

ORDINANCE NO. 2024-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, AMENDING APPENDIX C "ZONING," SECTION 3 "PROVISION FOR OFFICIAL ZONING MAP" AND SECTION 9 "ADMINISTRATION AND ENFORCEMENT – BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE," SUBSECTION G "SPECIFIC USE PERMITS," PARAGRAPH 7 "TIME LIMIT" OF THE FRIENDSWOOD CITY CODE TO AMEND THE PROCESS OF MAINTAINING THE OFFICIAL ZONING MAP AND TO AMEND THE TIME LIMIT CRITERIA FOR SPECIFIC USE PERMITS; PROVIDING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, in effort to ensure transparency, The Official Zoning Map of the City of Friendswood is continually maintained and updated by the Community Development Department so that the same reflects all amendments thereto on or about the effective date of each such amendment; and

WHEREAS, since the map is continually being updated, the readoption of the same at regular intervals is no longer necessary; and

WHEREAS, additionally, the City of Friendswood Zoning Ordinance provides for an expiration date of two years for specific use permits; however, it does not contemplate an expiration date for specific use permits for long-term, multi-phased developments beyond the first phase; and

WHEREAS, in order to keep the Official Zoning Map clean and current, an expiration date on such long-term, multi-phased developments is appropriate in case subsequent phases never get developed; and

WHEREAS, the City is mindful that some developments may need extensions beyond the two-year expiration date; therefore, it desires to afford developers with a process whereby extensions may be requested; and

WHEREAS, in accordance with the Friendswood City Code and all applicable laws, the Planning and Zoning Commission and the City Council conducted public hearings on such application, allowing all interested persons the opportunity to be heard; and

WHEREAS, after the public hearing on the application and after having considered the application, the relevant support materials, and public testimony, the Planning and Zoning Commission filed a final report and recommendation with the City Council to approve the proposed text amendments contained in this ordinance; and

WHEREAS, in accordance with the Friendswood City Code and all applicable laws, the City Council has determined that all public notices have been posted and published and all required hearings on this matter have been held; and

WHEREAS, the City Council further finds that this ordinance complies with the applicable provisions of the City Charter, City Code and all other applicable laws; and

WHEREAS, the City Council deems it appropriate to approve the amendments contained herein;
NOW THEREFORE,

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

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

Section 2. That Appendix C "Zoning," Section 3 "Provision for official zoning map" of the Friendswood City Code is hereby amended to read as follows:

APPENDIX C. ZONING

Section 3. Provision for official zoning map.

A. *Official zoning map.*

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

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

Section 3. That Appendix C "Zoning," Section 9 "Administration and enforcement— Building permits and certificates of zoning compliance," Subsection G "Specific use permits," Paragraph 7 "Time Limit" of the Friendswood City Code is hereby amended to read as follows:

APPENDIX C. ZONING

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

G. *Specific use permits.*

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7. Time limit.

a. *Expiration.* A specific use permit issued under this section shall expire:

(1) Two years after its date of issuance if construction or use authorized thereunder is not substantially under way prior to the expiration of said two-year period; provided, however, where the development is based on a long-term, multi-phased master plan, each phase of the specific use permit shall be severable and shall be subject to the two-year expiration period, which shall expire as follows:

(a) for the initial phase, two years after its date of issuance and

(b) for subsequent phases, two years after the date construction is commenced for each applicable phase; provided construction commences prior to the expiration of the previous phase; or

(2) One year following the discontinuation of the use for which the specific use permit was approved.

b. *Extension.* If, prior to the expiration of the specific use permit, the owner of property to which a specific use permit applies requests, in writing, an extension thereof, the city council, after recommendation from the planning and zoning commission, may approve such extension for not more than two additional years

Section 4. A violation of this ordinance is subject to the penalty provisions contained in Section 1-14 of the Friendswood City Code and as otherwise provided by law. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence fail to comply with any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

Section 5. That all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby expressly repealed.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Friendswood, Texas, declares

that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. The City Secretary shall give notice of the enactment of this ordinance by promptly publishing the caption of this ordinance after final passage in the official newspaper of the City.

Section 8. This ordinance shall take effect ten (10) days from and after its passage on first reading by the City Council of the City of Friendswood, Texas, and its publication in the official newspaper of the City.

INTRODUCED, READ, AND PASSED on first and final reading by the affirmative vote of the City Council of the City of Friendswood this 9th day of September, 2024.


MIKE FOREMAN, Mayor

ATTEST:


LETICIA BRYSCH, City Secretary

APPROVED AS TO FORM:


KAREN L. HORNER, City Attorney

