



AMENDED AGENDA CITY COUNCIL MEETING

March 7, 2024 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a meeting of the Lucas City Council will be held on Thursday, March 7, 2024, beginning at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting. Pursuant to Texas Government Code 551.127, one or more members of the governing body may appear via videoconference call. The presiding officer and a quorum of the City Council will be physically present at this meeting.

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/departments/public-meetings/>.

How to Provide Input at a Meeting:

Speak In Person: Request to Speak forms will be available at the meeting. Please fill out the form and give to City Secretary Toshia Kimball prior to the start of the meeting. This form will also allow a place for comments.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email City Secretary Toshia Kimball at tkimball@lucastexas.us by no later than 3:30 pm the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. Any requests received after 3:30 pm will not be included at the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Citizen Input

The Citizen Input portion of the agenda is an opportunity for the public to address the City Council on any subject. By completing a "Request to Speak" form and submitting to the City Secretary, citizens have an opportunity to speak at the City Council meeting. However, in accordance with the Texas Open Meetings Act, the City council cannot discuss issues raised or make any decisions, but may refer items to City Staff for research and possible inclusion on a future agenda.

1. Citizen Input.

Community Interest

Pursuant to Section 551.0415 of the Texas Government Code, the City Council may report on the following items: 1) expression of thanks, congratulations or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders about upcoming City Council events; 5) information about community events; and 6) announcements involving imminent threat to public health and safety.

2. Items of Community Interest:

Public Hearing

3. Conduct a public hearing and consider amendments to the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning” excluding Article 14.04 titled “Supplementary Regulations”, Division 8 titled “Accessory Buildings, Structures and Uses”.
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct Public Hearing
 - C. Take action on the request
4. Conduct a public hearing and consider a request by the owner Ryan Mullholand with Homerun Alley on behalf of Boson Motors for an amendment to the zoning use chart to permit electric equipment assembly and sales.
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct Public Hearing
 - C. Take action on the request
5. Cancellation of a public hearing to consider a Specific Use Permit (SUP) application submitted by Bill Shipley on behalf of Caliber Collision to permit a Caliber Collision paint and body shop with minor automotive located in the William Snider Survey, Abstract Number 821, Tract 16, being 1.75 acres of a 5.7601 acres tract of land, more commonly known as a tract of land on McGarity Lane, 500 feet east of the intersection of Angel Parkway and McGarity Lane.

Consent Agenda

All items listed under the consent agenda are considered routine and are recommended to the City Council for a single vote approval. If discussion is desired, an item may be removed from the consent agenda for a separate vote.

6. Consent Agenda:
 - A. Approval of minutes of the February 15, 2024, City Council meeting.
 - B. Approval of authorizing the City Manager to enter into a contract with Hydromax USA, LLC for fire hydrant and valve maintenance utilizing an interlocal agreement with the City of Garland, Texas in an amount not to exceed \$113,000.

Regular Agenda

7. Consider an analysis of pavement condition data and discuss projections for full-system, total lifecycle pavement maintenance and the development of a 5-year streets maintenance plan. **(Presenter: CIP Manager Patrick Hubbard)**
8. Consider authorizing the City Manager to enter into a contract with Anderson Asphalt & Concrete Paving, LLC, for the rehabilitation of Edgefield Lane, Lynn Lane, Woodmoor Drive, and Winningkoff Road/East Winningkoff Road in a not to exceed amount of \$350,206 from Account 11-8209-301 Improvement Roads (Street Maintenance). **(Presenter: Public Works Director Scott Holden, PE)**
9. Consider calling a special City Council meeting for the purpose of canvassing the May 4, 2024 election results. **(Presenter: City Secretary Toshia Kimball)**

10. Consider creating the position of Development Coordinator for the City of Lucas and appropriating \$43,892 from unrestricted general fund reserves into the Development Services (6212) personnel services budget. **(Presenter CIP Manager Patrick Hubbard)**
11. Consider nominations for the 2024 Service Tree Award Program. **(Presenter: Service Tree Committee, City Council)**
12. Consider authorizing the City Manager to enter into a contract with Jones Bros Construction for renovations to the Public Works Building in the amount not to exceed \$103,608 from account 11-8999-200, Building and Improvements. **(Presenter: Development Services Director Joe Hilbourn)**

Executive Session

13. Executive Session:
 - A. The City Council will convene into executive session pursuant to Section 551.074 of the Texas Government Code, Personnel Matters, to deliberate the appointment, employment, duties of a public officer - City Manager.
14. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.
15. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on March 1, 2024.

Toshia Kimball, City Secretary

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to City Secretary Toshia Kimball at 972.912.1211 or by email at tkimball@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 01

Requester: Mayor Jim Olk

Agenda Item Request

Citizen Input.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

March 7, 2024

Requester: Mayor Jim Olk

Agenda Item Request

Items of Community Interest.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 03

Requester: Development Services Director Joe Hilbourn

Agenda Item

Conduct a public hearing and consider amendments to the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning” excluding Article 14.04 titled “Supplementary Regulations”, Division 8 titled “Accessory Buildings, Structures and Uses”.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take action on the request

Background Information

The City Council requested that a strategic review of the Code of Ordinances be done with specific focus on Chapter 14 “Zoning”. On June 1, 2023, the City Council gave direction that the Planning and Zoning Commission review Chapter 14 in segments and bring updates to the City Council. The Planning and Zoning Commission started the review process on June 8, 2023 and completed a comprehensive review of recommended edits on November 9, 2023.

On December 7, 2023, the City Council agreed to form a Council Subcommittee consisting of Mayor Jim Olk, Councilmember Dusty Kuykendall, and Councilmember Tim Johnson to further review Chapter 14 and make additional proposed changes.

On January 18, 2024, the Council Subcommittee met with Development Services Director Joe Hilbourn and Assistant City Manager Kent Souriyasak to discuss new edits which included changes such as:

- Added impervious coverage of 35% total lot area to R2, R1.5, R1 and ED
- Added pet boarding regulations with specific use permit (SUP) to AO and LI
- Added parking and fire lane specifications to VC, LI, and Special Off-Street Parking Regulations (§ 14.04.034)
- Added requirements for temporary lighting exemption (§ 14.04.257)

The Council Subcommittee agreed to move forward with final recommended changes to Chapter 14 excluding accessory buildings which will be reviewed separately.

On February 8, 2024, the Planning and Zoning Commission held a public hearing for Chapter 14 and provided the following proposed changes:

- Under the definition for “athletic/sports training facility,” change the term “locker” to “locker space.”
- Under the Zoning Use Chart, change the term “auto paint (in building)” to “automobile repair collision services” to match the existing definition.



City of Lucas

City Council Agenda Request

March 7, 2024

- Add “electric equipment assembly and sales” to the Zoning use Chart requiring a SUP in CB and LI. The Planning and Zoning Commission voted to recommend this new use as requested by Homerun Alley.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 03

Staff has incorporated all new changes to Chapter 14 (excluding accessory buildings) which is provided as an attachment. All proposed edits are marked in the following colors:

- Green – New Edits by Planning and Zoning Commission (February 8, 2024)
- Blue – New Edits by Council Subcommittee (January 18, 2024)
- Red – Previous Comprehensive Edits by Planning and Zoning Commission

The Council Subcommittee will be reviewing and proposing new changes to Article 14.04 Division 8 “Accessory Buildings” as a separate item for future review.

Attachment/Supporting Documentation

1. Chapter 14 “Zoning” Edits (excluding Article 14.04 Division 8 “Accessory Buildings”)
2. Public Notice

Budget/Financial Impact

NA

Recommendation

Staff recommends approving the new revisions to Chapter 14 as presented. Following the outcome of this public hearing, staff will bring forward an ordinance to approve adopting the amendments at the following City Council meeting.

Motion

There is no motion required.

Chapter 14

Zoning

ARTICLE 14.01

GENERAL PROVISIONS

Division 1

Generally

§ 14.01.001 **Short title and application of chapter.**

These regulations shall be known as, and may be cited as, “The City of Lucas, Texas, Zoning Ordinance” and shall apply to the land within the corporate limits of the city.

(1995 Code, sec. 9-1)

§ 14.01.002 **Interpretation and purposes.**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for promotion of the public health, safety, and welfare. The zoning regulations and districts as herein established have been made for the purpose of promoting health, safety, moral responsibility, and the general welfare of the city, and have been designed, among other things:

- (1) To lessen congestion on streets;
- (2) To secure safety from fire, panic, and other dangers;
- (3) To promote health and the general welfare;
- (4) To provide adequate light and air;
- (5) To prevent the overcrowding of land;
- (6) To avoid undue concentration of population;
- (7) To facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements;
- (8) To conserve the value of the property and encourage the most appropriate use of land throughout the community;
- (9) To minimize the threat of release, spillage or seepage of trash, garbage, debris, sewage, wastewater, noxious fumes or odors, or toxic materials; and
- (10) To lessen the potential pollution of the environment in the city or its environs.

(1995 Code, sec. 9-2)

§ 14.01.003 **Scope.**

It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant,

deed, easement, or other private agreement. Where this chapter imposes a greater restriction upon land, buildings, or structures than is imposed or required by other ordinances, covenants, or agreements, the provisions of these regulations shall govern. Where other ordinances impose a greater restriction than is imposed herein, the provisions of such other ordinances shall govern.

(1995 Code, sec. 9-3)

§ 14.01.004 **Definitions.**

Accessory buildings and structures. Buildings or structures located on the same lot as a dwelling or other principal building, the use of which is subordinate in area, volume, and extent as well as incidental in use to the use of the dwelling or other principal building. **An accessory building or use is:**

~~Accessory building or use. Is:~~

- (1) Subordinate to and serves a principal building or principal use;
- (2) Subordinate in area, extent, or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use served; and
- (4) Located on the same building lot as the principal use served. ~~"Accessory" when used in the text shall have the same meaning as accessory use.~~
- (5) "Accessory" when used in the text shall have the same meaning as accessory use.

Accessory dwelling unit (ADU). Building area that does not have a permanent interconnection with the principal ~~primary~~ dwelling, is located on the same lot as the principal ~~primary~~ dwelling, and that is used, designed or intended to be used for human habitation as an additional abode that contains space for living, sleeping, sanitation, ~~and space for~~ cooking and/or eating.

Accessory use. Use of land, buildings, or structures that are subordinate and incidental to the principal ~~primary~~ use and contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use of the land.

Alley. A public space or thoroughfare which may afford secondary means of access to property abutting thereon.

Area of the lot. Shall be the net area of the lot and shall not include portions of public streets or alleys.

Athletic/sports training facility. A facility designed and used primarily for commercial training facilities including team sports, athletic performance programs, consisting of outdoor and/or indoor athletic fields and related facilities, including but not limited to gymnasiums, equipment, training rooms, offices, locker space, and the use of personal trainers.

Automobile repair.

- (1) Collision services. Body, frame, and fender straightening or repair; customizing; painting.
- (2) Major. Major repair, rebuilding or reconditioning of engines, radiators, or transmissions; undercoating and rust proofing; any operation requiring dismantling or removal of head, crankcases, engines or other major parts; and recapping or re-grooving of tires; any use of a welder or cutting torch; any repair of heavy load vehicles; and other operations not listed as minor repair, but not collision services.

- (3) Minor. Minor repair or replacement of parts, tires, batteries, and accessories; diagnostic services; minor motor services such as grease, oil, spark plug and filter changes; tune-ups; replacement of starters, alternators, hoses, brake parts, mufflers, water or fuel pumps; state inspections; steam cleaning and detailing; servicing of air-conditioning systems; for vehicles, but not heavy load vehicles and not including any operation listed as major repair or collision service.

Block. An area enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

Building. Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building height. The number of stories contained in a building and/or the number of feet above the average level of the adjoining ground.

Building line (setback line). A line parallel or approximately parallel to the centerline of a street or to a property line when not adjacent to a street and having a specific minimum distance as established by this code based on the zoning district in which the property is located delineating where a building may be erected.

Building lot. A single tract of land located within a single block which (at the time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may be subsequently subdivided into two or more "building lots" or a number of "building lots," subject to the provisions of this chapter and the subdivision ordinance.

Building official. The building inspector or administrative official charged with the responsibility for issuing permits and enforcing the zoning ordinance, subdivision ordinance, and building code.

Certificate of occupancy or compliance. An official certificate issued by the city through the building official which indicates conformance with or approval of a conditional waiver from the zoning regulations and authorizes legal use of the premises for which it was issued.

Child care center. A facility licensed, certified or registered by the Texas Department of Family and Protective Services ("TDFPS") to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Church or rectory. A place of assembly and worship by a recognized religion including synagogues, temples, churches, instruction rooms, and the place of residence for the ministers, priests, rabbis, teachers, and directors of the premises.

City. The word "city" shall mean the City of Lucas.

Clinic. A group of offices for one or more physicians, surgeons, dentists or similar members of the medical profession to treat sick or injured outpatients or animals.

College or university. An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university, but excluding trade and commercial schools.

Commission and/or planning commission. The planning and zoning commission of the city.

Community home. A place meeting the requirements established under section 123.004 of the Texas Human Resources Code and where no more than six (6) persons with disabilities and up to two (2) supervisors reside at the same time to provide services to persons with disabilities including food, shelter, personal guidance, care, habilitation and supervision.

Conditional use. A use which shall be permitted in a particular district only upon fulfillment of the conditions as set forth for that use in the use regulations for the appropriate district.

Council. The word "council" shall mean the city council.

Courtyard. An open, occupied space bounded on more than two (2) sides by the walls of a building. An inner courtyard is entirely surrounded by the exterior walls of a building. An outer courtyard is a court having one side open to a street, alley, yard, or other permanent open space.

Depth of lot. The mean horizontal distance between the front and rear lot lines.

Design review committee (DRC). The DRC is comprised of staff members representing the various departments and divisions involved in the review and approval process (administration, planning, engineering, building inspection, public works, fire, parks and health). DRC is responsible for review of development and building plans, subdivision plats and zoning applications. It offers reports and recommendations to both P&Z and city council pertaining to applications and proposals requiring actions by these bodies. DRC has final approval authority for certain plats such as amending plats, replats and minor plats in compliance with Texas Local Government Code, section 212.0065 and section 212.016.

Development or to develop. A "development" includes the construction of new buildings or structures on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.

District. A section of the city for which the regulations of this chapter, such as the area, height, use, etc., of the land and buildings, are uniform.

Drive-through, drive-thru, drive-in, or drive-up. A product or service provided by a business that allows customers to purchase a product or service without leaving their cars. For the purposes of this definition, any product or service that is provided to a customer without the need for the customer to leave their vehicle is a drive-through, drive-thru, drive-in or drive-up.

Dwelling unit. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation and sleeping.

Dwelling, multiple family. Any building or portion thereof which is designed, rented, leased, or let to be occupied as two or more dwelling units or apartments of ~~for~~ which is occupied as a home or residence of two or more families.

Dwelling, single-family. A detached building, but not a mobile home, manufactured housing or RV, having accommodations for and occupied by not more than one family, located on a lot or separate building tract, and having no physical connection to a building located on any other separate lot or tract.

Equestrian boarding. A business consisting of a minimum of two (2) acres and up to five (5) acres for the boarding of a maximum of two (2) horses per acre regardless of ownership, that receives compensation through the boarding of horses. On lots greater than five (5) acres no such limit shall be imposed.

Equestrian facilities. A facility or place used for horse boarding, including equestrian pasture boarding, horse training, riding lessons, horse breeding, horse rescue or horse shows. The facility may contain a riding arena provided the arena does not exceed **ten percent (10%)** of the total lot size or a maximum of **twenty thousand square feet (20,000 sq. ft.)** ~~square feet~~ regardless of the size of the lot.

Family. One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

Farm or ranch. An area which is used for growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on said premises, but not including the commercial feeding or the feeding of garbage to swine or other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance or law.

Farmer's market. The retail sale of farm produce by individual vendors for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey, where such produce, or its portion, is not grown on the premises.

Floor area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding porches, carports, garages or unfinished cellars.

Garage, auto repair. A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

Halfway house. A residence for former mental patients, convicts, or recovering drug users or alcoholics that serves as a transitional environment between confinement and the return to society.

Home occupation. A business, occupation, or profession conducted wholly within an allowable residential building and dwelling unit by only the residents thereof, and which shall have the following characteristics:

- (1) The activity shall employ only members of the immediate family of the resident of the dwelling unit.
- (2) There shall be no external evidence of the occupation detectable at any lot line, said evidence to include, advertising signs, or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of a business or that creates a nuisance to persons of ordinary sensibilities that occupy surrounding properties.

Hospital. A legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

HUD-code manufactured home. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR section 3282.8(g).

Kennel. Any business or establishment other than a veterinary hospital, whether operated separately or in

connection with another business or establishment, that keeps, breeds and/or boards and/or trains dogs and/or cats for profit. Veterinary hospitals shall not be considered a kennel, unless such hospitals contain pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats or other domesticated animals, swine, equine, or other livestock or animals other than, or in addition to, short-term care incidental to the hospital use. Kennels must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the city.

Living Space. Climate controlled areas within a principal building or accessory building used for living, sleeping, sanitation, cooking, exercise/recreation, and/or office.

Livestock. Any horses, mules, donkeys, ponies, cattle, sheep, goats, hogs, pigs, of any and all kinds regardless of sex.

Lot. Land occupied or to be occupied by a building(s) and its accessory building including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

Lot depth. The distance, measured in a straight line, between the front lot line and the rear lot line measured at the respective midpoints of the front lot line and the rear lot line.

Lot Depth Illustration

[\[Image\]](#)

Lot flag. A lot of irregular shape with reduced frontage along a public or private street with dimensions that are otherwise adequate at the building lines.

[\[Image\]](#)

Lot lines. The lines bounding a lot as defined herein.

- (1) **Lot line, front.** A "front lot line" is that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line providing that a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.
- (2) **Lot line, rear.** The "rear lot line" is that boundary of a building lot which is the most distant from and is, or is most nearly, parallel to the front lot line.
- (3) **Lot line, side.** A "side lot line" is that boundary of a building lot which is not a front lot line or a rear lot line.

Lot of record. A lot which is part of a subdivision, the plat of which has been filed by the city and recorded in the office of the county clerk prior to May 1, 1995 the adoption of this chapter.

Lot width. The width of a lot, measured in a line generally parallel to the front property line at the front building line setback line.

Lot Width Illustration

[\[Image\]](#)

~~*Main building.* The building or buildings on a lot which are occupied by the primary user.~~

Major ~~retail~~ development. A singular retail establishment or shopping center that involves any one, or a combination of the following and as defined herein:

- (1) New construction of a singular retail sales establishment that is greater than ~~twenty thousand 20,000~~ gross square feet (~~20,000 GSF~~) in size;
- (2) New construction of a shopping center on a parcel or combination of parcels comprising ten acres or larger; or
- (3) Expansion to a singular retail sales establishment or shopping center existing as of the effective date of ~~May 1, 1995 adoption of this chapter~~ and which said expansion will increase the square footage of a singular retail sales establishment to become more than ~~twenty thousand 20,000~~ gross square feet (~~20,000 GSF~~) in area or increase the size of a shopping center to more than ten acres.

Masonry. An exterior building material which includes: Brick of a minimum three and one-half inch (3-1/2") nominal thickness, stone with a minimum average thickness of two inches (2") or stucco.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Mobile home park. Any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A trailer park is a mobile home park.

Museum, library or art gallery (public). An institution for the collection, display and distribution of books and objects of art, or science and sponsored by a public or quasi public agency and open to the general public.

Nonconforming. A building, structure, or use of land lawfully occupied ~~in accordance with the zoning regulations by which it was established at the time of the effective date of this chapter~~ or amendments thereto, and which does not conform to the use ~~for of~~ the regulations of the district in which it is situated.

Noxious matter. A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Nursing home facility (also termed skilled nursing facility, convalescent home, assisted living, memory care facility or long-term care facility.) A facility providing primarily inpatient health care, personal care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision and such facilities comply with the required state licensing, if any.

Occupancy. The use or intended use of the land or building by proprietors or tenants.

Office, general business or professional. An establishment providing administrative, business, executive, management or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use.

Office, medical or dental. An office or group of offices for one or more physicians, surgeons, dentists or other health-care professionals to treat sick or injured patients who do not remain overnight.

Open space or open areas. Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, or porches.

Open storage. The storage of any equipment, machinery, commodities, raw or semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.

~~Park, playground, community center. An open recreation facility or park owned and operated by a general public agency and available to the general public.~~

Parking space. A surface area, enclosed or unenclosed, sufficient in size to store one automobile together with a surface driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile.

Pet. A domesticated animal kept for companionship or pleasure that includes any dogs, cats, birds, rodents, of any and all kinds regardless of sex, and those similar in nature and function.

Pet boarding. Commercial establishment which provides accommodations, feeding and general care for pets.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city and subject to approval by the planning and zoning commission. Reference to a plat in this chapter means an official plat of record which has been approved by the planning and zoning commission and filed in the plat records of the county.

Premises. Land together with any buildings or structures occupying it.

~~Principal or primary building, primary dwelling unit or principal use.~~ Primary building, dwelling, or use of property on a single lot on which the building or dwelling unit is located, occupied or maintained under this chapter.

~~Public park, playground, or community center.~~ Any publicly owned park, playground, facility, parkway, greenbelt, or roadway within the jurisdiction and control of the city.

~~Recreation area.~~ A privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.

Refueling station. Any building or premises used for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, propane, natural gas, or electrical recharging. If the dispensing, sale, or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

Registered family home.

- (1) A home that is registered with the Texas Department of Family Protective Services ("TDFPS") and that provides regular care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding children who are related to the caretaker, and that provides care after school

hours for not more than six (6) additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed twelve (12) at any given time.

- (2) The term does not include a home that provides care exclusively for any number of children who are related to the caretaker. For purposes of this definition regular care means care that is provided at least:
- (A) Four (4) hours a day, three (3) or more days a week, for three (3) or more consecutive weeks; or
- (B) Four (4) hours a day for forty (40) or more days in a period of twelve (12) months.

Residence. Same as a dwelling; also, when used with "district," an area of residential regulations.

Restaurant or cafeteria. An eating establishment where service is provided to customers at tables and not involving service of food to customers in automobiles.

Retail sales establishment. An establishment or place of business primarily engaged in selling goods directly to the consumer, where such goods are generally available for immediate purchase and removal from the premises by the purchaser.

Retirement home/senior independent living facility. A multifamily dwelling complex or similar living arrangements that is age restricted for senior citizens but which is not an assisted-living center or long-term care facility.

School, private. A school under the sponsorship of a private agency or corporation other than a public agency.

School, public or parochial. A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including private, trade, or commercial schools.

Schools, trade and commercial. Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation.

Screening device. A barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design at least four (4) feet in height, where the solid area equals at least sixty-five percent (65%) of the wall surface, including an entrance gate or gates; or foliage of an acceptable type with a density that will not permit through passage; or an acceptable combination of these materials. Such screening device shall be continuously maintained.

~~Servant's quarters. An accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full-time by the occupants of the principal residence.~~

Shopping center. A grouping of two (2) or more commercial units built primarily for retailing purposes on common property planned, developed, owned or managed as a unit with common off-street parking provided on the same site. For purposes of this chapter, a neighborhood shopping center shall be considered to be a shopping center primarily serving adjacent residential area.

Specific use. A means for developing certain designated uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood.

Stadium or playfield, public. An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, football field or stadium.

Street. An area for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, lane, place or otherwise designated.

Street line. A dividing line between a lot, tract, or parcel of land and contiguous street.

Structural alterations. Any change in the supporting member of a building, such as a bearing wall, column, beams, or girders.

Toxic materials. Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied and maintained, and shall include any manner of such activity with respect to the standards of this chapter.

Use, principal. The main use of land or buildings as distinguished from a subordinate or accessory use.

Utility facilities, private or franchised. A nonpublic utility requiring specific facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or the normal franchised utilities.

Yard. An open space other than a courtyard, on the lot on which a building is situated and which is open and unobstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang, similar special building features and other accessory structures as provided for in this code.

Yard, front. An open, unoccupied space on a lot facing a street extending across the lot between the side lot lines and from the front building line to the street.

Yard, rear. An open, unoccupied space from the rear building line extending across the rear of a lot from one side lot line to the other side lot line to the rear property line.

Yard, side. An open, unoccupied space or spaces between the property line and the side building line that would not be consider front yard or rear yard that extends between the front building line and the rear building line.

Yard & Building, Line Illustrations

[\[Image\]](#)

Zoning district map. The official certified map upon which the boundaries of the various districts are drawn and which is an integral part of the zoning ordinance.

(Ordinance 2012-05-00715, sec. 2, adopted 5/17/12; Ordinance 2012-06-00718, sec. 1, adopted 6/21/12; Ordinance 2012-10-00737 adopted 10/4/12; Ordinance 2013-07-00760 adopted 7/18/13; Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2016-03-0832 adopted 3/3/16; Ordinance 2016-04-00835 adopted 4/7/16; Ordinance 2018-03-00876 adopted 3/1/18; Ordinance 2022-05-00953 adopted 5/19/22; Ordinance 2022-08-00535 adopted 9/1/2022; Ordinance 2023-05-00979 adopted 5/4/2023)

§ 14.01.005 **Compliance with the regulations.**

Except as herein specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (4) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located.
- (5) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to the extent specifically provided herein except in conformity with the off-street parking and loading regulations provided herein for the use for which the building is intended.
- (6) The minimum yards, parking spaces, and open area, including lot area per dwelling unit, required by this chapter for each and every building existing at the time of passage of this chapter or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking, nor shall any lot area be reduced below the requirements of this chapter for the district in which such lot is located.
- (7) Every building hereafter erected or structurally altered shall be located on a building lot as herein defined and, except as specifically provided herein, there shall not be more than one ~~principal main~~ building on one (1) lot.
- (8) No construction of any sewer system, sanitary landfill, public utility, or facility for the treatment of wastewater in any part of the city or its extraterritorial jurisdiction and within ~~two thousand 2,000~~ feet (2,000') of Lake Lavon shall be permitted.
- (9) All lots shall front on a street and all lots shall have street frontage of not less than ~~fifty percent (50%)~~ of the required width at the front building line ~~but not less than forty feet (40') unless as provided in this code~~. No lot shall be landlocked.

(1995 Code, sec. 9-5; Ordinance 2022-08-00535 adopted 9/1/2022)

ARTICLE 14.02

ADMINISTRATION

Division 1

Generally

§ 14.02.001 **Enforcement and penalties.**

Any person, firm, corporation, or political subdivision who violates any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense and such violation is hereby declared to be a common nuisance which may be abated by the city in any manner authorized by law, including injunction and an action for damages.

(1995 Code, sec. 9-6)

§ 14.02.002 through § 14.02.030. (Reserved)

Division 2

Board of Adjustment

§ 14.02.031 **Members and terms of office.**

- (a) There is hereby created a board of adjustments consisting of five (5) regular members and **two** (2) alternate members who shall be appointed by the city council. The members shall serve for a period of two (2) years and until their successors are duly appointed and qualified. Members may be removed for cause by the city council upon written charges and after public hearing. A vacancy for the unexpired term of any member will be filled in the same manner as the original appointment was made.
- (b) The members of the board of adjustments shall meet the requirements of section **1.05.001** of this code.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.032 **Meetings.**

The board of adjustments will have the authority to adopt rules consistent with state law. Meetings of the board of adjustments shall be held at the call of the chairman and at such other times as the board of adjustments may determine. The chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustments shall be open to the public. The **city board of adjustments** shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustments and shall be a public record.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.033 **Quorum and voting.**

Cases must be heard by a minimum of seventy-five percent (75%) of the members of a board panel. The concurring vote of **seventy-five percent (75%)** of the members of a panel is necessary to:

- (1) Reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance;
- (2) Decide in favor of an applicant on a matter on which the board is required to pass under state law, the city charter, or city ordinance; or

- (3) Authorize a variation from the terms of the zoning ordinance. For purposes of this section, administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.034 **Powers and duties.**

- (a) The board of adjustments shall have the authority, subject to the standards established in chapter 211 of the Texas Local Government Code, as amended, and those established herein, to exercise the following powers and perform the following duties:
 - (1) To 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 chapter or an ordinance adopted under this chapter;
 - (2) To interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply;
 - (3) To hear and decide special exceptions that are expressly provided for in this chapter;
 - (4) To grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that:
 - (A) 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;
 - (B) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - (C) The variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this section to other parcels of land with the same zoning.
 - (5) Hear and decide special exceptions to the requirements when necessary or appropriate to:
 - (A) Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with any master plan and present no conflict or nuisance to adjacent properties.
 - (B) Permit a public utility or public service structure or building in any district with a ground area or of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - (C) Grant a permit for the extension of a height or area regulation into an adjoining district which divides a lot into a single ownership on the effective date of this chapter.
 - (D) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

- (E) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision ~~or of~~ parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- (F) Determine, in cases of uncertainty, the classification of any use not specifically named in this chapter.
- (b) 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 has the same authority as the administrative official.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.035 Appeals.

- (a) Procedure. A decision made by an administrative official of the city may be appealed to the board of adjustment by a person aggrieved by the decision or by any officer, department, board or bureau of the city affected by the decision. Such appeal shall be made by filing a notice of appeal with the office of the board and with official from whom the appeal is taken specifying the grounds thereof. The office, official or department from which the appeal is taken shall forthwith transmit to the board of adjustment all of the papers constituting the records upon which the action appealed from was taken. The appeal must be filed within twenty (20) days after the date of the decision of the administrative official from which the appeal is taken.
- (b) Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from 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 such case, the proceedings may be stayed only by a restraining order granted by the board or by a court of record on application, after notice to the official, if due cause is shown.
- (c) Notice of hearing on appeal. The board shall set a reasonable time for the hearing on the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within ~~two hundred feet (200')~~ **five hundred feet (500')** or less of street frontage of any point of the lot or portion thereof on which a variation is desired. The city 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 hear and decide the appeal within a reasonable time. Notice of such hearings may be sent by the board in writing, properly addressed to the last known addresses of the proper parties, and such notices shall be deemed complete when deposited in the mail.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.036 Decisions.

- (a) Every decision of the board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. The decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the ~~city secretary building official,~~ and shall be open to the public for inspection. A true and correct copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be publicly posted in the office of the ~~city secretary building official~~ for two (2) weeks after the filing thereof.
- (b) The board shall in every case reach a decision without unreasonable or unnecessary delay.
- (c) If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official, or varies the application of any provision of this code, the building official shall immediately take action

in accordance with such decision.

- (d) Any person, firm, or corporation aggrieved by any decision of the board may present to a court of competent jurisdiction a petition duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Unless such verified petition (appeal) shall be presented to the court within ten (10) days of the date that the decision of the board is filed with the city secretary, the decision of the board shall become final.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.037 through § 14.02.059. (Reserved)

Division 3 Changes and Amendments

§ 14.02.060 **Zoning upon annexation.**

- (a) All territory hereinafter annexed to the city shall be classified as “AO” Agricultural until other zoning is established by the city. The procedure for establishing zoning other than “AO” for annexed territory shall conform to the procedure set forth in this division.
- (b) Following annexation, the city shall schedule public hearings to zone the recently annexed land.
- (c) In an area classified as “A○” Agricultural:
 - (1) No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building or use permitted in the “AO” District, unless and until such territory has been classified in a zoning district other than the “AO” District, by the city council in the manner prescribed by this division.
 - (2) An application for a building permit for any proposed use other than those specified in the “AO” District must be made to the building official of the city within three (3) months after annexation. If the applicant shows that plans and other preparation for developing the property commenced prior to annexation by the city, the city council may authorize the construction of the project by a majority vote. The action of the city council concerning any such permit shall take into consideration the appropriate land use for the area. Upon approval by the city council, the city manager shall notify the building official.

(Ordinance 2008-10-00631 adopted 10/16/08)

§ 14.02.061 **Declaration of policy.**

- (a) The council declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:
 - (1) To correct a manifest error in the regulations or map;
 - (2) To recognize substantial changed or changing conditions or circumstances in a particular locality; or
 - (3) To recognize substantial changes in technology, the style of living, or manner of doing business.
- (b) Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in the preamble of these regulations.

(1995 Code, sec. 9-7)

§ 14.02.062 **Authority to amend.**

The council from time to time, after receiving a final report thereon by the commission and after public hearings required by law, may amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts. Any amendment, supplement, or change may be ordered for consideration by the council, be initiated by the commission, or be requested by proposal of the owner of the property or by a person holding a lease on the property with the consent of its owner. The commission on its own motion or on request of council may initiate consideration of a change in any district boundary or zoning regulation whenever it finds that public benefit will derive from consideration of such matter.

(1995 Code, sec. 9-8)

§ 14.02.063 **Procedure.**

- (a) Proposal required. Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in section **14.01.002** (Interpretation and purposes).
- (b) Public hearing and notices.
 - (1) Prior to making its report to the council, the commission shall hold at least one public hearing thereon.
 - (2) Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within five hundred feet (500') of any property affected thereby before the **fifteenth (15th)** day before such hearing is held. Such notice may be served by using the last known address as listed on the city roll and depositing the notice, postage prepaid, in the United States mail.
 - (3) Posting of property. Not less than **fifteen (15)** or more than **forty-five (45)** days prior to the date set for the public hearing on any proposed changes in district boundaries, the city shall erect at least one notification sign on the affected property. Such sign(s) shall be erected within **twenty-five (25)** feet of whatever boundary line of such land that abuts the street of the advertised address. If no public road abuts thereon, then such sign shall be erected along the nearest opened public right-of-way. Signs shall be erected in such a manner as may be most readily seen by the public. Each sign shall indicate a proposed land use change, a public hearing will be held, the telephone number to call and the website to visit for further information. If the affected land includes more than one (1) tract as shown on a plat recorded in the land records of the county, then a sign shall be erected on the land in each such tract. Any such sign shall be maintained on the property at all times until a decision on the application has been made by the city council.
- (c) Commission report. The commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings and evaluation of the request and of the relationship of the request to the comprehensive plan.
- (d) Council consideration.
 - (1) Proposal recommended for approval. Every proposal which is recommended favorably by the commission shall be forwarded to the council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
 - (2) Proposal recommended for denial. When the commission determines that a proposal should be denied, it shall so report and recommend to the council. No hearing shall be set on the proposal until and unless the council receives an appeal as provided below.
 - (3) Appeal procedure. An appeal from the decision of the commission may be taken whenever any party in interest is aggrieved by the action of the commission on a specific proposal. The following procedure

shall be required:

- (A) The aggrieved party shall file a written appeal with the director of development services within thirty (30) days following the commission action. The director of development services shall forward the appeal to the council with the regular report of commission action on the subject proposal.
- (B) Upon receipt of written appeal, the council shall schedule a public hearing on the original proposal and recommendation.
- (4) Council hearing and notice. The council may from time-to-time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the council. Notice of council hearing shall be given by publication one time in the official paper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.
- (5) Negative recommendations and written protest. An amendment, supplement, or change shall not become effective except by favorable vote of three-fourths (3/4) of all members of the council, if:
 - (A) The commission recommends disapproval of the proposed change; or
 - (B) Written protest is filed by the owners of at least **twenty percent (20%)** of either:
 - (i) Of the area of the lots or land included in such proposed change; or
 - (ii) The area of the lots or land immediately adjoining the area of such proposed change and extending five hundred feet (500') therefrom.

Protests signed by property owners may be filed prior to or at one of the public hearings conducted by either the commission or the council. Written protests filed with the commission shall be forwarded to the council with the commission's recommendation.

- (C) In computing the percentage of land area under subsection (d), the area of streets and alleys shall be included.

(1995 Code, sec. 9-9; Ordinance 2005-08-00532, sec. 1, adopted 8/1/05; Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2023-05-00981 adopted 5/4/2023)

§ 14.02.064 **Limitation on reapplication.**

When the city council has denied a proposal, or when the applicant has withdrawn his proposal at the commission meeting thereon, no new applications of like nature shall be accepted by the city or scheduled for hearing by the commission within a period of twelve (12) months of the date of the council denial or applicant's withdrawal. Provided, however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the city council may waive the mandatory delay period and authorize the acceptance of a new application.

(1995 Code, sec. 9-10)

§ 14.02.065 through § 14.02.080. (Reserved)

Division 4

Specific Use Permits

§ 14.02.081 **Generally.**

- (a) A specific use permit allows uses compatible with other permitted uses, provided the uses meet the specific criteria established by the city under this section.
- (b) The city council may authorize the granting of a specific use permit, by an affirmative vote, after notice to all parties affected and a public hearing, in accordance with state law, and after recommendation from the planning and zoning commission that the use is in general conformance with the comprehensive plan of the city and containing such requirements and safeguards as are necessary to protect adjoining property.
- (c) Specific use permits shall not be used to legalize nonconforming structures or uses, and shall not be used when a variance, deviation, waiver or minor modification could be used to achieve the same result.
- (d) A development plan shall be submitted concurrently with the application for a specific use permit. However, development plans will not be approved until the specific use permit is approved by the city council. Approval of the specific use permit does not constitute approval of a development plan.
- (e) Uses permitted by a specific use permit shall not be enlarged or substantially modified, structurally altered, or otherwise significantly changed without an amendment to the specific use permit. Amendment to a specific use permit requires the same processes and procedures as an original specific use permit application, specifically, public notice and hearing. Minor changes or alterations or changes that do not alter the basic relationship of the proposed development to adjacent property or expand the use into other portions of the building or property and may be approved by the development services director. Changes or alterations that change the uses permitted, increase the density, building height, coverage of the site, off-street parking ratio, or area regulations are not minor changes and must be considered through the amendment process.
- (f) All recommendations made by the city planning and zoning commission to the city council shall be considered advisory in nature and shall not be binding upon the governing body; the city council shall have the sole and final authority to grant or deny any request for specific use permits.
- (g) The board of adjustment does not have authority to hear an appeal or act on an application for a specific use permit.
- (h) A specific use permit may be granted for those uses indicated by “S” in the schedule of uses chart in section **14.03.801(e)**.
- (i) Refer to article **14.04**, division 8, accessory buildings, structures and uses for additional regulations.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.082 **Application and processing.**

- (a) Any individual, partnership, corporation, or group of persons having a proprietary interest in any property, upon proof of such, may file an application with the planning and zoning commission for a specific use permit.
- (b) The application for a specific use permit shall be accompanied by a development plan and ~~site sign~~ plan, as applicable. The city shall make available application forms specifying application requirements. The application shall include:
 - (1) A site plan that includes the dimensions, bearings, and street frontage of the property;

- (2) The location of buildings, structures, and uses;
 - (3) The method of ingress and egress;
 - (4) Off-street parking and loading requirements, as applicable;
 - (5) Screening, lighting, and landscaping, as applicable;
 - (6) A traffic impact analysis if the development services director determines that the analysis is necessary;
 - (7) Any other information the development services director, planning and zoning commission or city council determines necessary for a complete review of the proposed development which may include, but is not limited to additional information or drawings, operating data, expert evaluation, or testimony concerning the location, function, or characteristics of any building or proposed use.
- (c) The planning and zoning commission shall provide notice and hold a public hearing in accordance with section **14.02.063**.
- (d) Following the public hearing by the planning and zoning commission, the commission shall make a recommendation for the city council at the properly noticed public hearing, where the council shall consider the granting or denial of the specific use permit.
- (e) In recommending that a specific use permit be granted, the planning and zoning commission and city council shall determine that such uses are compatible with the building structures and uses of abutting property and other property in the vicinity of the premises under consideration and shall make recommendations for conditions and requirements to be included in the specific use permit. In approving the requested specific use permit, the planning and zoning commission and city council may consider the following:
- (1) Whether the use is compatible with surrounding existing uses or proposed uses;
 - (2) Whether the use requests by the applicant are normally associated with the permitted uses in the base district;
 - (3) Whether the nature of the use is reasonable;
 - (4) Whether any negative impact on the surrounding area has been mitigated;
 - (5) Any additional conditions specified ensure that the intent of the district purposes is being upheld.
 - (f) The conditions and requirements approved by the council shall be set forth in the ordinance granting the specific use permit, including, but not limited to, attached site plan drawings and other depictions of design and use elements.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.083 Zoning amendment and limitations.

- (a) Each specific use permit granted under the provisions of this chapter shall be considered as an amendment to the comprehensive zoning regulations applicable to such property. When the city council authorizes granting of a specific use permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, said amendment to indicate the specific use by an “S” designation.
- (b) In granting any specific use permit, the city council may impose conditions and requirements as necessary and which shall be complied with by the grantee before any building permit is issued and as

an ongoing requirement to retain a certificate of occupancy.

- (c) A building permit shall be obtained from the city not later than six (6) months after the effective date of the ordinance granting the specific use permit if new construction is required to comply with the specific use permit, provided however, the director of development services may authorize one extension not to exceed six (6) months.
- (d) If the planning and zoning commission denies an application for a specific use permit, the application will not be considered by the city council unless the applicant requests the application be forwarded to the city council within ten (10) days of the planning and zoning commission denial of the application. If the applicant timely requests the application for specific use permit be forwarded to the city council, approval of the specific use permit by the city council shall require the affirmative vote of seventy-five percent (75%) of the city council.
- (e) Following the denial of a specific use permit, no new application for the same or a substantially similar request shall be accepted within one year of the date of denial unless it is determined by the development services director there has been a substantial change in the area or in the request in which the specific use permit has been requested.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.084 Expiration, termination, revocation.

- (a) A specific use permit shall expire if a required building permit has not been issued within the time required in this section, or if a building permit has been issued but has subsequently expired. If a building permit is not required, the specific use permit shall expire six (6) months after the effective date of the ordinance granting the specific use permit if a certificate of occupancy is not obtained. If the specific use permit expires in accordance with this section, the property shall conform to the regulations of the original zoning district of such property.
- (b) A specific use permit shall terminate if the property for which the specific use permit was issued is vacant, or the building or property, though still occupied, is not being used for the purpose for which the specific use permit was granted for a period of six (6) months. The development services director may grant one six (6) month extension upon written request by the owner of the property. Such written request shall be filed with the development services director no later than **one hundred fifty (150)** days after the onset of the vacancy. If the specific use permit terminates in accordance with this section, the property shall conform to the regulations of the original zoning district of such property.
- (c) A specific use permit may be revoked if the owner fails to meet the conditions and requirements set out in the ordinance granting the specific use permit. Revocation of a specific use permit may be recommended by the planning and zoning commission to the city council after proper notice and public hearing. After proper notice and public hearing, the city council may consider the planning and zoning commission's recommendation for revocation of a specific use permit. If the specific use permit is revoked in accordance with this section, the property shall conform to the regulations of the original zoning district of such property.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.085 through § 14.02.110. (Reserved)

**Division 5
Final Plans Approval**

§ 14.02.111 Submission of final plans.

- (a) After approval by the planning and zoning commission of the site plan, **architectural plan**, and

landscaping plan ~~(and, in the case of properties in the VC district only, the architectural plan)~~, the developer shall, within twelve (12) months thereafter, submit to the city ~~three (3) nine (9)~~ copies, ~~one (1) electronic copy~~, and one (1) ~~mylar mailer~~ copy of the final site plan and the final landscaping plan. At the same time, three (3) copies of the final construction plans for the development shall be submitted to the city and three (3) copies of the final construction plans to the city engineer.

- (b) In the event that the developer does not submit final plans within the twelve (12) months, the plans approved by the planning and zoning commission shall be considered as being void and must be resubmitted to planning and zoning commission along with payment of all appropriate fees.
- (c) After acceptance of the final plans by the city council, one (1) set each of the final site plan, the final landscaping plan, and the construction plans shall be returned to the developer signed by the city engineer and the mayor for the city council that the plans are approved for construction.
- (d) All final plans shall be in strict accordance with those approved by the planning and zoning commission including all conditions of approval. It shall be unlawful to issue a building permit prior to final approval of the site plan and landscaping plan by city council. As to proposed development located in the VC district, it shall further be unlawful to issue a building permit prior to approval of final construction plans by the city council.

(1995 Code, sec. 9-150)

ARTICLE 14.03

DISTRICTS

Division 1

Generally

§ 14.03.001 **Division of districts.**

(a) For the purposes of this chapter, the city is hereby divided into ten (10) districts as follows:

- (1) AO - Agriculture;
 - (2) R2 - Single-family residential, 2-acre lots;
 - (3) R1.5 - Single-family residential, 1.5-acre lots;
 - (4) R1 - Single-family residential, 1-acre lots;
 - (5) VC - Village center;
 - (6) CB - Commercial business district;
 - (7) LI - Light industrial;
 - (8) ED - Estate development;
 - (9) OS - Open space; and
 - (10) MHD - Manufactured home district.
- (b) The location and boundaries of the districts herein established are shown upon the official zoning map, which is hereby incorporated into this chapter. Said zoning map, together with all notations, references, and other information shown thereon, and all amendments thereto, shall be as much a part of this chapter as if fully set forth and described herein. Said zoning map, properly attested, is on file in the office of the city secretary.

(Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.002 **Maintenance of zoning map.**

- (a) The official zoning map shall be kept in the office of the city secretary and one (1) copy shall be maintained in the office of the building official.
- (b) It shall be the duty of the city secretary to keep the official map current and the copies thereof, herein provided for, by entering on such maps any changes which the city council may from time to time order by amendments to the zoning regulations of the city or the zoning map.
- (c) The city secretary, upon the adoption of this chapter, shall affix a certificate identifying the map in the secretary's office as the official zoning map of the city. The city secretary shall likewise officially identify the copies directed to be kept by the planning and zoning commission and in the office of the building official. All amendments of the map shall be made immediately after their enactment and the date of the change shall be noted on the certificate.

(1995 Code, sec. 9-25)

§ 14.03.003 Rules for the interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the centerlines, street lines, or highway right-of-way lines, such lines shall be construed to be said boundaries.
- (2) Where district boundaries are so dedicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are indicated as approximately following a parallel to a drainage course or other prominent physical feature, such drainage course, other prominent physical feature, or parallel line shall be construed to be said boundaries.
- (4) Where district boundaries are so indicated that they are approximately parallel to the centerline or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions are determined by the use of the scale of said zone.
- (5) Where district boundaries are so indicated that they are approximately perpendicular to the centerline or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said streets, highways, or drainage courses.
- (6) If unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.
- (7) In the case of a district boundary line dividing a lot into two (2) parts, the district boundary line shall be construed to be the lot line nearest the district boundary line as shown.
- (8) Whenever any street, alley, or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such variation ~~[vacation]~~ and all area included in the ~~variation vacation~~ shall then and henceforth be subject to all regulations of the extended districts.
- (9) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

(1995 Code, sec. 9-26)

§ 14.03.004 through § 14.03.050. (Reserved)

Division 2
AO Agricultural District

§ 14.03.051 Use regulations.

This zone is designated to provide for general ranching and farming under a minimum of restrictions. No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section **14.03.801**, schedule of uses, and article **14.02** division 4, specific use permits.

- (1) Principal uses not permitted:
 - (A) No feedlots shall be established for commercial purposes, except as would be required to perform the principal permitted use.
 - (B) No slaughter pens or rendering works, or associated business shall be permitted.

- (C) No facility or use for the treatment and/or storage of noxious matter, toxic materials or any form of liquid or solid waste materials from any source shall be permitted, except under the provisions of article **14.02**, division 4, specific use permits.
- (D) At no time shall the residential density exceed one **principal dwelling on a single tract of land** ~~single-family residence per twenty (20) acres.~~
- (E) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.
- (2) A specific use permit shall be required when the total square footage of the **principal main** building and/or any accessory buildings exceeds **fifty thousand 50,000** square feet (**50,000 sq. ft.**).
- (3) **Minimum lot size shall be six (6) acres.**
- (4) **Pet boarding.** Pet boarding shall be permitted with a specific use permit in agricultural, commercial business and light industrial districts provided they meet the following requirements:
 - (A) **Pets shall be supervised when they are outdoors.**
 - (B) **Pets shall only be permitted outdoors between the hours of 6:00 a.m. and 10:00 p.m.**
 - (C) **Adequate facilities shall be provided to separate animals of different species, size, and sex (if needed).**
 - (D) **Pets shall have an environment that supports their safety and well-being.**
 - (E) **Pet boarding shall only serve pets for a period not to exceed sixty (60) consecutive days.**

(Ordinance 2008-11-00634 adopted 11/20/08; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.052 Height regulations.

Same as residential, section **14.03.112**.

(1995 Code, sec. 9-31)

§ 14.03.053 Principal dwelling Area regulations.

- (a) **Roof pitch.** **Principal Residential** dwelling structures shall have a roof pitch of not less than **six inches (6")** vertical for each **twelve inch (12")** horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).
- (b) **Exterior walls and foundation.** The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.
- ~~(c) At any time that there is more than one (1) single family dwelling per twenty (20) acres, the provisions of section **14.03.113** shall apply.~~

(Ordinance 2011-03-00677 adopted 3/17/11)

§ 14.03.054 through § 14.03.110. (Reserved)

Division 3

R2 Single-Family Residential District

§ 14.03.111 Use regulations.

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section **14.03.801**, schedule of uses, and article **14.02** division 4, specific use permits.

~~(1) No mobile homes or HUD code manufactured homes as defined herein shall be permitted.~~

~~(2) A special exception shall be required when the total combined square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.~~

(Ordinance 2008-11-00634 adopted 11/20/08)

§ 14.03.112 Height regulations.

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height.

(1995 Code, sec. 9-36)

§ 14.03.113 Principal dwelling Area regulations.

(a) Size of yards.

(1) Front yard. The building line adjacent to a street shall be established at seventy-five feet (75') from the centerline of the street right-of-way or street reflected as type C or D roadway on the Master Thoroughfare Plan. (85' for type B, and 110' for Type A). ~~Where a building line is established on a plat, which is not consistent with this ordinance, the building line that is a greater distance from the front property line shall be observed.~~ No required parking shall be allowed within the required front yard.

(2) Side yard. The building line adjacent to the side property line(s) there shall be not less than ten percent (10%) of the lot width, ~~for~~ twenty feet (20'), whichever is less. No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').

(3) Rear yard. The building line adjacent to the rear property line shall be of not less than fifty feet (50').

(b) Size of lot.

(1) Lot area. No building shall be constructed on any lot of less than two (2) acres (87,120 square feet).

(2) Lot width. The width of the lot shall be not less than two hundred feet (200') at the front ~~building line setback street property line, nor shall its average width be less than two hundred feet (200')~~. The minimum width of a lot on a cul-de-sac shall be not less than forty feet (40') at the property line, nor shall its average width be less than two hundred feet (200'). The minimum width of a lot on a curve exceeding thirty (30) degrees shall be not less than one hundred feet (100') at the property line, nor shall its average width be less than two hundred feet (200').

(3) Lot depth. The average depth of the lot shall not be less than one hundred eighty feet (180').

(4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership ~~on May 1, 1995 upon the effective date of this chapter~~, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be two thousand square feet (2,000 sq. ft.), exclusive of garages, breezeways, and porches. ~~Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials.~~

~~Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.~~

- (d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the ~~principal main~~ buildings and accessory buildings.
- (e) Roof pitch. ~~Principal Residential~~ dwelling structures shall have a roof pitch of not less than ~~six inches (6")~~ vertical for each ~~twelve inch (12")~~ horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).
- (f) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.
- (g) A specific use permit shall be required when the total square footage of the ~~principal main~~ building and/or any accessory buildings exceeds ~~fifty thousand 50,000~~ square feet (~~50,000 sq. ft.~~).
- (h) ~~Accessory building uses and structures shall comply with article 14.04, division 8, of this chapter.~~
- (i) Impervious coverage. The maximum impervious coverage shall not exceed thirty-five percent (35%) of the total lot area.

(1995 Code, sec. 9-37; Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2022-08-00535 adopted 9/1/2022)

§ 14.03.114 through § 14.03.170. (Reserved)

Division 4

R1.5 Single-Family Residential District

§ 14.03.171 Use regulations.

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section **14.03.801**, schedule of uses, and article **14.02** division 4, specific use permits.

(Ordinance 2008-11-00634 adopted 11/20/08)

§ 14.03.172 Height regulations.

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height.

(1995 Code, sec. 9-41)

§ 14.03.173 **Principal dwelling Area** regulations.

(a) Size of yards.

- (1) Front yard. The building line adjacent to a street shall be established at seventy-five feet (75') from the centerline of the street right-of-way or street reflected as type C or D roadway on the Master Thoroughfare Plan. (85' for type B, and 110' for Type A). ~~Where a building line is established on a plat, which is not consistent with this ordinance, the building line is a greater distance from the front property line shall be observed.~~ No required parking shall be allowed within the required front yard.
- (2) Side yard. The building line adjacent to the side property line(s) shall be not less than ten percent (10%) of the lot width, ~~for~~ twenty feet (20'), whichever is less. No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').

- (3) Rear yard. The building line adjacent to the rear property line shall be not less than fifty feet (50').
- (b) Size of lot.
- (1) Lot area. No building shall be constructed on any lot of less than one and one-half (1-1/2) acres (65,340 square feet).
- (2) Lot width. The width of the lot shall be not less than one hundred sixty feet (160') at the front ~~building line setback street property line, nor shall its average width be less than one hundred seventy-five feet (175')~~. The minimum width of a lot on a cul-de-sac shall be not less than thirty-five feet (35') at the property line, nor shall its average width be less than one hundred seventy-five feet (175'). The minimum width of a lot on curve exceeding thirty (30) degrees shall be not less than thirty-five feet (35') at the property line, nor shall its average width be less than one hundred seventy-five feet (175').
- (3) Lot depth. The average depth of the lot shall not be less one hundred eighty feet (180').
- (4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership ~~on May 1, 1995 upon the effective date of this chapter,~~ the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (c) Minimum dwelling size. The minimum floor area of any dwelling shall be ~~one thousand eight hundred eighteen-hundred~~ square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches. ~~Dwellings shall have a minimum seventy five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.~~
- (d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the ~~principal main~~ buildings and accessory buildings.
- (e) A specific use permit shall be required when the total square footage of the ~~principal main~~ building and/or any accessory buildings exceeds ~~fifty thousand 50,000~~ square feet (50,000 sq. ft.).
- (f) Accessory building ~~uses~~ and structures shall comply with article **14.04**, division 8, of this chapter.
- (g) Roof pitch. ~~Principal Residential~~ dwelling structures shall have a roof pitch of not less than ~~six inches (6")~~ vertical for each ~~twelve inch (12")~~ horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).
- (h) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.
- (i) Impervious coverage. ~~The maximum impervious coverage shall not exceed thirty-five percent (35%) of the total lot area.~~

(1995 Code, sec. 9-42; Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2022-08-00535 adopted 9/1/2022)

§ 14.03.174 through § 14.03.230. (Reserved)

Division 5

R1 Single-Family Residential District

§ 14.03.231 Use regulations.

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section **14.03.801**, schedule of uses, and article **14.02** division 4, specific use permits.

(Ordinance 2008-11-00634 adopted 11/20/08)

§ 14.03.232 Height regulations.

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height.

(1995 Code, sec. 9-51)

§ 14.03.233 Principal dwelling Area regulations.

(a) Size of yards.

- (1) Front yard. The building line adjacent to a street shall be established at seventy-five feet (75') from the centerline of the street right-of-way or street reflected as type C or D roadway on the Master Thoroughfare Plan. (85' for type B, and 110' for Type A). ~~Where a building line is established on a plat, which is not consistent with this ordinance, the building line is a greater distance from the front property line shall be observed.~~ No required parking shall be allowed within the required front yard.
- (2) Side yard. The building line adjacent to the side property line(s) shall be not less than ten percent (10%) of the lot width, ~~for~~ twenty feet (20'), whichever is less. No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').
- (3) Rear yard. The building line adjacent to the rear property line shall be not less than fifty feet (50').

(b) Size of lot.

- (1) Lot area. No building shall be constructed on any lot of less than one (1) acre (43,560 square feet).
 - (2) Lot width. The width of the lot shall be not less than one hundred forty feet (140') at the front ~~building line setback street property line, nor shall its average width be less than one hundred sixty feet (160').~~ The minimum width of a lot on a cul-de-sac shall be not less than thirty feet (30') at the property line, nor shall its average width be less than one hundred sixty feet (160'). The minimum width of a lot on a curve exceeding ~~thirty (30)~~ degrees shall be not less than thirty feet (30') at the property line, nor shall its average width be less than one hundred sixty feet (160').
 - (3) Lot depth. The average depth of the lot shall not be less than one hundred eighty feet (180').
 - (4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership ~~on May 1, 1995 upon the effective date of this chapter,~~ the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (c) Minimum dwelling size. The minimum floor area of any dwelling shall be ~~one thousand eight hundred eighteen-hundred~~ square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches. ~~Dwellings shall have a minimum eighty-five percent (85%) of the exterior walls of masonry construction, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.~~
- (d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the ~~principal main~~ buildings and accessory buildings.

- (e) A specific use permit shall be required when the total square footage of the **principal main** building and/or any accessory buildings exceeds **fifty thousand 50,000** square feet (**50,000 sq. ft.**).
- (f) Accessory building **uses** and structures shall comply with article **14.04**, division 8, of this chapter.
- (g) Roof pitch. **Principal Residential** dwelling structures shall have a roof pitch of not less than **six inches (6")** vertical for each **twelve inch (12")** horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).
- (h) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.
- (i) Impervious coverage. **The maximum impervious coverage shall not exceed thirty-five percent (35%) of the total lot area.**

(Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2016-02-00829 adopted 2/4/16; Ordinance 2022-08-00535 adopted 9/1/2022)

§ 14.03.234 through § 14.03.290. (Reserved)

Division 6 VC Village Center District

§ 14.03.291 Purpose.

The intent of this district is to provide a clustered village setting with a rural country style as a retail and neighborhood services area.

(1995 Code, sec. 9-60)

§ 14.03.292 Use regulations.

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section **14.03.801**, schedule of uses, and article **14.02**, division 4, specific use permits.

- (1) Any retail store or personal service listed in section **14.03.801** shall be permitted subject to the following conditions:
 - (A) The business establishment supplies the everyday shopping needs of the area.
 - (B) The business is conducted wholly within an enclosed building.
 - (C) Such use not be objectionable because of odor, excessive lights, smoke, dust, noise, vibration, or similar nuisance.
- (2) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.
- ~~(3) A specific use permit shall be required when the total square footage of any building exceeds 25,001 square feet.~~
- (3) Major **retail** development by specific use permit.
- (4) All drive-through, drive-in, and drive-up businesses shall require a specific use permit.

(Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2017-08-00861 adopted 8/3/17)

§ 14.03.293 **Building regulations.**

- (a) Buildings shall be clustered on site.
- (b) ~~No flat roofs.~~ No roof with a pitch less than three to twelve (3:12).
- ~~(c) A minimum of seventy-five percent (75%) of all building exteriors shall be constructed with a 75% masonry exterior. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.~~
- (c) All mechanical equipment shall be screened from ~~public~~ view either by landscaping materials or materials that blend with the building.
- (d) Refuse collection areas shall be screened from ~~public~~ view.
- (e) Parking and drives to be weather-impervious surface ~~developed in accordance with city standards.~~ Parking and fire lanes shall be a minimum of three thousand five hundred pounds per square inch (3,500 psi) concrete of six inches (6") thick with six inches (6") of flex base material compacted to ninety-five percent (95%).
- (f) Development shall comply with performance standards (article **14.04**, division 3, of this chapter).

(1995 Code, sec. 9-62; Ordinance 2012-06-00718, sec. 6, adopted 6/21/12)

§ 14.03.294 **Height regulations.**

Building height. Buildings shall not exceed a height of more than twenty-five feet (25').

- (1) The height shall be measured from the sidewalk or ground surface elevation along the side of the building fronting onto a public right-of-way to the highest point of the roof excluding chimneys, weather vanes and similar materials.

(Ordinance 2011-09-00685, sec. 1, adopted 9/1/11)

§ 14.03.295 **Principal building Area regulations.**

- (a) Lot area. Minimum three (3) acres net, exclusive of all street rights-of-way and the 100-year floodplain as determined by a registered surveyor.
- (b) Building area. The total building area shall not exceed a floor-area-to-land ratio of 0.30 to 1.
- (c) Front yard. Minimum fifty feet (50') from property line.
- (d) Side yard. Minimum fifty feet (50') from property line.
- (e) Rear yard. Minimum fifty feet (50') from property line.
- (f) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the total lot area.
- (g) Development shall comply with performance standards (article **14.04**, division 3, of this chapter).
- (h) Replacement of buffering/screening/fencing. All ~~existing~~ buffering, screening, and fencing that is replaced is required to be replaced with materials required by code for new construction. If there is no material listed for the application then the replacement will match existing material for buffering, screening, or fencing, the item being replaced.

(1995 Code, sec. 9-64; Ordinance 2011-09-00685, sec. 1, adopted 9/1/11; Ordinance 2015-08-00816 adopted

§ 14.03.296 **Site plan approval.**

- (a) Prior to issuance of any building permit, an application in writing, for the approval of the site plan, together with ~~electronic copies seven (7) copies~~, shall be filed with the city secretary. The plans are to be submitted at least fourteen (14) consecutive calendar days before the meeting of the planning and zoning commission ~~at which they are to be considered~~; if the site plan is to be considered at such meeting. No site plan will be considered by the city until the prescribed filing fees have been paid. Applicant shall submit proof of written notification set forth in chapter ~~10, division 2, section 10.03.037 6, article 4, section 6-11~~, of the Code of Ordinances. The site plan shall contain those items as designated by approved city procedure, but not be limited to the following information:

~~**Editor's note** The reference above to "chapter 6, article 4, section 6-11, of the Code of Ordinances" is no longer applicable. Former chapter 6 has been completely superseded by Ordinance No. 2006-07-00567, which is now codified in chapter 10, article 10.03.~~

- (1) The boundaries and dimensions of the proposed development, including total area.
 - (2) Adjoining property, owners, and zoning.
 - (3) Contour lines at five-foot (5') intervals.
 - (4) Location map.
 - (5) Existing or platted streets, public rights-of-way, easements or railroads within or adjacent to the tract.
 - (6) Existing and proposed utility lines showing sizes of water and sewer lines.
 - (7) Existing and proposed fire hydrants and fire lanes.
 - (8) Location of all easements.
 - (9) Building setback lines.
 - (10) Location and dimensions of buildings.
 - (11) Means of ingress and egress.
 - (12) Engineering for drainage.
 - (13) Areas designated for landscaping and location of exterior lighting.
 - (14) Parking area locations and specifications.
 - (15) Must be drawn to an acceptable scale.
 - (16) Must provide signature lines for chairman of planning and zoning commission, city engineer, and mayor to signify approval.
- (b) For the purpose of assisting in-process planning, a properly designated "preliminary" site plan may be submitted for consideration. Approval of a "preliminary" site plan will not imply approval of all elements of a site plan.
- (c) Final plans shall be approved by city council as provided in article **14.02**, division 5, of this chapter.

(1995 Code, sec. 9-65; Ordinance 1996-11-00343, sec. 10, adopted 11/4/96; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.297 Landscaping plan approval.

- (a) Prior to issuance of any building permit, ~~an electronic copy in portable document format (PDF) there shall be seven (7) copies~~ of a landscape plan shall be submitted to the city secretary. The plans are to be submitted at least fourteen (14) days prior to the planning and zoning commission meeting at which they are to be considered. The landscape plan shall be approved or disapproved based on its compliance with the following requirements and any other deemed necessary to promote the character and value of the surrounding neighborhoods:
- (1) Plans shall be to same scale as approved site plan.
 - (2) A minimum of **fifteen percent (15%)** of the gross area must be landscaped.
 - (3) The area between the property line and the street shall be included in the landscape plan and shall be maintained by the abutting property owner.
 - (4) Heights of landscaping materials shall be such that they do not create safety hazards for vehicular traffic by blocking sight lines at ingress and egress points.
 - (5) The specifications shall state the common names, sizes, and quantity of all materials to be utilized.
 - (6) Where the property abuts a different **zoning district zone**, it shall be screened as provided in article **3.18** of this code.
- (b) It shall be the property owner's responsibility to permanently maintain the approved landscaping in a neat and orderly manner.
- (c) Final plans shall be approved by city council as provided in this chapter.

(Ordinance 2011-09-00685, sec. 1, adopted 9/1/11; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.298 Architectural plan approval.

- (a) Prior to the issuance of a building permit, ~~an electronic copy in portable document format (PDF) there shall be seven (7) copies~~ of a proposed architectural elevation of the building or buildings shall be submitted to the city secretary. The plans are to be submitted at least fourteen (14) days prior to the planning and zoning commission meeting at which they are to be considered. The proposed architectural rendering, including use of site and/or building signage, shall be approved or disapproved based on its ability to create a village setting with a rural country style as a retail and neighborhood services area. This effort shall entail several design fixtures such as the use of clustered buildings as opposed to strip-type development. Sloping roofs are required as are overhanging colonnades.
- (b) Final plans shall be approved by city council as provided in this chapter.

(1995 Code, sec. 9-67; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.299 Off-street loading and parking.

See article **14.04**, division 2.

(1995 Code, sec. 9-68)

Division 7
CB Commercial Business District

§ 14.03.351 Purpose.

This is a general commercial zoning district for areas that provide the greatest number and mix of retail and commercial uses. This zoning district is designed and intended to serve as the commercial support zone of the entire community. It should be located in such a manner as to have reasonable access to arterial roadways so that ingress and egress to the CB area may be managed in a safe and controlled manner.

(Ordinance 2005-12-00544, sec. 1, adopted 12/5/05)

§ 14.03.352 Use regulations.

In the commercial business district, land uses shall be those associated with retail, commercial, office, service, institutional or professional activities. Major ~~retail~~ development shall be permitted by specific use permit. No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section **14.03.801**, schedule of uses, and article **14.02** division 4, specific use permits.

(Ordinance 2008-11-00634 adopted 11/20/08)

§ 14.03.353 Development regulations.

In the commercial business district, the following development regulations shall be applicable to all buildings:

- (1) *Building height.* Buildings shall not exceed a height of more than thirty-five feet (35').
 - (A) The height shall be measured from the sidewalk or ground surface elevation along the side of the building fronting onto a public right-of-way to the top of the roof.
- (2) *Setbacks.* The following setbacks are required in the commercial business district:
 - (A) Front yard setbacks shall be a minimum of fifty feet (50') from the street right-of-way.
 - (B) Side yard setbacks shall be a minimum of twenty feet (20'). Where a CB zone abuts on the side of a property zoned as single-family residential, each portion of a building in excess of ten feet (10') in height shall be set back two (2) additional feet for each additional one (1) foot in height.
 - (C) Rear yards shall be a minimum of twenty-five feet (25') ~~except~~ where the lot abuts property zoned as single-family residential ~~where~~ there shall be a minimum rear yard of not less than one hundred feet (100') and not separated by a street or public right-of-way.
 - (D) Rear yard setbacks abutting property zoned as single-family residential shall include at least fifty feet (50') of green space adjacent to the residential district. Green space includes landscaping and turf grass.
- (3) *Minimum lot area.* The minimum area for lots in the commercial business district shall be thirty thousand ~~(30,000)~~ square feet ~~(30,000 sq. ft.)~~ on lots with access to city sewer, lots without access to city sewer shall be a minimum of ~~forty-three thousand five hundred sixty~~ ~~43,560~~ square feet ~~(43,560 sq. ft.)~~ exclusive of all street rights-of-way and the designated 100-year floodplain as determined by a registered survey.
- (4) *Maximum lot coverage.* The maximum lot coverage for buildings on individual lots is forty percent (40%) of the lot area, including accessory buildings.
- (5) *Floor area.* Each store, shop or business shall have a minimum of five hundred (500) square feet of

floor area. ~~There is no maximum floor space.~~

- (6) Business operations. The following special conditions apply to business operations within the CB district:

~~(A) All commercial uses within this district shall be sales and/or service type uses.~~

- (A) All business shall be conducted entirely within a building. Restaurants offering outside dining or businesses with outside storage and/or display of any type shall be allowed only upon the approval of a specific use permit.
- (B) No drive-in services of any type shall be located nearer than one hundred feet (100') of an abutting single-family zoned district. Where drive-in services are allowed, a solid fence of ~~wood or~~ masonry with a height of six feet (6') shall be required to buffer the drive-in service from the abutting single-family residential district.
- (7) Off-street parking and loading. Required off-street parking may be located within the required setback, provided there is a **fifty (50')** landscape buffer adjacent to the property line. Such off-street parking spaces shall be on a hard-surfaced drive or parking area. Specific off-street parking and loading requirements are contained in article **14.04**, division 2, of this chapter.
- (8) Buffering and screening. The following standards for buffering and screening shall apply for all buildings in the commercial business district:
- (A) Parking lot layout, landscaping, buffering and screening shall minimize direct views of parked vehicles from streets.
- (B) Off-street loading areas shall be located at the rear of all buildings and shall be adequately screened from view of any adjacent single-family residential use.
- (C) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be ~~totally circled or~~ screened by fence, planting or other suitable visual barrier and be secured from public access.
- (D) Transformers, HVAC equipment (if located at ground level), lift stations, utility meters and other machinery, as well as garbage collection points, shall be located at the rear property line, drive, or alley. If such uses are visible from an adjacent right-of-way or property, they shall be totally screened by a fence or suitable plant or other visual barrier of an appropriate height or as proposed or approved in the development site plan. Trash receptacles shall have a door which shall remain closed at all times.
- (9) Impervious coverage. The maximum impervious coverage shall not exceed sixty-five percent (65%) of the total lot area.
- (10) Accessory buildings and structures customarily associated with any of the above establishments to which they refer shall be constructed to meet all of the requirements of the **principal main** building.
- (11) A specific use permit shall be required when the total square footage of the **principal main** building and/or any accessory buildings exceeds **fifty thousand 50,000** square feet (**50,000 sq. ft.**).
- (12) All drive-through, drive-in, and drive-up businesses shall require a specific use permit.
- (13) Replacement of buffering/screening/fencing. All **existing** buffering, screening, and fencing that is replaced is required to be replaced with materials required by code for new construction. If there is no material listed for the application then the replacement will match existing material for buffering, screening, or fencing, of the item being replaced.

(Ordinance 2005-12-00544, sec. 1, adopted 12/5/05; Ordinance 2006-10-00577, sec. 2, adopted 10/16/06; Ordinance 2013-05-00756, sec. 2, adopted 5/2/13; Ordinance 2013-07-00761 adopted 7/18/13; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.354 **Special district requirements.**

- (a) Site plan approval. The following site plan elements shall be required for development of property:
- (1) Prior to issuance of a building permit, ~~an electronic copy seven (7) copies~~ of a site plan, drawn to a scale of not less than one inch (1") equals fifty feet (50'), shall be submitted to the city secretary a minimum of fourteen (14) days prior to the date at which the planning and zoning committee is scheduled to consider said site plan on their regular agenda. The site plan must contain at a minimum the following:
 - (A) The boundaries and dimensions of the proposed development, including total area.
 - (B) The owners, zoning classification and description of adjacent properties.
 - (C) Contour lines with five-foot (5') intervals.
 - (D) Location map showing site within the city.
 - (E) Existing and platted streets, public rights-of-way, easements and railroads within and adjacent to the site.
 - (F) Existing and proposed utility lines showing sizes of water and sewer lines.
 - (G) Existing and proposed fire hydrants and fire lanes.
 - (H) Location and dimension of all buildings and building setback lines.
 - (I) Engineering for drainage.
 - (J) Areas designated for landscaping together with proposed irrigation and a tree management plan.
 - (K) Parking area locations and specifications.
 - (L) Signage and lighting.
 - (M) Location of all exterior mechanical, electrical and communication equipment.
 - (N) Location of all refuse containers, loading docks and screening.
 - (O) Signature lines for chairman of the planning and zoning committee, city engineer and mayor shall be provided to signify approval.
 - (2) For the purposes of assisting in-process planning, a properly designated "preliminary" site plan shall be submitted for consideration. Approval of a "preliminary" site plan will not imply approval of all elements of a "final" site plan.
 - (3) The site plan may only be approved by the planning and zoning commission and the city council.
 - (4) Any changes to an approved "final" site plan will require approval of the planning and zoning commission and the city council.
- (b) Landscape plan approval. The following landscape plan elements shall be required for the development of the property:

- (1) Prior to issuance of a building permit, ~~an electronic copy seven (7) copies~~ of a landscape plan, drawn to a scale of not less than one inch (1") equals fifty feet (50'), shall be submitted to the city secretary a minimum of fourteen (14) days prior to the date at which the planning and zoning committee is scheduled to consider said landscape plan on their regular agenda. The site plan must contain at a minimum the following:
 - (A) A minimum of fifteen percent (15%) of the gross area ~~of the lot~~ shall be landscaped.
 - (B) The area between the property line and the paved street shall be included in the landscape plan and shall be maintained by the abutting property owner.
 - (C) Heights of landscape materials shall be such that they do not create safety hazards for vehicular traffic by blocking sight lines at ingress/egress points.
 - (D) The landscape specifications shall indicate the common names and scientific names, sizes and quantities of all material to be utilized.
 - (E) Property abutting different districts shall be screened by a living screen. Plantings which serve as living screens shall be evergreen with a minimum initial height of six feet (6') and shall provide a solid visual barrier within two ~~(2) years of planting~~.

~~(2) —years of planting.~~

- (c) It shall be the property owner's responsibility to permanently maintain the approved ~~living state of~~ landscaping in a neat and orderly manner.
- (d) Landscaping shall mean plant materials (other than turf grasses) and other approved landscape materials arranged in an approved manner. All plant materials shall be selected from any plant list or landscape ordinance adopted by the city.
- (e) Architectural plan approval. The following architectural plan elements shall be required for development of property.
 - (1) Prior to issuance of a building permit, ~~an electronic copy seven (7) copies~~ of an architectural plan, drawn to a scale of not less than one inch (1") equals fifty feet (50'), shall be submitted to the city secretary a minimum of fourteen (14) days prior to the date at which the planning and zoning committee is scheduled to consider said architectural plan on their regular agenda. The site plan must contain at a minimum the following:
 - ~~(A) A minimum of seventy-five percent (75%) of all building exteriors shall be constructed with a 75% masonry exterior. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.~~
 - ~~(B) All buildings shall be designed and constructed in an architecturally compatible manner which conveys a village setting as a retail and neighborhood services area with a clustered setting for buildings, as opposed to "strip-type" commercial development.~~
 - (A) Storefronts or faces of commercial buildings in excess of sixty feet (60') shall have a minimum five-foot setback at no greater intervals than sixty feet (60'). Multiple adjacent building fronts shall conform to this same rule.
 - (f) Pet boarding. Pet boarding shall be permitted with a special use permit in commercial business and light industrial districts provided they meet the following requirements:
 - (1) Pets shall be supervised when they are outdoors.

- (2) Pets shall only be permitted outdoors between the hours of 6:00 a.m. and 10:00 p.m.
- (3) Adequate facilities shall be provided to separate animals of different species, size, and sex (if needed).
- (4) Pets shall have an environment that supports their safety and well-being.
- (5) Pet boarding shall only serve pets for a period not to exceed sixty (60) consecutive days.

(Ordinance 2005-12-00544, sec. 1, adopted 12/5/05; Ordinance 2013-10-00772 adopted 10/3/13; Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2018-03-00876 adopted 3/1/18)

§ 14.03.355 Major Development Standards.

The following development standards apply to all major ~~retail~~ development. The goal of these development standards is to affirm the city's objective that major ~~retail~~ development~~s~~ create or impart a sense of place and/or streetscape at a scale appropriate to the character of Lucas with it's small town atmosphere, as well as preserving the diversity and vitality of Lucas' commercial districts and the quality of life of Lucas residents. It is generally noted that the typical or classic 'big box' type of commercial building and development pattern does not meet these community development objectives. In addition to the development standards prescribed elsewhere in this chapter, including, but not limited to the applicability of site plan review or discretionary review process prescribed in this chapter, all major ~~retail~~ development shall comply with the following development standards:

- (1) A typical or classic 'big box' design shall not be allowed (e.g., large four-sided structure with little or no ornamentation, decoration, unique architectural features, interesting fenestration, etc.).
- (2) When the project site is within three hundred (~~300~~) feet (~~300'~~) of a residential zoning district, measured from the property line and excluding streets and alleys, the maximum height of any wall excluding architectural accent features shall be the maximum height permitted in that residential zoning district.
- (3) The design of service areas, including outdoor storage, trash collection, loading, outdoor display, shall be incorporated into the ~~principal primary~~ building design and shall be of materials of comparable quality and appearance as that of the ~~principal primary~~ building.
- (4) When the service areas (loading docks, refuse storage and enclosures, etc.) are adjacent to or across the street from residential neighborhoods, all delivery trucks, garbage trucks, and other large vehicles servicing the commercial development shall access the service areas via internal driveways and not from the residential street.
- (5) Rooftop equipment shall not be visible from a point of view that is five feet (~~5'~~) above grade at a distance of two hundred (~~200~~) feet (~~200'~~) from the walls of the structure.
- (6) The off-street parking serving the commercial development shall be divided into multiple 'lots', as necessary, so that no single 'lot' has more than one hundred~~7~~ twenty (120) parking spaces. The 'lots' shall be separated from each other by a visually aesthetic buffer, such as a landscape area including a landscaped street or landscaped pedestrian way, or other appropriate landscape or hardscape features.
- (7) The maximum number of off-street parking spaces serving the development shall not exceed by more than ten (~~10~~) percent (~~10%~~) the minimum number of required off-street parking as prescribed in the Lucas ~~Municipal~~ Code of Ordinances.
- (8) A covered passenger loading area shall be provided.~~±~~
- (9) Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in elevation and materials.

- (10) Parking and security lights shall not be taller than the buildings within the development, or a maximum of twenty four ~~(24)~~ feet (24') above grade, whichever is less.
- (11) All freestanding signs shall be located in a landscaped area that is equal in size or larger than the total sign area for that freestanding sign.
- (12) No reader boards having changeable copy, electronic or otherwise, are allowed.
- (13) If the development is located on an existing public transit route, or a reasonably foreseeable future transit route, a bus pullout and shelter shall be developed on-site or at a location approved by the transit service provider.

(Ordinance 2007-06-00591, sec. 2, adopted 6/7/07)

§ 14.03.356 Major ~~retail~~ development traffic studies.

- (a) Traffic impact study. All development applications for major ~~retail~~ development as defined herein, shall prepare a traffic impact analysis which provides for assessment of current road conditions, estimates of traffic generation matters involving current traffic counts, proposed optimum ingress and egress patterns along with internal traffic flow.

(Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.357 through § 14.03.410. (Reserved)

**Division 8
PD Planned Development District**

§ 14.03.411 General purpose and description.

- (a) The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may authorize the creation of a planned development district.
- (b) The planned development district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, retail centers, residential developments or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A planned development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.412 Permitted uses.

An application for a planned development district shall specify the base district(s), ~~and~~ the use or the combination of uses proposed. Uses which may be permitted in a planned development district must be specified if not permitted in the base district(s). Specific use permits allowed in a base zoning district are allowed in a planned development district only if specifically identified at the time of approval by the city council.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.413 **Planned development requirements.**

- (a) Development requirements for each separate planned development district shall be set forth in the ordinance granting the planned development district and shall include, but may not be limited to: uses, density, lot area, lot width, yard depths and widths, building height, building elevations, building material coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, hours of operation, project phasing or scheduling, management associations, and other requirements as the city council may deem appropriate.
- (b) All applications for a planned development district shall list all requested deviations from the standard requirements set forth throughout this chapter. The planned development district shall conform to other sections of this chapter unless specifically excluded in the granting ordinances granting the planned development district.
- (c) Detailed site plan. A detailed site plan shall be submitted as a part of the planned development district application shall set forth the final plans for development of the planned development district ~~and shall be considered part of the planned development district.~~ Changes of detail on the detailed site plan, which differ from the approved detailed site plan, but do not alter the basic relationship of the proposed development to the adjacent property, the uses permitted, or increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at the boundary of the site, or do not significantly alter the landscape plans as indicated on the approved site plan, may be authorized by the city council without an amendment to the planned development district ordinance.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.414 **Mandatory homeowners' association.**

In a planned development district for residential uses, property owner or homeowner associations are to be established for the purpose of ownership, maintenance and management of open spaces. The initial term of the agreement, covenants and restrictions establishing and creating the homeowners' association shall be for a twenty five (25) year period and shall automatically renew for successive ten (10) year periods, and the homeowners' association may not be dissolved without the prior written consent of the city.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.415 **City/developer facilities agreement.**

Planned development districts may require a city/developer facilities agreement prior to or contemporaneous with the final plat approval. This agreement shall reflect the cost-sharing agreement between the city and the developer for the installation or over-sizing of utility systems, perimeter streets, mandatory construction or dedication of park or open space area, landscaping or greenbelt development or other comparable items, phasing of the development, maximum density or intensity of use during the construction process, and the maintenance of open space.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.416 **Zoning ordinance compliance and zoning map.**

All planned development districts approved in accordance with the provisions of the zoning ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such planned development districts, together with the category of uses permitted therein, shall be maintained as a part of this code.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

Division 9
LI Light Industrial District

§ 14.03.471 Use regulations.

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section **14.03.801**, schedule of uses, and article **14.02** division 4, specific use permits.

~~(1) No mobile homes or HUD code manufactured homes as defined herein shall be permitted.~~

~~(2) A special exception shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.~~

~~(3) All drive-through, drive-in and drive-up businesses shall require a specific use permit.~~

(1) Pet boarding. Pet boarding shall be permitted with a specific use permit in agricultural, commercial business and light industrial districts provided they meet the following requirements:

(A) Pets shall be supervised when they are outdoors.

(B) Pets shall only be permitted outdoors between the hours of 6:00 a.m. and 10:00 p.m.

(C) Adequate facilities shall be provided to separate animals of different species, size, and sex (if needed).

(D) Pets shall have an environment that supports their safety and well-being.

(E) Pet boarding shall only serve pets for a period not to exceed sixty (60) consecutive days.

(Ordinance 2008-11-00634 adopted 11/20/08; Ordinance 2013-05-00756, sec. 3, adopted 5/2/13)

§ 14.03.472 Building regulations.

~~(a) A minimum of seventy five percent (75%) of all building exteriors shall be constructed with a 75% masonry exterior. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.~~

~~(a) All drive-through, drive-in and drive-up businesses shall require a specific use permit.~~

(b) All mechanical equipment shall be screened from public view either by landscaping materials or materials that blend with the building.

(c) Refuse collection areas shall be screened from public view.

(d) Parking and drives to be weather-impervious surface ~~developed in accordance with city standards.~~ Parking and fire lanes shall be a minimum of three thousand five hundred pounds per square inch (3,500 psi) concrete of six inches (6") thick with six inches (6") of flex base material compacted to ninety-five percent (95%).

(e) Outside storage as allowed by specific use permit.

(f) Loading docks to be at rear or side of building and shall be screened from public view ~~or residential zoning districts.~~

(g) A specific use permit shall be required when the total square footage of the ~~principal main~~ building and/or any accessory buildings exceeds ~~fifty thousand 50,000~~ square feet (50,000 sq. ft.).

- (h) Replacement of buffering/screening/fencing: all **existing** buffering, screening, and fencing that is replaced is required to be replaced with materials required by code for new construction. If there is no material listed for the application then the replacement will match existing material for buffering, screening, or fencing, of the item being replaced.

(1995 Code, sec. 9-81; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.473 **Height regulations.**

The maximum height for the **principal main** building, including roof-mounted mechanical equipment, shall be two and one-half (2-1/2) standard stories, but shall not exceed thirty-five feet (35') in height provided that any building or portion thereof may be erected above the said limit if setbacks from all streets and required yard lines are an additional one foot (1') for each one foot (1') of its height above said limit.

(1995 Code, sec. 9-82)

§ 14.03.474 **Principal building Area regulations.**

- (a) Lot area. Minimum two (2) acres net, exclusive of all street rights-of-way and the **one hundred** (100) year floodplain as determined by a registered survey.
- (b) Building area. The total building area, including accessory buildings, shall not exceed a floor-area-to-land ratio of 0.40 to 1.
- (c) Front yard. Minimum of one hundred feet (100') from property line.
- (d) Side yard. Minimum twenty-five feet (25') from property line. Minimum fifty feet (50') from a residential district.
- (e) Rear yard. Minimum twenty-five feet (25') from property line. Minimum fifty feet (50') from a residential district.

(1995 Code, sec. 9-83; Ordinance 1996-11-00343, sec. 14, adopted 11/4/96)

§ 14.03.475 **Site plan approval.**

Same as section **14.03.296**, save and except that side must be screened where it abuts different zoning districts.

(Ordinance 1996-11-00343, sec. 15, adopted 11/4/96)

§ 14.03.476 **Landscaping plan approval.**

Same as section **14.03.297**.

(1995 Code, sec. 9-85)

§ 14.03.477 **Off-street loading and parking.**

See article **14.04**, division 2.

(1995 Code, sec. 9-86).

§ 14.03.478 **through § 14.03.530. (Reserved)**

Division 10

ED Estate Development District

§ 14.03.531 **Purpose.**

It is the intended purpose of this zoning district to provide for the unified and coordinated development of parcels or tracts of primarily vacant land. Certain freedom of choice as to intended land use shall be permitted, provided that the special requirements which may apply are complied with and that the intended uses are not in conflict with the general purpose and intent of either this chapter or the comprehensive plan for the city.

(1995 Code, sec. 9-90)

§ 14.03.532 **Use regulations.**

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section **14.03.801**, schedule of uses, and article **14.02** division 4, specific use permits.

(Ordinance 2008-11-00634 adopted 11/20/08)

§ 14.03.533 **Height regulations.**

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height.

§ 14.03.534 **Principal dwelling regulations.**

(a) Size of yards.

- (1) Front yard. The building line adjacent to a street shall be established at seventy-five feet (75') from the centerline of the street right-of-way or street reflected as type C or D roadway on the Master Thoroughfare Plan. (85' for type B, and 110' for Type A). No required parking shall be allowed within the required front yard.
- (2) Side yard. The building line adjacent to the side property line(s) shall be not less than ten percent (10%) of the lot width, or twenty feet (20'), whichever is less. No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').
- (3) Rear yard. The building line adjacent to the rear property line shall be not less than fifty feet (50').

(b) Size of lot.

- (1) Lot area. No building shall be constructed on any lot of less than one and one-half (1-1/2) acres (65,340 square feet).
 - (2) Lot width. The width of the lot shall be not less than one hundred sixty feet (160') at the front building line setback. The minimum width of a lot on a cul-de-sac shall be not less than thirty-five feet (35') at the property line, nor shall its average width be less than one hundred seventy-five feet (175'). The minimum width of a lot on curve exceeding thirty (30) degrees shall be not less than thirty-five feet (35') at the property line, nor shall its average width be less than one hundred seventy-five feet (175').
 - (3) Lot depth. The average depth of the lot shall not be less one hundred eighty feet (180').
 - (4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership on May 1, 1995, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (c) Minimum dwelling size. The minimum floor area of any dwelling shall be one thousand eight hundred square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches.
- (d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the

combined area of the principal buildings and accessory buildings.

- (e) A specific use permit shall be required when the total square footage of the principal building and/or any accessory buildings exceeds fifty thousand square feet (50,000 sq. ft.).
- (f) Accessory building uses and structures shall comply with article **14.04**, division 8, of this chapter.
- (g) Roof pitch. Principal dwelling structures shall have a roof pitch of not less than six inches (6") vertical for each twelve inch (12") horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).
- (h) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.
- (i) Impervious coverage. The maximum impervious coverage shall not exceed thirty-five percent (35%) of the total lot area.

§ 14.03.535 **Special conditions.**

- (1) No front-entry garages will be allowed.
- (2) The minimum lot size is one and a half (1 ½) acres and the average lot size for the proposed development shall be four (4) acres.
- (3) A homeowners' association must be created to maintain the open spaces. Association guidelines and rules shall be submitted at the time of site plan and plat approval.
- (4) Underground utilities will be required.

§ 14.03.533 **Height, lot, and yard requirements.**

- ~~(a) Height, lot, and yard requirements shall conform to the requirements of the appropriate sections of this chapter, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this chapter, and will not adversely affect nearby properties.~~
- ~~(b) The following requirements shall be used for areas developed as half-acre lots:~~
 - ~~(1) Height regulations. No building shall exceed thirty five feet (35') or two and one half (2 1/2) stories in height.~~
 - ~~(2) Area regulations.~~
 - ~~(A) Size of yards.~~
 - ~~(i) Front yard. There shall be a front yard having a depth of not less than fifty feet (50').~~
 - ~~(ii) Side yard. There shall be a side yard on each side of the lot having a minimum width of twenty five feet (25'). A side yard adjacent to a side street shall not be less than fifty feet (50').~~
 - ~~(iii) Rear yard. There shall be a rear yard having a depth of not less than twenty five feet (25').~~
 - ~~(B) Size of lot.~~

~~(i) **Lot area.** No building shall be constructed on any lot of less than twenty one thousand seven hundred eighty (21,780) square feet.~~

~~(ii) It is intended to preserve the rural atmosphere with deep setbacks and wide lot widths.~~

~~(3) **Building regulations.** The minimum floor area of any dwelling, exclusive of garages, breezeways, and porches, shall be sixteen hundred square feet (1,600 sq. ft.) with a minimum of seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.~~

~~(1995 Code, sec. 9-92; Ordinance 2012-06-00718, sec. 9, adopted 6/21/12)~~

~~§ 14.03.534 **Area requirements.**~~

~~For the purposes of this chapter, the entire tract to be zoned “ED” may be considered as one building lot, or separate areas intended for separate land uses may be considered as separate building lots. Required open space is established at a minimum of 15% of the total developed acreage. Open space must have public access and may include public street rights of way exclusive of impervious surface.~~

~~(1995 Code, sec. 9-93)~~

~~§ 14.03.535 **Parking regulations.**~~

~~Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in article 14.04, division 2.~~

~~(1995 Code, sec. 9-94)~~

~~§ 14.03.536 **Special conditions.**~~

~~The following special conditions apply to uses located in this zoning district:~~

~~(1) A minimum land area of ten (10) acres shall be required before application for an estate development will be approved.~~

~~(2) All requirements of any subdivision regulations of the city pertaining to procedure, plan, and design criteria among others shall be complied with and include height, lot, yard, and area requirements as designated in the appropriate sections of this chapter.~~

~~(3) No front entry garages will be allowed.~~

~~(4) All proposed estate developments shall require a mandatory site and landscape plan submittal as per sections 14.03.296 and 14.03.297 of this chapter. The site and landscape plans will be reviewed and approved by the planning and zoning commission, city engineer, and the city council in public hearings prior to receiving plat approval or building permit. In addition to the site plan, the owner shall provide such other sketches, diagrams, and calculations necessary to determine whether the proposed development conforms with the provisions of the district and to determine the effect of the proposed development on population densities, streets, schools, recreation, and other community facilities in the area. Such site plans, sketches, diagrams, and calculations shall become a part of the amendment for the “ED” district and shall form the basis for issuance of a building permit on conformity therewith.~~

~~(5) Property to be developed for nonresidential purposes, other than public and semipublic uses, shall be located upon a thoroughfare, except if it abuts property which is zoned for commercial or industrial purposes and which has major street frontage. A plan for development of the property, showing adequate access to and from the major streets, shall be submitted to the planning and zoning~~

~~commission.~~

- ~~(6) Prior to the issuance of a certificate of occupancy, a screening device, as defined in this chapter, shall be built along that boundary of the area proposed for “VC” use which abuts property developed, zoned, or designated for any type of residential use.~~
- ~~(7) Lighting devices in conjunction with “VC” uses or parking lots shall not be operated so as to produce direct or reflected light or glare across abutting property lines.~~
- ~~(8) Loudspeakers and similar devices in conjunction with commercial uses or parking lots shall not be used.~~
- ~~(9) Accessory building and structures shall comply with article 14.04, division 8, of this chapter.~~
- ~~(10) Open space will be interconnected from interior of the site to the exteriors when feasible.~~
- ~~(11) A landscape plan shall include irrigation system size, quantity, and type of landscaping materials drawn to same scale as the site plan. A minimum of twenty percent (20%) shall be materials other than grasses. The landscape plan shall be submitted to the planning and zoning commission for approval.~~
- ~~(12) Cluster development is preferred.~~
- ~~(13) Residential uses are limited to single family detached housing and their related accessory buildings.~~
- ~~(14) Cul-de-sac streets shall have open space access for the public to the required open space system.~~
- ~~(15) A homeowners’ association must be created to maintain the open spaces. Association guidelines and rules will be submitted at time of site plan approval.~~
- ~~(16) Underground utilities will be required.~~
- ~~(17) A specific use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.~~

(1995 Code, sec. 9-95; Ordinance 2006-10-00577, sec. 2, adopted 10/16/06; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.537 through § 14.03.590. (Reserved)

Division 11
(Reserved)

§ 14.03.591 through § 14.03.650. (Reserved)

Division 12 Manufactured Home District

§ 14.03.651 **Purpose.**

It is the intended purpose of this zoning district to provide for a district in which manufactured homes are permitted for single-family residential use. The term “manufactured home” as used herein is defined in V.T.C.A., Occupations Code, section 1201.003.

(Ordinance 1995-09-00310, sec. 2, adopted 9/11/95)

§ 14.03.652 **Manufactured home district (MHD).**

Any area or tract of land that is zoned as a manufactured home district (MHD) is restricted to one (1) HUD-code manufactured home or a site-built home per lot for use as a single-family residence.

(Ordinance 1995-09-00310, sec. 2, adopted 9/11/95)

§ 14.03.653 **Use regulations.**

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section **14.03.801**, schedule of uses. Additionally, a lot in this zoning district may be used for any use allowed in R2 district as defined in this chapter in addition to the use of a HUD-code manufactured home for residential purposes. All regulations or ordinances of the town that relate to health, safety and welfare shall apply to a manufactured home district.

(Ordinance 2008-11-00634 adopted 11/20/08)

§ 14.03.654 **Height, lot, and yard requirements.**

Height, lot and yard requirements shall conform to the following requirements, except that modifications in these regulations may be granted if it shall be found by clear and convincing evidence that such modifications are in the public interest, are in harmony with the purposes of this chapter, and will not compromise or endanger the public health, or any property within five hundred feet (500') of the lot on which a modification is requested. Modifications must be approved by the board of adjustments following a public hearing.

(1) The following requirements shall apply to each developed lot:

(A) Height regulations. No site-built building or structure shall exceed twenty-six feet (26') in height or two (2) stories.

(B) Area regulations. Same as section **14.03.113**.

(i) No lot without public sanitary sewer shall be less than two (2) acres.

(Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.655 **Parking regulations.**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in article **14.04**, division 2.

(Ordinance 1995-09-00310, sec. 2, adopted 9/11/95)

§ 14.03.656 **Supports, tiedowns and skirting.**

Every manufactured home situated in this district must be supported by cinderblocks or concrete piers at a minimum of eight (8) points under the frame of the manufactured home, together with eight (8) tiedowns. Each manufactured home must be completely skirted within sixty (60) days from the date of installation.

(Ordinance 1995-09-00310, sec. 2, adopted 9/11/95)

§ 14.03.657 through § 14.03.710. (Reserved)

Division 13
OS Open Space District

§ 14.03.711 **Purpose.**

To provide land use regulations to control development in areas designated OS; to provide environmental aesthetic control of the open spaces; to provide recreational facilities; and to coordinate with the county open space plan.

(1995 Code, sec. 9-120)

§ 14.03.712 Use regulations.

In an OS district, no land shall be used and no building shall be used, erected, or converted to any use other than:

- (1) Golf courses.
- (2) Equestrian uses.
- (3) Nonmotorized trails.
- (4) Public parks.
- (5) Agricultural uses.
- (6) Single-family residences on a minimum of ten (10) acres and in accordance with all other regulations listed under R2 district.
- (7) Any use or public building to be erected or used by the city government.
- (8) Other uses not prohibited by this code may be permitted under the provisions of article **14.02**, division 4, specific use permits.
- (9) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.
- (10) A specific use permit shall be required when the total square footage of the **principal main** building and/or any accessory buildings exceeds **fifty thousand 50,000** square feet (**50,000 sq. ft.**).
- (11) Accessory buildings and structures customarily associated with any of the above nonresidential establishments to which they refer shall be constructed to meet all of the requirements of the **principal main** building. Accessory buildings associated with residential structures shall comply with article **14.04**, division 8, of this chapter.

(1995 Code, sec. 9-121; Ordinance 1995-09-00310, sec. 1(G), adopted 9/11/95; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.713 Building regulations.

Same as village center (VC).

(1995 Code, sec. 9-122)

§ 14.03.714 Height regulations.

Same as residential-2 (R2).

(1995 Code, sec. 9-123)

§ 14.03.715 Area regulations.

Same as residential-2 (R2).

(1995 Code, sec. 9-124)

§ 14.03.716 Site plan approval.

Same as village center (VC).

(1995 Code, sec. 9-125)

§ 14.03.717 **Landscape plan approval.**

Same as village center (VC).

(1995 Code, sec. 9-126)

§ 14.03.718 **Architectural plan approval.**

Same as village center (VC).

(1995 Code, sec. 9-127)

§ 14.03.719 **Off-street loading and parking.**

Same as village center (VC).

(1995 Code, sec. 9-128)

§ 14.03.720 **through § 14.03.770. (Reserved)**

Division 14

(Reserved)

§ 14.03.771 **through § 14.03.800. (Reserved)**

Division 15

Schedule of Uses

§ 14.03.801 **Use designations.**

- (a) The use of land and/or buildings shall be in accordance with those listed in the following schedule of uses chart. No land or building shall hereinafter be used and no building or structure shall be erected, altered, converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in this schedule of uses is:

X Designates use permitted in the zoning district indicated

Designates use prohibited in district indicated

S Designates use may be approved by specific use permit. (See also section **14.02.081**)

- (b) If a use is not listed, it is not allowed in any district.

(c) Use chart organization.

- (1) Residential uses.

- (2) Educational, institutional, public and special uses.

- (3) Office and professional.

- (4) Retail and related uses.

- (5) Automobile, transportation, utility, communication and related uses.

- (6) Other uses.

- (d) Classification of new/unlisted uses. It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the city. In order to provide for such changes

and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the schedule of uses chart shall be made as follows:

- (1) Initiation.
 - (A) A person, city department, the planning and zoning commission, or city council may propose zoning amendments to regulate new and previously unlisted uses.
 - (B) A person requesting the addition of a new or unlisted use shall submit to the director of planning all information necessary for the classification of the use, including but not limited to:
 - (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (ii) The type of product sold or produced under the use;
 - (iii) Whether the use has enclosed or open storage and the amount and nature of the storage;
 - (iv) ~~Employment~~ ~~Anticipated employment~~ typically anticipated with the use;
 - (v) Transportation requirements;
 - (vi) The nature and time of occupancy and operation of the premises;
 - (vii) The off-street parking and loading requirements;
 - (viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
 - (ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.
 - (2) The development services director shall refer the question concerning a new or unlisted use to the planning and zoning commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statements of facts in subsection (B) above. An amendment to this chapter shall be required as prescribed by ordinance.
 - (3) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the most similar and should be permitted.
 - (4) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall approve ~~for~~ disapprove the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the zoning ordinance according to ordinance.
 - (5) Standards for new and unlisted uses may be interpreted by the ~~development services~~ director ~~of planning~~ as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in subsection (B) above shall be followed for determination of the appropriate district. The decision of the ~~development services~~ director ~~of planning~~ may be appealed according to the process outlined in subsections (2) through (4) above.
- (e) Schedule of uses chart.

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Residential uses										
Accessory buildings	X	X	X	X			X	X		X
Accessory dwelling unit buildings with habitable space	X	X	X	X						X
Caretaker/guard residence	X					S			X	
Community home	X	X	X	X						X
Home occupation	X	X	X	X				X		X
Mobile home on individual lot								X		
Mobile home park								X		
Multifamily residence								X		
Registered family home	S	S	S	S						S
Single-family dwelling (detached)	X	X	X	X						X
Temporary field construction office	X	X	X	X	X	X			X	X
Educational, institutional, public and special uses										
Adult, child care or day care center	S					X		S		S
Amateur communications antenna	X	X	X	X				X		
Athletic stadium or field (not with public school)	S	S	S	S		S			S	
Church including church related activities	X	X	X	X	X	X	X	X	X	X
Community center (public)	X	X	X	X	X	X		X	X	
Equestrian facilities	X	S				X	X		X	
Equestrian boarding	X	X				X	X		X	
Farm, ranch, garden or orchard	X	X	X	X		X	X	X	X	
Fire or police station	X	X	X	X	X	X		X	X	
Government offices (federal, state, county, city)	X	X	X	X	X	X	X	X	X	
Halfway house									X	
Hospital						S			X	

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Clinic					S	X			X	
Library (public)	X	X	X	X	X	X		X	X	
Movie theater						X			X	
Municipal uses operated by the city	X	X	X	X	X	X	X	X	X	X
Museum	X	S	S	S	X	X		S	X	S
Nursing home					S	S			S	
Pet boarding	S					S			S	
Pet day care						S			S	
Philanthropic institutions					S	X			X	
Public park or playground	X	X	X	X	X	X	X	X	X	X
Radio, TV antenna or tower						S			S	
Broadband antenna support structure	X	X	X	X						X
Recreation area					S	X			X	
Recycling center/recycle container						S				
Retirement home/senior independent living facility					S	S			S	
School (private)	S	S	S	S	S	X		S	X	S
School (public)	X	X	X	X	X	X	X	X	X	X
School, trade or commercial	S				S	S			X	
Trade days/periodic or seasonal open market	S					S			X	
Office and Professional										
General professional office					X	X			X	
Bank or credit union					X	X			X	
Medical/dental clinic					X	X			X	
Medical laboratory					S	S			X	
Medical minor emergency clinic					S	S			X	

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Radio broadcasting without tower					S	X			X	
Real estate sales office (permanent)					X	X			X	
Retail and Related Uses										
Antique shop					X	X			X	
Art and craft supply store					X	X			X	
Athletic training facilities						S			S	
Bakery (retail)					X	X			X	
Barber shop or beauty salon					X	X			X	
Bicycle, lawnmower sales, repair enclosed						X			X	
Bookstore					X	X			X	
Building materials and hardware (inside)						X			X	
Camera store					X	X			X	
Ceramics store						X			X	
Clothing, apparel or shoe store (new)					X	X			X	
Coffee house					S	X			X	
Computer sales and repair (new and used)					X	X			X	
Convenience store with refueling station						S			X	
Convenience store without refueling station					X	X			X	
Dance studio or gymnastics					S	X			X	
Department store (retail)					S	S			S	
Donut shop					X	X			X	
Driving school						X			X	
Dry cleaning/laundry (no plant on site)					X	X			X	
Dry cleaning plant									X	
Fabric store					X	X			X	

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Farmer's market	S				S	S			X	
Feed store						X			X	
Fish and tackle store					S	X			X	
Florist					X	X			X	
Funeral home						X			X	
Furniture store, home furnishings					X	X			X	
Gift shop (new merchandise)					X	X			X	
Grocery store					X	X			X	
Gunsmith						S			S	
Hobby or toy store					X	X			X	
Ice cream or frozen yogurt sales					X	X			X	
Kennels	S								S	
Key shop or locksmith					X	X			X	
Laundromat (self-service)								S		
Meat market (retail)					X	X			X	
Medical aids and equipment					X	X			X	
Musical instrument sales and repair					X	X			X	
Nursery (retail)						X			X	
Outside display of merchandise	S					S			S	
Optical store					X	X			X	
Paint store						S			X	
Pet shop					S	S			S	
Pharmacist or drug store (without drive thru)					X	X			X	
Pharmacist or drug store (with a drive thru)					S	S			S	
Printing shop						X			X	

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Produce stand (including wood and seasonal items)	S				S	X			X	
Recycling collection center						X			X	
Refueling station						S			X	
Restaurant, cafe or cafeteria (excluding smoked on site)					X	X			X	
Restaurant drive in					S	S			X	
Restaurant (food smoked on site)					S	S			X	
Self-storage						S			S	
Sporting goods					X	X			X	
Tack and saddle shop	S				X	X			X	
Therapeutic message					S	S			S	
Used clothing store					S	S			S	
Veterinarian office (with outside pens)						S			X	
Veterinarian office (without outside pens)						X			X	
Wallpaper, flooring and carpet supply						X			X	
Automobile, Transportation, Utility, Communication and Related Uses										
Automobile repair collision services Auto paint (in building)						S			S	
Auto parts store						X			X	
Automotive repair minor						S			S	
Automobile sales (new)						S			X	
Automobile sales (used)						S			X	
Boat sales (new or used)						S			X	
Communication towers						S			S	
Electric equipment assembly and sales						S			S	
Electrical substation	S	S	S	S		S	S	S	S	

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Manufacturing (light industrial - enclosed only)									X	
Mobile home sales (new or used)									S	
Motorcycle repair/paint (enclosed)						S			X	
Recreation vehicle sales (new or used)									X	
Telephone exchange	S	S	S	S		S	S	S	S	
Truck sales (new)									X	
Truck sales (used)									X	
Truck rental, leasing									X	
Trailer rental/sales									X	
Tractor sales (new or used)									X	
Vehicle leasing or rental						S			X	
Vehicle wash						S			X	
Water utilities	X	X	X	X	X	X	X	X	X	X
Other uses										
Forestry	S									
Mining	S									
RV, boat, motorized or non-motorized vehicles, (inside or outside storage)									S	
Temporary real estate sales office		X	X	X	X					

(Ordinance 2008-11-00634 adopted 11/20/08; Ordinance 2012-05-00715, sec. 4, adopted 5/17/12; Ordinance 2012-10-00737 adopted 10/4/12; Ordinance 2016-03-00832 adopted 3/3/16; Ordinance 2016-10-00845 adopted 10/20/16; Ordinance 2017-04-00853 adopted 4/6/17; Ordinance 2017-07-00859 adopted 7/6/17; Ordinance 2018-03-00876 adopted 3/1/18; Ordinance 2020-12-00927 adopted 12/17/20)

ARTICLE 14.04

SUPPLEMENTARY REGULATIONS

Division 1

Generally

§ 14.04.001 **Community homes.**

Community homes shall be subject to the following limitations:

- (1) Not more than six (6) disabled persons, regardless of their legal relationship to one another, and two (2) supervisory personnel may reside in a community home at the same time.
- (2) A community home shall provide the following services to the disabled residents: food and shelter, personal guidance, care, habilitation services, and supervision.
- (3) The residents of a community home may not keep; on the premises of the home or on the public rights-of-way adjacent to the home, more than one (1) motor vehicle per bedroom for the use of the residents of the community home.
- (4) Meet the **current** fire suppression and alarm requirements for a new house **and any other state requirements.**
- (5) A community home may not be established within one-half (1/2) mile of a previously existing community home.

(Ordinance 2012-05-00715, sec. 5, adopted 5/17/12; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.04.002 **Equestrian boarding.**

Equestrian boarding shall be subject to the following limitations:

- (1) Lots shall be a minimum of two (2) acres;
- (2) A maximum of two (2) horses per acre shall be permitted, regardless of ownership, for all lots five (5) acres or less; and
- (3) For lots in excess of five (5) acres, there shall be no limitation on the maximum number of horses per acre.

(Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.04.003 through § 14.04.030. (Reserved)

Division 2

Off-Street Parking and Loading

§ 14.04.031 **Vehicle parking regulations.**

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is located unless there shall be provided on the lot of such buildings or structures, vehicle parking in the following ratio of vehicle spaces for the uses specified in the designated districts and no existing vehicle parking in connection with said use at the effective date of this ordinance may be reduced below the minimum number of spaces as hereinafter required.

(Ordinance 2011-09-00685, sec. 2, adopted 9/1/11)

§ 14.04.032 **Off-street residential parking.**

The following shall be the minimum off-street parking spaces for residential uses:

(1) All principal dwelling units. Two (2) spaces for each dwelling unit.

~~(1) R-1, one family residence. Two (2) spaces for each dwelling unit.~~

~~(2) R-2, one family residence. Two (2) spaces for each dwelling unit.~~

~~(3) R-1.5, one family residence. Two (2) spaces for each dwelling unit.~~

~~(4) All other dwelling units. Two (2) spaces for each dwelling unit.~~

~~(5) PD, planned development. Two (2) spaces for each dwelling unit plus such additional requirements as may be specified by the amending ordinance.~~

(Ordinance 2011-09-00685, sec. 2, adopted 9/1/11)

§ 14.04.033 **Off-street nonresidential parking.**

The following shall be the minimum off-street parking spaces for nonresidential uses:

- | | |
|--|---|
| (1) Adult day care center | One (1) space for each five hundred square feet (500 sq. ft.) of gross floor area. |
| (2) Amusement, athletic or recreational facilities Commercial outdoor amusement | One (1) space for each three hundred square feet (300 sq. ft.) (3) seats provided or persons accommodated. |
| (3) Automobile repair, paint and body | Ten (10) spaces for customer parking and additional space per every three hundred gross square feet (300 GSF) for vehicle storage and employee parking. |
| (4) Bank, savings and loan or similar financial establishment | One (1) space for each three hundred square feet (300 sq. ft.) of floor area. |
| (5) Bowling alley | Six (6) spaces for each lane. |
| (6) Churches, religious or spiritual | One (1) space for each three (3) seats in the main sanctuary. |
| (7) Convalescent home or home for aged | One (1) space for each six (6) rooms or beds. |
| (8) Gasoline service station | Minimum six (6) spaces. |
| (9) Golf course | Minimum thirty (30) spaces. |
| (10) High school, college or university | One (1) space for each classroom, laboratory or instruction area plus one (1) space for each (2) students accommodated in the institution. |
| (11) Hospitals | One (1) space for every two (2) beds. |
| (12) Hotel or motel | One (1) space for each room, unit or guest accommodation plus |

requirements for clubs, restaurants and other uses.

- | | |
|---|--|
| (13) Institutions of philanthropic nature | Ten (10) spaces plus one (1) space for each employee. |
| (14) Library or museum | Ten (10) spaces plus one (1) for each three hundred square feet (300 sq. ft.) of floor area. |
| (15) Manufacturing, processing or repairing | One (1) space for each two (2) employees or one (1) space for each one thousand square feet (1,000 sq. ft.) of floor area, whichever is greater. |
| (16) Medical Clinics or doctors' offices | One (1) space for each three hundred square feet (300 sq. ft.) of floor area – minimum of five (5) spaces. |
| (17) Offices, general | One (1) space for each three hundred square feet (300 sq. ft.) of floor area – minimum five (5) spaces. |
| (18) Personal services to include but not limited to nail salon, hair salon or therapy | Four (4) spaces for each station. |
| (19) Places of public assembly (not listed) | One (1) space for each three (3) seats provided. |
| (20) Recreational, private or commercial area or building (other than listed) | One (1) space for every one hundred square feet (100 sq. ft.) three (3) persons to be normally accommodated in the establishment. |
| (21) Restaurant or cafeteria | One (1) space per one hundred square feet (100 sq. ft.) for every three (3) seats under maximum seating arrangement—minimum of five (5) spaces. |
| (22) Retail or personal service | One (1) space for each two hundred square feet (200 sq. ft.) of floor area – minimum of five (5) spaces. |
| (23) Schools, elementary, middle or junior high | One (1) space for each classroom plus one (1) space for each four (4) seats in the main auditorium, gymnasium or other place of assembly. |
| (24) Storage or warehousing | One (1) space for each two (2) employees or one (1) space for each one thousand square feet (1,000 sq. ft.), whichever is greater. |
| (25) Theatres, meeting rooms and places of public assembly | One (1) space for every three (3) seats. |
| (26) Furniture store | One (1) space for each eight hundred square feet (800 sq. ft.) of gross floor area. |

(Ordinance 2011-09-00685, sec. 2, adopted 9/1/11)

§ 14.04.034 **Special off-street parking regulations.**

- (a) In computing the parking requirements for any building or development, the total parking requirements

shall be the sum of the specific parking space requirements for each class of use included in the building development.

- (b) In the VC ~~or CB, or MU~~ districts, no parking space or other automobile storage space which is visible from the street shall be used for the storage of any commercial type vehicle including but not limited to commercial type truck, panel truck, box truck, commercial type van, box van, and trucks, vans or other vehicle that exceeds a two (2) ton capacity.
- (c) Floor area of structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.
- (d) All required parking spaces in all nonresidential zoning districts shall be located in such a manner so as to permit maneuvering from each space to the nearest adjacent public street or alley without encroachment on the other parking spaces or requiring other vehicles to be moved.
- (e) Where nonresidential or multifamily parking is constructed adjacent to residentially zoned property, a masonry screening wall of at least six ~~(6)~~ feet (6') in height but not greater than ~~eight~~ 8 feet (8') in height shall be erected.
- (f) ~~An appeal may be allowed for the standard parking requirements with submission of a parking study as part of the site plan approval process to the planning and zoning commission.~~
- (g) ~~Parking and drives to be weather-impervious surface. Parking and fire lanes shall be a minimum of three thousand five hundred pounds per square inch (3,500 psi) concrete of six inches (6") thick with six inches (6") of flex base material compacted to ninety-five percent (95%).~~

(Ordinance 2011-09-00685, sec. 2, adopted 9/1/11)

§ 14.04.035 Parking requirements for new and unlisted uses.

- (a) Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar listed use.
- (b) Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to subsection (a) above or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in section **14.03.801** for classifying new and unlisted uses.

(Ordinance 2011-09-00685, sec. 2, adopted 9/1/11)

§ 14.04.036 Minimum distance for off-street parking.

- (a) Ninety-degree (90°) angle parking. Each parking space shall be not less than nine feet (9') wide nor less than eighteen feet (18') in length ~~with a curb stop, otherwise 20 feet (20') in length~~. Maneuvering space shall be in addition to parking space and shall be not less than twenty-four feet (24') perpendicular to the building or parking line.
- (b) Sixty-degree (60°) angle parking. Each parking space shall be not less than nine feet (9') wide perpendicular to the parking angle nor less than eighteen ~~feet~~ (18') in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than twenty feet (20') perpendicular to the building or parking line.
- (c) Forty-five-degree (45°) angle parking. Each parking space shall be not less than nine feet (9') wide perpendicular to the parking angle nor less than eighteen ~~feet~~ (18') in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than eighteen feet (18') perpendicular to the building or parking line.

(Ordinance 2011-09-00685, sec. 2, adopted 9/1/11)

§ 14.04.037 Off-street loading space.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or other use similarly involving the receipt or distribution by vehicles of materials or merchandise shall provide and maintain on the same premises loading space in accordance with the following requirements:

- (1) For retail, commercial, sales, service, or industrial use buildings and establishments, off-street loading facilities shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area Minimum Required Spaces or Berths

0 to 5,000	None
5,000 to 15,000	1
15,000 to 40,000	2
40,000 to 65,000	3
65,000 to 100,000	4
Each additional 50,000	1 additional

- (2) For hotels, office buildings, restaurants, and similar establishments, off-street loading facilities shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area Minimum Required Spaces or Berths

0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 additional

- (3) Each required loading space shall have a minimum size of twelve feet by sixty feet (12' x 60') for LI and twelve feet by thirty-five feet (12' x 35') for CB uses with a vertical clearance of at least fourteen feet (14'), together with access and maneuvering areas.
- (4) No loading facilities may be located facing any street.
- (5) Loading facilities located on the side of a building but not facing a street shall be set back from the front property line a minimum distance of sixty feet (60').

(Ordinance 2011-09-00685, sec. 2, adopted 9/1/11)

§ 14.04.038 Driveways.

- (a) The driveway entry radius must not overlap the common property lines as projected to the street.

- (b) Driveway culverts must be sized for each specific application. For new development, culvert size and material will be specified on the civil construction plans for each lot. For all other applications, the culvert size and material will be specified by the city at the time of the building permit or at the time a drive entry is required by the property owner. Culvert pipe material shall be either of reinforced concrete or minimum 16 gauge galvanized corrugated steel.

Culvert Material¹	Minimum Inside Diameter	Minimum Extension²	Concrete Header Required
Reinforced concrete	18"	36"	No
Galvanized/corrugated steel	18"	N/A	Yes ³

¹ Embedment of class B+ or better per NCTCOG design manual drawing 3020 dated October 2004 required for all permanent culvert installations.

² Minimum extension beyond the edge of the driveway. If a header is used, no extension is required.

³ No header is required for temporary culverts.

(Ordinance 2020-12-00924 adopted 12/3/20)

§ 14.04.039 Off-site parking requirements.

Required parking for a development may be located off site when approved by the planning and zoning commission and the city council. The planning and zoning commission and/or city council may authorize such alternative location of required parking space, along with any conditions determined necessary to promote safety and will adequately serve the public interest, subject to the following conditions:

- (1) Except for the location, all other requirements relating to off-street parking shall be met.
- (2) Such space shall be conveniently usable without causing unreasonable:
 - (A) Hazard to pedestrians;
 - (B) Hazard to vehicular traffic;
 - (C) Traffic congestion; or
 - (D) Detriment to the appropriate use of other properties in the vicinity.
- (3) A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned, assuring the continued availability of the off-street parking facility for the development it is intended to serve, subject to a minimum of the following conditions:
 - (A) Shuttling service provided to and from the off-site parking location starting a minimum of one hour prior to the start of the event and for a minimum of one hour following the event; and
 - (B) Advertisement posted three (3) business days prior to the event disclosing the site of off-site parking and shuttle service.

(Ordinance 2014-08-00786 adopted 8/7/14)

Division 3
Performance Standards

§ 14.04.071 Applicability.

All uses in all districts shall conform in operation, location, and construction to the performance standards hereinafter specified.

(1995 Code, ch. 9, art. 19, intro)

§ 14.04.072 Noise.

At no point at the bounding property line of any use in the “VC,” “CB” ~~LCB~~ or “LI” districts shall the sound pressure level of any daytime operation or plant exceed the decibel limits specified in the octave band groups designated in the following table:

(1) Octave band frequencies.

Octave Band	Maximum Permitted Sound Pressure Level
Cycles per Second	Decibels
20–75	97
75–150	76
150–300	70
300–600	65
600–1,200	63
1,200–2,400	58
2,400–4,800	55
4,800–10,000	53

(2) Corrections. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards:

Type of Operation or Character of Noise	Correction in Decibels
Noise source operates less than 20% of any one-hour period	Plus 5*
Noise source operates less than 5% of any one-hour period	Plus 10*
Noise source operates less than 1% of any one-hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

Type of Operation or Character of Noise	Correction in Decibels
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Noise present at night	Minus 7
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* Apply one correction only

- (3) "Daytime" shall refer to the hours between 7:00 a.m. and 7:00 p.m. on any given day.
- (4) "Bounding property line" shall be interpreted as being at the far side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.
- (5) "Measurement of noise" shall be made with a sound level meter or octave band analyzer meeting the standards prescribed by the American Standards Association.
- (6) Exemptions. The following uses and activities shall be exempt from the noise level regulations herein specified:
 - (A) Noises not directly under control of the property ~~uses~~ {user}.
 - (B) Noises emanating from construction and maintenance activities during daytime hours.
 - (C) Noises of safety signals, warning devices, and emergency pressure relief valves.
 - (D) Transient noise of moving sources such as automobiles, trucks, airplanes, and railroads.

(1995 Code, sec. 9-160)

§ 14.04.073 Smoke and particulate matter.

No operation or use in any district shall cause, create, or allow the emission for more than three (3) minutes in any one (1) hour of air contaminants, which at the emission point or within the bounds of the property are:

- (1) ~~Non-point source emissions from operations and uses in any district shall not cause, create, or allow emissions of smoke or particulate matter in violation of requirements specified by the Texas Commission on Environmental Quality (TCEQ) for control of air pollution from visible emissions and particulate matter as provided in the Texas Administrative Code, Title 30, Part 1, Chapter 111. As dark or darker in shade as that designated as no. 2 on the Ringelmann Chart as published by the United States Bureau of Mines Information Circular 7118, or in violation of the standards specified by the Texas Air Control Board Regulations for the Control of Air Pollution as published by the department of state health services or as such regulations may be amended.~~
- ~~(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in (1) above except that: when the presence of uncombined water is the only reason for failure to comply with [such standard] or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, the standards in 8-501(1) and (2) [subsections (1) and (2) of this section] shall not apply.~~
- (2) The open storage and open processing operations, including on-site transportation movements which are the source of wind- or air-borne dust or other particulate matter, or which involve dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted that dust and other particulate matter so generated is located in concentrations {not} exceeding fifty-four (54) grains per one thousand (1,000) cubic feet of air.

(1995 Code, sec. 9-161)

§ 14.04.074 **Odorous matter.**

- (a) No use shall be located or operated in any district which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
- (b) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials (ASTMD) ~~1391-56~~1391-57} entitled “Standard Method for Measurement of Odor in Atmospheres” shall be used and a copy of ASTMD 1391-57 is hereby incorporated by reference.

(1995 Code, sec. 9-162)

§ 14.04.075 **Fire and explosive hazard material.**

- (a) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in an “LI” district except that chlorates, nitrates, perchlorates, phosphors, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists, or wholesalers may be permitted when approved by the fire department.
- (b) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the city.

(1995 Code, sec. 9-163)

§ 14.04.076 **Toxic and noxious matter.**

No operation or use permitted in an “LI” district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten percent (10%) of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the department of state health services in “Threshold Limit Values Occupational Health Regulations No. 3,” a copy of which is hereby incorporated by reference and is on file in the office of the building official of the city.

(1995 Code, sec. 9-164)

§ 14.04.077 **Vibration.**

No operation or use in an “LI” district shall at any time create earthborne vibration which, when measured at the bounding property line of the source of operation, exceeds the limits of displacement set forth in the following table in the frequency ranges specified:

Frequency	Displacement
Cycles per Second	(Inches)
0 to 10	.0010
10 to 20	.0008
20 to 30	.0005

Frequency Cycles per Second	Displacement (Inches)
30 to 40	.0004
40 and over	.0003

(1995 Code, sec. 9-165)

§ 14.04.078 **Glare.**

No use or operation in any district shall be located or concentrated so as to produce intense glare or direct illumination across the bounding property line for a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

(1995 Code, sec. 9-166)

§ 14.04.079 **Waste materials.**

No use or operation shall discharge into the open, onto the ground, or into any drainageway, open pit, or pond any waste materials, liquids, residue, or byproducts for storage, decomposition, disposal, or fill unless approved by the building official.

(1995 Code, sec. 9-167)

§ 14.04.080 through § 14.04.120. (Reserved)

Division 4 Height and Area Exceptions and Modifications

§ 14.04.121 **Height.**

- (a) The height regulations prescribed herein shall not apply to church spires, belfries, monuments, tanks, water and fire towers and spires, chimneys, elevator penthouses, smokestacks, conveyers, flagpoles, ~~electric display signs~~, and necessary mechanical appurtenances.
- (b) Public or semipublic service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding sixty feet (60') and churches and other places of worship may be erected to a height not exceeding seventy-five feet (75') when each of the required yards are increased by one foot (1') for each foot of additional building height above the height regulations for the district in which the building is located.

(1995 Code, sec. 9-170)

§ 14.04.122 **Front yards.**

- (a) Where twenty-five percent (25%) or more of the frontage upon the same side of the street between two intersecting streets is occupied or partially occupied by a building or buildings with front yards of less depth than required by this chapter, or where the configuration of ground is such that conformity with the front yard provisions of this chapter would work a hardship, the board of adjustment may permit modifications of the front yard requirements.
- (b) Visibility triangles will be maintained at all street intersections. The minimum triangle shall be thirty-five feet (35') along each right-of-way line. No fence, structure, or planting higher ~~than two feet (2')~~ ~~three and one-half feet (3-1/2')~~ above the established street grades, nor any tree with foliage extending below ten feet (10') above the established street grades, shall be maintained within this area.

- (c) Open and unenclosed terraces or porches and eaves and roof extensions may project into the required front yard for a distance not to exceed four feet (4'), provided, however, that no supporting structure for such extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station may extend beyond the building line but shall never be closer to the property line than twelve feet (12'). The building line of a gasoline filling station shall mean the actual wall of the building and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy of the columns supporting same.
- (d) Where an official line has been established for future widening or opening of street upon which a lot abuts, then the width of a front or side yard shall be measured from such official line of the future street.

(1995 Code, sec. 9-171; Ordinance 1996-11-00343, sec. 18, adopted 11/4/96)

§ 14.04.123 Side yards.

- (a) On a corner lot the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty feet (30').
- (b) No accessory building shall project beyond a required yard line along any street.
- (c) The area required in a yard shall be open to the sky, unobstructed except for the ordinary projections of the window sills, belt courses, cornices, or other ornamental features.
- (d) A roof overhang, an open fire escape, or an outside stairway may project not more than three feet (3') into a required side yard.

(Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.04.124 Mailbox location.

A mailbox located along public streets must meet following criteria **and meet any standards of the United States Postal Service (USPS)**. Setback measurements are from the front of the mailbox with the door closed. Height is from the surface of the ground to the bottom of the mailbox.

Street Style	Setback	Height
Residential, no curb	18–24 inches	42–48 inches
Residential, curb	6–8 inches back from the curb	41–45 inches
	Flush with back of curb	36–42 inches
Collector/thoroughfare	2–5 feet*	42–48 inches

* Check with postmaster. Traffic obstructions, safety of carrier, and width of shoulder are factors in determination of desirable location.

(Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.04.125 through § 14.04.170. (Reserved)

Division 5 Nonconforming Uses

§ 14.04.171 **Existing land.**

The lawful use of land existing upon the effective date of this chapter although such use does not conform to the provisions hereof may be continued, subject to the provisions hereof.

(1995 Code, sec. 9-180)

§ 14.04.172 **Existing building.**

The lawful use of a building existing upon the effective date of this chapter may be continued, only in conformance with these regulations, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations or extensions, except those required by law or ordinance, are made therein. If such nonconforming building is voluntarily removed, the future use of such premises shall be in conformity with the provisions of this chapter.

(1995 Code, sec. 9-181)

§ 14.04.173 **Voluntary discontinued use of a building for one year.**

In the event an existing nonconforming use of any building or premises is voluntarily discontinued for a period of one (1) year, the use shall thereafter conform to the provisions of the district in which it is located.

(1995 Code, sec. 9-182)

§ 14.04.174 **Existing residence.**

A residential dwelling unit having a lesser floor area at the time of the passage of this chapter than the minimum floor area required for the district in which it is located shall not be construed to be nonconforming.

(1995 Code, sec. 9-183)

§ 14.04.175 **Repairs.**

Repairs and alterations may be made to a nonconforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance unless the building is changed to a conforming use.

(1995 Code, sec. 9-184)

§ 14.04.176 **Nonconforming use not to be extended or rebuilt.**

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the building inspector shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) of its value, the board of adjustment may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this chapter.

(1995 Code, sec. 9-185)

Division 6

Exploration for and Production of Oil, Gas and Other Minerals

§ 14.04.211 Prohibition against exploration and production in residential, commercial, and village center districts.

- (a) The exploration for or the production of oil, gas and other minerals (including sand, gravel and select fills) is prohibited in the following districts:
- (1) “R2” single-family residential districts;
 - (2) “R1.5” single-family residential districts;
 - (3) “R1 “ single-family residential districts;
 - (4) “ED” estate development districts;
 - (5) “CB” commercial business districts;
 - (6) “VC” village center districts;
 - (7) “MHD” manufactured housing districts;
 - (8) “AO” agriculture districts;
 - (9) “OS” open space districts.
- (b) Exploration for or the production of oil, gas and other minerals (including sand, gravel and select fills) is allowed by specific use permit only in the following districts:
- (1) “LI” light industrial districts~~;~~
- (c) Permit application. Every application for a permit to drill for or the production of oil, gas and other minerals (including sand, gravel and select fills) shall be:
- (1) In writing and signed by the applicant or by some person duly authorized to sign the same on his behalf.
 - (2) The application shall state the drilling block and the proposed depth and the particular lot and location in the block where the proposed well or excavation site is to be located and shall have attached to it certified or photostatic copies of the deed, oil and gas lease, or drilling or excavation contract with the owners of the land covering the lots, blocks of tracts in such drilling block over which the applicant has control for oil and gas purposes, together with abstracts of title or certificates of title, satisfactory to the city council.~~;~~~~to the end that~~
 - (3) ~~The~~ application will show what proportion and what part of the drilling or excavation block the applicant owns in fee or holds under lease or drilling or excavation contract from the owners; or satisfactory information may be provided on the plat by showing lessors, lessees, and volume and page where the lease or contract is recorded in the deed records.
 - (4) The applicant may withdraw the abstracts or certificate of title after they have been examined and released by the city council.
 - (5) The application shall also be accompanied by a map or maps of the drilling/excavation block showing the designation of the lots, blocks, or tracts owned or controlled by the applicant, as well as the ownership of all tracts and interests within the drilling block, and showing the exact location of the

proposed well or excavation site, which location shall be as nearly as is practicable in the center of the drilling block.

- (d) No permit shall be issued for any oil or gas well to be drilled at any location within an oil well drilling block or a gas well drilling unit, which location is nearer than five hundred ~~(500)~~ feet (500') to any residence, building ~~for~~ structure, unless the applicant for the permit for such well first secures the written permission of the owner of such residence, building or structure.
- (e) In addition to the requirements for specific use permits as stated in article **14.02**, division 4, of this chapter, the applicant is required to provide the city with proof of adequate insurance providing personal injury and property damage protection and demonstrate that adjacent ~~districts residential, commercial, and village-center districts~~ will not suffer an adverse impact.

(Ordinance 1997-06-00348, sec. 1, adopted 6/9/97; Ordinance 2007-07-00592 adopted 7/5/07; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.04.212 through § 14.04.250. (Reserved)

Division 7 Lighting

§ 14.04.251 **Purpose and intent.**

It is the intent of this division to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

(Ordinance 1999-12-00426.1 adopted 12/6/99)

§ 14.04.252 **Definitions.**

Cut-off angle (of a luminaire). The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.

Footcandle. A unit of illuminance amounting to one (1) lumen per square foot.

Full cut-off type fixture. A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a ~~ninety degree (90°)~~ 90-degree horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated.

Fully shielded. A fully shielded luminaire is a luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part as determined by photometry test or certified by the manufacturer. Fixtures will be installed in a horizontal position as designed, or disability glare will result.

Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Illuminance. The quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or footcandles.

Light trespass. Light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited.

Luminaire. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Luminance. The physical quantity corresponding to the brightness of a surface (e.g., a lamp, luminaire, sky, or reflecting material) in a specified direction. It is the luminous intensity of a area of the surface divided by that area. The unit is candela per square meter.

Lux (lx). The SI unit of illuminance. One (1) lux is one (1) lumen per square meter.

Obtrusive light. Spill light which, because of quantitative, directional or spectral context, gives rise to annoyance, discomfort, distraction or a reduction in the ability to see essential information.

Spill light. Light emitted by lighting installation that falls outside the boundaries of the property on which the installation is sited.

Up-lighting. Any light source that distributes illumination above a ninety degree (90°) 90-degree horizontal plane.

(Ordinance 1999-12-00426.1 adopted 12/6/99)

§ 14.04.253 **General provisions.**

- (a) Curfew. All nonessential lighting in any district will be required to be turned off after business hours in the commercial zones and after midnight in residential areas, leaving only the necessary lighting for site security. The nonessential lighting shall remain off until dawn or one-half hour before a business opens, whichever is earlier. ("Nonessential" can apply, but is not limited to: display, aesthetic, parking, sign lighting, playground, or yard lights) excluding seasonal lighting in residential.
- (b) Light trespass limits. No use or operation in any district shall be located or concentrated so as to produce intense glare or direct illumination across the bounding property line for a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. The pre-curfew illuminance level measured on the property line at eye height on a plane perpendicular to the line of sight shall be no greater than three (3) lux. The post-curfew illuminance level measured on the property line at eye height on a plane perpendicular to the line of sight shall be no greater than one (1) lux.
- (c) Streetlights. All street or other common or public area pole-mounted lights shall be fully shielded.

General requirements applicable to all outdoor lighting.

- (1) When the outdoor lighting installation or replacement is part of a development proposal for which a site plan or plat is required under these regulations, the planning and zoning commission shall review and recommend approval or disapproval to the city council for the lighting installation as part of its site plan or platting process. All other lighting installations or replacements shall be reviewed for compliance with this chapter, and approved or denied by the city manager or his or her designee.
- (2) Exterior lighting fixtures, whether attached to a building and/or freestanding, shall be of harmonious design.
- (3) The applicant shall submit to the city sufficient information, in the form of an overall exterior lighting plan, to enable the city to determine that the applicable provisions will be satisfied. The lighting plan

shall include subsections (A) through (E) below and also conform to subsections (F) through (N) below:

- (A) A site plan, drawn to a scale of one-inch equaling ~~twenty 20~~ feet (20'), showing buildings, landscaping, parking area, and all proposed exterior fixtures including lamps, supports, reflectors and other devices.
- (B) Specifications for all proposed lighting fixtures including photometric data, designation as IESNA full cut-off fixtures where required, and other descriptive information on the fixtures.
- (C) Proposed mounting height of all exterior mounting fixtures.
- (D) Luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this chapter.
- (E) Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.
- (F) All exterior floodlights, pole lights, and carriage lights should be designed or retrofitted with shielding in a manner such that all of the luminous flux falls upon either the surface of the structure to be illuminated or on the ground wholly within the property on which it is installed.
- (G) All new lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption, and eliminate unneeded lighting when required by the planning and zoning commission and city council.
- (H) When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation shall be subject to the requirements of this section, and shall be reviewed by the city manager or his or her designee.
- (I) Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrasts in color and/or lighting levels.
- (J) Electrical service to outdoor lighting fixtures shall be underground.
- (K) Proposed lighting installations that are not covered by the special provisions in this chapter may be approved only if the planning and ~~{zoning}~~ commission and city council find they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.
- (L) In the case of flags, statues, or other top-of-pole mounted objects which cannot be illuminated with down-lighting, upward lighting may be used only in the form of one narrow-cone spotlight which confines the illumination to the object of interest.
- (M) Shielding requirements. Full cut-off shielding is required on undirected light sources of ~~one hundred fifty 150~~ watts (150 W) or greater, and for directed or focused light sources with spot output of ~~one hundred 100~~ watts (100 W) or greater, not to exceed ~~one thousand eight hundred 1800~~ lux (1,800 lx).
- ~~(N) Light trespass. No use or operation in any district shall be located or concentrated so as to produce intense glare or direct illumination across the bounding property line for a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. The pre-curfew illuminance level measured on the property line at eye height on a plane perpendicular to the line of sight shall be no greater than 3 lux. The post-curfew illuminance level measured on the property line at eye height on a plane perpendicular to the line of sight shall be no greater than 1 lux.~~
- (4) Lighting plans, written according to the requirements listed in subsections (3)(A), (B), (C) and (D) of

this section, shall contain descriptive data sufficiently complete to enable the plans examiners to readily determine whether compliance with this chapter has been met. If such plans do not enable this ready determination by reason of the nature or configuration of the proposed devices, fixtures or lamps, the applicant may be required to submit analyses and data performed and certified by a recognized testing laboratory as evidence of compliance.

- (5) Should any outdoor light fixtures or the type of light source therein be changed after the plan has been filed and approved, a change request must be submitted to the city for approval. The lighting plan change request must be received by the city prior to the change and it must contain adequate information to assure compliance with this chapter.
- (d) Security lighting.
 - (1) For the purposes of this section, security lighting is defined as lighting primarily designed to illuminate a fence line, barn or outdoor building which is intended to reduce the risk (real or perceived) of personal attack, to discourage intruders, vandals, or burglars, and to protect property.
 - (2) All lighting districts.
 - (A) All security lighting fixtures shall be shielded and aimed so that illumination is directed only within the owner's property boundaries and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be prohibited unless it meets the shielding requirements of this chapter.
 - (B) Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight feet (8') above grade or eight feet (8') above the bottoms of doorways or entries, whichever is greater.
 - (C) Security lighting fixtures may be mounted on poles located no less than ten feet (10') from the perimeter of the property boundary.
 - (D) Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five feet (5') of the perimeter. The zone of activation sensors must be within the property boundaries of the property wishing to be illuminated.
 - (E) Security lights shall combine timers with dusk-to-dawn photocells to ensure lights are on only when it is dark.
 - (F) Security lighting standards in the various lighting districts are as shown in appendix A, the Illuminating Engineering Society of North America (IESNA).
 - (G) In addition to the application materials set forth in the general provisions of this chapter, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.

(Ordinance 2007-08-00595 adopted 8/2/07; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.04.254 **Special provisions.**

Lighting installed and maintained by a public utility company or a public cooperative installed prior to May 1, 1995 ~~the effective date of the ordinance~~ amending this section ~~[chapter] 14~~ shall be exempt.

(Ordinance 2007-08-00595 adopted 8/2/07)

§ 14.04.255 Nonresidential provisions.

The following provisions shall apply to all nonresidential land uses including, but not limited to, commercial, light industrial, industrial, open space and public/municipal.

- (1) All parking area lighting shall be full cut-off type fixtures. Pole-mounted lights shall be a maximum height of ~~twenty-five 25~~ feet (25'), measured from ground level to the base of the light fixture.
- (2) All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light, and shall not exceed a height of ~~twenty-five 25~~ feet (25'), measured from ground level. Floodlighting is discouraged, and if used, must be shielded to prevent:
 - (A) Disability glare for drivers or pedestrians.
 - (B) Light trespass beyond the property line.
 - (C) Light above a ~~ninety degree (90°) 90-degree~~ horizontal plane.
- (3) Unshielded wall-pack type fixtures are unacceptable.
- (4) Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.
- (5) Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area. Internally lighted signs are acceptable. (See article **3.16** of chapter **3** for further restrictions on lighted signs.)
- (6) The “maintained horizontal illuminance recommendations” set by the Illuminating Engineering Society of North America (IES) shall be observed.

(Ordinance 1999-12-00426.1 adopted 12/6/99)

§ 14.04.256 Site plan standards.

- (a) A photo-metric light plan shall be included in all site plans and shall include, but not ~~be~~ limited to, locations, size, height, orientation, wattage, design and plans of all outdoor lighting and lighted signs. For site plans showing a high level of illumination, the commission may require an isolux plan indicating levels of illumination in footcandles, at ground level. The plan shall adhere to the “maintained horizontal illuminance recommendations” set by the Illuminating Engineering Society of North America (IESNA). (See appendix **A**.)
- (b) Should any outdoor light fixture or the type of light source be changed after the site plan has been approved, a change request must be submitted in writing to the building inspector for his approval, together with adequate information to assure compliance with this division, which must be received prior to substitution.

(Ordinance 2007-08-00595 adopted 8/2/07)

§ 14.04.257 Temporary lighting exemption.

- (a) Any person may submit a written request, on a form prepared by the city, to the ~~development services director building inspector~~ for a temporary lighting exemption request. A temporary exemption shall contain the following information:

- (1) Specific exemption or exemptions requested.
- (2) Duration of time requested for exemption.
- (3) Type of lamp(s), fixture(s) and shielding provided.
- (4) Total wattage of lamp or lamps.
- (5) Proposed location on premises of the outdoor light fixture(s), including height.
- (b) Such other data and information as may be required by the **development services director building official**:
- (1) Notice to affected property owners of the event seventy-two (72) hours in advance of the event date.
- (2) A site plan indicating protection of surrounding property owners from light glare.
- (c) The **development services director building inspector** shall have five (5) business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the **development services director building official** upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days.

(Ordinance 1999-12-00426.1 adopted 12/6/99)

§ 14.04.258 **Nonconforming lighting.**

- (a) Existing lighting in conflict with this division shall be classified as nonconforming.
- (b) Nonconforming lighting shall not be altered, rebuilt, enlarged, extended, or relocated, unless doing so brings it into conformance.
- (c) Nonconforming lighting shall not be permitted to remain after cessation or change of the business or activity to which the lighting pertains.

(Ordinance 1999-12-00426.1 adopted 12/6/99)

§ 14.04.259 **Administration.**

The duties and responsibilities of administering this division shall be vested in the **city manager or designee building inspector of the city**, the planning and zoning commission, or such other person as may be designated from time to time by the mayor.

(Ordinance 1999-12-00426.1 adopted 12/6/99)

§ 14.04.260 **Penalty.**

Any person, firm or corporation violating any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty or fine not to exceed the sum of one thousand dollars (\$1,000) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

(Ordinance 1999-12-00426.1 adopted 12/6/99)

§ 14.04.261 **Variances.**

The board of adjustment shall have authority to grant variances from the provisions of this division in

accordance with article **14.02**, division 2, of this chapter.

Appendix A. IES Maintained Horizontal Illuminance Recommendations						
Parking Lot Levels of Activity (examples)	General Parking and Pedestrian (footcandles)			Vehicle Use Area Only (footcandles)		
	Ave.	Min.	U. Ratio	Ave.	Min.	U. Ratio
HIGH	3.6	0.9	4:1	2.0	0.67	3:1
Major league athletic events						
Major cultural or civic events						
Regional shopping centers						
Fast food facilities						
MEDIUM	2.4	0.6	4:1	1.0	0.33	3:1
Community shopping centers						
Cultural, civic or recreational events						
Office parks						
Hospital parking						
Transportation parking						
Residential complex parking						
LOW	0.8	0.2	4:1	0.5	0.13	4:1
Neighborhood shopping						
Industrial employee parking						
Educational facility parking						
Church parking						
(Ordinance 1999-12-00426.1 adopted 12/6/99)						
§ 14.04.262 through § 14.04.300. (Reserved)						

Division 9

Telecommunication Antennas

§ 14.04.341 **Purpose.**

These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the city.
- (2) To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively, and efficiently.
- (3) To provide regulations for antenna support structures and antennas that provide secure mounting and construction and prevent interference with public safety communications equipment.
- (4) To encourage the users of support structures and antennas to collocate where possible and to locate all facilities, to the extent possible, in areas where adverse impact on the community is minimal.
Alternative or stealth designs are encouraged for all antenna support structures, antennas, and supporting equipment.
- (5) To protect and enhance the city's environmental and aesthetic quality.
- (6) To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services.

(Ordinance 2006-01-00553, sec. 1, adopted 1/16/06)

§ 14.04.342 **Applicability.**

- (a) This division applies to all telecommunication towers, support structures, and antenna installation unless exempted in (b) below.

- (b) Exemptions.

- (1) In any zoning district, antennas that are two meters or less in diameter including satellite earth stations.
- (2) In any zoning district, any receive-only home television antennas.
- (c) Support structures or antennas legally installed before adoption of this division [January 16, 2006] are not required to comply with this division but must meet all applicable state and federal requirements, building codes, and safety standards.
- (d) An AM array shall be subject to these regulations. An AM array consisting of one or more support structure units and supporting ground equipment, which functions as one AM broadcasting antenna, shall be considered one support structure. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the support structures, including the guide wires, in the array. Additional support structure units may be added within the perimeter of the AM array by right.

(Ordinance 2006-02-00561, sec. 1, adopted 2/20/06; Ordinance 2010-11-00668, sec. 2, adopted 11/4/10)

§ 14.04.343 **Definitions.**

For the purposes of this division, the following terms shall have the respective meanings as ascribed to them:

Alternative antenna support structure. A clock tower, bell tower, steeple, manmade tree, light pole, or similar alternative-design mounting structure that camouflages or conceals the presence of antennas or support structures. The generic term "stealth" may also be applied to any method that would hide or conceal an

antenna, supporting electrical or mechanical equipment, or any other support structure. Panel antennas and omni and yagi antennas attached to existing structures are considered to be alternative in design if they are integrated into the architectural features of the structure or are painted to match the support structure.

Antenna. Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communication signals.

Antenna support structures. The transmitting or receiving system, its supporting structures, and any appurtenances mounted thereon, including a freestanding structure built specifically to support or act as an antenna or a structure mounted on some other manmade object such as a building or bridge.

Backhaul network. The lines that connect a communications provider's support structure/cell sites to one or more telephone switching offices and/or long distance providers, or the public switched telephone network.

Collocation. The use of a single support structure and/or site by more than one communications provider.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Guyed lattice support structure. A guyed three- or four-sided, open steel frame structure used to support telecommunications equipment.

Height. The distance measured from the finished grade of the parcel to the highest point on the support structure or other structure including the base pad and any antenna.

Monopole. A structure composed of a single spire used to support telecommunications equipment.

Omni antenna. A thin, vertical, whip-type antenna that delivers an omni-directional signal.

Preexisting support structures and preexisting antennas. Any support structure or antenna for which a building permit or specific use permit has been properly issued prior to the effective date of this division [ordinance adopted January 16, 2006], including permitted support structures or antennas that have not yet been constructed so long as such approval is current and not expired.

Self-supporting lattice support structure. A self-supporting, open steel frame structure used to support telecommunications equipment.

Telecommunications facility. Any unmanned facility consisting of equipment for the transmission, switching, and/or receiving of wireless communications. Such facility may be elevated (either structure-mounted or ground-mounted) transmitting and receiving antennas, low-power mobile radio service base station equipment, and interconnection equipment. The categories of facility types include both roof and/or structure-mount facilities and telecommunications support structures.

Telecommunication tower. A structure designed for the support of one or more antennas and including guyed towers, self-supporting (lattice) towers or monopoles but not disguised support structures or buildings. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular phone towers, alternative tower structures, and the like.

Temporary antenna. An antenna and supporting equipment used on a temporary basis in conjunction with a

special event, emergency situation, or in case of equipment failure.

Transceiver radio. Radio equipment rectangular in shape that attaches to lighting fixtures and/or utility poles and meets wind load requirements. Transceiver radios may have an attached omni-directional whip antenna.

Yagi antenna. A horizontal beam-type, directional antenna with short vertical bars, generally used for micro cells.

(Ordinance 2006-01-00553, sec. 1, adopted 1/16/06; Ordinance 2006-02-00561, sec. 1, adopted 2/20/06)

§ 14.04.344 **General requirements.**

- (a) Antennas and support structures may be considered either principal or accessory uses.
- (b) Antenna installations shall comply with all other requirements of all city ordinances and the zoning ordinance with the exception of those specified within this division.
- (c) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the city ~~manager administrator~~ to minimize adverse visual aspects associated with the proliferation and clustering of towers, ~~and~~ collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the provision in section **14.04.345** of this division.
- (d) Applications for antennas and antenna support structures shall include the following:
 - (1) The distance between the proposed support structure and the nearest residential unit and/or residential zoning district boundary line.
 - (2) An inventory or map of the applicant's existing support structures, antennas, or sites previously approved for such, either owned or leased, both within the city and within one mile of the city limits, including specific information about the location, coverage areas, height, and design of each support structure. The separation distance between the proposed support structure or antenna and these support structures shall also be noted.
 - (3) Certification of the following:
 - (A) That the applicant has sought and received all franchises or permits required by the city for the construction and operation of the communication system.
 - (B) Identification of the backhaul provider and connectivity locations for the installation.
 - (C) Certification of the structural engineering information.
 - (D) A notarized statement from the applicant that the proposed support structure can accommodate the collocation of additional antennas.
 - (4) Information concerning the finished color, alternative design standards (if applicable), and method of fencing.
 - (5) The application may require a site plan and landscape plan in accordance with this division. Platting of the property may be required in accordance with the subdivision ordinance.
- (e) All commercial attachments including but not limited to signs, flags, lights and attachments, other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and FCC, shall be prohibited on any antenna or antenna support

structure. However, lights may remain or be replaced on light standards that are altered or replaced to serve as antenna support structures with fixtures that comply with the lighting regulations of the city. However, this provision shall not preclude the inclusion of an antenna within or mounted on a flagpole.

- (f) All antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply within six months or as required by the regulating authority.
- (g) A building permit is required to erect or install an antenna, antenna support structure, and related equipment, unless the particular antenna is exempt from regulations of this division. All installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association as may be amended from time to time. Owners shall have **thirty (30)** days after receiving notice that an installation is in violation of applicable codes to fully comply, or the owner may appeal to the city council.
- (h) All support structures and antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the city's radio frequencies and public safety operations as required by the FCC.
- (i) No commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires may be located within any required front, side, or rear yard setback.
- (j) All antennas and antenna support structures owned and/or operated by a governmental entity shall be permitted by right in any district.
- (k) Design.
 - (1) Subject to the requirements of the FAA or any applicable state or federal agency, towers shall be painted a neutral color consistent with the natural or built environment of the site.
 - (2) Equipment shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines as may be applicable to the particular zoning district ~~in~~ which the facility is located.
 - (3) Antennas attached to a building or disguised antenna support structure shall be of a color identical to or closely compatible with the structure or designed to be an architectural element of the facade to which they are mounted.
 - (4) All towers shall be surrounded by a minimum **six-foot (6') high 6-foot-high** decorative wall constructed of brick, stone or comparable masonry materials and a landscape strip of not less than **ten (10)** feet in width and planted with materials which will provide a visual barrier to a minimum height of **six (6)** feet. The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by administrative permit or by the city council in the case of a special use permit, upon demonstration by the applicant that an equivalent degree of visual screening will be achieved.
 - (5) All towers, disguised support structures, and related structures, fences and walls shall be separated from the property line of any adjacent property zoned for a residential use at least a distance equal to the height of the tower structure.
 - (6) Vehicle or outdoor storage on any tower site is prohibited, unless otherwise permitted by the zoning.
 - (7) On-site parking for periodic maintenance and service shall be provided at all antenna or tower locations consistent with the underlying zoning district.

- (l) Safeguards shall be utilized to prevent unauthorized access to an antenna support structure. Safeguards include those devices identified by the manufacturer of the antenna support structure utilized, a fence, climbing guard, or other commercially available safety device. Climbing spikes must be removed after use.
- (m) Temporary antennas shall only be allowed in the following instances:
 - (1) In conjunction with a festival, carnival, or other special event.
 - (2) In case of an emergency as required by the police or fire department.
 - (3) When needed to restore service on a temporary basis after failure of an antenna installation. The city must be notified within **seventy-two (72)** hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven days, then the provider must acquire a permit for the use.
- (n) Applicants must notify the city of any change in collocation or backhaul providers within **thirty (30)** days of the exchange.

(Ordinance 2006-01-00553, sec. 1, adopted 1/16/06)

§ 14.04.345 Collocation.

Collocation shall be accomplished as follows:

- (1) All new support structures over **sixty 60** feet (**60'**) in height must be constructed to support antennas for at least two (**2**) carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment must also be provided. A written agreement committing to shared use as required by this section shall be submitted by the tower applicant. The willful and knowing failure of the owner of a tower built for shared use shall be in violation of this division and, among other remedies of the city, shall be cause for the withholding of future permits to the same owner to install, build or modify antennas or towers within the city.
- (2) A support structure which is modified or reconstructed to accommodate collocation shall be of the same type or design as the existing structure and is subject to the following regulations:
 - (A) The support structure may be modified or rebuilt to a height not to exceed **thirty 30** feet (**30'**) over the support structure's existing height, with a maximum height of **one hundred twenty 120** feet (**120'**). If a specific use permit issued for the support structure stipulated a maximum height, the support structure may not be modified unless the specific use permit is amended.
 - (B) Distance separation from other support structures and residential zoning district boundaries are based on the original support structure and are not increased.
 - (C) The support structure may be moved on the same property within **fifty 50** feet (**50'**) of its existing location but may not be moved closer to residentially zoned property. The new location must be within the boundaries of the specific use permit.
 - (D) The original support structure must be removed from the property within **ninety (90)** days of the completion of new support structure.
 - (E) Additional antennas attached to an existing support structure must comply with the design of the existing antenna on the support structure.

(Ordinance 2006-01-00553, sec. 1, adopted 1/16/06)

§ 14.04.346 Support buildings and equipment storage.

Support buildings and equipment storage areas or buildings must meet the following requirements:

- (1) When mounted on rooftops, they must be screened by a parapet wall or other mechanical unit screening.
- (2) When ground mounted, they must comply with the following:
 - (A) Meet all applicable front, side, and rear yard setback requirements.
 - (B) Be of a neutral color and use exterior building materials that are compatible with surrounding structures.
 - (C) Be screened by an evergreen landscape screen with an initial planting size of five gallons (5 gal) and four feet (4') in height, with an ultimate height of six feet (6'), or a solid masonry fence six feet (6') in height. Landscaping must be irrigated and maintained in a living, growing condition. Wooden fences are prohibited and wrought iron or chain link may only be used in conjunction with a landscape screen.

(Ordinance 2006-01-00553, sec. 1, adopted 1/16/06)

§ 14.04.347 Requirements for the placement of support structures and antennas.

- (a) In all zoning districts, except for commercial business “CB” and light industrial “LI,” antennas and antenna support structures are prohibited, except as specified within this division.
 - ~~(1) No antennas or antenna support structures shall be allowed on lots used or platted for single family, two family, or single family attached purposes. Antennas and antenna support structures shall be installed on multifamily lots only as allowed below.~~
 - (1) Antennas may be attached to a utility structure (e.g., electrical transmission/ distribution tower or elevated water storage tank) exceeding ~~sixty 60~~ feet (60') in height.
 - (2) Antennas may be totally enclosed within or integrated into the design of any building feature permitted in the zoning district. Antennas may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.
 - (3) Antennas may be attached to existing streetlight, park ballfield lights, and parking lot light standards, or the light standard may be replaced to accommodate the antennas. The height of the light standard may be increased no more than ~~fifteen 15~~ feet (15'), up to a maximum of ~~sixty 60~~ feet (60'), to accommodate the antenna.
 - (4) In residential districts, only omni, yagi, and small panel antennas not exceeding one foot in width by eight feet in length, mounted flush to the support structure, are allowed. Radio transceivers may also be used if the equipment box does not exceed ~~eight inches by fourteen inches by five inches~~ (8" x 14" x 5"). Other types of antennas may be used only when incorporated or enclosed within a building permitted in the district, or within a flagpole or other stealth design, or attached to any existing utility structure exceeding ~~sixty 60~~ feet (60') in height.
 - (5) Equipment buildings must comply with the same screening requirements specified in section **14.04.346** above, unless the equipment is attached to the support structure itself or enclosed within another structure on the property.
- (b) In commercial business “CB” and light industrial “LI” districts antennas and antenna support structures are allowed as follows:

- (1) Antenna support structures are allowed by right if they are ~~sixty 60~~ feet (60') or less in height and by a specific use permit if over ~~sixty 60~~ feet (60') in height.
- (2) Antennas may be attached to a utility structure including electrical transmission/ distribution tower or elevated water storage tanks.
- (3) Antennas may be attached to existing streetlight, park ballfield lights, and parking lot light standards, or the light standard may be replaced to accommodate the antennas. The height of the light standard may be increased a total of ~~fifteen 15~~ feet (15'), up to a maximum of ~~sixty 60~~ feet (60'), to accommodate the antenna. Only omni, yagi, and small panel antennas not exceeding one-foot (1') in width by eight feet (8') in length, mounted flush to the support structure, may be attached to existing light standards less than ~~sixty 60~~ feet (60') in height. Radio transceivers may also be used if the equipment box does not exceed ~~eight inches by fourteen inches by five inches~~ (8" x 14" x 5").
- (4) Antennas may be totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district. Antennas may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.
- (5) Antennas mounted on a roof or existing structure, other than a support structure, shall extend no more than ten feet above the highest point of the structure.
- (6) Antennas may be mounted on or incorporated into flagpoles.
- (7) The height of a support structure is limited to ~~one hundred twenty 120~~ feet (120').

(Ordinance 2006-01-00553, sec. 1, adopted 1/16/06)

§ 14.04.348 Antennas on city-owned property.

Antennas owned by other than governmental entities may be located on property owned by the city, regardless of the zoning district, under the following conditions:

- (1) The antennas and support structures may be attached to an existing improvement or replace an existing improvement. The improvement shall be capable of supporting the antenna and any associated equipment and shall not interfere with the use or other operations of the city.
- (2) Prior authorization for use of city property must be shown by a franchise, lease, license, permit, or other document duly executed by an authorized city representative and adopted in conformance with all applicable city regulations for the property. The granting of a franchise, lease, license, or permit is at the discretion of the city council or its authorized designee and must comply with all ordinances.
- (3) The antennas and any accompanying equipment must comply with all ordinances, rules, and regulations.

(Ordinance 2006-01-00553, sec. 1, adopted 1/16/06)

§ 14.04.349 Aesthetic and alternative design requirements.

All antennas and antenna support structures must meet the following requirements:

- (1) Support structures shall have a galvanized steel finish or shall be painted a neutral color, unless other designs and colors are required by the Federal Aviation Administration for safety purposes.
- (2) Antennas and supporting equipment installed on an existing structure other than a support structure must be of a neutral color that is compatible with the color of the supporting structure.

(Ordinance 2006-01-00553, sec. 1, adopted 1/16/06)

§ 14.04.350 **Appeals.**

- (a) An applicant may appeal a decision of the city ~~manager administrator~~ for an antenna installation not requiring a specific use permit to the city council by filing a notice of appeal within ten (10) days following the date the city ~~manager administrator~~ notifies the applicant of his action. The city council may approve, conditionally approve, table, or deny an appeal. All decisions of the city council are final.
- (b) Any entity that desires to erect or utilize telecommunications facilities that would be limited by the provisions of this division may petition the city council to modify this division. In determining the need to initiate an amendment to this division, the city council shall consider the extent to which strict application of these regulations would prohibit or have the effect of prohibiting communications services.

(Ordinance 2006-01-00553, sec. 1, adopted 1/16/06)

§ 14.04.351 through § 14.04.385. (Reserved)

Division 10
Licensed Amateur Communications Antennas

§ 14.04.386 **Purpose.**

- (a) The provisions of this division apply only to antennas and antenna support structures used in licensed amateur communications. If the communication facilities do not comply with the applicable district development standards and the following regulations, then a specific use permit shall be required.
- (b) In the event of a conflict between the rules and regulations in this division and the rules and regulations promulgated by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA), federal law shall control.

(Ordinance 2011-02-00676 adopted 2/17/11)

§ 14.04.387 **Definitions.**

For the purpose of this division and notwithstanding any conflicting definition contained in this chapter:

Antenna. A “private antenna” for purposes of determining allowed uses under the schedule of uses in article 14.03, division 15.

Antenna support structure. A structure, such as a mast, tower or pole, that is placed, erected or constructed to support one or more antennas for the purpose of engaging in licensed amateur communications. Buildings and associated roof mounted equipment shall not be considered as antenna support structures.

Compelling communications need. A need for relief based upon the inability of the applicant to obtain reasonable communications goals due to engineering or technical limitations or physical characteristics, such as trees, buildings, or structures located on the subject and adjacent properties that obstruct or significantly impede communications to and from the subject property.

Licensed amateur communications. An amateur radio operations, also known as the amateur radio service, as regulated and licensed by the Federal Communication Commission pursuant to 47 C.F.R. part 97.

(Ordinance 2011-02-00676 adopted 2/17/11)

§ 14.04.388 **Maximum number of antennas and antenna support structures in residential districts.**

- (a) No more than two (2) antenna support structures for licensed amateur communications shall be allowed per lot of record in a residential district. Upon a showing of a compelling communications need, the

design review committee (DRC) may administratively approve additional antenna support structures.

(b) Exceptions.

- (1) Horizontal antennas located behind the main structure.
- (2) A maximum of four (4) vertical antennas located behind the main structure.

(Ordinance 2011-02-00676 adopted 2/17/11)

§ 14.04.389 **Height.**

The maximum height for an antenna support structure in any district shall be eighty ~~(80)~~ feet (80'). Upon showing of a compelling communications need, the design review committee may administratively approve a maximum height of one hundred ~~(100)~~ feet (100'). An antenna support structure that exceeds **one hundred** ~~100~~ feet (100') in height shall be allowed only with the approval of a specific use permit.

(Ordinance 2011-02-00676 adopted 2/17/11)

§ 14.04.390 **Antenna and antenna support structure standards.**

- (a) Number and size. The number and size of antennas placed upon an antenna support structure used for licensed amateur communications shall be limited by the wind load requirements contained in the current version of the city's building codes or by the manufacturer's specifications for wind loading, whichever is more restrictive.
- (b) Setbacks.
 - (1) Front yards. Antenna support structures (including guy wires, foundations, anchors, and other components of the structure) shall not be permitted in required front yards.
 - (A) Exception. Houses sitting more than **two hundred feet** (200') from the road and that cannot meet the rear yard requirements may have up to **one** (1) antenna not to exceed **sixty feet** (60') in height, with guide wires being no closer than **one hundred seventy-five** (175') behind the front property line.
 - (2) Rear yards. Guy wires shall be permitted in required rear yards. Minimum setbacks for antenna support structures shall be the same as those required for accessory buildings in the applicable residential district.
 - (3) Side yards. Guy wires, and antenna shall not be permitted in required side yard setbacks. Minimum setbacks for antenna support structures shall be the same as those required for accessory buildings in the applicable residential district.
 - (4) Separation. There shall be no minimum or maximum separation requirements for antenna support structures from other structures on the same lot of record.
- (c) Lights. Lights mounted on antenna support structures shall comply with the city's dark sky ordinance.
- (d) Construction standards. Antenna support structures shall be installed and may be modified in accordance with the manufacturer's specifications or under the seal of a registered professional engineer of the state.
- (e) Maintenance. Antennas and antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be removed or brought into repair within **ninety** (90) days following notice given by the building official; provided that the building official may order immediate action to prevent an imminent threat to public

safety or property.

(Ordinance 2010-11-00668, sec. 2, adopted 11/4/10)

§ 14.04.391 **License requirements.**

- (a) Only licensed amateur radio operators shall be permitted to install, or have installed, and operate licensed amateur communication facilities under the provisions of this division. Proof of license shall be required at the time application is made for a building permit to install and operate licensed amateur communication facilities under the provisions of this division.
- (b) Discontinuance.
 - (1) Within **one hundred eighty (180)** days of the date of discontinuance, the owner of property on which an antenna structure is located shall remove the structure from the property in the event licensed amateur communications shall be discontinued at the property due to the death of the licensee, or the loss or surrender of the FCC license authorizing those communications.
 - (2) A ham radio operator shall remove any and all antenna prior to any sale or change in ownership, unless the property is sold to a licensed ham radio operator in accordance with this division.
- (c) Appeals process. Any decision made by the **development services** director ~~of planning and zoning~~ may be appealed to the planning and zoning commission. An agenda request shall be filed with the city secretary by the ham radio operator ~~along with a nonrefundable fee of \$100.00 (one hundred dollars)~~ **fifteen (15)** days prior to the next regularly scheduled meeting of the planning and zoning commission.

(Ordinance 2010-11-00668, sec. 2, adopted 11/4/10)

§ 14.04.392 through § 14.04.430. (Reserved)

Division 11
Wind Energy Conversion Systems

§ 14.04.431 **Purpose.**

- (a) The purpose of this division is to facilitate the siting, installation, and construction of small, medium, and large wind energy conversion systems within the city, subject to reasonable restrictions, which will preserve the health and safety of the public, ensure compatibility with surrounding land uses, and provide guidelines in the protection of listed species.
- (b) **To the extent this division conflicts with state or federal law, such state or federal law controls.**

(Ordinance 2011-10-00687 adopted 10/6/11)

§ 14.04.432 **Definitions.**

For purposes of this division, the following terms shall have the respective meanings as ascribed to them:

Ambient sound. All sound present in a given environment, being usually a composite of sounds from many sources near and far. It includes intermittent noise events, such as, from aircrafts flying over, dogs barking, wind gusts, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road. The ambient also includes insect and other nearby sounds from birds and animals or people. The nearby and transient events are part of the ambient sound environment but are not to be considered part of the long-term background sound. If present, a different time or location should be selected for determining the ambient background sound levels.

Biological/environmental assessment. An assessment performed by a degreed biologist of the on-site and

surrounding area habitat and the wildlife species that may be utilizing the project site or neighboring areas for foraging, nesting, breeding, or migratory purposes that may be impacted through development actions; the assessment usually includes identification of wetland, creek, river, bay, and other watershed habitats, and may be species specific.

Building/structurally-mounted wind energy system. A small wind energy system for permanent mounting and operating on a building or other structure. Building or structurally-mounted systems must not exceed **ten kilowatts (10) kW** in manufacturer rated power.

dba (A-weighted sound level). A measure of overall sound pressure level designed to reflect the response of the human ear, which does not respond equally to all frequencies. It is used to describe sound in a manner representative of the human ear's response.

dbC (C-weighted sound level). Sound measurement used to measure low frequencies as a single number that represents the entire low frequency spectrum. A-weighted sound levels (dba) de-emphasize and do not fully represent dbC sound levels when taken or recorded.

Fall radius. The fall area for a wind energy system is measured by using the total system height of the tower as the radius around the center point of the base of the tower.

Flicker. The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

Grid system. The transmission system created to balance the supply and demand of electricity for consumers.

Horizontal axis wind energy system. A wind energy system that utilizes the shaft of the monopole to support the propeller at the top and the generator is situated perpendicular and horizontal to the shaft.

Large wind energy system. A wind energy conversion system consisting of one wind turbine and designed to supplement other electricity sources for existing buildings or facilities, from which the power generated is used for on-site consumption. A large wind energy conversion system consists of a wind turbine, a tower, base, rotor blades, and associated control or conversion electronics and has a total rated capacity that is at least **one hundred kilowatts (100 kW)** but less than **two hundred fifty kilowatts (250 kW)**.

Medium wind energy system. A wind energy conversion system consisting of one wind turbine and designed to supplement other electricity sources for existing buildings or facilities, from which the power generated is used for on-site consumption. A medium wind energy conversion system consists of a wind turbine, a tower, base, rotor blades, and associated control or conversion electronics, which has a total rated capacity that is greater than **ten kilowatts (10 kW)** but less than **one hundred kilowatts (100 kW)**.

Rated capacity. The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Small wind energy system. A single system designed to supplement other electricity sources for existing buildings or facilities, from which the power generated is used for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, base, rotor blades, and associated control or conversion electronics, which for the purpose of this division has a total rated capacity of **ten kilowatts (10 kW)** or less.

Survival wind speed. The maximum wind speed, as designated by the wind energy system manufacturer, at which a system, in unattended operation (not necessarily producing power) is designed to survive, without damage to any structural equipment or components of the system, or loss of the ability to function normally.

Tonal or “pure” sounds. Sound that is defined as sound at discrete frequencies. It is caused by components such as meshing gears, nonaerodynamic instabilities interacting with a rotor blade surface, or unstable flows over holes or slits or a blunt trailing edge. A highly tonal sound is often described as a buzz, whine, or hum.

Total wind energy system height. The distance from the grade to the highest point on the tower, including the vertical length of any extensions, such as the rotor blade:

- (1) For horizontal axis wind energy system towers, the distance between the ground and the highest point of the rotor blade in its vertical, upright position; and
- (2) For vertical axis wind energy system towers, the distance between the ground and the highest point of the monopole tower/shaft.

Turbine, guyed. Any tower or wind energy system turbine supported in whole or in part by cables anchored to the ground.

Vertical axis wind energy system. A wind energy system that utilizes a generator positioned at the base of the tower and has the blades wrapped around the shaft.

Wind energy system or wind energy conversion system. A shaft, gearing belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device to convert the mechanical energy of the surface area into electrical energy, and the associated, tower, pylon, and rotor blades or other device.

(Ordinance 2011-10-00687 adopted 10/6/11)

§ 14.04.433 **Applicability.**

- (a) The requirements of this section apply within the city where all wind energy conversion systems used to generate electricity or perform work that may be connected to a utility grid, serve as an independent source of energy, or serve as a hybrid system.
- (b) Wind energy systems in place prior to the effective date of this division are not required to meet the requirements of this section with the exception of those wind energy systems abandoned pursuant to section **14.04.436(f)(2)**.
- (c) Any preexisting wind energy system that is not producing energy for a continuous period of **six (6)** months must meet the requirements of this section prior to recommencing production of energy.
- (d) Any physical modification to an existing and permitted wind energy system that materially alters the size, type, power output, or number of wind energy systems, or other equipment, requires a permit modification from the city.
- (e) Accessory use. Accessory use for this section refers to the stipulation that the energy generated by a wind energy system must be used on site and any additional energy produced above the total on-site demand can only be sold to an electrical utility that normally provides electrical power to the property.
- (f) Boat and RV wind energy systems. Wind energy systems with a total rated capacity less than **one kilowatt (1 kW)** of power that do not, and will not, require or implement the conversion of direct current (DC) to alternating current (AC) are exempt from the requirements of this section, with the stipulation that no wind energy system may extend more than **fifteen 15 feet (15')** above the primary supporting section of the structure being used for mounting.

(Ordinance 2011-10-00687 adopted 10/6/11)

§ 14.04.434 **Requirements.**

- (a) Certification. All wind energy systems must be approved under an emerging technology program, such as the California Energy Commission, IEC, or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy.
- (b) Permits. All wind energy systems require a building permit, electrical permit, and review by the city.
- (c) Inspection. All wind energy systems must be inspected by the city's building and electrical inspectors.
- (d) Permit issuance. All reviews by the city must be performed, and the building permit, electrical permit, and if applicable, specific use permit, must be issued prior to the mounting, pouring of a concrete pad, or construction and assembly of the wind energy system.
- (e) Survival wind speed. All wind energy systems and associated components, including, but not limited to, generator, rotor blades, or other components and covers, must be constructed of materials and be installed to meet or exceed the minimum wind resistant construction standards of the Texas State Department of Insurance Wind Load Factors for the North Texas area and the city's building code.
- (f) Controls and brakes. All wind energy systems must have automatic and manual braking systems that engage at the maximum wind speeds allowable as designated for the type of wind energy system installed, to prevent uncontrolled rotation and excessive pressure on the tower structure, rotor blades, and turbine components.
- (g) Maintenance. The owner and operator of a wind energy system must maintain the system to manufacturer standards. All required periodic maintenance must be performed as recommended by the manufacturer.
- (h) Appearance. All wind energy systems must maintain a nonreflective white, off-white, grey or tan finish.
- (i) Signs.
 - (1) Advertising. Advertising or identification of any kind on wind energy conversion systems is prohibited.
 - (2) Informational sign. Each wind energy system must have a sign, not to exceed two square feet (2 sq. ft.) in area, posted at the base of the tower providing the following information:
 - (A) Electrical shock hazard or high voltage warning;
 - (B) Manufacturer's name;
 - (C) Emergency phone number; and
 - (D) Emergency shutdown procedures.
- (j) Wiring.
 - (1) Storage. All electrical wires associated with a freestanding wind energy conversion system must be located on or within the tower in a manner that minimizes their visibility, and must be installed in compliance with the city's electrical code.
 - (2) Installation. All transmission wires must be installed underground and comply with the city's electrical code.
- (k) Lighting. Wind energy systems may not be artificially lighted, unless requested or required by the Federal Aviation Administration.

§ 14.04.435 **Uses, lot size allowances, heights, setbacks, and required permits.**

(a) Permitted use/by right or specific use permit for lots 2.0 acres or greater.

- (1) All applications for wind energy systems as a permitted use/by right or specific use permit (SUP) are subject to permit review and the requirements of this division. All applications for wind energy systems under a specific use permit are subject to permit review and the requirements of sections **14.04.433**, **14.04.434**, 14.04.435(b)–(c), 14.04.437, 14.04.438, 14.04.439, and 14.04.440.
- (A) All specific use permits issued for a wind energy system are for the life of the system and any replacement or alterations to the system require an amendment to the existing specific use permit.
- (B) Wind energy systems are allowed as an accessory use to a building requiring energy on platted lots and as either a use permitted/by right or under a specific use permit if the applicant is able to meet the requirements outlined in table 14.04.435(a)(1)(B)(i):

Table 14.04.435(a)(1)(B)(i) Allowances as a permitted/by-right use or SUP

Land use	Type of system	Min. lot size	Max. units allowed	Max. height by right or SUP	Fall radius setbacks notes 1, 2 & 3 below apply	Permits required	Additional requirements
Agricultural, Pole single-family residential and commercial business	Pole mounted	2.0 acres or greater	One small or medium freestanding system allowed as an accessory use, one (but not more than one) per 2.0 acres of platted lots.	By right up to 60' or 61' to 85' by SUP	The total height of the system plus 25%. The system must fall within the property lines and is subject to subsection (c).	Building and electrical	Development services review
Light industrial “L1”	Pole mounted	2.0 acres or greater	One small or medium freestanding system allowed as an accessory use, one (but not more than one) per 2.0 acres on platted lots.	By right up to 60' or 61' to 85' by SUP	The total height of the system plus 25%. The system must fall within the property lines and is subject to subsection	Building and electrical	Development services review

Table 14.04.435(a)(1)(B)(i) Allowances as a permitted/by-right use or SUP

Land use	Type of system	Min. lot size	Max. units allowed	Max. height by right or SUP	Fall radius setbacks notes 1, 2 & 3 below apply	Permits required	Additional requirements

(c).

All zoning districts	Building or structurally mounted	None	No more than 2 systems per structure requiring energy for operation, under any land use, as an accessory use on platted lots.	15' above highest point in structure, excluding chimneys, not to exceed the requirement of subsection (c).	Fall radius equals the total system height plus 25%, with a minimum setback of 5 feet from the property line, and is subject to subsection (c).	Building and electrical	Development services review
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¹If the entire system (including turbine and rotor blades) meets the Texas State Department of Insurance and city building code wind load requirements for the area that the system will be located.

²If an applicant is able to present evidence that the proposed wind energy system has been engineered with a break point along the tower, the city may determine that the measurement of the length of the longest segment following a break at the break point can be used in determining the fall radius and setback.

³All setbacks are measured from the property line or utility easement, if present and applicable, and subject to subsection (c).

(b) Permitted use/by right or specific use permit for lots less than 2.0 acres and Village Center zoning.

(1) All applications for wind energy systems under a specific use permit are subject to permit review and the requirements of sections **14.04.433**, **14.04.434**, 14.04.435(b)– (c), 14.04.437, 14.04.438, 14.04.439, and 14.04.440.

(A) All specific use permits issued for a wind energy system are for the life of the system and any replacement or alterations to the system require an amendment to the existing specific use permit.

(B) Wind energy systems are allowed as an accessory use to a building requiring energy on platted lots and as either a use permitted/by right or under a specific use permit if the applicant is able to meet the requirements outlined in table 14.04.435(b)(1)(B)(i):

Table 14.04.435(b)(1)(B)(i) Allowances as a special use permit

Land use	Type of system	Min. lot size	Max. units allowed	Max. height	Fall radius setbacks notes 1, 2 & 3 below apply	Permits required
Agricultural, single-family residential and commercial	Pole mounted	Less than 2.0 acres	One small or medium freestanding system allowed as an accessory use, one (but not more than one).	60'	The total height of the system plus 25%. The system must fall within the property lines and is subject to subsection (c)	Building and electrical
Light industrial "L1"	Pole mounted	Less than 2.0 acres	One small or medium freestanding system allowed as an accessory use, one (but not more than one).	85'	The total height of the system plus 25%. The system must fall within the property lines and is subject to subsection (c).	Building and electrical
Village Center	Pole mounted	None	One small or medium freestanding system allowed as an accessory use, one (but not more than one)	85'	The total height of the system plus 25%. The system must fall within the property lines and is subject to subsection (c)	Building and electrical

¹If the entire system (including turbine and rotor blades) meets the Texas State Department of Insurance and city building code wind load requirements for the area that the system will be located.

²If an applicant is able to present evidence that the proposed wind energy system has been engineered with a break point along the tower, the city may determine that the measurement of the length of the longest segment following a break at the break point can be used in determining the fall radius and setback.

³All setbacks are measured from the property line or utility easement, if present and applicable, and subject to subsection (c).

- (c) *Additional setbacks, clearance, and height requirements.* All wind energy systems must be located under the following setback and clearance requirements, measured from the center of the turbine base:
- (1) *Yards.* No wind energy system may be located in any required front yard, located between a principal building and a required front yard, or located in front of the front building line of the principal residential, commercial, agricultural, or industrial building on the lot served by the wind energy system.
 - (2) *Vertical ground clearance.* The blade tip of any wind energy system must, at its lowest point, have a ground clearance of no less than **twenty 20 feet (20')**, as measured at the lowest point of the arc of the blades.
 - (3) *Communication and electrical lines.* Each wind energy system must be set back a minimum distance of **one hundred twenty-five percent (125%)** of the total system height from any right-of-way, or public or private easement where aboveground structures or utility lines exist, or are likely to exist, without proof of the lawful consent of the easement owners.

- (4) *Building-mounted heights.* The maximum height of any building or structurally-mounted wind energy system will be dependent upon the results of the structural engineering plans, performed by a registered state engineer, for the building or structure that the system will be mounted on.
- (5) *Monopole heights.* The height of a freestanding wind energy system must be measured as the distance from the existing grade, prior to any modifications to the grade, to the highest point on the system, including the vertical length of any extensions such as the rotor blade.
- (6) *All maximum heights.* The height of any wind energy system may not exceed the manufacturer's recommendations for the system and the maximum height permitted under this division.

(Ordinance 2011-10-00687 adopted 10/6/11)

§ 14.04.436 **Prohibitions and nuisance abatement.**

- (a) *Prohibited models.* The following wind energy systems are prohibited in all zoning districts:

- (1) Guyed or latticed towers for small, medium, or large wind energy systems;
- (2) Experimental, homebuilt, and prototype models.
- (b) *Shadow flicker.* Plans submitted for review with the building permit application must disclose how the property owner and operator shall minimize shadow flicker to any occupied building on or off site, by limiting flicker effect to a maximum of two (2) five-minute (5) ~~5-minute~~ periods in one (1) day.

- (c) *Signal interference.*

- (1) *Prevention.* The manufacturer or wind energy system representative must take into consideration the proposed location of the wind energy system and certify that the siting of the wind energy system will not interfere with any of the following;
 - (A) Existing microwave communications links;
 - (B) Existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, wireless phone, or other personal communication systems.
- (2) *Mitigation.* Operation of wind energy systems must be discontinued if such interference occurs after the construction, until such time as the interference is mitigated for or eliminated.

- (d) *Sound emissions.*

- (1) *Residential sound limits.* The dbA and dbC sound levels emitted from any wind energy system operation within, or adjacent to, any zoning district that authorizes residential use, may not exceed the measured preconstruction ambient sound levels by more than ~~three~~ (3) dbA and ~~fifteen~~ (15) dbC at any time of the day or night, when measured at all the neighboring property lines allowing for residential use, even if the adjacent property is unoccupied at the time the wind energy system is established;
- (2) *Nonresidential sound limits.* The dbA and dbC sound levels emitted from any wind energy system operation that is not located within, or adjacent to, any zoning district that authorizes residential use may not exceed the measured preconstruction ambient sound levels by more than ~~five~~ (5) dbA and ~~twenty~~ (20) dbC at any time of the day or night, when measured from all property lines, even if the adjacent property is unoccupied at the time the wind energy system is established;
- (3) Except during short-term events including utility outages and severe wind events, a wind energy system shall be designed, installed, and operated so that the dbA and dbC sound levels determined above must not exceed the sound levels, or be in violation of, any of the standards established under this code;

- (4) Measuring sound levels. An ambient dbA and dbC sound level survey must be performed on site prior to construction of any wind energy system on a property, and the results submitted to the city for review prior to receiving a permit to construct the system. The ambient sound level survey must be performed as follows:
- (A) All instruments used for measuring sound levels must meet the American National Standards Institute (ANSI) or International Electrotechnical Commission (IEC) type 1 precision integrating sound level meter performance specifications;
 - (B) Sound level measurements must be taken at all of the property lines, and the site test location, date, time of day, wind speeds, and resultant dbA and dbC sound levels must be recorded for submittal to the city concurrent with a wind energy system application submittal;
 - (C) A minimum of two (2), continuous ~~ten (10) minute~~ ~~10-minute~~ tests must be taken at each location, and for each time period, between the hours of 1:00 p.m. and 6:00 p.m., and between 12:00 a.m. to 6:00 a.m. for two (2) days;
 - (D) The highest and lowest dbA and dbC readings for each location and test must be recorded, and the high and low readings within a five-decibel spread that is observed for ~~ninety percent (90%)~~ of each of the ~~ten (10) minute~~ ~~10-minute~~ survey time periods must be recorded and shall be accepted as the average ambient background sound level for that test period; and
 - (E) Ambient background sound levels include insect and other nearby sounds from birds, animals, people, and nearby transient events. However, the nearby, transient, nonnature, or occasional sounds, such as lawn mowers, airplanes flying over, or sounds from a park or playground, are not to be considered as part of the long-term ambient background sound levels used for surveying and recording purposes. If present, a different time or location must be selected for determining the ambient background sound levels, and multiple ~~ten (10) minute~~ ~~10-minute~~ tests may be required for the tests to be considered reliable and acceptable.
- (5) Sound level complaints. The city will consider and process the following as noise nuisance complaints, which will require the owner of the wind energy system to cease operation of the system until the complaint has been resolved and the system has been brought into compliance. It shall be unlawful for the owner of a wind energy system to cause or permit the system to produce sounds that:
- (A) Exceed the limits set above in subsections (d)(1)–(3);
 - (B) Are considered tonal, vibrational, mechanical, aerodynamic, frequent, or continuous and exceed the limits set above in subsections (d)(1)–(3);
 - (C) Interfere with the peaceful enjoyment of an adjacent property owner;
 - (D) Cause discomfort, distress, or disturb the quiet, comfort, or repose of a person of reasonable nervous sensibilities; or
 - (E) Injure or endanger the safety or health of a human or other animal so as to interfere with the physical well-being of the human or other animal.
- (6) Sound limit exceptions. In the event that proposed or resultant noise levels from a wind energy system exceed the criteria of this section, a waiver to said levels may be approved by the city manager, provided that the sound levels do not exceed the city’s noise ordinance, and the following has been accomplished:
- (A) The owner of the wind energy system must submit to the city a copy of the written consent from all of

the adjacent and affected property owner(s) stating that they are aware of the proposed or established wind energy system and the noise limitations imposed by this section, and consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and

- (B) The owner of the wind energy system must provide to the city a copy of the written consent described above for each succeeding property owner located adjacent to the property of the proposed or established wind energy system.
- (e) Security.
 - (1) Ground clearance. The bottom of the tower, measured from ground level to **fifteen (15)** feet aboveground level, must be designed in a manner to discourage unauthorized climbing.
 - (2) Access. All access doors to wind turbine towers and electrical equipment must be lockable.
 - (3) Fencing. Fencing of turbine areas may be required, at the discretion of the city manager, based upon site-specific safety concerns.
- (f) Enforcement.
 - (1) Safety. Any wind energy system found to be unsafe by the city building official must be repaired by the owner within **sixty (60)** days of the building official's notice to meet federal, state, local and manufacturer safety standards, and the standards of this section.
 - (2) Notice. If any wind energy system is not operated for at least a continuous period of **six (6)** months due to operational difficulties or abandonment, the landowner shall provide the city the reasons for the operational difficulty or abandonment and provide a reasonable timetable for corrective action, or removal of the wind energy system as outlined under section **14.04.438**.
 - (3) Resolution. If the city manager or designee deems the timetable for corrective action as unreasonable, the city manager or designee may notify the landowner or operator, who shall remove the wind energy system within **six (6)** months of receipt of notice from the **{city.}**

(Ordinance 2011-10-00687 adopted 10/6/11)

§ 14.04.437 **Agency cooperation, review, and compliance.**

All proposed wind energy systems are subject to the following agency reviews during the siting, application, site plan review, and permitting processes:

- (1) Federal Aviation Administration (F.A.A.) requirements. All proposed wind energy systems are subject to the requirements listed under the F.A.A. Order JO 7400.2, "Procedures for Handling Airspace Matters Advisory Circular AC 70/7460-1K," and title 14 Code of Federal Regulations (14 CFR) part 77, "Obstruction Marking and Lighting, Obstruction Standards." The applicant shall file form 7460-1 with the F.A.A., if the proposed wind energy system extends more than **two hundred 200 feet (200')** aboveground or is closer than **twenty thousand 20,000 feet (20,000')** from a public use airport with a runway more than **three thousand two hundred 3,200 feet (3,200')** in length.
- (2) Utility notification. No wind energy system that has the ability to be connected to a power grid may be installed until the applicant has provided evidence of compliance with all state laws and provides a copy of the "Application for Interconnection and Parallel Operation of Distributed Generation," as may be amended or replaced in the future, that has been fully executed and approved by the electric utility company.
- (3) Permit issuance. The applicant must show consideration of, and proof of compliance with these

agencies and other requirements prior to receiving a building permit, electrical permit, or specific use permit for the wind energy system from the city.

(Ordinance 2011-10-00687 adopted 10/6/11)

§ 14.04.438 **Decommissioning.**

- (a) Useful life. The wind energy system is presumed to be at the end of its useful life if no electricity is generated for a continuous period of **six (6)** months.
- (b) Responsibility. The property owner or operator shall, at their sole expense, complete decommissioning of the wind energy system within **six (6)** months from the time it is determined that the wind energy system has met the end of its useful life as outlined in this section.
- (c) Required action. Decommissioning must include removal of the entire wind energy system, including buildings, cabling, electrical components, and any other associated facilities.
- (d) Remediation. Disturbed earth must be graded and reseeded.

(Ordinance 2011-10-00687 adopted 10/6/11)

§ 14.04.439 **Application requirements.**

An application for approval of a wind energy system must include text and maps sufficient to show that the proposed wind energy system complies with the standards under this section. An application may not be deemed complete unless it includes the following items:

- (1) Permit application. Original signatures are required for the applicant and all co-applicants applying for the specific use permit, building permit and electrical permit. If the applicant or co-applicant is represented by an agent, the original signature of the property owner authorizing the agent to represent the applicant and/or co-applicant is required. The following information must be included on the application under the project description:
 - (A) The approximate generating capacity of the wind energy system;
 - (B) An estimate of the total on-site electrical demands;
 - (C) The name of the manufacturer and model being used;
 - (D) The height of the wind turbine to be constructed; and
 - (E) The phone number and name of a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- (2) Site plan. Two **(2) twenty-four inches by thirty-six inches (24" X 36")** sheet site plans and one **(1)** digital copy. Two **(2)** copies of a site plan submitted for a small wind energy system may be submitted on **eight and one half inches by fourteen inches (8-1/2" X 14")** sheets, with the requirement that all of the submittal requirements listed under this section are included on additional site plan sheets. The site plan must include the following information:
 - (A) Legal description, including lot and block, metes and bounds, and address of the project site;
 - (B) Adjacent land uses and zoning designations;
 - (C) The locations of all easements, rights-of-way, building, front, side, and rear zoning lot setback lines, and overhead utility lines on the property;

- (D) The exact location and orientation of each wind energy system within the site and the direction of the prevailing winds;
 - (E) Locations of all existing buildings and fences; and
 - (F) The location of any on-site native vegetation or tree removal actions proposed in association with the construction or height of the system.
- (3) Maps. Several maps or a map overlaid with the following information:
- (A) The location and distance to neighboring residences, buildings, schools, churches, hospitals, or libraries to a distance of ~~five hundred 500~~ feet (500'); and
 - (B) The location of water bodies, waterways, wetlands, drainage channels, creeks, and rivers within one (1) mile of the proposed project site.
- (4) System design drawings. Certified and sealed engineered drawings prepared by a professional engineer registered with the state are required, and must include the following information:
- (A) Design specifications of the wind energy system, including the tower, base, footings, and system components;
 - (B) An engineering analysis and certification of each tower, showing compliance with the city's building code;
 - (C) Drawings that indicate the total finished wind energy system heights from the grade level prior to any modifications, including any engineered break points along the tower;
 - (D) The wind survival speed of the entire system, including turbine, rotor blades, covers, and other components;
 - (E) Data pertaining to the tower's safety and stability, including any safety results from test facilities; and
 - (F) A copy of the manufacturer's installation instructions.
 - (G) Building or structurally-mounted systems.
 - (i) The certified and sealed engineering plans prepared by a professional engineer registered with the state must show how the wind energy system will be installed for the portions of the structure proposed for use in the mounting of the system.
 - (ii) Engineering plans must state and show that the proposed wind energy system is compatible with the portions of the mounting structure proposed for use.
 - (iii) The engineering plans must state that the wind energy system does not impose a safety hazard to the main structure, adjacent property, or their occupants.
- (5) Written statements and additional documentation. In addition to the site plan, applications for all wind energy systems must include proof of the following in the form of written statements:
- (A) A statement verifying that the small, medium, or large wind energy conversion system will be used solely for on-site consumption of electricity, and any additional energy produced above the total on-site demand can only be sold to an electrical utility that normally provides electrical power to the property;
 - (B) A statement that the project site is, or is not, where air traffic may be a consideration affecting the

installation of the system. (The applicant shall provide evidence of compliance with any applicable aviation regulatory requirements);

- (C) Copies of all required applications for city, state, and federal permits and licenses;
- (D) Copies of all biological/environmental assessments performed for the project site, which may have been required by a jurisdictional federal or state government agency;
- (E) Copies of any city, state, and federal permits, licenses, biological opinions, records of decision, memoranda of understanding, exemption, variance, or other authorization or approval related to the proposed wind energy project; and
- (F) Copy of the manufacturer's scheduled maintenance requirements for the proposed system.

(Ordinance 2011-10-00687 adopted 10/6/11)

§ 14.04.440 Review standards.

The applicant's submittal for a building permit, electrical permit, and specific use permit must demonstrate compliance with the following standards under this section, in addition to the specific use permit review standards under section **14.04.435(b)**.

- (1) Public safety. The proposed wind energy system must be designed and operated to protect public safety by measures that may include, but are not limited to, the following:
 - (A) The proposed wind energy system must be designed, constructed, and operated so the public cannot come within close proximity to turbine blades and electrical equipment; and
 - (B) The proposed wind energy system must be designed, sited, constructed, operated, and maintained to prevent the structural failure of the system or blades that could endanger the public's safety.

(Ordinance 2011-10-00687 adopted 10/6/11)

§ 14.04.441 through § 14.04.450. (Reserved)

Division 12
Residential Broadband Antenna Support Structures

§ 14.04.451 Purpose.

The provisions of this division apply only to broadband antenna support structures in residential and agricultural districts. These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety and general welfare of the city.
- (2) To enhance the ability of the providers of wireless broadband services to provide such services to the community safely, effectively, and efficiently.
- (3) To provide regulations for the safe and secure installation of broadband antenna support structures.
- (4) To minimize the number of broadband antenna support structures in a neighborhood and adjacent area:
 - (A) Broadband antenna support structure owners are encouraged and authorized to allow their wireless internet service provider (WISP) to use their broadband antenna support structure as a relay, hub, transmitter or micro pop location.
 - (B) Regarding other sections of the municipal code, the use described above shall not be considered a

commercial usage.

(Ordinance 2020-12-00927 adopted 12/17/20)

§ 14.04.452 **Definitions.**

For the purpose of this division and notwithstanding any conflicting definition contained in this chapter:

Broadband antenna. Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used exclusively for transmitting, receiving or repeating broadband wireless signals.

Broadband antenna support structures. A freestanding structure such as a tower or pole, built and designed to support the antenna and other equipment used to receive wireless broadband services.

Compelling communication needs. A need for relief based on the inability of the applicant to obtain line of sight due to engineering, technical, or physical characteristics, such as trees, buildings, or structures located on the subject and adjacent properties that obstruct or significantly impede communications to and from the subject property.

Design review committee. Group comprised of three (3) staff members including the city manager, city engineer and development services director responsible for review and approval for relief of certain regulations in this chapter. An alternate staff member may be appointed in the absence of one of the committee members to facilitate the review process.

(Ordinance 2020-12-00927 adopted 12/17/20)

§ 14.04.453 **General requirements.**

- (a) Broadband antennas and support structures shall be considered accessory uses.
- (b) Broadband antenna and broadband support structure installations shall comply with all other requirements of city ordinances and the zoning ordinance with the exception of those specified within this division.
- (c) All broadband antennas and broadband antenna support structures must meet or exceed current standards and regulations, and registration requirements of the Federal Aviation administration (FAA), the Federal Communications Commission (FCC), and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply as required by the regulating authority.
- (d) A building permit is required for all broadband antenna support structures. All broadband antenna support structure installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association as may be amended from time to time. Review of the building permit and any subsequent review by the design review committee must be conducted within reasonable time frame to prevent or delay installation, maintenance or use of broadband antennas in accordance with FCC regulations.
- (e) All broadband support structures and broadband antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the city's radio frequencies and public safety operations as required by the FCC.

(Ordinance 2020-12-00927 adopted 12/17/20)

§ 14.04.454 **Height.**

The maximum height for a broadband antenna support structure in any district shall be eighty (80) feet. Upon showing of a compelling communications need, the design review committee may administratively approve a height greater than eighty (80) feet.

(Ordinance 2020-12-00927 adopted 12/17/20)

§ 14.04.455 **Broadband antennas and broadband antenna support structure standards.**

- (a) Number and size. The number and size of broadband antennas placed upon a broadband antenna support structure used for broadband communications shall be limited by the wind load requirements contained in the current version of the city's building codes or by the manufacturer's specifications for wind loading, whichever is more restrictive.
- (b) Location. To the extent possible, broadband antenna support systems should be in areas to provide minimal impact on the community. Alternative or stealth designs are encouraged for all broadband antenna support structures.
- (c) Setbacks.
 - (1) Front yards. Broadband antenna support structures (including guy wires, foundations, anchors, and other components of the structure) shall not be permitted in required front yards.
 - (A) Exception: Upon showing of a compelling communications need, the design review committee may administratively approve a broadband antenna and broadband support structure placement in front yards.
 - (2) Rear yards. Guy wires and broadband antenna and broadband support structures shall not be permitted in required rear yard setbacks. Minimum setbacks for broadband antenna support structures shall be the same as those required for accessory buildings in the applicable residential or agricultural district.
 - (A) Exception: Upon showing of a compelling communications need, the design review committee may administratively approve guy wires, broadband antenna and broadband support structures in rear yard setbacks.
 - (3) Side yards. Guy wires and broadband antenna and broadband support structures shall not be permitted in required side yard setbacks. Minimum setbacks for broadband antenna support structures shall be the same as those required for accessory buildings in the applicable residential or agricultural district.
 - (A) Exception: Upon showing of a compelling communications need, the design review committee may administratively approve guy wires, broadband antennas and broadband support structures in side yard setbacks.
- (d) Separation. There shall be no minimum or maximum separation requirements for broadband antenna support structures from other structures on the same lot of record.
- (e) Fall radius. The fall radius for broadband antenna support structures shall be equal to the total height of the structure.
 - (1) If the applicant is able to present evidence that the proposed broadband antenna support structure has been engineered with a break point along the structure, the city may determine that the measurement of the length on the longest segment following a break at the break point can be used in determining the fall radius.
 - (2) Broadband antenna support structures shall be sited in such a manner that the fall radius does not encompass the buildable area for habitable structures on adjoining property.

- (f) Lights. Lights other than lights required or recommended by the FAA mounted on antenna support structures shall comply with the city's dark sky ordinance.
- (g) Construction standards. Broadband antenna support structures shall be installed in accordance with the manufacturer's specifications. Modifications to the manufacturer's installation specifications shall bear the seal and signature of a state-licensed professional engineer.
- (h) Maintenance. Broadband antennas and broadband antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be removed or brought into repair within **ninety (90)** days following notice given by the building official; provided that the building official may order immediate action to prevent an imminent threat to public safety or property.
- (i) Removal. If the broadband antenna support structure and broadband antennas are no longer being utilized, the owner of the property on which an antenna structure is located shall remove the structure from the property within **ninety (90)** days.

(Ordinance 2020-12-00927 adopted 12/17/20)



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas will conduct a public hearing on Thursday, February 8, 2024, at 6:30 p.m., and City Council will conduct a second public hearing on Thursday, March 7, 2024, at 6:30 p.m. at Lucas City Hall, 665 Country Club Road, Lucas, Texas to consider amendments to the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning” excluding Article 14.04 titled “Supplementary Regulations”, Division 8 titled “Accessory Buildings, Structures and Uses”.

Those wishing to speak FOR or AGAINST the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, Toshia Kimball, 665 Country Club Road, Lucas, Texas 75002, email tkimball@lucastexas.us and it will be presented at the hearing. If you have any questions about the above hearing, you may contact Development Services Director Joe Hilbourn at jhilbourn@lucastexas.us.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 04

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Conduct a public hearing and consider a request by the owner Ryan Mullholand with Homerun Alley on behalf of Boson Motors for an amendment to the zoning use chart to permit electric equipment assembly and sales.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take action on the request

Background Information

Homerun Alley is a baseball training facility with batting cages and has a Specific Use Permit (SUP) for that use. Homerun Alley is considering selling the property. Boson Motors is interested in the property for their electric vehicle assembly, sales and solar collectors, and energy solar storage sales.

Homerun Alley is requesting an addition to the zoning use chart to permit equipment assembly, sales, and renewable energy equipment sales. The City of Lucas currently allows for the sale of solar equipment and battery packs. The addition is assembly and sales of electric utility vehicles.

The City's Code of Ordinances, Section 14.03.801(d) titled "Use Designations" indicate classifications of new/unlisted uses must include the following:

(1) Initiation.

On December 27, 2023, Ryan Mulholland (Owner of Homerun Alley) submitted a written request on behalf of Boson Motors to Development Services Director Joe Hilbourn for an amendment to the zoning use chart.

- (A) A person, city department, the planning and zoning commission, or city council may propose zoning amendments to regulate new and previously unlisted uses.*
- (B) A person requesting the addition of a new or unlisted use shall submit to the director of planning all information necessary for the classification of the use, including but not limited to:*
 - (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing.*

Boson Motors is a technology company with research and development activities in California. Boson Motors plan to install a fence along the boundary of the property where there is open access.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 04

Boson Motors plan to conduct research and development, final vehicle assembly, sales of electric utility vehicles, energy storage systems, solar panels and related accessories. After the vehicles are assembled, Boson Motors plan to store and test drive them in the uncovered space behind the building. The vehicles will be dispatched to customer locations after the final quality inspections are passed. The Boson Motors website link is: <https://bosonmotors.com>.

(ii) *The type of product sold or produced under the use.*

Smart electric utility vehicles, EV charging stations, energy storage systems with solar panels and installation hardware.

(iii) *Whether the use has enclosed or open storage and the amount and nature of the storage.*

Boson Motors plan to store spares and parts in the enclosed space and finished vehicles in the open space behind the building before they are shipped to the customer location. Any vehicles that require service may also be stored in the open space from time to time.

(iv) *Anticipated employment typically anticipated with the use.*

Boson Motors plan to employ up to 15 full-time employees (FTE).

Position - Number of employees - Salary

- Sr. Engineering Manager & Director - 2 - \$80/hr.
- Design Engineer Mechanical - 2 - \$45/hr.
- Software Engineer - 4 - \$50/hr.
- Assembly technician - 4 - \$22/hr.
- Vehicle technician - 2 - \$22/hr.
- Admin and Finance Assistant - \$20/hr.

(v) *Transportation requirements.*

Boson Motors expects to receive up to six semi-truck loads of goods per month.

(vi) *The nature and time of occupancy and operation of the premises.*

Regular working hours from 9 am to 5 pm. Boson Motors indicate occasionally workers are expected to attend to any urgent service needs from customers after hours to solve engineering and service problems.

(vii) *The off-street parking and loading requirements.*

One parking space per thousand square feet plus five parking spaces dedicated to employees.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 04

(viii) *The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated.*

Boson Motors indicate the following:

- No operations that generate excessive noise, odor, fumes, or dust.
- No heavy industrial activity, hence, no chance of vibration.
- No chemicals used on the property.

Boson Motors indicate the materials would include:

- Auto parts and lubrication oils (Gear Oil, Hydraulic Fluid, WD40 and misc. cleaning fluids)
- Lead Acid batteries
- Lithium-Ion cells and batteries

(ix) *The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.*

There are no special requirements.

Attachments/Supporting Documentation

1. Public Notice

Budget/Financial Impact

NA

Recommendation

The Planning and Zoning Commission approved recommending the requested use by SUP in the Commercial Business (CB) and Light Industrial (LI) districts by a vote of 3 to 2. Some of the Planning and Zoning Commissioners expressed a concern about the safety of storing oil in the CB District. Staff also have some concerns about the storage of both lead batteries and lithium batteries in the CB district and, specifically, about storing corrosive batteries with lithium batteries. Fighting fires with lithium batteries is problematic. Typically, dry powder extinguishing systems do not work on lithium batteries because they create their own oxygen during a fire event. Currently, the National Fire Protection Association (NFPA) does not have a standard available for fighting lithium battery fires. This recommended use to the zoning use chart is also included in the proposed edits for Chapter 14 “Zoning” for City Council to review.



City of Lucas
City Council Agenda Request
March 7, 2024

Item No. 04

Motion

I make a motion to approve/deny an amendment to the zoning use chart to permit electric equipment assembly and sales requested by the owner Ryan Mullholand with Homerun Alley on behalf of Boson Motors.



NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas will conduct a public hearing on Thursday, February 8, 2024, at 6:30 p.m., and City Council will conduct a second public hearing on Thursday, March 7, 2024, at 6:30 p.m. at Lucas City Hall, 665 Country Club Road, Lucas, Texas to consider an amendment to the zoning use chart to permit electric equipment assembly and sales.

Those wishing to speak FOR or AGAINST the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, 665 Country Club Road, Lucas, Texas 75002, email tkimball@lucastexas.us and it will be presented at the Hearing. If you have any questions about the above hearing, you may contact jhilbourn@lucastexas.us.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 05

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Cancellation of a public hearing to consider a Specific Use Permit (SUP) application submitted by Bill Shipley on behalf of Caliber Collision to permit a Caliber Collision paint and body shop with minor automotive located in the William Snider Survey, Abstract Number 821, Tract 16, being 1.75 acres of a 5.7601 acres tract of land, more commonly known as a tract of land on McGarity Lane, 500 feet east of the intersection of Angel Parkway and McGarity Lane.

Background Information

This public hearing is canceled. Caliber Collision informed staff to remove their Specific Use Permit (SUP) request which was prescheduled in a public notice for the Planning and Zoning Commission meeting on February 8, 2024 and the City Council meeting on March 7, 2024.

The Planning and Zoning Commission denied the initial SUP request at their meeting on August 10, 2023. After meeting with adjoining property owners to address screening and access concerns, Caliber Collision proposed a development agreement of road improvements to the City Council. The City Council denied the requested development agreement at their meeting on February 1, 2024. Following this, Caliber Collision withdrew their SUP request.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

Council Agenda Request

March 7, 2024

Item No. 06

Requester: Mayor Jim Olk

Agenda Item Request

1. Consent Agenda:

- A. Approval of the minutes of the February 15, 2024, City Council meeting.
- B. Approval of authorizing the City Manager to enter into a contract with Hydromax USA, LLC for fire hydrant and valve maintenance utilizing an interlocal agreement with the City of Garland, Texas in an amount not to exceed \$113,000.

Background Information

Item B:

The City is required to perform preventative maintenance annually on its fire hydrants and valves. The City of Lucas has an interlocal agreement with the City of Garland.

NA

Attachments/Supporting Documentation

- 1. Minutes of the February 15, 2024, City Council Meeting
- 2. Hydromax USA, LLC Interlocal Agreement Garland Piggyback Package 2024
- 3. City of Garland Cooperative Purchasing Interlocal Agreement

Budget/Financial Impact

NA

Recommendation

City Staff recommends approval of the Consent Agenda.

Motion

I make a motion to approve the Consent Agenda as presented.



MINUTES

CITY COUNCIL REGULAR MEETING

February 15, 2024 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

City Councilmembers Present:

Mayor Jim Olk
Mayor Pro Tem Kathleen Peele
Councilmember Dusty Kuykendall
Councilmember Phil Lawrence
Councilmember Tim Johnson
Councilmember David Keer
Councilmember Debbie Fisher

City Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
City Secretary Toshia Kimball
Finance Director Liz Exum
Deputy Dan Brown

The regular City Council meeting was called to order at 6:30 pm.

Citizen Input

1. Citizen Input

There were no members of the public wishing to address the City Council.

Community Interest

2. Items of Community Interest

Mayor Olk gave items of community interest including:

- FM546 - FM3286 (East Lucas Road) Traffic Change
- 2024 General and Special Elections
- Keep Lucas Beautiful Spring Cleanup
- Founders Day Country Fair

Consent Agenda

3. Consent Agenda:

- A. Approval of the minutes of the February 15, 2024 City Council meeting.
- B. Approval of the City of Lucas Quarterly Investment Report ended December 2023.
- C. Approval of Ordinance 2024-02-00997 reappointing the Municipal Court Judge Dana Huffman for a term of two (2) years from February 1, 2024, through February 1, 2026, per the Third Amended and Restated Agreement (Exhibit A).
- D. Approval of Resolution R 2024-02-00550 designating the official newspaper of the City of Lucas for 2024 beginning February 15, 2024, through December 31, 2024.

MOTION: A motion was made by Mayor Pro Tem Peele, seconded by Councilmember Fisher, to approve the Consent Agenda as presented. The motion passed unanimously by a 7 to 0 vote.

Regular Agenda

4. **Consider the acceptance and approval of the City of Lucas Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2022-2023 presented by Sophie Packard from Vail & Park, P.C.**

Audit Manager Sophie Packard from Vail & Park, P.C. presented to the City Council the City of Lucas Annual Comprehensive Financial Report.

Councilmember Lawrence inquired about the COVID related revenue received by the City.

Finance Director Liz Exum stated approximately \$2.2 million. Audit Manager Sophie Packard from Vail and P.C. stated the funds have to be appropriated by the end of 2024.

Councilmember Kuykendall inquired if there were any other concerns related to the audit. Finance Director Liz Exum stated no, none other than the recommendations.

MOTION: A motion was made by Councilmember Kuykendall, seconded by Mayor Pro Tem Peele to approve the City of Lucas Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2022-2023.

5. **Receive a presentation of the 2023 Lucas Farmers Market Annual Report and provide an update for the 2024 market season.**

Parks and Open Space Board Chairman Bill Esposito presented the 2023 Lucas Farmers Market Report and provided updates.

MOTION: There was no motion needed for this item.

6. **Consider making a nomination to fill the unexpired term until October 1, 2026 on the TX Health Benefits Pool Board of Trustees for Region 13.**

City Manager Joni Clarke resigned her position from the TX Health Benefits Pool Board of Trustees for Region 13 leaving an unexpired term until October 1, 2026.

Councilmember Fisher asked where the meetings are held. City Manager Joni Clarke stated that the meetings were held in San Antonio, Dallas, South Padre, and Horseshoe Bay. The meetings are held on a quarterly basis and on the last week of the month.

Councilmember Kuykendall inquired about the required skillset.

City Manager Joni Clarke advised that a knowledge of benefits would be helpful.

MOTION: A motion was made by Councilmember Fisher, seconded by Councilmember Lawrence to nominate Assistant City Manager, Ken Souriyasak to fill the unexpired

term until October 1, 2026 on the TX Health Benefits Pool Board of Trustees for Region 13.

Executive Agenda

Mayor Olk convened into Executive Session at 7:16 pm.

7. Executive Session:

The City Council will convene into Executive Session pursuant to Section 551.074 of the Texas Government Code, Personnel Matters, to deliberate the appointment, employment, duties of a public officer – City Manager.

8. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.

Mayor reconvened from Executive Session at 7:45 pm.

MOTION: There was no action taken.

9. Adjournment.

MOTION: A motion was made by Councilmember Johnson, seconded by Councilmember Kuykendall, to adjourn the meeting at 7:45 pm. The motion passed unanimously by a 7 to 0 vote.

APPROVED:

ATTEST:

Mayor Jim Olk

Toshia Kimball, City Secretary



GARLAND

BLANKET ORDER

P.O. Number

BL - 9585

P.O. Date

10/16/2023

VENDOR	SHIP TO / BILL TO	SPECIAL INSTRUCTION
HYDROMAX USA LLC 3700 RIVER WALK DR STE 145 FLOWER MOUND TX 75028-1849 Vendor # 40870 Phone # 812-747-9310 Email: ANDREW.APGAR@HYDROMAXUSA.COM	WATER UTILITIES 972-205-3206 2343 FOREST LANE GARLAND, TEXAS 75042 RASHCRAFT@GARLANDTX.GOV	

Subject: TERM CONTRACT FOR VALVE & HYDRANT MAINTENANCE

F.O.B DESTINATION	DELIVERY DATE
	<u>Requisition Number</u> <u>Department</u> PR 49908 WATER

PO Information:

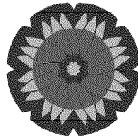
BID# 1215-22 --- 1 OF 4 OPTIONAL RENEWALS --- EFFECTIVE DATES: 10/25/2023 - 10/24/2024 --- REPLACES BL 9148 --- ORIGINAL AWARD:
STRAIGHT LOW BID --- CITY COUNCIL APPROVAL DATE: 10/18/2022

Line	Commodity / Item	Description	Qty	Unit	Unit Price	Total
1	950-99	TERM CONTRACT FOR VALVE & FIREHYDRANT MAINT- RENEWAL OF BL PRICE INCREASE OF 4% APPROVED BY ROBERT ASHCRAFT ON 10/12/2023. AGJ.	500,000	EA	\$1.00	\$500,000.00
Terms & Conditions of the City of Garland are incorporated in this order					Total	\$500,000.00

This PO number must appear on all documentation. Invoices not referencing this PO number will be returned.

Garland TX Pricing with 23/24 4% Increase

1	Valve Maintenance and Inspection for valve sizes 8" and smaller	Quantity:	UOM: EA	2022 Unit Price	\$35.00	23/24-4% Increase	\$36.40
2	Valve Maintenance and Inspection for valve sizes 10" to 12".	Quantity:	UOM: EA	2022 Unit Price	\$45.00	23/24-4% Increase	\$46.80
3	Valve Maintenance and Inspection for valve sizes 14" and larger.	Quantity:	UOM: EA	2022 Unit Price	\$100.00	23/24-4% Increase	\$104.00
4	Valve Maintenance and Inspection for valve that could not be located.	Quantity:	UOM: EA	2022 Unit Price	\$35.00	23/24-4% Increase	\$36.40
5	Valve Maintenance and Inspection labor for adjusting valve stack.	Quantity:	UOM: EA	2022 Unit Price	\$236.00	23/24-4% Increase	\$245.44
6	Fire Hydrant Painting, Maintenance and Inspection	Quantity:	UOM: EA	2022 Unit Price	\$32.00	23/24-4% Increase	\$33.28
7	Fire Hydrant Maintenance and Inspection labor for minor repairs.	Quantity:	UOM: EA	2022 Unit Price	\$236.00	23/24-4% Increase	\$245.44
8	Fire Hydrant Maintenance and Inspection for Fire Hydrant that could not be located.	Quantity:	UOM: EA	2022 Unit Price	\$20.00	23/24-4% Increase	\$20.80
9	GPS coordinates (sub-centimeter) for valve location	Quantity:	UOM: EA	2022 Unit Price	\$118.00	23/24-4% Increase	\$122.72
10	GPS coordinates (sub-centimeter) for fire hydrant location.	Quantity:	UOM: EA	2022 Unit Price	\$118.00	23/24-4% Increase	\$122.72
11	GPS coordinates (sub-foot) for valve location	Quantity:	UOM: EA	2022 Unit Price	\$5.00	23/24-4% Increase	\$5.20
12	GPS coordinates (sub-foot) for fire hydrant location.	Quantity:	UOM: EA	2022 Unit Price	\$5.00	23/24-4% Increase	\$5.20



GARLAND

WATER UTILITIES

2023 Specifications for Water Valves & Fire Hydrant Maintenance

Intent & Scope:

The City of Garland Water Utilities is seeking a contractor to provide maintenance, inspections, adjustments and minor repair of water valves and fire hydrants. **Every fire hydrant must be inspected and painted every year. Valves should be inspected every 5 years.** Fire hydrants are dry barrel hydrants and will either be compression type hydrants or toggle type hydrants. **The contract will be for \$500,000.00 or 1 year whichever comes first, with the option for 4 renewals.** The successful bidder must supply all labor, and equipment necessary for completion of the contract. The City will provide examples of required spreadsheets and inspection work sheets to the successful bidder if requested. The successful bidder will submit monthly invoices to the City on or about the 26th of each month.

The City will provide the vendor GIS layers in ESRI file formats of our water network. The Contractor must be able to edit a copy of City GIS layers (ESRI feature class format, version ArcGIS 10.5) in the field to capture hydrant and valve data. Contract personnel must be able to differentiate between infrastructure they have serviced from hydrants and valves they have yet to service in their electronic mapping interface. Contractor shall ensure records have not been previously submitted to the City prior to submission for billing purposes. Contractor shall guarantee all fields are populated with relevant data prior to submission to the City. Explanations will be required in the field notes in the table for each vacant entry. Contractor field personnel must be able to view City planimetric data in ESRI feature class file format and City aerial photos in MrSid file format in their electronic map interface for the purpose of data collection. The inability to provide accurate data could result in termination or non-renewal of this contract.

The City will require GPS coordinates for each valve and fire hydrant, please include in your bid the price to provide GPS coordinates with **sub-centimeter accuracy**. GPS coordinate data must be submitted to the City in an ESRI Geo Database Format.

While this contract will be for all valves and hydrants in residential areas, commercial areas, and along major thoroughfares and intersections in Garland. The successful bidder will be expected to supply all traffic control devices necessary to safely complete this task.

Valve Inspection & Maintenance Procedures

The City of Garland has approximately 23,141 valves ranging from 2" to 42" in size. The bid will be broken down by size range, below is an approximate number of valves in each size range:

8" and smaller	22,077
10" to 14"	702
16" and larger	362

The 16" and larger valves with by-passes will be counted as two separate valves for billing purposes, each valve will be billed according to its size. The City will require the successful bidder provide the number of turns for each valve on the individual inspection work sheet.

Valve maintenance must be performed in accordance with American Water Works Association (AWWA) manual M44.

Valve Maintenance Special Procedure

- A. Locate the valve – The successful bidder will locate all water distribution valves using the following procedure.
 1. The successful bidder will search for all valves visually using the City of Garland water distribution maps.
 2. The successful bidder will search for water valves shown, but not identified by visual inspection, using a magnetic locator, probing rods and other tools.
 3. If the valve cannot be located after searching for fifteen minutes, the valve will be labeled "Cannot locate" on the water distribution map and noted on the weekly electronic spreadsheet of completed work.
- B. Clean out the valve box or manhole – The successful bidder will remove all debris and water from the valve box or manhole in order to access the valve operating nut. In every case, the operating nut must be exposed and clearly visible (not under water or debris) when the valve is exercised.
- C. Valve exercising – The successful bidder will exercise each valve a minimum of two full cycles. (A full cycle is defined as operating the valve from open to shut to open again.) All valves will be operated with extreme care as not to damage the valve.
- D. Valve marking – Curbs will be painted with a blue arrow after completion of the exercising to indicate the completion of work for each valve. The successful bidder will verify that an arrow is etched in the curb to mark the valve. If the curb is not etched, the successful bidder will note that on the daily individual inspection sheet and the weekly electronic spreadsheet. The successful bidder will be responsible for supplying the paint. The valve lid will not be painted.
- E. Valve box maintenance – The successful bidder will ensure that valve boxes are ground level and free from grass, dirt, concrete, asphalt or any other debris covering the lid. Any valve boxes that are not ground level or vertically straight and can be adjusted without the use of motorized excavation equipment will be

done by the successful bidder, the City will supply any new valve stacks or lids needed, the successful bidder will be paid for the labor on an hourly rate. Any valve boxes that are not ground level or vertically straight and cannot be adjusted will be identified on the weekly electronic spreadsheet as requiring further action by the City. The successful bidder will ensure any valves not ground level are not a safety issue; if an unsafe condition exists the successful bidder will protect the public by barricades, flagging or other means at the successful bidder cost. Safety issues will be reported to the City immediately.

Fire Hydrant Inspection & Maintenance Procedures

The City of Garland has approximately 8,824 fire hydrants; they are dry barrel hydrants of either the compression type or the toggle type. Before painting the fire hydrants the successful bidder will use a wire brush to remove grime and loose paint, stripping of paint layers off the fire hydrant is not required. Every fire hydrant must be inspected and painted every year.

Fire hydrant maintenance must be performed in accordance with American Water Works Association (AWWA) manual M17.

The successful bidder will make minor repairs to the fire hydrant if any are needed. Minor repairs will be defined as any repairs that can be done without the use of mechanical equipment, such replacing break flanges, couplings, bolts, chains, etc. The City of Garland will supply any repair parts needed, the successful bidder will be paid for the repair labor on an hourly rate.

City of Garland fire hydrants are painted as follows, all fire hydrant bodies, barrels and caps are painted using Flynt Silver. Flynt Paint is the required brand of paint to be used, the paint must be applied in as purchased condition, no thinners can be used to dilute the thickness of the paint.

Bonnets are painted according to the size of the water main that the fire hydrant lead is connected to;

Water main size 6" or less – Flynt Silver

Water main size 8" – Flynt Tropic Blue

Water main size 10" or larger – Flynt Safety Yellow

Fire Hydrant Maintenance & Painting Special Procedures

- A. Locate the fire hydrant – The City will provide the successful bidder with a copy of the current water distribution map for the project area. The successful bidder will locate all water distribution system fire hydrants using the following procedure.
 1. The successful bidder will search for all fire hydrants visually using the City of Garland water distribution maps.
 2. The successful bidder will search for fire hydrants shown, but not identified by visual inspection, using a magnetic locator, probing rods and other tools.

3. If the fire hydrant cannot be located after searching for fifteen minutes, the fire hydrant will be labeled "Cannot locate" on the water distribution map and noted on the weekly electronic spreadsheet of completed work.
- B. Routine fire hydrant maintenance shall also include the following activities.
 1. Check the fire hydrant to make sure that it is visible from the roadway and it is clear of any landscaping, plant growth, or other obstructions that could impair locating the fire hydrant or interfere with its use.
 2. Minor obstructions such as weed growth or wild plant growth should be trimmed to provide clear access to the hydrant.
 3. Obstructions caused by utilities, landscaping or ornamental growth shall be noted and reported to the City on the individual inspection work sheet.
 4. Improperly installed fire hydrants height wise shall be noted and reported to the City on the individual inspection work sheet.
 5. Any fire hydrant that, for any reason, must be removed from service shall be covered with a black bag. This information must be immediately forwarded to the City.
 6. When flushing a fire hydrant a non-rigid deflector must be used to prevent erosion around the fire hydrant.
 7. Paint the fire hydrant using approved paint and colors.

Bid Pricing

Valve Maintenance & Inspection for valve sizes 8" and smaller - \$_____ each.

Valve Maintenance & Inspection for valve sizes 10" to 12" - \$_____ each.

Valve Maintenance & Inspection for valve sizes 14" and larger - \$_____ each.

Valve Maintenance & Inspection for valve that could not be located \$_____ each.

Valve Maintenance & Inspection labor for adjusting valve stack \$_____ per hour.

Fire Hydrant Painting, Maintenance & Inspection - \$_____ each.

Fire Hydrant Maintenance & Inspection labor for minor repairs – \$_____ per hour.

FH Maintenance & Inspection – for FH that could not be located \$_____ each.

GPS coordinates (sub-centimeter) for valve location - \$_____ each.

GPS coordinates (sub-centimeter) for fire hydrant location - \$_____ each.



GARLAND

PURCHASING

1215-22 Addendum 1

Hydromax USA

Supplier Response

Event Information

Number: 1215-22 Addendum 1
Title: Term Contract for Valve and Fire Hydrant Maintenance
Type: Request for Bid
Issue Date: 9/9/2022
Deadline: 9/27/2022 03:00 PM (CT)
Notes: PER CITY OF GARLAND SPECIFICATIONS

RFB Request for Bid A sealed written request made to prospective suppliers requesting submission of a bid for goods or services. Advertised. Sealed bids have a state mandated dollar level. NO FAXED OR EMAILED BIDS! All documents (forms) herein and attached are required to be completed and returned with response.

All questions must be answered within the Ion Wave Question & Answer segment. No emailed, faxed or phone call question related to this bid will be responded to. The deadline for submitting questions on this bid is September 22, 2022 at 5:00 p.m.

This is for a Term Contract for a period of one (1) year and four (4) optional renewals. The estimated annual expenditure is \$500,000.00.

Please acknowledge the City of Garland Terms and Conditions in the "Attributes" section.

Contact Information

Contact: Teresa Smith Purchasing Manager

Address: Purchasing & Contract Administration
City of Garland City Hall

2nd Floor

200 N. 5th Street

Garland, TX 75040

Phone: (972) 205-2421

Fax: (972) 205-2495

Email: TSmith@garlandtx.gov

Hydromax USA Information

Contact: Shane Majetich
Address: 2501 S Kentucky Ave
Evansville, IN 47714
Phone: (813) 305-6610
Email: shane.majetich@hydromaxusa.com
Web Address: www.hydromaxusa.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Shane Majetich

Signature

shane.majetich@hydromaxusa.com

Email

Submitted at 9/27/2022 08:05:57 AM (CT)

Bid Attributes

1 A&I Company Profile

Name of Business: Business Address: Contact Name: Phone#: Fax#: Email#: Name(s) Title of Authorized Company
Officers: Federal ID #: DUN #: Remit Address: If different than your physical address:

Hydromax USA LLC
3700 River Walk Drive, Suite 145
Flower Mound, Texas 75028
www.HydromaxUSA.com
PH: (863) 398-9202
EM: andrew.apgar@HydromaxUSA.com
Authorized Company Officers: Chris Jensen/CEO; Randall Wilson/CFO
FEID: 20-0602448

2 A&I Info (HUB)

Are you a (HUB) Historically Underutilized Business Vendor?

No

3 Exceptions to Terms and Conditions Document

Do you take exception to the City's standard terms and conditions document? If so, please detail below. If your response is greater than 4000 characters please detail your exceptions in a separate document and upload with your bid.

Damages related to the Termination for Cause. The terms and conditions make the Contractor liable for any damages suffered by the City in the event that the City terminates the Agreement for cause. As written, there is no opportunity given to the Contractor to cure a breach. Customarily, thirty (30) days is given to allow the Contractor an opportunity to cure the breach. Will the City amend the terms and conditions to extend the Termination for Cause notice to thirty (30) days with a right to cure?

4 Subcontractors

State the business name of all subcontractors and the type of work they will be performing under this contract. If you are fully qualified to self perform the entire contract, please respond with "N/A".

N/A

5 Non Resident Bidders

The appropriate blanks must be filled out by all nonresident bidders in order for your bid to meet specifications. The failure of a nonresident bidder to do so will automatically disqualify that bidder. Non Resident vendors need to copy and paste the following in the space provided with the appropriate answers:

Non-resident vendors in _____ (give state), our principal place of business, are required to be _____ percent lower than resident bidders by state law. A copy of the statute is attached. Non-resident vendors in _____ (give state), our principal place of business, are not required to underbid resident bidders.

Type "N/A" if it does not apply.

N/A

6 Reference 1

Please list a company or government agency where these same/like products/services, as stated herein, have been provided. Include the following detail: Project: Project Description: Owner/Agency: Year Built: Contract Price: Contact Person: Phone:

City of Houston
611 Walker Street, Houston, TX 77002
Valve assessment program
Contract size: \$1,000,000+ annual contract
Completion: Ongoing
Point of contact:
Venus Price
(346) 324-3831
Venus.Price@houstontx.gov

7 Reference 2

Please list a company or government agency where these same/like products/services, as stated herein, have been provided. Include the following detail: Project: Project Description: Owner/Agency: Year Built: Contract Price: Contact Person: Phone:

City of Waco
425 Franklin Avenue, Waco, TX 76701
Valve and hydrant assessment program
Contract size: \$200,000 annual contract
Completion: Ongoing
Point of contact:
Chet Warren
(254) 447-0141
ChetW@wacotx.gov

8 Reference 3

Please list a company or government agency where these same/like products/services, as stated herein, have been provided. Include the following detail: Project: Project Description: Owner/Agency: Year Built: Contract Price: Contact Person: Phone:

City of Garland
215 N. 5th Street, Garland, TX 75040
Valve and hydrant assessment program
Contract size: \$100,000+ annual contract
Completion: Ongoing
Point of contact:
Gustavo Reyes
(469) 644-7202
GReyes@garlandtx.gov

9 Conflict of Interest Form CIQ (1)

Do you have a conflict of interest to report outlined in Chapter 176 of the Local Government Code? If yes please complete Form CIQ via the following link and upload with your bid response:
<https://www.ethics.state.tx.us/forms/CIQ.pdf> Local Government Code § 176.006(a) and (a-1) (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and: (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A); (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or (3) has a family relationship with a local government officer of that local governmental entity. (a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of: (1) the date that the vendor: (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or (2) the date the vendor becomes aware: (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a); (B) that the vendor has given one or more gifts described by Subsection (a); or (C) of a family relationship with a local government officer.

No

10 Please list how many days your bid pricing will be good for.

The number of days listed is expected to be from the close of the bid up to the specified number of calendar days.

365 days

11 Equal Employment Opportunity

All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

☒ I acknowledge this statement. (I acknowledge this statement.)

12 Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40U.S.C. 276c)

All contracts and sub-grants in excess of \$2000 for construction or repair awarded by recipients and sub-recipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or sub-recipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to HUD.

☒ I acknowledge this statement. (I acknowledge this statement.)

13 Prevailing Wage Rates

Contractors are required to comply with Texas Government Code Chapter 2258, Prevailing Wage Rates. For the purposes of work performed pursuant to public works contracts, contractors are required to pay not less than the prevailing wage rates as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments. The City of Garland has adopted the general prevailing rate of per diem wages for Dallas County, Texas as set by the United States Department of Labor Davis and Bacon Wage Determination, which are reported and updated from time-to-time at and at the Wage Determinations website <http://beta.sam.gov/>.

☒ I acknowledge this statement. (I acknowledge this statement.)

1
4**Contract Work Hours and Safety Standards Act (40 U.S.C. 327 through 333)**

Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions, which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

☒ I acknowledge this statement. (I acknowledge this statement.)

Bid Lines

1 Valve Maintenance and Inspection for valve sizes 8" and smaller

Quantity: 1 UOM: EA Unit Price: \$35.00 Total: \$35.00

2 Valve Maintenance and Inspection for valve sizes 10" to 12".

Quantity: 1 UOM: EA Unit Price: \$45.00 Total: \$45.00

3 Valve Maintenance and Inspection for valve sizes 14" and larger.

Quantity: 1 UOM: EA Unit Price: \$100.00 Total: \$100.00

4 Valve Maintenance and Inspection for valve that could not be located.

Quantity: 1 UOM: EA Unit Price: \$35.00 Total: \$35.00

5 Valve Maintenance and Inspection labor for adjusting valve stack.

Quantity: 1 UOM: EA Unit Price: \$236.00 Total: \$236.00

6 Fire Hydrant Painting, Maintenance and Inspection

Quantity: 1 UOM: EA Unit Price: \$32.00 Total: \$32.00

7 Fire Hydrant Maintenance and Inspection labor for minor repairs.

Quantity: 1 UOM: EA Unit Price: \$236.00 Total: \$236.00

8 Fire Hydrant Maintenance and Inspection for Fire Hydrant that could not be located.

Quantity: 1 UOM: EA Unit Price: \$20.00 Total: \$20.00

9 GPS coordinates (sub-centimeter) for valve location.

Quantity: 1 UOM: EA Unit Price: \$118.00 Total: \$118.00

1
0 GPS coordinates (sub-centimeter) for fire hydrant location.

Quantity: 1 UOM: EA Unit Price: \$118.00 Total: \$118.00

1
1

The City of Garland is requesting alternative pricing for GPS coordinates for each valve and fire hydrant, please include in your bid the price to provide GPS coordinates with sub-foot accuracy. GPS coordinate data must be submitted to the City in an ESRI Geo Database Format. The City will choose which the accuracy that best suits our requirements.

GPS coordinates (sub-foot) for valve location.

Quantity: 1 UOM: EA Unit Price: Total:

1
2

The City of Garland is requesting alternative pricing for GPS coordinates for each valve and fire hydrant, please include in your bid the price to provide GPS coordinates with sub-foot accuracy. GPS coordinate data must be submitted to the City in an ESRI Geo Database Format. The City will choose which the accuracy that best suits our requirements.

GPS coordinates (sub-foot) for fire hydrant location.

Quantity: 1 UOM: EA Unit Price: Total:

Response Total: \$985.00

COOPERATIVE PURCHASING INTERLOCAL AGREEMENT

This agreement made and entered into as of the date written below, by and between City of Garland, Texas (hereinafter called "THIS GOVERNING BODY"), City of Lucas, Texas another governmental entity as defined under § 791.003. of Texas Governmental Code, Interlocal Cooperation Contracts, (hereinafter called "COOP ENTITY") each acting by and through its duly authorized officials:

WHEREAS, THIS GOVERNING BODY and COOP ENTITY are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, THIS GOVERNING BODY and COOP ENTITY wish to enter into an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which THIS GOVERNING BODY and COOP ENTITY may purchase various goods and services commonly utilized by each entity;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of THIS GOVERNING BODY and COOP ENTITY through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, THIS GOVERNING BODY and COOP ENTITY have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; THIS GOVERNING BODY and COOP ENTITY agree as follows:

1. THIS GOVERNING BODY and COOP ENTITY may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts;
2. THIS GOVERNING BODY and COOP ENTITY shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts. THIS GOVERNING BODY and COOP ENTITY shall each make their respective payments from current revenues available to the paying party;
3. THIS GOVERNING BODY and COOP ENTITY shall keep each other informed of any changes to the contracts, rules, regulations or statutes which affect any purchase arrangement planned or in place between the parties.
4. The Agreement shall be in full force and effect until terminated by either party;

5. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by either party upon thirty (30) days written notice to another participating entity;

6. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto;

7. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

EXECUTED this 16 day of June, 2016.

THE CITY OF LUCAS, TEXAS

By: Kathleen A. Peele
Kathleen Peele

Title: Mayor Pro Tem

THE CITY OF GARLAND, TEXAS

By: Gary L. Holcomb
Gary L. Holcomb, CPPO, C.P.M.

Title: Director of Procurement
City of Garland
PO Box 469002
Garland, TX 75040
972-205-2425
gholcomb@garlandtx.gov



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 07

Requester: Public Works Director Scott Holden
Capital Improvement Projects Manager Patrick Hubbard

Agenda Item Request

Consider an analysis of pavement condition data and discuss projections for full-system, total lifecycle pavement maintenance and the development of a 5-year streets maintenance plan.

Background Information

NEXCO Highway Solutions of America (NHSa) is a pavement management company that was hired by the City of Lucas to perform a data-driven assessment of roadway conditions throughout the City. NHSa utilizes proprietary software, Smart Pavement Management (SPM), to provide automated pavement distress detection and condition assessment at 33-foot intervals. Field collected data are validated by company staff and the resulting condition assessment is delivered via a web-based geographic information system (GIS) map and in raw form using spreadsheet software.

Public Works/Engineering contracted NHSa to collect full system data in 2022 using a 5-point scale. NHSa collected data again in 2023 using an improved methodology applying a 100-point model with predictive capabilities. Data collection for the 2023 period was confined to thoroughfares, asphalt streets and areas of known concern.

Engineering has since analyzed the two years of data in an endeavor to arrive at full-system, total lifecycle maintenance projections and to develop a 5-year maintenance plan to be used for budgeting and scheduling purposes. These totals do not contain streets added to the system in the last 2 years; however, these streets are still in their warranty period and are in good condition with no major replacement or reconstruction planned at the public's expense in the next 20 years.

One of the goals of this analysis was to determine how much life is remaining in our current street network. This allows staff to estimate how much major rehabilitation and street replacement to expect within a given period. These estimates are based on a comparison of the average total condition of a road segment and the average life expectancy of pavements by material type. These are provided for the entire length of the street excluding some long thoroughfares which are suitable for being divided into multiple projects.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 07

Projected period until major rehabilitation or reconstruction is warranted:

Projected Term	Miles	Linear Feet	Percentage
0 to 10 Years	5.4	28,598	7%
10 to 20 Years	30.4	160,751	40%
20+ Years	40.7	214,875	53%

The above calculations assume the timely completion of preventative maintenance. The 2023 data suggests that 131,558 linear feet of roads are currently in average to poor condition and will warrant preventative maintenance as soon as possible. The timely completion of this maintenance will result in considerable cost savings versus the alternative of premature failure. Therefore, Public Works recommends completing this proactive maintenance in the current or upcoming fiscal year. By completing this maintenance, current projections support the conclusion that any other streets that would otherwise be projected to reach their failure point during the “0 to 10 years” period can be extended to the “10 to 20 years” period.

The following chart summarizes the projected area and cost of current maintenance needs:

Repair Type	Estimated Need Area (LF)	Estimated Cost
Crack Seal, Patching and Pothole Repair	131,558	\$526,232
Mill, Level-Up and Overlay	28,598	\$3,431,640
Total	159,762	\$3,957,872

Public Works recommends packaging the 5.4 miles (28,598LF) of streets that are at or near overall failure into a series of overlay projects to be completed over the course of the upcoming 5 years. Where sensible, these overlays can be completed concurrent with the replacement of drainage culverts or water lines running under or near the affected roadways. For example, some culvert assessments in the Woodmoor neighborhood support culvert replacement, and Estates Rd has a planned water line replacement project (CCIP Project Number W-03) located along the proposed paving project area. This optimizes the overall quality of infrastructure and minimizes disruptions to residents. Note that there will still be a recurring need to complete crack seal, patching and pothole repair after the first year as new pavement distresses emerge. If an additional \$70,000 is budgeted for newly emerging maintenance, the average annual cost per year for five years to address new and routine maintenance is \$861,575 per year not including any integrated drainage or water projects, or any other major repairs that may emerge or become unexpectedly urgent. Also note that these projections take some maintenance already planned for the current fiscal year into consideration.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 07

The following chart lists the streets warranting mill, level-up and overlay in the next 5 years according to an initial analysis which included a preliminary staff validation of NEXCO data on the listed roadways:

Road Name	Segment Miles	Segment Linear feet
Meadowbrook Dr	0.34	1804.46
Shady Ln	0.50	2624.67
Hickory Hill St	0.21	1115.49
Crestview Cir	0.12	656.17
Estates Rd	0.43	2296.59
Chisholm Trl	0.18	951.44
Holly Ln	0.40	2132.55
Carey Ln	0.39	2034.12
Broadmoor Way	0.07	393.70
Cimarron Trl	0.26	1377.95
Orr Rd	1.03	5446.19
Santa Fe Trl	0.29	1509.19
Holyoak Ln	0.39	2066.93
Ingram Ln	0.06	316.80

This list of identified streets and the total length of project area is expected to change as individual phases are developed and the data is subjected to further evaluation, but this analysis serves as a starting point for planning the next 5 years of maintenance and for projecting long-term maintenance and replacement needs. This can be continuously adapted as conditions change or new information becomes available.

As an additional quality control measure, Public Works proposes the creation of a schedule for proactive maintenance priority wherein each street in the system will be designated as priority for proactive maintenance at least once every 15 years with a minimum of approximately 5 miles of streets designated for proactive maintenance each year beginning with the poorest condition streets not otherwise listed for major rehabilitation or replacement then cycling through the entire system with annual adjustments to prioritization based on current year data. This will occur in addition to regular streets maintenance operations and ongoing condition-based maintenance. Staff would seek to implement this schedule after the recommended round of system wide maintenance is completed.

Attachments/Supporting Documentation

1. NHTSA Topline Summary
2. NHTSA Data by Street



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 07

Budget/Financial Impact

The results of this data analysis will be used as a basis for future maintenance and capital planning within the street system.

Recommendation

This is a discussion and presentation item. No action is required.

Motion

No Motion Required

Topline Summary for Pavement Condition Assessment ***Prepared for City of Lucas***

(Data collected in Oct 2023)

This is a quick assessment summary to better prepare maintenance and rehabilitation planning.
Please refer to the **Data Analysis Tool** for more detailed analysis and planning on top of this summary.

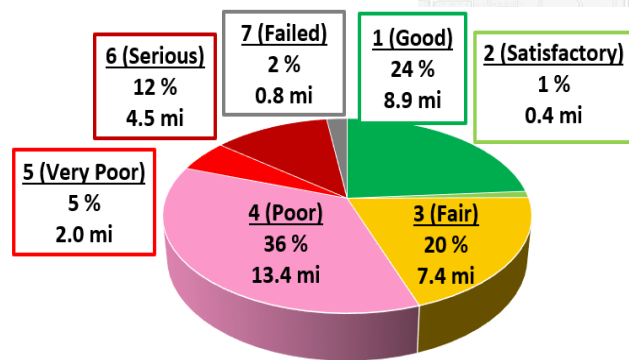
Overall Condition

- About 20 miles (55% of surveyed streets) are rated 4(Poor) or worse, which need rehabilitation work. Since these segments are scattered over the entire network, a mid- or long-term rehabilitation planning would be recommended.
- About 7 miles (20% of surveyed streets) are rated 3(Fair). Proactive maintenance would contribute to slow deterioration and extend pavement service life.

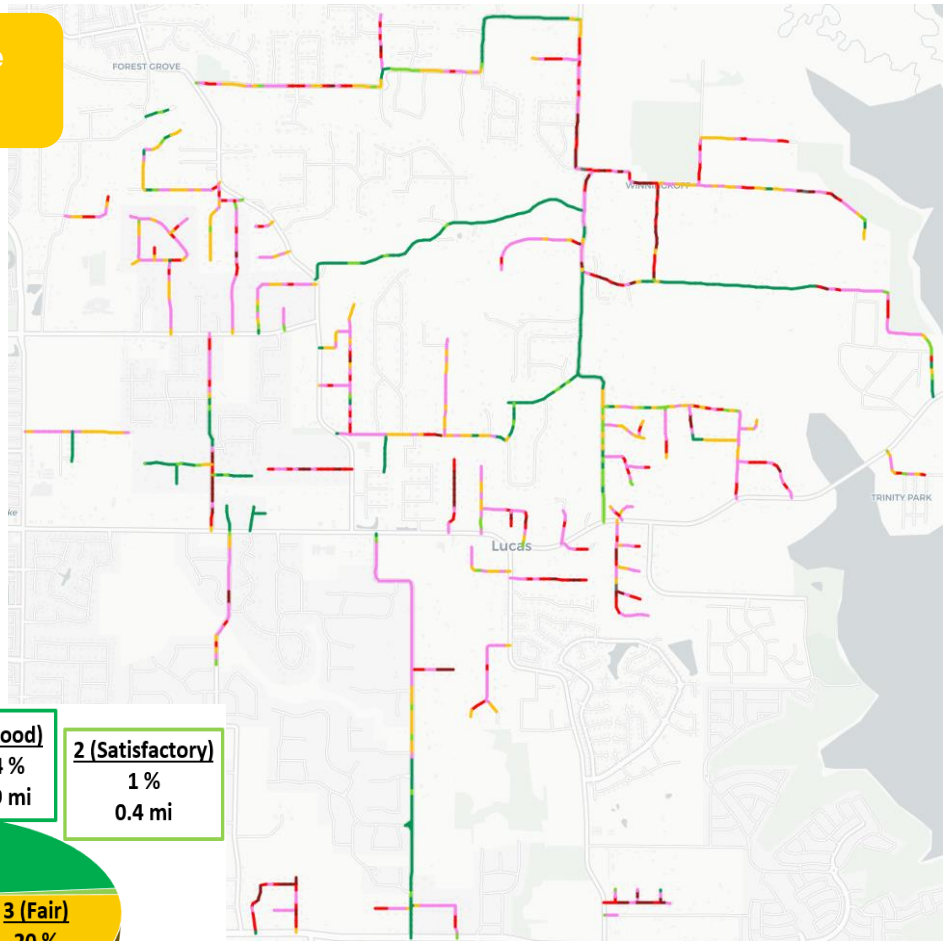
Average SPM-PCI Score
58.3 (Fair)



Pavement Condition Rating

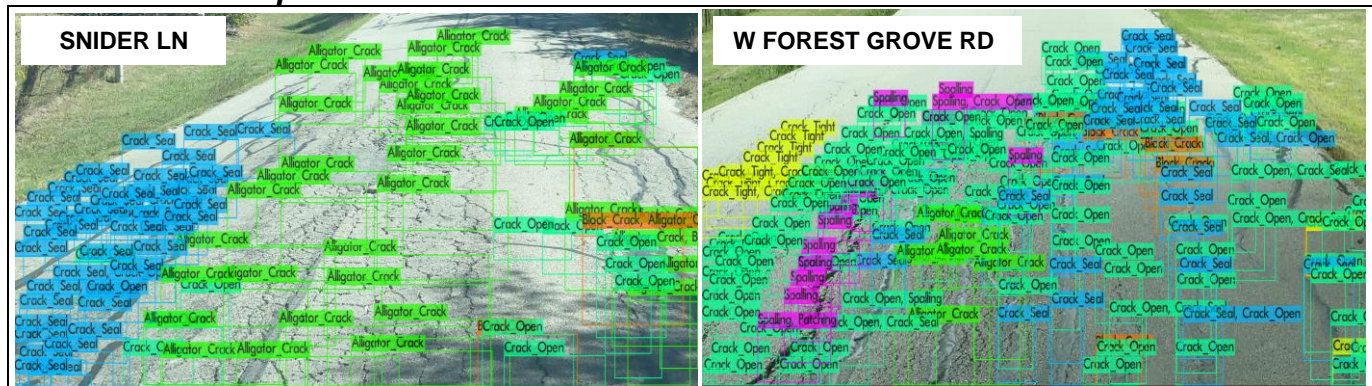


Pavement Condition Percentage



Pavement Condition Map

Sections to be Repaired



Street Name	Length (mi)	Miles of Each Rating					Total Miles of 4+5+6+7	100-scaled Ave. Score
		4: Poor (PCI: 41-55)	5: Very Poor (PCI: 26-40)	6: Serious (PCI: 11-25)	7: Failed (PCI: 0-10)			
SNIDER LN	2.31	0.55	0.14	0.24	0.03		0.96	68.87
STINSON RD	2.26	0.75	0.02	0.02	0.00		0.80	71.97
W FOREST GROVE RD	1.94	0.47	0.08	0.19	0.01		0.74	64.56
E WINNINGKOFF RD -2	1.10	0.45	0.13	0.09	0.06		0.73	48.41
ORR RD	0.78	0.27	0.05	0.27	0.06		0.65	36.18

- The table above shows the top 5 streets in terms of total miles with ratings 4(Poor) or worse segments and are possible candidates for rehabilitation.
- In the sections rated 6(Serious)/7(Failed), extensive alligator cracks and/or high-severity cracks are observed. One of the possible reasons for alligator cracks is a weakened base. When the base layer has been weakened, even after partial patches or crack sealing are treated, other new distresses have a better chance to occur one after another. Therefore, replacing the surface and base is recommended to improve the situation.
- The sections rated 5(Very Poor)/4(Poor) show early stages of alligator, block, or multiple cracks. If they are left untreated, water intrusion will damage the base layer, and rehabilitation costs will greatly increase. Therefore, replacing the surface is recommended to improve the situation and prevent base weakening.

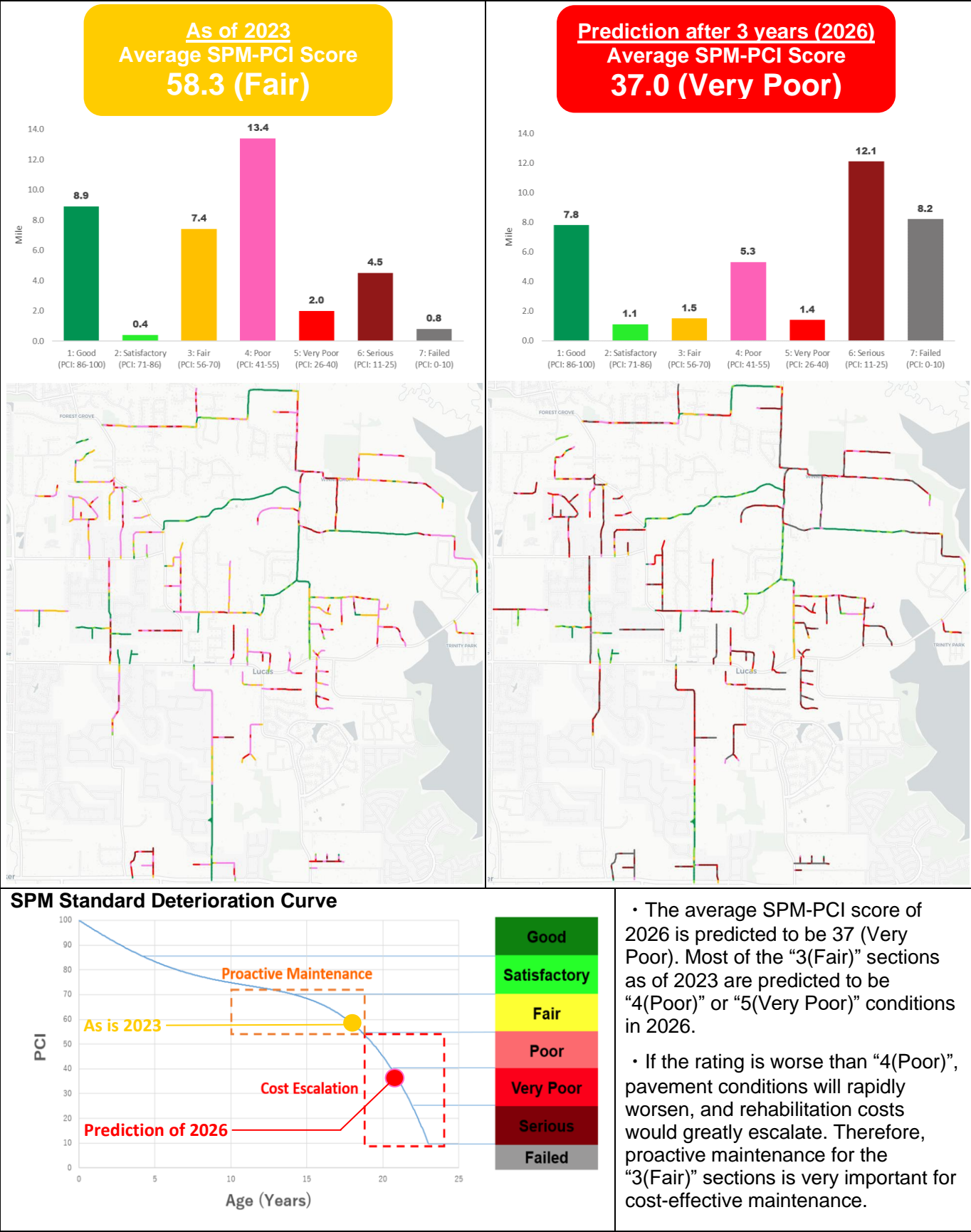
For Proactive Maintenance

Street Name	Length (mi)	Miles	
		3: Fair (PCI: 56-70)	
W FOREST GROVE RD	1.94	0.60	
STINSON RD	2.26	0.53	
SNIDER LN	2.31	0.31	
E WINNINGKOFF RD -2	1.10	0.30	
GRAHAM LN	0.84	0.30	

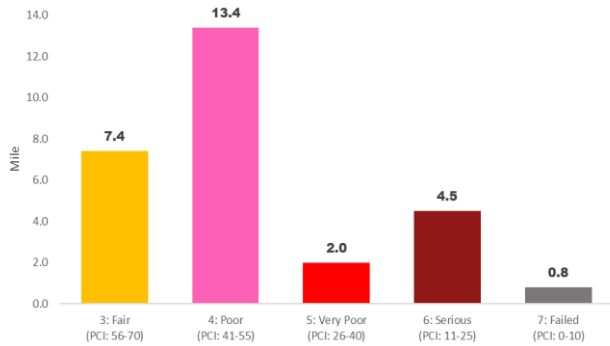
- The table above shows the top 5 streets in terms of total miles with rating 3(Fair) segments and are possible candidates for proactive maintenance.
- In the segment rated 3(Fair), there are several open cracks and/or tight cracks. They are scattered over the entire area.
- Water intrusion through these cracks increases the risk of additional cracks and spalling(potholes), worsening conditions. Crack seal or chip seal would reduce water intrusion and slow pavement deterioration. Therefore, we recommend planning of sequential implementation of proactive maintenance for these segments.

* Due to its length and number of sporadic distresses, these streets are (individually) included in both Sections to be Repaired and For Proactive Maintenance.

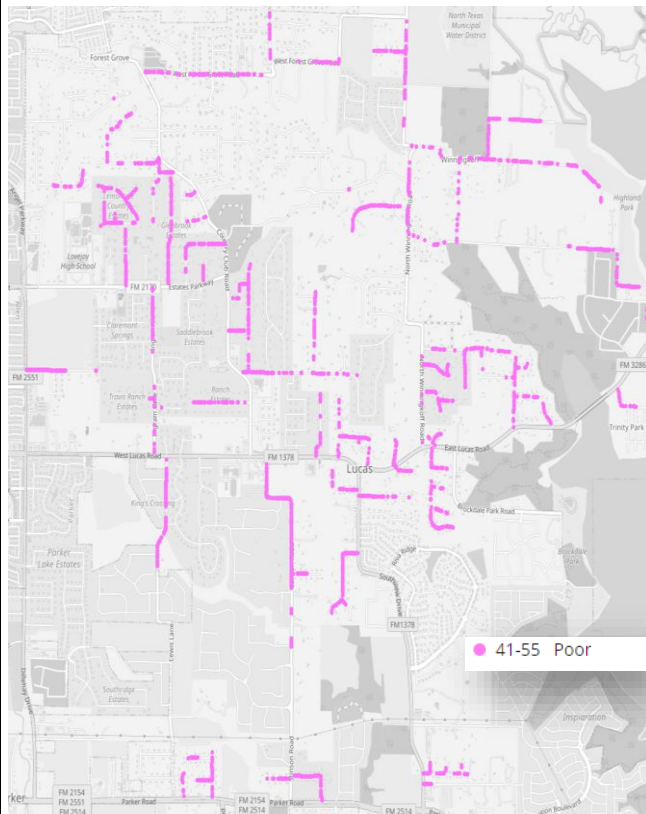
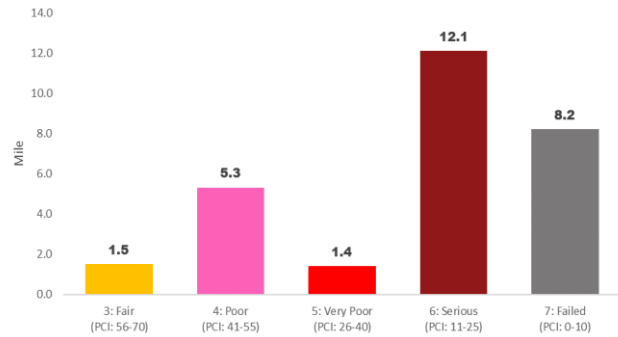
Deterioration Prediction



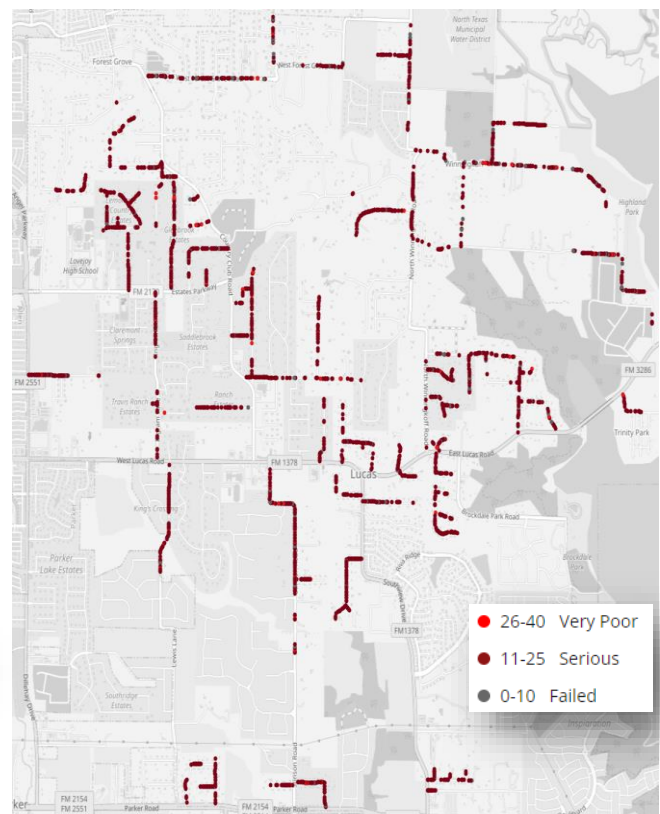
As of 2023



3 years later



Map of segments rated 4 as of 2023










































































































































































































































3 years later

Street Name	Miles	Rating 4 in 2023 → 5, 6, 7 in 2026	Ave. SPM-PCI	
			2023	2026
STINSON RD	0.75		48.50	17.07
SNIDER LN	0.55		47.82	15.72
LYNN LN	0.48		48.26	16.55
W FOREST GROVE RD	0.47		47.64	15.38
CITRUS WAY	0.46		47.65	15.32

- About 13.4 miles rated “4(Poor)” as of 2023 are predicted to be “5(Very Poor),” “6(Serious),” or “7(Failed)” condition in the next three years.
- The left table shows the top 5 streets in terms of total miles with rating “4(Poor)” segments as of 2023 which are predicted to be “5(Very Poor)/6(Serious)/7(Failed)” in 2026.
- As for STINSON RD, most of the 0.75 miles of segments are predicted to be “6(Serious)” or “7(Failed)” condition within 3 years because pavement deterioration has accelerated. Rehabilitation planning is recommended to mitigate further increase in repair cost.

****Deterioration Prediction is also available with great detail in yearly intervals, viewable in the Data Analysis Tool.**

Street Name	Length (mi)	Miles of Each Rating								100-scaled	
		1: Good (PCI: 86-100)	2: Satisfactory (PCI: 71-86)	3: Fair (PCI: 56-70)	4: Poor (PCI: 41-55)	5: Very Poor (PCI: 26-40)	6: Serious (PCI: 11-25)	7: Failed (PCI: 0-10)	Total Miles of 4+5+6+7	Ave. Score	
SNIDER LN	2.31	 1.01	 0.03	 0.31	 0.55	 0.14	 0.24	 0.03	0.96	68.87	
STINSON RD	2.26	 0.87	 0.06	 0.53	 0.75	 0.02	 0.02	 0.00	0.80	71.97	
W FOREST GROVE RD	1.94	 0.58	 0.01	 0.60	 0.47	 0.08	 0.19	 0.01	0.74	64.56	
E WINNINGKOFF RD -2	1.10	 0.05	 0.01	 0.30	 0.45	 0.13	 0.09	 0.06	0.73	48.41	
ORR RD	0.78	 0.00	 0.01	 0.11	 0.27	 0.05	 0.27	 0.06	0.65	36.18	
INGRAM LN_2	0.98	 0.23	 0.00	 0.09	 0.30	 0.07	 0.22	 0.05	0.65	51.76	
LYNN LN	0.70	 0.02	 0.00	 0.06	 0.48	 0.08	 0.06	 0.00	0.62	46.28	
WOODMOOR DR	0.64	 0.00	 0.01	 0.06	 0.36	 0.04	 0.09	 0.08	0.57	39.41	
LEWIS LN	0.71	 0.04	 0.00	 0.12	 0.45	 0.02	 0.09	 0.01	0.56	49.21	
CITRUS WAY	0.81	 0.03	 0.01	 0.21	 0.46	 0.04	 0.06	 0.00	0.56	51.55	
HONEYSUCKLE LN	0.68	 0.06	 0.00	 0.14	 0.31	 0.03	 0.13	 0.01	0.48	49.42	
SHADY LN	0.52	 0.01	 0.01	 0.04	 0.09	 0.07	 0.24	 0.06	0.47	28.28	
MCMILLEN RD	0.53	 0.01	 0.01	 0.07	 0.30	 0.08	 0.07	 0.00	0.45	45.24	
W ESTELLE LN	0.79	 0.09	 0.03	 0.24	 0.30	 0.03	 0.10	 0.01	0.43	54.73	
ESTATES RD	0.43	 0.01	 0.00	 0.01	 0.19	 0.04	 0.13	 0.06	0.42	33.33	
WINNINGKOFF RD -1	0.55	 0.08	 0.00	 0.05	 0.28	 0.00	 0.11	 0.02	0.42	49.06	
HOLLY LN	0.40	 0.00	 0.00	 0.01	 0.16	 0.01	 0.17	 0.06	0.39	28.52	
CAREY LN	0.40	 0.01	 0.00	 0.01	 0.16	 0.03	 0.16	 0.03	0.39	32.38	
BROOKHAVEN DR_2	0.40	 0.01	 0.00	 0.02	 0.33	 0.02	 0.02	 0.00	0.38	46.77	
GRAHAM LN	0.84	 0.15	 0.02	 0.30	 0.32	 0.02	 0.02	 0.00	0.37	62.98	
GLENBROOK CIR	0.55	 0.05	 0.01	 0.14	 0.33	 0.02	 0.01	 0.00	0.36	55.87	
LAKEVIEW DR	0.46	 0.01	 0.01	 0.09	 0.24	 0.07	 0.04	 0.00	0.35	47.91	
HOLYOAK LN	0.40	 0.01	 0.00	 0.05	 0.14	 0.05	 0.14	 0.02	0.35	36.94	
MEADOWBROOK DR	0.35	 0.01	 0.00	 0.01	 0.11	 0.02	 0.13	 0.07	0.34	27.52	
CEDAR BEND TRL	0.41	 0.02	 0.01	 0.06	 0.20	 0.01	 0.11	 0.01	0.32	44.95	
E WINNINGKOFF RD -1	0.37	 0.01	 0.00	 0.04	 0.06	 0.04	 0.23	 0.00	0.32	30.97	
CHRISTIAN LN	0.71	 0.24	 0.00	 0.17	 0.22	 0.02	 0.07	 0.00	0.31	63.43	
WENDY LN	0.50	 0.00	 0.00	 0.21	 0.24	 0.05	 0.01	 0.00	0.29	53.06	
MCGARITY LN	0.54	 0.01	 0.00	 0.24	 0.29	 0.00	 0.01	 0.00	0.29	55.32	
FORD LN	0.46	 0.00	 0.02	 0.16	 0.21	 0.01	 0.06	 0.00	0.29	50.45	
ORCHARD RD	0.39	 0.04	 0.00	 0.08	 0.24	 0.02	 0.02	 0.00	0.27	54.24	
SANTA FE TRL	0.29	 0.01	 0.00	 0.01	 0.12	 0.04	 0.10	 0.00	0.26	38.63	
COUNTY ROAD 321	0.29	 0.00	 0.00	 0.04	 0.12	 0.06	 0.03	 0.02	0.24	40.61	

Street Name	Length (mi)	Miles of Each Rating								100-scaled	
		1: Good (PCI: 86-100)	2: Satisfactory (PCI: 71-86)	3: Fair (PCI: 56-70)	4: Poor (PCI: 41-55)	5: Very Poor (PCI: 26-40)	6: Serious (PCI: 11-25)	7: Failed (PCI: 0-10)	Total Miles of 4+5+6+7	Ave. Score	
CRESTVIEW CIR	0.14		0.00	0.00	0.00	0.07	0.00	0.04	0.02	0.14	32.91
BROOKHAVEN DR_1	0.14		0.02	0.00	0.00	0.07	0.00	0.04	0.00	0.12	45.95
INDIAN TRL	0.12		0.00	0.00	0.01	0.11	0.01	0.00	0.00	0.12	47.95
LONG RD	0.18		0.05	0.00	0.01	0.04	0.01	0.05	0.02	0.12	47.41
HOB HILL LN	0.14		0.00	0.00	0.02	0.08	0.01	0.02	0.00	0.12	44.87
ROLLINGWOOD CIR	0.12		0.00	0.00	0.01	0.09	0.01	0.01	0.00	0.11	45.85
CREEK BEND LN	0.24		0.02	0.01	0.11	0.09	0.01	0.00	0.00	0.10	59.89
PARK LN	0.12		0.02	0.00	0.01	0.08	0.01	0.01	0.00	0.09	55.00
GLENCOVE CIR	0.13		0.00	0.01	0.03	0.07	0.01	0.01	0.01	0.09	48.24
LEMON CV	0.12		0.00	0.01	0.03	0.05	0.02	0.01	0.00	0.09	47.75
MOONLIGHT TRL	0.11		0.01	0.00	0.01	0.04	0.04	0.00	0.00	0.09	46.47
SKYVIEW DR	0.16		0.01	0.01	0.07	0.05	0.02	0.00	0.00	0.07	56.46
WOODVIEW CIR	0.11		0.01	0.00	0.02	0.07	0.00	0.00	0.00	0.07	53.94
LUCAS CREEK DR	0.08		0.00	0.00	0.01	0.01	0.00	0.04	0.02	0.07	28.08
HILLCREST CIR	0.09		0.00	0.00	0.02	0.05	0.01	0.01	0.00	0.07	47.07
WOODVIEW CT	0.11		0.00	0.00	0.04	0.03	0.01	0.02	0.00	0.07	44.65
HARVEST WAY	0.07		0.01	0.00	0.00	0.06	0.00	0.01	0.00	0.07	49.25
BROADMOOR WAY	0.07		0.00	0.00	0.01	0.02	0.01	0.02	0.01	0.06	32.42
HIGHLAND CIR	0.13		0.01	0.00	0.06	0.04	0.01	0.02	0.00	0.06	52.38
CEDAR BEND CIR	0.08		0.00	0.00	0.02	0.01	0.01	0.02	0.01	0.06	33.85
AZTEC TRL	0.07		0.01	0.00	0.01	0.06	0.00	0.01	0.00	0.06	51.25
NORTH STAR RD	0.13		0.00	0.00	0.07	0.06	0.00	0.00	0.00	0.06	58.10
LIME CV	0.07		0.01	0.01	0.00	0.02	0.01	0.01	0.00	0.05	53.00
KINGSWOOD DR	0.33		0.01	0.00	0.27	0.05	0.00	0.00	0.00	0.05	62.23
INGRAM LN_1	0.06		0.00	0.00	0.01	0.02	0.01	0.01	0.00	0.05	38.78
BROOKHAVEN DR_3	0.09		0.00	0.01	0.03	0.04	0.00	0.01	0.00	0.04	54.86
GREENFIELD WAY	0.07		0.01	0.00	0.02	0.01	0.00	0.02	0.01	0.04	45.50
WINNINGKOFF RD	0.63		0.30	0.01	0.29	0.02	0.01	0.00	0.00	0.04	76.61
ORANGE CV	0.05		0.00	0.00	0.02	0.03	0.00	0.00	0.00	0.03	53.63
TRAVIS RANCH RD	0.35		0.24	0.01	0.07	0.03	0.00	0.00	0.00	0.03	87.02
HEIFNER RD	0.11		0.04	0.01	0.04	0.02	0.00	0.00	0.00	0.02	73.82
E ESTELLE LN	0.10		0.04	0.00	0.04	0.01	0.01	0.00	0.00	0.02	76.31
BLOOM ST	0.24		0.04	0.02	0.16	0.02	0.00	0.00	0.00	0.02	70.54
W BLONDY JHUNE RD	1.14		1.02	0.02	0.08	0.01	0.00	0.00	0.00	0.01	96.19
GOOSE LN	0.22		0.16	0.00	0.04	0.01	0.01	0.00	0.00	0.01	89.57
MANDARIN CV	0.05		0.01	0.00	0.03	0.01	0.00	0.00	0.00	0.01	63.50
PENNINGTON DR	0.16		0.13	0.00	0.02	0.01	0.00	0.00	0.00	0.01	92.50
GOLD DUST TRL	0.22		0.16	0.01	0.05	0.01	0.00	0.00	0.00	0.01	89.23
ROCK RIDGE CT	0.13		0.09	0.00	0.04	0.01	0.00	0.00	0.00	0.01	87.81
E FOREST GROVE RD	0.43		0.37	0.01	0.04	0.00	0.01	0.00	0.00	0.01	94.97
SPURGIN RD	0.19		0.18	0.00	0.01	0.01	0.00	0.00	0.00	0.01	97.10
E BLONDY JHUNE RD	0.43		0.42	0.00	0.01	0.00	0.00	0.00	0.00	0.00	99.36
HIGHLAND DR	0.11		0.11	0.00	0.01	0.00	0.00	0.00	0.00	0.00	97.94
E WINNINGKOFF RD	0.02		0.01	0.00	0.01	0.00	0.00	0.00	0.00	0.00	87.67
FORESTVIEW DR	0.41		0.33	0.01	0.07	0.00	0.00	0.00	0.00	0.00	93.33
BLUE MOON DR	0.07		0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
RISING SUN RD	0.14		0.12	0.00	0.02	0.00	0.00	0.00	0.00	0.00	95.00
WINNINGKOFF RD -2	0.76		0.65	0.01	0.10	0.00	0.00	0.00	0.00	0.00	93.59
No Name -1	0.02		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
BOWIE CT	0.11		0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
No Name -2	0.02		0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
RED STAR RD	0.14		0.12	0.01	0.01	0.00	0.00	0.00	0.00	0.00	97.09

[illegible]

Street Name	Total Number of Rectangles for Each Distress						
	Crack_Open	Crack_Tight	Crack_Seal	Patching	Spalling	Alligator_Crack	Block_Crack
SNIDER LN	5717	2505	1190	81	388	487	27
STINSON RD	2630	5513	560	26	177	23	9
W FOREST GROVE RD	3084	3644	2448	160	360	324	182
E WINNINGKOFF RD -2	3004	1697	475	45	219	677	13
ORR RD	1116	1348	79	8	11	1213	8
INGRAM LN_2	3793	2251	7	20	158	755	12
LYNN LN	2690	2997	15	21	95	164	2
WOODMOOR DR	1751	414	13	32	31	1119	17
LEWIS LN	1515	1556	23	34	146	190	2
CITRUS WAY	877	411	3	59	60	232	1
HONEYSUCKLE LN	2099	1749	186	33	103	224	13
SHADY LN	3479	1203	3	6	9	1284	217
MCMILLEN RD	3073	1994	10	51	90	109	15
W ESTELLE LN	3247	743	4059	101	303	110	103
ESTATES RD	1109	97	1	30	30	717	9
WINNINGKOFF RD -1	385	146	16668	92	9	561	25
HOLLY LN	1581	290	1	16	32	885	64
CAREY LN	1592	881	1	36	31	811	8
BROOKHAVEN DR_2	1007	395	0	13	28	81	7
GRAHAM LN	1078	891	0	14	45	44	0
GLENBROOK CIR	400	269	4	10	28	147	8
LAKEVIEW DR	1758	1303	148	9	53	111	2
HOLYOAK LN	1052	591	11	19	26	527	38
MEADOWBROOK DR	2003	189	5	36	91	832	24
CEDAR BEND TRL	3429	1085	365	27	162	136	50
E WINNINGKOFF RD -1	1179	743	916	18	7	850	314
CHRISTIAN LN	1331	526	10177	183	132	26	8
WENDY LN	1140	1323	0	9	64	23	1
MCGARITY LN	223	93	4	22	17	65	0
FORD LN	1439	536	124	17	66	20	19
ORCHARD RD	714	310	2	9	46	78	0
SANTA FE TRL	1736	742	1	30	79	247	14
COUNTY ROAD 321	1113	1196	10	6	20	208	7
CIMARRON TRL	1806	919	1	19	20	429	125
WELBORN LN	324	341	0	14	20	35	3
FAIRBROOK CIR	167	83	1	3	6	54	5
HICKORY HILL ST	515	205	3	9	8	25	2
CHOICE LN	485	525	31	8	7	219	9
CHISHOLM TRL	1654	296	0	25	39	576	60
ROLLINGWOOD DR	446	155	59	9	9	204	4
HORSEMAN DR	982	328	19	14	174	10	1
SHILOH DR	912	766	0	6	24	15	0
KING ST	1223	436	0	12	56	101	11
PRADO VERDE DR	168	59	1	5	8	1	0
DAYTONA AVE	735	330	20	3	146	3	2
EDGEFIELD LN	1037	470	3355	32	21	35	57
LOST VALLEY DR	1674	180	2	5	45	224	47
JANNA WAY	1350	435	3	9	29	73	19
HILLCREST DR	248	80	2	15	24	21	0
TOOLE DR	420	308	0	22	16	185	1
CREEK VIEW LN	580	368	0	10	45	47	2
CRESTVIEW CIR	412	91	1	4	1	296	6
BROOKHAVEN DR_1	903	195	0	7	47	21	43
INDIAN TRL	721	332	0	7	39	263	16
LONG RD	582	59	170	11	14	294	13
HOB HILL LN	571	111	8	0	5	11	0
ROLLINGWOOD CIR	420	38	8	23	8	83	10
CREEK BEND LN	222	998	2	6	12	6	0
PARK LN	190	278	0	3	1	111	9
GLENCOVE CIR	179	77	0	8	6	90	1
LEMON CV	192	152	0	15	8	45	3

	Total Number of Rectangles for Each Distress							
Street Name	Crack_Open	Crack_Tight	Crack_Seal	Patching	Spalling	Alligator_Crack	Block_Crack	
MOONLIGHT TRL		718	712	1	45	47	3	9
SKYVIEW DR		344	334	1	8	8	0	0
WOODVIEW CIR		280	116	2	11	9	20	1
LUCAS CREEK DR		207	134	4	0	0	262	13
HILLCREST CIR		295	105	0	1	7	49	3
WOODVIEW CT		384	103	0	26	28	91	9
HARVEST WAY		72	81	0	0	2	105	4
BROADMOOR WAY		400	34	1	8	10	228	20
HIGHLAND CIR		373	146	0	5	11	39	2
CEDAR BEND CIR		458	228	0	2	1	120	5
AZTEC TRL		73	36	11	4	4	11	0
NORTH STAR RD		149	243	0	17	12	0	2
LIME CV		55	34	0	4	4	33	2
KINGSWOOD DR		165	1237	1	4	21	0	0
INGRAM LN_1		118	159	0	2	0	72	29
BROOKHAVEN DR_3		232	58	0	14	51	4	0
GREENFIELD WAY		567	50	1	7	2	111	32
WINNINGKOFF RD		584	262	2163	55	13	1	0
ORANGE CV		15	8	0	0	0	2	0
TRAVIS RANCH RD		125	354	3	0	6	0	0
HEIFNER RD		27	37	0	0	3	0	0
E ESTELLE LN		41	37	2	2	2	10	0
BLOOM ST		66	98	0	5	5	4	0
W BLONDY JHUNE RD		44	16	0	1	8	0	0
GOOSE LN		36	189	1	0	28	0	0
MANDARIN CV		6	8	0	0	0	0	0
PENNINGTON DR		3	7	0	4	1	0	0
GOLD DUST TRL		41	90	2	4	2	0	0
ROCK RIDGE CT		57	17	29	1	1	0	0
E FOREST GROVE RD		58	47	71	0	0	0	0
SPURGIN RD		0	11	0	0	0	0	0
E BLONDY JHUNE RD		51	0	278	0	0	0	0
HIGHLAND DR		0	0	0	0	0	0	0
E WINNINGKOFF RD		0	0	0	0	0	0	0
FORESTVIEW DR		19	37	13	3	9	0	0
BLUE MOON DR		0	0	0	0	0	0	0
RISING SUN RD		14	17	0	2	1	0	0
WINNINGKOFF RD -2		165	68	695	9	0	0	0
No Name -1		0	0	0	0	0	0	0
BOWIE CT		0	0	0	0	0	0	0
No Name -2		0	0	0	0	0	0	0
RED STAR RD		0	0	0	1	1	0	0
No Name -3		0	0	0	0	0	0	0



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 08

Requester: Public Works Director Scott Holden, PE

Agenda Item Request

Consider authorizing the City Manager to enter into a contract with Anderson Asphalt & Concrete Paving, LLC, for the rehabilitation of Edgefield Lane, Lynn Lane, Woodmoor Drive, and the intersection of Winningkoff Road/East Winningkoff Road in a not to exceed amount of \$350,206 from Account 11-8209-301 Improvement Roads (Street Maintenance).

Background Information

NEXCO Highway Solutions of America Inc. (NHS) completed 79 miles of street inventory for the City of Lucas using their Smart Pavement Management (SPM) system. The rating model is based on the Pavement Surface Evaluation and Rating (PASER) manual, which is an industry standard manual for conducting condition assessments of this nature. Conditions are rated from 1 to 5, which aids in identifying roads for rehabilitation. Following the initial rating, staff completes site visits and more thorough evaluations of distresses in roadway segments.

The data supports the conclusion that sections of Edgefield Lane, Lynn Lane, Woodmoor Drive, and the intersection of Winningkoff Road/East Winningkoff Road warrant rehabilitation. Therefore, Engineering and Public Works secured a quote from Anderson Asphalt & Concrete Paving, LLC for rehabilitation of a section of Edgefield Lane, Lynn Lane, Woodmoor Drive, and Winningkoff Road/East Winningkoff Road in the amount of \$350,206.

By focusing on spot repairs in lieu of full major rehabilitation, the budget can be more precisely targeted to the best candidates for repair across multiple streets throughout the City of Lucas.

With the previous success for the spot repairs to Honeysuckle and Estelle by Reynolds Asphalt & Construction Company, we propose to utilize Anderson Asphalt & Concrete Paving, LLC as an additional vendor for spot repair projects. The contractor's price matches the listed price as stated in the City of Forney Annual Price Agreement Contract for Asphalt Maintenance and Materials. The City of Lucas can utilize this contract through an interlocal agreement with the City of Forney.

Attachments/Supporting Documentation

1. Quote for Pavement Rehabilitation: Edgefield Lane, Lynn Lane, Woodmoor Drive, and the intersection of Winningkoff Road/East Winningkoff Road
2. Location Map

Budget/Financial Impact

For fiscal year 2023-2024, the following funds are available for proposed pavement rehabilitation projects:



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 08

11-8209-301 Improvement Roads (Street Maintenance): Budget \$750,000

Recommendations

Staff recommends entering into a contract with TexasBit for the rehabilitation for Edgefield Lane, Lynn Lane, Woodmoor Drive, and the intersection of Winningkoff Road/East Winningkoff Road

Motion

I make a motion to approve/deny authorizing the City Manager to enter into a contract with Anderson Asphalt & Concrete Paving, LLC, for the rehabilitation of Edgefield Lane, Lynn Lane, Woodmoor Drive, and the intersection of Winningkoff Road/East Winningkoff Road in a not to exceed amount of \$350,206 from Account 11-8209-301 Improvement Roads (Street Maintenance).

Rep: Cory Henneberg

Phone: 214-352-3400

Proposal: CH240215

Date: 2/16/2024

To:

City Of Lucas
Attn: Scott Holden
665 Country Club Road
Lucas, Tx 75002

Project:

City Of Lucas - Multiple Streets
665 Country Club Road
Lucas, 75002

Scope of Work

Provide labor and materials for the scope of work described below at the above location. The following bid is based on the documents listed below, as provided to Subcontractor. Documents include: No documents have been included. Quantities have been provided by the City of Lucas and will be field measured upon completion for payment.

Scope(s) of work which may or may not be in Subcontractor's classification which is(are) noted in documents not included in above list is(are) specifically excluded from Subcontractor's bid. Work to include the following items:

PROPOSAL INCLUDES THE FOLLOWING STREETS. THIS PRICE IS GOOD IF ALL FOUR (4) STREETS ARE AWARDED AND CAN BE DONE IN TWO MOBILIZATIONS.

PRICE IS BASED ON 6" OVERBUILD ON BOTH SIDE OF THE ROAD WITH CEMENT STABILIZED MATERIAL.

Edgefield: L=90 ft W=20 ft

Lynn Lane: L=550 ft W=20 ft

Woodmoor: L=150 ft W=20 ft

Winningkoff/E. Winningkoff and Lucas Road: L=1,650 ft W=21 ft

Item	Description	Quantity	UOM	Unit Price	Extended Price
01)	Mobilization	1	EA	12200.00	12,200.00
02)	Cement Stabilize (10" Depth 40LB/SY) NO EXPORT	52,890	SF	2.05	108,424.50
03)	Load and Export Material (OPTIONAL)	840	CY	56.45	47,418.00
04)	Microcrack	52,890	SF	0.07	3,702.30
05)	Prime Coat (0.20 Per SY using SS!H)	52,890	SF	0.25	13,222.50
06)	2" TYPE D HMAC / TXDOT 340	50,450	SF	2.25	113,512.50
07)	Traffic Control - (INCLUDES TWO FLAGGERS)	20	DAY	1420.00	28,400.00
08)	Backfill Edge of pavement using material generated.	9,760	SF	1.75	17,080.00
09)	Payment & Performance Bond	1	LS	6245.32	6,245.32

Exclusions

Bid does not include Permits, Sales Tax, or AGC Dues.

Excludes testing, striping, utility adjustments, and traffic control plan.

No milling, removals, import or export of any kind.

No survey or engineering

Prices quotes good until 06/30/2024

Bid does not include saw cutting.

Water source to be furnished on site by the city.

Bid is based on up to Two (2) move in's, additional move in's will be billed @ \$5,000.00 each.

Anderson Asphalt & Concrete Paving will not be held liable for any items of work not quoted above.

Not responsible for delays due to circumstances beyond our control.

This quote to be included in any subcontract offered to Anderson Asphalt & Concrete Paving, LLC.

Subcontractor's price includes insurance. Subcontractor's reduction (if any) based upon OCIP/CCIP participation shall be based upon Subcontractor's net savings after due consideration of all coverages, costs, premiums, and administrative burdens.

Subcontractor's bid and its agreement to perform the work set forth herein are explicitly contingent upon Subcontractor and Contractor negotiating mutually acceptable Subcontract terms.



Proposal for Work

Anderson Asphalt & Concrete Paving LLC
11343 Mathis Ave
Dallas, TX 75229
www.aacpaving.com

Rep: Cory Henneberg

Proposal: CH240215

Phone: 214-352-3400

Date: 2/16/2024

To: Project:

City Of Lucas
Attn: Scott Holden
665 Country Club Road
Lucas, Tx 75002

City Of Lucas - Multiple Streets
665 Country Club Road
Lucas, 75002

Proposal Total: 350,205.12

Any failure of the materials used in construction to conform to the requirements of the contract document or failure of workmanship to conform to standards utilized by generally proficient builders engaged in similar work and performing under similar circumstances shall be rectified at the expense of Contractor in a prompt fashion. This paragraph supersedes and/or overrides any implied warranties under Texas Law.

ACCEPTANCE: "The terms and conditions contained herein this proposal shall be an integral part of any agreement for the work, which, by authorized signature, the contracting party acknowledges to have read, understood and agreed."

Submitted By:		Acceptance:	
By:	Cory Henneberg	By:	
Title:	Vice President	Title:	
Date:	02/16/2024	Date:	

TERMS AND CONDITIONS

To be Included in the Contract for the Work Included in this Proposal

1. Anderson Asphalt & Concrete Paving LLC, hereinafter referred to as Subcontractor, shall not be liable for any damages, direct, indirect, or consequential, caused to any utilities, objects or other facilities located beneath the area of construction unless, prior to commencement of construction activities, Subcontractor is advised in writing of the existence of such utilities, objects or other facilities and their location is clearly identified and marked by the Contractor or Owner. Contractor or Owner agrees to indemnify and hold Subcontractor, its agents, employees, officers, and directors harmless from any and all liability for any such damages to any utilities, objects or other facilities located beneath the area of construction.
2. Contractor or Owner fully understands that Subcontractor may require the use of specialized heavy equipment to perform the work required. Contractor or Owner represents and warrants to Subcontractor that the area of the property designed for ingress and egress to the construction area is structurally sound and will support the equipment required by Subcontractor. Subcontractor shall not be liable for any damages, direct, indirect, or consequential, caused to Owner's property designated ingress and egress as result of the transportation and movement of specialized heavy equipment to and from the area of construction: provided, however, if such damages do occur, Subcontractor agrees to repair any such damages at an additional charge in accordance with normal rates charged by Subcontractor for such services.
3. Anderson Asphalt & Concrete Paving LLC is not responsible for any damages, deterioration, or failure of its work, whether completed or in progress, due to any cause or causes beyond our control. This exclusion includes but is not limited to failure of sub-grade or failure of or inadequacy of any labor or materials not furnished and installed by Anderson Asphalt & Concrete Paving LLC, whether or not such failure or inadequacy was or could have been known at the time the work was undertaken.
4. The Subcontractor and Contractor/Owner waive Claims against each other for consequential damages arising out of or relating to the Work included herein. This mutual waiver includes damages incurred by the Contractor/Owner for rental expenses, losses of use, income, profit, financing, business, and reputation, and for loss of management or employee productivity or of the services of such persons; and damages incurred by the Subcontractor for principal office expenses including the compensation of personnel stationed there, for losses of financing, business and reputation, and for loss of profit except anticipated profit arising directly from the Work.
5. Unless otherwise provided in this contract, Subcontractor reserves the exclusive right to schedule the method and manner by which the work shall be completed: however, Subcontractor shall provide Contractor with reasonable notice of the commencement of work in order to allow Contractor or Owner to make arrangements to have the area of construction cleared which shall be the sole responsibility of the Contractor or Owner. Subcontractor shall not be liable for any damages, direct, indirect or consequential, caused to any vehicles, trailers, equipment or other movable obstacles which remain in the area of construction during the period of construction and Contractor and Owner agree to indemnify and hold Anderson Asphalt & Concrete Paving LLC, its agents, employees, officers and directors harmless from any and all liability for any such damages to any vehicles, boats, trailers, equipment or other movable obstacles which remain in the area of construction during the period of construction. Subcontractor reserves the right to postpone construction activities if the area of construction is not sufficiently clear at the time Subcontractor has scheduled commencement of construction. If Subcontractor is delayed in the commencement of construction due to Contractor or Owner's failure to provide a clear construction area, Subcontractor may impose a delay charge equal to the reasonable hourly costs of the persons, equipment and supplies designated for this contract which hourly charge shall commence as of 1 hour after arrival of the Subcontractor's Workers on the day that construction was scheduled to commence and shall continue for each hour of delay up to a maximum of eight hours per day until the area is sufficiently clear to allow commencement of construction. This amount shall be in addition to all other contract amounts.
6. Subcontractor shall not be required to make any changes, deletions, additions or modifications to the contract terms and specifications without a proper written change order signed by the contracting parties. Any such change orders shall be in addition to the original contract. The change order form shall provide for an adjustment in the estimated cost and the completion date, if applicable.
7. Prior to starting work, Subcontractor shall be responsible for obtaining and providing any workmen's compensation insurance for its employees and General Liability Insurance and Automobile Liability Insurance as to its' activities related to the work contained in this proposal; however, Subcontractor shall not be responsible or obligated to maintain Builders Risk Insurance.
8. Payments must be made within 30 days of the last day of the month for which a Pay Application is submitted. **FAILURE OF THE CONTRACTOR OR OWNER TO PAY FOR MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANICS LIEN OR BOND CLAIM AGAINST THE PROPERTY THE SUBJECT OF THIS PROPOSAL.**
9. Should Subcontractor encounter abnormal soil conditions, rock, or other reasonably unforeseen conditions below the surface of the ground, requiring a variance in the plans and specifications or requiring the performance of additional work in order to complete construction, the parties agree to execute a change order in accordance with Paragraph 5 hereto, which provides for the reimbursement to Anderson Asphalt & Concrete Paving LLC. of additional cost and fees incurred by reason of such conditions and an extension of the time of completion. Unless otherwise provided in this contract, testing, permits, or engineering are not included in the contract price.
10. All disputes hereunder shall be decided by binding arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. The venue of any such proceedings shall be Dallas, Texas and each party hereto shall be entitled to one Request for Production of Documents and to one deposition. If either party to this Contract shall seek to enforce this Contract, or any duties or obligations arising out of this Contract, against the other party to this Contract, the prevailing party in such arbitration shall receive, in addition to all other rights and remedies to which such party is entitled, such party's reasonable cost and expenses incurred in such proceedings, including reasonable attorney's fees.
11. This Proposal (including the exhibits hereto) contains the entire Proposal for the Work, and no oral statements or prior written matters not specifically incorporated herein shall be of any force and effect. No variation, modification or changes hereto shall be binding on any party hereto unless set forth in a document executed by all such parties. Furthermore (and in the event of a separate Vendor or other agreement signed by both parties) no such agreement shall control in the event there is a conflicting provision in this agreement and no such agreement may impose additional scope of the work duties or insurance requirements not specifically included in this agreement.
12. The laws of the state of Texas shall govern the validity, enforcement, and interpretation of any Contract for this Work.

END



City of Lucas Council Agenda Request March 7, 2024

Item No. 09

Requester: City Secretary Toshia Kimball

Agenda Item Request

Consider calling a special City Council meeting for the purpose of canvassing the May 4, 2024 election results.

Background Information

The time frame in which to canvass the results from the May 4, 2024 election is May 7 - 15. However, the last day to receive ballots from a member of the U.S. Armed Services, spouse or dependent is Friday, May 10. In order to account for all votes during the election, it is recommended that the City Council hold their special meeting to canvass the election on Tuesday, May 14 at 9:00 am or a time that is convenient for the City Councilmembers present.

Texas Election Code, Section 67.004(a) states that for the purpose of canvassing a city election, only two members of the City Council are needed to constitute a quorum and conduct the special meeting.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

City Staff recommends calling a special meeting to canvass the election on May 14, 2024 at 9:00 am.

Motion

I move to approve/deny calling a special City Council meeting for _____, 2024 at _____ a.m. for the purpose of canvassing the May 4, 2024 election results.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 10

Requester: CIP Manager Patrick Hubbard
City Manager Joni Clarke

Agenda Item

Consider creating the position of Development Coordinator for the City of Lucas and appropriating \$43,892 from unrestricted general fund reserves into the Development Services (6212) personnel services budget.

Background Information

The position purpose states that the Development Coordinator acts as the primary point of contact for property developers, contractors, and builders seeking to perform work in the City of Lucas and guides projects from pre-proposal through final construction. The Development Coordinator ensures a seamless process for customers seeking to invest in the City of Lucas and supports the timely and accurate delivery of information and data to the City Council, boards and commissions, and the public regarding the management of development in our community.

CIP Manager Patrick Hubbard facilitated the creation of the job description in collaboration with a team consisting of the Public Works Director, Development Services Director, HR Manager, Assistant City Manager and City Manager.

This position has been identified as a priority for organizational effectiveness by filling a customer service gap when key staff members are out in the field. It further enhances the opportunity for succession planning and creates an opportunity for a more cohesive development process.

Attachment/Supporting Documentation

1. Draft Job Description for the position of Development Coordinator
2. Proposed City of Lucas Organizational Chart
3. General Fund Reserves Trend FY 23-24
4. WF Reserve Trend for FY 23-24

Budget/Financial Impact

The projected annual cost of this position is:

Salary	\$65,000
TMRS	\$8,067
Medicare	\$943
Insurance	\$13,080
Workers Compensation	\$451
Long-term Disability	\$195
Longevity	\$48
Total Annual Projected Cost:	\$87,783



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 10

Cost for Partial Year (6 months) \$43,892

Recommendation

The City Manager recommends the creation of the Development Coordinator position for the City of Lucas.

Motion

I make a motion to approve/deny creating the position of Development Coordinator for the City of Lucas and appropriating \$43,892 from unrestricted general fund reserves into the Development Services (6212) personnel services budget.



City of Lucas – Job Description

Position Title: Development Coordinator
Department: Public Works/Engineering/Development Services
FLSA Status: Exempt
Pay Grade: 11
Revised: February 20, 2024
Emergency Status: Post Impact/Recovery Assigned

Leadership

Supervisor: Assistant City Manager
Direct Reports: None

Position Purpose

The Development Coordinator acts as the primary point of contact for property developers, contractors, and builders seeking to perform work in the City of Lucas and guides projects from pre-proposal through final construction. The Development Coordinator ensures a seamless process for customers seeking to invest in the City of Lucas and supports the timely and accurate delivery of information and data to the City Council, boards and commissions, and the public regarding the management of development in our community.

Essential Functions

- Monitors and ensures timely processing of applications, plans, and permits; manages and coordinates the routing and tracking of plans to various departments and outside consultants for required reviews and approvals; and ensures timeliness of responses from city staff, consultants, and applicants.
- Serves as a staff liaison to boards and commissions including the Planning and Zoning Commission and Board of Adjustment; requires attendance of meetings during evening hours; and prepares meeting agendas, packets, public notices and minutes as directed. Also serves as Coordinator of Development Review Committee.
- Communicates with the public on long-range plans such as the Comprehensive Plan, Strategic Plan, Water Master Plan, Impact Fee Report, and Capital Improvement Plan.
- Assists in the development of project and engineering plans for city infrastructure; coordinates and attends meetings for capital projects and development projects as assigned; and coordinates and completes review of various architectural, development and construction plans.
- Assists in the preparation and transmittal of various regulatory and informational documents to regional, state, and federal entities. Ensures ongoing compliance with licensing and continuing education requirements for Public Works/Engineering and Development Services employees.
- Administers work order processing software and ensures proper routing of public requests and work orders to ensure responsiveness to the public we serve.
- Assists in the management of the city's right of way permit database and building permit database.

- Uses Geographic Information Systems (GIS) software to produce informational products and assists in maintenance of the city's GIS database and related files.
- Assists in the implementation and maintenance of asset management systems for city infrastructure.
- Facilitates effective internal and external communication regarding development related initiatives and projects.
- Assists in preparing official city reports for the City Council, boards and commissions and the public; creates and/or edits articles for the City's monthly newsletter; and composes weekly written updates for the Council Communication.
- Assists with research projects and provides accurate and timely information, independently prepares correspondence, and completes reports as directed.

Secondary Functions

- Assists in coordinating and maintaining records management and public information activities with respect to department documents and correspondence.
- Cross train to support utility billing and permitting.
- Assists with City sponsored special events (e.g., Founders Day, Country Christmas, etc.).
- May require work on non-standard business hours.
- Upkeeps and maintains the Incode system to ensure optimal functionality and efficiency regarding development and permitting fees.
- Performs all other duties as assigned.

Capital and Fiscal Responsibility

- Responsible for adhering to all City of Lucas Purchasing Policies while performing purchasing tasks.
- Supports Public Works/Engineering and Development Services, including contract monitoring, budget assistance, financial review, procurement, and purchase order processing in coordination with other departments.

Credentials (minimum preferred)

❖ Knowledge/Skills/Abilities

- Demonstrated ability to perform detailed and time sensitive work under limited supervision.
- Exceptional customer services skills and high standard of professionalism.
- Advanced knowledge of contemporary administrative practices and procedures.
- Advanced use of personal computers and contemporary software for the creation of reports, brochures, newsletters, databases, spreadsheets, word processing, power point presentations and internet use.
- Functional to advanced knowledge of municipal government, land development, and common public works and engineering practices.
- Functional knowledge of Geographic Information Systems (GIS)
- Functional knowledge and ability to read and review various development, civil and building plans.
- Functional ability to communicate effectively verbally and in writing and to maintain confidentiality regarding sensitive and political issues.

❖ Formal Education

- Bachelor's degree in public administration, business administration, urban planning, civil engineering or a related field from an accredited college or university.

❖ **Experience**

- 2 years of relevant work experience; public sector experience preferred.
- Any equivalent combination of education and experience, equivalence to be determined by the City of Lucas.

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is frequently required to sit and talk or hear; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to walk and lift and/or move up to twenty-five (25) pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Work is normally performed in an air-conditioned office environment where the noise level in the work environment is usually quiet. This is an in-office position. Remote work is not available.

Selection Guidelines

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

Acknowledgement

This position description does not constitute an employment agreement and is subject to change. This description is intended to indicate the types of outcomes, essential duties, and levels of work difficulty required for this position. Other outcomes and/or responsibilities may be added, deleted or changed at any time at the discretion of Management, formally or informally, either verbally or in writing. I have read and understand the duties required of this position and further affirm that I am physically and mentally able to perform the duties as described.

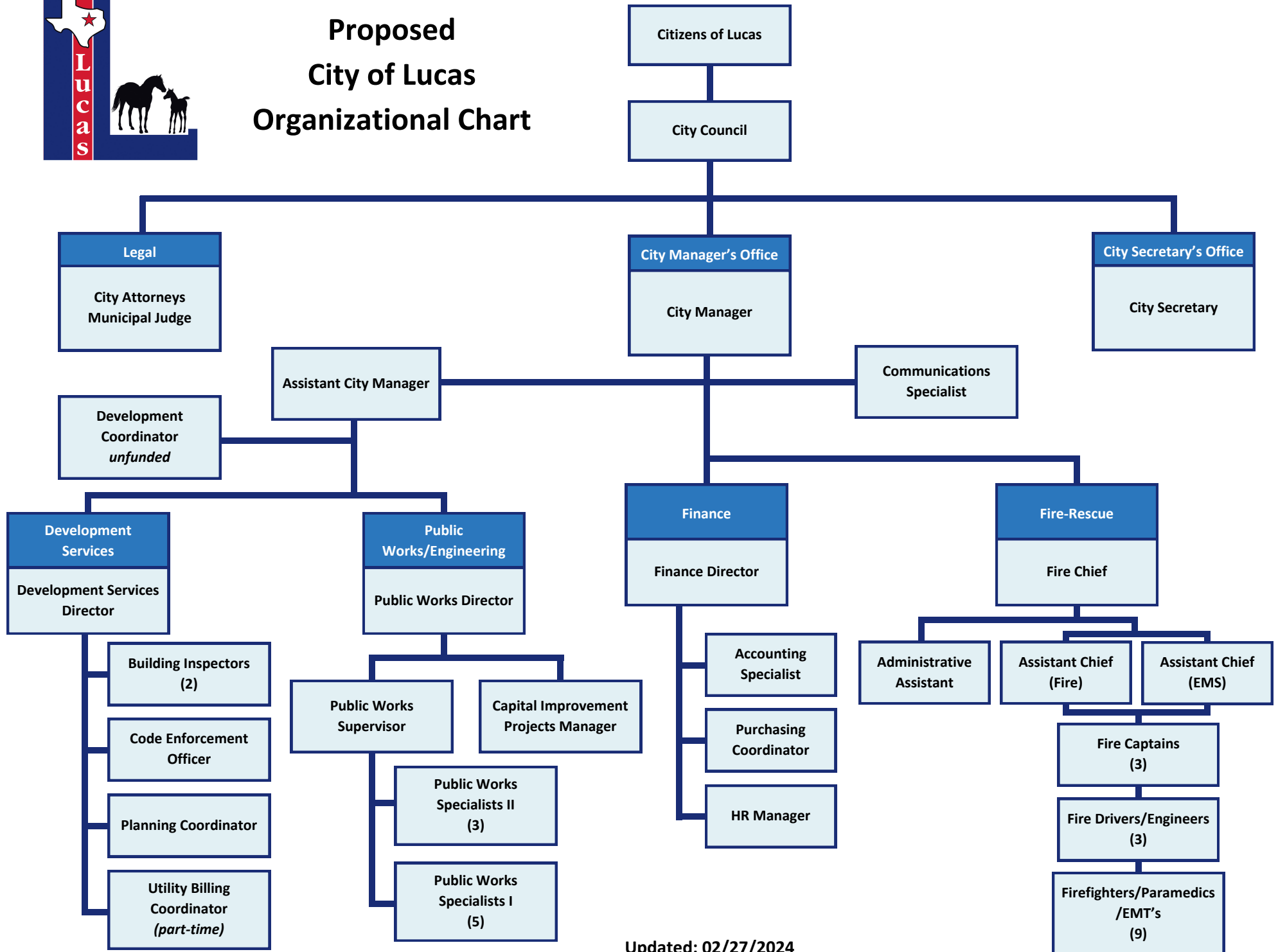
Employee (print name) _____

Employee (signature) _____

Date: _____



Proposed City of Lucas Organizational Chart



Updated: 02/27/2024

City of Lucas
General Fund Reserves by Fiscal Year

	Actual 2015-2016	Actual 2016-2017	Actual 2017-2018	Actual 2018-2019	Actual 2019-2020	Actual 2020-2021	Actual 2021-2022	Actual 2022-2023	Projected 2023-2024
Unassigned Fund Balance per Audit Report	\$ 7,545,674	\$ 8,774,909	\$ 7,380,496	\$ 7,442,323	\$ 8,524,465	\$ 10,085,127	\$ 9,819,059	\$ 9,360,865	\$ 9,360,865
Adjusted For:									
Projected Excess Fund Balance FY 23-24 (Revenue vs. Expense)									\$ 475,284
Additional Restrictions:									
Capital Project funding approved at (3-2-17) City Council Meeting		\$ (1,385,000)							
FY 20-21 Brockdale Roadway Improvements carry-over	\$ (140,335)	\$ (199,570)			\$ -				
Reserve for Capital Outlay FY 20-21	\$ (50,000)	\$ (100,000)							
CC 11-2-23 Reserves for Trinity Trail Connect Phase 1 project									\$ (358,012)
CC 1-4-24 CM Salary Adj (50/50) GF/WF									\$ (5,181)
Reserve Balance Prior to GASB 54 Requirement	\$ 7,355,339	\$ 7,090,339	\$ 7,380,496	\$ 7,442,323	\$ 8,524,465	\$ 10,085,127	\$ 9,819,059	\$ 9,360,865	\$ 9,472,956
Reserve Balance in Operating Months	19.3	16.5	16.9	14.9	17.9	18.3	16.4	12	13
50% Current Year General Fund Expenditures (6 months)	\$ (2,286,670)	\$ (2,583,535)	\$ (2,624,410)	\$ (3,009,319)	\$ (2,861,041)	\$ (3,245,588)	\$ (3,572,478)	\$ (4,523,283)	\$ (4,230,603)
Reserve Balance After GASB 54 Requirement	\$ 5,068,669	\$ 4,506,804	\$ 4,756,086	\$ 4,433,005	\$ 5,663,424	\$ 6,839,539	\$ 6,246,581	\$ 4,837,582	\$ 5,242,354
Reserve Balance in Operating Months	13.3	10.5	10.9	8.9	11.9	12.3	10.4	6	7
Restricted during Fiscal Year Audit:									
Ambulance Donation			\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Project Funding approved (3105)			\$ 1,385,000	\$ 1,385,000	\$ 613,590	\$ -	\$ -	\$ -	\$ -
Restricted Court/Misc (3105.10)(3105.35)	\$ 51,004	\$ 56,820	\$ 64,031	\$ 77,266	\$ 78,726	\$ 76,647	\$ 85,892	\$ 96,004	\$ 96,004
Restricted Cable Fees (3105.20)	\$ 17,670	\$ 21,843	\$ 25,318	\$ 28,582	\$ 31,834	\$ 34,707	\$ 38,360	\$ 39,751	\$ 39,751
Brockdale Roadway Improvements (3105.25)			\$ 245,054	\$ 285,878	\$ 385,528	\$ -	\$ 31,464	\$ 31,464	\$ 31,464
Restricted Impact Fees (3105.30)	\$ 1,116,079	\$ 1,254,213	\$ 1,572,405	\$ 1,785,286	\$ 2,115,802	\$ 1,417,322	\$ 1,724,913	\$ 1,881,660	\$ 1,575,171
Restricted Water Rescue (3105-32)						\$ 120,000			
Restricted Bldg Improvements (3105-33)							\$ 243,069	\$ -	\$ -
Restricted FD Equipment (3105-34)						\$ 16,379	\$ 13,130	\$ -	\$ -
Restricted FD Engine (new)								\$ 1,400,000	
Restricted Law Enforcement Vehicles(new)								\$ 489,087	
Restricted Public Works Truck(replacement)								\$ 80,513	
Restricted Capital Outlay (3105-36)							\$ 611,682	\$ 500,000	\$ -
Restricted Impact Fee Study(3105-37)							\$ 24,000	\$ -	\$ -
Restricted Records Mgmt(3105-38)							\$ 13,903	\$ -	\$ -
Restricted Drainage (3105-39)							\$ 257,379	\$ -	\$ -
Restricted Cares Funding (3105.40)					\$ 89,755				
Restricted LOSAP (3105.45)		\$ 216,615	\$ 233,592	\$ 252,407	\$ 265,669	\$ 279,043	\$ 280,509	\$ 284,802	\$ -
Capital Outlay (\$50K per year) (3106)			\$ 150,000	\$ 200,000	\$ 250,000	\$ 300,000	\$ 250,000	\$ 250,000	\$ 250,000
Project Mgmt (3107)				\$ 358,290	\$ 70,853	\$ -	\$ -	\$ -	\$ -
Reserve Restricted per Audit Report	\$ 1,184,753	\$ 1,549,491	\$ 3,775,400	\$ 4,372,709	\$ 3,901,757	\$ 2,244,098	\$ 3,574,301	\$ 5,053,281	\$ 1,992,390

City of Lucas
Water Fund Reserves by Fiscal Year

	Actual 2015-2016	Actual 2016-2017	Actual 2017-2018	Actual 2018-2019	Actual 2019-2020	Actual 2020-2021	Actual 2021-2022	Actual 2022-2023	Projected 2023-2024
Unrestricted Cash Balance per Audit Report	\$ 5,579,746	\$ 5,548,487	\$ 5,996,412	\$ 6,215,622	\$ 6,945,017	\$ 7,276,317	\$ 8,106,958	\$ 9,707,570	\$ 9,707,570
Adjusted For:									
Projected Excess Fund Balance FY 23-24									\$ 503,280
Additional Restrictions:									
CC 10-19-23 Reserve Restriction for Water Tower Project (FY 22-23)								\$ (510,632)	\$ (510,632)
CC 12-21-23 Reserve Restriction Osage Lane Lift Station (Design)									\$ (74,500)
CC 1-4-24 CM Salary Adj (50/50) GF/WF									\$ (5,181)
Customer Deposits	\$ (239,250)	\$ (245,600)	\$ (247,600)	\$ (256,220)					
Reserve Balance Prior to GASB 54 Requirement	\$ 5,340,496	\$ 5,302,887	\$ 5,748,812	\$ 5,959,402	\$ 6,945,017	\$ 7,276,317	\$ 8,106,958	\$ 9,196,938	\$ 9,620,537
Reserve Balance in Operating Months	19	16	18	18	20	21	20	19	19
50% Current Year Water Fund Expenditures (6 months)	\$ (1,656,470)	\$ (1,897,744)	\$ (1,949,722)	\$ (1,983,894)	\$ (2,081,761)	\$ (2,127,754)	\$ (2,416,524)	\$ (2,861,705)	\$ (2,965,532)
Reserve Balance After GASB 54 Requirement	\$ 3,684,026	\$ 3,405,143	\$ 3,799,090	\$ 3,975,508	\$ 4,863,256	\$ 5,148,563	\$ 5,690,434	\$ 6,335,233	\$ 6,655,005
Reserve Balance in Operating Months	13	10	12	12	14	15	14	13	13
Restricted during Fiscal Year Audit:									
Capital Project Funding approved (3-2-17)/(51-1007-50/3105)			\$ 120,979	\$ 120,979	\$ 120,979	\$ 120,979	\$ 120,979	\$ 120,979	\$ -
Reserve Funding Bait Shop Water Line(51-1007-75/51-3106-75)						\$ 31,118			
Impact Fees (Lakeview Downs) (51-1001-75)/(51-3106-10)					\$ 27,500	\$ 33,000	\$ 11,000	\$ 22,000	\$ 22,000
Impact Fees (Capital Projects) (51-1001)/(51-3106-15)						\$ 352,448	\$ 447,709	\$ 618,050	\$ -
Debt Service (51-1007-40)/(51-1008)/(51-3106)	\$ 375,000	\$ 425,000	\$ 435,000	\$ 477,800	\$ 515,000	\$ 495,000	\$ 410,000	\$ 415,000	\$ 415,000
Impact Fee Study (51-1007-70/51-3106-70)							\$ 23,040		
Project Mgmt (51-1007-70)				\$ 69,945	\$ 17,486				
Bait Shop Waterline Restricted (51-1007-75/51-3106-75)							\$ 1,148,202		
Water Operations Restricted (51-1007-60/51-3106-60)							\$ 35,826	\$ 53,157	
Customer Deposits (51-1012)/(51-3106-20)					\$ 258,400	\$ 278,625	\$ 287,600	\$ 295,600	\$ 295,600
Reserve Restricted per Audit Report	\$ 375,000	\$ 425,000	\$ 555,979	\$ 668,724	\$ 939,365	\$ 1,311,170	\$ 2,484,356	\$ 1,524,786	\$ 732,600



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 11

Requester: Service Tree Committee, City Council

Agenda Item Request

Consider nominations for the 2024 Service Tree Award Program.

Background Information

The City accepts Service Tree nomination applications from October 1 through December 31, 2023. The City Secretary's office did not receive any nominations. The Service Tree Committee members consist of, Councilmembers Debbie Fisher, David Keer, and Tim Johnson.

Past Service Tree Award recipients include:

2015 – First Lucas City Council, Rebecca Mark, Charlie Gaines, Suzanne Christian Calton and Shirley Biggs Parker

2016 – Don Kendall, Lee Bauer

2018 – Tracy Matern, Tonda Frazier

2019 – Lee Ford, Peggy Rusterholtz

2020 – David Rhoads, Craig Zale

2021 – Larry Abston, Andre and Debra Guillemaud, Former Councilmember Steve Duke

2022 – Tammy Duke, Gary Johnson, Harry Freshcoln III

2023 – Bill and Kathrin Esposito

Attachments/Supporting Documentation

NA

Budget/Financial Impact

The Service Tree Program (Account 6211-445) has \$7,000 budgeted for the 2023-24 fiscal year.

Recommendation

The Service Tree Committee will provide a recommendation to the City Council.



City of Lucas
City Council Agenda Request
March 7, 2024

Item No. 11

Motion

I make a motion to nominate _____ as a Service Tree recipient for 2024.



City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 12

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider authorizing the City Manager to enter into a contract with Jones Bros Construction for renovations to the Public Works Building in the amount not to exceed \$103,608 from account 11-8999-200, Building and Improvements.

Background Information

During the 2023/2024 fiscal year budget process, staff brought forward a request for funding in the amount of \$138,719 for improved storage, and new siding on the south side, and west side of the public works building. The request was approved as part of the city received three proposals, one from MBC Services in the amount of \$146,622, from Jones Bros Construction in the amount of \$103,608, and from PMGR Development Corp, in the amount of \$369,497.

Following checking references and relevant work experience staff feels that Jones Brothers Construction is the best applicant for the project, has the lowest proposed cost and has completed several successful projects including renovations similar in nature to public works last fiscal year. All the applicants were competent and had work experience that would have led to the successful completion of the project, history and cost were the overriding factors in the staff's decision to recommend Jones Brothers Construction.

Attachments/Supporting Documentation

1. Jones Bros Construction proposal
2. MBC Services proposal
3. PMGR Development Corp Proposal

Budget/Financial Impact

The estimated proposal from Jones Bros Construction is \$103,608 which would be paid from account 11-8999-200, Building and Improvements.

Recommendation

City staff recommends awarding the contract to Jones Bros Construction.

Motion

I make a motion to approve/deny authorizing the City Manager to enter into a contract with Jones Bros Construction for renovations to the Public Works Building and City Hall in the amount not to exceed \$103,608 from account 11-8999-200, Building and Improvements.

**Jones Bros. Construction
505 Winding Lane
McKinney, Tx. 75072**

Proposal

2-8-2024

**Job RE: City of Lucas Shop Replace Metal
Attn: Joe Hilbourn**

**Demo and replace sheet metal on South Side of Shop
100 ft Long x 16 ft. Tall**

**Demo old sheet metal on West End and replace 60 ft.
Peaked end wall. Remove door and frame in with new
purlins and insulate.**

**Replace 3 30 ft. roof sheets and ridge cap where old skylights
leak.**

Total 47,718.00

Thank You

Jones Brothers Construction

**Jones Bros. Construction
505 Winding Lane
McKinney, Tx. 75072**

Proposal

2-8-2024

**Job RE: City of Lucas Shop 2nd Story West End
Attn: Joe Hilbourn**

Build 2nd Story Sub Floor 10 ft. off finished floor.

**I Beams on 12 ft. centers, 10 inch C Purlin on 16 inch
Centers, and 4x4x3/16 Post. Install 1 inch Tongue and
Groove decking. 60 ft. of Detachable Hand Rail non-painted.**

No stairs are in the proposal for West End.

**Remove 2 cameras, 1 wall pack, 1 timer, 1 switch, and 1 receptacle.
Remove 1 flood light and wiring. Supply and install 8 LED lights
under deck.**

Total	46,575.00
--------------	------------------

Thank You

Jones Brothers Construction

**Jones Bros. Construction
505 Winding Lane
McKinney, Tx. 75072**

Proposal

2-8-2024

**Job RE: City of Lucas Shop Stairs
Attn: Joe Hilbourn**

**Install 3 ft. wide x 20 ft. Long Metal Stair Case on
East End with Hand Rail one side.**

Total	9,315.00
--------------	-----------------

Thank You

Jones Brothers Construction

SPECIFICATIONS/SCOPE/PRICE

1) Project Elements/Price

Project Name:

Item#	Description	Notes	Price
1	Public Works Exterior		\$ 47,718
2	Public Works Interior		\$ 46,575
3	Public Works Stairs		\$ 9,315

2) Total price: \$ 103,608

CITY OF LUCAS BIDDER CERTIFICATION

This sheet must be completed and signed

Jones Bros. Construction
LEGAL NAME OF CONTRACTING COMPANY

I.D. # (Company or Corporation)

214- 535- 7779
TELEPHONE NUMBER

N/A
FACSIMILE NUMBER

Craig Jones
CONTACT PERSON

Owner.
TITLE

505 winding ln McKinney tx
COMPLETE MAILING ADDRESS

CITY & STATE

75077
ZIP CODE

dcj0860@yahoo.com
EMAIL ADDRESS

Indicate all that apply:

☒ **Minority-Owned Business Enterprise**
☐ **Women-Owned Business Enterprise**
☐ **Disadvantaged Business Enterprise**

CERTIFICATION

By my signature hereon, I certify that the Goods and/or Services that I propose to furnish will meet or exceed every specification contained herein, and that I have read every page of the Specifications/Scope of Work and provided all the required documents. Further, I agree that if my offer is accepted, I shall perform as required. I am aware that, once accepted by City of Lucas, my offer becomes a binding Contract and that I will not be permitted to attempt enforcement of any other Contract or Contract provisions.

Craig Jones
SIGNATURE

2/7/24
DATE

VENDOR REFERENCE INFORMATION SHEET

Jones Bros. Construction.
COMPANY NAME

CRAIG JONES Owner
AUTHORIZED AGENT TITLE

505 Winding Ln
STREET ADDRESS AND /OR P.O. BOX NO.

McKinney TX 75072
CITY STATE ZIP CODE

214-535-7779 N/A
PHONE FAX

REFERENCES

LIST THE LAST THREE (3) COMPANIES OR GOVERNMENTAL AGENCIES WHERE THESE COMMODITIES/SERVICES HAVE BEEN PROVIDED:

1. COMPANY NAME: City of Lucas.
ADDRESS: 665 Country Club Rd. PHONE: 912-912-1206
CONTACT PERSON: Donna Bradshaw TITLE: Planning Coordinator
2. COMPANY NAME: City of Lucas
ADDRESS: 665 Country Club Rd PHONE: 912-912-1207
CONTACT PERSON: Joseph Wilbourn TITLE: Development Services
3. COMPANY NAME: City of Lucas
ADDRESS: 665 Country Club Rd. PHONE:
CONTACT PERSON: Jeremy Bogle TITLE: public works

IMPORTANT BIDDERS/OFFERORS CHECKLIST

Check off each of the following as the necessary action is completed.

- ☒ 1. The Bidder/Offeror Certification has been signed.
- ☐ 2. Specification/scope/price.
- ☒ 3. Vendor Reference Information Sheet.
- ☒ 4. CIQ form - Conflict of Interest Questionnaire has been signed.
- ☒ 5. W-9 form (New Vendors)
- ☒ 6. Question for Pre-Bid meeting on February 5th at 10am
- ☐ 7. The mailing envelope has been addressed to:

CITY OF LUCAS
ATTN: LINEZKA OSARIO/PURCHASING COORDINATOR
665 COUNTRY CLUB ROAD
LUCAS, TEXAS 75002

- ☐ 8. The envelopes have been sealed and marked with:

Bid title
Bid number
Opening date
Opening Time

- ☐ 9. Evidence of Insurance: Prior to commencing the Services and continuing until all Services to be performed under the Agreement have been completed, Contractor shall purchase and maintain insurance with a company or companies qualified to do business in Texas. Evidence of such insurance shall be provided to the City by delivering certificates of insurance.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

for
Feb 3
02/27/24

1 Name of person who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (Item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes

☒ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes

☒ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes

☒ No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Craig Jones
Signature of person doing business with the governmental entity

2/27/24
Date



PMGR Development Group Corp Capabilities Statement

"Innovative Solutions, Creative Design, Flawless Execution."
Bringing you over 30 years of professional experience

Overview

PMGR Development Group Corp is a construction company that delivers high quality, reliable construction services for governmental establishments. In addition, we have broad expertise with commercial clients. We specialize in all facets of commercial, residential, and industrial construction, construction management, programmed maintenance works and other specialized construction work. Our team has over 30 years of collective experience offering the highest standards for safety, quality, and integrity.

Core Competencies

- Architectural Design
- Safety & QA/QC Program
- Construction Documentation
- Planning & Full Execution
- Construction Administration
- Interior Design
- Contract Administration
- Code Compliance
- General Construction
- Disaster Relief Services
- Project Management
- Design- Build Construction
- Sustainable Building Design
- Turnkey Projects (Construction & MFG)
- Construction Management
- Lift Stations & Systems

Past Performance (most recent 2022/2023)

- **City of Pearland TX (municipal), Fire Station No 2 Repairs**
Multi-Demolition, Remediation, Plumbing, Rebuild, Grading and Paving, Utilities, and other General Conditions.
- **Beaumont TX Reserve Fleet (federal), Guard Shack Repairs**
Roof leaks, sheetrock inside and insulation, crack cement siding, paint outside building, demo, and decking.
- **Port Arthur Housing Authority TX (municipal), 29 Gutters**
Supply and installation services of multiple gutter materials on 29 buildings and club house.
- **USFS Green Mountain Vermont (federal), Fence Installation**
Supply and installation of 1,600LF of 8' tall woven wire fence and Customized gates.
- **City of Buda TX (municipal), Prefab Pedestrian Bridge**
Furnish and install a 60'-8"x6' Steel Truss Bridge.
- **Paris Housing Authority TX (municipal), Exterior Painting**
Full exterior painting/repairs of 16 apt buildings.
- **Port Arthur Housing Authority TX (municipal), Roofing**
Partial roof renovations/repairs of 13 apt buildings.

Differentiators

- Full-service construction corporation providing broad and diverse residential, commercial, and industrial services.
- Superior Performance and Prompt Project Completion
- Competitive Pricing and Cost Saving Solutions
- Dedicated Team of Industry Experts
- Highest of Quality Standards and Customer Service

Primary NAICS Codes

236220 – Commercial and Institutional Building Construction

Secondary NAICS Codes

2361, 236115, 236116, 236117, 236118, 2362, 236210, 236220, 2371, 237110, 237120, 237130, 2372, 237210, 2373, 237310, 2379, 237990, 2381, 238110, 238120, 238130, 238140, 238150, 238160, 238170, 238190, 2382, 238210, 238220, 238290, 2383, 238310, 238320, 238330, 238340, 238350, 238390, 2389, 238910, 238990, 64230, 484110, 484122

POC

Contact: Jose Guilarte, CEO

Office: 800-420-1056

Phone: 346-349-2799

Fax: 713-783-7432

Email: info@pmgrdevelopmentgov.com

Website: <https://www.pmgrdevelopment.com/>

Industry Certifications: Osha30, NCCER Crafts Assessment, ABC Craft Training

Set Asides:

**SDVOB, SBE Minority Status, Hispanic American Owned
Self-Certified Small Disadvantaged Business**

UEI: NKVFGAU9X4B4 CAGE: 974L3 DUNS: 118397766



SPECIFICATIONS/SCOPE/PRICE

1) Project Elements/Price

Project Name:

Item#	Description	Notes	Price
1	Public Works Exterior	Subcontractor: Zena Construction LLC	\$134,362.63
2	Public Works Interior	Subcontractor: Zena Construction LLC	\$194,825.82
3	Public Works Stairs	Subcontractor: Zena Construction LLC	\$40,308.79

2) Total price: \$369,497.24

*Estimated lead-time to complete site work is 1 to 2 months.

IMPORTANT BIDDERS/OFFERORS CHECKLIST

Check off each of the following as the necessary action is completed.

- X 1. The Bidder/Offeror Certification has been signed.
- X 2. Specification/scope/price.
- X 3. Vendor Reference Information Sheet.
- X 4. CIQ form - Conflict of Interest Questionnaire has been signed.
- X 5. W-9 form (New Vendors)
- X 6. Question for Pre-Bid meeting on February 5th at 10am
- X 7. The mailing envelope has been addressed to:

CITY OF LUCAS
ATTN: LINEZKA OSARIO/PURCHASING COORDINATOR
665 COUNTRY CLUB ROAD
LUCAS, TEXAS 75002

- X 8. The envelopes have been sealed and marked with:

Bid title
Bid number
Opening date
Opening Time

- X 9. Evidence of Insurance: Prior to commencing the Services and continuing until all Services to be performed under the Agreement have been completed, Contractor shall purchase and maintain insurance with a company or companies qualified to do business in Texas. Evidence of such insurance shall be provided to the City by delivering certificates of insurance.

VENDOR REFERENCE INFORMATION SHEET

PMGR Development Group Corp

COMPANY NAME

Mike Mahoney

Senior Bid Manager

AUTHORIZED AGENT

TITLE

717 Texas Ave, Suite 1200

STREET ADDRESS AND /OR P.O. BOX NO.

Houston

TX

77042

CITY

STATE

ZIP CODE

832-938-2084

713-783-7432

PHONE

FAX

REFERENCES

LIST THE LAST THREE (3) COMPANIES OR GOVERNMENTAL AGENCIES WHERE THESE COMMODITIES/SERVICES HAVE BEEN PROVIDED:

1. COMPANY NAME: City of Victoria Housing Authority, TX
ADDRESS: 4001 Halsey Street, Victoria, TX 77901 PHONE: 361-575-3682 ext. 330
CONTACT PERSON: Tammy Emerson TITLE: Executive Director
2. COMPANY NAME: Port Arthur Housing Authority, TX
ADDRESS: 920 Dequeen Blvd, Port Arthur, TX 77640 PHONE: 409-540-0949
CONTACT PERSON: Joe Guillory TITLE: Executive Director
3. COMPANY NAME: City of Pearland, TX
ADDRESS: 2016 Old Alvin Rd, Pearland, TX 77581 PHONE: 281-652-1966
CONTACT PERSON: Tim Ford TITLE: Construction Manager

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

PMGR Development Group Corp.

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☒ No

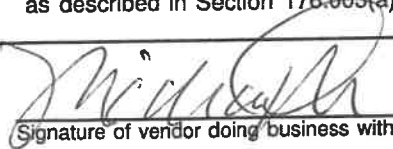
B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☒ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ **Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).**

7 
Signature of vendor doing business with the governmental entity

02/09/2024

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or

- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

- (a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

- (2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

PMGR Development Group Corp

2 Business name/disregarded entity name, if different from above

PMGR Development Group

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☒ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

717 Texas Ave, Suite 1200

6 City, state, and ZIP code

Houston, TX 77002

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

____ - ____ - ____

or

Employer identification number

8 7 - 3 2 7 1 5 0 0

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ► 01/11/2023

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What Is backup withholding*, later.



PMGR Development Group Corp. – References

Housing Authorities:

Tammy Emerson
City of Victoria Housing Authority
temerson@victoriahousing.org
361-575-3682 ext. 330
Project: 2023-0036 Make Ready Units

Joe Guillory
Port Arthur Housing Authority, TX
Joseph.Guillory@pahousing.org
409-540-0949
Project: C22014 Villa Main Roof Replacements

Jaclyn Herrington
Port Arthur Housing Authority, TX
jaclyn.herrington@pahousing.org
409-984-2660
Projects: C22014 Villa Main Roof Replacements
C22013 Valley View Estates Gutter Installations

Sally Ruthart
Paris Housing Authority, TX
sruthart_parisha@suddenlinkmail.com
903-784-6651
Project: 2022-008 Exterior Painting & Repairs

Municipalities:

Tim Ford
City of Pearland, TX
TFord@pearlandtx.gov
281-652-1966
Project: FA2103 Fire Station 2 Repairs

Municipalities:

Laura Bosmans
City of Buda, TX
laura.bosmans@budatx.gov
512-523-1025
Project: FY23-077 Bella Vita Bridge

Kenneth Crawford
City of Buda, TX
kenneth.crawford@budatx.gov
512-523-1044
Project: FY23-077 Bella Vita Bridge

Federal:

Jody Hoyt
Beaumont Reserve Fleet, TX
jody.hoyt@dot.gov
409-722-3433
Project: MARAD Guard Shack Repairs

Loren Mein
US Forest Service GMNF
Manchester Center, VT
loren.mein@usda.gov
Project: J2 FY23 Fence Installation

Josh Wills
US Forest Service GMNF
Manchester Center, VT
joshua.wills@usda.gov
802-362-2307 x7213
Project: J2 FY23 Fence Installation



PMGR Development Group Corp. – Google Reviews

PMGR Development Group

717 Texas Ave Suite 1200, Houston, TX

5.0 ★★★★★ 3 reviews ⓘ



Jaclyn Herrington (Jac)

Local Guide · 81 reviews · 86 photos

★★★★★ 8 months ago

Positive: Professionalism, Punctuality, Quality, Responsiveness, Value

I had the pleasure of dealing directly with Mike Mahoney at PMGR Development Group at my place of work. This firm is highly organized, professional, and efficient. I appreciated the constant communication and updates as well as the well organized formats of everything I requested. Excellent company.

Services: General construction, Home renovations, Building design, Commercial projects, General building construction, Home construction



Dave Johansen

1 review

★★★★★ 6 months ago

Positive: Professionalism, Responsiveness

Our fence company was hired by PMGR to do a commercial project and the whole job went very smooth for us. Mike was very helpful and on the ball through the entire process from contracting, paperwork, and payments. We will be happy to work with them in the future.

Service: Commercial projects



boss doucette

3 reviews · 2 photos

★★★★★ 8 months ago

Positive: Professionalism, Punctuality, Responsiveness

I worked with PMGR on a large project and everything went very smooth. Mike communicated well and the whole project was completed on time. I look forward to working with them again.

Service: General construction



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/12/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Robinsons Insurance Agency LLC 100 Glenborough Drive, Suite 431F Houston TX 77067	CONTACT NAME: Anna Robinson PHONE (A/C, No, Ext): 888-254-7350 Ext. 101 FAX (A/C, No): 713-429-0548 E-MAIL: info@robinsoninsurancagency.com ADDRESS: info@robinsoninsurancagency.com														
INSURED PMGR Development Group Corp 717 Texas Ave Ste 1200 Houston TX 77002	<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A : Evanston Insurance Company</td><td>35378</td></tr><tr><td>INSURER B : Benchmark Insurance Company</td><td>41394</td></tr><tr><td>INSURER C : Employers Insurance Company of Nevada</td><td></td></tr><tr><td>INSURER D :</td><td></td></tr><tr><td>INSURER E :</td><td></td></tr><tr><td>INSURER F :</td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Evanston Insurance Company	35378	INSURER B : Benchmark Insurance Company	41394	INSURER C : Employers Insurance Company of Nevada		INSURER D :		INSURER E :		INSURER F :	
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INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	3AA658877	3/21/2023	3/21/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CSG-00029625-01	3/22/2023	3/22/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			EZX53109953	3/21/2023	3/21/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N	N/A	WC76072P2023	10/16/2023	10/16/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.I. EACH ACCIDENT \$ 1,000,000 E.I. DISEASE - EA EMPLOYEE \$ 1,000,000 E.I. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

Proof of Insurance

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2014 ACORD CORPORATION. All rights reserved.

CITY OF LUCAS BIDDER CERTIFICATION

This sheet must be completed and signed

PMGR Development Group Corp

LEGAL NAME OF CONTRACTING COMPANY

TAX ID or EIN: 87-3271500

DUNS: 118397766 UEI: NKVFGAU9X4B4

I.D. # (Company or Corporation)

832-938-2084

713-783-7432

TELEPHONE NUMBER

Mike Mahoney

FACSIMILE NUMBER

Senior Bid Manager

CONTACT PERSON

TITLE

717 Texas Ave, Suite 1200

Houston, TX

77042

COMPLETE MAILING ADDRESS

CITY & STATE

ZIP CODE

mike.mahoney@pmgrdevelopmentgroup.org

EMAIL ADDRESS

Indicate all that apply:



Minority-Owned Business Enterprise



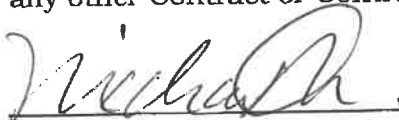
Women-Owned Business Enterprise



Disadvantaged Business Enterprise

CERTIFICATION

By my signature hereon, I certify that the Goods and/or Services that I propose to furnish will meet or exceed every specification contained herein, and that I have read every page of the Specifications/Scope of Work and provided all the required documents. Further, I agree that if my offer is accepted, I shall perform as required. I am aware that, once accepted by City of Lucas, my offer becomes a binding Contract and that I will not be permitted to attempt enforcement of any other Contract or Contract provisions.


SIGNATURE

02/09/2024

DATE

Mike Mahoney

Senior Bid Manager

PRINTED NAME

TITLE



3040 E Meadows Blvd • Mesquite, TX 75150 • Phone: 469-372-5588

City of Lucas
Phone: 12145481537

Job Address:
665 Country Club Road
Lucas, Tx 75002

Print Date: 2-12-2024

Proposal for Public Works Building Renovations

MBC Services, LLC (MBC) has reviewed and submitted to the City of Lucas an Invitation for Proposal (IFP) for the Building Renovations.

1. MBC Core Values

MBC is a privately held family owned general contracting company founded in 2012 in Dallas, Texas. Since the company's inception, MBC has focused on providing world-class project management services spanning across Texas. MBC's primary focus is to create value through our ideas, whether early-stage project opportunities or applying innovative construction technologies to our development projects. Our growth vision includes expanding into new properties as well as exploring and developing new residential and commercial opportunities. MBC strives to provide an exceptional work environment in which our employees' and subcontractor's contributions and ideas are both recognized and valued. Our privately held organizational structure is lean and efficient, empowering decision-making throughout all levels of our company. Believing in the power of our MBC people remains a vital element to our company's continued success and longevity. MBC's core values remain at the heart of the organization's success:

- Family Oriented
- Trust of the individual
- Attention to Detail
- Commitment to the Client
- Dedicated Craftsmanship
- Dependable
- Quality of Work

Items	Description	Qty/Unit	Unit Price	Price
Exterior Metal Work	Demo old sheet metal on west end 60 ft. Gable end wall and south side of shop 100 ft. longx16 feet tall. Insulate west and south sides, replace sheet metal on the west end and the south side. Remove door and frame on the west end and frame n with new purlins. Replace 3 3o ft. Roof sheets and ridge cap where old skylight leak.	1	\$47,641.00	\$47,641.00
Interior Metal Works	Build 2nd story sub floor 10ft. of finished floor: I beam on 12ft. centers, 10 in C Purlin on 16-inch centers and 4x4x3/16 post. Install 1 inch Tongue and Groove decking. 60 ft. of detachable handrail non painted. No stairs are in the proposal for west end.	1	\$76,878.80	\$76,878.80
Stairs	Install 3 ft. wide 20 ft. long metal staircase on east end with handrail one side.	1	\$22,102.30	\$22,102.30

Total Price: \$146,622.10

Specifications:

The attached estimate details the specific work to be completed during the course of the project. Additional work outside that specified in this estimate may be required. The details of such work will be presented through a change order(s) detailing the additional changed scope of work as well as terms and pricing of those changes. Additional work will be scheduled after signed change order is received. Any additional discoveries, code upgrades, repairs or replacement if needed will be considered a supplemental and will be billed accordingly after receiving written authorization to proceed with work.

Exclusions:

Anything else not specified.

Payment to be as follows:

40% deposit at proposal signing.

2 Monthly progress invoices are submitted.

All invoices are due on receipt.

All past due invoices will be subject to a 2% monthly late fee.

Unless noted otherwise, the customer is required to provide heat, water and electricity on-site for the duration of this project. The customer is responsible for providing continuous access to the project area during normal business hours, Monday-Friday 7:00am-5:00 pm unless otherwise required. Where an item is being replaced, we will be matching existing item's quality, color finish, texture or materials as close as possible where applicable unless noted otherwise. There is no guaranty either specified or implied on exact matches. This estimate does not include hazardous material testing or abatement unless specifically detailed in following estimate.

Conflict resolution:

MBC must receive and confirm receipt of written notice and given 14 working days from receipt to resolve any issues.

8.25% Sales Tax. If sales tax is required. (Taxes will be applied appropriately.)

If credit card is used there will be a 3.5% processing fee.

ACH processing 1% with maxim of \$15.00

I confirm that my action here represents my electronic signature and is binding.

Signature:

Date:

Print Name:

SPECIFICATIONS/SCOPE/PRICE

1) Project Elements/Price

Project Name:

Item#	Description	Notes	Price
1	Public Works Exterior		\$47,641.00
2	Public Works Interior		\$76,878.80
3	Public Works Stairs		\$22,102.30

2) Total price: \$146,622.10

VENDOR REFERENCE INFORMATION SHEET

MBC Services LLC		
COMPANY NAME		
Michael Barbieri	CEO	
AUTHORIZED AGENT		TITLE
3040 E Meadows Blvd		
STREET ADDRESS AND /OR P.O. BOX NO.		
Mesquite	TX	75150
CITY	STATE	ZIP CODE
469-372-5588	N/A	
PHONE	FAX	

REFERENCES

LIST THE LAST THREE (3) COMPANIES OR GOVERNMENTAL AGENCIES WHERE THESE COMMODITIES/SERVICES HAVE BEEN PROVIDED:

1. COMPANY NAME: Commercial Restoration Company
ADDRESS: 7310 S Alton Way Ste K Bldg 6 Centennial CO 80112 PHONE: 303-944-1688
CONTACT PERSON: Olen Harston TITLE: Director of Construction
2. COMPANY NAME: NCH Corporation/Mohawk Labs
ADDRESS: 2730 Carl Road Irving TX 75062 PHONE: 817-800-5013
CONTACT PERSON: Paul Blevins TITLE: Project Engineer
3. COMPANY NAME: Fowler Property Management
ADDRESS: 1537 Singleton Blvd Dallas TX 75212 PHONE: 469-355-7900
CONTACT PERSON: Blake Fowler TITLE: Owner

CITY OF LUCAS BIDDER CERTIFICATION

This sheet must be completed and signed

MBC Services LLC

LEGAL NAME OF CONTRACTING COMPANY

File# 803286757
EIN# 83-4395286

I.D. # (Company or Corporation)

469-372-5588

N/A

TELEPHONE NUMBER

FACSIMILE NUMBER

Michael Barbieri

CEO

CONTACT PERSON

TITLE

3040 E Meadows Blvd

Mesquite TX

75150

COMPLETE MAILING ADDRESS

CITY & STATE

ZIP CODE

mikeb@mbcservllc.com

EMAIL ADDRESS

Indicate all that apply:

☐ ***Minority-Owned Business Enterprise***
☐ ***Women-Owned Business Enterprise***
☐ ***Disadvantaged Business Enterprise***

CERTIFICATION

By my signature hereon, I certify that the Goods and/or Services that I propose to furnish will meet or exceed every specification contained herein, and that I have read every page of the Specifications/Scope of Work and provided all the required documents. Further, I agree that if my offer is accepted, I shall perform as required. I am aware that, once accepted by City of Lucas, my offer becomes a binding Contract and that I will not be permitted to attempt enforcement of any other Contract or Contract provisions.

Michael Barbieri
SIGNATURE

2/12/2024
DATE

Michael Barbieri
PRINTED NAME

CEO
TITLE



BROWN & TUCKER

BONDS & INSURANCE

February 11, 2024

RE: MBC Services, LLC

To whom it may concern:

I am pleased to recommend MBC Services, LLC to you. I have handled their bonding for the past three years and during that time have found the principals to be of the highest integrity, operating well within the financial and organizational framework of the company.

Liberty Mutual is the current bonding company for MBC Services. They carry the highest A.M. Best rating of A+. They currently have available a \$1,000,000 single/aggregate bonding line.

You understand, of course, that any arrangement for final bonds is a matter between the contractor and ourselves, and is subject to current underwriting requirements at the time a bond is requested.

Should you have any questions, please feel free to contact me.

Sincerely,


Bennett Brown
Attorney-in-fact

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1461, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

N/A

2 ☐ Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

N/A

Name of Officer

This section (Item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐

Yes

☒

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐

Yes

☒

No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐

Yes

☒

No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Michael A. Burkhardt
Signature of person doing business with the governmental entity

2-12-2024
Date

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Michael W. Barbieri

2 Business name/disregarded entity name, if different from above

MBC Services LLC

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☒ Individual/sole proprietor or single-member LLC

☐ C Corporation

☐ S Corporation

☐ Partnership

☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►
Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

3040 E Meadows Blvd

6 City, state, and ZIP code

Mesquite TX 75150

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

____ - ____ - ____

or

Employer identification number

4 5 - 5 2 0 0 8 3 4

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Michael W. Barbieri

Date ►

1-1-2024

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/5/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Tucker Agency, Ltd. P O Box 2285 Ft. Worth TX 76113	CONTACT NAME: Janet Shepard PHONE (A/C, No, Ext): (817) 336-8520 E-MAIL: janet@tuckeragency.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Burlington Insurance Company INSURER B: Rock Ridge Insurance Company INSURER C: Texas Mutual Ins Co INSURER D: INSURER E: INSURER F:	FAX (A/C, No): NAIC # 23620 11089
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COVERAGES

CERTIFICATE NUMBER: 23-24 incl 23-24 WC

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			989BG03227-02	5/25/2023	5/25/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			BW92-STR-2300212-00	5/25/2023	5/25/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			989BE02483-03	5/25/2023	5/25/2024	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A		0001294897	10/1/2023	10/1/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional insured applies to all policies except workers compensation if required by written contract. General Liability coverage is primary and non-contributory if required by written contract. Waiver of subrogation applies to General Liability, Automobile, and Workers Compensation if required by written contract.

CERTIFICATE HOLDER

CANCELLATION

City of Lucas
665 Country Club Road
Lucas, TX 75002

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Tracy Tucker/JANET

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City of Lucas

City Council Agenda Request

March 7, 2024

Item No. 13

Requester: City Council

Agenda Item Request

Executive Session:

- A. The City Council will convene into executive session pursuant to Section 551.074 of the Texas Government Code, Personnel Matters, to deliberate the appointment, employment, duties of a public officer - City Manager.

Background Information

The meeting is closed to the public as authorized by Section 551.074 of the Texas Government Code.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

City Council Agenda Request

March 7, 2024

Requester: City Council

Agenda Item Request

Reconvene from Executive Session and take any action necessary as a result of the Executive Session.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA