PUBLIC NOTICE:

RIESEL CITY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that the City Council of the City of Riesel, McLennan County, Texas, will hold a **REGULAR**-called meeting on **Tuesday, JUNE 16TH, 2026 at 6:30 PM** at Riesel City Hall, 104 N Hwy 6, Riesel, Texas 76682, also known as 104 N. Memorial St., Riesel, Texas 76682, to discuss the following matters:

1. Call to Order; Confirm Quorum; Invocation & Pledge of Allegiance

2. Swearing in Ceremony for new Riesel Police Officer, Justin Carpenter

3. **Consent Agenda:** Consent Items are considered routine by the City Council and will be enacted on by one motion to approve all items listed below. There will be no separate discussion of these items other than asking simple questions for clarification.
   a.) Approval of Minutes from Council Meetings on: 5/19/2026
   b.) Payment of Bills/Payroll & Monthly Financial Reports

4. **Visitors' Comments:** This is an opportunity for visitors to bring any item to the City Council's attention. Comments limited to 3 minutes per visitor. No deliberation may be held on the matter, except limited to a proposal to put the subject on the agenda for a subsequent meeting.

5. **Public Hearing** on the Proposed Comprehensive Plan and Future Land Use Map for the City of Riesel, Texas
   a. Open Hearing Time: _____
   b. Receive Public Comments
   c. Close Hearing Time: _____

6. Consideration and Possible Action to Approve an Ordinance Adopting the **Comprehensive Plan** for the City of Riesel, Texas, Including the Future Land Use Map.

7. **Public Hearing** on the Proposed Zoning Ordinance and Official Zoning Map for the City of Riesel, Texas
   a. Open Hearing Time: _____
   b. Receive Public Comments
   c. Close Hearing Time: _____

8. Consideration and possible action on an ordinance adopting a Comprehensive **Zoning Ordinance** and **Zoning Map** and dividing the City into several districts; establishing and providing for zoning regulations and creating zoning districts in accordance with a comprehensive plan; within such districts regulating the use of land, buildings and structures; regulating the height, size, and locations of buildings; establishing density, open space, screening, and minimum off-street parking requirements; regulating the erection, repair, and alteration of all buildings and structures; providing for specific use permits for certain uses; recognizing nonconforming uses and structures and providing rules for the regulation thereof; providing for certificates of occupancy and compliance; defining certain terms; providing a method of amendment; providing a penalty for violation of such ordinance and for injunctive relief to persons affected by the violation of said ordinance, and following a Public Hearing that was held on June 16, 2026

9. **Public Hearing** on the Proposed Amended Subdivision Ordinance for the City of Riesel, Texas, governing plats and subdivisions of land within the city limits and in the extraterritorial jurisdiction.
    a. Open Hearing Time: _____
    b. Receive Public Comments
    c. Close Hearing Time: _____

10. **Public Hearing** on the Proposed Amended Subdivision Ordinance for the City of Riesel, Texas, specifically requiring and governing development plats of land within the city limits and in the extraterritorial jurisdiction.
    a. Open Hearing Time: _____
    b. Receive Public Comments
    c. Close Hearing Time: _____

11. Consideration and possible action on an ordinance adopting an amended and restated **Subdivision Ordinance** prescribing rules and regulations governing subdivisions of land within the corporate limits and the extraterritorial jurisdiction being one-half mile thereof of the City of Riesel, requiring platting; providing for exemptions; addressing plats, re-plats, revisions to plats, amending plats, minor plats, development plats and cancellation of plats; providing for submission of preliminary plat; providing for submission of final plat package; action on preliminary plat; action on final plat package; statutory procedures for consideration and action on plats; providing for notices to applicant; providing for delegation of authority in certain instances; containing certain definitions, providing for fees to be charged, prescribing regulations for streets, alleys, sanitary sewers, water mains, street lights, and other infrastructure; requiring service by adequate public facilities including water, wastewater, drainage, and street facilities; providing for performance bonds or other financial guarantees; providing for warranty period and

maintenance bond; prohibiting the expenditure of public funds in subdivisions not approved by the City Council of the City of Riesel; repealing all ordinances or parts of ordinances in conflict therewith.

12. Consideration and possible action on an ordinance of the City Council of the City of Riesel, Texas, providing for the **regulation of noise disturbance**; providing for enforcement; providing for compliance by contractors and proposed developments; providing for city contracts to be conditioned upon compliance; providing definitions; providing for specific noise disturbance prohibited; providing for affirmative defenses; providing for permits of variance; providing for appeals; providing for penalty not to exceed $500.00 per offense per day; and providing for injunctive relief;.

13. Discussion and possible action regarding a subdivision proposal by Ryan Shellberg and his requests for possible variances, his request to install septic systems on two of the lots and the abandonment of city alleys

14. Consider and act regarding possibly conducting a celebration of America's 250th anniversary on July 4th at the Riesel Mullen's Park.

15. Consider and act regarding employee health insurance renewal proposal from TxHealth

16. **Reports** Submitted: a. Utility Report b. Police Report c. Secretary's Report

17. Discussion and possible directives to staff for future agenda items (research, ordinances or policies that Council desire to be drafted for future review)

18. Adjournment

I hereby certify that this notice was placed at its present location at least 3 business days prior to the above meeting time. Posted on Wednesday, 06/10/2026 at 4:30 PM

Alisha Flanary

Alisha Flanary, City Secretary

BE IT REMEMBERED that on **MAY 19, 2026**, the Riesel City Council met in a **REGULAR** scheduled meeting, at 6:30 p.m. in the Riesel City Hall Meeting Room, at 104 Hwy. 6 North in Riesel, Texas, with notice of the meeting having been posted in accordance with Chapter 551, Texas Government Code.

Call to Order: Mayor Jennifer Hogg called the meeting to order at 6:31 PM
Council Members Present: Bobby Dieterich, Paul Winkler, Kevin Wunderlich, Debbie Kilgore & Glenna Sandhoff
Employees Present: Alisha Flanary, Chelsea Kemp, Randy Ehlers, Patrick Bellringer, Ryan Dieterich
Visitors Present: Kathy Fryer

Mayor Hogg led the Pledge of Allegiance and gave the invocation.

Consent Items: Paul Winkler made a motion to approve the consent agenda consisting of the minutes from 4/23/2026 and 5/8/2026, the payment of bills, payroll, the monthly financial reports and payment of invoice #24509 for legal services from Haley & Olson for the Arsenic Mitigation Project (alluvium well) in the amount of $10,710.00. Kevin Wunderlich seconded the motion and it carried, unanimously.

Visitors' Comments: Kathy Fryer addressed the council regarding her concerns over a utility easement.

EXECUTIVE SESSION: at 6:50 pm, Council Members convened into a closed meeting pursuant to Section 551.074 of the Government Code (V.C.T.A.) for the City Council to deliberate the duties, evaluation, employment, and/or appointment of a public officer or employee: **Chelsea Kemp**
At 7:18 PM, Council reconvened in open session. No action was taken during executive session.
Salary Increase: Glenna Sandhoff moved to increase Chelsea Kemp's salary by 2.9%. Debbie Kilgore seconded the motion, which carried unanimously.

Easement: Before discussion of this item began, Council Member Debbie Kilgore disclosed a family relationship with the property owner requesting the release of a city easement, and she filed the required affidavit in accordance with Section 176.003 of the Texas Local Government Code and abstained from discussion and action on the item.
Paul Winkler moved to release a sanitary sewer easement dated February 27, 1970, given by "GRANTOR" Floyd Fryar, and signed by Mrs. Floyd Fryar, and recorded April 2, 1970 at Volume 1070, Pages 132-133, of the Deed Records of McLennan County, Texas. Glenna Sandhoff gave a second and the motion carried with four (4) ayes and one (1) abstention (Council Member Debbie Kilgore).

Sewer Plant Generator: Debbie Kilgore moved to authorize the purchase and installation of a generator for the Wastewater Treatment Plant on Kattner Road, with payment due upon completed installation after October 1, 2026. Paul Winkler seconded the motion, which carried unanimously.

Monthly reports were submitted by department heads Randy Ehlers, Ryan Dieterich, and Alisha Flanary

Discussion: Council directed staff to place discussion of a City July 4th celebration on the next meeting agenda.

Adjournment: With there being no further business, Mayor Hogg adjourned the meeting at 8:16 PM

_____ _____

Mayor, Jennifer Hogg Attest: Alisha Flanary, City Secretary

City of Riesel - General
Profit & Loss YTD Comparison
May 2026

	May 26	Oct '25 - May 26
Ordinary Income/Expense		
Income		
1 - General Government Income		
Franchise Fee		
Electric Companies	0.00	74,343.11
Gas Companies	0.00	6,796.54
Phone Companies	334.96	1,078.33
Total Franchise Fee	334.96	82,217.98
General Miscellaneous		
General Government Open Records	0.00	1.20
Total General Miscellaneous	0.00	1.20
Interest Income		
2013 I & S	0.34	107.62
Charles Street Improvements	111.98	875.23
General Fund	0.00	46.89
General Fund III	0.00	330.66
General Money Market	2,251.62	17,263.64
Total Interest Income	2,363.94	18,624.04
Miscellaneous Income		
Copies	0.00	28.00
Filing Fee	734.71	5,683.93
Inspection Permit	0.00	51,593.10
Park Improvements	0.00	3,000.00
Plat Fee - Ordinance #2002-02	1,350.00	1,350.00
Sign Lease Agreement	9,000.00	9,000.00
Total Miscellaneous Income	11,084.71	70,655.03
Mixed Beverage Tax	348.34	2,731.13
Property Tax Income		
Property Tax Income - General		
2022	10.65	54.36
2023	0.80	0.80
2024	35.98	-367.55
2025	-585.39	269,812.24
Total Property Tax Income - General	-537.96	269,499.85
Property Tax Penalty Fee		
2022	5.43	24.65
2023	0.32	0.32
2024	9.71	188.73
2025	289.28	1,084.47
Total Property Tax Penalty Fee	304.74	1,298.17
Total Property Tax Income	-233.22	270,798.02
Sales Tax		
Gross Collections	16,239.49	92,498.62
Refund Overpayments	-16,316.14	-16,316.14
Streets Allocation	76.65	22,250.65
Total Sales Tax	0.00	98,433.13
Total 1 - General Government Income	13,898.73	543,460.53
2 - Law Enforcement Income		
L.E. Income		
Open Records	0.00	138.07
Total L.E. Income	0.00	138.07
Opioid Abatement Fund	0.00	86.32
Total 2 - Law Enforcement Income	0.00	224.39
3 - Court Income		
Child Safety Seat Fee	0.00	1,341.51
Citations		
Overpayments	-661.00	-3,616.09
Returned Checks	0.00	-613.00
Revenue	36,213.03	397,321.11
Total Citations	35,552.03	393,092.02

City of Riesel - General
Profit & Loss YTD Comparison
May 2026

	May 26	Oct '25 - May 26
Security Fee	14.29	206.12
Technology Fee	19.07	266.83
Time Payment Fee	185.61	1,777.21
Total 3 - Court Income	35,771.00	396,683.69
IDA Tax Abatement Sandy Creek	0.00	125,000.00
Police Officer Allication (i)	0.00	1,726.42
Total Income	49,669.73	1,067,095.03
Gross Profit	49,669.73	1,067,095.03
Expense		
1 - General Government		
Appraisal Expense	702.42	2,107.26
Audit	0.00	15,500.00
Bank and Credit Card Fees	95.78	426.99
Bond Interest Expense	0.00	1,420.25
City Hall Maintenance & Repair	209.99	6,363.35
City Retirement Contribution		
Alisha	405.21	2,361.66
Cristen	313.20	1,754.79
Total City Retirement Contribution	718.41	4,116.45
Clothing	0.00	963.59
Contract Labor		
Janitorial Services	300.00	2,400.00
Total Contract Labor	300.00	2,400.00
CPA Bookkeeping Services	950.00	7,600.00
Depreciation expense	0.00	73,739.69
Dues	0.00	220.00
Emp. Health Insurance		
Special Ins Services	0.00	0.00
TML	1,618.56	12,948.48
Emp. Health Insurance - Other	0.00	0.00
Total Emp. Health Insurance	1,618.56	12,948.48
Engineer Fees	1,840.00	7,990.00
Equipment Maintenance		
Backhoe	0.00	25.26
Lawnmower	80.91	3,486.93
Mule	0.00	13.53
Tractor	0.00	192.79
Weedeater	0.00	66.99
Total Equipment Maintenance	80.91	3,785.50
Flagpole on Square	0.00	318.00
House Inspection	76.92	28,108.46
Insurance - Bonds	251.00	801.00
Insurance - Property	0.00	1,840.00
Legal Fees	562.50	2,947.50
Miscellaneous Expense		
Employee & Council Appreciation	179.45	4,903.85
Memorials	0.00	69.48
Publications	362.23	548.68
Subscription	1,240.92	1,265.92
Miscellaneous Expense - Other	0.00	408.58
Total Miscellaneous Expense	1,782.60	7,196.51
Office Equip. & Maintenance		
Computer	692.90	5,495.24
Printer	0.00	150.00
Office Equip. & Maintenance - Other	0.00	978.67
Total Office Equip. & Maintenance	692.90	6,623.91
Office Furniture	0.00	1,399.96
Office Supplies	1,450.08	5,449.49
Park Maintenance	0.00	1,013.04
Park Supplies	182.95	182.95
Payroll Taxes	1,579.62	8,985.52

City of Riesel - General
Profit & Loss YTD Comparison
May 2026

	May 26	Oct '25 - May 26
Phones		
General Gov Cell Phone Alisha	83.76	376.97
Phones - Other	1,314.69	6,259.51
Total Phones	1,398.45	6,636.48
Postage	78.00	468.00
Public Health District	0.00	3,225.84
Salaries		
Alisha		
Wages	7,762.56	45,308.64
Total Alisha	7,762.56	45,308.64
Cristen		
Wages	6,000.07	33,665.96
Total Cristen	6,000.07	33,665.96
Total Salaries	13,762.63	78,974.60
Travel / Training / Mileage	0.00	25.00
Utilities		
Electric	513.38	5,118.93
Total Utilities	513.38	5,118.93
Workers Comp Insurance	0.00	5,274.30
Total 1 - General Government	28,847.10	304,171.05
2 - Law Enforcement		
L.E. Cell Phones	635.04	2,857.88
L.E. City Retirement Contribute		
Joshua	0.00	320.65
Justin	220.54	734.84
Patrick	592.55	3,574.31
Ryan	577.13	2,991.19
Total L.E. City Retirement Contribute	1,390.22	7,620.99
L.E. Clothing	0.00	320.07
L.E. Computer	0.00	100.00
L.E. Dispatch - Radio Services	0.00	120.00
L.E. Dog Catching	152.00	1,236.00
L.E. Emp. Health Insurance		
TML	2,173.39	16,791.26
Total L.E. Emp. Health Insurance	2,173.39	16,791.26
L.E. Gas	1,122.49	6,812.89
L.E. Medical	0.00	682.21
L.E. Miscellaneous	0.00	32.44
L.E. Office Supplies	42.23	1,256.56
L.E. Operating Supplies	181.22	6,821.30
L.E. Payroll Taxes	2,037.40	11,185.26
L.E. Postage	0.00	56.30
L.E. Property Insurance	0.00	6,078.00
L.E. Salaries		
Anthony		
Wages	0.00	0.00
Total Anthony	0.00	0.00
Joshua		
Wages	0.00	6,166.42
Total Joshua	0.00	6,166.42
Justin		
Wages	4,224.93	14,077.56
Total Justin	4,224.93	14,077.56
Patrick		
Wages	11,351.47	68,578.67
Total Patrick	11,351.47	68,578.67

City of Riesel - General
Profit & Loss YTD Comparison
May 2026

	May 26		Oct '25 - May 26	
Ryan				
Wages	11,056.22		57,390.03	
Total Ryan		11,056.22		57,390.03
Total L.E. Salaries		26,632.62		146,212.68
L.E. Training		781.38		3,128.05
L.E. Vehicle Repair&Maintenance		1,040.92		3,801.01
L.E. Worker's Comp Ins		0.00		6,556.00
Total 2 - Law Enforcement		36,188.91		221,668.90
3 - Court				
Court City Retirement Contrib.				
Chelsea	297.04		1,794.52	
Total Court City Retirement Contrib.		297.04		1,794.52
Court Clothing		0.00		151.63
Court Contract Labor				
Prosecutor	1,650.00		10,400.00	
Court Contract Labor - Other	0.00		232.00	
Total Court Contract Labor		1,650.00		10,632.00
Court Emp. Health Insurance				
TML	809.28		6,474.24	
Total Court Emp. Health Insurance		809.28		6,474.24
Court Office Supplies		0.00		905.60
Court Payroll Taxes		594.20		3,587.31
Court Postage		234.00		800.53
Court Salaries				
Chelsea	5,690.39		34,431.30	
Judge				
Judge	2,076.93		12,461.58	
Total Judge	2,076.93		12,461.58	
Total Court Salaries		7,767.32		46,892.88
Court Travel/Training/Mileage				
Judge	0.00		275.00	
Court Travel/Training/Mileage - Other	0.00		697.79	
Total Court Travel/Training/Mileage		0.00		972.79
Omnibase		0.00		2,010.00
Security Fee Expense		49.99		399.92
State Court Cost				
Quarterly Court Cost	0.00		104,036.17	
Tertiary Care Fund (Seatbelt)	0.00		148.90	
Time Payment Expense	0.00		1,142.40	
Total State Court Cost		0.00		105,327.47
Total 3 - Court		11,401.83		179,948.89
4 - Streets				
Operating Supplies				
Tools	224.05		925.46	
Total Operating Supplies		224.05		925.46
Street Maintenance				
Grass	608.98		2,499.21	
Street & Road Signs	17.91		896.44	
Street Maintenance - Other	0.00		1,240.00	
Total Street Maintenance		626.89		4,635.65
Street Retirement Contribution				
Dakota	124.14		124.14	
Justin	0.00		473.41	
Randy	235.35		1,408.03	
Total Street Retirement Contribution		359.49		2,005.58

City of Riesel - General
Profit & Loss YTD Comparison
May 2026

	May 26		Oct '25 - May 26	
Street Salaries				
Dakota				
Wages	2,378.10		3,532.51	
Total Dakota	2,378.10		3,532.51	
Jeb				
Wages	0.00		0.00	
Total Jeb	0.00		0.00	
Justin				
Wages	0.00		7,941.51	
Total Justin	0.00		7,941.51	
Randy				
Wages	4,508.57		27,013.66	
Total Randy	4,508.57		27,013.66	
Total Street Salaries	6,886.67		38,487.68	
Utilities (Street Lights)	1,105.51		8,976.84	
Total 4 - Streets	9,202.61		55,031.21	
5 - Fire Department				
Exterminator	100.00		200.00	
Insurance	0.00		3,210.00	
Utilities	138.42		1,530.27	
Total 5 - Fire Department	238.42		4,940.27	
Community Outreach	0.00		945.71	
Cyber Liabilty Insurance	0.00		1,500.00	
Park				
Event				
Christmas Parade	0.00		2,858.04	
Total Event	0.00		2,858.04	
Total Park	0.00		2,858.04	
Planning & Development	0.00		845.00	
Reconciliation Discrepancies	0.00		-0.04	
Total Expense	85,878.87		771,909.03	
Net Ordinary Income	-36,209.14		295,186.00	
Other Income/Expense				
Other Income				
Pass Through Income	0.00		7,500.00	
Reimbursement	0.00		2,380.10	
Total Other Income	0.00		9,880.10	
Other Expense				
Pass Through	0.00		7,500.00	
Payroll Clearing	-15,252.87		0.00	
Total Other Expense	-15,252.87		7,500.00	
Net Other Income	15,252.87		2,380.10	
Net Income	**-20,956.27**		**297,566.10**	

City of Riesel - Water
Profit & Loss YTD Comparison
May 2026

	May 26	Oct '25 - May 26
Ordinary Income/Expense		
Income		
ARPA FUNDS-Arsenic Reduction	0.00	30,740.40
Hydraulic Study	0.00	315.00
Interest Income		
ARPA Grant	0.01	18.63
Construction I & S	21.91	117.40
Dividend income	17,204.58	146,291.69
Water $100,000 CD	0.00	1,131.02
Water III Reserve	0.00	326.95
Water Money Market	1,939.53	15,158.91
Total Interest Income	19,166.03	163,044.60
Miscellaneous Income	0.00	36,760.00
MS Water Supply	3,877.38	33,827.32
Series 2021 Bond Repayment	3,700.00	29,600.00
Sewer Revenue	0.00	0.00
Tie In Fees	0.00	4,000.00
Trash Revenue		
Trash Revenue - Surcharge	0.00	0.00
Trash Revenue - Other	15,441.67	114,686.33
Total Trash Revenue	15,441.67	114,686.33
Water Revenue		
Refunds	0.00	-50.00
Returned Checks	-215.82	-355.82
Revenue	34,435.75	291,014.03
Water Revenue - Other	0.00	70.00
Total Water Revenue	34,219.93	290,678.21
Total Income	76,405.01	703,651.86
Gross Profit	76,405.01	703,651.86
Expense		
Amortization Expense	0.00	16,113.00
Bank Fees	10.00	97.93
City Retirement Contribution		
Dakota	62.07	92.20
Justin	0.00	206.57
Randy	117.67	704.00
Total City Retirement Contribution	179.74	1,002.77
Clothing	0.00	154.92
Conference/Training	0.00	1,109.06
Conservation Fee	117.54	1,093.56
Depreciation expense	0.00	123,393.95
Dues	0.00	760.00
Emp Health Insurance		
Special Ins Services	809.28	4,046.40
Total Emp Health Insurance	809.28	4,046.40
Engineer Fees		
Arsenic	0.00	24,679.46
Total Engineer Fees	0.00	24,679.46
Generator	0.00	159.08
Hydraulic Study Development	0.00	1,290.00

City of Riesel - Water
Profit & Loss YTD Comparison
May 2026

	May 26	Oct '25 - May 26
Insurance		
Property	0.00	31,980.50
Worker's Comp	0.00	1,952.00
Total Insurance	0.00	33,932.50
Interest		
Interest - Bond Payable	0.00	10,168.13
Total Interest	0.00	10,168.13
Lab Expense	210.00	1,648.67
Legal & Audit Fees		
Legal Fees	10,710.00	12,510.00
Total Legal & Audit Fees	10,710.00	12,510.00
Office Supplies		
Water Office - Office Supplies	0.00	453.41
Office Supplies - Other	0.00	620.49
Total Office Supplies	0.00	1,073.90
Operating Supplies	675.46	28,087.75
Payroll Taxes	263.43	1,472.13
Permit Fee	0.00	100.00
Phones & Pagers		
Cell Phones	83.76	926.73
Total Phones & Pagers	83.76	926.73
Postage	425.17	2,917.74
Regulatory Fees	0.00	1,205.40
Repairs/Replacement/Maintanence	3,000.00	12,046.73
Royalty Fee	83.07	812.46
Salaries		
Dakota		
Wages	0.00	577.21
Dakota - Other	1,189.05	1,189.05
Total Dakota	1,189.05	1,766.26
Jeb		
Wages	0.00	0.00
Total Jeb	0.00	0.00
Justin		
Wages	0.00	3,970.76
Total Justin	0.00	3,970.76
Randy		
Wages	2,254.28	13,506.85
Total Randy	2,254.28	13,506.85
Total Salaries	3,443.33	19,243.87
Tools	303.43	612.81
Trash Expense	28,604.53	127,073.69
Truck		
Parts	0.00	16.62
Truck - Other	316.31	1,454.86
Total Truck	316.31	1,471.48
Truck (Gas)	605.82	3,647.81

City of Riesel - Water
Profit & Loss YTD Comparison
May 2026

	May 26	Oct '25 - May 26
Utilities		
Electric		
Navasota	4,881.63	40,690.36
Electric - Other	0.00	3,885.97
Total Electric	4,881.63	44,576.33
Phone	214.37	1,605.18
Total Utilities	5,096.00	46,181.51
Water Purchased		
Tri County	1,000.00	4,500.00
Total Water Purchased	1,000.00	4,500.00
Total Expense	55,936.87	483,533.44
Net Ordinary Income	20,468.14	220,118.42
Net Income	**20,468.14**	**220,118.42**

City of Riesel - Sewer
Profit & Loss YTD Comparison
May 2026

	May 26	Oct '25 - May 26
Ordinary Income/Expense		
Income		
Interest Income		
1999 Fund	0.00	662.14
Repair & Replacement	0.00	47.49
Reserve Fund	0.00	215.39
Sewer Money Market	806.49	5,967.08
Total Interest Income	806.49	6,892.10
Sewer Revenue		
Revenue	11,768.97	96,589.79
Total Sewer Revenue	11,768.97	96,589.79
Tie In Fees	0.00	4,500.00
Total Income	12,575.46	107,981.89
Expense		
Bond Interest Expense	0.00	6,768.75
City Retirement Contribution		
Dakota	62.07	92.20
Justin	0.00	206.57
Randy	117.67	699.54
Total City Retirement Contribution	179.74	998.31
Depreciation expense	0.00	25,121.58
Insurance		
Property	0.00	5,835.50
Worker's Comp.	0.00	1,952.00
Total Insurance	0.00	7,787.50
Irrigation Pond	0.00	787.47
Lab Expense	530.00	3,710.00
Lift Station	0.00	2,906.59
Office Supplies	0.00	79.95
Operating Supplies	1,808.96	4,294.13
Payroll Taxes	263.43	1,476.63
Regulatory Fees		
Permit Renewal	0.00	1,250.00
Total Regulatory Fees	0.00	1,250.00
Repairs/Replacement/Maintenance	2,226.75	30,435.41
Salaries		
Dakota		
Wages	1,189.05	1,766.26
Total Dakota	1,189.05	1,766.26
Jeb		
Wages	0.00	0.00
Total Jeb	0.00	0.00
Justin		
Wages	0.00	3,970.76
Total Justin	0.00	3,970.76
Randy		
Wages	2,254.28	13,506.85
Total Randy	2,254.28	13,506.85
Total Salaries	3,443.33	19,243.87
Tools	0.00	5.09

City of Riesel - Sewer
Profit & Loss YTD Comparison
May 2026

	May 26	Oct '25 - May 26
Utilities		
Electric		
Reliant	448.85	2,910.38
Electric - Other	0.00	5,991.43
Total Electric	448.85	8,901.81
Gas	0.00	1,033.16
Total Utilities	448.85	9,934.97
Total Expense	8,901.06	114,800.25
Net Ordinary Income	3,674.40	-6,818.36
Net Income	**3,674.40**	**-6,818.36**

Register: 1a - Unrestricted Cash:Sewer Checking 6644
From 05/01/2026 through 05/31/2026
Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Memo	Payment	Deposit	Balance
5/1/2026			Deposit		$5,000.00	$11,991.41
5/1/2026	8528	Scoop	Invoice# 3777	$1,658.56		$10,332.85
5/8/2026	8529	Reliant Energy	Inv# 1120201189904	$448.85		$9,884.00
5/22/2026	8530	Atwood Distribution, LP	Invoice# 4020/m	$146.78		$9,737.22
5/22/2026	8531	Bio Chem Lab	Invoice# 26003757-0426	$604.00		$9,133.22
5/22/2026	8532	Mike Staas Services, Inc.		$2,226.75		$6,906.47

Register: Water Fund:1a - Unrestricted Cash:Water Checking 2002
From 05/01/2026 through 05/31/2026
Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Memo		Payment	Deposit	Balance
5/1/2026			Deposit			$433.00	$175,661.41
5/1/2026			Deposit			$25,000.00	$200,661.41
5/1/2026	17745	Allen Perdue	503 E Adams Deposit Refund		$71.22		$200,590.19
5/1/2026	17746	Core & Main	Invoice# 880266		$18.39		$200,571.80
5/1/2026	17747	Frontier Waste Solutions	Invoice# 8830914		$13,910.32		$186,661.48
5/1/2026	17748	LoneStar Maintenance & Service	Invoice# 160423-Remaining Balance		$468.82		$186,192.66
5/1/2026	17749	MARC	Invoice# 0876416-IN		$286.20		$185,906.46
5/1/2026	17750	Tri-County S.U.D.	Acct# 2441		$500.00		$185,406.46
5/1/2026	17751	Windstream	Acct# 126998956		$214.37		$185,192.09
5/1/2026			Water Ckg to Water III I & S		$3,000.00		$182,192.09
5/4/2026			Deposit			$732.13	$182,924.22
5/5/2026			Deposit			$702.26	$183,626.48
5/6/2026			Deposit			$1,314.60	$184,941.08
5/6/2026		transfer	past revenue		$80,000.00		$104,941.08
5/6/2026		transfer	April Revenue		$48,780.06		$56,161.02
5/6/2026		transfer	April Revenue		$11,890.29		$44,270.73
5/7/2026			Deposit			$2,661.85	$46,932.58
5/8/2026			Deposit			$1,000.00	$47,932.58
5/8/2026			Deposit			$5,932.47	$53,865.05
5/8/2026	17752	Barlow Tank Inc.	Invoice# 433		$2,500.00		$51,365.05
5/8/2026	17753	CP&Y Inc	Invoice# D013693.001		$646.00		$50,719.05
5/8/2026	17754	Haley & Davis PC	Invoice# 24509		$10,710.00		$40,009.05
5/8/2026	17755	McLennan County GCD		Apr-26	$117.54		$39,891.51
5/8/2026	17756	Siekchuong Ung	110 Indian Trails Deposit Refund		$218.66		$39,672.85
5/8/2026	17757	Tara Sage Lamar		Apr-26	$83.07		$39,589.78
5/11/2026			Deposit			$7,213.30	$46,803.08
5/12/2026			Deposit			$21,250.23	$68,053.31
5/13/2026			Deposit			$2,361.65	$70,414.96
5/14/2026			Deposit			$4,399.98	$74,814.94

5/15/2026			Deposit		$3,309.91	$78,124.85
5/18/2026			Deposit		$1,399.83	$79,524.68
5/19/2026			Deposit		$2,362.36	$81,887.04
5/19/2026	ach		returned NSF-Nancy Maxwell	$29.31		$81,857.73
5/20/2026			Deposit		$3,820.58	$85,678.31
5/21/2026			Deposit		$882.09	$86,560.40
5/21/2026			Deposit		$300.00	$86,860.40
5/22/2026			Deposit		$945.73	$87,806.13
5/22/2026	17758	Navasota Valley Electric Coop.,	Acct# 55785 3/30/26-4/27/26	$1,976.00		$85,830.13
5/22/2026	17759	Barlow Tank Inc.	Invoice# 433	$500.00		$85,330.13
5/22/2026	17760	Core & Main	Invoice# 880266	$224.97		$85,105.16
5/22/2026	17761	DSHS Central Lab MC2004	CEN.CD4710_042026	$210.00		$84,895.16
5/22/2026	17762	Government Payments		$215.82		$84,679.34
5/22/2026	17763	Navasota Valley Electric Coop.,	Acct# 41136 3/30/26-4/27/26	$2,905.63		$81,773.71
5/26/2026			Deposit		$1,430.03	$83,203.74
5/27/2026			Deposit		$652.55	$83,856.29
5/28/2026			Deposit		$536.19	$84,392.48
5/28/2026	eft	United States Postal Service	May Water Bill Postage	$303.17		$84,089.31
5/29/2026			Deposit		$300.00	$84,389.31
5/29/2026			Deposit		$374.97	$84,764.28
5/29/2026	17764	Atwoods Distributing, L.P.	Invoice# 4029/46	$78.46		$84,685.82
5/29/2026	17765	CP&Y Inc	Invoice# D013693.001	$323.00		$84,362.82
5/29/2026	17766	Farm & Ranch Construction	BULK WATER DEPOSIT REFUND	$53.00		$84,309.82
5/29/2026	17767	Frontier Waste Solutions	Invoice# 9028729	$13,959.50		$70,350.32
5/29/2026	17768	Tri-County S.U.D.	Acct# 2441	$500.00		$69,850.32
5/31/2026	eft	State Treasurer	Sales Tax May 2026	$1,121.54		$68,728.78

Register: 1a - Unrestricted Cash:General Checking
From 05/01/2026 through 05/31/2026
Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Memo	Payment	Deposit	Balance
5/1/2026			Deposit		$25,000.00	$35,836.31
5/1/2026	eft	United States Treasury	EFTPS PAYMENT 5/1/26	$5,311.24		$30,525.07
5/1/2026	22010	AT&T Wireless Services	Acct# 287329618885	$443.16		$30,081.91
5/1/2026	22011	Bobby Dieterich	Invoice# 393733	$941.12		$29,140.79
5/1/2026	22012	Brandal Jackson	Citaiton# 26 15804 Overpayment	$132.00		$29,008.79
5/1/2026	22013	Brown's Termite & Pest	Invoice# 69692-69691	$200.00		$28,808.79
5/1/2026	22014	Bureau Veritas North America	Invoice# 26020822 RI	$76.92		$28,731.87
5/1/2026	22015	CP&Y Inc		$1,840.00		$26,891.87
5/1/2026	22016	CTWP		$395.96		$26,495.91
5/1/2026	22017	Keeley Klotzer	Citaiton# 26 15515 Overpayment	$5.00		$26,490.91
5/1/2026	22018	Liberty National	Acct# 85805	$243.64		$26,247.27
5/1/2026	22019	Old Republic Surety Group	Bond-Chelsea Kemp-W150196790	$88.00		$26,159.27
5/1/2026	22020	Verizon	Acct# 850-460-987-0001-78	$46.71		$26,112.56
5/8/2026		sales tax	Deposit		$383.25	$26,495.81
5/8/2026	22021	Ambold's	Acct 2790	$49.99		$26,445.82
5/8/2026	22022	Arelid Miranda	City Hall Cleaning	$150.00		$26,295.82
5/8/2026	22023	CTWP	Invoice# 1775477	$714.83		$25,580.99
5/8/2026	22024	Gafford Auto Parts		$224.05		$25,356.94
5/8/2026	22025	Haley & Davis PC	Invoice# 24525	$562.50		$24,794.44
5/8/2026	22026	Pattillo Brown & Hill, LLP	Invoice# 518512	$950.00		$23,844.44
5/8/2026	22027	Princess Bless Saballero	Citation# 24 08921 Overpayment	$6.00		$23,838.44
5/8/2026	22028	Riesel Fuel Service	Invoice# 40736	$2,071.64		$21,766.80
5/8/2026	22029	Tristan Ehresmann	Citaiton# 26 15857 Overpayment	$20.00		$21,746.80
5/8/2026	22030	US Fleet Tracking	Invoice# 519166	$174.65		$21,572.15
5/8/2026	22031	Visa - Card Services	XXXXX XXXX XXXX 1415	$3,831.51		$17,740.64
5/8/2026	22032	Windstream	Acct# 126999331	$557.71		$17,182.93
5/15/2026		mixed beverage tax	Deposit		$348.34	$17,531.27
5/15/2026	eft	United States Treasury	EFTPS PAYMENT 5/15/26	$5,223.60		$12,307.67
5/22/2026	eft	Intuit	subscription	$1,240.92		$11,066.75

5/22/2026	22033	Arelid Miranda	City Hall Cleaning		$150.00	$10,916.75
5/22/2026	22034	Atwoods Distributing, L.P.	Invoice# 815/69		$182.95	$10,733.80
5/22/2026	22035	City of Waco Fiscal Services	Invoice# 44282		$152.00	$10,581.80
5/22/2026	22036	Gary Cunha, PC	May 2026-Appeals		$400.00	$10,181.80
5/22/2026	22037	HOT Network Consultants, Inc.	Invoice# 84700		$692.90	$9,488.90
5/22/2026	22038	Hub International Insurance Services	Invoice# 4627110		$163.00	$9,325.90
5/22/2026	22039	Keith Ace Hardware	Invoice# 231739		$17.91	$9,307.99
5/22/2026	22040	Kelly McMahan Law	Anna Rush-Docket# 21-2954		$384.00	$8,923.99
5/22/2026	22041	Landscape Supply	Invoice# 185862		$608.98	$8,315.01
5/22/2026	22042	Lucky Ojo	Citation# 25 13585 Overpayment		$50.00	$8,265.01
5/22/2026	22043	Riesel Rustler			$38.25	$8,226.76
5/22/2026	22044	TML Multistate Intergovernmental	Invoice# PRIESEL 12605		$6,326.50	$1,900.26
5/22/2026	22045	TXU Energy	Invoice 052003980261 3/27/26-4/27/26		$3,100.15	-$1,199.89
5/29/2026	eft	United States Treasury	EFTPS PAYMENT 5/29/26		$5,641.38	-$6,841.27
5/29/2026	eft	TMRS	Retirement May 2026		$6,117.59	-$12,958.86
5/29/2026	22046	AT&T Wireless Services	Acct# 287329618885		$443.16	-$13,402.02
5/29/2026	22047	Cohen Hackman	Citation# 25 14762 Overpayment		$1.00	-$13,403.02
5/29/2026	22048	Gary Cunha, PC		May-26	$1,250.00	-$14,653.02
5/29/2026	22049	HOT Network Consultants, Inc.	Invoice# 84746		$632.00	-$15,285.02
5/29/2026	22050	Javier Rosales	Citation# 26 15585 Overpayment		$50.00	-$15,335.02
5/29/2026	22051	Jennier Binsley	Citation# 26 15646 Overpayment		$10.00	-$15,345.02
5/29/2026	22052	Jesse Gonzalez	Citation# 26 16003 Overpayment		$2.00	-$15,347.02
5/29/2026	22053	Kaleb Burns	Citation# 26 15958 Overpayment		$1.00	-$15,348.02
5/29/2026	22054	McLennan County Appraisal District	Invoice# 43437		$702.42	-$16,050.44

City of Riesel - GENERAL FUND
Balance Sheet - Bank Accounts
As of May 31, 2026

	May 31, 26	
ASSETS		
Current Assets		
Checking/Savings		
1a - Unrestricted Cash		
*Checking	-16,050.44	
Payroll	23,589.87	
Petty Cash		
Court Cash	100.00	
General Cash	100.00	
Total Petty Cash	200.00	
Total 1a - Unrestricted Cash		7,739.43
1b - Restricted Cash		
2013 I & S Fund	403.73	
POA / Drug Seizure	100.00	
Total 1b - Restricted Cash		503.73
2a - Unrestricted Investments		
General Fund (sept) #5808	4,786.94	
General Fund II (may) #1015	44,118.59	
General Fund III (june) #6124	22,333.43	
Total 2a - Unrestricted Investments		71,238.96
Charles St Project Fund		131,956.67
General Fund Money Market		
*General Fund	2,046,017.18	
City Hall Building	313,188.48	
Drug Seizure/POA	4,335.40	
Judicial Betterment	9,004.35	
Security	144,717.53	
Technology	162,233.15	
Total General Fund Money Market		2,679,496.09
Total Checking/Savings		2,890,934.88
Total Current Assets		2,890,934.88
TOTAL ASSETS		2,890,934.88
LIABILITIES & EQUITY		0.00

City of Riesel - WATER FUND
Balance Sheet - Bank Accounts
As of May 31, 2026

	May 31, 26	
ASSETS		
Current Assets		
Checking/Savings		
Construction Fund		
3a - Unrestricted Cash		
Construction Checking 8528	1,988	
Total 3a - Unrestricted Cash		1,988
3b - Restricted Cash		
Construction I & S 8536	170,026	
Total 3b - Restricted Cash		170,026
Total Construction Fund		172,013
Water Fund		
1a - Unrestricted Cash		
Checking 2002	68,729	
Total 1a - Unrestricted Cash		68,729
1b - Restricted Cash		
2021 TWDB Escrow 8600	5,946,283	
2021 TWDB Principal for LF 8601	456,467	
Water III I&S 4014	62,433	
Total 1b - Restricted Cash		6,465,184
2b - Restricted Investments		
$100,000 CD #6293	142,455	
III Reserve Fund #8343	41,180	
Total 2b - Restricted Investments		183,635
2c - ARPA GRANT 8597		106
Water Fund Money Market		
*Water Fund	1,876,640	
Contingency	100,000	
Line Replacement	170,280	
Water Fund Money Market - Other	170,545	
Total Water Fund Money Market		2,317,465
Total Water Fund		9,035,119
Total Checking/Savings		9,207,132
Total Current Assets		9,207,132
TOTAL ASSETS		9,207,132
LIABILITIES & EQUITY		0

City of Riesel - SEWER FUND
Balance Sheet - Bank Accounts
As of May 31, 2026

	May 31, 26
ASSETS	
Current Assets	
Checking/Savings	
1a - Unrestricted Cash	
Checking 6644	6,906.47
Total 1a - Unrestricted Cash	6,906.47
1b - Restricted Cash	
Sewer Jr I&S 0241	35,834.71
Total 1b - Restricted Cash	35,834.71
2b - Restricted Investments	
1999 Reserve Bond #6352	51,353.27
Repair&Replacement #5794	6,463.47
Reserve Bond #5773	14,547.85
Total 2b - Restricted Investments	72,364.59
Sewer Fund Money Market 1840	
* Sewer Fund	287,365.26
Contingency	75,000.00
Line Replacement	150,872.71
Sewer Fund Money Market 1840 - Other	444,567.28
Total Sewer Fund Money Market 1840	957,805.25
Total Checking/Savings	1,072,911.02
Total Current Assets	1,072,911.02
TOTAL ASSETS	1,072,911.02
LIABILITIES & EQUITY	0.00

CITY OF RIESEL, TEXAS
ORDINANCE NO. 2026-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS ADOPTING THE CITY OF RIESEL, TEXAS COMMUNITY DEVELOPMENT PLAN 2026, AS THE CITY'S COMPREHENSIVE PLAN, ATTACHED HERETO AS EXHIBIT A, FOR THE PURPOSE OF PROMOTING SOUND DEVELOPMENT AND PROMOTING PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT, AND AN EFFECTIVE DATE.

WHEREAS, the City of Riesel is a Type A Municipality operating pursuant to the laws of the State of Texas and Texas Constitution (the "City") with a governing body consisting of a Mayor and five Council Members (the "City Council"); and

WHEREAS, Chapter 213 of the Texas Local Government Code authorizes municipalities to adopt a comprehensive plan for the long-range development of the City ("Chapter 213"); and

WHEREAS, the powers granted by the Legislature in Chapter 213 are for the purpose of promoting sound development of municipalities and promoting public health, safety, and welfare; and

WHEREAS, Chapter 213 provides that a comprehensive plan may: (i) include provisions on land use, transportation, and public facilities; (ii) consist of a single plan or a coordinated set of plans organized by subject matter and geographic area; and (iii) be used to coordinate and guide the establishment of development regulations; and

WHEREAS, on April 23, 2026, after notice and public hearing, the City Council approved the City of Riesel Community Development Plan 2026 (the "Comprehensive Plan"), attached as set forth in **Exhibit A**, that identifies geographic areas and land uses appropriate for the long-range development of the City in a sound and orderly manner and serves as the basis for the zoning designations identified in the Zoning Ordinance and the official Zoning Map of the City; and

WHEREAS, the City Council has determined that the Comprehensive Plan appropriately serves the City of Riesel pursuant to Chapter 213 of the Texas Local Government Code; and

WHEREAS, notice of public hearing was published in the Waco Tribune-Herald notifying the public that a hearing on adoption of the Comprehensive Plan would be held, and a public

hearing was in fact held by the City Council at its regular meeting on June 16, 2026, at which time the public was given an opportunity to give testimony and present written evidence as required by law; and

WHEREAS, after review of the Comprehensive Plan, and having provided the public an opportunity to provide input, the City Council has determined that the Comprehensive Plan will promote sound and orderly land use and development of property within the City, that adoption of the Comprehensive Plan will further the goals of promoting and safeguarding public health, safety, and welfare, and that the Comprehensive Plan as set forth in **Exhibit A** should be adopted.

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

I.
Incorporation of Premises

The Recitals set forth above the findings of the City Council and are incorporated into the body of this Ordinance as if fully set forth herein.

II.
Adoption of Comprehensive Plan

The "City of Riesel Community Development Plan 2026", as set forth in **Exhibit A**, including a Future Land Use Plan, attached hereto and incorporated into this Ordinance, is hereby adopted and may generally be referred to as the "Riesel Comprehensive Plan" or "Comprehensive Plan". The includes provisions on land use and consists of a single plan identifying geographic areas with current land uses, is intended to be used to coordinate and to guide development regulations applicable to properties within the City consistent with the land uses designated therein, and shall serve as the basis for future zoning, which zoning shall be consistent with the Comprehensive Plan as amended from time to time, and the regulations contained within the Zoning Ordinance of the City shall be consistent with the Comprehensive Plan.

III.
Cumulative Repealer

This Ordinance shall be cumulative of all other Ordinances of the City and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this

Ordinance takes effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

IV.

Severability

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

V.

Effective Date

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Riesel, Texas at a regular meeting held on this the 16th day of June, 2026.

CITY OF RIESEL, TEXAS

_____
Jennifer Hogg, Mayor

ATTEST:

_____
Alisha Flanary, City Clerk

Exhibit A

City of

RIESEL, TEXAS

Community Development Plan

2026



PREPARED BY:
Bureau Veritas
1000 Jupiter Road, Suite 900; Plano, Texas 75074
Mobile: 817.688.2734 Fax: 800.910.8284
People, Innovation, Values, Opportunity, Trust

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Mayor

Jennifer Hogg	November 2024-November 2026

City Council

Bobby Dieterich - Council	November 2025-November 2027
Deanna Davis – Council	November 2024-November 2026
Paul Winkler – Council	November 2025-November 2027
Kevin Wunderlich Council and Treasurer	November 2024-November 2026
Debbie Kilgor Council	November 2025-November 2027

City of Riesel Staff

Alisha Flanary	City Secretary

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Introduction

INTRODUCTION

A Community Development Plan is a tangible representation of where a community aspires to be in the future, and it establishes the guiding steps on how best to achieve that vision through a framework of Goals, Objectives, and Policies. The plan embodies the community's values and provides guidance regarding development decisions during the planning period.

PURPOSE

The Community Development Plan is the "**Plan**" for the City of Riesel. It is the City's guide for decision making regarding physical development and the allocation of resources. It provides local government officials direction in developing programs and strategies, making capital expenditures, and setting annual budgets. Although this Plan **does not** focus on all aspects of city life related to the physical environment, it touches on many important aspects. The Community Development Plan encourages residents and businesses to join together to ensure that the community's vision is achieved. The Community Development Plan is Community Development in nature because of the following three elements:

- It is long range, covering a timeline of 20 years.
- It addresses the entire geographic area of the city and the extraterritorial jurisdiction.
- It addresses planning topics that influence the community's quality of life.

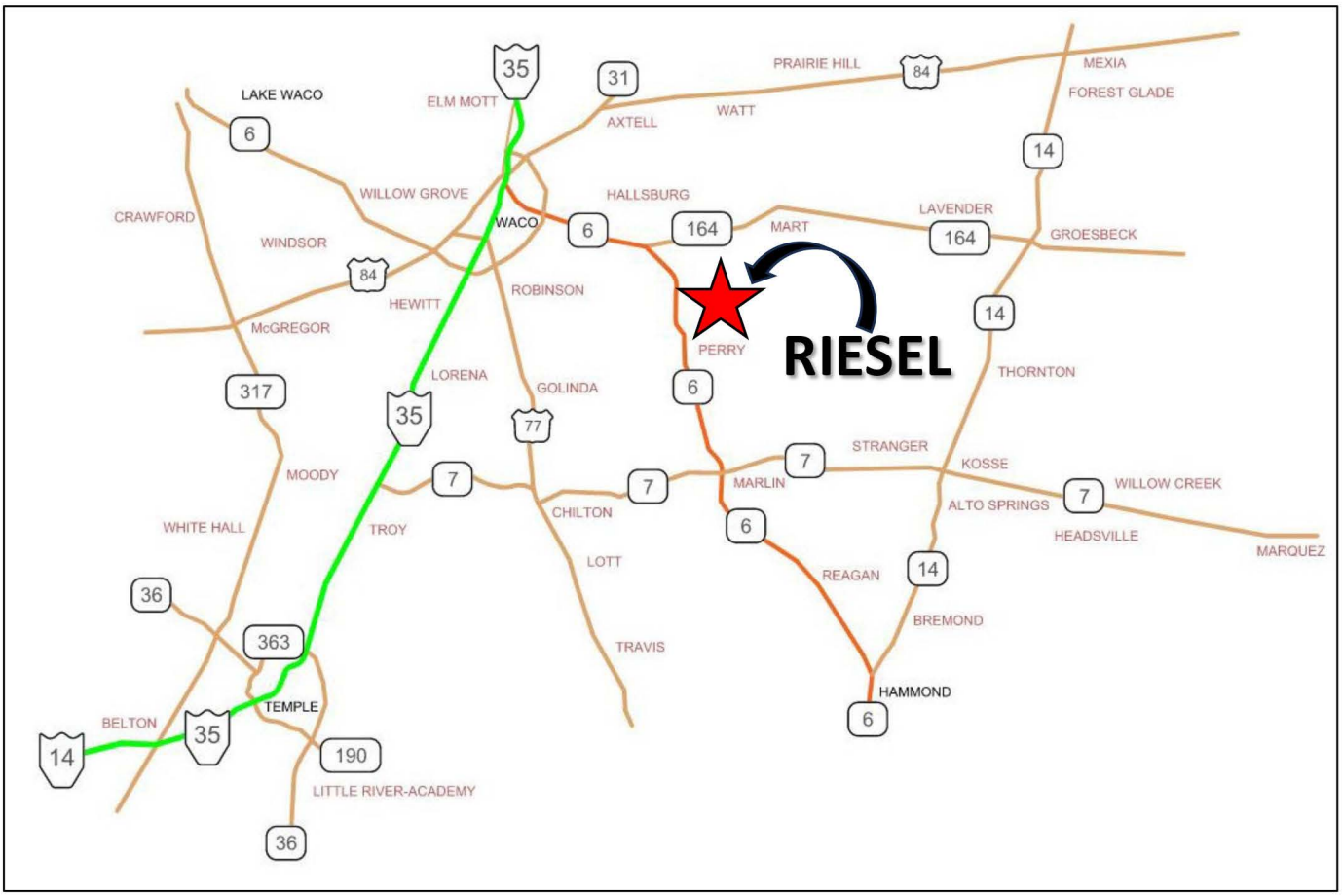
PLANNING AREA AND LOCATION

The City of Riesel, Texas is located 17.5 miles southeast of Waco. The city is traversed by U.S. Highway 6 from southeast to northwest and FM 1860 from southwest to northeast.

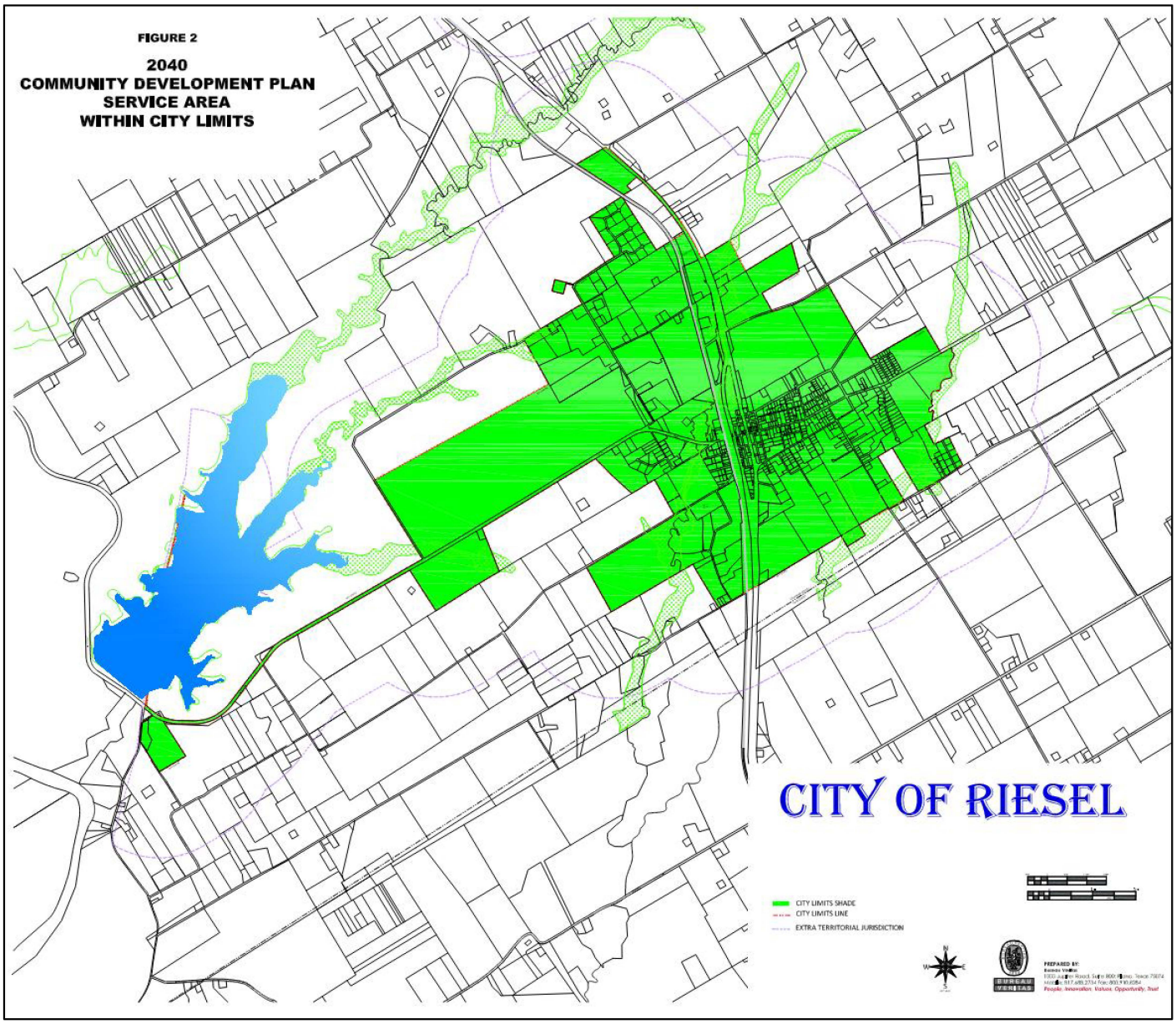
FIGURE 1

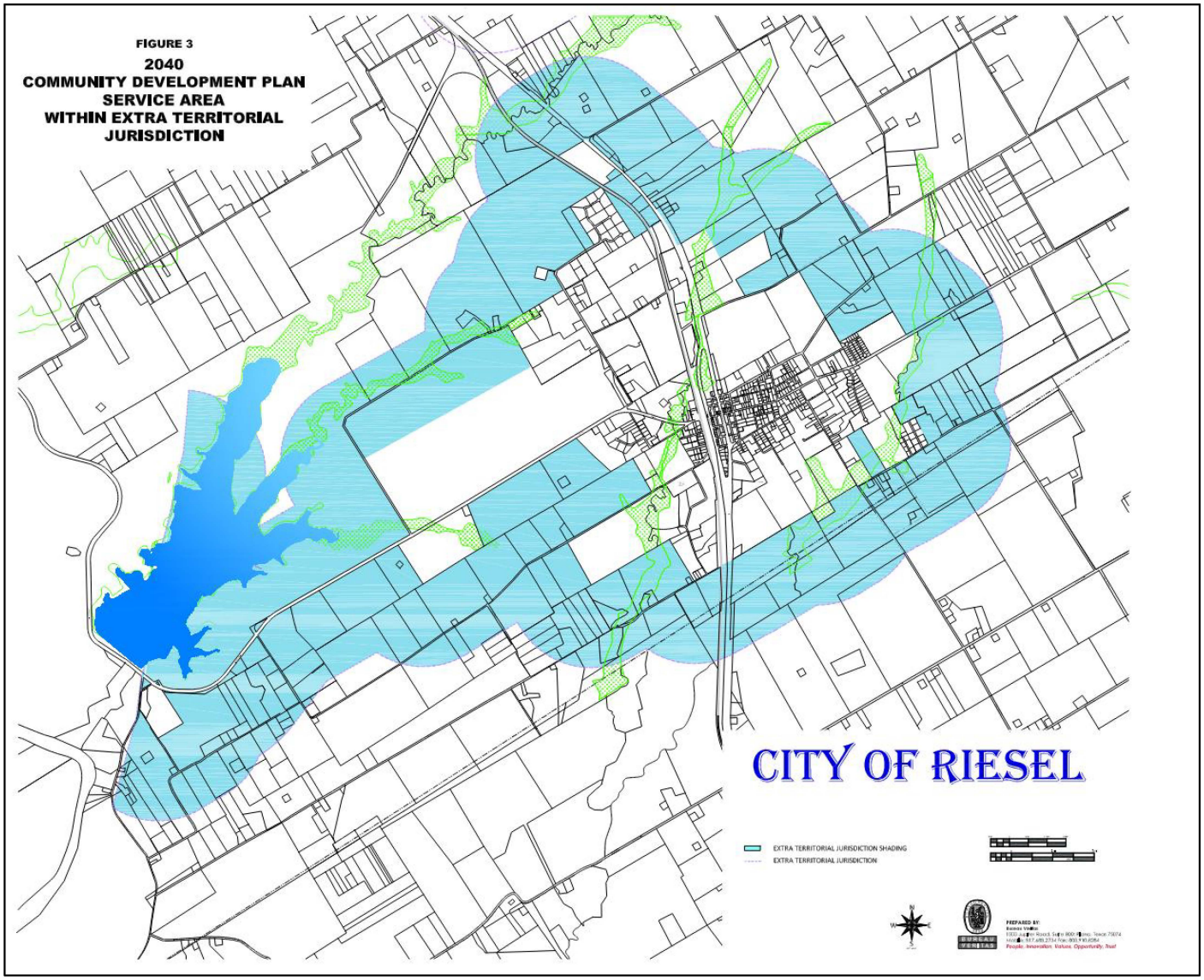
RIESEL AREA MAP

REGIONAL CONTEXT



The traversal of these major thoroughfares, as well as other lesser roadways, has influenced and will continue to contribute to the development of Riesel and the surrounding area. The city covers an area of 4.22 square miles and a planning area of over 13.03 square miles when including the Extraterritorial Jurisdiction. Figure 2 shows the 2040 Plan service area within the City Limits while Figure 3 shows the service area outside the city limits in the Extraterritorial Jurisdiction (ETJ).


FIGURE 2
2040
COMMUNITY DEVELOPMENT PLAN
SERVICE AREA
WITHIN CITY LIMITS
CITY OF RIESEL
CITY LIMITS SHADE
CITY LIMITS LINE
EXTRA TERRITORIAL JURISDICTION
PREPARED BY:



PLANNING WITHIN TEXAS

Texas State Law

The State of Texas has established certain standards for developing a Community Development Plan. The State legislated these standards in the Texas Local Government Code.

Sec. 213.001. PURPOSE. The powers granted under this chapter are for the purpose of promoting sound development of municipalities and promoting public health, safety, and welfare.

Sec. 213.002. COMMUNITY DEVELOPMENT PLAN.

(a) The governing body of a municipality may adopt a Community Development plan for the long-range development of the municipality. A municipality may define the content and design of a Community Development plan.

(b) A Community Development plan may:

(1) include but is not limited to provisions on land use, transportation, and public facilities.

(2) consist of a single plan or a coordinated set of plans organized by subject and geographic area; and

(3) be used to coordinate and guide the establishment of development regulations.

(c) A municipality may define, in its charter or by ordinance, the relationship between a Community Development plan and development regulations and may provide standards for determining the consistency required between a plan and development regulations.

Sec. 213.003. ADOPTION OR AMENDMENT OF COMMUNITY DEVELOPMENT PLAN.

(a) A Community Development plan may be adopted or amended by ordinance following:

(1) a hearing at which the public is given the opportunity to give testimony and present written evidence; and

(2) review by the municipality's planning commission or department, if one

exists.

(b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a Community Development plan.

PLANNING PROCESS

The City of Riesel hired the firm of Bureau Veritas under the direction of the City Council to develop a Community Development Plan and manage a planning process that would set goals, objectives, and action items in planning for the future of the city. The Community Development Plan would serve as a guide for decision making over the next 20 years and would need community support transcending any one administration or City Council.

SCOPE

The scope of The Community Development Plan was established within the context of its Guiding Principles, basic rules or truths that were paramount in guiding the planning process:

- Collaborative: The Community Development Plan should adopt an open and collaborative approach to decision making, respecting cultural diversity and encouraging widespread and informed public participation, and partnerships involving all sectors of the community.
- Strategic: The Community Development Plan should be strategic in nature and establish priorities to maximize available resources to address community assets and needs.
- Context: The Community Development Plan should recognize and address the city's context and role within the region. It must acknowledge the Comprehensive Plans of neighboring communities.
- Sustainability: The Community Development Plan should ensure the health and

longevity of the residents of the city by including policies and strategies that are environmentally sensitive and innovative.

• Evaluation: The Community Development Plan should have a built-in process to update the plan while providing a means of measuring the implementation of its strategies.

• Flexibility: The Community Development Plan should provide a methodology to recognize change and incorporate the means for modifying and updating its content.

• Identity: The Community Development Plan should demonstrate a commitment to preserving the city's unique history to enhance its identity.

• Economic Base: The Community Development Plan should foster the preservation and expansion of the City's tax base.

HOW TO USE THE COMMUNITY DEVELOPMENT PLAN

The Community Development Plan will be of interest to developers, business owners, home buyers, investors, educators, neighborhood organizations, grant writers, students, planners, city residents, etc. Anyone interested in where Riesel hopes to be twenty years from now will find something of value in The Community Development Plan. Basic information about Riesel and its history is located in chapter 2. Population projections are also included in this chapter. The core elements of the document can be found in chapters 3 through 8. These chapters will be useful to any person or organization working with government at any level.

FUTURE GOALS

During the development of the Plan, goals were identified for Riesel. The Community Development Plan goals are:

1. Land Use and Growth: Encourage sustainable growth that preserves and enhances the character of Riesel and ensures compatibility of land uses in the community.

2. Housing: Achieve a thriving Riesel housing market that offers appealing neighborhoods with diverse housing choices.

3. Transportation: Provide a balanced transportation system that is integrated locally and regionally, supports alternative modes of transportation, and is pedestrian friendly.

4. Education: Enhance Riesel as “y(our) home town” with opportunities that support people of all ages to compete successfully in a global economy.

Local Context

HISTORY OF RIESEL

Riesel, Texas was settled between 1880 to 1890 and was named after W.H. Riesel, one of the original settlers. The City of Riesel is within McLennan County and located 17.5 miles southeast of Waco at the intersection of Farm Road 1860 and State Highway 6. The Missouri Pacific Railroad is adjacent to State Highway 6 and runs north and south along the west side. Having fertile soil, good water, and rail transportation, the area attracted cotton farmers after the Civil War. In 1890, as several German families settled in the area, W. H. Riesel built a cotton gin and the Riesel post office.

The Riesel Independent School District was established in 1895, and soon after a hotel, two general stores, grocery stores, and 2 lumberyards were built. In 1896 the Riesel Breeze, the town paper, was founded. It was later renamed to Riesel Rustler.

In 1900, the population in Riesel was 268. Between 1906 and 1910 two banks were opened. By 1914 the Lutheran, Methodist, Christian, and Baptist churches had been established. Riesel had 420 residents and twenty businesses in 1930. The population has continued to grow over the decades. The total population in 2020 was estimated to be 1349. (Source: U.S. Census Bureau 2020)

Today, Riesel finds itself as a small, stable community offering a small-town quality of life at a time when social problems plague major centers of commerce. If Riesel wishes to continue influencing its economic future (rather than accepting economic role assignments shaped by other regional interests) the city must confirm and maintain its desired economic niches, and plan for its own desired role in the evolving regional economy.

DEMOGRAPHIC INFORMATION

Demographic trends are important to any community concerned with growth: how to anticipate it, how to encourage it, and how to accommodate it. Various techniques are used to model how populations change over time. An analysis of existing census data showing population trends over the recent past can help project forward the future size and composition of the population and help a community plan for future change.

Population Change

Riesel has a long history as a city with an agricultural background offering employment to unskilled labor. In 2020, the population had reached 1349 people with 409 households and 336 families residing in the city. (Source: 2020 U.S. Census)
The population projection for 2046 is 2350 people. Source: Bureau Veritas 2026.

Race/Ethnicity 2020

The 2020 population composition shown below in Table 1.

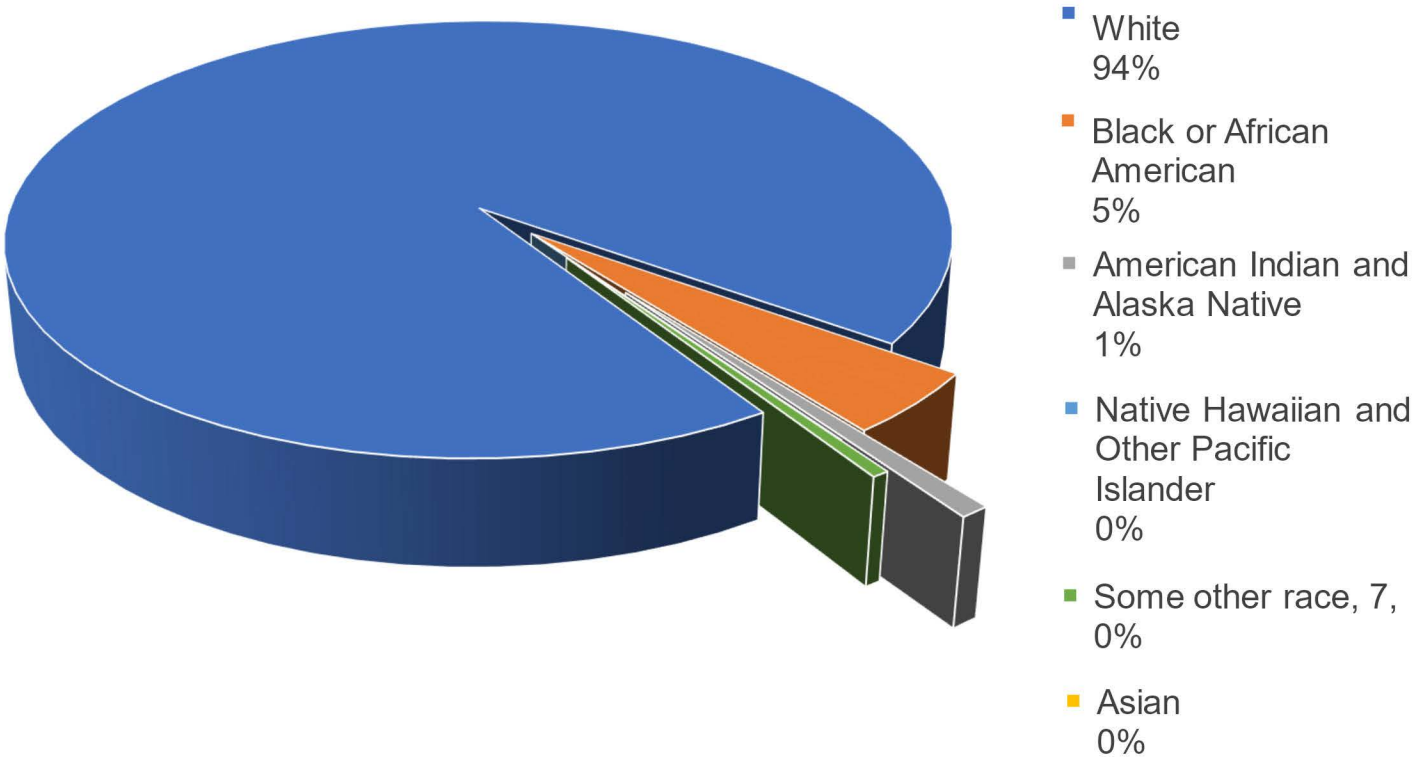
TABLE 1

RIESEL
POPULATION COMPOSITION

Total Population	**1349**	**Percent**
White	1273	94
Black or African American	62	4.6
American Indian and Alaska Native	12	0.9
Asian	0	0
Native Hawaiian and Other Pacific Islander	0	0
Some other race	7	0.5
Source: U. S. Census Bureau 2020		

Figure 1

2020 POPULATION COMPOSITION



Source: U. S. Census Bureau 2020

Age

In 2020, the median age for Riesel was 31.7. Population distribution consisted of 29.7% under the age of 18 and 10% at or above the age of 60. The population was split at 53.7% male and 46.3% female.

Table 2

RIESEL POPULATION AGE DISTRIBUTION

Total population	1349	Percentage
AGE		
Under 5 years	181	13.4
5 to 9 years	112	8.3
10 to 14 years	67	5
15 to 19 years	43	3.2
20 to 24 years	175	13
25 to 29 years	50	3.7
30 to 34 years	146	10.8
35 to 39 years	100	7.4
40 to 44 years	138	10.2
45 to 49 years	74	5.5
50 to 54 years	48	3.6
55 to 59 years	80	5.9
60 to 64 years	66	4.9
65 to 69 years	23	1.7
70 to 74 years	14	1
75 to 79 years	14	1
80 to 84 years	12	0.9
85 years and over	6	0.4
Source: U.S. Census Bureau 2020		

Educational Attainment 25+

In 2020, the overall educational attainment for Riesel showed that 4.% had less than a 9th grade education, 1.1% had a 9th to 12th grade education with no diploma, 38.3% earned a high school diploma or equivalent, 22.8% had some college but no degree, 6.9% earned an Associate degree, 23% earned a Bachelor's degree, and 3.4 % earned a Graduate degree. Source: U.S. Census Bureau 2020.

Table 3

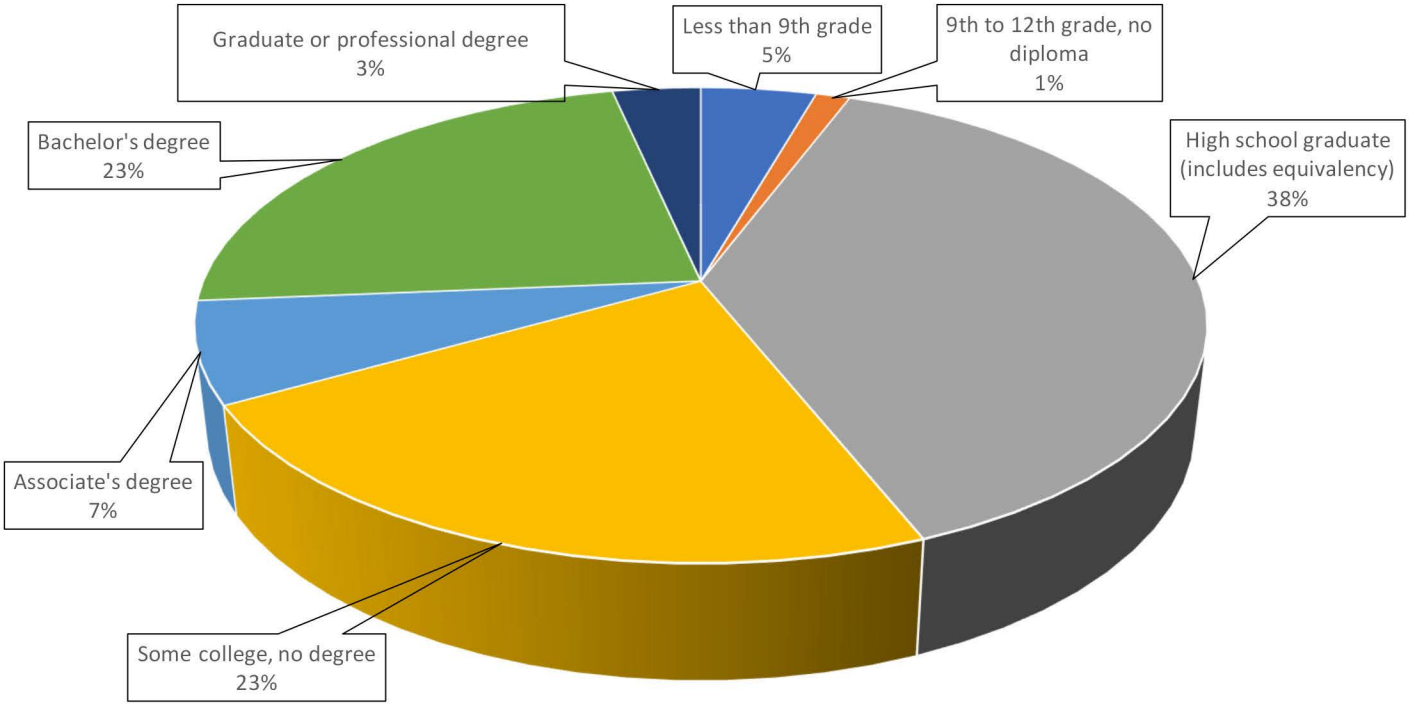
2020 EDUCATIONAL ATTAINMENT 25+ (2020)

Population 25 years and over	Number	Percent
Less than 9th grade	34	4.4
9th to 12th grade, no diploma	10	1.3
High school graduate (includes equivalency)	295	38.3
Some college, no degree	176	22.8
Associate's degree	53	6.9
Bachelor's degree	177	23
Graduate or professional degree	26	3.4

Source: U.S. Census Bureau 2020

FIGURE 4

2020 EDUCATIONAL ATTAINMENT 25+



Source: U.S. Census Bureau 2020

Households

According to a survey by U.S. Census Bureau in 2020 there were 409 households. The projection for 2046 is 756 households based on a population of 2350 and 3.11 persons per household while the average family size is 3.62. Source: U.S. Census Bureau 2020.

Table 4

RIESEL HOUSEHOLDS

Riesel Households	2020	2046
Housing Units	409	794
Vacant Units	36	

Household Income

In 2020, Riesel's median household income was $94,018. Married-couple family median income was $97,386. Source: U.S. Census Bureau 2020

Home Values

Income will determine to a large extent the value of a home a household can afford to buy. In 2020 the average home value in Riesel was $121,400.

POPULATION PROJECTIONS

Population Projection

Population projections provide the most basic planning assumptions required for strategically meeting future public needs. Any change in population trends is affected by birth rates, death rates, and migration. Because an accurate manner of recording this data has not yet been devised, population projections must be based on potential for growth, local and regional trends, and economic conditions. Four significant

assumptions specific to Riesel help form the basis from which to project the 2043 populations, and are listed below:

- Riesel will continue to exist as a viable community.
- Riesel's commercial/industrial base will increase.
- Riesel will provide an appropriate level of basic services to its existing and future citizenry, such as water, sewer, and community facilities.

The population projections for Riesel are contained in Table 5 and are graphically illustrated in Figure 6. In addition to the assumptions mentioned earlier, these projections were based on the five general assumptions listed below:

- There will be no major depression, war, or plague.
- There will be no great discovery of natural resources in the area or a change in producing presently discovered resources in such a way that will significantly affect the economy and natural growth of the community.
- The fertility rate will remain consistent with the present figures.
- The age at first marriage will not significantly change relative to the present averages.
- The form of government, economy, and social organization in the city, county, state, and nation will not change considerably.

Over the 123-year period between 1900 and 2026, the Riesel population increased by 1,180 people. However, that trend may begin to accelerate with a higher growth rate expected over the planning period because of the need for employees and housing in the City. In developing the population projections for Riesel, past population data and current population trends were utilized (in addition to the

assumptions and analysis above) to project anticipated future population levels. The annual compounded growth rate is expected to be at least 1 percent per year. Based on this analysis, the future population of Riesel is expected to be 2350 residents by 2046, an increase of 902 people.

It should be understood that regardless of population, the principals of good ongoing planning should still be applied. The changing society, migration, and birth control can change immensely in 20 years; however, the projected population, whether reached five years early or 10 years late, will require basically the same number of facilities for the projected number of people. The City should set and strive to achieve goals for both the desired population levels and the facilities necessary to accommodate the resultant population demands.

The demographic composition of Riesel's population will continue to become more diverse with growth projected in all groups. It is anticipated that Riesel's population will also continue to grow younger.

TABLE 5

RIESEL

POPULATION PROJECTIONS

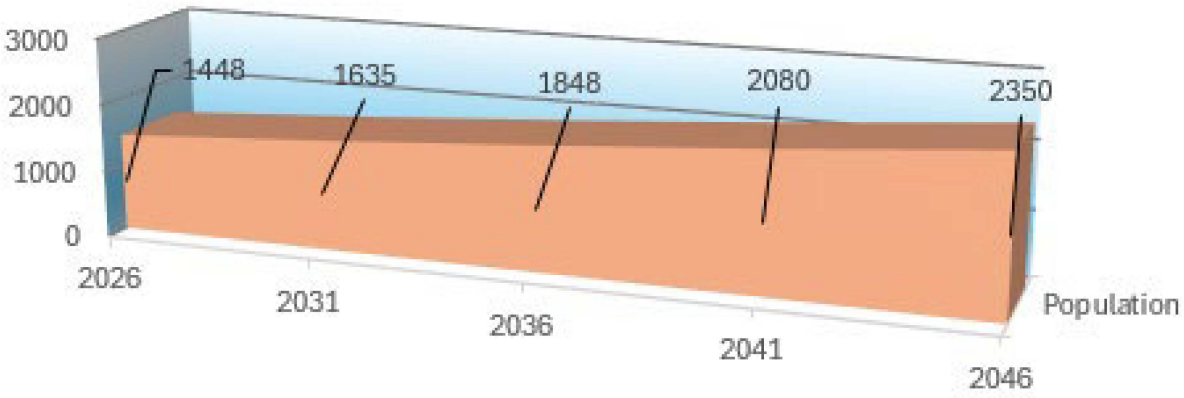
Year	Population
2026	1448
2031	1635
2036	1848
2041	2080
2046	2350

Source: Bureau Veritas 2026

FIGURE 6

RIESEL

POPULATION PROJECTIONS (2026-2046)



Housing

INTRODUCTION

Housing is a basic human need and one of the most physically identifiable and important features of a community. Housing styles and types, and the neighborhoods they create, significantly contribute to a city's identity and self-image. To remain competitive in the region's housing market and prosper, Riesel must offer a balanced mix of housing types and styles to meet the needs and market demands of current and future residents.

Safe, sanitary shelter from exposure to nature's harsh elements is one of our most basic and universal human needs. Addressing this fundamental need is a primary duty of every responsible Texas municipality; it is incumbent upon every community to assure that there is equal opportunity for all its citizens to acquire and maintain adequate housing.

Since housing is certainly one of the most prevalent of all urban land uses, housing conditions are crucial to every city's economic future. The physical characteristics of a community's housing stock have become key indicators of the quality of life enjoyed by its citizens. Further, adequate housing supply is basic to most economic development efforts for any given community or region. Based on the foregoing observations, it is quite apparent that the healthy growth and stability of each Texas community depends on universal availability of safe, attractive housing.

In order for a community to evaluate its efforts in assuring universal availability of good housing, it must first assess its existing housing stock. The primary reasons for assessing the housing stock as part of a Comprehensive Planning process can be summarized as follows:

- to address critical issues affecting the safety, value and attractiveness of housing;
- to determine the availability of units in the housing inventory for purchase and rent by families of lower economic income levels;
- to analyze housing conditions in order to determine whether it is necessary to prepare housing programs and activities for the purpose of upgrading or stabilizing existing housing and neighborhoods within the subject community, and;
- to determine the extent of housing inventory within the community which is available for rent or purchase by families migrating into the City, or by local families with changing housing desires or needs.

HOUSING GOALS

The goals set forth below are presented to ensure decent housing for all citizens.

GOAL 1. Assure that all housing within the community is maintained in a decent, safe, and sanitary condition for its useful life.

Although Riesel will add new dwelling units, the existing units must be adequately maintained in order to meet the local housing demand and foster a stabile housing environment. Thus, it is important to direct attention to the maintenance of the existing housing stock. Housing should meet appropriate health and safety standards, and comply with the provisions of the local Construction Code for new or existing housing.

Policies:

- Encourage high-quality construction of all new housing.
- Assure that the design quality of all housing does not contribute to future,

long term blight.

- Discourage homeowners from neglecting the proper maintenance of their properties.
- Consider adopting maintenance standards and enforcement methods.
- Promote housing improvements and well-planned rehabilitation programs.

GOAL 2. A sufficient choice of adequate housing should be provided to meet the needs of the individuals of all socio-economic backgrounds.

Households earning less than 80 percent of the local median income and paying more than 30 percent of their income for housing are considered to have a housing need.

Policies:

- Develop a range of available housing opportunities within the City.
- Zone the land in areas with housing needs in a manner to promote long term neighborhood stability.
- Identify and participate in new programs that provide housing assistance to eligible residents and historic preservation efforts.
- Provide public assistance and/or incentives to foster good quality, low to moderate priced housing.

EXISTING HOUSING CONDITIONS

To form a basis for planning activities that provide for adequate housing in the City of Riesel, it is necessary to determine the condition of the existing housing stock. To compile this information, an exterior survey of the condition of housing structures was conducted in 2024. Housing units were further classified using the following four categories:

1. Standard Condition
2. Minor Deterioration
3. Major Deterioration
4. Dilapidated Condition

Further explanation of the structural condition categories is given below for clarity of definition.

Standard Condition: A standard structure is defined as one that basically has no defects.

Minor Deterioration Condition: A structure requiring minor or no apparent structural repair, but within the planning period, will require such maintenance to retain its value and usefulness. Examples of minor defects are:

- Light damage to steps or porches, or manufactured housing skirting and siding;
- Slight wearing away of mortar between bricks or other masonry;
- Small hairline cracks in the walls, plaster or chimney or mobile home siding separations;
- Torn screens or cracked window panes;
- Slight wear of door sills and frames, window sills or window frames; and,
- Broken gutters or downspouts.

Major Deterioration: Those units exhibiting a need for additional repair that would normally not be provided during a regular course of maintenance. Such units have one or more deficiencies that are of an intermediate nature, and that must be corrected if the unit is to continue providing safe and adequate shelter for the occupants. Examples of intermediate defects are:

- Holes, open cracks, rotted, loose or missing materials over a small area of the foundation, roof, or wall (or siding of manufactured housing);
- Shaky or unsafe steps, rails, and porches;
- Broken or missing window frames;
- Rotted or loose window frames that are no longer rain or wind-proof;
- Loose, broken or rotted stair treads, risers, balusters, or rails;
- Deep wear on door sills, frames, steps, or porches;
- Missing bricks or cracks in the chimney, trim on Manufactured Housing; and,
- Makeshift chimneys, such as stovepipes or other un-insulated pipe leading directly from stoves to the outside through a hole in the window, wall, or roof.

Dilapidated: Units that, in their present condition, do not provide safe or adequate shelter, and endanger the health, safety, and well being of the occupants. Such units have one or more critical defects, or have a combination of intermediate deficiencies in sufficient number or extent to require considerable repair, or are of inadequate construction. The defects are either so critical or widespread that the structure will have to be extensively repaired, reconstructed, or demolished. Examples of critical defects are:

- Holes, open cracks, loose, rotted, or missing materials over a large area of the foundation, walls, or roof, including the framework of Manufactured Housing;
- Sagging roof ridges, eaves, or out of plumb walls, including Manufactured housing walls; and,
- Extensive damage caused by fire, storms, flooding, termites, etc.

During the course of the housing survey, dwelling structures were also identified according to three basic types: single-family, manufactured housing, and multi-family. Single-family units were defined as such if they were originally designed to

provide living quarters for one family unit and were of a permanent nature. Manufactured housing included those housing units which were designed to be transported over public streets and highways with a minimum of effort and congestion, and whose original design had not been altered so as to detract from their ability to be readily moved. Multi-family units include those, which were observed to be originally designed to provide living quarters for two or more families and were of a permanent nature. Another housing type is group quarters Group quarters are structures that are designed to include bedrooms for a multiple of unrelated individuals that are served by common service facilities, and are normally used as nursing homes, dormitories, or prisons. At this time Riesel does not include any structure that is classified as group quarters.

HOUSING ANALYSIS

Based on the results of the housing survey, it was determined that a total of 484 housing units exist in Riesel. Of this total, 414 units (85.5%) are classified as single-family; 41 (8.4%) as manufactured housing, 29 units (5.9%) as multi-family.

The housing survey provided the following results concerning housing condition: 349 units, or 83.3%, are classified as being in standard condition; 52 units, or 12.4%, are classified as having minor deterioration; 18 units, or 4.3%, are classified as having major deterioration (see Figure 9 Housing Map).

Substandard housing units are found in all areas of the City, most of which are classified as having either minor or major deterioration and could be economically repaired.

TABLE 6

CITY OF RIESEL

EXISTING HOUSING UNITS

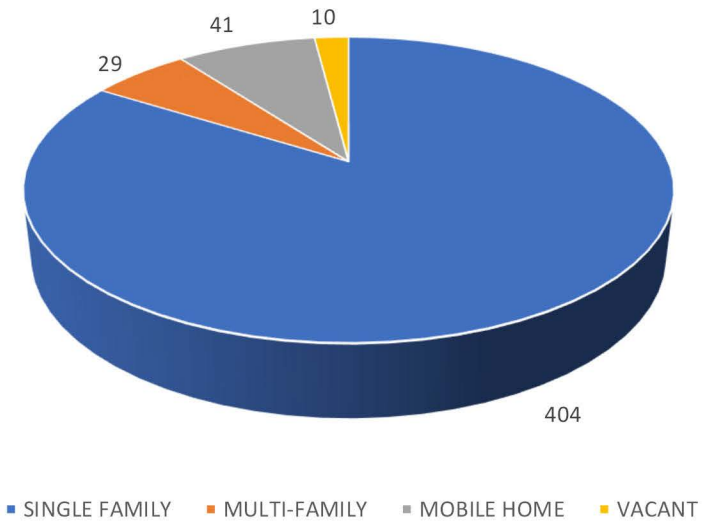
SINGLE FAMILY	MULTI-FAMILY	MOBILE HOME	VACANT
404	29	41	10

Source: Field Survey Conducted by Bureau Veritas in 2024

FIGURE 7

CITY OF RIESEL

EXISTING HOUSING UNITS



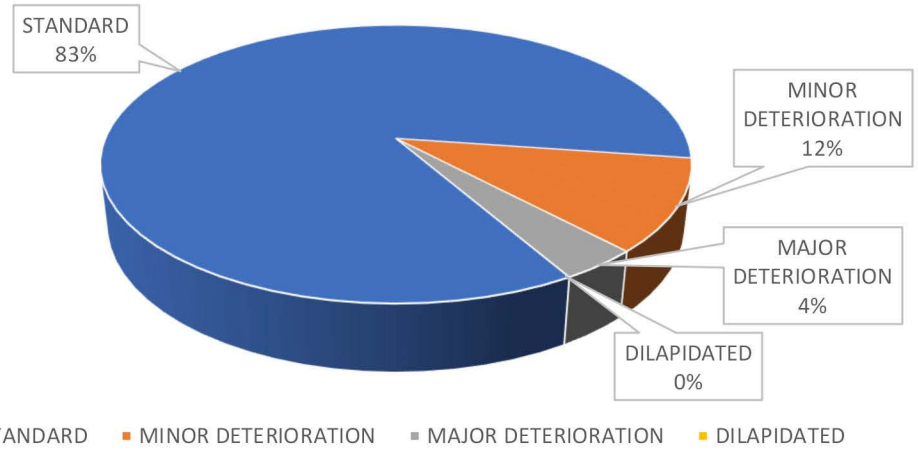
Source: Field Survey Conducted by Bureau Veritas in 2024

TABLE 7
CITY OF RIESEL
EXISTING HOUSING CONDITIONS

CONDITION	NUMBER	PERCENT
STANDARD	349	**83.3%**
MINOR DETERIORATION	52	**12.4%**
MAJOR DETERIORATION	18	**4.3%**
DILAPIDATED	0	

Source: Field Survey Conducted by Bureau Veritas in 2024

FIGURE 8
CITY OF RIESEL
EXISTING HOUSING CONDITIONS



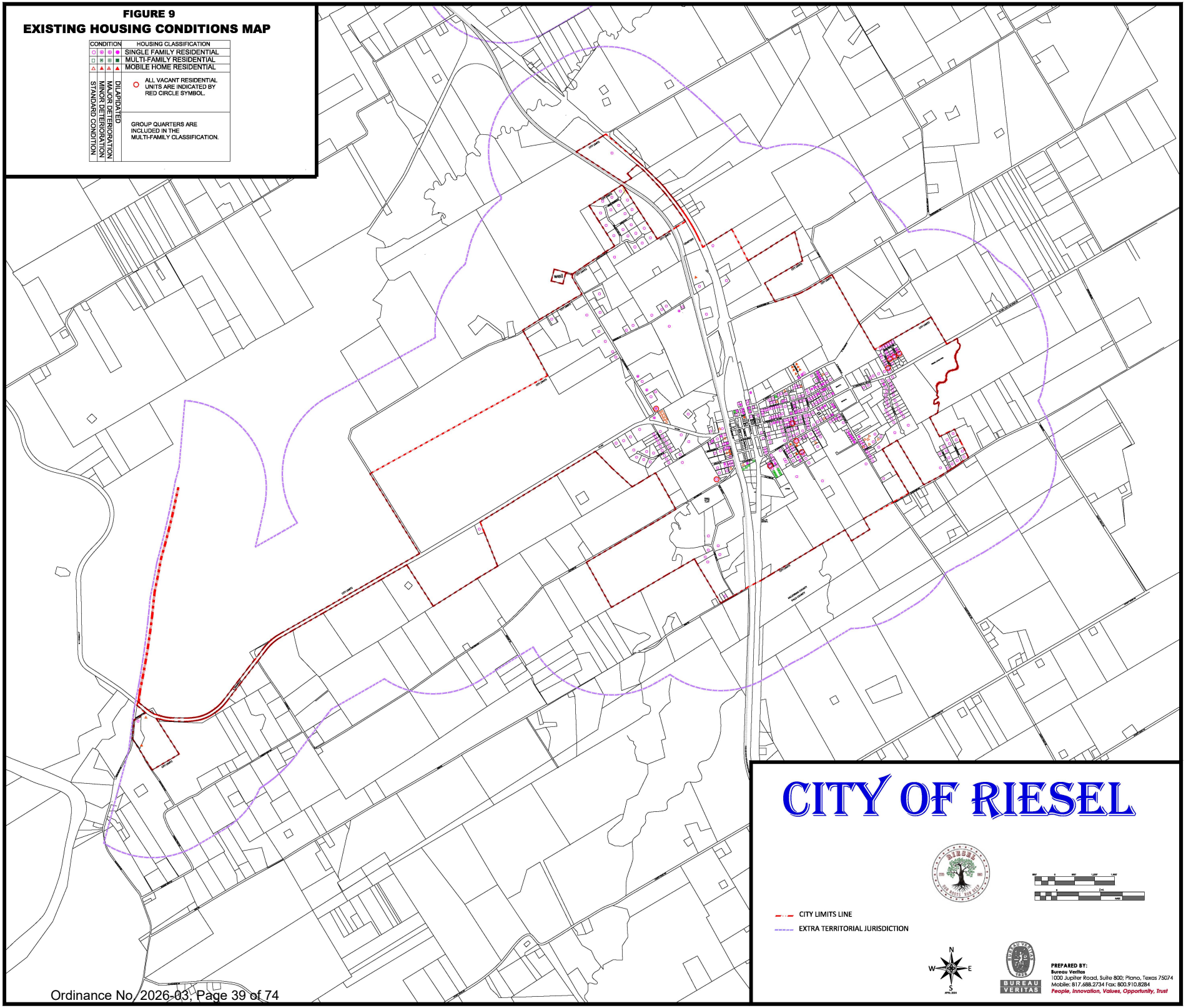
Source: Field Survey Conducted by Bureau Veritas in 2024

The normally accepted vacancy rate is approximately five percent to ensure an adequate supply of housing is available at all levels of the housing market. Based

FIGURE 9

EXISTING HOUSING CONDITIONS MAP

CONDITION				HOUSING CLASSIFICATION
				SINGLE FAMILY RESIDENTIAL
				MULTI-FAMILY RESIDENTIAL
				MOBILE HOME RESIDENTIAL
STANDARD CONDITION	MINOR DETERIORATION	MAJOR DETERIORATION	DILAPIDATED	ALL VACANT RESIDENTIAL UNITS ARE INDICATED BY RED CIRCLE SYMBOL.
				GROUP QUARTERS ARE INCLUDED IN THE MULTI-FAMILY CLASSIFICATION.



CITY OF RIESEL

CITY LIMITS LINE

EXTRA TERRITORIAL JURISDICTION

N
W E
S

PREPARED BY:
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1000 Jupiter Road, Suite 800; Plano, Texas 75074
Mobile: 817.688.2734 Fax: 800.910.8284
People, Innovation, Values, Opportunity, Trust

on the estimate of an average of 3.3 persons per household, allowing for a five percent vacancy rate, and reflecting anticipated future population levels, the estimated future total housing needs for the City of Riesel has been estimated to be 676 units by 2046. 10.69 percent of the existing housing stock in Riesel is considered to be in a minor deteriorating condition, with about 11.31 percent of the single family units needing repair or demolition. In order to maintain the condition of Riesel's housing stock, the City should educate its citizens about the importance of maintaining the sound condition of housing. Deteriorating housing should be improved to standard condition. Over a period of time, every housing unit in the City should be brought into compliance with minimum safe housing standards.

To facilitate this process a residential "Certificate of Occupancy" program should be adopted by the City Council and implemented. The Implementation strategy is as follows:

> Beginning on a specific date to be established by the City Council a Certificate of Occupancy should be required prior to changing the occupant of an existing single-family home (including manufactured and mobile homes) or duplex living unit in the City of Riesel. An approved Certificate of Occupancy Application would be required before a new City utility account will be activated.
>
> Certificate of Occupancy Applications could be obtained from City Hall's (utility) Office or downloaded from the City's website.
>
> The top portion of the application would be filled in and returned to the Customer Service (utility) Office along with the $100 application fee. The normal $150 deposit must also be paid

prior to activating a new utility account.

Prior to approving an application, the City will inspect the living unit and property to verify compliance with the City's building and property maintenance codes. A checklist of routine inspection items is listed on the lower portion of the application. Some inspection items, considered imperative to protecting the life and safety of the occupants (see inspection checklist), must be addressed prior to approval of the Certificate of Occupancy. Failure to correct all "failed" inspection items within 30 days of CO approval (or as otherwise required) will result in a Municipal Court citation.

As part of the inspection, the property owner must give the City's inspector access to interior of the living unit. Persons who submit an application before 12:00 noon can normally expect to receive an inspection between 2:00 p.m. and 4:00 p.m. the same day. Persons submitting applications after 12:00 noon can normally expect an inspection between 10:00 a.m. and 12:00 noon the next business day. If the structure will not be available during the anticipated inspection periods, an applicant may call the City's inspector and arrange an alternative time.

The application fee and inspection are not required if a Certificate of Occupancy was approved for the living unit within the previous 12 months.

These routine inspections are one of the tools that could assist

the City in finding and curing issues that can eventually lead to neighborhood decline and blight.

A copy of a sample application and check list is shown at the end of this Housing Section.

HOUSING PLAN

Housing needs and some of the potential housing issues/problems within the City have been identified above. The prevention and elimination of housing problems in Riesel will require the development and implementation of an effective housing program. Although this will be an ongoing process, specific actions for the short-term period covering the next five years have been developed. These are listed below:

2026 through 2046

1. Adoption of this Comprehensive Plan.
2. Beginning a public awareness program on the need to preserve the existing housing stock.
3. Keep a Certificate of Occupancy permit for residential development a viable program
4. Beginning with those units in worst condition, completion of the rehabilitation of at least 19 of the deteriorating housing units in the City by using a combination of the following methods:

- Strict Code Enforcement.

- Obtaining Federal/State financial assistance for housing improvements.
- Establishing Benevolent Groups to help those unable to help themselves.
- Seeking funding from other housing programs (See State Low Income Housing Plan Programs identified below).

5. Based on the projected population and housing needs, an average of 15 housing units being constructed every 12 months (until a total of 300 new units are provided to meet the anticipated 2046 housing demand). This will provide for future housing demands. The construction of the needed housing units should be provided through private home builders responding to local demand. The City should encourage high quality units with various levels of size and density including multi-family, and townhouses subject to adopted zoning and subdivision regulations and building codes.

2020 State of Texas Low Income Housing Plan

The Texas Department of Housing and Community Affair's (TDHCA's) programs govern the use of available resources to meet the housing needs of low-income Texans. Program descriptions include information on funding sources, recipients, targeted beneficiaries, set-asides and special initiatives. The following is a list of TDHCA programs and activities made available through administrators in State Fiscal Year (SFY) 2020. It is organized by division:

For more detail go to the following site for the 2020 State of Texas Low Income Housing Plan and Annual Report.
https://tdhca.state.tx.us/housing-center/docs/20-SLIHP.pdf

Community Affairs Division

Community Services Block Grant (CSBG) Program

Comprehensive Energy Assistance Program (CEAP)

Section 8 Housing Choice Voucher (HCV) Program

Weatherization Assistance Program (WAP)

HOME Investment Partnerships Program (HOME) and Homelessness

Programs Division

HOME Contract for Deed (CFD)

HOME Single Family Development (SFD)

HOME Tenant-Based Rental Assistance (TBRA)

HOME Homebuyer Assistance (HBA)

HOME Homeowner Rehabilitation Assistance (HRA)

HOME Homebuyer Assistance with New Construction or Rehabilitation (HANC)

Emergency Solutions Grants (ESG) Program

Homeless Housing and Services Program (HHSP)

Ending Homelessness Fund (EH Fund)

Manufactured Housing Division

Multifamily Finance Division

Housing Tax Credit (HTC) Program

Multifamily Bond (MF Bond) Program

Multifamily Direct Loan (MF Direct Loan) Program

OCI, HTF, & NSP Division

Amy Young Barrier Removal (AYBR) Program

Colonia Self-Help Center (SHC) Program

Texas Bootstrap Loan (Bootstrap) Program

Neighborhood Stabilization Program (NSP)

Section 811 Project Rental Assistance

Texas Homeownership Division

My First Texas Home (MFTH) Program

My Choice Texas Home (MCTH) Program

TEXAS Mortgage Credit Certificate (TX MCC) Program

Texas Statewide Homebuyer Education Program (TSHEP)

Texas Homebuyer U (TXHBU)

Residential Certificate of Occupancy Application

Inspection Request - Toll Free: (xxx) xxx-xxxx FAX: (xxx) xxx-xxxx

Property Address:	**Application Date:**
Occupant:	Phone Number:
Property Owner:	Phone Number:
Address:	

The application fee and inspection are not required if a Certificate of Occupancy was approved for the living unit within the previous 12 months. Corrections to address some "failed" inspection items marked with an ***asterisk** may be required before a Certificate of Occupancy (CO) will be issued. An approved Certificate of Occupancy Application will be required before the City utility account will be activated. Failure to correct all "failed" inspection items within 30 days of CO approval (or as otherwise required) will result in a Municipal Court citation.

FOR OFFICE USE ONLY

PASS	FAIL	INSPECTION CHECKLIST ITEM
		Exterior property kept in a clean, safe and sanitary condition.
		Premises graded in a manner to prevent soil erosion and to prevent the accumulation of stagnant water
		Exterior areas maintained in a manner that controls the growth of high grass and weeds.
		Exterior structure maintained in good repair, structurally sound and sanitary so as not to pose a danger to the public health, safety or welfare. Exterior wall coverings in good condition (i.e. wood rot is to be replaced and the exterior wall covering is to be kept painted.
		Windows, skylights, and door frames kept in sound condition, good repair, and weather tight.
		Fences & gates more than 5% damaged or leaning 10 degrees shall be repaired.
		The home shall have the address attached to the structure so it can be visible from the road frontage. The numerals shall be a minimum of 4 inches in height.
		Structural supports shall be in good repair and capable of supporting the imposed loads.
		Foundation walls shall be maintained plumb and free of open cracks that could allow entry of rodents or other pests.
		Roofs and flashing shall be maintained in a defect free manner.
		Plumbing system shall be maintained in a working and sanitary manner. All plumbing fixtures shall be in working order free from leaks, defects and stoppages.
		Provide heating facilities capable of maintaining a room temperature of 68 degrees in all habitable spaces.
		*Exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair.
		*Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage system.
		*Mechanical appliances, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition.
		*A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
		*Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
		*Dwelling units are to have a minimum of battery operated smoke detectors in each sleeping room, in the hallway leading to each sleeping room and on any second inhabitable level.
		*Other fire, life safety, & health requirements in the Building Regulations.
COMMENTS:		

CERTIFICATE OF OCCUPANCY

O Approved O Additional Corrections Required within 30 Days *(occupant must call for re-inspection)*

O Denied

Inspector	Inspector's Phone Number	Date

Land Use

INTRODUCTION

The way land is used shapes the community in fundamental ways, affecting all aspects of community life: opportunities for jobs, housing, recreation, and businesses; community character and design; and the need for public facilities and services of all types as well as the impact of traffic, noise, and air quality. As Riesel continues to grow and change, it is important to take a Community Development look at the distribution of land uses in the community. Since its founding in 1880, Riesel's boundaries have continued to expand. It is anticipated that market forces and economic trends will continue to make it beneficial for Riesel to follow a policy of orderly and balanced growth. Zoning is the community's primary tool for regulating land uses and is legislated by the City Council. Zoning divides a community into districts or zones which specify the permitted and prohibited uses. The most common zoning categories are residential, commercial, and industrial.

KEY PLANNING PRINCIPLES

During development of the Riesel plan policies and growth management strategy, four planning principles were identified and defined. Understanding each principle and their interrelationships are important to understanding the vision of Riesel citizens and the way we can achieve that vision.

Principle 1: Inclusion -

The plan vision states that Riesel is a city for all types of people and all types of uses. Riesel is a city, and a city creates opportunities for all types of people and businesses. To accommodate all types of people, a city must allow all types of housing. And to accommodate a complete range of business

opportunities, the city must organize those uses to minimize land use conflicts and must define performance requirements that require property owners to perform to community standards.

Principle 2: Sustainability –

Community sustainability can be defined as the ability of a community to use its resources to ensure that its members can attain a high degree of health and well-being, economic security, and a say in shaping their future. This is done while maintaining the integrity of the ecological systems upon which all life and production depends. This implies a sense of fairness and justice within the community, across generations, and across communities.

Principle 3: Balance –

Balance is the condition of stability and cohesion within the systems of governments, residents, organizations, and the environment. A community in balance is resilient and sustainable. The practical aspect of land use balance is reflected in the ratio between residential and nonresidential uses and the relationships among residential and nonresidential land uses. The city must also be aware of the financial implications of its land use plan.

Principle 4: Maintenance –

A city must allow development to occur that provides the resources to maintain its infrastructure and public facilities. In a community that has a high percentage of public lands, it may be advantageous to create a tax base with multiple revenue sources. Riesel needs to maintain and enhance the opportunities to expand the tax base of the community and that adequate resources are made available to maintain and enhance public lands and facilities.

CURRENT LAND USE

A study of existing land use patterns in the area reveals the following:

- The Central Business District, which is normally the community's urban core with government, finance, cultural, institutional, specialty retail, and office as the primary land uses are significant at this time.
- Currently, the City has two Major thoroughfares traversing the city boundaries which connect to the other points in the region.
- Commercial activity is primarily concentrated along the major arterial streets.

It is apparent to community leaders that the very quality of life and economic viability of modern communities are greatly affected by the arrangement of its land uses. In fact, today it is obvious to most municipal officials that the degree of harmony, desirability, efficiency, and convenience that a city has to offer to its citizens is largely determined by the quality of public and private land use decision making within its jurisdiction. Therefore, proper planning for healthy growth and change in a given town or city must begin with a sound local land use planning effort. Consequently, the laws of the State of Texas acknowledge and encourage land use planning as a fundamental activity of responsible local governing bodies. In order to begin a land use planning effort, it is important to establish a common understanding among participants regarding the basic nature of planning. Fundamentally, a plan is a way of communicating a desired future; a means for transforming thoughts into a reality. In order to produce a plan, it is necessary to compare "what is" with "what is desired". Strategies must then be developed to maintain the existing

elements deemed desirable, and encourage equitable, healthy change, which addresses those desires that are currently unrealized.

The method a public entity uses for formulating such a plan should reflect the political and socio-economic context of its jurisdiction. Within our system of governing (a democratic republic with a capitalistic economy), it is important for a land use plan to (a) express a vision that is shared by local leadership, and (b) acknowledge and respect private property rights. Further, the plan should be formulated in a manner that enables it to function as a guide for capitalizing on local opportunity.

When considering the dynamics affecting land use planning for the City of Riesel, several factors affecting market processes and responses should be kept in mind. The pattern of land-uses existing in Riesel today are developing in response to the on-going and changing needs of the community. The day-to-day activities and desires of persons living and/or working in Riesel create demand for residential, retail, service, commercial, office, and industrial areas, as well as need for an efficient system of streets and public services. The market and human response to these demands on the existing land use patterns will impact Riesel's economic development and affect the relationships of existing and future land uses. The evolving relationships between existing and future land uses will shape the character of the community and create both short term and long-term impacts on the physical, socio-economic, and political future of Riesel.

Additionally, the development of these land use relationships will be important in the provision and management of public services and facilities throughout the community. An orderly and compact land use arrangement can be

served more easily and efficiently than a random and scattered association of unrelated uses. Providing for this orderly and efficient use of land should be a major planning consideration in the City of Riesel.

More specifically, in considering future land use, the present use of land must be analyzed. Future decision-making must consider the conditions existing today. For example, in a given city, the land use patterns have generally been established, and an overall market consensus on the reasonable range of property values has been reached. A future land use plan must respect these existing patterns, protect established value ranges, and not jeopardize the socio-economic stability by suggesting adverse changes to land use. A future land use plan also must recognize existing conditions, which may require expansion of certain land uses, as well as trends influencing development that may require allocation of additional land for new uses in presently undeveloped areas.

In order to analyze the present use of land in Riesel and enable community leaders to envision future land use arrangements, the specific nature, location, and intensity of all existing land uses must be considered. Therefore, a thorough and Community Development examination of land uses were undertaken in 2023. All tracts of land within Riesel's city limits and extraterritorial jurisdiction were examined on a parcel- by-parcel basis to determine the nature, extent, and quality of use. This information was recorded on prepared base maps. The use of each parcel was also classified

within a series of land use categories to reflect the City's current patterns of use. These various land use categories are summarized as follows:

1. Residential:

   Single-family dwellings

   Multi-family dwellings

   Mobile homes/Manufactured Housing
2. Commercial
3. Industrial
4. Parks
5. Public and semi-public areas
6. Streets, Alleys and Railroads
7. Vacant Developed / Agriculture/Vacant Undeveloped

Each of these categories can be generally defined in the manner described below:

1. Residential: Land on which there exists one or more dwelling units, including accessory buildings; the primary use being for sheltering individuals, families, or groups of persons. The residential land use classification examined three specific types - single-family, multi-family (including group home), and mobile home. Single-family includes those permanent structures, which were originally designed to provide housing for one family unit. Multi-family housing structures include those which were originally designed to house two or more family units, such as duplexes, apartment houses, and group quarters. Mobile homes include those housing structures, which were designed to permit mobility over public streets and highways with a minimum of effort and congestion and have not had significant

design alteration (e.g.. setting a unit on a permanent foundation, thereby limiting the ability for easy movement).

2. Commercial: Land or buildings where merchandise or services are offered for sale. The primary purpose of the land is to provide a location for displaying merchandise or communicating services in a manner that enhances the convenient retail sale of goods and services. Example: grocery stores, clothing sales, car sales, farm equipment sales.

3. Industrial: Land occupied by buildings or open areas primarily being used for storage, transportation, or manufacturing of a product. Example: manufacturing, construction yards, heavy equipment or material storage, warehousing, wholesale operations, utility stations.

4. Parks: Land devoted to active or passive recreation, or preservation of open space, natural beauty, or environmentally sensitive lands.

5. School Lands: Normally, when reviewing land use schools are included in the public and semi-public category, however, since school lands in Riesel take a large percentage of that category we have decided to group them separately. This category also includes lands that are not currently developed but are owned by the school system.

6. Public and Semi-Public: Land or buildings occupied by agencies of the government or religious or educational groups. Example: schools, churches, cemeteries, city buildings, post offices, and fire stations.

7. Streets and Alleys: This category includes rights-of-way for highways, streets, and alleys opened for use as thoroughfares, and freight and passenger depots.

8. Vacant developed: Land on which none of the uses in 1 through 6 above are performed and where access to streets, sewer service, and water service is readily available.

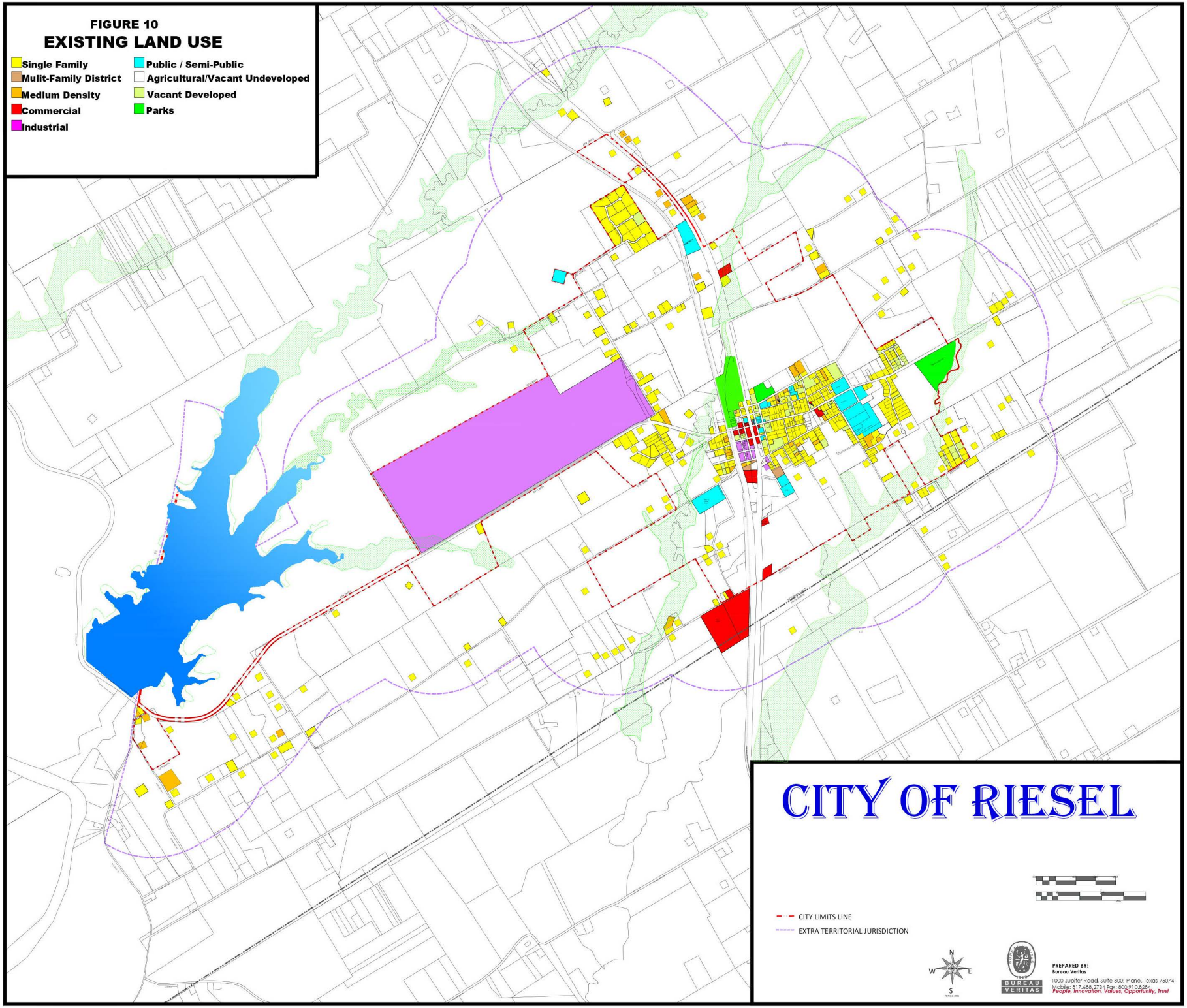
Agricultural: Cultivated and range land (five or more acres).

Vacant undeveloped: Land on which none of the uses in 1 through 6 above are performed and where access to streets, sewer service, and water service is not available.

EXISTING LAND USE COMPOSITION AND ANALYSIS

LAND USE INVENTORY

The land use inventory is a physical survey of existing land uses in the community including the extra-territorial jurisdiction. The planning area includes both the area within the City Limits and that area within 1 mile of the City Limits. The inventory was graphically recorded on Figure 10, and the corresponding acreage calculations were tabulated. The land use inventory is not a plan, but rather an important set of data for formulating a plan. To


FIGURE 10
EXISTING LAND USE
Single Family
Mulit-Family District
Medium Density
Commercial
Industrial
Public / Semi-Public
Agricultural/Vacant Undeveloped
Vacant Developed
Parks
CITY OF RIESEL
CITY LIMITS LINE
EXTRA TERRITORIAL JURISDICTION
N
W
E
S
BUREAU VERITAS
PREPARED BY:
Bureau Veritas
1000 Jupiter Road, Suite 800, Plano, Texas 75074
Mobile: 817.688.2734 Fax: 800.910.8284
People, Innovation, Values, Opportunity, Trust

keep the plan current, this inventory should also be kept current. As a new building permit is issued or a tax record is changed, the Existing Land Use Map should be updated and the land use inventory calculations appropriately adjusted. By keeping the land use data current, the City can always assess where it is in relation to its ultimate land use as outlined in the Future Land Use Plan.

Riesel is relatively small with a population of 1448 as of 2026 containing a total land area of approximately 8,337.76 acres (13.02 square miles). Riesel has developed on flat to gently rolling terrain with scattered trees. Situated in southeast McLennan the City is at an elevation ranging from approximate 505 feet above sea level. Riesel has U.S. Highway 6 traversing the city northwest to southeast, and Highway 1860 from west to east. The City of Waco is the closest major economic center.

The City of Riesel has about 36.3 percent, or 981.14 acres of the City developed, while the remaining acreage is vacant (without access to streets or utilities). Of the developed land, the most prevalent land use is Industrial, which occupies about 16.7 percent of the City's total developed land area. The majority of the Industrial land use is from the powerplant acreage.

Commercial land use covers a total of 15.88 acres in the City. Due to customer convenience and good access, most of the future commercial land use in the City is expected to develop along highway frontages. However, the City will be encouraging commercial development occurring in the downtown (CBD) area through a significant revitalization of the area.

Industrial land which includes the power plant site include of some 451.59 acres, 16.71 percent of the developed land in Riesel.

The public/semi-public land use is generally comprised of land supporting the city hall, police station, fire stations, churches, utility sites, hospitals and post office. Public/semi-public land uses in Riesel account for a total of 83.32 acres, or 3 percent of all land within the City.

ANALYSIS OF EXISTING LAND USE

Examination of both the existing and future development activity in Riesel should report on the following basic influences: population growth, housing availability, public utilities and facilities, transportation, and development constraints posed by both the natural and man-made environment.

INFLUENCE OF POPULATION

Riesel's population growth is expected to grow significantly during the 20-year planning period. The 2010 population was 1013 according to the census data. The 2026 population rose to 1448 and the 2046 projected population is estimated to be 2350. The demographic characteristics of the population are not anticipated to change significantly.

The additional residential population will place more demand on city services and utilities. As residential properties develop there will also be a proportional increase in the locally generated demand for retail/services. The City has 0.2 acres of commercial land use per 100 population (2.0 is the normal based on staff observations over years of experience). The 0.2 acres includes existing vacant commercial structures which is significant.

Eventually, future population growth will present good opportunities for growth in retail/service uses primarily serving the local population, and highway passer-by consumers.

HOUSING INFLUENCE

Riesel provides three types of housing opportunities - single family units on permanent foundations, mobile homes and multi-family. According to the 2024 survey by Bureau Veritas, 476 housing units in Riesel were occupied out of the 486 total units. About 416 out of Riesel's 486 housing units (86.0 percent) are single-family, and approximately 14.4 percent of the total dwelling units need repair, with 11.32 percent of the single-family units needing major repair. (10 need demolition).

TABLE 8

CITY OF RIESEL

LAND USE CALCULATIONS

LAND USE	ACRES	% OF GROSS	% OF TOTAL DEVELOPED	ACRES/100 PERSONS
RESIDENTIAL	216.00	7.99%	22.02%	14.52
SINGLE FAMILY	195.47	7.23%	19.92%	13.14
MULTI-FAMILY	3.58	0.13%	0.36%	0.24
MOBILE HOME	16.45	0.61%	1.68%	1.11
COMMERCIAL	15.88	0.59%	1.62%	1.07
INDUSTRIAL	451.59	16.71%	46.03%	30.35
PARKS	25.71	0.95%	2.62%	1.73
PUBLIC/SEMI PUBLIC	83.32	3.08%	8.49%	5.60
STREETS & ALLEYS	157.29	5.82%	16.03%	10.57
VACANT DEVELOPED	31.85	1.18%	3.25%	2.14
VACANT UNDEVELOPED	1721.39	63.70%		115.68
TOTAL DEVELOPED	981.14	36.30%	100.00%	65.94
TOTAL	**2702.53**	**100.00%**		**181.62**

* Includes railroad rights-of-ways.

Based on 2020 land use survey conducted Bureau Veritas. All areas are approximate.

With the growth in population, the demand for well-maintained housing of various types will increase. Riesel housing supply is in very short supply as evidenced by the population projections, high occupancy rates, and the required housing units needed during the planning period. As the City grows, new housing must be planned and constructed, and the existing housing stock must continue to be well maintained. For this reason, a residential "Certificate of Occupancy" program has been recommended. For a more in-depth analysis of housing, see the Housing Section of this Community Development Plan.

UTILITIES

Water and wastewater systems were not part of this plan; however, the Riesel's water and sewer system should be adequate during the planning period. When setting priorities for future expenditures, it must be kept in mind that attraction of future growth and provision of appropriate levels of service depend on appropriate expansion of the City's wastewater collection and water supply and treatment system.

PUBLIC FACILITIES

Public facilities in Riesel include: a city hall/police station, a fire station, churches, schools, utility sites, museum, new community center, college, hospital, and a post office. Demands of future populations will require future public facility maintenance and significant expansion.

NATURAL AND MAN-MADE CONSTRAINTS

Other than the barrier effect of Highway 6, FM 1860, and the railroad traversing the City, there are no significant man-made constraints affecting development in Riesel; however, Manos Creek and Sandy Creek and their

tributaries impacts development of the City. These waters traverse the City from west to northeast.

The creek areas (with associated flood hazard area) provide obvious challenges to development - crossings are difficult, and flood hazard areas are either unbuildable or require limited filling. The flood hazard areas associated with that portion of the above-described creek areas impacting Riesel and its future growth areas are mapped on Flood Insurance Maps for McLennan County and are generally indicated on the Future Land Use Plan.

A flood hazard area consists of two sections. The center of the flood hazard area is know as the floodway. This area, which includes the actual water channel, is the area which cannot be filled without causing increased flooding elsewhere during a 100-year storm. The area extending from the floodway to the outer edge of the flood hazard area is known as the flooding fringe. This higher area can be developed after appropriate study, but habitable structures must be built one-foot above the 100-year flood elevation. At this time, the delineation between the floodway and the flood fringe has not been determined for Riesel. However, the total flood hazard area has been determined and is shown on the existing and future land use plan.

With regard to soil, there are two general soil types, Wilson-Bremond-Mabank, and Axtell-Riesel-Minwells. Table 9 outlines the soils that exist in Riesel while Figure 11 maps the soils in Riesel and surrounding area. As shown, the soils have limitations for foundation design (severe shrink swell potential) and septic systems (percs slowly).

FIGURE 11
SOIL MAP

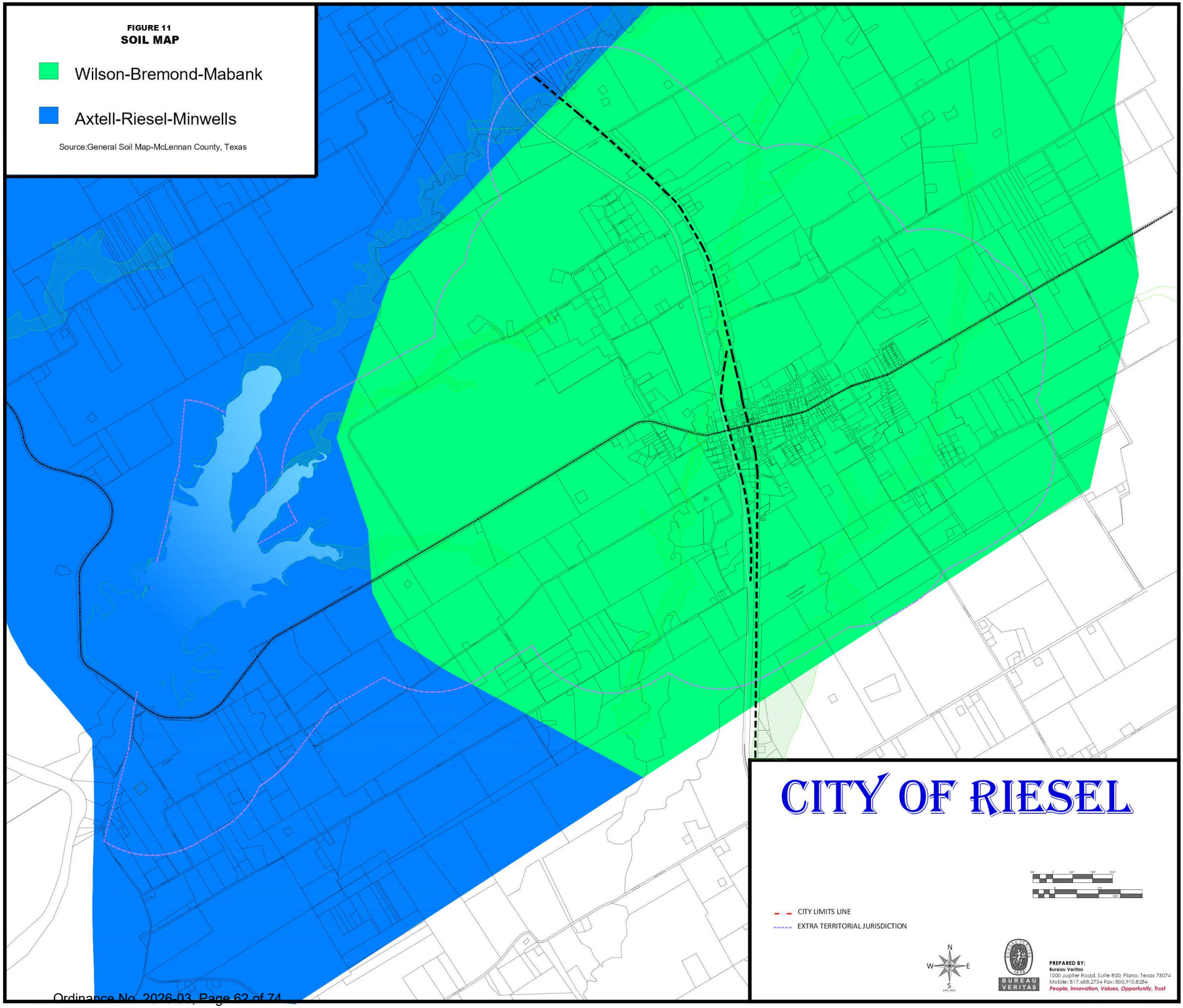


TABLE 9

CITY OF RIESEL

SOILS

Soil Type	Shrink-Swell Potential	Permeability	Sewage Disposal Fields	USDA Texture
Wilson-Bremond-Mabank	High	Restricted	Limited	Clay, Sandy y
Axtell-Riesel-Minwells	Moderate-High	Restricted	Limited	Clay, Sandy y

Source: Soil Survey McLennan County, Texas

Wilson-Bremond-Mabank

Wilson soils typically have a surface layer of dark grayish brown clay . The soil is dark gray and very dark gray clay. The underlying material is reddish yellow clay. The soils are moderately acid to neutral in the surface layer and in the upper part of subsoil and moderately alkaline in the lower part of the subsoil.

Bremond soils typically have a surface layer of light yellowish brown . The subsoil is brown, dark yellowish brown, and yellowish brown clay. The soils are moderately acid to neutral in the surface layer and moderately acid to moderately alkaline in the subsoil.

Mabank soils typically have a surface layer of grayish brown fine sandy . The subsoil is very dark gray, gray, and grayish brown clay. The soils are slightly acid or neutral in surface layer and moderately acid to moderately alkaline in the subsoil.

The major crops are small grain, forage sorghum, and grain sorghum. Some areas are used for cotton or corn, but a moderate available water capacity may limit yields. The climax vegetation in areas of rangeland is a tall grass prairie with mainly little indiangrass, and other grasses and forbs. Most of the pasture in Halen supports improved Bermuda grass or common Bermuda grass.

A high shrink swell potential in the subsoil and seasonal wetness in the flat areas limit urban development. Restricted permeability in the subsoil affects septic systems.

Axtell-Riesel-Minwells

Gently sloping to strongly sloping, very deep, y well drained soils. Typically, Axtell soils are on side slopes, Riesel soils are on side slopes and ridges, and Minwell's soils are on hillsides and hilltops. The soils formed in Pleistocene-age terrace deposits along the ancient Brazos River.

Axtell soils typically have a surface layer of grayish brown fine sandy loam. The subsurface layer is very pale brown fine sandy loam. The subsoil is reddish yellow, yellowish red, and gray clay. Soils are strongly acid to slightly acid in the surface layer, the subsurface layer, and the upper part of the subsoil and strongly acid to neutral in the lower part of the subsoil.

Riesel soils typically have a surface layer of dark brown gravelly fine sand. The subsurface layer is brown very gravelly fine sandy loam. Soil is red, light yellowish brown, and pale yellow very gravelly clay. The underlying material is pale yellow very gravelly fine sand. Soils are slightly acid or neutral in the surface layer and subsurface layer, moderately acid to slightly alkaline in the subsoil, and slightly alkaline in the underlying material.

Minwells soils typically have a surface layer of brown fine sandy loam. Soil is reddish brown and red clay. The underlying material is reddish yellow gravelly sandy clay. The soils are slightly acid to slightly alkaline in the surface layer and slightly acid to moderately alkaline in the sub soil.

The major crops are small grain and forage sorghum. A few areas are used for peanuts, vegetables, or truck crops. The available water capacity is

moderate. Soils are highly erodible in the more sloping areas. Climax vegetation in areas of range land consist of tall native grasses with scattered oak savannah. Grasses or little bluestem, switch grass, and indiangrass. Trees are post oak and blackjack oak. Most of the pasture and hay land supports improved Bermuda grass. Some areas support King Ranch. The hay is used as supplemental livestock feed.

Restricted permeability and the shrink-swell potential in the subsoil may limit urban development. Properly designing septic tank absorption field helps to overcome the restricted permeability.

LAND USE GOALS AND OBJECTIVES

Riesel's future land use patterns will significantly influence the quality and cost effectiveness of local transportation, provision of public services, energy consumption, property taxes, land use compatibility, and opportunities for future growth and prosperity. Therefore, the overriding land use goal for the City is to:

GOAL.

Provide adequate land areas for future development and encourage the establishment of land use arrangements that provide for a sustainable arrangement that protect the health, safety, and welfare of Riesel residents and landowners.

POLICIES:

- Create and maintain sustainable neighborhoods which provide pleasant places for all citizens to live by meeting local housing needs and future market demands.
- Encourage the location of business, office, and industrial centers that:
    1. most efficiently utilize local resources;
    2. minimize adverse impacts on adjacent uses;
    3. and most effectively provide the community with desired products, services, and employment opportunities.
- Develop zoning and subdivision regulations consistent with the land use plan.

FUTURE LAND USE

PRINCIPLES AND PROCESS

In order to formulate, adopt, and implement a plan that accomplishes the foregoing overall goal and objectives, it is important to incorporate certain basic planning principles and processes into the local future land use planning effort. The Future Land Use Plan expresses projections that are based on sound planning principles, recognizing, and supporting existing land uses, community facilities, and physical features. Existing land uses, existing structures, surrounding market areas, transportation patterns, and natural or physical limitations all combine to affect the planned and actual direction and extent of the City's growth. The needs addressed by the Future Land Use Plan reflect an evaluation of past needs and current trends, as well as the assumption that the City will grow in patterns predicated on those needs and trends. It must be emphasized, that the Future Land Use Plan is

intended as a guide to organize the future growth of the City but does not suggest mandatory compliance.

The plan for Riesel suggests that certain areas be reserved and developed for various land uses. The following general action guidelines were used in developing the land use arrangements expressed by the plan:

- Establish a pattern of land use which creates sound, functional relationships between working, living, and recreational areas.
- Establish a pattern of land use, which minimizes conflict between potentially incompatible land uses.
- Establish a pattern of land use, which provides a balance between demand for different land uses, and the opportunities for supplying a reasonable selection of viable, compatible sites.
- Establish land use assignments that recognize regional opportunities and constraints that affect the local market.
- Establish a land use pattern which creates a balance between the provision of public services, and the provision of a reasonable selection of land use arrangements addressing private development demands.

Additionally, the locational requirements and preferences regarding land use arrangements are factors to consider in formulating the guiding principles and standards for anticipating the future location and distribution of uses throughout the City. In more definite terms locational requirements consider health and safety hazards; relative position of uses in terms of both time and distance; relative compatibility of uses; the social implications for the people of the community; the economic feasibility of developing particular

uses in particular locations; and the effect of use arrangements on the quality of life and general attractiveness of the Community.

Selecting the pattern and distribution of future land use is best accomplished through:

- The analysis of existing land use characteristics.
- The effect of existing infrastructure.
- The location of existing thoroughfares.
- The effect of the past, current, and future economy; and,
- The application of recognized planning principles.

These characteristics and principles, then, establish a "determinant" process by which to judge the optimum use by community standards. The advantage of going through such a process is two-fold. First, it results in a land use plan for the City as represented by the Future Land Use Map. This map is a generalized guide to help keep the long-range plans for the community in perspective. Although the Future Land Use Map cannot be used exclusively to identify the proper use for each lot and parcel, it can be used to assure that individual decisions follow a Community Development pattern. It also helps in the sensitive but necessary evaluation of change with respect to public and private benefits.

The establishment of this process provides the City with a method of logically making subsequent land use decisions. Existing conditions, accepted principles, and current policies should be used in the evaluation of proposed changes. For example, these determinants should be used in considering a

rezoning application, selecting the location for a utility line extension, or drafting new development regulations.

The Future Land Use Plan does not attempt to set specific use for each and every parcel in the planning area. A specific lot-by-lot assignment would both remove the competitive element from the market and suggest overly restrictive limitations to the different uses of a given piece of land. Rather, the Future Land Use Plan should be used to establish the general character and needs of an area. When the Plan is implemented through rezoning, platting, and ultimately development, each parcel should be evaluated by the application of the current policies and recognized planning principles.

RECOMMENDED ASSIGNMENT OF LAND USES

The recommendations below are based on the forgoing general planning principals and existing land use analysis; information from other applicable sections of this plan (as periodically indicated throughout the text above); the above-mentioned goal, objectives, principals, and processes.

RESIDENTIAL LAND USES:

Residential, commercial, and industrial uses, each have distinct sets of parameters affecting demand and location within the community. Residential land use demand is basically a function of future population level and average household and lot size. Medium and high-density development should be used to serve the needs of certain population groups as well as to provide transition between widely varying intensities of use.

With respect to the location of future residential development, convenient access to major streets, commercial areas, and community facilities must be

considered. For Riesel, it is anticipated that new residential will be built as: in-fill development/redevelopment, as new subdivisions mostly north and west of town, and as large lot development in sparsely populated areas on the outlying areas surrounding the City. In order to defray the impacts of density, consideration should also be given to developing new medium and higher densities in transitional areas between single family and commercial or industrial uses.

To meet housing projected demand over the period from 2023 to 2043, if growth projections are accurate, 676 additional housing units are needed. Based on the future size demand and land supply for residential lots in the City and the anticipated future population and household size, the amount of future demand for single family residential land can be computed. The present average single family lot size in Riesel is approximately 92,704.56 square feet. As future developments occur, and the fringe areas of Riesel develop, the average lot size for single family may decrease. The present average household size for single family and mobile homes is estimated to be approximately 3.11 persons. As such, when considering projected population growth and adjusting for a 5% vacancy rate, the future minimum additional single family residential land use requirement for the City and planning area will be about 150 acres by 2046 will need to be developed and served over the next 20 years.

Finally, about 60 acres of medium to high density residential should also be provided to provide a buffer from existing and future industrial uses in various areas of Riesel. Work force housing is significantly missing in Riesel. As such to facilitate growth additional acreages in this category may need to be expanded to 100 acres.

COMMERCIAL LAND USES

The role of commercial activity in the city is to provide convenient and available retail, service, and office opportunities to residents of the Riesel market area. Commercial activity provides return on investment for business and property owners, employment opportunities for local residents, and an economic base for local taxing entities. Commercial activity generally supports community residential activity.

The structural nature of future commercial establishments should remain similar to existing facilities. The existing facilities are low-intensity, single-level structures which are usually accompanied by on-site parking and loading facilities.

Future commercial land usage is estimated to be approximately 47 acres or more by the end of the planning period (2046) which is an increase of 31.12 acres. Normally, for planning purposes, 2 acres/100 population is recommended.

DOWNTOWN REVITALIZATION DISTRICT

- Specified commercial areas of the downtown revitalization district should be places of great vitality, with a mix of residential, retail, office, service, government, cultural, and entertainment development. The health and vitality of the area can contribute in a major way to the city, its local and regional image, and quality of life. It is a place where residents can live, work, learn, and play in the same neighborhood. It includes different uses which may occur on each floor of the building.

INDUSTRIAL LAND USES:

Normal land use recommendations are for 12 acres per 1,000 population under normal circumstances. Riesel already meets that criteria with the existing industrial acreages. However, the type of agricultural industries currently in place and are anticipated in the future use a significant amount of land. Therefore, Industrial land use recommendations call for up to 15 acres or more acres of industrial use in Riesel. This land may be in the form of an "industrial incubator park". Some land adjacent to and outside the City Limits are currently within the agricultural industry category.

It should be remembered that, in comparison to many larger Texas cities, Riesel can offer access to lower cost labor forces, can impose fewer bureaucratic restrictions, and can offer the advantages of being outside any "non-attainment" area for air quality.

RECOMMENDED LAND USE PLAN:

The spatial arrangement of the land uses considered in the above recommended land use assignments were designed to address: the land use goals and objectives; the constraint and opportunity analysis of existing land use and future needs; and land use planning principles and processes. The resultant pattern was incorporated into the Future Land Use Plan and is graphically illustrated in Figure 12.

It should be especially emphasized that the value of this Future Land Use Plan to the decision-making process is good only as long as the Plan is kept current.

The inventory of both man-made and natural characteristics must reflect all changes occurring in the community. A current tally of existing conditions in both graphic and tabular form will not only allow for an up-to-date analysis of needs but will also allow for a measurement of success at achieving the Plan.

The Plan, then, must constantly be updated to reflect the conditions and attitudes of the times. Further, the Future Land Use Map should be used as a guide only to keep incremental changes of the community in perspective. The individual decisions which actually shape the community, however, should be evaluated with respect to the characteristics and principles discussed throughout this document.

FIGURE 11

FUTURE LAND USE

- Single Family
- Mulit-Family District
- Medium Density
- Commercial
- Industrial
- Public / Semi-Public
- Agricultural/Vacant Undeveloped
- Vacant Developed
- Parks
- THOROUGHFARE

CITY OF RIESEL

600' 0 600' 1,200' 1,800'

0 1 mi

MKS

CITY LIMITS LINE

EXTRA TERRITORIAL JURISDICTION

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APRIL 2, 2026

PREPARED BY:
Bureau Veritas
1000 Jupiter Road, Suite 800; Plano, Texas 75074
Mobile: 817.688.2734 Fax: 800.910.8284
People, Innovation, Values, Opportunity, Trust

CITY OF RIESEL, TEXAS

ORDINANCE NO. 2026-04

AN ORDINANCE OF THE CITY OF RIESEL, TEXAS, REPEALING ORDINANCE 2026-02 AND ADOPTING A COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP, ATTACHED AS EXHIBITS A AND B RESPECTIVELY; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE PLAN; REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES WITHIN SUCH ZONING DISTRICTS; REGULATING THE HEIGHT, SIZE, AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING, AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR, AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR SPECIFIC USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; PROVIDING FOR CERTIFICATES OF OCCUPANCY AND COMPLIANCE; PROVIDING THAT THE CITY COUNCIL WILL SERVE AS THE PLANNING AND ZONING COMMISSION; PROVIDING FOR VARIANCES AND ESTABLISHING A BOARD OF ADJUSTMENT; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY UPON CONVICTION FOR VIOLATION OF THIS ORDINANCE BY FINE IN AN AMOUNT NOT TO EXCEED A FINE OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY OR PART OF A DAY DURING ON OR WHICH A VIOLATION OF THIS ORDINANCE OCCURS OR CONTINUES; PROVIDING A SAVINGS CLAUSE AND CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING THAT THE NOTICE, MEETING AND PUBLIC HEARING FOR ADOPTION OF THIS ORDINANCE WERE PUBLISHED IN CONFORMANCE WITH STATE LAW AND THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riesel (the "City") is a type A general law municipality located in McClennan County, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Chapter 211 of the Texas Local Government Code, as amended ("Chapter 211") provides authority to the City to adopt rules governing zoning districts, zoning district boundaries and land use within its corporate limits for the purposes of promoting public health, safety, morals and general welfare and of protecting and preserving places and areas of historical, cultural or architectural importance; and

WHEREAS, pursuant to Chapter 211, the City has the legal authority to adopt regulations governing zoning and the use of land in accordance with its Zoning Map (defined below) in order to lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements; and

WHEREAS, the City Council finds that public health, safety, welfare, and aesthetic concerns create the need to enact zoning regulations applicable within the City; and

WHEREAS, notice was published on May 23, 2026, in the Waco Tribune-Herald, a newspaper of general circulation within the City, notifying the public that a public hearing on the adoption of the Comprehensive Zoning Ordinance of the City of Riesel, Texas (the "Zoning Ordinance") and the Official Zoning Map (the "Zoning Map") would be held at a meeting of the City Council of the City of Riesel on June 16, 2026 at 6:30 p.m. to receive public comment and consider adoption of the Zoning Ordinance; the same notice was also posted to the City's website; and

WHEREAS, the notices required under Chapter 211, section 211.006(a-1) were mailed certified to the affected property owners on June 3, 2026; and

WHEREAS, the Zoning Ordinance, attached hereto as **Exhibit "A"** establishes regulations governing land use and development within thirteen distinct zoning districts identified therein as the Agricultural District (AG), Single Family Residential (R-1), Single Family Residential – Townhomes (SF-TH), Manufactured Home District (MH-1), Manufactured Home Park District (MH-2), Two-Family Residential (TF), Multiple-Family Residential - Low Density (MF-1), Multiple-Family Residential - High Density (MF-2), Restricted Commercial (C-1), General Commercial (C-2), Central Business Redevelopment District (CBRD), Light Industrial District (I-1), and Planned Development District (PD); and the proposed regulations include dimensional standards to include minimum lot and building standards, use standards and a use table, definitions for various types of land uses allowed, building height, size of yards, courts and open spaces, bulk and use of buildings and land, minimum and maximum floor area, minimum off-street parking of vehicles, and related zoning and land use regulations consistent with currently existing development and for future development compatible with existing uses and zoning districts; and

WHEREAS, a comprehensive Zoning Map with existing and proposed land uses has been prepared for City Council consideration as part of the process of adopting zoning regulations pursuant to Chapter 211 of the Texas Local Government Code, and a copy of the Zoning Map which shall also serves as the guide for current and future land use and development within the City is attached hereto as **Exhibit "B",** the "Zoning Map"; and

WHEREAS, the properties described and depicted on the Zoning Map shall be zoned as designated thereon and shall be utilized for the purposes and included within the zoning districts identified in **Exhibit "A"**; and

WHEREAS, on June 16, 2026, city staff and consultants presented a proposed draft of the Zoning Ordinance and Zoning Map to the City Council, responded to questions from the City Council, received input, and at the conclusion of that presentation, the City Council conducted a public hearing affording members of the public the opportunity to speak; and

WHEREAS, the City Council desires to repeal Ordinance 2026-02 and replace it with this Comprehensive Zoning Ordinance and Zoning Map; and

WHEREAS, after compliance with all legal notices required by Chapter 211 of the Texas Local Government Code, the required public hearing on the proposed Zoning Ordinance and Zoning Map was held by the City Council on the 16th day of June, 2026, at its lawfully posted open meeting on that date, and the City Council finds and determines that the proposed regulations as set forth in the Zoning Ordinance and the Zoning Map, are reasonable and necessary, the proposed zoning classifications for the parcels identified on Zoning Map are consistent with the Comprehensive Plan, and that the best interests of the public health, safety and welfare are served by adoption of the Zoning Ordinance (**Exhibit "A"**) and the Zoning Map (**Exhibit "B"**), as more specifically set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS, THAT:

SECTION 1. Findings Incorporated. The recitals set forth above are true and correct legislative findings of the City Council and are incorporated into the body of this Ordinance as fully set forth herein.

SECTION 2. Findings. After due deliberations and consideration, and the information and other materials received at the public hearing and public meeting, the City Council has concluded that the adoption of the Comprehensive Zoning Ordinance and Zoning Map serve the best interests of the City of Riesel, Texas, serves the health, safety, welfare and aesthetic concerns of the public, and is consistent with the City's Comprehensive Plan.

SECTION 3. Adoption. The Comprehensive Zoning Ordinance of the City of Riesel, Texas establishing regulations for land use and development, establishing the boundaries and requirements of the twelve zoning districts, is hereby adopted as set forth in **Exhibit "A", "City of Riesel Zoning Ordinance"** and **Exhibit "B"**, the **"Zoning Map"**, copies of which are attached hereto and incorporated herein.

SECTION 4. Zoning Classifications. By adoption of the Zoning Ordinance, properties within the City limits are zoned with the zoning classifications in accordance with the Comprehensive Plan and the Zoning Map.

SECTION 5. Repeal. Ordinance No. 2026-02 is hereby repealed and replaced with this Ordinance.

SECTION 6. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance shall be subject to a fine not to exceed the sum of five hundred dollars ($500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving an intentional, knowing, reckless, or criminally negligent violation of any provision of this ordinance and/or a provision of this Ordinance governing fire safety, or public health and sanitation, shall be subject to a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local,

state, and federal law.

SECTION 7. Cumulative Repealer/Savings. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim, or lawsuit, which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 8. Severability. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 9. Publication That the City Secretary is hereby ordered and directed to cause this Ordinance caption to be published in conformity with the laws of the State of Texas.

SECTION 10. That the meetings at which this ordinance was considered, discussed and approved and the public hearing on this ordinance were open to the public and properly posted in conformity to the Texas Open Meetings Act and other laws of the State of Texas.

PASSED AND APPROVED by vote of the City Council of the City of Riesel, Texas, on this the 16th day of June, 2026.

ATTEST: SIGNED:

_____ _____

City Secretary, Alisha Flanary Mayor, Jennifer Hogg

ZONING ORDINANCE

Adopted 6-16-2026

Ordinance Number 2026-04

PREPARED BY:
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People, Innovation, Values, Opportunity, Trust

CHAPTER 36 ZONING ORDINANCE

Sec. 36.001 Authority

This article is prepared under the authority of Chapter 211, 212, and 213, Texas Local Government Code, and other applicable law, as amended, to promote health, safety, morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories, and size of buildings, and other structures, the percentage of lot that may be occupied, the size of the yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures.

Sec. 36.002 Purpose

These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; [and] to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

Sec. 36.003 Administration

(a) Administration.

(1) The City Secretary is hereby designated by the city council as the administrative official to supervise the administration and enforcement of this article. The city Secretary may be provided with the assistance of such other persons or consultants as the city council may direct.

(2) If the administrative official finds that any of the provisions of this article are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this article to insure compliance with or to prevent violation of its provisions.

(b) Interpretation and appeals. Unless otherwise expressly stated in this article, all questions of interpretation and enforcement shall be first presented to the administrative official, and such questions shall be presented to the board of adjustment only on

appeal from the decision of the administrative official and recourse from the decisions of the board of adjustments shall be to the courts as provided by law.

(c) City council duties. It is further the intent of this article that the duties of the city council in connection with this article shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this article. Under this article the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this article, as provided by law, and of establishing a schedule of fees and charges for administration of this article.

Sec. 36.004 Definitions

For the purpose of this article, certain terms and words are defined and shall have the meanings ascribed in this section unless it is apparent from the context that different meanings are intended.

Accessory building or use means a building or use which:

(1) Is subordinate to and serves a principal building or principal use;

(2) Is subordinate in area, extent, or purpose to the principal building or principal use served and is not physically connected to the principal building;

(3) Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and

(4) Is located on the same building lot as the principal use served. If connected to the principal building, a structure becomes part of the principal building.

Administrative official means the officer or other designated authority charged with the administration and enforcement of this article, or his duly authorized representative.

Alley means a public minor way, which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

Apartment means a room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Basement means a building story that is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

Battery Energy Storage System (BESS) means a facility that stores electrical energy for later use using battery technology, including but not limited to lithium-ion systems, along with associated inverters, transformers, and control systems.

Block means that property abutting on one side of the street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

Building means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.

Building height means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Building line means a line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.

Building official. See “Administrative official.”

Certificate of occupancy means an official certificate issued by the building inspector which indicates conformance with or approved conditional waiver from the zoning regulations and authorized legal use of the premises for which it is issued.

Club means a nonprofit association of persons who are bona-fide members, paying regular dues and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Club, private (class I) means an establishment or enterprise wherein activities are carried on by or for a group or association of dues-paying members organized for some common purpose.

Club, private (class II) means a club as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission.

Conditional use means any building, structure, and use which complies with the applicable regulations and standards governing conditional uses of the zoning district in which such building, structure, and use is located and for which a permit is granted.

Court means an open, unoccupied space on the same lot with a building and bounded on two sides by such building, or the open space provided for access to a dwelling group.

Cryptocurrency Mining Facility means a facility or use in which computing equipment is utilized for the primary purpose of validating, processing, or recording digital transactions on blockchain networks or similar distributed ledger systems.

Data Center means a facility primarily used to house computer systems, servers, telecommunications equipment, or data storage systems for the processing, storage, transmission, or distribution of digital information.

Display sign means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.

District means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this

article. The term “residential district” means any R-1, SF-TH, MH, TF, or MF district; the term “commercial district” means any C-1, C-2 district.

Dwelling unit means a room or a group of rooms including cooking accommodations, occupied by one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

Dwelling unit, single-family, detached means located on a lot or separate building tract and having no physical connection to a building on any other lot.

Essential services means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission distribution steam, [sic] or water systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, streetlights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word “building” does not include “structures” for essential services.

Family means one or more persons, related by blood, marriage or adoption, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boardinghouse, club, dormitory, fraternity or sorority house.

Farm means an area of two acres or more which is used for the growing of usual farm products such as vegetables, fruit, trees and grain and storage on the area as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine, including dairy farms with necessary accessory uses and for treating and storing the produce; provided, however, that the operation of such accessory [use] shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.

Floodplain means the land adjoining the channel of a river, stream, or watercourse that has been or may be covered by floodwater. Any land covered by the water of a 100-year frequency storm is considered in the floodplain and must comply with the engineering criteria found in the subdivision regulations and other relevant regulations of the city.

Food-beverage store means an establishment engaged in the retail sale of food or beverages–of any kind whatsoever–for off-premises consumption. This definition does not include restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption.

Frontage means all the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. Where a lot abuts more than one street, the planning and zoning commission shall determine the frontage for purposes of this article.

Front yard means an open, unoccupied space on a lot facing a street and extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual or eave overhang.

Garage, public means a building or portion of a building, except that herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Grade. When used as a reference point in measuring height of a building the “grade” shall be the average elevation of the finished ground at the exterior walls of the main building.

Greenbelt means a piece of land, normally relatively narrow in comparison to its length, reserved to provide for both passive and active recreation, to function as a corridor connecting park areas, to serve as a buffer between various land uses, or to provide for open space. It frequently utilizes floodplains along creeks and is often left in its natural state.

Gross floor area means the living area of a building including the walls thereof but excluding all porches, open breezeways and garages.

Height of building means the vertical distance from the grade to the highest point of the opening [coping] of a flat roof or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridges, for gable, hip and gambrel roofs.

High-Intensity Data Processing Facility means a facility or use that houses computer systems and associated components, including but not limited to servers, data storage systems, cryptocurrency mining equipment, blockchain processing systems, or similar high-density computing infrastructure, which requires significant electrical capacity and mechanical systems for cooling, ventilation, or operation.

Home occupation means an occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a “residential dwelling” as hereinafter defined, subject to compliance with each of the following conditions:

(1) Residential dwelling shall mean a detached building designed, used and occupied exclusively by members of one family as a residence.

(2) No person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft or economic enterprise.

(3) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed 25% of the total of the floor area of the residential dwelling.

(4) Not more than one non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one square foot in area and shall be mounted on the building in which the home occupation is being conducted.

(5) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.

(6) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.

(7) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.

(8) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.

(9) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.

(10) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

Hospital means a public or private, profit or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished [by] in-patient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm, or deficient. Permitted accessory uses shall include medical and psychiatric clinics, doctors' offices, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the use of artificial members and appliances, patient and outpatient services, pharmacies and similar uses; provided, however, that any such accessory use is so use-wise related to the principal use as to be in fact an integral part of the total purpose and is incorporated within the same building or building complex; and provided further, that the floor area occupied by all accessory uses does not exceed 1/3 of the total floor area. Whether or not a questionable use is similar or an "integral" part of the total purpose shall be subject to determination by the city council. Hospital-related X-ray and laboratory facilities shall not be considered accessory uses in computation or area occupancy.

Industry means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

Land use plan means the long-range plan for the desirable use of land in the city as officially adopted and as amended from time to time by the city council, the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as streets, parks, schools and public buildings.

Loading space means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while

loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot means the entire parcel of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefor by this article and other applicable law.

Lot, corner means a lot abutting on two intercepting or intersecting streets where the interior angle of intersection or interception does not exceed 135°.

Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

Lot depth means the average depth from the front line of the lot to the rear line of the lot.

Lot, interior means a lot other than a corner lot.

Lot lines means the property lines bounding the lot as defined herein.

Lot of record means a lot, which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Lynn County, or a parcel of land, the deed for which was recorded in the office of the county clerk, Lynn County, prior to January 1, 1986.

Lot, through means a lot having its front and rear on different streets or having its front or rear line on a street and the other line on a river, lake, creek or other permanent body of water.

Lot width means the width measured at a distance back from the front line equal to the minimum depth required for a front yard.

Main building means a building in which is conducted the principal use of the lot on which it is situated.

Masonry means brick, tile, stone, glass block, or split face concrete block, but excludes cement fiber or other similar veneer material.

Nonconforming use has the definition set forth in section 36.027(a) of this article.

Open space means that part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas. Floodplains, or 50% of any standing surface water, may be considered as open space, provided such open space is contiguous and part of the platted lot and is maintained and utilized in the same manner and to the same degree as all other open space areas as is designated on the site plan as filed with the building permit application.

Parking area, private means a permanently surfaced open area for the same uses as a private garage.

Parking area, public means a permanently surfaced open area, other than street, or other public way, used for parking of automobiles and available to the public for a fee, free, or as an accommodation for clients or customers.

Parking space means a permanently surfaced area not less than 180 square feet

(measured approximately nine feet by 20 feet) either within a structure or in the open, not on public right-of-way, exclusive of driveways or access drives, for the parking of one vehicle.

Planned development.

(1) "Planned development" means land under unified control, including developed as a whole; in a single development operation or a definitely programmed series of development operations, including all lands and buildings; for principal and accessory structures and uses substantially related to the character of the district; according to comprehensive and detailed plans which include not only streets, utilities, and lots or building sites, but also site plans, floor plans, and elevations of all buildings as intended be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and with a program for provision, operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general public expense.

(2) "Planned development" is both a concept and a zoning classification which may include, in addition to planned unit development, commercial, shopping center, and industrial uses or combination thereof, which may be intended to serve areas within the district and areas without the district.

Rear yard. The required rear yard is an open space unoccupied and unobstructed except for accessory uses extending across the rear of a lot from one side lot line to the other side lot line, the depth of which is dependent upon the zoning district in which the lot is located.

Recreational vehicle means a vehicular, portable structure that can be transported over the highways and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight feet in width and not exceeding 22 feet in length.

Screening element (device) means a barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from any height between ground level and seven feet above ground level and shall mean any of the following:

(1) Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood or base which supports a permanent type material, the vertical surface of which is not more than 30% open;

(2) Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition; or

(3) Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

Specified anatomical area means less than opaquely covered human genitals, pubic

region, or pubic hair; or less than opaquely covered perineum, buttock, or anus; or less than opaquely covered female breast below a point immediately above the top or the areola.

Specified sexual activities means human genitals in a discernible state of sexual stimulation or arousal; or acts or representations of human masturbation, sexual intercourse, sodomy, bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals; or fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breast.

Story means that portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven feet.

Story, half means the topmost story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

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

Structural alteration means any change, addition, or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

Substantially conforming site plan means a minor amendment to existing site plans.

Thoroughfare means an officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on the official thoroughfare plan of the city.

Thoroughfare plan means the official thoroughfare plan of the city adopted by the city council establishing the location and official right-of-way width of principal highways and streets in the city, together with all amendments thereto subsequently adopted.

Trailer (including automobile trailer and trailer coach) means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or use as a selling, or advertising device, or use for storage or conveyance of tools, equipment, and machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Trailer park means any lot or part thereof or any parcel of land which is used or offered as a location for one or more trailers.

Use means the purpose for which land or a building or structure thereon is designed, arranged intended or maintained or for which it is or may be used or occupied. This definition does not alter or affect the definition of nonconforming use as set forth in section 36.027(a) of this article.

Use, accessory means a subordinate use on the same lot with the principal use and incidental and accessory thereto.

Used car lot means a lot or tract of land used for the sale or display for sale of two or more previously owned motor vehicles including but not limited to passenger automobiles, motorcycles, trucks, dune buggies and other types of motor vehicles designed for use upon the public roads or for pleasure off public roads but not including farm implements, mobile homes, campers and recreational vehicles, or construction equipment such as cranes, bulldozers and related equipment and trucks over one ton capacity.

Utility-Scale Solar Energy Facility means a commercial energy system designed to generate electricity for off-site use, consisting of ground-mounted solar panels, substations, transmission infrastructure, and associated equipment, typically occupying large areas of land.

Wind Energy Conversion System (Commercial) means a system designed to convert wind energy into electrical power for commercial or utility-scale distribution, including turbines, towers, substations, and associated infrastructure.

Yard means an open space, other than a court, on the same lot with a building.

Yard, front means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main buildings including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

Yard, rear means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

Yard, side means a yard between the side line of the lot and the main building extending from the front yard to the rear yard and leaving a width equal to the shortest distance between said side line and the main building.

Zoning map means the official zoning map of the city together with all amendments subsequently adopted.

Sec. 36.005 General provisions

(a) Establishment of districts. For the purpose of this article, the city is hereby divided into districts as follows:

AG	Agricultural District
R-1	Single-Family Residential District -
SF-TH	Single-Family Residential District - Townhomes
MH-1	Manufactured Home District
MH-2	Manufactured Home Park District

TF	Two-Family Residential
MF-1	Multiple-Family Residential - Low Density
MF-2	Multiple-Family Residential - High Density
C-1	Restricted Commercial
C-2	General Commercial
CBRD	Central Business Redevelopment District
I-1	Light Industrial District
PD	Planned Development District

(b) Floodplain designation overlay.

(1) Notwithstanding the foregoing, there shall be a district known as a “FP” Floodplain District which may be coextensive with or overlap any or all of the foregoing districts or portions thereof and any tract of land or portion thereof may, at the same time, be zoned for the uses in one of the foregoing districts and be zoned “FP” Floodplain.

(2) Where a tract of land or portion thereof is zoned for the uses of one of the foregoing districts and is also zoned “FP” Floodplain, the restrictions contained in the “FP” Floodplain District shall be applicable to said tract or portion thereof and shall take precedence over regulations of the other zoning districts.

(c) Official zoning map. The city is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this article.

(d) Map certified. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk and bearing the seal of the city under the following words: “This is to certify that this is the official Zoning Map adopted as part of Ordinance No. xxxxxxxx of the City of Riesel.”

(e) Location of map. The official zoning map shall be in the custody of and shall remain on file in the office of the city secretary.

(f) Public inspection of map. The official zoning map shall be available for the public inspection for all matters that are of public record.

(g) Amendment of official zoning map. When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council.

(h) Official zoning map replacement. The city council may by ordinance adopt a new official zoning map should the original reproducible tracing of the official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words: “This is to certify that this official Zoning Map supersedes and replaces the official Zoning Map adopted _____ as a part of the Zoning Ordinance of the City of Riesel.”

(i) Interpretation.

(1) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be construed to be the district boundary line.

(2) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.

(3) Where the district boundaries are not otherwise indicated for unsubdivided property, the district boundaries are property lines.

(4) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map or in other circumstances not covered in this article, the city council shall interpret the district boundaries.

(j) Rules for words and phrases. For the purposes of this article, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word “shall” is mandatory, not directory; the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the word “used” includes designed and intended or arranged to be used; the word “building” includes the word “structure”; the word “lot” includes “building lot” or parcel. Wherever this article imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this article shall govern.

(k) Compliance with regulations. The regulations set by this article within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.

(1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, or to occupy a greater percentage of lot area than that specified for the district in which it is located.

(3) No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required or in any other manner contrary to the provisions of this article.

(4) No part of a yard, other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with this article shall be included as a part of a yard, open space, off-street parking, or loading space similarly required for any other building.

(l) Structures to have access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(m) Visibility at intersections. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to interfere with traffic visibility across the corner. This visibility area shall be a triangle of 25’ x 25’. All objects on the ground in said triangle should not exceed 30 inches (2-1/2 feet) in height and objects hanging over this area should not droop to less than ten feet (10') above the ground.

Sec. 36.006 Annexed territory

(a) Annexed territory to be zoned R-1. All territory hereafter annexed to the city shall be temporarily classified as R-1 Single-Family Residential - Large Lot District until permanent zoning is established by the city council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

(b) Regulations for temporary R-1 districts. In an area temporarily classified as R-1:

(1) No person shall erect, construct or add to any building or structure or cause same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the building official or city council as required herein.

(2) No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in R-1 districts unless and until such territory has been classified in a zoning district other than a Single-Family Residential - Large Lot District.

(3) An application for a permit for any use other than that specified above shall be made to the zoning administrative official and by him referred to City Council or its designated administrative official for consideration and recommendation to the city council. The City Council or its designated administrative official in making its recommendation shall take into consideration the appropriate land use for the area and the overall plans for the city. The city council, after receiving and reviewing the recommendations of the City Council or its designated administrative official may, by majority vote, authorize the issuance of a building permit or certificate of occupancy or may disapprove the application as their findings may indicate appropriate in the public interest.

(c) Concurrent rezoning and annexation. Application(s) for permanent zoning of a

newly annexed area may be considered by the city at the same time as the area is being considered for annexation, although annexation procedures must be completed prior to any final zoning actions by the city council.

Sec. 36.007 Classification of new and unlisted uses

It is recognized that new types of land use will develop and forms of land use not 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 shall be made as follows:

(1) The City administrative official or their designee shall refer the question of any new or unlisted use to the City Council or its designated administrative official requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

(2) The City Council or its designated administrative official shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and after public hearing determine the zoning district or districts within which such use should be permitted.

(3) The City Council or its designated administrative official shall transmit its findings and recommendations to the city council as to the classification proposed for and new or unlisted use. The city council may approve the recommendation of its designated administrative official or make such determination concerning the classification of such use as is determined appropriate after giving consideration to the districts and recommendations.

Sec. 36.0075(f)(2) Emerging and High-Impact Uses

(a) Applicability

The following uses are recognized as high-impact or evolving land uses that require additional review due to their potential effects on surrounding properties, infrastructure, and public welfare:

- High-Intensity Data Processing Facilities
- Data Centers
- Cryptocurrency Mining Facilities
- Utility-Scale Solar Energy Facilities
- Wind Energy Conversion Systems (Commercial)
- Battery Energy Storage Systems

(b) Not Permitted by Right
The uses listed in this section shall not be permitted by right in any zoning district within the City.

(c) Specific Use Permit Required
Such uses may only be allowed upon approval of a Specific Use Permit (SUP) within the I-1 (Light Industrial) District or within a Planned Development (PD) District specifically approved by the City Council in accordance with Section 36.025.
The City Council may impose any conditions reasonably necessary to protect public health, safety, and welfare. Approval of an SUP shall be based on compatibility with surrounding land uses, infrastructure capacity, and compliance with the standards set forth in this section.

(d) Prohibition on Classification as Unlisted Uses
Notwithstanding any provision of this ordinance, the uses listed in this section shall not be classified as “unlisted uses” and shall not be approved through interpretation under Sec. 36.007.

(e) Not Considered Essential Services
The uses listed in this section shall not be considered essential services or public utilities for purposes of this ordinance.

PERFORMANCE STANDARDS
(f) General Performance Standards
The City may impose conditions to ensure that such uses do not adversely impact surrounding properties or public infrastructure, including but not limited to:

(1) Noise
Operations shall not exceed the following limits when measured at or beyond the property line, or as otherwise determined appropriate by the City:

- Daytime (7:00 AM – 10:00 PM): 60 dBA
- Nighttime (10:00 PM – 7:00 AM): 50 dBA

Tonal or low-frequency noise (including humming, whining, or droning sounds) shall not be plainly audible at or beyond the property line.
The City may require sound studies prior to approval and ongoing monitoring after operation begins.

(2) Setbacks and Buffers
All uses regulated under this Section shall comply with the following minimum setback requirements:

- A minimum setback of **1,000 feet** from any residential dwelling, platted residential subdivision, or property line of a property zoned for residential use
- A minimum setback of **500 feet** from any public right-of-way

- Greater setbacks may be required by the City Council as part of the Specific Use Permit approval.

(3) Traffic and Road Protection
The City may require designated haul routes, pre-construction road condition assessments. The applicant shall be responsible for the repair or reconstruction of any public streets, roads, drainage systems, or other damaged infrastructure as a result of construction, operation, or maintenance of the use.

The City may require a road condition survey prior to construction and may require financial assurance, including bonds or other security, to ensure compliance with this requirement.

(4) Infrastructure Impact
Applicants shall provide documentation regarding expected impacts on electrical systems, water usage, wastewater, and other public infrastructure.

(5) Lighting and Glare
Lighting shall be directed downward and fully shielded to prevent light trespass onto adjacent properties. Solar facilities may be required to provide glare studies demonstrating no adverse impact on surrounding properties or roadways.

(6) Operational Impacts
Operations shall not produce detectable vibration, heat, exhaust, or other impacts beyond the property line.

(7) Infrastructure Capacity and Utility Impact
As part of any application for a Specific Use Permit under this Section, the applicant shall submit documentation demonstrating the projected impact on:

- Electrical demand and supply
- Water usage
- Wastewater capacity
- Any other public utilities or infrastructure deemed relevant by the City

The City may deny any application where the proposed use would exceed available infrastructure capacity or require expansion of public utilities or infrastructure at public expense.

ADDITIONAL REQUIREMENTS FOR ENERGY FACILITIES

(g) Energy Facility Standards

(1) Decommissioning
Applicants shall submit a decommissioning plan approved by the City, including removal of all equipment and restoration of the site upon cessation of operations. The City may require financial assurance to guarantee completion of

decommissioning.

(2) Safety and Emergency Planning
Battery Energy Storage Systems shall include fire prevention measures, emergency response coordination, and safety protocols acceptable to the City and local emergency services.

ENFORCEMENT
(h) Enforcement and Revocation
Failure to comply with any condition of an approved Specific Use Permit shall constitute a violation of this ordinance and may result in:

- Suspension or revocation of the SUP
- Required corrective action
- Legal enforcement action by the City

Each day a violation continues shall constitute a separate offense.

INTENT
The purpose of this section is to ensure that high-intensity and emerging land uses are carefully evaluated to protect the health, safety, and welfare of the community, and to ensure such uses are compatible with surrounding land uses and infrastructure capacity.

Sec. 36.008 AG Agricultural District

(a) General purpose and description. The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses; intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

(b) Permitted uses. A building or premises in an AG Agricultural District shall be used only for the following purposes:

(1) Single-family dwellings in areas where said dwellings can be adequately served by city utilities or approved alternatives.

(2) Telephone exchange, provided no public business and no repair or outside storage facilities are maintained; gas lines; and gas regulating stations.

(3) Temporary metal buildings of less than 600 square feet which are used for tool and supply storage.

(4) Riding academy or other equestrian related activities.

(5) Other uses as listed in appendix 2 of this article.

(c) Permitted specific uses. The following specific uses shall be permitted in the

Agricultural District, when granted in accordance with section 36.025:

(1) Hospitals for human care and veterinary hospitals of any kind provided that the hospital grounds shall be distant at least 200 feet from any residential district.

(2) Disposal of garbage and refuse, including sanitary landfills and sewage disposal by the county or city or their authorized agents, subject to health department approval.

(3) Utility stations and communications. Static transformer stations, booster stations, transmitters and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, and provided further that the premises upon which utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood and not objectionable as to noise, odor, vibration or other disturbances.

(4) Radio and television transmitter tower.

(5) Essential services. Defined in section 36.004.

(6) Other uses as listed in appendix 2 of this article.

(d) Accessory uses.

(1) Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servant's quarters not for rent, provided that the total area of buildings and structures shall be limited to 10% of the gross land area of the tract.

(2) Temporary fruit stands on any premises used for agricultural purposes.

(3) Parking facilities. Garages, carports, or other parking spaces for the exclusive use of residents of the premises in accordance with section 36.026.

(4) Swimming pools.

(e) Height and area regulations. See appendix 1 (area, setback, height, and coverage regulations).

(f) Parking regulations. Two covered spaces behind the front yard line for single-family dwelling units and HUD-code manufactured homes. Other off-street parking space regulations are set forth in section 36.011.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.009 R-1 Single-Family Residence District

(a) General purpose and description. The R-1 Single-Family Residential District is designed to accommodate single-family residential development on relatively ample lots. The district can be appropriately located in proximity to agricultural and single-family residential uses.

(b) Permitted uses. A building or premises in a R-1 district shall be used only for the

following purposes:

(1) Uses as listed in appendix 2 of this article.

(2) Recreational Vehicle storage is allowed when such vehicles are behind the front façade of the principal residential structure on a permanent concrete or asphalt surface and as long as the vehicle is not used as a second dwelling unit on said lot.

(c) Permitted specific uses. The following specific uses shall be permitted in a R-1 district, when granted in accordance with section 36.025 of this article:

(1) Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

(2) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.

(3) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this article for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

(4) Public and quasi-public buildings for cultural use.

(5) Country clubs as defined herein.

(6) Uses as listed in appendix 2 of this article.

(d) Height and area regulations. See appendix 1 (area, setback, height, and coverage regulations).

(e) Parking regulations. Two enclosed spaces behind the front yard line for single-family dwelling units and HUD-code manufactured homes. Other off-street parking regulations are set forth in section 36.026.

(f) Permitted accessory uses.

(1) Home occupations.

(2) Private garages and parking areas.

(3) Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.010 SF-TH Townhome District

(a) General purpose and description. This zone is designed to provide for a medium density residential environment of attached townhome units.

(b) Permitted uses.

(1) Residential buildings containing townhome units.

(2) Other uses as allowed in the TF zone.

(c) Permitted specific uses.

(1) Specific uses shall be permitted in a SF-TH district, when granted in accordance with section 36.025, as listed in appendix 2 of this article.

(2) Other uses as allowed in the TF zone.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) Minimum lot sizes for townhouses and zero lot line houses shall be 3,000 square feet per dwelling unit.

(3) Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be not less than 20 feet per ground floor unit plus side yard requirements.

(4) Lot width for a lot containing other permitted uses shall be not less than 60 feet.

(e) Parking regulations. Two enclosed spaces behind the front yard line. Other off-street parking regulations are set forth in section 36.026.

(f) Permitted accessory uses. Other uses as allowed in the TF zone.

(g) Miscellaneous provisions.

(1) Rear entry off-street parking shall be provided for all uses established in this zone.

(2) Site plan approval shall be required prior to development.

(h) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.011 MH-1 Manufactured Home District

(a) General purpose and description. The Manufactured Home District is intended to provide for quality manufactured home subdivision development containing many of the characteristics and the atmosphere of a standard single-family subdivision.

(b) Permitted uses. A building or premises shall be used only for the purposes as listed in appendix 2 of this article.

(c) Permitted specific uses. Specific uses shall be permitted in the MH-1 district, when granted in accordance with section 36.025, as listed in appendix 2 of this article.

(d) Height and area regulations. See appendix 1 (area, setback, height, and coverage regulations).

(e) Parking requirements. A minimum of two covered, enclosed parking spaces shall be provided per unit behind the front yard line. Other off-street parking regulations are set forth in section 36.026.

(f) Additional restrictions applicable to MH-1 district.

(1) Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the building official.

(2) All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.

(3) Tie-downs will be required and will be secured prior to occupancy.

(4) Underpinning and skirting will be required and will be installed prior to occupancy.

(5) Accessory buildings will be either manufactured or constructed in accordance with city codes.

(6) All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.012 MH-2 Manufactured Home Park District

(a) General purpose and description. The manufactured home park district is intended to provide for quality mobile home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

(b) Permitted uses. A building or lot shall be used only for the following purposes:

(1) Manufactured home park of not less than two nor more than 10 acres in size.

(2) Uses normally accessory to a manufactured home park, including office and/or maintenance buildings for management and maintenance of the park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities, and recreation areas for use by the resident of the park.

(3) Other uses as listed in appendix 2 of this article.

(c) Permitted specific uses. The following specific uses shall be permitted in the MH-2 district when granted in accordance with section 36.025:

(1) Boat, recreational vehicle, and/or travel trailer storage yard.

(2) Travel trailer and commercial overnight camping park.

(3) Other uses as listed in appendix 2 of this article.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) The front setback shall be 25 feet where the car enters, and 20 feet on the opposite side.

(e) Parking requirements. Two spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in section 36.026.

(f) Additional restrictions applicable to manufactured home park district.

(1) Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the building official.

(2) All manufactured homes shall be set on a solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.

(3) Tie-downs will be required and will be secured prior to occupancy.

(4) Underpinning and skirting will be required and will be installed prior to occupancy.

(5) Accessory buildings will be either manufactured or constructed in accordance with city codes.

(6) All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.013 TF Two-Family Residential District

(a) General purpose and description. The TF One- and Two-Family Dwelling District is established to stabilize and protect characteristics of low-density residential areas. This district may be suitable as a buffer zone between single-family and higher-intensity uses. Development in the TF district is limited primarily to single-family and two-family dwellings and certain community and recreational facilities to service residents of the district.

(b) Permitted uses. A building or premises shall be used only for the purposes as listed in appendix 2 of this article.

(c) Permitted specific uses. Specific uses shall be permitted in the TF district, when granted in accordance with section 36.025, as listed in appendix 2 of this article.

(d) Height and area regulations. See appendix 1 (area, setback, height, and coverage regulations).

(e) Parking regulations. Off-street parking shall be provided in accordance with the

requirements for uses set forth in section 36.026.

(f) Permitted accessory uses.

(1) Home occupations.

(2) Private garages and parking areas.

(3) Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.014 MF-1 Multiple-Family Residential - Medium Density

(a) General purpose and description. The MF-1 district is established to meet the needs for medium density residential areas where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community. The district is characterized by smaller scale buildings and extensive open space and landscaping. This district should not be located with frontage or direct access on major thoroughfares or with principal access to local residential streets. This district permits two-story apartments, fourplexes, and duplexes.

(b) Permitted uses. The following uses shall be permitted:

(1) Multiple-family dwellings and clustered multiple-family dwellings, which clustered in [or] multiple-family dwellings have a site plan approved by the planning and zoning commission for the particular project in which they are proposed.

(2) Two-family dwelling units.

(3) Private schools: nursery, elementary, junior high, high school, vocational school and day-care centers.

(4) Churches, parish houses, convents.

(5) Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes. Clubhouses and maintenance buildings shall be located not less than 200 feet from any adjacent lot in an adjoining residence district.

(6) Parks and playgrounds.

(7) Existing one-family dwelling units used as such on the effective date of this article.

(c) Permitted specific uses. The following specific uses shall be permitted when granted in accordance with section 36.025:

(1) One-family dwelling units.

(2) Townhouses, condominiums.

(3) Uses as listed in appendix 2 of this article.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) No lot containing multifamily units shall contain less than 10,000 square feet or 1,500 square feet per dwelling unit, whichever is greater.

(3) Minimum lot sizes for townhouses and zero lot line houses shall be 3,000 square feet per dwelling unit.

(4) Minimum lot sizes for all other permitted uses shall be 7,500 square feet or one thousand five hundred square feet per living unit, whichever is greater.

(5) Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be not less than 20 feet per ground floor unit plus side yard requirements.

(6) Lot width for a lot containing other permitted uses shall be not less than 60 feet.

(7) The height of any multifamily building sited on a lot adjacent to an area zoned for single-family dwellings or where single-family dwellings of one story in height exist shall be limited to one story for a distance of 60 feet from the single-family district boundary or the lot on which the single-family dwelling is located.

(8) When buildings exceed one story in height, an automatic sprinkler system shall be installed in accordance with existing fire codes and each unit shall have two points of entry or exit.

(e) Parking regulations. Two off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Other off-street parking spaces regulations are set forth in section 36.025 and section 36.026.

(f) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

(g) Refuse facilities. Every dwelling unit in a multifamily complex shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six cubic yards of refuse container per 30 multifamily dwelling units. For complexes with less than 30 units, no less than four cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a or [sic] wall of masonry not less than seven feet nor more than eight feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

(h) Screening fence. Border fencing of masonry construction of not less than eight feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

(i) Permitted accessory uses.

(1) Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the schedule of uses, appendix 2.

(2) Athletic fields and playfields, noncommercial, including stadiums and grandstands.

(3) Temporary buildings for storage of building materials and equipment and construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction.

(j) Miscellaneous provisions. The maximum density in this district shall be 12 units per acre.

Sec. 36.015 MF-2 Multiple-Family Residential - High Density

(a) General purpose and description. High-density multiple-family zoning is primarily intended as the appropriate designation for lands suitable for higher impact development and higher volume traffic, while serving the residential needs for higher density living quarters. This district permits two-story apartments, fourplexes, and duplexes.

(b) Permitted uses. The following uses shall be permitted:

(1) Any use permitted in the MF-1 district, except two-family dwelling units.

(2) Libraries and museums.

(3) Hospitals, sanitariums, nursing homes, and personal care facilities.

(4) Other uses as listed in appendix 2 of this article.

(c) Permitted specific uses. The following specific uses shall be permitted when granted in accordance with section 36.025:

(1) Any use allowed as a specific use in the MF-1 district, except one-family and two-family dwelling units, unless permitted above.

(2) Medical and dental clinics.

(3) Offices for professional uses such as (without limitation due to enumeration) building contractors, doctors, chiropractors, dentists, attorneys, insurance, real estate, abstract and title, accountants, architects, brokers, engineers, designers, and psychologists.

(4) Other uses as listed in appendix 2 of this article.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) No lot containing multifamily units shall contain less than 10,000 square feet or 1,500 square feet per dwelling unit, whichever is greater.

(3) Minimum lot sizes for townhouses and zero lot line houses shall be 3,000 square feet per dwelling unit.

(4) Minimum lot sizes for all other permitted uses shall be 7,500 square feet or 1,500 square feet per living unit, whichever is greater.

(5) Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be 20 feet per ground floor unit plus side yard requirements.

(6) Lot width for a lot containing other permitted uses shall be not less than 60 feet.

(7) The height of any multifamily building sited on a lot adjacent to an area zoned for single-family dwellings or where single-family dwellings of one story in height exist shall be limited to one story for a distance of 60 feet from the single-family district boundary or the lot on which the single-family dwelling is located.

(e) Parking regulations. Two off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Other off-street parking spaces regulations are set forth in section 36.026.

(f) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

(g) Refuse facilities. Every dwelling unit in a multifamily complex shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six cubic yards of refuse container per 30 multifamily dwelling units. For complexes with less than 30 units, no less than four cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a wall of masonry not less than seven feet nor more than eight feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

(h) Screening fence. Border fencing of masonry construction of not less than eight feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

(i) Special fire protection requirements.

(1) Whenever densities of greater than 15 units per acre are present or a building exceeds one story in height, each building in the development shall contain an automatic sprinkler system, to be installed at the time of construction and thereafter operated in accordance with currently applicable fire safety codes.

(2) In addition, each unit in any multi-story design, regardless of density, shall be provided with two points of entry and exit with each providing separate access to places of safety in the event of fire or other emergency.

(j) Miscellaneous provisions.

(1) Density in this district does not ordinarily exceed 15 units per gross acre but can reach a maximum of 25 units per gross acre if special fire protection

requirements are observed (see subsection (i) of this section).

(2) The minimum separation of buildings shall conform to the distance requirements as specified in appendix 1 (area, setback, height, and coverage regulations).

(3) If a side yard or rear yard is adjacent to a single-family residential district, there shall be a 25-foot setback and a 60-foot setback from the adjacent property line for buildings in excess of one story in height.

(4) Single-family construction in this district shall comply with the R-1 district requirements.

(5) Duplex construction in this district shall comply with the TF district requirements.

(6) A portion of the building that is no more than one story tall shall observe a minimum setback from the rear property line of 15 feet. Any portion of the building that is more than one story tall shall observe a minimum setback from the rear property line of 25 feet.

Sec. 36.016 C-1 Restricted Commercial District

(a) General purpose and description. The C-1 district is established to accommodate the shopping needs of residents in adjacent residential areas. This district is meant to be used in limited areas, where retail or service establishments deal directly with customers. Businesses in the C-1 district should be oriented to satisfying the daily and frequent shopping needs of the neighborhood consumer.

(b) General regulations.

(1) Business uses above the ground floor are permitted on any floor above the ground floor except in those buildings where dwelling units are established.

(2) All business establishments shall be retail or service establishments which deal directly with the customers. All goods produced on the premises shall be sold to consumers only on the premises where produced.

(3) All business, servicing or processing, except for off-street parking, off-street loading, temporary display of merchandise such as garden, lawn, and recreational supplies and equipment for sale to the public, and automobile service station operation, shall be conducted within completely enclosed buildings.

(4) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this article, shall be limited to vehicles of not over 1-1/2 ton capacity when located within 150' of a residence district boundary line.

(c) Permitted uses. A building or premises shall be used only for the purposes/uses as listed in appendix 2 of this article.

(d) Permitted specific uses. The following specific uses shall be permitted when granted in accordance with section 36.025:

(1) Hotels and motels, provided that the zoning lot shall be not less than one acre.

(2) Dwelling units, restricted to a total gross floor area of 5,000 square feet above the ground floor of a commercial buildings.

(3) Retail ice and dispensed water sales, provided that the ice and water are housed within a structure; that the structure is set back so that all portions of the structure are either even with or behind the average front building face of the primary structure(s) in the surrounding retail area; and that the entire structure be masonry.

(4) Other uses as may be permitted by the city council.

(5) Uses as listed in appendix 2 of this article.

(e) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) The front yard setback shall be 45 feet where parking is allowed in front of the building. Accessory buildings shall have a 60-foot front yard setback.

(3) No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than 15 feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above 10 feet on the building sides facing such residential district. In addition, a masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.

(4) No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than 25 feet is required where the lot is adjacent to a street or alley. A rear yard of not less than 25 feet or 20% of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

(5) No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond maximum building height.

(f) Parking regulations. Off-street parking and loading shall be provided as set forth in section 36.026.

(g) Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the schedule of uses, appendix 2 of this article.

(h) Miscellaneous provisions.

(1) Signs and illumination.

(A) Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

(B) The number of signs shall be limited to two.

(C) No free-standing signs (ground or pole signs) shall be permitted.

(D) All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.

(E) All signs shall be oriented so as to face a public street.

(F) No sign shall be illuminated so as to shine on nearby residential properties.

(G) Any illumination shall be nonflashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.

(2) Prior to any subdivision of a C-1 district, a conceptual site plan, which shall include all the land that existing [existed] in single ownership at the time of initial zoning, or at the time this provision became effective, whichever is later, shall be submitted for approval, according to section 36.035 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

(3) When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of 10 feet shall be provided on the nonresidential property. A masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

Sec. 36.017 C-2 General Commercial District

(a) Purpose. The C-2 district is established to accommodate those uses that are of city-wide and regional significance. Within this district are permitted retail, service, and office uses characteristic of retailing and wholesaling markets. This district is intended to accommodate commercial activities that cannot be accommodated in the C-1 Restricted Commercial District.

(b) Generally.

(1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings except as otherwise provided.

(2) No use hereunder shall be permitted if said use entails storage or display of items for sale not enclosed by a building except for incidental display or sale of seasonal retail items and such incidental display shall be permitted only if it occupies no more than 5% of the total lot area.

(3) Accessory off-street parking is required for C-2 districts as provided in section 36.026.

(c) Permitted uses. A building or premises shall be used only for the purposes/uses as listed in appendix 2 of this article.

(d) Specific uses. The following specific uses shall be permitted when granted in accordance with section 36.025:

(1) Specific uses in the C-2 district shall include:

(A) Any uses not specifically enumerated in section 36027 that can be considered commercial in character.

(B) Machinery and equipment sales and service establishments for equipment under one and one-half tons gross weight.

(C) Retail ice and dispensed water sales, provided that the ice and water are housed within a structure; that the structure is set back so that all portions of the structure are either even with or behind the average front building face of the primary structure(s) in the surrounding retail area.

(e) Area, yard, height, and lot coverage requirements. See appendix 1 (area, setback, height, and coverage regulations).

(f) Parking regulations. Off-street parking and loading shall be provided as set forth in section 36.026.

(g) Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the schedule of uses, appendix 2 of this article.

(h) Screening. In the C-2 district, whenever a C-2 use abuts the R-1, TF, MF-1, or MF-2 districts, a wall or fence of not less than six feet in height is required, subject to approval by [of] construction plans by the planning and zoning commission.

Sec. 36.018 CBRD Central Business Redevelopment District

(a) General purpose and description. The Central Business Redevelopment District is established to accommodate the unique characteristics of the historical center of the city and to ensure that future development in the CBRD is compatible with maintaining and redeveloping the economic and historic integrity of the area. The CBRD is designed to provide an area for shopping, dining, working, and entertainment which will remain active during evenings and weekends as well as standard work hours.

(b) Permitted uses.

(1) Other uses as listed in appendix 2 of this article.

(2) Permitted specific uses.

(c) Specific permitted uses. The following specific uses shall be permitted in the CBRD, when granted in accordance with section 36.025:

(1) Broadcasting facilities, radio, television, or microwave towers.

(2) Automobile service station with associated minor automobile repair facility with floor space not greater than 2,500 square feet.

(3) Other uses as listed in appendix 2 of this article.

(d) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) The front yard setback shall be 45 feet where parking is allowed in front of

the building. Accessory buildings shall have a 60-foot front yard setback.

(3) No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than 15 feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above 10 feet on the building sides facing such residential district. In addition, a masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.

(4) No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than 25 feet is required where the lot is adjacent to a street or alley. A rear yard of not less than 25 feet or 20% of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

(5) No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond maximum building height.

(e) Parking regulations. Off-street parking and loading shall be provided as set forth in section 36.026.

(f) Allowable external facade materials on commercial buildings. Commercial buildings in the CBD shall use only stone, brick, stucco, and wood or glass in the construction of the exterior facade that is visible to the public. No more than 20% of the facade shall be composed of wood or wood products, excluding doors, door frames, windows and window frames.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

(h) Miscellaneous provisions. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of 10 feet shall be provided on the nonresidential property. A masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

Sec. 36.019 I-1 Light Industrial District

(a) General purpose and description. The I-1 district is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose. Development in the I-1 district is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type.

(b) General regulations. Uses permitted in the I-1 district are subject to the following

conditions:

(1) All business, servicing, or processing, except for off-street parking, off-street loading, display or merchandise for sale to the public, and establishments of the “drive-in” type, shall be conducted within completely enclosed buildings unless otherwise indicated in this section.

(2) All storage within 100 feet of a residence district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than eight feet nor more than 10 feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screen.

(c) Permitted uses. Uses permitted in the I-1 district shall be as follows:

(1) Uses as permitted in the schedule of uses, appendix 2 of this article.

(d) Permitted specific uses. Permitted specific uses in the I-1 district, when granted in accordance with section 36.025, are listed in the schedule of uses, appendix 2 of this article.

(e) Height and area regulations.

(1) See appendix 1 (area, setback, height, and coverage regulations).

(2) A 25-foot front yard is required except that a front yard of not less than 50 feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.

(3) The specified side yard is required between adjacent lots zoned for manufacturing uses. A side yard of not less than 15 feet is required where the lot is adjacent to a street or alley. A side yard of not less than 25 feet shall be provided upon that portion of a lot abutting a district zoned for anything other than manufacturing uses.

(4) No rear yard is required between adjacent lots zoned for manufacturing uses. A side yard of not less than 25 feet is required where the lot is adjacent to a street or alley. A rear yard of not less than 25 feet shall be provided upon that portion of a lot abutting a district zoned for anything other than manufacturing uses.

(5) A building may be erected to a height of 80 feet if set back from all required yard lines a distance of one foot for each two feet of additional height above 45 feet. This requirement is in addition to all other relevant setback requirements.

(f) Parking regulations. Off-street parking requirements shall be provided in accordance with the specific uses set forth in section 36.026.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

(h) Miscellaneous provisions. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of 10 feet shall be provided on the nonresidential property. A masonry wall having a minimum height of eight feet above the average grade of the

residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

Sec. 36.020 PD Planned Development District

(a) General purpose and description. The Planned Development District “PD” prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

(b) Permitted uses. Any use specified in this article [the ordinance] granting a Planned Development District shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purposes of this article.

(c) Development standards.

(1) Development standards for each separate PD district shall be set forth in the ordinance granting the PD district and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the city council may deem appropriate.

(2) In the PD district, the particular district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this article (applications without this list will be considered incomplete).

(3) The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.

(4) The Planned Development District shall conform to all other sections of the ordinance and this article unless specifically exempted in the granting ordinance.

(d) Conceptual and development plans. In establishing a Planned Development District, the city council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District. During the review and public hearing process, the city council shall require a conceptual plan and a development plan (or detail site plan).

(1) Conceptual plan. The applicant shall submit this plan. The plan shall show the applicant’s intent for the use of the land within the proposed planned

development district in a graphic manner and shall be supported by written documentation of proposals and standards for development.

(A) A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lotting arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

(B) A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the city council, may include but is not limited to the types of use(s), topography, and boundary of the PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.

(C) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the city council shall determine the conformity.

(2) Development plan or detailed site plan. This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The development plan must be approved by the city council. A public hearing on approval of the development plan shall be required at the council level, unless such a hearing is waived pursuant to subsection (d)(3)(A) of this section at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

(A) A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.

(B) A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways,

playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet.

(C) A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines, and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.

(D) A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.

(E) An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the city council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.

(3) Procedure for establishment. The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in section 36.031. This procedure is expanded as follows for approval of conceptual and development plans.

(A) Separate public hearings shall be held by the city council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the city council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:

(i) The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or

(ii) Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and

(iii) The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.

(B) The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.

(C) The development plan may be approved in sections. When the plan is approved in sections, separate approvals by the city council for the initial and subsequent sections will be required.

(D) An initial development plan shall be submitted for approval within six

months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six months, the conceptual plan is subject to reapproval by the city council. If the entire project is not completed within two years, the city council may review the original conceptual plan to ensure its continued validity.

(E) Regardless of whether the public hearing is waived for the development plan, approval by the city council is still required.

(e) Written report may be required. When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the city council.

(f) Planned developments to be recorded. All planned development districts approved in accordance with the provisions of this article in its original form, or by subsequent amendment 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 on the city's website.

(g) Signs. Signs in this district shall comply with the requirements of the city sign ordinance (as amended).

Sec. 36.021 FP Floodplain District

(a) Floodplain prefix to district designation.

(1) The FP prefix designation constitutes a zoning overlay district, and the addition or removal of the FP prefix constitutes zoning action requiring due process provided under state law. Further public notice to all downstream property owners within the city with like FP zoning is required prior to any such zoning action.

(2) To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard and to promote the health, safety and general welfare of the community, portions of certain districts are designated with a floodplain prefix FP and shall be subject to the following provisions.

(b) Permitted uses.

(1) In this district no land shall be used except for one or more of the following permitted uses to the extent that they are not prohibited by other regulations or ordinances and provided that such uses do not require above-ground structures, filling or storage of material or equipment except as herein specifically authorized.

(A) Agricultural activities including the ordinary cultivation of land or legal farms of animal husbandry.

(B) Electrical substation.

(C) All types of local utilities, including but not limited to water

distribution and wastewater collection systems, water and waste and wastewater treatment facilities and water quality/monitoring stations or other structures required to provide water and sewerage, telephone, gas and electrical services.

(D) Parks, community centers, playgrounds, public golf courses.

(E) Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by conditional use zoning action.

(F) Facilities that would warrant no flood protection, such as accessory private open space in conjunction with commercial or residential development, community unit recreational areas or recreation developments.

(G) Parking areas associated with a part of contiguous land use.

(2) No building or structure shall be erected in that portion of a district designated with a floodplain FP prefix other than those listed in this section.

(3) There shall be no dumping, excavation, storage or filling operations within that portion of a district having a floodplain FP prefix designation except under conditions of this article and any city ordinances that may be relevant to this issue.

(c) Conditions for adding FP prefix designation. The city council may, after a public hearing, amend the zoning classification of any property by adding the floodplain FP prefix designation based on hydraulic engineering studies indicating new boundaries of the area that is subject to inundation by floodwaters. The city council shall provide for the addition of such floodplain FP prefix designation to the zoning district maps.

(d) Conditions for removal of FP prefix designation. The city council, in considering and determining its recommendation relative to any application for the removal of the floodplain FP prefix designation, shall require the applicant to furnish to the administrator fill and development plans (hydraulic calculations concerning maximum high water and flow rates and their effect on abutting, lateral, and downstream properties), and data concerning the operation, location, function and characteristics of any use of land or building proposed. The application will not be scheduled for public hearing until the city engineer certifies information furnished is adequate for review and comment as required in this section.

Sec. 36.022 Special uses

(a) Child-care centers.

(1) No portion of a child-care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.

(2) Child-care centers shall be located adjacent to a street having a pavement width of 27 feet or greater.

(3) Site plan approval by the planning and zoning commission shall be required for all child-care center sites.

(4) Child-care centers located within any single-family or two-family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development.

(5) All child-care centers shall comply with the following standards:

(A) All vehicular entrances and exits shall be clearly visible from the street.

(B) All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.

(C) Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the planning and zoning commission if the childcare is provided for less than four hours per day for an individual person.

(D) In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within 100 feet of the child-care facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.

(E) No child-care center shall be part of a one-family or two-family dwelling.

(b) Construction yards, field offices, batching plants and other temporary buildings. Temporary permits for construction yards, field offices and batching plants and specific use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed 18 months. Extensions may be granted by the city council. Upon due notice and hearing before the city council, any such permit may be revoked if the city council finds the use of the building or structure is contrary to the intent of this article or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

(c) Radio, television, and microwave towers.

(1) All towers shall satisfy the minimum setback requirements.

(2) All towers must meet manufacturer’s installation standards or be approved by a professional engineer, licensed in the State of Texas.

(3) All towers in excess of 30 feet are required to be equipped with a climbing guard.

(4) Specific requirements for towers located in residential districts (R-1, TF, SF-TH, MF-1, MF-2, MH-1 and MH-2) and the CBRD:

(A) The maximum height shall be 65 feet including mast and antennas,

measured from the ground.

(B) All towers including mast and antennas in excess of 30 feet shall be located not less than the height of the tower including mast and antennas minus 30 feet from the nearest property line.

(C) No tower in a residential district shall be located in the front yard.

(5) Specific requirements for towers located in nonresidential districts:

(A) A specific use permit is required for towers in these zoning districts.

(B) The minimum distance to the nearest property line (measured from any point on the tower) shall be 20% of the height of the tower.

(C) The minimum distance to any existing or planned street right-of-way (measured from any point on the tower) shall be 50 feet.

(D) The minimum distance to a residential property line (measured from any point on the tower) shall be two times the total height of tower (including any mast or antennas).

(E) All towers in excess of 65 feet from the ground and any guy anchors (if used) shall be enclosed by a locked security fence not less than eight feet in height. Towers shall also be equipped with an appropriate anti-climbing device.

(F) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. If the antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(G) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations.

(H) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association as amended from time to time. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall

have 30 days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within the said 30 days, the city may remove such tower or cause such tower to be removed at the owner's expense.

(I) Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days or receipt of notice from the building official notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the building official may cause such antenna or tower to be removed at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(J) All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) are prohibited.

(d) Residence hotels. Residence hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in the NC district and residence hotels constructed in the MF district shall comply with the MF district requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

(e) Patio homes.

(1) Location on lot. Patio home developments shall be developed as zero lot line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of 10 feet. A minimum five-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of 10 feet shall be provided. The combined area of all structures shall not exceed 65% of the lot area.

(2) Front yard setback. The minimum front yard shall be 15 feet, provided that in no case shall a garage or carport fronting onto a street be less than 20 feet from the property line adjacent to the street. The front yard setback may be staggered, varied, or reduced to a minimum setback of 10 feet for lots facing cul-de-sac or loop streets not exceeding 400 feet in length, with the approval of a site plan or subdivision plat. Under this provision the maximum setback shall be 25 feet. A minimum lot depth of 65 feet, as measured from front building line to rear lot line, shall be maintained.

(3) Rear yard setback. The minimum rear yard shall be five feet for a single-story structure and 15 feet for any two-story structure. If access is from an alley, the minimum setback will be 20 feet for garages or carports.

(4) Side yard setback. The minimum side yard shall be zero feet except that

there shall be at least 10 feet of separation between structures. When patio homes are constructed with a zero side yard, five feet on the lot adjacent to the zero setback shall be dedicated as an access easement for the zero setback patio home. There shall be a minimum of 20 feet from any property line adjacent to a street.

(5) Lot frontage. The minimum frontage of any patio home shall be 25 feet on residential streets and 35 feet on collector and thoroughfare streets.

(6) Lot area. The minimum lot area for any development lot for patio homes shall be 2,800 feet.

(7) Maximum length of structures. No zero lot line structure shall have an overall length exceeding 250 feet.

(8) Maximum height of structures. No structure shall exceed two stories or 35 feet in height.

(9) Parking. Two off-street spaces per dwelling unit plus 1/2 space per dwelling unit for visitor parking within 600 feet of each dwelling unit. The visitor parking requirements may be eliminated or reduced at the time of site plan or subdivision plat approval with a finding that there is adequate on-street parking for visitors.

(10) Common area maintenance. To insure the long-term maintenance of common land and facilities in patio home developments, the following shall be required:

(A) Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other communally owned facilities. No such instrument shall be acceptable until approved by the city attorney as to legal form and effect. A homeowners' association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.

(B) The HOA or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners.

(11) Usable open space requirements. Each parcel of land developed under patio home standards shall provide usable open space totaling 15% of the area of a patio home development. Such open space shall have a maximum slope of 10% and shall be exclusive of street and alley rights-of-way and/or easements,

individually platted lots without open space easements, private yards and patios. The 15% shall be computed on the percentage of total platted area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current comprehensive plan). At the time of site plan and/or subdivision plat approval, the city council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

(12) Additional landscaping. In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.

(f) Multifamily residences.

(1) Courts. Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of 30 feet apart and no balcony or canopy shall extend into such court area for a distance greater than five feet.

(2) Usable open space.

(A) Each lot or parcel of land which is used for multiple-family residences shall provide on the same lot or parcel of land usable open space (as defined in section 36.004), in accordance with the table below:

USABLE OPEN SPACE REQUIREMENT

Number of Bedrooms or Sleeping Rooms	
1 or less	600 sq. ft.
Each additional bedroom over 1	300 sq. ft.

(B) In those instances where a parcel of land has been zoned for multifamily use with a specific use permit or planned development classification and the permitted densities do not conform exactly with those permitted in the MF district, usable open space shall be provided in accordance with that required for the multifamily zoning district which most closely approximates the density permitted under the SUP or PD.

(C) In meeting this requirement, a credit of three square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within 10 feet of a pool; developed and equipped children's play areas; and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the planning and zoning commission and/or city council may allow a credit not to exceed 10% of

the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed 50% of the total usable open space for an individual lot or parcel of land.

(D) At the time of site plan approval, the city council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmentally significant and that their preservation would enhance the development.

(g) Service stations. Gasoline service station pump islands may not be located nearer than 18 feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall not be closer than 10 feet to the property line.

(h) Bed-and-breakfast facilities.

(1) Defined. See appendix 3, item 3.1.2].

(2) Specific use permit for bed-and-breakfast facility. No individual property owner shall use his residence as a bed-and-breakfast facility, as that term is defined herein, without first having received a specific use permit from the city council.

(3) Permitted in specific districts. See the schedule of uses, appendix 2 of this article.

(4) Special regulations. The following special regulations shall apply to all specific use permits issued for bed-and-breakfast facilities:

(A) All bed-and-breakfast facilities must be owner-occupied and managed at all times.

(B) The maximum number of bedrooms which may be rented is five, unless the city council specifically finds that the structure and tract on which it is located is of sufficient size to permit more bedrooms and that the same will not adversely impact the surrounding properties.

(C) No cooking facilities shall be permitted in any of the bedrooms.

(D) One attached sign shall be permitted on the premises. Such signs shall not exceed four square feet in area and shall not include the word “hotel” or “motel.”

(E) Off-street parking shall be provided equal to one parking space per guest bedroom and shall be screened from all streets. No parking shall be permitted in the front yard area.

(F) The facilities shall meet all of the minimum requirements of the city-county health department and shall conform in all respects to the requirements of the fire code, building code, electrical code and plumbing code.

(G) All such facilities shall be responsible for the collection of the city hotel/motel tax.

(H) All city-county health officers, building inspectors, the fire marshal and his assistants and other code enforcement officials of the city shall have the right to go on any premises of a bed-and-breakfast facility during normal business hours for the purpose of verifying compliance with this subsection and all other applicable ordinances of the city.

(i) Recreational Vehicle (RV) parking/storage on private property. Recreational storage on private property in conjunction with a primary residential use shall meet the following criteria.

(1) No RV shall be parked in front of the front setback or in front of the front façade of the

primary structure on a lot.

(2) No utilities shall be connected to the RV except for temporary electrical service for loading and unloading purposes.

(3) An RV can be no closer than 5 feet from a side building line or parked within a drainage easement.

(j) Swimming pools. It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools (including above ground level) whether privately, publicly, or commercially owned or operated.

(1) No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.

(2) A swimming pool may be constructed and operated when:

(A) The pool is not located in any required front or side yard abutting a street;

(B) A wall or fence, not less than six feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area (see subsection (k) of this section for additional regulations regarding enclosing of pools);

(C) All lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;

(D) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and

(E) The swimming pool is no closer than eight feet from any property

line.

(k) Swimming pool enclosures.

(1) Every swimming pool, or excavation designed or intended to ultimately become a swimming pool, while under construction as well as after completion, shall be continuously protected by an enclosure surrounding the pool or excavated area in such a manner as to make such pool or excavated area reasonably inaccessible to small children or animals. Exceptions are as follows:

(A) This provision shall not apply to (i) bodies of water other than swimming pools which are owned or controlled by the federal government, state, county or any agency, subdivision or department thereof; or (ii) bodies of water located in natural drainage ways;

(B) In single-family occupancies, the enclosure may surround the entire single-family premises; and

(C) In multifamily occupancies, the enclosure may include the courtyard that surrounds the pool.

(2) An enclosure shall be a fence, wall, or building not less than six feet in height with no openings, holes or gaps larger than four inches measured in any direction, except that measurement for a picket fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members.

(3) Gates and doors opening directly into such enclosure shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such doors or gates securely closed, said latching device to be attached to the gate or door not less than 36 inches above the grade or the floor. Exception: The doors of any building forming any part of the enclosure hereinabove required need not be so equipped.

(4) Swimming pools in existence on the effective date of this article shall be fenced in accordance with the requirements hereinabove set forth (within 2 years from the adoption of this ordinance), and it shall be unlawful for any person to maintain any swimming pool in the corporate limits of the city which is not protected by an enclosure in accordance with the requirements of this section.

(5) All plans submitted to the city for swimming pools to be constructed shall show compliance with the requirements of this section, and the final inspection and approval of all pools constructed shall be withheld until all requirements of this section have been complied with by the owner, purchaser under contract, lessee, tenant or licensee.

State law references–Swimming pool enclosures, V.T.C.A., Local Government Code, sec. 214.101 et seq.; pool yard enclosure for multiunit rental complex, property owners' association, etc., V.T.C.A., Health and Safety Code, ch. 757.

(l) Sale of alcoholic beverages.

(1) This subsection (l) shall not apply when the storage or serving of alcoholic beverages is strictly for the consumption of the owners of the premises and their guests at no charge.

(2) The storage, possession, or sale of any alcoholic beverage, when permitted by the laws of this state, shall be regulated and governed as provided herein and in other applicable ordinances and regulations of the city.

(3) The sale of liquor and the sale of beer is prohibited in any residential area within the city's corporate limits. The term "residential area" includes locations that are within any of the following zoning districts or areas:

(A) R-1 - Single-Family;

(B) SF-TH - Single-Family Townhome;

(C) MH-1 - Manufactured Home District;

(D) MH-2 - Manufactured Home Park District;

(E) TF Duplex - Two-Family Residential;

(F) MF-1 - Multiple-Family Residential - Medium Density;

(G) MF-2 - Multiple-Family Residential - High Density;

(H) PD - Any residential part of a Planned Development District; or

(I) Any tract, lot or subdivision upon which is located any of the "residential uses" list in appendix 3 of this article, as amended.

(j) Wind energy conversion systems. In order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community, the purpose of this section is to regulate private use wind energy conversion systems for the production of electricity for use on a lot.

(1) Applicability and definitions. Terms defined below shall be used for the purposes of this subsection (m).

(A) *Wind energy conversion systems*. A wind energy conversion system consists of a wind-driven turbine (whether roof- or tower-mounted) and associated control or conversion electronics for the purpose of providing electrical power to a privately owned lot or parcel.

(B) *Wind turbine*. The individual component of a wind energy conversion system that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters. This term shall include the shroud and the towers or supporting structures.

(C) *Building code(s)*. All codes, ordinances, regulations, policies and procedures, and standards adopted and enforced by the city.

(D) *Fire code(s)*. All codes, ordinances, regulations, policies and

procedures, and standards adopted and enforced by city.

(E) *FAA*. The use of this acronym shall denote the Federal Aviation Administration, or any other applicable authority that regulates air safety within the city's jurisdiction.

(F) *Shroud*. A safety device that covers the blades of a wind turbine on all sides in a manner that substantially reduces the potential that the blades would cause injury or damage to any persons, animals or items of property coming into contact with the wind turbine.

(2) Standards. All wind energy conversion systems are subject to and must comply with the following provisions:

(A) Setbacks. Minimum setbacks for wind turbines shall be:

(i) A minimum of 1.1 times the total extended height of the wind turbine–as measured from average ground level of the lot to the uppermost part of the wind turbine–from the project property lines.

(ii) Guy wire anchors may not extend closer than 10 feet from any property line.

(B) Number per lot or parcel. A maximum of two wind turbines per lot or parcel is permitted on lots or parcels less than one-half acre in size; a maximum of four wind turbines per acre are permitted on lots or parcels at least one-half acre in size.

(C) Height. Subject to the above-referenced setback requirements, the maximum total extended height of tower-mounted wind energy conversion systems–as measured from average ground level of the lot to the uppermost part of the wind turbine–is 35 feet on parcels less than 5 acres in size and 70 feet on parcels 5 acres or greater. If roof mounted, the extended height shall not exceed 10 feet above the roof ridge and in no case be higher than 35 feet.

(D) Lighting. Wind system towers shall not be artificially lighted unless required, in writing, by the FAA or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.

(E) Access. All tower-mounted wind energy conversion systems must comply with the following provisions:

(i) The tower shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed; and

(ii) All ground-mounted electrical and control equipment shall be labeled

or secured to prevent unauthorized access.

(F) Rotor safety. All wind turbines shall comply with the following rotor safety requirements.

(i) Each wind turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shut-off switch shall be included with the installation.

(ii) The minimum distance between the ground and any protruding blades utilized on a private wind turbine shall be 10 feet as measured at the lowest point of the arc of the blades.

(iii) All blades of a wind turbine are required to be within a shroud.

(G) Noise. All wind turbines shall comply with these noise requirements and restrictions. These levels may not be exceeded at any time, including short-term events such as utility outages and severe wind storms. A manufacturer's sound report shall be required with a building permit application.

(i) No wind energy conversion system or combination of wind energy conversion systems on a single lot or parcel shall create noise that exceeds a maximum of 35 decibels (dBA) at any property line where the property on which the wind energy conversion system(s) is located or the abutting property is less than one acre; or, a maximum of 50 decibels (dBA) at any other property line. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.

(ii) Any wind energy conversion system(s) exceeding these levels shall immediately cease operation upon notification by the building official and may not resume operation until the noise levels have been reduced and verified by an independent third-party inspector, approved by the building official, at the property owner's expense. Upon review and acceptance of the third-party noise level report, the building official will allow operation of the affected wind energy conversion system(s). Wind energy conversion system(s) unable to comply with these noise level restrictions shall be shut down immediately and removed upon notification by building official, after a period established by the building official.

(H) Aesthetics and maintenance.

(i) Appearance. Wind turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as tan, sand, gray, black or similar colors. The painting or coating shall be kept in good repair for the life of the wind turbine. In addition, any changes to the approved color shall result in notification by the building official that the affected wind turbine(s) shall cease operation until a color correction has been made. If the affected wind turbine(s) are not repainted, using an approved color, within the period established by the building official, the owner shall remove the affected wind energy conversion system(s).

(ii) Electrical wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.

(iii) Maintenance. Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.

(I) Signs/labels. The only advertising sign allowed on the wind turbine shall be a manufacturer's label, not exceeding one square foot in size.

(J) Compliance with FAA regulations. All wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.

(K) Certified safe. A Texas professional engineer sealed drawing or statement shall accompany a building permit application confirming that the wind energy conversion system(s) has been designed and is planned to be constructed in accordance with accepted industry standards and certified safe.

(3) Repair and removal of wind turbines. Any wind turbine found to be unsafe by the building official or fire department shall immediately cease operation upon notification by the building official or fire department and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six months. Wind turbines that are not operated for a continuous period of 12 months shall be removed by the owner of the wind turbine.

(A) When a wind turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind turbine is no longer connected to the public utility electricity distribution system.

(4) Mounting of wind turbines. Attachment of the wind turbine, including any support or structural components, to any building or structure shall be in strict compliance with building codes and fire codes. Galvanized steel or metal is the acceptable system for the support structures.

(5) Compliance with regulations.

(A) All wind energy conversion systems shall comply with applicable fire codes and building codes.

(B) All standards and regulations under this subsection (m) and other applicable fire and building codes are mandatory. Once wind turbines are permitted, the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the wind turbine(s) does not comply with the provisions of this article, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more wind turbines.

(n) Drive throughs.

(1) Drive throughs with individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened by a sound abatement system. The planning & zoning commission may recommend and the city council require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and provide noise abatement in order to minimize the impact of individual service speakers on residential districts.

(2) A stacking space shall be an area on a site measuring 9 feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane shall be an area measuring a minimum of 11 feet wide that provides access around the drive-through facility. An escape lane may be part of a circulation aisle.

(A) For drive-through restaurants, the minimum stacking space for the first vehicle stop shall be 100 feet and 40 feet thereafter for any other stops. An escape lane shall be provided parallel to the drive-through lane from the beginning of the drive-through lane to the pick-up window.

(B) For dry cleaners, banks and financial services, pharmacies, and retail uses with drive-through facilities, a minimum of 5 total stacking spaces shall be required if one or 2 drive through lanes are provided. For 3 or more drive through lanes, a minimum of 4 total stacking spaces shall be required. An escape lane shall be provided in all instances.

(C) For kiosks, a minimum of 2 stacking spaces for each service window shall be provided.

(k) Short Term Rentals.

(1) Purpose and applicability.

The purpose of this article is to establish regulations for the registration and use of a residence or residential structure, or portions thereof, as a short-term rental, as that term is defined in the city's zoning ordinance, Chapter 36 of this code. Nothing in this article, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than 30 consecutive days, or any other applicable provision of this code.

(2) Definitions.

Advertise. The written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a short-term rental in order to promote the availability of the short-term rental.

City council. The governing body of the City of Riesel, Texas.

Local emergency contact. An individual other than the applicant, who

resides within 20 miles of the subject property, and who is designated by the owner to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the short-term rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Mayor. The mayor of the City of Riesel, Texas, or his or her designee.

Owner. Any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court.

Primary residence. The usual dwelling place of the owner of a residential dwelling and is documented as such by at least two of the following: Motor vehicle registration, driver's license, state identification card, voter registration, property tax documents, or utility bill. For purposes of this article, a person may have only one primary residence.

Reception or event center. A commercial or nonprofit facility, whether indoor or outdoor, that can be rented to accommodate groups for parties, entertainment, conferences, conventions, exhibitions, weddings, and similar activities.

(3) Registration requirements.
No person shall hereafter advertise, offer to rent, or rent, lease, sublease, license or sublicense a residential property within the city as a short-term rental for which a registration has not been properly made and filed with the building services department of the city. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

(1) Name, address, phone number and e-mail address of the property owner of the short-term rental.

(2) Verification that the short-term rental is the applicant's primary residence.

(3) Name, address, phone number and e-mail address of the designated local emergency contact.

(4) The maximum number of occupants permitted for the dwelling unit or

sleeping room in accordance with section 5(b) of this article.

(5) A submission of a sketch floor plan of the dwelling with dimensioned room layout.

(6) Site plan/survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto street, sidewalks or alleys, or other public rights-of-way or public property.

(4) Inspection required.

Upon initial registration, or any renewal thereof, and prior to the first rental occupant of a short-term rental, the owner is required to schedule a short-term rental registration inspection of the residential structure with the city's building services department to determine compliance with the minimum property standards in this code.

(1) If only a portion of the premises is offered for rent, then that portion plus shared amenities and points of access shall be inspected.

(2) If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation(s) and shall set a reinspection date for such violation(s) to be corrected prior to its occupancy.

(5) Restrictions on short-term rentals.

(a) *External signage.* There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.

(b) *Limit on occupants allowed.* No more than two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a short-term rental with a maximum occupancy of ten (10) persons, adult and children.

(c) *Limits on number of vehicles.* There shall be a maximum of one car per bedroom, or maximum number of cars that can be accommodated within the garage and driveway, without extending over the public rights-of-way (alleys and sidewalks) whichever is less.

(d) *Advertisement and contracts.* Any advertisement of the property as a short-term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.

(e) *Other restrictions.* It shall be unlawful to:

(1) Operate or allow to be operated a short-term rental without first registering the property in which the rental is to occur within the city in accordance with this article;

(2) Operate or allow to be operated a short-term rental during a period of time in which the registration for said short-term rental has been suspended or revoked;

(3) Advertise or offer a short-term rental without first registering the property in which the rental is to occur with the city in accordance with this article; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this article;

(4) Operate a short-term rental in any location that is not the registrant's primary residence;

(5) Operate a short-term rental that does not comply with all applicable city and state laws and codes, including but not limited to the noise regulations contained in this code, as amended, and those parking regulations contained in the Texas Transportation Code, as amended;

(6) Operate a short-term rental without paying the required hotel occupancy taxes;

(7) Offer or allow the use of a short-term rental for the sole or primary purpose of having a reception or event center, as defined herein;

(8) Fail to include a written prohibition against the use of a short-term rental for having a party in every advertisement, listing, or other publication offering the premises for rent;

(9) Permit the use of the short-term rental for the purpose of: Housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.

(6) Brochure and safety features.

(a) *Informational brochure.* Each registrant operating a short-term rental shall provide to guests a brochure that includes:

(1) The registrant's twenty-four (24) hour contact information;

(2) A local responsible party's twenty-four (24) hour contact information if the property owner is not within the city limits when

guests are renting the premises;

(3) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;

(4) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and nonemergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

(b) *Safety features.* Each short-term rental registrant shall provide in the premises working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall otherwise comply with all applicable adopted building and municipal codes, including but not limited to the building and fire codes.

(7) Notification of approval of short-term rental.
Within ten (10) days of the approval of a short-term rental registration, a notice will be sent by the building services department of the city to all property owners within three hundred feet (300 ft.) of the property line and shall include the twenty-four (24) hour contact number for complaints and emergencies, and pertinent information about this article.

(8) Registration term, fees, and renewal.

(a) All registrations approved under this article shall be valid for a period of one year from the date of its issuance.

(b) The fees for registration and inspection of a short-term rental shall be as established in appendix A, fee schedule, of this code.

(c) Upon receipt of an application for renewal of the registration, the building services department may deny the renewal if there is reasonable cause to believe that:

(1) The registrant has violated any ordinance of the city, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or

(2) There are grounds for suspension, revocation, or other registration sanction as provided in this article.

(9) Suspension of registration**.**

(a) The mayor may, without warning, notice, or hearing suspend a short-

term rental registration if the holder of such registration or any guest or invitee on the premises of a short-term rental covered by such registration does not comply with the requirements of this article. Such suspension shall be effective upon service of the notice in accordance with section 12, herein, as amended, and shall be for a period of up to six (6) months. When a registration is suspended, any short-term rental of the subject residential structure shall immediately cease. Whenever a permit is suspended, the holder thereof shall be afforded an opportunity for a hearing within 20 days after receipt by the regulatory authority of a written request for hearing.

(b) Whenever a registration is suspended, the holder thereof shall be notified in writing that an opportunity for a hearing shall be provided if a written request for hearing is filed with the city within ten days after receipt of notice. If no written request for hearing is filed within a ten-day period, the suspension is sustained. The mayor may terminate the suspension at any time if reasons for suspension no longer exist.

(10) Revocation of registration.

(a) Upon three (3) violations within a five (5) year period by a holder of a short-term rental registration or any guest or invitee on the premises of a short-term rental covered by such registration, the mayor may, after providing opportunity for a hearing, revoke a short-term rental registration.

(b) Prior to revocation, the mayor shall notify, in writing, the permit holder or the person in charge, of the specific reason(s) for which the short-term rental registration is to be revoked and that the registration shall be revoked at the end of the ten days after service of such notice unless a written request for a hearing is filed within the ten-day period. If no request is filed within the ten-day period, the revocation of the registration becomes final.

(c) The holder of the revoked registration may make written application for a new registration no sooner than one (1) year after the date of revocation.

(11) Hearings.

(a) The city council shall hear all appeals taken under this article for denials, revocations and suspensions.

(b) The mayor shall designate the time and the place for the hearings provided herein. Based upon the evidence presented at such hearing, the city council shall make a final finding by sustaining, modifying, or rescinding any notice or order considered in the hearing. The city council shall furnish a written report of the hearing decision to the permit, license, or certificate holder.

(12) Notice of hearings.
The notice provided for in this article is properly served when it is hand delivered to the registration holder, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the registration holder.

Sec. 36.023 Supplementary district regulations

(a) Accessory buildings. The following regulations shall govern the location, size, and use of any accessory buildings:

(1) No accessory building shall be erected in any required yard area as stipulated in this article, except as allowed in the following subsections.

(2) No accessory building shall be erected within 10 feet of any other building, except: detached residential garages may be located within five feet of the main dwelling, and the provisions of subsection (5) below are met.

(3) No detached residential garage or carport shall be erected or placed closer to any street or alley right-of-way line than the minimum yard requirements (building setback line) governing the district in which such garage or carport is located.

(4) No detached residential garage or carport shall be erected or placed within eight feet from any side lot line.

(5) Residential accessory buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or attached to the main building but shall not encroach in any required front yard and may not occupy more than 30% of the rear yard.

(6) No accessory building shall be used for dwelling purposes other than by domestic employees employed on the premises, as provided in the applicable zoning district.

(7) No accessory building shall be higher than the main building and in no case be in excess of 18 feet in height.

(8) No accessory building shall be erected or placed within five feet of any side or rear lot line and shall not encroach upon any easement.

(3) Garages. On front entry garages the face of a garage may not: (i) be extended more than ten feet beyond the remainder of the front elevation of the primary living area of a house; or (ii) be over 60% of the total frontage width of a house except where swing drives (“J” drives) are used. Porches or columns are not considered part of the front elevation of the primary living area.

(6) Exceptions to the residential architectural standards in this section may be only occur after application and review by the planning and zoning commission and approval by the city council by specific use permit.

(b) Requirements for solid waste collection.

(1) Applicability. This section shall apply to property utilized for nonresidential or multifamily uses and shall not apply to the following:

(A) Community recycling locations as permitted by the city.

(B) Containers for onsite construction debris with a valid permit issued by the City of Riesel Building Department.

(C) Multifamily and nonresidential developments that comply with both of the following stipulations:

(i) The development is authorized for solid waste collection utilizing 90–96-gallon residential-type carts.

(ii) The development is located within the CBRD (central business redevelopment district) zoning district or the development is within a planned development district that permits, by stipulation, the use of 96-gallon residential-type carts for solid waste collection.

(D) Donation containers.

(E) Declared disasters in the City of Riesel that create solid waste disposal issues until the disaster status is rescinded.

(F) Containers authorized through a Special Event permit.

(2) Provision of locations for solid waste containers space for solid waste containers, including compactors, must be provided as follows:

(A) Quantity. A minimum of two containers per lot to accommodate both refuse and recycling.

(B) Location. One or more required container locations may be offsite in a permanent easement within 150 feet of the building as determined sufficient through the site plan approval process.

(3) Screening and site design standards.

(A) Screening and placement. Screening and placement for solid waste containers must be consistent with section 36.028 and Landscape ord.

(B) Use. Enclosures for containers must only be used for purposes related to solid waste.

(C) Maintenance. All screening devices must be continually maintained in a state of good repair. Living screens must be maintained in compliance with Landscape ord.

(D) Parking reduction. The number of required parking spaces in section 36.026 may be reduced to accommodate commercial recycling and community recycling containers for sites developed prior to July 1, 2020. Required parking shall not be reduced without submittal and approval of an amended site plan.

(E) Site plan review. Solid waste container locations built to design standards shall be identified on concept plans and site plans. Solid waste

containers shall not be added to existing sites and/or to new site plans approved for future development without submittal and approval of an amended site plan.

Sec. 36.024 Building permits and certificates of occupancy

(a) Building permits required. No building or other structure shall be erected, moved, added to, enclosed, or structurally altered without a permit therefor where applicable, and issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this article, unless he receives a written order from the planning and zoning commission or city council in the form of an administrative review, special exception, or variance as provided by this article.

(b) Application for building permit. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this article. One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

(c) Expiration of building permit. If the work described in any building permit has not begun within six calendar months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. Failure by the administrative official to provide such written notice shall not have an effect on the expiration of a building permit.

(d) Certificate of occupancy required. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the administrative official stating that the proposed use of the principal building or land conforms to the requirements of this article.

(1) No permit for erection, alteration, moving, or structural repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of

this article upon completion of the work.

(2) A temporary certificate of occupancy may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

(3) The administrative official shall maintain a public record of all certificates of occupancy.

(4) Failure to obtain a certificate of occupancy shall be a violation of this article and punishable under this article.

(e) Construction and use to be as provided in applications, plans, permits, and certificates of occupancy. Building permits or certificates of occupancy issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, or construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this article, and punishable as provided by this article.

(f) Certificates of occupancy required for use or change of use.

(1) Certificates of occupancy shall be required for the following:

(A) Occupancy and use of a building hereafter erected or structurally altered;

(B) Change in use of an existing building to a use of a different classification;

(C) Occupancy and use of vacant land, except agricultural use;

(D) Change in the use of land to a different classification;

(E) Any nonconforming use or change in a nonconforming use.

(2) No such use, or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the building official.

(g) Procedure for new or altered buildings. Written application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued with 10 days after a written request for the same has been made to said building official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this article.

(h) Procedure for vacant land or a change in building use. Written application for a certificate of occupancy, or for the change in use of land or a building, or for a change in a nonconforming use to a conforming use, as provided herein, shall be made to the building official. If the proposed use is a nonconforming use, as provided herein, application shall be made to said building official. If the proposed use is in conformity with the provisions of this article, the certificate of occupancy therefor shall be issued within 10 days after the application for same has been made.

(i) Contents. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all certificates of occupancy shall be kept on file in the office of the building official or his agent and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

(j) Temporary certificate. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the building official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this article.

(k) Certificates of occupancy for nonconforming uses. A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this article. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this article that would apply to the nonconforming use, but for its status as a nonconforming use. Application for such certificate of occupancy for a nonconforming use shall be filed with the building official by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this article. If the city does not receive an application for a certificate of occupancy for nonconforming use within said time period, an irrebuttable presumption shall arise that the use in question does not constitute a nonconforming use, but an illegal use.

Sec. 36.025 Specific use permit

(a) General provisions.

(1) (A) As permitted under the provisions of this article, a property owner may petition the city for a specific use of property, as authorized by the zoning district in which the property is located. Such petition shall be considered by the planning and zoning commission. After proper notice and a public hearing, the planning and zoning commission shall make a recommendation to the city council regarding any application for a specific use permit.

(B) The city council may, after public hearing and recommendation by the planning and zoning commission, and after conducting a public hearing as is required for all amendments to the zoning ordinance, authorize for specific parcels of land the issuance of a specific use permit, in those districts where it is indicated that a specific use permit for a specific type use may be approved.

(2) (A) The designation of a specific use permit as possible in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each specific use permit application shall be evaluated as to its probable effect on the adjacent property and the community

welfare and may be approved or denied as the findings indicate appropriate with regard to the health, safety and welfare of the general public.

(B) If the use granted by the specific use permit has not been initiated on the parcel within one year from the date of issuance of the specific use permit, the specific use permit automatically terminates and the parcel loses the use permitted by this specific use permit and only those uses permitted by the current base zoning shall be permitted; provided, however, the city council may, after public hearing and recommendation by the planning and zoning commission, and after conducting a public hearing as is required for all amendments of the zoning ordinance, authorize an extension of the time that the specific use permit will continue in force and at the end of that time the specific use permit automatically terminates unless the same procedures as above are complied with and in which case an additional extension may be granted.

(C) Should the use as granted by the specific use permit on the parcel be vacated, the specific use permit shall remain in place for a period of 60 days from date of vacation. At the end of 60 days from date of vacation, the specific use permit shall terminate and may only be extended through the above named procedure. If the permitted use is reinstated within 60 days from date of vacation the specific use permit shall remain in place.

(b) Conditions for approval of specific use permit.

(1) In considering and determining its recommendation to the city council relative to any application for a specific use permit, the planning and zoning commission shall require that the applicant furnish plans and data concerning the operation, location, function and characteristics of any use of land or building proposed.

(2) The planning and zoning commission may recommend to the city council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangement, location or construction of buildings and uses and operation be required.

(3) The city council may in the interest of the public welfare and to assure compliance with the intent of this article, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.

(4) A site plan setting forth the conditions specified is required of the applicant and such plan when accepted shall be made part of the amending ordinance.

(5) A specific use permit approved under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to the property involved. Any of the conditions contained in a specific use permit shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be considered as conditions precedent to the granting of a certificate of occupancy and compliance for the specific use provided for.

(6) In considering and determining its recommendation to the city council relative to any application for a specific use permit for any use involving the sale, serving or distribution of beer, wine or liquors, the city staff and the planning and zoning commission shall require that the property must be in an already established subdivision or must be platted as part of the development process prior to the granting of the permit. Plans submitted must include:

(A) An exact artist's rendering of the proposed building, which shows initial landscaping, signs, and other important features;

(B) An architect's elevations of the front and sides of the building;

(C) A site plan drawn to scale, showing all parking, landscaped areas, sign locations, ingress and egress and other important features;

(D) An exact description of the type of signing proposed at the site;

(E) A narrative description of the planned activities in the establishment, particularly the projected breakdown of revenues between food sales and liquor sales; and

(F) An interior layout of the building showing proposed walls, bar, eating areas, kitchen, etc.

(7) 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 appropriate zoning district for the approved use and suffixed by an "S" designation.

(8) Every specific use permit granted under these provisions shall be considered as an amendment to the zoning chapter as applicable to such property under consideration so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the specific use permit is voluntarily vacated for a period in excess of 90 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate specific use permit is granted for continuation of the same.

(9) In granting a specific use permit, the city council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such specific use permit; and such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

(10) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings).

(11) A building permit shall be applied for and secured within six months from

the time of granting the specific use permit, provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission, except in the case of a private street development which shall have no limit regarding the application and securing of a building permit.

(12) No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alterations, or change.

(13) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.

(14) All specific use permits issued by the city shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property.

(15) The cost of the application for a specific use permit will be as set forth in the fee schedule in Appendix A of this code and such fee will be nonrefundable, even if the case is withdrawn by the applicant.

(16) The City may require, as a condition of any Specific Use Permit or development approval, that the applicant enter into a development agreement and/or provide financial assurance to ensure the repair or reconstruction of public infrastructure, including streets, impacted by construction or operation of the use. The applicant shall be responsible for all damage to City streets caused by construction or operational traffic and shall repair such damage to City standards at no cost to the City.

(17) Approval of a Specific Use Permit for uses identified in Sec. 36.0075 under this Section shall be discretionary. The City Council may impose conditions necessary to protect the public health, safety, and welfare, including but not limited to:

- Noise limitations and monitoring requirements
- Hours of construction and operation
- Lighting and glare mitigation
- Landscaping and visual buffering
- Traffic routes and access restrictions
- Emergency response and safety planning
- Decommissioning requirements and financial assurances

Sec. 36.026 Parking space regulations

(a) Automobile parking space regulations. Whenever any ordinance, regulation, or plan enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise, off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

(1) Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

Land Use	Minimum	Additional Provisions
Residential Uses		
Dwellings, single-family	2 per dwelling unit	
Dwellings, duplex	2 per dwelling unit	2 must be covered.
Dwellings, multifamily	2 per dwelling unit	75% of required parking must be covered, plus 0.25 per dwelling unit for visitor parking and evenly dispersed.
Commercial uses		
Amusement facilities	10 per 1000 sf GFA	
Assisted living facilities	1 per 2 beds	
Automotive repair and service	4 per 1000 sf GFA	Service bays not to count toward required parking.
Automotive rental and sales	4 per 1000 sf GFA	Does not include parking spaces for vehicles for rent or sale.
Banks and financial services	3.5 per 1000 sf GFA	See section 36.022(n) drive throughs

Bars and pubs; brewpubs, private clubs, and tasting rooms	10 per 1000 sf GFA	
Brewery, distillery, winery	2 per 1,000 sf GFA	See tasting room for areas where customers drink or sample the products.
Car washes	5 per 1000 sf GFA	Wash bays do not count toward required parking, 3 stack spaces per service/automatic bay for car washes.
Clinics and doctor's offices	5 per 1000 sf GFA	
Contractor yards and lumber yards	1 per 5000 sf of sales lot area	Minimum of 10 spaces.
Day-care centers	1 per 5 pupils	Plus 5 stacking spaces per pickup lane, minimum of 5 spaces total.
Dry cleaners	4 per 1000 sf GFA	See section 36.022026(n) drive throughs
Gas stations and convenience stores	5 per 1000 sf GFA	Space at pumps does not count toward parking requirement, must provide adequate space for vehicle stacking and maneuvering. The zoning administrator will make a determination on questions of applicability. The zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.
Gyms, spas, studios; health clubs	8 per 1000 sf GFA	See below: Swimming pool/deck
Hotel, motels	1.25 per room	Plus 1 parking space for every 200 square feet of restaurant, retail, conference, or office area.

Hospitals	1.5 per room	
Meeting halls	1 per each 3 seats in the main assembly hall	If no fixed seating is proposed, 1 parking space per every 50 sf GFA in the main assembly hall. Or, 1 per 2 seats in main assembly hall, whichever is greater.
Mortuaries	5 per 1000 sf GFA	
Offices	3 per 1000 sf GFA	
Outdoor markets	5 per 1000 sf of sales lot area	
Plant nurseries	4 per 1000 sf GFA	Plus 1 per each 5,000 square feet of exterior sales lot area.
Personal services	4 per 1000 sf GFA	
Retailers	4 per 1000 sf GFA	
Restaurants	10 per 1000 sf GFA; parking may be reduced during site plan review to no less than 3 per 1,000 sf GFA by the planning & zoning commission for drive through service	See section 36.022(n) drive throughs
Self-service warehouse	1 per 20 storage cubicles	Plus 1 per 1000 sf GFA of office and 2 per living quarters.
Theaters and auditoriums	1 per each 3 seats in the main assembly hall	If no fixed seating is proposed, 1 parking space per every 50 sf GFA.
Industrial uses		
Manufacturing	2 per 1000 sf GFA	Minimum of 10 spaces.
Salvage yards	1 per 5000 sf of lot area	Minimum of 10 spaces.

Recycling centers	0.5 per 1000 sf of GFA	1 per 5000 sf of outdoor storage, minimum of 10 spaces.
Warehouses	0.5 per 1000 sf of GFA	1 per 5000 sf of outdoor storage, minimum of 10 spaces.
Institutional uses		
Churches, mosques, and temples	1 per each 3 seats in the main assembly hall	If no fixed seating is proposed, 1 parking space per every 50 sf GFA in the main assembly hall.
Colleges and universities	1 per 2 students	Plus 1 per each classroom, laboratory, or instruction area.
Elementary and middle schools	2.5 per classroom	Plus adequate stacking for buses and student drop-off and pickup, and 1 space per 4 seats capacity of largest assembly hall. The zoning administrator will make a determination on questions of applicability. The zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.
Fraternal buildings	1 per each 3 seats in the main assembly hall	If no fixed seating is proposed, 1 parking space per every 50 sf GFA in the main assembly hall.
Government buildings	3 per 1000 sf GFA	Does not include necessary spaces for fleet vehicles.
High schools	8 per classroom	Plus adequate stacking for buses and student drop-off and pickup and 1 space per 4 seats capacity of largest assembly hall. The zoning administrator will make a determination on questions of applicability. The zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.

Libraries	4 per 1000 sf GFA	
Utility providers	3 per 1000 sf GFA	Minimum of 5 spaces.
Recreational uses		
Driving ranges and shooting ranges	2 per lane	Plus separate requirements for retail parking, office parking, country club parking, and other uses as applicable. The zoning administrator will make a determination on questions of applicability. The zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.
Golf courses	4 per hole	Plus separate requirements for retail parking, office parking, country club parking, and other uses as applicable. The zoning administrator will make a determination on questions of applicability. the zoning administrator is authorized to make such determination in accordance with section 36.003(b) of this article.
Parks	Per parks board determination	
Swimming pools	10 per 1000 sf of gross water surface and deck area	
Unlisted uses	The zoning administrator will make a determination on the required number of spaces for an unlisted use based upon demonstrated need, industry standards, and a parking ratio that will not result in a deficiency.	

The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off-street parking.

(2) Where a building or a site contains two or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.

(3) Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds 10 minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than 35 feet in length, 12 feet in width, and 15 feet in height.

(4) For the purpose of this subsection, one parking stall shall be not less than 180 square feet in area, together with whatever area is required for means of ingress and egress thereto, except that in the case where attendants perform the act of parking in defined and adequate stalls then each such stall shall be considered a parking stall as required herein.

(5) A driveway for access to any single parking space or to a parking lot shall be not less than 11 feet in width, nor more than 30 feet in width, at the property line along the street and shall be so located as to minimize traffic hazard and congestion.

(6) All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than 500 feet from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than 1,000 feet from such premises except as otherwise provided in this subsection or other sections of this article.

(7) Provision of parking stalls, shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that where it is found by the city council, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the council may reduce the total of number of parking stalls to be jointly provided.

(8) All parking spaces required for any use and provided in compliance with the provisions of this subsection on the same lot or plot as that occupied by such use, shall be considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.

(9) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefor shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.

(10) In a case where existing off-street parking facilities have unused parking capacity and where such facilities are open to the use of the public free of charge or at reasonable rates, the board may reduce the parking space requirements for any use distance not more than 800 feet from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.

(11) In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rates, is planned or is in process of development and where the council has reasonable assurance that such development will be carried to completion and will when completed relieve the parking demand in an area within 500 feet thereof in some measure or in full measure, the board may establish a reasonable time period within which any use or uses within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of the paragraph above, may be applied by the council.

(12) In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which such use is located, is other than by private automobile, the council may reduce, by not to exceed 50%, the space required for parking stalls for such use.

(13) In a case where it is clearly shown by the applicant to the satisfaction of the council that the provision of the amount of space required herein for parking stalls, due to the particular nature of the proposed use or other condition, would be an unnecessary hardship, the council may reduce such requirement.

(14) In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space.

(b) Drive throughs.

(1) Drive throughs with individual service speakers shall not be permitted within 150 feet of any residential district unless the speaker is appropriately screened by a sound abatement system. The planning & zoning commission may recommend and the city council require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and provide noise abatement in order to minimize the impact of individual service speakers on residential districts.

(2) A stacking space shall be an area on a site measuring 9 feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane shall be an area measuring a minimum of 11 feet wide that provides access around the drive-through facility. An escape lane may be part of a circulation aisle.

(A) For drive-through restaurants, the minimum stacking space for the first vehicle stop shall be 100 feet and 40 feet thereafter for any other stops. An escape lane shall be provided parallel to the drive-through lane from the beginning of the drive-through lane to the pick-up window.

(B) For dry cleaners, banks and financial services, pharmacies, and retail uses with drive-through facilities, a minimum of 5 total stacking spaces shall be required if one or 2 drive through lanes are provided. For 3 or more drive through lanes, a minimum of 4 total stacking spaces shall be required. An escape lane shall be provided in all instances.

(C) For kiosks, a minimum of 2 stacking spaces for each service window shall be provided.

(c) Residential off-street parking.

(1) Purpose. It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the city.

(2) Definitions and restrictions. It shall be illegal for any person to park or to allow to be parked on any property under his control any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned R-1 under this article unless:

(A) Said area is a part of a hard-surfaced driveway or parking area;

(B) Said area is a part of a gravel driveway bordered by cement curbing or similar permanent border;

(C) Said area is a part of a required driveway that provides access to a garage, carport or off-street parking area required by this article;

(D) Said area is part of a side yard which is enclosed by a screening fence at least six feet in height and so constructed that no person can see through into the area surrounded by the fence;

(E) The term “vehicle” as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term “hard-surfaced” as used herein shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the building official;

(F) A single-width driveway running from the street access to a garage or other parking area shall not utilize more than 15% of any residential front yard, except for front yards with a front footage width of less than 70 feet, in which case the maximum width for a single driveway shall be 11 feet;

(G) A double-width driveway running from the street access to a garage or other parking area shall not utilize more than 27% of any residential front yard; provided, that the maximum width of a driveway shall not exceed 24 feet in any case and shall not exceed 18 feet for front yards with a front footage width of less than 70 feet;

(H) A triple-width driveway running from the street to a garage or other parking area shall not utilize more than 33% of any residential front yard; provided, that the maximum width of a driveway shall not exceed 30 feet in any case, and shall not be permitted for front yards with a front footage width of less than 80 feet;

(l) A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or

(J) Circular driveways used for turnarounds or through traffic shall not utilize more than 30% of any residential front yards or corner side yards, with a front footage of less than 80 feet.

(d) Parking, storage or use of major recreational equipment and vehicles.

(1) No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, on a driveway, or in a required side or rear yard; provided, however, that such equipment may be parked anywhere on a residential premises not to exceed 24 hours during loading or unloading.

(2) No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two consecutive weeks.

(3) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Sec. 36.027 Nonconforming uses

(a) Defined. A nonconforming use means the specific purpose or purposes for which land, a building, or a structure was:

(1) On the effective date of the ordinance(s) from which this article is derived, being lawfully operated or occupied in accordance with the provisions of said ordinance(s); or

(2) On or after the effective date of this article, being lawfully operated or occupied in accordance with this article but which purpose(s), by sole reason of amendment to this article, or other governmental action, is not permitted in the applicable district.

(b) Protections, regulations and restrictions.

(1) A nonconforming use existing at the date of enactment of this article, although such use does not conform to the provisions hereof, may be continued, but if the nonconforming use is discontinued for a period of 12 consecutive calendar months it shall not thereafter be resumed and any future use of such building or land shall occur solely in conformity with the applicable provisions of this article. The use of land, if changed from a nonconforming use, shall be in conformity with the provisions hereof.

(2) To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or

amendment of this article and upon which actual building construction has been carried on diligently, without undue interruption. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently, without undue interruption.

(3) Nonconforming uses are hereby declared to be incompatible with permitted uses in the districts in which they are located. A nonconforming use of a building or structure, a nonconforming use of land, or a nonconforming use of buildings and land in combination shall not be extended or enlarged after passage of this article by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved. A nonconforming use of a building or land shall not be extended unless changed to a conforming use.

(4) The total structure repairs or alterations in a building or structure that forms all or part of a nonconforming use shall not, during its life exceed 50% of the assessed value of the building unless changed to a conforming use.

(5) Whenever a nonconforming use involving a building or structure is changed to a use of a more restricted classification, such use shall not thereafter be changed to a use of a less restricted classification.

(c) Restoration of Nonconforming Uses. A nonconforming structure destroyed or damaged by fire, flood, wind, earthquake, explosion or other casualty, or by the public enemy, to the extent where the cost of restoration would amount to less than fifty percent (50%) of its assessed value, may be restored. If the damage is in excess of fifty percent (50%) of its assessed value or restoration is not started within a period of one (1) year and carried diligently to completion, application for restoration shall be made to the board of adjustment to permit such restoration. Property owners, as shown by the city tax records on the effective date of this Ordinance, and the property owners' family as shown on the city tax records at the time of destruction or damage, shall be able to restore their property regardless of the extent of destruction, without making application to the board of adjustment. However, said restoration shall comply with all construction codes then in effect within the city.

(d) Certificates of occupancy for nonconforming uses. A certificate of occupancy shall be required for all lawful nonconforming uses in accordance with section 36.024(k) of this article.

Sec. 36.028 Screening device requirements

(a) Description of required screening devices.

(1) A screening device required under this article multi-family or industrial districts must meet the following minimum requirements and be measured from the average grade of the property:

(A) Minimum height of screening device:

(i) Garbage, trash or refuse container screening: 6' 0".

(ii) Screening of outdoor storage: 6' 0".

(iii) Multifamily and industrial districts: 6' 0".

(iv) All other required screening: 6' 0".

(v) Where a screening device is constructed, placed or planted on uneven terrain there shall be no gap under the device, and the device must be composed of the same material throughout.

(B) Maximum height of screening device excluding barbed wire strands:

(i) Screening of outdoor storage: 6' 0".

(ii) Industrial districts and industrial “PD” districts: 6' 0".

(iii) All other non residential districts: 6' 0".

(C) Materials options for nonresidential areas:

(i) Brick masonry, stone masonry, or other architectural masonry finish. (No thin-wall masonry allowed; “thin wall” is defined as any wall 6" or less in width);

(ii) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20' on center with structural supports spaced every 10', and with sufficient evergreen landscaping to create a screening effect;

(iii) Living plant screen (only upon approval by the planning and zoning commission through the site plan process); or

(iv) Alternate equivalent screening (only upon approval by the planning and zoning commission through the site plan process).

(2) All required screening devices must be equally finished on both sides.

(3) All openings in the surface for passage must be equipped with gates equal in height and screening characteristics specified above, but need not be of the same material as the main fence or wall.

(4) If a living plant screen is approved by the planning and zoning commission, the plant materials must be a minimum of three feet at time of planting.

(5) Prior to the issuance of an occupancy permit, all approved screening devices must be in place.

(6) All screening devices must be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the chief building official for failure to adequately maintain such screening device.

(b) Applicability.

(1) Screening devices must be placed and maintained in the following locations:

(A) Along any property line or district boundary between any single-family detached or attached or any two-family use and any multiple-family, mobile home park, or nonresidential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.

(B) Along any property line or district boundary between any multiple-family use and any nonresidential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.

(2) All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening device or visual barrier.

(3) Garbage, trash, or refuse containers shall be screened on all sides. Screening materials shall be masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided. Garbage, trash, or refuse containers shall not be located in front of the main building unless no other option is available. Gates shall be kept closed except when in use for access.

(4) All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.

(5) Display of new vehicles, or used vehicles not defined as junked vehicles under the ordinances of the city or laws of the State of Texas need not be screened if they are, in the opinion of the chief building official, maintained in a neat and orderly manner.

(6) Landscaping standards for parking lots shall also apply to vehicle display lots, except that minimum screening height for vehicle display lots shall be one and one-half feet (1-1/2').

(7) Mechanical and heating and air conditioning equipment in nonresidential and multifamily uses shall be screened from view from the public right-of-way and from adjacent residential property.

(8) At motor vehicle service or repair facilities, vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property.

(9) Service bays in any business/commercial PD (planned development) shall be oriented away from the street frontage.

(10) All ground mounted solar panel installations shall be screened from view from the public right-of-way and from adjacent residential property.

(c) Screening elements and fences. In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public

streets, highways, and alleys to private property; to conserve and protect the value of adjacent land and buildings; to protect aesthetic views and vistas; to secure hazardous areas from unauthorized entry; to contain livestock and other agricultural activities; and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required screening elements and fences. Single-family homes, two family homes and townhouses do not require screening The terms “screening element” and “fence” as used herein are defined in section 36.004. If screening fences are constructed the following rules apply:

(1) Solid fences shall not be allowed in the required front yard in any district.

(2) No fence shall exceed three feet height in the required front yard in any district.

(3) No fence shall be allowed in the required right-of-way.

(4) Fences shall be constructed and be consistent with buildings and fences in the area.

(5) In residential areas, barbed wire, razor wire, electrified fencing or other hazardous material shall not be allowed in the construction of fencing.

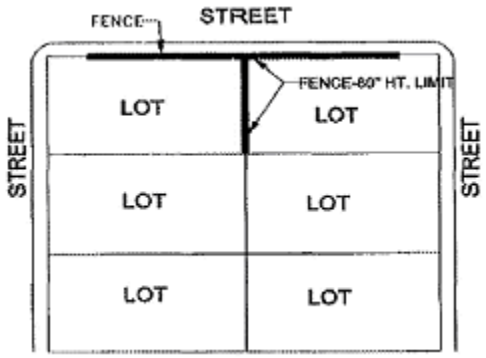
(6) No fence constructed in such a manner that it may conduct electrical current may be allowed in any but an agricultural zoning district.

(7) In no event shall barbed wire be permitted, except on arms in industrial zoning districts.

(8) Corner lots.

(A) On all corner lots in residential districts which have opposing rear lot lines, fences may be constructed not to exceed 80 inches in height along the side and rear yard lines, as indicated in figure 1 below and made a part of this section.

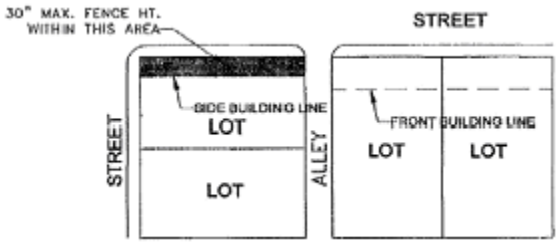
FIGURE 1



(B) On all corner lots in residential districts where the rear lot line is opposed to a side lot line across an alley from such side lot line, no fence exceeding 30 inches in height shall be constructed upon or within the side yard which is next to the street at a distance from the side building line greater than the minimum side yard requirement, as indicated in figure 2

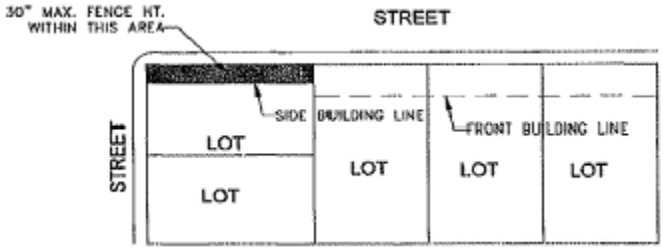
below hereto and made a part of this section.

FIGURE 2



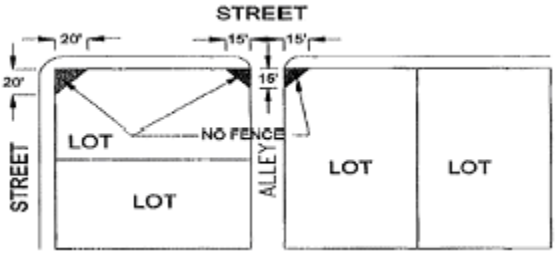
(C) On all corner lots in residential districts where the rear lot line is opposed to a side lot line of an adjoining lot, no fence exceeding 30 inches in height shall be constructed between the side of the building line and the side yard line which is next to the street, as indicated in figure 3 below and made a part of this section.

FIGURE 3



(D) No fence shall be constructed in the triangle formed by measuring 20 feet back from the intersection of two streets or 15 feet back from the intersection of a street and an alley as illustrated in figure 4 below and made a part of this section.

FIGURE 4



(E) On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley or private street or driveway from or to adjacent private property.

(F) On an interior lot in any district, nothing shall be erected, placed,

planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.

(9) Every fenced enclosure constructed under the provisions of this section shall have at least one gate in its perimeter.

(10) All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. The director of development services, building official, or code official may order the repair or removal of a fence if it is more than 5% damaged or leaning 10 degrees from vertical. Fences shall be repaired in compliance with the provisions of this section.

(11) No fence, plant, building or other structure shall be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or so as to obstruct or interfere with the sight lines for traffic of a driver of any approaching, emerging or intersecting traffic or so as to prevent any traveler on any street in use by the public from obtaining a clear view of approaching vehicles for a distance of 150 feet along a street in use by the public.

(12) A masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

(13) No fence in a residential district shall exceed eight feet in height, measured from the adjacent grade line.

(14) Residential districts - General.

(A) Screening elements and fences if built shall be restricted to a maximum height of eight feet, measured from the adjacent grade line, except as otherwise allowed.

(B) Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six feet of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any nonresidential use shall be screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.

(C) Where a multifamily use abuts a one- or two-family district, the side and rear property lines of said multifamily [use] or district shall be suitably screened from view, to a height not less than eight feet of any adjacent dissimilar residential dwelling or lot.

(D) Garbage, refuse, and trash collection/storage areas in any multifamily development or other nonresidential use permitted in a

residential district shall be enclosed on at least three sides, by a dense screening element to adequately screen such area from view of the surrounding area.

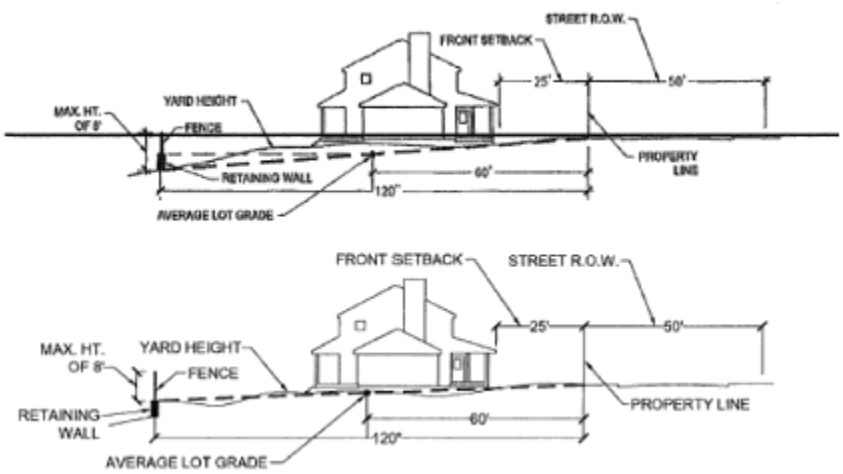
(E) No screening element or fence shall be erected, placed, or planted beyond the front building line of any permitted building in a residential district, either on a corner lot or interior lot, unless otherwise allowed by the city council.

(F) No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefor.

(G) Residential fencing requirements:

(i) Minimum fence height of 6' from average lot grade with a maximum height of 8'.

FIGURE 5



(ii) Materials. Treated lumber attached with galvanized screws to 2-3/8" diameter galvanized poles installed in an 8" diameter holes no less than 2-1/2 feet deep in 2' of premixed concrete. All posts shall have caps. Brick, stone, masonry, vinyl materials or a combination with columns every 8'. Vinyl materials cannot be used in multifamily areas. No thin-wall masonry walls are allowed unless constructed with brick, stone or other approved masonry units and supported by angle iron with masonry columns on piers. All thin-wall plans shall be sealed by a professional engineer and approved by the city. “Thin wall” is defined as any wall 6" or less in width.

(15) Nonresidential districts - General.

(A) Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet.

(B) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than three and one-half feet.

(C) Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than seven feet in height.

(D) In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than eight feet in height.

(E) Off-street loading areas shall be adequately screened from view of any residential dwelling or of any other adjacent residential land use.

(F) No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefor.

(G) All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.

(16) Barbed wire fences.

(A) Barbed wire fences used in conjunction with permitted agricultural and related activities are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.

(B) Barbed wire strands may be placed on top of permitted fences and screening elements in any district for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than 12 [feet] nor the bottom strand lower than eight [feet] from the adjacent grade line.

(17) Variances. A variance from the regulations in this article may be recommended by the planning and zoning commission to the city council for final approval only if:

(A) Unique circumstances exist on the property that make application of specific items in this article unduly burdensome on the applicant;

(B) The variance will have no adverse impact on current or future development;

(C) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;

(D) The variance will have no adverse impact on the public health, safety, and general welfare; and

(E) A financial hardship shall not be considered a basis for the granting of a variance.

Sec. 36.029 Planning and zoning commission

Creation of planning and zoning commission. There is hereby created a planning and zoning commission

(a) The city council shall exercise the authority as the planning and zoning commission. Any reference in state law or in this Ordinance to the planning and zoning commission, municipal zoning commission, or planning commission shall mean the city council.

(b) Duties and powers. The planning and zoning commission is hereby charged with the duty and invested with the authority to:

(1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the city.

(2) Recommend to the city council approval or disapproval of proposed changes in the zoning plan.

(3) Formulate and recommend to the city council for its adoption a city plan for the orderly growth and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.

(4) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Chapters 211 and 213, Texas Local Government Code, as amended, authorizing municipalities to pass zoning regulations; all powers granted under said statutes are specifically adopted and made a part hereof.

(5) Exercise all the powers of a commission as to recommendations to the city council relating to approval or disapproval of plans, plats, amending plats, or replats set out in Chapter 212, Texas Local Government Code, as amended.

(6) Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places.

(7) Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the city.

(8) Initiate, in the name of the city, for consideration at public hearing all

proposals for the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the city.

(9) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.

(c) Meeting and quorum. A quorum for the conduct of business shall consist of a quorum of the city council, which is three council members not including the mayor. The members of the planning and zoning commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

State law reference–Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

Sec. 36.030 Board of adjustment

(a) Creation. There is hereby created a board of adjustment which shall be organized, appointed, and function as follows:

(1) The board of adjustment shall consist of five members who are residents of the city or its extraterritorial jurisdiction, each to be appointed by the city council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one member as chairman. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Provided, however, that the city council may appoint two alternate members who shall serve in the absence of one or more of the regular members when requested to do so by the chairman or city manager, as the case may be.

(2) The terms of three members shall expire in May of each odd-numbered year and the terms of two of the members shall expire in May of each even-numbered year. Members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first meeting after their appointment.

(b) Organization. The commission shall hold an organizational meeting in May of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this article and the requirements of law.

(c) Powers and duties of board.

(1) Appeals based on error. The board of adjustment shall have the power to

hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official of the city in the enforcement of this article.

(2) Limitation on reapplications. When the board of adjustment has denied a proposal, no new applications of similar nature shall be accepted by the board or scheduled for 12 months after the date of denial. Applications which have been withdrawn at or before the board meeting may be resubmitted at any time for hearing before the board.

(3) Vote of four members required. The concurring vote of four members of the board of adjustment is necessary to:

(A) Reverse an order, requirement, decision or determination of an administrative official;

(B) Decide in favor of an applicant on a matter on which the board is required to pass; or

(C) Authorize a variation from the terms of a zoning ordinance.

(d) Appeals.

(1) Procedure. Appeals may be taken to and before board of adjustment by any person aggrieved, or by any officer, department, board or bureau in the city. Such appeal shall be made by filing in the office of the city secretary a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the board all of the papers constituting the record from which the action appealed was taken.

(2) Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector shall certify to the board of adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal.

(3) Notice of hearing on appeal. The board shall fix a reasonable time for the hearing of 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 200 feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the board to be affected thereby, such owners and persons being determined according to the current tax rolls of the city. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

(4) Decision by board. The board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

(e) Variances. The board of adjustment shall have the power to authorize upon

appeal in specific cases such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done, including the following:

(1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

(2) Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this article relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this article as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this article and at the same time, the surrounding property will be properly protected.

(3) The board of adjustment shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the building inspector in the enforcement of this article. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:

(A) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.

(B) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and 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) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this article.

(D) To 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 90% of its fair market value, where the council finds some compelling necessity requiring a continuance of the nonconforming use.

(E) To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to

make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The city council shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

(4) A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:

(A) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(B) That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this article;

(C) That the special conditions and circumstances do not result from the actions of the applicant;

(D) That granting the variance requested will not confer on the applicant any special privilege that is denied by this article to other lands, structures or buildings in the same district; and

(E) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(f) Changes.

(1) The board of adjustment shall have no authority to change any provisions of this article and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The board may not change the district designation of any land either to a more or less restrictive zone.

(2) It is the intent of this article that all questions of interpretation and enforcement shall be first presented to the administrative official, that such questions shall be presented to the board of adjustment only on appeal from the decision of the building official and that recourse from the decisions of the board of adjustment shall be to the courts as provided by the laws of the State of Texas.

State law reference–Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

Sec. 36.031 Amendments

(a) Generally. The zoning regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. Such amendments,

supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan. The planning and zoning commission and its composition and duties are established by the city council.

(b) Amendment initiation. An amendment to this article may be initiated by:

(1) City council on its own motion;

(2) Planning and zoning commission; or

(3) Request by owner or agent of owner of property to be changed.

(c) Procedure.

(1) All requests for amendments to zoning district boundaries shall be submitted, together with required fees to the administrative official, which officer shall cause notices to be sent and the petition placed on the planning and zoning commission agenda.

(2) The city council may not enact any proposed amendment until the planning and zoning commission makes its final report to the city council. The city council may refer proposed amendments to the planning and zoning commission for recommendation. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment. However, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original failing.

(d) Public hearing and notice. Prior to making its report to the city council, the planning and zoning commission shall hold at least one public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent before the 10th day before the hearing date to all owners of property who have rendered their property for city taxes, which is located within the area proposed to be changed, within 200 feet of such property or within 200 feet of any other adjacent property under the same ownership as the tract to be rezoned. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. No notice of hearings before the planning and zoning commission on proposed changes in zoning regulations need be given except as may be required by state laws.

(e) Commission report. The planning and zoning commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the city council. Such report may recommend for or against such proposed change and may, but need not, include reasons for such decision. The commission may defer its report for not more than 60 days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the commission fails to finally report after 60 days, it would be deemed to have recommended negatively to the proposal.

(f) Forwarding final report. Every proposal receiving a final report 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.

(g) Withdrawal. Any proposal or application may be withdrawn by the proponent after the commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

(h) Council hearing and notice. The city 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. Before the 15th day before the date of the hearing, notice of public hearing shall be given by publication one time in the official newspaper of the city or a newspaper of general circulation in the city and on the city's website, stating the time and place of such public hearing. No such amendment, supplement, or change shall be considered unless and until the commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

(i) Application not to be considered for another six months after denial of request for rezoning. No application for rezoning shall be considered within six months of denial of a request by the city council for the same classification on the same property.

(j) Protest against change.

(1) This section applies only to a proposed change to a zoning regulation or district boundary that is not a proposed comprehensive zoning change.

(2) A protest of a proposed change to a zoning regulation or district boundary must be written and signed by the owners of:

(i) at least 20 percent of the area of the lots or land covered by the proposed change;

(ii) except as provided by Subdivision (iii), at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or

(iii) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.

(3) In computing the percentage of land area under Subsection (2):

(i) the area of streets and alleys shall be included; and

(ii) the land area is not calculated individually for each tract of land subject to a proposed change in a zoning regulation or district

boundary but in the aggregate for all tracts of land subject to the change.

(4) If a proposed change to a regulation or district boundary is protested in accordance with Subsection (2), the proposed change must receive, in order to take effect, the affirmative vote of at least:

(i) three-fourths of all members of the city council for a protest described by Subsection (2)(i) or (ii); or

(ii) a majority of all members of the city council for a protest described by Subsection (2)(iii).

(k) Council action on application. The proponent of any zone change shall satisfy the city council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the council's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.

(l) Site plan and supporting documents required; petition for zoning district change or conditional use.

(1) When in the opinion of the planning and zoning commission, city council, or zoning board of adjustment that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or conditional use permit, in order for such commission, council, or board to properly review and evaluate all relevant factors thereof, said commission, council, or board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon.

(2) The petitioner is encouraged to meet with the appropriate commission, council, or board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition.

(3) The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

(A) Site plan.

(B) Meeting all of the requirements of a "preliminary plat" as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require include:

(i) Existing and proposed zoning district;

(ii) General outline of extensive tree cover areas;

(iii) Drainage ways, and 100-year floodplain limits;

(iv) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;

(v) Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;

(vi) A tabular summary schedule indicating;

a. The gross acreage and percent of each type of zoning category proposed;

b. The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single-family, two-family, multifamily, townhouse, etc., including the total gross project acreage;

c. The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus 1/2 of any abutting street, only;

d. The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single-family, two-family etc.;

e. Proposed maximum lot coverage by building types (i.e., single-family, duplex, multifamily, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

(C) Architectural drawings. Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant’s land use and development proposals.

(D) Written documents. In narrative form on 8-1/2" x 11" sheets, including:

(i) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.;

(ii) Legal description of the total site area proposed for rezoning, development, or conditional use permit;

(iii) A development schedule indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be

completed, to the best of the applicant's knowledge and belief;

(iv) A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;

(v) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;

(vi) Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment;

(vii) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and

(viii) Signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflects a reasonably accurate portrayal of the general nature and character of the proposals.

Sec. 36.032 Platting property not permanently zoned

(a) Zoning required prior to approval of plat. The city council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the city council.

(b) Annexation prior to approval of plat. The city council shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the city is pending before the city council unless and until such annexation shall have been approved by resolution by the city council.

(c) Contemporaneous action on zoning and annexation. In the event the city council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The city council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

Sec. 36.033 Temporary uses

The following temporary uses may be allowed under the conditions and for the time specified upon proper application and review by the zoning administrator:

(1) A temporary building may be used as an office incidental to construction work if such building is located upon the same property as the site under construction, contains no living quarters, and provides for no uses not incidental to construction on the premises. Such buildings shall be removed within 30 days

following final acceptance of the construction by the city.

(2) A temporary facility or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than four display facilities shall be allowed for any purposes for any other subdivision. Such temporary use shall be allowed for a period of one year, with extensions upon application and approval of six months possible provided construction remains continuous and no more than 10 lots remain unsold in the subdivision. However, in no case shall more than four such extensions be granted.

(3) Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business for profit may be allowed for the period of their actual duration up to a maximum of 30 days, except that two extensions of up to 30 days may be possible upon application and approval.

(4) Temporary sales of seasonal products such as firewood, cut trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to 30 days, except that two extensions of up to 30 days may be possible upon application and approval. Temporary sales of seasonal products may be allowed no more than 120 days, whether consecutive or cumulative, per site.

(5) The zoning administrator, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this article. The zoning administrator shall have the right to revoke any temporary use at any time or to deny any extension upon finding that a hazard or nuisance shall exist by continuing such use; after which revocation or denial such temporary use shall immediately cease and shall be removed within 10 days of notification of such finding.

Sec. 36.034 Creation of building site

(a) Procedure for creating building site/lot. No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

(1) The lot or tract is part of a plat of record and filed in the plat records of the county or counties in which the lot or tract is located.

(2) The site plot or tract is all or part of a site plan officially approved by the city council in a planned development district after recommendation by the planning and zoning commission.

(3) The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this article derives or prior to annexation to the city, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this article may be issued on each such original separately owned parcel without

first complying with either subsection (a)(1) or subsection (a)(2) preceding.

(4) The plot or tract is a lot of record prior to the effective date of this article or prior to annexation to the city, whichever is applicable, and the building official certifies that the plot or tract does not comply with setback and/or lot size requirements but that the plot or tract conforms with the provisions of this article, as amended, relative to width of street(s) on which the lot is located, street offsets, easement requirements, drainage and other considerations the building official believes to be relevant to the particular plot or tract. If the building official cannot make such certification, he shall refer the case to the planning and zoning commission for consideration and resolution. The building official and planning and zoning commission shall exercise discretion in making decisions in such cases but shall take care to respect the language and spirit of this article, as amended.

(5) The plot or tract is all or part of a site plan officially approved by the city council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tracts, or lots must be provided access via a public street or drive.

Sec. 36.035 Site plans

(a) Site plan approval.

(1) Conceptual site plans.

(A) Prior to any subdivision of property in any retail district, a conceptual site plan representing the general site assessment of the property shall be approved by the planning and zoning commission.

(B) The conceptual site plan shall include all the land that existed in single ownership at the time of initial zoning, or at the time this provision became effective, whichever is later.

(C) The conceptual site plan shall include sufficient information to adequately assess the functionality of the proposed subdivision and its impact on surrounding properties and circulation systems. The director of development services may establish—not inconsistent with this article—forms and standards with regards to the content, format, and graphics for conceptual site plans including but not limited to:

(i) Basic mapping details, such as site boundaries and dimensions, site acreage, location map, north arrow, scale, title block, etc.;

(ii) Access to the site and interior site circulation;

(iii) Proposed lot layout; and

(iv) Other items which may negatively impact adjacent property, such as general parking arrangement, delivery truck/dock locations, medians or traffic-control devices, and/or median breaks.

(D) The planning and zoning commission shall approve the conceptual site plan, approve the conceptual site plan with conditions, or disapprove the conceptual site plan.

(E) Any development or subdivision of the property shall generally be consistent with the conceptual site plan as approved or amended. No plat, building permit, or certificate of occupancy shall be issued for the property unless all construction and development generally conforms to the conceptual site plan.

(F) A conceptual site plan shall expire five years after its approval or amendment date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed.

(2) Site plans required.

(A) Approval of a site plan shall be required for all nonresidential development proposals and for proposals involving the following:

(i) A specific use permit;

(ii) Multiple-family project;

(iii) Mobile home parks;

(iv) Any development where more than one main building or primary use is proposed on a single lot, building site, or tract; or

(v) A planned development.

(3) Site or development plans for specific use permits and for planned developments shall become a permanent part of the zoning regulations for the proposed development, and any site plan or any significant change to such a site plan previously approved shall be considered as an amendment to this zoning ordinance.

(4) Prior to the issuance of any building permit, a site plan drawn to scale shall be submitted for initiation of the review and approval process along with the number of copies deemed necessary by the city to complete the required reviews or memorandums.

(b) Content of site plan. The director of development services may establish—not inconsistent with this article—forms and standards with regards to the content, format, and graphics for site plans. The proposed site plan shall show information as specified on a form or packet provided by the planning department, including:

(1) General requirements.

(A) Applicant’s name, address, and phone number;

(B) Development location (include subdivision, lot number, and address);

(C) Proposed use or uses (letter of intent required);

(D) Zoning district (attach copy of ordinance governing subject property);

(E) Lot area (net and gross);

(F) Lot coverage;

(G) Location of all existing buildings or structures on lot;

(H) Building size and total floor area (separated by use);

(I) Adjacent land uses and improvements;

(J) Location of hazardous chemical storage;

(K) Sign locations;

(L) Scale: one inch equals 20 feet, 30 feet or 40 feet;

(M) Location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);

(N) Easements;

(O) Location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;

(P) Location of areas of major tree cover;

(Q) Required landscape areas; and

(R) Additional information as deemed necessary to adequately evaluate the site or development plan.

(2) Site circulation and parking.

(A) Drive approach dimensions and radii;

(B) Delineation and width of internal circulation roadways;

(C) Distances between driveways and intersecting streets;

(D) Number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;

(E) Parking dimensions;

(F) Stacking spaces and drive-through lane location;

(G) Location of curb stops relative to front of parking stall. Note: Wheel stops are not permitted in lieu of curbs;

(H) Handicapped ramps (required at all intersections);

(I) Building entrances;

(J) Sidewalk dimensions;

(K) Fire lanes meeting fire code standards;

(L) Delivery truck docks;

(M) Sanitation container locations;

(N) Medians, islands, barriers, and channelization;

(O) Width of adjacent streets, alleys, or other access abutting property;

(P) Length, width, and taper of turn bays.

(3) Utilities.

(A) Existing and proposed water mains (include size and valve locations);

(B) Water meter size and location;

(C) Existing and proposed sewer mains (include size, manholes and cleanout);

(D) Sewer service size (provide cleanout at property line);

(E) Existing and proposed utility easements;

(F) Existing and proposed fire hydrants (include any nearby off-site hydrants);

(G) Existing and proposed fire lines and appurtenances;

(H) Location and size of irrigation meters;

(I) Location and size of grease and sand traps;

(J) Location and size of sampling pits; and

(K) Location and type of pretreatment.

(4) Drainage.

(A) Existing and proposed elevation at critical points;

(B) Drainage area map (if site over one acre);

(C) On-site collection system;

(D) 100-year flood elevation (if in flood prone area);

(E) Existing and proposed contours at two-foot intervals;

(F) Existing and proposed drainage structures (include size and type);

(G) Existing and proposed culverts (use six-to-one sloped headwall); and

(H) Direction of surface drainage (must be discharged into existing waterway or public right-of-way).

(c) Lighting plan. Where site lighting is required or proposed, a lighting plan shall be submitted along with a statement of compliance by a qualified lighting expert, such as an engineer, architect, landscape architect, lighting manufacturer's representative, or lighting contractor.

(d) Landscape plan. A conceptual or generalized landscape plan in conformance with the city's landscape regulations shall be submitted with the site plan. A combined site plan/landscape plan may be acceptable if all information required is easily identified.

(e) Site plan approval process.

(1) The planning and zoning commission shall review the proposed site plan

and shall submit to the city council a recommendation of approval, approval with conditions, or disapproval. Prior to consideration of a site plan, the planning and zoning commission may hold a public hearing, with notice given according to the procedure for a change in a zoning district location or boundary.

(2) City council, planning and zoning commission, and staff consideration shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, protective screening and open spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the city.

(3) If during the course of considering the site plan, conceptual site plan, or landscape plan, the planning and zoning commission is of the opinion that a proper recommendation cannot be made without additional information, the planning and zoning commission is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the information for the planning and zoning commission's consideration.

(4) A site plan shall expire two years after its approval or amendment date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Expiration shall not apply to site plans submitted for a planned development or specific use permit.

(5) It shall be unlawful to issue a building permit prior to the approval of the site plan by the city council, planning and zoning commission and/or planning division, as appropriate. No building permit shall be issued except in conformity with the approved site plan, including all conditions of approval.

(6) During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed.

(f) Revision of site plan.

(1) In the event that changes to the approved site plan are proposed, the director of development services or designee shall have the authority to require that a substantially conforming site plan or revised site plan be submitted to the city for review and approval.

(2) (A) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The director of development services or designee shall have the authority to interpret conformance to an approved site plan, provided that such interpretations do not materially affect access, circulation, general building location on the site, or any conditions specifically attached as part of a city council approval. The director of development services or designee shall only approve minor changes that substantially conform to the approved site plan and with all applicable city regulations.

(B) Examples of revisions which may be approved by the director of

development services or designee on a substantially conforming site plan, elevations, or landscape plan include:

(i) Minor building revisions/expansions that do not increase the height of a building and are less than an aggregate total of 1,000 square feet;

(ii) Minor changes in the number of parking spaces (adding, removing, or relocating 20 parking spaces of less), provided that minimum parking requirements are met;

(iii) Adjustments to solid waste container location;

(iv) Minor revisions to approved elevations; and

(v) Substitution of similar materials on an approved landscape plan.

(C) If the proposed revisions exceed staff's approval authority, a revised site plan, revised landscape plan or revised elevations shall be submitted and processed for approval accordingly.

(g) Certificate of occupancy.

(1) The certificate of occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.

(2) Maintenance of property. Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid certificate of occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this article.

(3) Preliminary site plan. For the purpose of assisting in-process planning, a preliminary site plan may be submitted for planning and zoning commission and planning division consideration. Such preliminary site plan may contain any or all of the site plan requirements and must be drawn to scale, submitted in adequate quantity and titled "Preliminary Site Plan." The approval of a preliminary site plan will not imply approval of all elements of a site plan. It shall be unlawful to issue any building permit on a preliminary site plan.

Sec. 36.036 Completion of buildings

(a) Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction, or designated use of any building which shall be completed in its entirety within one year from the date of the passage of this article, provided such building was authorized by building permit before the passage of this article and further provided construction shall have been started within 90 days of the passage of this article.

(b) Commitments made by the city with reference to construction of public utility buildings and facilities necessary for the anticipated expansion of the city made prior to the passage of this article shall be observed.

Sec. 36.037 Penalty for violations

Any person, firm, entity or corporation who violates any provision of this Ordinance shall be subject to a fine not to exceed the sum of five hundred dollars ($500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving an intentional, knowing, reckless, or criminally negligent violation of any provision of this ordinance and/or a provision of this Ordinance governing fire safety, or public health and sanitation, shall be subject to a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Sec. 36.038 Validity, severance and conflict

If any section, paragraph, subdivision, clause, phrase or provision of this article shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this article as a whole or any part or provision thereof other than the part so dedicated [declared] to be invalid or unconstitutional. To the extent any provision of this article conflicts with other ordinances of the city the terms of this article shall control.

Sec. 36.039 Codification

The city secretary is hereby authorized to codify or have codified by a third party the various provisions of zoning ordinances and regulations of the city.

Sec. 36.040 Effective date

This article shall be effective upon the posting and/or publication of its caption as required by law and the city secretary is hereby directed to implement such posting and/or publication.

APPENDIX 1. ZONING DISTRICT AREA REGULATIONS

	AG	R-1	SF-TH	TF	MH-1	MH-2	MF-1	MF-2
Maximum height (feet)	35	35	35	35	35	35	45	45
Side yard setback, interior (feet)	15	(10)	(b)	(c)	10	10	10	10
Side yard setback, corner lot, street side (feet)	25	15	10	10	15	15	15	15
Rear yard setback (feet) (d)	25	25	25	25	25	25	25	25
Front yard setback (feet)	35	25	25	25	25	25	25	25
Lot area (sq. feet)	43,560	8,800	12,000 (e)	7,200	6,000	5,000	43,560	32,670
Min. lot width (feet)	75	55	100	55	50	50	100	100
Min. lot depth (feet)	120	120	160	120	120	120	120	120
Max. lot coverage (%)	40%	45%	60%	50%	60%	50%	40%	50%
Building size (square feet)	2400	1600	1,000	1200	None	None	None	None

(a) Zero one side with 10 feet separation between buildings.

(b) 14 feet between ends of buildings.

(c) 5 feet or 10% of the lot width, whichever is greater.

(d) The required rear yard shall be open and unobstructed to the sky from a point 30 inches above the average elevation of the graded rear yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet. Balconies shall not project into the required rear yard.

(e) Or 2,700 square feet per unit, whichever is larger.

AG	Agricultural District
R-1	Single-Family Residential 6,000 square feet min. lot size
SF-TH	Single-Family Residential Townhouse
MH-1	Manufactured Home District
MH-2	Manufactured Home Park District
MF-1	Multiple-Family Residential - Low Density
MF-2	Multiple-Family Residential - High Density

See individual district regulations (sections 36.008 through 36.020 and 36.023) for additional regulations.

	C-1	**C-2**	**I-1**	**I-2**	**CBRD**
Maximum building height (feet)	25 1 Story	35	35	35	35
Side yard setback, interior (feet) (a)	5 (c)	5 (c)	15 (d)	15 (d)	0 / (c)
Side yard setback, corner lot street side (feet)	25	25	25	25	0
Rear yard setback (feet)	25	25	25 (d)	25 (d)	0 / (c)
Front yard setback (feet) (b)	25	25	25	25	0 / (a)
Lot area (feet)	7,000	10,000	10,000	10,000	2,500
Minimum lot width (feet)	80	80	80	80	25
Minimum lot depth (feet)	100	None	None	None	100
Maximum lot coverage (%)	40%	70%	50%	50%	NA
Building size (square feet)					NA

(a) 25 feet where adjacent to residential district.

(b) 35 feet where adjacent to residential district.

(c) 15 feet when abutting any district requiring a side yard.

(d) 25 feet when abutting any district requiring a rear yard.

(e) 15 feet when abutting any district requiring a side yard.

(f) 25 feet or 20% of depth

C-1	Restricted Commercial District
C-2	General Business District
I-1	Light Industrial District
CBRD	Central Business Redevelopment District

See individual district regulations (sections 36.016 through 36.019) for additional regulations.

APPENDIX 2. SCHEDULE OF USES

No land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following schedule of uses:

Table 1 Residential Uses

Table 2 Educational, Institutional, and Special Uses

Table 3 Transportation, Utility, and Communications Uses

Table 4 Automobile and Related Service Uses

Table 5 Office, Retail, Commercial, and Service Type Uses

Table 6 Manufacturing, Storage, and Warehousing Uses

Table 7 Accessory and Incidental Uses

LEGEND FOR INTERPRETING SCHEDULE OF USES

Y Designates use permitted in district indicated.

Designates use prohibited in district indicated.

S Designates use which may be approved as specific use permit.

The numbers in the “Def” column refer to descriptions/definitions listed in appendix 3, descriptions/definitions of uses.

Additional regulations relating to use of land and buildings in individual zoning districts are listed in sections 36.008 through 36.033 of this article.

SCHEDULE OF USES
TABLE 1.
RESIDENTIAL USES

Type of Use	**Def ***	**AG**	**R-1**	**SF-TH**	**MH-1**	**MH-2**	**TF**	**MF-1**	**MF-2**	**C-1**	**C-2**	**CBRD**	**I-1**
Apartment, CBRD	3.1.4											Y	
Bed-and-breakfast facility (1)	3.1.2		S	S	S	S	S	S	S	Y	Y	Y	
Boarding or rooming house	3.1.3									Y	S		
Dormitory	3.1.5							S	S				
Duplex (see Two-family dwelling)													
Guest house	3.1.8	Y											
Manufactured housing, HUD-code	3.1.10				Y	Y							
Manufactured home park	3.1.12					Y							

Manufactured home subdivision	3.1.13				Y								
Mobile home	3.1.14												
Motel, motor hotel, or motor lodge	3.1.16										Y		
Multiple-family residence (3)	3.1.17						S	Y	Y				
Patio home (2)	3.1.7			Y	S	S		S	S				
Residence hotel (4)	3.1.18							Y	Y	Y			
Retirement housing	3.1.19							Y	Y	S	S		
Servant's, caretaker's or guard's res.	3.1.21							S	S	S	S		S
Single-family dwelling, attached	3.1.22			Y			Y	††	†††				
Single-family dwelling, detached	3.1.23	†	Y	Y									
Townhouse	3.1.24				Y	Y		Y	Y				
Travel trailer or Recreation Vehicle park	3.1.27												
Two-family dwelling	3.1.28			S	S	S	Y	Y	S				
Short Term Rental								Y (5)	Y (5)				

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.023(h) for additional regulations.

(2) See section 36.023(e) for additional regulations.

(3) See section 36.023(f) for additional regulations.

(4) See section 36.023(d) for additional regulations.

(5) See section 36.022(o) for additional regulations

† See section 36.008(b)(1) of this article.

†† See section 36.014(b)(1) of this article.

††† See section 36.015(b)(1) of this article.

SCHEDULE OF USES
TABLE 2.

EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES

Type of Use	Def *	AG	R-1	SF-TH	TF	MH-1	MH-2	MF-1	MF-2	C-1	C-2	CBRD	I-1
Athletic field (see Stadium or playfield, public)													
Cemetery or mausoleum	3.2.1	S									S	S	S
Child-care center (1)	3.2.2							S	S	S	Y	Y	
Church, rectory, place of worship	3.2.3	S	S	S	S	S	S	S	S	Y	Y	Y	
Civic center	3.2.34									S	Y	Y	Y
College or university	3.2.45							S	S		S	S	S
Community center, public	3.2.6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Community center, private	3.2.7		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Continuing care facility	3.2.8				S	S		Y	Y	Y	Y	Y	
Country club (private)	3.2.9	Y											Y
Day-care facility (See Child-care center)													
Exhibition area	3.2.11	S									Y	Y	Y
Fairgrounds	3.2.12	S									S		Y
Family home (2)	3.2.13	S			S			S	S				
Farm, ranch, or orchard	3.2.14	Y				S							Y
Feedlot, livestock		S											
Fraternal organization, lodge or civic club	3.2.15	S								S	Y	Y	Y
Golf course	3.2.16	Y											Y
Golf driving range		Y											Y
Greenhouse, commercial	3.2.17 a	Y											Y
Greenhouse or plant nursery, noncommercial	3.2.17 b	Y											Y
Hosp. (chronic care); long-term health care fac.	3.2.18							S	S		Y	Y	Y
Hospital (acute care)	3.2.19										Y	Y	Y
Household care facility	3.2.20				S			Y	Y				
Household care institution	3.2.21.							S	S				

	1												
Kennel (no outside pens)	3.2.21.2	Y									S		Y
Kennel (outside pens)	3.2.21.2	Y									S		Y
Library	3.2.22	Y	S	S	S	S	S	S	S	Y	Y	Y	
Museum or art gallery	3.2.23									Y	Y	Y	
Nursery school, kindergarten	3.2.24		Y							S	Y	S	
Nursing home (see Rest home or nursing home)	3.2.34												
Park, playg'd, or rec. center (public)	3.2.26	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Park, playg'd, or rec. center (private)	3.2.27	Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S
Personal care home (custodial care)	3.2.28					S		S	S				
Prison, jail, place of incarceration		S											S
Race track	3.2.30	S											
Registered family home	3.2.31					S		S	S	S	S		
Rehabilitation care facility	3.2.32	S											S
Rehabilitation care institution	3.2.33	S									S		S
Rest home or nursing home	3.2.34		S	S	S	S	S	S	S	S	Y	S	D
Rodeo arena and grounds		S											S
School, private (primary and/or secondary)	3.2.35	S	S	S	S	S	S	S	S	Y	Y		S
School, public (primary and/or secondary)	3.2.36		Y	Y	Y	Y	Y	Y	Y	Y	Y		S
School, trade or commercial	3.2.37	S								S	S	S	Y
Shooting range, target range		S											S
Stable, commercial	3.2.38a	Y											S
Stable, private	3.2.38b	Y											
Stadium or playfield, public	3.2.39	S			S	S		S	S	Y	S		
Swimming pool, commercial	3.2.40									S	S	S	S

(1)													
Swimming pool, private (1)		Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.023(j) for additional regulations.

SCHEDULE OF USES
TABLE 3.

TRANSPORTATION, UTILITY AND COMMUNICATIONS USES

Type of Use	**Def ***	**AG**	**R-1**	**SF -TH**	**TF**	**MH -1**	**MH -2**	**MF -1**	**MF -2**	**C -1**	**C -2**	**CB RD**	**I-1**
Airport, landing field	3.3.1	S											S
High-Intensity Data Processing Facilities Data Centers Cryptocurrency Mining Facilities Utility-Scale Solar Energy Facilities Wind Energy Conversion Systems (Commercial) Battery Energy Storage Systems	3.3.1a												S
Electric power generating plant		S											S
Electrical substation	3.3.2	Y	S	S	S	S	S	S	S	Y	Y	Y	Y
Gas metering station	3.3.3	Y	S	S	S	S	S	S	S	S	S	S	S
Heliport or helistop	3.3.4	S									S	S	Y
Landfill		S											
Liquefied petroleum gas, storage and sale (no bulk plants)		S											
Radio, TV or microwave oper., amateur (1)	3.3.6	S	S	S	S	S	S	S	S		Y	S	Y
Radio, TV or microwave oper., commer. (1)	3.3.7	S									Y		S
Railroad station	3.3.8	S											Y
Railroad team track and	3.3.9	S											Y

right-of-way													
Service yards of government agency	3.3.11	S			S	S		S	S	S	S		Y
Shops, office and/or storage area of public or private utility	3.3.12	S											Y
Solid waste transfer station	3.3.13	S									S		S
Telephone exchange	3.3.14	†								S	Y	S	Y
Transit station or turnaround		Y									Y	Y	Y

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.023(c).

† See section 36.008(b)(2) of this article.

SCHEDULE OF USES
TABLE 4.

AUTOMOBILE AND RELATED SERVICES USES

Type of Use	**Def ***	**AG**	**R-1**	**SF -TH**	**TF**	**MH -1**	**MH -2**	**MF -1**	**MF -2**	**C -1**	**C -2**	**CB RD**	**I-1**
Auto laundry (See Car wash)	3.4.1												
Auto leasing and rental	3.4.2										Y		Y
Auto paint and body shop													Y
Auto parts sales (inside)	3.4.3									Y	Y	Y	Y
Auto parts sales (outside)	3.4.4												Y
Auto repair, major	3.4.5												Y
Auto repair, minor	3.4.6									S	Y	S	
Automobile and trailer sales area, new	3.4.7										Y		Y
Automobile and trailer sales area, used	3.4.8										S		Y
Automobile service station (1)	3.4.9									Y†	Y††		S
Auto storage	3.4.10												Y
Auto wrecking yard or junkyard	3.4.11												S
Bus terminal	3.4.12										Y	Y	Y
Car wash	3.4.13									S	Y		Y

Motorcycle sales and service	3.4.2 [sic]									S	Y		Y
Parking lot or parking garage, automobile	3.4.16									Y	Y	Y	Y
Parking lot or parking garage, truck	3.4.17												Y
Quick oil change facility	3.4.18									Y	Y	Y	Y
Quick tune-up facility	3.4.19									Y	Y		Y
Tire dealer (no outside storage)										S	Y		Y
Tire dealer (with outside storage)											S		Y
Tire retreading and recapping											S		Y
Truck and bus leasing	3.4.20										S		S
Truck and bus repair	3.4.21												Y
Truck or motor freight terminal	3.4.22										S		Y
Truck sales	3.4.23										S		Y
Truck stop	3.4.24										S		Y

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.033(g) for additional regulations.

† See section 36.023(b)(1) [36.021(b)] of this article.

†† See section 36.023(c)(2) [36.023(b)(1)] of this article.

SCHEDULE OF USES
TABLE 5.

OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES

Type of Use	Def *	AG	R-1	SF-TH	TF	MH-1	MH-2	MF-1	MF-2	C-1	C-2	CBRD	I-1
Adult entertainment establishment	3.5.1a												S
Adult arcade	3.5.1a(1)												S
Adult bookstore	3.5.1a(2)												S
Adult cabaret	3.5.1a(3)												S
Adult motion picture theater	3.5.1a(4)												S
Adult theater	3.5.1a(5)												S
Air conditioning and refrigeration contractor	3.5.1b										S		Y
Amusement, commercial (indoor)	3.5.3a									S	Y	Y	Y
Amusement, commercial (outdoor)	3.5.3b												Y
Antique shop	3.5.4									Y	Y	Y	
Arcade	3.5.5									S	S		S
Arts, crafts store (inside sales)										Y	Y	Y	
Arts, crafts store (outdoor sales)											S	S	Y
Bakery and confectionery, retail sales	3.5.6a									Y	Y	Y	
Bakery and confectionery, commercial	3.5.6b									S	S	S	Y
Bank, savings and loan, credit union	3.5.7									Y	Y	Y	Y
Boat sales and storage											Y		Y
Barber school or college	3.5.8b										Y	S	Y
Beauty culture school;	3.5.9a									Y	Y	S	Y

cosmetology spec. shop													
Bldg. materials, hardware (inside storage)	3.5.10									Y	Y	Y	Y
Bldg. materials, hardware (outside storage)	3.5.10									S	S		Y
Brewpub or winery (1)	3.5.9b										S	Y	Y
Cabinet and upholstery shop	3.5.12										S		Y
Cleaning and dyeing, small shop	3.5.13										S	S	S
Clinic, medical or dental	3.5.14									Y	Y	Y	
Convenience store	3.5.15									Y	Y	Y	S
Discount, variety, or department store	3.5.17									S	Y	Y	S
Engine and motor repair	3.4.9										S		Y
Farm equipment, sales and service											S		Y
Feed and farm supply (inside sales/storage)	3.5.18									S	Y		Y
Feed and farm supply (outside sales/storage)	3.5.18												Y
Flea market	3.5.19	S									S		Y
Florist	3.5.20									Y	Y	Y	S
Food and beverage store	3.5.22									Y	Y	Y	Y
Food store; grocery store	3.5.21									Y	Y	Y	
Furniture and appliance, repair or storage	3.5.20 [3.5.23]												Y
Furniture, appliance store (inside storage)	3.5.23 [3.5.24]									Y	Y	S	Y
Furniture,	3.5.23									S	S		Y

appliance store (outside storage)	[3.5.24]												
Garden center (retail sales)	3.5.25									Y	Y	Y	Y
General merchandise store	3.5.26									Y	Y	Y	
Gymnastic or dance studio; health club	3.5.26a									Y	Y	Y	S
Heavy machinery sales											S		Y
Hotel	3.1.16									Y	Y	Y	
Household appliance service and repair	3.5.23									S	Y	Y	Y
Intradermal studio	3.5.26b									S	S	S	Y
Laboratory, medical or dental										S	Y		S
Laboratory, scientific or research	3.5.27												Y
Laundry and cleaning, self-service	3.5.28									Y	Y		
Laundry and cleaning, commercial	3.5.28												S
Massage parlor	3.5.1a(6)										S		S
Massage therapy facility	3.5.29									Y	Y	Y	
Metal dealer, secondhand	3.5.30a												Y
Metal dealer, crafted precious	3.5.30b									Y	Y	Y	Y
Motel, motor hotel, motor lodge	3.1.16									Y	Y		
Mortuary or funeral home											Y		S
Nude modeling studio	3.5.1a(7)										S		S
Office center	3.5.32									Y	S		
Office, prof. or general	3.5.33									Y	Y		

administrative													
Office - showroom/warehouse	3.5.34										S		Y
Pawn shop	3.5.35										S		S
Personal service shop	3.5.36									Y	Y	Y	S
Pet shop	3.5.37									Y	Y	Y	
Medical supplies, sales and service										S	S		Y
Newspaper printing											S		Y
Pharmacy										Y	Y	Y	
Plumbing, heating, refrig. or air cond. bus.	3.5.38										S		Y
Plumbing service	3.5.39										S		Y
Portable building sales	3.5.40												Y
Post office, government and private	3.5.41									Y	Y	Y	Y
Print shop	3.5.42									S	S		Y
Private clubs (1)	3.5.42a									S	S	S	S
Restaurant or cafeteria	3.5.44									Y	Y	Y	Y
Retail ice and dispensed water sales	3.5.45b									S	S		S
Retail shops and stores other than listed	3.5.45a									Y	Y	S	S
Secondhand store, furniture/clothing	3.5.46									S	S	S	Y
Service, retail	3.5.47									S	Y	Y	Y
Sexually oriented business (see Adult entertainment) establishment)	3.5.48a												
Shopping center	3.5.48b									Y	Y	Y	

Short-term loan agency													S
Specialty Retail and Paraphernalia Sales.	3.5.48c1										S		
Studio (photographer, musician, artist)										Y	Y	Y	
Studio for radio and television										Y	Y	Y	S
Tasting room (1)	3.5.48d										S	Y	Y
Taxidermist										S	Y	Y	S
Theater (indoor)										Y	Y	Y	S
Theater (outdoor)	3.5.49												Y
Tool rental shop											S	S	Y
Trailer, manufactured housing or mobile home display and sales	3.5.50										S		Y
Trailer rental	3.5.51										S		Y
Veterinarian clinic (no outside pens)	3.5.51a									S	S	S	Y
Veterinarian clinic (outside pens)	3.5.51b										S		Y
Washateria	3.5.51 [3.5.52]									S	Y	Y	S

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.022 special uses.

SCHEDULE OF USES
TABLE 6.

MANUFACTURING, STORAGE AND WAREHOUSING USES

Type of Use	Def *	AG	SF -60	SF -TH	TF	MH -1	MH -2	MF -1	MF -2	C -1	C -2	CB RD	I -1
Acetylene gas manufacture or storage													S
Acid manufacture													S
Advertising displays manufacture													S
Alcohol manufacture													S
Ammonia, bleach or chlorine manufacture													S
Apparel and other products assembled from finished textiles													S
Arsenal													S
Asphalt manufacture or refining													S
Bag cleaning													S
Blast furnace													S
Boats, building or repair													S
Boiler works													S
Bookbinding, except hand binding													S
Bottling works	3.6.1												S
Brewery/distillery	3.6.0												S
Brick, tile, pottery or terra-cotta manufacture, other than handcraft													S
Brooms or brushes, manufacture													S
Building materials (inside storage)													S
Building													S

materials (outside storage)													
Cameras or other photographic equipment													S
Candle manufacture													S
Carpet manufacture or cleaning													S
Celluloid manufacture or treatment													S
Cement, lime, gypsum or plaster of paris manufacture													S
Ceramics, stone, glass, marble or porcelain products manufacture													S
Chemical manufacturing													S
Cleaning and dyeing; dry cleaning plant	3.6.2												S
Coal, coke, or wood yard													S
Concrete, asphalt batching plant (perm.)													S
Concrete, asphalt batching plant (temp.)		S	S	S	S	S	S	S	S				S
Contractor's shop and storage yard													S
Cosmetic manufacture													S
Cotton gin													S
Cotton seed oil manufacture													S
Creosote treatment													S
Dairy products processing, manufacturing													S
Disinfectant manufacture													S
Distillation of bones, coal or													S

wood													
Drugs or pharmaceutical products manufacturer													S
Dyestuff manufacture													S
Electrical appliances, supplies, and machinery, assembly or manufacture													S
Electronic products, assembly													S
Electronic products, manufacturing													S
Emery cloth and sandpaper manufacture													S
Explosives or fireworks manufacture or storage													S
Farm seed and/or fertilizer sales/storage (inside)											S		S
Farm seed and/or fertilizer sales/storage (outside)													S
Fat rendering													S
Fertilizer manufacture													S
Fiberglass manufacture													S
Fish smoking and curing													S
Food products processing											S		S
Forge plant													S
Foundry (iron, steel, brass or copper)													S
Fur good manufacture (not including tanning or dyeing)													S
Furniture and upholstery													S

manufacture													
Garbage, offal or dead animal reduction													S
Gas manufacture													S
General commercial plant	3.6.3												S
General manufacturing	3.6.4												S
Glass products													S
Glue or gelatin manufacture													S
Grain elevator													S
Hatchery		S											S
Herbicide manufacture													
Household appliance products assembly and manufacture from pre-fabricated parts													S
Ice production, dry or natural													S
Industrial park	3.6.5												S
Insect poison manufacture													S
Junk or salvage yard	3.6.6												S
Jute, hemp, sisal or oakum products manuf.													S
Laundry plant													S
Light manufacturing	3.6.7												S
Livestock feed yards													S
Mattress manufacture or renovation													S
Meat processing/ locker plant/frozen food products													S
Metal fabrication													S
Mill (grain, flour, food products)													S

Mines and quarries													S
Musical instrument manufacture													S
Oil field service													S
Oil, gas, other mineral extraction													S
Oilcloth or linoleum manufacture													S
Ore reduction													S
Orthopedic or medical appliance manufacture													S
Paint, oil, shellac, turpentine or varnish manufacture													S
Paper products manufacture													S
Petroleum products, sales (wholesale)													S
Petroleum products, bulk quantities													S
Pipe sales and supply													S
Plastic products manufacture (not including processing of raw matter)													S
Pump sales, repair and maintenance											S		S
Scrap metal sales and storage													S
Self-storage; mini-warehouse	3.6.9												S
Sporting and athletic equip manuf.													S
Steel fabrication													S
Storage/wholesale warehouse, light	3.6.10												S
Storage/wholesa	3.6.1												S

le warehouse, heavy	1												
Tire recapping, vulcanizing													S
Tools or hardware manufacture													S
Toys and novelty products manufacture													S
Window shade, awnings, venetian blind manufacture													S
Wrecking yard (junk or salvage yard)													S
Yeast manufacture													S

* The number in this column references a description/definition listed in appendix 3.

SCHEDULE OF USES
TABLE 7.

ACCESSORY AND INCIDENTAL USES

Type of Use	**Def ***	**AG**	**SF -60**	**SF -TH**	**MH -1**	**MH -2**	**TF**	**MF -1**	**MF -2**	**C -1**	**C -2**	**CB RD**	**I -1**
Accessory building to main use (1)	3.7.1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Boat; boat trailer		Y	Y†	Y†	Y†		Y†	Y†	Y†				
Carport	3.7.2	Y	Y	Y	Y	Y	Y	Y	Y				
Construction yard (temporary) (2)	3.7.3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Customary home occupation	3.7.5	Y	Y	Y	Y	Y	Y	Y	Y				
Field or sales office, temporary (2)	3.7.4	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garage, private	3.7.6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Motor home		Y	Y†	Y†	Y†	Y†	Y†	Y†	Y†				
Swimming pool, private		Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S

(3)													
Trailer; travel trailer; cattle trailer, etc.		Y	Y†	Y†	Y†	Y†	Y†	Y†	Y†				
Wind energy system (4)	3.7.7	S	S	S	S	S	S	S	S	S	S		Y

* The number in this column references a description/definition listed in appendix 3.

(1) See section 36.023(a) for additional regulations.

(2) See section 36.022(b) for additional regulations.

(3) See section 36.022(j) for additional regulations.

(4) See section 36.022(m) for additional regulations.

† See section 36.022(c), 36.025(c) of this article for special regulations.

APPENDIX 3. DESCRIPTIONS/DEFINITIONS OF USES

3.1 Residential uses

3.1.1 Apartment: A room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit. (Also see 3.1.4, “CBRD apartments.”)

3.1.2 Bed-and-breakfast facility: An owner-occupied property, other than a hotel or multiple-family dwelling, which offers lodging for paying guests and which serves meals to these guests and which contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms. See also section 36.025(h) and 36.022(h).

3.1.3 Boarding or rooming house: A building, other than a hotel or multiple-family dwelling, where lodging or meals is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

3.1.4 CBRD apartments: Apartments in any building in the CBRD on the second or higher floors or, if on the ground floor is (i) not occupying the street front of the building and (ii) occupied by the operator of the business which also is housed in that building. (Also see 3.1.1, “Apartment.”)

3.1.5 Dormitory: A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one such apartment unit for each 50 students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

3.1.6 Duplex: See “Two-family dwelling” (36.013).

3.1.7 Patio home: A single-family dwelling, detached residence allowed to have little or no side yard on one side, built in accordance with standards set out in Section 36.022(e), where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

3.1.8 Guest house: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

3.1.9 Hotel: See “Motel, motor hotel, or motor lodge.”

3.1.10 Manufactured housing, HUD-code: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 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. All references in this article to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing, unless otherwise specified.

3.1.12 Manufactured home park: Any tract of land under single ownership of not less than two acres and not more than 10 acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the city relating to the location, use, construction, operation, or maintenance of manufactured housing.

3.1.13 Manufactured home subdivision: A tract of land of not less than 10 acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the city for occupancy primarily by HUD-code manufactured housing and industrialized housing.

3.1.14 Mobile home: A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 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 homes shall not be used as dwelling units within the corporate limits of the city.

3.1.15 Modular home: A dwelling that is constructed in one or more modules at a location other than the homesite, or is constructed utilizing one or more modular components, and which is designed to be used as a permanent residence when the modular unit components or modules are transported to the homesite and are joined together, or are erected and installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems. It is expressly provided, however, that the term “modular home” shall not mean nor apply to:

(1) Housing constructed of sectional or panelized systems not utilizing modular components;

(2) Any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location; or

(3) Any dwelling constructed in modules incorporating concrete as the basic and predominant structural component.

3.1.16 Motel, motor hotel, or motor lodge: A building or group of buildings designed for and occupied as a temporary dwelling place, providing four or more room units for compensation, and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel, or motor lodge may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.

3.1.17 Multiple-family residence: Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

3.1.18 Residence hotel: A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined in this article.

3.1.19 Retirement housing: A development providing dwelling units specifically designed for the needs of ambulatory retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:

(1) Cafeteria and/or dining room.

(2) Library.

(3) Game room.

(4) Swimming pool and/or Jacuzzi.

(5) Exercise room.

(6) Arts and crafts facilities.

(7) Greenhouse.

(8) Housekeeping service.

(9) Transportation service.

(10) Snack bar with a maximum of 350 square feet per 100 dwelling units.

(11) Beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units.

(12) Convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts.

3.1.20 Rooming house: See “Boarding or rooming house.”

3.1.21 Servant’s, caretaker’s, or guard’s residence: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises for not less than 50% of his/her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed 600 square feet.

3.1.22 Single-family dwelling, attached: A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of 20 feet, in which each dwelling is located on a separate platted lot.

3.1.23 Single-family dwelling, detached: A detached building designed exclusively for occupancy by one family, excluding manufactured housing, located on a lot or separate building tract and having no physical connection to a building on any other lot.

3.1.24 Townhouse or row dwelling: One of a series of not less than three nor more than 10 attached one-family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.

3.1.25 Tourist home: A building or part thereof, other than hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in home for compensation, mainly for transients.

3.1.26 Townhouse or row house: Means three or more dwelling units with common vertical walls.

3.1.27 Travel trailer park: Any tract of land under single ownership, not less than two acres nor more

than 10 acres, where accommodation is provided for travel trailer or Recreational Vehicle use.

3.1.28 Two-family dwelling: A building designed for occupancy by two individuals or families living independently of each other within separate units which have a common wall and are under one roof.

3.1.29 Zero lot line house: See 3.1.7 Patio home.

3.2 Educational, institutional, and special uses

3.2.1 Cemetery: Is land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

3.2.2 Child-care center: An establishment where four or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term “child-care center” shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (Also see “Registered family home.”)

3.2.3 Church, Rectory, or Place of Worship: A building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises. The place of residence may be a separate building.

3.2.34 Civic center: A building or complex of buildings that houses municipal offices and services and which may include cultural, recreational, athletic, convention and/or entertainment facilities owned and/or operated by a governmental agency.

3.2.45 College or university: An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

3.2.6 Community center, public: A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

3.2.7 Community center, private: A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit; not to be a commercial, for profit, business.

3.2.8 Continuing care facility: A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act in which a person provides board and lodging, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one year, such individual or individuals being cared for not being related by consanguinity or affinity to the person providing the care. (Also see “Household care facility,” “Household care institution,” “Personal care home,” and “Family home.”)

3.2.9 Country club (private): Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

3.2.10 Convalescent home: See “Rest home or nursing home.”

3.2.11 Exhibition area: An area or space either outside or within a building for the display of topic-specific goods or information.

3.2.12 Fairgrounds: An area where outdoor fairs, circuses or exhibitions are held.

3.2.13 Family home: A community-based residential home operated by either the State of Texas, a nonprofit corporation, a community center organized pursuant to state statute, or an entity which is certified by the state as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more

major life activities. To qualify as a family home, a home must meet the following requirements:

(1) Not more than six disabled persons and two supervisory personnel may reside in a family home at the same time.

(2) The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision.

(3) All applicable licensing requirements must be met.

(Also see “Continuing care facility,” “Household care facility,” “Household care institution,” and “Personal care home.”)

3.2.14 Farm, ranch, or orchard: An area of five acres or more which is used for growing of usual farm products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.

3.2.15 Fraternal organization, lodge, or civic club: An organized group having a restricted membership and specific purpose related to the welfare of the members.

3.2.16 Golf course: An area of 20 acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

3.2.17a Greenhouse or plant nursery, commercial: A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.

3.2.17b Greenhouse, noncommercial: A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

3.2.18 Hospital (chronic care); long-term health care facility: An institution providing in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease and which is licensed by the State of Texas.

3.2.19 Hospital (acute care): An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

3.2.20 Household care facility: A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with not more than two supervisory personnel as a single housekeeping unit. (See also “Continuing care facility,” “Household care institution,” “Personal care home,” and “Continuing care facility.”)

3.2.21.1 Household care institution: A facility which provides residence and care to 10 or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with supervisory personnel. (See also “Continuing care facility,” “Family home,” “Household care facility,” “Personal care home,” and “Continuing care facility.”)

3.2.21.2 Kennel: Any structure, lot, or premises on which four or more dogs, cats or other domestic animals more than four months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received.

3.2.22 Library: Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

3.2.23 Museum or art gallery: An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

3.2.24 Nursery school; kindergarten: A child-care facility offering a program seven hours or less per day for children who have passed their second birthday but who are under seven years old.

3.2.25 Nursing home: See “Rest home or nursing home.”

3.2.26 Park, playground, or recreation center (public): An open recreation facility or park owned and operated by a public agency and available to the general public.

3.2.27 Park, playground, or recreation center (private): A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owners’ association, or similar organization.

3.2.28 Personal care home (custodial care): An owner-occupied, home-operated non-licensed facility for the elderly providing custodial care to not more than three individuals not related to the provider of such care. Custodial care is that type of care which assists elderly persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel. (Also see “Continuing care facility.”)

3.2.29 Reserved for future use.

3.2.30 Race track: A facility used for the racing of motor-driven vehicles and/or animals.

3.2.31 Registered family home: A child-care facility that regularly provides care in the caretaker’s own residence for not more than six children under 14 years of age, excluding the caretaker’s own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker’s own, does not exceed 12 at any given time. (Also see “Child-care center.”)

3.2.32 Rehabilitation care facility: A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

3.2.33 Rehabilitation care institution: A facility which provides residence and care to 10 or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.

3.2.34 Rest home or nursing home: A place of residence or care for persons suffering from infirmities of age or illness where care is provided after leaving a clinic or hospital, often on a prolonged or even permanent basis. This term shall include a convalescent home.

3.2.35 School, private (primary or secondary): An institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

3.2.36 School, public (primary or secondary): An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the state of but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

3.2.37 School, trade or commercial: Establishments, other than public or parochial schools, private primary and secondary schools or colleges, organized to operate for a profit and offering training or instruction in a trade, service, art, or occupation.

3.2.38a Stable, commercial: A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity.

3.2.38b Stable, private: An accessory building set back from adjacent property lines a minimum

distance of 100 feet and used for quartering horses, not to exceed one horse per 1.5-acre area of a farm or lot.

3.2.39 Stadium or playfield, public: An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

3.2.40 Swimming pool, commercial: A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

3.3 Transportation, utility, and communications uses

3.3.1 Airport; landing field: A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

3.3.1a See Sec. 36.004.

3.3.2 Electrical substation: A subsidiary station in which electric current is transformed.

3.3.3 Gas metering station: Facility at which natural gas flows are regulated and recorded.

3.3.4 Heliport or helistop: A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft.

3.3.5 Reserved for future use.

3.3.6 Radio, television, or microwave communications operations, amateur: The transmission and retransmission of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. (See also 3.3.15, “Towers.”)

3.3.7 Radio, television, or microwave communications operations, commercial: The transmission and retransmission, of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain. (See also 3.3.15, “Towers,” and 3.3.6.)

3.3.8 Railroad station: Any premises for the transient parking of trains and the loading and unloading of passengers.

3.3.9 Railroad team track and right-of-way: A facility/place for the loading and unloading of materials on trains.

3.3.10 Reserved for future use.

3.3.11 Service yard of governmental agency: An area for the servicing and storage of vehicles or other property of a governmental agency.

3.3.12 Shops, office, and/or storage area of public or private utility: The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

3.3.13 Solid waste transfer station: A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

3.3.14 Telephone exchange: A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

3.3.15 Towers (radio, television or microwave): Structures supporting antennae for transmitting or receiving any of the radio spectrum, but excluding noncommercial antennae installations for home, use of radio. (See also 3.3.6, “Radio, television, or microwave communications operations, amateur,” and 3.3.7, “Radio, television, or microwave communications operations, commercial.”)

3.4 Automobile and related service uses

3.4.1 Auto laundry: See “Car wash.”

3.4.2 Auto leasing: Storage and leasing of automobiles, motorcycles, and light load vehicles.

3.4.3 Auto parts sales (inside): The use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.

3.4.4 Auto parts sales (outside): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreation vehicles.

3.4.5 Automobile repair, major: General repair or reconditioning of engines and air conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under “Automobile repair, minor”; and other similar uses.

3.4.6 Automobile repair, minor: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under “Automobile repair, major” or any other similar use.

3.4.7 Automobile and trailer sales, new: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on the premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.

3.4.8 Automobile and trailer sales, used: Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of previously owned automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

3.4.9 Automobile service station: A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premises motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles, steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles, which are inoperative or are being repaired, to remain outside such service station for a period greater than seven days.

3.4.10 Auto storage: The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.

3.4.11 Automobile wrecking yard or junkyard: Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of dismounted or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise.

3.4.12 Bus terminal: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

3.4.13 Car wash: A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

3.4.14 Garage, public: Means a building or portion of a building except that herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only

incidental to the principal use.

3.4.15 Junkyard: See 3.4.11, “Automobile wrecking yard or junkyard.”

3.4.16 Parking lot or parking garage, automobile: Area for parking light load vehicles.

3.4.17 Parking lot or parking garage, truck: Area for parking heavy load vehicles.

3.4.18 Quick oil change facility: A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks.

3.4.19 Quick tune-up facility: A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PCV valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

3.4.20 Truck and bus leasing: The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

3.4.21 Truck and bus repair: An establishment providing major and minor automobile repair services to heavy load vehicles.

3.4.22 Truck or motor freight terminal: A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.

3.4.23 Truck sales: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles (for definition, see 3.4.24), to be displayed and sold on the premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.

3.4.24 Truck stop: Any premises where heavy load vehicles are serviced, repaired, and/or where maintenance on such vehicles is undertaken and which includes facilities for dispensing fuels and other petroleum products directly into motor vehicles. Such premises may include the incidental sale of accessories or equipment for heavy load vehicles and similar commercial vehicles, overnight lodging accommodations, and/or restaurant facilities.

3.4.25 Vehicle service center: A center for the repair of, or diagnosis upon, motor vehicles, including tire installation, but not including the sale of gasoline, body work, or spray painting.

3.4.26 Wrecking yard: See 3.4.11, “Automobile wrecking yard or junkyard.”

3.5 Retail and service type uses

3.5.1a Adult entertainment establishment: Amusement enterprises offering activities and services distinguished or characterized by the depiction or describing of “specified anatomical areas” or “specified sexual activities,” as defined in this article. Such uses shall include but not be limited to the following:

(1) Adult arcade: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of “specified anatomical areas” or “specified sexual activities” as defined in this section [section 36.004].

(2) Adult bookstore: A commercial establishment which has devoted a substantial or significant portion of its business to the sale, rental, or any form of consideration of any one or more of the following:

(A) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, video tapes, or other video reproductions, slides, or other visual representations

which depict or describe “specified anatomical areas” or “specified sexual activities,” as defined in this section [section 36.004]; or

(B) Instruments, devices or paraphernalia which depict “specified anatomical areas” or “specified sexual activities,” or are designed for use in connection with “specified sexual activities.”

(3) Adult cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(A) Person or persons who appear in a state of nudity; or

(B) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” including topless or bottomless dancers, exotic dancers, or strippers; or

(C) Films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other photographic or visual representations, which are characterized by the depiction of “specified anatomical areas” or “specified sexual activities” as defined in this section [section 36.004].

(4) Adult motion picture theater: A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes or tapes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in this section [section 36.004].

(5) Adult theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in this section [section 36.004].

(6) Massage parlor: Any place where, for any form of consideration, massage, alcohol rubs, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with any “specified sexual activity,” or where any person providing such treatment, manipulation, or service related thereto exposes any “specified anatomical area.”

(7) Nude modeling studio: Any place where a person who appears in a state of nudity, or displays any “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

3.5.1b Air conditioning and refrigeration contractor: A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, Vernon’s Ann. Civ. St., art. 8861.

3.5.2 Alcoholic beverage store: An establishment engaged in the sale of beer, wine, and/or liquor to the general public, not for on-premises consumption.

3.5.3a Amusement, commercial (indoor): An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, escape rooms, ice or roller skating rinks.

3.5.3b Amusement, commercial (outdoor): An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-cart tracks and carnivals.

3.5.4 Antique shop: A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.

3.5.5 Arcade: Any place to which the public is permitted or invited wherein six or more coin-operated,

slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or skill machines, are located.

3.5.6a Bakery and confectionery, retail sales: A place for preparing, cooking, baking and selling of products on the premises.

3.5.6b Bakery and confectionery, commercial: A place for preparing, cooking or baking of products primarily intended for off-premises distribution.

3.5.7 Bank, savings and loan, credit union: An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

3.5.8a Barber shop: A place where barbering, as defined in the Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann. Civ. St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.

3.5.8b Barber school or college: A place of training for practice of barbering, as defined in the Texas Barber Act, Vernon's Ann. Civ. St., art. 8407, meeting standards established in section 9 of said Texas Barber Act.

3.5.9a Beauty culture school; cosmetology specialty shop: A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451.

3.5.9b Beauty shop: A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451, is practiced.

3.5.9c Brewpub or Winery: A restaurant or other facility that manufactures alcoholic beverages including but not limited to beer, wine or liquor for either on-premises or off-premises retail and wholesale and consumption in quantities not considered industrial or large-scale production as determined by the City Manager or designee. The business must hold one of the following licenses or permits from the Texas Alcoholic Beverage Commission: Winery Permit (G) or Brewpub License (BP); See 3 section 36.22 Special Uses, (l) Sale of Alcoholic Beverages.

3.5.10 Building materials, hardware sales: The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

3.5.11 Business service: Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee [or] contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.

3.5.12 Cabinet and upholstering shop: An establishment used for the production, display and sale of furniture and soft coverings for furniture.

3.5.13 Cleaning and dyeing, small plant or shop: A custom cleaning shop not exceeding 5,000 square feet of floor area or a pickup station. (Also see "Cleaning and dyeing; dry cleaning plant.")

3.5.14 Clinic, medical or dental: A public or private, profit or nonprofit facility for the reception and treatment of outpatient persons physically or mentally ill, injured, handicapped or otherwise in need of physical or mental diagnosis, treatment, care or similar service.

3.5.15 Convenience store: A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.

3.5.16 [Reserved.]

3.5.17 Discount, variety, or department store: A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

3.5.18 Feed and farm supply store: An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

3.5.19 Flea market: A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term “flea market” shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

3.5.20 Florist: An establishment displaying plants, flowers, floral supplies, and similar items.

3.5.21 Food store; grocery store: An establishment that displays and sells consumable goods that are not to be eaten on the premises.

3.5.22 [Reserved.]

3.5.23 Furniture and appliance repair or storage: The storage, maintenance, or rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

3.5.24 Furniture, appliance store: Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.

3.5.25 Garden center (retail sales): Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.

3.5.26 General merchandise store: Retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.

3.5.26a Gymnastic/dance studio and health club: An establishment that provides exercise facilities such as running, jogging, aerobics, weightlifting, indoor/outdoor sports courts, and swimming, as well as locker rooms, showers, and saunas. Uses would typically include racquetball and handball courts, tennis courts, weightlifting and exercise equipment facilities, exercise areas, swimming pools and spas, martial arts, classrooms and/or practice areas, gymnasiums and running or jogging tracks. This shall not include municipal or privately owned, access-only recreation buildings.

3.5.26b Intradermal Studio (Body Piercing, Permanent Cosmetics, and Tattooing): The practice of producing an indelible mark or figure on the human body by scarring or inserting pigment under the skin using needles, scalpels, or other related equipment.

3.5.27 Laboratory, scientific or research: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

3.5.28 Laundry and cleaning, self-service: An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.

3.5.29 Massage therapy facility: A place wherein a registered physical therapist or certified massage therapist treats patients.

3.5.30a Metal dealer, secondhand: A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered

3.5.30b Metal dealer, crafted precious: A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects,

or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, excluding coins and commemorative medallions, under terms and conditions found in Vernon's Ann. Civ. St., art. 9009a.

3.5.31 Neighborhood convenience center: Means centers that carry convenience goods, such as groceries, and some variety items, and also service stores. The neighborhood convenience center may contain one or two small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. This neighborhood serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

3.5.32 Office center: A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

3.5.33 Office, professional or general administrative: A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and associations but excluding medical offices.

3.5.34 Office - showroom/warehouse: An establishment with a minimum of 75% of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

3.5.35 Pawn shop: An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

3.5.36 Personal service shop: An establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pickup stations, intradermal cosmetics, shoe repair, tanning salon, or tailor. Intradermal Studio services may be offered as an accessory service.

3.5.37 Pet shop: A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

3.5.38 Plumbing, heating, refrigeration, or air conditioning business: An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see "Air conditioning and refrigeration contractor.")

3.5.39 Plumbing service: The operation of a business that involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheetmetal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.

3.5.40 Portable building sales: An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

3.5.41 Post office, government or private: Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

3.5.42 Print shop: An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.

3.5.43 Private Club: An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and

permitted under the provisions of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

3.5.44 Restaurant or cafeteria: An establishment where food and drink are prepared and may be consumed on the premises. See section 36.022 for additional requirements pertaining to drive throughs.

3.5.45a Retail stores and shops: Establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

3.5.45b Retail ice and dispensed water sales: Establishment offering automated retail sale of bagged or bulk ice, and dispensed water through a coin-operated machine enclosed in a structure; ice is frozen and bagged on-site.

3.5.46 Secondhand store, furniture or clothing: An establishment offering for sale used contemporary merchandise, with the storage and display of such items wholly contained inside a building or structure.

3.5.47 Service, retail: An establishment engaged in the selling and/or servicing of goods where a minimum of 80% of the floor area is devoted to service, repair or fabrication of such goods with the storage and display of such goods wholly contained inside a building or structure. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

3.5.48a Sexually oriented business: An adult entertainment establishment (see 3.5.1a).

3.5.48b Shopping center: A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements. A site plan is to be submitted to and is to be approved by the planning and zoning commission and the city council on which is indicated the amount of land to be devoted to the shopping center, the detailed arrangement of various buildings, parking area, streets and type of zoning desired. The installation of all facilities, drainage structures, paving of streets, parking areas, alleys, and installation of sidewalks shall be in accordance with city specifications for each type of improvement.

3.5.48c Short-term loan agency: A business that makes short-term cash loans (also known as payday loans) most commonly based on a borrower's personal check held for future deposit or on electronic access to the borrower's bank account.

3.5.48c1 Specialty Retail and Paraphernalia Sales.
Establishment where the primary use of the building or lease space includes any one or any combination of the following: the sale of cigarette papers, bongs, or other smoking accessories including e-cigarettes. This definition shall include smoke shop, head shops and vapor shops.

3.5.48d Tasting room: A retail establishment associated with a brewery, brewpub, distillery, or winery for the sale of beer, wine or liquors. See section 36.022 special uses, (l) sale of alcoholic beverages.

3.5.49 Theater (outdoor): An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

3.5.50 Trailer, manufactured housing, or mobile home display and sales: The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

3.5.51 Trailer rental: The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.

3.5.51a Veterinarian clinic (no outside pens): An establishment with indoor pens in which dogs and/or other domesticated animals are housed during the day or overnight, groomed, bred, boarded, exercised, trained, or sold for commercial purposes as well as examination and medical treatment. Animal transportation service may be provided. Fenced outdoor space may be provided with appropriate screening. The planning & zoning commission may recommend and the city council may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and provide noise abatement in order to minimize the impact of noise and odor on surrounding uses.

3.5.51b Veterinarian clinic (outside pens): An establishment with outdoor pens in which dogs and/or other domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes as well as examination and medical treatment. The planning & zoning commission may recommend and the city council may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and provide noise abatement in order to minimize the impact of noise and odor on surrounding uses.

3.5.52 Washateria: A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three employees and four automatic single-family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See “Laundry and cleaning, self-service” - 3.5.28.)

3.6 Manufacturing, storage, and warehousing uses

3.6.0 Brewery/distillery: The production of beer, wine and/or liquor at industrial quantities and internal large-scale commercial distribution.

3.6.1 Bottling works: A manufacturing facility designed to place a product into a bottle for distribution.

3.6.2 Cleaning and dyeing; dry cleaning plant: An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents. (Also see “Cleaning and dyeing, small plant or shop” - 3.5.13.)

3.6.3 General commercial plant: An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.

3.6.4 General manufacturing: Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this article.

3.6.5 Industrial park: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

3.6.6 Junk or salvage yard: A lot or area in which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A “junkyard” includes an automobile wrecking yard and automobile parts yard. A “junkyard” does not include such uses conducted entirely within an enclosed building. (Also see “Metal dealer, secondhand” - 3.5.30a; “Automobile wrecking yard or junkyard” - 3.4.11.

3.6.7 Light manufacturing: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

3.6.8 Salvage yard: See “Junk or salvage yard” - 3.6.6.

3.6.9 Self-storage, mini-warehouse: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

3.6.10 Storage or wholesale warehouse, light: A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

3.6.11 Storage or wholesale warehouse, heavy: A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

3.7 Accessory uses

3.7.1 Accessory building or use: An accessory building or use is one which: (i) is subordinate to and serves a principal building or principal use; and (ii) is subordinate in area, extent, or purpose to the principal building or principal use served and is not physically connected to the principal building (if connected to the principal building, a structure becomes part of the principal building); and (iii) contributes to the comfort, convenience and of occupants of the principal building or principal use served; and (iv) is located on the same building lot as the principal use served.

3.7.2 Carport: A structure open on a minimum of three sides designed or used to shelter vehicles, not to exceed 24 feet on its longest dimension. No tarps allowed and must be outside of all setbacks.

3.7.3 Construction yard (temporary): A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as field office. (Also see section 36.033.)

3.7.4 Field or sales office (temporary): A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for “temporary buildings” shall be issued for a period of time not to exceed 18 months. Extensions may be granted only by the city council. Upon due notice and hearing by and before the city council, any such permits granted may be revoked if the city council finds the use of the building or structure is contrary to the intent of this article or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard. (Also see 3.7.3 above.)

3.7.5 Customary home occupation: An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a “residential dwelling” as hereinafter defined, subject to compliance with each of the following conditions:

(1) “Residential dwelling” shall mean a detached building designed, used and occupied exclusively by members of one family as a residence.

(2) No person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft or economic enterprise.

(3) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed 25% of the total of the floor area of the residential dwelling.

(4) Not more than one non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one square foot in area and shall be mounted on the building in which the home occupation is being conducted.

(5) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.

(6) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.

(7) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.

(8) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within

the residential dwelling and no accessory building shall be used in conjunction therewith.

(9) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.

(10) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

3.7.6 Garage, private: A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

3.7.7 Wind energy conversion system: Means a wind-driven turbine (whether roof or tower mounted), and associated control or conversion electronics for the purpose of providing electrical power to a privately owned lot or parcel. These systems are considered accessory uses in all zoning districts.

3.7.8 Wind turbine: The individual component of a wind energy conversion system that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters. This term shall include the shroud and the towers or supporting structures.

Exhibit B

ZONING LEGEND

AG	Agricultural District
R-1	Single Family District
TF	Two Family Residential District
SF-TH	Townhouse District
MH-1	Mobile Home District
MH-2	Mobile Home Park District
MF-1	Multi-Family Low Density District
MF-2	Multi-Family High Density District
C-1	Restricted Commercial District
C-2	General Commercial District
CBRD	Central Business Redevelopment District
I-1	Light Industrial District
PI	Public/Institutional District
PD	Planned Development District

CITY OF RIESEL

Zoning Map

Jennifer L Hogg

Mayor Jennifer L. Hogg

6-16-2026

CITY LIMITS LINE

EXTRA TERRITORIAL JURISDICTION

N

W E

S

APRIL 2, 2026

PREPARED BY:
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People, Innovation, Values, Opportunity, Trust

ORDINANCE NUMBER: 2026-05

SUBDIVISION ORDINANCE

AMENDED AND RESTATED ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION BEING ONE-HALF MILE THEREOF OF THE CITY OF RIESEL, REQUIRING PLATTING; PROVIDING FOR EXEMPTIONS; ADDRESSING PLATS, RE-PLATS, REVISIONS TO PLATS, AMENDING PLATS, MINOR PLATS, DEVELOPMENT PLATS AND CANCELLATION OF PLATS; PROVIDING FOR SUBMISSION OF PRELIMINARY PLAT; PROVIDING FOR SUBMISSION OF FINAL PLAT PACKAGE; ACTION ON PRELIMINARY PLAT; ACTION ON FINAL PLAT PACKAGE; STATUTORY PROCEDURES FOR CONSIDERATION AND ACTION ON PLATS; PROVIDING FOR NOTICES TO APPLICANT; PROVIDING FOR DELEGATION OF AUTHORITY IN CERTAIN INSTANCES; CONTAINING CERTAIN DEFINITIONS, PROVIDING FOR FEES TO BE CHARGED, PRESCRIBING REGULATIONS FOR STREETS, ALLEYS, SANITARY SEWERS, WATER MAINS, STREET LIGHTS, AND OTHER INFRASTRUCTURE; REQUIRING SERVICE BY ADEQUATE PUBLIC FACILITIES INCLUDING WATER, WASTEWATER, DRAINAGE, AND STREET FACILITIES; PROVIDING FOR PERFORMANCE BONDS OR OTHER FINANCIAL GUARANTEES; PROVIDING FOR WARRANTY PERIOD AND MAINTENANCE BOND; PROHIBITING THE EXPENDITURE OF PUBLIC FUNDS IN SUBDIVISIONS NOT APPROVED BY THE CITY COUNCIL OF THE CITY OF RIESEL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, MAKING VIOLATION A CRIMINAL OFFENSE (MISDEMEANOR), MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE; ESTABLISHING A PENALTY FOR VIOLATION NOT TO EXCEED $500 PER DAY; PROVIDING FOR PUBLICATION AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, the City Council ("City Council") of the City of Riesel ("City") is empowered by Chapter 212 of the Local Government Code to adopt and promulgate rules and regulations governing plats and subdivisions of land within said area;

WHEREAS, under sections 212.002 and 212.003 of the Local Government Code, the City may require every owner of a tract of land situated within the corporate limits and/or within one-half (1/2) mile of the corporate limits of the City of Riesel who may subdivide, develop without subdivision, plat, or replat such tract of land is required to submit plats of said subdivision to the City Council of the City of Riesel for approval;

WHEREAS, arriving at effective and fair development regulations often requires amendments and modifications to clarify, add, or adjust regulations;

WHEREAS, Ordinance Nos. 2023-04 and 2024-08 as amended is modified by the amendments made hereby ("Existing Ordinance");

WHEREAS, the City Council finds that it is in and best interest of its citizens and the orderly

growth and development of the City to provide amended and additional guidance by this Amended and Restated Ordinance, which shall supersede and replace the Existing Ordinance;

WHEREAS, notice was published on June 11, 2026, in the Waco Tribune-Herald, a newspaper of general circulation within the City, notifying the public that the City Council would consider an ordinance adopting subdivision regulations containing reasonable specifications relating to the construction of each street or road and reasonable specifications to provide adequate drainage for each street or road in accordance with Local Government Code section 212.0021; the same notice was also posted to the City's website; and

WHEREAS, the City Council conducted the two public hearings required by Local Government Code sections 212.002 and 212.045 on June 16, 2026;

WHEREAS, at its June 16, 2026 meeting, the City Council, after holding two public hearings and considering all comments and recommendations of city staff and consultants, did determine and find that adoption of this Ordinance establishes requisite processes and procedures necessary to provide for orderly development of land with sufficient infrastructure necessary to support development within the City, and that this Ordinance accurately reflects current policies and design goals; and

WHEREAS, the City Council has determined that all procedural requirements for the adoption of this Ordinance have been met, and that adoption serves the best interest of the public health, safety, and welfare, and should be adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, McLENNAN COUNTY, TEXAS:

Section 1. Findings Incorporated. The recitals set forth above are true and correct legislative findings of the City Council and are incorporated into the body of this Ordinance as fully set forth herein.

Section 2. Platting Required.

2.1 Conformity Required. From and after the passage of this Ordinance, all plats, subdivisions, re- subdivisions and re-plats of land within the corporate limits of the City of Riesel, and all plats, subdivisions, re-subdivisions and re-plats of land outside the corporate limits of the City of Riesel that the City Council may include within the corporate limits of the City by an extension of said corporate limits, and all tracts within one-half (1/2) mile of the corporate limits, being the City's extraterritorial jurisdiction, shall conform to the following rules and regulations.

2.2 Plat Required. The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than

five acres, where each part has access and no public improvement is being dedicated. Additionally, if combining two or more contiguous tracts, lots, sites, or parcels for the purpose of creating one or more legal lots, a plat is required. Tracts, lots, sites or parcels must be combined by plat if the development proposes to construct a building or other structure across tract, lot, site or parcel lines. No building or structure may be constructed across property lines of a tract, lot, site or parcel lines. A plat is also required when a building permit or other permit is required on unplatted land. If the property is not required to file a plat under this Ordinance, a Development Plat is required.

Any owner or subdivider of land within the jurisdiction of this Ordinance wishing to subdivide said land shall submit to the Council a plat of the proposed subdivision which shall conform to the minimum requirements set forth in this Ordinance. In addition, the Comprehensive Plan (including the Future Land Use Plan and other related plans, and amendments) contains policies designed to achieve an optimum quality of development in Riesel and its extraterritorial jurisdiction. No plat of a subdivision lying within the jurisdiction of this Ordinance shall be filed or recorded in the office of the County Clerk until such subdivision plat shall have been approved by the Council and such approval entered in writing on the Final Plat in accordance with the provisions of this Ordinance. No subdivider shall proceed with the improvements in any proposed subdivision until the Final Plat and construction plans thereof shall receive approval by the Council.

No owner or agent of the owner of any land located within a subdivision shall sell, convey, or lease any land by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has been finally approved as set out in this Ordinance. The conveyance by metes and bounds description is prohibited.

No utility provider may connect utilities to a property that is required to be platted under this Ordinance, but has not complied. This includes water, sewer, electricity, and gas.

2.3 Equal Application to Residential and Commercial Development.

Except as otherwise expressly stated herein, the regulations of this Ordinance apply equally to residential and commercial development.

2.4 Exemptions. If a property is not required to file a subdivision plat, a Development Plat is required.

a. Division of land for agricultural purposes, in parcels of five (5) acres or more shall not be included within this definition of subdivision, unless any such division of five (5) acres or more has access and no public improvement is being dedicated;

b. testamentary division of property;

c. division of property between two (2) or more owners of an undivided interest by court order;

d. A conveyance that is a gift from grantor(s) related to the grantee(s) by marriage, blood or adoption and within two degrees of the grantor. The conveyance is for the use of the grantee(s) and their devisees and assigns for residential and related purposes. The conveyance shall be by a metes and bounds description and shall meet all minimum requirements as outlined in this Ordinance. The conveyance will not involve the construction of streets (as opposed to a driveway), will not involve the

construction of other than a customer service line on the customer side of the water meter, and will not have more than one residential structure thereon. The grantor shall be limited to a maximum of three conveyances. If the grantee wishes to subdivide the received property at any future date, the entirety of the received property must be platted in accordance with the requirements of this Ordinance; or

e. a conveyance of Right-of-Way to a governmental entity.

2.4 Purpose

a. The subdivision, development and platting of land is one of the first steps in the process of development. The distribution and relationship of residential, nonresidential and agricultural uses throughout the community, along with the system of improvements for streets, utilities, public facilities and community amenities, determine, in large measure, the quality of life enjoyed by the residents of the City.

b. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and overall character. A community's quality of life is of the public interest. Consequently, the subdivision and development of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government.

c. The regulations contained herein are intended to encourage the development of a quality municipal environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources.

d. Through the application of these regulations and procedures, the interests of the public, as well as those of public and private parties, both present and future, having interest in property affected by this Ordinance, are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, this Ordinance provides for stability in the regulatory system governing development of land for its most beneficial and safest use in accordance with existing social, economic and environmental conditions and in furtherance of the public health, safety and welfare.

2.5 Compliance with City Ordinances and Comprehensive Plan

Compliance with the Comprehensive Plan and all City ordinances pertaining to the subdivision and development of land shall be required prior to approval of any development application governed by this Ordinance. It is the developer's responsibility to be familiar with, and to comply with, City ordinances and the Comprehensive Plan. Applicable ordinances and other requirements include, but are not limited to, the following:

a. the Comprehensive Plan, which includes the Future Land Use Plan, and all other associated maps and plans;

b. the City building regulations;

c. all applicable construction technical specifications and standard details; and

d. other applicable ordinances or state law.

Section 3. Adequate Services for Areas Proposed for Development.

3.1 Adequate Service for Areas Proposed for Development, Generally.

a. Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, streets facilities, and drainage consistent with the requirements of this Ordinance. Where the development of land requires the submission and approval of a plat, such land shall not be approved for recording unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or offsite.

b. New development must be supported by adequate levels of public facilities and services.

c. It is necessary and desirable to provide for dedication of rights-of-way and easements for public improvements to support new development at the earliest stage of the development process.

d. Requirements for dedication and construction of public infrastructure improvements to serve a proposed new development should be attached as conditions of approval of any development application that contains a specific layout of the development.

e. There is an essential nexus between the demand on public facilities systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct public improvements to offset such impacts.

f. The City desires to assure both that development impacts are mitigated through contributions of rights-of-way and easements.

3.2 Conformance to Plans. Proposed public improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan and any other adopted plans for public facilities and services.

3.3 Adequacy of Facilities, Generally.

a. Water. Unless the development will be served solely by groundwater, all lots, tracts or parcels shown on a plat and on which development is proposed shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection for the intended property use. The City may require the phasing of development and/or improvements in order to maintain adequate water system capacity.

b. Wastewater. All lots, tracts or parcels shown on a plat and on which development is proposed shall be served by an approved means of wastewater collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater system capacity.

c. Streets. Proposed streets serving new development shall provide a safe, convenient and functional system for vehicular circulation and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New developments shall be supported by public streets having adequate capacity, and safe

and efficient traffic circulation. Each development shall have adequate access to the public streets.

d. Drainage. Drainage improvements serving new developments shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impacts of the proposed development.

3.4 City Options. In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, and in accordance with this Ordinance, the City may require the dedication of easements and rights-of-way for or construction of on-site or off-site public infrastructure improvements for water, wastewater, street, or drainage facilities to serve a proposed development. If adequate levels of public facilities and services cannot be provided concurrently with the schedule of development proposed, the City may deny the development until the public facilities and services can be provided, or require that the development be phased so that the delivery of facilities and services coincides with the demands for the facilities created by the development. The City may impose any conditions relating to the provision of public improvements specified by an ordinance or regulation establishing or amending the zoning for the property.

3.5 Property Owner's Obligation.

a. Dedication and Construction of Improvements. In accordance with this Ordinance, and other applicable ordinances and regulations, the property owner shall dedicate all rights-of-way and easements for, and shall construct, public improvements within the rights-of-way or easements for those water, wastewater, street or drainage improvements needed to adequately serve a proposed development consistent with the applicable facilities plans, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed.

1. Adjacent Road Improvements. In the case of adjacent or abutting streets, the City may require that the entire right-of-way be dedicated and improved to city standards, depending on factors such as the impact of the development on the street, the timing of development in relation to need for the street, and the likelihood that adjoining property will develop in a timely manner.

2. Substandard Road Improvements. Where an existing street that does not meet the City's right-of-way or other standards abuts a proposed development, the City may require the property owner to dedicate the right-of-way for a standard width, and to improve the street according to the applicable dimensions and specifications, depending on factors such as the impact of the development on streets and traffic, the timing of development in relation to the need for the street, and the likelihood that adjoining property will develop in a timely manner.

b. Acquisition. Where acquisition of any real property for right-of-way or easement purposes (or other public purposes) is necessary to serve the development and the real property is not owned or controlled by the developer, the developer must make a reasonable effort to negotiate the acquisition or purchase of the property, right-of-way or easement on behalf of the City.

1. A reasonable effort must at a minimum include an offer to secure the property, right-of-way or easement where the offer amount is equal to or greater than the appraised value of the property, right-of-way or easement to be acquired as determined in a written appraisal performed by a Texas Certified General Real Estate Appraiser.
2. If the owner of the property sought to be acquired does not accept the developer's offer within 30 days, the developer may request in writing, on a form prepared by the City Attorney, that the City Council exercise available legal remedies to acquire the property. The City Council may take any action it deems appropriate in accordance with federal and state law.
3. The developer must pay for any necessary appraisal, all acquisition costs, and all legal fees necessary to acquire the property, and any eminent domain procedures shall be prosecuted by the City Attorney or the City Attorney's designee.

c. Facilities Impact Studies. The City may require that a property owner prepare a comprehensive traffic impact study, water availability or impact study, drainage study, emergency services impact study or other public facilities study in order to assist the City in determining whether a proposed development will be supported with levels of public facilities and services necessary to meet the demand and offset the impact created by the development. The study shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the public improvements needed to meet the adopted level of service assuming development at the intensity or use proposed. The study shall be subject to approval by the City Engineer. The City also may require, at the time of consideration of the approval of any subsequent permit that is part of the series of permits that is required for completion of a project, as defined by Local Government Code Chapter 245, an update of a public facilities study approved.

3.6 Timing of Dedication and Construction.

a. Initial Provision for Dedication or Construction. The City shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the first application that portrays a specific plan of development, including but not limited to a petition for establishing a planned development zoning district, or other overlay zoning district, a petition for an annexation agreement, a Subdivision Development Agreement, or an application for a plat. As a condition of approval of the application, the City may require provision for dedication of property, rights-of-way or easements for, and construction of, public improvements to serve the proposed development in a manner consistent with federal and state law.

b. Deferral of Obligation. The obligation to dedicate rights-of-way for or to construct one or more public improvements to serve a new development may be deferred until approval of a subsequent phase of the Subdivision, at the sole discretion of the City Council, upon written request of the Property owner, or at the City's own initiative. As a condition of deferring the obligation, the City may require that the developer enter into an agreement, specifying the time for dedication of property, rights-of-way, easement or construction of public improvements serving the development.

Section 4. Definitions.

For the purpose of interpreting this Ordinance, certain words used herein are defined as below. Each term may be used in the singular or plural and carry the same meaning. Each definition applies

regardless of whether the defined term is capitalized or uncapitalized.

(1) *Alley*. A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular services access to the back or sides of property otherwise abutting on a public street.

(2) *Amending Plat* has the meaning given in § 212.016 of the Texas Local Government Code, and is intended to correct errors or add clarification.

(3) *Applicant* The person submitting the plat at issue (preliminary, final, minor, development etc.)

(4) *Arterial Street*. A continuous moderate to high volume facility designed to carry major travel. Arterials should surround neighborhoods, but not penetrate them.

(5) *Building Line*. A line beyond which buildings must be set back from the street.

(6) *City*. The City of Riesel, McLennan County, Texas.

(7) *City Council or Council*. The City Council of the City of Riesel, Texas.

(8) *City Engineer*. A duly qualified and licensed engineer hired by or under contract with the City.

(9) *Collector Street*. Collector streets are low to moderate volume facilities, which collect traffic from local streets and carry it to an arterial or another collector street.

(10) *Construction plans*. Maps or drawings prepared by a Registered Professional Engineer, showing the specific location and design of public improvements to be installed in accordance with the requirements of this ordinance, the City Engineer or City staff, and/or the City Council.

(11) *Cul-De-Sac*. A cul-de-sac is a short, minor street having but one vehicular access to another street and terminated by a vehicular turnaround.

(12) *Dead-End Street*. A dead-end street is a street, other than a cul-de-sac, with only one outlet.

(13) *Development Plat.* The map, drawings, or chart pursuant to section 212.045 of the Texas Local Government Code, as may be amended, where a plat under chapter 212, subchapter A of the Texas Local Government Code may not be required.

(14) *Driveway*. An approved access from a public street that allows vehicular access to a lot.

(15) *Easement*. A utility or drainage easement is an interest in land granted to the City for installing and maintaining utilities and drainage across, over or under private land, together with the right to enter thereon with machinery and other vehicles necessary for the maintenance of said utilities and drainage.

(16) *Easement (vehicular or ingress/egress).* An authorization to cross a piece of property, granted by the property owner to a specified person or persons or the public.

(17) *Extraterritorial Jurisdiction*. Area adjacent to the City's corporate limits over which the City is authorized to control, among other things, subdivisions as prescribed or defined by law. For a City of the class or size of the City of Riesel, the extra-territorial jurisdiction extends ½ mile beyond the corporate limits of the City.

(18) *Final Plat*. The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor with the subdivision location referenced to a survey comer and all boundaries, comers, and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract, or parcel of land shall be recorded in the records of McLennan County, Texas. An amended plat is also a final plat.

(19) *Financial Guarantee in Lieu of Bond*. In lieu of a performance bond the Applicant may deposit cash with the City or an eligible letter of credit on which the City is the named beneficiary. The amount of security or the amount of the letter of credit shall be the estimated cost of construction of the Water, Sewer, Road and Drainage Infrastructure Improvements. A letter of credit must comply in all respects with Chapter 212 of the Texas Local Government Code. Any Letter of Credit must be payable on the demand of the City, and the City shall not be required to make any showing of entitlement to payment except for presentation of the Letter of Credit or a copy thereof.

(20) *Flag lot*. A lot meeting the minimum frontage requirements and where access to a public road is by a narrow strip of land. Flag lots may be permitted in rural and developing areas to allow development of back land areas while still maintaining their rural character.

(21) *Frontage*. Any side of a lot abutting on a street.

(22) *Local Street*. A low volume, low-speed, street designed primarily to provide access to abutting residential land.

(23) *Lot*. A lot is an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot or symbol in a duly approved subdivision plat which has been properly filed of record.

(24) *Main Street*. A highway, Farm-to-Market Road or other road designed for continuous major traffic.

(25) *Maintenance Bond*. A surety bond that protects against defects in materials or workmanship, and damage to or deterioration of the street and drainage improvements, that occur before and during the Maintenance Period due to any cause and to ensure that the subdivision improvements remain serviceable and maintained during the Maintenance Period.

(26) *Minor plats*. Plats involving four or fewer lots fronting on an existing street not requiring the creation of any new street, the extension of municipal facilities or the combining of lots.

(27) *Performance Bond*. A performance bond to ensure the proper construction of the Water, Sewer, Road and Drainage Infrastructure Improvements in the amount of the estimated cost of construction. Whether the Bond is provided by an Owner or Developer or by a contractor on the Owner or Developer's behalf, it must be made payable to the City. The Bond must comply in all respects with Chapter 212 of the Texas Local Government Code.

(28) *Person*. Any individual, association, firm, corporation, partnership, governmental agency, or political subdivision.

(29) *Plat.* For any reference to a "plat" without further specificity, "plat" shall include all plats considered by the City including Preliminary plats, Final Plats, Development Plats, Minor Plats and Amending Plats, unless it is clear from the text that "plat" refers to a specific type of plat within that section or subsection.

(30) *Plat Package*. The application required by the City (attached as Exhibit "A" hereto), drainage studies/plans, flood studies, traffic impact analysis, study/evaluation for On Site Sewage Facilities, or other facilities impact studies required by the City, the Final Plat or Development Plat containing all of the requirements of these Regulations, and any other item specifically required by these Regulations to be part of the Plat Package submittal.

(31) *Preliminary Plat.* A preliminary plat is a graphic expression of the proposed subdivision plan for a lot, tract or parcel of land showing the layout of lots, streets, utility easements, building setback lines, drainage flows, and other pertinent features with notations sufficient to substantially identify the general scope and detail of a proposed subdivision. The preliminary plat is not required to be presented in a format suitable for recording.

(32) *Public Right-of-Way*. A public right-of-way is a strip of land used or intended to be used, wholly or in part, as a public street, alley, walkway or drain.

(33) *Re-platting*. Re-platting is the re-subdivision of any part of a previously platted subdivision, or addition.

(34) *Resubdivision*. The division of an existing subdivision together with any change of lot size therein, or with relocation of street lines.

(35) *Roadway, Paving Width*. The roadway or paving width is the portion of a street available for vehicular traffic; where curbs are laid, the portion of a street between the face of curbs.

(36) *Shall*. The word "shall" wherever used in this Ordinance will be interpreted in its mandatory sense.

(37) *Street*. A street is a public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or however otherwise designated.

(38) *Street Width*. Street width is the shortest distance between the lines which delineate the right- of-way of a street.

(39) *Subdivider*. A subdivider is any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner of the land sought to be divided.

(40) *Subdivision (also Addition).* Division of a tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or

by using any other method. A division of land does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Section 5. Timing of Submission of Plats.

The Applicant shall file a plat application in advance of any required public hearing or public meeting where the application is considered. Each calendar year the City Secretary shall establish a schedule for filing and reviewing any application that requires action by the City Council. The schedule shall provide adequate time for review, notice and/or publication consistent with the applicable state statutes and this Ordinance. Completed applications shall be filed according to any published schedule. Applications, supporting documents and other digital files submitted by the developer or Applicant prior to a designated submittal date shall not be considered filed with the City until the next designated submittal date and shall not initiate the deadlines established in Tex. Local Gov't. Code Ch. 212, as amended, until the next designated submittal date.

Section 6. Preliminary Plat Requirements.

Except for Minor Plats or Amending Plats, a Preliminary Plat of any proposed subdivision shall be submitted to the Council for review and approval before the preparation of the Final Plat for record. Three (3) prints of the Preliminary Plat shall be submitted to the City Secretary, who shall immediately forward one copy to the City Engineer.

The Preliminary Plat will be reviewed by the City Engineer and City Staff. The purpose of this process is to provide the subdivider and the City with the opportunity to identify potential issues and changes needed before submission of a Final Plat. If changes are needed, and the subdivider agrees to make the changes, the Preliminary Plat approval will be conditioned on those changes.

The Council shall approve, approve with conditions, or disapprove with reasons any Preliminary Plat within thirty (30) days from the date an administratively complete Preliminary Plat is filed with the City Secretary. The approval of the Preliminary Plat as such shall not constitute final acceptance or approval of the subdivision.

The Preliminary Plat shall show, or be accompanied by the following information:

(1) Preliminary Plats shall be prepared by a Registered Professional Land Survey or showing:

A) the subdivision boundary as determined by a boundary survey;

B) the street and lot layout, proposed street cross-section, and the proposed use of the property;

C) proposed and existing easements, sewers, water lines, gas mains, water courses, ravines, bridges, culverts, existing structures, drainage areas in acreage, and other features pertinent to subdivision;

D) proposed and dedicated right-of-way;

E) the proposed legal description of the subdivision;

F) the proposed name of the subdivision;

G) the date of the plat;

H) the scale to which the plat was drawn, (1"=100' typical);

I) computed total acreage;

J) a north arrow;

K) the name and address of the owner of the property [Preliminary Plat can be signed by surveyor only, or owners can join surveyor in signing];

L) the words shown on the plat "PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY";

M) the source of water service to the subdivision. For a subdivision to be served by a private water supplier, the Texas Commission on Environmental Quality (TCEQ) water certification of convenience and necessity file number. If the property intends a source of water supply to be groundwater, the Applicant must submit a groundwater certificate in accordance with Local Government Code section 212.0101. The Applicant must show proof that the information required by Local Government Code section 212.010(c) has been submitted to the Texas Water Development Board.

N) the electric service company or cooperative that serves the area.

O) utility layout plan. The developer shall submit at least three (3) copies of a plat of the development showing the proposed location of all utilities and their relation to all other utilities.

P) an additional 10 ft. wide utility easement to be located in the front of all lots along public right-of-way or in a paved alley.

Q) the location of the approximate 100-year flood plain boundary.

R) preliminary drainage plan.

S) preliminary drainage area map with drainage calculations.

T) Tax certificate.

U) Preliminary Construction Plans for infrastructure (if applicable).

2) A topographical map of the entire subdivision, and of a one hundred (100) foot wide strip surrounding the subdivision, showing contours at two (2) foot intervals with all elevations referenced to City approved datum. Topographic information may be included on the plat or placed on a separate map drawn to the same scale as the above plat. The topographic map shall be an actual on-the-ground survey, or an aerial survey. A note shall be placed on the plat stating which method was used to provide the topographical map.

3) A location map showing:

A) the proposed subdivision in relation to existing streets and/or other easily recognizable geographic features,

B) a north arrow, and

C) the proposed name of the subdivision.

4) For sites not served by public sanitary sewer, the subdivider shall submit a report by an independent Registered Professional Engineer indicating sufficient soil tests have been conducted and that the said Engineer has determined the environmental suitability of each lot for safe operation of an on-site sewage facility (OSSF). The report shall determine a minimum lot size, density, and type of proposed disposal system. This report is to be submitted to the City Engineer for approval and shall comply with all applicable Texas Commission on Environmental Quality (TCEQ) and Waco-McLennan County Health District regulations.

Section 7. Preliminary Plat Submission and Approval Process.

7.1 Process Overview

1. Pre-submittal meeting (optional). Applicants will generally benefit from pre-submittal meetings, as once the Preliminary Plat is filed staff will be concentrating on review and recommendation to the City Council. Matters discussed and worked-out in the pre-submission process may eliminate deficiencies that would otherwise be identified during the review and possibly become reasons for disapproval or conditions on approval by the City Council. Information provided for review as part of a pre-submission meeting does not constitute the filing of a Preliminary Plat. One or more pre-submission meetings may be held.
2. Submittal of Preliminary Plat as defined in these Regulations is made by the Applicant, along with the Application Fee.
3. Administrative completeness review by the City to determine the administrative completeness of the Preliminary Plat submitted. It is recommended that City staff or City Council consult with the City Attorney prior to determining a Preliminary Plat is incomplete.
4. Within 30 days of receiving an administratively complete Preliminary Plat, the Preliminary Plat is brought before the City Council at a regular or special-called meeting for action.

7.2 Administrative Completeness

1. In order for a Preliminary Plat submittal to be administratively complete, all information required for a Preliminary Plat under these Regulations must be submitted to the City.
2. If the City Engineer, in consultation with the City Attorney, determines that the Preliminary Plat submittal is incomplete with reference to the requirements of these Regulations, the Applicant shall be notified within ten (10) business days of the date the Preliminary Plat submittal was received with a written explanation of missing or required information or documents.
3. The Applicant shall be given a reasonable time to submit the missing information. However, if the missing information is not received within 60 days of the notification to the Applicant of the missing information, the Preliminary Plat may be administratively denied by the City Engineer as incomplete, with notice in writing to the Applicant that the Preliminary Plat has been administratively denied for the stated reasons and return of the Preliminary Plat to the Applicant. The Applicant may within

(6) months thereafter file a Preliminary Plat containing the missing information without having to pay a new fee. Thereafter, a new fee will be required.

4. The 30-day period for the City Council to act on the Preliminary Plat does not begin until the City has received an administratively complete Preliminary Plat in accordance with the submittal schedule.

5. A finding of administrative completeness is not an approval of the Preliminary Plat.

7.3 Decisions on the Preliminary Plat.

Submission To The City Council And Post-Submission Process

1. City Council Action

Once a complete Preliminary Plat and Preliminary Plat Fee is received, action must be taken on the Preliminary Plat within 30 days by the City Council. The City Secretary must assure that the matter is included as an agenda item on a City Council meeting held within the 30-day period. The City Engineer or his/her designee shall give a recommendation to the City Council. The City Council may either approve the Preliminary Plat, approve it with conditions, or disapprove it with reasons. Failure of the City Council to act on a Preliminary Plat within the 30-day deadline results in the Preliminary Plat being approved by operation of law. The Final Plat still must be submitted and be acted on by the City Council. Approval of the Preliminary Plat by operation of law has no effect on the Final Plat requirements or process.

Notes on 30 day period:

- if a groundwater availability certification is required, the 30 days does not begin to run until an otherwise complete Preliminary Plat is on file AND the groundwater availability certification is received by the City;
- the Applicant (not the City) can request one 30 day extension in writing. The written extension request must be approved by the City Council during the 30 day time period. An extension period may not exceed 30 days, however the Applicant may request and the City Council may grant multiple extensions;
- if the City is required to undertake a takings impact assessment the period for decision may be extended by an additional 30 days.

It is within the City Engineer's sole discretion as to whether to accept any corrections or updates to the Preliminary Plat after the 30 day review period begins.

2. Notification to the Applicant of the Decision

No later than 10 days after the City Council's decision, the Mayor or his/her designee shall notify the Applicant of the decision in writing. If the decision was conditional approval the writing must specifically identify each of the conditions. If the decision was disapproval, the writing must specifically identify each of the reasons for disapproval.

For each condition or reason identified the writing, the writing must:

a. state how it is directly related to the requirements of Subchapter A of Chapter 212 of the Texas Local Government Code; and

b. cite the law, statute or order/ordinance provision that is the basis for the condition or

reason.

The conditions or reasons must not be arbitrary.

3. Applicant's Response

Chapter 212 of the Texas Local Government Code gives a disappointed Applicant the right to file a response to the conditions on approval or reasons for disapproval. The Applicant must file this response with the City Secretary, who will then forward the response to the City Engineer. The City may not set a deadline for the response. The purpose of the response is for the Applicant to show the City that he/she has corrected or met the conditions on approval or resolved the reasons for disapproval.

4. City Council's Action on the Applicant's Response

In consultation with the City Engineer, the City Council must approve, approve with conditions or disapprove with reasons the Applicant's Response to a previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted. If City Council does not make the decision within 15 days of receipt of the Response, and the Response meets the conditions on approval or resolves the reasons for disapproval, the Preliminary Plat is deemed approved by law. City Council's determination in light of the response, is whether the Applicant has met the conditions for approval or resolved the reasons for disapproval. Based on whether has met the conditions for approval or resolved the reasons for disapproval, the City Council must act on the plat by approval, approval with conditions or disapproval with reasons. If the Response adequately addresses each condition of the conditional approval or each reason for the disapproval, the City Council must approve the plat. The City Council may not raise new conditions/reasons that were not part of the original notice. However, if the Applicant interjects new information in his/her response, that information may be addressed. [Note: more than one Response may be received over time, and each time this procedure must be followed].

5. Notification of City Council's Action on the Applicant's Response

No later than 10 business days after the City Council's decision, the Mayor or his/her designee shall provide written notice of the City Council's determination on the Applicant's response with the same specificity as the initial notification of the City Council's decision.

6. Certification of an Approved Preliminary Plat

If a Preliminary Plat is approved by the City Council, deemed approved by operation of law or the Response meets the conditions on approval or resolves the reasons for disapproval, the Mayor or his/her designee is hereby expressly delegated the authority by the City Council to execute a certificate approving the Preliminary Plat as the act and deed of the City Council.

Section 8. Final Plat and Development Plat Requirements.

The plat shall be appended to the Plat Application attached hereto as Exhibit "A". A Final Plat may not be approved unless a Preliminary Plat was approved by Council, and any conditions of approval have been satisfied. A Development Plat shall conform to the requirements in this Ordinance for Final Plats.

The Final Plat or Development Plat shall show or be accompanied by the following information:

1) a legible, accurately scaled plat of the parent tract and proposed subdivision thereof. Plats shall be prepared by a Registered Professional Land Surveyor licensed in the state of Texas in compliance with the minimum standards of the State Board of Professional Land Surveyors showing:

A) the boundaries of the parent tract and the boundaries of the proposed subdivision, all as determined by a boundary survey done on the ground by a Registered Professional Land Surveyor;

B) the street and lot layout with consideration of public right-of-way needs for traffic calming, and showing the means of access to and from a public street;

C) proposed and existing alleys and easements;

D) proposed and dedicated right-of-way with consideration of public right-of-way needs for traffic calming;

E) all dimensions and other surveying information necessary to produce the plat on the ground including:

i) linear and curvilinear dimensions shall be shown in feet and decimals of a foot;

ii) bearings reference shall be shown by the current standards as prescribed by the State of Texas Land Surveyors Board;

iii) the radii, tangents, central angles, chords, and arcs of all curves;

iv) the lengths and bearings of all straight lines;

v) the dimensions from all angle points and points of curve of lot lines;

vi) the long chord distance and bearings for all curves and curved lot lines;

vii) existing lot lines (shown by dashed lines) for property being re-subdivided;

viii) all lot lines shall be identified and have the bearing shown; and

ix) building setback lines shall be shown on all lots.

F) recording data for all property adjacent to the subdivision-including owner name and acreage;

G) names and dimensions of proposed and existing streets within and adjacent to the subdivision;

H) the proposed name of the subdivision;

I) the date of the plat;

J) the scale to which the plat was drawn, (1”=100’) unless otherwise approved by the City Engineer and the plat shall include a north arrow;

K) the name, address and signature of the owner(s) of the property and any lienholders;

L) the name, address, signature, and seal of the Registered Professional Land

Surveyor responsible for the survey of the properties being subdivided;

M) abandoned streets, alley and easements with Ordinance Number and date or other official identifier;

N) a monument legend;

O) certification by the surveyor that the plat represents work done on the ground under said supervision;

P) certification by the Surveyor that all survey monuments are shown on the plat and set in accordance with the minimum standards of the Texas Board of Professional Land Surveyors;

Q) if a lot or lots is/are not to be served by sanitary sewer, a certification shall be included with the plat from the Waco-McLennan County Health District that certifies that planning materials and a suitability report have been submitted to the Waco-McLennan County Health District and accepted by the Waco-McLennan County Health District for the subdivision plat;

R) identification of the source of water service to the subdivision. For subdivisions served by a private water utility, the Texas Public Utility Commission certificate number, date of certification, and name of water utility serving the subdivision shall be shown on the plat. If the property intends for a source of water supply to be groundwater, the Applicant must submit a groundwater certificate in accordance with Local Government Code section 212.0101 with the Final Plat or Development Plat. The Applicant must show proof that the information required by Local Government Code section 212.010(c) has been submitted to the Texas Water Development Board. The groundwater certificate is not required if the groundwater certificate was submitted with the Preliminary Plat;

S) The location of the approximate 100 year flood plain boundary or certification that the property is not in a Special Flood Hazard Area;

T) "Will serve" letters from the applicable utilities;

U) Tax Certificate dated within 30 days of submission of the Tax Certificate;

V) Final Construction Plans for Infrastructure; and

W) Final Drainage Plan.

2) complete set of fieldnotes of the boundary survey, signed by the surveyor, and having a closure error no greater than 1/10,000.

3) an instrument of dedication for all street and highway right-of-way, alleys, easements, parks, and/or property improvements intended for public use. The dedication shall be signed by the owner or his/her legally designated agent and acknowledged by a Notary Public and will be filed for record. The following certificate shall be placed below the dedication:

STATE OF TEXAS:

COUNTY OF MCLENNAN:

"I hereby certify that the above and foregoing plat and fieldnotes of the (subdivision name) Addition to the City of Riesel, Texas, was approved by the City Council on the __ day of _____, 20_."

_____

City Secretary

4) one copy of any requirements or deed restrictions imposed upon the subdivision by an individual or agency other than City staff or the City Council.

5) The following documents shall be required for Final Plat or Development Plat approval:

a) *Drainage Maps*. Maps showing existing and proposed topography for the watershed affecting the project. These maps must show drainage areas, waterways, proposed streets, proposed storm sewer improvements, and any other improvements which might affect drainage. Appropriate calculations showing runoff and capacity quantities shall be provided for all drainage areas and storm drainage facilities.

b) *Note on County filing requirements*. To be filed with the County, the filing copy of the plat must be on standard sheets measuring 18" x 24". In addition to the 18" x 24" sheet size requirement, the copy to be filed with the County must comply with the following:

a) the plat and all supporting documents must be on original mylar sepias (plastic)(rolled);

b) must include the original signature, stamp and seal of the surveyor;

c) must include the field notes of the survey;

d) must include the dedication by owners (notarized);

e) must contain the approval and signature of the City Secretary;

f) all stamp seals and signatures must be original;

g) blank areas of at least ¾" high and 4-1/2" inches wide someplace at top of plat and 2-1/2" high and 4-1/2" wide somewhere at the bottom of the plat are provided for County recording information;

h) Tax certificate from McLennan County Tax Office must be presented with the Plat; and

i) If sewer service is to be provided by OSSF, room must be provided for the certification of the Waco-McLennan County Public Health Department.

Prior to the Council's consideration of the Final Plat or Development Plat, the City Engineer and City staff shall review same and make its recommendations in writing to the Council.

6) Construction Plans.

a) Construction Plans are only required as part of the Final Plat or Development Plat Packet where public improvements are proposed as part of the development (streets, municipal utility extensions, storm sewers, drainage improvements, etc.)

b) Construction plans which may be required to be submitted to the City depending on the public improvements proposed, or the effects of the proposed development, shall include, but not necessarily be limited to, the following:

(1) A plan of the proposed water system. Where applicable, this plan shall show the sizes and types of all lines, fittings, valve boxes and the location of fire hydrants. The plan shall also show the existing water mains to which the system will be connected;

(2) A plan of the proposed sanitary sewer system, showing the sizes, types and flow line grades of all lines and their locations within the system. The plan shall also show the existing mains to which the system will be connected (if any) and the location and flow line elevations of all manholes and cleanouts (spaced no more than four hundred fifty (450) feet apart). A demand flow study is required to be provided by the developer so that the engineer can estimate the increased volume to be introduced into the system.

If the subdivision is not to be served by the Riesel public sewer system, then the plan shall include specifications for the installation of a sewage collecting system to serve each lot.

(3) A final drainage plan must be submitted showing the volume, flow, flow rates, and directions of flows. A plan of the proposed storm sewer system, if any, and/or any other drainage infrastructure must be provided; and

(4) A plan of the proposed streets, showing the right-of-way and paved width of all streets and their centerline grades and distances with the elevations indicated at all centerline intersections and grade breaks. It shall also show the location of any curbs and gutters, if included. A cross- section drawing and specifications for proposed street construction shall also be provided. Existing local streets may not be used or extended as the public street providing access to the subdivision absent approval of a variance from the City Council.

Construction on infrastructure cannot begin until the construction plans have been approved by the City Engineer. Non-infrastructure construction cannot begin until the infrastructure is constructed and accepted as complete unless approved for completed portions of the development, or otherwise provided for in this Ordinance.

Upon the completion of construction of any such public improvements, the subdivider shall furnish a final set of reproducible prints and two (2) copies in detail to the Council. These plans shall be certified by the professional registered engineer preparing them to be complete and correct “as built” plans of the improvements.

REQUIRED PLAT NOTE. Construction may not begin on Lots until the streets, water improvements, sewer improvements, and drainage infrastructure is

complete unless the City Council approves construction in an area of the Subdivision where the infrastructure is already complete or otherwise provides for such in these regulations.

7) If required by the City or this Ordinance, the traffic impact study, water availability or impact study, drainage study, emergency services impact study or other facilities impact study as set forth in Section 3.5 of this Ordinance.

Section 9. Final Plat and Development Plat Submission and Approval Process.

9.1 Process Overview

1. Pre-submittal meeting (optional). Applicants will generally benefit from pre-submittal meetings, as once the Plat Package is filed staff will be concentrating on review and recommendation to the City Council. Matters discussed and worked-out in the pre-submission process may eliminate deficiencies that would otherwise be identified during the review and possibly become reasons for disapproval or conditions on approval by the City Council. Information provided for review as part of a pre-submission meeting does not constitute the filing of a Plat Application. One or more pre-submission meetings may be held.
2. Submittal of Plat Package as defined in these Regulations is made by the Applicant, along with the Application Fee.
3. Administrative completeness review by the City to determine the administrative completeness of the Plat Package submitted. It is recommended that City staff or City Council consult with the City Attorney prior to determining a Plat Package is incomplete.
4. Within 30 days of receiving an administratively complete Plat Package, the Plat Package is brought before the City Council at a regular or special-called meeting for action.

9.2 Administrative Completeness

1. In order for a Plat Package submittal to be administratively complete, all information required for a Plat Package under these Regulations must be submitted to the City.
2. If the City Engineer, in consultation with the City Attorney, determines that the plat submittal is incomplete with reference to the requirements of these Regulations, the Applicant shall be notified within ten (10) business days of the date the plat submittal was received with a written explanation of missing or required information or documents.
3. The Applicant shall be given a reasonable time to submit the missing information. However, if the missing information is not received within 60 days of the notification to the Applicant of the missing information, the application may be administratively denied by the City Engineer as incomplete, with notice in writing to the Applicant that the Application has been administratively denied for the stated reasons and return of the Plat Packet to the Applicant. The Applicant may within (6) months thereafter file a Plat Packet containing the missing information without having to pay a new application fee. Thereafter, a new application fee will be required.

4. The 30-day period for the City Council to act on the Plat Package does not begin until the City has received an administratively complete Plat Package in accordance with the submittal schedule.

5. A finding of administrative completeness is not an approval of the Plat Package.

9.3 Decisions on the Plat Package.

Submission To The City Council And Post-Submission Process

1. City Council Action

Once a complete Plat Package and Application Fee is received, action must be taken on the Plat Package within 30 days by the City Council. The City Secretary must assure that the matter is included as an agenda item on a City Council meeting held within the 30-day period. The City Engineer or his/her designee shall give a recommendation to the City Council. The City Council may either approve the Plat Package, approve it with conditions, or disapprove it with reasons. Failure of the City Council to act on a Plat Package within the 30-day deadline results in the Plat being approved by operation of law.

Notes on 30 day period:

- if a groundwater availability certification is required, the 30 days does not begin to run until an otherwise complete Plat Package is on file AND the groundwater availability certification is received by the City;
- the Applicant (not the City) can request one 30 day extension in writing. The written extension request must be approved by the City Council during the 30 day time period. An extension period may not exceed 30 days, however the Applicant may request and the City Council may grant multiple extensions;
- if the City is required to undertake a takings impact assessment the period for decision may be extended by an additional 30 days.

  It is within the City Engineer's sole discretion as to whether to accept any corrections or updates to the Plat Package after the 30 day review period begins.

2. Notification to the Applicant of the Decision

No later than 10 days after the City Council's decision, the Mayor or his/her designee shall notify the Applicant of the decision in writing. If the decision was conditional approval the writing must specifically identify each of the conditions. If the decision was disapproval, the writing must specifically identify each of the reasons for disapproval.

For each condition or reason identified the writing, the writing must:

a. state how it is directly related to the requirements of Subchapter A of Chapter 212 of the Texas Local Government Code; and

b. cite the law, statute or order/ordinance provision that is the basis for the condition or reason. The conditions or reasons must not be arbitrary.

3. Applicant's Response

Chapter 212 of the Texas Local Government Code gives a disappointed Applicant the right to file a response to the conditions on approval or reasons for disapproval. The

Applicant must file this response with the City Secretary, who will then forward the response to the City Engineer. The City may not set a deadline for the response. The purpose of the response is for the Applicant to show the City that he/she has corrected or met the conditions on approval or resolved the reasons for disapproval.

4. City Council's Action on the Applicant's Response

In consultation with the City Engineer, the City Council must approve, approve with conditions or disapprove with reasons the Applicant's Response to a previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted. If City Council does not make the decision within 15 days of receipt of the Response, and the Response meets the conditions on approval or resolves the reasons for disapproval, the Plat Package is deemed approved by law. City Council's determination in light of the response, is whether the Applicant has met the conditions for approval or resolved the reasons for disapproval. Based on whether has met the conditions for approval or resolved the reasons for disapproval, the City Council must act on the plat by approval, approval with conditions or disapproval with reasons. If the Response adequately addresses each condition of the conditional approval or each reason for the disapproval, the City Council must approve the plat. The City Council may not raise new conditions/reasons that were not part of the original notice. However, if the Applicant interjects new information in his/her response, that information may be addressed. [Note: more than one Response may be received over time, and each time this procedure must be followed].

5. Notification of City Council's Action on the Applicant's Response

No later than 10 business days after the City Council's decision, the Mayor or his/her designee shall provide written notice of the City Council's determination on the Applicant's response with the same specificity as the initial notification of the City Council's decision.

6. Certification of an Approved Final Plat or Development Plat

If a Plat Package is approved by the City Council, deemed approved by operation of law or the Response meets the conditions on approval or resolves the reasons for disapproval, the Mayor or his/her designee is hereby expressly delegated the authority by the City Council to execute a certificate approving the Final Plat or Development Plat as the act and deed of the City Council.

9.4 Effect of Approval

1. Final Plat approval does not constitute approval or acceptance of infrastructure.

2. Regardless of whether the Plat is approved by the City Council, by action of the City Council on an Applicant Response, or deemed approved by operation of law, the Applicant must comply with the hereinafter stated regulations governing Subdivisions.

3. Approval of a Final Plat does not authorize any site grading, construction or development activities, but merely authorizes the Applicant to proceed with civil construction plan approval. Such approval does not constitute any acceptance by the City of maintenance of any roadways. Acceptance for maintenance shall require a separate order of the City Council entered at a date after the warranty period, as described in these Regulations, has expired.

4. No construction of the Infrastructure may commence until the following have been completed:

a. civil construction plans for Water, Sewer, Street and Drainage Infrastructure Improvements have been approved by the City Engineer;

b. a preconstruction meeting is held between the City Engineer, the Applicant, and the Contractor; and

c. a performance bond or other authorized financial guarantee has been provided as required by these regulations.

Section 10. Recordation of Approved Plat.

a) Before a Final Plat is filed with the county clerk, the developer shall be required either to complete all required improvements or to submit a performance guarantee in an amount sufficient to pay for the construction and installation of required improvements.

b) *Completion of Improvements without Performance Guarantee*. If the developer chooses to complete improvements without submitting a performance guarantee the following requirements must be met before the plat is filed for record:

1) All required improvements shall be completed to City of Riesel's standards and specifications.

2) A final inspection of completed improvements shall be performed by the City Engineer and the work must be approved and/or accepted. The developer shall maintain all improvements until improvements have been accepted by the City of Riesel for maintenance.

3) The developer or general contractor shall submit a letter to the City Secretary certifying that all construction bills have been paid, and materials and workmanship are guaranteed for one (1) year.

4) Complete record drawings of required improvements have been submitted to and approved by the City Engineer.

5) No lots may be sold until the improvements are completed and the Plat is recorded where there is no performance guarantee.

c) Performance Guarantee. If the developer wishes to have a subdivision plat filed for record before required improvements are completed and accepted for maintenance by the City of Riesel, the developer shall submit to the City a guarantee of performance to be approved by the City Attorney, Mayor, and the City Engineer.

d) Types of Performance Guarantee. The developer may choose to provide the funds to guarantee construction (Cash, Cashiers Check, Cash Bond, Surety Bond or other type of Depositary Agreement), or to contract with an approved financial institution or surety to guarantee satisfactory completion of improvements (Letter of Credit or Subdivision Performance Bond). A personal bond is not acceptable.

e) Duration of Performance Guarantee. The duration of the performance guarantee shall equal the length of time estimated to be necessary for the completion of all required infrastructure improvements. If required improvements are not complete by the expiration date of

the guarantee, the City may require cash payment by the developer or surety company or under the letter of credit, or may require an extension of the guarantee for a specific period of time.

f) Amount of Performance Guarantee

1) When required improvements are to be constructed by the developer, the amount of the performance guarantee shall be based on an estimate of construction costs provided by a Professional Engineer registered in the State of Texas. The amount shall be sufficient to insure satisfactory construction and installation of required improvements and shall be approved by the City Engineer.

2) Where required improvements are to be made by the City, the City Engineer shall determine the construction cost and the amount of the performance guarantee.

g) Release of Performance Guarantee. The performance guarantee shall be unconditionally released by the City of Riesel when:

1) an inspection fee in the amount of $500 of the estimated cost of construction has been paid to the City of Riesel, and

2) all improvements have been completed, and

3) a final inspection of completed improvements has been performed by the City Engineer and the work has been approved, approval of the completion of the infrastructure is not an acceptance of maintenance by the city, and

4) a letter has been submitted to the City Secretary by the developer's general contractor stating that all construction bills have been paid and all improvements are free of all liens and encumbrances, and

5) complete record drawings of required improvements have been submitted to and approved by the City Engineer; and

6) a warranty and Maintenance Bond is given.

h) The City Council may waive or defer improvements which are not deemed necessary for the protection of public health, orderly growth, safety, and general welfare. When provision of any improvement is deferred, the subdivider shall pay for or post a bond for the developer's share of the cost of the deferred improvements. Payment shall be made or bond posted before the plat is filed for record in the Official Public Records of McLennan County.

i) For streets that are to be privately maintained, the same completion or security requirement applies; and inspection is required. In addition, proof of arrangement for future maintenance is required (homeowners' association, etc.).

j) Except as otherwise specifically authorized in this Ordinance, no building permit shall be issued by the City for any parcel of land inside City limits until a Final Plat, or Development Plat as applicable, of the land has been recorded.

Section 11. Special Situations

a) Vacation of Plat. A recorded subdivision plat may be vacated (nullified) at the request of the owner or owners of the tract covered by the plat at any time before any lot in the plat is sold. The owner or owners shall submit to the City Council a signed notarized statement requesting the vacation of the plat. The City Council must approve the vacating of the plat before the plat is

vacated. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded with the County Clerk of McLennan County, Texas.

If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of the lots in the plat. The City Council must approve the vacating of the plat before the plat is vacated.

b) *Resubdivision/Re-Plat*. A resubdivision plat of a subdivision or a part of subdivision shall be recorded and is controlling over the preceding subdivision without vacation of that plat if:

1) The resubdivision plat is signed and acknowledged by only the owner(s) of the property being re-platted;

2) the resubdivision is approved, after a public hearing (noticed in the official City newspaper) on the matter at which parties in interest and citizens have an opportunity to be heard, by the City Council; and

3) the resubdivision plat does not attempt to remove any covenants or restrictions.

c) Additional Requirements for Certain Residential Subdivisions. In addition to compliance with the foregoing, a resubdivision without vacation of the preceding plat must conform to the requirements of this section if: 1) during the preceding five (5) years, any of the area to be platted was limited by zoning classification to residential use for not more than two (2) residential units per lot; or 2) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot. If either of these circumstances exist, the notice of public hearing shall be given before the fifteenth (15th) day of the hearing by:

- publication in the official newspaper or a newspaper of general circulation in McLennan County; and

- by written notice to the owner(s) of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision, the most recently approved county tax roll of the property upon which the resubdivision is requested.

If the proposed resubdivision requires a variance and is protested in accordance with applicable law, the proposed resubdivision must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present and voting at the City Council meeting. For a legal protest, a written instrument signed by the owner(s) of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed resubdivision and extending two-hundred (200) feet from that area, but within the original subdivision, must be filed with the City Secretary prior to the close of the public hearing.

Section 12. Expiration of Permits, Generally, Dormant Projects, and Exemptions from Vesting.

a) Definitions. In this section, "project" and "permit" shall have the same definition as defined in Local Government Code Chapter 245, as amended.

b) Expiration of Individual Permits. If, after approval of any individual permit, no progress has been made towards completion of the project within two years of the approval of the permit, the permit shall expire and become null and void except to the extent otherwise expressly provided for in this Ordinance.

c) Dormant Project. A project shall become dormant and expire and all permits previously

issued in connection with the project shall be null and void if, on the fifth anniversary of the date the first permit application was filed, no progress has been made towards completion of the project. The phrase "progress towards completion of the project" or similar phrase as used in this section includes the activities constituting such progress as set forth in Texas Local Government Code section 245.005.

d) Effect of Expiration or Dormant Project. Following the expiration of a permit or a project, any new application shall be a wholly new and separate permit or project as compared with the dormant project that expired, and shall be subject to the regulations, rules, ordinances, and other laws in effect at the time of filing of the new application and shall further be subject to the assessment of new fees to the fullest extent permitted by law.

e) Projects, Permits and Other Activities that Never Vest Rights. Notwithstanding any other provision of this Ordinance or other City rules, regulations or ordinances, the following are exempt from and not affected by any claim to vested rights:

1) a permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only: (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or (B) local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;

2) the City's zoning regulations that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by the City;

3) regulations for sexually oriented businesses;

4) fees imposed in conjunction with development permits, including but not limited to impact fees;

5) regulations for annexation that do not affect landscaping or tree preservation or open space or park dedication;

6) regulations for utility connections;

7) regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy;

8) construction standards for public works located on public lands or easements; or

9) regulations to prevent the imminent destruction of property or injury to persons if the regulations do not: (A) affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, building size, residential or commercial density, or the timing of a project; or (B) change development permitted by a restrictive covenant required by a municipality.

Section 13. Minor and Amending Plats.

a) This Section applies to:

1. Amending plats as defined herein; and

2. Minor plats involving four (4) or fewer lots fronting on an existing street or public road and not requiring the creation of any new street or road (other than a driveway) or the extension of municipal facilities. A Minor Plat generally does not require detailed plans and submissions required of Final Plats, especially not the detailed submissions required for Final Plats requiring construction of streets and municipal facilities.

b) However, a Minor Plat may require submission of drainage and other submissions based on the topography, size, and nature of proposed use of the Property. The need for such information is determined by the City Engineer in the exercise of professional judgment.

c) After review and approval by the City Engineer, a Minor Plat or Amending Plat may be approved by the Mayor on recommendation of the City Engineer. However, for a minor plat, if the City Engineer has required drainage or other surveys or plans, those must be provided, and be satisfactory to the City Engineer before the Council may approve the plat. The Mayor may, for any reason, elect to present the Minor or Amending Plat to the City Council for approval, approval with conditions or denial with reasons. If the minor or Amending Plat is presented to City Council, the procedures for the submission of Final Plats shall apply.

Section 14. Development Plats.

Any person who proposes the development of a tract of land located within the City limits or in the extraterritorial jurisdiction of the City must have a Development Plat of the tract prepared in accordance with this Ordinance. The purpose of the Development Plat is to assure the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of this Ordinance where the land to be developed is not intended to be subdivided. If a subdivision plat is filed, then a Development Plat is not required. The Development Plat must be prepared by a registered professional land surveyor, and comply with the requirements of Local Government Code section 212.045. New development may not begin, and building permits will not be issued to properties within the City limits, on property requiring a Development Plat until the Development Plat is filed with and approved by the city. Development Plats shall be recorded in the records of McLennan County, Texas only after approval by the City Council. Development Plats are subject to all the same requirements as a Final Plat and to plats generally as stated in this Ordinance, including review of construction plans for public facilities and acceptance thereof.

A Development Plat shall be submitted for approval along with any information required to accompany a Final Plat. Development Plats shall be processed in accordance with the procedures established for Final Plat approval, except for Development Plats are not subject to the 30 day timeframe for City Council action nor the timeframe applicable to an Applicant's response. If City Council denies a Development Plat or conditionally approves a Development Plat, it is recommended that the Mayor or his/her designee notify the Applicant of the decision in writing along with the specific reasons and legal citations for the conditions or the denial.

Section 15. Additional Drainage Regulations.

The City's stormwater drainage system is at or above its maximum ability to handle drainage. Enlarging and improving the system as one project is a fiscally impossible task. The City is undertaking and will continue to undertake projects to improve drainage in the City, but this process will be slow in relieving many of the drainage issues. This situation makes it VERY IMPORTANT that new development does not create flow rates into the system that exceed the

flow rates into the system of the undeveloped property. In addition, state law prohibits a developer from increasing the flow rate of storm water onto the land of another.

Therefore, the City Engineer will require detailed drainage studies as part of the construction plan approval process and will require the developer to provide construction plans showing how drainage from the property will be handled, and the steps to be taken to assure that the flow rates from the property are not increased, or that water is not diverted onto another's land upon which the property did not previously drain. There are several methods used by engineers to provide drainage infrastructure that slows the flow of stormwater. One such process is the construction of a retention pond where drainage is backed up and held-and then released at the appropriate flow rate.

If a retention or detention pond is proposed for the development, the City Council's approval of the plat shall not constitute acceptance of such facilities for City maintenance. For ten (10) years after approval of the plat, such facilities must be maintained by either the applicable homeowners' association or the developer. A maintenance or performance bond must be provided to the City to secure the maintenance of the facility. After 10 years, the homeowners' association or the developer may petition the City Council for the City to accept the facility for maintenance. The City shall accept the facility for maintenance, subject to any repair and improvement work required by the City Engineer as a condition of recommending acceptance by the City for maintenance, and subject to conveyance of an easement.

The City Engineer's approval of the drainage plan is necessary for approval of the infrastructure work to begin. Additionally, cross lot drainage within a subdivision is prohibited. Property Owners are required to drain surface runoff from an individual lot to a public right-of-way, a public easement or a private easement and will not be allowed to surface drain onto another lot. The City Engineer shall have the discretion to allow modifications to the lot-to-lot drainage requirements where adherence to these requirements would conflict with other City ordinances and/or regulations.

Section 16. Warranty and Securing Maintenance Obligations for Streets and Drainage.

A. Required For Acceptance As Complete

The Warranty and the Maintenance Bond described herein must be provided to the Mayor or his/her designee as a condition of the issuance of a notice of acceptance of the street and drainage infrastructure improvements as complete. No determination of completion will be provided to the Applicant until the Warranty and Maintenance Bond are in place.

B. Nature Of Warranty

The Applicant shall provide or cause to be provided a warranty in favor of the City securing the completed infrastructure work against defects in materials, workmanship, and including damage to or deterioration of the drainage infrastructure and street infrastructure, that occur before and during the Warranty Period due to any cause and to ensure that the street and drainage infrastructure improvements remain serviceable and maintained during such period.

C. Warranty Period

The warranty must begin when the civil construction is accepted as complete by the City and shall run for one (1) year thereafter ("Warranty Period"). If a street is intended to be submitted to the City for acceptance of maintenance, no such acceptance by the City for

maintenance shall take place until after the Warranty Period has expired.

D. Bond For Maintenance During Warranty Period

The Applicant must provide a bond to secure the Applicant's obligation to provide or cause to be provided repairs and maintenance on the street and drainage infrastructure improvements during the Warranty Period. The Maintenance Bond must protect the City against defects in materials or workmanship, and including damage to or deterioration of the street and drainage infrastructure improvements, that occur before and during the Warranty Period due to any cause and to ensure that the street and drainage infrastructure improvements remain serviceable and maintained during such period. If the performance Bond in effect extends to cover such matters during the Warranty Period or is extended by the surety to provide such coverage, a new bond is not required. If not, the Applicant must provide or cause to be provided a Maintenance Bond with the City being the named payee and beneficiary. The Maintenance Bond amount shall be equal to one hundred percent (100%) of the cost of streets, signs, stormwater control improvements, drainage structures and all other construction of street and drainage infrastructure improvements.

The surety must be authorized to make surety bonds in Texas and must be acceptable to the City.

In some cases, as determined by the City Engineer, it may be necessary to allow the maintenance obligation to be secured by a Letter of Credit or other acceptable Financial Guarantee.

E. Maintenance During The Warranty Period

1. Preventative Maintenance

The best way for the Applicant and/or contractor to avoid liability under the warranty and to avoid bond claims is for the street and drainage infrastructure improvements to be kept maintained during the Warranty Period. FURTHERMORE, if acceptance for City maintenance is desired, the City will not accept a defective or unmaintained Street.

2. Street Repairs

All pavement repairs shall be in accordance with the City's standards. If repairs have been extensive, the City Engineer may require that before the Warranty Period expires the Applicant provide or cause to be provided a one-course surface treatment for the full length and width of the street to seal joints created by pavement repair and restore uniform appearance of the street depending on the extensiveness of the repairs and the appearance of the street.

3. Geotechnical Review of Problem Areas

Cracking can be a sign of defective surfacing or a defective road base. If significant cracking is occurring beyond that which would be expected under the facts and circumstances the City Engineer, at the Applicant's cost, shall have core samples taken and a geotechnical report prepared to determine whether the street was built to specifications and/or whether there are other factors at work, such as underground water. The City Engineer shall provide a copy of the report to the Applicant and contractor. A reasonable timeline shall be set for the Applicant to provide a plan for addressing the street's deficiencies with the plan to be provided to the City Engineer. An additional

warranty and warranty period shall be required for the remedial work upon completion of such work to resolve the street's defects. The Applicant will reimburse the City for the cost of the geotechnical services within 30 days after receiving an invoice from the City for such costs. The geotechnical consultant's suggestions for repairing the street shall be given due consideration.

4. Inspections

The City Engineer or his/her designee will conduct periodic inspections of the street and drainage improvements and will notify the Applicant and contractor regarding any defects identified. If the defects are not cured within 30 days of the notice (or such longer period that has been granted in writing by the City Engineer), the City will resort to a claim on the Performance or Maintenance Bond, payment under the letter of credit, or application of monies on deposit to perform the corrective work or have it performed.

F. Provision For Maintenance Of Drainage Improvements

Except for ditches that are adjacent to streets and/or culverts and other improvements that are a part of a street accepted for maintenance by the City, the City generally **will not** accept drainage improvements for maintenance, including retention and detention ponds, except as otherwise provided in this Ordinance. Therefore, the Applicant must provide for this work to be done either by way of an HOA with a maintenance fund or by providing in the Deed Restrictions that each lot owner is responsible for maintaining the portions of the drainage improvements on or adjacent to their lot.

Section 17. City of Riesel Technical Specifications and Construction Details.

The technical specifications and construction details set forth in the latest edition of the *City of Waco Standard Specifications for Construction (2013) and City of Waco Manual of Standard Details (2024)* and approved updates shall govern all public improvements within the City and ETJ except as modified by the City.

Section 18. Lot and Block Size and Arrangement; Set-Backs.

18.1 Minimum Lot Size, Set-Backs, and Arrangement. This subsection only applies to properties within the City's extraterritorial jurisdiction. For properties within the city limits, the City's zoning ordinance will control.

a) Single Family Dwelling

Width	55' at building line
Minimum Lot Area	8,800 sq. ft.
Front yard set-back	25'
Side yard set-back	10'
Back yard set-back	25'
Minimum Frontage	55' (70' if corner lot)

b) Duplex

Width	100' at building line
Minimum Lot Area	12,000 sq. ft.

Front yard set-back	25’
Side yard set-back	10’
Back yard set-back	25’
Minimum Frontage	100’ (115’ if corner lot)

c) Other Multi-Family

Width	100’ at building line
Minimum Lot Area	43,560 sq. ft.
Front yard set-back	25’
Side yard set-back	15’
Back yard set-back	25’
Minimum Frontage	100’

d) Commercial Uses

Width	80’ at building line
Minimum Lot Area	10,000 sq. ft.
Front yard set-back	25’
Side yard set-back	15’
Back yard set-back	25’
Minimum Frontage	80’ except if on major thoroughfare 100’

e) Industrial Uses and All Other Land Uses Not Specified Herein

Width	80’ at Building Line
Minimum Lot Area	10,000 sq. ft.
Front yard set-back*	25’
Side yard set-back*	25’
Back yard set-back*	25’
Minimum Frontage	80’ except if on major thoroughfare 100’

*Minimum set-back of 1,000 feet from any residential dwelling, platted residential subdivision, or property zoned for residential use. A minimum setback of 500 feet from any public right-of-way.

18.2 Block Length.

Block length shall not exceed 1,000’.

18.3 Access.

All lots must have access to a public street or road by frontage or by connection through a dedicated street to an existing street. If ingress/egress is to be provided through a private easement, the street must be constructed to at least the City’s standards and a homeowner’s association or other method of assuring future maintenance must be established. This shall include articles of incorporation or association, or other proof of existence file-stamped by the Office of the Texas Secretary of State. A proposed schedule of dues and projected maintenance costs shall also be provided.

18.4 Arrangement.

In general, the side lines of lots shall be approximately at right angles to the street line. If possible, the placing of adjacent lots at right angles to each other shall be avoided.

Section 19. Streets.

(a) Standards. If the development includes or is required to include the construction of one or more streets, the street(s) must comply with the minimum standards set forth below:

Construction/Materials

The following minimum pavement standards shall be required for all new streets constructed within the City of Riesel:

Street Classification	Surface Course	Base Course	Subgrade Treatment
Local	2" Type D HMAC	8" Cement Treated Pugmill Base	6" Lime Stabilization
	6" Reinforced Concrete		6" Lime Stabilization
Collector	3" Type D HMAC	10" Cement Treated Pugmill Base	8" Lime Stabilization
	8" Reinforced Concrete		8" Lime Stabilization
Arterial	4" Type D HMAC	12" Cement Treated Pugmill Base	8" Lime Stabilization
	10" Reinforced Concrete		8" Lime Stabilization

All Main Streets shall have the minimum pavement standards as required by the agency or governmental entity constructing said improvement.

A geotechnical report shall be presented to confirm the adequacy of the proposed section. If geotechnical conditions require, different, more substantial standards, may be required. However, in no instance shall a street section less than the above accepted minimums be installed.

Drainage

Drainage for the street must meet acceptable engineering standards, and all drainage features, ditches, and culverts must be approved by the City Engineer. The developer may be required to provide a drainage study specifically relating to the street(s) as proposed.

Right of Way and Travel Surface Width

The following right of way and travel surface widths shall be required for all subdivisions platted within the City of Riesel:

Street Classification	Curb & Gutter Required	Travel Width (Face of Curb to Face of Curb) (FT)	Right of Way Dedication (FT)
Local	YES	30	50
Local	NO	30	60
Residential Collector	YES	39	60
Commercial Collector	YES	51	68
Arterial	YES	67	84

All Main Streets shall have the right of way and minimum travel surface width as required by the agency or governmental entity constructing said improvement.

Cul-de-sacs

All streets that dead end must have a cul-de-sac of sufficient size and radius to allow for school buses or trash trucks to tum around. The types of cul-de-sac styles may be hammerhead, knuckle, L-shaped or standard. The style and dimension of the cul-de-sac must be approved by the City Engineer. The City's preference is the standard/circular style with a sufficient radius to allow for school buses or trash trucks to tum around.

(b) Dedication and Maintenance of Streets. Disapproval of a plat by the Council shall be deemed a refusal by the City to accept the offered dedications shown thereon. Approval of a plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the City Council has formally accepted the streets for maintenance, or until the City accepts maintenance of the streets by its actual maintenance, repair or improvements thereof (other than repairs

associated with the installation, repair or replacement of water or sewer lines located within a street or its right of way). Acceptance will not take place until the Warranty Period has been completed.

(c) Costs. The subdivider is responsible, at his/her own cost and expense, for the construction of all streets and alleys within the subdivision.

(d) Driveways. Driveways must not interfere with drainage, and the size of driveway culverts must be approved by the City Engineer.

(e) Private Streets. Private streets must be built to the same standards as streets intended to be dedicated for City Maintenance. If private streets are part of a subdivision, a homeowners' association which charges dues for maintenance of the streets or other means of assuming future maintenance is required.

Important Note. Public street access must be to a main street, collector street, or arterial street except as where otherwise approved as part of a variance by the City Council;

If the proposed access to the subdivision is through a local street, a traffic study must be provided. Generally, unless the existing local street is built to standards and is of a width that will handle significantly greater volumes of traffic without creating maintenance issues, safety issues, and/or deleterious effects upon residents living on the street; a

subdivider will not be allowed to use an existing local street or an extension thereof for the subdivision's ingress and egress. Use of a local street as the public street access requires a variance to be approved by the City Council.

(f) The right-of-way is for the paramount and primary use of the City and utilities. No lot owner may place a fence, wall, or other encumbrance in the right-of-way. The lot owner is responsible for removal of the encumbrance. If an encumbrance exists that interferes with road or utility work, it will be removed with no liability or cost to the City or utility for doing so; and will not be replaced by the lot owner.

Section 20. Sidewalks

(a) Sidewalks are not required by the City.

(b) If sidewalks are installed they shall not be the maintenance responsibility of the City. Rather, they shall be the maintenance responsibility of the Homeowner's Association, if applicable, or the adjoining lot owners. The paramount and primary purpose of the right-of-way is for road and utility improvements and work. If a sidewalk interferes with road or utility work, it will be removed at the cost of the H.O.A. if applicable, or the lot owner. If the sidewalk is to be reinstalled it shall be at the sole cost of the H.O.A., if applicable, or the lot owner.

(c) Every Final Plat containing sidewalks must conspicuously include the following plat note:

The City of Riesel, Texas has not and will not accept the sidewalks shown on this plat for maintenance. Maintenance of the sidewalks shall be the responsibility of the Homeowners' Association ("H.O.A."), or if there is no H.O.A., or the H.O.A. ceases to exist, maintenance shall be the responsibility of each lot owner for the portion of any sidewalk running along the lot owner's lot. By accepting a deed referencing this Plat the grantee agrees to the foregoing and binds the grantee's successors and assigns thereto.

(d) Any sidewalk installed must comply with the City Engineer's details and specifications available at City Hall.

(e) Any sidewalk installed must comply in all respects with the Americans with Disabilities Act and the regulations thereunder.

Section 21. Municipal Water and Sewer.

(a) The cost of extending City water or sewer service to a development, including easement acquisition costs shall be borne solely by the subdivider except to the extent otherwise provided herein. If the City requires the oversizing of a line for its own purposes, it will pay for the difference in cost.

(b) Connection to the City's water or sewer system must be made in strict compliance with City regulations.

(c) All non-customer lines to be accepted by the City for maintenance must be located within a dedicated easement of at least ten (10') feet in width which must be shown on the plat.

Section 22. Required Off-Site Improvements and Moratoriums

Off Site Improvements

The City schedules street, water, wastewater and other public improvements as funding allows. Developments often require improvements to public infrastructure in order for the development to be properly served. If the proposed or necessary improvement, upsizing, or upgrade to an item of infrastructure is not already scheduled and funded by the City, and the developer desires the upgrade, upsize, or improvement, or the needs of the development require the upgrade, upsize, or improvement for the development to be served; the developer will be required to participate in the cost of such improvement, if the City approves the improvement, upsize, or upgrade to be pursued. If the required upgrade, upsize, improvement is solely due to the service needs of the development, the developer may be required to pay all or most of the cost. If the need for the upgrade, upsize, or improvement is mixed between City needs and requirements of the development, a fair and equitable participation by the developer in the cost will be negotiated. The participation in the cost of the developer must be committed to in an approved agreement in writing before the upgrade, upsize, or improvement will be approved by the Council.

Moratorium

Nothing in any part of this Ordinance requires the City to approve a subdivision that would cause the City to exceed its water treatment and delivery, or sewage treatment or disposal capacities.

Further, the City reserves the right to impose a moratorium on development under Chapter 212, Subchapter E of the Local Government Code if necessary, but will only do so in strict compliance with the rules and procedures set forth therein.

Section 23. Fees.

The following schedule of fees and charges shall be collected by the City when any preliminary, minor, amending, Development Plat and/or final map or plat is tendered to the City. Each of the fees and charges provided for herein shall be paid in advance, and no action of the City Council shall be valid until the fee herein provided has been paid. Ordinance No. 2023-01 requires payment of the actual costs for professional fees that exceed the deposit. See Ordinance No. 2023-01 for further information.

(a) Amending plats: $350, plus $5.00 per lot (10 or fewer lots); $450, plus $10.00 per lot (over 10 lots) + $1,000 deposit

(b) Minor Plats: $350 + $1,000 Deposit 6 lots or less $2,500 deposit for 7 lots or more

(c) Preliminary Plats: $405 + $5 per lot + $1,000 deposit 6 lots or less $2,500 deposit for 7 lots or more

(d) Re-Plats: $350, plus $5.00 per lot (10 or fewer lots); $450, plus $10.00 per lot (over 10 lots) + $1,000 deposit

(e) Final Plats and Development Plats: $500 per plat, plus $10.00 per lot + $1,000 deposit for 6 lots or less or $2,500 for 7 lots or more

(f) Review of commercial construction plans: $2,500 deposit

A certificate or receipt shall be made by the City Secretary showing that the fees provided for

herein have been paid prior to the submission of a plat to the Council.

Section 24. Inspections, Inspection Fees and Material Testing.

A. Inspections.

"Inspection" as used herein includes plan and plat reviews. The construction of public infrastructure improvements shall be inspected at such reasonable intervals as deemed necessary by the City's Engineer, or on the request of the Developer for additional inspections. When a Developer has reached a point in the construction of a public infrastructure improvement that an inspection is called for, the Developer shall make a request for inspection to the City's Engineer. Work may not continue on the subject improvement or portion of improvement until the applicable inspection is completed.

B. Warranty/Maintenance Bond Period.

An Inspector designated by the City will inspect the public infrastructure improvements before the end of the warranty and maintenance bond period to determine if there are defects or condition issues that, if not corrected by the Developer, would require a claim on the maintenance bond.

C. Fees.

1. The total fee for inspections on the development is the cost to the City of the inspector or engineer. The Developer must also pay the cost of any materials testing or geotechnical reports.

2. A deposit in the amount of 4% of the estimated cost of the development infrastructure as determined by the Developer's engineer and verified by the City Engineer is required. Fees will be applied against the deposit as incurred. If there is a remainder upon completion of all inspections, the balance will be returned to the Developer. If the inspection fees exceed the deposit, the Developer shall pay the outstanding balance prior to acceptance of the improvements by the City.

3. The deposit is payable to the City Secretary prior to a Preconstruction meeting being scheduled and the Contractor allowed to begin work.

D. Material Testing.

The Contractor and/or Developer of the public infrastructure shall contract with a Third Party material testing approved by the City to conduct all material testing as required by the technical specifications and details as adopted by the City of Riesel. All costs incurred as a result of the testing requirements shall be the responsibility of the Contractor and/or Developer.

Section 25. Variances.

When, because of topographical or other conditions peculiar to the site, an Applicant can show that a provision of this Ordinance would cause an unnecessary and extraordinary hardship if strictly adhered to, a variance may be recommended to the Council. The City Council may authorize variances if it deems such action proper. Any variance thus authorized is required to be entered in writing in the minutes of the Council and the reason which justified the departure shall be set forth, and such variance must be authorized by affirmative vote of not less than four (4) members of the Council.

Hardship does not exist merely due to not being able to realize a greater economic benefit.

Furthermore, a hardship caused by the developer's own actions generally cannot support a variance.

In all variance determinations, paramount consideration should be given to the effect on other landowners and municipal infrastructure. Consideration must also be given to the regulations of the City, and the extent to which a variance would undermine the underlying purposes of the regulation from which a variance is sought.

Section 26. Repealing Clause.

Any ordinance inconsistent with the terms and provisions of this Ordinance is hereby repealed; such repeal, however, is only to the extent of such inconsistency, and in all other respects this Ordinance shall be cumulative of other ordinances regulating the subject matter covered herein.

Section 27. Violation and Offense/Penalty.

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500.00); and each day of violation shall constitute a separate offense.

No violation of any provision of this Ordinance outside the corporate limits of the City, but within such City's area of extraterritorial jurisdiction, shall constitute a misdemeanor under such Ordinance, nor shall any fine provided for in such Ordinance be applicable to a violation within such area of extraterritorial jurisdiction.

In the event any provision of this Ordinance is violated within the area of extraterritorial jurisdiction of the City of Riesel, and outside its corporate limits, the City may institute any appropriate action or proceedings in a State District Court to enjoin the violation of such Ordinance.

Section 28. Severability Clause.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance, that no portion hereof, or provision or regulation contained herein, shall become inoperative or fail by reasons of the unconstitutionality or invalidity of any section, subsection, sentence, clause, or phrase or provision of this Ordinance.

Section 29. Effective Date.

Adoption of this Ordinance shall take effect immediately from and after its passage and the publication of same or the caption thereof as the law in such cases provides (§52.011, Local Government Code).

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PASSED and APPROVED this 16th day of June, 2026.

ATTEST:

SIGNED:

City Secretary, Alisha Flanary

Mayor, Jennifer Hogg

Exhibit A

CITY OF RIESEL

Subdivision Plat Application

Notice: if you would like a presubmittal meeting with the city, please email the city secretary (email below) and do not fill out this form.

City of Riesel · Development Services Department · (254) 896-6501
104 N. Hwy 6 · PO Box 249 · Riesel, Texas · 76682

☐ **Preliminary Plat**
($405 + $5/Lot + $1,000 Deposit 6 lots or less
$2,500 deposit for 7 lots or more)

☐ **Minor Plat**
($350 + $1,000 Deposit 6 lots or less $2,500 deposit for 7 lots or more)

☐ **Final or Development Plat**
($500 + $10/Lot + $1,000 Deposit 6 lots or less
$2,500 deposit for 7 lots or more))

☐ **Replat or Amended Plat**
<10 lots ($350 + $5/Lot + $1,000 Deposit)
>10 lots($450 + $10/Lot + $1,000 Deposit)

Name of Applicant: _____

Current Address: _____

City: _____ State: _____ Zip Code: _____

Primary Phone: (_____) _____ - _____ Cell Phone: (_____) _____ - _____

Email: _____

Name(s) of Property Owner(s): _____

Current Address: _____

City: _____ State: _____ Zip Code: _____

Primary Phone: (_____) _____ - _____ Cell Phone: (_____) _____ - _____

Email: _____

Name of Proposed Plat: _____

Location of Property to be Platted: _____

Legal Description: _____

Total Acreage: _____ Number of Lots: _____

Applicant Signature: _____ Date: _____ /_____ /_____

Printed Name: _____

Property Owner Signature: _____ Date: _____ /_____ /_____

Printed Name: _____

NOTE: An application is not deemed filed pursuant to Texas Local Government Code Chapters 212 & 232 until all prerequisite authorizations and all documents required by and prepared in accordance with the requirements of the City of Riesel Subdivision Regulation Ordinance #2021-05 are complete and received by the City of Riesel.

SUBMIT DIGITAL PLAT APPLICATIONS TO: Alisha Flanary at citysecretary@cityofriesel.org

Intake Date: _____ /_____ /_____ Received by: _____

Amount Paid: $_____ MO #: _____ Receipt #: _____

Form updated June 2026

CITY OF RIESEL

Subdivision Plat Application CHECKLIST

City of Riesel · Development Services Department · (254) 896-6501
104 N. Hwy 6 · PO Box 249 · Riesel, Texas · 76682

Subdivision Plat requirements are outlined in City of Riesel Subdivision Ordinance #2026-05. A list of preliminary and final plat application requirements are attached to this form.

The following items are required for subdivision plat application submittals:

☐ Completed Subdivision Plat Application

- Application must be signed by the property owner, or in the case of a corporation or partnership, documentation must be provided authorizing a single party to sign on behalf of the corporation or partnership

☐ Application Fee – *varies based on type of plat*

- Cashier's check, money order, or credit card; payable to the City of Riesel
- Deposit for professional & engineering fees (See Ordinance #2023-01)

☐ Plat Drawing, containing all required information set forth in City of Riesel Subdivision Ordinance #2026-05. A list containing the City's requirements is attached to this form.

☐ Plat Application Documents set forth in City of Riesel Subdivision Ordinance #2026-05. A list containing the City's requirements is attached to this form.

☐ Additional information (attach additional pages if necessary):

Proposed Subdivision
Total No. of Lots: _____ Average Lot Size: _____
Total Linear feet of Any Road Improvements: _____
Type of Road (concrete, asphalt, etc.): _____
Sewer _____ or OSSF _____?
Water Source/Provider: _____

If groundwater please describe in detail: _____

Approximate Linear feet of Water _____ Sewer lines to be constructed. Are any lift stations, pumps, or other facilities required? _____

The following items are required prior to recordation of the plat:

☐ Two (2) signed originals (18" x 24") of the plat (see City subdivision ordinance or contact McClennan County for detailed requirements)

☐ One (1) signed MYLAR original (18" x 24") of the plat (see City subdivision ordinance or contact McClennan County for detailed requirements)

☐ Tax Certificates from McLennan County Tax Office

- Tax certificate shall show a zero balance

☐ City Council Approval

Requirements for Preliminary Plat

- Preliminary Plat fee
- Preliminary Plat including:

The Preliminary Plat shall show, or be accompanied by the following information:

(1) Preliminary Plats shall be prepared by a Registered Professional Land Survey or showing:

A) the subdivision boundary as determined by a boundary survey;

B) the street and lot layout, proposed street cross-section, and the proposed use of the property;

C) proposed and existing easements, sewers, water lines, gas mains, water courses, ravines, bridges, culverts, existing structures, drainage areas in acreage, and other features pertinent to subdivision;

D) proposed and dedicated right-of-way;

E) the proposed legal description of the subdivision;

F) the proposed name of the subdivision;

G) the date of the plat;

H) the scale to which the plat was drawn, (1"=100' typical);

I) computed total acreage;

J) a north arrow;

K) the name and address of the owner of the property [preliminary plat can be signed by surveyor only, or owners can join surveyor in signing];

L) the words shown on the plat "PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY";

M) the source of water service to the subdivision. For a subdivision to be served by a private water supplier, the Texas Commission on Environmental Quality (TCEQ) water certification of convenience and necessity file number. If the property intends for a source of water supply to be groundwater, the Applicant must submit a groundwater certificate in accordance with Local Government Code section 212.0101 with the final plat. The Applicant must show proof that the information required by Local Government Code section 212.010(c) has been submitted to the Texas Water Development Board;

N) the electric service company or cooperative that serves the area.

O) utility layout plan. The developer shall submit at least three (3) copies of a plat of the development showing the proposed location of all utilities and their relation to all other utilities.

P) an additional 10 ft. wide utility easement to be located in the front of all lots along public right-of-way or in a paved alley.

Q) the location of the approximate 100-year flood plain boundary.

R) preliminary drainage plan.

S) preliminary drainage area map with drainage calculations.

T) Tax certificate.

U) Preliminary Construction Plans for infrastructure (if applicable).

2) A topographical map of the entire subdivision, and of a one hundred (100) foot wide strip surrounding the subdivision, showing contours at two (2) foot intervals with all elevations referenced to City approved datum. Topographic information may be included on the plat or placed on a separate map drawn to the same scale as the above plat. The topographic map shall be an actual on-the-ground survey, or an aerial survey. A note shall be placed on the plat stating which method was used to provide the topographical map.

3) A location map showing:

A) the proposed subdivision in relation to existing streets and/or other easily recognizable geographic features,

B) a north arrow, and

C) the proposed name of the subdivision.

4) For sites not served by public sanitary sewer, the subdivider shall submit a report by an independent Registered Professional Engineer indicating sufficient soil tests have been conducted and that the said Engineer has determined the environmental suitability of each lot for safe operation of an on-site sewage facility (OSSF). The report shall determine a minimum lot size, density, and type of proposed disposal system. This report is to be submitted to the City Engineer for approval and shall comply with all applicable Texas Commission on Environmental Quality (TCEQ) and Waco-McLennan County Health District regulations.

Requirements for Final Plats and Development Plats

- Application
- Final Plat / Development Plat Fee
- Final Plat or Development Plat including:

The plat shall show or be accompanied by the following information:

1) a legible, accurately scaled plat of the parent tract and proposed subdivision thereof. Plats shall be prepared by a Registered Professional Land Surveyor licensed in the state of Texas in compliance with the minimum standards of the State Board of Professional Land Surveyors showing:
   A) the boundaries of the parent tract and the boundaries of the proposed subdivision, all as determined by a boundary survey done on the ground by a Registered Professional Land Surveyor;
   B) the street and lot layout with consideration of public right-of-way needs for traffic calming, and showing the means of access to and from a public street;
   C) proposed and existing alleys and easements;
   D) proposed and dedicated right-of-way with consideration of public right-of-way needs for traffic calming;
   E) all dimensions and other surveying information necessary to produce the plat on the ground including:
      i) linear and curvilinear dimensions shall be shown in feet and decimals of a foot;
      ii) bearings reference shall be shown by the current standards as prescribed by the State of Texas Land Surveyors Board;
      iii) the radii, tangents, central angles, chords, and arcs of all curves;
      iv) the lengths and bearings of all straight lines;
      v) the dimensions from all angle points and points of curve of lot lines;
      vi) the long chord distance and bearings for all curves and curved lot lines;
      vii) existing lot lines (shown by dashed lines) for property being re-subdivided;
      viii) all lot lines shall be identified and have the bearing shown; and
      ix) building setback lines shall be shown on all lots.
   F) recording data for all property adjacent to the subdivision-including owner name and acreage;

G) names and dimensions of proposed and existing streets within and adjacent to the subdivision;

H) the proposed name of the subdivision;

I) the date of the plat;

J) the scale to which the plat was drawn, (1"=100') unless otherwise approved by the City Engineer and the plat shall include a north arrow;

K) the name, address and signature of the owner(s) of the property and any lienholders;

L) the name, address, signature, and seal of the Registered Professional Land Surveyor responsible for the survey of the properties being subdivided;

M) abandoned streets, alley and easements with Ordinance Number and date or other official identifier;

N) a monument legend;

O) certification by the surveyor that the plat represents work done on the ground under said supervision;

P) certification by the Surveyor that all survey monuments are shown on the plat and set in accordance with the minimum standards of the Texas Board of Professional Land Surveyors;

Q) if a lot or lots is/are not to be served by sanitary sewer, a certification shall be included with the plat from the Waco-McLennan County Health District that certifies that planning materials and a suitability report have been submitted to the Waco-McLennan County Health District and accepted by the Waco-McLennan County Health District for the subdivision plat;

R) identification of the source of water service to the subdivision. For subdivisions served by a private water utility, the Texas Public Utility Commission certificate number, date of certification, and name of water utility serving the subdivision shall be shown on the plat. If the property intends for a source of water supply to be groundwater, the Applicant must submit a groundwater certificate in accordance with Local Government Code section 212.0101 with the final plat. The Applicant must show proof that the information required by Local Government Code section 212.010(c) has been submitted to the Texas Water Development Board. The groundwater certificate is not required if the groundwater certificate was submitted with the Preliminary Plat;

S) The location of the approximate 100 year flood plain boundary or certification that the property is not in a Special Flood Hazard Area;

T) "Will serve" letters from the applicable utilities;

U) Tax Certificate dated within 30 days of submission of the Tax Certificate.

V) Final Construction Plans for Infrastructure.

W) Final Drainage Plan.

2) complete set of fieldnotes of the boundary survey, signed by the surveyor, and having a closure error no greater than 1/10,000.

3) an instrument of dedication for all street and highway right-of-way, alleys, easements, parks, and/or property improvements intended for public use. The dedication shall be signed by the owner or his/her legally designated agent and acknowledged by a Notary Public and will be filed for record. The following certificate shall be placed below the dedication:

STATE OF TEXAS:

COUNTY OF MCLENNAN:

"I hereby certify that the above and foregoing plat and fieldnotes of the (subdivision name) Addition to the City of Riesel, Texas, was approved by the City Council on the day of _____, 20_____."

_____

City Secretary

4) one copy of any requirements or deed restrictions imposed upon the subdivision by an individual or agency other than City staff or the City Council.

5) *Drainage Maps*. Maps showing existing and proposed topography for the watershed affecting the project. These maps must show drainage areas, waterways, proposed streets, proposed storm sewer improvements, and any other improvements which might affect drainage. Appropriate calculations showing runoff and capacity quantities shall be provided for all drainage areas and storm drainage facilities.

6) If required by the City, the traffic impact study, water availability or impact study, drainage study, emergency services impact study or other public facilities study as set forth in Section 3.5 of the Subdivision Ordinance.

CITY OF RIESEL, TEXAS

ORDINANCE NO. 2026-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS, PROVIDING AN ORDINANCE FOR THE REGULATION OF NOISE DISTURBANCE; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR COMPLIANCE BY CONTRACTORS AND PROPOSED DEVELOPMENTS; PROVIDING FOR CITY CONTRACTS TO BE CONDITIONED UPON COMPLIANCE; PROVIDING DEFINITIONS; PROVIDING FOR SPECIFIC NOISE DISTURBANCE PROHIBITED; PROVIDING FOR AFFIRMATIVE DEFENSES; PROVIDING FOR PERMITS OF VARIANCE; PROVIDING FOR APPEALS; PROVIDING FOR PENALTY NOT TO EXCEED $500.00 PER OFFENSE PER DAY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING CUMULATIVE REPEALER, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION, ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riesel is a general law municipality located in McLennan County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution, and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, it is the express intent of the City Council to control the level of noise in a manner which promotes commerce, protects the sleep and repose of residents, and preserves the quality of life and the environment; and

WHEREAS, noise at certain levels is a nuisance; and

WHEREAS, after due deliberation and consideration, the City Council has determined that the Ordinance set forth herein should be adopted, and that such Ordinance is in the best interest of the public health, safety, and welfare of the residents of the city,

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

Section 1. **Findings**. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Chapter 37. "Noise" of the Code of Ordinances of the City of Riesel, Texas, is hereby enacted to read as follows:

Chapter 37
NOISE

Sec. 37-1. Territorial Application

This article shall be applicable within the corporate limits of the city.

Sec. 37-2. Compliance By Contractors and Proposed Developments

It is the policy of the city that all contractors and subcontractors be required to comply with the provisions and intent of this article in their operations.

Sec. 37-3. City Contracts To Be Conditioned Upon Compliance

Any written agreement, purchase order, or instrument committing an expenditure of city funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, shall be subject to the provisions of this article, and the person or entity entering into the contract must operate, construct, conduct, or manufacture its business without violating this article including current contracts entered into prior to the adoption of this section.

Sec. 37-4. Definitions

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

City. For purposes of this article, city shall include the corporate limits.

Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar action (excluding demolition) of, to or on structures, improvements, utilities, property, public or private right-of-way surfaces, or similar property.

Demolition. Any dismantling, intentional destruction, or removal of structures, improvements, utilities, property, public or private right-of-way surfaces, or similar property.

Device. Any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

Emergency vehicle. A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

High-Impact land use. High-Intensity Data Processing Facilities, Data Centers, Cryptocurrency Mining Facilities, Utility-Scale Solar Energy Facilities, Wind Energy Conversion Systems (Commercial), and Battery Energy Storage Systems as defined by the city's zoning ordinance.

Motor vehicle. Any vehicle propelled by mechanical power, such as, but not limited to, any passenger car, truck, truck-trailer, semi-trailer, camper, motorcycle, mini-bike, go-cart, dune buggy, or racing vehicle.

Noise disturbance. Any sound which disturbs, or which causes or tends to cause an adverse psychological or physiological effect upon, the sensibilities of a reasonable, prudent, adult person; any unreasonably loud or disturbing noise which is offensive to the sensibilities of a reasonable, prudent, adult person; and any unreasonably loud or disturbing noise which renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

Noise disturbance per se. Not requiring extraneous evidence or support to establish the existence of a noise disturbance.

Nonresidential district. Any district not classified by the city's zoning ordinance as containing residential homes, apartments, townhomes, condominiums, or similar property.

Person. Any individual, firm, association, partnership, corporation, or any other entity, public or private.

Power equipment. Any motorized electric or fuel powered equipment, including but not limited to tractors, lawnmowers, and other similar device or equipment.

Powered model vehicle. Any self-propelled airborne, waterborne, or land borne plane, vessel, or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket, including but not limited to those powered by internal combustion engines, whether tethered or not.

Property boundary. An imaginary line exterior to any enclosed structure, at the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person.

Quiet zone. Property on which a school, hospital, clinic, library, or other noise disturbance sensitive facility is operated.

Residential district. Any district classified by the city's zoning ordinance as containing residential homes, apartments, townhomes, manufactured homes, condominiums, mixed-use development, or similar property.

Steady tonal sound. A sound characterized by a droning nature and which may be referred to as a whine, hum, rumble, or buzz, which may either be broadband or include a single frequency or a narrow cluster of frequencies. Such sound sources include, but are not limited to, heating, ventilating or air-conditioning units, refrigeration units, transformers, and backup generators

(b) All terminology used in this article and not specifically defined above shall retain its meaning in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body and/or the latest volume of Webster's Collegiate Dictionary.

Sec. 37-5. Specific Noise Disturbance Prohibited

(a) No person shall allow, make, or cause to be made any unreasonably loud or disturbing noise in the city, which is offensive to the sensibilities of a reasonable, prudent, adult person, renders the enjoyment of life or property uncomfortable, interferes with public peace and comfort, or causes a noise disturbance as defined herein.

(b) The following list includes, but is not limited to, activities which can create unreasonably loud or disturbing noises in violation of this article, including activities which are noise disturbances per se, unless an exemption exists pursuant to section 37-6 or a permit of variance was first obtained as provided in section 37-7.

(1) Outdoor Music Venue. For purposes of this subsection(b)(1), the term outdoor music venue means a property in a nonresidential district allowing outdoor music venue as a use and where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls and a roof. Prior to construction of an outdoor music venue, the owner must submit to the city for its approval a sound impact plan which must include sound mitigating design features, prescribed decibel levels and hours of operation, and any other elements required by the city secretary or designee.

(2) Vehicular sound amplification systems. Operating or controlling a motor vehicle in either a public or private place within the city and operating any sound device which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device in the motor vehicle, in such a manner that, when operated, it is audible at a distance of 30 feet, or when operated, causes a person to be aware of the vibration accompanying the sound at a distance of 30 feet from the source when such operation is done in a manner which causes a noise disturbance.

(3) Loading operations. The loading or unloading of any vehicle within the city in such a manner as to cause a noise disturbance.

(4) Construction/maintenance/industrial work.

a. Operating or permitting to be operated any motorized or non-motorized equipment used in construction, maintenance, repair, alteration, erection or demolition of buildings, structures, improvements, streets, alleys, lawns, golf courses, or appurtenances thereto within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 7:00 p.m. and 7:00 a.m.

b. Operating or permitting to be operated any motorized or non-motorized equipment used in construction, maintenance, repair, alteration, or demolition work on buildings, structures, streets, alleys, lawns, golf courses, or appurtenances thereto within a nonresidential district in such a manner as to cause a noise disturbance.

c. Operating or permitting to be operated any gravel pit, rock crusher, or other machinery for the separation, gathering, grading, loading, or unloading of sand, rock, or gravel, within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 7:00 p.m. and 7:00 a.m.

d. Operating or permitting to be operated any gravel pit, rock crusher, or other machinery, equipment, and/or motor vehicle used for the separation, gathering, grading, loading or unloading of sand, rock, or gravel, and/or any other machinery, equipment, and/or motor vehicle used in the production of concrete or asphalt within a nonresidential district in such a manner as to cause a noise disturbance.

e. Operating or permitting the maintenance, servicing and fueling of construction equipment, and the delivery of construction related materials and/or equipment within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 7:00 p.m. and 7:00 a.m.

f. Operating or permitting to be operated any motorized or non-motorized equipment used in an industrial process, including a high-impact land use, within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 7:00 p.m. and 7:00 a.m.

g. Operating or permitting to be operated any motorized or non-motorized equipment used in an industrial process, including a high-impact land use within a nonresidential district in such a manner as to cause a noise disturbance.

h. It is the responsibility of the developer/contractor to use good judgment when scheduling work in construction zones located in close proximity to residences, schools, churches, businesses, etc. This is to ensure that residents are not subjected to undesirable or excessive construction noise. In addition to any other penalties provided by city ordinance, at locations where compliance is not being observed the city may issue written stop-work orders or may issue citations if it is determined that a violation of the ordinance exists.

(6) Power equipment.

a. Operating or permitting to be operated any power equipment (as defined herein and excluding construction equipment which is specifically regulated by subsection (b)(4) above) within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m.

b. Operating or permitting to be operated any power equipment (as defined herein and excluding construction equipment which is specifically regulated by subsection (b)(4) above) within a nonresidential district in such a manner as to cause a noise disturbance.

(7) Motor vehicles – repairs or testing.

a. The repairing, rebuilding, modifying, or testing of any motor vehicle (including off-road vehicles) or watercraft within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m.

b. The repairing, rebuilding, modifying, or testing of any motor vehicle (including off-road vehicles) or watercraft within a nonresidential district in such a manner as to cause a noise disturbance.

(8) Motor vehicles – running loud or out of repair.

a. The use of any motor vehicle or other vehicle so out of repair, so modified, or so loaded, which emits or creates loud or unnecessary grading, grinding, or rasping noise, the excessive spinning of the tires, or the racing of a motor vehicle engine unnecessarily within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m.

b. The use of any motor vehicle or other vehicle so out of repair, so modified, or so loaded, which emits or creates loud or unnecessary grading, grinding, or rasping noise, the excessive spinning of the tires, or the racing of a motor vehicle engine unnecessarily within a nonresidential district in such a manner as to cause a noise disturbance.

(9) Impulsive sources. Causing impulsive sound sources including, but not limited to, the use of fireworks, explosives, the firing of guns, or other explosive devices within the city in such a manner as to cause a noise disturbance.

(10) Powered model mechanical devices.

a. The flying of powered model vehicles, the firing or operating of model vehicles, or other similar noise producing devices, within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m.

b. The flying of powered model vehicles, the firing or operating of model vehicles, or other similar noise producing devices within a nonresidential district in such a manner as to cause a noise disturbance.

(11) Refuse compacting vehicles. Operating or permitting to be operated any refuse compacting, processing, or collection vehicle or parking lot sweeper in any residential district or quiet zone, or within 500 feet of any residence or quiet zone in such a manner as to cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m.

(12) Quiet zone. Creating a noise disturbance within or on any street adjacent to any quiet zone.

(13) Vibration. Using or causing the use of any device that creates any ground vibration which is perceptible without instruments at any point on or beyond the property boundary of the source.

(14) Stationary nonemergency signaling devices. Sounding or permitting the sounding of any electronically activated or amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place for more than five minutes during any consecutive 60-minute period which causes a noise disturbance. Except such signaling device is allowed if used as a danger signal, and/or as required by law if vehicle is backing, starting, or turning in such a way as to likely cause a collision, unless conducted between the hours of 10:00 p.m. and 7:00 a.m.

(15) Steady Tonal Sound. Creating or permitting a steady tonal sound over a five-minute interval in any residential district or quiet zone, or within 500 feet of any residence or quiet zone in such a manner as to cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 37-6. Affirmative Defenses

The following shall be an affirmative defense to prosecution for a violation of this article:

(a) The sound was produced by safety signals, storm warning sirens or horns, and the testing of such equipment, emergency vehicle sirens or horns used when responding to an emergency, and emergency pressure relief valves;

(b) The emission of any sound was caused in the performance of emergency or public service work, including police, fire, and public utility operations, acting in the performance of lawful duties to protect the health, safety, or welfare of the community;

(c) The sound was generated by natural phenomena;

(d) Activities conducted in or upon public parks or public property that are approved, sponsored, and/or sanctioned by the city in writing; and/or

(e) The sound was generated as authorized under the terms of a permit issued under section 37.7 below.

Sec. 37-7. Permits of Variance

(a) The city secretary, or his or her designated representative, is authorized to grant permits for relief of any provision in this article on the basis of undue hardship in cases where:

(1) The sound source will be of short duration and the activity cannot be conducted in a manner as to comply with this article;

(2) Additional time is necessary for the applicant to alter or modify their activity or operation to comply with this article; or

(3) No reasonable alternative is available to the applicant.

(b) The city secretary, or his or her designated representative, may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects and may suspend any permit issued for violating any provisions prescribed in the permit of variance.

(d) The fee to be charged to each applicant for processing permit applications shall be adopted into the fee schedule.

Sec. 37-8. Appeals

(a) Any applicant who has been denied a permit of variance or any permittee whose permit has been suspended, shall have the right to a hearing before the City Council.

(b) Requests for a hearing shall be made in writing and received by the city secretary, or his or her designated representative, within ten days of the date of the denial or the date of the notice of the suspension. The city secretary may review the appeal at a staff level and has the authority to reject the action of his or her designated representative and order that a permit be granted or to reinstate a suspended permit. However, should the city secretary uphold the denial or suspension of a permit, he or she shall, or his or her designated representative shall, schedule a hearing before the City Council within 30 days of receipt of the request.

(c) The City Council shall have the authority to review all pertinent files and information regarding the applicant/permittee which are in the custody of the city secretary or his or her designated representative. Additionally, the City Council shall have the authority to accept written and verbal testimony from the city secretary, his or her designated representative, any appropriate city staff member, applicant/permittee, and interested residents. The City Council shall also have the authority to place time restrictions on the testimony to be given at the hearing.

(d) The City Council shall have the authority to assess whether the city secretary, or his or her designated representative, acted properly within the powers granted under this article in the denial or suspension of a permit. A majority vote of a quorum of the City Council shall determine whether to uphold or reject the city secretary's or his or her designated representative's action. Upholding the action of the city secretary, or his or her designated representative, shall affirm the denial or suspension. Rejection of the city secretary's or his or her designated representative's action shall

automatically grant a permit or reinstate a suspended permit. The decision of the City Council shall be final.

(e) No person whose permit has been denied or suspended, shall create or allow the creation of the noise disturbance in dispute prior to final determination by the City Council.

Sec. 37-9. Penalty

A violation of this ordinance shall be a Class C misdemeanor and the penalty for any person violating any of the provisions of this chapter for which no specific penalty is prescribed shall be a fine of not less than one dollar ($1.00) and no more than five hundred dollars ($500), and each day or portion of a day that a violation exists shall be a separate offense.

Sec. 37-10. Injunctive Relief

In addition to and accumulative of all other penalties, the city shall have the right to seek injunctive relief for any and all violations of this article.

Sec. 37-11. Purpose

The purpose of this article is to make it unlawful for any person or entity to make, cause to be made, or allow any unreasonably loud and disturbing noise of such a character, intensity, and duration as to be detrimental or offensive to the ordinary sensibilities of the residents of the city, and/or which renders the enjoyment of life, health, or property uncomfortable, or interferes with the public peace and comfort.

Sec. 37-12. Enforcement

The City Council authorizes all law enforcement officers and code enforcement officers of the city to enforce this article and authorizes all actions allowed by law to be taken to ensure compliance. The city secretary and chief of police shall have the authority and responsibility to oversee that proper enforcement actions are taken by authorized city personnel.

Section 3. Cumulative Repealer. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

Section 4. Savings. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time

this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

Section 5. Severability. The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative, or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal, or otherwise inapplicable, in while in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

Section 6. Engrossment And Enrollment. The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

Section 7. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by vote of the City Council of the City of Riesel, Texas, on this the _____day of_____, 2026.

ATTEST: SIGNED:

_____ _____

City Secretary, Alisha Flanary Mayor Jennifer Hogg

Preliminary Plat for Review Purposes Only

Brookshire–Beaver Addition in the City of Riesel, McLennan County, Texas,

being 1.784 Acres, in the Jose David Sanchez Survey, Abstract No. 36, in McLennan County, Texas, and being a resubdivision of LOTS 4 and 5, in BLOCK 3, of Resubdivision of Blocks 3 & 4 of the Brookshire Addition to the City of Riesel, McLennan County, Texas, according to the plat of record in Volume 1592, Page 152 of the Deed Records of McLennan County, Texas and LOTS 6 and 7, in BLOCK 3, of the J. S. Brookshire Addition to the Town of Riesel, according to the plat of record in Volume 91, Page 289 of said deed records and portions of adjacent alleys, in the City of Riesel, McLennan County, Texas.

STATE OF TEXAS
COUNTY OF McLENNAN

I, Ryan Shellberg, authorized representative of Waco Property Interests LLC, owner of the property described hereon and wishing to subdivide same into lot and block do hereby adopt the plat attached hereto and titled Final Plat of BROOKSHIRE BLOCK 3 REPLAT, IN THE CITY OF RIESEL, McLENNAN COUNTY, TEXAS, being 1.784 Acres, in the Jose David Sanchez Survey, Abstract No. 36, in McLennan County, Texas, and being a resubdivision of LOTS 4 and 5, in BLOCK 3, of Resubdivision of Blocks 3 & 4 of the Brookshire Addition to the City of Riesel, McLennan County, Texas, according to the plat of record in Volume 1592, Page 152 of the Deed Records of McLennan County, Texas and LOTS 6 and 7, in BLOCK 3, of the J. S. Brookshire Addition to the Town of Riesel, according to the plat of record in Volume 91, Page 289 of said deed records and portions of adjacent alleys, in the City of Riesel, McLennan County, Texas, as the legal subdivision of same and do hereby dedicate all rights–of–way and easements shown hereon, to the use of the public forever. Any private improvements placed in said rights–of–way and easements shall be placed at no risk or obligation to the Public and the City of Riesel, trustee for the public to hold these easements and the City shall have no responsibility to repair or replace such improvements if they are damaged or destroyed in the utilization of these rights–of–way or easements. The sale of the lot shown on this plat shall be made in accordance therewith, subject to all restrictions and conditions shown or described hereon and recorded in the Official Public Records of McLennan County, Texas, pertaining to such subdivision.

_____
Ryan Shellberg, authorized representative of Waco Property Interests LLC

STATE OF TEXAS
COUNTY OF McLENNAN

Before me, the undersigned authority, Notary Public in and for the State of Texas, on this day personally appeared Ryan Shellberg, known to be the person whose name is subscribed to the foregoing Document and he acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office this the _____ day of _____, 2026.

_____
Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF McLENNAN

I hereby certify that the foregoing plat and field notes of the BROOKSHIRE BLOCK 3 REPLAT, IN THE CITY OF RIESEL, McLENNAN COUNTY, TEXAS, was approved by the city council on this the _____ day of _____, 2026.

_____
City Secretary

PERIMETER FIELD NOTES:

Being 1.784 Acres, more or less, of the Jose David Sanchez Survey, Abstract No. 36, in McLennan County, Texas, and being comprised of Lots 4 and 5, in Block 3, of Resubdivision of Blocks 3 & 4 of the Brookshire Addition to the City of Riesel, McLennan County, Texas, according to the plat of record in Volume 1592, Page 152 of the Deed Records of McLennan County, Texas, Lots 6 and 7, in Block 3, of the J. S. Brookshire Addition to the Town of Riesel, according to the plat of record in Volume 91, Page 289 of said deed records, being conveyed to Waco Property Interests LLC as recorded in Document No. 2026004898 of the Official Public Records of McLennan County, Texas and also including portions of adjacent alleys, in the City of Riesel, McLennan County, Texas;
BEGINNING at the calculated Southwest corner of said Lot 7 and at the Southeast corner of Lot 8, in said Block 3 and also in the North line of Beaver Street, a publicly maintained roadway, from whence a 1/2 inch capped iron pin, found, for reference, Brs. S 39° 20' 25" E, 0.13 Feet;
THENCE, N 14° 35' 27" W, with the West line hereof, at 170.00 Feet, pass the Northwest corner of said Lot 7 and the Northeast corner of said Lot 8, in the South line of a 20 Ft. wide alley (unimproved and not open to public traffic), on line, and at 190.00 Feet, pass the Southwest corner of said Lot 4 and the Southeast corner of Lot 3, in said Block 3 and also being in the North line of said alley, on line, and continuing in all 370.00 Feet, to a 5/8 inch capped survey monument, set, at the Northwest corner of said Lot 4 and the Northeast corner of said Lot 3 and also being in the South line of Brookshire Street, a publicly maintained roadway, from whence a 1/2 inch iron pin, found, for reference, Brs. S 1° 15' 06" E, 13.23 Feet;
THENCE, N 75° 24' 33" E, with the South line of said Brookshire Street, and with the North line of said Lots 4 and 5, at 200.00 Feet, pass the Northeast corner of said Lot 5 and the Northwest corner of another 20 Ft. wide alley (unimproved and not open to public traffic), on line, and continuing in all 210.00 Feet, to a 5/8 inch capped survey monument, set, at the Northeast corner hereof, in the center of said second mentioned alley, from whence a 1/2 inch capped iron pin, found, for reference, Brs. S 30° 24' 33" W, 14.14 Feet;
THENCE, S 14° 35' 27" E, with the East line hereof and with the center of said second mentioned alley, 370.00 Feet, to a 5/8 inch capped survey monument, set, at the Southeast corner hereof, in the North line of said Beaver Street;
THENCE, S 75° 24' 33" W, with the North line of said Beaver Street, at 10.00 Feet, pass a 1/2 inch iron pin, found, at the Southeast corner of said Lot 6, on line, and continuing with the South line of said Lots 6 and 7, in all 210.00 Feet, to the PLACE OF BEGINNING.

NOTES:
1. The proposed usage for these Lots are Residential.
2. Electric Service will be provided by Oncor Electric.
3. Water Service to all Lots will be provided by the City of Riesel, CCN#10029.
4. Sewer Services to Lots 11, 12 and 13 will be provided by the City of Riesel, CCN#10029. Sewer Services to Lots 14 and 15 will be provided by On–Site Sewage Facilities.
5. Utility Easements are hereby created as follows:
10 Ft along the East lines of Lots 13 and 14
20 Ft. across Lots 14 and 15, as shown hereon

FLOOD STATEMENT
This property is located in Zone X, an area of Minimal Flood Hazard, according to the Flood Insurance Rate Map, as prepared by the Federal Emergency Management Agency, for the City of Riesel, McLennan County, Texas, Map No. 48309C0600D, effective date December 20, 2019.

RESERVED FOR McLENNAN COUNTY CLERKS FILING INFORMATION

SUMMARY:

5 LOTS
TOTAL ACREAGE – 1.784 ACRES

The City of Riesel, McLennan County, Texas, has abandoned the 20 Ft. Alley located between Lots 4 and 5 and Lots 6 and 7, in said Block 3 and the West 1/2 of the 20 Ft. Alley located East of said Lots 5 and 6, in said Block 3.

Reference_____

SURVEYORS CERTIFICATION:

I, Toby Tibbit, Registered Professional Land Surveyor No. 5496, do hereby certify that the foregoing Plat and Perimeter Field Notes were prepared from a survey made on the ground, February 4, 2026, the Records of McLennan County, Texas, and surveys of area property, that the corners and boundaries with marks Natural and Artificial are just as were found, on the ground. Basis of Bearings, Grid North, Texas Central Zone (GPS Observations).

WITNESS MY HAND AND SEAL THIS THE 19TH DAY OF MAY, 2026.

_____
Toby Tibbit, Registered Professional Land Surveyor No. 5496

STATE OF TEXAS
REGISTERED
TOBY TIBBIT
5496
PROFESSIONAL
LAND SURVEYOR

VERSION DATE – MAY 19, 2026

OWNER:

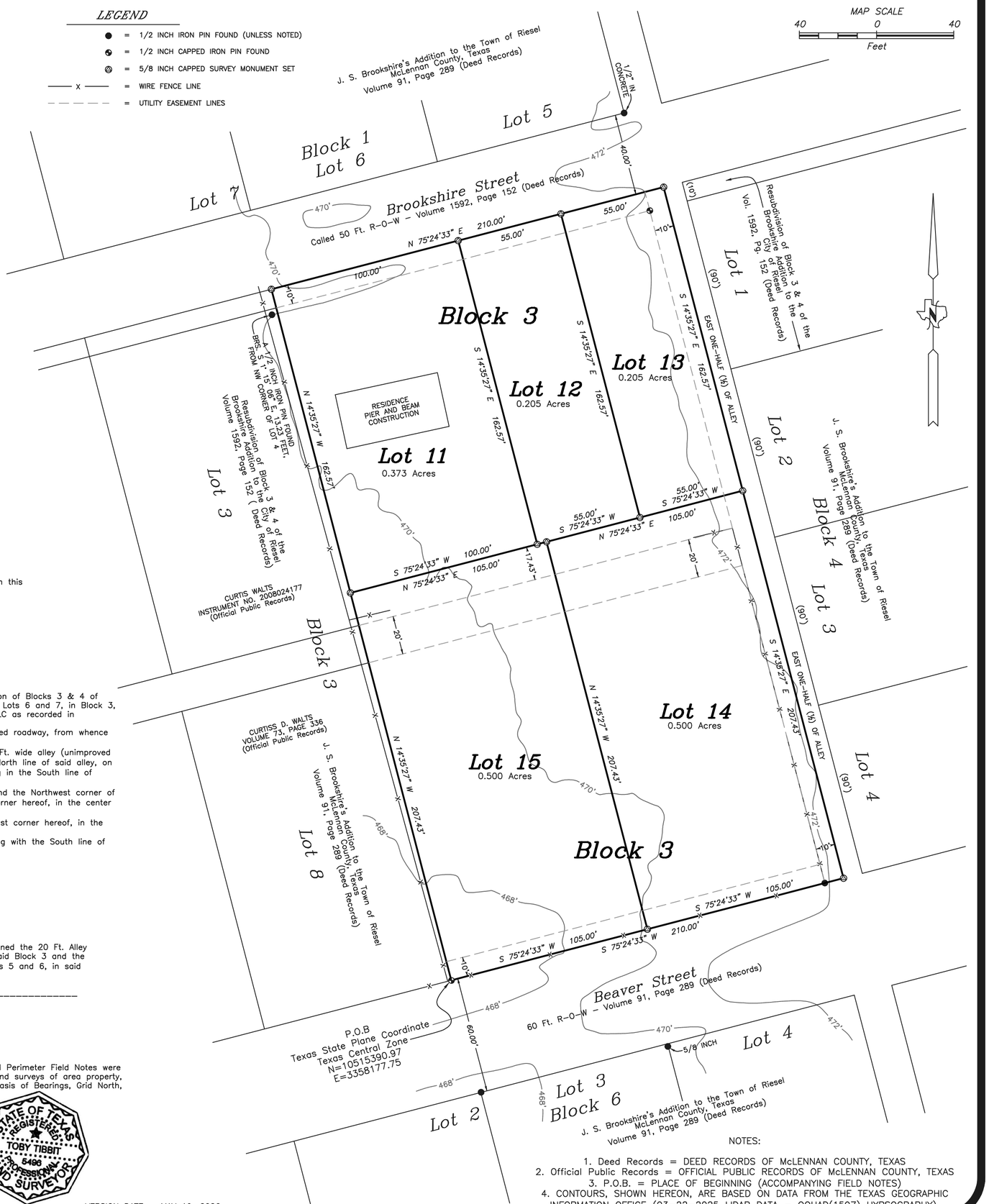
WACO PROPERTY INTERESTS LLC
1220 N. BRAZOS STREET, SUITE 2A
WACO, TEXAS 76692

SURVEYOR:

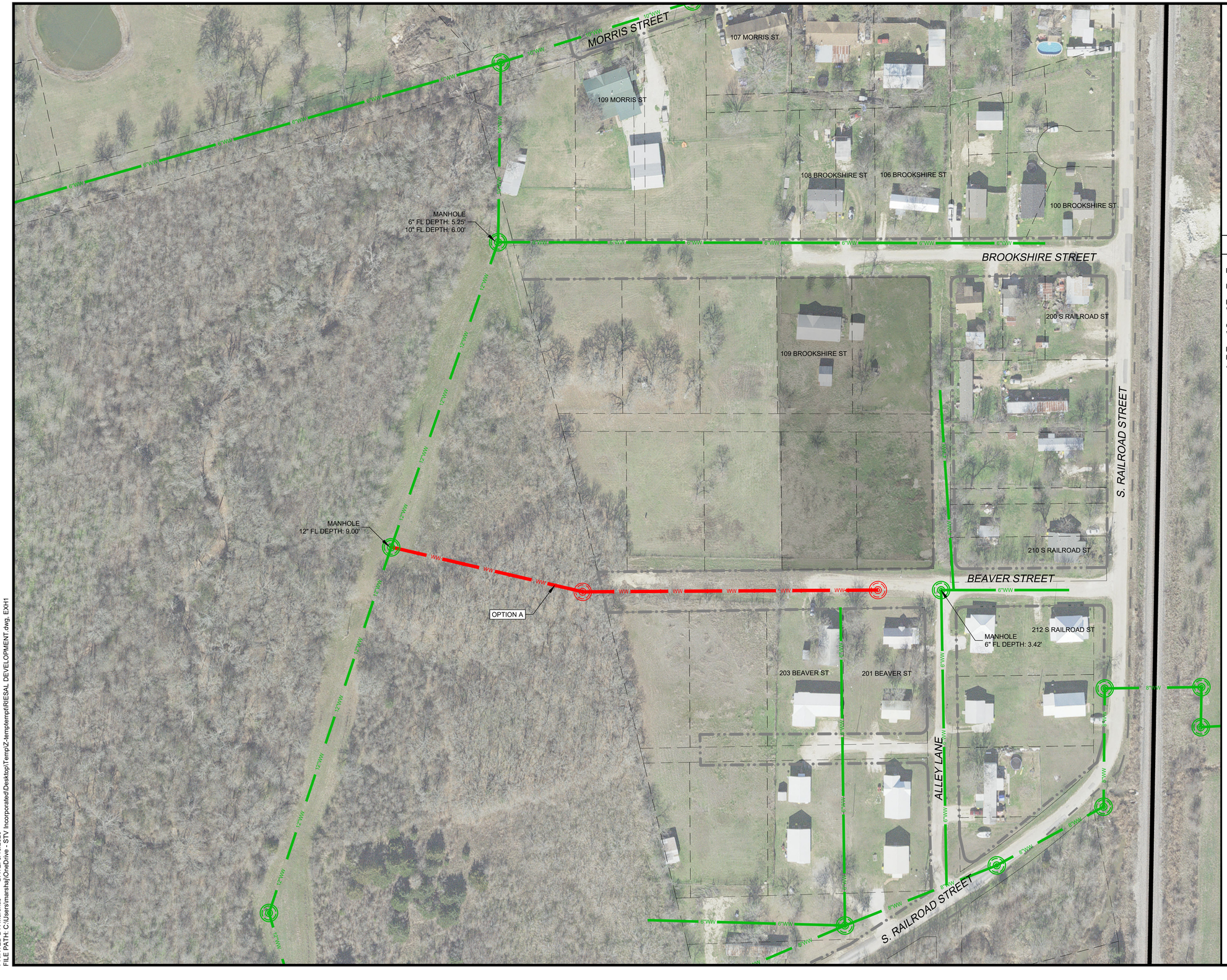
TIBBIT SURVEYING
P. O. BOX 1112
TEMPLE, TEXAS 76503
254–314–7618
TIBBITSURVEYING.COM

Tibbit Surveying
P. O. Box 1112 – Temple, Texas 76503
254–314–7618 – TIBBITSURVEYING.COM

LEGEND
- ● = 1/2 INCH IRON PIN FOUND (UNLESS NOTED)
- ◉ = 1/2 INCH CAPPED IRON PIN FOUND
- ◎ = 5/8 INCH CAPPED SURVEY MONUMENT SET
- —— x —— = WIRE FENCE LINE
- – – – – – = UTILITY EASEMENT LINES



NOTES:
1. Deed Records = DEED RECORDS OF McLENNAN COUNTY, TEXAS
2. Official Public Records = OFFICIAL PUBLIC RECORDS OF McLENNAN COUNTY, TEXAS
3. P.O.B. = PLACE OF BEGINNING (ACCOMPANYING FIELD NOTES)
4. CONTOURS, SHOWN HEREON, ARE BASED ON DATA FROM THE TEXAS GEOGRAPHIC INFORMATION OFFICE (03–22–2025 LIDAR DATA – QQUAD(1597) HYPSOGRAPHY).



N

0 60 120

SCALE IN FEET

LEGEND

- RIGHT OF WAY
- LOT LINE
- EXISTING WASTEWATER LINE
- OPTION A WASTEWATER LINE
- PROPOSED REDEVELOPMENT AREA

TEXAS REGISTERED ENGINEERING FIRM
TBPE F-204

811

THESE DOCUMENTS ARE ISSUED FOR INTERIM REVIEW ONLY AND ARE NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES

DATE
XXXXX XXXXXX
P.E NO. XXXXX

NO.	REVISION	BY	DATE

VERIFY SCALE 1" 0
BAR LENGTH EQUALS ONE INCH ON ORIGINAL DRAWING. VERIFY LENGTH ON THIS SHEET AND ADJUST SCALE ACCORDINGLY.

CITY OF RIESEL

109 BROOKSHIRE ST REDEVELOPMENT

DESIGN: DLM
DRAWN: JWM
REVIEW:
STV:
CLIENT:

SHEET
EXH1

PRINTED BY: MarshaJ DATE: 3/13/2026
FILE PATH: C:\Users\marshaj\OneDrive - STV Incorporated\Desktop\TempZ-temptemp\RIESAL DEVELOPMENT.dwg, EXH1

C:\Users\marshaj\OneDrive - STV Incorporated\Desktop\TempZ-temptemp\RIESAL DEVELOPMENT.dwg, 3/13/2026 1:31:54 PM, MarshaJ, 1:1

TEXAS REGISTERED ENGINEERING FIRM
TBPE F-204

200 West Highway 6, Suite 620
Waco, TX 76712

STANDARD PRELIMINARY PLAT REVIEW LETTER

Date:	June 15, 2026
Plat Name:	Preliminary Plat – Brookshire-Beaver Subdivision
Property Owner:	Waco Property Interests, LLC
	1220 N Brazos St., Suite 2A
	Whitney, TX 76692-2050
Applicant:	Ryan Shellberg
Property IDs:	153650

STV has reviewed the preliminary plat for the above-referenced subdivision for compliance with the Subdivision Regulations (City of Riesel Code of Ordinances, latest version). The following pages contain important information to support a successful progression of the project.

At this time, STV will recommend *DISAPPROVAL* of the preliminary plat to the City Council.

NEXT STEPS:

Upon review of staff's recommendation, the City Council may take one of the following actions:

- Approve the preliminary plat
- Approve the preliminary plat with conditions
- Disapprove the preliminary plat

If the City Council **approves** the preliminary plat, please continue coordinating with the City of Riesel to secure approval of all necessary infrastructure permits and required plats.

If the City Council **conditionally approves** or **disapproves** the plat, a written response from the applicant will be required that either:

- Addresses each condition for approval, or
- Remedies each reason for disapproval

We strongly recommend scheduling a pre-response meeting with staff to assist in addressing the conditions/comments.

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TBPE F-204

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Following submission of the applicant's written response, the City will make a determination within **15 days**, in accordance with applicable State Laws and the City of Riesel's Code of Ordinances.

All the best as your project progresses,

David Marek, PE
Sr. Project Manager
STV Incorporated

TEXAS REGISTERED ENGINEERING FIRM
TBPE F-204

200 West Highway 6, Suite 620
Waco, TX 76712

PRELIMINARY PLAT REVIEW COMMENTS

Brookshire-Beaver Subdivision, City of Riesel, McLennan County, Texas

☒	First Submittal	Date: 6/15/26	Review Due Date: 6/26/2026
☐	Resubmittal	Date:	Review Due Date:

PID:	153650
District	CITY
Zoning	N/A
Surveyor Job Number:	N/A

Reviewed in accordance with:
City of Riesel, Texas - Code of Ordinances
Subdivision Ordinance, Latest Edition
Preliminary Plat Submission and Approval
Section 4

Planning Reviewer:
David L. Marek, PE
Sr. Project Manager
STV Incorporated
254-399-7156

P1. Informational Note: To support a smooth and successful development process, please take a moment to carefully review the 'Informational Section' of this letter.

P2. Informational Note: A detailed review of all required infrastructure improvements has not been undertaken. When detailed construction documents are provided, said review will occur.

P3. 4.1.A: The subdivision boundary as indicated on the preliminary plat is not consistent with current property ownership. The submitted plat includes incorporation of one-half (1/2) of the public alley that runs between Brookshire Street and Beaver Street. Abandonment of this public alley and any potential acquisition of the property to the applicant has not occurred.

P4. 4.1.B: The proposed use of the subdivision is listed as residential. This is not in conformance with the uses as indicated in Section 11.

P5. 4.1.C. The preliminary plat does not provide sufficient information to ascertain if easements are existing or proposed.

P6. 4.1.C. The preliminary plat does not indicate the location of existing water line, gas mains, sewer, or all existing structures.

P7. 4.1.D. Brookshire Street does not consist of a curb and gutter street section. Section 12 of the subdivision ordinance states that a minimum of 60' of ROW must be dedicated. Revise the Brookshire Street ROW line to include necessary ROW dedication to provide 30' of ROW from the centerline of the Right of Way.

P8. 4.1.O. The applicant has not submitted a utility layout plan to provide sanitary sewer service to the proposed Lots 14 and 15. Additionally, Note 4 shall be changed to reflect a requirement for all lots to be served by City of Riesel Sewer Services. The applicant has previously been notified that Ordinance 2022-01 Section 8 requires connection to the City System.

P9. 4.3. The required location map is not included on the preliminary plat.

P10. General Comment: Remove the "Reserved for McLennan County Clerks Filing Information" block. The preliminary plat is not filed with the County. The City of Riesel retains the final copy of the preliminary plat as approved by City Council.

P11. General Comment: Remove the property owner dedication from the Preliminary Plat. This is a final plat comment.

P12. General Comment: Remove the City Secretary acknowledgement from the Preliminary Plat. This is a final plat comment.

P13. General Comment: The address of the Owner in not in conformance with ownership per the records of McLennan County.

P14. General Comment: Lot 13 and Lot 14 are considered corner lots and subject to wider frontages per Section 12.

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TBPE F-204

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Waco, TX 76712

Informative Section

*The following items do not require responses for **plat approval**, however certain items may be required to satisfy other development requirements separate from the platting process (i.e. permitting, Letter of Acceptance) or to satisfy the requirements of other entities (i.e. Post Office, TxDot).*

- New subdivisions will require cluster boxes; please coordinate with the servicing Postmaster. Reference: U.S. Postal Service National Delivery Planning Standards: A Guide for Builders and Developers Handbook Contact: Ana Garza, Growth Coordinator (A), Texas 1 District, (972) 393-6602
- Development of the subdivision must adhere to all development requirements, to be determined at the time of lot development.
- Upon completion of all improvements, the developer shall furnish record drawing plans to the City of Riesel.
- Final plats must adhere to McLennan County requirements to be accepted for recording.
- The TCEQ administers the statewide Construction General Permit (CGP). This permit requires that work site operators reduce pollutants discharged from their site to the maximum extent practicable.

200 West Highway 6, Suite 620
Waco, TX 76712
o. 254.772.9272 | f. 254.776.2924
stvinc.com

MEMO

TO: City of Riesel
FROM: David L. Marek, PE
DATE: June 16, 2026
SUBJECT: Response to Developer Questions Brookshire-Beaver Addition

Alisha,
Please find my response below to some of the questions submitted by the Developer. The other questions are more relevantly answered by City Council if a variance is being requested. Any approved variances must be approved by City Council prior to submission of the plat.

Developer Comment: Approving the Abandonment of Alleyways: David indicated that, prior to approval of the plat, the city would need to formally undergo the process of abandoning the alleyways that lie between thelots -- it appears that this could not be done through the platting process. As I believe has been discussed before, we could reserve easements where the alleys once were if the city approved to start the process of abandoning the unused alleyways to Waco Property Interests, LLC.

Engineer Response: The alley must be formally abandoned by the City during which it will be determined what, if any property from the abandonment, will be conveyed to Waco Property Interests, LLC. Only after the formal abandonment process is complete and recorded, can a plat be accepted that includes any conveyed property.

Developer Comment : Approving a Variance to Allow for 52.5' Lot Widths: While we have had conversations with the city before on allowing for 52.5' lot widths, it appears that the City of Riesel's new Zoning Ordinance requires a minimum lot width of 60' for properties zoned R-1. We would want to verify through a variance that, if necessary, 52.5' lot widths would be allowed for by the City of Riesel.

Engineer Response: The received plat does not indicate any lots that are less than the 55' lot width current required by the City of Riesel Subdivision Ordinance. Any reduction in width which is less than Subdivision Ordinance would require City Council approval prior to submission of the plat.

Developer Comment Approving a Variance to Allow for 52.5' Lot Widths and 10' Side Yard Setbacks on Corner Lots: David indicated that both lots bordering the alley on the eastern side of the property would be considered "corner lots", and would require greater widths and stricter setback requirements than other lots that would be platted. Provided that

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the alley is not in use, and has not had any traffic or utility to the City of Riesel or the public in decades, I believe this requirement would lack much purpose and would only significantly restrict the building footprints of any homes on those lots. Therefore, I wonder if a variance would be granted by the City of Riesel to allow the eastern lots on the plat to have the same setbacks and widths as other lots on the plat. Additionally, I would believe the "corner lot" designation to only have practical meaning if the alley could ever be traveled or built upon — which, if it's being abandoned, it wouldn't be.

Engineer Response: The comment about the proposed Lots 13 and 14 are relevant as there currently is a public alley between the proposed development and the Block 4 lots. Until said alley is formally abandoned, the comment is relevant regardless if the alley is being used or not.

TX Health
BENEFITS POOL

May 26, 2026

City of Riesel
PO Box 249
Riesel, TX 76682

Dear Alisha Flanary,

Each year, this letter is one we approach with genuine care – because we understand what it represents for you, and for the employees who count on you every day.

We appreciate your trust in TX Health Benefits Pool to provide your employees with high-quality benefits, and we don't take it lightly. The Board of Trustees who guide this organization bring deep public sector experience and understand firsthand the challenges Texas cities and local governments face every day. That shared experience shapes everything we do.

We want to be straightforward about this renewal - the rate adjustment you'll see is more significant than in recent years, and you deserve a clear explanation- not simply a number without context.

Healthcare costs across Texas — and the nation — are rising at levels we have not seen in a *generation*. Driven by higher utilization of care and steep increases in hospital and health systems charges, no health plan is immune to these pressures.

This is also precisely the moment TX Health Benefits Pool was made for. With 30,000+ covered lives across our Pool, a single high-cost claim that could destabilize a small city's budget is absorbed and shared across our entire membership. That is the promise at the core of this Pool— and it is holding.

For the 26/27 plan year, we've developed a focused set of enhancements aimed at expanding access, delivering greater value, and supporting the long-term wellbeing of your workforce - while preserving the core benefits your employees rely on. The more you can support adoption of these programs, the greater the impact on long-term cost trends for every member of the Pool.

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City Manager, Retired

Jay Stokes, Appointee
City Manager, City of Deer Park

Mike Slye, Appointee
City Manager, Retired

Mike Stelly, Appointee
Chief of Police, City of West Orange

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Mayor, City of Lockhart

Stephen Haynes, Appointee
Mayor, City of Brownwood

TX Health Benefits Pool is a public entity risk pool created by political subdivisions to provide group benefits services to participating political subdivisions & public entities and is not an insurance company.

TX Health BENEFITS POOL

What's New for 26/27

- **New Plan Design Options:** To give you more flexibility in a challenging cost environment, TXHB is introducing new plan designs that can help manage costs while maintaining access to quality care. Your Account Executive will walk you through every option.
- **Green Imaging:** MRIs, CT scans, and other imaging services can represent significant out-of-pocket costs for your employees. Green Imaging makes it easy to find low- to no-cost options nearby — with no sacrifice in quality.
- **TAP Telehealth:** TAP, or Text A Physician, is a simpler, faster way to connect with care. TAP lets covered employees text a physician anytime — no app, no registration, no cost.
- **HDHP Virtual Care Enhancement:** High-Deductible Health Plan participants will now receive 100% coverage for virtual visits through TAP Telehealth, with no deductible requirement.
- **New Voluntary Benefits:** TXHB now offers integrated supplemental products — Critical Illness, Accident, and Hospital Indemnity Insurance — that help employees fill the gap in the event of a serious illness or injury. Because these plans are integrated with your health benefits, the claims process is simple and reimbursement is fast.

What's Staying for 26/27

- **TXHB Well Program:** Members continue to have access to free biometric screenings through Circle Wellness, plus the opportunity to earn $150 by completing select preventive and wellness activities.
- **Lantern Surgical Care:** Lantern's network of high-performing surgeons accepts reduced reimbursement in exchange for faster payment and no prior authorization. TXHB passes those savings directly to members — and in most cases, members pay $0 for scheduled procedures through Lantern.
- **Twin Health:** Our pilot program has reached its 300-member capacity, and we have paused new enrollments while we evaluate long-term value. Current participants are not affected and may continue the program uninterrupted.

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TX Health
BENEFITS POOL

Let's Talk

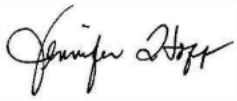
Your Account Executive, Heather VonGonten, will reach out to schedule your renewal planning conversation. Given the current cost environment, this is an important year to explore all options — plan design, voluntary benefits, member engagement strategies, and more. The right combination of choices can make a meaningful difference in your long-term cost trajectory, and Heather is here to help you find it.

Open enrollment is scheduled for 08/03/2026 - 08/14/2026. We offer easy self-service and phone enrollment options to make the process simple for your employees. To ensure a smooth transition, please provide your renewal decision at least 90 days before your anniversary date of 10/01/2026.

For renewal questions, please contact Heather VonGonten at 512-719-6519 or Heather.VonGonten@txhb.gov.

Thank you for the trust you place in us. We look forward to serving you and your employees again this year.

Sincerely,



Jennifer Hoff
Executive Director

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TX Health BENEFITS POOL

MEDICAL COST PROJECTION

Riesel - PRIESEL1

05/28/26

MEMBER OPTION

Current Plan	2025-2026 Current Rates	14% Increase 2026-2027 New Rates
	Copay-500-2K ER	Copay-500-2K ER
	80% / 50%	80% / 50%
	PPO (copay)	PPO (copay)
	$500 In Ded	$500 In Ded
	$1,000 Out Ded	$1,000 Out Ded
	$2,000 In OOP	$2,000 In OOP
	$0 Tela Health Copay	$0 Tela Health Copay
	$30 OV/$60 SP/$75 UC/$500 ER Copay	$30 OV/$60 SP/$75 UC/$500 ER Copay
	DAW1&2 Rx Plan	DAW1&2 Rx Plan
EE	$767.78	$875.28
EE + Spouse	$1,558.60	$1,776.82
EE + Child(ren)	$1,351.28	$1,540.48
EE + Family	$2,264.96	$2,582.08

New Plan Options 2026-2027	Option 1	Option 2	Option 3	Option 4
	1.62% Decrease	4.06% Decrease	9.87% Decrease	15.29% Decrease
	Copay-750-5K ER	Copay-1500-5K ER	Copay-3K-7K ER	Consumer HSA-4K-6K E
	80% / 50%	80% / 50%	80% / 50%	80% / 50%
	PPO (copay)	PPO (copay)	PPO (copay)	HSA Embedded
	$750 In Ded	$1,500 In Ded	$3,000 In Ded	$4,000 In Ded
	$1,500 Out Ded	$3,000 Out Ded	$6,000 Out Ded	$8,000 Out Ded
	$5,000 In OOP	$5,000 In OOP	$7,000 In OOP	$6,000 In OOP
	$0 Tela Health Copay	$0 Tela Health Copay	$0 Tela Health Copay	$0 Tela Health Copay
	$30 OV/$60 SP/$75 UC/$500 ER Copay	$30 OV/$60 SP/$75 UC/$500 ER Copay	$30 OV/$60 SP/$75 UC/$500 ER Copay	No OV/SP/UC/ER Copay
	DAW1&2 Rx Plan	DAW1&2 Rx Plan	DAW1&2 Rx Plan	DAW1&2 Rx Plan
EE	$755.36	$736.58	$692.00	$650.36
EE + Spouse	$1,533.38	$1,495.26	$1,404.76	$1,320.22
EE + Child(ren)	$1,329.42	$1,296.36	$1,217.90	$1,144.62
EE + Family	$2,228.32	$2,172.90	$2,041.38	$1,918.54

Please sign & date option chosen:

Option 1	Option 2	Option 3	Option 4
Signature / Date	Signature / Date	Signature / Date	Signature / Date

THIS DOES NOT COMPLETE THE RERATE PROCESS. YOU WILL NEED TO SIGN THE MEMBER OPTION AND RETURN TO YOUR MARKETING CONTACT BY 06/19/2026.

THEN A NEW RERATE NOTICE WILL BE GENERATED AND MAILED TO YOU. THE RERATE SHEET MUST BE SIGNED AND RECEIVED IN AUSTIN BY 07/01/2026 FOR THE NEW BENEFITS AND RATES TO BE EFFECTIVE FOR 10/01/2026.

The information contained in this option includes proprietary information that should not be shared with other competitors or used to circumvent the requirements of Texas Competitive Bidding laws.

TX Health BENEFITS POOL

Renewal Notice and Benefit Verification Form

Riesel

Original

Plan Year 10/01/2026 - 09/30/2027 (12 Months)

IMPORTANT NOTICE: *A signed renewal is required by the due date in your cover letter. If TX Health Benefits Pool does not receive the fully executed renewal notice by the indicated due date, you will no longer have an option to change benefits which will result in renewal of the benefit plans listed below at the new rates and the current employer contributions.*

Medical

Employer Group Medical Plan

Plan	Benefit Percent	In Net Ded	Out Net Ded	In Net OOP	Office Visit	Rates	Current	New
Copay-500-2K ER-DAW1&2	80/50	$500	$1000	$2000	$30	EE Only:	$767.78	$875.28
						EE + Spouse:	$1,558.60	$1,776.82
						EE + Child(ren):	$1,351.28	$1,540.48
						EE + Family:	$2,264.96	$2,582.08

In Network Deductible applies towards In Network OOP.

Medical and Dental Plan Accumulators will be based on Calendar Year.

Monthly Employer Contribution Amounts

TX Health Benefits Pool requires 75% employer contribution toward employee medical – Minimum employer contribution is $656.46.

Please enter your monthly employer contribution amounts for active employees here, in dollars or percentages:

Plan	EE Only:		EE+Spouse*:		EE+Child(ren)*:		EE+Family*:	
	Amount	% of Rate**	Amount	% of Rate**	Amount	% of Rate**	Amount	% of Rate**
Copay-500-2K ER-DAW1&2	$_____	or _____%	$_____	or _____%	$_____	or _____%	$_____	or _____%

*If entering contributions in dollars, the dependent tier(s) **must** include the EE Only amount paid by employer in addition to any employer paid amounts for dependents. Percentages for dependent tier(s) will apply to the dependent tier amount less the EE Only amount.

***NOTE:** If a contribution percentage is provided, it will be rounded up to the nearest penny.*

Are there different contributions based on other factors (ex: hourly vs salary, department or location based)? If so, please explain here:

_____

_____

Dental

Rates	Current (Dental IV)	New (Dental IV)
EE Only:	$30.72	$30.72
EE + Spouse:	$72.18	$72.18
EE + Child(ren):	$66.00	$66.00
EE + Family:	$92.06	$92.06

Please enter your monthly employer contribution amounts for active employees here, in dollars or percentages:

EE Only:		EE+Spouse*:		EE+Child(ren)*:		EE+Family*:	
Amount	% of Rate**	Amount	% of Rate**	Amount	% of Rate**	Amount	% of Rate**
$_____	or _____%	$_____	or _____%	$_____	or _____%	$_____	or _____%

*If entering contributions in dollars, the dependent tier(s) **must** include the EE Only amount paid by employer in addition to any employer paid amounts for dependents. Percentages for dependent tier(s) will apply to the dependent tier amount less the EE Only amount.

***NOTE:** If a contribution percentage is provided, it will be rounded up to the nearest penny.*

Vision

Rates	Current (Premium)	New (Premium)
EE Only:	$10.78	$10.78
EE + Family:	$27.48	$27.48

Please enter your monthly employer contribution amounts for active employees here, in dollars or percentages:

EE Only:		EE+Family*:	
Amount	% of Rate**	Amount	% of Rate**
$_____ or	_____%	$_____ or	_____%

*If entering contributions in dollars, the dependent tier(s) **must** include the EE Only amount paid by employer in addition to any employer paid amounts for dependents. Percentages for dependent tier(s) will apply to the dependent tier amount less the EE Only amount.

***NOTE:** If a contribution percentage is provided, it will be rounded up to the nearest penny.*

COBRA Eligibility and Administration (Continuation of Coverage)

COBRA Eligible? No

NOTE: Eligibility status has been ascertained based on the census information you have maintained in TXHB Online for the preceding Calendar Year. You did not have sufficient full-time equivalent employees to be COBRA eligible. Please contact your Account Executive/Account Manager if you consider your reflected eligibility status to be inaccurate.

Benefit Waiting Period

1st of mo after 60 days

Required Annual Eligibility and Enrollment Information

Please provide the following information:

1. Will you allow Employee Self Service (ESS) via TXHB Online for Open Enrollment and Qualifying Life Events? No ☐ Yes ☐
2. Our records indicate that Employer Member DOES NOT currently have an Ordinance or Resolution authorizing the offering of Elected Official Benefit Coverage. Please contact your Account Executive/Account Manager if this needs to be updated.

Signature Section

The undersigned employer hereby acknowledges that for an employee to receive coverage, TX Health Benefits Pool must receive enrollment information within thirty-one (31) days of the date of hire or by the coverage effective date, whichever is later. If an enrollment is not submitted within this timeline, the employee cannot be added to the Plan until the next Open Enrollment period or a qualifying event occurs.

Employer Member Additional Acknowledgements and Agreements

1. Employer Member acknowledges and agrees that its signature on this Renewal Notice and Benefit Verification Form indicates its binding selections for renewal services through TX Health Benefits Pool.
2. Employer Member acknowledges that certain benefit service selections require completion and execution of additional forms and agreements and agrees that it will work with all due diligence and in good faith to complete, execute, and return all necessary forms and agreements to TX Health Benefits Pool prior to the beginning of the Group's open enrollment.
3. Employer Member acknowledges that TX Health Benefits Pool will only allow open enrollment for renewal services in good faith and without receiving all necessary signed benefit service forms and agreements if:
   A. A signed Renewal Notice and Benefit Verification Form with all necessary Employer Member selections and information has been received; and
   B. Employer Member has in good faith attempted but failed to approve and return the applicable benefit service forms and agreements timely.
4. Employer Member certifies that it has adopted an Employee Flexible Benefits Plan under Section 125 of the Internal Revenue Code. This Plan is offered to all eligible employees who are qualified by employment status.
5. Employer Member certifies that it will provide notice of the creditable status of the coverage it offers to new enrollees prior to the effective date of their coverage, as required by the Medicare Modernization Act.
6. TX Health Benefits requires groups to enroll 100% of their benefit eligible employees. This is also known as the 100% Participation Rule. Employers may have employees that wish to waive Medical coverage through TX Health Benefits Pool, however, waivers may only be granted for the reasons enumerated in your Plan Book.
7. By executing this renewal and/or agreeing to the Terms of Use within the SIMON platform, the Employer Member represents and warrants that any individual performing duties in SIMON has full authority to bind the Employer Member to such Terms of Use. The Employer Member agrees that it is responsible for all actions taken within the SIMON platform by individuals accessing the system under its account credentials.

Please sign by the due date and return this completed form via email to your Account Executive/Account Manager or marketing@txhb.gov.

741812099		
Tax ID Number	Authorized Signature	Date
Printed Name	Title	

The rates are based on census information five months prior to plan year. If the census changes by more than 10%, TX Health Benefits Pool reserves the right to revise rates due to census change and underwriting impact.

Rates are subject to change due to intervening events such as action taken by the TX Health Benefits Pool Board of Trustees, legislation passed during the plan year, or other events affecting benefits.

Supplemental benefits cannot be accessed without accessing the TX Health Benefits Pool Medical Benefit Plan.

YOUR RENEWAL QUOTE INCLUDES PROPRIETARY INFORMATION THAT SHOULD NOT BE SHARED WITH OTHER COMPETITORS OR USED TO CIRCUMVENT THE REQUIREMENTS OF TEXAS COMPETITIVE BIDDING LAWS. IN THE EVENT YOU RECEIVE A RENEWAL QUOTE AND LATER DECIDE TO ISSUE AN RFP, THE RENEWAL QUOTE MAY NOT BE SHARED WITH ANY OTHER COMPETITORS AS DOING SO WOULD DISADVANTAGE TX HEALTH BENEFITS POOL IN THE COMPETITIVE PROCESS. TX HEALTH BENEFITS POOL ALSO RESERVES THE RIGHT TO REVISE PREVIOUSLY ISSUED RATES IN RESPONSE TO YOUR RFP.