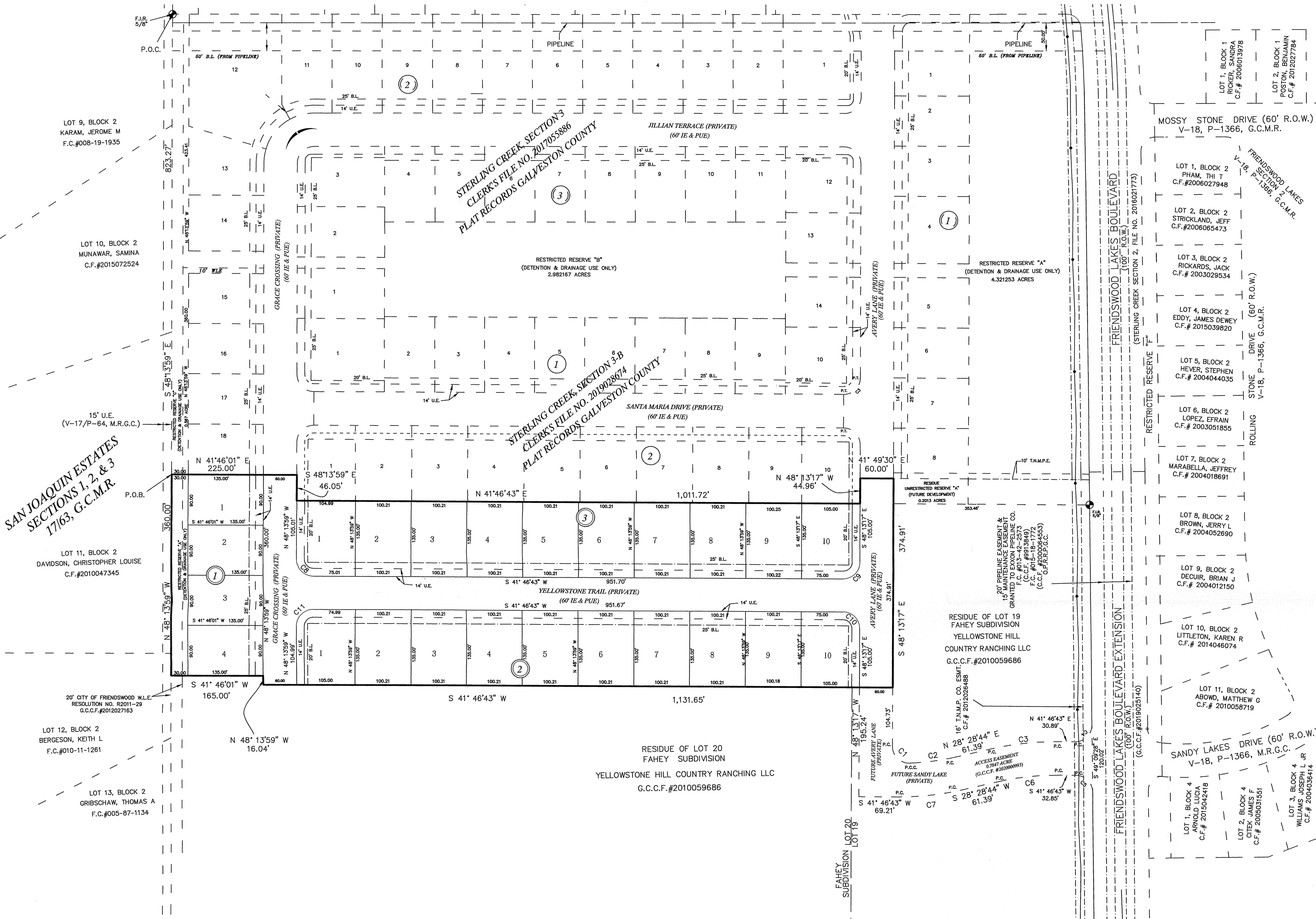
Date: January 29, 2020

Re: Sterling Creek Section 4 Final Plat

Project Description: The preliminary plat was approved by the Commission on December 12, 2019. Sterling Creek Section 4 is a residential subdivision consisting of 24 lots.

The plans were 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.

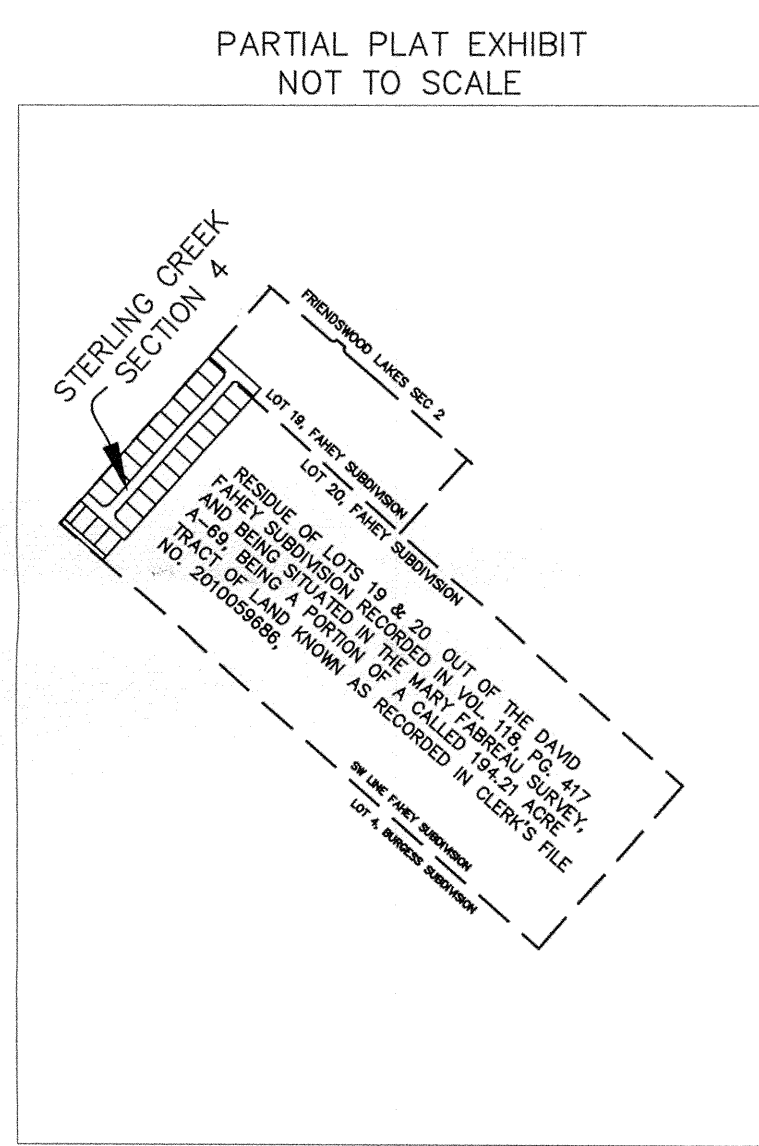
The plan is subject to approval by the Planning and Zoning Commission.



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	13526.36	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°35'28"
C3	530.00'	123.03'	122.75'	S 35°07'44" E	13°17'59"
C4	30.00'	47.81'	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



FINAL 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 LOT

DATE SUBMITTED: JANUARY 27 2020

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, 2020.

BENCHMARK
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)
BOX CUT IN CURB INLET, LOCATED IN EAGLE CREEK DRIVE ROW AND AS SHOWN ON PLANS. NGVD 1929, 1976 ADJUSTED

CITY OF FRIENDSWOOD REGULATION MATRIX											
YARDS-MINIMUM FEET											
CURRENT ZONE	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. SIDE YARD SETBACK (FEET)	MIN. SIDE YARD SETBACK (FEET)	MAX BUILDING HEIGHT (FEET)	MAX LOT COVERAGE (%)
SFR	2.7	11,600	90.4	25.8	25	25.4	20.0	10.0	40	K	NO

- NOTES:
1. LOTS OF LESS THAN 120 FEET WIDE REQUIRE CURBS. LOTS 120 FEET WIDE OR GREATER MAY USE OPEN DITCHES.
 2. THIRTY-FIVE FEET ON THOROUGHFARES.
 3. TWENTY-FIVE FEET ON THOROUGHFARES.
 4. 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.
 5. 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
- PIPELINE
- EASEMENT
- BUILDING LINE

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 SHERRIDAN, PE, R.P.L.S.
P.O. Box 1549
ALVIN, TX 77512
(281) 968-7468

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



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, JANUARY 23, 2020 - 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, JANUARY 23, 2020, AT 07:01 PM 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS,

CHAIRMAN JOE MATRANGA
COMMISSIONER RICHARD CLARK
COMMISSIONER ERIC GUENTHER
COMMISSIONER MARCUS PERRY
DEVELOPMENT COORDINATOR BECKY BENNETT

ABSENT: SASSON, BANFIELD, LUNDQUIST

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.

** Clark moved to approve minutes as published. Seconded by Guenther. The motion was approved unanimously. Bennett later verified with the Commissioners their intent was to approve the consent agenda including both the 1-9-2020 minutes and the final plat of Clear Creek Community Church.

A. Minutes for the regular meeting held January 9, 2020

B. Final Plat of Clear Creek Community Church at Friendswood

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

A. February 13 - Regular Meeting
February 27 - Regular Meeting

5. Communications

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

No comments.

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

No comments.

C. From Staff - commercial and residential project updates, City Council action and ordinance updates

No comments.

6. Adjournment

This meeting was adjourned at 07:04 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: February 13, 2020

Subject: Consideration and possible action regarding a proposed site plan amendment at 107 W. Heritage Drive, to amend the type of fence material

Action: Significant

SUMMARY / ORIGINATING CAUSE

Alterations to the site at 107 E Heritage Dr. were approved previously, including a car port and a new fence to be constructed of wood. After receiving information from several contractors that a wood fence would be too heavy for the sliding gate mechanisms, the owner is requesting a R Panel fence which would match the building both in material and color and be a much lighter material.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

The proposed material would last longer and will match the building.

RECOMMENDATIONS

The material would match the building which meets the requirement of the ordinance. Approval is subject to the Planning and Zoning Commission.

ATTACHMENTS

1. Written Request from Owner
2. r panel sample 1
3. r panel sample 2
4. r panel sample 3
5. r panel sample 4
6. 107 W Heritage Site & Landscape Plan
7. 107 W Heritage - Photo of existing fence

From: [Nick Grindstaff](#)
To: [Becky Bennett](#)
Subject: [EXTERNAL]Re: 107 W Heritage - fence
Date: Thursday, February 6, 2020 11:18:38 AM
Attachments: [r panel 2.png](#)

Becky,

I would like to please submit this written request for consideration at the upcoming Planning and Zoning Commission meeting. Originally a variance was provided for the project at 107 West Heritage allowing for a wooden cedar fence and gates to be constructed on the property. In conversations with numerous contractors, there is high concern regarding the weight of the wood on the 8X12 gates that the project requires. There are 3 of these large gates, with the concern being that the weight of the wood will place the gates in a non functioning and cosmetically unappealing state in the near term. I would like to ask please if it would be possible to use R panel siding that is consistent in color and type to the siding used on the building. This will be done by a local professional contractor and in my respectful opinion will be more cosmetically pleasing than the cedar fence that has been approved. It also provides a needed solution to the weight issue. I have attached a few pictures of these types of fences and gates. They are not the color I would use because again I would match to the existing building but they do provide a general reference to the design and appearance. Thanks to you and the Planning and Zoning Commission for the consideration.

On Mon, Feb 3, 2020 at 7:28 PM Nick Grindstaff <ngrind1962@gmail.com> wrote:

Thank you Becky for this. Let me see what I can do. My contractor is also considering stronger framing materials. Thank you for helping me very much. I will let you know...
Sent from my iPad

On Feb 3, 2020, at 2:59 PM, Becky Bennett <bbennett@ci.friendswood.tx.us> wrote:

Nick,

In regards to the weight concern of the proposed fence/gate, you could request a site plan amendment from the Planning and Zoning Commission. There is no fee or application, just a written request along with a rendering of the proposed material/design (brochure, pictures, etc.) The Commission meets next Thursday at 7:00pm. I realize it's short notice but we could squeeze into that meeting if you could get me those documents by the end of this week. Otherwise, the following meeting would be two weeks after that.

-

Let me know if you have any questions.

-

Becky Bennett

Development Coordinator

City of Friendswood – Planning Dept.

910 S. Friendswood Dr.

Friendswood, TX 77546

281-996-3290

-

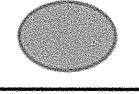








Plant List

Symbol	Quantity	Common Name	Botanical Name	Type
	2	Wax Myrtle	Myrica cerifera	Tree
	17	Wax Ligustrum	Ligustrum japonicum	Shrub

GENERAL NOTES

1. Approval of the site plan will expire one year after the approval of the site plan by the Commission. Upon expiration of that time, the applicant must resubmit a site plan that conform to current ordinances. Provided, however, the applicant may request an extension in writing, which may be granted by the Commission for a period not to exceed a total of six (6) months
2. This property is located within the Community Overlay District and the site will comply with the city ordinances in the COD
3. The proposed site is located in Zone X as shown on FEMA Panel 4854680005 E dated September 22, 1999
4. The topographic information shown hereon established using RTK GPS observation and based from 4 459 with an observed elevation of 26.34 feet, NAVD Datum, 1978 adj.

CALCULATION TABLES

PARKING TABLE

- 03 No. of spaces required for 3,000 sq.ft convered parking
04 No. of spaces providedincluding 1 handicap parking
PARKING USE CATEGORY (from Design Criteria Manual) Warehousing & Storage
one space for each 1,000 sq.ft.

Provide detailed calculation from Parking Group Table in the DCM. If multiple uses are proposed, provide calculations for each use.

EXAMPLE:
Retail Trade - 1,000 square feet GFA
1,000/4 spaces = 4 required parking spaces
4 parking spaces provided

LANDSCAPE TABLE - COMMUNITY OVERLAY DISTRICT

Small Parking Lot (20 cars or less)
Total Area of Parking & Driveways (Area) 2,000 X 15% = 300 sq. ft Landscaping Area Required
750 sq. ft Landscaping Area Provided

1 tree (Class 1 or 2) per 250sqft of landscape area required
No. of trees required: 2
No. of trees provided: 2

OR Large Parking Lot (more than 20 cars)
Total area of Parking & Driveways (area) X 20% = Landscape Area Required
Landscape Area Provided

Required landscaping multiplied by .50 = Landscape area in Islands Required
Landscape area in Islands Provided
*1 tree required per island

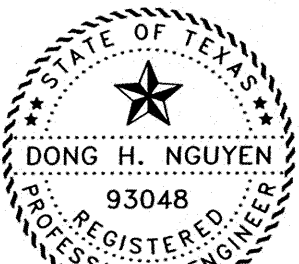
AND Perimeter Landscaping: 1 tree per 30 linear feet for property lines not requiring a landscape buffer
Perimeter Trees Required: 17 per 517 linear feet
Perimeter Trees Provided: 17

PLUS Landscape Buffers (along ROWs and/or to separate uses per Subsection 8.1)
Buffer Width: Minimum 15 feet
Requires 1 tree planted every 25 linear feet; minimum 2" caliper tree measured 18 inches above natural ground level

NO.	DATE	DESCRIPTION	APPROVED
REVISIONS			

DESIGNED DN
DRAWN SSB
CHECKED
DATE

AL&B ENGINEERING SERVICES, LLC
9119 Highway 6, Suite 230 #233
Missouri City, Texas 77459
Phone : (979)264-3510
Firm Registration Number: F-13495



The seal appearing on this document was authorized by
DONG H. NGUYEN
P.E. 93048
Date: 11/20/18

OWNER:
NICK GRINDSTAFF
107 WEST HERITAGE DRIVE
FRIENDSWOOD, TX 77546

PLAN:
PROFILE:
HORIZONTAL:
VERTICAL:

PROPOSED
COVERED PARKING STRUCTURE
107 WEST HERITAGE DRIVE
FRIENDSWOOD, TX 77546

PROPOSED
LANDSCAPE
PLAN





FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: February 13, 2020

Subject: Consideration and possible action regarding site plan approval for a proposed gas station at 2210 S. Friendswood Drive (This site plan was approved previously, as well as an extension, but the extension expired requiring a new approval.)

Action: Significant

SUMMARY / ORIGINATING CAUSE

The proposed gas station and convenience store was originally approved by the Commission June 21, 2018 and then issued a one-time, six-month extension July 11, 2019. Work has yet to begin and the extension has expired. Zoning Ordinance Section 9.H.5. states an applicant must resubmit a site plan that conforms to current ordinances upon expiration.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Approval of the extension will allow the owner to progress with development of the site.

RECOMMENDATIONS

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, and Police Department and remain unchanged. The proposed project appears to be in compliance with current City codes with the following exceptions:

- 1) Mitigation needed for 12 trees. Payment into tree fund required prior to Certificate of Occupancy.

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

ATTACHMENTS

1. Cover_2210 S Friendswood Dr
2. Site Plan_2210 S Friendswood Dr
3. Landscape_2210 S Friendswood Dr
4. Tree Survey_2210 S Friendswood Dr
5. Elevations_2210 S Friendswood Dr
6. Elevations side_2210 S Friendswood Dr
7. Dumpster_2210 S Friendswood Dr
8. Retail Elevations_2210 S Friendswood Dr
9. Canopy_2210 S Friendswood Dr
10. Photometric_2210 S Friendswood Dr
11. Ranch Express Compliance Memo

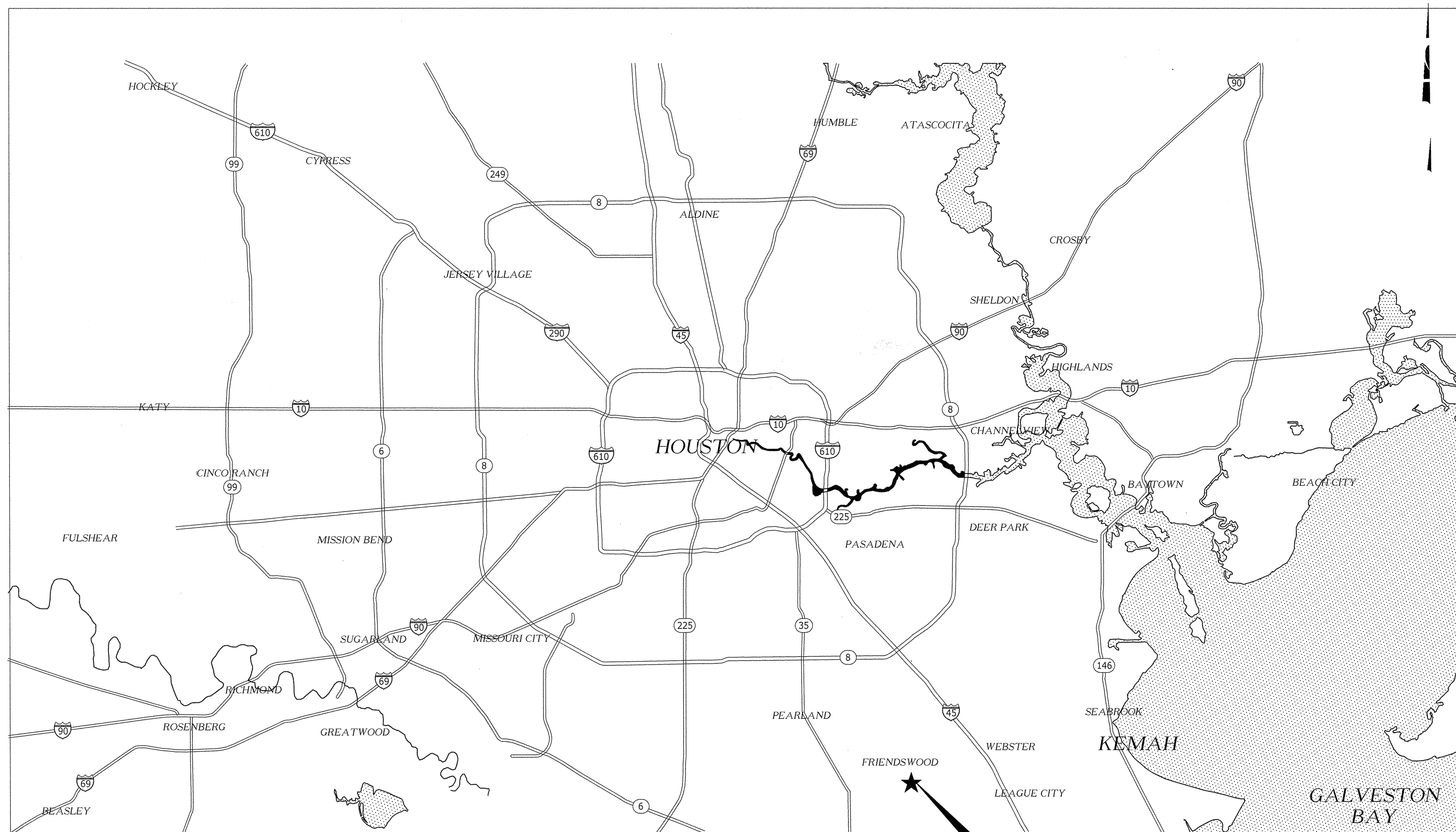
”RANCH EXPRESS”

@ 2210 FRIENDSWOOD DRIVE
FRIENDSWOOD, TEXAS 77546

CONSTRUCTION OF NEW COMMERCIAL FACILITY -
NEW CONVENIENCE STORE WITH RETAIL FUEL and RETAIL CENTER

PACIFICUS
PROFESSION ASSOCIATION
Consultants & Project Managers
PH: (281) 898-4069
5821 S.W. FRWY
HOUSTON, TEXAS 77057

DOUGLAS MILLER
FIRM No. 9837 P.E. 78419
Brian Baca
Consulting Designer
PH: (713) 480-6500



LOCATION MAP

SCALE: 1" = 2 MILES



VICINITY MAP

SCALE: 1" = 1/2 Mile

Galveston County Consolidated Drainage District

1. Contact the DISTRICT 48 hours, prior to commencing construction and upon completion for final inspection.
2. Buildings, Fences or other structures shall not be erected in the District Right-Of-Ways or other Drainage Easements.
3. The Detention and Drainage Facilities are to be maintained by the property owner. Use this note for Private or Single Lot System ONLY.
4. The Detention facility is to be maintained by the DISTRICT provided that the DISTRICT has Approved the construction of the facility. The Developer has Paid the required Fee. The Site and Access has been Deeded to the DISTRICT in fee, and subject to Approval by the Board.
5. All Drainage Facilities shall have erosion control established upon completion. Contractor to provide the DISTRICT with proposed Grass Type, Application Rate and Method for approval prior to commencing. Grass shall be 95% germinated prior to acceptance of the facility.
6. Plantings, Flower Beds or other Landscaping is not permitted within side lot drainage or Detention Easements.
7. Building Permit shall be applied for until all Drainage and Detention Facilities are constructed, Inspected and Approved by the DISTRICT.
8. DISTRICT Personnel shall have the right to enter upon the property and conduct interim inspections as required.
9. No permanent improvements including: Landscaping, Paving, Trees, Sprinklers, Utilities, Playgrounds Equipment, Park Benches, Tables, Sports Fields, Piers, or Walkways shall be constructed within the detention facility without the approval of the DISTRICT.

Signature Block
For Preliminary Drainage Plans

Approved by the GALVESTON COUNTY CONSOLIDATED DRAINAGE DISTRICT

Director _____ Date _____

Director _____ Date _____

The approval granted by these signatures does not constitute the District's approval for granting of any construction or building permits. This Preliminary approval shall expire in six (6) months.



PATRICK DONART, P.E., CFM PUBLIC WORKS DIRECTOR/ CITY ENGINEER	DATE
---	------

FERNIE BARNER, CFM DEPUTY DIRECTOR OF PUBLIC WORKS	DATED
---	-------

NOTE:
THIS IS TO CLARIFY THAT THE ABOVE SIGNED HAVE REVIEWED ALL SHEETS PROVIDED AND FOUND THEM TO BE IN GENERAL COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED BY THE CITY OF FRIEDENWOOD. THIS APPROVAL IS ONLY VALID FOR THREE HUNDRED SIXTY FIVE (365) CALENDAR DAYS. PLEASE NOTE, THIS DOES NOT NECESSARILY MEAN THAT THE CALCULATIONS CHECKED IN THE PLANS AND HAVE BEEN COMPLETELY CHECKED AND VERIFIED. THE PLANS SUBMITTED HAVE BEEN PREPARED, REVIEWED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED TO PRACTICE ENGINEERING IN THE STATE OF TEXAS, WHICH CONFERS THE ENGINEER'S RESPONSIBILITY AND ACCOUNTABILITY.

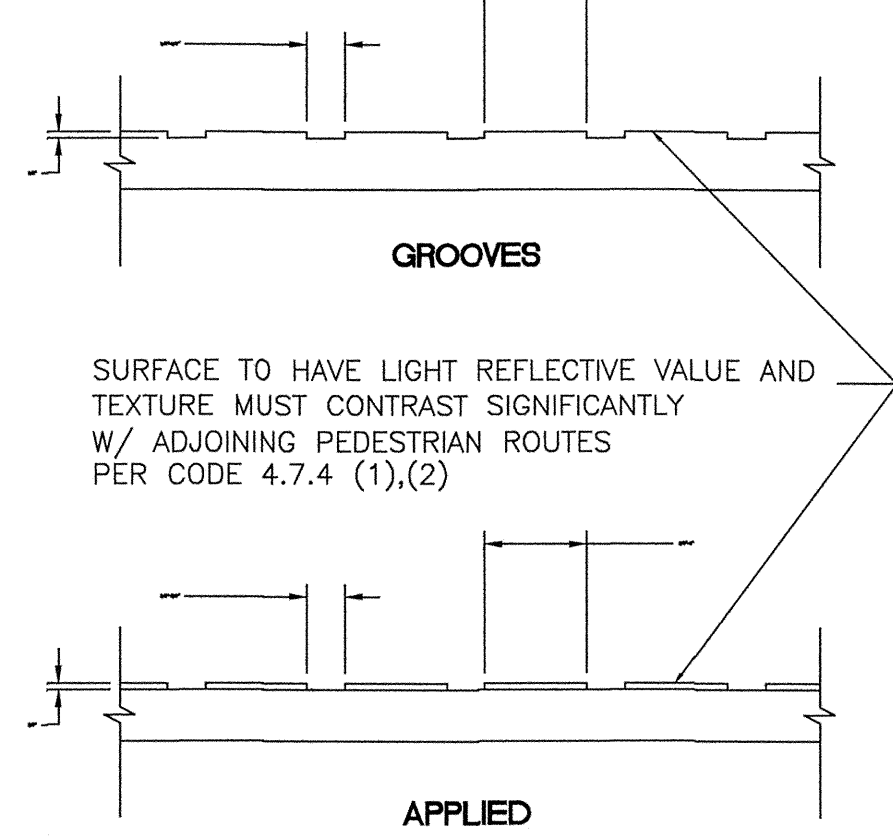
EXPIRATION DATE: JULY 31, 2017



VICINITY MAP

SCALE: 1"=1/2 Mile

CURB RAMP DETAIL



PARKING ANALYSIS

RETAIL C-STORE 4,800/1000x4=(19 req); 19 provided
4 PER 1,000 GFS REQUIRED
FUEL DISPENSERS 12 req; 12 provided
1 PER SIDE OF FUEL DISPENSER REQUIRED
RETAIL LEASE SPACE 8,560/1000x4=(34 req); 34 provided
4 PER 1,000 GFS REQUIRED
TOTAL PARKING REQ. = 65; PROVIDE-(75)

F.E.S.

FIRE EXTINGUISHER STATION
SURFACE MOUNTED ON WALL AT BOTH SIDES OF
CONVENIENCE STORE AT LOCATIONS SHOWN.
MINIMUM 75'-0" FROM ALL FUEL DISPENSERS
(TYPICAL)

"SIGNAGE" @ DISPENSERS

IFC 2012, SECTION 2402.3.5 -
EMERGENCY PROCEDURES
IN CASE OF FIRE, SPILL OR RELEASE
1. USE EMERGENCY PUMP SHUT-OFF
2. REPORT THE ACCIDENT
FIRE DEPARTMENT TELEPHONE No:
(281) 996 - 3360
FACILITY ADDRESS: 1610 Harold Whitaker Dr.
FRIENDSWOOD, Tx 77546

"ONE WAY" SIGNAGE

CONTRACTOR TO PAINT PROPOSED "ENTRY ONLY"
24" LETTERING ON PAVEMENT, IN DRIVEWAY, AS SHOWN
WITH DIRECTIONAL ARROW - "INDUSTRIAL SAFETY YELLOW"
OR COLOR SPECIFIED, & APPROVED BY CITY OF FRIENDSWOOD
POLE MOUNTED "NO EXIT" SIGNS FACING INWARD
FROM PROPERTY, TO INSURE ON-SITE TRAFFIC, DOES
NOT TRY TO EXIT SITE, USING PROPOSED DIRECTIONAL DRIVEWAY.

LARRY TILGER, ET UX
G.C.C.F. NO. 2001052595
(CALL 9.124 ACRES)

8' CMU (BLOCK WALL-PAINTED)
FENCE ALONG PROPERTY LINE
CONTINUOUS AS SHOWN
PER CITY OF FRIENDSWOOD STD. REQ.
(MATERIAL & COLOR TO MATCH BUILDING)

PROPOSED CONTINUOUS SWALE ALONG BERM
TO DRAIN INTO EXISTING DRAINAGE DITCH
SO AS NOT TO NEGATIVELY EFFECT NATURAL
OVERLAND FLOW OF STORM WATER FROM
NEIGHBORING PROPERTIES

PROPOSED REAR EGRESS
WITH EMERGENCY EXIT SIGN-
& EMERGENCY LIGHTING OUTSIDE
EGRESS AS PER CITY OF FRIENDSWOOD
STANDARD REQUIREMENTS
(TYPICAL)

"NO EXIT"
SIGN

PROPOSED 1" REDWOOD EXPANSION
JOINT @ PROPERTY LINE
W/ PETROLEUM RESISTANT
JOINT SEALING COMPOUND

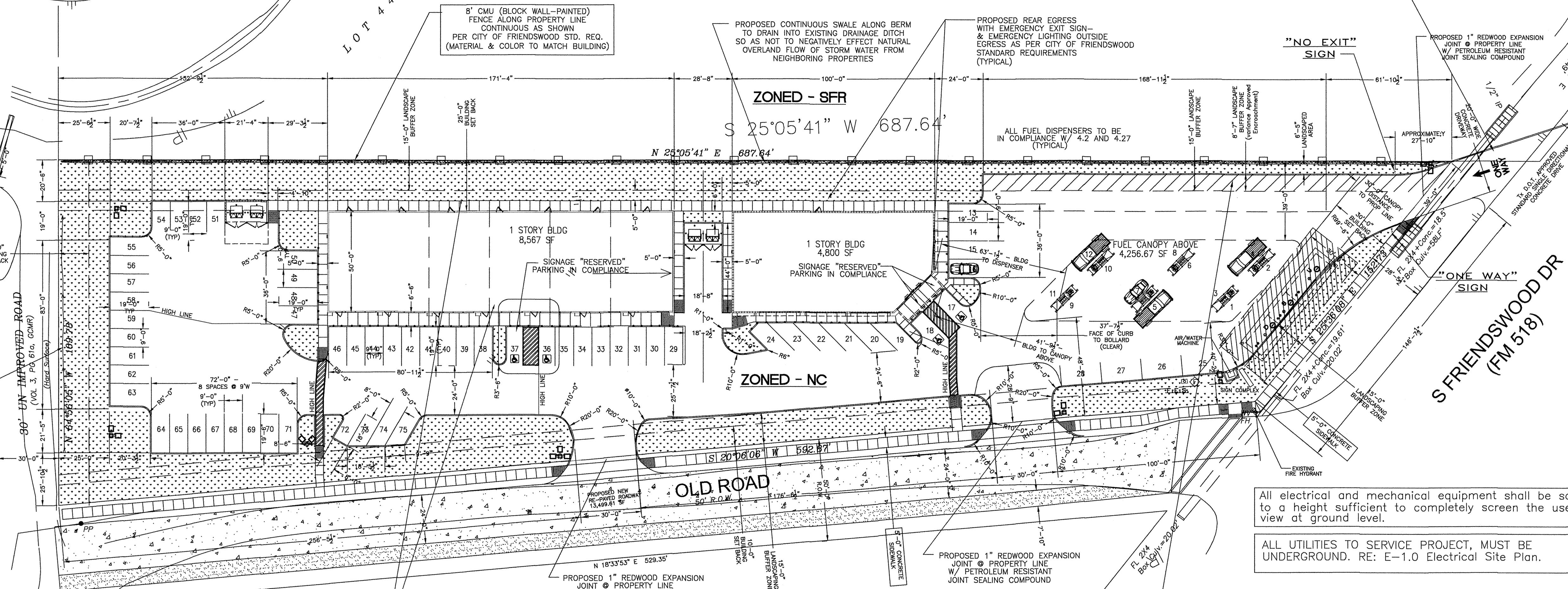
EXP-MUD #33
WEST BRANCH MGMT. DISTRICT

DONALD SEYFERT, ET UX
G.C.C.D. NO. 2000039884
(CALL 4.01 ACRES)

ZONED - SFR

PROPOSED SWALE CONTINUOUS
TO DRAIN INTO EXISTING DRAINAGE DITCH
SO AS NOT TO NEGATIVELY EFFECT NATURAL
OVERLAND FLOW OF STORM WATER FROM
NEIGHBORING PROPERTIES

90' UN IMPROVED ROAD
(VOL. 3, PG. 616, GCMR)



S FRIENDSWOOD DR
(FM 518)

All electrical and mechanical equipment shall be screened
to a height sufficient to completely screen the use from
view at ground level.

ALL UTILITIES TO SERVICE PROJECT, MUST BE
UNDERGROUND. RE: E-1.0 Electrical Site Plan.

CITY OF FRIENDSWOOD NOTES:

Approval of the site plan will expire one year
after the approval of the site plan by the
Commission. Upon expiration of that time,
the applicant must resubmit a site plan that
conforms to current ordinances. Provided,
however, the applicant may request an
extension in writing, which may be granted by
the Commission, for a period not to exceed
a total of six (6) months.

This project is located in the Community
Overlay District (COD) and the site shall
comply with the city ordinances.

DIMENSIONAL SITE PLAN

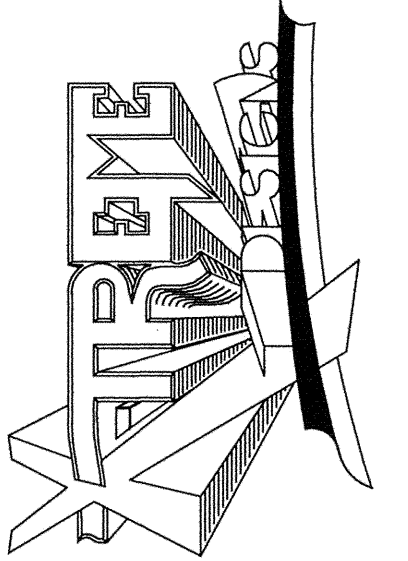
SCALE: 1"=30'-0"
LAND AREA = 90,779.04 SF (2.084 ACRES)

KNOX BOX

FIRE DEPT - KEY ACCESS BOX
SURFACE MOUNTED ON WALL AT BOTH ENCLOSED STRUCTURES
CONVENIENCE STORE AT LOCATIONS SHOWN.
RETAIL BUILDING AT LOCATIONS SHOWN.

LEONDO CAMPOS, JR. ET UX
G.C.C.F. NO. 2409880
(CALL 2.4367 ACRES)
Hatched Area
Landscape Buffer Variance Approved
1,837.55 sf area
Application# ZB0A-2018-0001
Encroachment of Pavement into required landscape
Buffer along interior side yard - Zoning Ordinance Section 7.5.5.e.
Filed February 06, 2018 Recorded Date: February 14, 2018;9:40AM

TRACT "A"
AUTUMN CREEK DEVELOPMENT, LTD
G.C.C.F. NO. 2008021030
(CALL 99.99 ACRES)



DRAWINGS ISSUED FOR:

07-12-17	BEGIN PROJECT
09-11-17	DESIGN SUBMITAL
10-19-17	DESIGN REVISION
01-22-18	VARIANCE REVISION
02-27-18	REV-Variance Approval
04-25-18	REV per City & GCCDD
05-03-18	REV per City
	Issued for Construction

REVISIONS

MAY 05, 2018

NEW CONSTRUCTION of
NEW CONVENIENCE STORE FACILITY
2210 Friendswood Dr.
Friendswood, Texas 77546
A PROJECT OF:
IAA REALTY, INC.

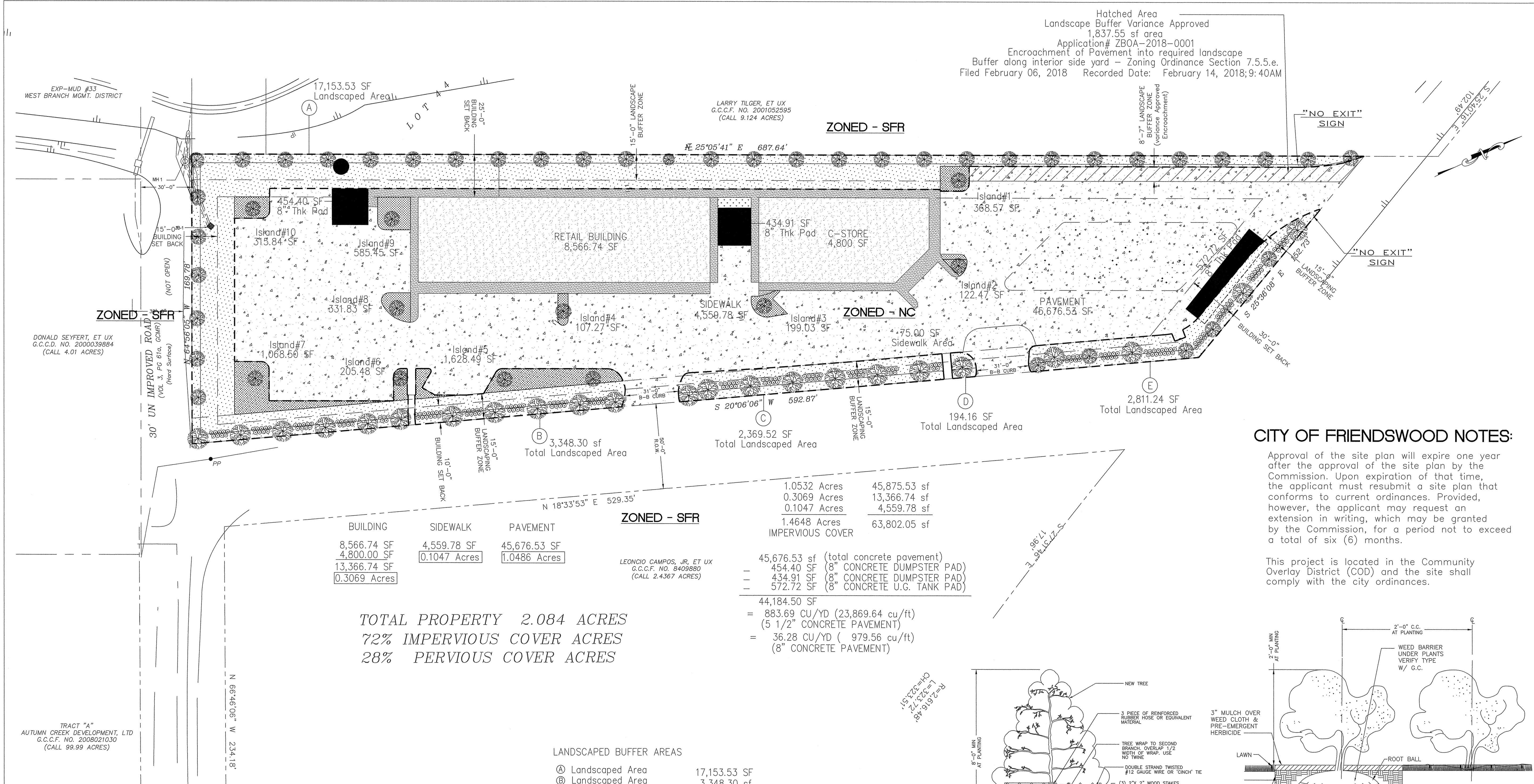
DRAWING TITLE

DIMENSIONAL
SITE PLAN

DWG #

A-1.0

33



LANDSCAPE TABLE - COMMUNITY OVERLAY DISTRICT

Large Parking Lot (more than 20 cars)
Total Area of Parking & Driveways (area) 45,676.53 sf x 20% = 9,135.31 sf Landscaped Area required
30,809.68 SF Landscaped Area provided

Required landscaping 9,135.31 sf x 0.50 = 4,567.66 sf Landscaped Area in Islands required
4,932.93 sf Landscaped Area in Islands provided
*1 Tree required per Island
Landscaped Islands - 10 Required_10 Provided

AND Perimeter Landscaping 1 Tree per 30 linear feet for property lines not requiring Landscape Buffer
Perimeter Trees Required 6 169.78 lf / 30 = 6
Perimeter Trees Provided 6

PLUS Landscape Buffers (along ROWs and/ or to separate uses per Subsection 8.1)

Buffer Width Minimum 15 feet
Requires 1 Tree planted every 25 linear feet; minimum 2" caliper tree measured 18" above natural ground level
592.87 lf + 152.73 lf + 687.64 lf = 1,433.24 / 25 = 57 Trees Req.
57 Trees Provided

LANDSCAPED BUFFER AREAS	
(A) Landscaped Area	17,153.53 SF
(B) Landscaped Area	3,348.30 sf
(C) Landscaped Area	2,369.52 SF
(D) Landscaped Area	194.16 SF
(E) Landscaped Area	2,811.24 SF
	25,876.75 SF
	0.5941 Acres

LANDSCAPED ISLAND AREAS	
Island#1	368.57 SF
Island#2	122.47 SF
Island#3	199.03 SF
Island#4	107.27 SF
Island#5	1,628.49 SF
Island#6	205.48 SF
Island#7	1,068.50 SF
Island#8	331.83 SF
Island#9	585.45 SF
Island#10	315.84 SF

	4,932.93 SF
	0.1132 Acres

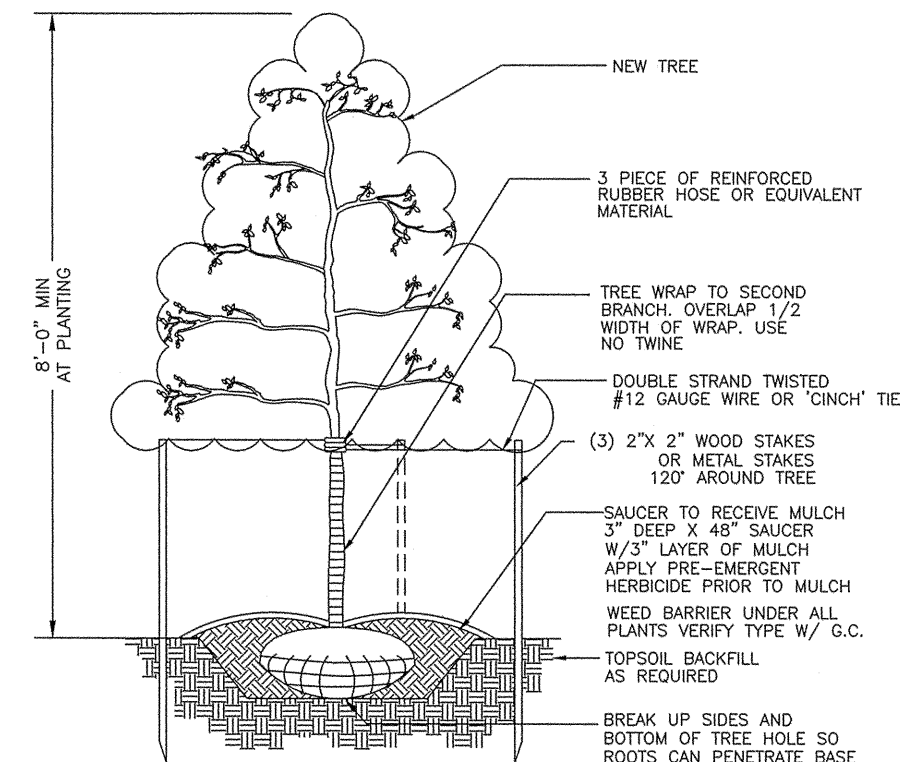
(67% GREEN AREA)
TOTAL LANDSCAPED AREAS PROVIDED
30,809.68 SF
0.7073 Acres

Hatched Area
Landscape Buffer Variance Approved
1,837.55 sf area
Application# ZB0A-2018-0001
Encroachment of Pavement into required landscape
Buffer along interior side yard - Zoning Ordinance Section 7.5.5.e.
Filed February 06, 2018 Recorded Date: February 14, 2018;9:40AM

CITY OF FRIENDSWOOD NOTES:

Approval of the site plan will expire one year after the approval of the site plan by the Commission. Upon expiration of that time, the applicant must resubmit a site plan that conforms to current ordinances. Provided, however, the applicant may request an extension in writing, which may be granted by the Commission, for a period not to exceed a total of six (6) months.

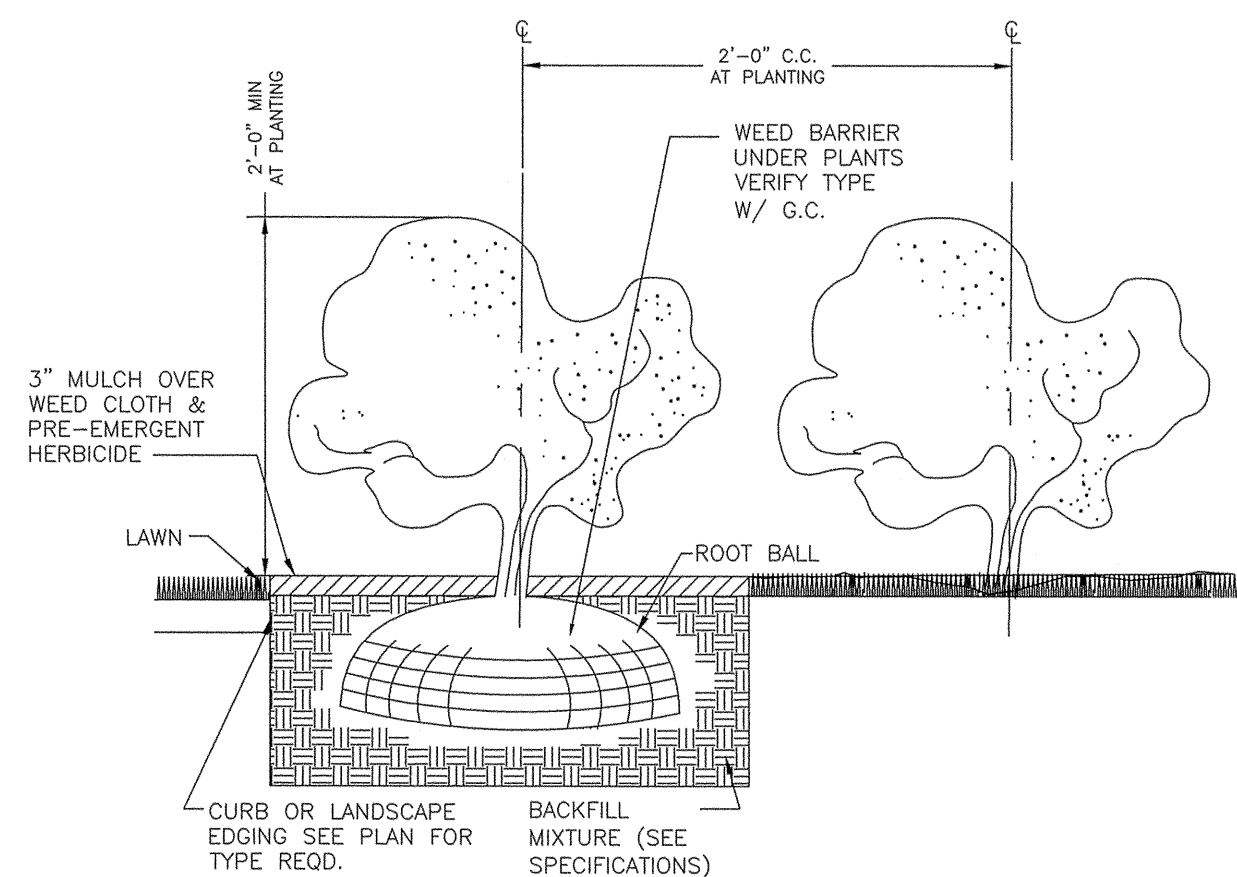
This project is located in the Community Overlay District (COD) and the site shall comply with the city ordinances.



TREE PLANTING AND STAKING
SCALE: NTS.

NOTE:
ALL TREES SHOWN ARE LIVE OAK UNLESS NOTED OTHERWISE
COMMON NAME BOTANICAL NAME
LIVE OAK QUERCUS VIRGINIANA
SHRUBS A. INDIAN HAWTHORNE RAPHIOLEPIS INDICA
B. RED TIP PHOTINIA PHOTINIA GLOBRA
C. WAXLEAF LIGUSTRUM LIGUSTRUM JAPONICUM
SHADE TREES:
LIVE OAK 2 1/2" CAL./30 GAL.

ALL TREES TO BE MINIMUM 8' HEIGHT AT PLANTING
ALL SHRUBS TO BE 24" MINIMUM HEIGHT AND @ 24" O.C. AT PLANTING



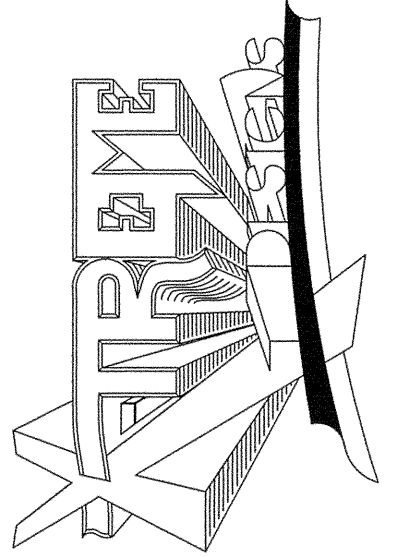
SHRUB PLANTING
SCALE: NTS.

PLANT 24" O.C. TRIANGULAR SPACING DOUBLE ROW LIGUSTRUM SHRUBS
6" CURB

SHRUB PLANTING
NOT TO SCALE

LANDSCAPING SITE PLAN

SCALE: 1"=30'-0"
LAND AREA = 90,779.04 SF (2.084 ACRES)



DRAWINGS ISSUED FOR:	
07-12-17	BEGIN PROJECT
09-11-17	DESIGN SUBMITAL
10-19-17	DESIGN REVISION
02-13-18	VARIANCE REVISION
02-27-18	REV per Variance Approve
03-28-18	REV per Mitigation Adj.
04-25-18	REV per C.O.F.W.
Issued for Construction	

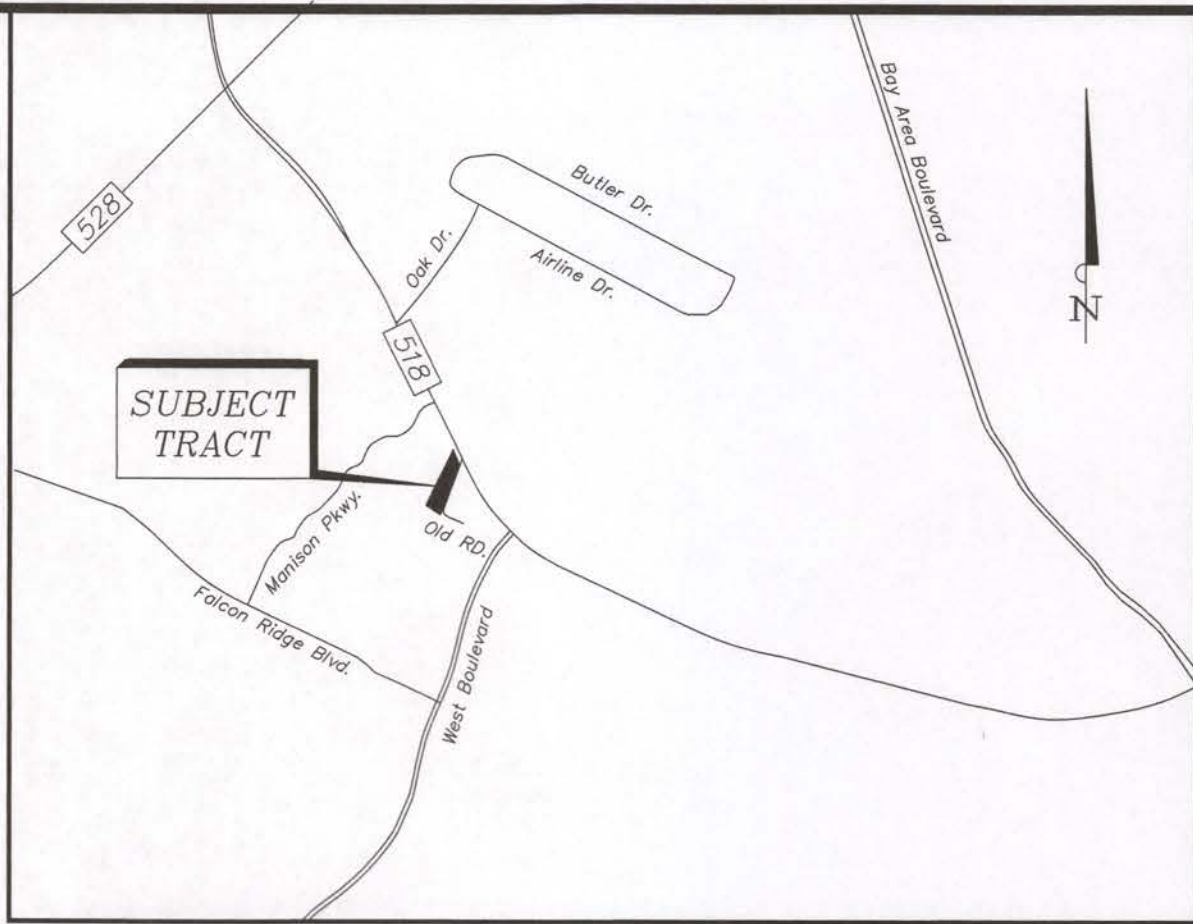
REVISIONS	

APRIL 25, 2018

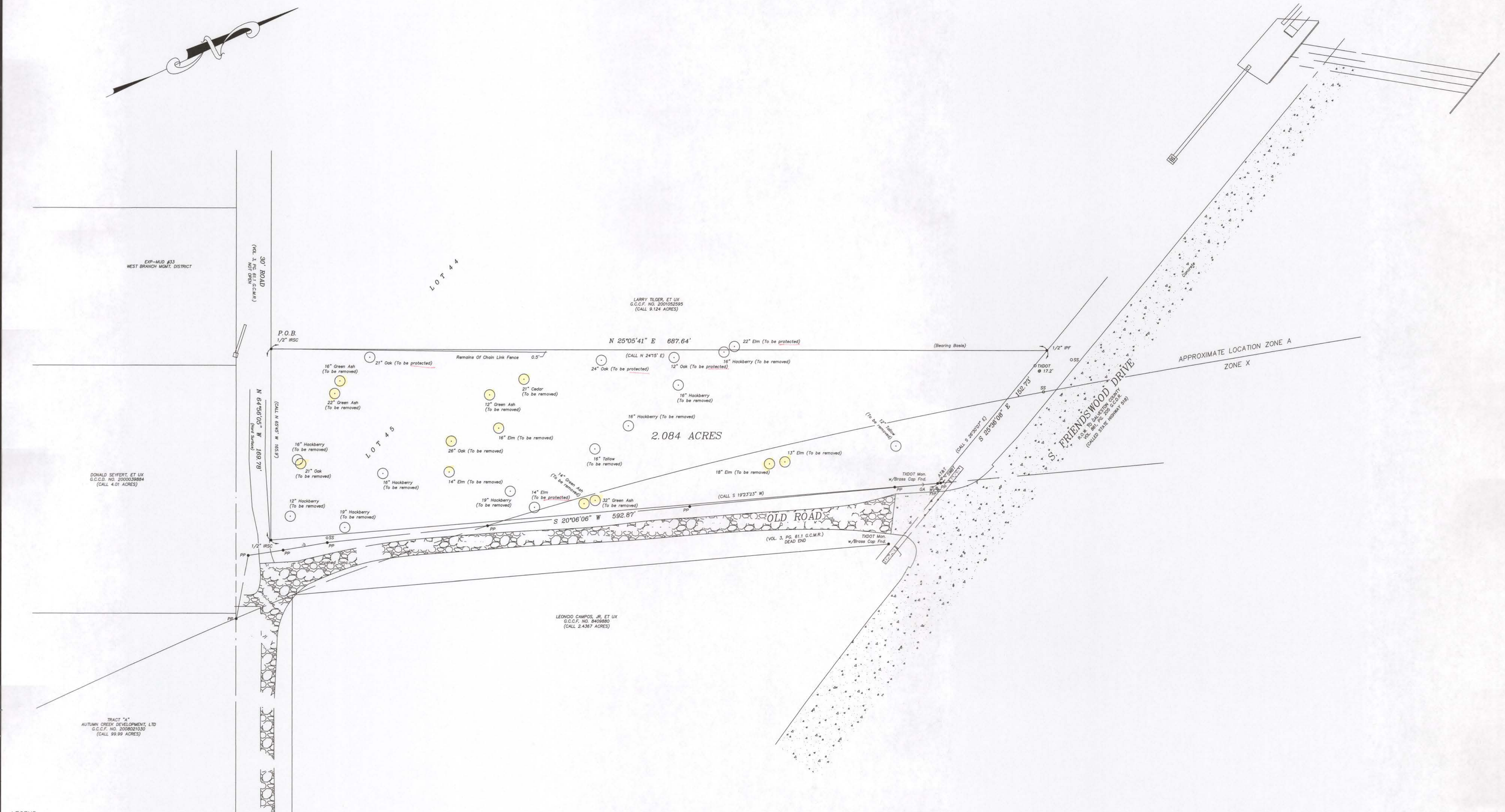
NEW CONSTRUCTION of
NEW CONVENIENCE STORE FACILITY
2210 Friendswood Dr.
Friendswood, Texas 77546
A PROJECT OF:
IAA REALTY, INC.

DRAWING TITLE
LANDSCAPING
SITE PLAN

DWG #
LSC
6



SCALE: 1" = 1/2 Mile



- LEGEND**
- B.L.=Building Line
 - Conc.=Concrete
 - D.E.=Drainage Easement
 - FH=Fire Hydrant
 - FL=Flow Line
 - Fnc.=Fence
 - GA=Guy Anchor
 - Grv.=Gravel
 - HB=High Bank
 - H.C.M.R.=Harris County Map Records
 - IRF=Iron Rod Found
 - IRSC=Iron Rod Set W/Cap
 - IPF=Iron Pipe Found
 - Mon.=Monument
 - Pav.=Paving
 - PP=Power Pole
 - R.O.W.=Right Of Way
 - SS=Street Sign
 - SWBT=Southwestern Bell Telephone
 - TBM=Temporary Bench Mark
 - U.E.=Utility Easement
 - WV=Water Valve

FLOOD STAMP
IT APPEARS THROUGH VISUAL INTERPOLATION THAT ACCORDING TO THE FLOOD INSURANCE RATE MAPS, COMMUNITY-PANEL NO. 485468 0005 E, EFFECTIVE DATE SEPT. 22, 1999, THIS PROPERTY LIES IN ZONE A, AREA OUTSIDE OF DETAILED STUDY.

SCALE: 1" = 50'
DATE
SURVEYED: MARCH 15, 2017
JOB NO. 16-2643

TO: NAVEED GANATRA and KHAWAJA ELAHI, EXCLUSIVELY.
I, TODD J. SLATON, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5082, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND CONFORMS TO THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING MINIMUM STANDARDS ADOPTED SEPTEMBER 1, 1992, THE SIZE, LOCATION AND TYPES OF IMPROVEMENTS ARE SHOWN. THERE ARE NO APPARENT VISIBLE ENCROACHMENTS, CONFLICTS OR PROTRUSIONS EXCEPT AS SHOWN. ALL EASEMENTS SHOWN ARE PER THE REFERENCE PLAT UNLESS NOTED OTHERWISE. THIS PLAT WAS PREPARED SPECIFICALLY FOR THE TRANSACTION REFERENCED BELOW. THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR ANY OTHER USE. CERTIFICATION SHOWN IS REVOKED AND THIS SURVEY IS NULL AND VOID IF THIS DOCUMENT IS ALTERED IN ANY MANNER, OR DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE OF TODD J. SLATON IN BLUE INK.

TODD J. SLATON, RPLS NO. 5082 DATE

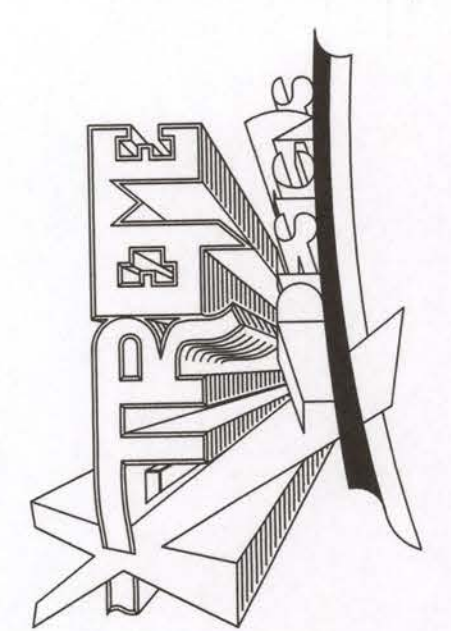


NOTES
1. Mitigation required for all trees 12 inches in diameter or greater.

TREE SURVEY
OF
2.084 ACRES
BEING A PART OF
LOT 45, SLONE SUBDIVISION
OUT OF THE
B.W. CAMP RICE FARMS
IN THE
JOHN DICKERSON LEAGUE
GALVESTON COUNTY, TEXAS

EXTERIOR WITH STONE VENEER AT BOTTOM + COLUMN FACES

Mechanical and electrical equipment shall be screened to a height sufficient to completely screen the use from view at ground level.



DRAWINGS ISSUED FOR:

07-12-17	BEGIN PROJECT
09-13-17	FINAL DESIGN
09-15-17	OWNER APP.-sign_off
09-29-17	REVISION
10-19-17	DESIGN REVISION
01-10-18	DESIGN REVISION
02-18-18	DESIGN FINAL
	Issued for Construction

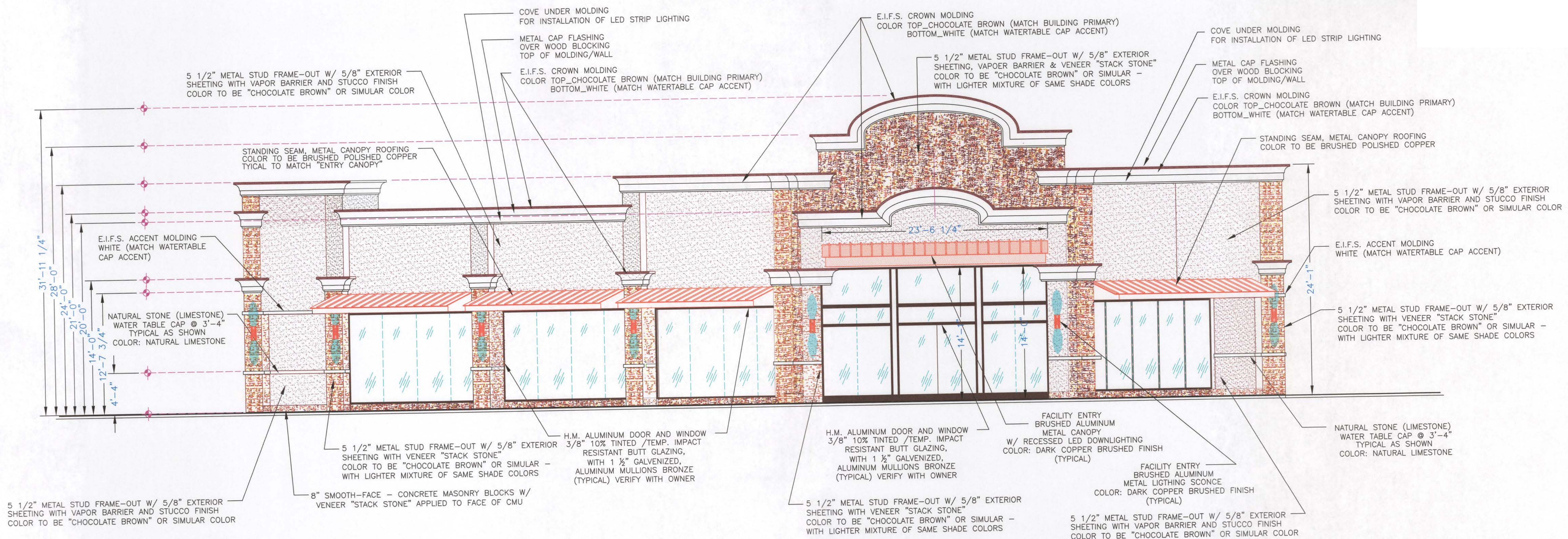
REVISIONS

APRIL 25, 2018

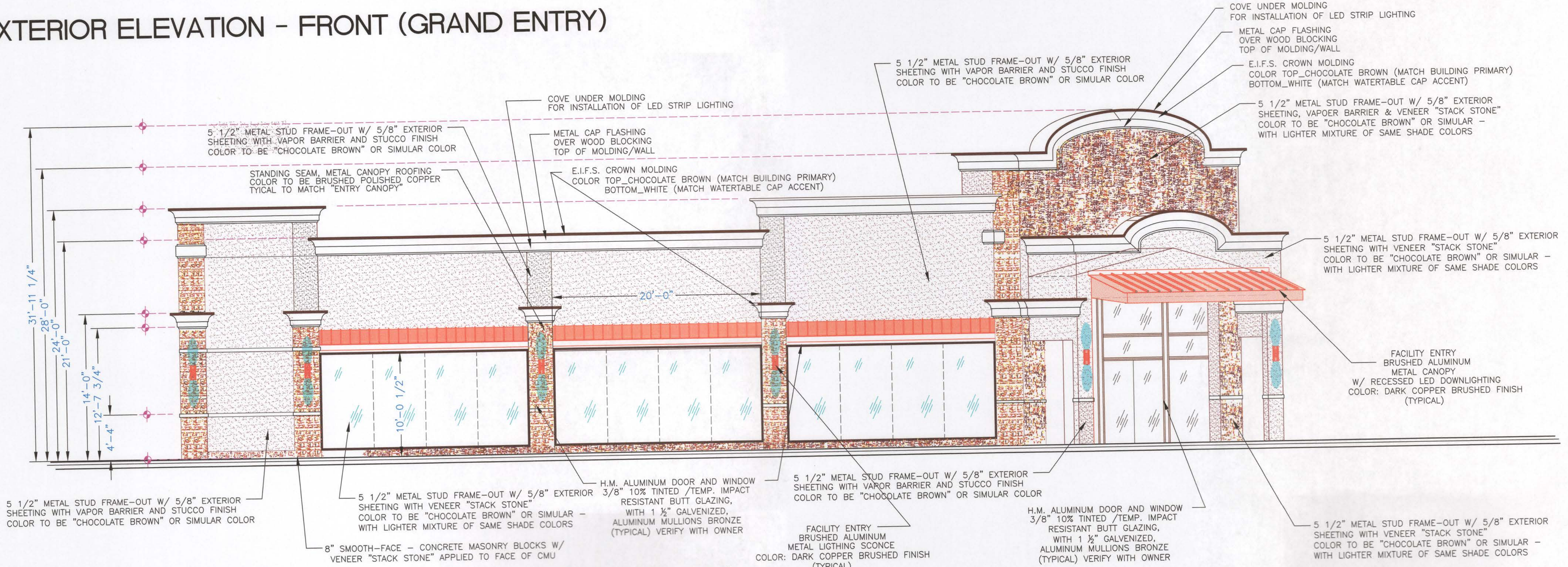
NEW CONSTRUCTION of
CONVENIENCE STORE FACILITY
2210 Friendswood Dr.
Friendswood, Texas 77546
A PROJECT OF:
IAA REALTY, INC.

DRAWING TITLE
EXTERIOR
ELEVATIONS

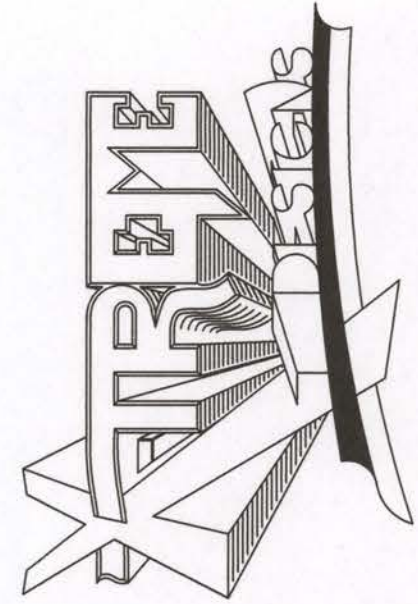
DWG #
A-5.0
41



EXTERIOR ELEVATION - FRONT (GRAND ENTRY)



EXTERIOR ELEVATION - FRONT (PARALLELS TO OLD ROAD)



DRAWINGS ISSUED FOR:

07-12-17	BEGIN PROJECT
09-13-17	FINAL DESIGN
09-15-17	OWNER APP.-sign_off
09-29-17	
10-19-17	DESIGN REVISION
02-18-18	DESIGN FINAL
04-25-18	REV PER C.O.F.W.
Issued for Construction	

REVISIONS

APRIL 25, 2018

NEW CONSTRUCTION of
CONVENIENCE STORE FACILITY
2210 Friendswood Dr.
Friendswood, Texas 77546
A PROJECT OF:
IAA REALTY, INC.

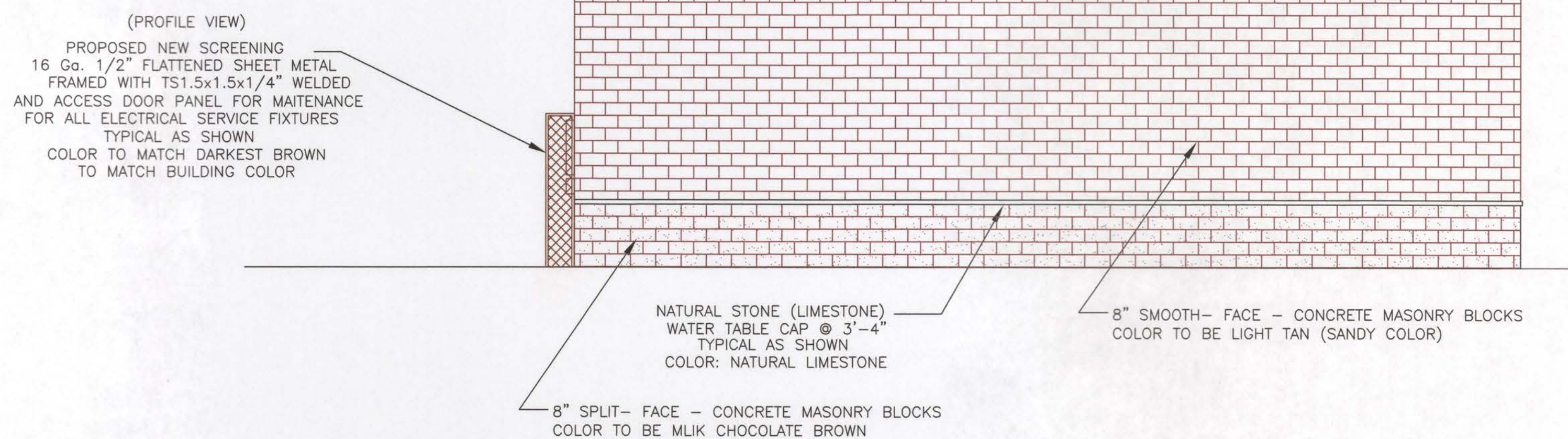
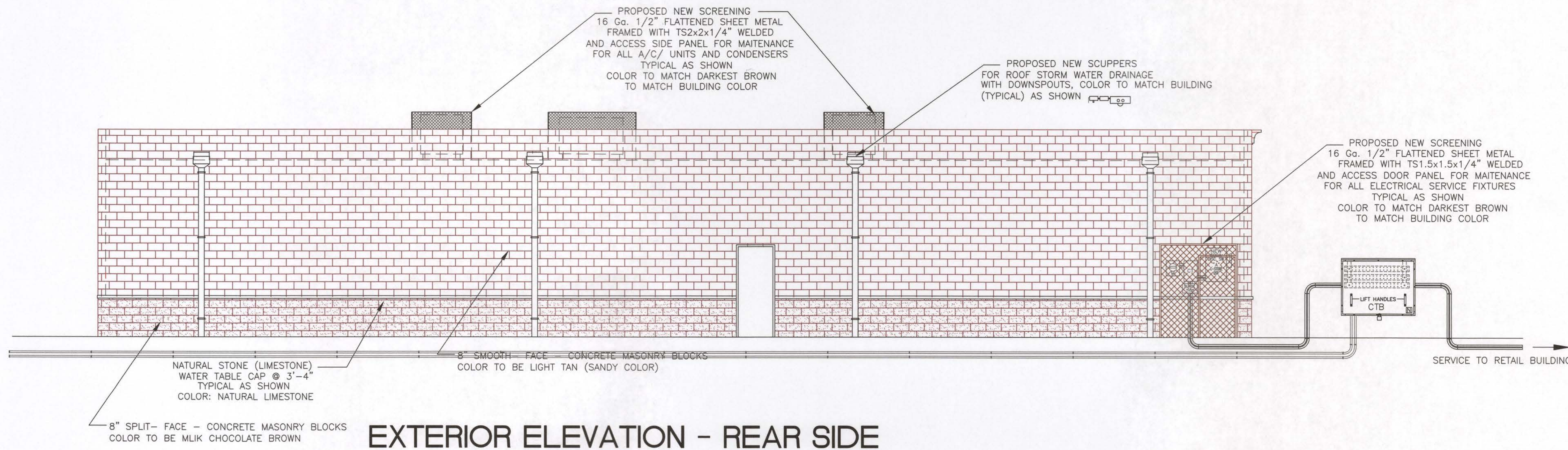
DRAWING TITLE

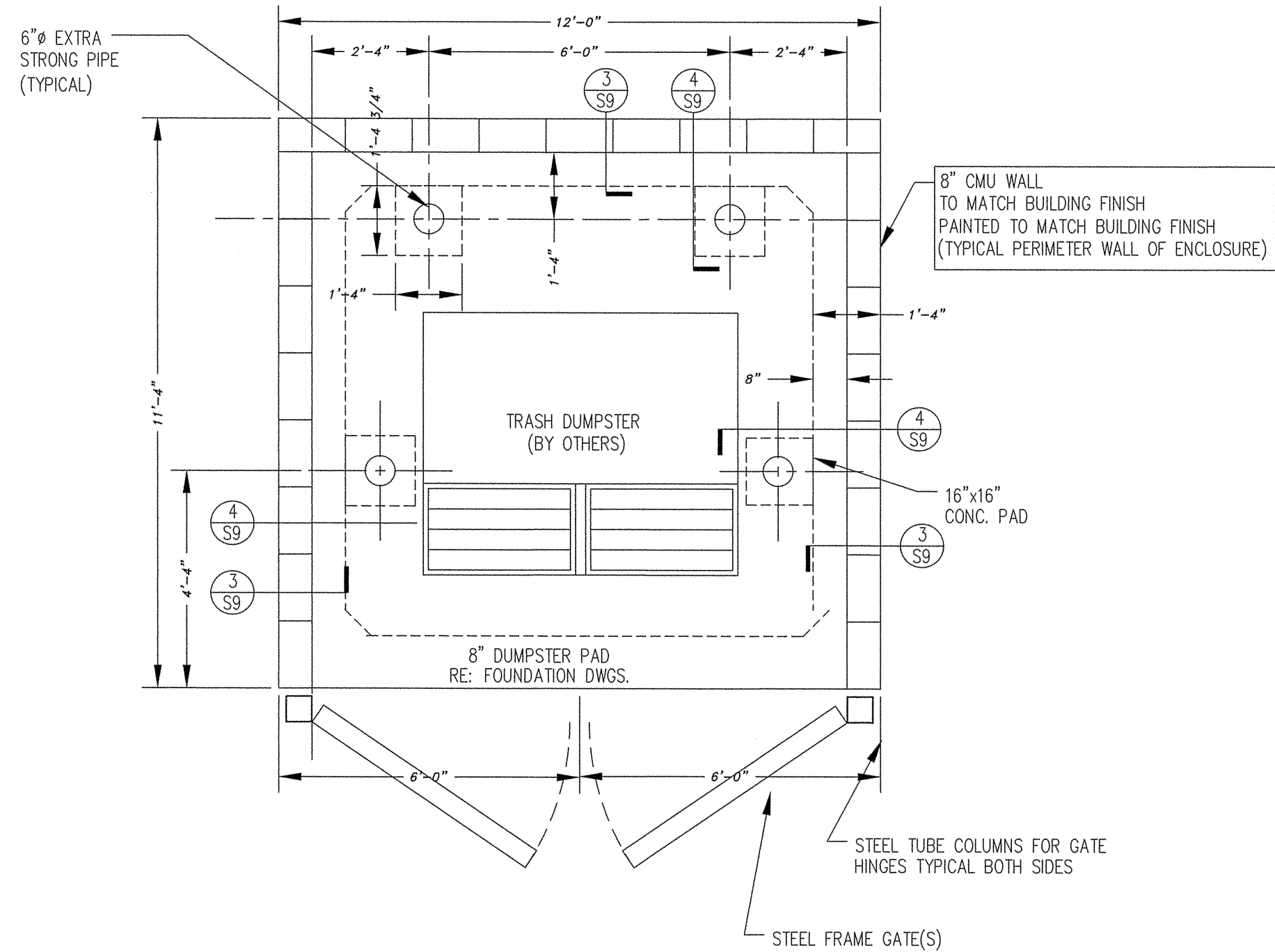
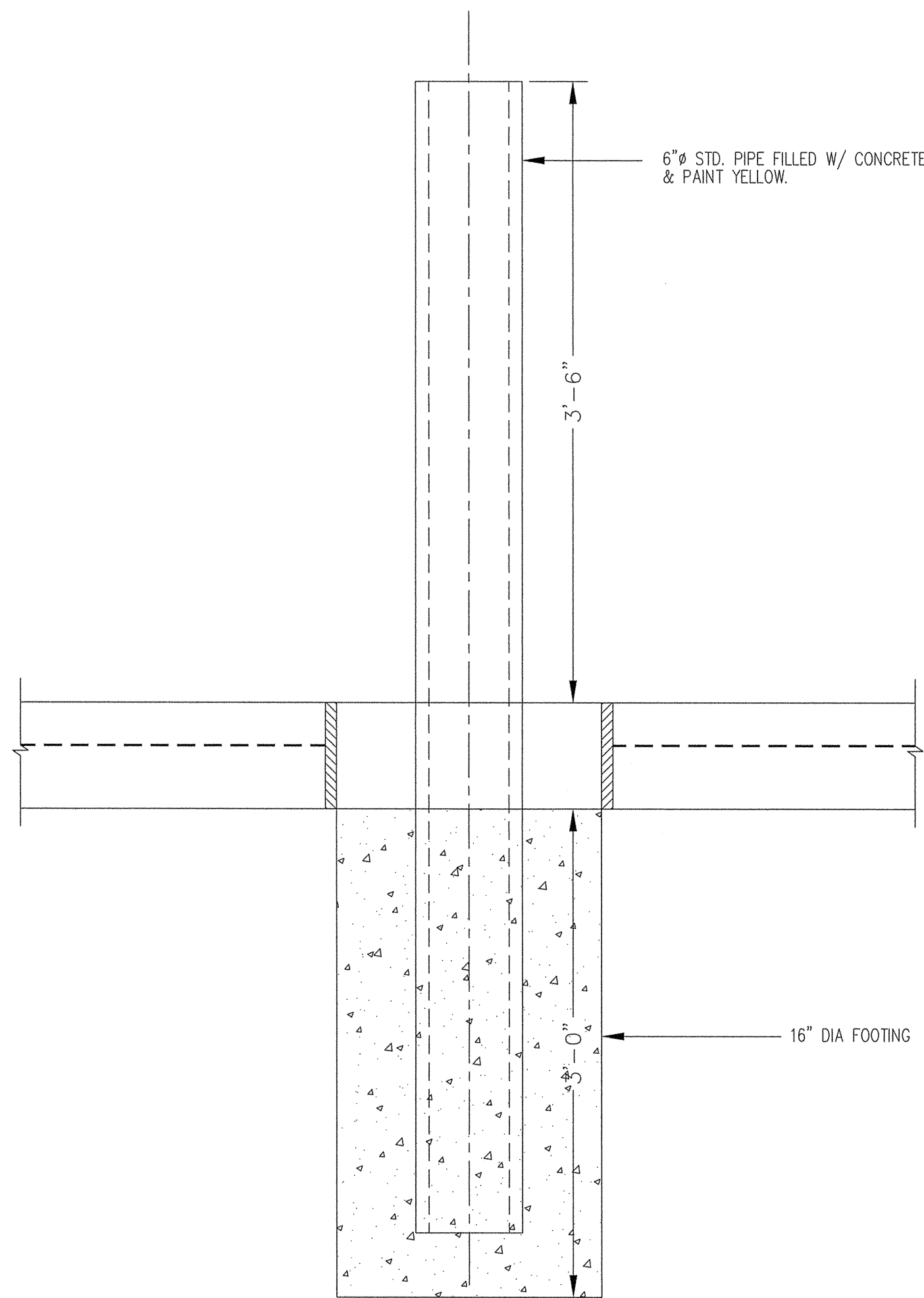
EXTERIOR
ELEVATIONS

DWG #

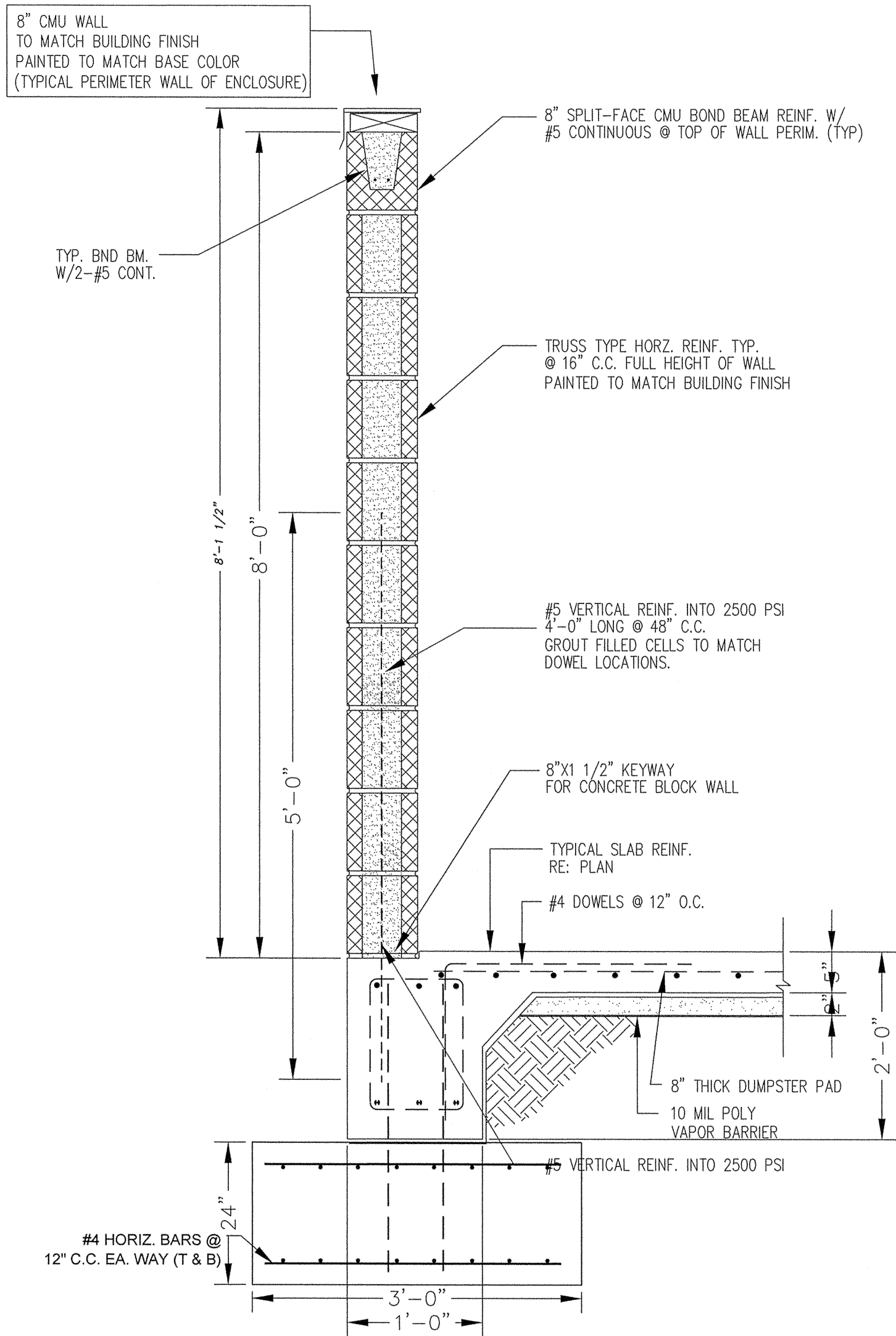
A-5.1

42





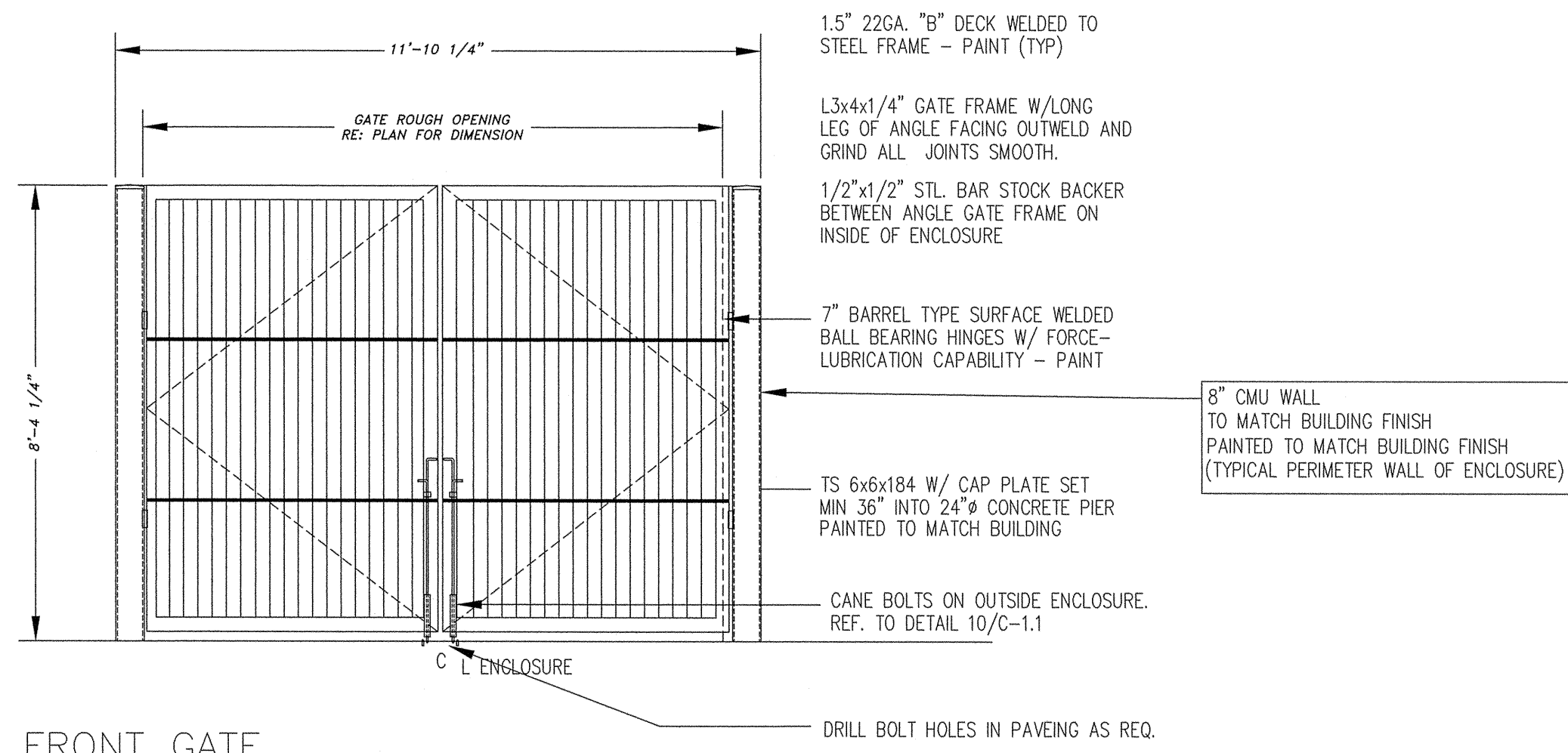
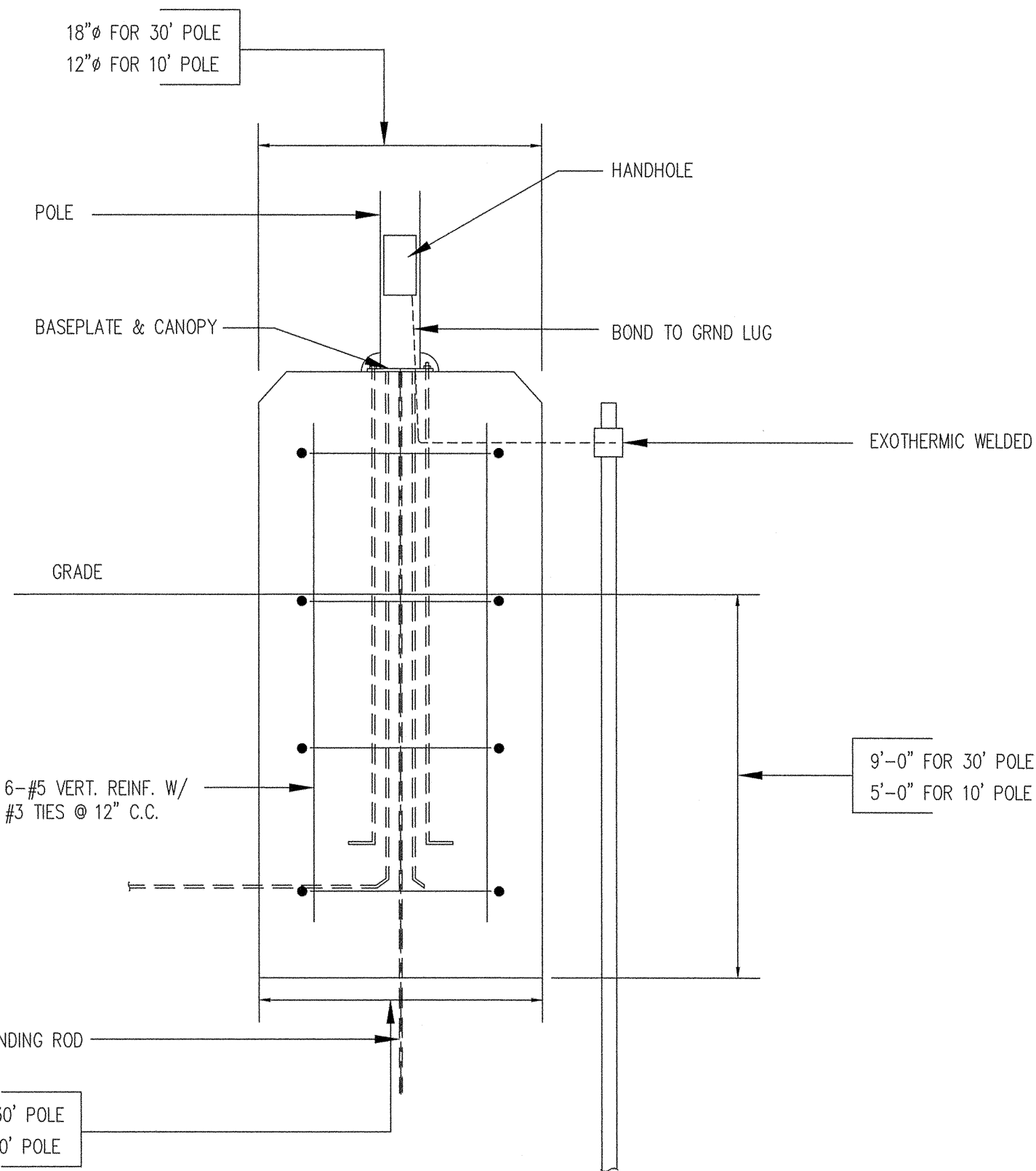
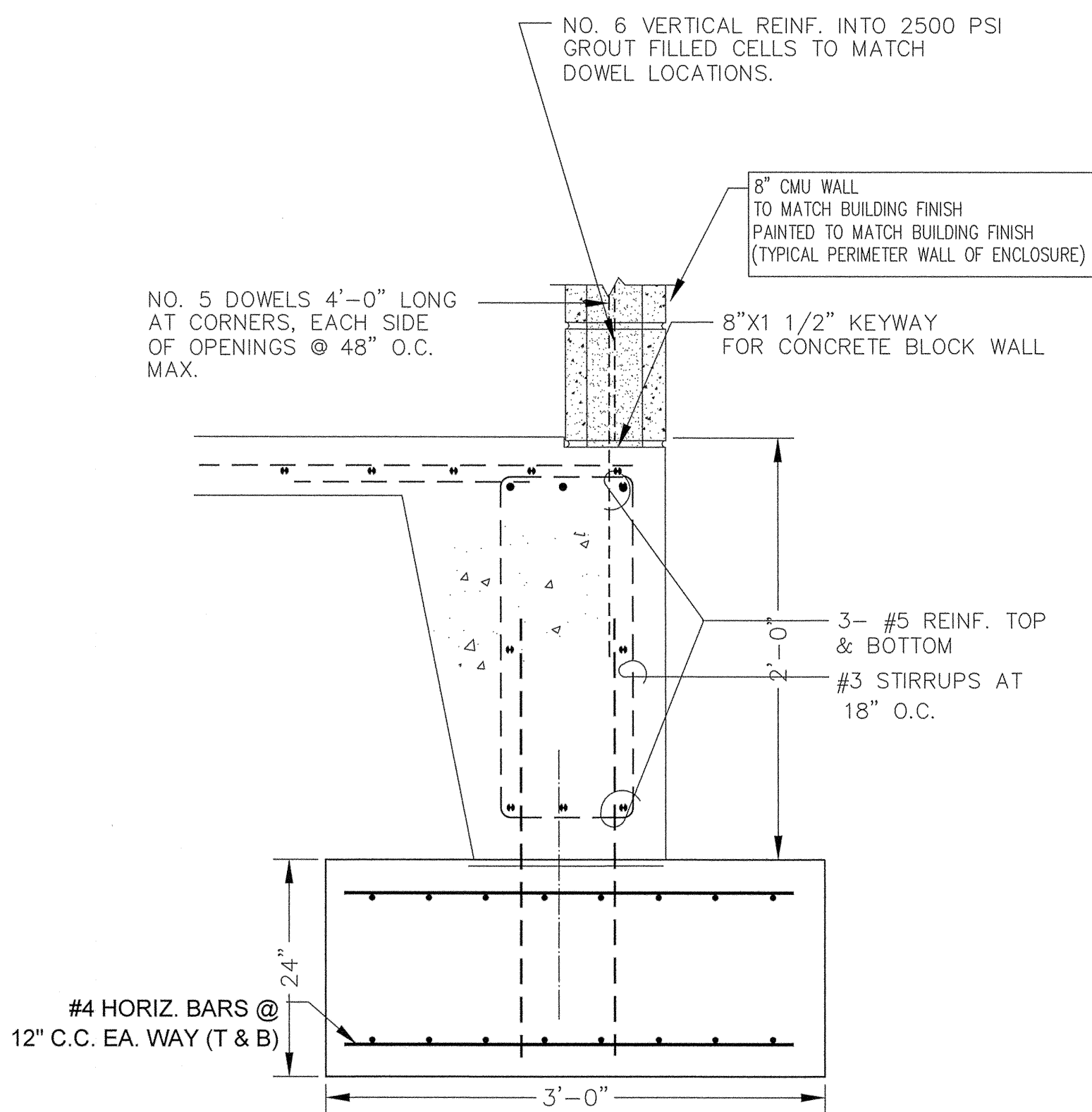
DEAD LAOD = 15.0 PSF
 LIVE LOAD = 20.0 PSF
 WIND LOADS FOR A BASIC WIND SPEED OF 150 MPH (3 MPH-SECOND GUST WIND SPEED)
 AS REQUIRED PER SECTION 1609 & TABLE 1609.3.1-IBC 06'



1 DETAIL: TYPICAL BOLLARD DETAIL

2 DETAIL: TRASH ENCLOSURE PLAN

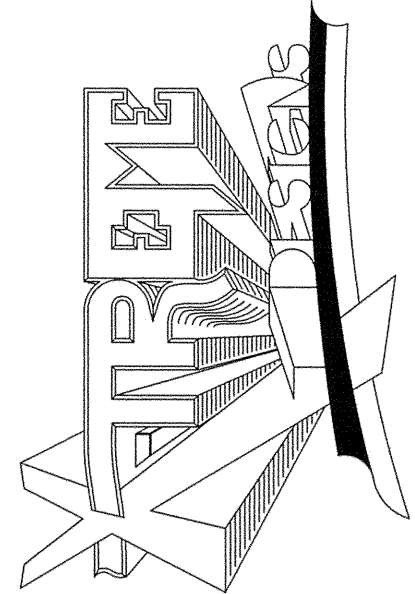
3 SECTION: TRASH ENCLOSURE WALL



4 EXTERIOR GRADE BEAM/FOOTING

5 DETAIL: LIGHT POLE DETAIL

6 DETAIL: TRASH ENCLOSURE GATE ELEVATION



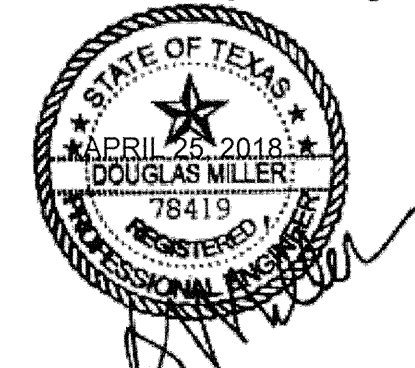
DRAWINGS ISSUED FOR:

07-12-17 BEGIN PROJECT
 09-13-17 FINAL DESIGN
 09-15-17 OWNER APP.-sign_off
 10-19-17 DESIGN REVISION
 04-25-18 REV PER C.O.F.W.

Issued for Construction

REVISIONS

PACIFICUS
 PROFESSION ASSOCIATION
 Consultants & Project Managers



FIRM No. 9837 APRIL 25, 2018 P.E. 78419

NEW CONSTRUCTION of
 CONVENIENCE STORE FACILITY
 2210 Friendswood Dr.
 Friendswood, Texas 77546
 A PROJECT OF:
 IAA REALTY, INC.

DRAWING TITLE
 DUMPSTER
 ENCLOSURE
 DETAILS

DWG #

S-3.0



REVISIONS

APRIL 25, 2018

2210 Friendswood Dr.
Friendswood, Texas 77546

IAA REALTY, INC.

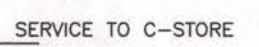
DRAWING TITLE

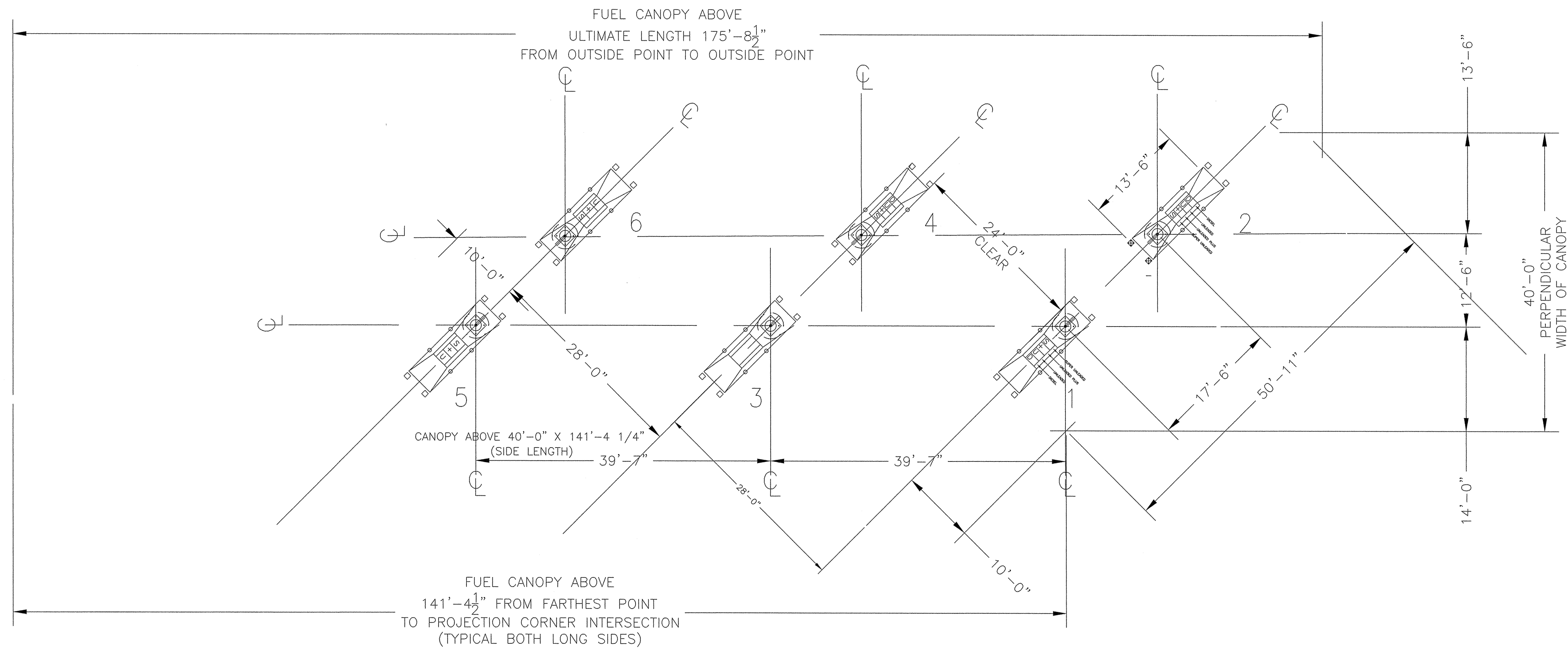
EXTERIOR ELEVATIONS

DWG #

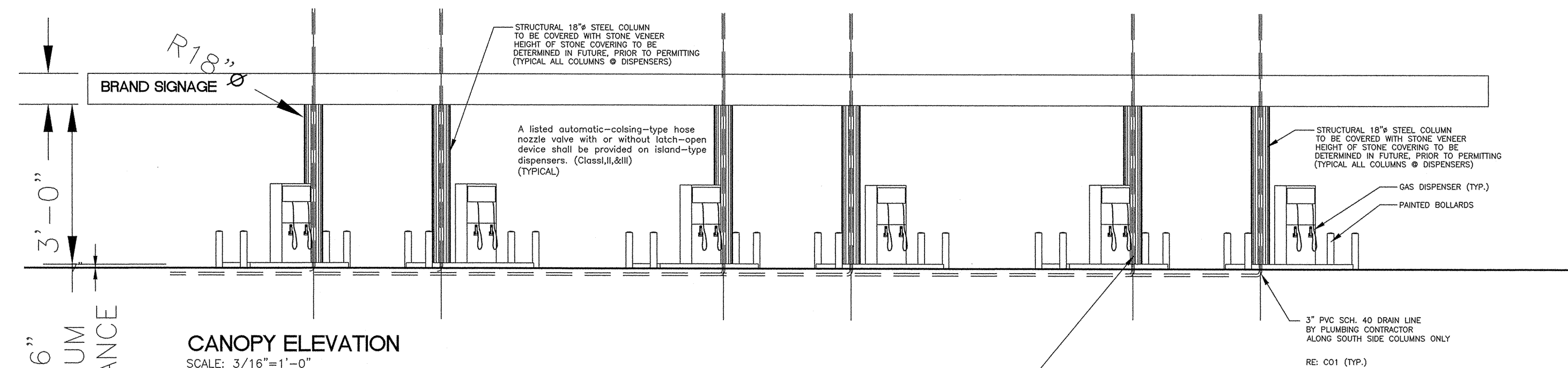
A-5.2

43



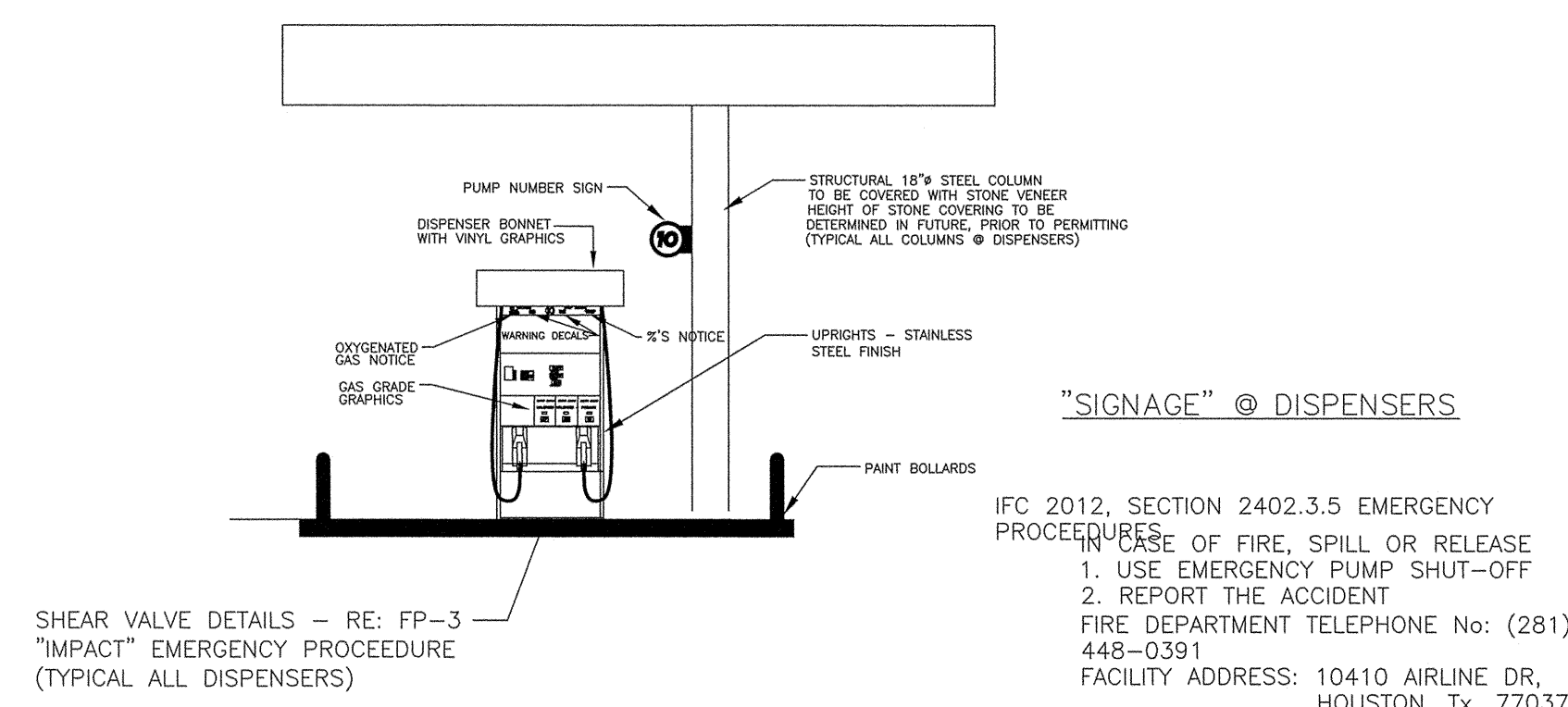


GENERAL CONTRACTOR TO COORDINATE ELECTRICAL CONDUIT RUN,
UP COLUMN SELECTED, PRIOR TO START OF CONSTRUCTION.

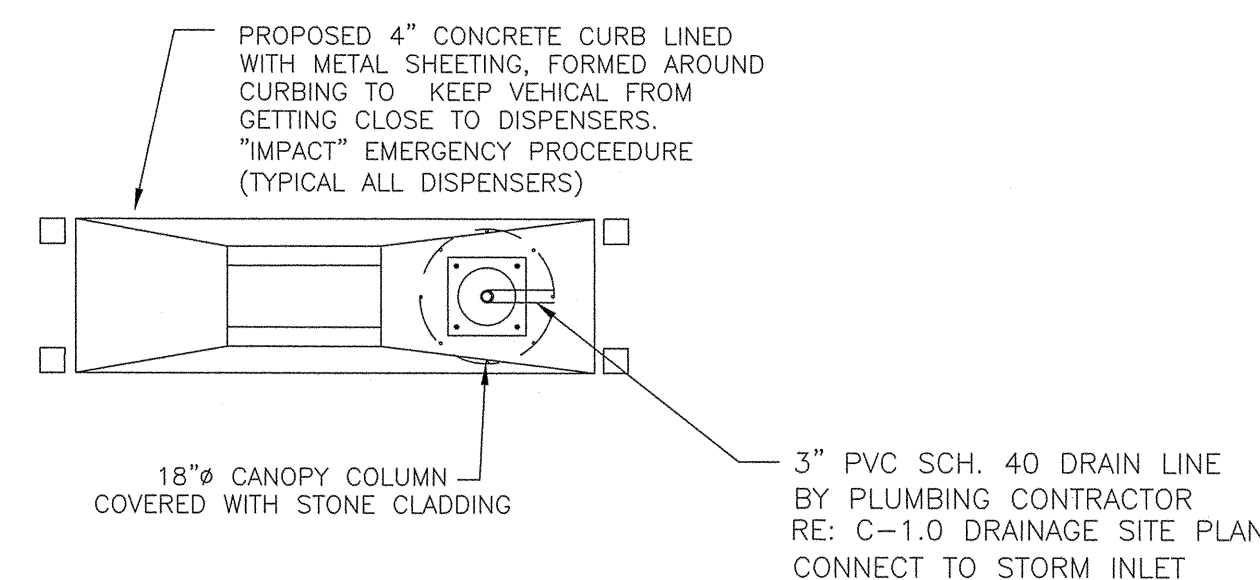


"SIGNAGE" @ DISPENSERS (TYPICAL)

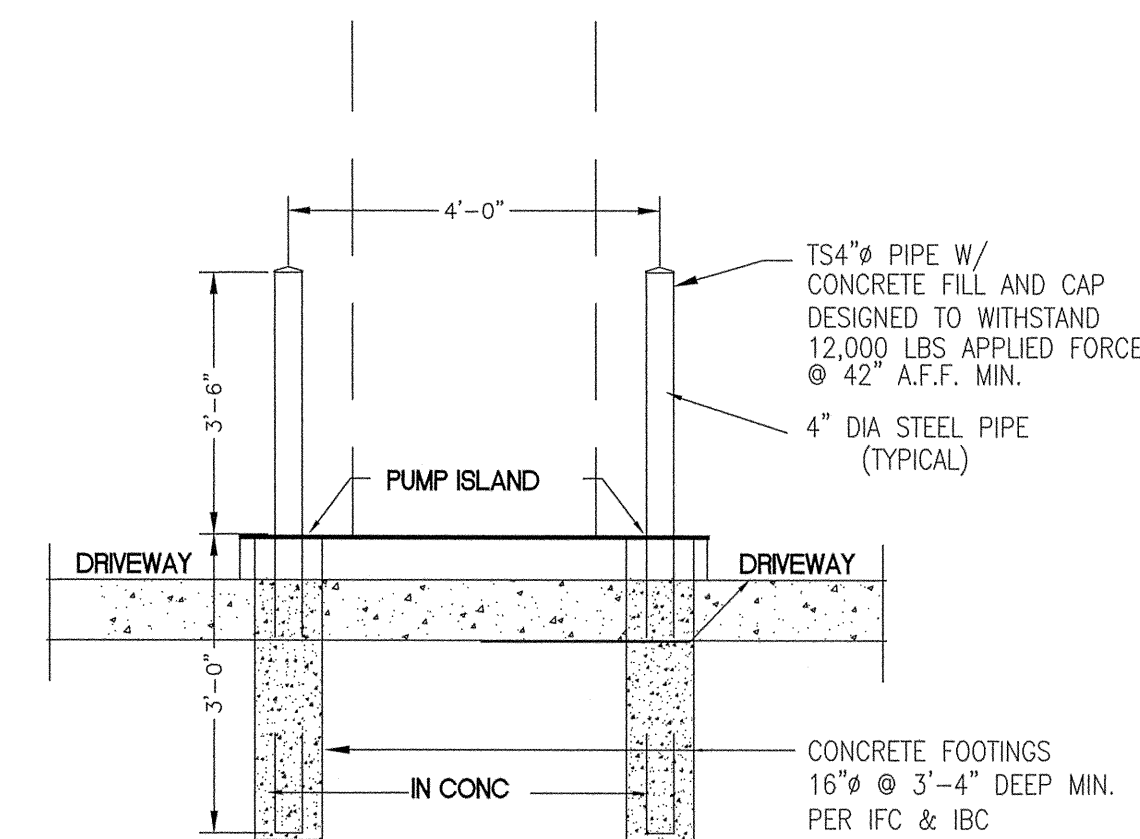
IFC 2012, SECTION 2402.3.5 EMERGENCY PROCEDURES
IN CASE OF FIRE, SPILL OR RELEASE
1. USE EMERGENCY PUMP SHUT-OFF
2. REPORT THE ACCIDENT
FIRE DEPARTMENT TELEPHONE No: (281) 448-0391
FACILITY ADDRESS: 10410 AIRLINE DR., HOUSTON, TX. 77037



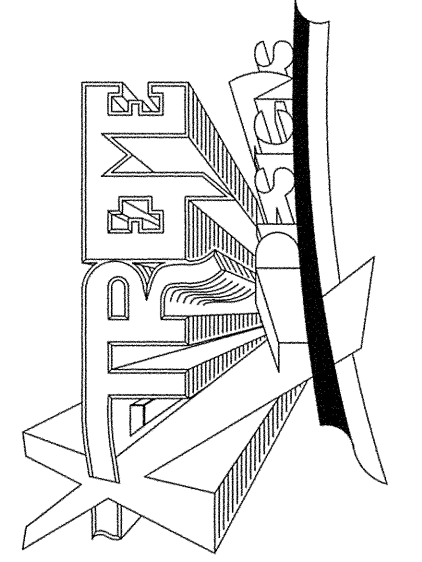
CANOPY PROFILE (APPROXIMATE)



SHEAR VALVE DETAILS - RE: FP-3 "IMPACT" EMERGENCY PROCEDURE (TYPICAL ALL DISPENSERS)
PLAN - PUMP DISPENSERS



GUARD POST



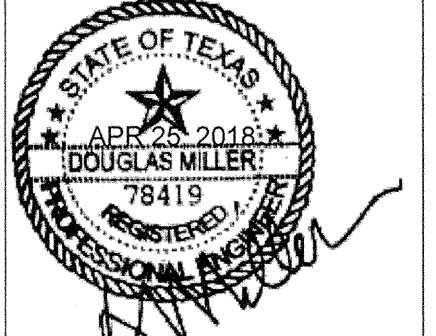
DRAWINGS ISSUED FOR:

07-22-16	OWNER APPROVAL
07-26-16	PRELIMINARY
08-19-16	PRELIMINARY
09-02-16	PROGRESS
01-25-17	PROGRESS
04-25-18	DESIGN REVISION

Issued for Construction

REVISIONS

PACIFICUS
PROFESSION ASSOCIATION
Consultants & Project Managers



FIRM No: 9887 APRIL 25, 2018 P.E. 78419

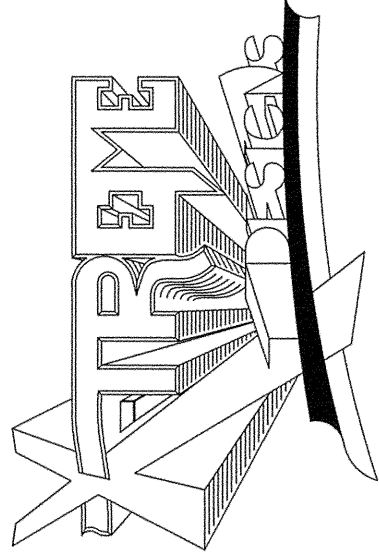
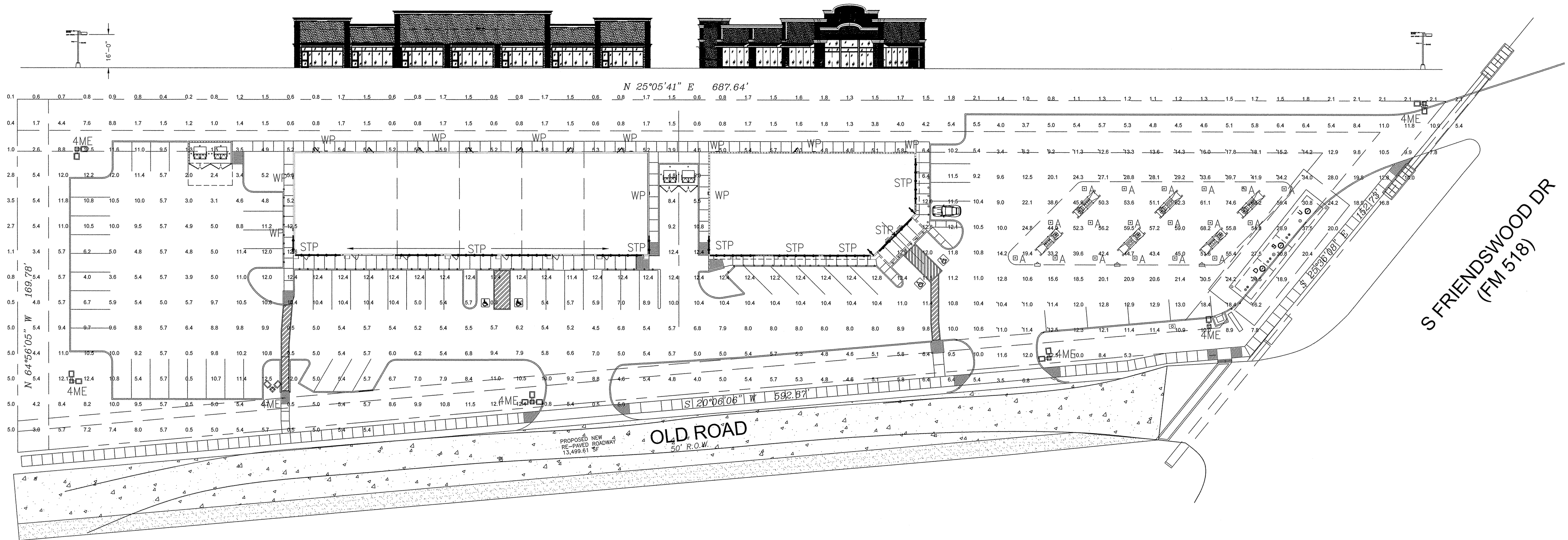
NEW CONSTRUCTION of
CONVENIENCE STORE & REATIL
2210 Friendswood Dr.
Friendswood, Texas 77546
A PROJECT OF:
IAA REALTY, INC.

DRAWING TITLE
FUEL CANOPY
ELEVATIONS
ISLAND DETAILS

DWG #

FP-5
72

Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Lumens/Lamp	LLf	Total Watts
	4	4ME	Single	17117	0.930	672
	4	4ME-2(90)	Double (2@90°)	17117	0.930	672
	4	A	Single	13000	0.960	1536
	4	WP	Single	9000	0.925	80
	15	STP	MULTI	4500	0.475	40
				Description		
				QSQ-A-NM-4ME-J-57K-UL-BZ w/QSQ-DABZ		
				QSQ-A-NM-4ME-J-57K-UL-BZ w/QSQ-DABZ		
				CPY250-A-DM-F-B-UL-WH		
				(WESTGATE)-LWP2-80CW		
				WL4, 25L-(120-277V) D24(24W),N100,NESPD7		



DRAWINGS ISSUED FOR:	
07-12-17	BEGIN PROJECT
09-11-17	DESIGN SUBMITAL
10-19-17	DESIGN REVISION
12-15-17	VARIANCE REVISION
04-25-18	Perform Photometrics

REVISIONS	
	Issued for Construction

APRIL 25, 2018

NEW CONSTRUCTION of
NEW CONVENIENCE STORE FACILITY
2210 Friendswood Dr.
Friendswood, Texas 77546
A PROJECT OF:
IAA REALTY, INC.

DRAWING TITLE
PHOTOMETRIC
SITE PLAN

DWG #
PH-1
62

SITE PLAN - PHOTOMETRIC SITE PLAN
SCALE: 1"=30'-0"

Memo

To: Planning and Zoning Commission

From: Becky Bennett, Development Coordinator

Date: January 23, 2020

Re: Ranch Express Commercial Site Plan – 2210 S. Friendswood Drive

Project Description: The proposed gas station and convenience store was originally approved by the Commission June 21, 2018 and then issued a one-time, six-month extension July 11, 2019. Work has yet to begin and the extension has expired. Zoning Ordinance Section 9.H.5. states an applicant must resubmit a site plan that conforms to current ordinances upon expiration.

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, and Police Department and remain unchanged. The proposed project appears to be in compliance with current City codes with the following exceptions:

1) Mitigation needed for 12 trees. Payment into tree fund required prior to Certificate of Occupancy.

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



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: February 13, 2020

Subject: Consideration and possible action regarding a recommendation to City Council for the proposed amendments to Appendix C, Zoning Ordinance Section 10-12 regarding board of adjustment establishment and procedure, powers and duties, and appeals from the board of adjustment and Section 20, Definitions, to be consistent with state law, particularly Chapter 211 of the Local Government Code

Action: Significant

SUMMARY / ORIGINATING CAUSE

These proposed amendments are regarding the authority of the Zoning Board of Adjustment. Discussion started at the senior staff level, and then discussion was had with City Council in a work session setting. Council members 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 Zoning Board Of Adjustments (ZBOA), 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. Following the Planning and Zoning public hearing and consideration, the Planning and Zoning recommendation will be forwarded to Council for their consideration.

ATTACHMENTS

1. Zoning Ord Sec 10-12 and Sec 20 ZBOA amendments Redlines
2. Zoning Ord Sec 10-12 and Sec 20 ZBOA amendments Clean
3. Local Government Code 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. ~~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.

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

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

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

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

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

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

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

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

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

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

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

Height.

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

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

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.
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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.

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 - (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

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.



FRIENDSWOOD PLANNING & ZONING COMMISSION

AGENDA ITEM FORM

Meeting Date: February 13, 2020

Subject: Consideration and possible action regarding a recommendation to City Council for the proposed amendments to Appendix C, Zoning Ordinance, Section 7. P. 6. Permitted Use Table regarding changes for NAICS Use #447 Gasoline Stations, #511 Publishing Industries, and #713940 Fitness and Recreational Sports Centers

Action: Significant

SUMMARY / ORIGINATING CAUSE

As a result of the annual review of the Permitted Use Table (Zoning Ord. Section 7.P.6.), staff and the Planning and Zoning Commission are proposing amendments in three categories.

The proposed amendments include...

447 - Gasoline Stations - change S in DD to blank, which would not allow gasoline stations in the Downtown District (DD)

511 - Publishing Industries - add P in CSC to allow; change S in DD to P to allow by right in the Downtown District (DD)

713940 - Fitness and Recreational Sports Centers - change S to P in DD to allow gyms and fitness centers by right in Downtown District (DD)

Full NAICS descriptions of each use are included in the backup materials.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Any existing uses that would become non-conforming with these changes would be allowed to remain. The business could change owners and business name, as long as the use remained. If the structure that the non-conforming use occupies was damaged more than 50%, the owner would be allowed to rebuild a new structure (in conformance with current zoning regulations) and continue the use. If a non-conforming use is abandoned for 12 months or more or voluntarily changed to a conforming use, the non-conforming use is no longer allowed.

RECOMMENDATIONS

Staff and the Ordinance Subcommittee are recommending the changes noted.

ATTACHMENTS

1. NAICS Description 447 Gasoline Stations
2. NAICS Description 511 Publishing Industries
3. NAICS Description 713940 Fitness and Recreational Sports Centers
4. Permitted Use Table Redline

Cross-References. Establishments primarily engaged in--

- Retailing specialized health and personal care merchandise via electronic home shopping, mail-order, or direct sale--are classified in Subsector 454, Nonstore Retailers;
- Retailing food supplement products--are classified in U.S. Industry 446191, Food (Health) Supplement Stores;
- Retailing prescription or nonprescription drugs and medicines--are classified in Industry 446110, Pharmacies and Drug Stores;
- Retailing eyeglasses and contact lenses--are classified in Industry 446130, Optical Goods Stores;
- Retailing perfumes, cosmetics, and beauty supplies--are classified in Industry 446120, Cosmetics, Beauty Supplies, and Perfume Stores;
- Retailing orthopedic shoes--are classified in Industry 448210, Shoe Stores; and
- Retailing orthopedic and prosthetic appliances that are made on the premises--are classified in U.S. Industry 339113, Surgical Appliance and Supplies Manufacturing.

447 Gasoline Stations

Industries in the Gasoline Stations subsector retail automotive fuels (e.g., gasoline, diesel fuel, gasohol, alternative fuels) and automotive oils or retail these products in combination with convenience store items. These establishments have specialized equipment for storing and dispensing automotive fuels.

4471 Gasoline Stations**44711 Gasoline Stations with Convenience Stores**

See industry description for 447110.

447110 Gasoline Stations with Convenience Stores

This industry comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) in combination with convenience store or food mart items. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting. These establishments may also provide automotive repair services.

Cross-References. Establishments primarily engaged in--

- Retailing automotive fuels without a convenience store--are classified in Industry 447190, Other Gasoline Stations; and
- Retailing a limited line of goods, known as convenience stores or food marts (except those with fuel pumps)--are classified in Industry 445120, Convenience Stores.

44719 Other Gasoline Stations

See industry description for 447190.

447190 Other Gasoline Stations

This industry comprises establishments known as gasoline stations (except those with convenience stores) primarily engaged in (1) retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline, alternative fuels) or (2) retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

Illustrative Examples:

Gasoline stations without convenience stores
Truck stops

Marine service stations

T—Canadian, Mexican, and United States industries are comparable.

census.gov/naics

Cross-References. Establishments primarily engaged in--

- Repairing motor vehicles without retailing automotive fuels--are classified in Industry Group 8111, Automotive Repair and Maintenance; and
- Retailing automotive fuels in combination with a convenience store or food mart--are classified in Industry 447110, Gasoline Stations with Convenience Stores.

448 Clothing and Clothing Accessories Stores

Industries in the Clothing and Clothing Accessories Stores subsector retail new clothing and clothing accessories from fixed point-of-sale locations. Establishments in this subsector have similar display equipment and staff that is knowledgeable regarding fashion trends and the proper match of styles, colors, and combinations of clothing and accessories to the characteristics and tastes of the customer.

4481 Clothing Stores

This industry group comprises establishments primarily engaged in retailing new clothing.

44811 Men's Clothing Stores

See industry description for 448110.

448110 Men's Clothing Stores

This industry comprises establishments primarily engaged in retailing a general line of new men's and boys' clothing. These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

Cross-References. Establishments primarily engaged in--

- Retailing men's and boys' clothing via electronic home shopping, mail-order, or direct sale--are classified in Subsector 454, Nonstore Retailers;
- Retailing custom men's clothing made on the premises--are classified in Industry Group 3152, Cut and Sew Apparel Manufacturing;
- Retailing new men's and boys' accessories--are classified in Industry 448150, Clothing Accessories Stores;
- Retailing specialized new apparel, such as raincoats, leather coats, fur apparel, and swimwear--are classified in Industry 448190, Other Clothing Stores;
- Retailing new clothing for all genders and age groups--are classified in Industry 448140, Family Clothing Stores;
- Retailing secondhand clothes--are classified in Industry 453310, Used Merchandise Stores; and
- Providing clothing alterations and repair--are classified in Industry 811490, Other Personal and Household Goods Repair and Maintenance.

44812 Women's Clothing Stores

See industry description for 448120.

448120 Women's Clothing Stores

This industry comprises establishments primarily engaged in retailing a general line of new women's, misses', and juniors' clothing, including maternity wear. These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

Cross-References. Establishments primarily engaged in--

- Retailing women's clothing via electronic home shopping, mail-order, or direct sale--are classified in Subsector 454, Nonstore Retailers;

T—Canadian, Mexican, and United States industries are comparable.

example, can be printed locally or by the final consumer. Similarly, packaged software is available mainly on-line. The NAICS Information sector is designed to make such economic changes transparent as they occur, or to facilitate designing surveys that will monitor the new phenomena and provide data to analyze the changes.

Many of the industries in the NAICS Information sector are engaged in producing products protected by copyright law, or in distributing them (other than distribution by traditional wholesale and retail methods). Examples are traditional publishing industries, software and directory and mailing list publishing industries, and film and sound industries. Broadcasting and telecommunications industries and information providers and processors are also included in the Information sector, because their technologies are so closely linked to other industries in the Information sector.

511 Publishing Industries (except Internet)^T

Industries in the Publishing Industries (except Internet) subsector group establishments engaged in the publishing of newspapers, magazines, other periodicals, and books, as well as directory and mailing list and software publishing. In general, these establishments, which are known as publishers, issue copies of works for which they usually possess copyright. Works may be in one or more formats including traditional print form, CD-ROM, or proprietary electronic networks. Publishers may publish works originally created by others for which they have obtained the rights and/or works that they have created in-house. Software publishing is included here because the activity, creation of a copyrighted product and bringing it to market, is equivalent to the creation process for other types of intellectual products.

In NAICS, publishing--the reporting, writing, editing, and other processes that are required to create an edition of a newspaper--is treated as a major economic activity in its own right, rather than as a subsidiary activity to a manufacturing activity, printing. Thus, publishing is classified in the Information sector; whereas, printing remains in the Manufacturing sector. In part, the NAICS classification reflects the fact that publishing increasingly takes place in establishments that are physically separate from the associated printing establishments. More crucially, the NAICS classification of book and newspaper publishing is intended to portray their roles in a modern economy, in which they do not resemble manufacturing activities.

Music publishers are not included in the Publishing Industries (except Internet) subsector, but are included in the Motion Picture and Sound Recording Industries subsector. Reproduction of prepackaged software is treated in NAICS as a manufacturing activity; on-line distribution of software products is in the Information sector; and custom design of software to client specifications is included in the Professional, Scientific, and Technical Services sector. These distinctions arise because of the different ways that software is created, reproduced, and distributed.

The Publishing Industries (except Internet) subsector includes establishments that publish software exclusively on the Internet but excludes establishments that publish other content exclusively on the Internet. Establishments publishing content other than software exclusively on the Internet are included in Subsector 519, Other Information Services. The Publishing Industries (except Internet) subsector also excludes products, such as manifold business forms and appointment books. Information is not the essential component of these items. Establishments producing these items are included in Subsector 323, Printing and Related Support Activities.

5111 Newspaper, Periodical, Book, and Directory Publishers^T

This industry group comprises establishments primarily engaged in publishing newspapers, magazines, other periodicals, books, directories and mailing lists, and other works, such as calendars, greeting cards, and maps. These works are characterized by the intellectual creativity required in their development and are usually protected by copyright. Publishers distribute or arrange for the distribution of these works.

Publishing establishments may create the works in-house, or contract for, purchase, or compile works that were originally created by others. These works may be published in one or more formats, such as print and/or electronic form, including proprietary electronic networks. Establishments in this industry may print, reproduce, or offer direct access to the works themselves or may arrange with others to carry out such functions.

Establishments that both print and publish may fill excess capacity with commercial or job printing. However, the publishing activity is still considered to be the primary activity of these establishments.

51111 Newspaper Publishers^T

See industry description for 511110.

^T—Canadian, Mexican, and United States industries are comparable.

511110 Newspaper Publishers

This industry comprises establishments known as newspaper publishers. Establishments in this industry carry out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials; and selling and preparing advertisements. These establishments may publish newspapers in print or electronic form.

Cross-References.

- Establishments publishing newspapers exclusively on the Internet are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments primarily engaged in printing newspapers without publishing are classified in Industry 32311, Printing;
- Establishments, such as trade associations, schools and universities, and social welfare organizations, that publish newsletters for distribution to their membership, but that are not commonly known as newspaper publishers, are classified according to their primary activity designation;
- Establishments primarily engaged in supplying the news media with information, such as news, reports, and pictures, are classified in Industry 519110, News Syndicates; and
- Establishments of independent representatives primarily engaged in selling advertising space are classified in Industry 541840, Media Representatives.

51112 Periodical Publishers^T

See industry description for 511120.

511120 Periodical Publishers

This industry comprises establishments known either as magazine publishers or periodical publishers. These establishments carry out the operations necessary for producing and distributing magazines and other periodicals, such as gathering, writing, and editing articles, and selling and preparing advertisements. These establishments may publish magazines and other periodicals in print or electronic form.

Illustrative Examples:

Comic book publishers (except exclusive Internet publishing)
Radio and television guide publishers (except exclusive Internet publishing)
Magazine publishers (except exclusive Internet publishing)

Scholarly journal publishers (except exclusive Internet publishing)
Newsletter publishers (except exclusive Internet publishing)
Trade journal publishers (except exclusive Internet publishing)

Cross-References.

- Establishments publishing periodicals exclusively on the Internet are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments primarily engaged in printing periodicals without publishing are classified in Industry 32311, Printing;
- Establishments, such as trade associations, schools and universities, and social welfare organizations, that publish magazines and periodicals for distribution to their membership, but that are not commonly known as periodical publishers, are classified according to their primary activity designation;
- Establishments primarily engaged in publishing directories and mailing lists are classified in Industry 511140, Directory and Mailing List Publishers; and
- Establishments of independent representatives primarily engaged in selling advertising space are classified in Industry 541840, Media Representatives.

^T—Canadian, Mexican, and United States industries are comparable.

51113 Book Publishers^T

See industry description for 511130.

511130 Book Publishers

This industry comprises establishments known as book publishers. Establishments in this industry carry out design, editing, and marketing activities necessary for producing and distributing books. These establishments may publish books in print, electronic, or audio form.

Illustrative Examples:

Atlas publishers (except exclusive Internet publishing)
 Religious book publishers (except exclusive Internet publishing)
 Book publishers (except exclusive Internet publishing)
 School textbook publishers (except exclusive Internet publishing)

Encyclopedia publishers (except exclusive Internet publishing)
 Technical manual publishers (except exclusive Internet publishing)
 Map publishers (except exclusive Internet publishing)
 Travel guide book publishers (except exclusive Internet publishing)

Cross-References.

- Establishments publishing books on the Internet exclusively are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments primarily engaged in printing books without publishing are classified in U.S. Industry 323117, Books Printing;
- Establishments known as music publishers are classified in Industry 512230, Music Publishers;
- Establishments, such as trade associations, schools and universities, and social welfare organizations, that publish books for distribution to their membership, that are not commonly known as book publishers, are classified according to their primary activity designation; and
- Book clubs primarily engaged in direct sales activities without publishing are classified in Industry 454390, Other Direct Selling Establishments.

51114 Directory and Mailing List Publishers^T

See industry description for 511140.

511140 Directory and Mailing List Publishers

This industry comprises establishments primarily engaged in publishing directories, mailing lists, and collections or compilations of fact. The products are typically protected in their selection, arrangement and/or presentation. Examples are lists of mailing addresses, telephone directories, directories of businesses, collections or compilations of proprietary drugs or legal case results, compilations of public records, etc. These establishments may publish directories and mailing lists in print or electronic form.

Illustrative Examples:

Business directory publishers (except exclusive Internet publishing)
 Mailing list publishers (except exclusive Internet publishing)

Directory publishers (except exclusive Internet publishing)
 Telephone directory publishers (except exclusive Internet publishing)

^T—Canadian, Mexican, and United States industries are comparable.

Cross-References. Establishments primarily engaged in--

- Operating Web search portals or developing and publishing, exclusively on the Internet, collections or compilations of creative works or facts--are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Compiling mailing lists in conjunction with providing direct mail advertising services--are classified in Industry 541860, Direct Mail Advertising;
- Printing without publishing directories and mailing lists--are classified in Industry 32311, Printing;
- Publishing computer software--are classified in Industry 511210, Software Publishers;
- Creating and publishing encyclopedias and similar collections of creative works in print and/or electronic media--are classified in Industry 511130, Book Publishers; and
- Creating and publishing collections of creative works that are periodically updated--are classified in Industry 511120, Periodical Publishers.

51119 Other Publishers^T

This industry comprises establishments known as publishers (except newspaper, magazine, book, directory, mailing list, and music publishers). These establishments may publish works in print or electronic form.

Illustrative Examples:

Art print publishers (except exclusive Internet publishing)
Greeting card publishers (except exclusive Internet publishing)

Calendar publishers (except exclusive Internet publishing)

Cross-References.

- Establishments publishing exclusively on the Internet are classified in Industry 51913, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments known as newspaper publishers are classified in Industry 51111, Newspaper Publishers;
- Establishments known as magazine and other periodical publishers are classified in Industry 51112, Periodical Publishers;
- Establishments known as book publishers are classified in Industry 51113, Book Publishers;
- Establishments primarily engaged in publishing directories and mailing lists are classified in Industry 51114, Directory and Mailing List Publishers;
- Establishments known as music publishers are classified in Industry 51223, Music Publishers; and
- Establishments primarily engaged in manufacturing appointment books and/or manifold business forms are classified in Industry 32311, Printing.

51191 Greeting Card Publishers

This U.S. industry comprises establishments primarily engaged in publishing greeting cards.

Cross-References. Establishments primarily engaged in--

- Publishing greeting cards exclusively on the Internet--are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals; and
- Printing greeting cards without publishing--are classified in Industry 32311, Printing.

51199 All Other Publishers

This U.S. industry comprises establishments generally known as publishers (except newspaper, magazine, book, directory, database, music, and greeting card publishers). These establishments may publish works in print or electronic form.

^T—Canadian, Mexican, and United States industries are comparable.

Illustrative Examples:

Art print publishers (except exclusive Internet publishing)

Calendar publishers (except exclusive Internet publishing)

Cross-References.

- Establishments publishing exclusively on the Internet are classified in Industry 519130, Internet Publishing and Broadcasting and Web Search Portals;
- Establishments known as newspaper publishers are classified in Industry 511110, Newspaper Publishers;
- Establishments known as magazine or other periodical publishers are classified in Industry 511120, Periodical Publishers;
- Establishments known as book publishers are classified in Industry 511130, Book Publishers;
- Establishments primarily engaged in publishing directories and mailing lists are classified in Industry 511140, Directory and Mailing List Publishers;
- Establishments primarily engaged in greeting card publishing are classified in U.S. Industry 511191, Greeting Card Publishers;
- Establishments known as music publishers are classified in Industry 512230, Music Publishers; and
- Establishments primarily engaged in manufacturing appointment books and/or manifold business forms are classified in U.S. Industry 323111, Commercial Printing (except Screen and Books).

5112 Software Publishers^T**51121 Software Publishers^T**

See industry description for 511210.

511210 Software Publishers

This industry comprises establishments primarily engaged in computer software publishing or publishing and reproduction. Establishments in this industry carry out operations necessary for producing and distributing computer software, such as designing, providing documentation, assisting in installation, and providing support services to software purchasers. These establishments may design, develop, and publish, or publish only. These establishments may publish and distribute software remotely through subscriptions and downloads.

Cross-References. Establishments primarily engaged in--

- Reselling packaged software--are classified in Sector 42, Wholesale Trade, or Sector 44-45, Retail Trade;
- Providing access for clients to software published by others from a central host site--are classified in Industry 518210, Data Processing, Hosting, and Related Services;
- Designing software to meet the needs of specific users--are classified in U.S. Industry 541511, Custom Computer Programming Services; and
- Mass duplication of software--are classified in U.S. Industry 334614, Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing.

512 Motion Picture and Sound Recording Industries^T

Industries in the Motion Picture and Sound Recording Industries subsector group establishments involved in the production and distribution of motion pictures and sound recordings. While producers and distributors of motion pictures and sound recordings issue works for sale as traditional publishers do, the processes are sufficiently different to warrant placing establishments engaged in these activities in a separate subsector. Production is typically a complex process that involves several distinct types of establishments that are engaged in activities, such as contracting with performers, creating the film or sound content, and providing technical postproduction services. Film distribution is often to exhibitors, such as theaters and broadcasters, rather than through the wholesale and retail distribution chain. When the product is in a mass-produced form, NAICS treats production and distribution as

^T—Canadian, Mexican, and United States industries are comparable.

713 Amusement, Gambling, and Recreation Industries^T

Industries in the Amusement, Gambling, and Recreation Industries subsector (1) operate facilities where patrons can primarily engage in sports, recreation, amusement, or gambling activities and/or (2) provide other amusement and recreation services, such as supplying and servicing amusement devices in places of business operated by others; operating sports teams, clubs, or leagues engaged in playing games for recreational purposes; and guiding tours without using transportation equipment.

This subsector does not cover all establishments providing recreational services. Other sectors of NAICS also provide recreational services. Providers of recreational services are often engaged in processes classified in other sectors of NAICS. For example, operators of resorts and hunting and fishing camps provide both accommodation and recreational facilities and services. These establishments are classified in Subsector 721, Accommodation, partly to reflect the significant costs associated with the provision of accommodation services and partly to ensure consistency with international standards. Likewise, establishments using transportation equipment to provide recreational and entertainment services, such as those operating sightseeing buses, dinner cruises, or helicopter rides, are classified in Sector 48-49, Transportation and Warehousing.

The industry groups in this subsector highlight particular types of activities: amusement parks and arcades, gambling industries, and other amusement and recreation industries. The groups, however, are not all-inclusive of the activity. The Gambling Industries industry group does not provide for full coverage of gambling activities. For example, casino hotels are classified in Subsector 721, Accommodation; and horse and dog racing tracks are classified in Industry Group 7112, Spectator Sports.

7131 Amusement Parks and Arcades^T

This industry group comprises establishments primarily engaged in operating amusement parks and amusement arcades and parlors.

71311 Amusement and Theme Parks^T

See industry description for 713110.

713110 Amusement and Theme Parks

This industry comprises establishments, known as amusement or theme parks, primarily engaged in operating a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds. These establishments may lease space to others on a concession basis.

Cross-References. Establishments primarily engaged in--

- Operating mechanical or water rides on a concession basis in amusement parks, fairs, and carnivals or operating a single attraction, such as a waterslide--are classified in Industry 713990, All Other Amusement and Recreation Industries;
- Operating refreshment stands on a concession basis--are classified in Industry 72251, Restaurants and Other Eating Places;
- Supplying and servicing coin-operated amusement (except gambling) devices in places of business operated by others--are classified in Industry 713990, All Other Amusement and Recreation Industries;
- Supplying and servicing coin-operated gambling devices (e.g., slot machines or video gambling terminals) in places of business operated by others--are classified in Industry 713290, Other Gambling Industries; and
- Organizing, promoting, and/or managing events, such as carnivals and fairs, with or without facilities--are classified in Industry Group 7113, Promoters of Performing Arts, Sports, and Similar Events.

71312 Amusement Arcades^T

See industry description for 713120.

^T—Canadian, Mexican, and United States industries are comparable.

713120 Amusement Arcades

This industry comprises establishments primarily engaged in operating amusement (except gambling, billiard, or pool) arcades and parlors.

Cross-References. Establishments primarily engaged in--

- Supplying and servicing coin-operated amusement (except gambling) devices in places of business operated by others or in operating billiard or pool parlors--are classified in Industry 713990, All Other Amusement and Recreation Industries;
- Operating bingo, off-track betting, or slot machine parlors or in supplying and servicing coin-operated gambling devices (e.g., slot machines or video gambling terminals) in places of business operated by others--are classified in Industry 713290, Other Gambling Industries;
- Operating casinos (except casino hotels)--are classified in Industry 713210, Casinos (except Casino Hotels); and
- Operating casino hotels--are classified in Industry 721120, Casino Hotels.

7132 Gambling Industries^T

This industry group comprises establishments (except casino hotels) primarily engaged in operating gambling facilities, such as casinos, bingo halls, and video gaming terminals, or in the provision of gambling services, such as lotteries and off-track betting. Casino hotels are classified in Industry 72112, Casino Hotels.

71321 Casinos (except Casino Hotels)^T
See industry description for 713210.

713210 Casinos (except Casino Hotels)

This industry comprises establishments primarily engaged in operating gambling facilities that offer table wagering games along with other gambling activities, such as slot machines and sports betting. These establishments often provide food and beverage services. Included in this industry are floating casinos (i.e., gambling cruises, riverboat casinos).

Cross-References. Establishments primarily engaged in--

- Operating bingo, off-track betting, or slot machine parlors or in supplying and servicing coin-operated gambling devices, such as slot machines and video gaming terminals, in places of business operated by others--are classified in Industry 713290, Other Gambling Industries; and
- Operating casino hotels--are classified in Industry 721120, Casino Hotels.

71329 Other Gambling Industries^T
See industry description for 713290.

713290 Other Gambling Industries

This industry comprises establishments primarily engaged in operating gambling facilities (except casinos or casino hotels) or providing gambling services.

Illustrative Examples:

Bingo, off-track betting, or slot machine parlors
Coin-operated gambling device concession operators
(i.e., supplying and servicing in others' facilities)

Bookmakers
Lottery ticket sales agents (except retail stores)
Card rooms (e.g., poker rooms)

^T—Canadian, Mexican, and United States industries are comparable.

Cross-References. Establishments primarily engaged in--

- Operating casinos--are classified in Industry 713210, Casinos (except Casino Hotels);
- Operating casino hotels--are classified in Industry 721120, Casino Hotels;
- Operating facilities with coin-operated amusement (except gambling) devices--are classified in Industry 713120, Amusement Arcades;
- Supplying and servicing coin-operated amusement (except gambling) devices in places of business operated by others--are classified in Industry 713990, All Other Amusement and Recreation Industries; and
- Operating racetracks or presenting live racing or sporting events--are classified in Industry 71121, Spectator Sports.

7139 Other Amusement and Recreation Industries^T

This industry group comprises establishments primarily engaged in operating golf courses and country clubs; skiing facilities; marinas; fitness and recreational sports centers; bowling centers; and providing other amusement and recreation services.

71391 Golf Courses and Country Clubs^T

See industry description for 713910.

713910 Golf Courses and Country Clubs

This industry comprises (1) establishments primarily engaged in operating golf courses (except miniature) and (2) establishments primarily engaged in operating golf courses, along with dining facilities and other recreational facilities that are known as country clubs. These establishments often provide food and beverage services, equipment rental services, and golf instruction services.

Cross-References. Establishments primarily engaged in--

- Operating driving ranges and miniature golf courses--are classified in Industry 713990, All Other Amusement and Recreation Industries; and
- Operating resorts where golf facilities are combined with accommodations--are classified in Industry Group 7211, Traveler Accommodation.

71392 Skiing Facilities^T

See industry description for 713920.

713920 Skiing Facilities

This industry comprises establishments engaged in (1) operating downhill, cross country, or related skiing areas and/or (2) operating equipment, such as ski lifts and tows. These establishments often provide food and beverage services, equipment rental services, and ski instruction services. Four season resorts without accommodations are included in this industry.

Cross-References.

Establishments primarily engaged in operating resorts where skiing facilities are combined with accommodations are classified in Industry Group 7211, Traveler Accommodation.

71393 Marinas^T

See industry description for 713930.

T—Canadian, Mexican, and United States industries are comparable.

713930 Marinas

This industry comprises establishments, commonly known as marinas, engaged in operating docking and/or storage facilities for pleasure craft owners, with or without one or more related activities, such as retailing fuel and marine supplies; and repairing, maintaining, or renting pleasure boats.

Cross-References. Establishments primarily engaged in--

- Building ships--are classified in U.S. Industry 336611, Ship Building and Repairing;
- Building boats--are classified in U.S. Industry 336612, Boat Building;
- Renting pleasure boats--are classified in U.S. Industry 532284, Recreational Goods Rental;
- Repairing pleasure boats--are classified in Industry 811490, Other Personal and Household Goods Repair and Maintenance;
- Retailing marine supplies--are classified in U.S. Industry 441222, Boat Dealers; and
- Retailing fuel for boats--are classified in Industry 447190, Other Gasoline Stations.

71394 Fitness and Recreational Sports Centers^T

See industry description for 713940.

713940 Fitness and Recreational Sports Centers

This industry comprises establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.

Illustrative Examples:

Aerobic dance or exercise centers
Ice or roller skating rinks
Gymnasiums

Physical fitness centers
Handball, racquetball, or tennis club facilities
Swimming or wave pools

Cross-References.

- Establishments primarily engaged in providing non-medical services to assist clients in attaining or maintaining a desired weight are classified in U.S. Industry 812191, Diet and Weight Reducing Centers;
- Establishments primarily engaged in providing personal fitness training services are classified in Industry 812990, All Other Personal Services;
- Establishments primarily engaged in operating health resorts and spas where recreational facilities are combined with accommodations are classified in Industry 721110, Hotels (except Casino Hotels) and Motels; and
- Recreational sports clubs (i.e., sports teams) not operating sports facilities are classified in Industry 713990, All Other Amusement and Recreation Industries.

71395 Bowling Centers^T

See industry description for 713950.

713950 Bowling Centers

This industry comprises establishments engaged in operating bowling centers. These establishments often provide food and beverage services.

71399 All Other Amusement and Recreation Industries^T

See industry description for 713990.

^T—Canadian, Mexican, and United States industries are comparable.

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

316	Leather and allied product manufacturing							O			O	O		S	P	S
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
3161	Leather and hide tanning and finishing							O			O	O		O	S	O
321	Wood product manufacturing							O			O	O		S	P	S
322	Paper manufacturing							O			O	O		O	S	O
323	Printing and related support activities							S			O	S		P	P	P
323113	Commercial screen printing							P	S		O	P		P	P	P
324	Petroleum and coal products manufacturing							O			O	O		S	S	S
325	Chemical manufacturing							O			O	O		S	S	S
325412	Pharmaceutical preparation manufacturing							O			O	O		P	P	P
326	Plastics and rubber products manufacturing							O			O	O		S	P	S
3262	Rubber product manufacturing							O			O	O		O	P	O
327	Nonmetallic mineral product manufacturing							O			O	O		O	P	O
331	Primary metal manufacturing							O			O	O		O	S	O
332	Fabricated metal product manufacturing							O			O	O		S	P	S
333	Machinery manufacturing							O			O	O		S	P	S
334	Computer and electronic product manufacturing							O			O	O		P	P	P
335	Electrical equipment, appliance and component manufacturing							O			O	O		P	P	P
33591	Battery manufacturing							O			O	O		O	S	O
336	Transportation equipment manufacturing							O			O	O		S	P	S
337	Furniture and related products manufacturing							O			O	O		S	P	S
339	Miscellaneous manufacturing							O			O	O		P	P	S
3391	Medical equipment and supplies manufacturing							O			O	O		P	P	P
42	Wholesale Trade															
423	Merchant wholesalers, durable goods							O			O	O		P	P	P

424	Merchant wholesalers, nondurable goods							O			O	O		P	P	P
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
425	Wholesale electronic markets and agents and brokers							O			O	O		P	P	P
44—45	Retail Trade															
4411	Automobile dealers							O			O	O		P	P	O
4412	Other motor vehicle dealers							O			O	O		P	P	O
4413	Automotive parts, accessories and tire stores							P	S		O	O		P	P	P
442	Furniture and home furnishing stores							P	P		O	P		S	S	P
443	Electronics and appliance stores							P	P		O	P		S	S	P
444	Building material and garden equipment and supplies dealers							P	P		O	P		P	P	P
444190	Other building material dealers							S	S		O	O		S	S	S
445	Food and beverage stores							P	P		O	P		S		S
446	Health and personal care stores							P	P		O	P		P		P
447	Gasoline stations							P	P		O	S		P	P	
447190	Other gasoline stations										O	O		S	S	
448	Clothing and clothing accessory stores							P	P		O	P				P
451	Sporting goods, hobby, book and music stores							P	P		O	P				P
452	General merchandise stores							P	P		O	P		P	P	P
453	Miscellaneous store retailers							P	P		O	P		P	P	P
4533	Used merchandise stores							P	P			P		P	P	P
45393	Manufactured (mobile) home dealers										O	O			S	
45399	All other miscellaneous store retailers							P	P			P		P	P	P
454	Nonstore retailers							S	S		O	S		S	S	S
48—49	Transportation and Warehousing															
481	Air transportation										O	O		O	O	O
482	Rail transportation										O	O		S	P	S

Commented [BB1]: Remove Specific Use Permit and do not allow Gasoline Stations in the Downtown District.

483	Water transportation										O	O		O	S	O
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
484	Truck transportation										O	O		P	P	S
485	Transit and ground passenger transportation							S	S		O	S		S	S	S
486	Pipeline transportation	S	S	S	S	S	S	S	S		S	S	S	S	S	S
487	Scenic and sightseeing transportation							S			O	P				P
488	Support activities for transportation							S	S		O	O		S	P	P
48841	Motor vehicle towing										O	O		S	P	O
491	Postal service							P	P		O	P		P	P	P
492	Couriers and messengers							P	P		O	P		P	P	P
493	Warehousing and storage										O	S		P	P	P
51	Information															
511	Publishing industries							P			O	PS		P	P	P
512	Motion picture and sound recording industries							S			O	S		S	S	S
515	Broadcasting (except internet)							S	S		O	O		P	P	P
517	Telecommunications							S	S		O	S		P	P	P
517911	Telecommunication resellers							P	P		O	P		P	P	P
518	Data processing, hosting and related services							S	S		O	S		S	P	P
519	Other information services							S	S		O	S		S	P	P
52	Finance and Insurance															
521	Monetary authorities—Central bank							P	P		P	P		P		P
522	Credit intermediation and related activities							P	P		P	P		P		P
522298	All other nondepository credit intermediation(i.e., pawn shops)							S			O	S		S	P	P
523	Securities, commodity contracts, and other financial investments and related activities							P	P		P	P		P		P
524	Insurance carriers and related activities							P	P		P	P		P		P
525	Funds, trusts, and other financial vehicles							P	P		P	P		P		P

Commented [BB2]: Publishing is classified in the Information Sector; whereas Printing remains under Manufacturing. The classification of book and newspaper publishing is intended to portray their roles in a modern economy, in which they do not resemble manufacturing activities.

53	Real Estate and Rental and Leasing															
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
531	Real estate							P	P		P	P		P	P	P
53113	Lessors of miniwarehouses and self-storage units							O	O		O	O		O	P	P
532	Rental and leasing services							P	S		O	S		P	P	P
53212	Truck, utility trailer and RV rental							O	O		O	O		O	P	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)							P	P		P	P		P	P	P
54	Professional, Scientific and Technical Services															
541	Professional, scientific and technical services							P	P		P	P		P		P
54138	Testing laboratories							S			O	S		S	P	P
55	Management of Companies and Enterprises															
551	Management of companies and enterprises							P	P		P	P		P		P
56	Administration/Support Waste Management/Remediation Services															
561	Administrative and support services							P	P		O	P		P		P
561730	Landscaping services							S			O	O		S	P	S
56179	Other services to buildings and dwellings							S			O	O		S	P	P
562	Waste management and remediation services										O	O		S	P	S
61	Educational Services															
6111	Elementary and secondary schools	S	S	S	S	S	S	S	S		O	S	S	S	S	S
6112	Junior colleges							S			O	S	S	S	S	S
6113	Colleges, universities and professional schools							S			O	S	S	S	S	S
6114	Business schools and computer and management training							S			O	S	S	S	S	S
6115	Technical and trade schools							S			O	S	S	S	S	S
6116	Other school and instruction							P	P		P	P	S	P	P	

62	Health Care and Social Assistance																
	2017 NAICS	SFR and SFR-E	MFR-GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP	
621	Ambulatory health care services							P	P		P	P				P	
622	Hospitals							P			O	S		P		P	
6231	Nursing care facilities—Skilled nursing facilities							S	S		O	S					
6232	Residential, intellectual and development disability, mental health, and substance abuse facilities	S1	S1														
623311	Continuing care retirement communities (with on-site nursing)	S1	S1					S	S		O	S					
623312	Assisted living facilities for the elderly (without on-site nursing)	S1	S1					S	S		O	S					
624	Social assistance							S			O	S				S	
6244	Child day care services (childcare centers)							P	P		O	P					
6244	Child day care services (registered and/or licensed childcare home)	P	P														
71	Arts, Entertainment and Recreation																
7111	Performing arts							P			O	P				P	
7112	Spectator sports							S			O	O				P	
7113	Promoters of performing arts, sports and similar events							P			O	P				P	
712	Museums, historical sites and similar institutions	S	S	S	S	S	S	P	S		O	P	S	S	S	S	
7131	Amusement parks and arcades											S		S	P		
7132	Gambling industries																
7139	Other amusement and recreation industries											S		S	P		
713940	Fitness and recreational sports centers							P	S			S-P		P	P		
72	Accommodation and Food Services																

Commented [BB3]: Aerobic dance or exercise centers
Ice or roller skating rinks
Gymnasiums
Swimming or wave pools
Physical fitness centers
Handball, racquetball, or tennis club facilities

7211	Traveler accommodation							S			O	S		S	S	S
	2017 NAICS	SFR and SFR-E	MFR- GHD	MFR-L	MFR- M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
7212	RV (recreational vehicle) parks and recreational camps										O			S	S	
7213	Roominghouses and boardinghouses							S			O	S		S	S	S
7223	Special food services							P	P		O	P		P		P
7224	Drinking places (more than 75% sales of alcoholic beverages)							S				S		S		S
7225	Restaurants and other eating places							P	P		O	P		P		P
81	Other Services (Except Public Administration)															
8111	Automotive repair and maintenance							P	S		O	S		S	P	
81112	Automotive body, paint, interior and glass repair							S	S		O	S		S	P	
8112	Electronic and precision equipment repair and maintenance							S			O	O		S	P	P
8113	Commercial and industrial machinery and equipment (except automotive and electronic repair and maintenance)							S			O	O		S	P	P
8114	Personal and household goods repair and maintenance							S			O	O		S	P	P
8121	Personal care services							P	P		P	P		P		P
8122	Death care services							S	S		O	S		S		S
8123	Dry cleaning and laundry services							P	P		P	P		P		P
8129	Other personal services							P	P		P	P		P		P
8131	Religious organizations	S	S	S	S	S	S	S	S		O	S	S			
8132	Grantmaking and giving services							O	O		O	O		O		O
8133	Social advocacy organizations							O	O		O	O		O	P	O
8134	Civic and social organizations							O	O		O	O		O	P	O

8139	Business, professional, labor, political, and similar organizations							O	O		O	O		O		O
	2017 NAICS	SFR and SFR-E	MFR-GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
814	Private households	P	P	P	P	P	P					P (a)	P			
92	Public Administration															
921	Executive, legislative, and other general government support							P			O	P		P		P
922	Justice, public order and safety activities							P			O	P		P		P
92214	Correctional institutions														S	
923	Administration of human resource programs							P			O	P		P		P
924	Administration of environment quality programs							P			O	P		P		P
925	Administration of housing programs, urban planning, and community development							P			O	P		P		P
926	Administration of economic programs							P			O	P		P		P
927	Space research and technology							P			O	P		P		P
928	National security and international affairs							P			O	P		P		P

CITY OF FRIENDSWOOD

Capital Improvement Projects Update



Street Maintenance Program

2018-2019

In the process of being closed out

Crack seal only item remaining

Final acceptance anticipated by March



Street Maintenance Program

2019-2020

Notice to Proceed given to Contractor

\$4 Million in 2020

3/8th cent sales tax



Street Maintenance Program

2019-2020

Asphalt streets to commence as weather warms

First list of concrete street panel replacement given to contractor



Street Maintenance Program

2019-2020

Castlewood

Falcon Ridge

San Joaquin

San Miguel

Penn

Tanglewood

Westwood

Whittier Oaks

Winding Way



Street Maintenance Program

2019-2020

Full list of streets available at:

www.friendswood.com/construction-updates



Street Maintenance Program

2019-2020

Engineering staff investigating pilot program
for pavement preservation

Preservation would help keep high PCI values

Work in addition to the \$4 million contract



Blackhawk Boulevard Phase II



Construction:
\$4.5MM

Expended:
\$3.9MM



Blackhawk Boulevard Phase II



Majority of road reopened

Remaining work located near
Friendswood Link Road

Anticipated finish by late March



City-Wide Traffic Study

City-wide traffic study being finalized

Analyzes and makes recommendations for scenarios in 2025, 2030, 2040

Incorporates public feedback from Public Meeting held August 14, 2019

Consultant to present findings at March Council Meeting



CITYWIDE TRAFFIC STUDY City of Friendswood, Texas



Prepared for:

The City of Friendswood

Lift Station #23

(FM 518 & Oak Dr.)

Construction: \$3.2MM

Notice to Proceed:
February 1, 2020

Expected Construction:
9-12 months



Other Agency Projects

HARRIS COUNTY

Beamer Road/FM 2351 Intersection Upgrades

Installation of water line completed

Road work to commence in soon



Other Agency Projects

Texas Department of Transportation

FM 518 Medians

Beginning February 3rd

FM 518 Curb Ramp, Sidewalk, & Traffic Signal Upgrades

\$3.5 Million

Survey work under way, design work beginning

Let in February 2021



QUESTIONS?



CITY OF FRIENDSWOOD

Drainage Update

Samantha Haritos – Deputy Director of Engineering



Coordination/Partnering



Coordination/Partnering

Harris County Flood Control District (HCFCD)

- City staff corresponding with HCFCD regarding requirements for joint projects
- Forest Bend Detention project possibly expanded if H&H modeling meets HCFCD requirements
- Currently working with HCFCD Meteorologist for additional stream gauges in Clear Creek Watershed



Coordination/Partnering

Galveston County Consolidated Drainage District (GCCDD)

- Multiple inter-agency meetings
- City assisting GCCDD by providing in-house modeling of Imperial Estates project
- 300+ acre-feet removed to date at Imperial Estates

Rice University

- City Staff meeting with Dr. Bedient



Coordination/Partnering

Galveston County

- Galveston County updating its Master Drainage Plan

Houston-Galveston Area Council (H-GAC)

- H-GAC providing Benefit-Cost Analysis tools for Community Block Development Grants (CBDG) and other grants

Lower Clear Creek and Dickinson Bayou Federal Study (League City Study)

- Attended first stakeholder meeting (12/11)
- Public meetings will begin soon (City of Friendswood (COF) citizens encouraged to attend)



City Staff Agenda

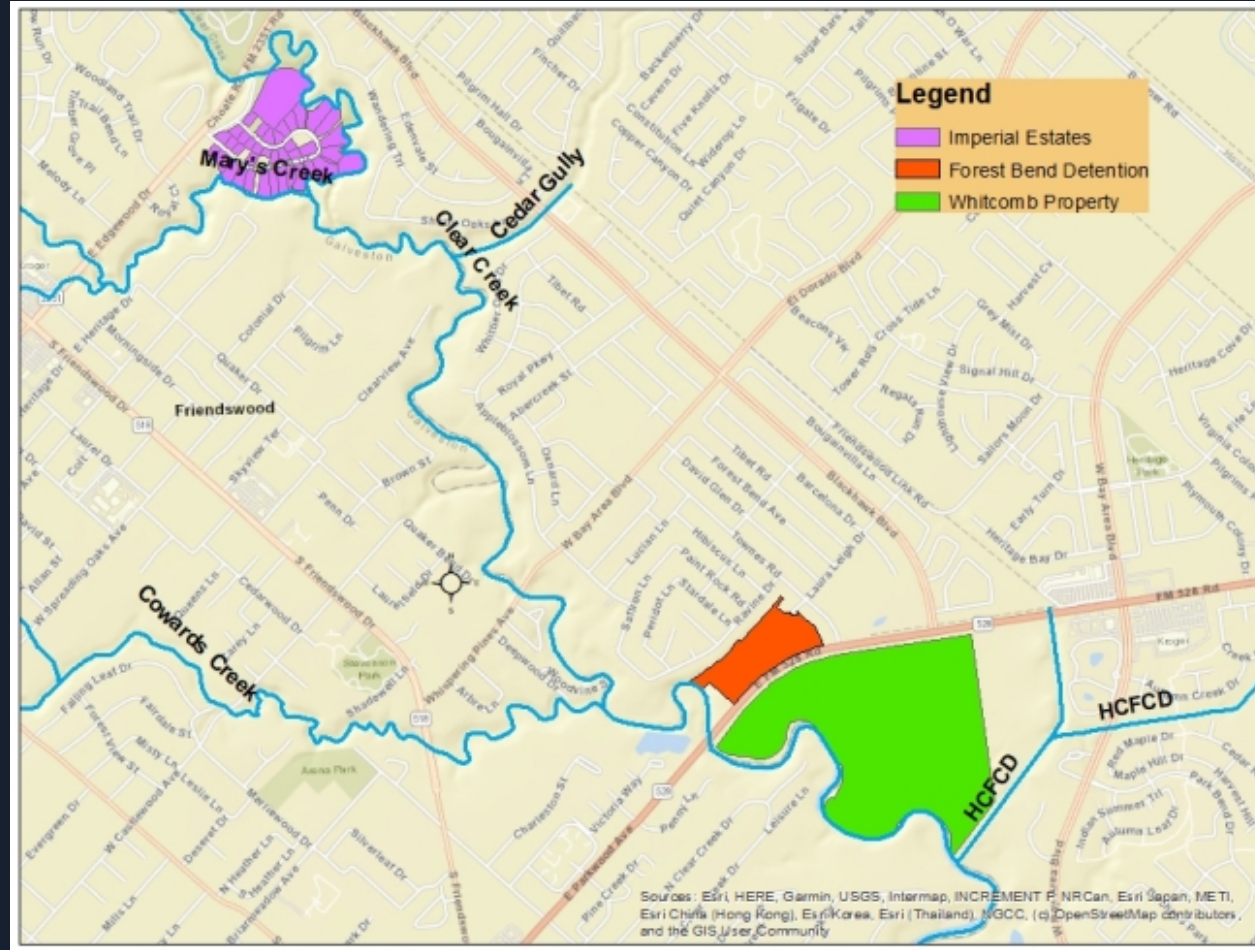
To continue identifying partnering opportunities

Working to procure up-to-date hydraulic and hydrology models

Currently working with other departments on improved in-house mapping capabilities using Geographical Information Systems (Arc-GIS)

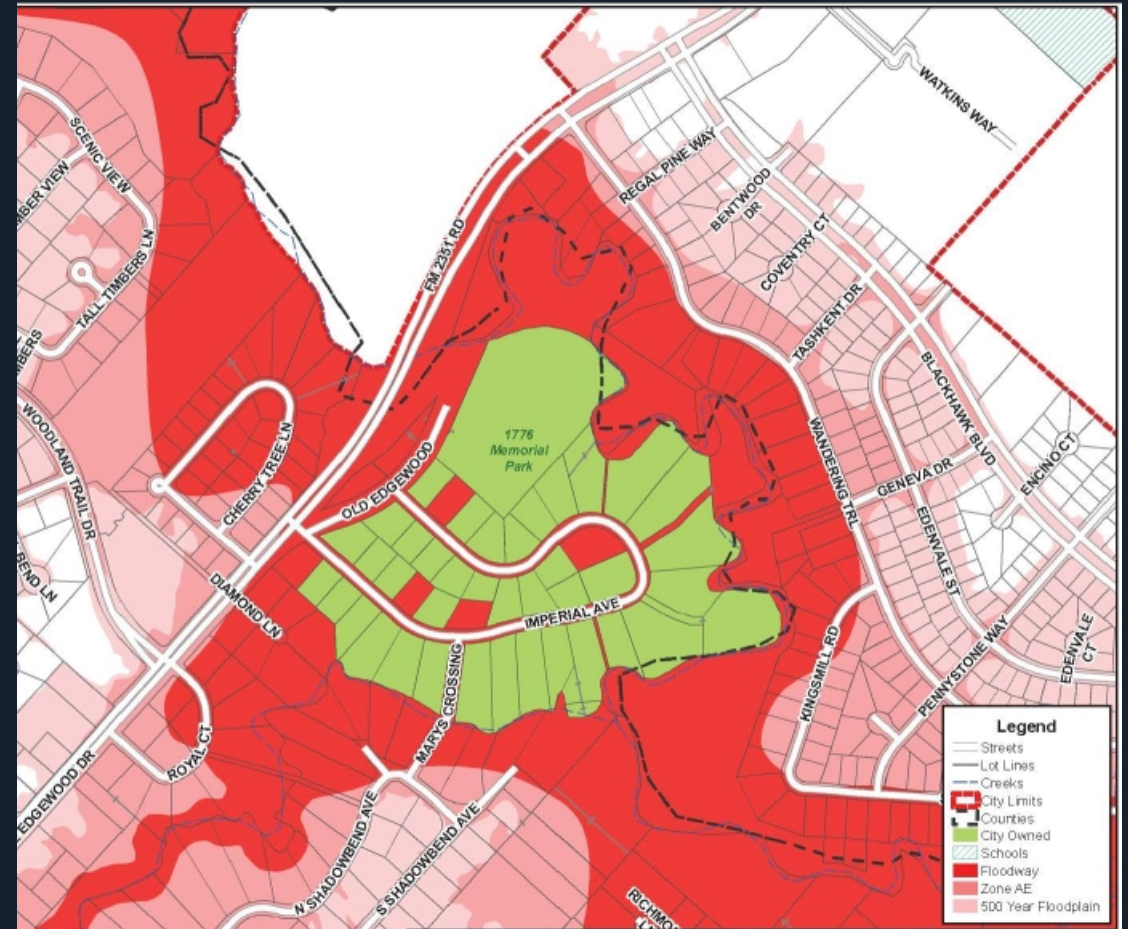


Drainage Projects



Imperial Estates

- 300+ acre-feet removed to date by GCCDD
- **Timeline**
 - GCCDD estimates 25% complete



Forest Bend Detention

Community Development Block Grant –Disaster Recovery Grant (CDBG-DR) for \$3,451,022



Forest Bend Detention

Project will include trails and lighting

Consultant to model offline detention basin

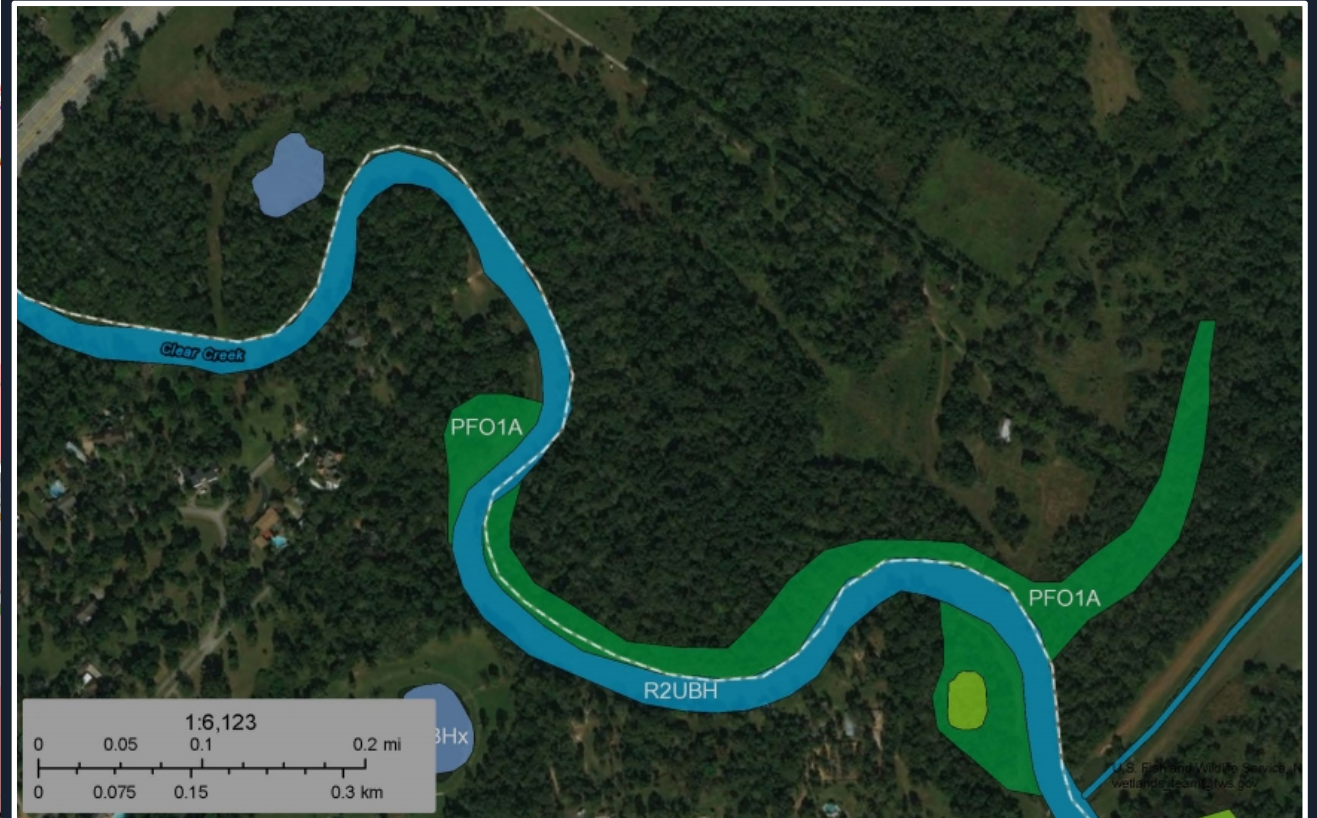
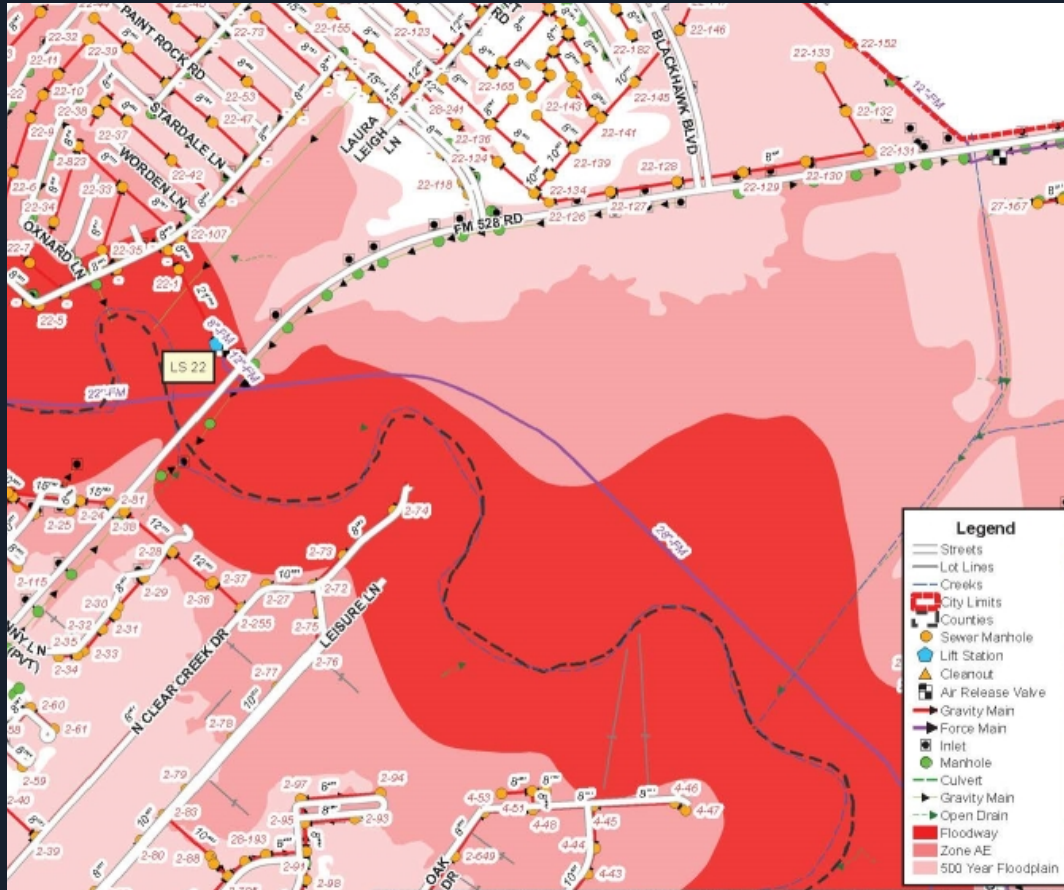
- Modeling Alternative I – Design detention for CDBG funding (original submission for approximately 7 acre footprint)
- Modeling Alternative II – Optimize project for entire 17 acre park site with terracing option

Timeline

- Environmental/Engineering RFP in Spring 2020
- Construction RFP in Spring 2021/Summer 2021



Clear Creek Community Church (Whitcomb Property) Terracing



Clear Creek Community Church (Whitcomb Property) Terracing

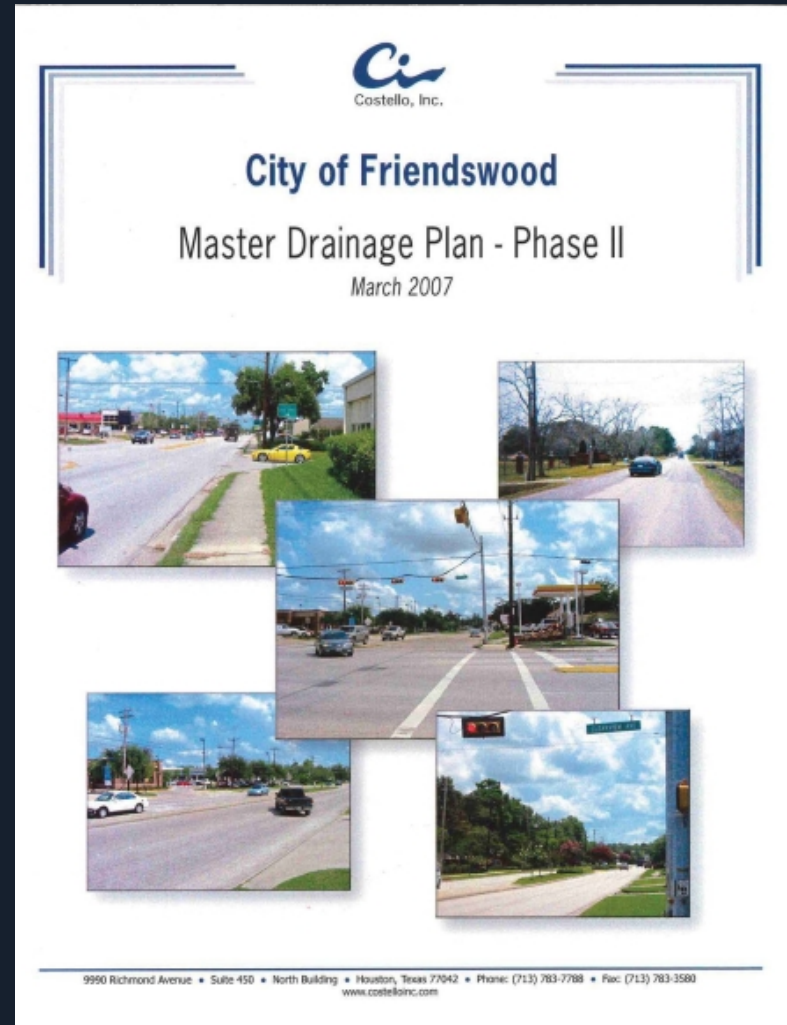
Memorandum of Understanding (MOU) to be considered in
Council's Consent Agenda for modeling

Wetland mitigation is anticipated

Engineering consultant to perform hydraulic and hydrology (H&H)
design/impact analysis to maximize terracing in the floodway,
determine any needed mitigation, and provide Opinion of Probable
Cost for a project at this location



Master Drainage Plan



Master Drainage Plan

Opportunity to obtain FREE grant for VERY LARGE STUDY!

State Proposition 8 passed November 2018 providing \$793 million for a Flood Infrastructure Fund

Fund to be used by the Texas Water Development Board (TWDB) for grant projects related to flood drainage, mitigation, and control

City to submit an abridged application to fund an update to the City's Master Drainage Plan



Master Drainage Plan

Possible benefits of updated Drainage Plan:

- Assessment of localized street drainage problems
- Real estate plan
- Benefit/Cost Assessment
- Detailed H&H Modeling
- Mitigation for Environmental Impacts or Projects with Downstream Impacts
- Prioritization of Projects

Timeline

- TWDB Grant application anticipated Spring 2020
- If awarded, Plan update could begin in Spring or Summer 2021

Additional projects identified through Master Drainage Plan could utilize bond money, grant money, and partnering opportunities



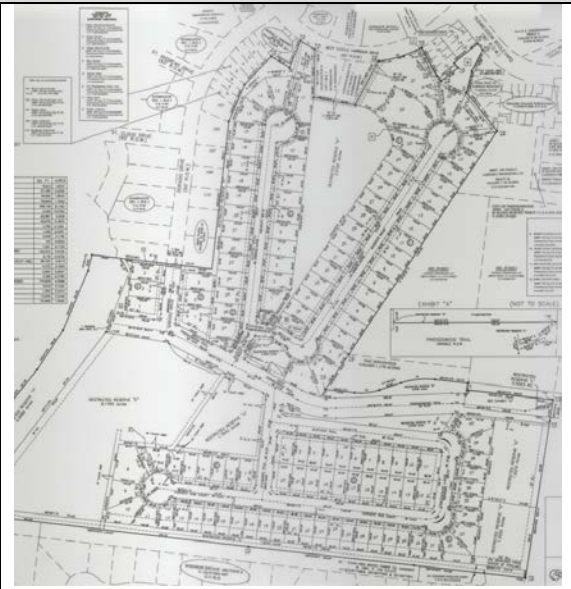
Questions?



Memo

To: Planning & Zoning Commission
 From: Aubrey Harbin, Director of Community Development/Planner
 Date: February 6, 2019
 Re: DRC Report

The following DRC Meeting was held in January 2019.

Project	Current Zoning	Zone Change Required? Y/N	Issues discussed	Location
Friendswood Trails Sec. 1 & 2 FM 528/Freedom Trail DR Horton closed on the property and wanted to	PUD	No	Discussed the requirements of the PUD as well as outstanding drainage concerns and issues that need to be addressed, including getting the fountains in the ponds turned on and completing the LOMA with FEMA. The monument sign was submitted and being reviewed by staff. DR Horton also proposed some improvements such as replacing one retaining wall that was constructed with wood. They are also installing the required 8ft fence along the property line to separate the residential use from the future commercial use along FM 528. The HOA will ultimately be responsible for maintaining that fence since the residential is being established first (per Zoning Ord).	

Industry Park FM 2351 Met with developer to discuss variety of issues including rezoning, drainage, and utilities for the development of Phase 2 and 3 of Industry Park.	I	Yes to change to LI	Developer expressed the desire to change the zoning on all of the property (Phase 1, 2 and 3) from Industrial to Light Industrial to allow more of the uses they are seeking. The Future Land Use Map does identify this area as a Special Study Non-Residential Area with Light Industrial Emphasis. For Phase 2 and 3, preliminary and final plats are required, as well as site plan approvals when individual lots are developed. Utilities are available; however, a public waterline extension is required. A regional drainage plan for this area has been designed and approved by Harris County Flood Control District. No high hazard flood zones exist.	
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