

**CITY OF GONZALES, TEXAS**  
**CITY COUNCIL MEETING**  
**GONZALES MUNICIPAL BUILDING 820 ST. JOSEPH STREET**  
**VIA TELEPHONE CONFERENCE**  
**LIMITED IN PERSON ATTENDANCE AVAILABLE**  
**AGENDA –FEBRUARY 11, 2021 6:00 P.M.**

NOTICE is hereby given that, pursuant to Section 551.045 of the Texas Government Code and the March 16, 2020 order by the Governor of the State of Texas, the City Council will hold its regular meeting on Thursday, February 11, 2021 at 6:00 p.m., via teleconference in accordance with Governor Abbott's order.

This meeting notice, agenda and agenda packet are posted online at [www.gonzales.texas.gov](http://www.gonzales.texas.gov).

In accordance with Governor Abbott's Executive Order 29 issued on July 2, 2020 every person attending the meeting shall wear a face covering over the nose and mouth unless the person is under 10 years of age or has a medical condition or disability that prevents wearing a face covering.

*On March 16, 2020, Governor Abbott suspended several provisions of the Texas Open Meetings Act for the duration of his statewide declaration of disaster, including the new requirement (added by H.B. 2840 last legislative session) that the public has a right to speak on agenda items. This DOES NOT apply to statutorily-mandated public hearings, such as zoning and similar hearings. The Governor has since clarified his intent and stated that citizens should be allowed to offer comments by other means.*

*In person attendance by the public will be limited to 14 which is 50% capacity of the room less Council Members and required staff and should be separated by at least six (6) feet from other groups attending the meeting together. A temporary suspension of certain provisions of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.*

*Citizens wishing to offer comments on the posted agenda items may email their comments at least two hours prior to the start of the meeting and the comments will be read into the record during the time allocated for citizen comments. Emails may be sent to [citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov) and must include the name of the citizen*

The public toll-free dial in number to participate in the telephone conference is hosted through FreeConferenceCall.com.

Toll-free call in number: **1-844-854-2222**

When asked for an access code enter **348787#**

It is not necessary to announce yourself when you join the teleconference.

A recording of the telephone conference will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

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## CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE

### CITY EVENTS AND ANNOUNCEMENTS

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor
- Recognition of actions by City employees
- Recognition of actions by community volunteers

### HEARING OF RESIDENTS

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes. Individuals not able to attend due to space limitations may email the City Secretary at least two (2) hours prior to the meeting.

### PROCLAMATION

- 1.1 Golden Crescent Regional Planning Commission-2-1-1 Day

### CONSENT AGENDA ITEMS

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

- 2.1 **Minutes** - Approval of the minutes for the January 14, 2020 regular meeting.
- 2.2 Acknowledging Receipt of the 2020 Annual Racial Profiling Report
- 2.3 Discuss, Consider & Possible Action on **Resolution #2021-09** Declaring Certain City Property Surplus and Authorizing the Sale of Said Property in the manner most advantageous to the City of Gonzales
- 2.4 Discuss, Consider & Possible Action on **Resolution #2021-10** Authorizing the City Manager to Submit, and Accept if Awarded, an Application and Associated Documents to the Homeland Security Grant Program (HSGP) for up to \$40,000 in HGSP grant funds for a UTV with Emergency Equipment for the Police Department
- 2.5 Discuss, Consider & Possible Action on **Resolution #2021-11** Authorizing the designation of Mayor Connie Lynn Kacir, City Manager Timothy Wayne Patek, Finance Director Laura Leah Zella and City Secretary Kristina Marie Vega as authorized signatories and removing all others for all accounts in the City of Gonzales' name at all financial institutions
- 2.6 Discuss, Consider & Possible Action on **Resolution #2021-12** Authorizing the City Manager to Execute an Agreement with Jay Hilscher DBA Lone Star Relays, LLC. for the Street Closures, Consumption of Alcohol on Public Property and the Recommendation for Funding from the Gonzales Convention and Visitor Bureau in the amount of \$2,500.00 for the Texas Independence Relay on March 26-27, 2021

## **PUBLIC HEARING AND ADOPTION OF CHAPTER 14 ZONING ORDINANCE**

- 3.1 Conduct a public hearing and consider approval of **Ordinance #2021-08** Amending the Gonzales Code of Ordinances Chapter 14 Zoning

*Note: Individuals will be able to speak during the public hearing via teleconference. Please email [citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov) to participate.*

## **RESOLUTIONS**

- 4.1 Discuss, Consider & Possible Action on **Resolution #2021-13** Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League
- 4.2 Discuss, Consider & Possible Action on **Resolution #2021-14** Approving the Recommendation from the Gonzales Convention and Visitors Bureau for funding for the Gonzales Chamber of Commerce and Visitor Center in the amount of \$149,592.05
- 4.3 Discuss, Consider & Possible Action on **Resolution #2021-15** Approving the hosting of a public event by the name of Toast to Texas, hosted by the City of Gonzales, and held at Texas Heroes Square on March 2, 2021

## **ORDINANCES**

- 5.1 Discuss, Consider & Possible Action on **Ordinance #2021-09** Amending The Gonzales Code of Ordinances Chapter 10 Subdivision Regulation
- 5.2 Discuss, Consider & Possible Action on **Ordinance #2021-10** Authorizing Budget Amendments for the 2020-2021 Fiscal Year

## **STAFF/BOARD REPORTS**

- 6.1 Financial Report for the month of January 2021
- 6.2 City Manager, Tim Patek will update the City Council on the following:
- Brush Truck
  - Rate Study
  - Electric Meters

## **CLOSED SESSION**

- 7.1(a) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter”, to include the following matters:
1. In Re Estate of J. B. Wells litigation
  2. Existing and future water rights and sources

- (b) Pursuant to Section 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real property, to wit, existing and future water rights and sources.

## **RETURN TO OPEN SESSION**

8.1 Discuss and Consider any Action Resulting from Closed Session as Necessary

## **CITY COUNCIL REQUESTS AND ANNOUNCEMENTS**

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers
- City and community events attended and to be attended
- Continuing education events attended and to be attended

## **ADJOURN**

EXECUTIVE SESSION: The City Council reserves the right to discuss any of the above items in Executive Closed Session if they meet the qualifications in Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, of Chapter 551 of the Government Code of the State of Texas.

I certify that a copy of the February 11, 2021, agenda of items to be considered by the Gonzales City Council was posted on the City Municipal Building bulletin board on the 8<sup>th</sup> day of February, 2021 at 5:45 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting. I further certify that the above agenda was removed on \_\_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_\_\_am/pm. I further certify that the following News Media were properly notified of the above stated meeting: Gonzales Inquirer.

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Kristina Vega, City Secretary

The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please Contact the City Secretary's office at (830)672-2815 for further information.

## *Proclamation of the City of Gonzales*

Whereas, 2-1-1 is the toll-free statewide dialing code that provides individuals with comprehensive information, referral, intervention and advocacy in their area; and;

Whereas, the Golden Crescent Regional Planning Commission, contracted by the Texas Health & Human Services Commission, is the designated Area Information Center for all of the Golden Crescent region including Calhoun, DeWitt, Goliad, Gonzales, Jackson, Lavaca and Victoria counties; and

Whereas, when callers dial 2-1-1, they are connected to a trained specialist who will work to assess the problem and provide direction in the form of referrals, and/or advocacy to a local social service agency that can help; and

Whereas, 2-1-1 maintains the most comprehensive database of over 1,700 service-based organizations, programs, government agencies, and non-profits that exists in the Golden Crescent region and throughout the state; and

Whereas, the Golden Crescent 2-1-1 Information & Referral Technicians have answered over 30,000 calls in the preceding year; and

Whereas, 2-1-1 is the Emergency Information and Referral Line listed in the County Inter-jurisdictional Emergency Management Plans of all of the counties in our region, providing support to counties during natural disasters or emergency situations; and

Whereas, the Golden Crescent 2-1-1 is nationally accredited by the Alliance of Information and Referral Systems.

NOW THEREFORE, I, **CONNIE L. KACIR**, Mayor of the City of **Gonzales** do hereby proclaim February 11, 2021 as

### ***2-1-1 Day***

In the City of **Gonzales**, Texas and urge all citizens to join in recognizing the value of the regional information and referral services provided by the Golden Crescent 2-1-1 Area Information Center, and how essential the program is to our community.

IN WITNESS WHEREOF, I hereunto set my hand and caused the official Seal of the City of **Gonzales** to be affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**CONNIE L. KACIR**, Mayor  
City of **Gonzales**

**CITY OF GONZALES, TEXAS  
CITY COUNCIL MEETING  
MINUTES –JANUARY 14, 2021**

A Special Meeting of the City Council was held on **January 14, 2021** at 6:00 p.m. via teleconference **pursuant to Section 551.045 of the Texas Government Code and in accordance with the March 16, 2020 order by the Governor of the State of Texas.**

The meeting notice, agenda and agenda packet were posted online at [www.gonzales.texas.gov](http://www.gonzales.texas.gov).

In accordance with Governor Abbott's Executive Order 29 issued on July 2, 2020 every person attending the meeting shall wear a face covering over the nose and mouth unless the person is under 10 years of age or has a medical condition or disability that prevents wearing a face covering.

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**CALL TO ORDER, INVOCATION AND PLEDGE**

Mayor Kacir called the meeting to order at 6:00 p.m. and a quorum was certified.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Connie L. Kacir	Mayor	Present in person
Gary Schroeder	Council Member, District 1	Present in person
Tommy Schurig	Council Member, District 2	Present in person
Bobby O'Neal	Council Member, District 3	Present in person
Robert R. Brown, Jr.	Council Member, District 4	Present in person

**STAFF PARTICIPATING:**

City Attorney Dan Santee, City Manager Tim Patek, Finance Director Laura Zella, JB Wells Park Arena Manager Anne Dollery, Tourism Director Ashley Simper, Main Street Manager Liz Reiley, City Engineer Keith Schauer and Police Chief Tim Crow.

## **CITY EVENTS AND ANNOUNCEMENTS**

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor  
Mayor Kacir commented on the availability of the COVID-19 vaccine.
- Recognition of actions by City employees  
Chief Crow presented Officer Marisol Sanchez with a letter of commendation.
- Recognition of actions by community volunteers

## **HEARING OF RESIDENTS**

The following individuals were present in person and spoke:

Sheriff Robert Ynclan spoke to the Council and introduced himself and stated there would be a lot of changes coming his Chief Deputy Chris Alvarez.

## **PRESENTATION**

- 1.1 Receive a Final Report from the Charter Review Commission in Accordance with Section 11.11 of the Gonzales City Charter.

The Charter Review Commission Chairperson Lawrence presented the final report proposed by the Commission. Mayor Kacir inquired as to Measure A that dealt with Council Members serving on a board or commission and asked if “qualified” was defined. Discussion was also held with regard to the Measure F relating to the use of economic development funds.

## **CONSENT AGENDA ITEMS**

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

- 2.1 Minutes - Approval of the minutes for the December 10, 2020 regular meeting.
- 2.2 Approval of any council absences for the first quarter of fiscal year 2020-2021.
- 2.3 Discuss, Consider & Possible Action on **Ordinance #2021-01** Ordering a General Municipal Election to be Held on May 1, 2021, for the Purpose of Electing One City Councilmember for Single Member District No. 1 and One City Councilmember for Single Member District No. 2
- 2.4 Discuss, Consider & Possible Action on **Resolution #2021-01** Authorizing the Purchase of Taser 7's and Supporting Equipment and Authorizing the City Manager to Execute the Purchase Agreement. Buyboard number 603-20.
- 2.5 Discuss, Consider & Possible Action on **Resolution #2021-02** Authorizing the Purchase of two Chevrolet Tahoe PPV with Equipment for the Police Department and Authorizing

the City Manager to Execute the Purchase Agreement. BuyBoard 601-19, HGAC RA-05-18.

**ACTION: Items 2.1 to 2.5**

**APPROVED**

Council Member Schurig moved to approve the consent agenda as presented. Council Member Brown seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

**PUBLIC HEARING**

- 4.1 Conduct a public hearing and consider approval of **Ordinance #2021-02** approving a request to change the zoning designation of property within the Lou's Garden Subdivision to establish an overlay Planned Development District for all of the properties within the subdivision.

*Note: Individuals will be able to speak during the public hearing via teleconference. Please email [citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov) to participate.*

**PROPERTY OWNER(S):** Various

**LEGAL DESCRIPTION:** Lou's Garden Subdivision,  
Block 1, Lot 1 – Block 1, Lot 23 and  
Block 2, Lot 1 – Block 2, Lot 18

Mayor Kacir opened the hearing to public comment at 6:21 p.m.

No one was signed in to speak.

Mayor Kacir closed the hearing to public comment at 6:22 p.m.

Mayor Kacir stated that staff and the Planning and Zoning Commission recommended approval.

Council Member Brown stated he would like the applicant to reapply and resubmit for an

**ACTION: Item 4.1**

**APPROVED**

Council Member Schurig moved to approve **Ordinance #2021-02**. Council Member Brown seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

**RESOLUTIONS, ORDINANCES AND COUNCIL ACTION**

- 4.1 Discuss, Consider & Possible Action on **Ordinance #2021-03** Ordering a Special Election for the Purpose of Voting on the Adoption or Rejection of Proposed Amendments to the Existing Home Rule Charter of the City of Gonzales, Texas.

Andy Rodriguez, EDC President spoke on Measure A and not accept the proposed charter amendment. Mr. Rodriguez stated the GEDC Board had not been notified about Measure F and asked for time to review.



**ACTION: Items 4.1**

**TABLED**

Mayor Kacir moved to table consideration of the ordinance to a future agenda. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.2 Discuss, Consider & Possible Action Approving **Resolution #2021-03** Authorizing the City Manager to Enter into an Agreement for Environmental Services for the CDBG-DR Main Street Infrastructure Grant.

**ACTION: Items 4.2**

**APPROVED**

Council Member Schurig moved to approve **Resolution #2021-03** Authorizing the City Manager to Enter into an Agreement for Environmental Services with Terracon for the CDBG-DR Main Street Infrastructure Grant. Council Member Brown seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.3 Discuss, Consider and Possible Action on **Resolution #2021-04** in Support of the Removal and Replacement of Guadalupe Blanco River Authority Board Members.

Joe Solansky spoke to the Council with regard to the need for the resolution of support.

**ACTION: Items 4.3**

**APPROVED**

Council Member O'Neal moved to approve Approving **Resolution #2021-04** in Support of the Removal and Replacement of Guadalupe Blanco River Authority Board Members. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.4 Discuss, Consider and Possible Action on **Resolution #2021-05** in Renaming the Downtown Square Formerly Referred to as Confederate Square.

David Tucey commented on the responsibilities of the City Council which includes this matter of the heart and expressed his support for renaming the square.

Mayor Kacir read an email from Quincy Johnson requesting the change of the name of the square to a non-controversial name and suggested Independence Square.

**ACTION: Items 4.4**

**APPROVED**

Council Member Schurig moved to approve Approving **Resolution #2021-05** in Renaming the Downtown Square Formerly Referred to as Confederate Square as Independence Square to support and promote community comradery. Council Member O'Neal seconded the motion.

Council Member Brown commented on Mr. Johnson's letter speaking to freedom and suggested the square be named Freedom Square.

Mayor Kacir stated there was a motion on the floor for Independence Square.

Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.5 Discuss, Consider & Possible Action Approving **Resolution #2021-06** Approving Extended Sick Leave Benefits of Two Weeks (Up to 80 Hours) for Specified Reasons Related to COVID-19.

**ACTION: Items 4.5**

**APPROVED**

Council Member O'Neal moved to approve Approving **Resolution #2021-06** Approving Extended Sick Leave Benefits of Two Weeks (Up to 80 Hours) for Specified Reasons Related to COVID-19. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.6 Conduct a Public Hearing and Consider Action on **Ordinance #2021-05** Amending Ordinance 95-12 Section B, Revising Section 24-307, Power Cost Adjustment Factor.

Mayor Kacir opened the public hearing to comment at 6:55p.m.

Darren Schauer, presented the item to Council, stating that GVEC had been retained to review rates. Mr. Schauer stated this was not a rate increase, but an amendment be made to the calculation to reflect actual current practices.

Mayor Kacir closed the public hearing.

**ACTION: Items 4.6**

**APPROVED**

Council Member Schurig moved to approve Approving **Ordinance #2021-05** Amending Ordinance 95-12 Section B, Revising Section 24-307, Power Cost Adjustment Factor. Council Member Brown seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.7 Discuss, Consider & Possible Action on **Resolution #2021-07** Authorizing the City Manager to Enter into an Agreement for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System.

Darren Schauer stated that GVEC was partnering with Techline on this project and would own data collection units that would be installed around the city.

**ACTION: Items 4.7**

**APPROVED**

Council Member Schurig moved to approve Approving **Resolution #2021-07** Authorizing the City Manager to Enter into an Agreement with Techline for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System. Council Member Brown seconded the motion. Mayor Kacir called for a roll call vote. Council Member O'Neal abstained as an employee of GVEC. For: Unanimous. The motion passed 4-0-1.

**STAFF/BOARD REPORTS**

- 5.1 Financial Report for the month of December 2020.

5.2 City Manager, Tim Patek will update the City Council on the following:

- Status Report on Projects and Processes  
Mr. Patek updated the Council on the drainage project at Railroad Street at is approximately 90% complete, with the area at St Louis and St Vincent approximately 85%. St. Lawrence St is approximately 50% complete with an anticipated finish date of May. The rehab of Tank #1 is ongoing with the inside finished and work continuing on the exterior with an anticipated completion date of March. The CDBG Wastewater Grant plans and environmental have been completed and submitted. The engineer is currently surveying water and wastewater lines throughout the city. Mr. Patek stated that staff would begin work on a thoroughfare plan to include mapping unopened streets.
- Brush Truck Update

**CONVENE INTO CLOSED SESSION:**

The Council convened into closed session at 7:27 p.m.

6.1 (a) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter”, to include the following matters:

1. In Re Estate of J. B. Wells litigation
2. Patricia Bennett and Gloria Knight v. City of Gonzales, Texas Cause No. 27,500

(b) Pursuant to Section 551.074 of the Texas Government Code, the City of Gonzales will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1. City Manager
2. Municipal Court Judge

(c) Pursuant to Section 551.086 of the Texas Government Code, to deliberate, vote or take final action on a competitive matter related to certain public power utilities:

1. Consider matters related to contracts for electric service.

(d) Pursuant to Section 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:

1. Consider an offer to purchase unopened streets in the Original Out Town of Gonzales, East of Water street adjacent to Lots 27 and 28, Range 13 and Lots 25-28, Range 14

## RETURN TO OPEN SESSION

The Council convened into open session at 8:30 p.m.

- 7.1 Discuss, Consider and Possible Action on **Resolution #2021-08** Appointing the Deidra D. Voight as Municipal Court Judge and Authorizing the City Manager to execute an agreement for judicial services.

### **ACTION: Items 7.1**

### **APPOINTED**

Council Member Schurig moved to approve Approving **Resolution #2021-08** Authorizing the Appointment of Appointing the Deidra D. Voight as the Municipal Court Judge. Council Member O'Neal seconded the motion.

Judge Voight stated that she was not comfortable executing a comprehensive settlement and release agreement as her obligations were addressed through taking the Oath of Office.

Mayor Kacir called for a roll call vote. For: Schurig, O'Neal, Schroeder and Brown. Against: Kacir. The motion passed 4 to 1.

- 7.2 Discuss and Consider any Action Resulting from Closed Session as Necessary

### **ACTION: Items 7.2**

### **APPROVE SETTLEMENT**

Council Member Schroeder moved to approve a **Resolution** of the City Council of the City of Gonzales authorizing a comprehensive settlement release agreement for Patricia Bennett and Gloria Knight related to Cause No. 27,500 Patricia Bennett and Gloria Knight v. City of Gonzales, Texas authorizing the Mayor to execute and file all necessary documents to effectuate and resolve the pending litigation including the execution of quit claim deeds associated therewith and establishing an effective date of January 14, 2021. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

## CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers
- City and community events attended and to be attended
- Continuing education events attended and to be attended

## ADJOURN

On a motion by Council Member Schurig, the meeting was adjourned at 8:41 p.m.

Approved this 11<sup>th</sup> day of February 2021.

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Connie Kacir, Mayor

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City Secretary

# Racial Profiling Report | Full report

Gonzales Police Department

Module(s): All

Call Type(s): All

Date Range: From 1/1/2020 To 12/31/2020

Motor Vehicle Racial Profiling Information

Total stops: 1599

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## Street address or approximate location of the stop

City street: 1543

US highway: 8

State highway: 5

County road: 1

Private property or other: 41

## Was race or ethnicity known prior to stop?

Yes: 14

No: 1585

## Race or ethnicity

Alaska Native / American Indian: 3

Asian / Pacific Islander: 10

Black: 205

White: 668

Hispanic / Latino: 713

## Gender

Female:

Total 587

Alaska Native / American Indian 1 Asian / Pacific Islander 3 Black 50

White 271 Hispanic / Latino 262

Male:

Total 1012

Alaska Native / American Indian 2 Asian / Pacific Islander 7 Black 155

White 397 Hispanic / Latino 451

## Reason for stop?

Violation of law:

Total 95

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 13  
White 29 Hispanic / Latino 53

Pre-existing knowledge:

Total 59

Alaska Native / American Indian 1 Asian / Pacific Islander 0 Black 6  
White 18 Hispanic / Latino 34

Moving traffic violation:

Total 1167

Alaska Native / American Indian 2 Asian / Pacific Islander 8 Black 142  
White 506 Hispanic / Latino 509

Vehicle traffic violation:

Total 278

Alaska Native / American Indian 0 Asian / Pacific Islander 2 Black 44  
White 115 Hispanic / Latino 117

## Was a search conducted?

Yes:

Total 322

Alaska Native / American Indian 2 Asian / Pacific Islander 1 Black 43  
White 127 Hispanic / Latino 149

No:

Total 1277

Alaska Native / American Indian 1 Asian / Pacific Islander 9 Black 162  
White 541 Hispanic / Latino 564

## Reason for search?

Consent:

Total 146

Alaska Native / American Indian 0 Asian / Pacific Islander 1 Black 15  
White 69 Hispanic / Latino 61

Contraband:

Total 0

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

Probable cause:

Total 168  
Alaska Native / American Indian 2 Asian / Pacific Islander 0 Black 28  
White 53 Hispanic / Latino 85

Inventory:

Total 3  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 2 Hispanic / Latino 1

Incident to arrest:

Total 5  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 3 Hispanic / Latino 2

Was Contraband discovered?

Yes:

Total 102

	Did the finding result in arrest (total should equal previous column)?	
Alaska Native / American Indian: <u>2</u>	Yes: <u>2</u>	No: <u>0</u>
Asian / Pacific Islander: <u>0</u>	Yes: <u>0</u>	No: <u>0</u>
Black: <u>12</u>	Yes: <u>5</u>	No: <u>7</u>
White: <u>43</u>	Yes: <u>24</u>	No: <u>19</u>
Hispanic / Latino: <u>45</u>	Yes: <u>24</u>	No: <u>21</u>

No:

Total 1497  
Alaska Native / American Indian 1 Asian / Pacific Islander 10 Black 193  
White 625 Hispanic / Latino 668

Description of Contraband

Drugs:

Total 94  
Alaska Native / American Indian 2 Asian / Pacific Islander 0 Black 9  
White 42 Hispanic / Latino 41



Currency:

Total 0

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

Weapons:

Total 2

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 2

Alcohol:

Total 6

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 2  
White 0 Hispanic / Latino 4

Stolen property:

Total 0

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

Other:

Total 3

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 1  
White 1 Hispanic / Latino 1

## Result of the stop

Verbal warning:

Total 0

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

Written warning:

Total 1269

Alaska Native / American Indian 1 Asian / Pacific Islander 9 Black 166  
White 553 Hispanic / Latino 540

Citation:

Total 221

Alaska Native / American Indian 0 Asian / Pacific Islander 1 Black 27  
White 69 Hispanic / Latino 124

Written warning and arrest:

Total 4  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 2 Hispanic / Latino 2

Citation and arrest:

Total 0  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

Arrest:

Total 105  
Alaska Native / American Indian 2 Asian / Pacific Islander 0 Black 12  
White 44 Hispanic / Latino 47

Arrest based on

Violation of the Penal Code:

Total 81  
Alaska Native / American Indian 2 Asian / Pacific Islander 0 Black 8  
White 35 Hispanic / Latino 36

Violation of Traffic Law:

Total 0  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

Violation of City Ordinance:

Total 1  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 1

Outstanding Warrant:

Total 16  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 3  
White 4 Hispanic / Latino 9

## Was physical force resulting in bodily injury used during stop?

Yes:

Total 0

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

No:

Total 1599

Alaska Native / American Indian 3 Asian / Pacific Islander 10 Black 205  
White 668 Hispanic / Latino 713

## Number of complaints of racial profiling

Total 0

Resulted in disciplinary action 0

Did not result in disciplinary action 0

Submitted electronically to the



The Texas Commission on Law Enforcement

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2021-09 Declaring Certain City Property Surplus and Authorizing the Sale of Said Property in the manner most advantageous to the City of Gonzales

**DATE: February 11, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

In 2013 the Council approved a policy whereby the Council would declare property that staff determined to be of no further use to the City to be surplus. The policy also states that Council will recommend the disposal method of the property.

The attached properties listed have been determined to no longer have a use for the City of Gonzales and staff respectfully requests it to be declared surplus.

### **POLICY CONSIDERATIONS:**

Approval of this resolution would be consistent with the policy approved in 2013.

### **FISCAL IMPACT:**

The dollar amount that the surplus property is sold for will increase the general fund revenues.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution.

## **RESOLUTION NO. 2021-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS DECLARING CERTAIN CITY PROPERTY SURPLUS AND AUTHORIZING THE SALE OF SAID PROPERTY IN THE MANNER MOST ADVANTAGEOUS TO THE CITY OF GONZALES; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, in 2013 the Council approved a policy whereby the Council would declare property that staff determined to be of no further use to the City to be surplus; and,

**WHEREAS**, the policy states that Council will recommend the disposal method of the property; and

**WHEREAS**, the attached properties listed have been determined to no longer have a use for the City of Gonzales and staff respectfully requests it to be declared surplus; and

**WHEREAS**, the attached surplus property will be posted on the governmental auction site GovDeals or through the local auction company Texas Remarketing Service to be sold in a manner in which to be the most advantageous to the City of Gonzales.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas hereby declares the attached Exhibit A as surplus and authorizes the sale of said property in accordance with the forgoing legislative findings.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject

matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 11<sup>th</sup> day of February, 2021.**

---

Connie Kacir, Mayor

ATTEST:

---

Kristina Vega, City Secretary

## EXHIBIT "A"

1986 FORD F9000 12YD DUMP TRUCK

RUNS AND DRIVES, NEEDS BATTERIES, LIFT CYCLINDER ON BED LEAKS

PIONEER CLUB CAR ATV

NEW ENGINE INSTALLED 3 OR 4 YEARS AGO, WAS RUNNING BUT BACKFIRE AND LOSES FIRE.

24 ea CONCRETE CURB STOPS, USED

FARWAY MOWER, MISSING PARTS, MOSTLY ENGINE & FRAME

MTD YARD MACHINE 13.5HP LAWN MOWER, CONDITION UNKNOWN

WEEDEATER PUSH MOWER 4.5HP, CONDITION UNKNOWN

10FT OVERHEAD ROLL UP GARGAGE DOOR, CONDITION UNKNOWN

PALLET JACK, CONDITION UNKNOWN

RED 3.5 TON FLOOR JACK, NOT WORKING

9ea INCANDESENT SCHOOL ZONE FLASHING LIGHTS, WORKING

1500 gal METAL WATER TANK, BOTTOM RUSTY AND LEAKS WATER.

## EXHIBIT A

- 1 - Golf Cart Serial number 2512021
- 2 - Golf Cart Serial number 2488206
- 3 - Golf Cart Serial number 2383089

Ez Go Workhorse Serial number 1611483



## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2021-10 Authorizing the City Manager to Submit, and Accept if Awarded, an Application and Associated Documents to the Homeland Security Grant Program (HSGP) for up to \$40,000 in HGSP grant funds for a UTV with Emergency Equipment for the Police Department

**DATE: February 11, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

The City of Gonzales Police Department is applying for a Homeland Security Grant Program (HSGP) grant for the purchase of a UTV outfitted with emergency equipment. The city has events throughout the year for which the UTV would be useful and protect the health and safety of participants. Currently, when the department needs this type of equipment, it is borrowed from the Parks Department or from friends of the officers. These UTVs are not equipped with emergency equipment nor are they properly marked. Other uses for the UTV are regional in nature ranging from search and rescue missions to disaster response.

### **FISCAL IMPACT:**

There is no match for this grant.

### **POLICY CONSIDERATIONS**

This is consistent with current policy.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this Resolution and associated documents.

## **RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY HOMELAND SECURITY GRANT PROGRAM (HSGP) GRANT TO PURCHASE AN EMERGENCY EQUIPPED UTV RESPONSE VEHICLE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Gonzales supports the application for and acceptance of HSGP grant funds from the Homeland Security Grant Program (HSGP) for an emergency equipped UTV for search, rescue, patrol duties and disaster relief efforts; and

**WHEREAS**, the amount of the UTV grant would be “not to exceed” \$40,000; and

**WHEREAS**, the Homeland Security Grant Program (HSGP) plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment and delivery of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient nation; and

**WHEREAS**, the City Council of the City of Gonzales agrees that in the event of loss or misuse of the HSGP funds, the City Council assures that the funds will be returned to the Office of the Governor (OOG) in full; and

**WHEREAS**, the City Council designates the City Manager, or designee, as the City’s authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the agreement on behalf of the applicant agency.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas, hereby authorizes the City Manager to apply for and accept, if awarded, HGSP grant funding from the Homeland Security Grant Program to purchase a UTV emergency response vehicle.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 11<sup>th</sup> day of February, 2021.**

---

Connie Kacir, Mayor

ATTEST:

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City Secretary

## **COUNCIL AGENDA ITEM BRIEFING DATA**



**DATE: February 11, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

Council is required to pass a resolution designating authorized signatories for financial institutions (per City of Gonzales Investment Policy). Resolution will designate the following individuals as authorized signatories and removing all others for all accounts in the City of Gonzales' name with all financial institutions.

Mayor-Connie Lynn Kacir  
City Manager-Timothy Wayne Patek  
Finance Director-Laura Leah Zella  
City Secretary-Kristina Marie Vega

### **POLICY CONSIDERATIONS:**

This is consistent with what has been done in the past.

### **FISCAL IMPACT:**

N/A

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution.

## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2021-11 Authorizing the Designation of Mayor Connie Lynn Kacir, City Manager Timothy Wayne Patek, Finance Director Laura Leah Zella and City Secretary Kristina Marie Vega as Authorized Signatories and Removing All Others For All Accounts in the City of Gonzales' Name with all Financial Institutions

## **RESOLUTION 2021-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE DESIGNATION OF MAYOR CONNIE LYNN KACIR, CITY MANAGER TIMOTHY WAYNE PATEK, FINANCE DIRECTOR LAURA LEAH ZELLA AND CITY SECRETARY KRISTINA MARIE VEGA AS AUTHORIZED SIGNATORIES AND REMOVING ALL OTHERS FOR ALL ACCOUNTS IN THE CITY OF GONZALES' NAME AT ALL FINANCIAL INSTITUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Council is required to pass a resolution designating the authorized signatories for financial institutions (per City of Gonzales Investment Policy).

**WHEREAS**, this resolution will designate the Mayor Connie Lynn Kacir, City Manager Timothy Wayne Patek, Finance Director Laura Leah Zella and City Secretary Kristina Marie Vega as authorized signatories and removing all others for all accounts in the City of Gonzales' name at all financial institutions.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes the designation Mayor Connie Lynn Kacir, City Manager Timothy Wayne Patek, Finance Director Laura Leah Zella and City Secretary Kristina Marie Vega as authorized signatories and removing all others for all accounts in the City of Gonzales' name at all financial institutions.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved therein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 11<sup>th</sup> day of February 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

## **COUNCIL AGENDA ITEM BRIEFING DATA**



**DATE: February 11, 2021**

## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2021-12 Authorizing the City Manager to Execute an Agreement with Jay Hilscher DBA Lone Star Relays, LLC. for the Street Closures, Consumption of Alcohol on Public Property and the Recommendation for Funding from the Gonzales Convention and Visitor Bureau in the amount of \$2,500.00 for the Texas Independence Relay on March 26-27, 2021

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

Texas Independence Relay is a 200-mile journey tracing the route of Sam Houston and the Texan army. The relay begins in historic Gonzales and ends in downtown Houston. There were approximately 2,300 participants and spectators in 2019. Texas Independence Relay desires to enter into an agreement with the City of Gonzales to conduct the relay in 2021.

This resolution will authorize the City Manager to execute the provided agreement with Jay Hilscher DBA Lone Star Relays, LLC outlining the City's and Mr. Hilscher's responsibilities regarding the Texas Independence Relay.

The event request will grant Jay Hilscher DBA Lone Star Relays, LLC the use of the lawn of the Gonzales Memorial Museum and permit the consumption of alcoholic beverages on March 26 for the Texas Independence Relay Packet Pick-Up and closure of the 400 block of Smith Street on March 26 & 27, 2021 for the Texas Independence Relay.

Furthermore, this will approve the recommendation made from the Gonzales Convention and Visitor Bureau to fund the request of \$2,500.00 for advertising for the event. Payment will be made to Jay Hilscher DBA Lone Star Relays, LLC.

### **POLICY CONSIDERATIONS:**

The expenditure of public funds for a private enterprise requires specific approval by the City Council and must serve a public purpose. Texas Independence Relay event will result in an increase in both sales tax revenue and hotel occupancy tax revenue during the event.

### **FISCAL IMPACT:**

During the budgeting process the City Council approved \$4,000 to be allocated to line item #500-7-811.522 TX Independence Relay.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution.

## **RESOLUTION NO. 2021-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING THE RECOMMENDATION OF GONZALES CONVENTION & VISITOR BUREAU FOR THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$2,500.00 TO JAY HILSCHER DBA LONE STAR RELAYS FOR ADVERTISING FOR THE TEXAS INDEPENDENCE RELAY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Gonzales Convention and Visitor Bureau received an application from The Texas Independence Relay; and,

**WHEREAS**, Texas Independence Relay is a 200-mile journey tracing the route of Sam Houston and the Texan army beginning in historic Gonzales and ending in downtown Houston; and,

**WHEREAS**, there were approximately 2,300 participants and spectators in 2019; and,

**WHEREAS**, in the FY 2019-20 a line item budget of \$4,000 was included for the Texas Independence Relay; and,

**WHEREAS**, Texas Tax Code Section 351.001 authorizes the use of Hotel Occupancy Tax for expenses that promote tourism and the convention and hotel industry including advertising and promotional programs that attract tourists to the municipality or its vicinity and the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music; and,

**WHEREAS**, the City Council hereby finds that expending the funds contemplated in the manner required by the Texas Tax Code is in the best interest of the City and its citizens, and serves a public purpose; and,

**WHEREAS**, the City Council hereby authorizes street closure at 400 block of Smith Street on March 26, 2021 and March 27, 2021, and the provision of traffic control cones along race route in Gonzales city limits; and,

**WHEREAS**, the City Council hereby finds that contributing in-kind labor and materials in the manner contemplated by the attached Event Agreement is in the best interest of the City and its citizens, and serves a public purpose.

**.NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas hereby approves the Gonzales Convention and Visitor Bureau's recommendation to fund \$2,500 to the Texas Independence Relay for advertising to be expended in conformance with Texas Tax Code Section 351.001.



Section 2. The City Council of the City of Gonzales hereby authorizes the City Manager to execute the Event Agreement attached hereto as Exhibit A and Liability Waiver as an exhibit to the Event Agreement.

Section 3. The City Council of the City of Gonzales hereby authorizes street closure at 400 block of Smith Street on March 26, 2021 and March 27, 2021, and the provision of traffic control cones along the Relay route within the Gonzales city limits as depicted in the approved Event traffic control plan provided by the Texas Independence Relay.

Section 4. The City Council of the City of Gonzales hereby authorizes the consumption of alcohol at the Texas Independence Relay on property owned by the City of Gonzales as contemplated in the Event Agreement.

Section 5. The City Council reserves the right to request all necessary receipts, invoices and other records the City Manager deems necessary to confirm that Hotel Occupancy Tax expended pursuant to this Resolution were expended for expenses authorized by this Resolution.

Section 6. Jay Hilscher DBA Lone Star Relays, LLC shall refund the City of Gonzales any Hotel Occupancy Tax funds determined by the State Comptroller, the Secretary of State or other state agency to be an unauthorized expenditure under Texas Tax Code Section 351.001.

Section 7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 8. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 9. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 10. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 11. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 12. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 11<sup>th</sup> day of February, 2021.**

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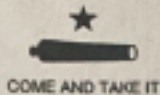
Mayor, Connie L. Kacir

ATTEST:

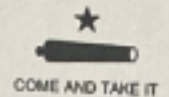
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Kristina Vega, City Secretary

# GONZALES EVENT INFORMATION SHEET



**THIS INFORMATION IS TO BE PROVIDED TO THE CITY OF GONZALES AT LEAST 30 DAYS  
PRIOR TO ALL PUBLIC AND PRIVATE EVENTS HELD ON CITY PROPERTY**



**EVENT NAME** Texas Independence Relay  
**HOST ORGANIZATION** Lone Star Relays  
**CONTACT NAME** Jay Hilscher  
**CONTACT CELL PHONE** 512-716-5041  
**EVENT DATE(S)** March 26-27, 2021  
**EVENT START TIME** Friday, 3/26, 4pm **EVENT END TIME** Saturday, 3/27, 2:30pm  
**EVENT LOCATION** 414 Smith Street  
**HOLIDAY CELEBRATED** Y N<sup>x</sup> **HOLIDAY:** \_\_\_\_\_  
**COUNCIL APPROVAL REQUIRED** Y<sup>x</sup> N **MEETING DATE:** \_\_\_\_\_

## POLICE/FIRE/EMS DEPARTMENT

**ATTENDANCE ESTIMATE** ~1000 in total **FOOD:** Y<sup>m&ms</sup> N  
**MUSIC** Y<sup>x</sup> N **LIVE** DJ<sup>x</sup>  
**ALCOHOL** Y N <sup>Not provided</sup> **RESPONSIBLE PARTY** \_\_\_\_\_  
**MOTORIZED VEHICLES** Y N **PARADE** \_\_\_\_\_ **SHOW** \_\_\_\_\_  
**EVENT TYPE** \_\_\_\_\_ Public X Private  
**SECURITY** Y N<sup>x</sup> **# OFFICERS NEEDED** 1 for overnight **(Call 672-8686 for costs)**

## ELECTRIC DEPARTMENT

**ADDITIONAL LIGHTING** Y N **# OF OUTLETS:** \_\_\_\_\_  
**AMPS/WATTS NEEDED** \_\_\_\_\_  
**TENT** Y N<sup>x</sup> **SET UP DAY/TIME** \_\_\_\_\_  
**TENT SIZE:** \_\_\_\_\_ **TAKE DOWN DAY/TIME** \_\_\_\_\_

## STREETS DEPARTMENT

**STREETS AFFECTED** Y<sup>x</sup> N Smith Street  
**BARRICADES NEEDED (max 12)** Y<sup>x</sup> N Smith Street  
**CONES NEEDED (max 48)** Y N \_\_\_\_\_  
**STREETS TO BE CLOSED** Y N Smith Street  
**SET UP TIME** Friday, 3/26 morning **TAKE DOWN TIME** Saturday, 3/27, TBD

## COMMUNITY SERVICES DEPARTMENT

**NUMBER OF CHAIRS @ \$0.50 each** (max 500) 100 (see agreement)  
**NO. OF ROUND TABLES @ \$2.00 each** (max 15) \_\_\_\_\_  
**NO. OF 8 FOOT TABLES @ \$2.00 each** (max 50) \_\_\_\_\_  
**NUMBER OF TRASH CANS** (max 25) 8  
**SET UP TIME** Friday, 3/26, morning **TAKE DOWN TIME** Saturday, 3/27 TBD

**FOR INFORMATION CONTACT CITY SECRETARY'S OFFICE**

citysecretary@gonzales.texas.gov

**(830) 672-2815- City Hall**

**(830) 672-2813- Fax**

The undersigned does indemnify and hold harmless the City of Gonzales from and against any and all loss, cost (including statutory liability and liability under workers compensation laws) in connection with claims for damages as a result of injury or death to any person or damage to any property sustained by the individual(s) participating in or attending the permitted event, or any and all other persons, which arise from, or in any manner grow out of, any act or neglect on, about or during the event by the individual(s) or entity obtaining the permit to host the event, participants in the event, guests or attendees

  
 AUTHORIZED SIGNATURE

1/26/2021

DATE

Rev 12/20



## **TEXAS INDEPENDENCE RELAY EVENT AGREEMENT**

This event agreement ("Agreement") is entered into by and between City of Gonzales (City) and Jay Hilscher DBA Lone Star Relays, LLC for the Texas Independence Relay (Texas Independence Relay, or Relay).

### **RECITALS**

**WHEREAS**, the Texas Independence Relay is a ~200 mile journey tracing the route of Sam Houston and the Texan Army; and,

**WHEREAS**, the relay begins in historic Gonzales and ends downtown Houston, Texas; and,

**WHEREAS**, the Texas Independence Relay celebrates the culture and history of the role of Gonzales in Texas Independence and serves a public purpose in educating the citizens and visitors about the history of this region of Texas; and

**WHEREAS**, there were ~2,300 participants and many spectators in 2019; and

**WHEREAS**, the City and Texas Independence Relay desires to enter into an agreement for the 2021 event to be held March 26 and 27.

### **I. TERMS**

**The City of Gonzales shall provide the following:**

- 1) \$2,500.00 of Hotel/Motel tax to support promotion of the Relay. Invoices and cancelled checks/credit card receipts for \$2,500 must be submitted by Texas Independence Relay before September 30, 2021, the end of the Fiscal year, providing 10 business days for staff to review, confirm or seek further information from the Texas Independence Relay. Once documentation is approved, staff will forward to the City Finance Department for immediate release of funds.
- 2) Use of the lawn of the Gonzales Memorial Museum for the Friday "Packet Pick-Up" on March 26, 2021. Texas Independence Relay staff will have access to the lawn area beginning at 1:00 p.m. the day of the Packet Pick-Up. The Packet Pick-Up will run from 4pm to 9:30pm.
- 3) Provide 8 trash cans and one portable light tower at Memorial Museum on Friday, March 26.
- 4) Call from City Hall informing the entire community of the Relay and firing of the cannon using reverse 911
- 5) City will contact media to notify community of Relay and firing of cannon.
- 7) Furnish 1 ADA and 8 regular porta potties at starting line and Memorial Museum to be placed in front of the DAR house on Moore Street.
- 8) Furnish 50-100 chairs for the Packet Pick-Up on Friday, March 26, 2021.



- 9) Put up and take down large flag across street at starting line at times agreed upon in meetings prior to the event.
- 9) Street closure at 400 block of Smith Street on March 26, 2021 and March 27, 2021, and provide cones along race route in Gonzales city limits.
- 10) Temporary, yet sufficient electrical service that meets the event's needs, on Smith Street on the Saturday morning of the event.
- 11) Place link on tour Gonzalestx.travel for Texas Independence Relay

**Texas Independence Relay shall:**

- 1) Provide City with written post event report within 60 days after event
- 2) Provide City with copies of advertisements (or other proof of promotion, such as expos), cancelled checks and invoices in the amount of \$2,500 (or greater, if the Texas Independence Relay desires) before September 30, 2021, for timely reimbursement. Invoices and cancelled checks/credit card receipts must be submitted by Texas Independence Relay, allowing 10 business days for staff to review, confirm or seek further information from the Texas Independence Relay. Once documentation is approved, staff will forward to the City Finance Department for immediate release of funds.
- 3) Pay for 1 uniformed officer (at \$50 per hour, total \$400.00) for cannon security at the Memorial Museum and Smith Street the night before the relay from 10:00 p.m. to 6:00 a.m. (8 hours)
- 4) The undersigned does indemnify and hold harmless the City of Gonzales from and against any and all loss cost (including statutory liability and liability under workers compensation laws) in connection with claims for damages as a result of injury or death to any person or damage to any property sustained by the individual(s) participating in or attending the Texas Independence Relay, using the facilities, or any and all other persons which arise from, or in any manner grow out of, any act or neglect on or about the event facility by the individuals using the facility, participating in or attending the event., guests or invitees.
- 5) Provide Liability Insurance coverage for the event naming the City as an additional insured, in the amount of one million dollars (\$1,000,000) combined for both bodily injury and property damage on a per occurrence or claims basis.
- 6) Require each event participant to execute the Release of Liability attached as Exhibit A, or add the City of Gonzales to any existing Release of Liability and provide copies to the City prior to the event.
- 7) Provide a traffic control plan approved by Gonzales Police Chief Crow.



## II. GOVERNING LAW

The laws of the State of Texas shall govern this Agreement and all obligations hereunder of the parties are performable in Gonzales, Texas. Venue for any legal proceeding is Gonzales County, Texas.

## III. NON-ASSIGNMENT

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns. Neither the City nor the Relay shall assign any duty of this Agreement, excepting those already identified herein, without written consent of the other.

## IV. SEVERABILITY

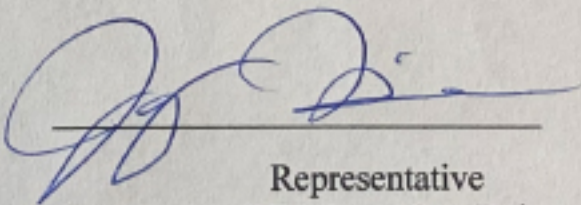
Should any provisions of this Agreement for any reasons be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof.

## V. RELATIONSHIP OF PARTIES

Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

Executed on the dates set forth below by the undersigned authorized representatives of the parties

\_\_\_\_\_  
Tim Patek, City Manager  
City of Gonzales  
Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Representative  
Jay Hilscher DBA Lone Star Relays, LLC.  
Dated: 1/26/2021

## **RELEASE OF LIABILITY**

In consideration of my being allowed to participate in the Texas Independence Relay ("Event") to be held on March 26 and 27, 2021, I do hereby assume full and complete responsibility for any injury or accident which may occur due to my involvement in the Event, or while I am on the property or premises of the City of Gonzales ("City"), and ***I hereby release and hold harmless the City for any and all injuries and damages that I may sustain*** whether the same be caused by my negligence, the negligence of another participant, or the negligence of the City.

I acknowledge that I am familiar with the risks involved in participating in this Event and that injuries, ***including death***, can occur during participation. I certify that I have read the rules and requirements of each competition featured in the Event and to the best of my knowledge ***I have no physical, mental or medical limitation*** that would prevent my participation in the Event competitions for which I have registered.

Furthermore, I understand and agree that at no time during this Event will I be considered an agent or employee of the City, nor will ***the City's insurance cover any claim for damage or injury that I may sustain during this Event. Any and all claims for damage or injury will be my sole responsibility.***

\_\_\_\_\_  
Name of Participant's Organization (if applicable)

\_\_\_\_\_  
Participant's Printed Name

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
\*Parent or Guardian

\_\_\_\_\_  
Date:

***\*for any minor who participates, the parent or guardian's signature is also required***

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Conduct a public hearing and consider approval of **Ordinance #2021-08** Amending the Gonzales Gonzales Code of Ordinances Chapter 14 Zoning

**DATE: February 11, 2021**

---

### **BACKGROUND:**

Between the years 2012 and 2014, the City commissioned and paid Freese and Nichols to update both the subdivision regulations and the comprehensive zoning ordinance. The Subdivision Ordinance was completed but the Zoning Ordinance was not. To utilize the 2014 draft Ordinance, several updates had to be made to bring it into compliance with current state laws. Additionally, the 2014 draft ordinance needed to be updated to include ordinance changes that had been enacted between 2014 and now.

To assist City Staff in updating the 2014 draft zoning ordinance, the consulting firm Urban Dynamics, LLC was selected to prepare an update. The proposed ordinance has been updated for compliance with legislation from the 2013, 2015, 2017 and 2019 Texas Legislative sessions and city zoning ordinance updates adopted since 2014. Additionally, the 2014 draft has been tweaked with the input of city staff to provide greater opportunity for property owners and language revision for simplification and clarification.

One significant change for compliance with state law deals with manufactured housing. The proposed ordinance provides for specific distinctions between manufactured housing and industrialized housing (also known as modular housing). Homes that are constructed off-site and then delivered and installed or assembled can be grouped into two (2) basic categories, manufactured house and industrialized house. A manufactured house is a movable dwelling designed to be transported on the highway, either intact or in major sections, and used as a residential dwelling either with or without a permanent foundation. An industrialized house is a residential structure constructed in one or more modules built at a location other than the permanent site; and designed to be used as a permanent residential structure when the modules are transported to the permanent site and erected or installed on a permanent foundation system.

While these homes can sometimes look visually similar there are two distinct differences. The first being that industrialized housing must be installed on a permanent foundation, and the second being it must meet all applicable local codes and zoning regulations that pertain to construction of traditional site-constructed homes. State law does not allow cities to prohibit the use of industrialized housing in single family residential areas (unlike manufactured housing), but it does provide for the city to adopt additional criteria for this construction method. This proposed ordinance includes all the additional criteria allowed under state law, including complying with the same site design requirements as a site built home, and the addition of minimum valuation and architectural compatibility requirements. All additional criteria for industrialized housing can be found in Sec.14.404.a.2.A.



The 2014 draft was also adjusted to simplify the regulations, clarify terms and regulatory concepts, and provide greater opportunities for property owners. Noteworthy changes include the creation of additional zoning districts, condensing the land use table, and modifications to the lot dimension standards. This proposed ordinance includes seven (7) new zoning districts; three (3) new residential districts, two (2) new non-residential districts and two (2) special districts.

The Old Town District (OT) is intended to be a steppingstone toward a formal historic district recognized by the Texas Historical Commission. Regulations proposed for the Old Town District are intended to maintain and promote the existing historic home characteristics, such as requiring front porches and increased setbacks for garages to accentuate the front of the home. A formal historic district was not included in this proposal due to the additional special regulations required by the state. Staff agrees with the consultant's recommendation that due to the extra regulation that accompanies with historic landmark districts, it should be up to the affected neighborhood property owners to organize and collectively request a historic designation from the city. This request would signify a willingness of the affected property owners to accept the additional special regulations that come with the designation, at which point city staff would work with the property owners to create a formal overlay zoning district for the historic area.

This proposed ordinance uses the same Euclidean style zoning of dividing the city into districts with specific permitted land uses. For ease of use and simplification, similar land uses from the Use Chart were combined. The minimum lot dimensions from the Zoning Dimensional Regulations Chart were also adjusted to account for the existing lot sizes in the older sections of the city. Of special note is that minimum lot width and depth requirements have been removed in the Downtown Mixed Use District (DMU). This modification is intended to promote the continued vitality of downtown, by allowing for incremental development over time, improving flexibility for development of infill lots, and providing new redevelopment opportunities.

A notice was published in the newspaper on January 21, 2021, and notices were mailed to all property owners within the city on January 8, 2021. As of preparation of this staff report, no responses or comments have been received.

#### **STAFF RECOMMENDATION:**

Staff respectfully recommends approval of the proposed ordinance.

#### **ATTACHMENTS:**

Proposed Ordinance

## **ORDINANCE NO. 2021-08**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, AMENDING THE GONZALES CODE OF ORDINANCES CHAPTER 14 ZONING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current Code of Ordinances Chapter 14 Zoning and have recommended certain revisions and updates to, and reorganization of, Chapter 14 Zoning;

**WHEREAS**, on February 8, 2021 the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

**WHEREAS**, on February 11, 2021 the City Council conducted a public hearing and after considering the criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health and welfare.

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

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. The City Council of the City of Gonzales, Texas hereby amends the City of Gonzales Code of Ordinances Chapter 14 Zoning as set forth in the attached "Exhibit A".

Section 3. That this Ordinance shall be cumulative of all provisions of the City of Gonzales, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more restrictive shall apply.

Section 4. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11<sup>th</sup> day of February, 2021.

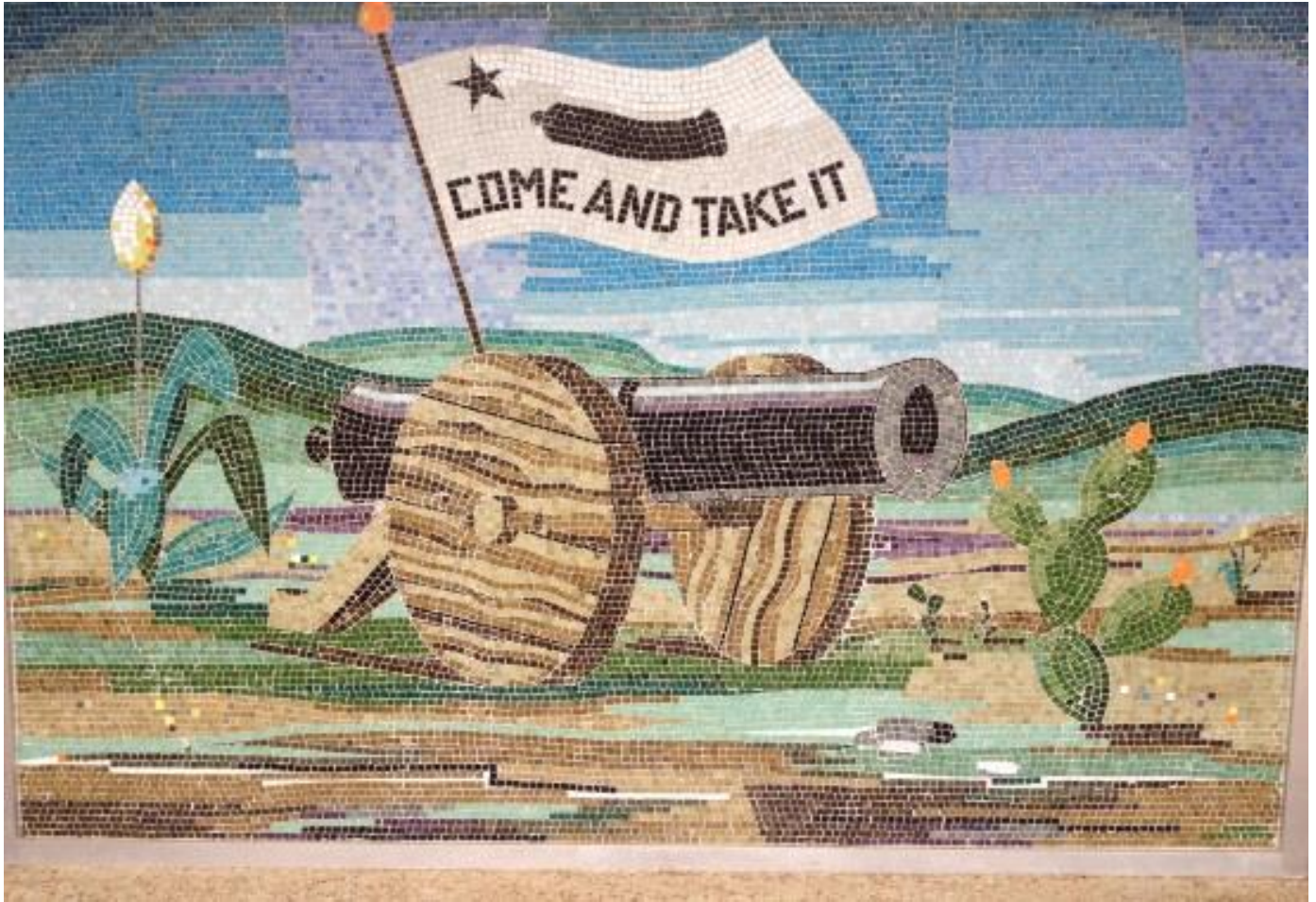
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Mayor, Connie L. Kacir

ATTEST:

---

Kristina Vega, City Secretary



# Zoning Ordinance

Draft Date: November 23, 2020

Prepared for:  
**City of Gonzales, Texas**



Prepared by:  
Urban Dynamics, LLC  
New Braunfels, TX

DRAFT - FOR REVIEW PURPOSES

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## Section 14.100      Zoning General Provisions

### Sec. 14.101 Title

This ordinance and subsequent regulations of the City of Gonzales, Texas shall be known as, and may be cited and referred to as, the “Zoning Ordinance”.

### Sec. 14.102 Authority

This Zoning Ordinance is adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including Chapters 211 (municipal zoning authority) and 241 (Municipal and County Zoning Authority Around Airports) of the Texas Local Government Code.

### Sec. 14.103 Purpose

(a)    Implementation of the Comprehensive Plan

The zoning regulations and districts herein established have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, and general welfare of the City. The zoning regulations and districts have been designed to achieve the following purposes:

- (1) Promote health and the general welfare;
- (2) Secure safety from fire, panic and other dangers;
- (3) Facilitate the adequate provision of transportation, water, wastewater, schools, parks, and other public requirements;
- (4) Provide adequate light and air;
- (5) Prevent the overcrowding of land;
- (6) Avoid undue concentration of population; and
- (7) Lessen congestion in the streets.

(b)    Zoning Ordinance Considerations

The zoning regulations and districts have been made with reasonable consideration, among other things, for the character of the district, and its suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with the Comprehensive Plan. The Comprehensive Plan has been used as a guide to develop the regulations within this Zoning Ordinance.

### Sec. 14.104 Official Zoning District Map

(a)    Official Zoning District Map

- (1) The Official Zoning District Map shall be labeled the “Official Zoning District Map of the City of Gonzales, Texas” and shall be maintained as an electronic file and hard-copy file in the office of the City Manager.
- (2) The “Official Adoption Date” and the “Last Amended Date” shall be shown on the Official Zoning District Map.
- (3) In case of any question, the above mentioned electronic file shall be controlling.



(b) Maintenance of the Official Zoning District Map

- (1) The City Manager shall be responsible for the care and maintenance of the Official Zoning District Map.
- (2) The Official Zoning District Map shall be used for reference and shall be maintained up-to-date by incorporating all subsequent amendments enacted by official action of the City Council.
- (3) The City Manager will use all reasonable means to protect the Official Zoning District Map from damage, and to ensure the accurate restoration of the map file if damage or destruction of the original file occurs.

(c) Changes or Amendments Reflected on the Map

- (1) Any changes or amendments made to the zoning district boundaries shall be incorporated into the Zoning District Map file promptly after the amendment has been approved by the City Council.
- (2) The City Manager shall maintain a descriptive log of amendments to the map.
- (3) The City Manager will use all reasonable means to ensure that no changes are made to the Official Zoning District Map without authorization by official action of the City Council.

(d) Replacement of a Damaged, Destroyed, or Lost Official Zoning District Map

- (1) In the event that the Official Zoning District Map file becomes damaged, destroyed, lost or difficult to interpret for any reason, the City Council may adopt a new Official Zoning District Map by ordinance following a public hearing.
- (2) The new Official Zoning District Map shall replace and supersede any prior Official Zoning District Map.
- (3) As a true replacement map, the new Official Zoning District Map shall not amend or otherwise change district boundaries or classifications from the prior Official Zoning District Map.

**Sec. 14.105 Compliance Required / Interpretation / Rules of Construction**

(a) Compliance Required

- (1) Applicability  
Compliance with the Zoning Ordinance shall apply to all land, buildings, structures or appurtenances located within the City that are hereafter:
  - (A) Occupied,
  - (B) Used,
  - (C) Erected,
  - (D) Altered,
  - (E) Removed,
  - (F) Placed,
  - (G) Demolished, or
  - (H) Converted.

(2) Compliance with Zoning Districts

The land, buildings, structures or appurtenances described in the preceding section shall be in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per Subsection 14.106 Zoning Violations of this ordinance.

(b) Interpretation

(1) Restrictiveness

Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards are the requirements that shall govern.

(2) Abrogation

The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.

(3) Cumulative Effect

The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances previously passed or that may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

(4) Error Correction

In the event that any property or Zoning District set forth on the Zoning District Map as provided in Section 14.104 Official Zoning District Map of this ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Zoning District Map may be amended and/or supplemented according to the following.

(A) Applicants

The property owner of said tract, the City Council, or the Planning and Zoning Commission may submit an application to the City Manager to initiate the error correction process.

(B) Process

The error correction shall be processed as a zoning map or text amendment according to Section 14.902 Zoning Text and Map Amendments.

(5) City Manager Authority to Interpret the Zoning Ordinance

(A) Unless specified within a section, the City Manager shall have the authority to interpret and enforce this Zoning Ordinance.

(B) A person aggrieved by the City Manager's interpretation may appeal the interpretation to the Zoning Board of Adjustment pursuant to Section 14.1001 Zoning Regulation Appeal.

(c) Rules of Construction

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction.

- (1) Number  
The singular number includes the plural and the plural the singular.
- (2) Tense  
The present tense includes the past and future tenses and the future the present.
- (3) Mandatory and Permissive Language  
The word "shall" and "must" are mandatory while the word "may" is permissive.
- (4) Gender Terms  
The masculine gender includes the feminine and neuter.
- (5) Parentheses  
Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.
- (6) Conflicts  
If there is an expressed conflict:
  - (A) The text of this ordinance controls over the charts or any other graphic display in this ordinance; and
  - (B) The use regulations control over the district regulations in this ordinance.

#### **Sec. 14.106 Zoning Violations**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of the Zoning Ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

## Section 14.200      Zoning Definitions

### Sec. 14.201 Standard Zoning Definitions

For the purpose of this Zoning Ordinance, certain terms and words are herewith defined and shall have the meaning here applied; any term not expressly defined in this section shall be construed according to the normally accepted meaning of such words or terms or defined by a common planning definition from the American Planning Association's, *A Planners Dictionary*. The City Manager or his/her designee, shall determine the appropriateness of a definition.

#### Abandonment

To cease or discontinue a use or activity, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

#### Abutting

Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.

#### Access

A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").

#### Accessory Building

- a. In a residential district, a subordinate building used for a purpose customarily incidental to the main structure, such as a detached private garage for automobile storage, tool house, greenhouse as a hobby, home workshop, storage house or garden shelter, but not involving the conduct of a business.
- b. In a nonresidential district, a subordinate building incidental to the main structure(s). This includes structures that are capable of being carried and transported to another location, not including Manufactured Housing.

#### Accessory Dwelling Unit

A residential dwelling unit located on the same lot as a single-family dwelling unit, which is in a detached unit or detached building.

#### Accessory Use

A use that is clearly and customarily incidental and secondary to the permitted and/or Principal Use of land or building(s), and that is located upon the same lot, and that does not change the character thereof. The land/building area that is used for the accessory use is significantly less than that used for the primary use.

#### Adult Day-Care Services

A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services.

#### Agricultural Use

Land where the production, keeping, or maintenance for sale, lease, or personal use of plants and animals useful to man, including, forages and sod crops; grains and seed crops, bee keeping, dairy animals, poultry and livestock, including but not limited to ostriches, emus, buffalos, beef cattle, sheep, goats, mules, horses, and ponies. This use includes commercial stables and equestrian centers.

*Alternative Financial Services*

An establishment engaged in non-traditional short-term lending, such as a check cashing business, bail bonds office, payday advance or loan business, money transfer business, car title loan business, or any other similar businesses.

*Art Gallery or Museum*

An institution for the collection, display, distribution of objects of art, and is open to the general public.

*All-Weather Surfaced Driveway*

An asphalt or concrete driveway or other approved dust free material approved by the City Manager.

*Alley*

A public Right-of-Way, not intended to provide the primary means of access to abutting lots, that is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

*Amortization*

Discontinuance of a nonconforming use of land or structure under any plan whereby the full value of the structure and facilities can be scheduled within a definite period of time to conform to the regulations of this Zoning Ordinance.

*Amusement, Commercial (indoors)*

An amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a video game arcade, bowling alley or billiard parlor.

*Amusement, Commercial (outdoors)*

An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, archery range and miniature golf course.

*Apartment*

A room or suite of rooms in a multi-family residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

*Applicant*

The person or entity responsible for the submission of an application. The applicant must be the actual owner of the property for which an application is submitted or shall be a duly authorized representative of the property owner. Also see Developer.

*Application*

The package of materials, which can include but is not limited to an application form, plat, completed checklist, tax certificate, construction plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.

*Application Form*

The written form (as provided by and as may be amended by the City Manager) that is filled out and executed by the applicant and submitted to the City along with other required materials as a part of an application.

*Artisan's Workshop*

An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items. This also includes photographer's or artist's studio/film processing.

*Assisted Living/Nursing Home*

A facility operated by a business or non-profit organization where ill or elderly people are provided with lodging and meals, with or without nursing care. This also includes memory care facilities.

*Automobile or Other Motorized Vehicle Sales and Service*

A business providing sales display and service of new and used motorized vehicles, including motorcycles, RVs, and boats.

*Automobile Service Garage (Major)*

A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting, where all work is conducted inside the building.

*Automobile Service Garage (Minor)*

A facility for routine automobile services or minor repairs, such as tire services, quick-lubes, batteries, with all work being conducted inside the building and within the same day.

*Bank or Financial Institution*

A land use, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

*Base Flood*

The flood having a one percent (1%) chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.

*Bed and Breakfast Inn*

An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to 14 consecutive days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.

*Block*

A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, highway, stream, or corporate boundary lines.

*Block Face*

The portion of a block that abuts a street.

*Block Length*

The length of the block face between two intersections.

*Boarding or Rooming House*

A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, lodging with or without meals are provided for three (3) or more persons, but not to exceed eight (8) persons.

*Bowling Alley*

An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. A bowling alley is wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line.

**Building**

Any structure utilized or intended for supporting or sheltering any occupancy.

**Building Height**

The vertical distance between the average natural grade of the ground under the footprint of a building and the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for a gable, hip or gambrel roof. If four feet or less in height, a chimney, cupola or dormer, flagpole, steeple or other decorative element may be excluded from the building height calculation. Residential television antenna shall be exempt from building height calculations.

**Building Official**

The Building Official of the City or his or her designee.

**Building Permit**

A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the City code.

**Building Setback Line**

A building limit fixed at a specific distance from the front, rear or side boundaries of a lot beyond which a building cannot lawfully extend.

**Car Wash, Full Service**

A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

**Car Wash, Self Service**

A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

**Caterer or Wedding Service**

A service providing meals or refreshments for public or private entertainment for a fee.

**Certificate of Occupancy**

An official certificate issued by the City that indicates conformance with the City's rules and regulations and that authorizes legal use of the premises.

**Child-Care: Foster Family Home (Independent)**

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for six or fewer children up to the age of 18 years.

**Child-Care: Foster Group Home (Independent)**

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for seven to 12 children up to the age of 18 years.

**Child-Care: Licensed Child-Care Center**

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, an operation providing care for seven or more children younger than 14 years old for less than 24 hours per day at a location other than the permit holder's home.

*Child-Care: Licensed Child-Care Home*

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, the primary caregiver provides care in the caregiver's own residence for children from birth through 13 years. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

*Child-Care: Listed Family Home*

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a caregiver at least 18 years old who provides care in her own home for compensation, for three or fewer children unrelated to the caregiver, ages birth through 13 years. Regular care is provided, which is care provided for at least four hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed 12.

*Child Care: Registered Child-Care Home*

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a caregiver who provides regular care in her own home for not more than six children from birth through 13 years. Child day care can be provided for six additional school-aged children before and after the customary school day. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

*Church or Other Place of Worship, including Parsonage/Rectory*

A place of worship and religious training of recognized religions, including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel in a detached residential facility on the same premises, that is exempt from ad valorem taxes as permitted by State law.

*City*

The City of Gonzales, Texas, together with all its governing and operating bodies.

*City Attorney*

The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

*City Council*

The duly elected governing body of the City of Gonzales, Texas.

*City Engineer*

The Licensed Professional Engineer or firm of Licensed Professional Consulting Engineers that has been specifically designated as such by the City Manager. This term shall also include any designee of the City Engineer.

*City Manager*

The officially appointed and authorized City Manager of the City of Gonzales, Texas, and may include the City Manager's duly authorized representative or designee, per the City Manager's discretion.

*City Secretary*

The person(s) so designated by the City Manager to provide clerical and official services for the City Council. This term shall also include any designee of the City Secretary.

*College or University*

An academic institution of higher learning, accredited or recognized by the State, and offering a program of series of programs of academic study.

*Commission*

The Planning and Zoning Commission of the City of Gonzales, Texas.



*Community Center*

A building dedicated to social or recreational activities, serving the City or neighborhood and owned and operated by the City, or by a non-profit organization dedicated to promoting the health, safety, and general welfare of the City.

*Community Group Home*

A community-based residential home with not more than six (6) persons with disabilities and two (2) supervisors residing in the home, and that otherwise meets the requirements of the Community Homes for Disabled Persons Location Act (Chapter 123 of the Human Resources Code).

*Comprehensive Plan*

The official policy regarding the guidance and coordination of the development of land in the City, as adopted by the City Council and including any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

*Concrete/Asphalt Batching Plant, Permanent*

A permanent manufacturing facility for the production of concrete or asphalt.

*Council*

See City Council.

*Country Club*

An area containing a golf course and club house that may include as adjunct facilities a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.

*County*

Gonzales County.

*Court*

An open unoccupied space other than a yard, on the same lot with a building that is bounded on three (3) or more sides by the building.

*Cul-de-Sac*

A short, residential street having but one vehicular access point to another street and terminated on the opposite end by a vehicular turnaround.

*Dance Hall or Night Club*

An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the City.

*Date of Adoption*

The date of adoption of this Zoning Ordinance shall be the date this ordinance becomes effective.

*Dead-End Street*

A street, other than a cul-de-sac, with only one outlet. This does not include streets which have been stubbed out for future continuation.

*Decision-Maker*

The City official or group, such as the City Manager, City Council, or Planning and Zoning Commission, responsible for deciding action on an application authorized by this Zoning Ordinance.

*Developer*

A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, development, or improvement of land and other activities covered by this Zoning Ordinance.

*Development*

Any manmade change to improved or unimproved real estate, including but not limited to buildings and/or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, utility or storage activities.

*Development Agreement*

Agreement between the City and a Subdivider, that includes provisions for construction of Public Improvements, City participation, pro rata agreements, escrow deposits, and other provisions for the development of land.

*Development Application*

An application, developed and updated by the City Manager, for any type of plan, permit, plat or infrastructure construction plans/drawings authorized or addressed by this Zoning Ordinance.

*Development Application Handbook*

A collection of application forms created, updated, and managed by the City Manager.

*Donation or Recycling Collection Point*

An incidental use that serves as a neighborhood drop-off point for and temporary storage of donations and/or recoverable resources. No processing of such items occurs on-site and the site functions solely as an area of collecting materials. This facility is generally located in a shopping center parking lot or in a public/quasi-public areas such as in churches and schools.

*Dwelling, Multi-Family*

Any building, or portion thereof, that is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments, or that is occupied as a home or place of residence by three or more families living in independent and separate housekeeping units.

*Dwelling, Single Family (attached – duplex)*

A building designed for or occupied exclusively, but separately, by two (2) families

*Dwelling, Single Family (attached – townhouse)*

A dwelling that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and that is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.

*Dwelling, Single Family (detached)*

A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

*Dwelling Unit*

One or more rooms designed or intended for use by an individual or single family in which culinary and sanitary convenience are provided for the exclusive use of such individual or family.

*Easement*

An acquired privilege or right-of-way use which one (1) person, business, entity and/or public agency has across, over or under land of another person, business, entity and/or public agency. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services.

#### Electrical Power Substations

A part of the electrical distribution system with the primary function to transform electrical voltage, includes transformer stations and switching stations.

#### Engineer

A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare infrastructure construction plans and specifications for public works improvements.

#### Family

One or more persons immediately related by blood, marriage or adoption living together as a single housekeeping unit or one or more persons living and cooking together as a single nonprofit housekeeping unit having a continuing non-transient domestic character though not related by blood, adoption, or marriage. This is distinguished from a group occupying a boarding house, hotel/motel, hostel or other similar for-profit use.

#### Farmer's Market

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

#### Fix-It Shop or Repair Shop

Business providing basic repair services for consumer grade merchandise, which includes but is not limited to home appliances, small engine repair, furniture repair and upholstery. This use does not include motor vehicle upholstery or repair.

#### Flood Plain

The area subject to be inundated by water from any source.

#### Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than a designated height.

#### Floor Area

The sum of the square footage of all of the floors of a structure or building.

#### Floor Area Ratio (FAR)

The total floor area of all building or structures on a lot divided by the area of said lot.

#### Front Façade

A façade directly visible from any public street or main circulation drive and the façade used as the primary entrance to the building.

#### Frontage

All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.

#### Garage, Private (attached)

A garage that has one or more walls common with the principal building on a lot or that is attached to the principal building by an enclosed porch, or passage way, the roof of which is part of an extension of the roof of the principal building and for the purpose of the height and area regulations of this Zoning Ordinance such a garage is to be considered a part of the principal building.

*Garage, Private (detached)*

A garage existing separate and apart from the main building, but situated on the same lot, tract or parcel of land with the main building.

*Gas or Oil Well Operation*

Places primarily devoted to subsurface mining of gas or oil. Typical uses are gas and oil drilling operations. Regulation for Gas or Oil Well Operation can be found in the City's regulatory code.

*Fueling Pumps*

Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. May include a car wash facility.

*Golf Course*

A private or public tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

*Heliport or Helistop*

An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

*Home Based Business*

Any occupation or profession carried on by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the structure for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on. No mechanical equipment shall be used nor activities conducted which creates any noise, dust, odor, or electrical disturbances beyond the confines of the lot on which the occupation is conducted. No home occupation shall employ more than one assistant in such a business. The operation of a restaurant, convalescent facility, or cabinet, carpentry, metal, or auto repair shop is not a home occupation.

*Homeowners' or Property Owners' Association*

A formal nonprofit organization operating under recorded land agreements through which:

- a. Each lot and/or property owner in a specific area is automatically a member; and
- b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
- c. The charge if unpaid, becomes a lien against the nonpaying member's property.

*Hospital*

An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and that is licensed by the State of Texas. This also includes providing treatment on a prolonged or permanent basis.

*Hotel/ Motel*

An establishment offering lodging to the transient public for compensation and many contain a restaurant, club, lounge, banquet hall and/or meeting rooms. A Hotel/ Motel is a nonresidential use.

*Improvement*

Any man-made fixed item that becomes part of or placed upon real property.

### Industrialized Building

The Industrialized Building definition within the Texas Occupations Code Chapter 1202 Industrialized Housing and Buildings shall govern if different from the following:

- a. A commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system.
- b. The term includes the plumbing, heating, air-conditioning, and electrical systems.

### Industrialized (Modular) Housing

As governed by the Texas Occupations Code Chapter 1202 Industrialized Housing and Buildings, a residential structure that is designed for the occupancy of one or more families, constructed in one or more modules built at a location other than the permanent site; and designed to be used as a permanent residential structure when the module is transported to the permanent site and erected or installed on a permanent foundation system. This definition includes the structure's plumbing, heating, air conditioning, and electrical systems. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes. See Section 14.404.a.2 for additional industrialized housing requirements.

### Infrastructure

All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.

### Infrastructure Construction Plans

A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the City for review in conjunction with a subdivision or a development.

### Junk

The term Junk is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc, all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles, used boats or airplanes, tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, and subject to being dismantled for Junk.

### Kennel/Veterinary Office (indoor)

An establishment with no outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

### Kennel/Veterinary Office (outdoor)

An establishment with outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

### Laundry, Commercial

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

### Light Assembly and Manufacturing Processes

- a. The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing.
- b. Light fabrication, assembly, manufacturing, and packaging processes do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and do not

generate noise or vibration at the property boundary that is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

**Lot**

A physically undivided tract or parcel of land having frontage on a public street or other approved access and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and/or, which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

**Lot, Corner**

A lot situated at the junction of two or more streets.

**Lot Depth**

The distance of a line connecting the midpoints of the front and rear lot lines, which line generally is at right angle to the front lot or radial to a curved lot line.

**Lot, Double Frontage**

A lot having frontage on two non-intersecting streets as distinguished from a Corner Lot.

**Lot, Interior**

A building lot other than a corner lot.

**Lot Lines**

The lines bounding a lot as defined herein.

**Lot of Record**

A lot which is part of a subdivision, the plat having been duly approved by the appropriate authority and recorded in the office of the County Clerk.

**Lot Width**

The distance of a line (drawn perpendicular to the lot depth line) connecting the side lot lines at the front property line or at the building setback line.

**Manufactured Home (HUD Code)**

See Manufactured Home – HUD Code under the definition of Manufactured Housing.

**Manufactured Home Park**

A unified development of Manufactured Home (HUD Code) sites or lots that have been divided for the purpose of individual ownership or for rental or lease, and that is governed by the provisions of the Subdivision Ordinance.

**Manufactured Home Sales**

The offering for sale, storage, or display of Manufactured Housing units on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

**Manufactured Housing**

One of two types of prefabricated housing products that are typically manufactured or assembled at a location other than the end user's permanent site, and that are regulated by the Texas Manufactured Housing Standards Act. For the purpose of this Zoning Ordinance, there are two types of manufactured homes:

- a. Mobile Home
  - i. As governed by the definition within the Texas Manufactured Housing Standards Act, a movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime

mover, that is constructed with a base section so as to be independently self-supporting, and that does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.

b. **Manufactured Home – HUD Code**

- ii. As governed by the definition within the Texas Manufactured Housing Standards Act, a movable dwelling designed to be transported on the highway, either intact or in major sections, by a prime mover, that can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976. A HUD-Code manufactured home will display a certification label on the exterior of each transportable section.

**Manufacturing or Industrial Operations**

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted/raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

**Municipal or Government Use**

Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plan, police station, water tower, service center, and park.

**Nonconformities**

The term Nonconformities is a general term used to referred to nonconforming uses, nonconforming structures and nonconforming lots.

**Nonconforming use, structure, or lot**

The use of land or a building, or a portion thereof, which use does not conform with the regulations of the zoning district in which it is situated and which was in existence prior to the effective date of this ordinance and/or prior to being annexed into the City.

**Nonresidential Use**

Any use other than a residential use.

**Nonresidential Zoning Districts**

The term “Nonresidential Zoning Districts” means a zoning district as listed a nonresidential zoning district within Table 3.1: Zoning Districts.

**Office & Professional Services**

A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government. This includes dance, music, or drama studios, bank or financial institutions, and alternative financial services

**Office-Warehouse or Distribution Center**

A building primarily devoted to the storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display area for products sold and distributed from the storage and warehousing areas. Detectable nuisances such as dust, noise, and odors, are not permitted under this use.

**Outside Display**

The temporary outside display of finished goods. Finished goods are specifically intended for immediate retail sales and are not intended nor used as an area for the continuous keeping or storage (i.e., Outside Storage) of such finished goods. Examples of outside display include the display of grills, deer feeders, patio furniture, lawn mowers, flowers, pumpkins, Christmas trees, and clothing.

### Outside Storage

The continuous keeping or storage of any finished or unfinished goods, materials, merchandise, or equipment outside of a building for more than twenty-four (24) hours.

### Park, Playground, or Community Center, Public

An open recreational facility or park owned and operated by a public agency such as the City or the school district, and available to the general public.

### Parking Space

Open space or garage space reserved exclusively for the parking of a vehicle.

### Parkway

Within the right-of-way, the area between the property line and the nearest curb or edge of the roadway (if no curb exists.) See Figure 1: Example of a Parkway for visual depiction of a parkway.

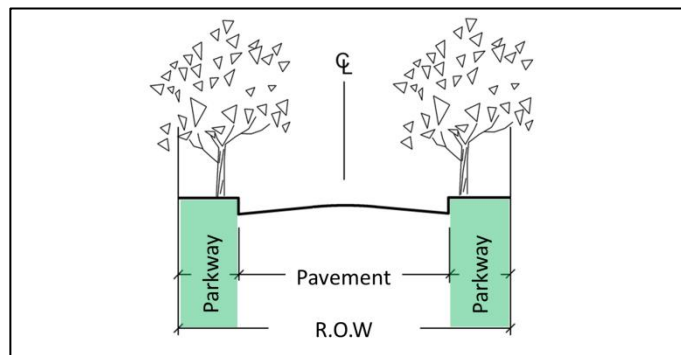


Figure 1: Example of a Parkway

### Person

Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.

### Personal Service Establishment

An establishment which offers specialized goods and services for individual necessities, this includes but is not limited to barber shops, beauty salons and spas, coin-operated laundromats, funeral homes, gym or fitness centers, massage services by masseurs/masseuses, personal laundry and dry cleaning establishments, seamstress or tailor shops, shoe repair, tattoo studio, and weight loss centers.

### Planned Development District Master Plan

The Planned Development District Master Plan (which is submitted with the application for rezoning) consists of a PDD Design Statement and a PDD Concept Design Map.

### Planning and Zoning Commission

The Planning and Zoning Commission of the City of Gonzales, Texas.

### Play Field or Stadium, Public

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

### Principal Use

The primary or predominant use of any lot or building.



*Private Utility (other than listed)*

A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

*Protected Residential Property*

Any property within the City that meets one of the following requirements:

- a. The property is zoned a residential district as defined within the Zoning Ordinance or zoned a planned development for residential uses;
- b. The property is designated in the Comprehensive Plan as any type of residential; or
- c. The property is used or subdivided for use as residential.

*Public Building*

- a. Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, or county, without reference to the ownership of the building or of the realty upon which it is situated.
- b. A building belonging to or used by the public for the transaction of public or quasi-public business.

*Public Improvement*

Any Improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a letter of final acceptance being issued, for maintenance, operation and/or ownership.

*Regularly*

Regularly means featuring, promoting, performing, permitting, doing or advertising an event or other happening or occurrence on a recurring or routine basis involving any length of time.

*Rehabilitation Care Facility*

An institution offering resident treatment to alcoholic, psychiatric or narcotic patients.

*Residential Use*

Residential use means use of a structure as a residence.

*Residential Zoning Districts*

Residential district means a single family, patio home, duplex, townhouse, multifamily or manufactured home zoning district as defined in the zoning ordinance, see Table 3.1: Zoning Districts for a list of districts.

*Responsible Official*

The City staff person who has been designated by the City Manager to accept a type of development application for filing, to review and make recommendations concerning such applications, and where authorized, to initially decide such applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of development applications. Also includes any designee of the designated City staff person.

*Restaurant or Cafeteria, with or without Curb or Drive-In Service*

- a. An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis.

- b. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic.
- c. Consumption may be either on or off the premises.

**Restaurant or Cafeteria, without Curb or Drive-In Service (Service to be entirely within the building)**

An establishment serving food generally in or on non-disposable dishes to be consumed primarily while seated at tables or booths within a building.

**Retail Stores and Shops**

An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition includes pawn shops.

**Right-of-Way**

- a. A parcel of land occupied or intended to be occupied by a street or alley.
- b. A Right-of-Way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
- c. The use of Right-of-Way shall also include parkways and medians outside of pavement.

**RV Park**

A parcel of land designed, improved, or intended to be used for short- or long-term occupancy by recreational vehicles (including travel trailers) in designated spaces. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

**School, Career**

Career schools including programs such as dental assisting, pharmacy technician, nurse aide, veterinary assistant, etc.

**School, Public or Private**

Includes public and private school facilities providing K-12 education (Kindergarten, elementary, middle school, high schools).

**Seasonal Temporary Use**

A seasonal use that is only temporarily occupying a site, for a maximum of 90 days, such as seasonal sales, holiday tree plot or fall pumpkin patch.

**Setback Line**

A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.

**Sexually Oriented Business**

A business described as such in, and regulated by Article 4.6 of the Code of Ordinances, as amended from time to time.

**Small Wind Energy Systems**

A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used to reduce on-site consumption of utility power.

**Special Events Center**

A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event function, that is not open to the general public, whether or not a fee is charged. This includes wedding reception facilities.

### Special Zoning Districts

The term “Special Zoning Districts” means a zoning district as listed a special zoning district within Table 3.1: Zoning Districts.

### Specific Use Permit

An approval for a specific use that has been determined to be more intense or to have a potentially greater impact than a use permitted by-right within the same zoning district.

### Storage Units, Mini

- a. A building(s) containing separate, individual self-storage units for rent or lease.
- b. The conduct of sales, business, or any activity other than storage does not occur within any individual storage unit.

### Story

- a. That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof.
- b. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story.
- c. The first story is the highest story having its interior floor surface not more than four feet (4') above the curb level, or the average elevation of the finished grade along the front of the building where it set back from the street.

### Street

A public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

### Street Width

The shortest distance between the property or easement lines that delineate the right-of-way of a street.

### Structure

Anything constructed or erected that requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

### Studio Residence

- a. A residence that includes up to fifty (50) percent of its total floor area as a work area for a photographer, artist, musician, architect, or similar occupation.
- b. The primary occupant of the work area must also be a permanent resident of the dwelling unit.
- c. All activities associated with the studio shall take place in the primary structure, as opposed to an accessory building or yard.

### Subdivision

- a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership, and shall include re-subdivision.
- b. Any other subdivision or re-subdivision of land contemplated by the provisions of Chapter 212, Local Government Code.

### Subdivision Ordinance

The adopted Subdivision Ordinance of the City.

**Subdivision Plat**

A plat (e.g., vesting plat, minor plat, replat, or amending plat) established in LGC 212, Subchapter A involving the subdividing of land in two (2) or more parts or the amending of a recorded plat.

**Subdivision Regulations**

Any regulations and standards contained within the Subdivision Ordinance.

**SUP**

See Specific Use Permit definition.

**Surveyor**

A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State to practice the profession of surveying.

**Temporary Building for New Construction**

- a. A structure or shelter used in connection with the construction of a development or building project for housing on the site of temporary administration and supervisory functions and for sheltering employees and equipment.
- b. Buildings are permitted for a specific period of time in accordance with a permit issued by the City Manager.
- c. The term "Temporary Field or Construction Office" may also be used.

**Theater (indoor)**

A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

**Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular**

Structures supporting antenna for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television.

**Transportation Plan**

The plan that guides the development of adequate circulation within the City, and connects the City street system to regional traffic carriers. Also referred to as the Thoroughfare Plan or Master Thoroughfare Plan.

**Usable Open Space**

An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable Open Space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as art work or fountains. Usable Open Space shall not include the following:

- a. Walks,
- b. Rooftops,
- c. Buildings, except those portions or any building designed specifically for recreation purposes,
- d. Parking areas,
- e. Landscaped parking requirements,
- f. Driveways,
- g. Turnarounds, or
- h. Right-of-Ways or easements for streets and alleys.

#### Utility Distribution/Transmission Line

Facilities, including subsidiary stations that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

#### Utility Easement

See Easement.

#### Vested Right

A right of an applicant requiring the City to review and decide the application under standards in effect prior to the effective date of the standards of this Zoning Ordinance and/or of any subsequent amendments.

#### Vested Rights Petition

A request for relief from any standard or requirement of the Zoning Ordinance based on an assertion that the applicant (petitioner for relief) has acquired a vested right.

#### Vesting Plat

- a. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development.
- b. The Vesting Plat shall serve as a means for the City to review and study the proposed division of land and/or improvements.

#### Warehouse

Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

#### Woodworking and Carpentry Shop

Establishments with dust and noise control and primarily engaged in one or more of the following:

- a. Manufacturing dimension lumber from purchased lumber;
- b. Manufacturing dimension stock (i.e., shapes) or cut stock;
- c. Re-sawing the output of sawmills;
- d. Planing purchased lumber; and
- e. Woodworking and the assembly of wood products

These establishments generally use woodworking machinery, such as jointers, planers, lathes, and routers to shape wood.

#### Wrecking or Auto Salvage Yard

A yard or building where automobiles or machinery are stored, dismantled and/or offered for sale as whole units, as salvaged parts or as processed metal.

#### Yard, Front

A yard across the full width of a lot extending from the front line of the main building to the front property line of the lot.

*Yard, Rear*

A yard extending across the full width of the lot and measured between the rear property line of the lot and rear line of the main building, except that area included in the side yard.

*Yard, Side*

A yard between the building and the side property line of the lot and extending from the front yard to the required minimum rear yard.

*Zoning Board of Adjustment*

The City's Zoning Board of Adjustment.

*Zoning District Map*

The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance, which may also be cited as the Zoning Map.

*Zoning Ordinance*

The adopted Zoning Ordinance of the City, as may be amended in the future, and may be referred as "this Ordinance."

*Zoning Variance*

An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. The Zoning Board of Adjustment is responsible for granting a Zoning Variance,

**Sec. 14.202 Airport Zoning Definitions**

In addition to the definitions in Sec. 14.201, the following specific terms and words are defined and shall be applied to the Airport Zoning District (See Section 14.609).

*Airport*

The Gonzales Municipal Airport.

*Airport Elevation*

The established elevation of the highest point on the usable landing area measured in feet from mean sea level.

*Airport Hazard*

Any structure or tree on land that obstructs the air space required for the flights of aircraft or that obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; hazardous, interfering with or obstructing such landing, taking off or flight of aircraft or that is hazardous or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

*Airport Hazard Area*

Any area of land or water upon which an airport hazard might be established if not prevented as provided in Section 14.609 Airport Zoning Regulations.

*Airport Reference Point*

The point established as the approximate geographic center of the airport landing area and so designated.

*Approach Surface*

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 14.609.e

Height Limitations. In the plan, the perimeter of the Approach Surface coincides with the perimeter of the approach zone.

*Approach, Transitional, Horizontal, and Conical Zones*

The zones set forth in Section 14.609.D Zones.

*Airport Board of Adjustment*

The Airport Board of Adjustment for the City of Gonzales.

*Conical Surface*

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

*Gonzales County Joint Airport Zoning Board*

A board consisting of five members, two members appointed by the City Council, and two members appointed by the Commissioners' Court of Gonzales County, Texas. The four members so appointed shall elect a fifth member, who shall serve as chairperson.

*Hazard to Air Navigation*

An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Height*

For the purpose of determining the height limits in all zones set forth in Section 14.609 Airport Zoning Regulations the datum shall be mean sea level elevation unless otherwise specified.

*Horizontal Surface*

A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

*Landing Area*

The surface area of the airport used for the landing, take-off or taxiing of aircraft.

*Nonconforming Use*

Any preexisting structure, object of natural growth, or use of land that is inconsistent with the provisions of Section 14.609 or an amendment thereto.

*Obstruction*

Any Structure, growth or other object, including a mobile object that exceeds a limiting height set forth in Section 14.609.e Height Limitations.

*Person*

An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

*Primary Surface*

- a. A surface longitudinally centered on a runway.
- b. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of the runway; but when the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of the that runway.

- c. The width of the Primary Surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations for the most precise approach existing or planned for either end of that runway.
- d. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline.
- e. The width of a Primary Surface is 250 feet for utility runways having only visual approaches.

#### Runway

A defined area on an airport prepared for landing and take-off of aircraft along its length.

#### Structure

An object, including a mobile object, constructed or installed by man, including, but not limited to: buildings, towers, cranes, smokestacks, earth formations, and overhead transmission.

#### Transitional Surfaces

These surfaces extend outward at 90° angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary surface and approach surface to where they intersect the horizontal surfaces.

#### Tree

Any object of natural growth.

#### Visual Runway

A runway intended solely for the operation of aircraft using visual approach procedures.

#### Utility Runway

A runway that is constructed for and intended to be used by propeller driven aircraft 12,500 pounds maximum gross weight and less.



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## Section 14.300      Zoning Districts

### Sec. 14.301 Zoning District Authorization

The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Official Zoning District Map of the City.

(a) Zoning Districts as Set Forth are Hereby Established

The location and boundaries of the various districts as defined herein shall be established by ordinance and shall be shown and delineated on the Official Zoning District Map of the City.

(b) Effect of Zoning District Change

The reclassification of property to a new zoning district shall be an amendment of the Official Zoning District Map and shall be so recorded.

(c) Interpretation of District Boundaries

The district boundary lines shown on the Official Zoning District Map are regularly along streets, alleys, property lines. When uncertainty exists as to the boundaries of the districts on the Official Zoning District Map, the following rules apply:

(1) Center Lines

Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.

(2) Platted Lot Lines

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) City Limit Lines

Boundaries indicated as approximately following city limits shall be construed as following such city limits.

(4) Railroad Lines

Boundaries indicated as following railroad lines shall be construed to be the middle of the railroad easement or Right-of-Way.

(5) Shore Lines

(A) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines, shall be construed as moving with the actual shoreline, or as otherwise set forth by State law.

(B) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(6) Parallel or Extension Boundaries

(A) Boundaries indicated as parallel to or extension of features indicated in Subsections 14.301.c.1 Center Lines through 14.301.5.5 Shore Lines, shall be so construed.

(B) Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

- (d) Interpretation of Zoning District Boundaries  
Where physical features existing on the ground are in conflict with those shown on the Official Zoning District Map, or in other circumstances not covered by Subsections 14.301.c.1 Center Lines through 14.301.c.5 Shore Lines, the Zoning Board of Adjustment shall interpret the district boundaries and require its inclusion on the Official Zoning District Map.
- (e) Vacation of Public Way  
Whenever any street or other public easement is vacated, the vacated street or public easement shall require a Zoning Map Amendment (Rezoning) to establish zoning.

#### **Sec. 14.302 Zoning Districts Established**

- (a) Purpose  
The purpose of this section is to create zoning districts, to specify the nature and components of the permitted development within them, and to establish regulations regarding the physical character and intensity of development in order to protect the public health, safety and welfare.
- (b) Zoning Districts Established  
All land within the corporate limits shall be classified into one of the following zoning districts.

Table 3.1: Zoning Districts	
Residential Zoning Districts	
<u>SF-6</u>	<u>Single-Family 6 District</u>
<u>SF-8</u>	<u>Single-Family 8 District</u>
<u>SF-10</u>	<u>Single-Family 10 District</u>
<u>SF-A</u>	<u>Single Family Residential (attached)</u>
<u>MF</u>	<u>Multiple-Family District</u>
<u>MH</u>	<u>Manufactured Home District</u>
Nonresidential Zoning Districts	
<u>NOS</u>	<u>Neighborhood Office and Service District</u>
<u>C1</u>	<u>Light Commercial District</u>
<u>C2</u>	<u>Heavy Commercial District</u>
<u>LI</u>	<u>Light Industrial District</u>
<u>HI</u>	<u>Heavy Industrial District</u>
Special Zoning Districts	
<u>AO</u>	<u>AO, Agriculture-Open Space District</u>
<u>DMU</u>	<u>DMU, Downtown Mixed Use District</u>
<u>OT</u>	<u>OT, Old Town District</u>
<u>PDD</u>	<u>PDD, Planned Development District</u>

**Sec. 14.303 Equivalency Table for Zoning Districts**

The following table identifies zoning districts adopted in previous ordinances and the zoning district regulations that now apply in this Zoning Ordinance to those districts.

Table 3.2: Zoning Districts Equivalency Table	
Previous Zoning Designation	Current Zoning District
<b>Residential Zoning Districts</b>	
<u><b>R1, Residential 1 District</b></u>	<u><b>SF-6, Single-Family 6 District</b></u>
	<u><b>SF-8, Single-Family 8 District</b></u>
	<u><b>SF-10, Single-Family 10 District</b></u>
	<u><b>SF-A, Single Family Residential (attached)</b></u>
<u><b>R2, Residential 2 District</b></u>	<u><b>MF, Multiple-Family District</b></u>
<u><b>MH, Mobile Home District</b></u>	<u><b>MH, Manufactured Home District</b></u>
<b>Nonresidential Zoning Districts</b>	
	<u><b>NOS, Neighborhood Office and Service District</b></u>
<u><b>C1, Light Commercial District</b></u>	<u><b>C1, Light Commercial District</b></u>
<u><b>C2, Heavy Commercial District</b></u>	<u><b>C2, Heavy Commercial District</b></u>
<u><b>M1, Industrial District</b></u>	<u><b>LI, Light Industrial District</b></u>
	<u><b>HI, Heavy Industrial District</b></u>
<b>Special Zoning Districts</b>	
<u><b>A-O, Agriculture-Open Space District</b></u>	<u><b>AO, Agriculture-Open Space District</b></u>
<u><b>HD, Historical District</b></u>	<u><b>Downtown Mixed Use District</b></u>
	<u><b>OT, Old Town District</b></u>
	<u><b>PDD, Planned Development District</b></u>

**Sec. 14.304 SF-6, Single-Family 6 District**

This district is intended to provide for development of single family detached dwelling units on lots of not less than 6,000 square feet.

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.
- (b) Dimensional Regulations  
See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.
- (c) Development Standards
  - (1) See the following sections for development regulations.
    - (A) See 14.407 Accessory Buildings and Uses.
    - (B) See 14.601 Landscape Requirements.
    - (C) See 14.602 Residential Adjacency Standards for Businesses.
    - (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
    - (E) See 14.604 Off-Street Parking and Loading Requirements.
    - (F) See 14.605 Lighting Standards.
    - (G) See 14.606 Building Design Standards for Nonresidential Buildings.

- (H) See 14.607 Building Design for Residential Buildings.
- (I) See 14.608 Supplementary Regulations.
- (J) See 14.609 Airport Zoning Regulations.

(2) Garages

- (A) All homes shall have at least a two-car enclosed garage, 20' x 20' minimum.
- (B) Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

(3) Driveways

- (A) Residential lots with an area less than two (2) acres shall have concrete driveways.
- (B) Residential lots with an area of two (2) acres or more shall have all-weather surfaced driveway.
  - i Driveways shall be designed and maintained to prevent all-weather surface materials from being deposited on public streets and Right-of-Ways by storm water runoff.

**Sec. 14.305 SF-8, Single-Family 8 District**

This district is intended to provide for development of single family detached dwelling units on lots of not less than 8,000 square feet.

(a) Permitted Uses and Use Regulations

See the Use Chart and all applicable regulations in Section 14.4.

(b) Dimensional Regulations

See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.

(c) Development Standards

(1) See the following sections for development regulations.

- (A) See 14.407 Accessory Buildings and Uses.
- (B) See 14.601 Landscape Requirements.
- (C) See 14.602 Residential Adjacency Standards for Businesses.
- (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
- (E) See 14.604 Off-Street Parking and Loading Requirements.
- (F) See 14.605 Lighting Standards.
- (G) See 14.606 Building Design Standards for Nonresidential Buildings.
- (H) See 14.607 Building Design for Residential Buildings.
- (I) See 14.608 Supplementary Regulations.
- (J) See 14.609 Airport Zoning Regulations.

(2) Garages

- (A) All homes shall have at least a two-car enclosed garage, 20' x 20' minimum.
- (B) Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

(3) Driveways

- (A) Residential lots with an area less than two (2) acres shall have concrete driveways.
- (B) Residential lots with an area of two (2) acres or more shall have all-weather surfaced driveway.
  - i Driveways shall be designed and maintained to prevent all-weather surface materials from being deposited on public streets and Right-of-Ways by storm water runoff.

**Sec. 14.306 SF-10, Single-Family 10 District**

This district is intended to provide for development of single family detached dwelling units on lots of not less than 10,000 square feet.

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.
- (b) Dimensional Regulations  
See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.
- (c) Development Standards
  - (1) See the following sections for development regulations.
    - (A) See 14.407 Accessory Buildings and Uses.
    - (B) See 14.601 Landscape Requirements.
    - (C) See 14.602 Residential Adjacency Standards for Businesses.
    - (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
    - (E) See 14.604 Off-Street Parking and Loading Requirements.
    - (F) See 14.605 Lighting Standards.
    - (G) See 14.606 Building Design Standards for Nonresidential Buildings.
    - (H) See 14.607 Building Design for Residential Buildings.
    - (I) See 14.608 Supplementary Regulations.
    - (J) See 14.609 Airport Zoning Regulations.

(2) Garages

- (A) All homes shall have at least a two-car enclosed garage, 20' x 20' minimum.
- (B) Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

(3) Driveways

- (A) Residential lots with an area less than two (2) acres shall have concrete driveways.
- (B) Residential lots with an area of two (2) acres or more shall have all-weather surfaced driveway.
  - i Driveways shall be designed and maintained to prevent all-weather surface materials from being deposited on public streets and Right-of-Ways by storm water runoff.

**Sec. 14.307 SF-A, Single Family Residential (attached)**

This district is intended to provide for development of duplexes (Dwelling, Single Family (attached – duplex)) and townhouses (Dwelling, Single Family (attached – townhouse)).

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.
- (b) Dimensional Regulations  
See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.
- (c) Development Standards
  - (1) See the following sections for development regulations.
    - (A) See 14.407 Accessory Buildings and Uses.
    - (B) See 14.601 Landscape Requirements.
    - (C) See 14.602 Residential Adjacency Standards for Businesses.
    - (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
    - (E) See 14.604 Off-Street Parking and Loading Requirements.
    - (F) See 14.605 Lighting Standards.
    - (G) See 14.606 Building Design Standards for Nonresidential Buildings.
    - (H) See 14.607 Building Design for Residential Buildings.
    - (I) See 14.608 Supplementary Regulations.
    - (J) See 14.609 Airport Zoning Regulations.
  - (2) Lot Provisions for Dwelling Units
    - (A) Each dwelling unit shall be located on a single lot that fronts a dedicated street or other approved public access easement and is served individually by water, wastewater, electric, and gas utility services.
    - (B) There shall be no more than one dwelling unit on any lot.
  - (3) Mechanical Equipment, Refuse Containers, and Waste Storage
    - (A) Mechanical equipment, refuse containers, and waste storage areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
  - (4) Garages
    - (A) All homes shall have at least a two-car enclosed garage, 20' x 20' minimum.
    - (B) Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

**Sec. 14.308 MF, Multiple-Family District**

This district is intended to provide for development of attached residential units, such as multi-family developments. This district is for moderate densities. It may be utilized as a transitional zone between low density residential and commercial uses.

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.

(b) Dimensional Regulations

See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.

(c) Development Standards

(1) See the following sections for development regulations.

- (C) See 14.407 Accessory Buildings and Uses.
- (D) See 14.601 Landscape Requirements.
- (E) See 14.602 Residential Adjacency Standards for Businesses.
- (F) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
- (G) See 14.604 Off-Street Parking and Loading Requirements.
- (H) See 14.605 Lighting Standards.
- (I) See 14.606 Building Design Standards for Nonresidential Buildings.
- (J) See 14.607 Building Design for Residential Buildings.
- (K) See 14.608 Supplementary Regulations.
- (L) See 14.609 Airport Zoning Regulations.

(2) Front Yard Regulations

- (A) No structure shall be located in the front yard.

(3) Access

Alleys may be used for ingress and egress to parking and service areas provided a minimum concrete paved alley width of twenty feet (20') is provided from a street to the parking or service area. Such ingress and egress shall be approved by the City giving consideration to adjacent properties and appropriate screening.

(4) Mechanical Equipment, Refuse Containers, and Waste Storage

- (A) Mechanical equipment, refuse containers and waste storage areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
- (B) The location, construction, and screening of all mechanical equipment, refuse containers and waste storage shall be shown on the design drawings.
- (C) See 14.603.d Screening of Outdoor Waste Storage for Nonresidential, Single Family Attached, and Multiple Family Residential Properties.

(5) Private Recreation Areas

(A) Recreation Area Required

- i All apartment complexes shall have at least one (1) recreation area, in a location free of traffic hazards, easily accessible to all complex residents, and centrally located where topography permits.

(B) Recreation Space Requirement

- i Not less than eight percent (8%) of the gross complex area shall be devoted to recreational facilities, generally in a central location.
- ii In large complexes (two acres or larger) these may be decentralized.



- iii Recreation areas include space for community buildings and community uses, such as adult recreation and child play areas, and swimming pools, but do not include vehicle parking, commercial, maintenance and utilities areas.

(C) Playground Space

- i When playground space is provided, it shall be so designated and shall be protected from traffic, streets, and parking areas.
- ii Such space shall be maintained in a sanitary condition and free of dangerous conditions and hazards.

**Sec. 14.309 MH, Manufactured Home District**

The MH, Manufactured Home District is a detached residential district establishing standards for the development of a manufactured home park, or a manufactured home subdivision. A manufactured home park offers spaces for the placement of manufactured home units on a lease or rental basis. Manufactured home subdivisions include individually platted lots, for sale within the subdivision, for the placement of manufactured home units. The District establishes area and design requirements for both parks and subdivisions, as well as yard requirements for individual lots.

(a) Permitted Uses and Use Regulations

See the Use Chart and all applicable regulations in Section 14.4.

(b) Dimensional Regulations

See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.

(c) Development Standards

(1) See the following sections for development regulations.

- (A) See 14.407 Accessory Buildings and Uses.
- (B) See 14.601 Landscape Requirements.
- (C) See 14.602 Residential Adjacency Standards for Businesses.
- (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
- (E) See 14.604 Off-Street Parking and Loading Requirements.
- (F) See 14.605 Lighting Standards.
- (G) See 14.606 Building Design Standards for Nonresidential Buildings.
- (H) See 14.607 Building Design for Residential Buildings.
- (I) See 14.608 Supplementary Regulations.
- (J) See 14.609 Airport Zoning Regulations.

(2) Area for Manufactured Home Park or a Recreational Vehicle Park

- (A) Minimum: Five (5) acres
- (B) Maximum: Twenty-five (25) acres

**Sec. 14.310 NOS, Neighborhood Office and Service District**

The NOS, Neighborhood Office and Service District is established to create a flexible district for low intensity office and professional uses. The district can be used as a transition district between more intense uses and residential uses. Permitted uses should be compatible with adjacent residential areas by limiting heights and mitigating nuisances. Buildings in this district should be compatible and in height with residential uses and adjacent property.

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.
- (b) Dimensional Regulations  
See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.
- (c) Development Standards
  - (1) See the following sections for development regulations.
    - (A) See 14.407 Accessory Buildings and Uses.
    - (B) See 14.601 Landscape Requirements.
    - (C) See 14.602 Residential Adjacency Standards for Businesses.
    - (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
    - (E) See 14.604 Off-Street Parking and Loading Requirements.
    - (F) See 14.605 Lighting Standards.
    - (G) See 14.606 Building Design Standards for Nonresidential Buildings.
    - (H) See 14.607 Building Design for Residential Buildings.
    - (I) See 14.608 Supplementary Regulations.
    - (J) See 14.609 Airport Zoning Regulations.

#### **Sec. 14.311 C1, Light Commercial District**

This district includes uses of limited retail category intended for use near residential neighborhood areas for purposes of supplying day-to-day retail needs of the residents as well as visitors, such as food, drugs, and personal services.

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.
- (b) Dimensional Regulations  
See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.
- (c) Development Standards
  - (1) See the following sections for development regulations.
    - (A) See 14.407 Accessory Buildings and Uses.
    - (B) See 14.601 Landscape Requirements.
    - (C) See 14.602 Residential Adjacency Standards for Businesses.
    - (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
    - (E) See 14.604 Off-Street Parking and Loading Requirements.
    - (F) See 14.605 Lighting Standards.
    - (G) See 14.606 Building Design Standards for Nonresidential Buildings.
    - (H) See 14.607 Building Design for Residential Buildings.
    - (I) See 14.608 Supplementary Regulations.
    - (J) See 14.609 Airport Zoning Regulations.

#### **Sec. 14.312 C2, Heavy Commercial District**

This district is composed of uses constituting commercial and light industrial uses that offer a wider variety of retail and service establishments that are generally oriented toward serving the overall needs of the entire community. These facilities should not emit dust, odor, smoke, gas or fumes, or any other hazardous elements which are detectable beyond the boundary of the property.

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.
- (b) Dimensional Regulations  
See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.
- (c) Development Standards
  - (1) See the following sections for development regulations.
    - (A) See 14.407 Accessory Buildings and Uses.
    - (B) See 14.601 Landscape Requirements.
    - (C) See 14.602 Residential Adjacency Standards for Businesses.
    - (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
    - (E) See 14.604 Off-Street Parking and Loading Requirements.
    - (F) See 14.605 Lighting Standards.
    - (G) See 14.606 Building Design Standards for Nonresidential Buildings.
    - (H) See 14.607 Building Design for Residential Buildings.
    - (I) See 14.608 Supplementary Regulations.
    - (J) See 14.609 Airport Zoning Regulations.

#### **Sec. 14.313 LI, Light Industrial District**

The LI, Light Industrial District is primarily for warehousing, wholesaling, and distribution activities. It is the intent that this district includes light manufacturing or the assembly of small products such as electronics, pharmaceuticals, medical supplies and small equipment.

Truck traffic and loading operations are expected to be characteristics of this district. This district should have efficient accessibility to major transportation routes via major thoroughfares or other means of transportation. Businesses and industries in this district are clean and free of hazardous or objectionable elements that are obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, glare or noise.

Facilities in this district may require limited amounts of outside storage, which is to be located in the back yard and screened from view. This district should have a significant amount of land used for open space and landscaping to provide curb appeal along the streets. It is the intent of this district to reserve large tracts in this district exclusively for light industrial activities.

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.
- (b) Dimensional Regulations  
See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.
- (c) Development Standards
  - (1) See the following sections for development regulations.
    - (A) See 14.407 Accessory Buildings and Uses.
    - (B) See 14.601 Landscape Requirements.
    - (C) See 14.602 Residential Adjacency Standards for Businesses.
    - (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
    - (E) See 14.604 Off-Street Parking and Loading Requirements.
    - (F) See 14.605 Lighting Standards.

- (G) See 14.606 Building Design Standards for Nonresidential Buildings.
- (H) See 14.607 Building Design for Residential Buildings.
- (I) See 14.608 Supplementary Regulations.
- (J) See 14.609 Airport Zoning Regulations.

#### **Sec. 14.314 HI, Heavy Industrial District**

The HI, Heavy Industrial District is intended for large scale basic or primary industrial uses that involve extensive processing, manufacturing or assembly of large products or equipment. This district also includes the more intensive automotive repair businesses such as body shops, engine and transmission repair, and muffler shops.

Because of the nature of the products or character of activities, uses within this district will likely produce greater than average negative visual qualities and external effects involving noise, fumes, noxious odors, glare or other atmospheric influence beyond the boundaries of the property on which the use is located. Therefore, these uses are isolated with similar industrial uses.

Because of the nature of these industries, there will be outside storage that must be located in the rear yard, which does not have to be screened from view. Certain obnoxious or hazardous uses will require Specific Use Permits to locate in this district. It is the intent to reserve large tracts in this district exclusively for industrial activities defined herein.

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.
- (b) Dimensional Regulations  
See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.
- (c) Development Standards
  - (1) See the following sections for development regulations.
    - (A) See 14.407 Accessory Buildings and Uses.
    - (B) See 14.601 Landscape Requirements.
    - (C) See 14.602 Residential Adjacency Standards for Businesses.
    - (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
    - (E) See 14.604 Off-Street Parking and Loading Requirements.
    - (F) See 14.605 Lighting Standards.
    - (G) See 14.606 Building Design Standards for Nonresidential Buildings.
    - (H) See 14.607 Building Design for Residential Buildings.
    - (I) See 14.608 Supplementary Regulations.
    - (J) See 14.609 Airport Zoning Regulations.

#### **Sec. 14.315 AO, Agriculture-Open Space District**

This district is designed to promote agricultural conservation. This district is suitable for areas where development is premature due to lack of utilities, capacity, or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.

- (a) Permitted Uses and Use Regulations  
See the Use Chart and all applicable regulations in Section 14.4.
- (b) Dimensional Regulations  
See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.

(c) Development Standards

(1) See the following sections for development regulations.

- (A) See 14.407 Accessory Buildings and Uses.
- (B) See 14.601 Landscape Requirements.
- (C) See 14.602 Residential Adjacency Standards for Businesses.
- (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
- (E) See 14.604 Off-Street Parking and Loading Requirements.
- (F) See 14.605 Lighting Standards.
- (G) See 14.606 Building Design Standards for Nonresidential Buildings.
- (H) See 14.607 Building Design for Residential Buildings.
- (I) See 14.608 Supplementary Regulations.
- (J) See 14.609 Airport Zoning Regulations.

**Sec. 14.316 DMU, Downtown Mixed Use District**

This Downtown Mixed Use District provides opportunities for the use of substantial land areas and buildings within the City that have unique qualities associated with the history and culture of the area and its people. Reduced setbacks and parking requirements are provided as part of this district due to physical restraints. Preservation of existing buildings is encouraged to promote the history and culture of the community.

(a) Permitted Uses and Use Regulations

See the Use Chart and all applicable regulations in Section 14.4.

(b) Dimensional Regulations

See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.

(c) Development Standards

(1) See the following sections for development regulations.

- (A) See 14.407 Accessory Buildings and Uses.
- (B) See 14.601 Landscape Requirements.
- (C) See 14.602 Residential Adjacency Standards for Businesses.
- (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
- (E) See 14.604 Off-Street Parking and Loading Requirements.
- (F) See 14.605 Lighting Standards.
- (G) See 14.606 Building Design Standards for Nonresidential Buildings.
- (H) See 14.607 Building Design for Residential Buildings.
- (I) See 14.608 Supplementary Regulations.
- (J) See 14.609 Airport Zoning Regulations.

(2) Supplemental Standards

- (A) Commercial and tourist uses shall be conducted wholly within the enclosed building.
- (B) Yards should not be used for storage of merchandise or for the parking and storage of vehicles, containers, or waste materials.

#### **Sec. 14.317 OT, Old Town District**

During the development of this Zoning Ordinance, it was noted that the zoning along several areas (St. Louis Street, St. Lawrence Street, etc.) has been changed from residential to commercial and then back to residential. The underlying issue is that there are old homes, some of which are residences and some of which are now converted to function as offices, such as attorney and CPA offices. One of the main issues is that this area is being regulated as either a residential or commercial district, when in fact the true nature of the area is that it is both.

This area of the City is a valuable asset for the community, with beautiful old homes and a look and feel not generally found in most communities. This area is suitable for a mixture of land uses to accommodate both residential and low intensity offices type businesses utilizing the existing home structure. Reduced setbacks and parking requirements are provided as part of this district due to physical restraints.

(a) Permitted Uses and Use Regulations

See the Use Chart and all applicable regulations in Section 14.4.

(b) Dimensional Regulations

See the Zoning Dimensional Regulations Chart and all applicable regulations in Section 14.5.

(c) Development Standards

(1) See the following sections for development regulations.

- (A) See 14.407 Accessory Buildings and Uses.
- (B) See 14.601 Landscape Requirements.
- (C) See 14.602 Residential Adjacency Standards for Businesses.
- (D) See 14.603 Screening Requirements for Residential and Nonresidential Properties.
- (E) See 14.604 Off-Street Parking and Loading Requirements.
- (F) See 14.605 Lighting Standards.
- (G) See 14.606 Building Design Standards for Nonresidential Buildings.
- (H) See 14.607 Building Design for Residential Buildings.
- (I) See 14.608 Supplementary Regulations.
- (J) See 14.609 Airport Zoning Regulations.

(2) Supplemental Standards

(A) Front Porch Required

Porches shall be a minimum of five feet (5') deep and may extend five feet (5') past the front building setback line provided that such encroachment does not result in a threat to the occupant's or public's health, safety or welfare. The porch shall have a minimum area of sixty (50) square feet.

(B) Garages

- i Where a front or side entry garage is provided, it shall be setback from the front property line a minimum of thirty five feet (35') homes shall have at least a two-car enclosed garage, 20' x 20' minimum.
- ii Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

#### **Sec. 14.318 PDD, Planned Development District**

The purpose of a planned development district (PDD) is to provide for the development of land as an integral unit for single or mixed use in accordance with a PDD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PDD's are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PDD's are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, incorporate new planning concepts into a development, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.

(a) Applicability

A PDD may only be established in one or more of the following circumstances:

- (1) The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;
- (2) The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning and clustering of uses, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;
- (3) The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards;
- (4) The land consists of older sections of Gonzales that are proposed for redevelopment or infill development, and special design considerations are deemed desirable;
- (5) The land serves as transition between different and seemingly incompatible land uses;
- (6) The land is of such a character that it is in the community's best interest to encourage high-quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan;
- (7) The land consists of unusually configured parcels that cannot be developed efficiently under the base district standards.

(b) Nature of the District and Base Zoning Districts

Each PDD shall be established based on one or more base zoning districts with modifications identified in and accompanying the PDD District Standards document. Development in a PDD must be consistent with a Concept Plan and District Standards that are incorporated as part of the district by the adopting ordinance for the PDD.

(c) Overlay Zoning District Uses.

- (1) The PDD district may provide for uses not allowed in the base zoning district, provided that the uses are compatible with the stated purposes of the district and do not conflict with policies in the Comprehensive Plan, considering the arrangement, combination and design features of the uses within the PDD, as depicted on the Concept Plan.

- (2) Uses that are not allowed in the base zoning district but are permitted within any specific PDD shall be reflected in the PDD Design Standards and enumerated in the Ordinance establishing the district.
- (d) Location and Arrangement of Uses  
The location and arrangement of all authorized uses in the PDD shall be consistent with the Concept Plan approved with the district.
- (e) Deviations from the Concept Plan.  
Refer to Sec. 14.905 for regulations related to deviations from the Concept Plan.
- (f) Base District and Supplemental Standards  
In a PDD district, uses shall conform to the standards in the base zoning district governing area, building and height requirements in this Code, and any applicable supplemental standards, unless specifically excepted in the ordinance establishing the PDD district.
- (g) Overlay Zoning District Standards.
  - (1) In a PDD district, standards otherwise applicable to authorized uses in the base zoning district or pursuant to this Code may be varied, and thereafter shall be applied to the uses established in the PDD district, only if approved in the ordinance establishing the PDD district.
  - (2) Standards that may be varied include but not limited to the following:
    - (A) Residential density,
    - (B) Lot area,
    - (C) Lot width,
    - (D) Lot depth,
    - (E) Yard depths and widths,
    - (F) Building height and size,
    - (G) Lot coverage,
    - (H) Parking,
    - (I) Access,
    - (J) Screening,
    - (K) Landscaping,
    - (L) Accessory buildings,
    - (M) Signage,
    - (N) Sidewalks,
    - (O) Hours of operation,
    - (P) Lighting, and
    - (Q) Outdoor storage and display.
  - (3) Varied standards may increase or decrease the requirements otherwise applicable to particular uses.
  - (4) Any graphic depictions used to illustrate such standards, unless otherwise provided in the PDD district regulations, shall be considered standards that apply to subsequent development applications.
- (h) Public Facilities.
  - (1) All facilities or improvements within public rights-of-way shall be provided in accordance with design standards set forth within City of Gonzales Subdivision Regulations.



- (2) All facilities or improvements within private rights-of-way or easements must meet City material standards and construction specifications.
- (3) Rights-of-way or easements for private streets shall comply with classification standards as set forth within the City of Gonzales Subdivision Regulations. Paving and curb and gutter shall be provided according to the standards as set forth within the Subdivision Regulations.
- (4) In order to justify variations from public facilities standards pertaining to provision of roadway and drainage facilities and to demonstrate compliance with the adequate public facilities policies, a traffic impact study, drainage study, or other type of applicable engineering study may be required as a prerequisite for approving a petition for a PDD district.

## Section 14.400 Zoning Land Use Regulations

### Sec. 14.401 Uses Permitted by District

Land and buildings in each of the zoning districts may be used for any of the specified uses in Section 14.403 Use Chart. No land shall be used and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which it is located.

Legend for Use Chart	
P	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a Specific Use Permit (SUP)
#	Use is permitted in the district indicated if the use complies with conditional development standards or limitations in the corresponding numeric end note in 14.404 Conditional Development Standards.

### Sec. 14.402 Classification of New and Unlisted Uses

It is recognized that new types of land use will develop, and forms of land use not presently anticipated may seek to locate in the City. If the City Manager is unable to classify the use under one of the existing listed uses, then the City Manager shall initiate a Zoning Text Amendment pursuant to procedures set forth in Section 14.902 Zoning Text and Map Amendments.

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### Sec. 14.403 Use Chart

The use of land or buildings shall be in accordance with those listed in the following Use Chart. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses permitted in the zoning district in which it is located, as shown in the Use Chart.

Uses		Residential Zoning Districts						Nonresidential Zoning Districts					Special Zoning Districts		
	Legend for Use Chart														
P	Use is permitted in district indicated														
	Use is prohibited in district indicated														
S	Use is permitted in district upon approval of a Specific Use Permit ( Sec.14.911)														
#	Use is permitted (or permitted by SUP) if the use complies with conditional development standards or limitations in the corresponding numeric end note in Sec.14.404 Conditional Development Standards														
Residential Uses															
Accessory Dwelling Unit		P-1	P-1	P-1									P-1	P-1	P-1
Assisted Living/Nursing Home						P		P	P	P					
Boarding or Rooming House						P		P	P	P					
Community Group Home		P	P	P	P	P	P								
Dwelling, Single Family (detached)		P-2	P-2	P-2									P-2		P-2
Dwelling, Single Family (attached – duplex)					P-2	P-2									
Dwelling, Single Family (attached – townhouse)					P-3									P-3	
Dwelling, Multi-Family						P								P	
Manufactured Home (HUD Code)							P						S		
Studio Residence														P	P
Nonresidential Uses															
Adult Day-Care Services								P	P	P	P			P	P
Agricultural Use								P	P	P	P	P	P		
Amusement, Commercial (indoors)									P	P	P			P	
Amusement, Commercial (outdoors)									S-4	P-4	P-4	P-4	S-4		
Art Gallery or Museum								P	P	P	P			P	
Artisan's Workshop								P	P	P	P			P	P
Automobile or Other Motorized Vehicle Sales and Service									S-5	S-5	S-5	P-5			
Automobile Service Garage (Major)									S	P	P	P			
Automobile Service Garage (Minor)									P	P	P				
Bed and Breakfast Inn		S	S	S	S	S		P	P	P	S	S	P	P	S
Car Wash, Full Service or Self Service								S	P	P	P				
Caterer or Wedding Service								S	P	P	P			P	S
Child-Care: Foster Family or Group Home (Independent)		P	P	P											P

Uses		Residential Zoning Districts						Nonresidential Zoning Districts					Special Zoning Districts		
	Legend for Use Chart	SF-6, Single-Family 6 District	SF-8, Single-Family 8 District	SF-10, Single-Family 10 District	SF-A, Single Family Residential (attached)	MF, Multiple-Family District	MH, Manufactured Home District	NOS, Neighborhood Office and Service District	C1, Light Commercial District	C2, Heavy Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	AO, Agriculture-Open Space District	DMU, Downtown Mixed Use District	OT, Old Town District
	P														
	S														
#	Use is permitted (or permitted by SUP) if the use complies with conditional development standards or limitations in the corresponding numeric end note in Sec.14.404 Conditional Development Standards														
	Child-Care: Licensed Child-Care Center							P	P	P				S	
	Child-Care: Licensed or Registered Child-Care Home	P	P	P											P
	Child-Care: Listed Family Home	P	P	P											P
	Church or Other Place of Worship, including Parsonage/Rectory	S	S	S	S	S	S	P	P	P	P	P	P	P	S
	Concrete/Asphalt Batching Plant, Permanent											P			
	Country Club	P	P	P	P	P	P	P	P	P			P		
	Dance Hall or Night Club								P	P	P			P	
	Donation or Recycling Collection Point	S	S	S	S	S		S	S	S	S	P	S	S	
	Electrical Power Substations	S	S	S	S	S	S	S	S	S	P	P	S		
	Farmer's Market							P	P	P	P	P	P	P	S
	Fix-It Shop or Repair Shop							S	P	P	P	P		P	
	Fueling Pumps							S-6	P-6	P-6	P-6	P-6			
	Gas or Oil Well Operation	S	S	S	S	S	S	S	S	S	S	S	S	S	S
	Golf Course	P	P	P	P	P	P	P	P	P	P	P	P		
	Heliport or Helistop									S-7	S-7	S-7	S-7		
	Home Based Business	P-8	P-8	P-8	P-8	P-8	P-8						P-8	P-8	P-8
	Hospital							P	P	P	P	P	S		
	Hotel / Motel								P	P	P			P	
	Kennel/Veterinary Office (indoor)							S-9	P-9	P-9	P-9		P-9	P-9	
	Kennel/Veterinary Office (outdoor)								S-9	P-9	P-9		P-9		
	Laundry, Commercial									P	P	P			
	Light Assembly and Manufacturing Processes									P	P	P			
	Manufactured Home Sales										P	P			
	Manufacturing or Industrial Operations										S	P			
	Municipal Government Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Office & Professional Services							P	P	P	P		P	P	P
	Office-Warehouse or Distribution Center									P	P	P			
	Outside Display							P-10	P-10	P-10	P-10	P-10	P-10	P-10	
	Outside Storage								S-11	S-11	P-11	P-11	S-11		
	Park, Playground, or Community Center, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Uses		Residential Zoning Districts						Nonresidential Zoning Districts					Special Zoning Districts		
	Legend for Use Chart	SF-6, Single-Family 6 District	SF-8, Single-Family 8 District	SF-10, Single-Family 10 District	SF-A, Single Family Residential (attached)	MF, Multiple-Family District	MH, Manufactured Home District	NOS, Neighborhood Office and Service District	C1, Light Commercial District	C2, Heavy Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	AO, Agriculture-Open Space District	DMU, Downtown Mixed Use District	OT, Old Town District
	P														
	S														
#	Use is permitted in district indicated														
	Use is prohibited in district indicated														
	Use is permitted in district upon approval of a Specific Use Permit ( Sec.14.911)														
	Use is permitted (or permitted by SUP) if the use complies with conditional development standards or limitations in the corresponding numeric end note in Sec.14.404 Conditional Development Standards														
	Personal Service Shop or Store							P	P	P	P		P	P	P
	Play Field or Stadium, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Public Building							P	P	P	P	P	P	P	P
	Rehabilitation Care Facility								P	P					
	Restaurant or Cafeteria, with or without Curb or Drive-In Service								P	P					
	Restaurant or Cafeteria, without Curb or Drive-In Service (Service to be entirely within the building)							P	P	P				P	
	Retail Stores and Shops							P	P	P	P		P	P	
	RV Park									P			P		
	School, Career or College/University								P	P	P				
	School, Public or Private	P	P	P	P	P	P	P	P	P			P		P
	Seasonal Temporary Use							P	P	P	P	P	P	P	
	Sexually Oriented Business											P-12			
	Special Events Center							S	P	P	P	S	S	S	S
	Storage Units, Mini									P	P	P			
	Temporary Building for New Construction	P-13	P-13	P-13	P-13	P-13	P-13	P-13	P-13	P-13	P-13	P-13	P-13	P-13	
	Theater (indoor)								P	P	P			S	
	Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular	S-14	S-14	S-14	S-14	S-14	S-14	S-14	S-14	S-14	S-14	S-14	S-14	S-14	S-14
	Warehouse										P	P			
	Wrecking or Auto Salvage Yard										S	P			
	Woodworking and Carpentry Shop									P	P	P	S		

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**Sec. 14.404 Conditional Development Standards**

(a) The following conditional development standards shall apply:

(1) Accessory Dwelling Unit Standards

(A) See Section 14.407 Accessory Buildings and Uses for standards.

(2) Dwelling, Single Family

(A) Industrialized (Modular) Housing Standards

An Industrialized (Modular) Home shall meet the following requirements:

- i The Industrialized (Modular) Home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.
- ii The Industrialized (Modular) Home conforms to all applicable zoning standards for the respective zoning district.
- iii The City Manager is so notified in writing for the purpose of establishing procedures for the inspection, issuing of Building Permits, and compliance with the Texas Occupations Code Chapter 1202. Industrialized Housing and Buildings.
- iv The Industrialized (Modular) Home is placed on an approved platted lot.
- v Per the Texas Occupations Code §1202.253, single family and duplex Industrialized (Modular) Homes shall:
  - a. Have a value equal to or greater than the median taxable value for each single family dwelling located within 500 feet of the lot on which the Industrialized (Modular) Home is proposed to be located, as determined by the most recent county certified tax appraisal roll;
  - b. Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the Industrialized (Modular) Home is proposed to be located;
  - c. Comply with municipal building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single family dwellings; and
  - d. Be securely affixed to an approved permanent foundation.
- vi For purposes of the above subsection “value” means the taxable value of the industrialized housing and the lot after installation of the housing.

(3) Dwelling, Single Family (attached – townhouse)

(A) Minimum Front Yard: Twenty-five (25) feet

(B) Minimum Side Yard

- i No side yard is required providing a firewall is installed in accordance with the City Building Code, except that no contiguous attached structure shall exceed one hundred



eighty (180) feet in length and the minimum separation between noncontiguous, adjacent structures shall be thirty (30) feet.

- ii Five (5) feet from a side property line when adjacent to open space lots or amenity center lots
- iii Fifteen (15) feet from a side property line when adjacent to detached residential dwelling units
- iv Twenty (20) feet from a side property line when adjacent to a dedicated street

(C) Minimum Rear Yard

- i Twenty (20) feet; sixty (60) feet when the building is in excess of one story and adjacent to a Single Family Zoning District.

(D) Structure Separation: Structures on the same parcel shall have the following setbacks and/or minimum distance between structures.

- i Minimum Front Yard: Twenty-five (25) feet
- ii Minimum Side Yard: Ten (10) feet between buildings without openings (windows); fifteen (15) feet between buildings with openings and when adjacent to side street; sixty (60) feet when building is in excess of one story in height and adjacent to Single Family Zoning District
- iii Minimum Rear Yard: Twenty (20) feet; sixty (60) feet when the building is in excess of one story and adjacent to a Single Family Zoning District

(4) Amusement, Commercial (outdoors) Standards

- (A) All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.

(B) No intermittent or flashing lights shall be permitted.

(C) Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.

(D) No exterior auditory devices shall be permitted.

(5) Automobile or Other Motorized Vehicle Sales and Service Standards

- (A) All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.

(B) No intermittent or flashing lights shall be permitted.

(C) Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.

(D) No exterior auditory devices shall be permitted.

(6) Fueling Pumps

- (A) Gasoline pumps, pump islands, canopies, or car washes, where adjacent to property zoned as single family residential uses shall maintain a minimum setback of at least one hundred twenty-five feet (125').
- (B) The hours of any car wash operation may be limited when located adjacent to property zoned for single family residential uses.
- (C) No exterior illumination (either direct or indirect) shall cross a residential property line nor be a nuisance to traffic.
- (D) No outside/outdoor vending machines, such as soda, video rental, or newspaper vending machines, are permitted.

(7) Heliport or Helistop Standards

- (A) Allowed by Specific Use Permit.
- (B) No heliport or helistop shall be located within 1,000 feet of any church, school, hospital, library, public park or within 1,000 feet of any dwelling unless:
  - i Noise attenuation methods are implemented to achieve noise levels no greater than if the heliport or helistop were located 1,000 feet from any such property in an unprotected state;
  - ii The Federal Aviation Administration has approved approach and departure paths for the proposed heliport or helistop which require all departures to be made at an angle of more than 90 degrees from any boundary or any such property which is less than 1,000 feet from the proposed heliport or helistop; and
  - iii No substantial adverse impact exists on residence or businesses within the 1,000 foot requirement.

(8) Home Based Business Standards

A Home Based Business shall meet the following requirements:

- (A) No persons other than members of the family residing on the premises shall be engaged in such business;
- (B) The use of the dwelling unit for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 500 square feet or ten percent (10%) of the square footage of the dwelling area, whichever is greater, shall be used in the conduct of the home based business;
- (C) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home based business;
- (D) No sign advertising shall be placed on property where a home based business is conducted. Only one vehicle (motorized or non-motorized), one ton carrying capacity or less may advertise for the home based business;

- (E) No home based business shall be conducted in an Accessory Building;
  - (F) Any sales in connection with such home based business shall be clearly secondary to occupancy. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises;
  - (G) No traffic shall be generated by a home based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home based business shall be met off the street and other than in a required front yard;
  - (H) No equipment, process or work shall be used or conducted in such home based business that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process or work shall be used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
  - (I) The operation of beauty culture schools, beauty parlors, barber shops, vehicle repair, lawn mower or other small or large engine repair, and any boarding house/rooming house shall not be permitted as a home based business or as an accessory use; and
  - (J) No Outside Storage or Outside Display of any type shall be permitted with any home based business.
- (9) Kennel/Veterinary Office Standards
- (A) All commercial kennels with indoor and/or outdoor pens and runs (except where related to indoor medical treatment) shall be located a minimum of fifty (50) feet from adjacent residential properties to minimize noise and odor nuisances.
  - (B) Disposal of all waste materials shall be in accordance with the Texas Department of Health regulations.
- (10) Outside Display Standards
- (A) Outside Display areas shall not be placed or located more than thirty feet (30') from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.
  - (B) Outside Display areas shall be permitted year round.
  - (C) Outside Display areas shall be additionally restricted in regards to occupying required parking spaces. Outside Display areas shall not occupy any of the parking spaces that are required by this Zoning Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display and a maximum of two (2) displays per calendar year.
  - (D) Outside Display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
  - (E) Outside Display areas shall not extend into public Right-of-Way or onto adjacent property.

(F) Outside Display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

(G) Outside Display is permitted only as an Accessory Use and is not a permitted Principal Use.

(11) Outside Storage Standards

(A) Allowed by Specific Use Permit.

i The use Wrecking or Auto Salvage Yard shall not require a Specific Use Permit unless indicated on the Use Chart. Screening for Wrecking or Auto Salvage Yards is detailed in Section 14.405.c.

(B) Outside Storage is limited to a maximum of ten (10) percent of the total lot area, shall not be located in front of or on top of the building, and must be screened.

i This requirement above does not apply to Wrecking or Auto Salvage Yards.

(C) Outside Storage screening shall be required only for those areas surrounding Outside Storage.

i A six foot (6') screening fence or wall shall be provided and maintained at either the surrounding Outside Storage or at the property line or street adjacent to the area to be screened by one or a combination of the following methods:

- a. Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively;
- b. Wrought iron in conjunction with solid landscape screening;
- c. Wood or wood vinyl in conjunction with solid landscape screening; and,
- d. An equivalent alternative screening method approved by the City Manager.

(D) Outside Storage of materials, commodities, or equipment shall be screened with a minimum six foot (6') screening fence or wall, and shall not be visible from the street or from adjacent property.

(E) No Outside Storage may exceed the height of the screening wall or fence.

(12) Sexually Oriented Business Standards

(A) For location, licensing and other requirements, see Code of Ordinances Article 4.6, as amended.

(13) Temporary Building for New Construction Standards

(A) Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for two (2) years in accordance with a permit issued by the City Manager. A six (6) month extension may be approved by the City Manager. After the initial extension is given, the City Manager may approve a second six (6) month extension.

- (B) Upon completion or abandonment of construction or expiration of permit, the temporary field offices and buildings shall be removed.
- (14) Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular Standards
- (A) Purpose; The purpose of this section is to establish regulations for the siting of towers and antennas on public and private property. The goals of this section are to:
    - i Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;
    - ii Encourage strongly the joint use of new and existing tower sites;
    - iii Require users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
    - iv Require users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
    - v Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.
  - (B) Application requirements. The proponent of a new tower site other than a radio, television or microwave broadcasting or transmission facility shall provide the following documentation for review by the city manager or designee:
    - i Inventory of existing sites. Each applicant of one (1) or more towers shall provide to the City an inventory of its existing towers, including specific information about the location, height, and design of each tower. The City shall maintain an inventory of existing towers, including specific information about the location, height, and design of each tower. The City may share such information with other persons, organizations or governmental authorities seeking to locate antennas within the city limits.
    - ii Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
      - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
      - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
      - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength.
      - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- e. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs below new tower development are presumed reasonable.
  - f. Property owners or owners of existing towers or structures are unwilling to accommodate the applicant's needs.
  - g. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- iii Site plan. Each applicant requesting a permit under this section shall submit a scaled site plan and a sealed elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate professional engineers, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information necessary to assess compliance with this chapter.
  - iv Residential setback. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
  - v Yard setback. Towers and accessory facilities must satisfy the minimum yard setback requirements for the zoning district in which they are located.
  - vi Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device.
  - vii Aesthetics. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray, 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 building environment. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a 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.
  - viii Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, and 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 (6) months of the effective date of such standards and regulations.
  - ix Building codes; safety standards. 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 and property, then, upon notice being provided to the owner of the tower, the owner shall have thirty (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 thirty (30) days, the city may remove such tower or cause such tower to be removed at the owner's expense.

- (C) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. If such antenna or tower is not removed within the ninety (90) days, the City may cause such antenna or tower to be removed at the owner's expense. If there are two (2) or more uses of a single tower, then this provision shall not become effective until all users cease using the tower.

#### **Sec. 14.405 Regulations of Specific Uses**

(a) Location and Arrangement of Residential Buildings on Lots for Single Family or Duplex Uses

- (1) Only one (1) main building for single family or duplex use may be located upon a lot.
- (2) Every dwelling shall face or front upon a public street or approved access easement, other than an alley.

(b) Location and Arrangement of Buildings on Lots for Multi-Family, Retail, Commercial, or Industrial Uses

- (1) Where a lot is used for multi-family, retail, commercial, or industrial purposes, more than one (1) main building may be located upon the lot, but only when such additional main buildings conform to all the open space, parking and density requirements applicable to the uses and districts.
  - (A) All main buildings shall face upon a public street or approved access easement other than an alley, unless approved by a Site Plan in accordance with 14.405.b.2 below.
- (2) In cases where two (2) or more main buildings are desired to be placed upon a single lot or tract and such buildings will not face upon a public street or approved access easement, these cases may be permitted when the Site Plan for such development is approved and complies with the platting requirements, such as access.
- (3) No parking area, storage area, or required open space for one building shall be computed as being the open space yard or area requirements for any other building or other use.

(c) Wrecking or Auto Salvage Yard

Wrecking or Auto Salvage Yards shall be completely enclosed by an opaque wall, screen, or fence at least eight (8) feet high around those portions of such tract in which the Wrecking or Auto Salvage Yard operations are conducted. Such establishments shall also be in conformance with the standards and requirements of applicable state and federal laws and regulations.

(d) Uses with Flammable, Toxic, and Hazardous Materials

- (1) The storage, manufacture, utilization, or dispensing of substances which may constitute or may cause danger to public health, safety, or welfare shall be conducted only within the limits and

conditions specified in the latest addition of both the International Fire Code and International Building Code.

- (2) The emission of toxic or explosive vapors, dusts, or aerosols into the atmosphere shall not exceed, at the facility property line, more than fifty (50) percent of the limit of such as is given in "Threshold Limit Values" as adopted at the most recent International Fire Code and International Building Code.
- (3) No form of flammable, toxic, or other hazardous material shall be released into or upon any utility line, pit, dump, open ground, stream, or drainage way.
- (4) The container size, location, design, and construction of any storage tank, building, or facility for any flammable, toxic, or other hazardous material shall be approved by the fire marshal and the City Manager as a part of the Building Permit application and shall be based upon the requirements of the International Fire Code and International Building Code.

(e) Pollution Prevention

- (1) No operation or activity shall discharge or cause to be released into public waters any liquid or solid waste unless in conformance with the latest provisions of the (TCEQ) Texas Commission on Environmental Quality, the Texas Department of Health, and/or the Texas Railroad Commission.
- (2) No operation or activity shall discharge or cause to be released into the atmosphere any smoke or particulate matter which exceeds the limits permitted by the latest requirements of (TCEQ) Texas Commission on Environmental Quality Commission.

**Sec. 14.406 Nonconforming Uses and Structures**

(a) Intent of Provisions

(1) Existence of Nonconformities

- (A) The City Council has determined that it is in the best interest of the City for nonconforming uses and structures to be brought into conformance with the Zoning Ordinance at the earliest reasonable time. The purpose of this Section 14.406 Nonconforming Uses and Structures is to establish provisions for the allowance and potential alteration of uses, lots and/or structures that do not conform to currently applicable zoning standards or regulations, but which were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.
- (B) Nonconformities occur in three (3) general categories, or combination thereof.
  - i Nonconforming Uses.
  - ii Nonconforming Structures. For example, a nonconforming structure can be nonconforming as to setback, yard, or height lot area or dimension requirement.
  - iii Nonconforming Lots. For example, a nonconforming lot can be nonconforming as to lot area or dimension requirement.
- (C) It is the declared intent of this section that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.



(2) Limit Incompatibility

It is further the intent of this section to limit Nonconformities.

(3) Incompatible Uses

Notwithstanding anything to the contrary, Nonconformities are hereby declared incompatible with the permitted uses in the districts involved.

(b) Establishment of Legal Nonconforming Status

(1) Legal Nonconformities

Legal Nonconformities include the following:

Those uses, structures, or lots which in whole or part do not conform to current zoning standards, but were legally established prior to the date of adoption of this Zoning Ordinance, at which time they were in conformance with applicable standards. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this Section 14.406 Nonconforming Uses and Structures.

(2) Illegal Nonconforming Status

Those uses, structures, or lots, other than residential accessory buildings, which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception are not considered nonconforming, but are considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

(3) Time of Adoption

Any use, platted lot, and/or structure is a lawful use at the time of the adoption of any amendment to this Zoning Ordinance but by such amendment is placed in a district wherein such use, platted lot, and/or structure is not otherwise permitted shall be deemed legal nonconforming.

(4) Annexation

If a use, platted lot and/or structure was in existence at the time of annexation to the City and has since been in regular and continuous use shall be deemed legally nonconforming.

(c) Burden of Demonstration

The burden of establishing that any nonconformity is a legal nonconformity as defined in this section shall be borne by the owner or proponent of such nonconformity.

(d) Abandonment of Use of Property and Structures

(1) A Nonconforming Use, when abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this Zoning Ordinance.

(2) Any Nonconforming Use that does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.

(3) A Nonconforming Use right shall be considered abandoned and surrendered, forfeited, and lost when evidence presented to the City Manager indicates that a structure designed or arranged for a Nonconforming Use has ceased to be used in a bona fide manner as a Nonconforming Use for a period of one hundred and eighty (180) consecutive calendar days. For purposes of calculating

the one hundred and eighty (180) day period, a use is abandoned upon the occurrence of the first of any of the following events:

- (A) On the date when the use of land is physically vacated;
- (B) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
- (C) On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
- (D) On the date a final reading of water and/or power meters is made by the applicable utility provider(s).

(4) Abandonment of a Nonconforming Use does not require intent.

(5) Unless the Zoning Board of Adjustment reinstates the nonconforming rights pursuant to 14.406.j Reinstatement of Nonconforming Rights, an abandoned use shall not be instituted on that parcel or other parcel in any district which does not permit the abandoned use.

(6) Prohibited Expansion or Reoccupation

A Nonconforming Use or Nonconforming Structure shall not be expanded, reoccupied with another Nonconforming Use, or increased as of the adoption date of this Zoning Ordinance, except as provided in Section 14.406.f Expansion of Nonconforming Uses and Structures.

(7) Single Family Residential Uses

(A) Conforming single family residential uses on platted lots approved prior to the Zoning Ordinance adoption date, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Zoning Ordinance as long as the use of the lot is allowed in the respective district.

(B) Only the lot size, depth, width, and setbacks shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this Zoning Ordinance shall be met, or the lot shall be considered nonconforming.

(8) Existing Platted Lots are Conforming Lots

Any existing vacant lot platted prior to the Zoning Ordinance adoption date that was legally conforming, shall be deemed a conforming lot.

(e) Changing Uses and Nonconforming Rights

(1) Nonconforming Use to Conforming Use

Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.

(2) Nonconforming Use to Another Nonconforming Use

A nonconforming use may not be changed to another nonconforming use.

(3) Conforming Use in a Nonconforming Structure

Where a conforming use is located in a Nonconforming Structure, the use may be changed to another conforming use by the process outlined in Section 14.406.f Expansion of Nonconforming Uses and Structures.

(f) Expansion of Nonconforming Uses and Structures

An expansion of a Nonconforming Use or Nonconforming Structure is allowed in accordance with the following.

(1) Nonconforming Use Expansion in Existing Building

A Nonconforming Use may be enlarged, increased, or extended within an existing building provided:

- (A) No structural alteration may be made on or in the existing building except those required by law to preserve such building in a structurally sound condition.
- (B) Work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty percent (50%) of the current replacement value of the building.
- (C) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.

(2) Nonconforming Use Prohibited from Expansion beyond Existing Building

A Nonconforming Use within a building shall not be extended to occupy any land outside the building.

(3) Off-Street Loading and Parking

A Nonconforming Use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a Nonconforming Use, except to provide off-street loading or off-street parking space.

(4) Residential Lot Exemption

The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than herein required which was an official Lot of Record prior to the Zoning Ordinance adoption date may be used for a single family dwelling.

(5) Expansion of Nonconforming Structures with Conforming Uses

Buildings or structures that do not conform to the area regulations or development standards in this ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than ten (10) percent from the date when the building became nonconforming.

(6) Reuse of Nonconforming Structure by Conforming Uses Allowed

- (A) Nonconforming Structures that have been abandoned and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use.
- (B) If re-occupied by a conforming use, then the new conforming use shall meet the applicable landscaping, parking, and fire lane requirements for health, safety, and welfare reasons.

(g) Restoration of Nonconforming Structures

(1) Total or Partial Destruction

If a Nonconforming Structure is destroyed by fire, the elements, or other natural catastrophic event, it may be rebuilt, but the existing square footage or function of the Nonconforming Structure cannot be expanded. The construction must comply with all current building codes, and the zoning regulations in effect at the time the structure was permitted. The construction must commence within twelve (12) months of the date of destruction. The failure of the owner to start such reconstruction within twelve (12) months shall forfeit the owner's right to restore or reconstruct the structure except in conformance with this ordinance.

- (2) If the owner of a Nonconforming Structure has a Nonconforming Use and fails to begin reconstruction of the destroyed structure within twelve (12) months of the date of destruction, then the Nonconforming Structure and Nonconforming Use shall be deemed to be discontinued or abandoned.

(h) Movement of Nonconforming Structures

(1) Relocation of a Nonconforming Structure within a Platted Lot

Nonconforming Structures may be relocated within the same platted lot.

(2) Compliance

Relocated Nonconforming Structures shall comply with all setback and screening requirements.

(i) Completion of Structures

Nothing herein contained shall require any change in the plans, construction, or designated use of the following.

(1) Approved Building

A building or structure for which a Building Permit has been issued or a Site Plan approved prior to the Zoning Ordinance adoption date, provided that the permit or Site Plan shall expire in accordance with the time periods set forth in this Zoning Ordinance.

(2) Building in the Approval Process

A building or structure for which a complete Application for a Building Permit was accepted by the City Manager on or before the adoption date of this Zoning Ordinance, provided however, that such Building Permit shall comply with all applicable ordinances in effect on the date such application was filed.

(j) Reinstatement of Nonconforming Rights

(1) Loss of Nonconforming Rights Status

If the City Manager determines that a Nonconforming Use has met the definition of abandonment and has lost its nonconforming rights, the use shall not be instituted on that parcel or other parcel in any district that does not permit the discontinued use.

- (2) Any Nonconforming Use that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.

(3) Application for Nonconforming Rights Reinstatement

- (A) The owner and/or operator of the abandoned Nonconforming Use may submit a written application to the Zoning Board of Adjustment to have the nonconforming rights reinstated.
- (B) Written Application for reinstatement of nonconforming rights must be made within ten (10) business days after the City Manager issues the written notice of determination that a use has been permanently abandoned.

(4) Zoning Board of Adjustment Decision

The Zoning Board of Adjustment may reinstate nonconforming rights only if the Zoning Board of Adjustment finds that the use was not discontinued for six (6) months or more. The failure of the owner and/or operator to remove on-premise signs shall not be considered (on its own) evidence of a continuing use.

(k) Registration and Certificate of Occupancy

A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Code. The owner or lessee of the building or land occupied by the nonconforming use or structure shall apply for registration of a Nonconforming Use or Nonconforming Structure to the City Manager within one year of the adoption date of this Zoning Ordinance. The form of registration shall be established by the City Manager and shall include a photograph of the nonconformity. Upon determination that the use or structure is legal nonconforming, the City Manager shall issue a Certificate of Occupancy.

(l) Nonconforming Use Created by Acquisition of Right-of-Way

(1) Deeming of a Lawful Conforming Structure

Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of Right-of-Way by eminent domain proceedings, dedication, or purchase by the City, the county, the state, or a federal agency creates a Nonconforming Structure, lot, or setback, the structure shall be deemed a lawful conforming structure, to the extent the nonconformity results from the acquisition of the Right-of-Way. In the event the structure is partially or totally destroyed by natural causes, the structure may be rebuilt.

(2) Cases in which the Owner Receives Compensation for Screening or Landscaping

In the event the owner of an interest in real property receives compensation for screening or landscaping in the form of curative measures or damages to the remainder in a Right-of-Way acquisition, the owner shall relocate required fencing or landscaping originally located on the acquired property to the remainder of the tract as closely as practicable to the required setback.

(3) Cases in which the Owner Receives Compensation for Demolition

A Certificate of Occupancy shall not be issued for any structure for which compensation has been paid for the demolition of the structure or for other curative measures until such time that the structure meets all applicable ordinances or the curative measures for which the compensation was paid have been completed. For purposes of this section, "curative measures" are those actions, corrections, repairs and/or improvements identified in an appraisal or similar valuation analysis prepared in the context of considering damages to the remainder suffered as a result of the acquisition of a portion of property.

**Sec. 14.407 Accessory Buildings and Uses****(a) Residential Accessory Buildings and Uses**

- (1) The following regulations apply to Accessory Buildings servicing lots zoned for residential uses.

Table 4.2: Residential Accessory Building Requirements		
Standard	Lots up to 21,999 S.F.	Lots 22,000 S.F. and greater
Maximum Height of Accessory Buildings	15'	Equal to or less than main building
Maximum Number of Accessory Buildings	3	4
Maximum Allowed Building Area Coverage	Main and accessory buildings shall not exceed the allowable coverage percentage of the zoning district in which they are located.	
Minimum Side and Rear Setback	5'	5'
Minimum Setbacks for Corner Lots	5'*	5'*
Prohibited Locations	Accessory Buildings in front yards or in easements are prohibited	
Barns and other Types Livestock Housing	Barns and other types of livestock housing shall not be counted toward the maximum number of accessory buildings, when used in conjunction with an agricultural use.	
* No Accessory Building shall be placed so as to protrude in front of the main building.		

- (2) The following regulations apply to Accessory Dwelling Unit operating as Accessory Buildings or as a use attached to the main building.

(A) An Accessory Dwelling Unit shall not be less than five hundred (500) square feet and shall not contain more than one thousand (1,000) square feet of living area.

i An Accessory Dwelling unit may not be larger than the main dwelling.

ii An Accessory Dwelling Unit may be constructed as a part of the main building.

(B) Any Accessory Building for human habitation shall not be occupied until the main dwelling has been completed.

(C) Only one (1) Accessory Dwelling Unit shall be allowed on any individual tract of land.

- (3) Accessory Building and Use Limitations in Association within Dwelling, Single Family (attached – townhouse) Development

Only the following Accessory Buildings and uses are permitted for Dwelling, Single Family (attached – townhouse) developments:

- (A) One attached garage (Garage, Private (attached)) with one or more compartments and with front and side walls complying with the requirements of the front and side walls of the main portion of the building as to distance, etc.; or
- (B) One detached private garage (Garage, Private (detached)) with one or more compartments and located within the prescribed building lines.

(4) Accessory Buildings and Use Limitations within the MH, Manufactured Home District

- (A) An Accessory Building necessary to store equipment for several dwelling units or provide a service function for several dwelling units shall not be occupied as a place of abode.
- (B) Any Accessory Building that is not a part of the main building shall be separated from the main building by a minimum of ten feet (10').

(b) Nonresidential Accessory Buildings

- (1) In the nonresidential districts, an Accessory Building shall not exceed the height of the main building and shall not exceed fifty percent (50%) of the floor area of the main building, and shall be used for purposes accessory and incidental to the main use.

(c) Small Wind Energy Systems

(1) Accessory Use

A Small Wind Energy Systems is allowed as an accessory use in all Residential Zoning Districts.

(2) General Standards

- (A) Small Wind Energy Systems are permitted only in the rear yard.
- (B) The minimum distance between the ground and any part of a rotor blade must be at least twenty (20) feet.
- (C) Small Wind Energy Systems may not be illuminated, nor may they bear any signs or advertising.
- (D) Small Wind Energy Systems must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the support structure, rotor blades, and turbine components.
- (E) All wiring serving Small Wind Energy Systems must be underground.
- (F) Noise produced by Small Wind Energy Systems may not exceed 55 dBA measured at the property line.
- (G) Small Wind Energy Systems must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (including but not limited to police, fire, and ambulance) radio transmissions, or with any microwave communications link. The owner shall bear the cost to conduct a study to determine interference, and of immediately eliminating any such interference should any

occur, or must immediately shut down the system or parts of the system causing the interference.

- (H) A finish (paint/surface) must be provided for the small wind energy system that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.
  - (I) The diameter of the area swept by the rotors may not exceed twelve (12) feet.
- (3) Freestanding Systems – Additional Standards
- Small Wind Energy Systems may be mounted on a tower detached from other structures on the lot.
- (A) Setback  
The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point unless the affected utility, property owner, or governmental entity grants written permission for a lesser setback. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zoning district.
  - (B) Height  
Freestanding systems measured from the top blade may not exceed the lesser of, five (5) feet over the maximum allowed height for the structures in the applicable zoning district or forty-five (45) feet in height.
  - (C) Security  
Support structures for freestanding systems must be unclimbable from the ground to a height of at least fifteen (15) feet.
  - (D) Number  
A maximum of one (1) freestanding small wind generator system may be allowed on a building site.
- (4) Roof-Mounted Systems – Additional Standards
- Small Wind Energy Systems may be mounted on the roof of a structure as an appurtenance.
- (A) Height  
Roof-mounted systems measured from the top blade may not be more than five (5) feet over the maximum allowed height for the structure.
  - (B) Number  
A maximum of one (1) roof-mounted small wind generator system may be allowed on a building site.
  - (C) Engineering Report  
Before any roof-mounted system is mounted the property owner must submit a report prepared by a licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of



mounting the system on it. This report is subject to approval by the City Manager prior to the mounting of the system.

## Section 14.500      Zoning Dimensional Regulations

### **Sec. 14.501 Purpose**

(a)    Establish Common Area Regulations and Standards

The purpose of this section is to establish common area regulations and standards for each zoning district.

(b)    One Location for Information

This Subsection provides one location within this Zoning Ordinance where the common area regulations and standards can be found.

### **Sec. 14.502 Establishment of Area Regulations and Standards**

The area regulations and standards for each zoning district are established within the following Section 14.504 Zoning Dimensional Regulations Chart

### **Sec. 14.503 Additional Area Regulations and Standards**

Additional area regulations and standards may apply to specific zoning districts and may be found within the other sections of this Zoning Ordinance.

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**Sec. 14.504 Zoning Dimensional Regulations Chart**

	Residential Zoning Districts						Nonresidential Zoning Districts					Special Zoning Districts		
Regulation	SF-6, Single-Family 6 District	SF-8, Single-Family 8 District	SF-10, Single-Family 10 District	SF-A, Single Family Residential (attached)	MF, Multiple- Family District	MH, Manufactured Home District	NOS, Neighborhood Office and Service District	C1, Light Commercial District	C2, Heavy Commercial District	I1, Light Industrial District	HI, Heavy Industrial District	AO, Agriculture- Open Space District	DMU, Downtown Mixed Use District	OT, Old Town District
Lot Dimensions														
Minimum Lot Area	6,000 SF	8,000 SF	10,000 SF	8,000 SF per duplex / 4,000 SF per unit; or 2,500 SF per townhouse (TH);	2,725 SF. per DU / at least 1 acre/ 16 DU/A <sup>(2)</sup>	3,500 SF	16,000 SF	6,000 SF	6,000 SF	5,000 SF	1 Acre	2.5 Acres	1,600 SF	8,000 SF
Minimum Lot Width	50'	70'	90'	76' per duplex or 38' per Dwelling Unit; or 25' per TH unit	150'	40'	125'	60'	60'	50'	100'	24'	None	60'
Minimum Lot Depth	100'	100'	100'	100'	100'	80'	125'	100'	100'	100'	200'	120'	None	100'
Yard Setback Dimensions														
Minimum Front Yard Setback	20'	20'	20'	25' per duplex; or 25' per townhouse	30'	10'	40'	10'	20'	20'	25'	25'	None	20'
Maximum Front Yard Setback	None	None	None	None	None	None	None	None	None	None	None	None	10'	None
Minimum Side Yard Setback	5'; corner lot 15'	5'; corner lot 15'	5'; corner lot 15'	10' per duplex; See 14.404.a.2 for TH <sup>(1)</sup>	30'	10'	None; 25' abutting residential district	None; 25' abutting residential district	None; 25' abutting residential district	None; 25' abutting residential district	None; 25' abutting residential district	25'	None	10'; corner lot 15'
Minimum Rear Yard Setback	20'	20'	20'	25' per duplex; See 14.404.a.2 for TH	30'	15'	None; 25' abutting residential district	None; 25' abutting residential district	None; 25' abutting residential district	None; 25' abutting residential district	None; 25' abutting residential district	30'	None	20'
Structure Height														
Maximum Height (feet)	35'	35'	35'	35'	35'	25'	35'	60'	60'	60'	60'	35'	60'	35'
Impervious Area Coverage														
Maximum Impervious Area	45%	45%	45%	50% for duplexes; 65% for townhouses	70%	50%	50%	75%	75%	75%	75%	30%	100%	45%

<sup>(1)</sup> No side yard is required providing a firewall is installed in accordance with the City Building Code, except that no contiguous attached structure shall exceed one hundred eighty (180) feet in length and the minimum separation between noncontiguous, adjacent structures shall be thirty (30) feet.

<sup>(2)</sup> Dwelling Units per Acre (DUA) calculation is exclusive of all streets, alleys and sidewalks, but inclusive of open space, recreational, and service areas.

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## Section 14.600 Zoning Development Regulations

### Sec. 14.601 Landscape Requirements

(a) Nonresidential Landscaping Requirements

These standards shall apply to all Nonresidential Zoning Districts (NOS, C1,C2,LI, HI). Nonresidential landscaping shall be required according to the following sections.

Table 6.1: Nonresidential Landscaping Requirements (Section References)	
Section Number	Section Title
14.601.a.1	Landscaping Along Street Right-of-Way
14.601.a.2	Interior Parking Lot Landscaping
14.601.a.3	Landscaping/Screening for Parking Lots Adjacent to Residential Areas
14.601.a.4	Landscaping for Nonresidential Areas Adjacent to Residential Areas

(1) Landscaping Along Street Right-of-Way

All nonresidential uses shall comply with the following streetscape requirements:

(A) Landscaped Edge

A minimum five foot (5') wide landscaped edge shall be provided adjacent to all streets, exclusive of street right-of-way.

- i Within the landscaped edge, one (1) shade tree (3" caliper minimum) shall be planted per 40 feet of landscaped edge. The grouping or clustering of trees to accommodate driveway spacing, utilities, drainage facilities, or similar site features is permitted.
- ii The number of required trees shall be calculated solely on the area of the required landscaped edge.

(B) Vehicle Headlight Screening abutting the Landscape Edge

Where parking lots, drives, and access easements abut the landscaped edge, shrubs (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line.

- i The number of required shrubs shall be calculated solely on the area of the required landscaped edge.
- ii Shrubs shall be planted in planting beds.
- iii A berm may be placed within the landscaped edge in lieu of the required shrubs or combination of berm and shrubs, unless needed for additional headlight screening required by Sec 14.601.a.3.
- iv The berm must be 18 to 40 inches above the average grade of the street and parking lot curbs.
- v The slope of the berm shall not exceed a 33 percent grade.

- (C) If the parking lot is located 50 feet or more from the street right-of-way line, no shrubs or berms will be required unless needed for additional headlight screening required by Sec 14.601.a.3.
- (D) The applicant is also encouraged to plant a variety of ornamental trees and flowers in addition to the required plantings.
- (E) Any permeable surface not occupied by trees, shrubs, planting beds, signs or other permitted fixtures shall be planted with turf or other living ground cover.
- (F) All nonresidential properties shall provide shade trees at a ratio of nine (9) shade trees (2.5" caliper minimum) per gross acre. Ornamental trees may be counted toward this requirement at a ratio of two (2) ornamental trees equaling one (1) shade tree. Tree plantings (such as landscape edge or parking lot) may be counted toward meeting this requirement. Existing preserved trees may also be counted toward meeting this requirement.

(2) Interior Parking Lot Landscaping

Any nonresidential parking area that contains more than 10 parking spaces shall provide interior landscaping in addition to the required Landscaped Edge (14.601.a.1.A):

- (A) Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet or ten feet (10') by twenty feet (20') in sized.
- (B) Planter islands shall contain at least one (1) shade or ornamental tree and a combination of shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area. Shade trees are encouraged to help mitigate heat island effects caused by parking lots.
- (C) All landscaped areas shall be protected by a raised six (6) inch concrete curb.
  - i Pavement shall not be placed closer than five (5) feet from the trunk of a tree unless a City approved root barrier is utilized.
- (D) Where an existing parking area is altered or expanded to increase the number of spaces to more than twenty (10), Interior Parking Lot Landscaping shall be provided on the new portion of the lot in accordance with the above standards.

(3) Landscaping/Screening for Parking Lots Adjacent to Residential Areas

Where parking is within 50 feet of residentially zoned property and is not screened from view by a wall, berm or other screen, a continuous screen of shrubs (5 gallon minimum at the time of planting and planted in planting beds) must be placed adjacent to the parking. The required landscaping shall comply with the following regulations:

- (A) The required shrubs shall create a minimum three (3) foot tall screen within two (2) years of the date of planting.

(4) Landscaping for Nonresidential Areas Adjacent to Residential Areas

A twenty five foot (25') wide landscape buffer shall be provided adjacent to existing residential or vacant land zoned for residential uses. This buffer shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials which soften or mitigate nonresidential impacts on the adjacent residential area. This buffer may be reduced to five feet (5') if an 8 foot tall masonry wall placed between the buffer and the adjacent residential area. Parking is not permitted in the buffer.

(b) Residential Landscaping Requirements

These standards shall apply to all Residential Zoning Districts. Residential Landscaping shall be required according to the following sections.

Table 6.2: Residential Landscaping Requirements (Section References)	
Section Number	Section Title
<u>14.601.b.1</u>	Multi-Family, Single Family Attached and Assisted Living/Nursing Home Landscaping Requirements
<u>14.601.b.2</u>	Landscaping Requirements for Single Family Developments

(1) Multi-Family, Single Family Attached and Assisted Living/Nursing Home Landscaping Requirements

(A) Landscape Edge

A landscape edge shall be provided adjacent to all streets.

- i The landscape edge shall be a minimum width of ten (10) feet, exclusive of street Right-of-Way.
- ii Within the landscaped edge, one (1) Shade Tree (3 inch caliper minimum) shall be planted per 40 feet of landscaped edge. The grouping or clustering of trees to accommodate driveway spacing, utilities, drainage facilities, or similar site features is permitted.
- iii The number of required trees shall be calculated solely on the area of the required landscaped edge.

(B) Shrub Buffer for Parking Lots and Drives

Where parking lots and drives abut the landscaped edge, shrubs (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line.

- i The number of required shrubs shall be calculated solely on the area of the required landscaped edge.
- ii Shrubs shall be planted in planting beds.
- iii A berm may be placed within the landscaped edge in lieu of the required shrubs or combination of berm and shrubs.



- iv The berm must be 18 to 40 inches above the average grade of the street and parking lot curbs.
  - v The slope of berm shall not exceed a 33 percent grade.
- (C) If the parking lot is located 50 feet or more from the street Right-of-Way line, no shrubs or berms will be required.
- (D) The Applicant is also encouraged to plant a variety of Ornamental Trees and flowers in addition to the required plantings.
- (E) Any permeable surface not occupied by trees, shrubs, plantings beds, signs or other permitted fixtures shall be planted with turf or other living ground cover.
- (F) Any parking area that contains more than 10 parking spaces shall provide interior landscaping in addition to the required Landscaped Edge:
- i Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet or ten feet (10') by twenty feet (20') in sized.
  - ii Planter islands shall contain at least one (1) shade or ornamental tree and a combination of shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area. Shade trees are encouraged to help mitigate heat island effects caused by parking lots.
  - iii All landscaped areas shall be protected by a raised six (6) inch concrete curb.
    - h. Pavement shall not be placed closer than five (5) feet from the trunk of a tree unless a City approved root barrier is utilized.
  - iv Where an existing parking area is altered or expanded to increase the number of spaces to more than twenty (10), Interior Parking Lot Landscaping shall be provided on the new portion of the lot in accordance with the above standards.
- (G) All landscaped areas shall be protected by a raised six (6) inch concrete curb.
- i Pavement shall not be placed closer than five (5) feet from the trunk of a tree unless a staff approved root barrier is utilized.
- (H) All multifamily and Assisted Living/Nursing Home properties shall provide shade trees at a ratio of nine (9) shade trees (3" caliper minimum) per gross acre. Ornamental trees may be counted toward this requirement at a ratio of two (2) ornamental trees equaling one (1) shade tree. Tree plantings (such as landscape edge or parking lot) may be counted toward meeting this requirement. Existing preserved trees may also be counted toward meeting this requirement.
- (I) No site developed prior to the effective date of this section shall be required to conform to the landscaping requirements of this section unless the site is redeveloped or there is a

thirty percent (30%) or more increase in the existing square footage of building area and/or reconstruction of the existing parking lot.

(J) Additional Multi-family Landscape Requirements

The multi-family complex shall be landscaped in accordance with the section. If more than one apartment building is placed upon a single lot, the following areas shall be landscaped:

- i A twenty (20) foot strip along the front and rear of the buildings as measured from the foundation.
- ii A fifteen (15) foot strip along all other sides of the buildings as measured from the foundation.
- iii That area adjacent to building corners determined by extending the front, rear, and side landscape limits to their point of intersection.

(2) Landscaping Requirements for Single Family Developments

- (A) Two shade trees (3" caliper minimum) or ornamental trees shall be provided in residential subdivisions for each lot.
- (B) All required trees must be planted prior to request for final building inspection of the dwelling unit.

(c) Landscape Maintenance Requirements

- (1) This subsection (14.601.c) shall not apply to single family lots for single family structures.
- (2) All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed, or removed.
- (3) Landscaped areas shall be kept free of trash, litter, weeds and other such materials or plants not a part of the landscaping.
- (4) An automatic irrigation system with rain and freeze sensors is required for all landscaping except for single family residences.
- (5) Any undeveloped areas which were disturbed during construction of the lot must be revegetated with turf or other approved living ground cover for erosion control.
- (6) Any Developer desiring to install and maintain landscaping materials and irrigation facilities within the City Right-of-Way must first receive written approval from the City Manager.
- (7) Replacement of dead landscaping shall occur prior to the issuance of a Certificate of Occupancy.

(d) Approved Plant Materials

(1) Shade Tree

Trees shall be of a drought-tolerated nature and have a mature crown of at least twenty (20) feet.

(2) Ornamental Tree

Trees shall be of a drought-tolerated nature and may have a mature crown less than twenty (20) feet.

(3) Shrubs

Shrubs shall be of a drought-tolerated nature and be a minimum of fifteen (15) inches in height when measured immediately after planting.

(4) Vine

Vines shall be a minimum of twenty-four (24) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as herein specified.

(e) Approval of Alternative Compliance

A request for Alternative Compliance may be submitted and acted upon in accordance with 14.904 Alternative Compliance. The Planning and Zoning Commission may approve the following, based upon a finding that the proposed alternative is, at a minimum, equivalent to and meets the spirit and intent of this 14.601 Landscape Requirements.

(1) Location or Type of Required Landscape Materials

(A) Alternatives or minor changes to the location or type of required landscape materials due to unusual topographic constraints, sight restrictions, siting requirements, preservation of existing stands of native trees or similar conditions, or in order to maintain consistency of established front yard setbacks.

(B) These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the amount of landscape materials.

(2) Required Landscaping Edges and Buffers

(A) Alternatives or minor changes to the required landscape edges and buffers along a street frontage if immediately adjacent properties on both sides (at side property lines) have a smaller or no landscape buffer strip, in order to maintain consistency between existing parking lot and drive aisle alignments.

(B) If an alternative landscape edge or buffer is granted, an equal amount of landscaped area and trees shall be provided elsewhere on the site as may be deemed appropriate by the Planning and Zoning Commission.

(3) Landscaping for Nonresidential Areas Adjacent to Residential Areas

(A) Partial or complete relief from the landscaping buffer requirement within 14.601.a.4, if the applicable lot is smaller than one (1) acre.

- (B) If an alternative buffer is granted, adequate screening shall be provided to ensure an equivalent buffer effect.

#### **Sec. 14.602 Residential Adjacency Standards for Businesses**

(a) Purpose and Intent

In order to preserve and protect the integrity of single family residential neighborhoods and in an effort to protect the quiet enjoyment of single family residential properties and to maintain property values, the City has determined that it is necessary and appropriate to adopt specialized regulations for non-single family residential uses and buildings that are constructed within 400 feet of properties used for single family residences.

(b) Applicability

- (1) The following Residential Adjacency Standards for Businesses shall apply to all non-single family residential buildings or uses that lie within four hundred feet (400') of properties used for single family residences.
- (2) For purposes of the Section, the four hundred (400) foot distance shall be measured from the non-single family residential building and/or use to the property line of the single family residence.

(c) Development Regulations

- (1) This exception does not apply to buildings on pad sites (i.e., "out" buildings).
- (2) Mechanical Equipment Screening:
  - (A) This subsection shall apply to equipment on the roof, on the ground or otherwise attached to the building or located on the site.
  - (B) All buildings must be designed such that no mechanical equipment (HVAC, etc.) shall be visible from adjacent residential uses.
- (3) Loading and Service Areas:
  - (A) Loading and service areas should generally be located at the side or rear of buildings.
  - (B) If such service/loading areas are adjacent to residential uses they shall be screened from view at a height of six feet (6') while standing at the highest grade on the residential property line.
  - (C) Screening materials shall be maintained in a proper working condition. Materials which require minimal maintenance such as masonry are encouraged.
  - (D) The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.

## **Sec. 14.603 Screening Requirements for Residential and Nonresidential Properties**

### **(a) Nonresidential Uses with Loading Docks**

- (1) Nonresidential uses with loading docks and delivery entrances that front any roadway other than a Local per the City's Master Throughfare Plan shall require the Developer to erect a screening wall to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery.

### **(b) Screening Wall Design**

- (1) All walls shall be constructed with the materials traditionally used for wall or fencing, and should be similar to the main building when possible.
- (2) The screening wall shall be designed and constructed to prevent any drainage or erosion problems.
- (3) A minimum three-foot (3') wide buffer shall be provided for fence maintenance along the full length of the required screening fence, unless separated by an alley.

### **(c) Mechanical Equipment Screening Requirements for Nonresidential Properties**

#### **(1) General**

- (A) In all nonresidential development, all mechanical equipment whether ground-mounted, roof-mounted or otherwise attached to the building shall be screened from street view at a height of six feet (6') while standing at the highest grade on the nearby property line(s).
- (B) Mechanical equipment areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
- (C) The location, construction, and screening of all mechanical equipment shall be shown on the design drawings.

#### **(2) Ground-Mounted Mechanical Equipment**

- (A) Ground-mounted mechanical equipment shall be screened with a screening fence or living screen equal to or greater than one foot (1') above the height of the unit.
- (B) The screening fence shall be constructed of traditional fence or wall materials.

#### **(3) Roof-Mounted Mechanical Equipment**

- (A) Roof-mounted mechanical equipment shall be screened from view with a parapet wall, mansard roof or alternative architectural element.
- (B) The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) provided that the element shall not extend more than five feet (5') above the roof on a one- or two-and-one-half (2½) story building.

(C) When the height of a mechanical unit exceeds the maximum permitted height of the screening feature, an additional roof setback for the unit shall be required at a ratio of two horizontal feet (2') for each additional one foot (1') of vertical height above the maximum five feet (5').

(D) Screening for mechanical units shall apply to new building construction only.

(d) Screening of Outdoor Waste Storage for Nonresidential, Single Family Attached, and Multiple Family Residential Properties

(1) General

(A) Waste storage areas (refuse containers, etc.) shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.

(B) The location, construction, and screening of all waste storage areas (refuse containers, etc.) shall be shown on the design drawings.

(2) Incidental Use Requirement and Location Standards

Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers that are used for waste disposal purposes shall:

(A) Only be allowed as an incidental use, and

(B) Only be allowed when located behind the building line established by the structure and not within any required landscaped area.

(3) Setbacks

Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be set back from all residential uses a minimum of twenty-five feet (25').

(4) Screening Required

(A) Receptacles greater than 100 gallons

- i Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be enclosed on all four sides with a three-sided solid screening wall and a solid gate on the fourth side that shall be constructed to a minimum height of one foot (1') above the container height, but shall not exceed eight feet (8') in height.
- ii Enclosures shall be constructed of masonry or other low maintenance durable materials traditionally used for walls or fencing.
- iii Enclosure doors shall remain closed at all times except when filling or emptying the container.

- iv The screening wall shall be similar to or extensions of the development's architectural design.

(B) Receptacles less than 100 gallons

- i Refuse and recycling receptacles with a capacity less than 80 gallons visible from the street or adjacent single family residence, must be screened from view.
- ii Refuse and recycling receptacles with a capacity less than 80 gallons do not require screening if they are not visible from the street.

**Sec. 14.604 Off-Street Parking and Loading Requirements**

(a) Applicability

- (1) Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any permitted use unless vehicle parking is provided according to the following standards.
- (2) Vehicle parking shall be provided on the lot or tract, on an immediately contiguous lot or tract, or within one hundred fifty feet (150') of such building or structure.
- (3) An established use lawfully existing at the effective date of this Zoning Ordinance need not provide vehicle parking as hereinafter set forth. No existing vehicle parking in connection with said use, at the effective date of this Zoning Ordinance, may be reduced below the minimum number of spaces as hereinafter required.
- (4) When a new use occupies an existing building, where the new use has more intensive parking requirements, additional parking shall be provided when the required additional parking spaces exceed 30% of the existing parking spaces.

(b) General Requirements

- (1) **Parking Areas and Driveways**  
Unless otherwise noted, parking areas and driveways shall be curbed, paved concrete or asphalt and maintained.
- (2) **Parking Space Dimension**  
In all zoning districts, all parking spaces shall not be less than ten feet (10') by twenty feet (20') for head in parking spaces and not less than eight feet (8') by twenty two feet (22') for parallel parking.
- (3) **Front and Side Entry Garages**
  - (A) A garage shall be determined to be a front entry or side entry garage based upon which property line (front or side) a driveway crosses.
  - (B) Front and side entry garage access driveways are permitted where the respective building set back line is a minimum of twenty-five feet (25').

(4) Rear Entry Garages

- (A) A garage shall be determined to be a rear entry garage if the driveway crosses the rear property line.
- (B) Rear entry garage access driveways are only permitted when access is by means of a public alley, unless the property has double street frontage.

(5) Driveway Access to the Rear Yard

- (A) Access driveways to the rear yard or to an Accessory Building are permitted only from a public alley or by means of the main garage access driveway.
- (B) Access to a rear yard or an Accessory Building from a public street by means of an additional driveway is not permitted.

(6) Electric Vehicle Charging in Parking Spaces

Parking spaces designated for Electric Vehicle charging are permitted as an accessory use in any parking lot and may be counted toward the required parking spaces.

(c) Parking Space Schedule: Residential Uses

- (1) In all Single Family districts the minimum off street parking spaces for residential uses shall be two (2) spaces for each dwelling unit. These two (2) spaces shall be in addition to any garage parking spaces.
- (2) No off-street parking shall be allowed in any front yard area, except on the paved driveway.
- (3) No parking area or vehicle storage space shall be used for the storage or parking of any vehicle with more than two axles.
- (4) Accessory Dwelling Units shall provide one additional off street parking space in addition to the off street parking spaces required for the single family residential use.
  - (A) Where the addition of an off street parking space is not feasible due to constraints from the existing built environment, and where the applicant may request an exemption from off street parking requirements in accordance with the process identified in Sec 14.904 Alternative Compliance.

(d) Parking Space Schedule: Multi-Family Uses

- (1) Off-street parking shall be provided behind the front building line in the side or rear yard of the lot or tract of land upon which an Apartment building is constructed.
- (2) Adequate off-street parking space shall be provided to meet the requirements of the residents and their guests in each Apartment project, with a minimum of:
  - (A) 1.5 parking spaces for each 1 bedroom unit; and
  - (B) 2 parking spaces for each 2 bedroom unit; and
  - (C) 2.5 spaces for each 3+ bedroom unit; and
  - (D) Additional guest parking provided at a ratio of 5% of the required spaces.



- (3) No parking area or vehicle storage space shall be used for the storage or parking of any vehicle with more than two axles.

(e) Parking Space Schedule: Nonresidential Uses Applicable to All Districts

- (1) Off-street parking spaces shall be provided according to the following. In cases where a use is not listed below, see 14.604.G Parking Requirements for New or Unlisted Use.

Table 6.3 Schedule of Off-Street Parking Requirements	
Use Type	Parking Requirement
Bank, Savings and Loan, or Similar Financial Establishment	One space for each three hundred (300) square feet of gross floor area.
Bed and Breakfast Facility	Two (2) spaces per facility in addition to the requirements for a normal residential use.
Bowling Alley	Five (5) spaces for each lane.
Child-care, Kindergartens, Day Schools, and Similar Establishments	One space for each three hundred (300) square feet of gross floor area.
Clinics or Doctor's Offices	One (1) space for each three hundred (300) square feet of Floor Area, minimum of four (4).
Commercial Outdoor Amusement	1 space per 500 square feet of outdoor site area plus 1 space per 4 fixed spectator seats.
Convalescent Home or Nursing Home or Assisted Living Facility	One (1) space for every four (4) rooms or beds.
Gasoline Service Station/Convenience Store	1 space for each 250 square feet of gross floor area, areas adjacent to pumps where vehicles park to refuel shall not be considered a parking space.
College or University	One (1) space for each classroom, laboratory or instruction area, plus one (1) space for each three (3) students accommodated in the institution.
Hospitals	One (1) space for every two (2) beds.
Hotel or Motel	One (1) space for each room, unit or guest accommodation plus 1 space for every 300 square feet of common area not designated as sleeping rooms
Institutions of a Philanthropic Nature	Ten (10) spaces plus one (1) space for each employee.
Library or Museum	Ten (10) spaces plus one (1) for each three hundred (300) square feet of Floor Area.
Manufacturing, Processing or Repairing	One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of Floor Area, whichever is greater.

Offices, General	One (1) space for each three hundred (300) square feet of Floor Area, minimum of four (4) spaces.
Parks	Due to the wide variety of park types and uses, the number of spaces shall be submitted by the applicant and be based on best/current planning parking ratios (recommended sources: Institute of Transportation Engineers [ITE] or the American Planning Association [APA]) and approved by the City Manager.
Restaurant or Cafeteria	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales and Service	One (1) space for each two hundred and fifty (250) square feet of Floor Area.
RV Park	Two (2) spaces for each recreational vehicle space.
Schools, Public or Private	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Storage or Warehousing	One (1) space for each one thousand (1,000) square feet of Floor Area.
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)

(2) Parking Requirements for Downtown Mixed Use District

- (A) Properties zoned Downtown Mixed-Use shall only be required to provide two (2) off street parking spaces.
- (B) Parking spaces shall be provided at the rear of the property and should be accessed by an alley way or access easement.
- (C) Where it is not feasible to provide off street parking, or where doing so would be detrimental to the feel and function of the Downtown Mixed Use District, the applicant may request an exemption from off street parking requirements in accordance with the process identified in Section 14.904 Alternative Compliance.

(3) Best Practices Parking Ratio

For uses shown in the Use Chart that have atypical standards or single uses which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best planning and transportation practices.

- (A) Best Practices Parking Ratio Application

- i An applicant shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards materials from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
- ii The City Manager shall review the applicant submitted parking ratio to confirm best planning practices for a use.
- iii The City Manager shall approve, modify, or deny the applicant submitted parking ratio.

(B) Parking Ratio Determination in Case where no Application is Submitted

If the applicant does not submit a parking ratio, then the City Manager shall determine the parking ratio based on the best/current planning and transportation practices.

(f) Off-Street Parking Regulations

- (1) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- (2) Floor Area of a structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.

(g) Parking Requirements for New or Unlisted Use

Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be determined by the City Manager as those of a similar use.

(h) Alternative Parking Standards

In order to provide flexible parking standards and to continue to provide for a sufficient amount of parking space, the City Manager may approve Alternative Parking Standards in accordance with process outlined above in 14.604.E.2 Best Practices Parking Ratio.

(i) Circulation and Parking Requirements for all Nonresidential Developments

- (1) Applicability  
The regulations provided in this section shall apply to all nonresidential development.
- (2) Parking Aisles  
Parking aisles shall be designed perpendicular to the front of the primary building in the development.
- (3) Wheel Stops and/or Bollards  
If curbs are not provided, then parking spaces that face and are adjacent to a building or required landscaped area shall utilize wheel stops and/or bollards within 12 inches from the end of the space.

(j) Parking Space Design Details

Each standard off-street surface parking space size shall be in accordance with the design standards as shown on the following illustrations for space size and design.

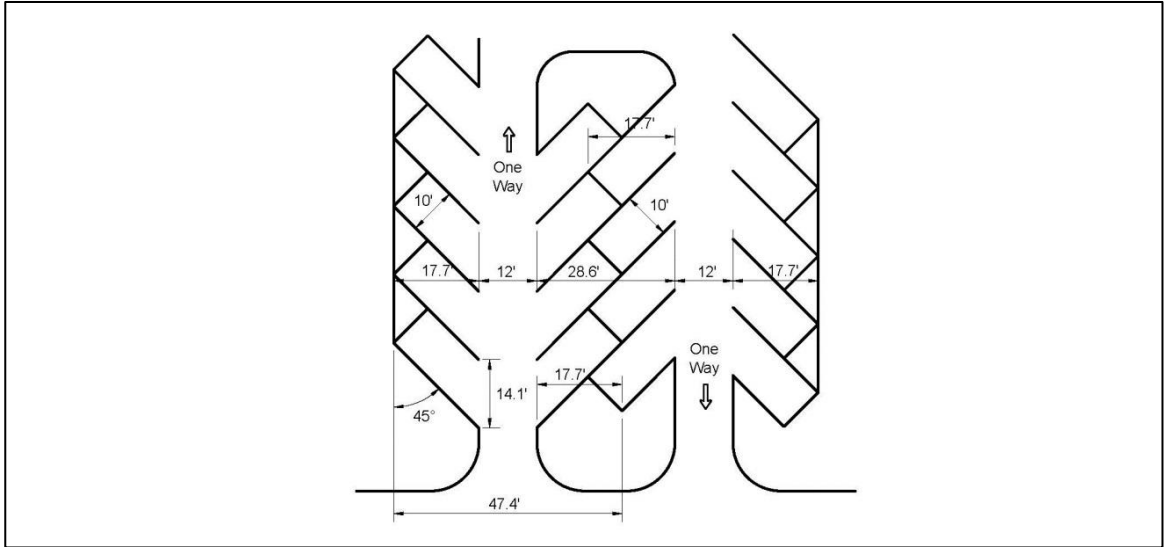


Figure 2: 45 Degree Layout with One-Way Traffic

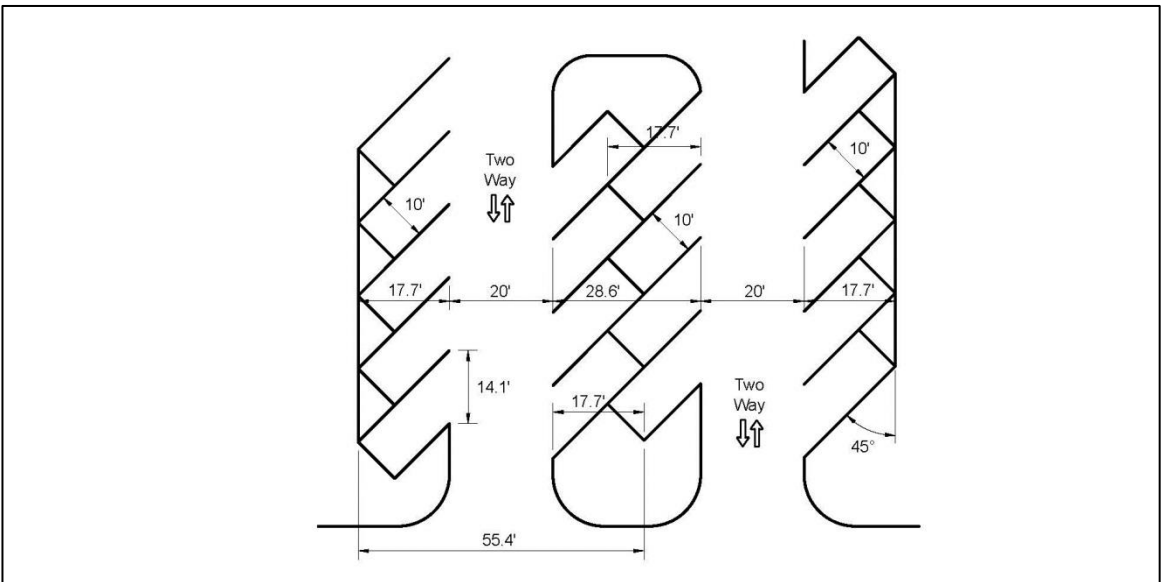


Figure 3: 45 Degree Layout with Two-Way Traffic

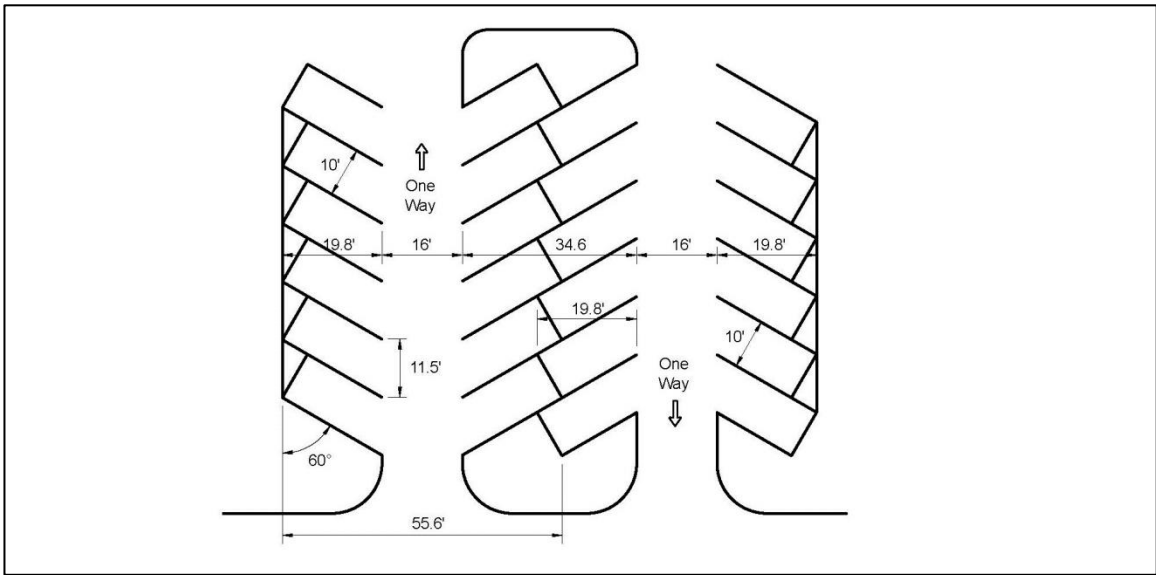


Figure 4: 60 Degree Layout with One-Way Traffic

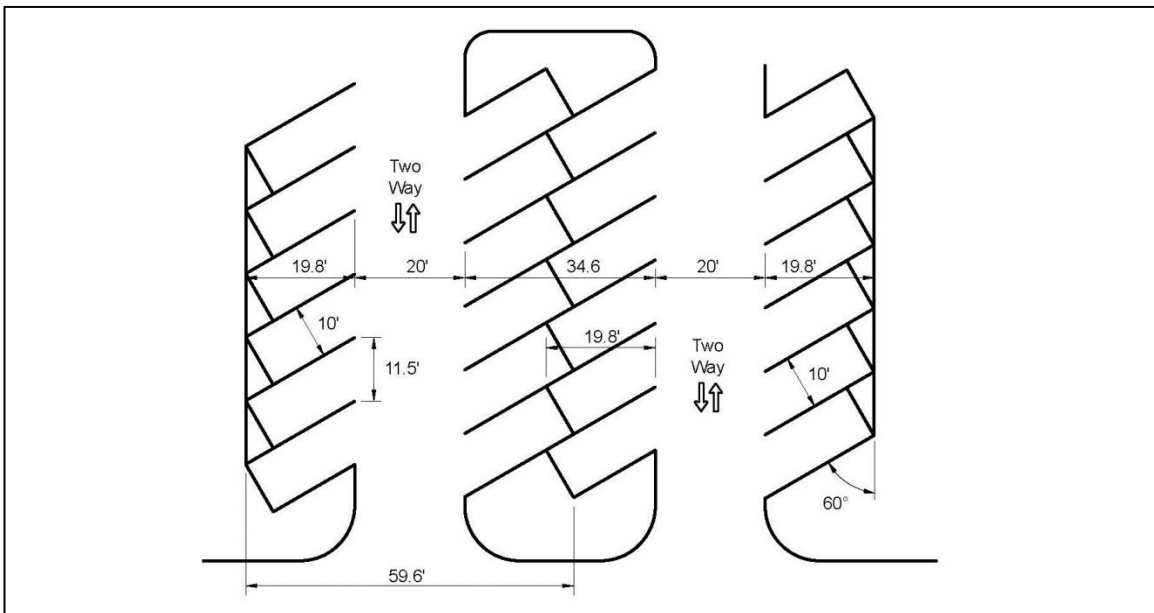


Figure 5: 60 Degree Layout with Two-Way Traffic

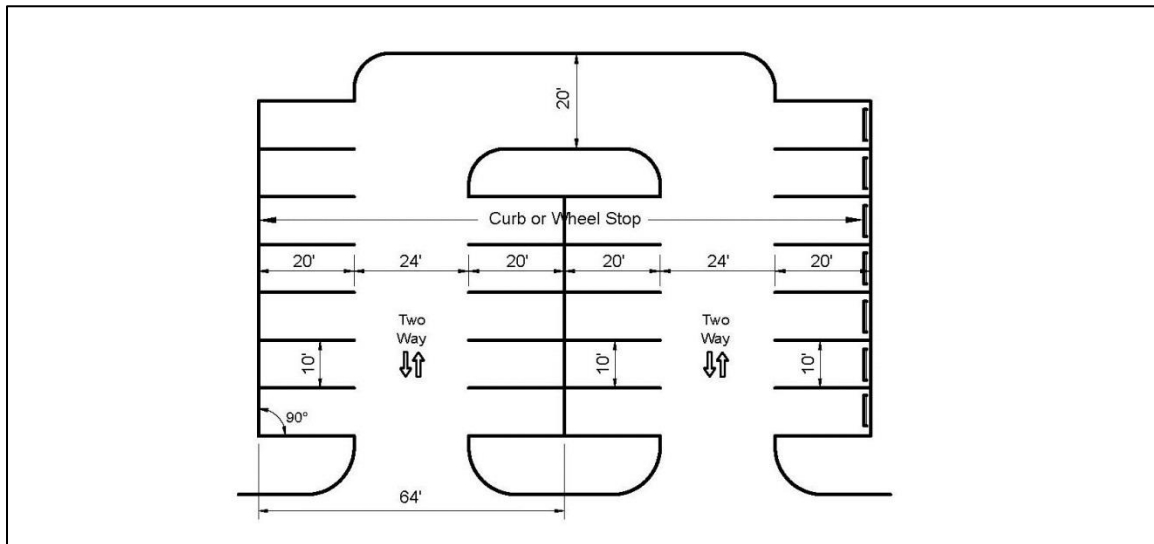


Figure 6: 90 Degree Layout

(k) Off-Street Loading Space: All Districts

All nonresidential uses having 50,000 square feet or more of gross floor area shall provide adequate off-street facilities for loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement of the public streets, alleys, or sidewalks.

- (1) All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
- (2) Each site shall provide a designated maneuvering area for trucks.
- (3) No maneuvering shall take place in the right-of-way.

(l) Vehicle Stacking Requirements

(1) Stacking Space Definition

Stacking spaces provide the ability for vehicles to queue on-site prior to receiving a service.

(2) Stacking Space Size and Location

A stacking space shall be a minimum of ten (10) feet in width and twenty (20) feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

(3) Additional Stacking Space Location Criteria

Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable.

(4) Number of Required Stacking Spaces (All Districts)

In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses.

- (A) Automated Teller Machine (ATM)  
Three (3) stacking spaces.
- (B) Automobile Oil Change and Similar Establishments  
Three (3) stacking spaces per bay.
- (C) Car Wash, Full Service  
Six (6) stacking spaces per bay.
- (D) Car Wash, Self Service (Automated)  
Three (3) stacking spaces per bay.
- (E) Car Wash, Self Service (Open Bay)  
One (1) stacking spaces per bay.
- (F) Car Wash, Self Service (Drying Areas and Vacuum Islands)  
One (1) stacking spaces per drying area and/or vacuum island.
- (G) Child-care, Kindergartens, day schools, and similar child training and care establishments  
One (1) stacking space per twenty (20) students provided on a through “circular” drive.
- (H) Dry Cleaning, Pharmacy, or Other Retail Establishments with a Drive-Through  
Three (3) stacking spaces for first service window.
- (I) Financial Institution  
Five (5) stacking spaces per window or service lane.
- (J) Restaurant with Drive-Through  
Five (5) stacking spaces for first window, order board, or other stopping point.
- (K) Schools, Public or Private  
The number of stacking spaces shall be proposed by the applicant and reviewed and approved by the City Manager. Stacking provided for this use should ensure continuous traffic flow through the site and prevent traffic from queuing into the Right of Way during student drop off and pick up.
- (5) Single Stacking Space Required after the Final Window, Order Board, or Stopping Point  
A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.
- (6) Visibility Triangle Requirement for Drive-Through Lanes and Escape Lanes  
Buildings and other structures shall have a ten (10) foot visibility triangle at the end point of drive-through lane and escape lane to provide adequate visibility to allow vehicles to safely exit the drive-through lane and escape lane prior to merging into intersecting driveways or maneuvering aisles.
- (7) Escape Lane Requirement for Drive-Through Facilities
  - (A) An escape lane shall be provided for any use containing a drive-through facility.

(B) An escape lane shall be nine (9) feet in width and shall provide access around the drive-through facility.

(C) An escape lane may be part of a circulation aisle.

(m) Approval of Alternative Compliance

A request for Alternative Compliance may be submitted and acted upon in accordance with 14.904 Alternative Compliance. The Planning and Zoning Commission may approve the following, based upon a finding that the proposed alternative meets the spirit and intent of this 14.604 Off-Street Parking and Loading Requirements.

(1) Alternative Parking Ratio

A parking ratio that differs from that specified within this subsection 14.604 Off-Street Parking and Loading Requirements, based on a parking study conducted by a certified traffic planner or traffic engineer that sets forth an alternative ratio, which the Planning and Zoning Commission determines is equivalent, at a minimum, to the standards set forth above.

**Sec. 14.605 Lighting Standards**

(a) Purpose

The purpose of this subsection is to:

- (1) Reduce the problems created by improperly designed and installed outdoor lighting;
- (2) Reduce problems of glare on operators of motor vehicles, pedestrians and land uses;
- (3) Minimize light trespass;
- (4) Reduce the energy and financial costs of outdoor lighting by establishing regulations, which limit the area that certain kinds of outdoor lighting fixtures can illuminate; and
- (5) Preserve the night sky as a natural resource.

(b) General Requirements

The following standards shall apply to all exterior lighting except public street lighting and other lighting (see the City's engineering standards for lighting requirements in a public right-of-way) that is specifically exempted by this subsection.

(1) Buffer Areas and Required Setback Areas

Light sources or luminaires are prohibited in buffer areas and within required setback yard areas except on pedestrian walkways and hike and bike trails.

(2) Outdoor Advertising Lighting

(A) Light for outdoor advertising shall be designed to function as full cutoff type of luminaires.

(B) The temporary use of lasers and spotlights that project light into the sky may be allowed subject to the restrictions of temporary outdoor lighting. The applicant is responsible for acquiring a signed letter from the FAA stating that the proposed lighting is acceptable.

(C) See Figure 7: Shielded / Cutoff Light Source Required for examples.



(3) Shielded Light Source Required

- (A) All luminaires located on nonresidential use properties shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of at a point three (3) feet above grade on the lot line abutting a Protected Residential Property.
- (B) In all other instances, the light source must be completely shielded from direct view of at a point six (6) feet above grade on the lot line.
- (C) See Figure 7: Shielded / Cutoff Light Source Required for examples.

(4) Light Trespass Limitation

All luminaires located on private property shall be designed or positioned so that the maximum illumination at the property line next to a Protected Residential Property shall not exceed one-quarter ( $\frac{1}{4}$ ) foot-candle and shall not exceed one-half ( $\frac{1}{2}$ ) foot-candle adjacent to a street right-of-way.

(5) Canopy Lighting

Lighting recessed for canopies covering fueling stations at automobile service stations and drive-through facilities shall not illuminate abutting properties and the luminaires shall be designed so that the light source and lenses (bulb or lamp) are completely shielded from direct view at a point five (5) feet above the grade on the lot line.

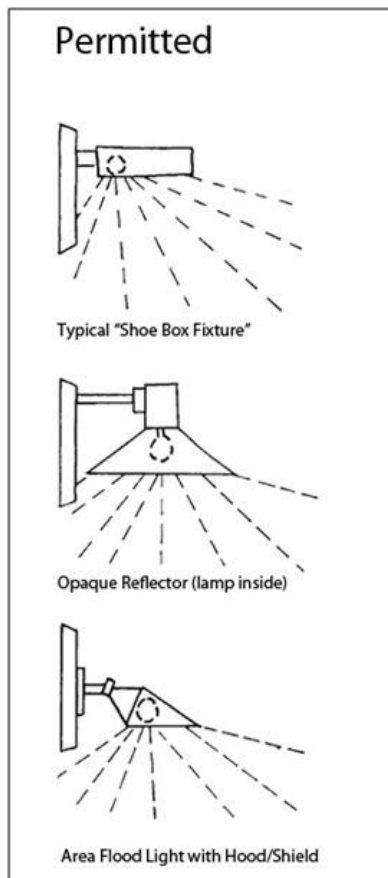


Figure 1: Shielded / Cutoff Light Source Required

(6) Wall or Roof Lighting

- (A) Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas and yard areas within thirty (30) feet of the building.
- (B) No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the City Manager finds the following:
  - i That the proposed lighting is not in conflict with the stated purpose;
  - ii That the proposed lighting will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and
  - iii The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

(7) Open Area Used for Motor Vehicle Parking, Storage or Access

- (A) Any open area used for motor vehicle parking, storage or access may be illuminated with freestanding luminaires.
- (B) Freestanding luminaires are permitted to be a maximum of thirty (30) feet in height.
- (C) When a luminary is located within one hundred (100) feet of a Protected Residential Property, the maximum permitted luminaires height shall be twenty (20) feet.
- (D) All luminaires must have a total cutoff angle equal to or less than ninety (90) degrees.
- (E) The use of exterior lighting with a cutoff angle greater than ninety (90) degrees shall be permitted only when the City Manager finds the following:
  - i That the proposed lighting is not in conflict with the stated purpose;
  - ii That the proposed lighting will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and
  - iii The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.



Figure 7: Open Area Used for Motor Vehicle Parking, Storage or Access

(8) Signs

Externally illuminated signs, advertising displays, building identification, and monument signs shall use top mounted light fixtures which shine light downward and that are fully shielded or upward with pin-pointed light which are fully shielded.

(9) Flags, Statues, and Other Similar Objects

Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.

(10) Buildings

Building façades and architectural features of buildings may be floodlighted when the following conditions are met:

- (A) Floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated;
- (B) The configuration of the floodlight installation shall block all view to the floodlight fixture's lamps from adjacent properties; and
- (C) The maximum luminance of any floodlighted surface does not exceed the foot-candles specified in the Illuminating Engineering Society of North America Lighting Handbook for floodlighting surfaces.

(c) Temporary Outdoor Lighting

(1) Conforming Temporary Lighting

Any temporary outdoor lighting that conforms to the requirements of this Zoning Ordinance shall be allowed.

(2) Permitting Nonconforming Temporary Lighting

(A) Nonconforming temporary outdoor lighting may be permitted by the City Manager after considering:

- i The nature of the exemption;
- ii The public and/or private benefits that would result from the temporary lighting;
- iii Placement and height of outdoor light fixtures;
- iv Type of outdoor light fixture(s) to be used, including total lumen output and character of the shielding, if any;
- v Any annoyance or safety problems that may result from the use of the temporary lighting;
- vi The duration of the temporary nonconforming lighting and time that lights will be operating; and
- vii Such other data and information as may be required by the City Manager and/or City Council to clarify the request.

(B) City Manager may revoke permitted temporary lighting on the basis of incorrect information supplied, or where it is determined that the lighting adversely effects the health or safety of the public.

(3) Detailed Description Required for Nonconforming Temporary Lighting

The applicant shall submit a detailed description of the proposed nonconforming temporary lighting to the City Manager.

(d) Illumination Levels

(1) Engineering Society of North America Lighting Handbook

The illumination levels contained in the Illuminating Engineering Society of North America Lighting Handbook, as amended from time to time, shall be used as a guide for providing adequate and safe illumination levels.

(2) Private and/or Public Development Project

The City Manager may require conformance with the illumination levels contained in the Lighting Handbook, Illuminating Engineering Society of North America as part of the review and approval of a private and/or public development project.

(e) Method of Measurement

(1) Light Measuring Meter

(A) The light measuring meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent.

(B) It shall be tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of its use.

(2) Measurements / Readings

(A) Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three (3) feet above grade.

(B) Maximum illumination readings are to be taken directly beneath the luminaires.

(f) Exterior Lighting Plan

(1) Submission

(A) Applicability

A lighting plan shall be required anytime exterior lighting is proposed, or modified, that is associated with a use of greater intensity than a one (1) or two (2) family dwelling.

(B) Submission Official

The lighting plan shall be submitted to the City Manager.

(C) Submission Criteria

The lighting plan shall be prepared in conformance with the Development Application Handbook and may contain but shall not necessarily be limited to the following:

- i Plans indicating the location of the exterior lighting on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- ii Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required) and height of the luminaires; and
- iii Photometric plan and data sheets, such as that furnished by manufacturers, or similar to that furnished by manufacturers, showing the angle of cut off or light emissions.

(D) Once the plan is approved by the City Manager, the exterior lighting of the property shall conform to the approved lighting plan.

(2) Additional Submission

(A) The above required plans, descriptions and data shall be sufficiently complete to enable the reviewer to readily determine whether compliance with the requirements of this Ordinance will be secured.

- i If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration or the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

(3) Lamp or Fixture Substitution

Should any outdoor light fixture or the type of light source therein be changed after the issuance of the Building Permit and/or Certificate of Occupancy, a change request with adequate information, as required in 14.605.f.1 above herein, to ensure compliance with this Ordinance must be submitted to the City Manager for review and approval prior to the substitution.

(g) Prohibited

(1) Flickering or Flashing Lights

Flickering or flashing lights shall be prohibited.

(h) Exemptions

The following are exempt from the standards contained in this Ordinance.

(1) Decorative Seasonal Lighting

Decorative seasonal lights used for temporary purposes.

(2) Residential Dwellings

(A) Lighting for residential dwellings, provided that:

- i The lamps have a power rating of less than or equal to seventy-five (75) watts,
- ii A cutoff component is incorporated in the design of the luminaires, and
- iii The lighting level at the property line shall not exceed the maximum level specified within this Ordinance.

(B) The maximum lighting level at the property line may be exceeded in cases where the lamp is turned on and off by a motion sensor and the lamp is not on for a continuous period exceeding ten (10) minutes.

(3) Luminous Tube Lighting

Luminous tube lighting is exempt from this Ordinance.

(4) Specific Signs

Signs of the type constructed of translucent materials and wholly illuminated from within are exempt from the shielding requirement.

(5) Temporary Emergency Lighting

Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaires.

(6) Hazard Warnings

Hazard warning luminaires, which are required by federal and state regulatory agencies.

(7) Residential Party Lights

(A) Residential party lights for social gatherings. Such temporary outdoor lighting includes, but is not limited to, strings of lights and lanterns.

(B) The party lights shall be removed within a reasonable time after a social gathering.

(C) The City Manager will determine what the “reasonable time” should be.

(8) Specific Recreation

(A) Because of their unique requirement for nighttime visibility and their limited hours of operations, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section.

(B) Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto a Protected Residential Property.

(C) The maximum permitted illumination at the residential property line shall not exceed two (2) foot-candles.

(9) Public Street or Sidewalk Projects

City Council may vary from these requirements as part of the approval of public street or sidewalk projects.

(i) Approval of Alternative Compliance

A request for Alternative Compliance may be submitted to vary one (1) or more of the lighting-related regulations cited in subsections 14.605.i.1 through 14.605.i.4 below. A request for Alternative Compliance may be submitted and acted upon in accordance with 14.908 Alternative Compliance. The City Council may approve the following, based upon a finding that the proposed alternative meets the spirit and intent of this Section 14.605 Lighting Standards in a manner equivalent or superior to the foregoing standards.

(1) Height of free-standing lighting fixtures;

(2) Style or illumination intensity of lighting fixtures (only if such fixtures are located at least three hundred feet (300') away from a residential zoning district or use);

(3) Maximum wattage of accent lighting; or

(4) Gaseous/electrified building lighting design.

**Sec. 14.606 Building Design Standards for Nonresidential Buildings**

(a) Applicability

All nonresidential buildings shall comply with this Section.

(b) Nonresidential Building Orientation

Any building (excluding parking garages) within view of a public Right-of-Way shall either face such Right-of-Way or shall have a façade facing such Right-of-Way in keeping with the character of the Front Façade.

(c) Nonresidential Front Façade Entry Requirements

(1) A Front Façade shall be designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.

(2) Each building shall provide a sheltered entry.

(d) Roof Design Standards

(1) All structures shall be constructed with a pitched roof, flat roof with a parapet, true mansard roof, or any combination thereof.

(2) All flat roof surfaces shall be screened from ground level views so that such roof surfaces are not visible.

(3) Roofs of stairwells and elevator machine rooms and other similar spaces shall be exempt from roofing design standards so long as they are not visible from ground level. For the purpose of this paragraph, visible shall be defined as “capable of being seen at a height of six feet (6’) while standing at the highest grade on the property line.”

(e) Approval of Alternative Compliance

A request for Alternative Compliance may be submitted and acted upon in accordance with 14.904 Alternative Compliance. The City Council may approve the following, based upon a finding that the proposed alternative meets the spirit and intent of this 14.606 Building Design Standards for Nonresidential Buildings.

**Sec. 14.607 Building Design for Residential Buildings**

The uniqueness of a neighborhood is developed by all the homes not being the same, in regards to building materials, size, floor plans, front façades, etc. In an effort to help promote ownership, neighborhood pride, and encourage long-term commitment, homes should be individual and definable rather than replicas of the adjacent homes.

(a) Applicability

(1) Zoning districts

Single-family residential development within the following zoning districts.

(A) SF-6, Single-Family 6 District

(B) SF-8, Single-Family 8 District

(C) SF-10, Single-Family 10 District

(D) OT, Old Town District

(E) AO, Agriculture-Open Space District

(2) Exemptions

Individual lots 1 acre in size or greater shall be exempt from this section.

(b) Exterior Construction Requirements and Standards

(1) Covered front porch

(A) single-family units should contain a front covered porch that is permanently attached to and an integral part of the primary structure.

(B) Front setback encroachment

The front porch can be allowed to encroach into the minimum required front setback by five feet (5’).

(C) Minimum dimensions



Each covered front porch shall be a minimum fifty (50) square feet and have a minimum depth from the primary structure of eight (5) feet.

**Sec. 14.608 Supplementary Regulations**

**(a) Building Design and Placement for Buildings within the Downtown Mixed Use District**

- (1) This Subsection 14.608.a applies to all buildings within the DMU, Downtown Mixed Use District.
- (2) At least 75 percent of the front façade of any structure facing a street must be located between the minimum and the maximum front yard setback line.
- (3) Up to 25 percent of such façade may be located further from the right-of-way than the maximum front yard setback line but may not be located greater than 50 feet beyond the maximum front yard setback line.
- (4) No part of any front façade may be located between the right-of-way and the minimum front yard setback line.
- (5) Awnings or covered areas may extend or project into the Right of Way. Any developer desiring to encroach into the Right of Way must first receive written approval from the City Manager.

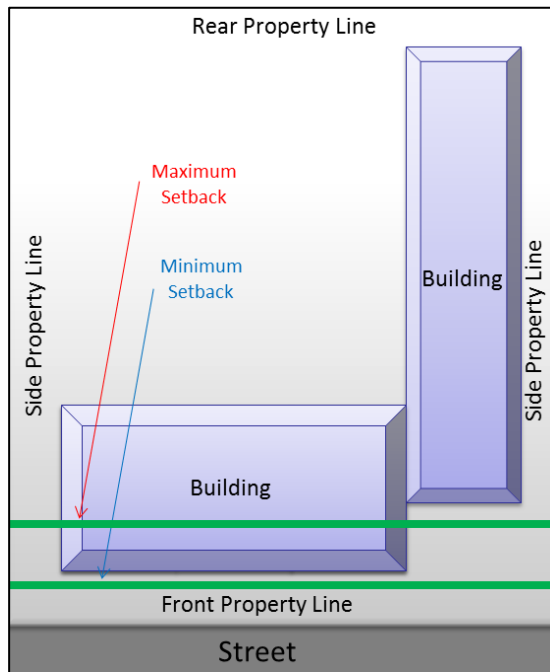


Figure 9: Maximum and Minimum Setbacks on a Standard Lot

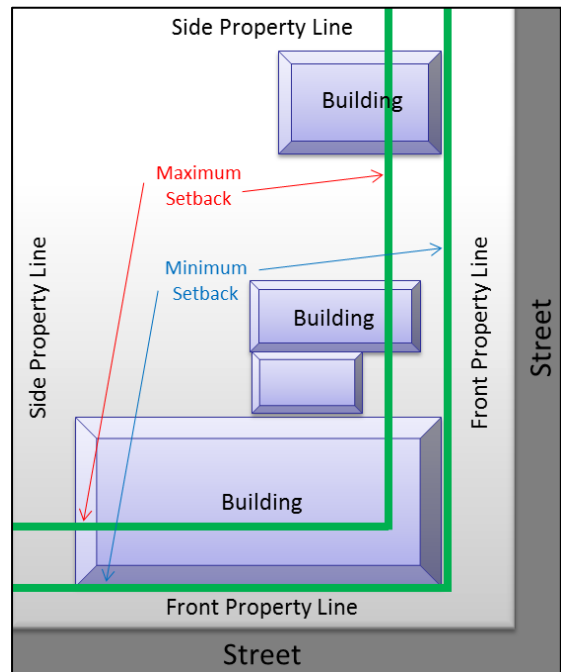


Figure 8: Maximum and Minimum Setbacks on a Corner Lot

#### **Sec. 14.609 Airport Zoning Regulations**

(a) Purpose

The purpose of this section is provide compatible land use regulations for the airport by establishing development standards that will protect property and occupants of land in the vicinity of the airport from Airport Hazards and protect the airport from incompatible development. The regulations and districts herein have been established in accordance with Chapters 211 (municipal zoning authority) and 241 (Municipal and County Zoning Authority Around Airports) of the Texas Local Government Code.

(b) Findings and Declaration

(1) In order to provide for the welfare of the community and to protect the utility and investment in the Gonzales Municipal Airport, the City has found that an obstruction:

- (A) Has the potential for endangering the lives and property of users of Gonzales Municipal Airport and the property or occupants of land in its vicinity;
- (B) May affect existing and future instrument approach minimum of Gonzales Municipal Airport; and
- (C) May reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft.

(2) It is declared:

- (A) In accordance with LGC 241.012(c), the Gonzales Municipal Airport fulfills an essential community purpose;
- (B) The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Gonzales Municipal Airport;
- (C) It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a Hazard to Air Navigation be prevented; and
- (D) The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

(3) It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

(c) Short Title

This Section (Section 14.609 Airport Zoning Regulations) shall be known and may be cited as "Gonzales Municipal Airport Zoning Regulations."

(d) Zones

In order to carry out the provisions of this Section 14.609 Airport Zoning Regulations, there are created and established certain zones that include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surface and Conical Surfaces as they apply to the Airport. Such zones are shown on the zoning map consisting of one sheet, prepared by the Texas Aeronautics

Commission, and dated March 26, 1982, which is attached to Ordinance 88-8 and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) Approach Zones - Runway 15/33

An approach zone is established beneath the Approach Surface at the ends of Runway 15/33 on Gonzales Municipal Airport for the visual landings and take-offs. The inner edge of the approach zone shall have a width of 250 feet, which coincides with the width of the Primary Surface at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet beyond each end of the Primary Surface, its centerline of the runway.

(2) Transitional Zones

Transition zones are hereby established beneath the Transitional Surfaces adjacent to each runway and Approach Surface as indicated on the zoning map. Transitional Surfaces, symmetrically located on either side of runways, have variable widths as shown on the zoning map. Transitional Surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the Primary Surface and from sides of approach surfaces.

(3) Horizontal Zone

The area beneath a horizontal plane 150 feet above the established Airport Elevation, the perimeter of which is construction by swinging arcs of 5,000 feet radii from the center of each end of the Primary Surface of Runway 15/33 and connecting the adjacent arcs by lines tangent to those arcs.

(4) Conical Zones

The area beneath the Conical Surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

(e) Height Limitations

Except as otherwise provided in this Zoning Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Zoning Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) Approach Zones - Runway 15/33

One foot in height for each 20 feet in horizontal distance beginning at the end of and at the elevation of the Primary Surface and extending to a point 5,000 feet from the end of the Primary Surface.

(2) Transitional Zones

Slope seven feet outward for each foot upward beginning at the sides of each at the same elevation as the Primary Surface and the Approach Surface, and extending to a height of 150 feet above mean sea level.

(3) Horizontal Zone

Establishing at 150 feet above the Airport Elevation, or a height of 504 feet above mean sea level.

- (4) **Conical Zone**  
Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the Airport Elevation and extending to a height of 350 feet above the Airport Elevation.
- (5) **Excepted Height Limitations**  
Nothing in this Section 14.609 shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 40 feet above the surface of the land.
- (f) **Use Restrictions**  
Notwithstanding any other provisions of this Section 14.609, no use may be made of land or water within any zone (see 14.609.D Zones) established by this Section 14.609 in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Airport.
- (g) **Nonconforming Users**
  - (1) **Regulations Not Retroactive**
    - (A) The regulations prescribed by this Section 14.609 shall not be construed to require the removal, lowering, or other change or alteration of any Structure or Tree not conforming to the regulations as of the effective date of this Zoning Ordinance, or otherwise interfere with the continuance of any nonconforming use.
    - (B) Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this Section 14.609, and is diligently prosecuted.
  - (2) **Marking and Lighting**
    - (A) Notwithstanding the preceding subsection of this section, the owner of any nonconforming Structure or Tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager, to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such Airport Hazards.
    - (B) Such markers and lights shall be installed, operated and maintained at the expense of the City.
- (h) **Permits**
  - (1) **Future Users**
    - (A) Except as specifically provided in subsections 14.609.h.1.C.i and 14.609.h.1.C.ii below, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created unless a permit has been applied for and granted.

- (B) Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed.
  - (C) If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with subsection 14.609.h.4 Variances below.
    - i In the area lying within the limits of the Horizontal Zone and Conical Zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
    - ii On areas lying within the limits of the Approach Zones - Runway 15/33, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
  - (D) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Zoning Ordinance except as set forth in Section 14.609.e Height Limitations.
- (2) Existing Uses
- No permit shall be granted that would allow the establishment or creation of any Airport Hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater Hazard to Air Navigation, than it was on the effective date of this Zoning Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (3) Nonconforming Uses Abandoned or Destroyed
- Whenever the City Manager determines that a nonconforming structure or tree has been abandoned or more than 80% has been torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviated from the zoning regulations.
- (4) Variances
- (A) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property in violation of the regulations prescribed in this Zoning Ordinance, may apply to the Airport Board of Adjustment for a variance from such regulations in question.
    - i The application of variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities, and the safe, efficient use of navigable airspace.
    - ii Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice, and be in accordance with the spirit of this Zoning Ordinance.

(B) Additionally, no application for variance to the requirements of this Zoning Ordinance may be considered by the Airport Board of Adjustment unless a copy of the application has been furnished to the Gonzales County Joint Airport Zoning Board for advice as to the aeronautical effects of the variance.

i If the Gonzales County Joint Airport Zoning Board does not respond to the application within 15 days after receipt, the Airport Board of Adjustment may act on its own to grant or deny the application.

(5) Obstruction Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable by the City Manager or the Airport Board of Adjustment to effectuate the purpose of this Zoning Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to allow the City Manager to install, operate, and maintain, at the expense of the city such markings and lights as may be necessary.

(i) City Manager to Enforce Provisions

(1) It shall be the duty of the City Manager to administer and enforce the regulations prescribed herein.

(2) Applications for permits shall be made to the City Manager upon a form published for that purpose.

(3) Applications required by this Zoning Ordinance to be submitted to the City Manager shall be promptly considered and granted or denied.

(4) Applications for variances shall be made to the board of adjustment by first filing the application for variance with City Manager who shall forthwith transmit the application to the board of adjustment for determination.

(j) Airport Board of Adjustment

(1) The Zoning Board of Adjustment, established in Section 14.703 is hereby appointed as the Airport Board of Adjustment in agreement with Texas Local Government Code 241.032.

(2) The Airport Board of Adjustment shall operate in conformance with Section 14.703:

(k) Appeals

(1) Any person aggrieved, or any taxpayer affected, by any decision of the City Manager made in his administration of this Zoning Ordinance, if of the opinion that a decision of the City Manager is an improper application of these regulations, may appeal to the board of adjustment.

(2) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment, by filing with the City Manager a notice of appeal specifying the grounds thereof. The City Manager shall forthwith transmit to the Airport Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

- (3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City Manager certifies to the Airport Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in the opinion of the City Manager, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Airport Board of Adjustment on notice to the City Manager and on due cause shown.
  - (4) The Airport Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
  - (5) The Airport Board of Adjustment may in conformity with the provisions of this Zoning Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances.
- (l) Judicial Review  
Any person aggrieved, or any taxpayer affected, by any decision of the Airport Board of Adjustment may appeal to a court of competent jurisdiction, as provided by the Airport Zoning Act, as amended, Texas Local Government Code, 241.041 through 241.043.
- (m) Additional Remedies  
The City Council may institute in any court of competent jurisdiction, an action to prevent, restrain, correct, or abate any violation of this Zoning Ordinance or of any order or ruling made in connection with its administration or enforcement including, but not limited to, an action for injunctive relief as provided by the Airport Zoning Act, as amended, Texas Local Government Code, 241.044.
- (n) Conflicting Regulations  
Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

## Section 14.700 Zoning Development Review Bodies

### Sec. 14.701 City Council

(a) Establishment

The City's Code of Ordinances establishes the standards governing the City Council within the charter.

(b) Responsibilities

Table 7.1 is a summary of the City Council's main responsibilities within the Zoning Ordinance.

Table 7.1: City Council Responsibilities	
	Approving an Initial Zoning of Newly Annexed Land
	Approving a Zoning Map Amendment (Rezoning)
	Approving a Zoning Text Amendment
	Approving an Appeal of a Substantially Conforming Site Plan Decision made by the City Manager
	Approving a Specific Use Permit
	Approving a Specific Use Permit Extension
	Initiating an Amortization of Nonconforming Uses
	Approving an Appeal to the Council of a Decision on a Zoning Vested Rights Petition

### Sec. 14.702 Planning and Zoning Commission

(a) Establishment

(1) Composition and Method of Appointment

(A) The Commission shall consist of seven (7) members, each appointed by the City Council for a two-year term. Such terms shall expire on the last day of September; however, those members whose terms have expired shall continue to serve until reappointment or appointment of a successor by the City Council. Four (4) members shall be appointed in each even-numbered calendar year and three (3) members shall be appointed in each odd-numbered calendar year. Each member shall reside or own real property within the city.

(B) Commission's Alternate Membership

i The City Council, may appoint two (2) alternate members of the Planning and Zoning Commission, who shall serve in the absence of one or more of the regular members.

ii The alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

(C) The Planning and Zoning Commission serves at the pleasure of City Council and the City Council may remove any member of the Commission at anytime for any reason.

(D) Vacancies shall be filled by the City Council for the unexpired term of any member whose position becomes vacant.



- (E) The chairperson and vice-chairperson of the Commission shall be elected by majority vote of the Commission members at the first regularly scheduled meeting of a year. In the absence of the chairperson and the vice-chairperson at any meeting, an acting chairperson shall be elected by a majority vote of all members present.
- (F) The City Manager shall be a nonvoting ex officio member of the Commission, shall serve as secretary of the Commission, and shall maintain the records of the Commission.
- (G) A quorum of the Commission shall consist of a minimum of four (4) members of the Commission and any issue shall be decided by a majority vote of those members present. The member serving as chairperson for the meeting is entitled to vote but has no veto power.

(2) Meetings

- (A) The Commission shall meet upon call of the Mayor, City Manager, or chairperson when there is a case to be heard by the Commission or when there is such other business to be conducted that is within the responsibility of the Commission.
- (B) All meetings of the Commission shall be open to the public and minutes shall be kept and maintained as public records.

(3) Authority

The Commission shall have the following powers and duties:

- (A) Review application for zoning changes, hear public comments, and make recommendations to the City Council regarding such applications.
- (B) Review, recommend, and approve plats and plans per the Subdivision Ordinance and Zoning Ordinance.
- (C) Recommend to the City Council amendments, extensions, and additions to the comprehensive master plan of the city, including the land use plan and the thoroughfare plan.
- (D) Recommend to the City Council changes to the official zoning map of the city.
- (E) When appropriate, make a determination of appropriate zoning or use.
- (F) Review and approve applications for Alternative Compliance in Section 14.908.
- (G) Perform such other duties as may be duly delegated to them from time to time by the City Council.

(4) Appeal

Any person aggrieved by the action of the Commission shall bring such grievance to the City Council at the next regularly scheduled meeting of the City Council.

(b) Responsibilities

Table 7.2 is a summary of the Planning and Zoning Commission's main responsibilities within the Zoning Ordinance.

Table 7.2: Planning and Zoning Commission Responsibilities	
	Recommending an Initial Zoning of Newly Annexed Land
	Recommending a Zoning Map Amendment (Rezoning)
	Recommending a Zoning Text Amendment
	Recommending a Specific Use Permit
	Recommending a Required Plan Extension and Reinstatement Petition
	Recommending a Building Permit Site Plan Extension and Reinstatement Petition
	Approving an Alternative Compliance Application

**Sec. 14.703 Zoning Board of Adjustment**

(a) Establishment

(1) Board Creation

(A) The board shall consist of five (5) regular members, each appointed by the City Council for a two year term. Such terms shall expire on the last day of December however, those members whose terms have expired shall continue to serve until reappointment or appointment of a successor by the council. Each shall reside or own real property within the city limits.

(B) The council may appoint two (2) alternate members, each to serve a two-year term, who shall serve in the absence of one or more of the regular members when requested to do so by the City Manager. Such alternate member shall reside or own real property within the city limits.

(2) Board Vacancies

(A) 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.

(B) In the event board vacancies cannot be filled, The City Council may choose to serve as the Zoning Board of Adjustment.

(3) Board Quorum Requirement

All cases to be heard by the Zoning Board of Adjustment require a minimum number of four (4) members.

(b) Procedure

(1) The Board shall adopt rules to govern its proceeding provided, however, that such rules are not inconsistent with this Zoning Ordinance or the statutes of the State of Texas.

(2) Meetings of the Board shall be held at the call of the Mayor, City Manager, or chairperson when there is a case to be heard, and at such other times as the Board may determine.

(3) The chairperson, or if absent, the Acting Chairperson, may administer an oath and compel the attendance of witnesses.

- (4) All meetings of the Board shall be open to the public.
  - (5) The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- (c) Authority of Board  
Pursuant to Texas Local Government Code Section 211.009, the Board may:
- (1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance;
  - (2) Hear and decide Zoning Special Exceptions to the terms of a Zoning Ordinance regulation when the Zoning Ordinance requires the Board to do so;
  - (3) Authorize in specific cases a Zoning Variance from the terms of a Zoning Ordinance regulation if the Zoning Variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the Zoning Ordinance Regulation is observed and substantial justice is done; and
  - (4) Hear and decide other matters authorized by this Zoning Ordinance.
- (d) Actions of the Board
- (1) Amend, Revise, or Reform
    - (A) In exercising its authority under Subsection 14.703.c Authority of Board, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.
    - (B) Pursuant to Texas Local Government Code 211.009.(c), the concurring vote of four (4) Board members (or at least seventy-five [75] percent of the Board members) is necessary to:
      - i Reverse an order, requirement, decision, or determination of an administrative official;
      - ii Decide in favor of an Applicant on a matter on which the Board is required to pass per this Zoning Ordinance; or
      - iii Authorize a Zoning Special Exception or Zoning Variance.
  - (2) Court Remedy
    - (A) Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Board of Adjustment, or any taxpayer, or any officer, department, or board of the municipality may present to a district court or county court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality.
    - (B) Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

(e) Responsibilities

Table 7.3 is a summary of the Zoning Board of Adjustment's responsibilities within the Zoning Ordinance.

Table 7.3: Zoning Board of Adjustment Responsibilities	
<u>Zoning Related Responsibilities</u>	
	Approving an Interpretation of Zoning District Boundaries
	Approving an Application for Nonconforming Rights Reinstatement
	Approving an Amortization of Nonconforming Uses
	Approving an Appeal of a City Administrative or Interpretative Decision
	Approving a Zoning Variance
	Approving a Zoning Special Exception

**Sec. 14.704 City Manager**

(a) Responsibilities

Table 7.4 is a summary of the City Manager's responsibilities within the Zoning Ordinance.

Table 7.4: City Manager Responsibilities	
<u>Zoning Related Responsibilities</u>	
	Approving alternative Outside Storage Standards
	Approving Parking Requirements for New or Unlisted Use
	Approving Alternative Parking Standards
	Reviewing a Specific Use Permit
	Recommending a Specific Use Permit Extension
	Reviewing a Zoning Variance
	Reviewing a Zoning Special Exception
	Reviewing a Required Plan Extension and Reinstatement Petition
	Reviewing a Building Permit Site Plan Extension and Reinstatement Petition
	Approving a Decision on a Zoning Vested Rights Petition
	Review a Specific Use Permit

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## Section 14.800 Zoning Application Submittal and Processing Procedures

### Sec. 14.801 General Application Processing

#### (a) Initiation of Application

##### (1) Initiation by Owner or Owner's Agent

- (A) Unless provided by this Zoning Ordinance, any petition or Application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.
- (B) If the Applicant is a designated agent, the Application shall include a written statement from the property owner authorizing the agent to file the Application on the owner's behalf.
- (C) The Responsible Official may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

##### (2) Initiation by City Manager

The City Manager can initiate any Application authorized under this Zoning Ordinance.

#### (b) Waiver of Application Information

The Responsible Official may initially waive the submission of any information in the Application and accompanying materials that are not necessary due to the scope and nature of the proposed activity.

#### (c) Universal Application Contents

##### (1) Application Forms Generally

The City is hereby authorized to prepare Application Forms that include specific requirements, which can include but is not limited to, technical requirements, checklists, architectural or engineering drawings, Applicant contact information, and any other information or exhibits deemed necessary to show compliance with City codes.

##### (2) All Application Forms are available from the City Manager.

#### (d) Development Application Handbook

The City Manager shall create, manage, and update a Development Application Handbook, which shall be a collection of Application Forms that the City Manager has created per Section 14.801.c.1.

#### (e) Universal Application Fees

- (1) Every Application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.
- (2) The prescribed fee shall not be refundable, except when the City Council or City Manager waives the Application fee.
- (3) The Fee Schedule may be amended from time to time per procedures established by the City Council.

(f) Payment of all Indebtedness Attributable to the Subject Property

- (1) No Application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the **City** until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
- (2) It shall be the Applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.

(g) Action by Responsible Official

- (1) Circulate and Compile Comments  
After the determination of completeness has been established, the Responsible Official shall circulate the Application to all other administrative officials and departments whose review is required for a decision on the Application and shall compile the comments and recommendations of the officials.
- (2) Decision Rendered, If Applicable  
The Responsible Official shall render a decision in the time prescribed for the applicable Application, if the official is the Decision-Maker for the Application.
- (3) Forward Application and Provide Notification
  - (A) In cases where the Responsible Official is not the Decision-Maker, the Responsible Official shall forward the Application for review to any advisory board/commission and the final Decision-Maker, and shall prepare a report to such board or commission, or to the City Council, including the compilation of any comments and recommendations by other administrative officials.
  - (B) If applicable, the Responsible Official also shall prepare required notices and schedule the Application for decision within the time (if any) and in the manner required by this Zoning Ordinance.

(h) Recommendation by Advisory Board/Commission

Unless otherwise prescribed within this Zoning Ordinance, an advisory board/commission that is required to offer a recommendation to the Decision-Maker shall recommend one of the following:

- (1) Recommend approval of the Application by the Decision-Maker;
- (2) Recommend approval of the Application with conditions; or
- (3) Recommend denial of the Application.

(i) Action by the Decision-Maker

- (1) The Decision-Maker for the Application shall approve, approve with conditions or deny the Application in accordance with this Zoning Ordinance.

- (2) Unless otherwise prescribed by law or City Charter, where the Decision-Maker is a board, commission or the City Council, the Application shall be decided by majority vote of a quorum of the members of the board, commission or the City Council.

(j) Conditions

The initial or final Decision-Maker may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with applicable requirements of this Zoning Ordinance.

**Sec. 14.802 Official Vesting Date**

(a) Official Vesting Date

- (1) Pursuant to Texas Local Government Code Chapter 245, an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.
- (2) A certified mail receipt obtained by the Applicant at the time of deposit is prima facie evidence of the date the Application or plan was deposited with the United States Postal Service.
- (3) Every Application or plan is subject to a determination of completeness by the Responsible Official for processing the Application pursuant to 14.804.b Determination of Completeness for Zoning Related Applications.

**Sec. 14.803 Pre-Application Conference**

(a) Purpose

- (1) The Pre-Application Conference is intended to allow for the exchange of non-binding information between the Applicant and City Staff to ensure that the Applicant is informed of pertinent City development regulations and processes.
- (2) The Pre-Application Conference provides an opportunity for the Applicant and City Staff to discuss major development considerations such as utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historic information.
- (3) This exchange of information is intended to promote an efficient and orderly review process.

(b) Pre-Application Conference before the Submission of Plans and Applications

- (1) Prior to formal submittal of any required plan or Application, the Applicant is encouraged to consult with the City Manager, the Building Official, and any other pertinent City Staff in order for the Applicant to become familiar with the City's development regulations and the development process.
- (2) At the Pre-Application Conference, the Applicant may be represented by his/her agent, land planner, engineer, surveyor, or other qualified professional.



(c) Vested Rights Waiver

- (1) The Pre-Application Conference is optional and allows for the exchange of information between the Applicant and City Staff. It is not the intent of the Pre-Application Conference to bind either the Applicant or City Staff to items discussed at the meeting.
- (2) For consideration of a vested right to develop under previously adopted regulations, refer to 14.1004 Zoning Vested Rights Petition.
- (3) A Pre-Application Conference shall not commence or be held unless the property owner, or Applicant as an authorized agent of the property owner, signs a Vested Rights Waiver stating that no vested rights shall accrue from any discussion that occurs at the Pre-Application Conference.
- (4) If the property owner does not sign a Vested Rights Waiver, no such conference shall be held, and the property owner or his/her representatives may proceed with his/her Application submittal as he/she so chooses.
- (5) A copy of the Vested Rights Waiver form shall be available in the office of the City Manager.

**Sec. 14.804 Applicability, Completeness, and Expiration**

(a) Applicability

The following procedures shall apply to any zoning related plan or Application that is required by the City and is submitted in accordance with this Zoning Ordinance.

(b) Determination of Completeness for Zoning Related Applications

Every required Application shall be subject to a determination of completeness by the Responsible Official for processing the Application.

(1) Acceptance Standards

The Application shall only be accepted by the Responsible Official for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Zoning Ordinance. A typographical error shall not, by itself, constitute an incomplete Application.

(2) Acceptance Procedures

A determination of completeness of an Application shall be conducted in accordance with the following procedures:

- (A) A determination of completeness shall be made by the Responsible Official not later than the tenth (10<sup>th</sup>) business day, unless otherwise specified, after the Official Vesting Date.
- (B) If the submitted Application is incomplete, then the Applicant shall be notified in writing not later than the tenth (10<sup>th</sup>) business day after the Official Vesting Date.
  - i Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10<sup>th</sup>) business day following submission of the Application.

- ii The notification shall specify the documents or other information needed to complete the Application, and shall state the date the Application will expire if the documents or other information are not provided to the City.
- (C) An Application shall be deemed complete on the eleventh (11<sup>th</sup>) business day after the Application has been received if notice is not served in accordance with 14.804.b.2.B (above).
- (D) If the Application is determined to be complete, the Application shall be processed as prescribed by this Zoning Ordinance.
- (3) Acceptance shall not Constitute Compliance  
A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Zoning Ordinance.
- (4) Acceptance shall not Guarantee Approval  
There is no implied intent or guarantee that an accepted and completed Application will be approved, if after the Application is deemed complete, it is determined that the Application does not comply with this Zoning Ordinance.
- (c) Re-Submittal after Notification of Incompleteness
  - (1) If the Application is re-submitted after a notification of incompleteness within the time allotted in subsection 14.804.b.2.B (above), the Application shall be processed upon receipt of the re-submittal.
  - (2) To the extent that the information or documents submitted is not sufficient to enable the Decision-Maker to apply the criteria for approval, the Application may be denied on such grounds.
- (d) Expiration of a Zoning Related Application – Before Approval Decision  
Pursuant to Texas Local Government Code Chapter 245, an Application shall automatically expire (ending all vesting claims) at the close of business on the forty-fifth (45<sup>th</sup>) calendar day after the Application's Official Vesting Date, if:
  - (1) The Applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the permit Application;
  - (2) The City provides to the Applicant, not later than the tenth (10<sup>th</sup>) business day after the date the Application is filed, written notice that specifies the necessary documents or other information, and the date the Application will expire if the documents or other information is not provided; and
  - (3) The Applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the Application within the time provided in the notification.

(e) Zoning Amendment Application

(1) Complete Applications Required

No Zoning Amendment Application shall be accepted for filing or processing unless such request is accompanied by a completed Application and all documents required by and prepared in accordance with the requirements of the Development Application Handbook, Zoning Regulations and any other applicable ordinance and it is filed with the City Manager.

(2) Texas Local Government Code Chapter 245 does not apply to Zoning Amendment Applications  
Chapter 245 of the Texas Local Government Code, as amended, shall not apply to a Zoning Amendment Application or an ordinance establishing zoning since neither is a permit under this Zoning Ordinance or LGC Chapter 245.

(3) Denial of Zoning Applications

(A) If any City official processes a zoning Application prior to the Application being determined complete, the Application shall then be deemed invalid and shall be grounds for denial or revocation of such Application.

(B) A typographical error shall not constitute an incomplete Application.

(C) The Applicant may be notified of such denial or revocation for an incomplete zoning Application in writing.

(f) Vesting Begins on the Official Vesting Date

An Application shall be vested into the standards of the Zoning Ordinance in effect at the time of the Application's Official Vesting Date.

(g) Submission of Previously Decided Zoning Related Application

After the final decision on a specific Application by the Decision-Maker, the same Application shall not be submitted again until after six (6) months from the Decision-Maker's action.

## Section 14.900 Zoning Development Review Procedures

### Sec. 14.901 Zoning Upon Annexation

#### (a) Procedural Steps

- (1) Proceedings to establish the initial zoning shall follow the same process as a Zoning Map Amendment described in 14.902, and may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.).
- (2) If initial zoning and annexation occur concurrently, then the initial zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval of the Annexation Ordinance have occurred, and as a separate and distinct action by the City Council.

#### (b) Initial Zoning of Newly Annexed Land

- (1) The City shall perform necessary studies to officially adopt a zoning district for the newly annexed land concurrent with the effective date of the annexation ordinance. This zoning shall be deemed the initial zoning of the newly annexed property.

#### (c) Zoning Notice

The initial zoning of a land parcel, whether by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in 14.903 Public Hearings and Notification Requirements for Zoning Related Applications and all other applicable State laws.

### Sec. 14.902 Zoning Text and Map Amendments

#### (a) Process Requirements

- (1) Zoning Amendments Require City Council Approval  
The City Council may, from time to time, amend, supplement or change by ordinance, the boundaries of the districts (i.e., Zoning Map Amendment (Rezoning)) or the regulations herein established (i.e., Zoning Text Amendment) as provided by the Statutes of the State of Texas.
- (2) Planning and Zoning Commission Recommendation Required for all Amendments  
Before taking action on any proposed amendment the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report.
- (3) Petitions Submitted to the City Council
  - (A) Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the zoning provisions of this Zoning Ordinance; or
  - (B) The Planning and Zoning Commission may, on its own motion or on request from the City Council, study and propose zoning changes and amendments for the City Council's consideration.

(b) Two Types of Zoning Amendments

(1) Zoning Map Amendment (Rezoning)

A Zoning Map Amendment (Rezoning) is a change or modification to the boundaries of any zoning district within the City's Official Zoning District Map.

(2) Zoning Text Amendment

A Zoning Text Amendment is the change of the text within this Zoning Ordinance and does not include change or modification to the boundaries of any zoning districts.

(c) Planning and Zoning Commission Recommendation Requires Public Hearing

(1) The Planning and Zoning Commission shall hold a public hearing on any Application for any amendment or change prior to making its recommendation and report to the City Council.

(2) In the case of a Zoning Map Amendment (Rezoning):

(A) Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested.

i Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll or County tax roll for the area affected.

(B) Consistency between a Zoning Map Amendment (Rezoning) and the Comprehensive Plan shall be required.

(d) Consistency between a Zoning Map Amendment (Rezoning) and the Comprehensive Plan

(1) Consistency Rule

A Zoning Map Amendment (Rezoning) shall be consistent with the Comprehensive Plan.

(2) Cases Requiring a Comprehensive Plan Amendment Prior to Rezoning Approval

(A) There are cases where the Council may wish to approve a rezoning request that is not consistent with the Comprehensive Plan.

(B) If this case occurs, the Council may amend the Comprehensive Plan and related maps prior to the approval of the rezoning request.

(C) This Comprehensive Plan amendment may occur jointly with the rezoning request, provided the Council acts first upon the Comprehensive Plan amendment.

(e) Sign Posting for a Zoning Map Amendment (Rezoning) Related to a Particular Property

(1) At least eleven (11) days prior to the public hearing by the Planning and Zoning Commission on a proposed amendment to the zoning text and map related to particular property, the applicant shall cause a sign, clearly visible to passersby, to be placed and maintained on such property.

- (2) The applicant is responsible for furnishing the sign and posting it on the property proposed to be rezoned.
  - (3) The number of signs, size of signs and content to be placed on signs shall be in accordance with the Development Application Handbook.
  - (4) The sign shall remain continuously posted on the property until such time that final action has been taken on the application.
- (f) Effect of Posted Sign Maintenance
- (1) It shall be the responsibility of the applicant to periodically check sign locations to verify that signs remain in place and have not been vandalized or removed. The applicant shall replace any missing or defective sign within three (3) business days from the time that a City official notifies the applicant of the defective or missing signs.
  - (2) It is unlawful for a person to alter any notification signs, or to remove it while the application is pending.
  - (3) Removal or alteration of posted signs that is beyond the control of the applicant shall not constitute a failure to meet the notification requirements of this section and shall not be a condition precedent to the holding of a public hearing, the adoption of any proposed zoning change, or any other official action concerning such amendment.
- (g) City Council Decision and Public Hearing Required
- (1) A public hearing shall be held by the City Council before adopting any proposed amendment.
  - (2) Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official publication (newspaper or a newspaper of general circulation) in the City.
- (h) Three-Fourths City Council Vote Required for Protested Amendments  
 If any of the following conditions exist, then amendments shall not become effective except by a three-fourths (3/4) vote of the governing body.
- (1) The Planning and Zoning Commission recommended denial of zoning amendment.
  - (2) A protest against such proposed amendment has been filed at least three (3) calendar days before the date of the public hearings with the City Secretary by one of the following types of protesters:
    - (A) Interior Protesters:  
 The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed amendment boundary.
    - (B) Exterior Protesters:  
 The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within a two hundred (200) foot radius of the exterior boundary of the area included in a proposed amendment.

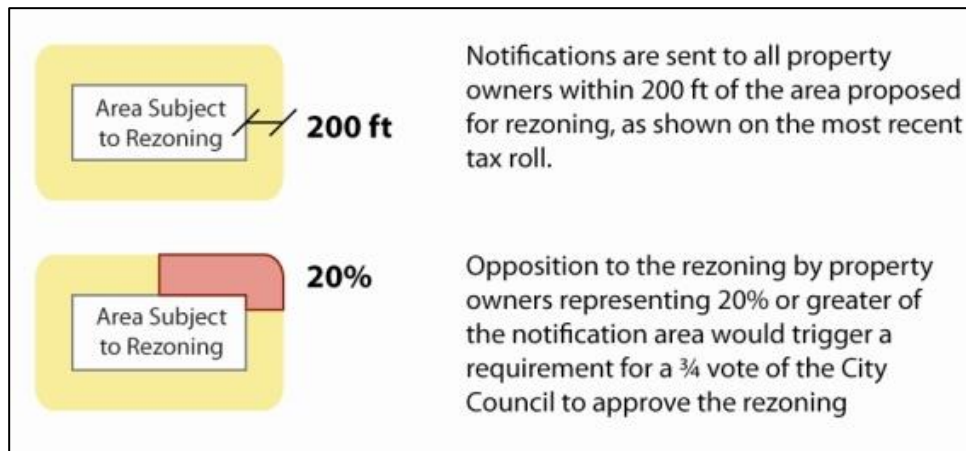


Figure 10: Calculation for Exterior Protestors

#### Sec. 14.903 Public Hearings and Notification Requirements for Zoning Related Applications

(a) Applications Requiring Public Hearing for Zoning Related Applications

- (1) Initial Zoning of Newly Annexed Land;
- (2) Zoning Map Amendment (Rezoning);
- (3) Zoning Text Amendment;
- (4) Specific Use Permits (SUPs);
- (5) Amortization of Nonconforming Uses;
- (6) Appeal of a City Administrative or Interpretative Decision;
- (7) Zoning Variance; and
- (8) Zoning Special Exception.

(b) Review Bodies and the Associated Public Hearings per Zoning Application Type

Public hearings shall be conducted for each review body per plan or Application type according to the following table.

Table 9.1: Review Bodies and the Associated Public Hearings per Zoning Application Type			
Application Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment
Initial Zoning of Newly Annexed Land	Hearing	Hearing	
Zoning Map Amendment (Rezoning)	Hearing	Hearing	
Zoning Text Amendment	Hearing	Hearing	
Specific Use Permits (SUPs)	Hearing	Hearing	
Amortization of Nonconforming Uses			Hearing
Appeal of a City Administrative or Interpretative Decision			Hearing
Zoning Variance			Hearing
Zoning Special Exception			Hearing

(c) Public Notice Requirements for Public Hearings for Zoning Related Applications

Listed below are the zoning related Applications requiring public Notice.

- (1) Initial Zoning of Newly Annexed Land;
- (2) Zoning Map Amendment (Rezoning);
- (3) Zoning Text Amendment;
- (4) Specific Use Permits (SUPs);
- (5) Amortization of Nonconforming Uses;
- (6) Appeal of a City Administrative or Interpretative Decision;
- (7) Zoning Variance; and
- (8) Zoning Special Exception,.

(d) Required Public Notice for Zoning Related Plans and Applications

Public notices shall be required according to the following table.

Table 9.2: Required Public Notice for Zoning Related Plans and Applications			
Application Type	Property Posted (Sign) Notice	Published Notice	Mailed Notice
Initial Zoning of Newly Annexed Land		Required	Required
Zoning Map Amendment (Rezoning)	Required	Required	Required
Zoning Text Amendment		Required	
Specific Use Permits (SUPs)	Required	Required	Required
Amortization of Nonconforming Uses	Required	Required	Required
Appeal of a City Administrative or Interpretative Decision		Required	Required
Zoning Variance	Required	Required	Required
Zoning Special Exception	Required	Required	Required

(e) Types of Notice

(1) Postings of Signs on Property

The City Manager shall maintain an inventory of signs to fulfill the notification requirements listed in Table 9.2: Required Public Notice for Zoning Related Plans and Applications.

(2) “Published Notice” and “Mailed Notice” of Public Hearings for Zoning Changes Involving Real Property

(A) Published Notice

- i Notice of the public hearing to occur before the City Council shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

(B) Mailed Notice (also referred to as “Written Notice”)

- i Written notice of the public hearing before the Planning & Zoning Commission shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200’) of any



property affected thereby, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is held.

- ii Said written notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.
- iii If written notice as required is not sent before the tenth (10th) calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met. Such notice shall include:
  - a. Legal description of the property and the street address or approximate location within the City.
  - b. Present zoning classification of the property and the zoning sought by the applicant. If not a rezoning, then the nature or intent of the application shall be described.
  - c. The date, time, and place of hearing.
  - d. The web site that contains the zoning map and information regarding the rezoning if available;
  - e. The phone number where questions may be answered; and
  - f. Other information as may be necessary to provide adequate and timely public notice.

(3) "Published Notice" of Public Hearing for Zoning Changes Involving Regulation Text

- (A) For requests involving proposed changes to the text of the zoning regulations, notice of the City Council public hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.
- (B) Changes in the zoning text that do not change zoning district boundaries (i.e., that do not involve specific real property), and does not change the uses or regulations of a specific zoning district do not require mailed/written notification to individual property owners.

(4) "Published Notice" and "Mailed Notice" of an Appeal of a City Administrative or Interpretative Decision to the Zoning Board of Adjustment

- (A) For an Appeal of a City Administrative or Interpretative Decision, the Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice by written notice in the mail addressed to all owners of real property located within two hundred feet (200') of the property on which the appeal is made, and by publication of notice of such hearing in the City's official newspaper.
- (B) Both the written/mailed and published notice shall be given at least ten (10) days prior to the date for the hearing.
- (C) Upon the hearing, any party may appear in person or by attorney or by agent.

- (5) Dual Notification of Planning and Zoning Commission Public Hearing(s) and City Council Public Hearing(s)  
The City may, at its option, publish the required zoning change notifications in conformance with Chapter 211 of the Texas Local Government Code for public hearings for the Planning and Zoning Commission and the City Council at the same time; said notifications must be published fifteen (15) days prior to the Planning and Zoning Commission public hearing and fifteen (15) days prior to the City Council public hearing.
- (6) Additional Rules and Procedures Established
  - (A) The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., required plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the Applicant or its agent(s).
  - (B) Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the Applicant and shall be required as part of a zoning change or development Application.
- (7) Special Notice  
Pursuant to Texas Local Government Code Section 211.007(d), the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Planning and Zoning Commission.

**Sec. 14.904 Alternative Compliance**

(a) Purpose and Applicability

- (1) Purpose  
This subsection establishes a provision for Alternative Compliance associated with the review and approval of a development or redevelopment project, including improvements to existing on-site structures or existing site features, as required in 14.904.a.2 Applicability below. The purpose of the Alternative Compliance process is to ensure that:
  - (A) A proposed project is in compliance with this Zoning Ordinance to the greatest extent appropriate for the improvements being undertaken;
  - (B) A proposed project meets requirements that are appropriate for lots or sites and site-specific development or redevelopment challenges by applying a flexible approval procedure;
  - (C) A proposed redevelopment or development project enhances the site, and therefore, the overall built environment of the City; and
  - (D) The purpose of the Alternative Compliance process is to allow for different standards that are in agreement with the City's Comprehensive Plan and will produce a substantially equivalent effect or enhanced level of results as intended by the original development standards.

(2) Applicability

- (A) A request for Alternative Compliance from certain provisions, as specifically cited within this Zoning Ordinance, may be submitted for review and approval along with the project's initial development Application (as applicable for the project).
- (B) All Alternative Compliance requests shall be clearly delineated graphically or in narrative format, as appropriate, on the project's initial development application, including a reference to the specific section within this Zoning Ordinance that allows consideration of such alternative standard(s).
- (C) The applicable zoning district standards for a project shall not be reduced or varied using the Alternative Compliance process unless such standard(s) is specifically cited as qualifying for Alternative Compliance consideration in its respective section of this Zoning Ordinance.

(3) Review and Approval

The Planning and Zoning Commission shall consider approval of request for Alternative Compliance.

(b) Alternative Compliance Evaluation Criteria

- (1) The Alternative Compliance standard(s) being sought shall be in agreement with, and shall promote, the recommendations and policies within the City's Comprehensive Plan.
- (2) The proposed standard(s) does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other requirements.
- (3) The proposed standard(s) do not attempt to modify the land uses allowed in the zoning district in which the subject property is located, nor does the proposed standard(s) attempt to add a land use not normally allowed in the zoning district.

**Sec. 14.905 Plan Development Districts (PDDs)**

(a) General

(1) Establishment

An Application for a Planned Development District shall be made to the Planning and Zoning Commission and City Council in the same manner that an Application for any Zoning Map Amendment (Rezoning) is made.

(b) Planned Development District (PDD) Application Requirements

(1) Application Required

Any request for a PDD shall be accompanied by an application prepared in accordance with the Development Application Handbook.

- (2) **Accompanying Applications**  
A request for a PDD may be accompanied by an application for amendment to the Comprehensive Plan. Approval of a PDD shall require all subsequent development applications to be consistent with the approved development regulations.
- (3) **Land Area Requirement for a PDD are as follows:**
  - (A) 2 acre minimum area for a residential PDD
  - (B) 2 acre minimum area for a non-residential or mixed use PDD
- (c) **Processing of Application and Decision**  
An Application for a Planned Development District shall be processed and decided upon in the same manner that an Application for any Zoning Map Amendment (Rezoning) is made.
- (d) **Concept Plan and Development Standards**
  - (1) **Requirement for Concept Plan**  
No PDD district may be established without approval of a Concept Plan. The Concept Plan shall be a fully dimensioned map(s) of the land within the proposed PDD, and shall be incorporated as a component part of the PDD district regulations, and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.
  - (2) **Requirement for Development Standards**
    - (A) No PDD District may be established without approval of associated Development Standards document which shall contain at a minimum:
      - i A description of how the proposed Planned Development fulfills the ideals, goals, objectives, and/or concepts of the City's adopted Comprehensive Plan or any other formally adopted City planning document;
      - ii The base zoning district(s) to be overlaid, together with the boundaries of the district(s);
      - iii A description of any development standards or requirements that are different from those in the base zoning district;
      - iv A description that lists and fully explains the specific modifications of the provisions of the base zoning district which are desired, as well as the purposes of the modifications (i.e., why they are necessary);
      - v Any additional information or exhibits required to fully describe the regulations and requirements pertaining to the PDD District.
  - (3) **Consistency Required**
    - (A) All development applications within the PDD district shall be consistent with the incorporated Concept Plan. Failure of a subsequent development application to conform to the approved Concept Plan for the PDD district shall result in denial of the application, unless the PDD district regulations are first amended through incorporation of a Concept Plan with which the development application is consistent. The degree of conformity required between the Concept Plan and subsequent development applications shall be set forth in the adopting ordinance.

- (B) The City Manager may waive concept plan and/or development standards requirements in cases where the nature of the PDD is such that a concept plan is not appropriate.
- (4) Incorporation into the PDD District Ordinance

The Concept Plan and Development Standards Document along with any other document or exhibit needed to fully describe the regulations and functions of the PDD District shall be incorporated as part of the ordinance creating the PDD District.
- (5) Subsequent Development Applications
  - (A) Development Applications Authorized. The development standards for a PDD district shall be applied to the authorized uses through all subsequent development applications, such as a subdivision plat or building permit, as set forth in the adopting ordinance of the PDD.
  - (B) Minor Deviations from Approved Concept Plan. In determining whether development applications are consistent with the Concept Plan, minor deviations from the Concept Plan may be approved by the City Manager. Unless otherwise specified in the adopting ordinance, minor deviations are limited to the following:
    - i Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
    - ii Change in building layout, when shown, that is less than a ten percent (10%) increase in size.
    - iii Changes in the proposed property lines internal to the PDD as long as the originally approved district boundaries are not altered.
    - iv Changes in parking layouts as long as the number of required spaces and general original design is maintained.
  - (C) Major Deviations from Approved Concept Plan. All major deviations from the Concept Plan shall be submitted, processed, and reviewed in the same manner as if the application was for a new PDD District under Section 14.905.c.
- (6) Approval Criteria for a Planned Development District
  - (A) Factors

The following criteria will be used by the City in deciding whether to approve, approve with modifications, or deny a petition for a PDD district:

    - i The extent to which the land covered by the proposed PDD district fits one or more of the special circumstances warranting a PDD district classification.
    - ii The extent to which the proposed PDD district furthers the policies of the City's adopted Comprehensive Plan (as amended) and other formally adopted City planning documents.
    - iii The extent to which the proposed PDD district will result in a superior development than could be achieved through conventional zoning classifications.

- iv The extent to which the proposed PDD district will resolve or mitigate any compatibility issues with surrounding development.
- v The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;
- vi The extent to which the proposed development is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage and other public facilities; and
- vii The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

(B) Conditions

The City Council may impose such conditions to the PDD district regulations and Concept Plan as are necessary to assure that the purpose of the PDD district is implemented.

(7) Documentation of PD Districts

- (A) Planned Development Ordinances Approved After Adoption. All Planned Development zoning districts approved after adoption of this Code section, as may be amended, shall be prefixed by a “PDD” designation and assigned a unique identification number (e.g., PDD-1, PDD-2, PDD-3, and so on), and shall also be shown on the Zoning Map

(8) Reapplication Following Denial

- (A) Reapplication Time Period. Following denial of a zoning change request, another zoning change request for a Planned Development District may not be resubmitted within six (6) months of the date upon which the previous application was denied.

**Sec. 14.906 Specific Use Permits (SUPs)**

(a) General

The uses listed under the various districts within the Use Chart as Specific Use Permits (SUPs) are so classified because they may have adverse effects or more intensely dominate the area in which they are located than do other uses permitted in the district.

(b) Specific Use Permit Application Process

(1) Procedures for Processing a Specific Use Permit (SUP)

An application for a Specific Use Permit shall be processed in the same manner as a Zoning Map Amendment as described in 14.902.

(2) Compatibility Conditions

- (A) The Planning and Zoning Commission and City Council may require conditions and safeguards as necessary to protect adjoining property.

- (B) A use allowed by a Specific Use Permit shall be in general conformance with the Comprehensive Plan and contain such requirements and safeguards as are necessary to protect adjoining property.

(3) Required Information

- (A) Each application shall be accompanied by a Site Plan and such other information as is required by this Zoning Ordinance.
- (B) The Planning and Zoning Commission or City Council may require additional information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed.

(c) Specific Use Permit Regulations

- (1) In recommending that a Specific Use Permit for the premises under consideration to be granted, the City Council shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall consider the following factors:

- (A) Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
- (B) Adequate means of ingress and egress to public streets or approved access easements and appropriate paving widths of streets, alleys and sidewalks to accommodate traffic generated by the proposed use;
- (C) Provisions for drainage;
- (D) Adequate off-street parking and loading;
- (E) Safety from fire hazard and measures for fire control;
- (F) Protection against negative effects of noise, glare and lighting on the character of the neighborhood, protective screening and open space;
- (G) Heights of structures; and
- (H) Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare.

- (2) In granting a Specific Use Permit, the City Council may impose conditions and time limits which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the City Manager for use of the building on such property pursuant to such SUP, and such conditions are precedent to granting of the Certificate of Occupancy.

(d) Acceptance and Agreed Compliance by the Applicant, Owner and Grantee

No Specific Use Permit shall be granted unless the Applicant of the SUP shall be willing to accept and agree to be bound by and comply with the ordinance adopting the SUP, as well as the attached Site Plan drawings approved by the City Council and shall comply with the minimum requirements provided in the zoning district in which the property is located.

(e) Specific Use Permit Expiration and Extension

(1) Specific Use Permit Expiration

An SUP shall automatically expire if a Building Permit is not issued and construction begun within six (6) months of the granting of the SUP.

(2) Specific Use Permit Extension

The City Council may authorize an extension beyond the six (6) months upon recommendation by the City Manager.

(f) Amendments Required for Changes

No building, premise, or land used under an SUP may be enlarged, modified, structurally altered, or otherwise significantly changed, unless an amendment to the approved SUP is granted for such enlargement, modifications, structural alteration, or change.

(g) Prohibition of Zoning Board of Adjustment Action

The Zoning 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 SUP.

**Sec. 14.907 Amortization of Nonconforming Uses**

(a) City Council Initiation of Amortization Case

Only the City Council, by majority vote, may request that the Zoning Board of Adjustment consider establishing a compliance date for a Nonconforming Use.

(b) Zoning Board of Adjustment Decision of Amortization Case

(1) Per the authorization of City Council, the Zoning Board of Adjustment may require the discontinuance of a Nonconforming Use under any plan whereby the full value of the use's structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the Zoning Ordinance.

(2) All actions to discontinue a Nonconforming Use shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the nonconforming use and the conservation and preservation of property.

(c) Public Hearing Process

Upon receiving a request under 14.907.a from the City Council, staff shall schedule the First Public Hearing before the Zoning Board of Adjustment. The Zoning Board of Adjustment may establish a compliance date only after holding two separate public hearings.

(1) First Public Hearing

The Zoning Board of Adjustment shall hold a public hearing to determine whether continued operation of the Nonconforming Use will have a significant adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the Zoning Board of Adjustment determines that continued operation of the Nonconforming Use will have a significant adverse effect on nearby properties, it shall schedule a second public hearing to establish a compliance date for the Nonconforming Use; otherwise, it shall not. In determining whether the continued operation will have a significant adverse effect on nearby properties, the Zoning Board of Adjustment shall consider the following factors:



- (A) The character of the surrounding neighborhood.
  - (B) The degree of incompatibility of the use with the zoning district in which it is located.
  - (C) The manner in which the use is being conducted.
  - (D) The hours of operation of the use.
  - (E) The extent to which continued operation of the use may threaten public health or safety.
  - (F) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
  - (G) The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use.
  - (H) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
  - (I) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.
  - (J) To the extent the nonconforming use impacts the value and marketability of the abutting and surrounding properties or neighborhood.
  - (K) Notwithstanding anything to the contrary, the Board cannot amortize a use described in 14.901 Zoning Upon Annexation Subparagraph 14.901.e.2 unless it finds that the use is a nuisance and/or that the use presents a risk of imminent destruction of property or injury to persons.
- (2) Second Public Hearing
- (A) If the Board has determined in the first public hearing that the Nonconforming Use has an adverse effect on nearby properties, it shall hold a second public hearing to set a date for compliance. The Board shall, in accordance with the law, provide a compliance date for the Nonconforming Use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Board in determining a reasonable amortization period:
    - i The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
    - ii Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
    - iii Any return on investment since inception of the use, including net income and depreciation.

- iv The anticipated annual recovery of investment, including net income and depreciation.
  - v A reasonable closeout and termination period for the nonconforming use.
- (B) If the Board, at the first public hearing, requests financial documentation and/or records from the owner relating to the factors listed directly above, the owner shall provide said documents and/or records at least thirty (30) days before the second public hearing. If the owner does not provide said documentation, the Board is authorized to make its determination of a compliance date based upon any reasonably available public records as well as public testimony at the hearing. Failure by owner to provide the requested financial documents and records shall not prevent the Board from setting a compliance date.
- (d) Ceasing Operations  
If the Board establishes a compliance date for a Nonconforming Use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.
- (e) Definitions  
For purposes of this subsection, "owner" means the owner of the Nonconforming Use at the time of the Board's determination of a compliance date for the Nonconforming Use.
- (f) Finality of Decisions
- (1) Decisions that cannot be Immediately Appealed  
A decision by the Board that the continued operation of a Nonconforming Use will have a significant adverse effect on neighboring property and the Board's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.
  - (2) Decision to Deny a Request to Establish a Compliance Date  
A decision by the Board to deny a request to establish a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.
  - (3) Decision Setting a Compliance Date  
A decision by the Board setting a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.

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## Section 14.1000 Zoning Relief Procedures

### Sec. 14.1001 Zoning Regulation Appeal

(a) Types of Appeals

The following are the types of Zoning Regulation Appeals contained within this Zoning Ordinance.

(1) Appeal of a City Administrative or Interpretative Decision

(A) Any person, department, board, or bureau of the City affected by any administrative officer acting pursuant to the Zoning Ordinance regulations shall appeal to the Zoning Board of Adjustment.

(B) In exercising the Board's authority herein, the Board may reverse or affirm, in whole or in part, or modify the City administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the City's administrative official.

(C) Public hearings shall be held in accordance with 14.903.e.3.A.

(2) Appeal to the City Council of a Zoning Vested Rights Petition Decision

(D) See 14.1004.g Appeal to the Council of a Decision on a Zoning Vested Rights Petition

(3) Appeal to District Court of a decision of the City Council or Zoning Board of Adjustment

Any person, department, board, or bureau of the City affected by a decision of the City Council or Zoning Board of Adjustment may appeal to District Court.

(b) Appeals Procedure to the City Council or Zoning Board of Adjustment

(1) Timing and Fee

Appeal to the City Council or Zoning Board of Adjustment shall be taken within thirty (30) calendar days from the date of the decision by filing with the Responsible Official from whom the appeal is taken and with the City Secretary a notice of appeal specifying the grounds thereof, and by paying a filing fee at the office of the City Secretary at the time the notice is filed.

(2) Transmission of Record

The Responsible Official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(3) Stays of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Responsible Official certifies to the City Council or Zoning Board of Adjustment, that by reason of facts stated in the certificate a stay would, in the Responsible Official's opinion, cause imminent peril to life or property.

(c) Appeals Procedure to District Court

(1) Timing

An appeal from any action, decision, ruling, judgment, or order of the City Council or Zoning Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer; or any officer, department, board, or bureau of the City to the district or county court by filing notice of appeal with the City Secretary and with the Zoning Board of Adjustment within ten (10) calendar days from the filing of the decision of the board, which notice shall specify the grounds of such appeal.

(2) Transmission of Record

Upon filing of the notice of appeal as herein provided, the court may grant a writ of certiorari directed to the board in this event, the City Council or Zoning Board of Adjustment shall transmit to the court clerk and the petitioner the original or certified copy of the papers constituting the record in the case, together with the order, decision, or ruling.

(3) Stays of Proceedings

An appeal to the district court from the City Council or Zoning Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the Mayor or chairperson of the Zoning Board of Adjustment, from which the appeal is taken certifies to the court clerk, after the notice of appeal shall have been filed, that by reasons of fact stated in the certificate, a stay would, in her or his opinion, cause imminent peril to life or property.

(d) Fees

All fees for all types of Applications, forms, plans, notifications, appeals, and petitions required under this Zoning Ordinance shall be established by the City Council within the Fee Schedule.

**Sec. 14.1002 Zoning Variance**

(a) Purpose

- (1) The Zoning Board of Adjustment is authorized in specific cases to grant a Zoning Variance from the Zoning Ordinance terms, standards, and criteria that pertains to an allowed use within a zoning district.
- (2) A Zoning Variance is authorized by this Zoning Ordinance when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in an undue hardship and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, the Zoning Board of Adjustment shall have no power to authorize a Zoning Variance provided in Section 14.1002.e Limitations on the Authority of Zoning Board of Adjustment to Grant Zoning Variances.

(b) Zoning Variance Applicability

The Zoning Board of Adjustment is authorized in specific cases to grant a Zoning Variance from the following regulations to prevent undue hardships.

- (1) Open Space (Yard) Dimensions
- (2) Lot Dimensions
- (3) Structure Height
- (4) Impervious Area

(c) Elements and Process

(1) Undue Hardship Shall Exist

The Zoning Board of Adjustment may authorize a Zoning Variance from these Zoning Regulations when, due to special conditions, an undue hardship will result from requiring compliance.

(2) Harmony with the Zoning Ordinance's General Purpose and Intent Shall Exist

A Zoning Variance may be granted only when the Zoning Variance is not contrary to the public interest and is in harmony with the general purpose and intent of this Zoning Ordinance so that the public health, safety, and welfare may be secured and that substantial justice may be done.

(3) Zoning Variance Processing and Review

The City Manager shall process and review a Zoning Variance.

(4) Board Conditions of Approval

In granting a Zoning Variance, the Zoning Board of Adjustment shall prescribe only conditions that it deems necessary for, or desirable to, the public interest.

(5) Board Considerations

In making the findings within 14.1002.d Criteria for Zoning Variance Approval, the Zoning Board of Adjustment shall take into account:

- (A) The nature of the proposed use of the land involved,
- (B) Existing uses of land in the vicinity,
- (C) The number of persons who will reside or work within the proposed use, and
- (D) The probable effect such Zoning Variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

(6) Such findings of the Zoning Board of Adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Zoning Board of Adjustment meeting at which such Zoning Variance is granted.

(d) Criteria for Zoning Variance Approval

No Zoning Variance shall be granted without first having given public notice and having held a public hearing on the Zoning Variance request in accordance with 14.903 Public Hearings and Notification Requirements for Zoning Related Applications and unless the Zoning Board of Adjustment finds all the following criteria are met.

(1) Unique Circumstances

There are special circumstances or conditions affecting the land involved such that the application of the Zoning Ordinance's provisions would deprive the Applicant of the reasonable use of his/her land.

(2) Minimum Necessary Relief Required to Alleviate the Undue Hardship

The Zoning Variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.

(3) Preservation of Property Rights

The Zoning Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant.

(4) No Substantial Detriment to the Public Good

The granting of the Zoning Variance will not be detrimental to the public health, safety or welfare, impair the purposes and intent of this Zoning Ordinance and the Comprehensive Plan or be injurious to other property within the area.

(5) Orderly Use of Land

The granting of the Zoning Variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Zoning Ordinance.

(6) Precedent

The granting of an individual Zoning Variance will not set a precedent.

(7) Finding of Undue Hardship

In order to grant a Zoning Variance, the Zoning Board of Adjustment must make findings that an undue hardship exists, using the following criteria:

(A) That literal enforcement of the controls will create an undue hardship or practical difficulty in the development of the affected property; and

(B) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

(C) That the relief sought will not injure the permitted use of adjacent conforming property; and

(D) That the granting of a Zoning Variance will be in harmony with the spirit and purpose of these regulations.

(E) Financial hardship alone is not an “undue hardship” if the property can be used, meeting the requirements of the zoning district in which the property is located.

(e) Limitations on the Authority of Zoning Board of Adjustment to Grant Zoning Variances

(1) Use Zoning Variance

The Zoning Board of Adjustment may not grant a Zoning Variance to allow a use that is prohibited in that specific zoning district.

(2) Specific Use Permit Provision

The Zoning Board of Adjustment shall have no power to grant or modify provisions of an SUP authorized under 14.906 Specific Use Permits (SUPs).

(3) Zoning Amendments

(A) The Zoning Board of Adjustment shall have no power to grant Zoning Text and Map Amendments.

(B) In the event that a request for a Zoning Text Amendment or Zoning Map Amendment (Rezoning) is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any Zoning Variance with respect to the subject property until final disposition of the Zoning Text Amendment or Zoning Map Amendment (Rezoning) by the Commission and the City Council.

(4) Pending Action

- (A) The Zoning Board of Adjustment shall not grant a Zoning Variance for any parcel of property or portion thereof upon which a required Plat is pending on the agenda of the Planning and Zoning Commission and/or the City Council.
- (B) All administrative and procedural remedies available to the Applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustment.
- (f) Concurring Vote of 75 Percent Required  
Pursuant to Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to grant a Zoning Variance.

#### **Sec. 14.1003 Zoning Special Exception**

- (a) Purpose  
The Zoning Board of Adjustment is authorized to hear and decide a Zoning Special Exception to the zoning regulations which are not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Zoning Board of Adjustment, where specifically authorized by 14.1003.d. Zoning Special Exception Authorized, and in accordance with the substantive and procedural standards of the Zoning Ordinance.
- (b) Zoning Special Exception Defined  
A Zoning Special Exception is an allowed variation from the zoning regulations, but is differentiated from a Zoning Variance as the term is used in this Zoning Ordinance by the following:
  - (1) No Hardship Required  
A Zoning Special Exception does not require a finding of an undue hardship.
  - (2) Specifically Allowed and Pre-Determined by the Zoning Ordinance  
Approval of a Zoning Special Exception by the Zoning Board of Adjustment is specifically provided for and defined in this Zoning Ordinance.
- (c) Requests for a Zoning Special Exception
  - (1) The Zoning Board of Adjustment may grant a Zoning Special Exception in accordance to the provisions of Section 14.1003.d Zoning Special Exception Authorized upon written request of the property owner.
  - (2) The City Manager shall process and review a Zoning Special Exception.
- (d) Zoning Special Exception Authorized  
When in the Zoning Board of Adjustment's judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Zoning Board of Adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following Zoning Special Exceptions to the regulations herein established:



(1) Nonconforming Uses or Structures

- (A) Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use and permit the expansion of off-street parking or off-street loading for a nonconforming use.
- (B) Permit such modification of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.

(2) Residential Setbacks

For existing single family residential and duplex (two family) structures that were legally constructed prior to the effective date of this Zoning Ordinance, the Zoning Board of Adjustment may authorize a Zoning Special Exception for any structure that was constructed over a setback line established by this Zoning Ordinance.

(3) Grant Exceptions to the Off-Street Parking Requirements

To grant Zoning Special Exceptions to the off-street parking requirements set forth in 14.604 Off-Street Parking and Loading Requirements when it is determined:

- (A) That the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and the proposed use will not create undue traffic congestion in the adjacent streets, or
- (B) That the use can share parking with other adjacent uses upon provision of a shared parking study.

(4) Modify Landscaping Requirements

To grant Zoning Special Exceptions to the requirements in 6.01 Landscape Requirements when it is determined that the size and shape of the lot to be built on is such that landscaping provisions cannot reasonably be complied with and the reductions will not significantly impact adjacent properties or neighborhoods.

(5) Permit Temporary Location of a Manufactured Home – HUD Code

To authorize by Zoning Special Exception the temporary location of one Manufactured Home – HUD Code in any zoning district for a period of time not to exceed twenty-four (24) months under the following conditions:

- (A) The Manufactured Home – HUD Code shall be connected with a suitable water supply and wastewater system and shall be in conformance with the health and sanitation laws of the City, County and State.
- (B) The land on which the Manufactured Home – HUD Code is located shall be owned by the occupant or the owner shall be related, in the first degree, to an occupant.
- (C) Only one (1) Manufactured Home – HUD Code unit shall be permitted to locate on a lot.

- i The Manufactured Home – HUD Code unit shall be temporary only for a period of time which shall not exceed twenty-four (24) months from the date of issuance of the permit via Zoning Special Exception.
- (D) It is intended that a single Manufactured Home – HUD Code unit is permitted to locate temporarily in an area that is relatively undeveloped.
  - i The location of manufactured homes, even on a temporary basis, in established residential areas is not considered desirable.
  - ii Therefore, no Manufactured Home – HUD Code shall be permitted within one hundred (100) feet, including streets and alleys, of an existing dwelling and shall not be located on a lot containing less than one (1) acre.
- (e) The Board may Impose Conditions  
 In granting Zoning Special Exceptions under this Section 14.1003 Zoning Special Exception, the Zoning Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this Zoning Ordinance.
- (f) Concurring Vote of 75 Percent Required  
 Pursuant to Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to grant a Zoning Special Exception.

#### **Sec. 14.1004 Zoning Vested Rights Petition**

- (a) Purpose  
 In accordance with the Texas Local Government Code, Chapter 245 or successor statute, the purpose of a Zoning Vested Rights Petition is to determine whether one or more standards of this Zoning Ordinance should not be applied to a plan or Application, or whether certain permits are subject to expiration.
- (b) Applicability of a Zoning Vested Rights Petition
  - (1) Any Application  
 A Zoning Vested Rights Petition may be filed for an Application, permit, or plan required under this Zoning Ordinance.
  - (2) Prohibited Joint Submission  
 A Zoning Vested Rights Petition cannot be submitted by an Applicant along with submission of a request for a Zoning Text Amendment, a Zoning Map Amendment (Rezoning), or any other request for a legislative decision by the City Council.
  - (3) Land and Use upon Annexation  
 Vested rights in land use upon annexation shall be governed by Texas Local Government Code, Section 43.002, as amended.

(c) Petition Submission

(1) Filing

A Zoning Vested Rights Petition shall be submitted to the City's Responsible Official in accordance with the Texas Local Government Code, Chapter 245 or successor statute.

(2) Stay of Further Proceedings

Submission of such petition shall stay further proceedings on the related Application until a final decision is reached on the Zoning Vested Rights Petition.

(d) Petition Requirements

The Zoning Vested Rights Petition shall allege that the petitioner has a vested right that requires the City to review and decide the Application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include, at a minimum, the following information and documents:

(1) Basic Owner Information

The name, mailing address, phone number and fax number of the property owner (or the property owner's duly authorized agent).

(2) Identification of Property and "Project"

(A) Identification of the property for which the property owner claims a vested right.

(B) Identification of the "project," as that term is defined in Chapter 245 at 245.001.(3).

(C) A chronology of the history of the "project," with special emphasis on facts establishing that the project was in progress on or commenced after September 1, 1997, as required by Chapter 245 at 245.003;

(3) Narrative Description for Purpose of Petition

A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific regulation or to an entire project.

(4) Identification of Regulations

(A) Identification of all City regulations in effect at the time the original application for the permit was filed that (a) the owner contends are vested and (b) the owner contends controls the approval, disapproval, or conditional approval of an Approval for a permit, pursuant to Chapter 245 at 245.002(a) and (b).

(B) Identification of all City regulations, with particularity and in detail, that the property owner contends do not apply to the project due to the vested rights provided the property owner by Chapter 245.

i Global references to a particular ordinance, or set of criteria, may be deemed insufficient and the City may consider the request for a vested rights determination to be incomplete and, hence, not subject to a staff determination at that time.

(C) Identification of any current City regulations which petitioner agrees can be applied to the Application at issue.

- (5) Copies of Applications  
A copy of each approved or pending Application which is the basis for the contention that the City may not apply current standards to the Application which is the subject of the petition.
  - (6) Submittal Date of First Application  
The submittal date of the first Application that began the vesting process (i.e., first permit in the series of permits required for the project), as identified in Section 14.8 Zoning Application Submittal and Processing Procedures.
  - (7) Submittal Date of Subsequent Application  
If applicable, the submittal dates of subsequent Applications for the permits for the project.
  - (8) Narrative Description of How Current Regulations Affect Proposed Use  
A narrative description of how the Application of current regulations affect proposed use of the land, landscaping or tree preservation, Usable Open Space, or park dedication, lot size, lot dimensions, coverage or building size shown on the Application for which the petition is filed.
  - (9) Copies of Prior Vested Rights Determinations  
A copy of any prior vested rights determination involving the same land.
  - (10) Benchmarking Project Progress for Expiring Permits or Applications  
Whenever the petitioner alleges that a permit or Application subject to expiration should not be terminated, a description of the events constituting progress toward completion of the project for which the permit subject to expiration was approved.
- (e) Validity and Expiration of Different "Permits" for Vesting Purposes
- (1) Required Plan Validity and Expiration
    - (A) Required Plan  
A Site Plan, Specific Use Permit's Site Plan, or 's Site Plan, shall be considered a "permit" as described by State law in Chapter 245.005, as amended, of the Texas Local Government Code (TLGC) and herein be referred to as "Required Plan."
    - (B) Appropriate Approval Required for a "Permit"  
A Required Plan shall not be considered a "permit" unless it has been approved by the appropriate entity before the effective date of these regulations, or an Application for a Required Plan is complete as of the effective date of these regulations.
    - (C) Required Plan Expiration  
Any approved Required Plan shall be deemed expired two (2) years from the date on which the Required Plan was originally approved by the appropriate entity if no progress has been made toward completion of the project.
    - (D) Progress Benchmarks  
The term "progress" shall be as defined based on TLGC Chapter 245.005 as follows:
      - i Plans for construction and an Application for a building permit for at least one of the buildings on the approved Required Plan are submitted within two (2) years following approval of the Required Plan;

- ii A good-faith attempt is made to file with the City an Application for a permit necessary to begin or continue towards completion of the project;
- iii Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;
- iv Fiscal security is posted with the City to ensure performance of an obligation required by the City; or
- v Utility connection fees for the project have been paid to the City.

(E) Required Plan Expiration

If one of the items listed in Section 14.1004.e.1.D.i through v above is not accomplished within the two (2) year period, the approved Required Plan shall expire upon the second (2nd) anniversary of its approval by the appropriate entity, and shall become null and void.

(F) Required Plan Extension and Reinstatement Petition

- i Prior to the expiration of a Required Plan, the Applicant may petition the City (in writing) to extend the Required Plan approval.
- ii The City Manager shall be the Responsible Official for processing and review of the Application.
- iii Such petition shall be recommended for approval or denial by the Planning and Zoning Commission, and shall be granted approval or denied by the City Council.
- iv If no petition is submitted, then the Required Plan shall be deemed to have expired and shall become null and void.
  - a. Any new request for Required Plan approval thereafter shall be deemed a “new permit”, and shall be submitted with a new Application Form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section.
  - b. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new Application is made.
- v In determining whether to grant a request for extension, the Planning and Zoning Commission and City Council shall take into account the following:
  - a. The ability of the property owner to comply with any conditions attached to the original approval, and
  - b. The extent to which development regulations would apply to the Required Plan at that point in time.

(2) Building Permit Site Plan Validity and Expiration

A Site Plan required as part of a building permit Application shall be considered a “permit” as described by State law in Chapter 245.005, as amended, of the Texas Local Government Code (TLGC).

(A) Building Permit Site Plan Expiration

Any approved Building Permit Site Plan shall be deemed expired two (2) years from the date on which the Building Permit Site Plan was approved if no progress has been made toward completion of the project.

(B) Progress Benchmarks

The term “progress” shall be as defined based on TLGC Chapter 245.005 as follows:

- i Plans for construction and an Application for a Building Permit for at least one of the buildings on the approved Building Permit Site Plan are submitted within two (2) years following approval of the Building Permit Site Plan.
- ii A good-faith attempt is made to file with the City an Application for a permit necessary to begin or continue towards completion of the project;
- iii Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;
- iv Fiscal security is posted with the City to ensure performance of an obligation required by the City; or
- v Utility connection fees or impact fees for the project have been paid to the City.

(C) Expiration

If one of the items listed in Section 14.1004.e.2.B.i through v above is not accomplished within the two (2) year period, then the approved Building Permit Site Plan shall expire and shall become null and void.

(D) Building Permit Site Plan Extension and Reinstatement Petition

- i Prior to the expiration of a Building Permit Site Plan, the Applicant may petition the City (in writing) to extend the Building Permit Site Plan approval.
- ii The City Manager shall be the Responsible Official for processing and review of the Application.
- iii Such petition shall be recommended for approval or denial by the Planning and Zoning Commission, and shall be granted approval or denial by the City Council.
- iv If no petition is submitted, then the Building Permit Site Plan shall be deemed to have expired and shall become null and void.
  - a. Any new request for Building Permit Site Plan approval shall be deemed a “new permit”, and shall be submitted with a new Application Form, with a new filing fee,

and with new plans and materials in accordance with the procedures set forth in this Section.

- b. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new Application is made.
- v In determining whether to grant a request for extension, the Planning and Zoning Commission and City Council shall take into account the following reasons for the lapse.
  - a. The ability of the property owner to comply with any conditions attached to the original approval, and
  - b. The extent to which development regulations would apply to the Building Permit Site Plan at that point in time.

(3) Planned Development Master Plan - Validity and Expiration

In conformance with TLGC Chapter 245, as amended, the Applicant shall retain the following additional rights related to an approved Planned Development Master Plan.

(A) Vesting Plat Submittal within Two (2) Years Required

- i An Application for a Vesting Plat shall be submitted for approval within two (2) years of the date of approval of a Planned Development Master Plan, unless otherwise provided in the PDD adopting ordinance.
- ii If a Vesting Plat consistent with the Planned Development Master Plan is not submitted within such period, the Planned Development Master Plan shall expire.

(B) Expiration of an Approved Vesting Plat

- i The expiration of an approved Vesting Plat shall be governed by the provisions of the Subdivision Ordinance.
- ii If a required Development Application (e.g., Vesting Plat, Filing Plat, Building Permit) is submitted within the two (2) year period, but such Development Application subsequently expires, the associated Planned Development Master Plan shall also expire.

(4) Ability to Retain the Rights to the Project

In conformance with TLGC Chapter 245, as amended, the Applicant shall retain the following rights related to a proposed following submittal and approved of a Planned Development Master Plan.

(A) Ability to Submit Applications for Five (5) Years

- i The Applicant shall retain the ability to submit a new Planned Development Master Plan for a period of five (5) years following the original Planned Development Master Plan approval.

- ii Such new Planned Development Master Plan may only be for a substantially similar PDD project.
- iii However, any such new Planned Development Master Plan shall adhere to any and all new standards and regulations that the City has adopted in relation to a Planned Development Master Plan and/or any other PDD Application requirements.

(B) Expiration of Project in Five (5) Years

Any PDD project for which no Vesting Plat has been submitted for a period of five (5) years following the approval of the related Planned Development Master Plan shall expire on the last day of that five (5) year period.

(C) Planning and Zoning Commission Consideration

- i After such five (5) year period has ended and the project expires, the Planning and Zoning Commission shall consider whether the undeveloped land within the PDD should be changed to another zoning classification in accordance with the procedures for a zoning amendment pursuant to 14.902 Zoning Text and Map Amendments.
- ii The Commission thereafter shall recommend to the City Council whether the right to submit a Vesting Plat or other Development Application for the same PDD project should be reinstated, or whether the property should be rezoned to another classification.

(D) City Council Consideration

- i The Commission's recommendation shall be considered by the City Council in accordance with procedures for a zoning amendment pursuant to 14.902 Zoning Text and Map Amendments.
- ii The Council shall determine whether the right to submit the Vesting Plat or other Development Application for the same PDD project should be reinstated, or whether the property should be rezoned to another classification.
- iii In making such determination, the Council shall consider the following factors:
  - a. Whether the remains consistent with the Comprehensive Plan;
  - b. Whether the uses authorized in the PDD project are compatible with existing and planned land uses adjacent to the site;
  - c. Whether there are extenuating circumstances justifying the failure to submit a Vesting Plat or other Development Application during the applicable time period; and
  - d. Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.



(E) Council Action

Upon the above subsections occurring, the City Council may take the following actions:

- i Reinstall the right to submit the Vesting Plat or other Development Application for the original PDD project within a certain time period, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PDD district;
- ii Modify the PDD district regulations applicable to the property; or
- iii Repeal the PDD district for portions of the property and zone such property to another zoning district classification.

(f) Decision of a Zoning Vested Rights Petition

(1) Review of a Zoning Vested Rights Petition

The Responsible Official shall promptly forward the owner's vested rights request, along with any supporting information or documentation provided along with the request, to the City Manager and City Attorney for their respective reviews.

(2) Decision on a Zoning Vested Rights Petition

(A) The City Manager, after consultation with the City Attorney, shall issue a final administrative determination of whether a vested right exists in relation to the project, and shall identify, with particularity, all claims for vested rights that have been granted and all claims for vested rights that have been denied.

(B) The City Manager shall issue a final administrative determination with thirty (30) business days from the receipt of the Responsible Official.

(3) Vesting Pre-Determination Conference

Prior to rendering the final determination, the City Manager may request a pre-determination conference with the owner to discuss the owner's vested rights claim and to ensure that the nature of the claim is fully and completely understood by the City Manager prior to a final determination being rendered.

(g) Appeal to the Council of a Decision on a Zoning Vested Rights Petition

(1) If the property owner or the City Council believes that the City Manager's vested rights determination is in error, the property owner or City Council shall have the right to appeal within thirty (30) business days of such determination to the City Council, which will have jurisdiction to hear and decide the appeal pursuant to this Zoning Ordinance and Chapter 211 of the Texas Local Government Code.

(2) The property owner may also request the Zoning Board of Adjustment to grant a Zoning Variance from the regulations at issue under the same standards governing variances for other matters, as set forth in this Zoning Ordinance and/or Chapter 211 of the Texas Local Government Code.

(h) Judicial Review

Should the property owner or any aggrieved person be dissatisfied with the actions of the City Council, they may avail themselves of all legal remedies to review the decision as set forth in Section 211.011 of the Texas Local Government Code.

(i) Binding Determination

- (1) The City Manager's final determination, if not appealed to the City Council within thirty (30) business days, shall be immediately filed in the City's files related to the project and the determination shall be considered binding upon the City and the property owner for the duration of the project.
- (2) Similarly, any decision by the City Council regarding a vested right claim shall be filed in the City's files related to the project and the determination shall be considered binding upon the City and the property owner for the duration of the project.
- (3) Notwithstanding the binding nature of the City Manager's final determination and any ruling by the City Council, the City and the property owner may, at any time, enter into a development agreement that, to the extent authorized by law, modifies the final determination and the applicable development regulations to be applied to the project.

(j) Action on Petition and Order

(1) Action on the Petition

The City Manager or City Council on the petition or appeal may take any of the following actions:

- (A) Deny the relief requested in the petition, and direct that the application shall be reviewed and decided under currently applicable standards;
- (B) Grant the relief requested in the petition, and direct that the application be reviewed and decided in accordance with the standards contained in identified prior regulations; or
- (C) Grant the relief requested in part, and direct that certain identified current standards be applied to the application, while standards contained in identified prior regulations also shall be applied.

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2021-13 Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League.

**DATE: February 11, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

The City of Gonzales has provided the baseball fields for Gonzales Little League for many years at no cost. There has never been a license agreement in place for the use of the facilities.

City staff has met with the Gonzales Little League Board and reviewed the Agreement together and all parties understand why this agreement is needed. City staff will be available to answer any questions asked by council.

### **POLICY CONSIDERATIONS:**

A License Agreement is needed for citizens utilizing city property.

### **FISCAL IMPACT:**

This License Agreement includes a fee associated with paying the metered electricity of the fields and concession stand the expense the City incurs with utilities of the fields the Little League uses.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution.

## **RESOLUTION NO. 2021-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH THE GONZALES LITTLE LEAGUE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gonzales desire to execute a facility license agreement for the use of the baseball, softball and T-ball fields at the Independence Park;and,

**WHEREAS**, the provision of opportunities for Gonzales youth to participate in team sports serves an important public purpose of the community; and,

**WHEREAS**, annually city tax dollars go towards funding the maintenance and utilities provided at the facilities at no charge to the Gonzales Little League and,

**WHEREAS**, within the license agreement the Gonzales Little League has agreed to pay the City of Gonzales \$5.00 per player to assist with the maintenance and utilities of the fields utilized; and,

**WHEREAS**, the agreement will be for six months beginning February 2021 through August 2021 for Little League; and,

**WHEREAS**, the City Council of the City of Gonzales hereby finds that the execution of the license agreement with Gonzales Little League is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales hereby approves the License Agreement with Gonzales Little League attached hereto as Exhibit A, and authorizes the execution of said Agreement by the City Manager.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 11<sup>th</sup> day of February, 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

THIS AGREEMENT is entered into by and between the City of Gonzales, a Texas Municipal Corporation, and political subdivision, ("City") acting by and through its City Manager, and Gonzales Little League, ("Little League"), acting by and through its President;

**WITNESSETH:**

**WHEREAS**, League provides athletic opportunities for the youth of the City of Gonzales through the promotion and operation of youth baseball and softball programs; and

**WHEREAS**, the City finds the services provided by League promotes the health, safety, morals and or general welfare of the residents of the City; and

**WHEREAS**, the City has developed a baseball/softball facility (the "Facility") to promote the health, safety, morals and or general welfare of the residents of the City; and

**WHEREAS**, League has requested the use of the Facility for its youth baseball and softball programs and the City has developed a facility use methodology so that the Facility is also available to the general public; and

**WHEREAS**, after consideration at a meeting posted and held in compliance with the Texas Open Meetings Act, the City Council finds that a public purpose is served through the programs herein anticipated and the City's costs shall be recovered only to such extent necessary to insure the continuation of said programs.

**NOW THEREFORE:**

For and in consideration of the following mutual promises and obligations, and for the benefit of the City of Gonzales and health, safety, morals, and/or general welfare of its residents, the parties agree as follows:

**ARTICLE 1.**  
**GRANT OF LICENSE/CONSIDERATION**

- 1.1 The CITY, for and in consideration of the mutual benefits to the CITY and the LITTLE LEAGUE and the observance of the terms and conditions set forth below, hereby grants permission to the LITTLE LEAGUE to enter upon and use all ball fields and related facilities at Gonzales City Softball/Baseball Fields in Independence Park.

## **ARTICLE 2.**

### **USE**

- 2.1 The premises shall be occupied and used by the LITTLE LEAGUE only for recreational purposes. LITTLE LEAGUE agrees and specifically understands that this license is confined to the privilege to use the premises set forth herein on a non-exclusive basis and that the premises herein given does not grant the LITTLE LEAGUE any interest or estate in the premises but is a mere personal privilege to do certain acts of a temporary character upon the premises and that the CITY retains dominion, possession and control of the premises, including access thereto at all times.
- 2.2 LITTLE LEAGUE agrees to provide CITY a schedule of its activities.
- 2.3 LITTLE LEAGUE agrees that its members and any other individuals under its control shall abide by, conform to and comply with all applicable municipal, State and Federal laws, ordinances, rules and regulations and that it will not do or permit to be done anything in violation thereof. If the attention of LITTLE LEAGUE is called to any such violation, LITTLE LEAGUE or those under its control will immediately desist from and promptly correct such violation.
- 2.4 The CITY reserves the right to impose and enforce all necessary and proper reasonable rules for the management and operation of the premises and, in this connection, shall provide the LITTLE LEAGUE with written notice of such rules.
- 2.5 The City hereby grants the LITTLE LEAGUE a non-exclusive license to use the baseball/softball/T-ball fields to hold and conduct baseball and softball games for youth league play, including league games, practices, playoffs, and tournaments, during the term of the agreement. Approved scheduled use of the baseball/softball/T-ball fields is subject to closure and interruption by the City for maintenance, inclement weather, or to preserve and maintain the public health, safety and welfare.

## **ARTICLE 3.**

### **TERM**

- 3.1 The term of this agreement is from February \_\_\_\_, 2021 through August \_\_\_\_, 2021 unless early terminated in accordance with this agreement. Little League and City representatives will perform a walkthrough of all facilities to inspect any necessary repairs or maintenance issues that need to be addressed before start of the term agreement.

**ARTICLE 4.**  
**ACCEPTANCE AND CONDITION OF PREMISES**

- 4.1 The LITTLE LEAGUE has had full opportunity to examine the premises and acknowledges that there is in and about them nothing dangerous to life, limb or health and hereby waives any claim for damages that may arise from defects of that character after occupancy. LITTLE LEAGUE's taking possession of the premises shall be conclusive evidence of LITTLE LEAGUE's acceptance thereof in good order and satisfactory condition, and LITTLE LEAGUE hereby accepts the premises in their present condition as suitable for the purpose for which the license was granted.
- 4.2 LITTLE LEAGUE agrees that no representations respecting the condition of the premises and no promises to alter, repair or improve the premises, either before or after the execution hereof, have been made by CITY or its agents to LITTLE LEAGUE unless the same are in writing and are contained herein or made a part hereof by specific references herein.

**ARTICLE 5.**  
**LIENS PROHIBITED**

- 5.1 LITTLE LEAGUE covenants that it shall not bind, or attempt to bind, CITY for payment of any money in connection with any improvement, repair, alteration in, on or about the premises, whether authorized or unauthorized hereunder.
- 5.2 LITTLE LEAGUE hereby agrees to promptly pay all persons applying labor, services and materials in the performance of any and all repairs, alterations, additions or improvements that may hereafter be made, and LITTLE LEAGUE shall and will fully indemnify and hold harmless the CITY against any and all claims, liens, suits or actions asserted by a person, persons, firm or corporation on account of labor, materials or services furnished to LITTLE LEAGUE during the performance of any said repair, alteration, addition or improvement and against any claim for injury to persons or property.

**ARTICLE 6.**  
**MAINTENANCE**

- 6.1 The CITY at its sole expense shall maintain or cause to be maintained, through the term of this agreement, the grounds of the premises and all improvements in a condition acceptable..
- 6.2 The LITTLE LEAGUE shall, , keep the premises free of litter, trash paper and other waste generated during its use of the premises and shall dispose of same



in accordance with CITY policy. The City Manager shall have the right to inspect the premises for cleanliness and sanitary conditions at any and all times, and the LITTLE LEAGUE hereby agrees to promptly correct any deficiencies in maintenance of which it is notified in writing by the City Manager.

- 6.3 The LITTLE LEAGUE shall promptly repair any damage to the premises caused by the use of the premises by the LITTLE LEAGUE or those persons under its control, including replacing any equipment, fixtures and lights. The LITTLE LEAGUE shall have no duty to repair any damage caused by others whom the CITY has authorized to use the premises. Notwithstanding any contrary provisions herein contained, should the premises be damaged by fire, tornado or other act of God, the CITY shall be under no obligation to rebuild or repair the premises.
- 6.4 LITTLE LEAGUE will, at the termination of this agreement, return the premises to CITY in a condition satisfactory to the CITY, usual wear, acts of God, or unavoidable accident only accepted.
- 6.5 LITTLE LEAGUE will drag and mark all of the fields.
- 6.6 ~~Electricity and~~ water shall be provided to the Facility at City's expense. The City will enforce a cap of 30,000 gallons of water per month for all meters combined for LITTLE LEAGUE to use at no charge. Electricity shall be metered beginning March 1 – July 31, 2021 (or when notified that season is over) and the LITTLE LEAGUE will be billed at the end of the season for use of electricity and will reimburse the City of all electric use at the fields and concession stand.
- 6.7 The CITY will provide trash containers in order for the LITTLE LEAGUE to maintain the area in a clean manner. The LITTLE LEAGUE shall pick up all trash and properly dispose of it in the trash containers. The CITY will haul off the trash each morning.
- 6.7 The CITY will perform an initial cleaning and stocking of all restroom facilities, perform a full dragging, tilling, and marking of fields, and make any necessary repairs prior to Opening Day. LITTLE LEAGUE shall be responsible for maintaining and stocking the facilities during the season.
- 6.8 The CITY will maintain the facilities in good condition through term agreement, including mowing, weeding, irrigation, and not permit the existence of any public nuisances thereon, or such other threats to the public health, safety, welfare, and disruption of regular play.
- 6.9 The CITY will allow the LITTLE LEAGUE to use the sound system for opening day and any special tournaments held.

- 6.10 The LITTLE LEAGUE will provide labor and materials to chalk or paint field and baselines after opening day.

## **ARTICLE 7. CONCESSION**

- 7.1 The LITTLE LEAGUE shall have the right to operate a concession for the sale of food, beverages and similar consumable items. No fee for the right to operate said concession stand may be payable to CITY; provided, however, that all profits generated thereby shall be applied to the operation of the LITTLE LEAGUE and to maintenance and improvements to the premises. The LITTLE LEAGUE shall obtain and maintain, at its sole cost and expense, all permits or licenses required for its concession operations hereunder to include the Health Inspection for concessions.
- 7.2 The CITY reserves the right to prohibit the sale, possession and/or consumption of alcoholic beverages and tobacco products on the premises if such prohibition is deemed by the City Council at any time in the future to be in the public's interest. This prohibition applies to the fields, bleachers, concession areas, restrooms and parking areas.

## **ARTICLE 8. FEES**

- 8.1 Parking and attendance at LITTLE LEAGUE events shall be free and open to the public.
- 8.2 ~~As consideration for the use of the facilities described above, the LITTLE LEAGUE agrees to pay the CITY no later than the 10<sup>th</sup> day after May of each year, a fee of \$5 per participant registered. At the time of payment, the LITTLE LEAGUE will provide written support for arriving at the number of participants.~~  
LITTLE LEAGUE will be responsible for the metered amount of electricity from March 1-July 31, 2021 or at the end of the season if earlier and the City is notified. The LITTLE LEAGUE will then be billed for metered amount and will be due by August 15, 2021.

## **ARTICLE 9. Compliance with Applicable Laws.**

- 9.1 LITTLE LEAGUE shall comply with all applicable statutes, ordinances, and local regulations concerning the use, condition, and occupancy of the fields and

related property, and ensure that players, coaches, and spectators comply with such laws.

**ARTICLE 10.**  
**INDEMNITY and INSURANCE**

- 10.1 **The LITTLE LEAGUE covenants and agrees to fully indemnify and hold harmless the City of Gonzales, its members, agents, officers and employees, their successors and assigns, individually or collectively, from and against all costs and expenses for any fines, claims, suits, losses, damages demands, actions or causes of action, or liability of any kind and nature, including but not limited to personal injury or death and property damage, in any way arising out of the execution of this license or in connection with or resulting from any activity or operation of the LITTLE LEAGUE, in, on or about the premises or in connection with its use of the premises or arising out of any condition of the premises caused by the LITTLE LEAGUE, or by reason of such LITTLE LEAGUE's misconduct or any breach, violation or non-performance of any covenant hereof or in any permit; and the LITTLE LEAGUE further agrees to pay all expenses in defending against any such claims made against the CITY, including but not limited to investigation costs, attorney's fees and court costs, except to the extent that the injury, death or damage is caused by the sole active negligence of CITY, its members, agents, officers and employees. It is the express intention of the parties that the attribution of responsibility provided for in this Article is a protection to CITY by LITTLE LEAGUE for events, injuries and damages which are, or which are said to be, the consequences of CITY's negligence or alleged negligence, including where same is the concurring cause of the injury, death or damage; excluding only those injuries, death or damage caused by the sole active negligence of CITY or solely resulting from CITY activities on the premise, as the case may be. The indemnity contained herein shall survive the termination hereof. The indemnity herein shall include appropriate protections against the claims and causes of action referred to in the paragraph below. CITY shall not be liable or responsible for any loss or damage to any property or person occasioned by theft, fire, act of God, public enemy, injunction, riot, strike, insurrection, war, court order, requisition or order of governmental body or authority, or other matter beyond the**

reasonable control of CITY, or for any damage or inconvenience which may arise through repair or alteration of any part of the premises, or failure to make repairs from any cause whatever except as results from CITY's sole active negligence. The LITTLE LEAGUE and the CITY shall give prompt and timely notice of any claim made or suit instituted which in any way, directly or indirectly, contingently or otherwise, affects or might affect either Little League.

- 10.2 LESSEE agrees to provide and to maintain the following types and amounts of insurance, for the term of this agreement:

**TYPE:** Commercial (Public) Liability - including, but not limited to, (a) Premises/Operations, and (b) Contractual Liability (insuring indemnity provisions).

**AMOUNT:** Combined Single Limit for Bodily Injury and Property Damage: \$1,000,000.00 per occurrence or per claim.

LESSEE further agrees that as respects the above-required insurance, LESSOR shall:

- 1) Be named as an additional insured.
- 2) Be provided with 30 days advance written notice of cancellation or material change.
- 3) Be provided notice of any insurance claim filed against the policy naming the City as an additional insured.

LESSEE further agrees that with respect of the above-required insurance, it shall provide evidence of insurance to LESSOR to satisfy the insurance requirements of this Lease.

## **ARTICLE 11.**

### **SIGNS**

- 11.1 LITTLE LEAGUE hereby agrees not to install or display any sign(s) upon the premises without prior written approval of said sign(s) by the CITY through the City Manager. LITTLE LEAGUE further agrees to comply with such design criteria as may be established and amended from time to time by duly authorized CITY authority and to comply with established sign review procedures for proposed new signs.

11.2 LITTLE LEAGUE may erect advertising signs on and around the fields in accordance with these provisions:

- a) No advertising signs shall be permitted on the premises with the exception of advertising signage located on the press box, concession building, official scoreboard and outfield fences secured by LITTLE LEAGUE. CITY is not responsible for damage, destruction, or vandalism to the advertising signs, except that which is caused by an agent or employee of the CITY.
- b) All advertising signage must be removed and stored by the LITTLE LEAGUE at the end of each season.
- c) Maximum size of signage is limited to two feet (2') by three feet (3') for structures and is limited to four feet by eight feet (4' x 8') for the fence area along the back perimeter of the field.
- d) Signs must be constructed professionally and coated with a material to be resistant to normal weather conditions and to resist vandalism efforts.
- e) Signs must be mounted in a manner to withstand high winds and severe weather.

## **ARTICLE 12.**

### **TERMINATION/REMEDIES**

12.1 Either CITY or LITTLE LEAGUE, with or without cause, may cancel this agreement by giving forty five (45) days prior written notice thereof to the other. However, if this agreement is cancelled without cause by the CITY, the CITY shall pay to LITTLE LEAGUE the pro-rata cost of any improvements, approved and authorized by the City, made on the premises by the LITTLE LEAGUE. Such payment shall be made within ninety (90) days from the date of cancellation. Additionally, any breach or violation by LITTLE LEAGUE of the provisions contained in this agreement which is not cured following ten (10) days written notice thereof to LITTLE LEAGUE shall, at the option of the CITY, be cause for termination of this agreement and/or entitle CITY to seek any remedy which now is or may hereafter be provided at law or in equity, whether or not stated herein. No waiver by CITY of a breach or violation on the part of the LITTLE LEAGUE shall be construed or held to be a waiver of any succeeding or preceding breach or violation of the same or any other provision herein contained.

## **ARTICLE 13.**

### **REPORTS (SCHOOL, BASEBALL AND SOFTBALL LEAGUES)**

13.1 The LITTLE LEAGUE shall inform the City Manager in writing of the current officers of the LITTLE LEAGUE and promptly advise said City Manager in writing of any changes therein. On each and every anniversary of this agreement and

thirty (30) days following termination of this agreement, LITTLE LEAGUE will furnish to the City Manager a report including the following information:

- a) ~~Gross receipts from concessions operation, advertising and cash donations with a list of any future disbursements or physical improvements.~~
- b) ~~Disbursements of concessions.~~
- e) Number of volunteers, participants in leagues, teams and ages, ~~a roster of all teams participating in the LITTLE LEAGUE, to include the name, address, and telephone number of all coaches and players.~~ the zip codes of participants.
- d) Certificate of Insurance (*for the season*).
- e) Names, and phone numbers for the executive board, and zip codes of all officers and board or committee members, designating a point of contract and two alternate points of contact.
- f) LITTLE LEAGUE shall submit to the City Manager on or before the seventh (7<sup>th</sup>) day before the season begins the following information:
- g) A list of all LITTLE LEAGUE's scheduled events at the fields, including but not limited to games, practice games, tournaments, playoffs, with dates and times for such events. Events scheduled after the start of the season or changes to the approved LITTLE LEAGUE schedule must be submitted to and approved by the City Manager no later than seven (7) days prior to the event.
- h) ~~The LITTLE LEAGUE's current by laws and a current certificate of non-profit status~~ The LITTLE LEAGUE'S current bylaws and a current certificate of non-profit status as well as proof of completed background checks on each coach and volunteer in the league, as required by Little League International. A copy of the Gonzales Little League Charter and Constitution or a certificate of good standing from Little League International for the Gonzales Little League Chapter may be submitted in lieu of bylaws and non-profit status;
- i) Proof of insurance in the amounts and type required in this agreement.

#### **ARTICLE 14.**

## **ASSIGNMENT**

- 14.1 This license is personal to LITTLE LEAGUE, as Licensee, it is non-assignable, and any attempt to assign this license will terminate all privileges granted to LITTLE LEAGUE hereunder.

## **ARTICLE 15. CONDEMNATION**

- 15.1 It is agreed and understood that in the event that the premises are taken, in whole or in part, by any governmental authority other than CITY, this license and all rights or permission to use hereunder shall, at the option of the CITY, cease on the date title to such land so taken or transferred vests in the condemning authority. LITTLE LEAGUE hereby waives all rights to any proceeds of such condemnation.

## **ARTICLE 16. ATTORNEY'S FEES**

- 16.1 In the event CITY brings any action under this license alleging that LITTLE LEAGUE hereto has defaulted hereunder, and the CITY prevails, the CITY shall be entitled to recover from the LITTLE LEAGUE hereto its reasonable attorney's fees. The LITTLE LEAGUE hereto which becomes so liable agrees to make prompt payment thereof to the CITY.

## **ARTICLE 17. SEVERABILITY**

- 17.1 The parties hereto agree that if any clause or provision of this license is determined to be illegal, invalid or unenforceable under any present or future Federal, state, or local law, including but not limited to the City Code, or City Ordinances of the City of Gonzales, Texas effective during the term of this license, then and in that event it is the intention of the parties hereto that the remainder of this license shall not be affected thereby, and it is also the intention of the parties to this license that in lieu of each clause or provision of this license that is illegal, invalid or unenforceable, there be added as a part of this license a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and be legal, valid and enforceable.

## **ARTICLE 18. AMENDMENT**

18.1 No amendment, modification, or alteration of the terms of this agreement shall be binding unless the same be in writing, dated subsequent to the date hereof and duly executed and agreed to by the parties hereto.

**ARTICLE 19.**  
**NONDISCRIMINATION**

19.1 LITTLE LEAGUE covenants that it, or its agents, employees or anyone under its control, will not discriminate against any individual or group on account of race, color, sex, age, religion, national origin, or handicap, in employment practices or in the use of or admission to the premises, which said discrimination LITTLE LEAGUE acknowledges is prohibited.

***[Signature Page Follows]***

**EXECUTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021,**

**LITTLE LEAGUE:**

**CITY:**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

\_\_\_\_\_  
Gonzales Little  
League President

\_\_\_\_\_  
City Manager

BY: \_\_\_\_\_  
Parks and Recreation Director

**ATTEST:**



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City Secretary

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider and Possible Action on Resolution #2021-14 Approving the Recommendation from the Gonzales Convention and Visitors Bureau for funding for the Gonzales Chamber of Commerce and Visitor Center in the amount of \$149,592.05

**DATE: February 11, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

The City is required as per statute to use the local hotel occupancy taxes for promoting tourism and the convention and hotel industry in the City of Gonzales. The City currently has an agreement with the Chamber of Commerce for the hosting and operations of the Gonzales Visitor Information Center. The Gonzales Chamber of Commerce and Visitor Center will be remodeling a facility located at 304 St. Louis Street to be used as the new office and operations space for the Gonzales Chamber of Commerce and Visitor Center.

The Gonzales Chamber of Commerce and Visitor Center have launched a fundraising campaign to raise the necessary funding for the construction costs. Due to the COVID-19 pandemic, these efforts have been drastically impacted and community partners are being asked to assist with this important project.

The new Visitor Center will create a space for visitors that is more aesthetically appealing, ADA accessible, spacious and engaging. The new location will also provide much needed parking for visitors and will also include meeting space for groups.

### **POLICY CONSIDERATIONS:**

The funding of a new Visitor Center will increase the enhance the overall visitor experience of for the destination and aid in increasing hotel occupancy tax revenue--an approvable expense as per Chapter 351 of the Texas Tax Code.

### **FISCAL IMPACT:**

A budget amendment will be necessary with the additional monies for the Visitor Center being disbursed from restricted HOT funds and added to this fiscal year's budget for Tourism.

### **STAFF RECOMMENDATION:**

Staff respectfully requests the approval of this recommendation.

## **RESOLUTION NO. 2021-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING THE A RECOMMENDATION BY THE GONZALES CONVENTION AND VISITORS BUREAU FOR FUNDING FOR THE THE CHAMBER OF COMMERCE AND VISITOR CENTER IN THE AMOUNT OF \$149,592.05 FOR THE REMODEL OF A NEW VISITOR CENTER TO BE LOCATED AT 304 ST. LOUIS STREET; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to state statutes and its home rule charter, the City has adopted a municipal hotel occupancy tax on occupants of hotels within the City; and,

**WHEREAS**, the City is required to use such local hotel occupancy taxes for promoting tourism and the convention and hotel industry in the manner set forth in Chapter 351 of the Texas Tax Code; and,

**WHEREAS**, the City Council, on behalf of the City, by contract, may delegate to the Chamber, the management or supervision of programs and activities funded with revenue from the hotel occupancy tax (HOT Funds); and,

**WHEREAS**, the City Council hereby finds that expending the funds contemplated in the manner required by the Texas Tax Code is in the best interest of the City and its citizens, and serves a public purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales hereby authorizes the City Manager to approve a recommendation by the Gonzales Convention and Visitor Bureau for funding in the amount of \$149,592.05 to be awarded to the Gonzales Chamber of Commerce and Visitor Center for the remodel of a new Visitor Center to be located at 304 St. Louis St., an expenditure permitted by the Texas Tax Code Section 351.001.

Section 2. The City Council reserves the right to request all necessary receipts, invoices and other records the City Manager deems necessary to confirm that Hotel Occupancy Tax expended pursuant to this Resolution were expended for expenses authorized by this Resolution.

Section 3. The Gonzales Chamber of Commerce shall refund the City of Gonzales any Hotel Occupancy Tax funds determined by the State Comptroller, the Secretary of State or other state agency to be an unauthorized expenditure under Texas Tax Code Section 351.001.

Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 5. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 6. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 9. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 11<sup>th</sup> day of February, 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2021-15 Approving the hosting of a public event by the name of Toast to Texas, hosted by the City of Gonzales, and held at Texas Heroes Square on March 2, 2021

**DATE: February 11, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

“Toast to Texas” is a celebration of Texas Independence Day. The public is invited to attend the event, socially-distanced with COVID prevention protocols strongly encouraged, in honor of the Lone Star State and all that fought and sacrificed for its freedom.

Guests toast with non-alcoholic beverages, live music is provided by our local GHS band and City leaders, as well as community members, provide remarks on Texas’ fight for independence.

### **POLICY CONSIDERATIONS:**

N/A

### **FISCAL IMPACT:**

As a City of Gonzales event, expenses for this event have been allocated in this fiscal year’s budget in line item 7-811.531.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution.

## **RESOLUTION NO. 2021-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING THE HOSTING OF A PUBLIC EVENT BY THE NAME OF TOAST TO TEXAS, HOSTED BY THE CITY OF GONZALES, AND HELD AT TEXAS HEROES SQUARE MARCH 2, 2021; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Tour Gonzales introduced new events for Texas Independence Week in 2020 that were approved by the Gonzales Convention and Visitors Bureau Advisory Board; and,

**WHEREAS**, Toast to Texas is a public event held at Texas Heroes Square celebrating Texas Independence Day; and,

**WHEREAS**, there were approximately 50 attendees in 2020; and,

**WHEREAS**, Texas Tax Code Section 351.001 authorizes the use of Hotel Occupancy Tax for expenses that promote tourism and the convention and hotel industry including advertising and promotional programs that attract tourists to the municipality or its vicinity and the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music; and,

**WHEREAS**, the City Council hereby finds that expending the funds contemplated in the manner required by the Texas Tax Code is in the best interest of the City and its citizens, and serves a public purpose; and,

**WHEREAS**, the City Council hereby authorizes the use of Texas Heroes Square on March 2, 2021; and,

**.NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas hereby approves providing authorization to the City Manager to allow for the hosting of Toast to Texas and the use of Texas Heroes Square in accordance with Texas Tax Code Section 351.001.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 11<sup>th</sup> day of February, 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary



# GONZALES EVENT INFORMATION SHEET



THIS INFORMATION IS TO BE PROVIDED TO THE CITY OF GONZALES AT LEAST 30 DAYS  
PRIOR TO ALL PUBLIC AND PRIVATE EVENTS HELD ON CITY PROPERTY

EVENT NAME \_\_\_\_\_  
HOST ORGANIZATION \_\_\_\_\_  
CONTACT NAME \_\_\_\_\_  
CONTACT CELL PHONE \_\_\_\_\_  
EVENT DATE(S) \_\_\_\_\_  
EVENT START TIME \_\_\_\_\_ EVENT END TIME \_\_\_\_\_  
EVENT LOCATION \_\_\_\_\_  
HOLIDAY CELEBRATED Y\_\_\_\_ N\_\_\_\_ HOLIDAY: \_\_\_\_\_  
COUNCIL APPROVAL REQUIRED Y\_\_\_\_ N\_\_\_\_ MEETING DATE: \_\_\_\_\_

## POLICE/FIRE/EMS DEPARTMENT

ATTENDANCE ESTIMATE \_\_\_\_\_ FOOD: Y\_\_\_\_ N\_\_\_\_  
MUSIC Y\_\_\_\_ N\_\_\_\_ LIVE\_\_\_\_ DJ\_\_\_\_  
ALCOHOL Y\_\_\_\_ N\_\_\_\_ RESPONSIBLE PARTY \_\_\_\_\_  
MOTORIZED VEHICLES Y\_\_\_\_ N\_\_\_\_ PARADE\_\_\_\_ SHOW\_\_\_\_  
EVENT TYPE \_\_\_\_\_ Public \_\_\_\_\_ Private  
SECURITY Y\_\_\_\_ N\_\_\_\_ # OFFICERS NEEDED \_\_\_\_\_ (Call 672-8686 for costs)

## ELECTRIC DEPARTMENT

ADDITIONAL LIGHTING Y\_\_\_\_ N\_\_\_\_ # OF OUTLETS: \_\_\_\_\_  
AMPS/WATTS NEEDED \_\_\_\_\_  
TENT Y\_\_\_\_ N\_\_\_\_ SET UP DAY/TIME \_\_\_\_\_  
TENT SIZE: \_\_\_\_\_ TAKE DOWN DAY/TIME \_\_\_\_\_

## STREETS DEPARTMENT

STREETS AFFECTED Y\_\_\_\_ N\_\_\_\_ \_\_\_\_\_  
BARRICADES NEEDED (max 12) Y\_\_\_\_ N\_\_\_\_ \_\_\_\_\_  
CONES NEEDED (max 48) Y\_\_\_\_ N\_\_\_\_ \_\_\_\_\_  
STREETS TO BE CLOSED Y\_\_\_\_ N\_\_\_\_ \_\_\_\_\_  
SET UP TIME \_\_\_\_\_ TAKE DOWN TIME \_\_\_\_\_

## COMMUNITY SERVICES DEPARTMENT

NUMBER OF CHAIRS @ \$0.50 each (max 500) \_\_\_\_\_  
NO. OF ROUND TABLES @ \$2.00 each (max 15) \_\_\_\_\_  
NO. OF 8 FOOT TABLES @ \$2.00 each (max 50) \_\_\_\_\_  
NUMBER OF TRASH CANS (max 25) \_\_\_\_\_  
SET UP TIME \_\_\_\_\_ TAKE DOWN TIME \_\_\_\_\_

**(Contingent upon availability)**

**FOR INFORMATION CONTACT CITY SECRETARY'S OFFICE**  
**(830) 672-2815- City Hall (830) 672-2813- Fax**

[citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov)

The undersigned does indemnify and hold harmless the City of Gonzales from and against any and all loss, cost (including statutory liability and liability under workers compensation laws) in connection with claims for damages as a result of injury or death to any person or damage to any property sustained by the individual(s) participating in or attending the permitted event, or any and all other persons, which arise from, or in any manner grow out of, any act or neglect on, about or during the event by the individual(s) or entity obtaining the permit to host the event, participants in the event, guests or attendees.

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
DATE

Rev 12/20



## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider and Possible Action on Ordinance #2021-09 Amending the Gonzales Code of Ordinances Chapter 10 Subdivision Regulation

**DATE: February 11, 2021**

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### **BACKGROUND:**

Along with updating the Zoning Ordinance for legislative changes, our consultant, Urban Dynamics, prepared this proposed update to the subdivision regulations. During the 86<sup>th</sup> Texas legislative session in 2019, H.B. 3167 was passed, which revised sections of the Texas Local Government Code related to subdivision plat application processing. There were major changes to state mandated plat processing timelines, waiver of rights to 30-day action, and conditional approvals or denials.

Prior to the approval of H.B. 3167, by law the City had 30-days after a complete application was filed to take action on a subdivision plat. Because plat applications are not always submitted complete, the complexity of the staff review required, together with the time for the applicant to respond to technical review comments, this process typically takes more than 30 days. When this previously occurred, the applicant was allowed to voluntarily waive their right to 30-day action, to provide for more review and response time to correct the plat before it was brought to the Planning & Zoning commission for action. Waiver of the right to 30-day action prevented plats from being denied because of the application timeline, which would force the applicant to reapply thereby adding extra expense, time and undoubtedly frustration to the process. However, the changes in H.B. 3167 impose a time limit to the voluntary waiver with a maximum length of 30 additional days (for 60 total days), and only allows for a one-time waiver.

Another change made by H.B. 3167 deals with plat denial or conditional approval. It requires staff to issue a letter stating the reasons for conditional approval or denial (with code/law citations) and to provide an unlimited number of opportunities for the applicant to revise and resubmit the plat for reconsideration. In addition, it places a 15-day required action timeline on the revised submittal. This could ultimately lead to automatically approved plats due to inadequate time for staff to thoroughly review the revisions or schedule a Planning and Zoning Commission meeting, as well as decreased customer service due to the potential for an applicant to be stuck in a seemingly unending denial to revision cycle.

This proposed ordinance update resolves those issues by requiring all technical exhibits to be reviewed and certified as a pre-requisite for submitting a complete subdivision plat application. The technical review and applicant response are the most demanding and time-consuming parts of the application process. By requiring the technical review process to occur prior to the plat application submittal, staff should be able to process and take action on plats within the prescribed 30-day time period with minimal risk for a plat to be automatically approved because it exceeds the 30-day time period. This should also help streamline the entire subdivision plat process by reducing the required submission items making the technical review less formal and more collaborative with the applicant. Then the formal subdivision plat application processing timeline will be greatly improved as all technical review has been previously completed and staff will only

need to double check exhibits and prepare them for approval by the Planning & Zoning Commission.

While this change adds a pre-requisite to the plat application process, it is only rearranging the steps to require the review first, and ultimately will improve customer service and aid in expediting the overall processing timeline.

**STAFF RECOMMENDATION:**

Staff recommends approval of this ordinance as presented.

**ATTACHMENTS:**

Proposed Ordinance

**ORDINANCE NO. 2021-09**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, AMENDING THE GONZALES CODE OF ORDINANCES CHAPTER 10 SUBDIVISION REGULATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current Code of Ordinances Chapter 10 Subdivision Regulation and have recommended certain revisions and updates to, and reorganization of, Chapter 10 Subdivision Regulation;

**WHEREAS**, the City Council shall have the power to appoint the members of all boards and commissions; and,

**WHEREAS**, on February 8, 2021 the Planning and Zoning Commission considered the amendments to the Subdivision Regulations and thereafter recommended approval; and

**WHEREAS**, on February 11, 2021 the City Council after considering the criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health and welfare.

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

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. The City Council of the City of Gonzales, Texas hereby amends the City of Gonzales Code of Ordinances Chapter 10 Subdivision Regulation as set forth in the attached "Exhibit A".

Section 3. That this Ordinance shall be cumulative of all provisions of the City of Gonzales, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more restrictive shall apply.

Section 4. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11<sup>th</sup> day of February, 2021.

---

Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

## EXHIBIT A

Text in **Red** denotes additions. Text with ~~strikethrough~~ denotes removal.

### 5.01.D Application for Letters of Certification

1. Certifying Departments. - Prior to filing an application for subdivision plat approval the applicant shall secure letters of certification as required by this ordinance. A request for letters of certification and required items shall be filed by the applicant with the following entities as required by the Development Application Handbook:

- a. Zoning Department
- b. Engineering / Public Works Department
- c. Fire Department
- d. Parks and Recreation
- e. Building Department

2. Application Requirements. Any request for a Letter of Certification shall be accompanied by an application prepared in accordance with the Development Application Handbook.

3. Completeness Review. Upon receipt of a request for letters of certification, the City Manager shall preform a determination of application completeness pursuant to Section 4.04.B.

4. Decision. The following procedures shall apply to the issuance of a letter of certification:

a. After the City Manager has determined whether the request for letters of certification and required technical data is complete, each certifying department shall issue or deny a letter of certification within ninety (90) days. When a certifying department determines that the proposed plan, plat or any of the required accompanying data does not conform with the requirements of this ordinance or other applicable regulations, ordinances or laws, the applicant may at his/her option revise any nonconforming aspects. If any data is revised and resubmitted, the certifying department/agency shall have up to thirty days (30) days from the latest date of submission to issue or deny a letter of certification.

b. Failure to Submit Letter of Certification. If a letter of certification is not issued or denied within the time periods prescribed in subsection D.4.a. above, the same shall be deemed issued and the applicant may submit an application for subdivision plat, without submitting the letter of certification.

5. Issuance Criteria. The letter of certification request is a process for compiling a complete application for subdivision platting. The City Manager or his/her designee, in considering action on a Letter of Certification request should consider the following criteria:

- a. the certification request complies with all applicable regulations, ordinances and laws including but not limited to this ordinance, Code of Ordinances, Development Application Handbook, Public Works Technical Specifications, and Public Works Design Guide.
- b. A letter of certification does not authorize any subdivision or development activity, and any action by the certifying department shall constitute only a recommendation as

to whether the activities subject to the request for letters of certification would comply with the applicable development requirements.

6. Scope of Issuance. A letter of certification does not authorize the development or subdivision of land. Upon receipt of all letters of certification, the applicant may submit an application for subdivision plat approval. Letters of certification shall remain valid for one (1) year from the date of issuance by the certifying department/agency. After that time period, new or updated letters of certification shall be required to file a proposed plat. Each new proposed plat to be filed will be required to obtain new letters of certification prior to application submittal.

7. Amendments. A letter of certification may be amended prior to filing an application for subdivision approval if the proposed amendment:

- a. Does not increase the number of lots subject to the application
- b. Does not increase by more than five percent (5%) the lineal footage of roadways or the areas within the paved surface of the street right-of-way
- c. Does not reduce the amount of open space within the proposed subdivision

8. Recording Procedures. A letter of certification is not recorded. A letter of certification shall be maintained by the applicant and presented with the proposed application for master development plan, subdivision plat, or site plan approval

### **Section 5.03.F.3 (Vesting Plat)**

3. Take one of the following actions:

- a. Approve the Vesting Plat;
- b. Approving the Vesting Plat with conditions, which shall mean that the Vesting Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied. A written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval. Each condition specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval; or
- c. Deny the Vesting Plat. A written statement must be provided to the applicant clearly articulating each specific reason for denial. Each reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the denial;

D. Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.

### **Section 5.04.H.3 (Filing Plat)**

3. Take one of the following actions:

- a. Approve the Filing Plat;
- b. Approve the Filing Plat with conditions, which shall mean that the Filing Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied. A written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval. Each condition specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval; or
- c. Deny the Filing Plat. A written statement must be provided to the applicant clearly articulating each specific reason for denial. Each reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the denial
- d. Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.

### Section 5.05.G.3 (Minor Plat)

3. Take one of the following actions:

- a. Approve the Minor Plat; or
- b. ~~Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied. or~~
- c. Defer the Minor Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with [section 4.04.D](#).

### 5.05.H.1

#### H. Deferral of Decision of a Minor Plat Application.

1. Deferral to the Commission of a Minor Plat Decision. Per subsection 5.05.G.3.c (above), if the City Manager defers the Minor Plat Application to the Planning and Zoning Commission, the Commission shall consider the Application at a regular meeting ~~no later than thirty (30) calendar days after the date on which the City Manager deferred the Application to the Commission.~~ The Commission shall, upon simple majority vote, take one of the following actions:

- a. Approve the Minor Plat;
- b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied. A written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval. Each condition specified in the

written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval; or

c. Deny the Minor Plat. A written statement must be provided to the applicant clearly articulating each specific reason for denial. Each reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the denial

d. Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.

### **Section 5.07.F.3 (Amending Plat)**

3. Take one of the following actions:

a. Approve the Amending Plat; or

b. ~~Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied. or~~

c. Defer the Amending Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with [section 4.04.D](#).

### **5.07.G.1 (Amending Plat)**

#### **G. Deferral of Decision of an Amending Plat Application.**

1. Deferral to the Commission of an Amending Plat Decision. Per subsection 5.07.F.3.c (above), if the City Manager defers the Amending Plat Application to the Planning and Zoning Commission, the Commission shall consider the Application at a regular meeting ~~no later than thirty (30) calendar days after the date on which the City Manager deferred the Application to the Commission.~~ The Commission shall, upon simple majority vote, take one of the following actions:

a. Approve the Amending Plat;

b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied. A written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval. Each condition specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval; or

c. Deny the Amending Plat. A written statement must be provided to the applicant clearly articulating each specific reason for denial. Each reason specified in the written statement may not



be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the denial

d. Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.

### **Section 5.08.E.2 (Plat Vacation)**

3. Take one of the following actions:

a. Approve the Plat Vacation;

b. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied. A written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval. Each condition specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval; or

c. Deny the Plat Vacation. A written statement must be provided to the applicant clearly articulating each specific reason for denial. Each reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the denial

d. Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Council shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat no later than the fifteenth (15th) day after the date the response was submitted.

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider and Possible Action on  
Ordinance #2021-10 Authorizing Budget  
Amendments for the 2020-2021 Fiscal Year

**DATE: February 11, 2021**

### **TYPE AGENDA ITEM:**

Ordinance

### **BACKGROUND:**

On September 10, 2020 the City Council of the City of Gonzales Approved the Operating Budget for the City of Gonzales for the Fiscal Year Beginning October 1, 2020 and ending September 30, 2021.

### **BUDGET AMENDMENT #1**

On January 14, 2021 City Council authorized the City Manager to Enter into an Agreement for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System. This includes around 3,000 electric meters, related software, infrastructure needed for that system, training, etc. Techline turned in a bid for this project in the amount of \$741,256.74. In addition to that, Data Collector Units, Installation, Network Monitoring and Data Backhaul will be provided by GVEC for \$2,000 per month as proposed. There are 7 months remaining in the budget (March-September \$14,000). Staff is requesting a budget amendment for the following accounts which will come from the fund balance of the electric fund.

Capital Improvement	210-7-710.640	\$741,256.74
Contractual Services	210-7-710.412	\$ 14,000.00

### **BUDGET AMENDMENT #2**

At the end of December City Staff was working with GVEC on the Shell Contract. GVEC needed estimates of our funds along with government wide adjustments for long term debt and capital assets as of 9/30/2020 since the audit had not been finalized. Staff called on the auditors to help with this matter and an invoice for \$562.50 was paid. Staff is requesting a budget amendment for the following account which will come from the fund balance of the electric fund.

Audit	210-7-710.406	\$ 562.50
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### **BUDGET AMENDMENT #3**

The hydro plant had a ribbon cutting a few months ago and the Mayor, City Staff and Tim Gescheidle worked together on designing a plaque to be placed at the location. The plaque has been designed, ordered and the unveiling of the plaque will be on February 11<sup>th</sup> at 5:00 P.M.

TSG Architects sent the City of Gonzales a bill for \$3,684.90. Staff is requesting a budget amendment for the following account which will come from the fund balance of the electric fund.

Miscellaneous	210-7-710.217	\$3,684.90
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#### **BUDGET AMENDMENT #4**

On September 3, 2020 City Council authorized the City Manager to enter into a professional services agreement of a Utility Rate Study. NewGen was the company that the City Manager had selected to complete that Utility Rate Study that is in the process of being completed. The cost was stated as being no more than \$40,000. This amount will be split between the electric, water and wastewater funds. Staff is requesting a budget amendment for the following accounts which will come from the fund balance of each of those funds.

Special Contracts	210-7-710.411	\$13,333.34
Special Contracts	220-7-720.411	\$13,333.33
Special Contracts	230-7-730.411	\$13,333.33

#### **BUDGET AMENDMENT #5**

The 2019-2020 budget had \$600,000 budgeted for the replacement of underground electrical conduit in the Harrell Addition. This project was not completed by the end of the budget on 9/30/2020, but was completed on 10/30/2020 which fell in the 2020-2021 budget. Staff is requesting a budget amendment for the final payment of \$352,782.45 that was paid on December 3, 2020. These funds came from the fund balance of the electric fund that were not spent during the 2019-2020 budget.

Capital Improvements	210-7-710.640	\$352,782.45
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#### **BUDGET AMENDMENT #6**

On November 10, 2020 City Staff received a letter from the Gonzales County Appraisal District in regards to the budget shares for each taxing entity that was previously provided during the budget process. The Appraisal District stated due to a clerical error on their part they have recalculated the budget shares for 2021 for each entity. Staff is requesting a budget amendment for the following account to cover the Appraisal District's clerical error and it will come from the fund balance of the General Fund.

Appraisal District	100-7-104.418	\$9,509.00
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#### **BUDGET AMENDMENT #7**

On November 16, 2020 City Council authorized the City Manager to negotiate outside Counsel for Edison Electric Institute (EEI) Agreement. McGinnis, Lochridge out of Austin was hired by Council and the project estimate was \$15,000. Staff is requesting a budget amendment for the following account which will come from the fund balance of the electric fund.

Attorney/Court/Legal	210-7-710.415	\$15,000.00
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### **BUDGET AMENDMENT #8**

The City Council of the City of Gonzales approved Resolution 2020-55 approving the recommendation of Gonzales Convention and Visitor Bureau to grant a budget amendment for \$90,000 for the tourism department to increase the overall tourism marketing efforts over the next 6 months in an effort to revitalize the local economy. That was approved on June 11, 2020, but at the end of the 2019-2020 budget not all of those funds were spent. The tourism department is asking that the remaining funds that were not spent now be budgeted in the 2020-2021 budget and that would come from the fund balance of the hotel/motel fund.

Advertising	500-7-811.502	\$55,000.00
Promotional Items	500-7-811.519	\$14,500.00
Marketing-Website/ Brochures	500-7-811.520	\$15,335.28

### **BUDGET AMENDMENT #9**

On December 10, 2020 City Council approved a new job description and position classification for the position of Communications Manager. The increase for these additional job duties to be added to a currently filled position was a \$7,217 increase per year. The Tourism Director has taken on these job duties. Staff is requesting a budget amendment for the following account which will come from the fund balance of the General Fund.

Salaries	100-7-102.106	\$ 7,217.00
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### **BUDGET AMENDMENT #10**

On August 13, 2020 City Council authorized the City Manager to Execute Addendum Two to the Agreement with Guadalupe Valley Electric Cooperative for Power Supply Consulting Services to solicit and evaluate request for proposals from qualified market participants and to negotiate and finalize a power purchase agreement that would take effect starting July 1, 2021. Staff is requesting a budget amendment for the following account which will come from the fund balance of the Electric Fund.

Special Contracts	210-7-710.411	\$25,000.00
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### **BUDGET AMENDMENT #11**

In September of 2020 the City Manager Timothy Patek contacted GVEC to complete a meter audit on the City's top 5 commercial accounts for electric. The cost for this was \$4,000. Staff is requesting a budget amendment for the following account which will come from the fund balance of the Electric Fund.

Special Contracts	210-7-710.411	\$ 4,000.00
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### **BUDGET AMENDMENT #12**

On October 8, 2020 City Council authorized the City Manager to Execute Addendum Three to the agreement with Guadalupe Valley Electric Cooperative for Power Cost Adjustment (PCA)

Consulting Services and Electric Line Loss Services. The PCA consulting services was quoted at \$2,000 for a one time set up fee and \$1,000 as a monthly recurring PCA fee (November-September) which totals \$12,000 for the remaining budget. The consulting on the Line Loss was quoted at \$150 per hour not to exceed 40 hours or \$6,000. Staff is requesting a budget amendment for the following account which will come from the fund balance of the Electric Fund.

Special Contracts	210-7-710.411	\$18,000.00
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**POLICY CONSIDERATIONS:**

Approval of these budget amendments is consistent with current policy.

**FISCAL IMPACT:**

This Ordinance will amend the budget.

**ATTACHMENTS:**

Please see Exhibit "A" for a listing of the budget amendments and justifications.

**STAFF RECOMMENDATION:**

Staff respectfully recommends the Council to take action they deem necessary.

## **ORDINANCE NO. 2021-10**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, APPROVING A BUDGET AMENDMENT TO THE OPERATING BUDGET FOR THE CITY OF GONZALES FOR FISCAL YEAR OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, an annual operating budget for the fiscal year October 1, 2020 through September 30, 2021, was approved and adopted by the City Council on September 10, 2020; and,

**WHEREAS**, amendments to said budget have been requested as itemized in "Exhibit A" attached hereto and made a part hereof; and

**WHEREAS**, said full and final consideration of said budget amendments have been held in a legally posted public meeting of the City Council, and it is the consensus of opinion that the budget amendments as submitted, should be approved and adopted.

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

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. The City Council of the City of Gonzales, Texas hereby amends the budget for the 2020-21 fiscal year as set forth in the Attached "Exhibit A", which is fully incorporated herein by reference.

Section 3. That this Ordinance shall be cumulative of all provisions of the City of Gonzales, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more restrictive shall apply.

Section 4. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 11<sup>th</sup> day of February, 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

## **EXHIBIT “A”**

### **BUDGET AMENDMENT #1**

On January 14, 2021 City Council authorized the City Manager to Enter into an Agreement for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System. This includes around 3,000 electric meters, related software, infrastructure needed for that system, training, etc. Techline turned in a bid for this project in the amount of \$741,256.74. In addition to that, Data Collector Units, Installation, Network Monitoring and Data Backhaul will be provided by GVEC for \$2,000 per month as proposed. There are 7 months remaining in the budget (March-September \$14,000). Staff is requesting a budget amendment for the following accounts which will come from the fund balance of the electric fund.

Capital Improvement	210-7-710.640	\$741,256.74
Contractual Services	210-7-710.412	\$ 14,000.00

### **BUDGET AMENDMENT #2**

At the end of December City Staff was working with GVEC on the Shell Contract. GVEC needed estimates of our funds along with government wide adjustments for long term debt and capital assets as of 9/30/2020 since the audit had not been finalized. Staff called on the auditors to help with this matter and an invoice for \$562.50 was paid. Staff is requesting a budget amendment for the following account which will come from the fund balance of the electric fund.

Audit	210-7-710.406	\$ 562.50
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### **BUDGET AMENDMENT #3**

The hydro plant had a ribbon cutting a few months ago and the Mayor, City Staff and Tim Gescheidle worked together on designing a plaque to be placed at the location. The plaque has been designed, ordered and the unveiling of the plaque will be on February 11<sup>th</sup> at 5:00 P.M. TSG Architects sent the City of Gonzales a bill for \$3,684.90. Staff is requesting a budget amendment for the following account which will come from the fund balance of the electric fund.

Miscellaneous	210-7-710.217	\$3,684.90
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### **BUDGET AMENDMENT #4**

On September 3, 2020 City Council authorized the City Manager to enter into a professional services agreement of a Utility Rate Study. NewGen was the company that the City Manager had selected to complete that Utility Rate Study that is in the process of being completed. The cost was stated as being no more than \$40,000. This amount will be split between the electric, water and wastewater funds. Staff is requesting a budget amendment for the following accounts which will come from the fund balance of each of those funds.

Special Contracts	210-7-710.411	\$13,333.34
Special Contracts	220-7-720.411	\$13,333.33
Special Contracts	230-7-730.411	\$13,333.33



**BUDGET AMENDMENT #5**

The 2019-2020 budget had \$600,000 budgeted for the replacement of underground electrical conduit in the Harrell Addition. This project was not completed by the end of the budget on 9/30/2020, but was completed on 10/30/2020 which fell in the 2020-2021 budget. Staff is requesting a budget amendment for the final payment of \$352,782.45 that was paid on December 3, 2020. These funds came from the fund balance of the electric fund that were not spent during the 2019-2020 budget.

Capital Improvements	210-7-710.640	\$352,782.45
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**BUDGET AMENDMENT #6**

On November 10, 2020 City Staff received a letter from the Gonzales County Appraisal District in regards to the budget shares for each taxing entity that was previously provided during the budget process. The Appraisal District stated due to a clerical error on their part they have recalculated the budget shares for 2021 for each entity. Staff is requesting a budget amendment for the following account to cover the Appraisal District's clerical error and it will come from the fund balance of the General Fund.

Appraisal District	100-7-104.418	\$9,509.00
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**BUDGET AMENDMENT #7**

On November 16, 2020 City Council authorized the City Manager to negotiate outside Counsel for Edison Electric Institute (EEI) Agreement. McGinnis, Lochridge out of Austin was hired by Council and the project estimate was \$15,000. Staff is requesting a budget amendment for the following account which will come from the fund balance of the electric fund.

Attorney/Court/Legal	210-7-710.415	\$15,000.00
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**BUDGET AMENDMENT #8**

The City Council of the City of Gonzales approved Resolution 2020-55 approving the recommendation of Gonzales Convention and Visitor Bureau to grant a budget amendment for \$90,000 for the tourism department to increase the overall tourism marketing efforts over the next 6 months in an effort to revitalize the local economy. That was approved on June 11, 2020, but at the end of the 2019-2020 budget not all of those funds were spent. The tourism department is asking that the remaining funds that were not spent now be budgeted in the 2020-2021 budget and that would come from the fund balance of the hotel/motel fund.

Advertising	500-7-811.502	\$55,000.00
Promotional Items	500-7-811.519	\$14,500.00
Marketing-Website/ Brochures	500-7-811.520	\$15,335.28

**BUDGET AMENDMENT #9**

On December 10, 2020 City Council approved a new job description and position classification for the position of Communications Manager. The increase for these additional job duties to be added to a currently filled position was a \$7,217 increase per year. The Tourism Director has taken on these job duties. Staff is requesting a budget amendment for the following account which will come from the fund balance of the General Fund.

Salaries	100-7-102.106	\$ 7,217.00
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**BUDGET AMENDMENT #10**

On August 13, 2020 City Council authorized the City Manager to Execute Addendum Two to the Agreement with Guadalupe Valley Electric Cooperative for Power Supply Consulting Services to solicit and evaluate request for proposals from qualified market participants and to negotiate and finalize a power purchase agreement that would take effect starting July 1, 2021. Staff is requesting a budget amendment for the following account which will come from the fund balance of the Electric Fund.

Special Contracts	210-7-710.411	\$25,000.00
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**BUDGET AMENDMENT #11**

In September of 2020 the City Manager Timothy Patek contacted GVEC to complete a meter audit on the City's top 5 commercial accounts for electric. The cost for this was \$4,000. Staff is requesting a budget amendment for the following account which will come from the fund balance of the Electric Fund.

Special Contracts	210-7-710.411	\$ 4,000.00
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**BUDGET AMENDMENT #12**

On October 8, 2020 City Council authorized the City Manager to Execute Addendum Three to the agreement with Guadalupe Valley Electric Cooperative for Power Cost Adjustment (PCA) Consulting Services and Electric Line Loss Services. The PCA consulting services was quoted at \$2,000 for a one time set up fee and \$1,000 as a monthly recurring PCA fee (November-September) which totals \$12,000 for the remaining budget. The consulting on the Line Loss was quoted at \$150 per hour not to exceed 40 hours or \$6,000. Staff is requesting a budget amendment for the following account which will come from the fund balance of the Electric Fund.

Special Contracts	210-7-710.411	\$18,000.00
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# *CITY OF GONZALES FINANCIALS*

*February 11, 2021*

## **REPORTS FOR PERIOD ENDING 1/31/2021**

**FINANCIAL REPORTS FOR FUNDS**

**CASH & INVESTMENT BY FUNDS**

REVENUE SUMMARY

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
401-TAX REVENUE	2,763,678.00	218,030.19	913,579.54	33.06	0.00	1,850,098.46
402-FRANCHISE REVENUE	1,848,550.00	24,499.74	439,271.60	23.76	0.00	1,409,278.40
403-LICENSE/FEE/PERMITS	67,650.00	6,563.65	23,773.79	35.14	0.00	43,876.21
404-PARKS FEES REVENUE	221,150.00	9,916.04	65,396.73	29.57	0.00	155,753.27
405-MUNICIPAL COURT REVEN	65,772.00	4,582.24	10,681.51	16.24	0.00	55,090.49
406-MISCELLANEOUS REVENUE	690,200.00	20,993.36	88,114.27	12.77	0.00	602,085.73
407-STREET ASSESSMENT INC	0.00	0.00	0.00	0.00	0.00	0.00
408-INTEREST REVENUES	26,000.00	41.86	2,284.75	8.79	0.00	23,715.25
409-OTHER FINANCING REVEN	287,233.00	28.00	350,802.92	122.13	0.00	( 63,569.92)
410-TRANSFERS	2,618,677.00	0.00	598,077.97	22.84	0.00	2,020,599.03
*** TOTAL REVENUES ***	8,588,910.00	284,655.08	2,491,983.08	29.01	0.00	6,096,926.92
EXPENDITURE SUMMARY						
101-CITY COUNCIL DEPARTME	95,314.00	3,443.94	28,428.95	29.83	0.00	66,885.05
102-CITY MANAGER DEPART	241,663.00	18,839.57	80,562.81	33.34	0.00	161,100.19
103-COMMUNITY DEVELOPMENT	249,395.00	14,749.27	81,212.97	32.56	0.00	168,182.03
104-NON-DEPARTMENTAL	594,004.00	9,933.21	168,078.81	30.02	10,237.50	415,687.69
105-MAIN STREET DEPARTMEN	86,015.00	4,421.37	22,235.93	25.85	0.00	63,779.07
106-ECONOMIC DEVELOPMENT	0.00	0.00	0.00	0.00	0.00	0.00
107-BUILDING MAINTENANCE	225,633.00	13,333.03	72,845.68	32.29	0.00	152,787.32
108-CITY SECRETARY DEP	153,914.00	12,098.10	44,959.48	29.21	0.00	108,954.52
109-FINANCE DEPARTMENT	269,105.00	16,096.37	87,264.70	32.43	0.00	181,840.30
110-HOTEL/MOTEL	0.00	0.00	0.00	0.00	0.00	0.00
201-PARKS DEPARTMENT	670,931.00	38,128.73	197,624.80	29.46	0.01	473,306.19
202-SWIMMING POOL DEPARTM	32,368.00	0.00	380.26	1.17	0.00	31,987.74
204-RECREATION DEPARTMENT	9,177.00	0.00	117.61	1.28	0.00	9,059.39
206-INDEPENDENCE GOLF CO	264,895.00	17,226.05	82,073.96	30.98	0.00	182,821.04
301-FIRE DEPARTMENT	1,281,030.00	207,353.02	463,412.95	36.18	0.00	817,617.05
501-POLICE DEPARTMENT	2,719,079.00	176,716.71	798,474.54	34.22	131,994.27	1,788,610.19
504-ANIMAL CONTROL DEPART	158,644.00	9,141.49	45,043.96	28.39	0.00	113,600.04
550-MUNICIPAL COURT DEPT.	108,819.00	5,692.26	28,816.36	26.48	0.00	80,002.64
602-AIRPORT DEPARTMENT	79,795.00	848.55	27,004.86	33.84	0.00	52,790.14
603-STREETS DEPARTMENT	907,283.00	30,076.41	135,766.33	15.12	1,386.49	770,130.18
650-LIBRARY DEPARTMENT	274,650.00	17,052.89	85,764.00	31.23	0.00	188,886.00
660-MUSEUM DEPARTMENT	81,877.00	4,694.38	22,183.51	27.09	0.00	59,693.49
*** TOTAL EXPENDITURES ***	8,503,591.00	599,845.35	2,472,252.47	30.76	143,618.27	5,887,720.26
** REVENUES OVER(UNDER) EXPENDITURES **	85,319.00	( 315,190.27)	19,730.61	145.21-	( 143,618.27)	209,206.66

C I T Y O F G O N Z A L E S  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

## 203-JB WELLS PARK FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
404-PARKS FEES REVENUE	644,844.00	57,299.99	151,463.22	23.49	0.00	493,380.78
406-MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL REVENUES ***	644,844.00	57,299.99	151,463.22	23.49	0.00	493,380.78
EXPENDITURE SUMMARY						
203-JB WELLS PARK	730,163.00	34,771.06	162,958.93	22.32	0.00	567,204.07
*** TOTAL EXPENDITURES ***	730,163.00	34,771.06	162,958.93	22.32	0.00	567,204.07
** REVENUES OVER (UNDER) EXPENDITURES **	( 85,319.00)	22,528.93	( 11,495.71)	13.47	0.00	( 73,823.29)

C I T Y O F G O N Z A L E S  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

## 210-ELECTRIC FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
400-DSF GOVERNMENT ACT.	0.00	0.00	0.00	0.00	0.00	0.00
710-ELECTRIC DEPARTMENT	10,074,950.00	848,793.54	3,098,563.15	30.76	0.00	6,976,386.85
750-REVENUE COLLECTION	220,867.00	1,250.00	27,633.00	12.51	0.00	193,234.00
809-HYDRO PLANT CONST.	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL REVENUES ***	10,295,817.00	850,043.54	3,126,196.15	30.36	0.00	7,169,620.85
EXPENDITURE SUMMARY						
710-ELECTRIC DEPARTMENT	10,214,572.00	115,916.47	2,658,209.39	26.53	51,914.24	7,504,448.37
750-REVENUE COLLECTIONS	261,943.00	13,433.20	76,417.81	29.17	0.00	185,525.19
809-HYDRO PLANT CONST.	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL EXPENDITURES ***	10,476,515.00	129,349.67	2,734,627.20	26.60	51,914.24	7,689,973.56
** REVENUES OVER (UNDER) EXPENDITURES **	( 180,698.00)	720,693.87	391,568.95	187.97-	( 51,914.24)	( 520,352.71)

C I T Y O F G O N Z A L E S  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

## 220-WATER FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
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REVENUE SUMMARY						
300-CAPITAL PROJECTS-BUS	0.00	0.00	0.00	0.00	0.00	0.00
720-WATER PRODUCTION DEPT	2,168,100.00	171,819.97	751,395.83	34.66	0.00	1,416,704.17
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*** TOTAL REVENUES ***	2,168,100.00	171,819.97	751,395.83	34.66	0.00	1,416,704.17
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EXPENDITURE SUMMARY						
720-WATER PRODUCTION DEPT	2,101,475.00	47,207.00	479,364.37	23.18	7,767.96	1,614,342.67
722-SERIES 2011 DEBT SERV	0.00	0.00	0.00	0.00	0.00	0.00
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*** TOTAL EXPENDITURES ***	2,101,475.00	47,207.00	479,364.37	23.18	7,767.96	1,614,342.67
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** REVENUES OVER(UNDER) EXPENDITURES **	66,625.00	124,612.97	272,031.46	396.64	( 7,767.96)	( 197,638.50)
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CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

## 230-WASTEWATER FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
730-WASTEWATER COLLECTION	1,455,000.00	103,486.12	427,321.65	29.37	0.00	1,027,678.35
731-W/W CDBG PROJECT	745,322.00	0.00	40,003.80	5.37	0.00	705,318.20
*** TOTAL REVENUES ***	2,200,322.00	103,486.12	467,325.45	21.24	0.00	1,732,996.55
EXPENDITURE SUMMARY						
730-WASTEWATER COLLECTION	1,302,328.00	40,232.09	312,398.01	28.14	54,115.00	935,814.99
731-W/W CDBG PROJECT	815,077.00	0.00	38,682.15	4.75	0.00	776,394.85
*** TOTAL EXPENDITURES ***	2,117,405.00	40,232.09	351,080.16	19.14	54,115.00	1,712,209.84
** REVENUES OVER(UNDER) EXPENDITURES **	82,917.00	63,254.03	116,245.29	74.93	( 54,115.00)	20,786.71



CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

## 240-SOLID WASTE FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
740-SOLID WASTE DEPARTMEN	794,450.00	64,235.05	263,517.07	33.17	0.00	530,932.93
*** TOTAL REVENUES ***	794,450.00	64,235.05	263,517.07	33.17	0.00	530,932.93
EXPENDITURE SUMMARY						
740-SOLID WASTE DEPARTMEN	810,897.00	54,639.36	252,057.06	41.77	86,652.00	472,187.94
*** TOTAL EXPENDITURES ***	810,897.00	54,639.36	252,057.06	41.77	86,652.00	472,187.94
** REVENUES OVER(UNDER) EXPENDITURES **	16,447.00	9,595.69	11,460.01	457.18	( 86,652.00)	58,744.99

C I T Y O F G O N Z A L E S  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

## 300-CAPITAL PROJECTS-BUSINESS

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
300-CAPITAL PROJECTS-BUS	6,180.00	0.00	961.12	15.55	0.00	5,218.88
*** TOTAL REVENUES ***	6,180.00	0.00	961.12	15.55	0.00	5,218.88
EXPENDITURE SUMMARY						
301-STREETS	0.00	0.00	0.00	0.00	0.00	0.00
302-WASTEWATER	1,134,000.00	36,086.80	157,850.15	13.92	0.00	976,149.85
303-ELECTRIC	0.00	0.00	0.00	0.00	0.00	0.00
304-WATER	1,621,000.00	291,661.05	437,817.68	27.01	0.00	1,183,182.32
*** TOTAL EXPENDITURES ***	2,755,000.00	327,747.85	595,667.83	21.62	0.00	2,159,332.17
** REVENUES OVER(UNDER) EXPENDITURES **	( 2,748,820.00)	( 327,747.85)	( 594,706.71)	21.63	0.00	( 2,154,113.29)

CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

## 400-DSF GOVERNMENT ACTIVITIES

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
400-DSF GOVERNMENT ACT.	1,134,601.00	0.00	258,707.16	22.80	0.00	875,893.84
*** TOTAL REVENUES ***	1,134,601.00	0.00	258,707.16	22.80	0.00	875,893.84
EXPENDITURE SUMMARY						
400-DSF GOVERNMENT ACT.	1,127,600.00	0.00	0.00	0.00	0.00	1,127,600.00
*** TOTAL EXPENDITURES ***	1,127,600.00	0.00	0.00	0.00	0.00	1,127,600.00
** REVENUES OVER (UNDER) EXPENDITURES **	7,001.00	0.00	258,707.16	695.29	0.00	( 251,706.16)

CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

## 500-RESTRICTED USE FUNDS

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
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REVENUE SUMMARY						
410-TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
810-JB WELLS EXPO CENTER	0.00	0.00	0.00	0.00	0.00	0.00
811-HOTEL/MOTEL	350,500.00	25,564.81	72,401.07	20.66	0.00	278,098.93
812-MEMORIAL MUSEUM	5,740.00	275.00	723.61	12.61	0.00	5,016.39
813-FORFEITURES	4,200.00	0.00	33.37	0.79	0.00	4,166.63
814-MUNICIPAL COURT	2,900.00	133.10	467.03	16.10	0.00	2,432.97
815-ROBERT L BROTHERS	75,900.00	0.00	637.43	0.84	0.00	75,262.57
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*** TOTAL REVENUES ***	439,240.00	25,972.91	74,262.51	16.91	0.00	364,977.49
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EXPENDITURE SUMMARY						
810-JB WELLS EXPO CENTER	0.00	0.00	0.00	0.00	0.00	0.00
811-HOTEL MOTEL	459,023.00	20,608.01	83,182.27	18.12	0.00	375,840.73
812-MEMORIAL MUSEUM	34,000.00	0.00	2,591.52	7.62	0.00	31,408.48
813-FORFEITURES	21,000.00	0.00	0.00	0.00	0.00	21,000.00
814-MUNICIPAL COURT	19,500.00	47.65	2,790.17	14.31	0.00	16,709.83
815-ROBERT L BROTHERS	44,100.00	63.72	8,251.36	18.71	0.00	35,848.64
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*** TOTAL EXPENDITURES ***	577,623.00	20,719.38	96,815.32	16.76	0.00	480,807.68
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** REVENUES OVER(UNDER) EXPENDITURES ** ( 138,383.00)		5,253.53	( 22,552.81)	16.30	0.00	( 115,830.19)
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CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

575-CAPITAL PROJECTS-GOV.

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
575-CAPITAL PROJECTS-GOV	6,180.00	0.00	1,407,107.45	768.73	0.00	( 1,400,927.45)
*** TOTAL REVENUES ***	6,180.00	0.00	1,407,107.45	768.73	0.00	( 1,400,927.45)
EXPENDITURE SUMMARY						
CAPITAL PROJECTS-GOV	932,300.00	11,825.00	385,898.14	41.39	0.00	546,401.86
*** TOTAL EXPENDITURES ***	932,300.00	11,825.00	385,898.14	41.39	0.00	546,401.86
** REVENUES OVER (UNDER) EXPENDITURES **	( 926,120.00)	( 11,825.00)	1,021,209.31	110.27-	0.00	( 1,947,329.31)

CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2021

700-GONZALES ECONOMIC DEV

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
700-ECONOMIC DEVELOPMENT	957,500.00	65,084.69	266,907.58	27.88	0.00	690,592.42
*** TOTAL REVENUES ***	957,500.00	65,084.69	266,907.58	27.88	0.00	690,592.42
EXPENDITURE SUMMARY						
700-ECONOMIC DEVELOPMENT	1,309,383.00	9,309.47	129,503.58	9.89	0.00	1,179,879.42
*** TOTAL EXPENDITURES ***	1,309,383.00	9,309.47	129,503.58	9.89	0.00	1,179,879.42
** REVENUES OVER (UNDER) EXPENDITURES **	(351,883.00)	55,775.22	137,404.00	39.05	0.00	(489,287.00)

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
<hr/>			
100-GENERAL FUND			
=====			
CASH			
100 1-001.000	CASH - GENERAL FUND	850,508.82	
100 1-101.505	CASH - AIRPORT IMPROVEMENT	92,918.77	
100 1-101.702	CASH - IND PARK IMPT OIL	0.00	
		-----	
TOTAL CASH		943,427.59	
INVESTMENTS			
100 1-103.409	RBFCU-SAVINGS ACCOUNT		0.00
100 1-103.410	CERT OF DEPOSIT-RANDOLPH BROOK		281,409.23
100 1-103.413	MILLER EST. OIL & GAS ROYALTY		15,297.05
100 1-103.419	LIBRARY RESTRICTED USE-DONATIO		0.00
100 1-103.702	IND PARK IMPROVE OIL - INVEST.		0.00
			-----
TOTAL INVESTMENTS			296,706.28
POOLED INVESTMENTS			
100 1-104.002	TEXPOOL- GENERAL FUND		1,272,282.91
100 1-104.604	TEXPOOL - ARMORY LEASE		0.00
100 1-104.702	TEXPOOL - IND PARK IMPT OIL		0.00
100 1-104.703	TEXPOOL - LEWIS PROPERTY		0.00
			-----
TOTAL POOLED INVESTMENTS			1,272,282.91
		-----	-----
TOTAL 100-GENERAL FUND		943,427.59	1,568,989.19
<hr/>			
203-JB WELLS FUND			
=====			
CASH			
203 1-001.000	CASH - JB WELLS	( 230,532.16)	
		-----	
TOTAL CASH		( 230,532.16)	
		-----	-----
TOTAL 203-JB WELLS PARK FUND		( 230,532.16)	0.00
<hr/>			
210-ELECTRIC FUND			
=====			
CASH			
210 1-001.000	CASH - ELECTRIC FUND	925,435.69	
210 1-001.499	CASH -HYDRO CO'S	0.00	
210 1-001.500	CASH - HYDRO BOND I & S	0.00	
210 1-001.600	CONFIDENTIALITY FEE	0.00	
210 1-001.606	CASH CUSTOMER METER DEPOSIT	176,271.95	
		-----	
TOTAL CASH		1,101,707.64	

## CASH &amp; INVESTMENTS BY FUND

AS OF: JANUARY 31ST, 2021

JANUARY 31ST, 2021

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
<u>INVESTMENTS</u>			
210 1-103.000	AGENCY SECURITIES - ELECTRIC		0.00
210 1-103.403	CERT OF DEPOSIT - I&S BOND RES		0.00
210 1-103.410	CERT OF DEP - SOUTH STAR BANK		276,107.24
210 1-103.411	CERT OF DEPOSIT - RBFCU		0.00
210 1-103.606	CUSTOMER METER DEPOSITS - INVT		0.00
210 1-103.706	ELEC CAPITAL IMPROVEMENT-INST.		0.00
			-----
TOTAL INVESTMENTS			276,107.24
<u>POOLED INVESTMENTS</u>			
210 1-104.000	TEXPOOL- UNDESIGNATED		0.00
210 1-104.001	TEXPOOL-HYDRO CO'S		0.00
210 1-104.002	TEXPOOL- ELECTRIC FUND		2,581,980.39
210 1-104.606	TEXPOOL - CUSTOMER METER DEP		0.00
210 1-104.706	TEXPOOL - JOHNSON ST PROP		0.00
			-----
TOTAL POOLED INVESTMENTS			2,581,980.39
			-----
TOTAL 210-ELECTRIC FUND		1,101,707.64	2,858,087.63
<hr/>			
220-WATER FUND			
=====			
<u>CASH</u>			
220 1-001.000	CASH - WATER FUND	1,034,158.37	
220 1-001.606	CASH CUSTOMER METER DEPOSITS	21,704.00	
		-----	
TOTAL CASH		1,055,862.37	
<u>INVESTMENTS</u>			
220 1-103.403	CERT OF DEPOSIT - I&S BOND RES		0.00
220 1-103.411	CERTIFICATE OF DEPOSIT-SAGE		0.00
220 1-103.606	CUSTOMER METER DEPOSITS - INVT		0.00
			-----
TOTAL INVESTMENTS			0.00
<u>POOLED INVESTMENTS</u>			
220 1-104.000	TEXPOOL - WATER FUND		0.00
220 1-104.001	TEXPOOL CONSTRUCTION		0.00
220 1-104.002	TEXPOOL- WATER FUND		101,824.25
220 1-104.606	CUSTOMER METER DEPOSIT - TXPOL		0.00
			-----
TOTAL POOLED INVESTMENTS			101,824.25
			-----
TOTAL 220-WATER FUND		1,055,862.37	101,824.25



## CASH &amp; INVESTMENTS BY FUND

AS OF: JANUARY 31ST, 2021 JANUARY 31ST, 2021

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
230-WASTEWATER FUND			
=====			
<u>CASH</u>			
230 1-001.000	CASH - WASTEWATER FUND	340,549.48	
230 1-001.606	CASH CUSTOMER METER DEPOSIT	300.00	
		-----	
TOTAL CASH		340,849.48	
<u>INVESTMENTS</u>			
230 1-103.000	INVESTMENTS AGENCY SECURITIES		0.00
230 1-103.403	CERT OF DEPOSIT - I&S BOND RES		0.00
230 1-103.411	CERT. OF DEP - SOUTH STAR BANK		277,830.11
			-----
TOTAL INVESTMENTS			277,830.11
<u>POOLED INVESTMENTS</u>			
230 1-104.000	TEXPOOL - WASTEWATER		0.00
230 1-104.002	TEXPOOL- WASTEWATER FUND		509,120.97
			-----
TOTAL POOLED INVESTMENTS			509,120.97
		-----	-----
TOTAL 230-WASTEWATER FUND		340,849.48	786,951.08

## 240-SOLID WASTE

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<u>CASH</u>			
240 1-001.000	CASH - SOLID WASTE FUND	139,899.22	
240 1-001.606	CASH CUSTOMER GARBAGE DEP	0.00	
		-----	
TOTAL CASH		139,899.22	
<u>INVESTMENTS</u>			
240 1-103.000	INVESTMENTS AGENCY SECURITIES		0.00
240 1-103.402	INVESTMENTS - I & S REVENUE BD		0.00
240 1-103.403	INVESTMENTS - I & S BOND RES		0.00
			-----
TOTAL INVESTMENTS			0.00
<u>POOLED INVESTMENTS</u>			
240 1-104.000	TEXPOOL - SOLID WASTE FUND		0.00
240 1-104.100	TEXASTERM		0.00
240 1-104.402	TEXPOOL - I & S REVENUE BOND		0.00
240 1-104.403	TEXPOOL - I & S BOND RESERVE		0.00
			-----
TOTAL POOLED INVESTMENTS			0.00
		-----	-----
TOTAL 240-SOLID WASTE FUND		139,899.22	0.00

## CASH &amp; INVESTMENTS BY FUND

AS OF: JANUARY 31ST, 2021 JANUARY 31ST, 2021

FUND-ACCT. NO. ACCOUNT NAME	CASH	INVESTMENTS
250-DSF PROPRIETARY		
=====		
CASH		
250 1-001.000 CASH-DSF PROPRIETARY	0.00	
	-----	
TOTAL CASH	0.00	
	-----	-----
TOTAL 250-DSF PROPRIETARY	0.00	0.00

## 300-CAPITAL PROJECTS-BUS

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CASH		
300 1-001.000 CASH CONTROL - CAPITAL PROJ	( 11,417.25)	
300 1-101.301 BOND - CIP	0.00	
	-----	
TOTAL CASH	( 11,417.25)	

## POOLED INVESTMENTS

300 1-104.101 CASH-CO SERIES 2019 CIP STREET		0.00
300 1-104.102 CASH-CO SERIES 2019 CIP W/W		830,478.55
300 1-104.103 CASH-CO SERIES 2019 CIP WATER		1,320,920.06
300 1-104.104 CASH-CO SERIES 2019 CIP GEN.		0.00
		-----
TOTAL POOLED INVESTMENTS		2,151,398.61
	-----	-----
TOTAL 300-CAPITAL PROJECTS-BUSINESS	( 11,417.25)	2,151,398.61

## 400-DSF GOVERNMENTAL ACTI

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CASH		
400 1-001.000 CASH - CONTROL ACCT	0.00	
400 1-001.101 CASH-DSF GOV. ACTIVITIES	422,368.22	
	-----	
TOTAL CASH	422,368.22	
	-----	-----
TOTAL 400-DSF GOVERNMENT ACTIVITIES	422,368.22	0.00

## 500-RESTRICTED USE FUNDS

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CASH		
500 1-001.000 CASH - CONTROL ACCT	( 16,266.40)	
500 1-001.501 CASH - TEXAS CAPITAL	0.00	
500 1-001.502 CASH - HOTEL MOTEL TAX	830,877.94	
500 1-001.503 CASH - MUSEUM FUNDS	32,815.84	
500 1-001.504 CASH - FORFEITURES	23,989.31	

## CASH &amp; INVESTMENTS BY FUND

AS OF: JANUARY 31ST, 2021 JANUARY 31ST, 2021

FUND-ACCT, NO.	ACCOUNT NAME	CASH	INVESTMENTS
500 1-001.505	CASH - MUN CRT CHILD SAFETY	17,289.36	
500 1-001.506	CASH - MUN CRT SECURITY	23,084.73	
500 1-001.507	CASH - MUN CRT TECH	3,441.34	
500 1-001.508	CASH - SPECIAL EXPENSE	6,700.30	
500 1-001.509	CASH - AIRPORT IMPT	0.00	
500 1-001.510	PEG FRANCHISE (RESTRICTED USE)	0.00	
500 1-001.511	ROBERT LEE BROTHERS JR LIBRARY	95,632.72	
TOTAL CASH		1,017,565.14	
TOTAL 500-RESTRICTED USE FUNDS		1,017,565.14	0.00

## 575-CAPITAL PROJECTS-GOV

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## CASH

575 1-001.000	CASH-CONTROL ACCT	( 11,825.00)
TOTAL CASH		( 11,825.00)

## POOLED INVESTMENTS

575 1-104.101	CASH-CO SERIES 19 CIP STREET	1,033,034.31
TOTAL POOLED INVESTMENTS		1,033,034.31
TOTAL 575-CAPITAL PROJECTS-GOV.		( 11,825.00) 1,033,034.31

## 700-COMPONENT UNIT

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## CASH

700 1-001.000	CASH -CONTROL ACCOUNT	( 7,962.45)
700 1-001.101	CASH - ECONOMIC DEV CORP	2,993,081.51
TOTAL CASH		2,985,119.06

## INVESTMENTS

700 1-103.412	CERT OF DEPOSIT-SAGE CAPITAL	0.00
700 1-103.419	RBFCU- BASIC BUSINESS CHECKING	0.00
700 1-103.420	RBFCU - MONEY MARKET ACCT	0.00
700 1-103.430	SAVINGS ACCT - RBFCU	0.00
TOTAL INVESTMENTS		0.00
TOTAL 700-GONZALES ECONOMIC DEV		2,985,119.06 0.00

FUND TOTAL OTHER INVESTMENTS	850,643.63
FUND TOTAL POOLED INVESTMENTS	7,649,641.44

TOTAL CASH AND INVESTMENTS	7,753,024.31	8,500,285.07
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\*\*\* END OF REPORT \*\*\*