

**ORDINANCE NO. 2021-28**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING APPENDIX C, ZONING ORDINANCE SECTION 7.P.6. PERMITTED USE TABLE TO ALLOW NAICS USE #524 INSURANCE CARRIERS AND RELATED ACTIVITIES, #541 PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES, #551 MANAGEMENT OF COMPANIES AND ENTERPRISES, AND #561 ADMINISTRATIVE AND SUPPORT SERVICES AS "PERMITTED" IN THE INDUSTRIAL (I) ZONING DISTRICT; AMEND SECTION 8.I.2.PERIMETER LANDSCAPING AND SCREENING TO ALLOW THE COMMISSION TO CONSIDER ALTERNATE SCREENING PLANS FOR USES INTERIOR TO A COMMON DEVELOPMENT; SECTION 8.J.C. LIGHTING AND GLARE TO INCREASE THE FOOT-CANDLES ALLOWED INTERIOR TO COMMON DEVELOPMENTS; SECTION 7.5 COMMUNITY OVERLAY DISTRICT (COD) BOUNDARY TO REDUCE THE COD BOUNDARY ON FM 2351 FROM 300 FEET TO 150 FEET FROM BEAMER ROAD TO CLEAR CREEK; AND SECTION 20. DEFINITIONS TO ADD A DEFINITION OF COMMON DEVELOPMENT.**

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**WHEREAS**, the City Council of the City of Friendswood is continually reviewing the provisions of the City Code of Ordinances, specifically including Appendix C of the Friendswood City Code, ("Zoning") relating to land use and other circumstances; and

**WHEREAS**, City Council finds it necessary to amend various zoning regulations to promote the development of industrial properties located on FM 2351 near Beamer Road; and

**WHEREAS**, the Planning and Zoning Commission of the City of Friendswood has conducted a public hearing, received input from staff and has issued its final report recommending the amendments referenced hereafter; and

**WHEREAS**, the Planning and Zoning Commission and the City Council have conducted public hearings in the time and manner required by law; and

**WHEREAS**, City Council has determined that all public notices have been posted and published, all required hearings on this matter have been held, and that this Ordinance complies with the applicable provisions of the City Charter, City Code and all other applicable laws; and

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS:**

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

**Section 2.** That the City of Friendswood Code of Ordinances, Appendix C, "Zoning," "Section 7.P.6. Permitted Use Table" to allow NAICS uses #524 Insurance carriers and related activities, #541 Professional, scientific and technical services, #551 Management of companies and enterprises, and #561 Administrative and support services as "Permitted" in the Industrial (I) zoning district is hereby amended as indicated below:

#### 6. Permitted Use Table

	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
52	<i>Finance and Insurance</i>															
524	Insurance carriers and related activities							P	P		P	P		P	<u>P</u>	P
54	<i>Professional, Scientific and Technical Services</i>															
541	Professional, scientific and technical services							P	P		P	P		P	<u>P</u>	P
55	<i>Management of Companies and Enterprises</i>															
551	Management of companies and enterprises							P	P		P	P		P	<u>P</u>	P
56	<i>Administration/Support Waste Management/Remediation Services</i>															
561	Administrative and support services							P	P		O	P		P	<u>P</u>	P

**Section 3.** That the City of Friendswood Code of Ordinances, Appendix C, “Zoning,” “Section 8.I.2. Perimeter Landscaping and Screening” to allow the Commission to consider alternate screening plans for uses interior to a common development is hereby amended as indicated below:

2. *Perimeter landscaping and screening.*

a. Adjacent property, buffer maintenance and installation.

(1) When a commercial (CSC, LNC, NC, OP, DD, PUD, A-1) or industrial (LI, I, BP) use is established on a lot or premises located adjacent to any residential zoning district, or when any multiple-family dwelling use is established on a lot or premises adjacent to any property located in a single-family residential zoning district, or when an industrial use is established on a lot or premises adjacent to any property located in a commercial zoning district, a ten-foot in width landscaped open space buffer strip shall be installed and maintained by the owner, developer or operator of the multiple-family dwelling, commercial or industrial property between it and the adjacent protected property.

(2) In addition, an eight-foot-high opaque fence or wall shall be erected and maintained along the common property line. Graduated fences may be allowed by the commission, when the safety and general welfare of the public would be better protected by such design. The fence or wall shall be constructed of wood, masonry, or decorative concrete, or any combination thereof. Metal may be used only as a concealed structural element. Alternatively, some types of vegetation may be allowed for such screening, provided plantings are evergreen and dense enough to provide an opaque or substantially opaque screen. Any combination of fencing, earthen berms, and vegetation may be used to comply with the eight-foot screening requirement.

(3) The provisions of this subsection may not apply where the uses are separated by a driveway, easement, drainage ditch, canal, or similar features determined to provide adequate buffering to those listed herein which are a minimum width of 30 feet. The commission shall determine the required screening after giving due consideration to the intensity of the commercial use, the zoning classification, and adjacent land uses. When a residentially zoned property is rezoned to commercial, an existing fence may, if requested by the staff, the commission, or the applicant, be removed, in whole or in part, to allow joint

or shared access to parking and driving areas. Documentation may be required detailing a joint use agreement between or among property owners.

Conversely, when a single-family use is established on property adjacent to any commercial, industrial, or multiple-family zoning district, an eight-foot high opaque fence or wall shall be erected and maintained along the property line. The ten-foot buffer strip shall not in this instance be required.

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

**Section 4.** That the City of Friendswood Code of Ordinances, Appendix C, “Zoning,” “Section 8.J.c. Lighting and glare” to increase the foot-candles allowed interior to common developments is hereby amended as indicated below:

c. *Lighting and glare.*

(i) *Prohibited.* It shall be unlawful for any person to cause or permit to be energized on property under his possession or control any lighting, including, but not limited to, spotlights, floodlights or similar illuminating devices which project a glare or brightness, in excess of the standards described below, directly or indirectly upon any lot, tract, or parcel of land, other than that upon which such lighting is situated, which shall annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, within the limits of the city.

(ii) *Permitted.* All lighting in the city consisting of spotlights, floodlights, or similar illuminating devices shall be installed, hooded, regulated and maintained by the owner or person in control thereof in such a manner that the direct beam of any such light shall be oriented so that it will not glare upon any lot, tract, or parcel of land other than that upon which it is situated and so that it will not cause or permit any illumination from direct or indirect lighting in, on, or over the ground at or beyond the boundary of the lot, parcel, or tract above the following levels:

1. One footcandle where the adjacent development is zoned for nonresidential uses.
2. Twenty-five hundredths (0.25) footcandle where the adjacent development is zoned for residential uses.



(iii) *Shielding required.* All exterior light sources visible to pedestrian or vehicular off-premises traffic are required to be shielded, except as provided below, so that the light source is not visible to said pedestrian or vehicular traffic. Lights elevated on standards, for example in parking areas, shall be side-shielded on pedestrian or off-premises vehicular travel sides. Lighting mounted on low standards (such as bollard lights) is the preferred method for illuminating smaller parking areas and walkways.

(iv) *Exceptions.*

(1) Unshielded lighting facing pedestrian or off-premises vehicular sides of the property shall be permitted, provided the light source is not in excess of 1,700 lumens.

(2) Historical-style or architectural lighting visible to pedestrian or vehicular off-premises traffic shall be permitted, provided that the fixture or fixtures does not cause or permit any illumination in, on, or over the ground at or beyond the boundary of the lot, parcel, or tract above the following levels:

a. One footcandle where the adjacent development is zoned for nonresidential uses.

b. Twenty-five hundredths (0.25) footcandle where the adjacent development is zoned for residential uses.

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

(v) *Compliance required.* This appendix shall apply for all new facilities upon adoption and publication as required by law. All existing facilities with lighting in place on the date of adoption shall comply with the requirements herein within 24 months after the effective date of the ordinance from which this appendix is derived by installing shielding, redirecting lights, or other steps necessary for compliance. The commission may grant a one-time extension of up to an additional 24 months if the property owner or agent can demonstrate hardship, including undue expense related to the time requirement for facilities replacement. Further, existing publicly owned facilities shall be required to comply with the requirements herein at such time as the facilities undergo renovation to the exterior or where overall renovation exceed 50 percent of the costs of construction of the existing

facilities. Welding, new construction and repairs of facilities shall be exempt from these regulations, provided, however, that no requirements will be imposed in derogation of federal or state safety and health regulations.

**Section 5.** That the City of Friendswood Code of Ordinances, Appendix C, “Zoning,” “Section 7.5 Community Overlay District” to reduce the COD boundary on FM 2351 from 300 feet to 150 feet from Beamer Road to Clear Creek is hereby amended as indicated below:

2. *Boundaries.* The boundary of the COD shall be parallel to the thoroughfare right-of-way to include nonresidential properties within 300 feet from the right-of-way. If any portion of such property is within 300 feet, the entire tract is subject to the COD requirements.

a. **Exception: The COD boundary shall be limited to a depth of 150 feet abutting FM 2351 from Beamer Road to Clear Creek.**

**Section 6.** That the City of Friendswood Code of Ordinances, Appendix C, “Zoning,” “Section 20. Definitions” to add a definition of “common development” is hereby amended as indicated below:

...

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

**Common development means two or more business establishments developed under a common plan which may utilize shared driveways and onsite parking facilities, including, but not limited to, shopping centers, office complexes, business parks, and industrial parks.**

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

...

**Section 7.** That this Ordinance is hereby incorporated and made a part of the Friendswood City Code of Ordinances. Violation of this Ordinance is subject to the penalty

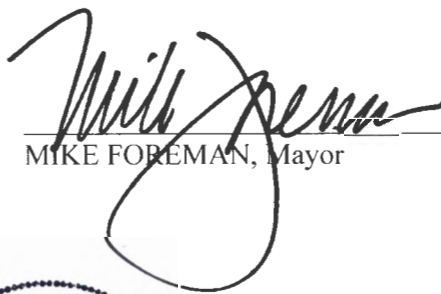
provisions contained in such Code under Section 1-14 "General penalty for violations of Code; continuing violations", and as otherwise provided by law. Any person who shall willfully, intentionally, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**Section 8.** That all ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

**Section 9.** That in the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Friendswood, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts. .

**Section 10.** That the City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

**PASSED AND APPROVED on first reading this 13th day of SEPTEMBER, 2021.**

  
MIKE FOREMAN, Mayor

ATTEST:

  
LETICIA BRYSCH, City Secretary



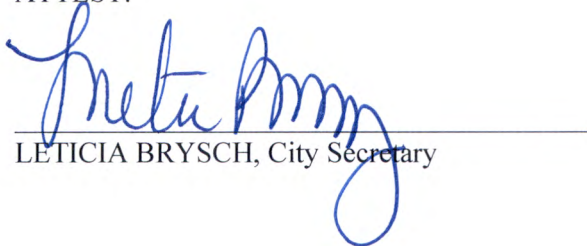
APPROVED AS TO FORM:

  
MARY KAY FISCHER, City Attorney

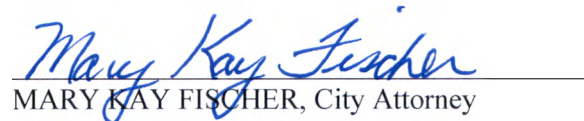
**PASSED, APPROVED AND ADOPTED on second and final reading this 4th day of OCTOBER, 2021.**

  
MIKE FOREMAN, Mayor

ATTEST:

  
LETICIA BRYSCH, City Secretary

APPROVED AS TO FORM:

  
MARY KAY FISCHER, City Attorney

