ALVARADO CITY COUNCIL AGENDA
REGULAR - APRIL 20, 2026 - 6:30 PM
CITY COUNCIL CHAMBERS - 104 W COLLEGE AVE.
ALVARADO, TEXAS 76009

CALL TO ORDER

Roll Call

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT

This is an opportunity for citizens to address the convened City Council of this meeting on any matter. The presiding officer may ask for the citizen to hold his or her comment on an agenda item until that agenda item is reached. Any response from a member of the convened City Council to comments related to items not on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future meeting. Citizens may obtain a form to speak by requesting it from the City Secretary or the City Marshal prior to the start of the meeting.

COUNCIL COMMENTS

Pursuant to LGC Section 551.0415, City Council Members may make a report about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

INTRODUCTION OF NEW EMPLOYEES

PRESENTATIONS

1. Monarch Waystation Certificate - Martha Dean
2. Texas Health Presentation - Ahrein Bennett

CONSENT AGENDA

3. Resolution No. 2026-0020; A Resolution of the City of Alvarado, Texas, nominating Sabre Communications Corporation to the Office of the Governor Economic Development and Tourism through the Economic Development Bank for designation as an Enterprise Project under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; authorizing the City Manager to prepare the required application for designation for Sabre Communications Corporation as an Enterprise Project;

and providing an effective date. (Sabre State Sales Tax Program) (Cromer)

4. First Reading of Resolution No. 2026-0021; A Resolution of the City of Alvarado, Texas, approving an Economic Development Grant for the Pecan Orchard Improvements Project; authorizing the AEDC President to execute all documents related thereto; and providing an effective date. (Cromer)
5. Resolution No. R2026-0027, authorizing the submission of the Motor Vehicle Crime Prevention Authority Senate Bill 224 grant application to the Texas Motor Vehicle Crime Prevention Authority. (Authorize TMVCPA grant application) (Gross)
6. March 16, 2026, City Council Meeting Minutes. (Taylor)
7. March 23, 2026, City Council Meeting Special Called Meeting Minutes. (Taylor)

NEW BUSINESS

8. Consideration and action related to Resolution No. R2026-0022; A Resolution of the City of Alvarado, determining costs and calling a Public Hearing to consider an ordinance levying assessments on property located within the Alvarado 215 Public Improvement District (Lennar/Valor Cost Determining Resolution), and directing the publication and mailing of notice of such Public Hearing. (Suber)
9. Consideration and action on Resolution No. R2026-0023; A Resolution of the City of Alvarado, Texas, accepting the petition for annexation, setting a Public Hearing date for May 18, 2026, and authorizing the issuance of a publicized notice by the City Secretary of Alvarado, Texas regarding the annexation hearing to be held on May 18, 2026, pertaining to a tract of approximately 215 acres, more or less, of land located in the Extraterritorial Jurisdiction of the City of Alvarado, Johnson County, Texas; Situated in the R. Bell Survey, Abstract No. 44, J. Bell Survey, Abstract No. 46, T. Stephens Survey, Abstract No. 778, A. Powers Survey, Abstract No. 686, and A. Kimbell Survey, Abstract 46, commonly known as 1303 S. Parkway Dr. (Chambers Creek Annexation Petition acceptance) (French)
10. Public Hearing, consideration, and action related to Resolution No. R2026-0024; A Resolution of the City of Alvarado, Texas, establishing the Chambers Creek Public Improvement District and ordering Public Improvements to be made for the benefit of such district, providing for a severability clause, providing an effective date, and containing other matters relating to the subject. (Establishing Chambers Creek PID) (Suber)
11. Consideration and action related to an Agreement for the Construction and Funding of Authorized Improvements and Reimbursement of Advances for the Chambers Creek Public Improvement District between the City of Alvarado and Avalon Development Group, LLC. (Chambers Creek Reimbursement Agreement) (Suber)
12. Public Hearing, consideration, and action related to Ordinance No. 2026-0005; An Ordinance of the City Council of the City of Alvarado, Texas, designating a Contiguous Geographic Area within the City's Corporate Limits and Extraterritorial Jurisdiction as a Reinvestment Zone Pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Four, City of Alvarado, Texas; describing the boundaries of the zone; creating a Board of Directors for the zone; establishing a Tax Increment Fund for the zone; containing findings related to the creation of the zone; providing a date for the termination of the zone; providing that the zone take effect immediately upon passage of the ordinance; providing a severability clause; and providing an effective date. (Setting Chamber Creek TIRZ Boundaries) (Taylor)
13. Public hearing, consideration and action on the application of MV&A Builders LLC for a zoning change from Single-family Residential (SF-2) District to Garden Home (GH) District on 0.3213 acres known as a portion of Lot 4 and all of Lot 5, Block 6 of the New Town

Addition (aka Missouri Pacific Addition), addressed at 905 and 907 Travis Avenue. (French)

14. Public hearing, consideration, and action related to Ordinance No. 2026-0006, an Ordinance replacing Chapter 42, "Zoning" of the Code of Ordinances, City of Alvarado, Texas, in its entirety; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing for a penalty for violations hereof, providing a savings clause; providing for publications; and providing an effective date. (French)
15. Presentation and discussion of the City of Alvarado's FY 2026 First Quarter Financial Report (Cox)
16. Consideration and action related to adding a position to the Engineering Department for a Construction Inspector. (Chavarria)
17. Consideration and action related to adding a position for an Administrative Assistant. (Suber)
18. First Reading of Resolution No. 2026-0025; A Resolution of the City of Alvarado, Texas, authorizing the Economic Development Corporation's expenditure of funds for a professional services agreement between the City of Alvarado and Innovative Transportation Solutions, Inc. for transportation consulting services; and providing an effective date. (Cromer)
19. First Reading of Resolution No. 2026-0026; A Resolution of the City of Alvarado, Texas, authorizing the Alvarado Economic Development Corporation to undertake the Downtown Refresh Initiative as an economic development project; finding that the project promotes economic development and quality of life; and providing an effective date. (Cromer)

EXECUTIVE SESSION

20. § 551.071. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council REGULAR City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a 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 the provisions of Chapter 551, including the following items:

    - Any item on the agenda.

21. §551.087. Deliberation Regarding Economic Development Negotiations. To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

    - Project Ascend (Cromer)
    - Project Millis (Cromer)
    - Project Meatball (Cromer)

22. §551.074, Texas Government Code - Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

    - City Manager Annual Check-in

RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

ADJOURNMENT

I, the undersigned authority, do hereby certify that the above Agenda was posted on the bulletin board in the City Hall of the City of Alvarado, Texas, a place convenient and readily accessible to the general public at all times, and said Agenda was posted on April 14, 2026, and remained so posted continuously for three (3) business days prior to the date of the meeting.



Bobbie Jo Taylor, TRMC, MMC
City Secretary

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 consultation with counsel on legal matters; Section 551.072 - deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 - deliberation regarding a prospective gift; Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 - implementation of security personnel or devices; Section 551.087 - deliberation regarding economic development negotiation; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code.

If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

ACCESSIBILITY STATEMENT
The Alvarado City Hall and Council Chamber are wheelchair accessible. The exit and parking ramps are located in the front of the building. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817-790-3351, FAX: 817-783-7925, e-mail: taylorb@cityofalvarado.org Please call at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

NON-DISCRIMINATION STATEMENT The City of Alvarado does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the employment or the provision of services.

City Council Management Report
Meeting Date: 4/20/2026
Contact: Hillary Cromer, Director of Economic Development

AGENDA ITEM:
Resolution No. 2026-0020; A Resolution of the City of Alvarado, Texas, nominating Sabre Communications Corporation to the Office of the Governor Economic Development and Tourism through the Economic Development Bank for designation as an Enterprise Project under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; authorizing the City Manager to prepare the required application for designation for Sabre Communications Corporation as an Enterprise Project; and providing an effective date. (Sabre State Sales Tax Program) (Cromer)

BACKGROUND & FINDINGS:

At a previous City Council meeting, staff and representatives provided an overview of the Texas Enterprise Zone Program and introduced the proposed nomination of Sabre Communications Corporation as an Enterprise Project. That item was presented for informational purposes only, allowing Council the opportunity to review the program and ask questions.

The Texas Enterprise Zone Program is a state-administered incentive that provides qualified businesses with refunds of state sales and use tax based on capital investment and job creation or retention. The program does not require a direct financial contribution from the City but does require formal nomination by the local governing body.

Sabre Communications Corporation has applied to the City for nomination and is proposing continued investment and operations in Alvarado, supporting local employment and contributing to the City's economic base.

FINANCIAL IMPACT:
There is no direct financial impact to the City associated with this nomination. The incentive is administered at the state level in the form of sales and use tax refunds.

RECOMMENDATION:
Staff recommends approval of the resolution nominating Sabre Communications Corporation as an Enterprise Project under the Texas Enterprise Zone Program.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Resolution No. 2026-0020 Sabre Nomination

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, NOMINATING SABRE COMMUNICATIONS CORPORATION TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS AN ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; AUTHORIZING THE CITY MANAGER TO PREPARE THE REQUIRED APPLICATION FOR DESIGNATION OF SABRE COMMUNICATIONS CORPORATION AS AN ENTERPRISE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Government Code, Chapter 2303, the Texas Enterprise Zone Act, (the "Act") authorizes certain tax incentives and economic development program benefits by creation of the Texas Enterprise Zone Program; and

WHEREAS, the City of Alvarado (the "City") has previously passed Ordinance No. 2015-007 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 2015-007;

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Sabre Communications Corporation as an Enterprise Project pursuant to a nomination and an application made by the City;

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones, veterans, and to other economically disadvantaged individuals;

WHEREAS, the City is in full compliance with the Texas Enterprise Zone Act, Chapter 2303; and

WHEREAS, pursuant the Act, Sabre Communications Corporation has applied to the City for designation as an Enterprise Project;

WHEREAS, the City finds that Sabre Communications Corporation meets the criteria for designation as an Enterprise Project under Chapter 2303, Subchapter F of the Act, and meets the criteria for tax relief and other incentives adopted by the City; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Sabre Communications Corporation as an Enterprise Project pursuant to the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS THAT:

SECTION 1. The preambles previously written are true and correct.

SECTION 2. The City finds that Sabre Communications Corporation is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an Enterprise Project, as set forth in Section 2303, Subchapter F of the Act, on the following grounds:

a) Sabre Communications Corporation is a "qualified business" under Section2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located outside an enterprise zone and at least thirty-five percent (35.0%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and

b) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

c) The designation of Sabre Communications Corporation as an Enterprise Project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

SECTION 3. The City nominates Sabre Communications Corporation for designation as an Enterprise Project on the grounds that it will create and retain a higher level of employment and create economic activity and stability and the designation of Sabre Communications Corporation will contribute significantly to the achievement of the plans of the City for development and revitalization.

SECTION 4. The City hereby authorizes the City Administrator to prepare and submit an application to the Office of the Governor, Economic Development and Tourism, through the Economic Development Bank, for designation of Sabre Communications Corporation as an Enterprise Project.

SECTION 5. The Enterprise Project shall take effect on the date of designation of the Enterprise Project by the Office of the Governor, Economic Development and Tourism, through the Economic Development Bank, and terminate *5* years after the date of designation.

SECTION 6. This Resolution shall become effective from and after its passage.

PASSED AND APPROVED by the City Council this 20th day of April, 2026.

ATTEST:

_____
Bobbie Jo Taylor, City Secretary

APPROVED:

_____
Jacob Wheat**,** Mayor

City Council Management Report
Meeting Date: 4/20/2026
Contact: Hillary Cromer, Director of Economic Development

AGENDA ITEM:
First Reading of Resolution No. 2026-0021; A Resolution of the City of Alvarado, Texas, approving an Economic Development Grant for the Pecan Orchard Improvements Project; authorizing the AEDC President to execute all documents related thereto; and providing an effective date. (Cromer)

BACKGROUND & FINDINGS:

The City of Alvarado has been awarded funding through the Texas Parks and Wildlife Department (TPWD) Non-Urban Outdoor Recreation Grant Program for improvements to the Pecan Orchard site, located at 101 S. Parkway and 310 W. Atchley Street. This grant requires a 50% local match.

To meet this requirement, the City and the Alvarado Economic Development Corporation (AEDC) have partnered on the project, with AEDC contributing up to $250,000 toward eligible improvements. The AEDC Board of Directors has already approved the budget allocation for this project and, at its April 13, 2026 meeting, authorized the project and associated expenditures.

The proposed improvements will transform the Pecan Orchard into a functional public park space consistent with TPWD requirements, including infrastructure, pedestrian connectivity, lighting, safety features, and other amenities that support long-term community use and placemaking.

Because AEDC is a Type B economic development corporation, state law requires City Council approval of the project through a resolution adopted in two readings prior to final authorization. This action formally approves the project as an authorized AEDC project in compliance with Texas Local Government Code Chapter 505.

This item is being presented tonight for **first reading only**. No action will be taken until the second reading at the subsequent City Council meeting.

FINANCIAL IMPACT:
AEDC has previously budgeted $250,000 for the Pecan Orchard Improvements Project. Approval of this item authorizes the expenditure of those funds, in an amount not to exceed $250,000, funded through AEDC sales tax revenues.

RECOMMENDATION:
The AEDC board of directors recommends approval of the first reading of the Resolution No. 2026-0021.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Resolution No. 2026-0021 EDC's Pecan Orchard Matching Grant

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ALVARADO, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT GRANT FOR THE PECAN ORCHARD IMPROVEMENTS PROJECT; AUTHORIZING THE AEDC PRESIDENT TO EXECUTE ALL DOCUMENTS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has been presented with the economic development grant for the Pecan Orchard Improvements Project (the "Project"); and

WHEREAS, the City was awarded a grant through the Texas Parks and Wildlife Department (TPWD) Non-Urban Outdoor Recreation Grant Program for improvements of Pecan Orchard that requires a 50% match in funding from the City; and

WHEREAS, the City and the Alvarado Economic Development Corporation (the "AEDC") have agreed to partner to meet the match requirement, with the AEDC contributing up to $250,000; and

WHEREAS, upon full review and consideration of the Project, and all matters attendant and related thereto, the City Council is of the opinion that the Project should be approved and the AEDC President shall be authorized to execute all documents related thereto on behalf of AEDC; and

WHEREAS, the AEDC, a Type B corporation established under the Texas Development Corporation Act, has as its purpose the development of recreational or community facilities, including public parks, within the City of Alvarado; and

WHEREAS, the AEDC Board of Directors, at its regular meeting on April 13, 2026, approved a grant for the Project, finding that the project will create a functional public park space consistent with TPWD grant requirements; and

WHEREAS, the incentive will be funded through the AEDC's portion of sales tax revenue dedicated to economic development purposes; and

WHEREAS, pursuant to Texas Local Government Code Chapter 505, a Resolution of the City Council authorizing the AEDC to proceed with the Project must be read twice in open session prior to final approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, THAT:

SECTION 1

All the above premises are true and correct of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2.

The grant for the Project, not to exceed $250,000, is found to be in the best interest of the City of Alvarado and its citizens, and is hereby approved.

SECTION 3.

The President of the AEDC is hereby authorized to execute all documents related to the Project on behalf of the AEDC.

SECTION 4.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED ON FIRST READING THIS THE _____ DAY OF _____, 2026.

PASSED AND APPROVED ON SECOND READING THIS THE _____ DAY OF _____, 2026.

_____
Jacob Wheat, Mayor

ATTEST:

_____
Bobbie Jo Taylor, City Secretary

City Council Management Report
Meeting Date: 4/20/2026
Contact: Teddy May, Police Chief

AGENDA ITEM:
Resolution No. R2026-0027, authorizing the submission of the Motor Vehicle Crime Prevention Authority Senate Bill 224 grant application to the Texas Motor Vehicle Crime Prevention Authority. (Authorize TMVCPA grant application) (Gross)

BACKGROUND & FINDINGS:

FINANCIAL IMPACT:

RECOMMENDATION:
Approval

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Resolution - MVCPA

CITY OF ALVARADO, TEXAS

RESOLUTION NO.

Motor Vehicle Crime Prevention Authority

2026 City of Alvarado Resolution SB

224 Catalytic Converter Grant Program

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement taskforces and agencies for economic motor vehicle theft, including catalytic converter theft; and

WHEREAS, this grant program will assist this jurisdiction to combat catalytic converter theft; and

WHEREAS, the City of Alvarado has agreed that in the event of loss or misuse of the grant funds, the City of Alvarado agrees and assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

NOW THEREFORE, BE IT RESOLVED and ordered that **Chief of Police, Teddy May**, is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that **Assistant Chief of Police, Ben Moore**, is designated as the Program Director and **Chief Financial Officer, Laura Cox**, is designated as the Financial Officer for this grant.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Alvarado on this

_____

Jacob Wheat, Mayor

Grant Number: _____

City Council Management Report
Meeting Date: 4/20/2026
Contact: Bobbie Jo Taylor, City Secretary

AGENDA ITEM:
March 16, 2026, City Council Meeting Minutes. (Taylor)

BACKGROUND & FINDINGS:

FINANCIAL IMPACT:

RECOMMENDATION:
Approval

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. March 16, 2026, City Council Minutes

CITY OF ALVARADO
County of Johnson
State of Texas
3/16/2026
City Council REGULAR Meeting Minutes

CALL TO ORDER

Roll Call

The City Council of the City of Alvarado met in a REGULAR Session on Monday, March 16, 2026, at 6:30 PM. The following were present:

PRESENT:	Councilmember Ward II Cherry Bryant Councilmember Ward II Lydia Moon Councilmember Ward I Beverly Short Mayor Pro Tem Ward III Kevin Thomas Councilmember Ward I Carrie Keeton
ABSENT:	Councilmember Ward III Scott Arthur
OTHERS PRESENT:	City Manager, Paul DeBuff City Secretary, Bobbie Jo Taylor City Attorney, Jennifer Drysdale Chief of Police, Teddy May Fire Chief, John Rodgers Administrative Services Director, Donielle Suber Human Resources Manager, Sarah Licitra Chief Financial Officer, Laura Cox Director of Economic Development, Hillary Cromer Community Development Director, Justin French City Engineer, Gus Chavarria Director of Public Services, John Harris

INVOCATION

Marty Douglas led the invocation.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT

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- Jameye Jones, Community Events

COUNCIL COMMENTS

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- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.
    - Councilmember Keeton announced that she completed the Certified Municipal Officer training through the Texas Municipal League in December 2025.

INTRODUCTION OF NEW EMPLOYEES

- Director of Public Services John Harris was introduced to the City Council.

CONSENT AGENDA

1. **Ordinance No. 2026-0004; An Ordinance of the City of Alvarado, Texas, amending Chapter 2, "Administration", of the City of Alvarado Code by creating a New Article VI, "Code of Ethics and Conduct", establishing a Code of Ethics and Conduct for Elected Officials and Board and Committee Members. (Wheat)**

2. **Resolution No. R2026-0011; A Resolution of the City of Alvarado, Texas, authorizing membership in the Atmos Cities Steering Committee; and authorizing the payment of four cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. (Taylor)**

3. **February 16, 2026, City Council Minutes. (Taylor)**

Councilmember Keeton requested that Item 1 be pulled from the Consent Agenda.

Councilmember Moon moved to approve the remaining items on the consent agenda, with corrections to the minutes.

Councilmember Keeton seconded the motion.
No opposition, No abstentions
Vote: Motion passed unanimously.

The following item was discussed and considered individually:

1. **Ordinance No. 2026-0004; An Ordinance of the City of Alvarado, Texas, amending Chapter 2, "Administration", of the City of Alvarado Code by creating a New Article VI, "Code of Ethics and Conduct", establishing a Code of Ethics and Conduct for Elected Officials and Board and Committee Members. (Wheat)**

The City Council discussed the proposed Ordinance No. 2026-0004, with discussion focusing on standards of professional conduct, ethical decision-making, and accountability for all Council, Board, and Commission members. The proposed

policy addressed topics including respectful communication, conflicts of interest, compliance with applicable laws and regulations, and adherence to the City's governance framework. Following the discussion, the Council agreed to continue the discussion in executive session with the City Attorney.

No action was taken at this time.

NEW BUSINESS

4. Presentation and discussion regarding the Texas Enterprise Zone Program and the potential nomination of a qualifying business located within the City of Alvarado; providing an overview of program requirements, benefits, and nomination process. (Cromer)

Jansen Givens of Ryan, LLC, presented to the City Council on behalf of Sabre Industries regarding the Texas Enterprise Zone Program, administered by the Texas Governor's Office of Economic Development and Tourism. Mr. Givens explained that the program provides state sales and use tax refunds to eligible companies that make significant capital investments and create or retain jobs within their communities. He further advised that participation in the program does not require any financial contribution from the City; however, it does require Council nomination of Sabre Industries for designation within the Texas Enterprise Zone Program.

No action needed at this time.

Mayor Wheat moved item 13 to be discussed and presented prior to item 5.

13. Public hearing, consideration, and action related to Ordinance 2026-0003; an Ordinance adopting the Comprehensive Plan for the City of Alvarado, including the Downtown Master Plan and the Park Master Plan. (French, LJA)

Mayor Wheat continued the public hearing from the previous meeting at 6:54 p.m.

Abra Nusser of LJA Engineering presented the updated Comprehensive Plan to the City Council, including an overview of the Downtown and Parks Master Plans. Ms. Nusser advised that the City received federal grant funding, which enabled the update of these plans for the first time since 2017. She noted that multiple public forums were held to gather community input, with key concerns including traffic and Alvarado's rapid growth.

Don Neilan spoke during the public hearing, addressing traffic concerns.

Mayor Wheat closed the public hearing at 7:20 p.m.

Councilmember Moon motioned to approve Ordinance 2026-0003, an Ordinance adopting the Comprehensive Plan for the City of Alvarado, including the Downtown Master Plan and the Park Master Plan.

Mayor Pro Tem Thomas seconded the motion.
No opposition, No abstentions
Vote: Motion passed unanimously.

The Council returned to Item 5.

5. First Reading of Resolution No. R2026-0004; A Resolution of the City of Alvarado, Texas, authorizing the Alvarado Economic Development Corporation (AEDC) to negotiate and execute an Economic Development Agreement with Empire Investments, LLC., regarding Project Hearth for the development of a restaurant named Empire Steaks and Burgers to 209 E College Ave; providing an effective date; and establishing that this project is a business attraction and downtown revitalization effort. (Cromer)

Economic Development Director Hillary Cromer presented the first reading of Resolution No. R2026-0004, which proposes an Economic Development Agreement with Empire Investment, LLC., for a restaurant, Empire Steaks and Burgers, to establish a location in downtown Alvarado. As this was the first reading of the resolution, no action was taken.

6. Consideration and action related to Resolution No. R2026-0012; A Resolution of the City of Alvarado, Texas; Authorizing the Submission of an Application to the Texas Department of Agriculture for Funding Under the Texas Community Development Block Grant (TxCDBG) Program – Downtown Revitalization (DR) Category. (Cromer)

Hillary Cromer presented the resolution to the City Council, which authorizes the City of Alvarado to submit an application to the Texas Department of Agriculture. Ms. Cromer advised that the purpose of the application is to seek funding for downtown revitalization, which, if awarded, would support infrastructure improvements within the downtown area.

Councilmember Keeton motioned to approve Resolution No. R2026-0012; A Resolution of the City of Alvarado, Texas; Authorizing the Submission of an Application to the Texas Department of Agriculture for funding under the Texas Community Development Block Grant (TxCDBG) Program – Downtown Revitalization (DR) Category.

Councilmember Short seconded the motion.
No opposition, No abstentions
Vote: Motion passed unanimously.

7. First Reading of Resolution No. R2026-0013; A Resolution of the City of Alvarado, Texas, authorizing the Alvarado Economic Development Corporation (AEDC) to negotiate and execute an Economic Development Agreement with Halfie's Rambles, LLC regarding Project Yellow Submarine for the development of a café called Den Chan Cafe to 110 W College Ave; providing an effective date; and establishing that this project is a business attraction and downtown revitalization effort. (Cromer)

Hillary Cromer presented a resolution to the City Council on first reading. The resolution authorizes the City to proceed with negotiations related to Den Chan Cafe, which is proposed to open at 110 W. College Avenue.

No action was taken at this time.

Mayor Wheat adjourned for a short recess at 7:50 p.m.

Mayor Wheat reconvened the City Council meeting at 8:00 p.m.

8. Consideration and action related to Resolution No. R2026-0014; A Resolution of the City Council of the City of Alvarado, Texas, approving a purchase of approximately 0.539 acres of surplus real property identified as Tract No. 2, located at Business Highway 67 (West College Street); and authorizing the City Manager to execute all necessary documents to complete the transaction. (Cromer)

Hillary Cromer presented Resolution No. R2026-0014 to the City Council, explaining that the Texas Department of Transportation has approached the City regarding the potential purchase of a 0.539-acre tract of land located along Business Highway 67. Ms. Cromer advised that the Texas Department of Transportation has declared the property surplus and offered it to the City for purchase.

Councilmember Moon motioned to approve Resolution No. R2026-0014 approving a purchase of approximately 0.539 acres of surplus real property identified as Tract No. 2, located at Business Highway 67 (West College Street); and authorizing the City Manager to execute all necessary documents to complete the transaction.

Mayor Pro Tem Thomas seconded the motion.
No opposition, No abstentions
Vote: Motion passed unanimously.

9. Consideration and action related to Resolution No. R2026-0015; A Resolution of the City Council of the City of Alvarado, Texas, accepting a quitclaim deed from the Texas Department of Transportation (TxDot) conveying any right, title, and interest of the State in approximately 0.718 acres identified as

Tract No. 1, located at Business Highway 35 (N. Parkway Drive); and authorizing the City Manager to execute all necessary documents to complete the transaction. (Cromer)

Hillary Cromer presented a resolution regarding a proposed quitclaim conveyance from the Texas Department of Transportation to the City of Alvarado of a 0.718-acre tract that TxDOT declared to be surplus property.

Councilmember Keeton motioned to approve Resolution No. R2026-0015; accepting a quitclaim deed from the Texas Department of Transportation (TxDot) conveying any right, title, and interest of the State in approximately 0.718 acres identified as Tract No. 1, located at Business Highway 35 (N. Parkway Drive); and authorizing the City Manager to execute all necessary documents to complete the transaction.

Councilmember Short seconded the motion.
No opposition, No abstentions
Vote: Motion passed unanimously.

10. Consideration and action related to the approval of the reconstruction of the Alvarado Boat Ramp. (Chavarria)

Gus Chavarria presented the City Council with an option to approve the reconstruction of the Alvarado Boat Ramp, discussing proposed materials, project area, pricing, and related considerations.

Councilmember Moon motioned to approve the reconstruction of the Alvarado Boat Ramp in an amount not to exceed $179,435.00.

Councilmember Keeton seconded the motion.
No opposition, No abstentions
Vote: Motion passed unanimously.

11. Consideration and action related to a Development Agreement between Alvarado 228 Development LLC, Avalon Development Group, LLC, and the City of Alvarado for the Chambers Creek Development. (DeBuff, French)

City Manager Paul DeBuff introduced Ted Murphy, who presented a proposed Development Agreement for Avalon Development Group LLC. Mr. Murphy discussed the Chambers Creek development, a ±228-acre master-planned community located adjacent to Alvarado High School, with access from I-35 frontage roads and Maple Avenue.

No action taken.

12. Consideration and action on approving Resolution R2026-0016 of the City Council of the City of Alvarado, Texas, accepting a petition for the creation of the Chambers Creek Public Improvement District within the extraterritorial jurisdiction of the City of Alvarado and calling a public hearing. (DeBuff, French)

Councilmember Moon motioned to approve Resolution R2026-0016 of the City Council of the City of Alvarado, Texas, accepting a petition for the creation of the Chambers Creek Public Improvement District within the extraterritorial jurisdiction of the City of Alvarado and calling a public hearing to be held on April 20, 2026.

Mayor Pro Tem Thomas seconded the motion.
Councilmember Keeton opposed, No abstentions
Vote: Motion passed.

13. Public hearing, consideration, and action related to Ordinance 2026-0003; an Ordinance adopting the Comprehensive Plan for the City of Alvarado, including the Downtown Master Plan and the Park Master Plan. (French, LJA)

Item moved prior to Item 5.

EXECUTIVE SESSION

Mayor Wheat adjourned the meeting into Executive Session at 8:56 p.m.

14. **§ 551.071. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a 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 the provisions of Chapter 551, including the following items:**

    - Any item on the agenda.

15. **§ 551.072. Deliberation Regarding Real Property; Closed Meeting. A governmental body may conduct a closed meeting 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.**

    - 210 S. Parkway Dr. (Cromer)

16. **§551.087. Deliberation Regarding Economic Development Negotiations. To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).**

    - 203 S. Friou (Cromer)
    - Project 200 Maple (Cromer)

RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

Mayor Wheat reconvened into open session at 9:37 p.m.

ADJOURNMENT

Mayor Wheat adjourned the meeting at 9:37 p.m.

_____
Mayor, Jacob Wheat

_____
City Secretary, Bobbie Jo Taylor TRMC, MMC

City Council Management Report
Meeting Date: 4/20/2026
Contact: Bobbie Jo Taylor, City Secretary

AGENDA ITEM:
March 23, 2026, City Council Meeting Special Called Meeting Minutes. (Taylor)

BACKGROUND & FINDINGS:

FINANCIAL IMPACT:

RECOMMENDATION:
Approval

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. March 23, 2026, Special Called City Council Meeting Minutes

CITY OF ALVARADO
County of Johnson
State of Texas
3/23/2026
City Council Special Meeting Minutes

CALL TO ORDER

Roll Call

The City Council of the City of Alvarado met in a Special Called Session on Monday, March 23, 2026, at 6:30 PM. The following were present:

PRESENT:	Councilmember Ward II Cherry Bryant Councilmember Ward I Beverly Short Mayor Pro Tem Ward III Kevin Thomas Councilmember Ward I Carrie Keeton
ABSENT:	Councilmember Ward III Scott Arthur Councilmember Ward II Lydia Moon
OTHERS PRESENT:	City Manager, Paul DeBuff City Secretary, Bobbie Jo Taylor City Attorney, Ashley Dierker Chief of Police, Teddy May Fire Marshal, Adam Sharpe Administrative Services Director, Donielle Suber Human Resources Manager, Sarah Licitra Chief Financial Officer, Laura Cox Director of Economic Development, Hillary Cromer

Mayor Jacob Wheat called the meeting to order at 6:30 PM and led the invocation.

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT

This is an opportunity for citizens to address the convened City Council of this meeting on any matter. The presiding officer may ask for the citizen to hold his or her comment on an agenda item until that agenda item is reached. Any response from a member of the convened City Council to comments related to items not on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future meeting. Citizens may obtain a form to speak by requesting it from the City Secretary or the City Marshal prior to the start of the meeting.

COUNCIL COMMENTS

Pursuant to LGC Section 551.0415, City Council Members may make a report about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;

- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

INTRODUCTION OF NEW EMPLOYEES

CONSENT AGENDA

1. **Second Reading of Resolution No. R2026-0004; A Resolution of the City of Alvarado, Texas, authorizing the Alvarado Economic Development Corporation (AEDC) to negotiate and execute an Economic Development Agreement with Empire Investments, LLC regarding Project Hearth for the development of a restaurant named Empire Steaks and Burgers to 209 E College Ave; providing an effective date; and establishing that this project is a business attraction and downtown revitalization effort. (Cromer)**

2. **Second Reading of Resolution No. R2026-0013; A Resolution of the City of Alvarado, Texas, authorizing the Alvarado Economic Development Corporation (AEDC) to negotiate and execute an Economic Development Agreement with Halfie's Rambles, LLC regarding Project Yellow Submarine for the development of a café called Den Chan Cafe to 110 W College Ave; providing an effective date; and establishing that this project is a business attraction and downtown revitalization effort. (Cromer)**

Mayor Pro Tem Thomas motioned to approve the Consent Agenda.

Councilmember Bryant seconded the motion.
No opposition, No abstentions
Vote: Motion passed unanimously.

NEW BUSINESS

3. **Consideration and action related to Resolution No. R2026-0017, A Resolution of the City of Alvarado, Texas, Authorizing Alvarado representatives in matters pertaining to the City's participation in the Texas Community Development Block Grant (TxCDBG) Program. (Suber)**

Director of Administrative Services Donielle Suber presented a Resolution to the City Council authorizing the City to participate in the Texas Community Development Block Grant (TxCDBG) Program. Ms. Suber advised that the Resolution establishes citizen participation and ensures compliance with federal and state regulations. She also stated that the Resolution designates the Mayor and/or City Manager as authorized signatories on behalf of the City.

The City Council discussed potential roadway project types and the required grant funding match with Ms. Suber. As the subsequent agenda item was closely related, the Council proceeded to the next item for continued discussion.

4. **Consideration and action related to Resolution R2026-0018, a Resolution of the City of Alvarado, Texas, authorizing the Award of a Professional Service Provider Contract for the 2025–2026 Texas Community Development Block Grant (TxCDBG) Fund Program. (Suber)**

The Council continued its discussion regarding grant funding, with Ms. Suber presenting a Resolution to award the Professional Service Provider for the grant contract.

Councilmember Bryant motioned to approve Resolution No. R2026-0017 Authorizing Alvarado to participate in the Texas

Community Block Grant Program and Resolution No. R2026-0018 authorizing the Award of a Professional Service Provider Contract for the 2025-2026 Texas Community Development Block Grant Fund Program to Westwood Engineering

Mayor Pro Tem Thomas seconded the motion.
No opposition, No abstentions
Vote: Motion passed unanimously.

5. Consideration and action related to a Development Agreement between Alvarado 228 Development LLC, Avalon Development Group, LLC, and the City of Alvarado for the Chambers Creek Development. (DeBuff, French)

The City Manager, Paul DeBuff, introduced Mr. Ted Murphy, representing the development, and Mr. J.D. Wood. Mr. Wood presented the Sportsplex proposal to the Council, which is proposed to be located within the upcoming Chambers Creek Development, if approved. The Council held discussions with representatives from the Chambers Creek Development regarding the proposal.

No action was taken at this time.

EXECUTIVE SESSION

Mayor Wheat adjourned into Executive Session at 7:07 p.m.

6. § 551.071. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council REGULAR City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a 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 the provisions of Chapter 551, including the following items:

- Any item on the agenda.

7. §551.087. Deliberation Regarding Economic Development Negotiations. To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- Chambers Creek Development

RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

Mayor Wheat reconvened into Open Session at 7:26 p.m.

No action was taken as a result of the Executive Session.

ADJOURNMENT

Mayor Wheat adjourned the Executive Session at 7:26 p.m.

_____
Mayor Jacob Wheat

_____
Bobbie Jo Taylor, City Secretary

City Council Management Report
Meeting Date: 4/20/2026
Contact: Donielle Suber, Director of Administrative Services

AGENDA ITEM:
Consideration and action related to Resolution No. R2026-0022; A Resolution of the City of Alvarado, determining costs and calling a Public Hearing to consider an ordinance levying assessments on property located within the Alvarado 215 Public Improvement District (Lennar/Valor Cost Determining Resolution), and directing the publication and mailing of notice of such Public Hearing. (Suber)

BACKGROUND & FINDINGS:
The proposed Preliminary Service and Assessment Plan (SAP) for the Alvarado 215 (Lennar/Valor Addition) Public Improvement District was prepared in accordance with Chapter 372 of the Texas Local Government and provides preliminary estimated costs of authorized public improvements, for the first improvement area and future improvement areas, along with the financing approach for the PID. This proposed SAP also describes how assessment costs will be shared among properties within the PID and how payments will be collected. Authorized Improvements include roadway, streets, water, wastewater, drainage, retaining wall, landscaping, utilities improvements, and other soft costs (i.e., professional services).

FINANCIAL IMPACT:
There is no financial impact.

RECOMMENDATION:
Staff recommends City Council act on Resolution No. R2026-0022, determining costs, calling a Public Hearing to consider levying assessments within the Alvarado 215 (Valor Addition) PID and directing notice of the hearing.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Alvarado 215 PID Draft SAP - v2.1

ALVARADO 215
PUBLIC IMPROVEMENT DISTRICT

ALVARADO, TEXAS

PRELIMINARY SERVICE AND ASSESSMENT PLAN

April 20, 2026

PREPARED BY:

MUNICAP, INC.
PUBLIC FINANCE

ALVARADO 215
PUBLIC IMPROVEMENT DISTRICT

PRELIMINARY SERVICE AND ASSESSMENT PLAN

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I. PLAN DESCRIPTION AND DEFINED TERMS

A. INTRODUCTION

On July 18, 2022, the City Council of the City of Alvarado, Texas (the "City Council") passed and approved a resolution (the "Creation Resolution") approving and authorizing the creation of the Alvarado 215 Public Improvement District (the "PID") to finance the costs of certain public improvements for the benefit of property in the PID.

The property in the PID is proposed to be developed in multiple phases, and the PID will finance public improvements in phases as the property is developed. As described here in, Assessments will be imposed on the parcels that receive a special benefit from the Authorized Improvements (as defined herein).

Chapter 372 of the Texas Local Government Code, as amended, the "Public Improvement District Assessment Act" (the "PID Act"), governs the creation and operation of public improvement districts within the State of Texas. This Alvarado 215 Public Improvement District Service and Assessment Plan (the "Service and Assessment Plan") has been prepared in accordance with the PID Act and specifically Sections 372.013, 372.014, 372.015 and 372.016, which address the requirements of a service and assessment plan and the assessment roll. Section 372.013 of the PID Act requires a service plan to "(i) cover a period of at least five years; (ii) define the annual indebtedness and the projected costs for improvements; and (iii) include a copy of the notice form required by Section 5.014, Property Code." The service plan is described in Section IV of this Service and Assessment Plan. The copy of the notice form required by Section 5.014 of the Texas Property Code, as amended, is attached hereto as Appendix E.

Section 372.014 of the PID Act requires that "an assessment plan must be included in the annual service plan." The assessment plan is described in Section V of this Service and Assessment Plan.

Section 372.015 of the PID Act requires that "the governing body of the municipality or county shall apportion the cost of an improvement to be assessed against property in an improvement district." The method of assessing the costs of the Authorized Improvements and apportionment of such costs to the property in the PID is included in the Creation Resolution and Section V of this Service and Assessment Plan.

Section 372.016 of the PID Act requires that "after the total cost of an improvement is determined, the governing body of the municipality or county shall prepare a proposed assessment roll. The roll must state the assessment against each parcel of land in the district, as determined by the method of assessment chosen by the municipality or county under this subchapter." The Assessment Roll for the PID is included as Appendix G of this Service and Assessment Plan and additional Assessment Rolls may be added to this Service and Assessment Plan in the future. The Assessments as shown on each Assessment Roll are based on the method of assessment and apportionment of costs described in Section V of this Service and Assessment Plan.

B. DEFINITIONS

Capitalized terms used herein shall have the meanings ascribed to them as follows:

"Actual Cost(s)" means, with respect to an Authorized Improvement, the demonstrated, reasonable, allocable, and allowable costs of constructing such Authorized Improvement, as specified in a payment request in a form that has been reviewed and approved by the City. Actual Cost may include (a) the costs for the design, planning, financing, administration, management, acquisition, installation, construction and/or implementation of such Authorized Improvement, including general contractor construction management fees, if any, (b) the costs of preparing the construction plans for such Authorized Improvement, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Authorized Improvement, (d) the costs for external professional costs associated with such Authorized Improvement, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, marketing and research studies, appraisals, legal, accounting and similar professional services, taxes (e) the costs of all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and material men in connection with the acquisition, construction or implementation of the Authorized Improvements, and (f) all related permitting, zoning and public approval expenses, architectural, engineering, legal, and consulting fees, financing charges, taxes, governmental fees and charges (including inspection fees, City permit fees, development fees), insurance premiums, and miscellaneous expenses.

Actual Costs include general contractor's fees in an amount up to a percentage equal to the percentage of work completed and accepted by the City or construction management fees in an amount up to five percent of the eligible Actual Costs described in a payment request in a form that has been reviewed and approved by the City. The amounts expended on legal costs, taxes, governmental fees, insurance premiums, permits, financing costs, and appraisals shall be excluded from the base upon which the general contractor and construction management fees are calculated.

"Additional Interest" means the up to 0.50% additional interest rate charged on Assessments (if applicable) pursuant to Section 372.018 of the PID Act.

"Additional Interest Component" means the amount collected by application of the Additional Interest.

"Administrative Expenses" mean the administrative, organization, maintenance and operation costs associated with, or incident to, the administration, organization, maintenance and operation of the PID, including, but not limited to, the costs of: (i) creating and organizing the PID, including conducting hearings, preparing notices and petitions, and all costs incident thereto, including engineering fees, legal fees and consultant fees, (ii) the annual administrative, organization, maintenance, and operation costs and expenses associated with, or incident and allocable to, the administration, organization, and operation of the PID, (iii) computing, levying, billing and collecting Assessments or the Annual Installments thereof, (iv) maintaining the record of installments of the Assessments and the system of registration and transfer of the Bonds, (v) invoicing, paying redeeming, and servicing payment on the Bonds, (vi) investing or depositing of monies, (vii) complying with the PID Act and other laws applicable to the Bonds, (viii) the Trustee

fees and expenses relating to the Bonds, including reasonable fees, (ix) legal counsel, engineers, accountants, financial advisors, investment bankers or other PID consultants and advisors, and (x) administering the construction of the Authorized Improvements. Administrative Expenses do not include payment of the actual principal of, redemption premium, if any, and interest on the Bonds. Administrative Expenses collected and not expended for actual Administrative Expenses in one year shall be carried forward and applied to reduce Administrative Expenses in subsequent years to avoid the over-collection of amounts to pay Administrative Expenses.

"Administrator" means the City Manager, city staff, or any person or firm specifically designated by the City, who shall have the responsibilities provided for herein.

"Annual Installment" means, with respect to each Parcel of Assessed Property, each annual payment of: (i) the Assessments including both principal and interest, as shown on the Assessment Rolls attached hereto as Appendix G or in an Annual Service Plan Update, and calculated as provided in Section VI of this Service and Assessment Plan, (ii) the Additional Interest Component designated for the Delinquency and Prepayment Reserve described in Section V of this Service and Assessment Plan, and (iii) the Administrative Expenses.

"Annual Service Plan Update" has the meaning set forth in the fourth paragraph of Section IV of this Service and Assessment Plan.

"Assessed Property" means the Parcels that benefit from the Authorized Improvements to be and on which Assessments have been imposed as shown in the Assessment Roll (as each Assessment Roll is updated each year by the Annual Service Plan Update). Assessed Property includes all Parcels shown on the Assessment Rolls and excludes Non-Benefited Property.

"Assessment" means an assessment levied against a Parcel imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on any Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act. An Assessment for a Parcel consists of the Annual Installments to be collected in all years including the portion of those Annual Installments collected to pay Administrative Expenses and interest on all Assessments.

"Assessment Ordinance" means each Assessment Ordinance adopted by the City Council levying the Assessments against the Assessed Property.

"Assessment Revenues" mean the revenues actually received by or on behalf of the City from the collection of Assessments.

"Assessment Roll" means, as applicable, the Improvement Area #1 Assessment Roll, or any other future Assessment Roll in an amendment or supplement to this Service and Assessment Plan or in an Annual Service Plan Update, as each may be updated, modified, or amended from time to time in accordance with the procedures set forth in this Service and Assessment Plan and in the PID Act and approved by the City Council.

"Authorized Improvements" mean those public improvements, including Major Improvements and Improvement Area #1 Improvements, described in Appendix B of this Service and Assessment Plan and Section 372.003 of the PID Act, constructed and installed in accordance with this Service and Assessment Plan, and any future updates and/or amendments.

"Bonds" mean any bonds issued by the City in one or more series and secured in whole or in part by the Assessment Revenues.

"Budgeted Cost(s)" means the amounts budgeted to construct the Authorized Improvements as used in the preparation of this Service and Assessment Plan.

"Certification for Payment" means the certificate to be provided by the Developer, or his designee, to substantiate the Actual Cost of one or more Authorized Improvements.

"City" means the City of Alvarado, Texas.

"County" means Johnson County, Texas.

"Delinquency and Prepayment Reserve" is the account funded from the Additional Interest Component of the Annual Installments and to be used for paying interest associated with a prepayment and to offset any possible delinquency related costs as set forth in Section V.G of this Service and Assessment Plan.

"Delinquent Collection Costs" mean interest, penalties and expenses incurred or imposed with respect to any delinquent installment of an Assessment in accordance with the PID Act and the costs related to pursuing collection of a delinquent Assessment and foreclosing the lien against the Assessed Property, including attorney's fees.

"Developer" means, Lennar Homes of Texas Land and Construction Ltd, a Texas limited liability company.

"Development Agreement" means that certain Development Agreement among 215/67/Alvarado, LLC, a Wyoming limited liability company, and the City of Alvarado, Texas approved by the City on April 6, 2022, as partially assigned to Lennar Homes of Texas Land and Construction, Ltd., a Texas limited partnership, pursuant to that certain Partial Assignment and Assumption of Development Agreement, dated November 6, 2024, and as may be amended from time to time.

"Equivalent Units" means, as to any Parcel, the number of dwelling units by lot type expected to be built on the Parcel multiplied by the factors calculated and shown in Appendix F attached hereto.

"Future Improvement Area(s)" means Improvement Areas that are fully developed after Improvement Area #1, as such areas are generally depicted and described in Appendix A.

"Future Improvement Area Improvements" means those Authorized Improvements associated with any Future Improvement Area(s).

"Homeowner Association" means a homeowner's association or property owners' association established for the benefit of property owners within the boundaries of the PID.

"Homeowner Association Property" means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to, whether in fee simple or through an exclusive use easement, a Homeowner's Association.

"Improvement Area" means one or more Parcels within the PID that will be developed in the same general time period. The Parcels within an Improvement Area will be assessed for Authorized Improvements (or the portion thereof) designated in an update to this Service and Assessment Plan that specially benefit the Parcels within the Improvement Area.

"Improvement Area #1" means the initial improvement area to be developed and generally shown in Appendix A, as specifically depicted and described as the sum of all Parcels shown in Appendix G.

"Improvement Area #1 Assessed Property" means all Parcels within Improvement Area #1 other than Non-Benefited Property and shown in the Improvement Area #1 Assessment Roll against which an Assessment relating to the Improvement Area #1 Projects is levied.

"Improvement Area #1 Assessment Revenues" mean the actual revenues received by or on behalf of the City from the collection of Assessments levied against Improvement Area #1 Assessed Property, or the Annual Installments thereof, for the Improvement Area #1 Projects.

"Improvement Area #1 Assessment Roll" means the document included in this Service and Assessment Plan as Appendix G, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of Bonds or in connection with any Annual Service Plan Update.

"Improvement Area #1 Improvements" mean the Authorized Improvements which only benefit Improvement Area #1 Assessed Property, which are described in Section III.C.

"Improvement Area #1 Maximum Assessment Per Unit" means for Improvement Area #1 an Assessment per unit for Improvement Area #1 Projects for each applicable Lot Type as follows:

Lot Type 1 - $21,908.00
Lot Type 2 - $18,840.88

"**Improvement Area #1 Projects**" mean (i) the pro rata portion of the Major Improvements allocable to Improvement Area #1, and (ii) the Improvement Area #1 Improvements.

"**Improvement Area #1 Reimbursement Agreement**" means that certain Agreement for the Construction and Funding of Authorized Improvements and Reimbursement of Advances by and between the City and the Developer.

"Improvement Area #1 Reimbursement Agreement Obligation" means the reimbursement obligation related to the Actual Costs of the Improvement Area #1 Projects to be paid from Assessments secured by the Improvement Area #1 Assessed Property for the Improvement Area #1 Projects under the terms of the Improvement Area #1 Reimbursement Agreement and/or a series of Future Improvement Area Bonds.

"Lot" means a tract of land described as a "lot" in a subdivision plat recorded in the official public records of the County.

"Lot Type" means a classification of final building lots with similar characteristics (e.g. commercial, light industrial, multifamily residential, single family residential, etc.), as determined by the Administrator and confirmed by the City Council as shown in Appendix F. In the case of single family residential lots, the Lot Type shall be further defined by classifying the residential lots by the estimated average home value for each home at the time of assessment levy, considering factors such as density, lot size, proximity to amenities, view premiums, location, and any other factors that may impact the average home value on the lot, as determined by the Administrator and confirmed by the City Council.

"Major Improvements" mean the Authorized Improvements which benefit all Assessed Property within the PID and are described in Section III.B.

"Non-Benefited Property" means Parcels that accrue no special benefit from the Authorized Improvements, including Homeowner Association Property, Public Property and easements that create an exclusive use for a public utility provider to the extent they accrue no special benefit. Property identified as Non-Benefited Property at the time the Assessments (i) are imposed or (ii) are reallocated pursuant to a subdivision of a Parcel, is not assessed. Assessed Property converted to Non-Benefited Property, if the Assessments may not be reallocated pursuant to the provisions herein, remains subject to the Assessments and requires the Assessments to be prepaid as provided for in Section VI.E.

"Parcel" or **"Parcels"** means a parcel or parcels within the PID identified by either a tax map identification number assigned by the Johnson Central Appraisal District for real property tax purposes or by lot and block number in a final subdivision plat recorded in the real property records of the County.

"PID" has the meaning set forth in Section I.A of this Service and Assessment Plan.

"PID Act" means Texas Local Government Code Chapter 372, Public Improvement District Assessment Act, Subchapter A, Public Improvement Districts, as amended.

"Prepayment Costs" mean interest and expenses to the date of prepayment, plus any additional expenses related to the prepayment, reasonably expected to be incurred by or imposed upon the City as a result of any prepayment of an Assessment.

"Public Property" means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to the federal government, the State of Texas, the County, the City, a school district or any other public agency, whether in fee simple or through an exclusive use easement.

"Service and Assessment Plan" means this Service and Assessment Plan prepared for the PID pursuant to the PID Act, as the same may be amended from time to time.

"Trustee" means the fiscal agent or trustee as specified in the Trust Indenture, including a substitute fiscal agent or trustee.

"Trust Indenture" means an indenture of trust, ordinance or similar document setting forth the terms and other provisions relating to the Bonds, as modified, amended, and/or supplemented from time to time.

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II. PROPERTY INCLUDED IN THE PID

A. PROPERTY INCLUDED IN THE PID

The PID is located within the corporate limits of the City and contains approximately 215.20 acres of land. A map of the property within the PID is shown on Appendix A to this Service and Assessment Plan.

At completion, the PID is expected to consist of approximately 901 single-family residential units and includes infrastructure necessary to provide roadways, water, drainage, and utilities to the PID.

The property within the PID is proposed to be developed as follows:

Table II-A
Proposed Development

Proposed Development	Quantity	Measurement
Lot Type 1 (50/45 Ft)	694	Units
Lot Type 2 (40 Ft)	207	Units
Total	**901**	**Units**

B. PROPERTY INCLUDED IN IMPROVEMENT AREA #1

Improvement Area #1 consists of approximately 84.559 acres and is projected to consist of 316 single family residential units, to be developed as Improvement Area #1, as further described in Section III. A map of the property within Improvement Area #1 is shown in Appendix A.

The property within Improvement Area #1 is proposed to be developed as follows:

Table II-B
Proposed Development – Improvement Area #1

Proposed Development	Quantity	Measurement
Lot Type 1 (50/45 Ft)	183	Units
Lot Type 2 (40 Ft)	133	Units
Total	**316**	**Units**

C. PROPERTY INCLUDED IN THE FUTURE IMPROVEMENT AREA

The Future Improvement Area consists of approximately 130.641 acres and is projected to consist of approximately 585 residential units. A map of the property within the Future Improvement Area is shown in Appendix A.

The property within the Future Improvement Area is proposed to be developed as follows:

Table II-C
Proposed Development – Future Improvement Area

Proposed Development	Quantity	Measurement
Lot Type 1 (50/45 Ft)	511	Units
Lot Type 2 (40 Ft)	74	Units
Total	**585**	**Units**

As Future Improvement Areas are developed, Bonds may be issued for each new Improvement Area. In connection with the issuance of each new series of Bonds, this Service and Assessment Plan will be updated to add additional details of each new Improvement Area(s) as shown for Improvement Area #1 in Section II.B. A map of the projected property within each Future Improvement Area is shown in Appendix A. The Future Improvement Area(s) are shown for illustrative purposes only and are subject to adjustment. The current Parcels in the PID are shown on the Assessment Roll included as Appendix G and additional Assessment Rolls may be added to this Service and Assessment Plan as the Future Improvement Area(s) are developed.

The estimated number of units at the build-out of the PID is based on the land use approvals for the property, the anticipated subdivision of property in the PID, and the Developer's estimate of the highest and best use of the property within the PID.

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III. DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

A. AUTHORIZED IMPROVEMENT OVERVIEW

372.003. Authorized Improvements

(a) If the governing body of a municipality or county finds that it promotes the interests of the municipality or county, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality or county or the municipality's extraterritorial jurisdiction. A project may be undertaken in the municipality or county or the municipality's extraterritorial jurisdiction.

(b) A public improvement may include:

(i) landscaping;

(ii) erection of fountains, distinctive lighting, and signs;

(iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of way;

(iv) construction or improvement of pedestrian malls;

(v) acquisition and installation of pieces of art;

(vi) acquisition, construction, or improvement of libraries;

(vii) acquisition, construction, or improvement of off-street parking facilities;

(viii) acquisition, construction, improvement, or rerouting of mass transportation facilities;

(ix) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;

(x) the establishment or improvement of parks;

(xi) projects similar to those listed in Subdivisions (i)-(x);

(xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;

(xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement;

(xiv) payment of expenses incurred in the establishment, administration and operation of the district; and

(xv) the development, rehabilitation, or expansion of affordable housing

After analyzing the public improvement projects authorized by the PID Act, the City has determined at this time to undertake only Authorized Improvements listed in Section III.B and Section III.C and shown in the opinion of probable costs shown in Appendix B and on the diagrams included as Appendix D for the benefit of the Assessed Property. Any change to the list of Authorized Improvements will require the approval of the City and an update to this Service and Assessment Plan.

B. DESCRIPTIONS AND COSTS OF MAJOR IMPROVEMENTS

The Major Improvements descriptions are presented below as provided by the Project Engineer. The Budgeted Costs of the Major Improvements are shown in Table III-B and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

Roadway Improvements

The road improvement portion of the Major Improvements consists of the construction of road improvements, including related subgrade stabilization, concrete pavement with curb and gutter, signage, lighting, traffic signal installation, earthwork, excavation, erosion control, and testing which benefit the Assessed Property. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Improvements

The water improvements portion of the Major Improvements consists of construction and installation of a looped water main network, which includes trench excavation and embedment, trench safety, piping, valves, fire hydrant assemblies, service connections, testing, related earthwork, erosion control and all necessary appurtenances constructed to Johnson County Special Utility District ("JCSUD") standards required to provide water service to the Assessed Property. The water improvements will be designed and constructed in accordance with JCSUD standards and specifications and will be owned and operated by the JCSUD.

Sanitary Sewer Improvements

The sanitary sewer improvement portion of the Major Improvements consists of trench excavation and embedment, trench safety, piping, lift station, force main, manholes, service connections, testing, related earthwork, excavation, and erosion control to provide sanitary sewer service to Assessed Property. The sanitary sewer improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Storm Drainage Improvements

The storm drainage improvement portion of the Major Improvements consist of trench excavation and embedment, trench safety, piping, manholes, inlets, headwalls, testing, related earthwork, and erosion control. The storm drainage collection system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Other Soft and Miscellaneous Improvements

The other soft and miscellaneous portion of the Major Improvements consist of fees, related to designing, constructing, installing, and financing the Major Improvements, including land planning and design, engineering, soil testing, survey, construction management, legal fees, consultant fees,

contingency, inspection fees, district formation costs, and other PID costs incurred and paid by the Developer.

Table III-B
Estimated Major Improvement Costs

Authorized Improvements	Improvement Area #1 Allocable Share	Future Improvement Area Allocable Share	Total Estimated Major Improvement Costs
Hard Costs			
Roadway Improvements	$164,595	$318,055	$482,650
Water Improvements	$199,249	$385,018	$584,267
Storm Drainage Improvements	$125,467	$242,446	$367,913
Sanitary Sewer Improvements	$1,149,676	$2,221,567	$3,371,243
Sub-total hard costs	*$1,638,988*	*$3,167,085*	*$4,806,073*
Other Soft and Miscellaneous Costs			
Soft and Miscellaneous Costs	$126,558	$244,553	$371,111
Sub-total soft costs	*$126,558*	*$244,553*	*$371,111*
Total	**$1,765,545**	**$3,411,638**	**$5,177,184**

[1]Allocation of the Major Improvements are based on the methodologies described in Table V-A.
[2]Costs provided by Kimley Horn. The figures shown in Table III-B may be revised in Annual Service Plan Updates and may be reallocated between line items so long as the total Major Improvements does not change.

C. DESCRIPTIONS AND COSTS OF IMPROVEMENT AREA #1 IMPROVEMENTS

The Improvement Area #1 Improvements descriptions are presented below as provided by the Project Engineer. The Budgeted Costs of the Improvement Area #1 Improvements are shown in Table III-C and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

Roadway Improvements

The road improvement portion of the Improvement Area #1 Improvements consists of the construction of road improvements, including related subgrade stabilization, concrete pavement with curb and gutter, concrete sidewalk with ADA ramps, signage, lighting, earthwork, excavation, erosion control, and testing which benefit the Improvement Area #1 Assessed Property. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Improvements

The water improvements portion of the Improvement Area #1 Improvements consists of construction and installation of a looped water main network, which includes trench excavation and embedment, trench safety, piping, valves, fire hydrant assemblies, service connections, testing, related earthwork, erosion control and all necessary appurtenances constructed to Johnson County Special Utility

District ("JCSUD") standards required to provide water service to the Improvement Area #1 Assessed Property. The water improvements will be designed and constructed in accordance with JCSUD standards and specifications and will be owned and operated by the JCSUD.

Sanitary Sewer Improvements

The sanitary sewer improvement portion of the Improvement Area #1 Improvements consists of trench excavation and embedment, trench safety, piping, lift station, force main, manholes, service connections, testing, related earthwork, excavation, and erosion control to provide sanitary sewer service to Improvement Area #1 Assessed Property. The sanitary sewer improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Storm Drainage Improvements

The storm drainage improvement portion of the Improvement Area #1 Improvements consist of trench excavation and embedment, trench safety, piping, manholes, inlets, headwalls, testing, related earthwork, and erosion control. Also included are retention ponds consisting of clearing, excavation, piping for inbound and outbound drainage lines, outlet structures, and erosion control to provide adequate drainage to the Improvement Area #1 Assessed Property constructed within the boundaries of the PID. The storm drainage collection system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Landscaping Improvements

The landscaping improvement portion of the Improvement Area #1 Improvements consist of grading, landscaping, irrigation, entry monumentation, and seeding. The landscaping improvements will be designed and constructed in accordance with the applicable City standards and specifications and will be owned, operated, and maintained by the City.

Other Soft and Miscellaneous Improvements

The other soft and miscellaneous portion of the Improvement Area #1 Improvements consist of fees, related to designing, constructing, installing, and financing the Improvement Area No. 1 Improvements, including land planning and design, engineering, soil testing, survey, construction management, legal fees, consultant fees, contingency, inspection fees, district formation costs, and other PID costs incurred and paid by the Developer.

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Table III-C
Estimated Improvement Area #1 Project Costs

Description	Improvement Area #1 Improvements	Allocable Share of Major Improvements[1]	Improvement Area #1 Projects[2]
Hard Costs			
Roadway Improvements	$5,527,509	$164,595	$5,692,104
Water Improvements	$1,659,432	$199,249	$1,858,681
Sanitary Sewer Improvements	$1,439,698	$125,467	$1,565,165
Storm Drainage Improvements	$2,766,952	$1,149,676	$3,916,628
Landscaping	$657,696	$0	$657,696
Sub-total hard costs	*$12,051,287*	*$1,638,988*	*$13,690,274*
Other Soft and Miscellaneous Costs			
Soft and Miscellaneous Costs	$409,163	$126,558	$535,721
Sub-total other soft and miscellaneous costs	*$409,163*	*$126,558*	*$535,721*
Total	**$12,460,450**	**$1,765,545**	**$14,225,995**

[1]See Table III-B for details.
[2]Costs provided by Kimley Horn. The figures shown in Table III-C may be revised in Annual Service Plan Updates and may be reallocated between line items so long as the total Improvement Area #1 Projects does not change.

D. FUTURE IMPROVEMENT AREAS

As Future Improvement Areas are developed and Bonds are issued, this Service and Assessment Plan will be amended to identify the specific Future Improvement Area Improvements that confer a special benefit to the property inside each Future Improvement Area (e.g. a Table III-D will be added to show the costs for the Future Improvement Area Improvements financed within the specific Future Improvement Area being developed.)

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IV. SERVICE PLAN

A. PROJECTED SOURCES AND USES OF FUNDS

The PID Act requires the service plan to cover a period of at least five years. The service plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the PID during the five-year period. The Major Improvements are expected to be constructed and accepted by the City in the first quarter of 2028. The Improvement Area #1 Improvements are expected to be constructed and accepted by the City in the third quarter of 2026. At some point after all or a portion of the Improvement Area #1 Improvements are constructed, development in Future Improvement Areas will begin, with each Future Improvement Area to be subsequently developed corresponding to the Service and Assessment Plan to be updated with that development.

The Budgeted Costs for the Improvement Area #1 Projects and the expenses incurred in the establishment, administration, and operation of the PID allocable to Improvement Area #1 are $15,388,820 as shown in Table IV-A.

The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses, updating the estimated Authorized Improvement costs, and updating the Assessment Roll(s). Any update to this Service and Assessment Plan is herein referred to as an "Annual Service Plan Update."

As Future Improvement Areas are developed in connection with the issuance of Bonds, this Service and Assessment Plan will be amended (e.g. a new table will be added to show the projected sources and uses and five-year service plan for Improvement Area #2, etc.).

Improvement Area #1

Table IV-A shows the projected sources and uses for the Improvement Area #1 Projects allocable to the Improvement Area #1 Assessed Property. Tables included in this section may be rounded to the nearest whole dollar.

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Table IV-A
Estimated Sources and Uses – Improvement Area #1

Sources of Funds	Improvement Area #1 Bonds[2]
Assessment Amount	$6,515,000
Other funding sources[1]	$8,873,820
Total Sources	**$15,388,820**
Uses of Funds	
Allocable share of Major Improvements	
Hard Costs	
Roadway Improvements	$164,595
Water Improvements	$199,249
Storm Drainage Improvements	$125,467
Sanitary Sewer Improvements	$1,149,676
Sub-total hard costs	*$1,638,988*
Other Soft and Miscellaneous Costs	
Soft and Miscellaneous Costs	$126,558
Sub-total soft costs	*$126,558*
Subtotal Major Improvements	*$1,765,545*
Improvement Area #1 Improvements	
Hard Costs	
Roadway Improvements	$5,527,509
Water Improvements	$1,659,432
Sanitary Sewer Improvements	$1,439,698
Storm Drainage Improvements	$2,766,952
Landscaping	$657,696
Sub-total hard costs	*$12,051,287*
Other Soft and Miscellaneous Costs	
Soft and Miscellaneous Costs	$409,163
Sub-total other soft and miscellaneous costs	*$409,163*
Subtotal Improvement Area #1 Improvements	*$12,460,450*
Estimated Bond Issuance Costs	
Issuance costs	$390,900
Administrative expenses	$60,000
Underwriter's discount	$195,450
Capitalized interest	$0
Reserve fund	$516,475
Subtotal Estimated Bond Issuance Costs	*$1,162,825*
Total Uses	**$15,388,820**

[1]The other funding sources represent projects costs of the Improvement Area #1 Projects to be paid by the Developer without reimbursement from the City.
[2] See Table III-B and Table III-C for details.

Bonds may be issued in the future; and, to the extent provided by law, the proceeds from the Bonds will be used to reimburse certain Actual Costs paid by the Developer pursuant to the Improvement Area #1 Reimbursement Agreement Obligation and/or to pay any unpaid Actual Costs of the

Authorized Improvements required to be paid under the Improvement Area #1 Reimbursement Agreement as it relates to Improvement Area #1. In the event the financing capacity of the PID is reduced by appraisals, bond underwriting standards, interest rates, etc. the Assessments will be reduced to match the actual amount of PID Bonds to be issued for Improvement Area #1.

Future Improvement Areas

As Future Improvement Areas are developed, Bonds may be issued to finance the Authorized Improvements required for each new Improvement Area.

B. PROJECTED FIVE-YEAR SERVICE PLAN

Improvement Area #1

The annual projected costs and annual projected indebtedness for Improvement Area #1 is shown in Table IV-B. The annual projected costs and indebtedness is subject to revision, and each shall be updated in the Annual Service Plan Update to reflect any changes in the costs or indebtedness expected for each year.

Table IV-B
Annual Projected Costs and Annual Projected Indebtedness – Improvement Area #1

Year	Annual Projected Cost	Annual Projected Indebtedness	Other Funding Sources	Projected Improvement Area #1 Annual Installments
2026	$15,388,820	$6,515,000	$8,873,820	$0
2027	$0	$0	$0	$576,475
2028	$0	$0	$0	$575,630
2029	$0	$0	$0	$574,549
2030	$0	$0	$0	$574,232
2031	$0	$0	$0	$573,616
2032	$0	$0	$0	$573,700
Total	**$15,388,820**	**$6,515,000**	**$8,873,820**	**$3,448,202**

The annual projected costs shown in Table IV-B are the annual expenditures relating to the Improvement Area #1 Projects shown in Table III-C, and the costs associated with setting up the PID allocable to Improvement Area #1 shown in Table IV-B. The difference between the total projected cost and the total projected indebtedness, if any, is the amount contributed by the Developer.

As Future Improvement Areas are developed, in association with issuing Future Improvement Area Bonds and/or execution of a reimbursement agreement for each Future Improvement Area, a Table IV-C be added to identify the Authorized Improvements to be financed by each new series of the Future Improvement Area Bonds and/or reimbursement agreements and the projected indebtedness resulting from each additional series of the Future Improvement Area Bonds and/or reimbursement agreements.

C. PID ASSESSMENT NOTICE

The PID Act requires that this Service and Assessment Plan and each Annual Service Plan update include a copy of the notice form required by Section 5.014 of the Texas Property Code (the "PID Assessment Notice"). The PID Assessment Notice is attached hereto as Appendix E and may be updated in an Annual Service Plan Update.

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V. ASSESSMENT PLAN

A. INTRODUCTION

The PID Act requires the City Council to apportion the costs of the Authorized Improvements on the basis of special benefits conferred upon the property because of the Authorized Improvements. The PID Act provides that the costs of the Authorized Improvements may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

The proposed Authorized Improvement program anticipates reimbursement agreements potential followed by a series of bond financings that are intended to finance the public infrastructure required for the development. This financing will necessarily be undertaken in phases to coincide with the private investment and development of the Authorized Improvements. Following the levy of the Improvement Area #1 Assessment, subsequent financings may be issued and/or executed over the upcoming decade as the Future Improvement Areas of the development are gradually constructed.

The purpose of this gradual levy of Assessments and related execution of a reimbursement agreement and/or issuance of bonds in phases is to mirror the actual private development of the Authorized Improvements. The levy of Assessments and related execution of a reimbursement agreement to be levied are most prudently and efficiently utilized when directly coinciding with construction of public infrastructure needed for private development that is to occur once the infrastructure is completed; it is most effective to issue the Bonds and/or to execute the reimbursement agreements when the infrastructure is needed, not before. Furthermore, there is no economic advantage, and several disadvantages, to issuing debt and encumbering property within the PID prior to the need for the Authorized Improvements.

For the purposes of this Service and Assessment Plan, the City Council has determined that the Budgeted Costs of the Authorized Improvements shall be allocated as described below:

1. The costs of the Improvement Area #1 Projects shall be allocated on the basis of Equivalent Units calculated using the average home price of each Lot Type once such property is developed, and that such method of allocation will result in the imposition of equal shares of the costs of the Improvement Area #1 Projects to Parcels similarly benefited.

2. The Major Improvement costs are proportionally allocated to Future Improvement Areas and Improvement Area #1 Assessed Property based on estimated Equivalent Units calculated using the average home price for the Future Improvement Areas and Improvement Area #1 Assessed Property.

Table V-A provides the estimated allocation of costs of the Major Improvements between the Future Improvement Areas and Improvement Area #1.

At this time, it is impossible to determine with absolute certainty the amount of special benefit each Parcel within Future Improvement Areas will receive from the direct Authorized Improvements that will benefit each individual Improvement Area and that are to be financed with Bonds. Therefore, Parcels will only be assessed for the special benefits conferred upon the Parcel at this time because of the Improvement Area #1 Projects.

In connection with the issuance of Future Improvement Area Bonds and/or additional obligations created pursuant to a reimbursement agreement, this Service and Assessment Plan will be updated to reflect the special benefit each Parcel of Assessed Property within a Future Improvement Area receives from the specific Future Improvement Area Improvements funded with those Bonds issued with respect to that Future Improvement Areas. Prior to assessing Parcels located within Future Improvement Areas in connection with issuance of Bonds, each owner of the Parcels to be assessed must acknowledge that the Future Improvement Area Improvements to be financed confer a special benefit on their Parcel and must consent to the imposition of the Assessments to pay for the Actual Costs of such Future Improvement Area Improvements.

This section of this Service and Assessment Plan currently (i) describes the special benefit received by each Parcel within the PID as a result of the Major Improvements and Improvement Area #1 Improvements, as applicable, (ii) provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments to be levied on the Improvement Area #1 Assessed Property for such improvements, and (iii) establishes the methodologies by which the City Council allocates and reallocates the special benefit of the Major Improvements and Improvement Area #1 Improvements to Parcels in a manner that results in equal shares of the Actual Costs of such improvements being apportioned to Parcels similarly benefited. The determination by the City Council of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Developer and all future owners and developers of the Assessed Property.

As Future Improvement Areas are developed, in connection with the issuance of Bonds, this Service and Assessment Plan will be updated based on the City's determination of the assessment methodology for each Future Improvement Area.

B. SPECIAL BENEFIT

Assessed Property must receive a direct and special benefit from the Authorized Improvements, and this benefit must be equal to or greater than the amount of the Assessments. The Authorized Improvements are provided specifically for the benefit of the Assessed Property. The Authorized Improvements (more particularly described in line-item format in Appendix B to this Service and Assessment Plan) and the costs of issuance and payment of costs incurred in the establishment of the PID shown in Table IV-A are authorized by the PID Act. These Authorized Improvements are provided specifically for the benefit of the Assessed Property.

Each owner of the Assessed Property has acknowledged that the Authorized Improvements confer a special benefit on the Assessed Property and has consented to the imposition of the Assessments to pay for the Actual Costs associated therewith. Each of the owners is acting in its interest in consenting to this apportionment and levying of the Assessments because the special benefit

conferred upon the Assessed Property by the Authorized Improvements exceeds the amount of Assessments.

The Authorized Improvements provide a special benefit to the Assessed Property as a result of the close proximity of these improvements to the Assessed Property and the specific purpose of these improvements of providing infrastructure for the Assessed Property. In other words, the Assessed Property could not be used in the manner proposed without the construction of the Authorized Improvements. The Authorized Improvements are being provided specifically to meet the needs of the Assessed Property as required for the proposed use of the property.

The Assessments are being levied to provide the Authorized Improvements that are required for the highest and best use of the Assessed Property (i.e., the use of the property that is most valuable, including any costs associated with that use). Highest and best use can be defined as "the reasonably probable and legal use of property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." (*Dictionary of Real Estate Appraisal, Third Edition*.) The Authorized Improvements are expected to be required for the proposed use of the Assessed Property to be physically possible, appropriately supported, financially feasible, and maximally productive.

The Developer has evaluated the potential use of the property and has determined that the highest and best use of the property is the use intended and the legal use for the property as described in Section II of this Service and Assessment Plan. The use of the Assessed Property as described herein will require the construction of the Authorized Improvements.

The Assessments will repay financing that is on advantageous terms, as the Bonds issued to finance the Authorized Improvements will pay interest that is exempt from federal income tax. As a result, all other terms being equal (e.g., maturity, fixed vs. variable rate, credit quality), the tax-exempt bonds will have a lower interest rate than debt that is not tax-exempt. The Bonds also have a longer term than other available financings and may either be repaid or assumed by a buyer at the buyer's option. As a result of these advantageous terms, the financing provided by the PID is the most beneficial means of financing the Authorized Improvements.

Each owner of the Assessed Property will ratify, confirm, accept, agree to and approve: (i) the determinations and finding by the City Council as to the special benefits described in this Service and Assessment Plan and the Assessment Ordinance; (ii) the Service and Assessment Plan and the Assessment Ordinance, and (iii) the levying of Assessments on the Assessed Property. Use of the Assessed Property as described in this Service and Assessment Plan and as authorized by the PID Act requires that Authorized Improvements be acquired, constructed, installed, and/or improved. Funding the Actual Costs of the Authorized Improvements through the PID has been determined by the City Council to be the most beneficial means of doing so. As a result, the Authorized Improvements result in a special benefit to the Assessed Property, and this special benefit exceeds the amount of the Assessment. This conclusion is based on and supported by the evidence, information, and testimony provided to the City Council.

In summary, the Authorized Improvements result in a special benefit to the Assessed Property for the following reasons:

1. The Authorized Improvements are being provided specifically for the use of the Assessed Property, are necessary for the proposed best use of the property and provide a special benefit to the Assessed Property as a result;

2. The Developer has consented to the imposition of the Assessments for the purpose of providing the Authorized Improvements and the Developer is acting in its interest by consenting to this imposition;

3. The Authorized Improvements are required for the highest and best use of the property;

4. The highest and best use of the Assessed Property is the use of the Assessed Property that is most valuable (including any costs associated with the use of the Assessed Property);

5. Financing of the costs of the Authorized Improvement through the PID is determined to be the most beneficial means of providing for the Authorized Improvements; and,

6. As a result, the special benefits to the Assessed Property from the Authorized Improvements will be equal to or greater than the Assessments.

C. ALLOCATION OF COSTS TO ASSESSED PROPERTY

The Major Improvements will provide a special benefit to all property in the PID. Accordingly, the Budgeted Costs of the Major Improvements must be allocated throughout all Assessed Property in the District. Table V-A summarizes the allocation of Actual Costs for each type of Major Improvement. The costs shown in Table V-A are estimates and may be revised in Annual Service Plan Updates, but the related Assessment may not be increased.

The total projected Equivalent Units in the PID is calculated to be 872.02 (i.e., 297.38 + 574.64 = 872.02). Improvement Area #1 contains 316 residential units. As shown in Appendix F, the total Equivalent Units for Improvement Area #1 is calculated as 297.38. The Future Improvement Area is projected to contain 585 residential units resulting in a total of 574.64 Equivalent Units as shown in Appendix F. As a result, 34.10 percent of the Actual Costs of the Major Improvements (i.e. 297.38 ÷ 872.02 = 34.10%) are allocated to the Improvement Area #1 Assessed Property and 65.90 percent of the Actual Costs Major Improvements (i.e. 574.64 ÷ 872.02 = 65.90%) are allocated to the Future Improvement Area. The Improvement Area #1 Bonds will fund Improvement Area #1's proportionate share of the Actual Costs of the Major Improvements.

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Table V-A
Allocation of Major Improvement Costs

Authorized Improvement	Estimated Costs[1]
Roadway Improvements	$482,650
Water Improvements	$584,267
Storm Drainage Improvements	$367,913
Sanitary Sewer Improvements	$3,371,243
Soft and Miscellaneous Costs	$371,111
Total Major Improvements	**$5,177,184**
Improvement Area #1	
Projected Equivalent Units	297.38
% of total units	34.10%
Proportionate share of costs	**$1,765,545**
Future Improvement Area	
Projected Equivalent Units	574.64
% of total units	65.90%
Proportionate share of costs	**$3,411,638**

1 – See Table III-A for details.

D. ASSESSMENT METHODOLOGY

The costs of the Authorized Improvements may be assessed by the City Council against the Assessed Property so long as the special benefit conferred upon the Assessed Property by the Authorized Improvements equals or exceeds the Assessments. The costs of the Authorized Improvements may be assessed using any methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited.

1. Assessment Methodology for the Improvement Area #1 Projects

For purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Improvement Area #1 Projects, were allocated to the Improvement Area #1 Assessed Property by spreading the corresponding Assessment across the Parcels based on the estimated Equivalent Units as calculated and shown in Appendix F using the types and number of lots anticipated to be developed on each Parcel within Improvement Area #1.

Based on the estimates of the costs of the Improvement Area #1 Projects, as set forth in Table III-B and Table III-C, the City Council has determined that the benefit to Improvement Area #1 Assessed Property of the Improvement Area #1 Projects is at least equal to the Assessments levied on the Improvement Area #1 Assessed Property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the estimated Equivalent Units of each newly created Parcel. For residential Lots,

when final residential building sites are platted, Assessments will be apportioned proportionately among each Parcel based on the ratio of the estimated Equivalent Units at the time residential Lots are platted to the total estimated Equivalent Units for Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council.

The Assessment and Annual Installments for each Parcel or Lot located within Improvement Area #1 is shown on the Improvement Area #1 Assessment Roll, attached as Appendix G, and no Assessment shall be changed except as authorized by this Service and Assessment Plan or the PID Act.

2. Assessment Methodology for Future Improvement Areas

When any given Future Improvement Area is developed, and Future Improvement Area Bonds for that Future Improvement Areas are to be issued and/or a reimbursement agreement is executed, this Service and Assessment Plan will be amended to determine the assessment methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited within that Improvement Area.

E. ASSESSMENTS

The Assessments for Improvement Area #1 are being levied on each Parcel of Improvement Area #1 Assessed Property according to the Improvement Area #1 Assessment Roll, attached hereto as Appendix G. The Annual Installments of the Assessments for Improvement Area #1 will be collected at the time and in the amounts shown on the Improvement Area #1 Assessment Roll, subject to any revisions made during an Annual Service Plan Update. Non-Benefitted Property will not be subject to any Assessments.

See Appendix F for Assessment per unit, leverage, and estimated tax rate equivalent calculation details.

F. ADMINISTRATIVE EXPENSES

The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel based on the amount of Assessment levied against the Parcel. The Administrative Expenses shall be collected as part of and in the same manner as Annual Installments in the amounts shown on each Assessment Roll, which may be revised based on actual costs incurred in Annual Service Plan Updates.

G. DELINQUENCY AND PREPAYMENT RESERVE

Pursuant to the PID Act, the interest rate for any portion of the Assessments which secure a series of Bonds may exceed the actual interest rate per annum paid on the related Bonds, **if and when Bonds are issued**, by no more than one half of one percent (0.50%). The interest rate used to determine the Assessments that secure the Bonds is one half of one percent (0.50%) per annum higher than the actual rate paid on the Bonds, with the Additional Interest Component of the Annual Installments allocated to fund a reserve to be used for paying interest associated with a prepayment and to offset any possible delinquency related costs. The Delinquency and Prepayment Reserve

shall be funded until it reaches 5.50% of the outstanding Bonds unless otherwise stipulated in the Bond documents. Once the Delinquency and Prepayment Reserve is funded in full, the City may allocate the Additional Interest Component of the Annual Installments as provided in the applicable Trust Indenture. No Additional Interest will be collected from any portion of an Assessment which secures a reimbursement obligation and not a series of Bonds.

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VI. TERMS OF THE ASSESSMENTS

A. AMOUNT OF ASSESSMENTS AND ANNUAL INSTALLMENTS FOR PARCELS LOCATED WITHIN IMPROVEMENT AREA #1

The Assessment and Annual Installments for each Assessed Property located within Improvement Area #1 is shown on the Improvement Area #1 Assessment Roll, attached as Appendix G, and no Assessment for Improvement Area #1 shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Annual Installments shall be collected from the Improvement Area #1 Assessed Property in an amount sufficient to pay (i) principal and interest on the obligation under Improvement Area #1 Reimbursement Agreement, and (ii) to pay Administrative Expenses related to Improvement Area #1. If and when Improvement Area #1 Bonds are issued, the Annual Installments shall include Additional Interest as described in Section V.G. The Annual Installment for each Parcel shall be calculated by taking into consideration any available capitalized interest, or other funds applicable to the Parcel.

B. AMOUNT OF ASSESSMENTS AND ANNUAL INSTALLMENTS FOR PARCELS LOCATED WITHIN FUTURE IMPROVEMENT AREAS

As Future Improvement Areas are developed, this Service and Assessment Plan will be amended to determine the Assessment and Annual Installments for each Assessed Property located within Future Improvement Areas (e.g., an appendix will be added as the Assessment Roll for Improvement Area #2, etc.). The Assessments shall not exceed the benefit received by the Assessed Property.

C. REALLOCATION OF ASSESSMENTS

1. Subdivision

Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be reallocated among the new subdivided Parcels according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = the Assessment for each new subdivided Parcel
B = the Assessment for the Parcel prior to subdivision
C = the estimated number of Equivalent Units to be built on each new subdivided Parcel
D = the sum of the estimated number of Equivalent Units to be built on all of the new subdivided Parcels

The calculation of the estimated number of Equivalent Units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding the use of the Parcel. The estimate as confirmed shall be conclusive. The number of Equivalent Units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

The sum of the Assessments for all newly subdivided Parcels shall equal the Assessment for the Parcel prior to subdivision. The calculation shall be made separately for each newly subdivided Parcel. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the subdivision of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

2. Consolidation

Upon the consolidation of two or more Parcels, the Assessment for the consolidated Parcel shall be the sum of the Assessments for the Parcels prior to consolidation. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the consolidation of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

D. MANDATORY PREPAYMENT OF ASSESSMENTS

1. If a Parcel subject to Assessments is transferred to a party that is exempt from the payment of the Assessment under applicable law, or if an owner causes a Parcel subject to Assessments to become Non-Benefited Property, the owner of such Parcel shall pay to the City the full amount of the principal portion of the Assessment on such Parcel, plus all Prepayment Costs, prior to any such transfer or act.

2. If at any time the Assessment per unit on a Parcel in Improvement Area #1 exceeds the applicable Improvement Area #1 Maximum Assessment Per Unit calculated in this Service and Assessment Plan as a result of any changes in land use, subdivision, consolidation or reallocation of the Assessment authorized by this Service and Assessment Plan and initiated by the owner of the Parcel, then such owner shall pay to the City prior to the recordation of the document subdividing the Parcel the amount calculated by the Administrator by which the Assessment per unit for the Parcel exceeds the applicable Improvement Area #1 Maximum Assessment Per Unit calculated in this Service and Assessment Plan.

3. The payments required above shall be treated the same as any Assessment that is due and owing under the PID Act, the Assessment Ordinance, and this Service and Assessment Plan, including the same lien priority, penalties, procedures, and foreclosure specified by the PID Act.

E. REDUCTION OF ASSESSMENTS

1. If after all Authorized Improvements to be funded with a series of Bonds have been completed and Actual Costs for such Authorized Improvements are less than the Budgeted Costs of the Authorized Improvements used to calculate the Assessments securing such series of Bonds, resulting in excess Bond proceeds being available to redeem Bonds of such series, then the Assessment securing such series of Bonds for each Parcel of Assessed Property shall be reduced by the City Council pro rata such that the sum of the resulting reduced Assessments for all Assessed Properties equals the actual reduced Actual Costs and such excess Bond proceeds shall applied to redeem Bonds of such series. The Assessments shall not be reduced to an amount less than the related outstanding series of Bonds. If all of the Authorized Improvements are not completed, the City may reduce the Assessments in another method if it determines such method would better reflect the benefit received by the Parcels from the Authorized Improvements completed.

2. If all the Authorized Improvements are not undertaken, resulting in excess Bond proceeds being available to redeem Bonds, then the Assessments and Annual Installments for each Parcel shall be appropriately reduced by the City Council to reflect only the amounts required to repay the Bonds, including interest on the Bonds and Administrative Expenses, and such excess Bond proceeds shall be applied to redeem Bonds. The City Council may reduce the Assessments and the Annual Installments for each Parcel (i) in an amount that represents the Authorized Improvements provided for each Parcel or (ii) by an equal percentage calculated based on number of Equivalent Units, if determined by the City Council to be the most fair and practical means of reducing the Assessments for each Parcel, such that the sum of the resulting reduced Assessments equals the amount required to repay the Bonds, including interest on the Bonds and Administrative Expenses. The principal portion of the Assessment for each Parcel shall be reduced pro rata to the reduction in the Assessments for each Parcel such that the sum of the resulting reduced principal portion of the Bonds is equal to the outstanding principal amount of the Bonds.

F. PAYMENT OF ASSESSMENTS

1. Payment in Part or Full

(a) The Assessment for any Parcel may be paid in full at any time. Such payment shall include all Prepayment Costs. If prepayment in full will result in redemption of Bonds, the payment amount shall be reduced by the amount, if any, of interest through the date of redemption of Bonds and reserve funds applied to the redemption under the Trust Indenture, net of any other costs applicable to the redemption of Bonds.

(b) If an Annual Installment has been billed prior to payment in full of an Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount.

(c) Upon payment in full of the Assessment and all Prepayment Costs, the City shall deposit the payment in accordance with the Trust Indenture; whereupon, the Assessment shall be reduced to zero, and the owner's obligation to pay the Assessment and Annual Installments thereof shall automatically terminate.

(d) At the option of the owner, the Assessment on any Parcel plus Prepayment Costs may be paid in part in an amount sufficient to allow for a convenient redemption of Bonds as determined by the Administrator. Upon the payment of such amounts for a Parcel, the Assessment for the Parcel shall be reduced, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel shall be reduced to the extent the partial payment is made.

2. Payment in Annual Installments

The PID Act provides that an Assessment for a Parcel may be paid in full at any time. If not paid in full, the PID Act authorizes the Assessment to be paid in installments and additionally allows the City to collect interest, administrative expenses and other authorized charges in installments. An Assessment for a Parcel that is not paid in full will be collected in Annual Installments each year in the amounts shown on the Assessment Roll, as updated as provided for herein, which include interest, Administrative Expenses, and payments required for the Delinquency and Prepayment Reserve. Payment of the Annual Installments shall commence with tax bills mailed after the initial issuance of Bonds.

Improvement Area #1

The interest on the unpaid portion of each Assessment shall be paid: (i) at the rate of the actual interest on Bonds secured by such Assessment, if such Bonds are issued by the City, or (ii) if Bonds are not issued, at a rate (i) not to exceed five hundred basis points above the highest average index rate for tax-exempt bond reported in a daily or weekly bond index approved by the City and reported in the month prior to the establishment of the Assessment and continuing for a period of five years from such date, and (ii) not to exceed two hundred basis points above such bond index rate for the period beginning with the sixth year and shall continue until the Assessment is paid in full. The Improvement Area #1 Assessment Roll sets forth for each year the Annual Installment for each Parcel based on an estimated interest rate of 6.50% for years 1 through 30. Unless and until the City issues Bonds secured by Assessments levied against the Improvement Area #1 Assessed Property, the interest on obligation created under the Improvement Area #1 Reimbursement Agreement shall be paid based on an estimated interest rate of 6.50% per annum for years 1 through 30. Upon the issuance of Bonds for the Improvement Area #1 Projects, the Improvement Area #1 Reimbursement Agreement Obligation shall bear interest at the rate of the Bonds, plus additional interest under Section 372.018 of the PID Act, which rate may exceed the current rates set forth in the Improvement Area #1 Assessment Roll. The index approved by the Town is the *Bond Buyer Index* for which the highest average rate during the previous thirty days prior to the levy of Assessments was 5.04%. Furthermore, the Annual Installments may not exceed the amounts shown on the Improvement Area #1 Assessment Roll. The Improvement Area #1 Assessment Roll, shown in Appendix G, will be updated with the actual interest rates in the Improvement Area #1 Reimbursement Agreement Obligation.

The City reserves and shall have the right and option to refund the Bonds and/or issue additional Bonds in accordance with Section 372.027 of the PID Act. In the event of such refunding, the Administrator shall recalculate the Annual Installments, and if necessary, may adjust, or decrease, the amount of the Annual Installments so that total Annual Installments of Assessments will be

produced in annual amounts that are required to pay the refunding bonds when due and payable as required by and established in the ordinance and/or the indenture authorizing and securing the refunding bonds, and such refunding bonds shall constitute Bonds for purposes of this Service and Assessment Plan.

G. COLLECTION OF ANNUAL INSTALLMENTS

No less frequently than annually, the Administrator shall prepare, and the City Council shall consider, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include updated Assessment Rolls and a calculation of the Annual Installment for each Parcel. Administrative Expenses shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. Each Annual Installment shall be reduced by any credits applied under the applicable Trust Indenture, such as capitalized interest, interest earnings on any account balances, and any other funds available to the Trustee for such purpose, including any existing deposits for a prepayment reserve. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes and shall be subject to the same penalties, procedures, and foreclosure sale in case of delinquencies as are provided for ad valorem taxes of the City. The City Council may provide for other means of collecting the Annual Installments to the extent permitted under the PID Act. The Assessments shall have lien priority as specified in the PID Act.

Any sale of property for nonpayment of the Annual Installments shall be subject to the lien established for the remaining unpaid Annual Installments against such property and such property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-delinquent Annual Installments against such property as they become due and payable.

The collection of the first Annual Installment for an Improvement Area #1 Lot or Parcel shall commence upon the earlier of: (i) with tax bills sent the first October after issuance of a series of Bonds, or (ii) September 1, 2027, such that all Assessments in the applicable Improvement Area begin collection immediately after the expiration of such two-year period.

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VII. THE ASSESSMENT ROLL

A. IMPROVEMENT AREA #1 ASSESSMENT ROLL

The City Council has evaluated each Parcel in Improvement Area #1 (based on numerous factors such as the applicable zoning for developable area, the use of proposed Homeowner Association Property, the Public Property, the types of public improvements, and other development factors deemed relevant by the City Council) to determine the amount of Assessed Property within the Improvement Area #1.

The Improvement Area #1 Assessed Property is being assessed for the special benefits conferred upon the property resulting from the Improvement Area #1 Projects. Table VII-A summarizes the $15,388,820 in special benefit received by the Improvement Area #1 Assessed Property from the Improvement Area #1 Projects and the costs of the PID formation. The Assessment amount of the Improvement Area #1 Reimbursement Agreement is $6,515,000, which is less than the benefit received by the Improvement Area #1 Assessed Property. Accordingly, the total Assessment to be applied to all the Improvement Area #1 Assessed Property is $6,515,000 plus, interest, and annual Administrative Expenses. The Assessment for each Improvement Area #1 Assessed Property is calculated based on the allocation methodologies described in Section V.D. The Improvement Area #1 Assessment Roll is attached hereto as Appendix G.

Table VII-A
Special Benefit Summary – Improvement Area #1

Special Benefit	Total Cost
Total Improvement Area #1 Projects[1]	$14,225,995
Estimated Bond Issuance Costs	
Issuance costs	$390,900
Administrative expenses	$60,000
Underwriter's discount	$195,450
Capitalized interest	$0
Reserve fund	$516,475
Subtotal Estimated Bond Issuance Costs	$1,162,825
Total Special Benefit	**$15,388,820**
Special Benefit:	
Total Special Benefit	$15,388,820
Projected Special Assessment	$6,515,000
Excess Benefit	**$8,873,820**

[1]See Table III-C for details.

B. Future Improvement Areas Assessment Rolls

As Future Improvement Areas are developed, this Service and Assessment Plan will be amended to determine the Assessment for each Parcel or Lot located within such Future Improvement Areas (e.g. an appendix will be added as the Assessment Roll for Future Improvement Areas).

C. Annual Assessment Roll Updates

The Administrator shall prepare, and shall submit to the City Council for approval, annual updates to each Assessment Roll in conjunction with the Annual Service Plan Update to reflect the following matters, together with any other changes helpful to the Administrator or the City and permitted by the PID Act: (i) the identification of each Parcel (ii) the Assessment for each Parcel of Assessed Property, including any adjustments authorized by this Service and Assessment Plan or in the PID Act; (iii) the Annual Installment for the Assessed Property for the year (if the Assessment is payable in installments); and (iv) payments of the Assessment, if any, as provided by Section VI.G of this Service and Assessment Plan.

Once Bonds are issued, the Assessment Rolls shall be updated, which update may be done in the next Annual Service Plan Update, to reflect any changes resulting from the issuance of the Bonds. This update shall reflect the actual interest on the Bonds on which the Annual Installments shall be paid, any reduction in the Assessments, and any revisions in the Actual Costs to be funded by the Bonds and Developer funds.

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VIII. MISCELLANEOUS PROVISIONS

A. ADMINISTRATIVE REVIEW

The City may elect to designate a third party to serve as Administrator. The City shall notify Developer in writing at least thirty (30) days in advance before appointing a third-party Administrator.

To the extent consistent with the PID Act, an owner of an Assessed Parcel claiming that a calculation error has been made in the Assessment Roll(s), including the calculation of the Annual Installment, shall send a written notice describing the error to the City not later than thirty (30) days after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Parcel owner, consider written and oral evidence regarding the alleged error and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the applicable Assessment Roll should be modified or changed in favor of the Assessed Parcel owner, such change or modification shall be presented to the City Council for approval to the extent permitted by the PID Act. A cash refund may not be made for any amount previously paid by the Assessed Parcel owner (except for the final year during which the Annual Installment shall be collected or if it is determined there are sufficient funds to meet the expenses of the PID for the current year), but an adjustment may be made in the amount of the Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to an Assessment Roll may be appealed to the City Council. Any amendments made to the Assessment Roll(s) pursuant to calculation errors shall be made pursuant to the PID Act.

The decision of the Administrator, or if such decision is appealed to the City Council, the decision of the City Council shall be conclusive as long as there is a reasonable basis for such determination. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

B. TERMINATION OF ASSESSMENTS

Each Assessment shall be extinguished on the date the Assessment is paid in full, including unpaid Annual Installments and Delinquent Collection Costs, if any. After the extinguishment of an Assessment and the collection of any delinquent Annual Installments and Delinquent Collection Costs, the City shall provide the owner of the affected Parcel a recordable "Notice of the PID Assessment Termination".

C. AMENDMENTS

Amendments to the Service and Assessment Plan can be made as permitted or required by the PID Act and under Texas law.

The City Council reserves the right to the extent permitted by the PID Act to amend this Service and Assessment Plan without notice under the PID Act and without notice to property owners of Parcels:(i) to correct mistakes and clerical errors; (ii) to clarify ambiguities; and (iii) to provide procedures for the collection and enforcement of Assessments, Prepayment Costs, collection costs, and other charges imposed by the Service and Assessment Plan.

D. Filing and Posting of Service and Assessment Plan

Within seven days of its approval by the City Council, the City shall (i) file and record this Service and Assessment Plan in the real property records of the County and (ii) post a copy of this Service and Assessment Plan on the City's internet website. In addition, the City shall similarly file and post each Annual Service Plan Update approved by the City Council, with each such filing and posting to occur within seven days of the date each respective Annual Service Plan Update is approved. All such documents shall be posted, filed, and recorded in the entirety.

E. Administration and Interpretation of Provisions

The City Council shall administer the PID, this Service and Assessment Plan, and all Annual Service Plan Updates consistent with the PID Act and shall make all interpretations and determinations related to the application of this Service and Assessment Plan unless stated otherwise herein or in the Trust Indenture, such determination shall be conclusive.

F. Severability

If any provision, section, subsection, sentence, clause or phrase of this Service and Assessment Plan or the application of same to an assessed Parcel or any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Service and Assessment Plan or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Service and Assessment Plan that no part hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this Service and Assessment Plan are declared to be severable for that purpose.

If any provision of this Service and Assessment Plan is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this Service and Assessment Plan and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the City.

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APPENDIX A
PID MAP



GRAPHIC SCALE IN FEET
0 100 200 400
1"=200' @ 22x34

Property Summary

Open Space, Detention & Flood Plain	50.1	23.3%
Fire Station	1.4	0.6%
Lift Station	0.1	0.1%
Net Residential Area	163.6	76.0%
Total	215.2	

Open Space Acreage Summary

Open Space	50.1
Area (Net of ROW)	215.2
Total Percentage of Open Space	23.3%

Lot Summary

40' Lots	207	23.0%
45' Lots	354	39.3%
50' Lots	340	37.7%
Total Lots	901	

Phase 1

40' Lots	133	42.1%
45' Lots	65	20.6%
50' Lots	118	37.3%
Total Phase 1 Lots	316	

Phase 2

40' Lots	74	26.8%
45' Lots	110	39.9%
50' Lots	92	33.3%
Total Phase 2 Lots	276	

Phase 3

40' Lots	0	0.0%
45' Lots	179	57.9%
50' Lots	130	42.1%
Total Phase 3 Lots	309	

NOTES:
1. THIS PLAN IS CONCEPTUAL IN NATURE AND MAY HAVE BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY OR CONTACT WITH THE CITY, COUNTY, ETC.
2. FLOOD PLAIN SHOWN IS SUBJECT TO CHANGE BASED ON A MORE DETAILED FULLY DEVELOPED FLOOD STUDY ANALYSIS.
3. AERIAL IMAGE BY NEARMAP, COPYRIGHT 2024.

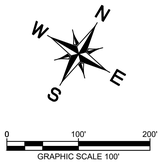
CONCEPT PLAN

Valor
Alvarado, Texas

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700
Dallas, TX 75240
P 972-770-1300, F 972-239-3820
State of Texas Registration No. F-928

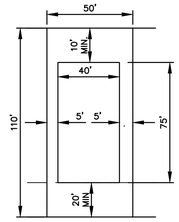
May 2024

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LAST SAVED 5/15/2024 1:46 PM BY: ZINN, STEPHANIE

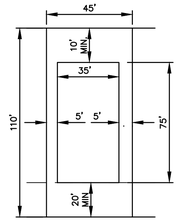


NOTES:

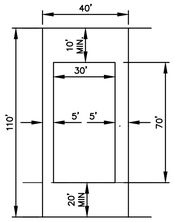
1) DRIVEWAYS SHOWN DENOTES REQUIRED DRIVEWAY LOCATION.
2) ALL LOTS MUST MEET CITY OF ALVARADO ORDINANCE NO. 2015-005 4-20-2015.
3) △ DENOTES LOCATION OF TRANSFORMERS
4) ○ DENOTES LOCATION OF PEDESTAL
5) ✱ DENOTES NON-TYPICAL PAD



TYPICAL 50' LOT DIMENSION DETAIL
NTS



TYPICAL 45' LOT DIMENSION DETAIL
NTS



TYPICAL 40' LOT DIMENSION DETAIL
NTS

LEGEND

- 40'X75' PAD
- 35'X75' PAD
- 30'X70' PAD

MATCH LINE SEE SHEET 2

VALOR PHASE 2 (FOR REFERENCE ONLY)
BURLINGTON ROAD
10' U.E.
BLOCK A 57-X OPEN SPACE
CHAMPAIGN CIRCLE
10' D.E.
BLOCK LL 24-X OPEN SPACE DETENTION POND "B"
BLOCK FF 17X OPEN SPACE
BLOCK FF
UPPSALA STREET
WELBORN WAY
LAWRENCE STREET
BLOCK GG 6-X OPEN SPACE
GAINESVILLE ROAD
BLOCK Y
15' W.E.
20' D.E.
BOZEMAN STREET
15' S.S.E.
BLOCK A
BLOCK HH 1 LIFT STATION
BLOCK KK 16-X OPEN SPACE
BLOCK KK
BLOCK HH 2 FIRE STATION SITE
EXISTING U.E.
10' PRIVATE D.E.
25' PRIVATE D.E.
BLOCK A 134-X OPEN SPACE
50' EXISTING G.E.
WATERLOO ROAD
SYRACUSE WAY
BLOCK JJ 17-X OPEN SPACE
BLOCK JJ
BLOCK HH 3-X RETENTION POND "A"
OXFORD ROAD
NORMAN ROAD
BILLBOARD TRACT TO BE DEDICATED POST PLAT APPROVAL
20' W.E.
BLOCK A 151-X OPEN SPACE
U.S. HIGHWAY 67 (VARIABLE WIDTH R.O.W.)

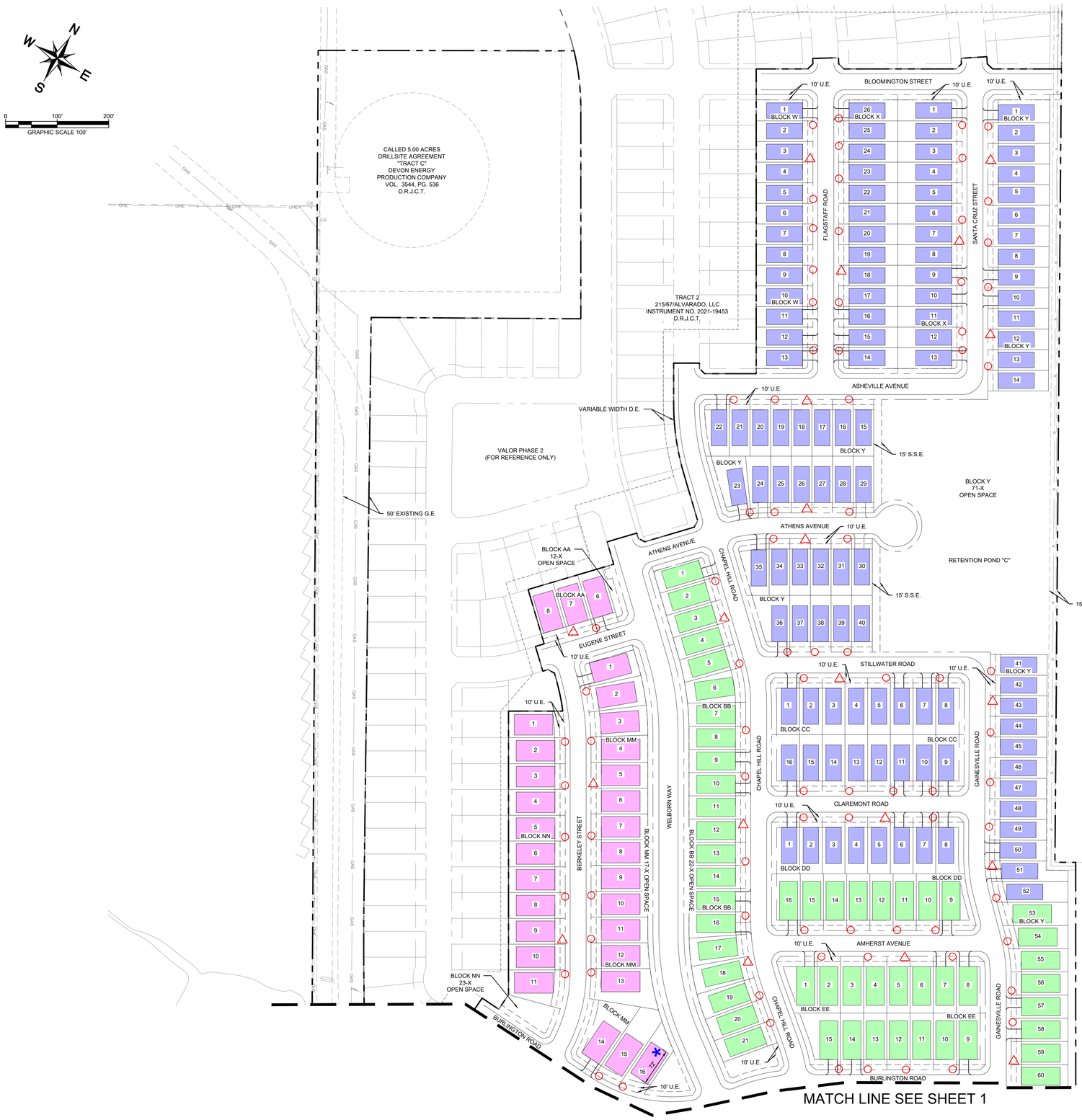
LENNAR PAD FIT MAP

Valor Phase 1

MAY 2025

Kimley»Horn

Plotted By: Dooley, Jace Date: May 21, 2025 08:39:02am File Path: K:\DAL_Civil\063451313-Alvarado 215\Cad\Phase 1\Exhibits\PlanSheets\Pad Fit and Disclosure Plat\VRP1 - Pad Fit Map.dwg

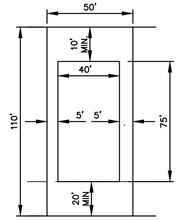


NOTES:

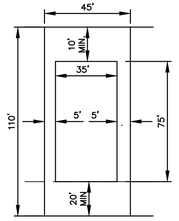
1) DRIVEWAYS SHOWN DENOTES REQUIRED DRIVEWAY LOCATION.
2) ALL LOTS MUST MEET CITY OF ALVARADO ORDINANCE NO. 2015-005 4-20-2015.
3) △ DENOTES LOCATION OF TRANSFORMERS
4) ○ DENOTES LOCATION OF PEDESTAL
5) ✱ DENOTES NON-TYPICAL PAD

LEGEND

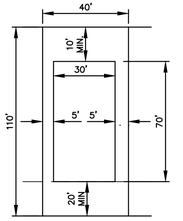
- 40'X75' PAD
- 35'X75' PAD
- 30'X70' PAD



TYPICAL 50' LOT DIMENSION DETAIL
NTS



TYPICAL 45' LOT DIMENSION DETAIL
NTS



TYPICAL 40' LOT DIMENSION DETAIL
NTS

LENNAR PAD FIT MAP

Valor Phase 1

MAY 2025

Kimley»Horn

Plotted By:Dooley, Jace Date:May 21, 2025 08:39:10am File Path:K:\DAL_Civil\063451313-Alvarado 215\Cad\Phase 1\Exhibits\PlanSheets\Pad Fit and Disclosure Plat\VRP1 - Pad Fit Map.dwg

APPENDIX B
ESTIMATED COSTS OF AUTHORIZED IMPROVEMENTS

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST - IMPORTANT NOTES APPLY

VALOR - CITY OF ALVARADO, JOHNSON COUNTY

OPC NOTES, ASSUMPTIONS, QUALIFICATIONS, ETC.

MARCH 23, 2026

General:

1. This Opinion of Probable Cost (OPC) is based upon the plan sets for Valor Phase 1 and Valor Phase 2 currently under construction as well as the plans for Valor Phase 3 currently under design. This OPC assumes the site will continue to be constructed in three phases.
2. Land cost, easement acquisition costs, interest, legal, marketing, financing, closing costs, cost of sales, HOA funding, overhead, maintenance, insurance, taxes, etc. are not included. Contributions to Offsite Sewer infrastructure (Green Line & WWTP) are not included.
3. Assessments, pro-rata fees, fee credits, fee waivers, etc. are not included.
4. This OPC has been updated to reflect actual bid values for Phase 1 and Phase 2. Phase 3 is based on estimated quantities using Phase 2 unit prices.
5. Inflation is not factored in this OPC.
6. Cost for material testing should be verified by Client.
7. Where applicable, this OPC utilizes City of Alvarado design criteria.
8. Questions regarding this OPC should be directed to Kimley-Horn and Associates, Jeremy Pitts (972) 776-1768.

Clearing, Excavation, & Erosion Control:

1. This OPC has been prepared utilizing the final Geotech report provided wit Phase 1. Updates may be needed with Phase 3.
2. Excavation quantities for Phase 3 are approximate and will be determined at final design. Erosion control for all Phases are approximate and should be verified by the Client with awarded contracts.

Water Improvements:

1. Waterline items include all fittings, tees, and crosses. Fire hydrant line item includes fittings, tee, and valve. Water uses JCSUD design criteria.

Sanitary Sewer Improvements:

1. This OPC includes a proposed lift station and necessary force main in order to connect to the offsite Green Line Gravity System (by others).

Storm Sewer/Drainage Improvement:

1. The storm sewer design uses City of Fort Worth design criteria.

Landscape/Hardscape & Miscellaneous:

1. A placeholder for Amenity Center/Landscape/Open Space Improvements for Phase 2 and Phase 3 is included and should be verified by the Client.

City Fees & Other:

1. The costs of franchise utility services are assumed and should be verified by the Client.
2. All City fees stated herein are subject to change at the discretion of the City.

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST - IMPORTANT NOTES APPLY

VALOR - CITY OF ALVARADO, JOHNSON COUNTY

OVERALL COST SUMMARY

MARCH 23, 2026

OVERALL COST SUMMARY	*NO. OF LOTS*	*NO. OF LOTS*	*NO. OF LOTS*	*NO. OF LOTS*
	316	276	309	901
DIVISION	PHASE 1	PHASE 2	PHASE 3	**TOTAL**
A. CLEARING & EXCAVATION	$1,712,669.50	$925,563.00	$1,191,470.60	**$3,829,703.10**
B. EROSION CONTROL	$96,258.00	$68,495.00	$97,752.50	**$262,505.50**
C. WATER	$1,659,431.65	$1,364,613.20	$1,467,260.50	**$4,491,305.35**
C.1. OFFSITE WATER	$204,915.00	$178,976.40	$341,683.25	**$725,574.65**
D. SANITARY SEWER	$1,439,698.00	$1,445,999.77	$1,338,357.42	**$4,224,055.19**
D.1. LIFT STATION, FORCE MAIN, & OFFSITE SANITARY SEWER	$1,182,367.20	$1,032,700.47	$1,156,175.52	**$3,371,243.19**
E. STORM SEWER	$2,766,952.10	$1,179,411.28	$1,742,255.50	**$5,688,618.88**
E.1. OFFSITE STORM SEWER	$129,034.93	$112,701.40	$189,525.07	**$431,261.40**
E.2. UTILITY CONTRACT GENERAL CONDITIONS	$125,442.00	$65,361.75	$58,500.00	**$249,303.75**
F. PAVEMENT	$3,648,389.33	$2,818,531.55	$3,156,190.66	**$9,623,111.54**
F.1. OFFSITE PAVEMENT	$169,275.63	$147,848.34	$507,088.83	**$824,212.80**
G. RETAINING WALLS	$297,000.00	$335,153.00	$400,000.00	**$1,032,153.00**
H. LANDSCAPE/HARDSCAPE & MISCELLANEOUS	$657,695.95	$2,900,000.00	$400,000.00	**$3,957,695.95**
I. CITY FEES & OTHER	$1,411,766.69	$1,105,112.83	$1,223,015.11	**$3,739,894.63**
SUB-TOTAL	$15,500,895.99	$13,680,467.98	$13,269,274.95	**$42,450,638.93**
PLANNING, SURVEY, PLATTING, ENG., & STAKING (10% A-H)	$1,343,143.34	$967,535.52	$1,164,625.98	**$3,475,304.83**
TXDOT PERMITS (DRIVEWAY & UTILITY)	$50,000.00	$0.00	$0.00	**$50,000.00**
FLOOD STUDY/DETENTION ANALYSIS/DETENTION DESIGN	$85,500.00	$0.00	$15,000.00	**$100,500.00**
MISCELLANEOUS & CONTINGENCY (10%)	$1,550,089.60	$1,368,046.80	$1,326,927.50	**$4,245,063.89**
TOTAL	**$18,529,628.93**	**$16,016,050.29**	**$15,775,828.43**	**$50,321,507.66**
COST PER LOT	**$58,638.07**	**$58,029.17**	**$51,054.46**	**$55,850.73**

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST - IMPORTANT NOTES APPLY
VALOR - CITY OF ALVARADO, JOHNSON COUNTY

MARCH 23, 2026

				PHASE:	1	2	3	TOTAL
PROJECT NAME:	***Valor***	CREATED BY:	MU	NO. OF LOTS:	316	276	309	901
CITY:	Alvarado, Johnson County, Texas	CHECKED BY:	JDP	GROSS AC.	84.5	64.0	76.8	225.2
JOB NUMBER:	063451313	REVISED BY:	JDP	NET AC.	76.3	58.4	60.8	195.4

A. CLEARING & EXCAVATION

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	TOTAL	UNIT PRICE	QUANTITY	TOTAL	QUANTITY	TOTAL	QUANTITY	TOTAL
CLEARING / GRUBBING	AC	$ 3,000.00	94.0	$ 282,000.00	$ 1,860.00	58.7	$ 109,182.00	60.8	$ 182,400.00	214	$ 573,582.00
UNCLASSIFIED EXCAVATION (1.5 VF OVER NET ACREAGE)	CY	$ 2.40	228,000	$ 547,200.00	$ 2.50	94,430	$ 236,075.00	147,100	$ 367,750.00	469,530	$ 1,151,025.00
PROCESS AND PLACE UTILITY SPOILS ON PHASE 3*	CY			$ -	$ 3.50	7,800	$ 27,300.00		$ -	7,800	$ 27,300.00
PROCESS STOCKPILE IN PLACE (ALREADY LOCATED WHERE NEEDED FOR FILL)	CY			$ -	$ 2.25	21,400	$ 48,150.00		$ -	21,400	$ 48,150.00
PROCESS AND PLACE UTILITY SPOILS	CY	$ 5.20	4,190	$ 21,788.00			$ -	12,603	$ 65,535.60	16,793	$ 87,323.60
ROUGH LOT GRADING	LOT	$ 250.00	325	$ 81,250.00	$ 200.00	276	$ 55,200.00	309	$ 77,250.00	910	$ 213,700.00
FINAL LOT GRADING	LOT	$ 170.00	325	$ 55,250.00	$ 176.00	276	$ 48,576.00	309	$ 54,384.00	910	$ 158,210.00
B-1 DETENTION POND 1 FINAL GRADING AND CLEANUP	AC	$ 850.00	1	$ 765.00			$ -		$ -	1	$ 765.00
1.5% MAINTENANCE BOND	LS	$ 273.00	1	$ 273.00			$ -		$ -	1	$ 273.00
B-2 DETENTION POND 2 FINAL GRADING AND CLEANUP	AC	$ 850.00	3	$ 2,550.00			$ -		$ -	3	$ 2,550.00
1.5% MAINTENANCE BOND	LS	$ 908.00	1	$ 908.00			$ -		$ -	1	$ 908.00
B-3 DETENTION POND 2 FINAL GRADING AND CLEANUP	LS	$ 850.00	4	$ 3,145.00			$ -		$ -	4	$ 3,145.00
1.5% MAINTENANCE BOND	LS	$ 1,120.00	1	$ 1,120.00			$ -		$ -	1	$ 1,120.00
6 MIL POLY, INSTALLED, PAD LIMITS @5' EACH WAY	LOT	$ 382.00	325	$ 124,150.00	$ 340.00	276	$ 93,840.00	309	$ 118,038.00	910	$ 336,028.00
4' MOISTURE CONDITIONING PADS ZONE 1, PAD LIMITS +5' EACH WAY	EA			$ -	$ 1,000.00	168	$ 168,000.00	268	$ 268,000.00	436	$ 436,000.00
6' MOISTURE CONDITIONING PADS ZONE 2, PAD LIMITS +5' EACH WAY	EA			$ -	$ 1,055.00	108	$ 113,940.00	41	$ 43,255.00	149	$ 157,195.00
RETENTION POND CLAY LINER - 2FT THICK	SY			$ -	$ 4.60	5,500	$ 25,300.00	3,230	$ 14,858.00	8,730	$ 40,158.00
8' MOISTURE CONDITIONING (50% OF 50' LOT) 1/2 LOTS @5'	LOT	$ 2,680.00	84	$ 225,120.00			$ -		$ -	84	$ 225,120.00
6' MOISTURE CONDITIONING (50% OF 50' LOT) 1/2 LOTS @5'	LOT	$ 1,415.00	241	$ 341,015.00			$ -		$ -	241	$ 341,015.00
PHASE 1 CHANGE ORDER #1	LS	$ (114,526.00)	1	$ (114,526.00)			$ -		$ -	1	$ (114,526.00)
PHASE 1 CHANGE ORDER #2	LS	$ 24,500.00	1	$ 24,500.00			$ -		$ -	1	$ 24,500.00
PHASE 1 CHANGE ORDER #3	LS	$ 161,000.00	1	$ 161,000.00			$ -		$ -	1	$ 161,000.00
PHASE 1 CHANGE ORDER #4	LS	$ (60,200.00)	1	$ (60,200.00)			$ -		$ -	1	$ (60,200.00)
PHASE 1 CHANGE ORDER #5	LS	$ 15,361.50	1	$ 15,361.50			$ -		$ -	1	$ 15,361.50
TOTAL CLEARING & EXCAVATION				**$ 1,712,669.50**			**$ 925,563.00**		**$ 1,191,470.60**		**$ 3,829,703.10**

B. EROSION CONTROL

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	TOTAL	UNIT PRICE	QUANTITY	TOTAL	QUANTITY	TOTAL	QUANTITY	TOTAL
CONSTRUCTION ENTRANCE	EA	$ 2,200.00	1	$ 2,200.00		1	$ 2,200.00	1	$ 2,200.00	3	$ 6,600.00
SILT FENCE	LF	$ 1.50	34,972	$ 52,458.00		27,130	$ 40,695.00	37,435	$ 56,152.50	99,537	$ 149,305.50
INLET PROTECTION	EA	$ 400.00	74	$ 29,600.00		49	$ 19,600.00	76	$ 30,400.00	199	$ 79,600.00
ROCK CHECK DAM	EA	$ 3,000.00	4	$ 12,000.00		2	$ 6,000.00	3	$ 9,000.00	9	$ 27,000.00
TOTAL EROSION CONTROL				**$ 96,258.00**			**$ 68,495.00**		**$ 97,752.50**		**$ 262,505.50**

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST - IMPORTANT NOTES APPLY
VALOR - CITY OF ALVARADO, JOHNSON COUNTY

MARCH 23, 2026

				PHASE:	1	2	3	TOTAL
PROJECT NAME:	***Valor***	CREATED BY:	MU	NO. OF LOTS:	316	276	309	901
CITY:	Alvarado, Johnson County, Texas	CHECKED BY:	JDP	GROSS AC.	84.5	64.0	76.8	225.2
JOB NUMBER:	063451313	REVISED BY:	JDP	NET AC.	76.3	58.4	60.8	195.4

C. WATER

DESCRIPTION	UNIT	UNIT PRICE	Phase 1 QUANTITY	Phase 1 TOTAL	UNIT PRICE	Phase 2 QUANTITY	Phase 2 TOTAL	Phase 3 QUANTITY	Phase 3 TOTAL	TOTAL QUANTITY	TOTAL TOTAL
8" P.V.C. WATERLINE	LF	$ 46.70	13,137	$ 613,497.90	$ 50.05	10,921	$ 546,596.05	11,630	$ 582,081.50	35,688	$ 1,742,175.45
12" P.V.C. WATERLINE	LF	$ 84.50	2,500	$ 211,250.00	$ 78.61	1,560	$ 122,631.60	2,050	$ 173,225.00	6,110	$ 507,106.60
15" SDR-35 PVC SLEEVES (AT STORM CROSSINGS)	EA			$ -	$ 2,749.60	13	$ 35,744.80	15	$ 41,244.00	28	$ 76,988.80
12" SDR-35 PVC SLEEVES (AT STORM CROSSINGS)	EA	$ 1,856.00	21	$ 38,976.00			$ -		$ -	21	$ 38,976.00
18" SDR-26 PVC SLEEVES (AT STORM CROSSINGS)	EA	$ 3,036.00	5	$ 15,180.00			$ -		$ -	5	$ 15,180.00
2" GATE VALVE	EA	$ 1,020.00	11	$ 11,220.00	$ 837.00	6	$ 5,022.00		$ -	17	$ 16,242.00
2" FLUSH VALVE (JCSUD)	EA	$ 3,342.00	11	$ 36,762.00	$ 6,390.00	6	$ 38,340.00		$ -	17	$ 75,102.00
8" MJ GATE VALVE w/10' EXTENSION	EA			$ -	$ 2,574.00	5	$ 12,870.00		$ -	5	$ 12,870.00
8" MJ GATE VALVE	EA	$ 2,178.00	80	$ 174,240.00	$ 2,203.00	42	$ 92,526.00	44	$ 96,932.00	166	$ 363,698.00
12" MJ GATE VALVE w/10' EXTENSION	EA			$ -	$ 3,999.00	1	$ 3,999.00		$ -	1	$ 3,999.00
12" MJ GATE VALVE	EA	$ 3,715.00	10	$ 37,150.00	$ 3,888.00	9	$ 34,992.00	10	$ 38,880.00	29	$ 111,022.00
REMOVE FLUSH VALVE AND CONNECT TO EXISTING WATER	EA			$ -	$ 2,097.00	7	$ 14,679.00	6	$ 12,582.00	13	$ 27,261.00
3/4" WATER METER (WITH SERVICE LEADS PER JCSUD DETAILS)	EA	$ 669.00	323	$ 216,087.00	$ 879.00	271	$ 238,209.00	309	$ 271,611.00	903	$ 725,907.00
1" WATER SERVICE FOR AMENITY CENTER	EA	$ 1,000.00		$ -	$ 901.00	1	$ 901.00		$ -	1	$ 901.00
1" IRRIGATION SERVICE	EA	$ 998.00	4	$ 3,992.00	$ 863.00	4	$ 3,452.00	10	$ 9,980.00	18	$ 17,424.00
1.5" IRRIGATION SERVICE	EA	$ 1,823.00	4	$ 7,292.00			$ -		$ -	4	$ 7,292.00
1" DOMESTIC METER (LIFT STATION)	EA	$ 1,413.00	1	$ 1,413.00			$ -		$ -	1	$ 1,413.00
AUTOMATIC FLUSH VALVE	EA	$ 8,577.00	2	$ 17,154.00			$ -		$ -	2	$ 17,154.00
FIRE HYDRANT ASSEMBLY	EA	$ 6,376.00	37	$ 235,912.00	$ 7,085.00	26	$ 184,210.00	30	$ 212,550.00	93	$ 632,672.00
4" IRRIGATION SLEEVES	EA	$ 558.00	15	$ 8,370.00	$ 847.00	6	$ 5,082.00	5	$ 4,235.00	26	$ 17,687.00
8"x4" REDUCER AND BEND	EA	$ 1,445.00	1	$ 1,445.00			$ -		$ -	1	$ 1,445.00
12"x8" REDUCER	EA	$ 1,063.00	2	$ 2,126.00			$ -		$ -	2	$ 2,126.00
8" x 2" TAP CAP	EA			$ -	$ 567.00	5	$ 2,835.00		$ -	5	$ 2,835.00
12" x 2" TAP CAP	EA			$ -	$ 682.00	1	$ 682.00		$ -	1	$ 682.00
TRENCH SAFETY	LF	$ 0.50	15,637	$ 7,818.50	$ 0.50	12,481	$ 6,240.50	13,680	$ 6,840.00	41,798	$ 20,899.00
TESTING (EXCLUDING GEOTECH)	LF	$ 1.25	15,637	$ 19,546.25	$ 1.25	12,481	$ 15,601.25	13,680	$ 17,100.00	41,798	$ 52,247.50
TOTAL WATER				**$ 1,659,431.65**			**$ 1,364,613.20**		**$ 1,467,260.50**		**$ 4,491,305.35**

C.1 OFFSITE WATER

DESCRIPTION	UNIT	UNIT PRICE	Phase 1 QUANTITY	Phase 1 TOTAL	UNIT PRICE	Phase 2 QUANTITY	Phase 2 TOTAL	Phase 3 QUANTITY	Phase 3 TOTAL	TOTAL QUANTITY	TOTAL TOTAL
12" WATER PIPE (INCLUDING BLOCKING, FITTINGS, BENDS, TEES, AND PLUGS)	LF	$ 86.00		$ -			$ -	1,414.00	$ 121,604.00	$ 1,414.00	$ 121,604.00
FIRE HYDRANT ASSEMLY (INCLUDING LEAD, TEE, VALVE, AND BLOCKING)	EA	$ 6,800.00		$ -			$ -	2	$ 13,600.00	$ 2.00	$ 13,600.00
CONNECT TO EXISTING WATER LINE W/ 12"x12" CUT-IN TEE	EA	$ 3,629.00		$ -			$ -	1	$ 3,629.00	$ 1.00	$ 3,629.00
TRENCH SAFETY	LF	$ 0.50		$ -			$ -	1,414	$ 707.00	$ 1,414.00	$ 707.00
PRESSURE TEST AND CHLORINATION	LF	$ 1.25		$ -			$ -	1,414	$ 1,767.50	$ 1,414.00	$ 1,767.50
PHASE 1 OFFSITE WATER AWARDED CONTRACT	LS	$ 584,267.15	35%	$ 204,915.00		31%	$ 178,976.40	34%	$ 200,375.75	100.00%	$ 584,267.15
TOTAL OFFSITE WATER				**$ 204,915.00**			**$ 178,976.40**		**$ 341,683.25**		**$ 725,574.65**

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST - IMPORTANT NOTES APPLY
VALOR - CITY OF ALVARADO, JOHNSON COUNTY

MARCH 23, 2026

				PHASE:	1	2	3	TOTAL
PROJECT NAME:	***Valor***	*CREATED BY:*	MU	*NO. OF LOTS:*	316	276	309	901
CITY:	*Alvarado, Johnson County, Texas*	*CHECKED BY:*	JDP	*GROSS AC.*	84.5	64.0	76.8	225.2
JOB NUMBER:	063451313	*REVISED BY:*	JDP	*NET AC.*	76.3	58.4	60.8	195.4

D. SANITARY SEWER

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	*UNIT*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*
6" SDR-35 P.V.C. SEWERLINE	LF			$ -	$ 44.19	25	$ 1,104.75		$ -	25	$ 1,104.75
8" SDR-35 P.V.C. SEWERLINE	LF	$ 44.30	5,628	$ 249,320.40	$ 51.42	9,287	$ 477,537.54	10,666	$ 548,445.72	25,581	$ 1,275,303.66
8" SDR-26 P.V.C. SEWERLINE	LF	$ 56.50	5,924	$ 334,706.00	$ 68.07	2,184	$ 148,664.88	1,030	$ 70,112.10	9,138	$ 553,482.98
10" SDR-26 P.V.C. SEWERLINE	LF	$ 68.20	1,398	$ 95,343.60			$ -		$ -	1,398	$ 95,343.60
10" SDR-35 P.V.C. SEWERLINE	LF	$ 63.80	750	$ 47,850.00			$ -		$ -	750	$ 47,850.00
12" SDR-26 P.V.C. SEWERLINE	LF	$ 73.20	20	$ 1,464.00			$ -		$ -	20	$ 1,464.00
8" SEWER PLUG	EA	$ 255.00	6	$ 1,530.00	$ 433.00	5	$ 2,165.00		$ -	11	$ 3,695.00
EXTRA DEPTH MANHOLE	VF			$ -	$ 207.00	291	$ 60,237.00		$ -	291	$ 60,237.00
4' DIAMETER MANHOLE	EA	$ 5,948.00	38	$ 226,024.00	$ 9,099.00	36	$ 327,564.00	45	$ 409,455.00	119	$ 963,043.00
5' DIAMETER MANHOLE	EA	$ 8,814.00	19	$ 167,466.00	$ 12,335.00	1	$ 12,335.00		$ -	20	$ 179,801.00
5' DIAMETER MANHOLE-EXTRA DEPTH	VF	$ 90.00	216	$ 19,440.00		220	$ -		$ -	436	$ 19,440.00
5' DROP MANHOLE	EA	$ 10,933.00	1	$ 10,933.00	$ 16,168.00	10	$ 161,680.00	1	$ 16,168.00	12	$ 188,781.00
4" SERVICE (RESIDENTIAL)	EA	$ 567.00	323	$ 183,141.00	$ 627.00	270	$ 169,290.00	309	$ 193,743.00	902	$ 546,174.00
CEMENT STABALIZED SAND	LF	$ 60.00	600	$ 36,000.00	$ 80.00	320	$ 25,600.00	380	$ 30,400.00	1,300	$ 92,000.00
TRENCH SAFETY	LF	$ 2.00	13,720	$ 27,440.00	$ 1.00	11,496	$ 11,496.00	11,696	$ 23,392.00	36,912	$ 62,328.00
REMOVE PLUG AND CONNECT TO EXISTING	EA		0	$ -	$ 1,027.00	6	$ 6,162.00	4	$ 4,108.00	10	$ 10,270.00
MANHOLE VACUUM TESTING	EA	$ 200.00	58	$ 11,600.00	$ 200.00	47	$ 9,400.00	46	$ 9,200.00	151	$ 30,200.00
TESTING (EXCLUDING GEOTECH)	LF	$ 2.00	13,720	$ 27,440.00	$ 2.85	11,496	$ 32,763.60	11,696	$ 33,333.60	36,912	$ 93,537.20
TOTAL SANITARY SEWER				**$ 1,439,698.00**			**$ 1,445,999.77**		**$ 1,338,357.42**		**$ 4,224,055.19**

D.1 LIFT STATION, FORCE MAIN, & OFF-SITE SANITARY SEWER

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	*UNIT*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*
LIFT STATION, FORCE MAIN & OFF-SITE SANITARY SEWER	LS	$ 3,371,243.19	35%	$ 1,182,367.20		31%	$ 1,032,700.47	34%	$ 1,156,175.52	100%	$ 3,371,243.19
TOTAL LIFT STATION, FORCE MAIN, & OFF-SITE SANITARY SEWER				**$ 1,182,367.20**			**$ 1,032,700.47**		**$ 1,156,175.52**		**$ 3,371,243.19**

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST - IMPORTANT NOTES APPLY
VALOR - CITY OF ALVARADO, JOHNSON COUNTY

Kimley»Horn

MARCH 23, 2026

				PHASE:	1	2	3	TOTAL
PROJECT NAME:	*Valor*	CREATED BY:	MU	NO. OF LOTS:	316	276	309	901
CITY:	Alvarado, Johnson County, Texas	CHECKED BY:	JDP	GROSS AC.	84.5	64.0	76.8	225.2
JOB NUMBER:	063451313	REVISED BY:	JDP	NET AC.	76.3	58.4	60.8	195.4

E. STORM SEWER

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	TOTAL	UNIT PRICE	QUANTITY	TOTAL	QUANTITY	TOTAL	QUANTITY	TOTAL
21" RCP	LF	$ 68.40	4,045	$ 276,678.00	$ 74.95	3,768	$ 282,411.60	1,610	$ 120,669.50	9,423	$ 679,759.10
24" RCP	LF	$ 77.00	702	$ 54,054.00	$ 86.65	854	$ 73,999.10	570	$ 49,390.50	2,126	$ 177,443.60
27" RCP	LF			$ -	$ 99.96	550	$ 54,978.00		$ -	550	$ 54,978.00
30" RCP	LF	$ 100.00	1,427	$ 142,700.00	$ 109.39	628	$ 68,696.92	1,590	$ 173,930.10	3,645	$ 385,327.02
36" RCP	LF	$ 125.70	1,963	$ 246,749.10	$ 137.91	1,624	$ 223,965.84	1,540	$ 212,381.40	5,127	$ 683,096.34
42" RCP	LF	$ 159.40	735	$ 117,159.00			$ -	2,210	$ 352,274.00	2,945	$ 469,433.00
42" RCP, SEALED GASKET PIPE	LF	$ 184.40	255	$ 47,022.00			$ -		$ -		$ 47,022.00
48" RCP	LF	$ 192.90	458	$ 88,348.20			$ -	710	$ 136,959.00	1,168	$ 225,307.20
48" RCP, SEALED GASKET PIPE		$ 216.90	248	$ 53,791.20			$ -		$ -		$ 53,791.20
POND A OUTFALL WEIR	EA	$ 23,000.00	1	$ 23,000.00			$ -		$ -	1	$ 23,000.00
POND C OUTFALL WEIR	EA	$ 26,450.00	1	$ 26,450.00			$ -		$ -	1	$ 26,450.00
POND E OUTFALL WEIR	EA	$ 25,000.00		$ -			$ -	1	$ 25,000.00	1	$ 25,000.00
POND F OUTFALL WIER	EA	$ 25,000.00		$ -			$ -	1	$ 25,000.00	1	$ 25,000.00
4' STORM MANHOLE	EA	$ 5,283.00	15	$ 79,245.00	$ 6,904.00	13	$ 89,752.00	6	$ 41,424.00	34	$ 210,421.00
5' STORM MANHOLE	EA	$ 7,256.00	2	$ 14,512.00			$ -	6	$ 43,536.00		$ 58,048.00
6' STORM MANHOLE	EA	$ 9,078.00	4	$ 36,312.00			$ -		$ -		$ 36,312.00
2' DROP INLET WITH 4' CONCRETE APRON	EA	$ 4,521.00	1	$ 4,521.00			$ -		$ -	1	$ 4,521.00
3' DROP INLET WITH 4' CONCRETE APRON	EA	$ 4,780.00	2	$ 9,560.00			$ -		$ -	2	$ 9,560.00
4' DROP INLET WITH 4' CONCRETE APRON	EA	$ -	0	$ -	$ 5,869.00	1	$ 5,869.00		$ -	1	$ 5,869.00
5' CURB INLET	EA	$ 4,107.00	3	$ 12,321.00	$ 3,850.00	3	$ 11,550.00		$ -	6	$ 23,871.00
15' CURB INLET	EA	$ 8,107.00	8	$ 64,856.00	$ 6,759.00	16	$ 108,144.00		$ -	24	$ 173,000.00
10' CURB INLET	EA	$ 5,845.00	60	$ 350,700.00	$ 4,979.00	29	$ 144,391.00	76	$ 444,220.00	165	$ 939,311.00
21" 4:1 SET	EA	$ 2,315.00	4	$ 9,260.00	$ 1,952.00	3	$ 5,856.00		$ -	7	$ 15,116.00
24" 4:1 SET	EA	$ 2,315.00	1	$ 2,315.00			$ -		$ -	1	$ 2,315.00
30" 4:1 SET	EA	$ 3,328.00	2	$ 6,656.00			$ -		$ -	2	$ 6,656.00
36" 4:1 SET	EA	$ 4,830.00	3	$ 14,490.00			$ -		$ -	3	$ 14,490.00
30" SLOPED HEADWALL	EA	$ 3,328.00		$ -				2	$ 6,656.00	2	$ 6,656.00
36" SLOPED HEADWALL	EA	$ 4,830.00		$ -	$ 3,963.00	1	$ 3,963.00	2	$ 9,660.00	3	$ 13,623.00
42" SLOPED HEADWALL	EA	$ 9,500.00		$ -				3	$ 28,500.00	3	$ 28,500.00
48" SLOPED HEADWALL	EA	$ 10,500.00		$ -				2	$ 21,000.00	2	$ 21,000.00
REMOVE HEADWALL & CONNECT TO EXISTING STORM	EA			$ -	$ 2,450.00	5	$ 12,250.00	2	$ 4,900.00	7	$ 17,150.00
42" 4:1 SET	EA	$ 9,500.00	2	$ 19,000.00			$ -		$ -	2	$ 19,000.00
48" 4:1 SET	EA	$ 10,500.00	4	$ 42,000.00			$ -		$ -	4	$ 42,000.00
4'x4' SETB-PD HEADWALL (CULVERT A)	EA	$ 10,500.00	0	$ -			$ -		$ -	0	$ -
2 - 7'X4' TXDOT SW-0 HEADWALL (CULVERT A)	EA			$ -	$ 15,282.00	2	$ 30,564.00		$ -	2	$ 30,564.00
7'x4' SETB-PD HEADWALL (CULVERT A)	EA			$ -	$ 485.71	42	$ 20,399.82		$ -	42	$ 20,399.82
7'x4' SETB-PD HEADWALL (CULVERT B)	EA	$ 21,000.00	0	$ -			$ -		$ -	0	$ -
9'x4' TxDOT SW-0 HEADWALL (CULVERT D)	EA	$ 37,500.00	2	$ 75,000.00			$ -		$ -	2	$ 75,000.00
7'x4' & 6'x4' TxDOT SW-0 HEADWALL (CULVERT C)	EA	$ 27,000.00	2	$ 54,000.00			$ -		$ -	2	$ 54,000.00
4'x4' RCB (CULVERT A)	LF	$ 260.00	0	$ -			$ -		$ -	0	$ -
6'x4' RCB (CULVERT C)	LF	$ 373.60	267	$ 99,751.20			$ -		$ -	267	$ 99,751.20
7'x4' RCB (CULVERT B & CULVERT C)	LF	$ 439.50	801	$ 352,039.50			$ -		$ -	801	$ 352,039.50
9'x4' RCB (CULVERT D)	LF	$ 538.70	372	$ 200,396.40			$ -		$ -	372	$ 200,396.40
12" ROCK RIP RAP	SY	$ 130.00	1,547	$ 201,110.00	$ 170.00	97	$ 16,490.00	85	$ 14,450.00	1,729	$ 232,050.00
FLUME	EA	$ 3,500.00	1	$ 3,500.00			$ -	1	$ 3,500.00	2	$ 7,000.00
TRENCH SAFETY	LF	$ 1.50	11,273	$ 16,909.50	$ 1.50	7,466	$ 11,199.00	8,230	$ 12,345.00	26,969	$ 40,453.50
TESTING (TV)	LF	$ 2.00	11,273	$ 22,546.00	$ 2.00	7,466	$ 14,932.00	8,230	$ 16,460.00	26,969	$ 53,938.00
TOTAL STORM SEWER				**$ 2,766,952.10**			**$ 1,179,411.28**		**$ 1,742,255.50**		**$ 5,688,618.88**

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST - IMPORTANT NOTES APPLY
VALOR - CITY OF ALVARADO, JOHNSON COUNTY

MARCH 23, 2026

				PHASE:	1	2	3	TOTAL
PROJECT NAME:	***Valor***	CREATED BY:	MU	NO. OF LOTS:	316	276	309	901
CITY:	Alvarado, Johnson County, Texas	CHECKED BY:	JDP	GROSS AC.	84.5	64.0	76.8	225.2
JOB NUMBER:	063451313	REVISED BY:	JDP	NET AC.	76.3	58.4	60.8	195.4

E.1 OFFSITE STORM SEWER

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	TOTAL	UNIT PRICE	QUANTITY	TOTAL	QUANTITY	TOTAL	QUANTITY	TOTAL
24" PSET-SC TXDOT HEADWALL	EA	$ 2,315.00		$ -			$ -	2	$ 4,630.00	2	$ 4,630.00
36" PSET-SC TXDOT HEADWALL	EA	$ 4,830.00		$ -			$ -	1	$ 4,830.00	1	$ 4,830.00
2'X2' DROP INLET	EA	$ 4,521.00		$ -			$ -	1	$ 4,521.00	1	$ 4,521.00
12" COMMON STONE RIPRAP	SY	$ 130.00		$ -			$ -	150	$ 19,500.00	150	$ 19,500.00
24" RCP CLASS IV	LF	$ 100.00		$ -			$ -	67	$ 6,700.00	67	$ 6,700.00
36" RCP	LF	$ 285.00		$ -			$ -	80	$ 22,800.00	80	$ 22,800.00
TRENCH SAFETY	LF	$ 0.50		$ -			$ -	147	$ 73.50	$ 147.00	$ 73.50
TESTING (TV)	LF	$ 2.00		$ -			$ -	147	$ 294.00	$ 147.00	$ 294.00
PHASE 1 OFFSITE STORM SEWER AWARDED CONTRACT (DEDUCTED FROM OVERALL CONTRACT)	LS	$ 367,912.90	35%	$ 129,034.93		31%	$ 112,701.40	34%	$ 126,176.57	100%	$ 367,912.90
TOTAL OFFSITE STORM SEWER				**$ 129,034.93**			**$ 112,701.40**		**$ 189,525.07**		**$ 431,261.40**

E.2 UTILITY CONTRACT GENERAL CONDITIONS

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	TOTAL	UNIT PRICE	QUANTITY	TOTAL	QUANTITY	TOTAL	QUANTITY	TOTAL
MOBILIZATION	EA	$ 7,500.00	1	$ 7,500.00	$ 8,500.00	1	$ 8,500.00	1	$ 8,500.00	3	$ 24,500.00
MAINTENANCE BOND JCSUD 2Y 100%	LS	$ 31,722.00	1	$ 31,722.00	$ 56,861.75	1	$ 56,861.75	1	$ 50,000.00	3	$ 138,583.75
MAINTENANCE BOND ALVARADO 2Y 100%	LS	$ 58,470.00	1	$ 58,470.00			$ -		$ -	1	$ 58,470.00
TRAFFIC CONTROL	LS	$ 12,500.00	1	$ 12,500.00			$ -		$ -	1	$ 12,500.00
POT HOLE EXISTING UTILITIES	LS	$ 11,750.00	1	$ 11,750.00			$ -		$ -	1	$ 11,750.00
POLE HOLDING	LS	$ 3,500.00	1	$ 3,500.00			$ -		$ -	1	$ 3,500.00
TOTAL GENERAL CONDITIONS				**$ 125,442.00**			**$ 65,361.75**		**$ 58,500.00**		**$ 249,303.75**
TOTAL UTILITIES				**$7,507,840.89**			**$5,379,764.26**		**$6,293,757.26**		**$19,181,362.41**

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST - IMPORTANT NOTES APPLY
VALOR - CITY OF ALVARADO, JOHNSON COUNTY

MARCH 23, 2026

				PHASE:	1	2	3	TOTAL
PROJECT NAME:	***Valor***	CREATED BY:	MU	NO. OF LOTS:	316	276	309	901
CITY:	Alvarado, Johnson County, Texas	CHECKED BY:	JDP	GROSS AC.	84.5	64.0	76.8	225.2
JOB NUMBER:	063451313	REVISED BY:	JDP	NET AC.	76.3	58.4	60.8	195.4

F. PAVEMENT

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	TOTAL	UNIT PRICE	QUANTITY	TOTAL	QUANTITY	TOTAL	QUANTITY	TOTAL
7" REINF. CONCRETE STREET PAVEMENT 31' B-B (RESIDENTIAL)	SY	$ 48.54	44,733	$ 2,171,334.48	$ 48.96	35,850	$ 1,755,216.00	41,676	$ 2,040,456.96	122,259	$ 5,967,007.44
8" REINF. CONCRETE STREET PAVEMENT 31' B-B (RESIDENTIAL)	SY	$ 52.91	9,891	$ 523,332.81	$ 52.52	6,500	$ 341,380.00	5,699	$ 301,534.09	22,090	$ 1,166,246.90
6" LIME SUBGRADE PREPARATION (RESIDENTIAL)	SY	$ 3.06	47,404	$ 145,056.79	$ 3.20	38,000	$ 121,600.00	43,586	$ 139,475.20	128,990	$ 406,131.99
8" LIME SUBGRADE PREPARATION (RESIDENTIAL)	SY	$ 3.53	10,467	$ 36,948.51	$ 3.76	6,850	$ 25,756.00	6,011	$ 22,601.36	23,328	$ 85,305.87
HYDRATED LIME FOR RESIDENTIAL STREET (36#/SY)	TON	$ 297.63	853	$ 253,984.12	$ 287.29	684	$ 196,506.36	785	$ 233,505.02	2,322	$ 683,995.50
HYDRATED LIME FOR RESIDENTIAL STREET (48#/SY)	TON	$ 297.64	251	$ 74,707.64	$ 287.30	164	$ 47,117.20	144	$ 42,938.74	559	$ 164,763.58
PAVEMENT HEADER	LF	$ 14.77	254	$ 3,751.58	$ 13.76	192	$ 2,641.92		$ -	446	$ 6,393.50
BARRICADE (TYPE 3)	EA	$ 1,633.28	8	$ 13,066.24	$ 1,569.78	6	$ 9,418.68		$ -	14	$ 22,484.92
REMOVE BARRICADE & CONNECT TO EXISTING PAVEMENT HEADER	LF			$ -	$ 745.25	7	$ 5,216.75	6	$ 4,471.50	13	$ 9,688.25
10' CONCRETE SIDEWALK	LF	$ 86.15	2,001	$ 172,386.15	$ 84.65	1,360	$ 115,124.00	1,221	$ 105,189.15	4,582	$ 392,699.30
4' CONCRETE SIDEWALK	LF	$ 29.20	4,646	$ 135,663.20	$ 29.48	3,890	$ 114,677.20	3,174	$ 93,569.52	11,710	$ 343,909.92
BARRIER FREE PEDESTRIAN RAMP	EA	$ 2,495.50	24	$ 59,892.00	$ 2,391.79	15	$ 35,876.85	49	$ 122,279.50	88	$ 218,048.35
STOP SIGN	EA				$ 420.66	7	$ 2,944.62		$ -	7	$ 2,944.62
STOP SIGN W/ STREET NAME BLADES	EA	$ 544.43	31	$ 16,877.33	$ 507.87	15	$ 7,618.05	24	$ 13,066.32	70	$ 37,561.70
STREET SIGN W/ NAME BLADES	EA	$ 409.62	4	$ 1,638.48	$ 420.66	2	$ 841.32	5	$ 2,103.30	11	$ 4,583.10
6" COMMON STONE RIP RAP	SY			$ -	$ 50.92	105	$ 5,346.60		$ -	105	$ 5,346.60
MAINTENANCE BOND (100% OF PUBLIC IMPROVEMENTS)	LS	$ 39,750.00	1	$ 39,750.00	$ 31,250.00	1	$ 31,250.00	1	$ 35,000.00	3	$ 106,000.00
TOTAL PAVEMENT				**$ 3,648,389.33**			**$ 2,818,531.55**		**$ 3,156,190.66**		**$ 9,623,111.54**

F.1 OFFSITE PAVEMENT

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	TOTAL		QUANTITY	TOTAL	QUANTITY	TOTAL	QUANTITY	TOTAL
7" REINF. CONCRETE STREET PAVEMENT 31' B-B (RESIDENTIAL)	SY	$ 48.96		$ -			$ -	4,635	$ 226,929.60	4,635	$ 226,929.60
6" LIME SUBGRADE PREPARATION (RESIDENTIAL)	SY	$ 3.20		$ -			$ -	4,942	$ 15,814.40	4,942	$ 15,814.40
HYDRATED LIME FOR RESIDENTIAL STREET (36#/SY)	TON	$ 297.63		$ -			$ -	120	$ 35,715.60	120	$ 35,715.60
STOP SIGN W/ STREET NAME BLADES	EA	$ 409.62		$ -			$ -	1	$ 409.62	1	$ 409.62
2" TYPE C HMAC (CR 505)	SY	$ 142.25		$ -			$ -	175	$ 24,893.75	175	$ 24,893.75
6" TYPE B HMAC (CR 505)	SY	$ 152.60		$ -			$ -	175	$ 26,705.00	175	$ 26,705.00
SAWCUT & CONNECT TO EXISTING ASPHALT PAVEMENT	LF	$ 10.95		$ -			$ -	100	$ 1,095.00	100	$ 1,095.00
TRAFFIC CONTROL (CR 505)	LS	$ 10,000.00		$ -			$ -	1	$ 10,000.00	1	$ 10,000.00
PHASE 1 OFFSITE PAVING AWARDED CONTRACT (DEDUCTED FROM OVERALL CONTRACT)	LS	$ 337,659.32	35%	$ 118,424.36		31%	$ 103,433.93	34%	$ 115,801.03	100%	$ 337,659.32
PHASE 1 CHANGE ORDER #1 (SPECIFICALLY FOR OFFSITE PAVING ONLY)	LS	$ 94,298.66	35%	$ 33,072.56		31%	$ 28,886.16	34%	$ 32,339.94	100%	$ 94,298.66
PHASE 1 CHANGE ORDER #2 (SPECIFICALLY FOR OFFSITE PAVING ONLY)	LS	$ 50,691.85	35%	$ 17,778.72		31%	$ 15,528.25	34%	$ 17,384.89	100%	$ 50,691.85
TOTAL OFFSITE PAVEMENT				**$ 169,275.63**			**$ 147,848.34**		**$ 507,088.83**		**$ 824,212.80**

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST - IMPORTANT NOTES APPLY
VALOR - CITY OF ALVARADO, JOHNSON COUNTY

MARCH 23, 2026

				PHASE:	1	2	3	TOTAL
PROJECT NAME:	***Valor***	*CREATED BY:*	MU	*NO. OF LOTS:*	316	276	309	901
CITY:	*Alvarado, Johnson County, Texas*	*CHECKED BY:*	JDP	*GROSS AC.*	84.5	64.0	76.8	225.2
JOB NUMBER:	063451313	*REVISED BY:*	JDP	*NET AC.*	76.3	58.4	60.8	195.4

G. RETAINING WALLS

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	*UNIT*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*
RETAINING WALLS	LS	PER PHASE	1	$ 297,000.00		1	$ 335,153.00	1	$ 400,000.00	3	$ 1,032,153.00
TOTAL RETAINING WALLS				**$ 297,000.00**			**$ 335,153.00**		**$ 400,000.00**		**$ 1,032,153.00**

H. LANDSCAPE/HARDSCAPE & MISCELLANEOUS

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	*UNIT*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*
LANDSCAPE, HARDSCAPE & IRRIGATION	LS	PER PHASE	1	$ 657,695.95		1	$ 400,000.00	1	$ 400,000.00	3	$ 1,457,695.95
AMENITY CENTER	LS	$ 2,500,000.00		$ -		1	$ 2,500,000.00		$ -		$ 2,500,000.00
TOTAL LANDSCAPE/HARDSCAPE & MISCELLANEOUS				**$ 657,695.95**			**$ 2,900,000.00**		**$ 400,000.00**		**$ 3,957,695.95**

I. CITY FEES AND OTHER

			Phase 1			Phase 2		Phase 3		TOTAL	
DESCRIPTION	*UNIT*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*UNIT PRICE*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*	*QUANTITY*	*TOTAL*
FRANCHISE ELECTRIC SERVICE	LOT	$ 500.00	316	$ 158,000.00		276	$ 138,000.00	309	$ 154,500.00	901	$ 450,500.00
FRANCHISE GAS SERVICE	LOT	$ 500.00	316	$ 158,000.00		276	$ 138,000.00	309	$ 154,500.00	901	$ 450,500.00
INSPECTION FEES	LOT	$ 330.00	316	$ 104,280.00		276	$ 91,080.00	309	$ 101,970.00	901	$ 297,330.00
FINAL GEOTECHNICAL REPORT	LS	$ 141,200.00	1	$ 141,200.00			$ -		$ -	1	$ 141,200.00
MUNICIPAL FEES	LS	$ 15,000.00	1	$ 15,000.00		1	$ 15,000.00	1	$ 15,000.00	3	$ 45,000.00
PLAT FEES ($70/LOT + $250/PAGE + $100) ASSUME 10 PAGES	LOT	$ 70.00	316	$ 24,720.00		276	$ 21,920.00	309	$ 24,230.00	901	$ 70,870.00
SWPP ADMINISTRATION	LS	$ 7,500.00	1	$ 7,500.00		1	$ 7,500.00	1	$ 7,500.00	3	$ 22,500.00
JCSUD NON-RESIDENTIAL IMPACT FEES	LS	PER PHASE	1	$ 116,463.00		1	$ 93,921.00	1	$ 93,921.00	3	$ 304,305.00
TRAFFIC SIGNAL AT HWY 67 & CR 1902	LS	$ 371,110.80	35%	$ 130,156.51		31%	$ 113,681.00	34%	$ 127,273.29	100%	$ 371,110.80
ESCROW FOR SHARED SEWER INFRASTRUCTURE (WWTP, GREEN LINE, ORANGE LINE)	LS	$ 1,586,578.83	35%	$ 556,447.18		31%	$ 486,010.83	34%	$ 544,120.82	100%	$ 1,586,578.83
TOTAL CITY FEES & OTHER				**$ 1,411,766.69**			**$ 1,105,112.83**		**$ 1,223,015.11**		**$ 3,739,894.63**

SUMMARY	Phase 1		Phase 2	Phase 3	TOTAL
A. CLEARING & EXCAVATION	$	1,712,669.50	$ 925,563.00	$ 1,191,470.60	$ 3,829,703.10
B. EROSION CONTROL	$	96,258.00	$ 68,495.00	$ 97,752.50	$ 262,505.50
C. WATER	$	1,659,431.65	$ 1,364,613.20	$ 1,467,260.50	$ 4,491,305.35
C.1. OFFSITE WATER	$	204,915.00	$ 178,976.40	$ 341,683.25	$ 725,574.65
D. SANITARY SEWER	$	1,439,698.00	$ 1,445,999.77	$ 1,338,357.42	$ 4,224,055.19
D.1 LIFT STATION, FORCEMAIN, & OFF-SITE SANITARY SEWER	$	1,182,367.20	$ 1,032,700.47	$ 1,156,175.52	$ 3,371,243.19
E. STORM SEWER	$	2,766,952.10	$ 1,179,411.28	$ 1,742,255.50	$ 5,688,618.88
E.1 OFFSITE STORM SEWER	$	129,034.93	$ 112,701.40	$ 189,525.07	$ 431,261.40
E. UTILITY CONTRACT GENERAL CONDITIONS	$	125,442.00	$ 65,361.75	$ 58,500.00	$ 249,303.75
F. PAVEMENT	$	3,648,389.33	$ 2,818,531.55	$ 3,156,190.66	$ 9,623,111.54
F.1 OFFSITE PAVEMENT	$	169,275.63	$ 147,848.34	$ 507,088.83	$ 824,212.80
G. RETAINING WALLS	$	297,000.00	$ 335,153.00	$ 400,000.00	$ 1,032,153.00
H. LANDSCAPE/HARDSCAPE & MISCELLANEOUS	$	657,695.95	$ 2,900,000.00	$ 400,000.00	$ 3,957,695.95
I. CITY FEES & OTHER	$	1,411,766.69	$ 1,105,112.83	$ 1,223,015.11	$ 3,739,894.63
SUB-TOTAL	**$**	**15,500,895.99**	**$ 13,680,467.98**	**$ 13,269,274.95**	**$ 42,450,638.93**

APPENDIX C
LEGAL DESCRIPTION

Metes and Bounds Description - PID

TRACT I:
BEING a tract of land situated in the WILLIAM HICKMAN SURVEY, Abstract No. 327, in Johnson County,
Texas, and being all of the same tract of land described in deed to Southwestern Gas Pipeline, Inc., as
recorded in Instrument No. 201100030357, Official Public Records, Johnson County, Texas, and being more particularly described as follows:
BEGINNING at a point for corner, from which a 1/2-inch iron rod with orange plastic cap stamped "FOX"
found, bears North 71 deg 42 min 31 sec West, a distance of 0.54 feet, said point being the Northeasterly corner of said Southwestern Gas Pipeline, Inc. tract, said point being situated on the Southerly line of a tract of land as described in deed to Billy R. and Michelle W. Jennings:
THENCE South 30 deg 21 min 30 sec East, departing the Southerly line of said Billy R. and Michelle W.
Jennings tract and along the Northeasterly line of said Southwestern Gas Pipeline, Inc. tract, a distance of 2,575.12 feet to a point for corner from which a 1/2-inch iron rod found bears North 71 deg 47 min 22 sec West, a distance of 0.33 feet, said point being the Southwest corner of said Southwestern Gas Pipeline, Inc. tract;
THENCE South 59 deg 48 min 23 sec West, departing the Northeasterly line and along the Southeasterly
line of said Southwestern Gas Pipeline, Inc. tract, a distance of 656.35 feet to a point for corner from which a 1/2- inch iron rod found beats South 23 deg 12 min 58 sec East, a distance of 0.99 feet;
THENCE North 27 deg 47 min 07 sec West, departing the Southeasterly line and along the Southwesterly
line of said Southwestern Gas Pipeline, Inc. tract, a distance of 151.94 feet to a point for corner from which a 1/2inch iron rod found bears South 83 deg 43 min 39 sec West, a distance of 0.24 feet;
THENCE North 30 deg 09 min 04 sec West, continuing along the Southwesterly line of said Southwestern
Gas Pipeline, Inc. tract, a distance of 2,430.29 feet to a MAG nail with shiner stamped "W.A.I. R.P.L.S.
5714" set corner, said MAG nail being situated in the Southerly line of said Billy R. and Michelle W. Jennings tract;
THENCE North 60 deg 25 min 51 sec East, departing the Southwesterly line and along the Northwesterly line of said Southwestern Gas Pipeline, Inc. tract, a distance of 640.80 feet to the POINT OF BEGINNING.
CONTAINING within these metes and bounds 38.217 acre of 1,664.745 square feet of land, more or less.

TRACT II:
BEING a tract of land situated in the WILLIAM HICKMAN SURVEY, Abstract No. 327, in Johnson County,

Texas, and being all of the same tract of land described in deed to Southwestern Gas Pipeline, Inc., as
recorded in Instrument No. 201100030357 [correct reference is 201200000284], Official Public Records,
Johnson County, Texas, and being more particularly described as follows:
BEGINNING at a 3/8-inch iron rod found for corner, said iron rod being the Northeasterly corner of said
Southwestern Gas Pipeline, Inc. tract, the Southeasterly corner of a tract of land as described in deed to
M.K. Brown, recorded in Volume 1839, Page 529, Deed Records, Johnson County, Texas (D.R.J.C.T.), and
being situated in the Southwesterly line of a tract of land described in deed to Deborah L. Rayfield, recorded in Volume 1596, Page 723, D.R.J.C.T.;
THENCE South 29 deg 55 min 22 sec East, departing the Southeasterly line of M.K. Brown tract, the Northwesterly line of said Southwestern Gas Pipeline, Inc. tract and along the Northeasterly line of said
Southwestern Gas Pipeline, Inc. tract, a distance of 2,244.04 feet to a point for corner from which a 3/8-inch iron rod found bears North 48 deg 33 min 03 sec West, a distance of 0.29 feet;
THENCE South 30 deg 30 min 10 sec East, continuing along said Northeasterly line, a distance of 1,582.17 feet to a 1/20-inch iron rod found for corner, said iron rod being the Southwesterly corner of a tract of land as described in deed to B. Holnam TX LP, recorded in Volume 2453, Page 429, D.R.J.C.T.;
THENCE North 60 deg 15 min 07 sec East, continuing along the Northeasterly line of said Southwestern Gas Pipeline, Inc. tract and along the Southeasterly line of said Holnam TX LP tract, a distance of 40.22 feet to a 1/2-inch iron rod with red plastic cap stamped "TOPOGRAPH" found for corner;
THENCE South 30 deg 43 min 27 sec East, departing the Southeasterly line of said Holnam TX LP tract and continuing along the Northeasterly line of said Southwestern Gas Pipeline, Inc. tract, a distance of 1,606.69 feet to a 5/8-inch iron rod found with orange plastic cap stamped "MUSTANG LP" found for corner, said iron rod being situated in the Southwesterly line of a tract of land described in deed to The Matriarch Trust, recorded in Volume 1546, Page 725, D.R.J.C.T., iron rod being situated in the Northwesterly right-of-way line of Highway 67 (variable width right-of-way), said iron rod also being the beginning of a non-tangent curve to the left having a radius of 23,069.39 feet, a central angle of 00 deg 28 min 33 sec, a chord bearing of South 60 deg 39 min 28 sec West and a chord length of 191.62 feet;
THENCE departing the Southwesterly line of said The Matriarch Trust tract and the Northeasterly line of said Southwestern Gas Pipeline, Inc. tract and along the Northwesterly right-of-way line and along the
non-tangent curve to the left, an arc distance of 191.62 feet to a point corner from which a TXDOT (Texas Department of Transportation) brass monument found bears South 37 deg 37 min 02 sec East, a distance of 0.26 feet;
THENCE South 43 deg 42 min 54 sec West, continuing along said Northwesterly right-of-way line, a distance of 68.66 feet to a TXDOT brass monument found for corner and the beginning of a curve to the left having a radius of 23,860.33 feet, a central angle of 00 deg 59 min 05 sec, a chord bearing of South 59 deg 49 min 23 sec West and a chord length of 410.02 feet;

THENCE continuing along said Northwesterly right-of-way line and along said curve to the left, an arc
distance of 410.03 feet to a TXDOT brass monument found for corner;
THENCE South 59 deg 18 min 03 West, continuing along said Northwesterly right-of-way line, a distance of 360.98 feet to a TXDOT brass monument found for corner;
THENCE North 30 deg 21 min 57 sec West, departing the Northwesterly right-of-way line of said Highway 67, a distance of 531.17 feet to a 1/2-inch iron rod found for corner;
THENCE South 59 deg 38 min 36 sec West, a distance of 399.90 feet to a 1/2-inch iron rod found for corner;
THENCE South 30 deg 20 min 59 sec East, a distance of 550.41 feet to a 1/2-inch iron rod found for corner, said iron rod being situated in the Northwesterly right-of-way line of said Highway 67;
THENCE South 59 deg 19 min 45 sec West, along said Northwesterly right-of-way line, a distance of 59.95 feet to a feet to a 1/2-inch iron rod with yellow plastic camp stamped 'FORT WORTH SURVEYING" found for corner;
THENCE North 30 deg 21 min 30 sec West, departing said Northwesterly right-of-way line, a distance of 5,480.21 feet to a point for corner from which a 1/2-inch iron rod with orange plastic cap stamped
"FOX" bears North 71 deg 42 min 31 sec West, a distance of 0.54 feet, said point being situated in the Southerly line of a tract of land described in deed to Billy R. and Michelle W. Jennings;
THENCE North 60 deg 06 min 10 sec East, departing the Southwesterly line and along the Northwesterly line of said Southwestern Gas Pipeline, Inc. tract, a distance of 1,451.25 feet to the POINT OF BEGINNING.
CONTAINING within these metes and bounds 176.983 acres or 7,709,381 square feet of land, more or less.

NOTE: THE COMPANY IS PROHIBITED FROM INSURING THE AREA OR QUANTITY OF THE LAND
DESCRIBED HEREIN. ANY STATEMENT IN THE ABOVE LEGAL DESCRIPTION AS TO THE AREA OR
QUANTITY OF LAND IS NOT A REPRESENTATION THAT SUCH AREA OR QUANTITY IS CORRECT,
BUT IS MADE SOLELY FOR INFORMATIONAL AND/OR IDENTIFICATION PURPOSES AND DOES NOT
OVERRIDE THE EXCEPTION CONTAINED IN SCHEDULE B ITEM 2 HEREIN.

PROPERTY DESCRIPTION - IA #1

BEING a tract of land situated in the William Hickman Survey, Abstract No. 327, City of Alvarado, Johnson County, Texas, and being all of a called 84.559 acre tract of land described in the Special Warranty Deed to 2DRP Bookbinder Multistate, LLC, recorded in Instrument No. 2024-32018, Official Public Records, Johnson County,Texas (O.P.R.J.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with yellow plastic cap stamped “Fort Worth Surveying” found for the southwest corner of said of said 84.559 acre tract and being the southeast corner of Lot 1R, Block 1, Texas Ranch Business Park, an addition to the City of Alvarado, recorded in Instrument No. 2023-48, Plat Records, Johnson County, Texas (P.R.J.C.T.), and being in the northwesterly right-of-way line of East Highway No. 67 (a variable width right-of-way);

THENCE North 30°21'35" West, with the common line of said 84.559 acre tractand said Texas Ranch Business Park, a distance of 2,905.56 feet to a 1/2-inch iron rod found for angle point in the north line of said Texas Ranch Business Park and being the east corner of a called 38.217 acre tract of land described as “Tract 1” in the Special Warranty Deed to 215/67/Alvarado, LLC, recorded in Instrument No. 2021-19453, O.P.R.J.C.T.;

THENCE North 30°21'42" West, with the common line of said 84.559 acre tract and said “Tract 1”, a distance of 301.88 feet to 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

THENCE over and across said 84.559 acre tract, the following calls:

North 59°21'52" East, a distance of 495.89 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the beginning of a non-tangent curve to the right with a radius of 470.00 feet, a central angle of 13°35'47", and a chord bearing and distance of South 37°31'21" East, 111.27 feet;

In a southeasterly direction, with said non-tangent curve to the right, an arc distance of 111.53 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 30°43'27" East, a distance of 409.27 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

South 59°38'34" West, a distance of 406.45 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

South 30°00'57" East, a distance of 1,169.94 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

South 30°47'07" East, a distance of 86.34 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

South 31°20'37" East, a distance of 103.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

South 86°46'14" East, a distance of 188.53 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for the beginning of a non-tangent curve to the right with a radius of 325.00 feet, a central angle of 02°57'56", and a chord bearing and distance of North 01°44'47" East, 16.82 feet;

In a northeasterly direction, with said non-tangent curve to the right, an arc distance of 16.82 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 03°13'46" East, a distance of 83.19 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 41°46'14" West, a distance of 14.14 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 86°46'14" West, a distance of 10.50 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 03°13'46" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 86°46'14" East, a distance of 38.77 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 03°13'46" East, a distance of 34.03 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 30°43'27" West, a distance of 550.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 59°16'33" East, a distance of 105.36 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the beginning of a non-tangent curve to the left with a radius of 475.00 feet, a central angle of 08°24'38", and a chord bearing and distance of North 42°56'41" West, 69.66 feet;

In a northwesterly direction, with said non-tangent curve to the left, an arc distance of 69.73 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the beginning of a non-tangent curve to the left with a radius of 37.80 feet, a central angle of 08°53'03", and a chord bearing and distance of North 47°09'00" West, 5.85 feet;

In a northwesterly direction, with said non-tangent curve to the left, an arc distance of 5.86 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 87°51'00" West, a distance of 14.14 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 42°51'00" West, a distance of 10.50 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 47°09'00" West, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 42°51'00" East, a distance of 17.49 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 47°09'00" West, a distance of 110.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 42°51'00" East, a distance of 173.01 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 47°09'00" West, a distance of 45.30 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 42°51'00" East, a distance of 60.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 47°09'00" East, a distance of 10.50 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 87°51'00" East, a distance of 14.14 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 42°51'00" East, a distance of 100.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 02°09'00" West, a distance of 14.14 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 47°09'00" West, a distance of 96.27 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the beginning of a tangent curve to the right with a radius of 475.00 feet, a central angle of 16°25'33", and a chord bearing and distance of North 38°56'14" West, 135.71 feet;

In a northwesterly direction, with said tangent curve to the right, an arc distance of 136.18 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 30°43'27" West, a distance of 79.18 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 59°16'33" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 30°43'27" East, a distance of 10.50 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 75°43'27" East, a distance of 14.14 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 59°16'33" East, a distance of 100.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 30°43'27" West, a distance of 540.93 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 30°43'27" West, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 59°16'33" East, a distance of 100.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 13°59'54" East, a distance of 14.07 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 32°01'07" West, a distance of 10.36 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 57°35'45" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 31°59'28" East, a distance of 11.83 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 75°58'35" East, a distance of 14.20 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 59°16'33" East, a distance of 218.38 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 12°58'32" East, a distance of 13.82 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 33°52'02" West, a distance of 10.82 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 55°51'03" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 33°48'18" East, a distance of 13.81 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 76°58'05" East, a distance of 14.45 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 59°16'33" East, a distance of 133.26 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner in the northeasterly line of said 84.559 acre tract and being in the southwesterly line of a called 206.242 acre tract of land described in the Warranty Deed to Holman Texas L.P., recorded in Volume 2453, Page 429, D.R.J.C.T.;

THENCE with the common line of said 84.559 acre tract and said 206.242 acre tract, the following calls:

South 30°15'32" East, a distance of 1,538.60 feet to a 3/8-inch iron rod found for the southwest corner of said 206.242 acre tract;

North 59°23'00" East, a distance of 40.32 feet to a 1/2-inch iron rod with red plastic cap stamped “TOPO GRAPHI” found for an angle point in the north line of said 84.559 acre tract and being the northwest corner of a called 97.47 acre tract described in the Warranty Deed to The Matriarch Trust, recorded in Volume 1546, Page 725, D.R.J.C.T.;

THENCE South 30°44'08" East, with the common line of said 84.559 acre tract and said 97.47 acre tract, a distance of 1,607.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the southeast corner of said 84.559 acre tract, and being in the northwesterly right-of-way line of said East Highway No. 67, and being the beginning of a non-tangent curve to the left with a radius of 13,446.14 feet, a central angle of 00°49'03", and a chord bearing and distance of South 60°38'06" West, 191.88 feet;

THENCE with the northwesterly right-of-way line of said East Highway No. 67, the following calls:

In a northwesterly direction, with said non-tangent curve to the left, an arc distance of 191.88 feet to a 3-1/2-inch brass monument stamped “Texas Department of Transportation” found for corner;

South 43°58'07" West, a distance of 68.58 feet to a 3-1/2-inch brass monument stamped “Texas Department of Transportation” found for the beginning of a non-tangent curve to the left with a radius of 23,044.69 feet, a central angle of 01°01'09", and a chord bearing and distance of South 59°48'32" West, 409.87 feet;

In a southwesterly direction, with said non-tangent curve to the left, an arc distance of 409.87 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 59°17'58" West, a distance of 361.09 feet to a 1/2-inch iron rod found for the southeast corner of a called 5.000 acre tract described as “Tract 1” in the Quite Claim Deed to TKB Development, LLC, recorded in Instrument No. 2019-4737, O.P.R.J.C.T., and from which a 3-1/2-inch brass monument stamped “Texas Department of Transportation” found for an angle point in the south line of said 5.000 acre tract bears South 59°18'10” West, a distance of 84.32 feet;

THENCE with the common line of said 84.559 acre tract and said 5.000 acre tract, the following calls:

North 30°21'37" West, a distance of 531.80 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 59°36'15" West, a distance of 399.61 feet to a 1/2-inch iron rod (leaning) found for corner;

South 30°17'52" East, a distance of 550.33 feet to a 1/2-inch iron rod found for the southwest corner of said 5.000 acre tract, and being in the northwesterly right-of-way line of said East Highway No. 67;

THENCE South 59°22'26" West, with said right-of-way line, a distance of 60.00 feet to the **POINT OF BEGINNING** and containing a computed area of 3,683,380 square feet or 84.559 acres of land.

APPENDIX D
DIAGRAMS OF THE AUTHORIZED IMPROVEMENTS



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SCALE: 1"=400'

VALOR PHASE 1
PUBLIC IMPROVEMENT DISTRICT
OFFSITE PAVING & DRAINAGE IMPROVEMENTS

Kimley»Horn
13455 Noel Road - Two Galleria Tower, Suite 700
Dallas, Texas 75240
972-770-1300
State of Texas Registration No. F-928

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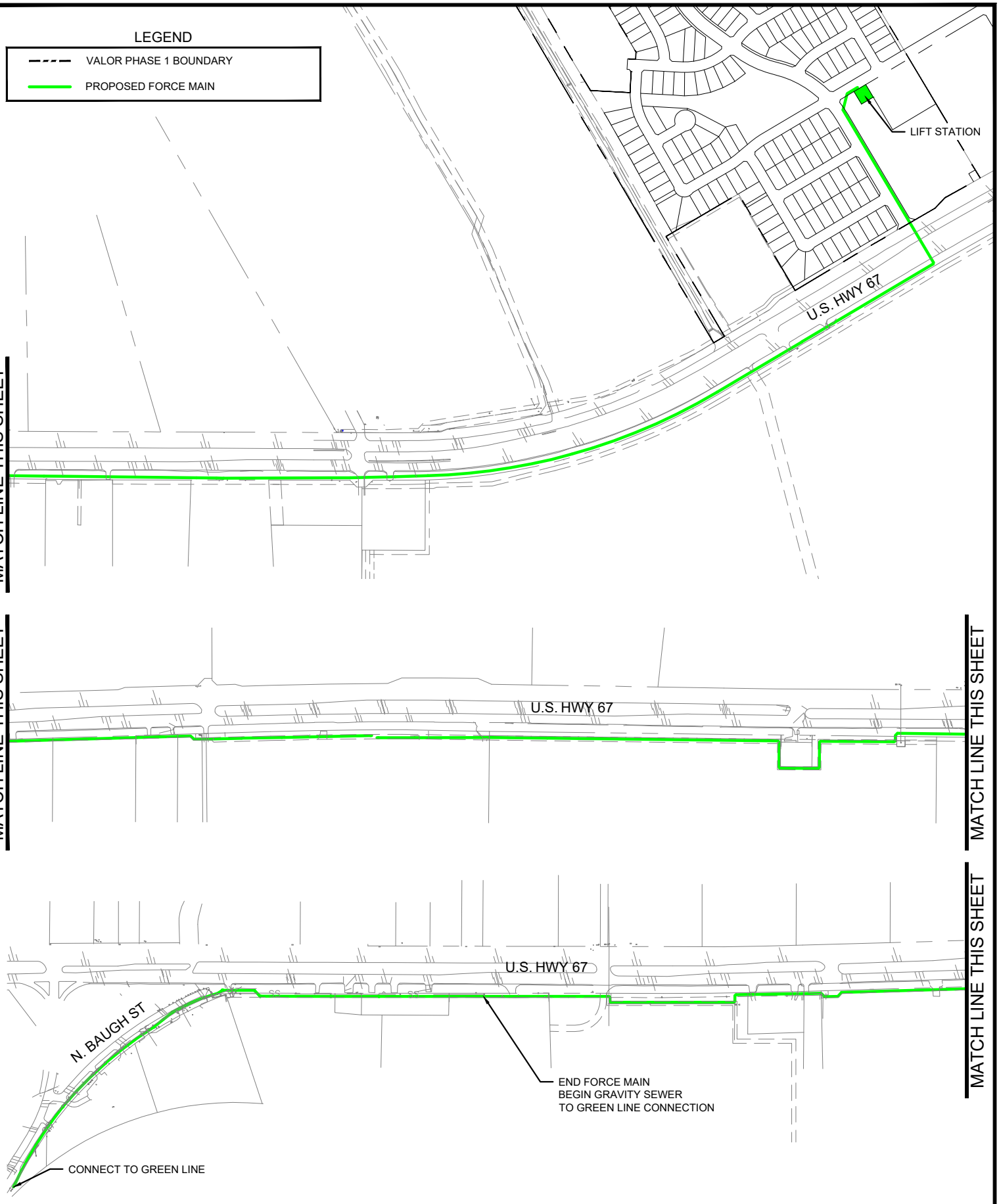
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SCALE: 1"=400'

VALOR PHASE 1
PUBLIC IMPROVEMENT DISTRICT
OFFSITE WATER IMPROVEMENTS

Kimley»Horn
13455 Noel Road - Two Galleria Tower, Suite 700
Dallas, Texas 75240
972-770-1300
State of Texas Registration No. F-928

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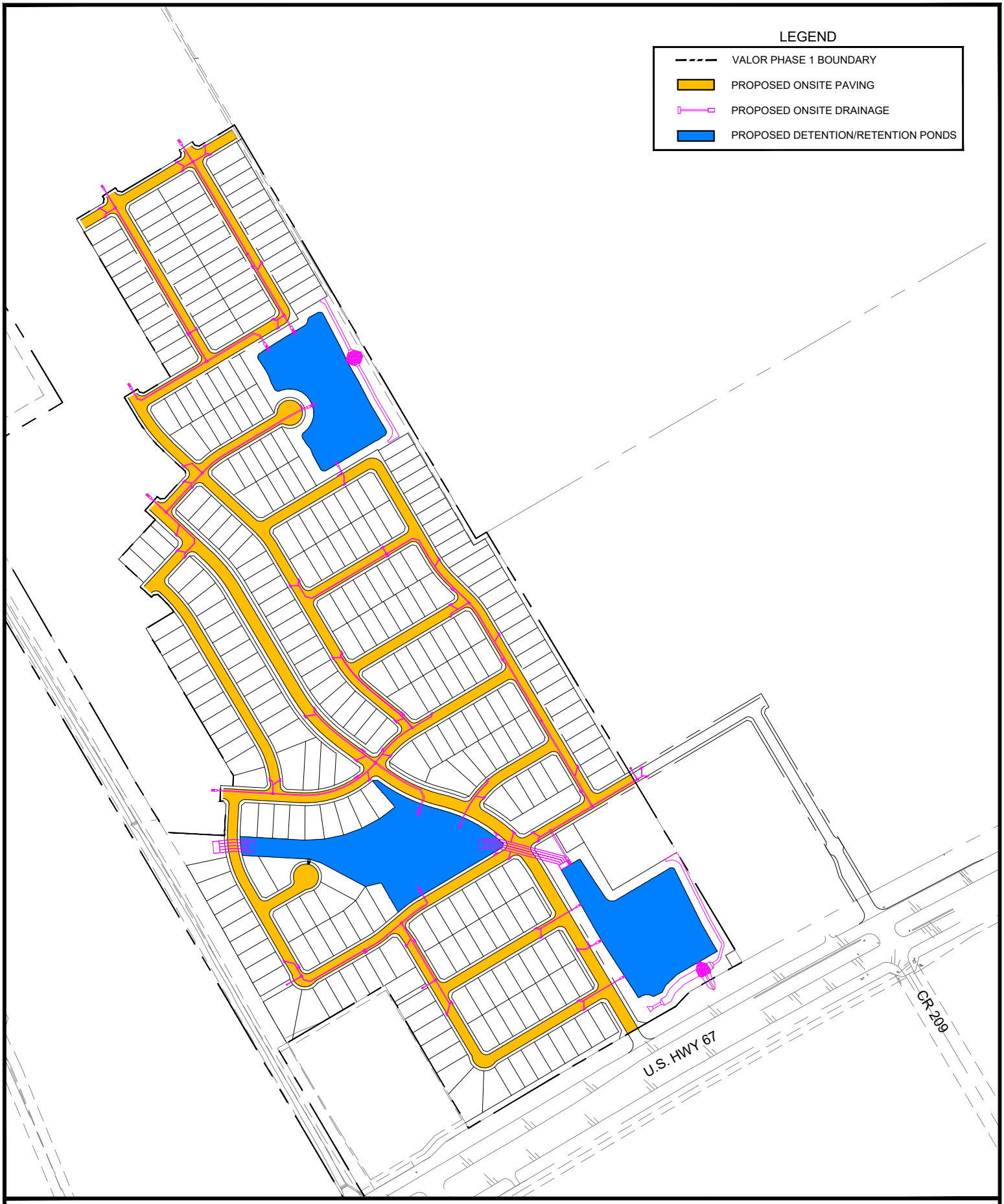
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SCALE: 1"=600'

VALOR PHASE 1
PUBLIC IMPROVEMENT DISTRICT
LIFT STATION & FORCE MAIN IMPROVEMENTS

Kimley»Horn
13455 Noel Road - Two Galleria Tower, Suite 700
Dallas, Texas 75240
972-770-1300
State of Texas Registration No. F-928

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SCALE: 1"=400'

VALOR PHASE 1
PUBLIC IMPROVEMENT DISTRICT
ONSITE PAVING & DRAINAGE IMPROVEMENTS

Kimley»Horn
13455 Noel Road - Two Galleria Tower, Suite 700
Dallas, Texas 75240
972-770-1300
State of Texas Registration No. F-928

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SCALE: 1"=400'

VALOR PHASE 1
PUBLIC IMPROVEMENT DISTRICT
ONSITE SANITARY SEWER IMPROVEMENTS

Kimley»Horn
13455 Noel Road - Two Galleria Tower, Suite 700
Dallas, Texas 75240
972-770-1300
State of Texas Registration No. F-928

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W E
S

SCALE: 1"=400'

VALOR PHASE 1
PUBLIC IMPROVEMENT DISTRICT
ONSITE WATER IMPROVEMENTS

Kimley»Horn
13455 Noel Road - Two Galleria Tower, Suite 700
Dallas, Texas 75240
972-770-1300
State of Texas Registration No. F-928

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APPENDIX E
PID ASSESSMENT NOTICE

AFTER RECORDING RETURN TO:

_____
_____
_____
_____
_____][1]

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
CITY OF ALVARADO, TEXAS
CONCERNING THE FOLLOWING PROPERTY

_____
STREET ADDRESS

LOT TYPE _____ PRINCIPAL ASSESSMENT: $_____

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Alvarado, Texas (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***Alvarado 215 Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City Council in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Johnson County.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

_____ _____

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

STATE OF TEXAS §
§
COUNTY OF JOHNSON §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Johnson County.

The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

_____ _____

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §
§
COUNTY OF JOHNSON §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Johnson County.

APPENDIX F
ASSESSMENT PER UNIT, PROJECTED LEVERAGE AND PROJECTED TAX RATE EQUIVALENTS

Appendix F

For purposes of calculating and allocating the Assessments, the Assessed Property has been classified in one Lot Type.

"Lot Type 1" means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 45 to 50 feet.

"Lot Type 2" means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 40 feet.

A) Proposed Development

Table F-1 shows the proposed residential units to be developed within the PID.

Table F-1
Proposed Development within the PID

Description	Proposed Development	
Lot Type 1 (50/45 Ft)	694	Units
Lot Type 2 (40 Ft)	207	Units
Total	**901**	**Units**

Table F-2 shows the proposed residential units within Improvement Area #1.

Table F-2
Proposed Development – Improvement Area #1

Description	Proposed Development	
Lot Type 1 (50/45 Ft)	183	Units
Lot Type 2 (40 Ft)	133	Units
Total	**316**	**Units**

Table F-3 shows the proposed residential Lots within the Future Improvement Area

Table F-3
Proposed Development – Future Improvement Area

Description	Proposed Development	
Lot Type 1 (50/45 Ft)	511	Units
Lot Type 2 (40 Ft)	74	Units
Total	**585**	**Units**

B) Calculation of Equivalent Units

As explained under Section V.D, for purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Improvement Area #1 Projects be financed with the Improvement Area #1 Reimbursement Agreement were allocated to Improvement Area #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

For purposes of this Service and Assessment Plan, the City Council has determined that the Assessments were allocated to the Improvement Area #1 Assessed Property on the basis of the average home value of each Lot Type, and that such method of allocation will result in the imposition of equal shares of the Assessments on Parcels similarly benefited. In determining the average home value of each Lot Type, the City Council has taken into consideration (i) the type of lots (i.e., 50 Ft, 40 Ft, etc.); (ii) current and projected home prices; (iii) the costs of the Authorized Improvements, and (iv) the ability of different property types to utilize and benefit from the Authorized Improvements.

Having taken into consideration the matters described above, the City Council has determined that allocating the Assessments among Parcels based on average home value is best accomplished by creating classifications of benefited Parcels based on the "Lot Types" defined above. These classifications from Lot Type 1 (50/45 Ft Lots) representing the highest value to Lot Type 2 (40 Ft Lot) representing the lowest value for residential lots are set forth in Table F-4. Assessments are allocated to each Lot Type on the basis of the average home value for each class of lots. This is accomplished by giving each Lot Type an Equivalent Unit factor. Equivalent Units are the ratio of the average value of lots within each assessment class, setting the Equivalent Unit factor for Lot Type 1 (50 Ft Lots) to 1.0.

Table F-4
Equivalent Unit Factors

Lot Type	Estimated Average Unit Value[1]	Equivalent Unit Factor
Lot Type 1 (50/45 Ft)	$350,000	1.00 per dwelling unit
Lot Type 2 (40 Ft)	$300,000	0.86 per dwelling unit

The total estimated Equivalent Units for Improvement Area #1 are shown in Table F-5 as calculated based on the Equivalent Unit factors shown in Table F-4, estimated Lot Types, and number of units estimated to be built within Improvement Area #1.

Table F-5
Estimated Equivalent Units - Improvement Area #1

Lot Type	Planned No. of units	Equivalent Unit Factor	Total Equivalent Units
Lot Type 1 (50/45 Ft)	183	1.00	183.00
Lot Type 2 (40 Ft)	133	0.86	114.38
Total	**316**		**297.38**

The total estimated Equivalent Units for the Future Improvement Area is shown in Table F-6 as calculated based on the Equivalent Unit factors shown in Table F-4, estimated Lot Types and number of units estimated to be built within the Future Improvement Area.

Table F-6
Estimated Equivalent Units – Future Improvement Area

Lot Type	Planned No. of units	Equivalent Unit Factor	Total Equivalent Units
Lot Type 1 (50/45 Ft)	511	1.00	511.00
Lot Type 2 (40 Ft)	74	0.86	63.64
Total	**585**		**574.64**

C) Allocation of Assessments to Lots within Improvement Area #1

As shown in Section IV of this Service and Assessment Plan, the total amount of the Improvement Area #1 Reimbursement Agreement which represents the total Assessment to be allocated on all Parcels within Improvement Area #1, is $6,515,000. As shown in Table F-5, there are a total of 297.38 estimated Equivalent Units in Improvement Area #1, resulting in an Assessment per Equivalent Unit of $21,908.00.

The Assessment per dwelling unit or acre is calculated as the product of (i) $21,908.00 multiplied by (ii) the applicable Equivalent Unit value for each Lot Type. For example, the Assessment for a Lot Type 1 (50/45 Ft Lot) dwelling unit is $21,908.00 (i.e. $21,908.00 × 1.00). The Assessment for a Lot Type 2 (40 Ft) dwelling unit is $18,840.88 (i.e. $21,908.00 x 0.86) Table F-7 sets forth the Improvement Area #1 Maximum Assessment per Unit for each Lot Type in Improvement Area #1.

Table F-7
Assessment Per Unit – Improvement Area #1

Description	Planned No. of Units	Assessment per Equivalent Unit	Equivalent Unit Factor	Assessment per Unit		Total Assessments
Lot Type 1 (50/45 Ft)	183	$21,908.00	1.00	$21,908.00	per dwelling unit	$4,009,163
Lot Type 2 (40 Ft)	133	$21,908.00	0.86	$18,840.88	per dwelling unit	$2,505,837
Total	**316**					**$6,515,000**

The projected leverage calculated based on the estimated finished lot values and home values for each Lot is shown in Table F-8.

Table F-8
Projected Leverage – Improvement Area #1

Description	No. of Units	Estimated Finished Lot Value Per Unit	Projected Home Value Per Unit	Assessment Per Unit	Leverage (Lot Value)	Leverage (Home Value)
Lot Type 1 (50/45 Ft)	183	$70,000	$350,000	$21,908.00	3.20	15.98
Lot Type 2 (40 Ft)	133	$60,000	$300,000	$18,840.88	3.18	15.92

The projected tax rate equivalent per unit calculated based on the estimated finished lot values and home values for each Lot is shown in Table F-9.

Table F-9
Estimated Tax Rate Equivalent Per Unit – Improvement Area #1

Description	No. of Units	Estimated Finished Lot Value Per Unit	Projected Home Value Per Unit	Projected Average Annual Installment Per Unit	Tax Rate Equivalent (Per $100 Lot Value)	Tax Rate Equivalent (Per $100 Home Value)
Lot Type 1 (50/45 Ft)	183	$70,000	$350,000	$1,925	$2.75	$0.55
Lot Type 2 (40 Ft)	133	$60,000	$300,000	$1,655	$2.76	$0.55

The Assessment and Annual Installments for each Parcel or Lot located within Improvement Area #1 is shown on the Improvement Area #1 Assessment Roll, attached as Appendix G, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

APPENDIX G
PROPOSED IMPROVEMENT AREA #1 ASSESSMENT ROLL

Appendix F-1
Proposed Improvement Area #1 Assessment Roll

Parcel	**R000123784**
Assessment	**$6,515,000**
Equivalent Units	**297.38**

Year	Principal	Interest[1]	Administrative Expenses[2]	Total Annual Installment[2]
2026	$93,000	$423,475	$60,000	$576,475
2027	$97,000	$417,430	$61,200	$575,630
2028	$101,000	$411,125	$62,424	$574,549
2029	$106,000	$404,560	$63,672	$574,232
2030	$111,000	$397,670	$64,946	$573,616
2031	$117,000	$390,455	$66,245	$573,700
2032	$123,000	$382,850	$67,570	$573,420
2033	$129,000	$374,855	$68,921	$572,776
2034	$136,000	$366,470	$70,300	$572,770
2035	$143,000	$357,630	$71,706	$572,336
2036	$150,000	$348,335	$73,140	$571,475
2037	$159,000	$338,585	$74,602	$572,187
2038	$167,000	$328,250	$76,095	$571,345
2039	$176,000	$317,395	$77,616	$571,011
2040	$186,000	$305,955	$79,169	$571,124
2041	$197,000	$293,865	$80,752	$571,617
2042	$208,000	$281,060	$82,367	$571,427
2043	$219,000	$267,540	$84,014	$570,554
2044	$232,000	$253,305	$85,695	$571,000
2045	$246,000	$238,225	$87,409	$571,634
2046	$260,000	$222,235	$89,157	$571,392
2047	$275,000	$205,335	$90,940	$571,275
2048	$291,000	$187,460	$92,759	$571,219
2049	$309,000	$168,545	$94,614	$572,159
2050	$327,000	$148,460	$96,506	$571,966
2051	$347,000	$127,205	$98,436	$572,641
2052	$368,000	$104,650	$100,405	$573,055
2053	$390,000	$80,730	$102,413	$573,143
2054	$414,000	$55,380	$104,461	$573,841
2055	$438,000	$28,470	$106,551	$573,021
Total	**$6,515,000**	**$8,227,505**	**$2,434,085**	**$17,176,590**

[1]Represents the principal and interest on the Improvement Area #1 Reimbursement Agreement. Interest is calculated using an estimated interest rate of 6.50% in years 1 through 30 (2026-2055).
[2]Administrative Expenses are estimated and will be updated each year in the Annual Service Plan Updates. Assumes a 2% increase per year.

Appendix F-2
Proposed Improvement Area #1 Assessment Roll by Lot Type

Lot Type	**Lot Type 1 (50/45 Ft)**
Assessment	**$21,908.00**
Equivalent Units	**1.00**

Year	Principal	Interest[1]	Administrative Expenses[2]	Total Annual Installment[2]
2026	$313	$1,424	$202	$1,939
2027	$326	$1,404	$206	$1,936
2028	$340	$1,382	$210	$1,932
2029	$356	$1,360	$214	$1,931
2030	$373	$1,337	$218	$1,929
2031	$393	$1,313	$223	$1,929
2032	$414	$1,287	$227	$1,928
2033	$434	$1,261	$232	$1,926
2034	$457	$1,232	$236	$1,926
2035	$481	$1,203	$241	$1,925
2036	$504	$1,171	$246	$1,922
2037	$535	$1,139	$251	$1,924
2038	$562	$1,104	$256	$1,921
2039	$592	$1,067	$261	$1,920
2040	$625	$1,029	$266	$1,921
2041	$662	$988	$272	$1,922
2042	$699	$945	$277	$1,922
2043	$736	$900	$283	$1,919
2044	$780	$852	$288	$1,920
2045	$827	$801	$294	$1,922
2046	$874	$747	$300	$1,921
2047	$925	$690	$306	$1,921
2048	$979	$630	$312	$1,921
2049	$1,039	$567	$318	$1,924
2050	$1,100	$499	$325	$1,923
2051	$1,167	$428	$331	$1,926
2052	$1,237	$352	$338	$1,927
2053	$1,311	$271	$344	$1,927
2054	$1,392	$186	$351	$1,930
2055	$1,473	$96	$358	$1,927
Total	**$21,908**	**$27,667**	**$8,185**	**$57,760**

[1]Represents the principal and interest on the Improvement Area #1 Reimbursement Agreement. Interest is calculated using an estimated interest rate of 6.50% in years 1 through 30 (2026-2055).
[2]Administrative Expenses are estimated and will be updated each year in the Annual Service Plan Updates. Assumes a 2% increase per year.

Appendix F-3
Proposed Improvement Area #1 Assessment Roll by Lot Type

Lot Type	**Lot Type 2 (40 Ft)**
Assessment	**$18,840.88**
Equivalent Units	**0.86**

Year	Principal	Interest[1]	Administrative Expenses[2]	Total Annual Installment[2]
2026	$269	$1,225	$174	$1,667
2027	$281	$1,207	$177	$1,665
2028	$292	$1,189	$181	$1,662
2029	$307	$1,170	$184	$1,661
2030	$321	$1,150	$188	$1,659
2031	$338	$1,129	$192	$1,659
2032	$356	$1,107	$195	$1,658
2033	$373	$1,084	$199	$1,656
2034	$393	$1,060	$203	$1,656
2035	$414	$1,034	$207	$1,655
2036	$434	$1,007	$212	$1,653
2037	$460	$979	$216	$1,655
2038	$483	$949	$220	$1,652
2039	$509	$918	$224	$1,651
2040	$538	$885	$229	$1,652
2041	$570	$850	$234	$1,653
2042	$602	$813	$238	$1,653
2043	$633	$774	$243	$1,650
2044	$671	$733	$248	$1,651
2045	$711	$689	$253	$1,653
2046	$752	$643	$258	$1,652
2047	$795	$594	$263	$1,652
2048	$842	$542	$268	$1,652
2049	$894	$487	$274	$1,655
2050	$946	$429	$279	$1,654
2051	$1,003	$368	$285	$1,656
2052	$1,064	$303	$290	$1,657
2053	$1,128	$233	$296	$1,657
2054	$1,197	$160	$302	$1,660
2055	$1,267	$82	$308	$1,657
Total	**$18,841**	**$23,793**	**$7,039**	**$49,673**

[1]Represents the principal and interest on the Improvement Area #1 Reimbursement Agreement. Interest is calculated using an estimated interest rate of 6.50% in years 1 through 30 (2026-2055).
[2]Administrative Expenses are estimated and will be updated each year in the Annual Service Plan Updates. Assumes a 2% increase per year.

City Council Management Report
Meeting Date: 4/20/2026
Contact: Justin French, Community Development Director

AGENDA ITEM:
Consideration and action on Resolution No. R2026-0023; A Resolution of the City of Alvarado, Texas, accepting the petition for annexation, setting a Public Hearing date for May 18, 2026, and authorizing the issuance of a publicized notice by the City Secretary of Alvarado, Texas regarding the annexation hearing to be held on May 18, 2026, pertaining to a tract of approximately 215 acres, more or less, of land located in the Extraterritorial Jurisdiction of the City of Alvarado, Johnson County, Texas; Situated in the R. Bell Survey, Abstract No. 44, J. Bell Survey, Abstract No. 46, T. Stephens Survey, Abstract No. 778, A. Powers Survey, Abstract No. 686, and A. Kimbell Survey, Abstract 46, commonly known as 1303 S. Parkway Dr. (Chambers Creek Annexation Petition acceptance) (French)

BACKGROUND & FINDINGS:
On April 7, 2026, the City of Alvarado received a petition from _____ requesting voluntary annexation of approximately 215 acres into the Alvarado city limits, known as Tracts 2A and 3 of the J. Bell Survey, Abstract 46 and Tract 1 of the A. Powers Survey, Abstract 686. Approval of the attached resolution recognizes a service plan in the development agreement approved by City Council on April 6, 2026, and sets the public hearing of the annexation ordinance for the May 18, 2026, regularly scheduled City Council meeting after proper notice.

FINANCIAL IMPACT:
None.

RECOMMENDATION:
City Council approval of Resolution R2026-____ is consistent with the City's Comprehensive Plan.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:

1. UPDATED - RESOLUTION to accept petition for annexation - Chambers Creek
2. Updated Petition for Annexation Chambers Creek
3. Location Map 1303 S. Parkway Drive 4.2.2026

RESOLUTION NO. R2026-_____

A RESOLUTION OF THE CITY OF ALVARADO, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION, SETTING A PUBLIC HEARING DATE FOR MAY 18, 2026, AND AUTHORIZING THE ISSUANCE OF A PUBLICIZED NOTICE BY THE CITY SECRETARY OF ALVARADO, TEXAS, REGARDING THE ANNEXATION HEARING TO BE HELD ON MAY 18, 2026, PERTAINING TO A TRACT OF APPROXIMATELY 215 ACRES, MORE OR LESS, OF LAND LOCATED IN THE EXTRATERRITORIAL JURISDICATION OF THE CITY OF ALVARADO IN JOHNSON COUNTY, TEXAS; SITUATED IN THE R. BELL SURVEY, ABSTRACT NO. 44, J. BELL SURVEY, ABSTRACT NO. 46, T. STEPHENS SURVEY, ABSTRACT NO. 778, A. POWERS SURVEY, ABSTRACT NO. 686, AND A. KIMBELL SURVEY , ABSTRACT 46, COMMONLY KNOWN AS 1303 S. PARKWAY DRIVE

WHEREAS, the owner of certain property located within the extraterritorial jurisdiction of the City of Alvarado Johnson County, Texas, has petitioned the City of Alvarado, Texas (the "City"), a Home Rule Municipality, for annexation of said property, more particularly described herein (the "subject property"), into the corporate limits of the City; and

WHEREAS, the subject property is adjacent to the corporate limits of the city and the owner(s) has made application for annexation; and

WHEREAS, after review and consideration of such requests and petition of the owner of the subject property for annexation, the city council finds that the subject property may be annexed pursuant to §43.0671 of the Texas Local Government Code; and

WHEREAS, the petitioner has agreed and consented to the annexation of the subject property by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the city and all those which may be hereafter adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Proceedings. The petition for annexation of the subject property shown in Exhibit "A" and the service plan as set forth in associated development agreement are hereby accepted:

Exhibit "A"

Parcel - 1
188.62 Acres
Johnson County, Texas

BEING 188.62 acres of land in the Robert Bell Survey, Abstract Number 44, J. Bell Survey, Abstract No. 46, T. Stephens Survey, Abstract No. 778, and the Ambrose Powers Survey, Abstract Number 686, Johnson County, Texas; being part of that certain tract of land described in a Warranty Deed to Alvarado 228 Development. LLC. as recorded in Book 2016 Page 2678, Deed Records, Johnson County, Texas (D.R.J.C.T.), and being more particularly described, by metes and bounds, as follows:

BEGINNING at a mag nail with washer set stamped “MANHARD CONSULTING” at the northernmost northwest corner;

THENCE North 89°45'44” East, a distance of 1,669.99 feet to a yellow capped 5/8” iron rod set stamped “MANHARD CONSULTING”;

THENCE North 62°48'30” East, continuing along said line, a distance of 147.84 feet to a mag nail with washer set stamped “MANHARD CONSULTING” at the northeast corner;

THENCE South 25°14'01” East, along the common line, a distance of 2,002.48 feet to a 1/2” iron rod found;

THENCE South 01°37'36” West, a distance of 314.22 feet to a found fence post;

THENCE South 89°01'16” East, a distance of 676.85 feet to a found 1/2" iron rod;

THENCE South 00°12'15” East, a distance of 1,428.77 feet to a 1/2" iron rod found at the southeast corner;

THENCE South 82°22'29” West, a distance of 160.00 feet to a capped 5/8" iron rod found stamped "RPLS 4838";

THENCE North 84°13'06” West, 557.60 feet to a point for corner;

THENCE North 78°11'06” West, 75.80 feet to a point for corner;

THENCE North 36°28'06” West, 127.40 feet to a point for corner;

THENCE South 75°02'54” West, 101.10 feet to a point for corner;

THENCE South 60°58'54” West, 175.40 feet to a point for corner;

THENCE South 77°47'51” West, 175.00 feet to a point for corner;

THENCE South 56°30'54” West, 172.60 feet to a point for corner;

THENCE North 86°37'06” West, 202.00 feet to a point for corner;

THENCE North 55°59'06” West, 54.80 feet to a point for corner;

THENCE North 45°42'06” West, 143.80 feet to a point for corner;

THENCE North 35°43'06” West, 100.00 feet to a point for corner;

THENCE North 21°54'06” West, 58.20 feet to a point for corner;

THENCE North 78°48'06” West, 186.90 feet to a point for corner;

THENCE North 80°49'06” West, 120.90 feet to a point for corner;

THENCE South 84°37'54” West, 367.50 feet to a point for corner;

THENCE South 76°51'54" West, 22.35 feet to a point for corner;

THENCE North 12°47'36" West, 333.88 feet to a point for corner;

THENCE North 33°45'46" West, 978.77 feet to a point for corner;
THENCE North 89°48'52" East, 1.29 feet to a point for corner;

THENCE North 01°00'47" East, 2,128.25 feet to a point for corner;

THENCE South 89°49'45" West, 199.77 feet to a point for corner;

THENCE North 01°10'12" East, 20.88 feet to the POINT OF BEGINNING, containing 188.62 acres of land.

Parcel - 2
26.41 Acres
Johnson County, Texas

BEING 26.41 acres of land in the A. Kimbell Survey, Abstract Number 479, and the J. Bell Survey, Abstract No. 46, Johnson County, Texas; being part of that called 228.322 acre tract of land described in a Warranty Deed to Alvarado 228 Development. LLC. as recorded in Book 2016, Page 2678, Deed Records, Johnson County, Texas (D.R.J.C.T.), and being more particularly described, by metes and bounds, as follows:

COMMENCING at a mag nail with washer set stamped "MANHARD CONSULTING" at the northernmost northwest corner of said 228.322 acres, and being on the centerline of Maple Street (prescriptive roadway);

THENCE South 01°10'12" West leaving said centerline, a distance of 20.88 feet to a ½-inch iron rod;

THENCE North 89°49'45" East, a distance of 199.77 feet to a capped ½-inch iron rod stamped "DANNENBAUM";

THENCE South 01°00'47"West, a distance of 2,128.25 feet to a 5/8-inch iron rod stamped "FORT WORTH SURVEYING" for the POINT OF BEGINNING;

THENCE South 33°42'00" East, a distance of 978.06 feet to a point for corner;

THENCE South 12°47'36" East, a distance of 333.88 feet to a point in Chambers Creek;

THENCE westerly with Chambers Creek as follows:
South 76°51'54"West, 180.65 feet;
South 85°21'54"West, 200.10 feet;
North 86°16'06"West, 178.50 feet;
South 75°39'54"West, 300.00 feet;
South 79°27'54"West, 200.60 feet;
North 60°35'35"West, 113.10 feet;
North 26°54'15"West, 139.50 feet;

THENCE North 01°04'35" East leaving said Creek, 113.85 feet to a fence post;

THENCE North 01°15'43" East, a distance of 989.34 feet to a ½-inch iron rod;

THENCE North 88°03'11" East, a distance of 362.87 feet to a 60d nail;

THENCE North 89°48'52" East, a distance of 199.83 feet to the POINT OF BEGINNING, containing 26.41 acres of land more or less.

Containing in all 215.03 acres of land.

A public hearing has been set for the date of May 18, 2026. Notice of such hearing shall be posted and the hearing shall be open to the public to accept public comment on the annexation request. In the event of a conflict between the subject property description contained herein, **Exhibit "A"** shall control.

Section 3. Severability. Should any section or part of the Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of the Resolution are declared to be severable.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Alvarado on this the 20th day of April, 2026.

ATTEST: **THE CITY OF ALVARADO, TEXAS**

_____ _____

Bobbie Jo Taylor, City Secretary Jacob Wheat, Mayor

SITUATED IN THE R. BELL SURVEY, ABSTRACT NO. 44, J. BELL SURVEY, ABSTRACT NO. 46, T. STEPHENS SURVEY, ABSTRACT NO. 778, A. POWERS SURVEY, ABSTRACT NO. 686, AND A. KIMBELL SURVEY, ABSTRACT 46, JOHNSON COUNTY, TEXAS

PETITION FOR ANNEXATION

TO: THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF ALVARADO, TEXAS:

By General Warranty Deed (the "Deed") dated effective February 5, 2016, and recorded as Instrument No. 2016-2678 in the Official Records of Johnson County, Texas, Alvarado 228 Development, LLC (the "Owner") is the sole and record owner of the land described in the Deed (the "Owner Parcel").

Approximately 215.03 acres of property located within the Owner's Parcel is located entirely within the extraterritorial jurisdiction of the City of Alvarado, Texas (the "City") and described in Exhibit A (the "Property");

The Property is subject to that certain Chambers Creek Development Agreement (the "DA"), and this petition is executed subject to the rights and obligations of the parties under the DA, including the right to disannex the Property.

Owner has entered into the DA which serves as a written agreement for municipal services with the City of Alvarado pursuant to Section 43.0672 of the Local Government Code. If any portion of the Property is appraised for ad valorem tax purposes as agricultural, wildlife management use or timber land under Chapter 23 of the Tax Code, I certify that I voluntarily elected to enter into the DA instead of entering into an agreement to remain in the ETJ under Section 43.016 of the Local Government Code,.

Owner further certifies and attests that it has the authority to petition for annexation for the Property and that there are no other persons or entities that have ownership interest in the Property subject to this request/petition. Owner further certifies that the above-described Property is contiguous and adjacent to the City of Alvarado, Texas, is not located within the corporate limits or ETJ of any other municipality or other special district, and that this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property. Pursuant to Section 43.0671, Texas Local Government Code, the City may annex an area if each owner of land in the area requests the annexation.

Owner desires that the Property be incorporated in and made a part of the City for all purposes. Owner certifies and acknowledges that Owner has the written disclosures required by Section 212.172(b-1) of the Texas Local Government Code

Owner does hereby submit to the City this petition requesting annexation (this "Petition") of the Property and requests that the City: (i) accept this Petition for that purpose; (ii) promptly notice and conduct the requisite public hearing in accordance with Section 43.0673, Texas Local Government Code; (iii) adopt an ordinance annexing the area with an immediate effective date; and (iv) carry out any and all other necessary conditions to complete the annexation of the area.

[Signature page follows]

RCVD 4/14/26

BG

Duly executed this 10 day of April, 2026.

ALVARADO 228 DEVELOPMENT, LLC
a Texas limited liability company

By: _____
Name: L. Wayne Powell, Jr.
Title: Authorized Member

THE STATE OF TEXAS §
COUNTY OF Tarrant §

This instrument was acknowledged before me on this day, April 10th, 2026, by L. Wayne Powell, Jr., Authorized Member of Alvarado 228 Development LLC, on behalf of said limited liability company.

_____
Notary Public, State of Texas

(SEAL)

JIMMY THAI
Notary ID #133990582
My Commission Expires
September 29, 2026

Exhibit "A"
Property

TRACT 1

BEING 188.62 acres of land in the Robert Bell Survey, Abstract Number 44, J. Bell Survey, Abstract No. 46, T. Stephens Survey, Abstract No. 778, and the Ambrose Powers Survey, Abstract Number 686, Johnson County, Texas; being part of that certain tract of land described in a Warranty Deed to Alvarado 228 Development, LLC. as recorded in Book 2016 Page 2678, Deed Records, Johnson County, Texas (D.R.J.C.T.), and being more particularly described, by metes and bounds, as follows:

BEGINNING at a mag nail with washer set stamped "MANHARD CONSULTING" at the northernmost northwest corner;

THENCE North 89°45'44" East, a distance of 1,669.99 feet to a yellow capped 5/8" iron rod set stamped "MANHARD CONSULTING";

THENCE North 62°48'30" East, continuing along said line, a distance of 147.84 feet to a mag nail with washer set stamped "MANHARD CONSULTING" at the northeast corner;

THENCE South 25°14'01" East, along the common line, a distance of 2,002.48 feet to a 1/2" iron rod found;

THENCE South 01°37'36" West, a distance of 314.22 feet to a found fence post;

THENCE South 89°01'16" East, a distance of 676.85 feet to a found 1/2" iron rod;

THENCE South 00°12'15" East, a distance of 1,428.77 feet to a 1/2" iron rod found at the southeast corner;

THENCE South 82°22'29" West, a distance of 160.00 feet to a capped 5/8" iron rod found stamped "RPLS 4838";

THENCE North 84°13'06" West, 557.60 feet to a point for corner;

THENCE North 78°11'06" West, 75.80 feet to a point for corner;

THENCE North 36°28'06" West, 127.40 feet to a point for corner;

THENCE South 75°02'54" West, 101.10 feet to a point for corner;

THENCE South 60°58'54" West, 175.40 feet to a point for corner;

THENCE South 77°47'51" West, 175.00 feet to a point for corner;

THENCE South 56°30'54" West, 172.60 feet to a point for corner;

THENCE North 86°37'06" West, 202.00 feet to a point for corner;

THENCE North 55°59'06" West, 54.80 feet to a point for corner;

THENCE North 45°42'06" West, 143.80 feet to a point for corner;

THENCE North 35°43'06" West, 100.00 feet to a point for corner;

THENCE North 21°54'06" West, 58.20 feet to a point for corner;

THENCE North 78°48'06" West, 186.90 feet to a point for corner;

THENCE North 80°49'06" West, 120.90 feet to a point for corner;

THENCE South 84°37'54" West, 367.50 feet to a point for corner;

THENCE South 76°51'54" West, 22.35 feet to a point for corner;

THENCE North 12°47'36" West, 333.88 feet to a point for corner;

THENCE North 33°45'46" West, 978.77 feet to a point for corner;

THENCE North 89°48'52" East, 1.29 feet to a point for corner;

THENCE North 01°00'47" East, 2,128.25 feet to a point for corner;

THENCE South 89°49'45" West, 199.77 feet to a point for corner;

THENCE North 01°10'12" East, 20.88 feet to the POINT OF BEGINNING, containing 188.62 acres of land.

TRACT 2

BEING 26.41 acres of land in the A. Kimbell Survey, Abstract Number 479, and the J. Bell Survey, Abstract No. 46, Johnson County, Texas; being part of that called 228.322 acre tract of land described in a Warranty Deed to Alvarado 228 Development. LLC. as recorded in Book 2016, Page 2678, Deed Records, Johnson County, Texas (D.R.J.C.T.), and being more particularly described, by metes and bounds, as follows:

COMMENCING at a mag nail with washer set stamped "MANHARD CONSULTING" at the northernmost northwest corner of said 228.322 acres, and being on the centerline of Maple Street (prescriptive roadway);

THENCE South 01°10'12" West leaving said centerline, a distance of 20.88 feet to a ½-inch iron rod;

THENCE North 89°49'45" East, a distance of 199.77 feet to a capped ½-inch iron rod stamped "DANNENBAUM";

THENCE South 01°00'47" West, a distance of 2,128.25 feet to a 5/8-inch iron rod stamped "FORT WORTH SURVEYING" for the POINT OF BEGINNING;

THENCE South 33°42'00" East, a distance of 978.06 feet to a point for corner;

THENCE South 12°47'36" East, a distance of 333.88 feet to a point in Chambers Creek;

THENCE westerly with Chambers Creek as follows:

South 76°51'54" West, 180.65 feet;

South 85°21'54" West, 200.10 feet;

North 86°16'06" West, 178.50 feet;

South 75°39'54" West, 300.00 feet;

South 79°27'54" West, 200.60 feet;

North 60°35'35" West, 113.10 feet;

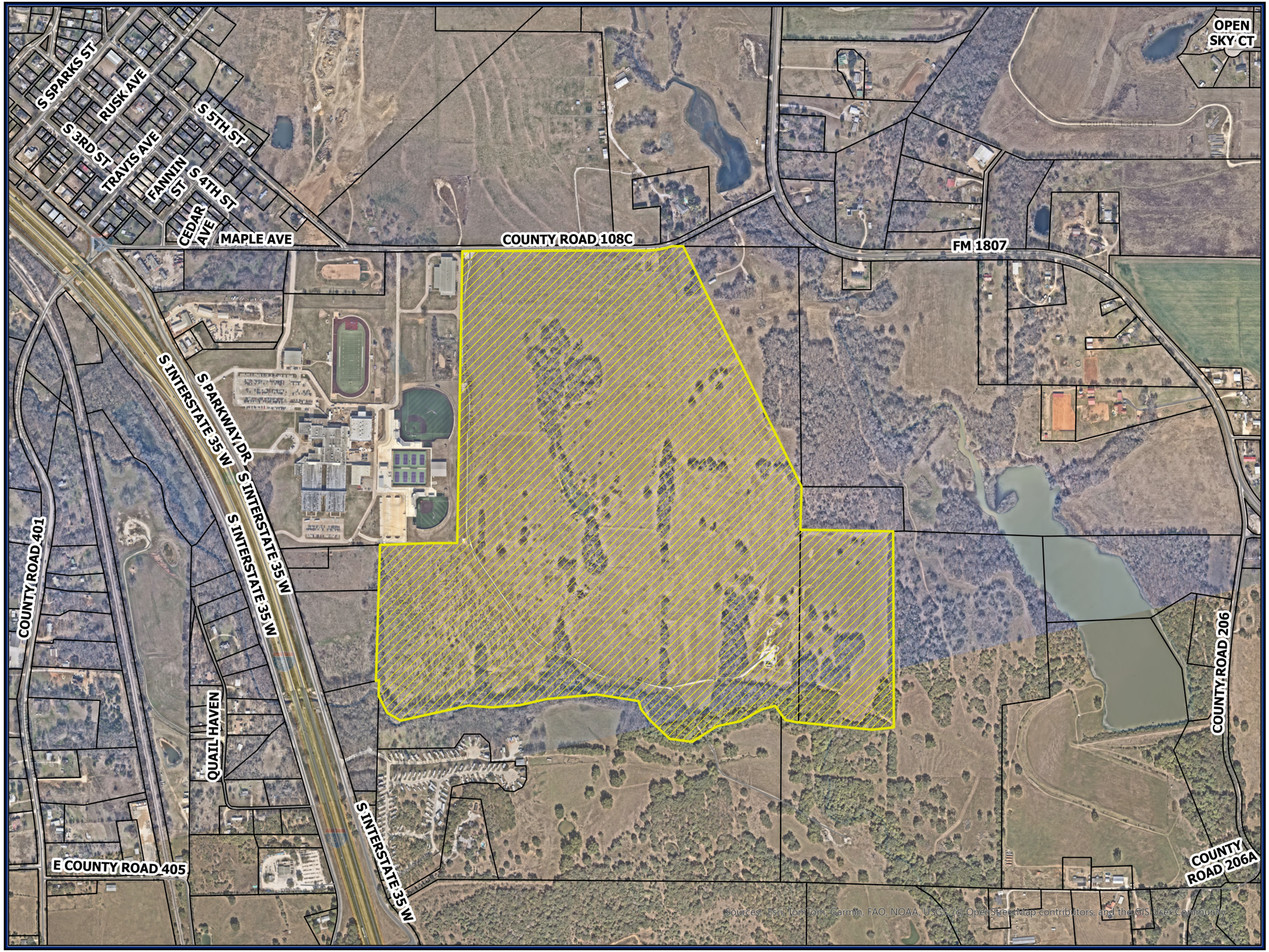
North 26°54'15" West, 139.50 feet;

THENCE North 01°04'35" East leaving said Creek, 113.85 feet to a fence post;

THENCE North 01°15'43" East, a distance of 989.34 feet to a ½-inch iron rod;

THENCE North 88°03'11" East, a distance of 362.87 feet to a 60d nail;

THENCE North 89°48'52" East, a distance of 199.83 feet to the POINT OF BEGINNING, containing 26.41 acres of land more or less.



Location Map

Legend

- Subject Property
- Roads
- Johnson County Parcels

N
W E
S

0 485 970
Feet

4/2/2026

City Council Management Report
Meeting Date: 4/20/2026
Contact: Donielle Suber, Director of Administrative Services

AGENDA ITEM:
Public Hearing, consideration, and action related to Resolution No. R2026-0024; A Resolution of the City of Alvarado, Texas, establishing the Chambers Creek Public Improvement District and ordering Public Improvements to be made for the benefit of such district, providing for a severability clause, providing an effective date, and containing other matters relating to the subject. (Establishing Chambers Creek PID) (Suber)

BACKGROUND & FINDINGS:
Avalon Development Group, LLC submitted a petition requesting the creation of the district to support the financing of approximately $35,000,0000 in public infrastructure improvements within the Authorized Improvement area. These improvements include infrastructure construction and acquisition, as well as the development of trails and park amenities across 188.62 acres.

FINANCIAL IMPACT:
There is no financial impact.

RECOMMENDATION:
Staff recommends City Council act on Resolution No. R2026-0024, a petition for the creation of Chambers Creek PID.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Resolution Creating Chambers Creek PID

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
JOHNSON COUNTY §
CITY OF ALVARADO §

We, the undersigned officers of the City of Alvarado (the "City"), hereby certify as follows:

1. The City Council of the City convened in regular meeting on April 20, 2026, at the designated meeting place, and the roll was called of the duly constituted officers and members of the City Council, to-wit:

Jacob Wheat; Mayor	Carrie Keeton; Ward 1 Place 1
Beverly Short; Ward 1 Place 4	Cherry Bryant; Ward 2 Place 5
Lydia Moon; Ward 2 Place 2	Scott Arthur; Ward 3 Place 6
Kevin Thomas; Ward 3 Place 3	

and all of the persons were present except _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written resolution entitled

A RESOLUTION ESTABLISHING THE CHAMBERS CREEK PUBLIC IMPROVEMENT DISTRICT AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted and, after due discussion, the motion, carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: __ NOES: __ ABSTAIN: __

2. That a true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that the Resolution has been duly recorded in the City Council's minutes of the Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the adoption of the Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that the Resolution would be introduced and considered for adoption at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose, and that the Meeting was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code.

3. That the Mayor of the City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of the City have duly signed the Resolution; and that the Mayor and the City Secretary of the City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of the Resolution for all purposes.

SIGNED AND SEALED ON APRIL 20, 2026.

_____
Mayor
City of Alvarado, Texas

_____
City Secretary
City of Alvarado, Texas

(CITY SEAL)

A RESOLUTION ESTABLISHING THE CHAMBERS CREEK PUBLIC IMPROVEMENT DISTRICT AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the City of Alvarado, Texas (the "City") is authorized by Chapter 372, Texas Local Government Code, as amended (the "Act") to create a public improvement district and to levy special assessments against property within the district to pay the costs of public improvement projects that confer a special benefit on property within the district; and

WHEREAS, a "Petition for the Creation of the Chambers Creek Public Improvement District within the Extraterritorial Jurisdiction of the City of Alvarado, Texas" (the "Petition") was submitted to and filed with the City Secretary of the City pursuant to the Act, and which Petition requested the establishment of a public improvement district with the boundaries as described in the Petition a to be known as the "Chambers Creek Public Improvement District" (the "District"); and

WHEREAS, the City Council of the City (the "City Council") received the Petition and determined that it satisfied the requirements of the Act; and

WHEREAS, after providing the notices required by the Act and by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended (the "Open Meetings Act"), the City Council convened the public hearing to determine the advisability of creating and establishing the District and undertaking the public improvement projects described in the Petition; and

WHEREAS, such public meeting was convened on April 20, 2026 and all owners of property located within the District and all other interested persons were given the opportunity at such public hearings to speak for or against the creation of the District and the proposed public improvements; and

WHEREAS, the District will contain approximately 188.62 acres to be developed with single family residential and improvements described in the Petition; and

WHEREAS, the City Council has made findings based on the information contained in the petition presented to the City Council and the comments received at the public hearing. Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS:

Section 1. The City Council hereby approves the statements contained in the preamble of this Resolution and finds that all statements are true and correct and incorporate the same in the body of this Resolution.

Section 2. The City Council, after considering the Petition and the evidence and testimony presented at the public hearing, hereby finds and determines that:

(a) the Petition was filed with the City Secretary and was signed by owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current appraisal roll of the appraisal district in which the property is located, and by the record owners of real property liable for assessment under the proposal who own taxable real property that constitutes more than 50 percent of the area of all real property that is liable for assessment under the proposal;

(b) the proposed public improvements described in the Petition are of the nature of the public improvements described in Section 372.003 of the Act and are advisable and desirable improvements for the District;

(c) the proposed public improvements will promote the interests of the City and are of the nature that will confer a special benefit on all property within the District by enhancing the value of such property located within the District;

(d) the nature of the proposed improvements and estimated costs thereof are set forth and described in Exhibit A attached hereto and made a part hereof for all purposes;

(e) the boundaries of the District include all of the property that is set forth and described in Exhibit B attached hereto and made a part hereof for all purposes;

(f) the assessment of costs of the proposed public improvements will be levied on each parcel of property within the District in a manner that results in imposing equal shares of the costs on property similarly benefitted;

(g) the costs of the proposed public improvements shall be paid by assessment of the property within the District. The City will pay none of the costs of the proposed public improvements. Any remaining costs of the proposed public improvements will be paid from sources other than assessment of the property within the District, as further described in Exhibit A;

(h) the management of the District will be by the City with the assistance of a third-party administrator hired by the City and paid as part of the annual administrative cost of the District; and

(i) the District shall be managed without the creation of an advisory body.

Section 3. Based on the foregoing, the Chambers Creek Public Improvement District is hereby created and the public improvements described in Exhibit A are authorized to be made in accordance with the service and assessment plan to be approved by the City Council.

Section 4. Not later than the seventh day after the date of adoption of this Resolution, the City Secretary is authorized and directed to cause a copy of this resolution to be filed with the County Clerk of Johnson County.

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution; and the City Council hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. The authorization of the District pursuant to this resolution shall take effect upon passage of this resolution.

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EXHIBIT A

Proposed Improvements and Estimated Costs

The improvements consist of: (i) acquisition, construction, and improvement of street, roadway and sidewalk improvements, including related drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) acquisition, construction, and improvement of water, wastewater, and drainage improvements and facilities; (iii) establishment and improvement of parks, trails and recreational facilities improvements; (iv) projects similar to those listed above authorized by the Act, including similar off-site projects that provide a benefit to the Property within the District; (v) acquisition of real property, interests in real property, or contract rights in connection with each Authorized Improvement; (vi) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (i) through (v) above; (vii) payment of costs associated with special supplemental services for improvement and promotion of the District as approved by the City including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement related to the public improvements listed in (i) through (v) above; (viii) payment of costs of establishing, administering, and operating the District, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued for the purposes described in (i) through (viii) above (collectively, the "*Authorized Improvements*").

The estimated total costs of the Authorized Improvements for the District are $35,000,000. The estimated costs of the Authorized Improvements to be assessed against the property in the District are $35,000,000, which includes the costs of establishing, administering and operating the District to be assessed against the property in the District. The City will pay none of the costs of the proposed improvements. The remaining costs of the proposed improvements will be paid from sources other than the City or assessments of property owners.

EXHIBIT B

METES AND BOUNDS DESCRIPTION OF PID BOUNDARY

BEING 188.62 acres of land in the Robert Bell Survey, Abstract Number 44, J. Bell Survey, Abstract No. 46, T. Stephens Survey, Abstract No. 778, and the Ambrose Powers Survey, Abstract Number 686, Johnson County, Texas; being part of that certain tract of land described in a Warranty Deed to Alvarado 228 Development. LLC. as recorded in Book 2016 Page 2678, Deed Records, Johnson County, Texas (D.R.J.C.T.), and being more particularly described, by metes and bounds, as follows:

BEGINNING at a mag nail with washer set stamped “MANHARD CONSULTING” at the northernmost northwest corner;

THENCE North 89°45'44” East, a distance of 1,669.99 feet to a yellow capped 5/8” iron rod set stamped “MANHARD CONSULTING”;

THENCE North 62°48'30” East, continuing along said line, a distance of 147.84 feet to a mag nail with washer set stamped “MANHARD CONSULTING” at the northeast corner;

THENCE South 25°14'01” East, along the common line, a distance of 2,002.48 feet to a 1/2” iron rod found;

THENCE South 01°37'36” West, a distance of 314.22 feet to a found fence post;

THENCE South 89°01'16” East, a distance of 676.85 feet to a found 1/2" iron rod;

THENCE South 00°12'15” East, a distance of 1,428.77 feet to a 1/2" iron rod found at the southeast corner;

THENCE South 82°22'29” West, a distance of 160.00 feet to a capped 5/8" iron rod found stamped "RPLS 4838";

THENCE North 84°13'06” West, 557.60 feet to a point for corner;

THENCE North 78°11'06” West, 75.80 feet to a point for corner;

THENCE North 36°28'06” West, 127.40 feet to a point for corner;

THENCE South 75°02'54” West, 101.10 feet to a point for corner;

THENCE South 60°58'54” West, 175.40 feet to a point for corner;

THENCE South 77°47'51” West, 175.00 feet to a point for corner;

THENCE South 56°30'54” West, 172.60 feet to a point for corner;

THENCE North 86°37'06” West, 202.00 feet to a point for corner;

THENCE North 55°59'06” West, 54.80 feet to a point for corner;

THENCE North 45°42'06” West, 143.80 feet to a point for corner;

THENCE North 35°43'06” West, 100.00 feet to a point for corner;

THENCE North 21°54'06” West, 58.20 feet to a point for corner;

THENCE North 78°48'06” West, 186.90 feet to a point for corner;

THENCE North 80°49'06” West, 120.90 feet to a point for corner;

THENCE South 84°37'54” West, 367.50 feet to a point for corner;

THENCE South 76°51'54” West, 22.35 feet to a point for corner;

THENCE North 12°47'36” West, 333.88 feet to a point for corner;

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THENCE North 89°48'52” East, 1.29 feet to a point for corner;

THENCE North 01°00'47” East, 2,128.25 feet to a point for corner;

THENCE South 89°49'45” West, 199.77 feet to a point for corner;

THENCE North 01°10'12” East, 20.88 feet to the POINT OF BEGINNING, containing 188.62 acres of land.

City Council Management Report
Meeting Date: 4/20/2026
Contact: Donielle Suber, Director of Administrative Services

AGENDA ITEM:
Consideration and action related to an Agreement for the Construction and Funding of Authorized Improvements and Reimbursement of Advances for the Chambers Creek Public Improvement District between the City of Alvarado and Avalon Development Group, LLC. (Chambers Creek Reimbursement Agreement) (Suber)

BACKGROUND & FINDINGS:
This agreement is entered into by Avalon Development Group, LLC and the City of Alvarado for the purpose of payment from City-collected Public Improvement District (PID) funds to the developer for labor, materials, fees, and/or other general costs related to creation, acquisition, or construction of certain Authorized Improvements related to the Chambers Creek Public Improvement District.

FINANCIAL IMPACT:
There is no financial impact.

RECOMMENDATION:
Staff recommends City Council act on the Agreement for the Construction and Funding of Authorized Improvements and Reimbursement of Advances for the Chambers Creek Public Improvement District (PID).

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. (AVALON) Chambers Creek PID - Reimbursement Agreement 4909-3278-2199 1 (002)

AGREEMENT FOR THE CONSTRUCTION AND FUNDING OF AUTHORIZED IMPROVEMENTS AND REIMBURSEMENT OF ADVANCES
Chambers Creek Public Improvement District

This Agreement for the Construction and Funding of Authorized Improvements and Reimbursement of Advances Chambers Creek Public Improvement District (the "Agreement") is made and entered into as of _____ (the "Effective Date") by and between the City of Alvarado, Texas, a home-rule city and municipal corporation of the State of Texas (the "City") and Avalon Development Group, LLC, a Texas limited liability company, and its successors and assigns (the "Developer").

RECITALS

WHEREAS, the Developer, as the developer of certain real property located wholly within the corporate limits of the City, as described in the Creation Resolution (hereinafter defined) (the "Property"), desires to develop such Property; and

WHEREAS, the City has received a petition (the "Petition") requesting the formation of the Chambers Creek Public Improvement District (the "PID") pursuant to Chapter 372, Texas Local Government Code, as amended (the "PID Act"); and

WHEREAS, the City has accepted the Petition and created the PID pursuant to Resolution No. _____ (the "Creation Resolution"), in accordance with the provisions of the PID Act; and

WHEREAS, the PID includes the Property; which Property is intended to be developed in phases or improvement areas (each, an "Improvement Area") of the PID, as such Improvement Areas will be illustrated in the Chambers Creek Public Improvement District Service and Assessment Plan ("SAP") to be prepared and approved by the City; and

WHEREAS, the Developer intends to make certain authorized improvements to each Improvement Area, which improvements include the acquisition, construction, or improvement of water facilities or improvements, wastewater facilities or improvements, drainage facilities or improvements, streets, roadway improvements, sidewalks, right-of-way acquisition, utility easement acquisition, and other improvement projects described in the Creation Resolution, all of which are designated as "authorized improvements" under the PID Act (collectively, the "Authorized Improvements"); and

WHEREAS, the purpose of the PID is to finance the Authorized Improvements; and

WHEREAS, development within the PID is expected to be governed by the terms of the Development Agreement between the City and Developer dated _____ (as may be amended or otherwise modified, the "Development Agreement"); and

WHEREAS, the SAP shall be prepared and approved by the City in accordance with the PID Act, and shall establish, among other matters, the projected costs of the Authorized Improvements, including the Actual Costs (as defined herein), costs incurred in the establishment, administration, and operation of the PID, and costs of bond issuance, if applicable, as provided in the PID Act (collectively, the "PID Costs"); and

WHEREAS, the SAP shall allocate the PID Costs to the benefitted Property within the PID; and

WHEREAS, assessments to be levied against benefitted Property within each Improvement Area ("PID Assessments") will be reflected on one or more assessment rolls to be approved by the City Council of the City (the "City Council"); and

WHEREAS, the City shall, by ordinance, approve the SAP (including the assessment roll(s)), levy the PID Assessments, and establish the dates upon which interest on PID Assessments will begin to accrue and collection of PID Assessments will begin; and

WHEREAS, all Assessment Revenues (as defined herein) received and collected by the City shall be deposited, as required by the PID Act, into an assessment fund that is segregated from all other funds of the City (the "Assessment Fund") or, in the event of the issuance of bonds to finance the Authorized Improvements ("PID Bonds"), into funds held under an indenture pursuant to which the PID Bonds are issued (the "PID Bond Indenture"); and

WHEREAS, Assessment Revenue deposited into the Assessment Fund or the PID Bond Reimbursement Fund (as defined herein) shall be used solely to reimburse Developer and its designees or assigns for PID Costs advanced by the Developer, plus interest; and proceeds from PID Bonds ("PID Bond Proceeds"), if issued, shall be used to pay the PID Costs, including costs previously paid by the Developer, and for the purposes set forth in the PID Bond Indenture; and

WHEREAS, the Developer intends to make or cause to be made Developer Advances (as defined herein) for the permitting, design, and construction of the Authorized Improvements and the City intends to acquire and/or receive the Authorized Improvements constructed by the Developer or otherwise authorize the dedication of the Authorized Improvements to another authorized third-party and to reimburse the Developer for the Developer Advances; and

WHEREAS, the City and the Developer desire to enter into this Agreement to memorialize the City's intent to reimburse the Developer for the Developer Advances made for the construction and financing of the Authorized Improvements to the fullest extent allowed by law; and

WHEREAS, this Agreement is a "reimbursement agreement" authorized by Section 372.023(d)(1) of the PID Act; and

WHEREAS, the City's obligations to reimburse the Developer for Developer Advances paid related to the Authorized Improvements constructed for the benefit of the PID shall (i) only be paid from the PID Assessments and/or Annual Installments (as defined herein) collected from property within the PID once the related PID Assessments are levied and/or from PID Bond Proceeds, (ii) are contingent upon the City levying PID Assessments for the related Authorized Improvements, and (iii) will not be due and owing unless and until the City actually levies such PID Assessments;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the mutual promises, covenants, obligations, and benefits hereinafter set forth, the City and the Developer hereby contract and agree as follows:

DEFINITIONS

In addition to the terms defined in the foregoing recitals, as used herein, the following terms have the meanings specified below. Capitalized terms used but not defined herein have the meanings ascribed to them in the Development Agreement.

"Actual Costs" shall have the meaning ascribed to it in Section 1.03 hereof.

"Annual Installment" shall have the meaning ascribed to it in the SAP.

"Assessed Property" shall have the meaning ascribed to it in Section 1.05 hereof.

"Assessment Ordinance" shall mean any ordinance adopted by the City Council approving the SAP and levying PID Assessments.

"Assessment Revenue" shall have the meaning ascribed to it in Section 1.05 hereof.

"City Representative" means any officer, employee or other designated representative specifically authorized by the City Council to undertake the actions referenced herein.

"Closing Disbursement Request" means a request for payment of PID Costs from PID Bond Proceeds, submitted by the Developer in connection with the closing of a series of PID Bonds, in a form approved by the City and the Developer.

"Developer Advances" mean advances made by the Developer to pay Actual Costs.

"Developer Improvement Account" means an account of the PID Project Fund which may be created and established under the applicable PID Bond Indenture (and segregated from all other funds contained in the PID Project Fund) into which the City deposits or directs the applicable trustee to deposit any funds received from the Developer as required under such PID Bond Indenture.

"Maturity Date" is the date one year after the last Annual Installment is collected.

"Payment Request" shall have the meaning ascribed to it in Section 2.01 hereof.

"PID Pledged Revenue Fund" means, collectively, the fund established by the City under each applicable PID Bond Indenture (and segregated from all other funds of the City) into which the City deposits Assessment Revenue in accordance with each applicable PID Bond Indenture related to a series of PID Bonds issued and still outstanding.

"PID Project Fund" means, collectively, the fund and all accounts created within such fund, established by the City under each applicable PID Bond Indenture (and segregated from all other funds of the City), into which the City deposits PID Bond Proceeds in the amounts and as described in the applicable PID Bond Indenture.

"PID Bond Reimbursement Fund" means a fund which may be established by the City under the applicable PID Bond Indenture (and segregated from all other funds of the City) into which the City transfers Assessment Revenues from the applicable PID Pledged Revenue Fund

for the purpose of paying amounts due to the Developer under this Agreement or a separate reimbursement agreement and/or Actual Costs of Authorized Improvements that are not paid from PID Bond Proceeds deposited in the applicable account of the PID Project Fund in accordance with each applicable PID Bond Indenture related to a series of PID Bonds issued and still outstanding.

"Prepayment" means the payment of all or a portion of an Assessment before the due date thereof.

"Reimbursement Agreement Balance" shall have the meaning ascribed to it in Section 2.05 hereof.

ARTICLE I
Construction of the Authorized Improvements

1.01. Design of the Authorized Improvements. All physical facilities to be constructed or acquired as a part of the Authorized Improvements shall be approved by the governmental entity having authority over such Authorized Improvements.

1.02. Construction and Acquisition of Authorized Improvements.

(a) The Authorized Improvements shall be constructed or caused to be constructed and all easements, equipment, materials, and supplies required in connection therewith may be acquired in the name of the City, the retail service provider, or the Developer; provided, however, all construction contracts, easements and other agreements shall contain provisions, in a form reasonably satisfactory to the City's attorneys, to be compliant with the Development Agreement. Prior to or at the time of reimbursement of the Developer with funds from the Assessment Fund, the PID Bond Reimbursement Fund, the Developer Improvement Account or PID Bonds, as applicable, the Developer shall convey the Authorized Improvements to the City, third-party retail provider or other entity approved by the City Council, as applicable, in accordance with Section 3.02 below.

(b) Construction of the Authorized Improvements shall not require competitive bidding pursuant to Section 252.022(a)(9) of the Texas Local Government Code, as amended. All plans and specifications for Authorized Improvements to be owned by the City, but not construction contracts, shall be reviewed and approved, in accordance with applicable City Regulations (as defined in the Development Agreement), by the City prior to Developer commencing construction.

(c) The Authorized Improvements shall be constructed in the manner described in the Development Agreement. In performing this Agreement, the Developer is not the agent or employee of the City.

(d) Upon completion of construction of Authorized Improvements to be owned by the City or an authorized third-party constructed in the name of the Developer, the Developer shall provide the City or such third-party with final "record" drawings of the Authorized Improvements approved by the City's or such third-party's engineers.

(e) Upon completion of the Authorized Improvements, the Developer shall present to

a City Representative invoices or other evidences of payment of costs of the Authorized Improvements for review and approval. The City agrees, subject to the provisions of Sections 1.05 and 2.01 hereof, to pay the Developer, and the Developer shall be entitled to receive from the City, the amount equal to the PID Costs paid by the Developer, or overrun costs, allowed hereunder and as described in the SAP, that were paid by the Developer, plus interest, as provided in Article II hereof.

(f) All Authorized Improvements shall be constructed by or at the direction of the Developer in accordance with the plans, the Development Agreement, applicable City ordinances and regulations, including regulations of a third-party receiving any of the Authorized Improvements, and this Agreement and any other agreement between the parties related to property in the PID and/or the Authorized Improvements. The Developer shall perform, or cause to be performed, all of its obligations and shall conduct, or cause to be conducted, all operations with respect to the construction of Authorized Improvements in accordance with the manner described in the Development Agreement. The Developer shall employ at all times adequate staff or consultants with the requisite experience necessary to administer and coordinate all work related to the design, engineering, acquisition, construction and installation of all Authorized Improvements to be acquired and accepted by the City or authorized third-party from the Developer. If any Authorized Improvements are or will be on land owned by the City, the City hereby grants to the Developer a license to enter upon such land for purposes related to construction (and maintenance pending acquisition and acceptance) of the Authorized Improvements. Inspection and acceptance of Authorized Improvements will be in accordance with applicable City ordinances and regulations, including regulations of a third-party receiving any of the Authorized Improvements.

1.03. Cost of Authorized Improvements. To the extent that the City has not issued PID Bonds, the Developer shall promptly pay the undisputed costs of the Authorized Improvements as the same become due, subject to statutory retainage, including, without limitation, all costs of design, engineering, materials, labor, construction, and inspection arising in connection with the Authorized Improvements; all payments arising under any contracts entered into for the construction of the Authorized Improvements; all costs incurred in connection with obtaining governmental approvals, certificates, permits, easements, rights-of-way, or sites required as a part of the construction of the Authorized Improvements, including, without limitation, any on-site or off-site mitigation costs; and all expenses incurred in connection with the construction of the Authorized Improvements (the "Actual Costs"). The City shall not be liable to any contractor, engineer, attorney, materialman or other party employed or contracted with in connection with the construction of the Authorized Improvements, but shall only be obligated to acquire the Authorized Improvements designated in the Development Agreement as to be owned by the City and/or reimburse the Developer in the manner and to the extent provided in Article II of this Agreement, and for the avoidance of any doubt, solely from PID Assessments or PID Bond Proceeds, if issued.

1.04 Timing of Authorized Improvements. Notwithstanding anything herein to the contrary, the Developer may advance funds or cause funds to be advanced and/or construct and install or cause to be constructed and installed Authorized Improvements as Developer deems appropriate in its sole and absolute discretion, including the construction and installation of Authorized Improvements to serve portions of the Property and in different phases and sections over a period of time. The Developer may exercise its sole discretion on all aspects of the phasing and timing of development and shall not be obligated to advance funds and/or construct and install

the Authorized Improvements for the entire Property at one time.

1.05 City's Obligation Limited. The Parties agree the City's obligations to reimburse the Developer for costs paid related to the Authorized Improvements constructed for the benefit of an Improvement Area shall only be paid from (A) PID Bonds, if issued and/or (B) the PID Assessments and/or Annual Installments collected from the portion of an Improvement Area subject to the PID Assessments (the "Assessed Property") (such PID Assessments and Annual Installments thereof collected on such Assessed Property, the "Assessment Revenue"), and such obligation (i) is contingent upon the City levying such PID Assessments related to the Authorized Improvements constructed for the benefit of that Improvement Area, and (ii) will not be due and owing unless and until: (a) the City actually levies such PID Assessments related to the Authorized Improvements constructed for the benefit of that Improvement Area, and (b) the Developer has actually constructed the Authorized Improvements for the benefit of such Improvement Area. The Parties agree that until a PID Assessment has been levied to pay for PID Costs, this Agreement does not create an obligation of the City.

ARTICLE II
Reimbursement for Funds Advanced; Funding of Authorized Improvements

2.01. Obligation to Reimburse; Obligations Limited. The City and Developer agree that the City shall levy PID Assessments and may, at the discretion of the City issue and sell, from time to time, PID Bonds to fund the PID Costs. It is the mutual intent and agreement of the City and Developer to provide for future reimbursement of funds advanced for PID Costs, including Actual Costs, by the Developer through the levy of PID Assessments and/or issuance of PID Bonds and use of Assessment Revenues and/or PID Bond Proceeds. The City is obligated, subject to the provisions of Section 1.05 hereof, to reimburse the Developer and its designees and assigns for all funds advanced or caused to be advanced by the Developer for the PID Costs authorized under the PID Act and in accordance with the provisions of the SAP. If the Developer is in substantial compliance with its obligations under the Development Agreement and this Agreement, then following the inspection and approval of any portion of Authorized Improvements to be owned by the City or an authorized third-party pursuant to the provisions of the PID Act for which Developer seeks reimbursement or payment of the PID Costs by submission of a request for reimbursement or payment (a "Payment Request"), the obligations of the City under this Agreement to pay from Assessment Revenue or the net PID Bond Proceeds, as applicable, disbursements (whether to the Developer or to any person designated by the Developer) identified in any approved Payment Request and to pay debt service on PID Bonds are unconditional and not subject to any defenses or rights of offset except as may be provided by law or in any PID Bond Indenture; provided, in no event shall the City Representative be authorized to approve a Payment Request if the City has not previously levied PID Assessments against Assessed Property within the development related to the Authorized Improvements for which such Payment Request has been submitted. To the extent that the City levies PID Assessments but does not issue PID Bonds, and subject to the provisions of Section 1.05, the City agrees to reimburse the Developer with interest as provided herein or in a separate reimbursement agreement from monies available in the Assessment Fund until the Maturity Date, and the Developer shall be entitled to receive payments from the City, from such source for amounts shown on a Payment Request.

Upon the levy of the PID Assessments, the Reimbursement Agreement Balance shall bear simple interest per annum, from the date specified in the separate reimbursement agreement, not to exceed the rates permitted under subsections (e)(1) and (e)(2) of Section 372.023 of the PID

Act, as further identified in a separate reimbursement agreement and/or the SAP, or if PID Bonds are issued, then the interest rate on such PID Bonds, and as identified with respect to each Improvement Area in the SAP. The PID Assessments shall accrue interest in accordance with the SAP. Interest shall continue on the unpaid principal amount of the PID Assessments for a lot or parcel for 30 years or as otherwise set forth in the SAP and until the PID Assessments are paid in full, unless otherwise provided in the SAP and/or Assessment Ordinance.

For the avoidance of doubt, the City's obligation to reimburse shall be solely from funds in the Assessment Fund, the PID Bond Reimbursement Fund, the Developer Improvement Account and/or from the PID Bond Proceeds, and the Developer agrees to look solely to such sources for reimbursement. The obligations of the City under this Agreement shall not, under any circumstances, give rise to or create a charge against the general credit or taxing power of the City or a debt or other obligation of the City payable from any source other than the Assessment Fund, the PID Bond Reimbursement Fund, the Developer Improvement Account or the PID Bond Proceeds if applicable. Unless approved by the City, no other City funds, revenues, taxes, or income of any kind shall be used to pay: (1) the PID Costs; (2) amounts due and owing under this Agreement or a separate related reimbursement agreement; or (3) debt service on any PID Bonds. None of the City or any of its elected or appointed officials or any of its officers, employees, consultants or representatives shall incur any liability hereunder to the Developer or any other party in their individual capacities by reason of this Agreement or their acts or omissions under this Agreement.

2.02. Time and Amount of Reimbursement. The City shall reimburse the Developer for payment of Actual Costs related to the construction of Authorized Improvements solely from (i) the proceeds of PID Bonds and/or (ii) Assessment Revenue collected pursuant to PID Assessments levied on an Improvement Area.

In regards to reimbursement from PID Bonds, the City shall reimburse the Developer and its designees for those Actual Costs that have been paid or advanced or caused to be paid or advanced by the Developer pursuant to Sections 1.03, 1.05, and 2.01 hereof and in accordance with the terms of the applicable PID Bond Indenture.

Additionally, the Developer may request reimbursements directly from Assessment Revenue levied against property within an Improvement Area. The invoices included with the Payment Request shall identify the payee, the goods, services and/or materials provided by such payee and the total amount paid with respect to such goods, services and/or materials. If the City timely disapproves of the Payment Request (for a reason other than for a failure to levy PID Assessments from which the Payment Request is to be paid, in accordance with the provisions hereof) by delivering a detailed notice to the Developer, then payment with respect to the disputed portion(s) of the Payment Request shall not be made until the Developer and the City settle the dispute. The Parties agree to meet promptly and resolve any dispute within 60 days from the date of the initial submittal of the Payment Request. Any unresolved disputes may be appealed to City Council.

With respect to any Payment Request by the Developer, in no event shall the City Representative be authorized to approve such request if the City has not previously levied PID Assessments against the Assessed Property.

2.03. Fund Deposits. Until PID Bonds payable from Assessment Revenues collected

from each Improvement Area are issued, the City shall bill, collect, and immediately deposit into the Assessment Fund all Assessment Revenue consisting of: (1) revenue collected from the payment of PID Assessments (including Prepayments and amounts received from the foreclosure of liens but excluding costs and expenses related to collection); and (2) any additional revenue collected from the payment of Annual Installments (excluding Annual Collection Costs and Delinquent Collection Costs, each as defined in the SAP). Funds in the Assessment Fund shall only be used to pay Actual Costs of the Authorized Improvements or all or any portion of the Reimbursement Agreement Balance in accordance with this Agreement and/or a separate reimbursement agreement. Once PID Bonds payable from Assessment Revenue are issued, the City shall bill, collect, and immediately deposit all Assessment Revenue securing such series of PID Bonds in the manner set forth in the applicable PID Bond Indenture.

Once PID Bonds payable from Assessment Revenue are issued, the City shall also deposit PID Bond Proceeds and any other funds authorized or required by the applicable PID Bond Indenture into the funds established by the applicable PID Bond Indenture in the manner set forth in the applicable PID Bond Indenture. Annual Installments shall be billed and collected by the City (or by any person, entity, or governmental agency permitted by law) in the same manner and at the same time as City ad valorem taxes are billed and collected. Funds in the PID Project Fund shall only be used in accordance with the applicable PID Bond Indenture; provided that funds disbursed from the applicable PID Project Fund shall be made first from PID Bond Proceeds held in the applicable accounts within such PID Project Fund until such accounts are fully depleted and then from the Developer Improvement Account of the applicable PID Project Fund, if applicable. Funds in the PID Bond Reimbursement Fund shall only be used to pay Actual Costs of the Authorized Improvements not paid from the PID Project Fund in accordance with the applicable PID Bond Indenture.

Notwithstanding any other provision in this Agreement, the Actual Costs of Authorized Improvements shall be paid from: (1) the Assessment Revenue, or (2) net PID Bond Proceeds or other amounts deposited in an account of the PID Project Fund created under a PID Bond Indenture related to PID Bonds secured by the Assessment Revenue. The City will take and pursue all actions permissible under applicable laws to cause the PID Assessments to be collected and the liens related to such PID Assessments to be enforced continuously, in the manner and to the maximum extent permitted by the applicable laws, and, to the extent permitted by applicable laws, to cause no reduction, abatement or exemption in the PID Assessments for so long as any PID Bonds are outstanding or a Reimbursement Agreement Balance remains outstanding. The City shall determine or cause to be determined, no later than March 1 of each year, whether any Annual Installment is delinquent. If delinquencies exist, then the City will order and cause to be commenced as soon as practicable any and all appropriate and legally permissible actions to obtain such Annual Installment, and any delinquent charges and interest thereon, including diligently prosecuting an action to foreclose the currently delinquent Annual Installment. Notwithstanding the foregoing, the City shall not be required under any circumstances to purchase or make payment for the purchase of the delinquent PID Assessment or the corresponding Assessed Property or to use any City funds, revenues, taxes, income, or property other than moneys collected from the PID Assessments. Once PID Bonds are issued, the applicable PID Bond Indenture shall control in the event of any conflict with this Agreement.

2.04. Payment of Actual Costs. The Developer shall make Developer Advances for the Actual Costs of the Authorized Improvements. If PID Bonds are issued, the PID Bond Proceeds shall be used in the manner provided in the applicable PID Bond Indenture. The Developer shall

also make Developer Advances to pay for cost overruns (after applying cost savings). The lack of PID Bond Proceeds or other funds in the PID Project Fund shall not diminish the obligation of the Developer to pay Actual Costs of the Authorized Improvements.

2.05. Payment of Reimbursement Agreement Balance. The City agrees to pay to the Developer, and the Developer shall be entitled to receive payments from the City (subject to the provisions of Sections 1.05 and 2.01 hereof), until the Maturity Date, for amounts shown on each approved Payment Request (which amounts include all Actual Costs paid by or at the direction of the Developer) plus simple interest on the unpaid principal balance at the rate identified in a separate reimbursement agreement and/or the SAP approved at the time the City levies the PID Assessments, as described in Section 2.01 hereof (the amount owed to the Developer for all approved Payment Requests is referred to as the "Reimbursement Agreement Balance"); provided, however, upon the issuance of PID Bonds, the interest rate due and unpaid on amounts shown on each Payment Request to be paid to the Developer shall be the lower of: (1) the interest rate on the applicable series of PID Bonds issued to finance the costs of the Authorized Improvements for which the Payment Request was filed, or (2) the interest rate approved by the City Council at the time the City levies the PID Assessments from which such PID Bonds shall be paid. The interest rates contemplated in (1) and (2) above have been approved by the City Council and are authorized by the PID Act. The principal amount of each portion of the Reimbursement Agreement Balance to be paid under each Assessment Ordinance shall be set forth in the SAP and/or a separate reimbursement agreement. The City's obligations to pay the Reimbursement Agreement Balance related to the Authorized Improvements constructed for the benefit of the PID shall (i) only be paid from the PID Assessments and/or Annual Installments collected from property within an Improvement Area, once such PID Assessments are levied, or PID Bond Proceeds, (ii) are contingent upon the City levying such PID Assessments, and (iii) will not be due and owing unless and until the City actually levies such PID Assessments and the Developer has constructed the Authorized Improvements for such Improvement Area in which the City levies such PID Assessments. Interest will not accrue on Payment Requests until such time as they have been approved pursuant to the terms of this Agreement.

The Reimbursement Agreement Balance is payable solely from: (1) the Assessment Fund if no PID Bonds are issued for the purpose of paying the Authorized Improvements related to such Reimbursement Agreement Balance, or (2) from PID Bond Proceeds, the Developer Improvement Account and the PID Bond Reimbursement Fund, if applicable, if PID Bonds are issued for the purpose of reimbursing the Developer for Developer Advances related to the construction of the Authorized Improvements related to such Reimbursement Agreement Balance. No other City funds, revenues, taxes, income, or property shall be used even if the Reimbursement Agreement Balance is not paid in full by the Maturity Date. Payments made from PID Bond Proceeds deposited in the PID Project Fund and payments made from the Developer Improvement Account and PID Bond Reimbursement Fund, if applicable, shall be made in the manner set forth in the applicable PID Bond Indenture.

So long as no PID Bonds are issued and the City has received and approved a Payment Request, the City shall make a payment to the Developer from the Assessment Fund for an amount of the Reimbursement Agreement Balance at least annually, and no later than 60 days after the date payment of the Annual Installments are due, not to exceed the Assessment Revenue collected by and payable to the City. In the event that a Prepayment of an Assessment is made prior to the issuance of PID Bonds, the City shall remit payment to the Developer of an amount of the Reimbursement Agreement Balance then due and payable not to exceed the Assessment Revenue

related to such Prepayment from the Assessment Revenue deposited into the Assessment Fund within 60 days after the Prepayment is made. Payments made from the Assessment Fund toward any outstanding Reimbursement Agreement Balance shall first be applied to unpaid interest on such Reimbursement Agreement Balance owed to the Developer, and second to unpaid principal of the Reimbursement Agreement Balance owed to the Developer. Each payment from the Assessment Fund shall be accompanied by an accounting that certifies the Reimbursement Agreement Balance as of the date of the payment and that itemizes all deposits to and disbursements from the fund since the last payment.

2.06. Disbursements and Transfers at and after Bond Closing. The City and the Developer agree that from the proceeds of the PID Bonds, and upon the presentation of evidence satisfactory to the City Representative, the City will cause the trustee under the applicable PID Bond Indenture to pay at closing of the PID Bonds approved amounts from the appropriate account to the persons entitled to payment for costs of issuance and payment of costs incurred in the establishment, administration, and operation of the PID and any other eligible costs incurred by the Developer and the City as of the time of the delivery of the PID Bonds as described in the SAP. In order to receive disbursement, the Developer shall execute a Closing Disbursement Request to be delivered to the City no less than fifteen (15) business days prior to the scheduled closing date for the applicable series of PID Bonds for payment in accordance with the provisions of the PID Bond Indenture. In order to receive additional disbursements from any applicable fund under a PID Bond Indenture, the Developer shall execute a Payment Request, no more frequently than monthly, to be delivered to the City for payment in accordance with the provisions of the applicable PID Bond Indenture and this Agreement. Upon receipt of a Payment Request (along with all accompanying documentation required by the City) from the Developer, the City shall conduct a review in order to confirm that such request is complete, to confirm that the work for which payment is requested was performed in accordance with all applicable laws and applicable plans and specifications therefore and with the terms of this Agreement and any other agreement between the parties related to property in the PID, and to verify and approve the Actual Costs of such work specified in such Payment Request. The City shall also conduct such review as is required in its discretion to confirm the matters certified in the Payment Request. The Developer agrees to cooperate with the City in conducting each such review and to provide the City with such additional information and documentation as is reasonably necessary for the City to conclude each such review. The Developer further agrees that if the City provides to the Developer a sales tax exemption certificate then sales tax will not be approved for payment under a Payment Request. Within fifteen (15) business days following receipt of any Payment Request after the issuance of a series of PID Bonds, the City shall either: (1) approve the Payment Request and forward it to the trustee for payment, or (2) provide the Developer with written notification of disapproval of all or part of a Payment Request, specifying the basis for any such disapproval. Any disputes shall be resolved as required herein. The City shall deliver the approved or partially approved Payment Request to the trustee for payment, and the trustee shall make the disbursements as quickly as practicable thereafter.

ARTICLE III
Acquisition of Authorized Improvements

3.01. Acquisition of Authorized Improvements. At or prior to the time of reimbursement of the Developer for the Actual Costs or a portion of the Actual Costs, the City will acquire or cause to be acquired such Authorized Improvements that are to be owned by the City, as set forth in the SAP, from the Developer as have been constructed or caused to be constructed by the

Developer for the benefit of the City, including off-site Authorized Improvements. At or prior to the time of reimbursement of the Developer for the Actual Costs or a portion of the Actual Costs related to Authorized Improvements to be owned by an authorized third-party pursuant to the provisions of the PID Act, such entity will acquire or cause to be acquired such Authorized Improvements from the Developer as have been constructed or caused to be constructed by the Developer for the benefit of such entity, including off-site Authorized Improvements.

3.02. Conveyance Requirements. The Developer shall convey the Authorized Improvements to be owned by the City to the City by deed or other appropriate instrument of conveyance, with full warranties, free and clear of any liens, claims, encumbrances, options, charges, assessments, restrictions, laminations or reservations, including liens for ad valorem taxes for past and current years, and payments due to construction contractors, laborers, or materialmen, unless otherwise waived by the City. The Developer may also convey the Authorized Improvements to be owned by the City to the City by plat or other instrument on behalf of or benefiting the City. The Developer shall convey the Authorized Improvements to be owned by an authorized third-party pursuant to the provisions of the PID Act to such entity by deed or other appropriate instrument of conveyance, with full warranties, free and clear of any liens, claims, encumbrances, options, charges, assessments, restrictions, laminations or reservations, including liens for ad valorem taxes for past and current years, and payments due to construction contractors, laborers, or materialmen, unless otherwise waived by such entity. The Developer shall provide reasonable proof of title and proof of no liens, claims, or encumbrances. Conveyance of any Authorized Improvements to be owned by the City at any time shall be subject to the reimbursement obligations created in this Agreement. Each conveyance shall include all easements within which the Authorized Improvements are located, unless such easements have been dedicated to the public, and all easements necessary to own, operate and maintain the Authorized Improvements. Each conveyance shall additionally include sufficient title to any and all plant sites, together with necessary rights of way where such site or sites are not directly accessible by a dedicated public street, and all licenses, franchises and permits for the Authorized Improvements. The Developer shall also assign, in writing, all of its contractors' and materialmen's warranties, if any, relating to the Authorized Improvements to be owned by the City. All documents or instruments of conveyance, transfer, or assignment hereunder of Authorized Improvements to be owned by the City shall be in a form and content acceptable to the City's attorneys, subject to commercially reasonable standards. The Developer, at the time of reimbursement by the City for Authorized Improvements to be owned by the City, shall deliver to the City a release of all liens upon the bonded Authorized Improvements securing the costs of construction of the bonded Authorized Improvements advanced by a third-party lender. Any conveyance of Authorized Improvements to the City by plat shall not be considered effective until the City has provided a letter of acceptance or other evidence of City acceptance for such Authorized Improvements. Any conveyance of Authorized Improvements to the City by deed or similar instrument shall not be considered effective until such deed or other instrument is recorded in the property records of Johnson County.

Prior to completion and conveyance to the City of any Authorized Improvements to be owned by the City, the Developer shall cause to be provided to the City a maintenance bond in the amount required by the City's subdivision regulations for applicable Authorized Improvements, which maintenance bond shall be for a term of two years from the date of final acceptance of the applicable Authorized Improvements. Nothing in this Agreement shall be deemed to prohibit the Developer or the City from contesting in good faith the validity or amount of any mechanics or materialman's lien and/or judgment nor limit the remedies available to the Developer or the City

with respect thereto so long as such delay in performance shall not subject the Authorized Improvements to foreclosure, forfeiture, or sale. In the event that any such lien and/or judgment with respect to the Authorized Improvements is contested, the Developer shall be required to post or cause the delivery of a surety bond or letter of credit, whichever is preferred by the City, in an amount reasonably determined by the City, not to exceed 100 percent of the disputed amount, in order for the City to accept the Authorized Improvements, or as otherwise described in the Development Agreement.

3.03. Correction of Defects. Conveyance of any Authorized Improvements to the City shall not relieve the Developer of liability for the correction of any existing engineering or construction defects then existing in the Authorized Improvements to be owned by the City or for satisfaction of any unpaid claim for materials or labor. The City shall be under no obligation to contest or challenge any claim for labor or materials; provided, however, that in the event the Developer fails to promptly correct any such defect or satisfy any such claim, the City may elect to do so and, in such event, shall have full rights of subrogation. Subject to any applicable statutes of limitation, the Developer shall pay the City for the City's costs in correcting any defect or satisfying any claim including, but not limited to, construction costs, engineering fees, attorneys' fees, building or construction permits, filing fees or court costs.

3.04. Survival or Representations. All representations, warranties and agreements of the City and the Developer hereunder shall survive the conveyance of the Authorized Improvements to the City.

ARTICLE IV
Representations

4.01. Representations by the Developer. The Developer hereby represents to the City that:

(a) The execution and delivery of this Agreement and the transactions contemplated hereby have been duly authorized by the Developer;

(b) This Agreement, the representations and covenants contained herein, and the consummation of the transactions contemplated hereby shall not violate or constitute a breach of any contract or other agreement to which the Developer is a party;

(c) The Developer has made financial arrangements or the ability to obtain sufficient financial resources to assure its ability to perform its obligations hereunder; and

(d) The Developer will make commercially reasonable efforts to send a representative to all meetings of the City Council of the City related to this Agreement or the Authorized Improvements and at which such presence may be requested.

4.02. Representations by the City. The City hereby represents and covenants to the Developer that:

(a) The City has the authority to enter into and perform its obligations under this Agreement;

(b) It shall use its good faith efforts to, if decided by the City, issue PID Bonds pursuant to the PID Act and other applicable law; and

(c) It shall use its good faith efforts to levy and collect the PID Assessments, approve the Payment Requests, and pay the Reimbursement Obligation Balance.

ARTICLE V
Remedies

5.01. Default by the Developer. In the event of an uncured default by the Developer hereunder and after written notice from the City and a reasonable opportunity to cure, which opportunity shall be no less than thirty (30) days, the City shall have the right:

(a) To pursue all legal or equitable remedies; and

(b) To recover from the Developer all expenses incurred in pursuing its legal rights hereunder, including reasonable attorneys' fees.

If a default cannot reasonably be cured within 30 days and Developer has diligently pursued a cure within such 30-day period and has provided written notice to the City that additional time is needed, then the cure period provided herein shall be extended for an additional 30 day period so long as the Developer is diligently pursuing a cure. The additional 30 day period shall begin on the date of receipt of the written notice by the City.

No default by the Developer shall entitle the City to terminate this Agreement, cease collection of the PID Assessments previously levied and deposit of the Assessment Revenues, or to withhold properly due payments to the Developer from the Assessment Fund or PID Bond Reimbursement Fund in accordance with this Agreement and the PID Bond Indenture or on deposit in the PID Project Fund.

An event of default by the Developer does not release the City from the obligation to reimburse the Developer for Actual Costs advanced or incurred by the Developer on behalf of the City prior to the date of default by the Developer or to reimburse the Developer for Authorized Improvements previously acquired by or conveyed to the City or applicable retail provider.

5.02. Default by City. In the event of default by the City hereunder, the Developer shall be entitled to pursue all remedies at law or in equity, including, seeking a writ of mandamus from a court of competent jurisdiction compelling and requiring the City and its officers to observe and perform the covenants, obligations and conditions hereof; provided, however, that no default by the City shall entitle the Developer to terminate this Agreement and that any financial obligation of the City will only be payable from Assessment Revenues. Any amounts or remedies due pursuant to this Agreement are not subject to acceleration.

5.03. Future Performance. The failure of either party hereto to insist, in any one or more instances, upon performance of any of the terms, covenants, and conditions of this Agreement, shall not be construed as a waiver or relinquishment of the future performance of any such term, covenant, or condition by the other party hereto, but the obligation of such other party with respect to such future performance shall continue in full force and effect.

ARTICLE VI
Miscellaneous

6.01. Severability. In case any one or more provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

6.02. Modification. This Agreement may be modified or varied only by a written instrument subscribed by both of the parties hereto including a reimbursement agreement entered into for a phase of development or issuance of PID Bonds.

6.03 Assignability. The Developer has the right to convey, transfer, assign, mortgage, pledge, or otherwise encumber, in whole or in part without the consent of (but with written notice to) the City, the Developer's right, title, or interest under this Agreement (any of the foregoing, a "Transfer"). Notwithstanding the foregoing, however, no Transfer shall be effective until five days after notice of the Transfer is received by the City; provided, however, that no such Transfer shall be made without prior written consent of the City if such Transfer would result in (1) the issuance of municipal securities, and/or (2) the City being viewed as an "obligated person" within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (the "SEC"), (3) the City being subjected to additional reporting or recordkeeping duties, (4) and/or for the purpose of or relating to the issuance of bonds or other obligations or other structured financing obligations. Notwithstanding the foregoing, the City hereby authorizes the Developer to grant a security interest in the Developer's rights hereunder and to all sums to be paid to the Developer by the City pursuant to this Agreement to any bank, lender, or financial institution without City consent and to the extent permitted by State law.

6.04. Captions. The captions used in connection with the paragraphs of this Agreement are for convenience only and shall not be deemed to construe or limit the meaning of the language contained in this Agreement, or used as interpreting the meanings and provisions hereof.

6.05. Applicable Law. This Agreement shall be construed and interpreted under the laws of the State of Texas and all obligations of the parties created hereunder are performable in Johnson County, Texas.

6.06. Parties at Interest. This Agreement shall be for the sole and exclusive benefit of the parties hereto and shall never be construed to confer any benefit on any third party. This Agreement shall be binding upon each party, its successors and assigns.

6.07. Term. The term of this Agreement shall begin on the Effective Date and shall continue until the earlier to occur of (i) the last Maturity Date relating to any Improvement Area or (ii) the date on which the Reimbursement Agreement Balance for all Improvement Areas is paid in full. Upon termination of this Agreement with respect to an Improvement Area, the amount of the Reimbursement Agreement Balance, if any, for that Improvement Area that has not been paid, plus the accrued and unpaid interest thereon (collectively, the "Unpaid Balance") shall be canceled and for all purposes of this Agreement shall be deemed to have been conclusively and irrevocably PAID IN FULL, and such Unpaid Balance shall no longer be deemed to be payable. Notwithstanding the foregoing, upon the issuance of PID Bonds secured by PID Assessments levied against property within a specific Improvement Area, the Assessment Revenues collected

in connection with such PID Bonds shall be used as set forth under the applicable PID Bond Indenture and related agreements governing the use of PID Assessments and the proceeds of such series of PID Bonds.

6.08. Force Majeure. If the City or the Developer is rendered unable, in whole or in part, by force majeure to carry out any of its obligations under this Agreement, then the obligations of such party, to the extent affected by such force majeure and to the extent that due diligence is being used to remedy such inability to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided but for no longer period. The term "force majeure", as used herein, shall include, without limitation, acts of God; strikes, lockouts, or other industrial disturbances; acts of public enemy; order of any kind of the Government of the United States or the State of Texas or any civil or military authority; insurrections; riots; epidemics; landslides; lightning; earthquakes; fires; hurricanes; storms; floods; washouts; droughts; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery; pipelines or canals; partial or total failure of water supply and inability to provide water necessary for operation of the sewer system, or to receive waste; and any other inabilities of the party, whether similar to those enumerated or otherwise, which are not within the control of the party, which the party could not have avoided by the exercise of due diligence and care. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of such party, and that the above requirement that any force majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts by acceding to the demand of the opposing party or parties when such settlement is unfavorable to it in the judgment of such party.

6.09 Non-Waiver. The failure by a party to insist upon the strict performance of any provision of this Agreement by the other party, or the failure by a party to exercise its rights upon a default by the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by such other party with the provisions of this Agreement.

6.10 Third Party Beneficiaries. Nothing in this Agreement is intended to or shall be construed to confer upon any person or entity other than the City and the Developer any rights under or by reason of this Agreement. All provisions of this Agreement shall be for the sole and exclusive benefit of the City and the Developer.

6.11 Counterparts. This Agreement may be executed in multiple counterparts, which, when taken together, shall be deemed one original.

6.12 Employment of Undocumented Workers. During the term of this Agreement, the Developer agrees not to knowingly employ any undocumented workers and, if convicted of a violation under 8 U.S.C. Section 1324a(f), the Developer shall repay the incentives granted herein within 120 days after the date the Developer is notified by the City of such violation, plus interest at the rate of six percent (6%) compounded annually from the date of violation until paid. Pursuant to Section 2264.101(c), Texas Government Code, a business is not liable for a violation of Chapter 2264 by a subsidiary, affiliate, or franchisee of the business, or by a person with whom the business contracts.

6.13. Verifications of Statutory Representations and Covenants. The Developer makes the following representations and covenants pursuant to Chapters 2252, 2271, 2274, and 2276, Texas Government Code, as heretofore

amended (the "Government Code"), in entering into this Agreement. As used in such verifications, "affiliate" means an entity that controls, is controlled by, or is under common control with the Developer within the meaning of Securities and Exchange Commission Rule 405, 17 C.F.R. § 230.405, and exists to make a profit. Liability for breach of any such verification during the term of this Agreement shall survive until barred by the applicable statute of limitations and shall not be liquidated or otherwise limited by any provision of this Agreement, notwithstanding anything in this Agreement to the contrary.

(a) No Boycott of Israel. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and will not boycott Israel during the term of this Agreement. As used in the foregoing verification, "boycott Israel" has the meaning provided in Section 2271.001, Government Code.

(b) Not a Sanctioned Company. The Developer represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Government Code. The foregoing representation excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization.

(c) No Boycott of Energy Companies. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this Agreement. As used in the foregoing verification, "boycott energy companies" has the meaning provided in Section 2276.001(1), Government Code.

(d) No Discrimination Against Firearm Entities. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the term of this Agreement. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" has the meaning provided in Section 2274.001(3), Government Code.

6.14 Form 1295. Submitted herewith is a completed Form 1295 generated by the Texas Ethics Commission's (the "TEC") electronic filing application in accordance with the provisions of Section 2252.908 of the Texas Government Code and the rules promulgated by the TEC (the "Form 1295"). The City hereby confirms receipt of the Form 1295 from the Developer, and the City agrees to acknowledge such form with the TEC through its electronic filing application system not later than the 30th day after the receipt of such form. The Parties understand and agree that, with the exception of information identifying the City and the contract identification number, neither the City nor its consultants are responsible for the information contained in the Form 1295; that the information contained in the Form 1295 has been provided solely by the Developer; and, neither the City nor its consultants have verified such information.

6.15 Notice. Any notice referenced in this Agreement must be in writing and shall be deemed given at the addresses shown below: (i) when delivered by a nationally recognized delivery service such as FedEx or UPS with evidence of delivery signed by any person at the delivery address regardless of whether such person is the named addressee; or (ii) 72 hours after deposit with the United States Postal Service, Certified Mail, Return Receipt Requested.

To the City:	City of Alvarado, Texas Attn: City Manager 104 West College Alvarado, Texas 76009
To the Developer:	Avalon Development Group, LLC Attn: Jonathan Murphy and Ted Murphy PO Box 671201 Dallas, Texas 75367
With a copy to:	Winstead PC Attn: Ross Martin 2728 N. Harwood Street, Suite 500 Dallas, Texas 75201

[Signatures to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in multiple counterparts, each of equal dignity, to be effective as of the date first written above.

CITY:
CITY OF ALVARADO, TEXAS

By: _____
Mayor

ATTEST:

_____
City Secretary

4909-3278-2199v.1

DEVELOPER:

AVALON DEVELOPMENT GROUP, LLC
a Texas limited liability company

By: _____, LLC,
a _____ limited liability company
Its _____

By: _____
Name: _____
Its: _____

STATE OF TEXAS §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2026, by _____, _____ of _____, LLC, a ____ limited liability company, as _____ of Avalon Development Group, LLC, a Texas limited liability company on behalf of said company.

_____
Notary Public, State of Texas

City Council Management Report
Meeting Date: 4/20/2026
Contact: Bobbie Jo Taylor, City Secretary

AGENDA ITEM:
Public Hearing, consideration, and action related to Ordinance No. 2026-0005; An Ordinance of the City Council of the City of Alvarado, Texas, designating a Contiguous Geographic Area within the City's Corporate Limits and Extraterritorial Jurisdiction as a Reinvestment Zone Pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Four, City of Alvarado, Texas; describing the boundaries of the zone; creating a Board of Directors for the zone; establishing a Tax Increment Fund for the zone; containing findings related to the creation of the zone; providing a date for the termination of the zone; providing that the zone take effect immediately upon passage of the ordinance; providing a severability clause; and providing an effective date. (Setting Chamber Creek TIRZ Boundaries) (Taylor)

BACKGROUND & FINDINGS:

Ordinance No. 2026-0005 establishes Reinvestment Zone Number 4 (Chambers Creek), defines its boundaries, creates a seven-member Board of Directors appointed by the City Council with staggered two-year terms, establishes a Tax Increment Fund, and sets a termination date. The Mayor will serve as Chair for the initial term, and the City Council may also serve as members of the Board. Following the Public Hearing, adoption of the ordinance will formally create the TIRZ. The area is currently predominantly open and undeveloped, lacking necessary public improvements; establishment of the zone is expected to support development, enhance property values, and provide a general benefit to the City. The zone will take effect upon adoption and remain in place until December 31, 2062, or until all obligations are satisfied, whichever occurs first. Fifty percent (50%) of the incremental City ad valorem tax revenue generated within both the Single-Family Sub-Area and the Sports Complex Sub-Area will be allocated to the TIRZ Fund.

FINANCIAL IMPACT:

RECOMMENDATION:

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Ordinance 2026-0005 with Attachment

CITY OF ALVARADO, TEXAS

ORDINANCE NO. 2026-0005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CITY'S CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER FOUR, CITY OF ALVARADO, TEXAS; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas (the "City"), pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Act"), may designate a geographic area within the corporate limits and extraterritorial jurisdiction ("ETJ") of the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a contiguous or noncontiguous geographic area that is in the City limits or the ETJ of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, the City Council of the City of Alvarado (the "City Council") desires for the City to consider the creation of a tax increment reinvestment zone in the corporate limits and ETJ of the City with the boundaries described in the metes and bounds and depiction attached hereto as ***Exhibit A*** (the "Zone"); and

WHEREAS, pursuant to and as required by the Act, the City has prepared a Reinvestment Zone Number Four, City of Alvarado, Texas *Preliminary Project and Finance Plan,* dated April 20, 2026, attached hereto as ***Exhibit B*** (hereinafter referred to as the "Preliminary Project and Finance Plan"), for a proposed tax increment reinvestment zone containing the real property within the Zone; and

WHEREAS, notice of the public hearing on the creation of the proposed zone was published in a newspaper having general circulation in the City before the seventh (7^{th}) day before the public hearing; and

WHEREAS, on April 20, 2026, the City Council opened a public hearing in accordance with Section 311.003(c) of the Act, and interested persons were allowed to speak for or against the creation of the Zone, the boundaries of the Zone, and the concept of tax increment financing, and owners of property in the proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone; and

WHEREAS, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed on April 20, 2026; and

WHEREAS, the public hearing was held in full accordance with Section 311.003(c) of the Act; and

WHEREAS, the City has taken all actions required to create the Zone including, but not limited to, all actions required by the City, the Act, the Texas Open Meetings Act (defined herein), and all other laws applicable to the creation of the Zone; and

WHEREAS, the percentage of the property in the proposed Zone, excluding property that is public-owned, that is used for residential purposes is less than thirty percent; and

WHEREAS, a Preliminary Project and Finance plan has been prepared for the proposed Zone.

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

SECTION 1. RECITALS INCORPORATED.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated and adopted as part of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. FINDINGS.

The City Council, after conducting the above-described hearing and having heard the evidence and testimony presented at the hearing, has made the following findings and determined based on the evidence and testimony presented to it:

(a) That the public hearing on the creation of the proposed tax increment reinvestment zone has been properly called, held and conducted and that notice of such hearing has been published as required by applicable law, including the Act; and

(b) That creation of the proposed reinvestment zone with boundaries as described and depicted in ***Exhibit A*** will result in benefits to the City, its residents and property owners, in general, and to the property, residents and property owners in the reinvestment zone; and

(c) That the proposed reinvestment zone, as described and depicted in ***Exhibit A***, meets the criteria

for the creation of a reinvestment zone set forth in the Act in that:

1. It is a geographic area located within the corporate limits and the ETJ of the City; and

2. The area is predominately open, undeveloped or underdeveloped, and the lack of necessary public improvements impairs sound growth of the City; and

(d) That 30 percent or less of the property in the proposed reinvestment zone, excluding property dedicated to public use, is currently used for residential purposes; and

(e) That the total appraised value of taxable real property in the proposed reinvestment zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal rolls of the City, does not exceed 50 percent of the current total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and

(f) That the improvements in the proposed reinvestment zone will significantly enhance the value of all taxable real property in the proposed reinvestment zone and will be of general benefit to the City; and

(g) That the development or redevelopment of the property in the proposed reinvestment zone will not occur solely through private investment in the reasonably foreseeable future; and

(h) That the City Council has prepared the Preliminary Project and Finance Plan prior to the execution of this Ordinance; and

(i) That the City Council finds that the Preliminary Project and Finance Plan is feasible.

SECTION 3. DESIGNATION AND NAME OF THE ZONE.

Pursuant to the authority of, and in accordance with the requirements of the Act, the City Council hereby designates the area described and depicted in ***Exhibit A*** hereto as a tax increment reinvestment zone. The name assigned to the zone for identification is **Reinvestment Zone Number Four, City of Alvarado, Texas** (hereinafter referred to as the "Zone").

SECTION 4. BOARD OF DIRECTORS.

(a) The City Council hereby creates a board of directors for the Zone (hereinafter referred to as the "Board") consisting of seven (7) members, each appointed by the City Council. City Council members may serve as Board members.

(b) A Board member appointed to the Board shall be eligible to serve on the Board if that person is at least 18 years of age and: (1) is a resident of the county in which the Zone is located or a county adjacent to that county; or (2) owns real property in the Zone, whether or not the individual resides in the county in which the Zone is located or a county adjacent to that county.

(c) The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone (hereinafter referred to as the "Project and Finance Plan") as required by the Act, and shall submit the Project and Finance Plan to the City Council for approval. The Board shall consider amendments to the Project and Finance Plan on its own initiative or upon submission by the City Council, but amendments considered by the Board shall not take effect unless and until adopted by the City Council.

(d) The Board members shall not receive any salary or other compensation for their services as directors.

(e) Members of the Board shall be appointed for terms of two (2) years. The terms of the Board members may be staggered. The City Council may remove and replace a Board member at any time during a term.

(f) The initial Board shall consist of seven (7) members and the following shall be members:

1. Mayor
2. Place 1
3. Place 2
4. Place 3
5. Place 4
6. Place 5
7. Place 6

The City Council hereby appoints the Mayor to serve as chairman of the Board during the time the initial Board is serving. Each year the City Council shall appoint one member of the Board to serve as chair for a term of one year that begins on January 1 of the year following that person's appointment. If the City Council does not appoint a chair during that period, the Mayor is automatically appointed to serve as chair for the term that begins on January 1 of the following year. The Board may elect a vice-chair to preside in the absence of the chair or when there is a vacancy in the office of chair. The Board may elect other officers as it considers appropriate.

SECTION 5. DURATION OF THE ZONE.

The Zone shall take effect immediately upon the passage and approval of this Ordinance, consistent with Section 311.004(a)(3) of the Act, and termination of the Zone shall occur upon the earlier of: (i) December 31, 2062 (with final year's tax to be deposited by January 31, 2063), or (ii) at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes, and other obligations of the Zone, and the interest thereon, have been paid in full, in accordance with Section 311.017 of the Act.

SECTION 6. TAX INCREMENT BASE AND TAX INCREMENT.

The tax increment base shall consist of the total taxable value, as of January 1, 2026, of all real property taxable by the City or other taxing unit participating in the Zone, and located in the Zone for the year in which the Zone was designated as a reinvestment zone pursuant to Section 311.012(c) of the Act (the "Tax Increment Base").

The amount of the tax increment placed into the Tax Increment Fund (hereinafter defined) for a year shall consist of: (i) fifty percent (50%) of the City's available portion of the tax increment, as defined by Section 311.012(a) of the Act, and (ii) all or a portion of property taxes of other taxing units participating in the Zone and located in the Zone (as set forth in an agreement to participate in the Zone) for that year on the Captured Appraised Value (defined below) of real property taxable by the City or other taxing unit participating in the Zone and located in the Zone (the "Tax Increment"). Consistent with Section 311.012(b) of the Texas Tax Code, as amended, the Captured Appraised Value of real property taxable by the City or other taxing unit participating in the Zone for a year is the total appraised value of all real property taxable by the unit and located in the Zone for that year less the Tax Increment Base (the "Captured Appraised Value").

SECTION 7. TAX INCREMENT FUND.

There is hereby created and established a fund (the "Tax Increment Fund") for the Zone that may be divided into subaccounts as authorized by subsequent ordinances, into which the Tax Increment of the City, as such increments are described in the Project and Finance Plan with included administration costs less any amount not required to be paid into the Tax Increment Fund pursuant to the Act, is to be deposited. The Tax Increment Fund and any subaccounts shall be maintained at the affiliated depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. In addition, all revenues to be dedicated to and used in the Zone shall be deposited into the Tax Increment Fund from which money will be disbursed to pay project costs, plus interest, for the Zone; however, excess funds may be transferred to the City's general fund as determined by the City.

SECTION 8. SEVERABILITY CLAUSE.

Should any provision, section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Alvarado hereby declares that it would have passed this Ordinance, and each provision, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9. OPEN MEETINGS.

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the Municipal Complex of the City for the time required by law preceding its meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code (the "Texas Open

Meetings Act"), and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Alvarado, Texas, on this the ***20th DAY OF APRIL, 2026*.**

CITY OF ALVARADO, TEXAS

_____
Jacob Wheat, Mayor

ATTEST:

_____
Bobbie Jo Taylor, City Secretary

APPROVED AS TO LEGAL FORM:

_____
City Attorney

Exhibit A
Metes-and-Bounds Description and Depiction of the Zone

BEING 228.322 acres or (9,945,688 square feet) of land in the A. G. Kimbell Survey, Abstract Number 479, Robert Bell Survey, Abstract Number 44, Joseph Bell Survey, Abstract Number 46, Ambrose Powers Survey, Abstract Number 686, John Dixon Survey, Abstract Number 215, Johnson County, Texas; said 228.322 acres or (9,945,688 square feet) of land being all of that certain tract of land described in a Warranty Deed to Alvarado Willow Springs Ranch Limited Family Partnership, described as Tract I (hereinafter referred to as Tract I), as recorded in Book 2376, Page 145, Deed Records, Johnson County, Texas (D.RJ.C.T.); said 228.322 acres or (9,945,688 square feet) of land being all of that certain tract of land described in a Warranty Deed to Alvarado Willow Springs Ranch Limited Family Partnership, described as Tract II (hereinafter referred to as Tract 1I), as recorded in Book 2376, Page 145, D.RJ.C.T., said 228.322 acres or (9,945,688 square feet) of land being a portion of that certain tract of land described in an Assumption Warranty Deed to Alvarado Willow Springs Ranch Limited Family Partnership (hereinafter referred to as Alvarado Willow Springs Ranch tract), recorded in Book 2354, Page 740, D.RJ.C.T., and said 228.322 acres or (9,945,688 square feet) of land being more particularly described, by metes and bounds, as follows:
BEGINNING at a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southwest corner of said Tract II, same being the existing Northeasterly right-of-way line of Interstate Highway Number 35-W (350' right-of-way), as recorded in Volume 434, Page 451, D.RJ.C.T., same being the Northwest corner of that certain tract -of land described in a Warranty Deed to Julianan Cowden (hereinafter referred to as Julianan Cowden tract), as recorded In Book 462, Page 295, D.RJ.C.T., from whence a five-eighths inch iron rod found bears North 78 degrees 20 minutes 40 seconds East, a distance of 0.35 feet;

THENCE North 16 degrees 31 minutes 34 seconds West with the common line between said Tract II and the existing Northeasterly right-of-way line of said Interstate Highway Number 35-W and generally along a wire fence line, passing at a distance of 756.73 feet, the Northwest corner of said Tract II, same being the Southwest corner of said Tract I and continue with said course and with the common line between said Tract I and the existing Northeasterly right-of-way line of said Interstate Highway Number 35-W and generally with a wire fence for a total distance of 824,43 feet to a one inch smooth iron rod found In concrete for the beginning of a curve to the left, whose long chord bears North 17 degrees 50 minutes 56 seconds West, a distance of 272.63 feet;

THENCE Northerly continue with the common line between said Tract I and the existing Northeasterly right-of-way line of said Interstate Highway Number 35-W and generally along a wire fence line and with said curve to the left, having a radius of 5904.58 feet, through a central angle of 2 degrees 38 minutes 45 seconds, for an arc distance of 272.65 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Northwest corner of said Tract I, same being the Southwest corner of that certain tract of land described in a Warranty Deed to Alvarado Independent School District, described as First Tract (hereinafter referred to as First Tract), as recorded in Book 1839, Page 598, D.R.J.C.T., whence a 60D Nail in a wood post in concrete bears North 87 degrees 59 minutes 18 seconds East, a distance of 2.38 feet;

THENCE North 87 degrees 59 minutes 18 seconds East, departing the existing Northeasterly right-of-way line of said Interstate Highway Number 35-W and with the common line between said Tract I and said First Tract, a distance of 733.11 feet to a one-half inch iron rod found for the Northeast corner of said Tract I, same being the Southeast corner of said First Tract, same being the Southwest corner of that certain tract of land described in a Warranty Deed to Alvarado Independent School District, described as Second Tract (hereinafter referred to as Second Tract), as recorded in Book 1839, Page 598, D.RJ.C.T., same being in the West line of the aforesaid Alvarado Willow Springs Ranch tract, same also being the common survey line of said Joseph Bell Survey and said A. G. Kim bell Survey;

THENCE North 88 degrees 02 minutes 48 seconds East, departing the West line of said Alvarado Willow Springs Ranch tract and crossing said Alvarado Willow Springs Ranch tract and with the common line

between the remainder of said Alvarado Willow Springs Ranch tract and said Second Tract and generally along a wire fence line, a distance of 362.87 feet to a 60D Nail found in a post for an angle point in the Northline of the remainder of said Alvarado Willow Springs Ranch tract, same being the Southeast corner of said Second Tract, same also being the Southwest corner of that certain tract of land described in a General Warranty Deed to The Boards of Trustees of the Alvarado Independent School District (hereinafter referred toas Alvarado Independent School District tract), as recorded in Book 3307, Page 905, D.RJ.C.T.;

THENCE North 89 degrees 48 minutes 29 seconds East continue crossing said Alvarado Willow Springs Ranch tract and with the common line between the remainder of said Alvarado Willow Springs Ranch tract and said Alvarado Independent School District tract and generally along a wire fence, a distance of 199.83feet to a five-eighths inch iron rod with plastic cap stamped "FORT WORTH SURVEYING" found for the Southeast corner of said Alvarado Independent School District tract, same being an inner-ell of the remainder of said Alvarado Willow Springs Ranch tract;

THENCE North 01 degree 01 minute 00 seconds East continue with the common line between the remainder of said Alvarado Willow Springs Ranch tract and said Alvarado Independent School District tract and generally along a wire fence, a distance of 2128.68 feet to a five-eighths inch iron rod with plastic cap stamped "DANNENBAUM" found for the Northeast corner of said Alvarado Independent School District tract, same being the occupied South line of County Road Number 108-C, whence a one-half inch iron rod found bears South 09 degrees 69 minutes 09 seconds East, a distance of 0.45 feet;

THENCE South 89 degrees 42 minutes 08 seconds West continue with the common line between the remainder of said Alvarado Willow Springs Ranch tract and said Alvarado Independent School District tract and also with the occupied South line of said County Road Number 108-C, a distance of 199.96 feet to a one-half inch iron rod found for the East line of the aforesaid Second Tract;

THENCE North 01 degree 07 minutes 09 seconds East with the East line of said Second Tract and crossing said County Road Number 108-C, a distance of 20.89 feet to a PK Nail set in asphalt pavement in the Northline of said Alvarado Willow Springs Ranch tract, same being the South line of that certain tract of land described in a Warranty Deed to Marion J. Moore and wife, Dawn Jo Anne Moore (hereinafter referred to as Moore tract), as recorded in Book 515, Page 327, D.R.J.C.T.;

THENCE North 89 degrees 45 minutes 38 seconds East with the common line between said Alvarado Willow Springs Ranch tract and said Moore tract and along said County Road Number 108-C, a distance of 1669.99 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for an angle point in the Northline of said Alvarado Willow Springs Ranch tract;

THENCE North 62 degrees 48 minutes 24 seconds East continue with the common line between said Alvarado Willow Springs Ranch tract and said Moore tract and along said County Road Number 108-C, a distance of 147.84 feet to a PK nail set in asphalt pavement;

THENCE South 25 degrees 14 minutes 07 seconds East, departing said County Road Number 108-C and crossing said Alvarado Willow Springs Ranch tract, a distance of 2002.48 feet to a one-half inch iron rod found for an angle point In a Southerly line of said Alvarado Willow Springs Ranch tract, same being the Northwest corner of that certain tract of land described in a Warranty Deed to Julianan Cowden, described as Second Tract (hereinafter referred to as Cowden Second Tract), as recorded in Book 526, Page 544, D.RJ.C.T., same also being the common survey line between said Joseph Bell Survey and said John Dixon Survey;

THENCE South 01 degree 35 minutes 36 seconds West with the common line between said Alvarado Willow Springs Ranch tract and said Cowden Second Tract and said survey line, a distance of 314.23 feet to a Fence Post found for corner;

THENCE South 89 degrees 04 minutes 01 second East continue with the common line between said

Alvarado Willow Springs Ranch tract and said Cowden Second Tract, a distance of 676.53 feet to a wooden post found for corner;

THENCE South 00 degrees 12 minutes 50 seconds East continue with the common line between said Alvarado Willow Springs Ranch tract and said Cowden Second Tract, a distance of 1429.50 feet to a one half inch iron rod found for an angle point in the Southerly line of said Alvarado Willow Springs Ranch tract, same being the Northeast corner of that certain tract of land described in a Warranty Deed to Julianan Cowden, described as Fourth Tract (hereinafter referred to as Cowden Fourth Tract), as recorded in Book 526, page 544, D.RJ.C.T.;

THENCE South 82 degrees 22 minutes 11 seconds West, departing a Westerly line of said Cowden Second Tract and with the common line between said Alvarado Willow Springs Ranch tract and said Cowden Fourth Tract, a distance of 160.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE North 84 degrees 12 minutes 49 seconds West continue with the common line between said Alvarado Willow Springs Ranch tract and said Cowden Fourth Tract, a distance of 557.70 feet to the center of North Fork Chambers Creek;

THENCE continue with the common line between said Alvarado Willow Springs Ranch tract and said Cowden Fourth Tract and along the center of said North Fork Chambers Creek for the following 22 courses:
1. North 78 degrees 10 minutes 49 seconds West, a distance of 75.80 feet;
2. North 36 degrees 27 minutes 49 seconds West, a distance of 12.7.40 feet;
3. South 75 degrees 03 minutes 11 seconds West, a distance of 101.10 feet;
4. South 60 degrees 59 minutes 11 seconds West, a distance of 175.40 feet;
5. South 77 degrees 39 minutes 11 seconds West, a distance of 70.60 feet;
6. South 77 degrees 54 minutes 11 seconds West, a distance of 104.40 feet;
7. South 56 degrees 31 minutes 11 seconds West, a distance of 172.60 feet;
8. North 86 degrees 36 minutes 49 seconds West, a distance of 202.00 feet;
9. North 55 degrees 58 minutes 49 seconds West, a distance of 54.80 feet;
10. North 45 degrees 41 minutes 49 seconds West, a distance of 143.80 feet;
11. North 35 degrees 42 minutes 49 seconds West, a distance of 100.00 feet;
12. North 21 degrees 53 minutes 49 seconds West, a distance of 58.20 feet;
13. North 78 degrees 47 minutes 49 seconds West, a distance of 186.90 feet;
14. North 80 degrees 48 minutes 49 seconds West, a distance of 120.90 feet;
15. South 84 degrees 38 minutes 11 seconds West, a distance of 367.50 feet;
16. South 76 degrees 52 minutes 11 seconds West, a distance of 203.00 feet;
17. South 85 degrees 22 minutes 11 seconds West, a distance of 200.10 feet;
18. North 86 degrees 15 minutes 49 seconds West, a distance of 178.50 feet;
19. South 75 degrees 40 minutes 11 seconds West, a distance of 300.00 feet;
20. South 79 degrees 28 minutes 11 seconds West, a distance of 200.60 feet;
21. North 60 degrees 35 minutes 18 seconds West, a distance of 113.10 feet;
22. North 26 degrees 53 minutes 58 seconds West, a distance of 139.50 feet to the Southwest corner of said Alvarado Willow Springs Ranch tract, same being the Northwest corner of said Cowden Fourth Tract, same being the East line of the aforesaid Julianan Cowden tract, same also being the common survey line between said Joseph Bell Survey and said Albert G. Kimbell Survey;

THENCE North 01 degree 04 minutes 52 seconds East, departing the center of said Chambers Creek and with the common line between said Alvarado Willow Springs Ranch tract and said Julianan Cowden tract and with said survey line and generally along a wire fence line, a distance of 113.85 feet to a fence post found for the Southeast corner of the aforesaid Tract II, same being the Northeast corner of said Julianan Cowden tract;

THENCE South 77 degrees 33 minutes 00 seconds West, departing the West line of said Alvarado

Willow Springs Ranch tract and with the common line between said Tract I and said Julianan Cowden tract, a distance of 402.31 feet to the PLACE OF BEGINNING, and containing a calculated area of 228.322 acres or (9,945,688 square feet) of land more or less.



Exhibit B
Preliminary Project Plan and Finance Plan

TAX INCREMENT REINVESTMENT ZONE NO. 4

CITY OF ALVARADO, TEXAS

City of Alvarado

PRELIMINARY PROJECT AND FINANCING PLAN

APRIL 20, 2026

PREPARED BY:

MUNICAP, INC.
PUBLIC FINANCE

TAX INCREMENT REINVESTMENT ZONE NO. 4

CITY OF ALVARADO, TEXAS

PRELIMINARY PROJECT AND FINANCING PLAN

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1. INTRODUCTION

1.1. AUTHORITY AND PURPOSE

The City of Alvarado, Texas, a Texas home rule municipality (the "City"), has the authority under Chapter 311, Texas Tax Code, as amended (the "Act") to designate a contiguous or noncontiguous geographic area within or outside the corporate limits of the City as a tax increment reinvestment zone to promote development or redevelopment of the area if the governing body of the City (the "City Council") determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, that the zone is feasible, and that creation of the zone is in the best interest of the City and the property in the zone. The purpose of the zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, and other projects benefiting the zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

1.2. ELIGIBILITY REQUIREMENTS

Except as provided in the Act, an area may be designated as a tax increment reinvestment zone if such area is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City. The City cannot, however, designate a zone if more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is "used for Single-family purposes" (defined by the Act as follows: "... property is used for Single-family purposes if it is occupied by a house having fewer than five living units ...") or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds fifty percent (50%) of the total appraised value of taxable real property in the City and in industrial districts created by the City.

The Zone. By City Council action on April 20, 2026, the City created a tax increment reinvestment zone to be known as "Tax Increment Reinvestment Zone No. 4, City of Alvarado, Texas" (the "Zone" or "TIRZ") that includes approximately 228 acres depicted on **Exhibit A-1** and described on **Exhibit B-1** (the "Property"). The TIRZ will be divided into two sub-areas; a residential sub-area consisting of approximately 188.62 acres (the "Single-family Sub-Area") and a second sub-area consisting of approximately 39 acres for both commercial development and a sports complex (the "Sports Complex Sub-Area"). The City will create the Chambers Creek Public Improvement District (the "PID") which is anticipated to be coterminous with the Single-family Sub-Area of the TIRZ. The Property meets the eligibility requirements of the Act. The Property is undeveloped, and due to its size, location, and physical characteristics, development will not occur solely through private investment in the foreseeable future. The Property substantially impairs and arrests the sound growth of the City because it is predominately underdeveloped due to factors such as no public infrastructure and the need for economic incentives to attract development to the Zone for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone, increased sales and use tax for the City and the State of Texas, and increased job opportunities for residents of the City, Johnson County (the "County") and the region. If the public works, public improvements, programs, and other projects are financed as contemplated by the Final Plan (as hereinafter defined), the City envisions that the

Property will be developed to take full advantage of the opportunity to bring to the City and the County, and to all of the region's quality developments.

1.3. PRELIMINARY PLAN; HEARING

Before the City may adopt an ordinance designating the Zone, the City Council must prepare, or cause to be prepared a preliminary reinvestment zone financing plan in accordance with the Act and hold a public hearing on the creation of the proposed zone and its benefits to the City and to the Property, at which public hearing interested persons may speak for and against the creation of the Zone, the boundaries of the Zone, and the concept of tax increment financing, and at which hearing the owners of the Property must be given a reasonable opportunity to protest the inclusion of the Property in the Zone. The requirement of the Act for a preliminary reinvestment zone financing plan is satisfied by this preliminary plan dated April 20, 2026, (the "Preliminary Plan"), the purpose of which is to describe, in general terms, the TIRZ Projects that will be undertaken and financed by the Zone. A description of how such TIRZ Projects are to be undertaken and financed will be determined by the Final Plan (hereinafter defined), which require approval by the Board and by the City Council.

1.4. CREATION OF THE ZONE

Subsequent to the above-referenced public hearing, the City Council may adopt ordinance No. _____ on April 20, 2026 (the "Creation Ordinance") in accordance with the Act to create the Zone after the City Council finds that development or redevelopment of the Property would not occur solely through private investment in the reasonably foreseeable future, that the Zone is feasible, and that creation of the Zone is in the best interest of the City and the Property. The Creation Ordinance for the Zone appointed a Board of Directors for the Zone initially consisting of seven (7) members (the "Board").

1.5. BOARD RECOMMENDATIONS

After creation of the Zone on April 20, 2026, the Board is anticipated to review the *Final Project and Finance Plan for Tax Increment Reinvestment Zone No. 4, City of Alvarado, Texas* (the "Final Plan") during its _____, 2026, meeting, and it is anticipated to approve and recommend the Final Plan to the City Council pursuant to which the City will contribute a portion of the ad valorem tax increment (the "Tax Increment") attributable to new development in the Zone into a tax increment fund created by the City and segregated from all other funds of the City (the "TIRZ Fund") for payment of the costs of public works, public improvements, programs, and other projects benefiting the Zone.

1.6. COUNCIL ACTION

The City Council, taking into consideration the recommendations of the Board, is anticipated to consider and approve the Final Plan on _____.

1.7. SUMMARY OF RESULTS

As real property taxes are generated on an ad valorem basis from assessed values, it is first necessary to estimate the future assessed value resulting from the Zone. This plan provides assessed value information based on the following:

- The development is completed as described in the Chambers Creek Development Agreement (the "Development Agreement") between the City, Alvarado 228 Development LLC, and Avalon Development Group, LLC (collectively the "Developer");
- The units are sold according to the development pace estimated by the Developer as summarized in subsequent sections of this report;
- Property values are projected to grow at two percent (2%) per year for the duration of the Zone;
- The real property tax rate remains static at the fiscal year 2026 level in future years;
- The Property is anticipated to include approximately 228 acres, with approximately 188.62 acres comprising the PID;
- The Property is divided into sub-areas, the Single-family Sub-Area and the Sports Complex Sub-Area as shown in **Exhibit B-2 and Exhibit B-3**;
- The City has committed to use **fifty percent (50%)** of the incremental revenues generated from the Single-family Sub-Area of the Property.
- The City has committed to use **fifty percent (50%)** of the incremental revenues generated from the Sports Complex Sub-Area of the Property.

In summary, the TIRZ financing analysis indicates that, assuming two percent (2%) annual inflation through 2062, the TIRZ is estimated to have an incremental value of $487,211,248 in the Single-family Sub-Area and $23,545,792 in the Sports Complex Sub-Area.

Table 1-A provides the projected total and incremental assessed value for the Zone in 2062. Refer to **Exhibit C-3.1, Exhibit C-3.2, and Exhibit C-3.3**, attached hereto, for more information on the projected incremental value for each year.

Table 1-A
Projected Assessed Values

Year	Projected Assessed Value	Base Value[1]	Projected Incremental Value
Single-family Sub-Area	$487,227,092	$15,844	$487,211,248
Sports Complex Sub-Area	$23,560,699	$14,907	$23,545,792

[1]The combined base value of $30,751 is based on the 2026 certified provided by the Central Appraisal District of Johnson County ("JCAD") for acreage in each sub-area.

The projected assessed values displayed in Table 1-A are the basis for estimating incremental real property taxes. The projected incremental taxes are shown in Table 1-B. The Property is anticipated to be fully built out by December 31, 2031, and such fully built-out values are anticipated to be reflected in the 2032 property appraisal by JCAD, and the related incremental taxes will become fully available on taxes dues as of January 31, 2033. The new proposed

development could not occur without the Public Improvements required to be constructed within the Zone.

Single-family Sub-Area

The total projected value of the new development at build-out as of January 1, 2031, is $263,709,700 with a projected incremental value of $263,693,856.

Sports Complex Sub-Area

The total projected value of the new development at build-out as of January 1, 2031, is $12,752,133, with a projected incremental value of $12,737,226.

Table 1-B illustrates the projected assessed value for taxes due as of January 31, 2033, assuming two percent (2%) annual inflation.

Table 1-B
Projected Incremental Tax Revenue

Jurisdiction	Total Projected Appraised Value at Buildout as of January 1, 2031	Base Value[1]	Total Projected Incremental Appraised Value at Buildout as of January 1, 2032	Projected Incremental Tax Revenue due as of January 31, 2032[2]	Projected Incremental Tax Revenue Available for Project Costs due as of January 31, 2033[2]
City of Alvarado – Single-family Sub-Area	$263,709,700	$15,844	$263,693,856	$2,125,399	$1,062,699
City of Alvarado – Sports Complex Sub-Area	$12,752,133	$14,907	$12,737,226	$102,663	$51,332

[1]The combined base value of $30,751 is based on the 2026 certified provided by Johnson County Appraisal District ("JCAD") for acreage in each sub-area.

Refer to **Exhibit C-3.1, Exhibit C-3.2, Exhibit C-4.1, Exhibit C-4.2, Exhibit C-5.1 and Exhibit C-5.2** for projected tax increment revenues for each year under each scenario.

The financing plan for the Public Improvements contemplates the issuance of special assessment revenue bonds by the City and/or a reimbursement agreement executed by the City secured by special assessments on property within the PID (the "PID Assessments"). The bonds secured by the PID Assessments are referred to as the "PID Bonds" and the total estimated aggregate par amount is $35,000,000.

A portion of the total Public Improvements costs are proposed to be funded with the PID Bonds. As a result, real property tax increment revenues from the Single-family Sub-Area will be used to pay (i) a portion of the Project Costs (as hereinafter defined) by offsetting the PID Assessments imposed on the property within the PID and (ii) paying for Project Costs related to the Sports Complex. The maximum amount of Project Costs attributable to the Sports Complex to be paid from tax increment revenues generated from the Single-family Sub-Area and from the Sports

Complex Sub-Area is not to exceed $27,000,000 (the "Maximum TIRZ Sports Complex Reimbursement Amount").

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2. ASSESSMENT AND TAX COLLECTION PROCEDURES

2.1 AUTHORITY AND PURPOSE

Pursuant to Texas Tax Code, all taxable property is appraised at its market value as of January 1 of each year. Each county in Texas is served by an appraisal district, which determines the value of all that county's taxable property. Generally, local governments that collect property taxes, such as counties, cities and school districts, are members of the appraisal district.

2.2 METHODOLOGY

Each county appraisal district determines the value of all taxable property within the county boundaries. Tax Code Section 25.18 requires appraisal districts to reappraise all property in its jurisdiction at least once every three years. Tax Code Section 23.01 requires that appraisal districts comply with the Uniform Standards of Professional Appraisal Practice if mass appraisal is used and that the same appraisal methods and techniques be used in appraising the same or similar kinds of property. Individual characteristics that affect the property's market value must be evaluated in determining the property's market value.

Before appraisals begin, the appraisal district compiles a list of taxable property. The list contains a description and the name and address of the owner for each property. In a mass appraisal, the appraisal district then classifies properties according to a variety of factors, such as size, use and construction type. Using data from recent property sales, the appraisal district appraises the value of typical properties in each class. Taking into account differences such as age or location, the appraisal district uses typical property values to appraise all the properties in each class.

With few exceptions, Tax Code Section 23.01 requires taxable property to be appraised at market value as of January 1. Market value is the price at which a property would transfer for cash or its equivalent under prevailing market conditions if:

- it is exposed for sale in the open market with a reasonable time for the seller to find a purchaser;
- both the seller and the purchaser know of all the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions on its use; and
- both the seller and purchaser seek to maximize their gains and neither is in a position to take advantage of the exigencies of the other.

Source: https://comptroller.texas.gov/taxes/property-tax/valuing-property.php

2.3 APPEALS

According to the JCAD, property owners may utilize the JCAD appeal procedures if they have a concern about:

- the market or appraised value of the property;
- unequal appraisal of the property compared to other properties;
- the inclusion of the property on the appraisal roll;
- any exemptions that may apply to the property owner;
- the qualification for an agricultural or timber appraisal;
- the taxable status of the property;
- the local governments which should be taxing the property;
- the ownership of property;
- a change of use of land receiving special appraisal; and/or
- any action taken by the chief appraiser, JCAD or Appraisal Review Board ("ARB") that applies to and adversely affects the property.

If property owners cannot resolve their concern informally with the JCAD staff, they may have their cases heard by the ARB. The ARB is an independent board of citizens that review problems with appraisals or other concerns listed above. It has the power to order the JCAD to make the necessary changes to solve problems. If a property owner files a written request for an ARB hearing (called a notice of protest) on or before May 31 (or 30 days after the notice of appraised value was mailed to the property owner, whichever is later), the ARB will set the case for a hearing. The property owner will receive written notice of the time, date, and place of the hearing. After it decides the case, the ARB must send them a copy of its order by certified mail. If the property owner is not satisfied with the decision, it has the right to appeal. If it chooses to go to court, the property owner must start the process by filing a petition within 60 days of the date it receives the ARB's order. In certain cases, as an alternative to filing an appeal in district court, the property owner may file not later than the 45th day after it receives notice of the ARB order a request for binding arbitration with the JCAD. In certain cases, originating in certain counties, as an alternative to filing an appeal in district court, the property owner may appeal to the State Office of Administrative Hearings (SOAH). An appeal to SOAH is initiated by not later than the 30th day after the property owner receives notice of the ARB's order by filing with the chief appraiser of the JCAD a notice of appeal.

2.4 Taxation Procedures

The appraisal and property tax process for each tax year includes the steps shown in Table 2-A.

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Table 2-A
Property Tax Timeline

Date(s)	Event
January 1	CADs are required to appraise property on this date. A lien attaches to each taxable property to ensure property tax payment.
January 1 - April 30	CAD completes appraisals and processes applications for exemptions.
April - May	Appraisal districts send notices of appraised value.
May 1	Appraisal review board begins hearing protests from property owners.
July 1	Local taxing units may impose additional penalties for legal costs related to collecting unpaid taxes.
August - September	Local taxing units adopt tax rates.
October 1	Local taxing units (or county tax assessor-collector, acting on their behalf) begin sending tax bills to property owners.
January 1	Taxes due to local taxing units (or county tax assessor-collector, if acting on their behalf).
February 1	Local taxing units begin charging penalty and interest for unpaid tax bills.

2.5 Penalties and Interest

According to the Texas Comptroller, if taxes are not paid by January 31st, penalties and interest will accrue are shown in Table 2-B.

Table 2-B
Penalties and Interest

If Tax Paid In:	Penalty		Interest		Total
February	6%	+	1%	=	7%
March	7%	+	2%	=	9%
April	8%	+	3%	=	11%
May	9%	+	4%	=	13%
June	10%	+	5%	=	15%
July	12%	+	6%	=	18%

Penalties reach a maximum of twelve percent (12%) and interest of one percent (1%) is added each month after the due date. All real property accounts not paid in full by June 30th of the year in which they become delinquent will be referred to the delinquent tax attorney for enforced collection and will incur an additional penalty equal to fifteen percent to twenty percent (15% - 20%) of the total taxes, penalties, and interest due.

2.6 Tax Sale

According to the Johnson County Tax Collector's website, tax sales are held once orders of sale are issued from the district courts in reference to tax judgments for delinquent taxes. Real property being sold as a result of a foreclosure to satisfy delinquent taxes is required by Texas law to be sold on the first Tuesday of the month. All counties have sales on the same day.

2.7 TAX RATES

Tax rates are set on an annual basis by the City. For fiscal year 2026, real property tax rate in the City is $0.806010 per $100 of assessed value.

The City tax rates have fluctuated in past years. It is likely that the tax rates will continue to change overtime; for purposes of this study, however, it is assumed that the tax rate will remain at its current level in future years.

Table 2-C provides historical tax rates from fiscal years 2019 to 2026.

Table 2-C
Historical Tax Rates 2019-2026

Fiscal Year	City Tax Rate Per $100 Assessed Value (Total)
2019	$0.732031
2020	$0.751419
2021	$0.812696
2022	$0.812696
2023	$0.811895
2024	$0.782572
2025	$0.806010

Source: City of Alvarado

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3. PROJECT PLAN

3.1. DESCRIPTIONS AND MAPS

Existing Uses and Conditions. The Property in the Zone is contiguous and is currently located partially within the corporate limits of the City and partially in the extraterritorial jurisdiction. The Property is comprised of approximately 228 acres described on **Exhibit B-1**. The portion of the Property within the City limits is zoned as agricultural and the remaining property is also utilized for agricultural use.

The Property is undeveloped, and there is limited public infrastructure to support development. Development will require public infrastructure that: (1) the City cannot provide; and (2) will not be provided solely through private investment in the foreseeable future. A map of the Property and the Zone are shown on **Exhibit A-1, Exhibit A-2, and Exhibit A-3**.

Proposed Uses. The Property is zoned consistent with the development standards in the Development Agreement, and the uses permitted by such. A map of the proposed uses is shown on **Exhibit D** and a description of the proposed uses within the Property are shown on Table 3-A.

Table 3-A
Description of Proposes Uses

Property Type	Estimated Completion	Quantity	Measurement
Single-family			
Single Family – 50 Ft Lot	2031	336	Units
Single Family – 40 Ft Lot	2031	302	Units
Single Family – 29 Ft Lot	2031	75	Units
Sports Complex			
Commercial	2030	105,000	Sq Ft

[1]Provided by the Developer.

Metes and Bounds Description. Metes and bounds descriptions of the various tracts that comprise the Property are provided on **Exhibit B-1, Exhibit B-2, and Exhibit B-3**. The list of Parcels in the Zone is shown in **Exhibit E.**

3.2. PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES AND REGULATIONS

All construction will be done in conformance with existing building code regulations of the City of Alvarado. There are no proposed changes of any city development ordinances, master plans or building codes.

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3.3. Estimated Non-Project Costs

Non-project costs are funds that will be spent to develop in the Zone but will not be financed by the Zone. The Non-Project Costs are estimated at approximately $12,182,006 for the total property within the Zone.

3.4. Relocation of Displaced Persons

No persons will be displaced or relocated due to the creation of the Zone or implementation of the Final Plan.

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4. FINANCING PLAN

4.1. ESTIMATED PROJECT COSTS

The total project costs of the Zone (the "Project Costs") include the Administrative Costs defined below and the costs of the Public Improvements (as defined herein) are estimated to be approximately $47,612,770, as set forth in **Exhibit E**. The Project Costs for administration of the Zone shall be the actual, direct costs paid or incurred by or on behalf of the City to administer the Zone (the "Administrative Costs"). The Administrative Costs include the costs of professional services, including those for planning, engineering, and legal services paid by or on behalf of the City. The Administrative Costs also include organizational costs, including the costs of conducting studies, the cost of publicizing the creation of the Zone, and the cost of implementing the project plan for the Zone paid by or on behalf of the City. The Administrative Costs shall be paid each year from the TIRZ Fund (hereinafter defined) before any other Project Costs are paid.

4.2. PROPOSED PUBLIC IMPROVEMENTS

Categories of Public Improvements. The categories of public works and public improvements (the "Public Improvements") that are proposed to be financed within the Zone are as follows: water and wastewater improvements, sanitary and storm sewer improvements, road, paving, landscape and irrigation improvements, public park, other soft and miscellaneous costs and contingency. All Public Improvements shall be designed and constructed in accordance with the applicable City standards and shall be reviewed, inspected, approved, and accepted by the City, respectively. At the discretion of the City, some of the Public Improvements that are to be financed with the TIRZ Increments may be owned by the City but maintained by a homeowners' association as may be agreed by the City from time to time.

Locations of Public Improvements. The estimated locations of the proposed Public Improvements to be constructed within the Zone are shown in **Exhibit F**. These locations are provided for informational purposes only and may be revised by City Staff without amending the Final Plan.

4.3. ECONOMIC FEASIBILITY

The development is proposed to be developed on vacant land. As shown in **Exhibit G**, the current aggregate appraised value of the property is $30,751 (shown as assessed value in the JCAD records). The development is projected to be fully built out by December 31, 2031, based on the preliminary absorption estimated by the Developer.

For purposes of this Plan, economic feasibility has been evaluated over the term of the Zone based on the projected taxable value growth as shown in the projected absorption, projected incremental assessed values and projected incremental taxes shown in **Exhibit C**. This evaluation focuses only on 'direct' financial benefits (i.e., projected tax revenues from new development in the Zone) of the Public Improvements to be constructed within the Zone and does not take into consideration the potential 'multiplier effect' of this development towards new development outside the Zone and the non-property tax revenue-related benefits like job creation to the properties within and

outside of the Zone. The new proposed development could not occur without the Public Improvements required to be constructed within the Zone.

Single-family Sub-Area

The total projected value of the new development at build-out as of January 1, 2032, is $263,709,700 with an incremental value of $263,693,856. The new development is projected to generate approximately $2,125,399 in annual projected incremental real property taxes at build-out and approximately $98,081,083 during the anticipated term of the Zone as shown in Table 4-A.

Sports Complex Sub-Area

The total projected value of the new development at build-out as of January 1, 2032, is $12,752,133 with an incremental value of $12,737,226. The new development is projected to generate approximately $102,663 in annual projected incremental real property taxes at build-out and approximately $4,740,519 during the anticipated term of the Zone as shown in Table 4-A.

Table 4-A
Projected Incremental Tax Revenue

Jurisdiction	Total Projected Incremental Appraised Value at Buildout as of January 1, 2031	Total Projected Annual Incremental Tax Revenue at Build-Out (Due by January 31, 2032)[1]	Total Projected Annual Incremental Tax Revenue at Build-Out Available for Project Costs (Due by January 31, 2032)[1]	Total Projected Incremental Tax Revenue during the Term of the TIRZ[1]
City of Alvarado - Single-family Sub-Area	$263,693,856	$2,125,399	$1,062,699	$98,081,083
City of Alvarado - Sports Complex Sub-Area	$12,737,226	$102,663	$51,332	$4,740,519
Total		**$2,228,062**	**$1,114,031**	**$102,821,603**

[1]Represents the projected incremental tax revenues generated from the Property.

Single-family Sub-Area

Fifty percent (50%) of the tax increment revenue realized for the City within the Single-family Sub-Area of the Zone will be retained by the City to be used for any lawful purpose. The remaining fifty percent (50%) of the tax increment revenue realized within the Single-family Sub-Area of the Zone will be dedicated to pay for Project Costs until the term of the Zone expires in 2062. Upon the expiration of the zone, fifty percent (50%) of the tax increment revenue shall be retained by the City to be used for any lawful purpose. Upon expiration or termination of the Zone, one hundred (100%) of all tax revenue generated within the Zone will be retained by the City.

These projections assume two percent (2%) annual property value inflation factor. As shown in **Exhibit C-3.1, Exhibit C-3.2, and Exhibit C-4.1** the total anticipated TIRZ contribution towards Public Improvements is projected to be $44,614,495. As a result, the TIRZ is anticipated to generate $53,466,589 (i.e., $98,081,083 - $44,614,495) in excess incremental real property taxes during the anticipated term of the Zone for payment of costs of the City, demonstrating economic feasibility of the proposed TIRZ structure.

Sports Complex Sub-Area

Fifty percent (50%) of the tax increment revenue realized for the City within the Sports Complex Sub-Area of the Zone will be retained by the City to be used for any lawful purpose. The remaining fifty percent (50%) of the tax increment revenue realized \within the Sports Complex Sub-Area of the Zone will be dedicated to pay for Project Costs until the earlier of (i) the Maximum Sports Complex Reimbursement Amount is paid, or (ii) the term of the Zone expires in 2062. Upon the occurrence of (i) or (ii), fifty percent (50%) of the tax increment revenue shall be retained by the taxing units to be used for any lawful purpose. Upon expiration or termination of the Zone, one hundred (100%) of all tax revenue generated within the Zone will be retained by the City.

These projections assume two percent (2%) annual property value inflation factor. As shown in **Exhibit C-3.3** and **Exhibit C-4.2** the total anticipated TIRZ contribution towards Public Improvements is projected to be $2,001,722. As a result, the TIRZ is anticipated to generate $2,738,797 (i.e., $4,740,519 - $2,001,722) in excess incremental real property taxes during the anticipated term of the Zone for payment of costs of the City, demonstrating economic feasibility of the proposed TIRZ structure.

Table 4-B shows the projected TIRZ Contribution by each participating jurisdiction for each sub-area.

Table 4-B
Projected TIRZ Contribution

Jurisdiction	Total Projected Incremental Tax Revenue during the Term of the TIRZ[1]	Participation Percentage	Total Projected Incremental Tax Revenue Available for payment of Project Costs[2]	Total Projected Incremental Tax Revenue Available to the City
Single-family Sub-Area				
City of Alvarado - Single-family Sub-Area	$98,081,083	20%[3]	$19,616,217	$21,386,636
City of Alvarado - Single-family Sub-Area	$98,081,083	30%[4]	$24,998,278	$32,079,955
Subtotal Single-family Sub-Area			*$44,614,495*	*$53,466,591*
City of Alvarado - Sports Complex Sub-Area	$4,740,519	50%	$2,001,722	$2,738,797
Total			**$46,616,217**	**$56,205,388**

[1] Represents the projected incremental tax revenues generated from the Property using the respective tax rate.
[2]Represents the total projected incremental tax revenue available to pay for Project Costs.
[3]The twenty percent (20%) participation from the Single-family Sub-Area is calculated as 40% x 50% = 20%.
[4]The thirty percent (30%) participation from the Single-family Sub-Area is calculated as 60% x 50% = 30%.

4.4. TIRZ Participation Level

For properties within the TIRZ fifty percent (50%) of the total City incremental real property tax revenue generated from the Single-family Sub-Area and fifty percent (50%) of the total City incremental real property tax generated from the Sports Complex Sub-Area will be dedicated to the TIRZ Fund, as shown in Table 4-C.

Table 4-C
TIRZ Participation by Entity

Jurisdiction	TIRZ Participation level as % of Tax Rate
City of Alvarado Single-family Sub-Area	50%
City of Alvarado Sports Complex Sub-Area	50%

4.5. Estimated Bonded Indebtedness

It is anticipated that TIRZ bonds will be issued in the future.

It is proposed that approximately 188.62 acres comprising the Zone will be located within the PID. It is anticipated that PID Bonds or other similar debt obligations may be incurred in the future. Currently, there is no impact from the PID Bonds on the TIRZ Fund.

4.6. Estimated Time for Costs or Obligations

The Project Costs are estimated to be incurred upon development. The Administrative Costs will be incurred annually and will continue to be collected until all Project Costs are reimbursed or the term of the Zone has expired.

4.7. Method of Financing

The City, in the future, will pay (using the TIRZ funds) the Project Costs as annual TIRZ contributions. The Final Plan shall obligate the City to pay from the TIRZ Fund annual TIRZ contributions related to the Project Costs, which shall be reviewed and approved by the City. Funds deposited into the TIRZ Fund shall always first be applied to pay the Administrative Costs. After the Administrative Costs have been paid, funds in the TIRZ Fund shall next be used to pay or reimburse the Project Costs for each sub-area as described below.

Single-family Sub-Area

Forty percent (40%) of the fifty percent (50%) of the TIRZ Funds for the Single-family Sub-Area shall be deposited in to the Chambers Creek PID Account. Sixty percent (60%) of the fifty percent (50%) of the TIRZ Funds for the Single-family Sub-Area shall be deposited to the Sports Complex Account as shown in Table 4-D.

Sports Complex Sub-Area

One hundred percent (100%) of the fifty percent (50%) of the TIRZ Funds for the Sports Complex Sub-Area shall be deposited to the Sports Complex Account as shown in Table 4-D.

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Table 4-D
TIRZ Contribution by TIRZ Fund Account

Jurisdiction	TIRZ Participation Percentage	Total Projected Incremental Tax Revenue Available for payment of Project Costs
Chambers Creek PID Account[1]	20%	$19,616,217
Sports Complex Account[3]		
Single-family Sub-Area	30%	$24,998,278
Sports Complex Sub-Area	50%	$2,001,722
Subtotal Sports Complex Account		*$27,000,000*
Total		**$46,616,217**

[1]See Exhibit C-3.1.

[3]See Exhibit C-5.1. Upon payment of the Maximum Sports Complex Reimbursement Amount, one hundred percent (100%) of the tax increment collected will be retained by the City.

All payments of Project Costs shall be made solely from the TIRZ Fund and from no other funds of the City unless otherwise approved by the respective governing body, and the TIRZ Fund shall only be used to pay the Project Costs. The Final Plan shall obligate the City to deposit into each sub-account of the TIRZ Fund each year for the duration of the Zone a portion of the Tax Increment calculated as a millage rate per $100 of captured appraised value in each sub-area of the Zone that equals fifty percent **(50%)** of the City tax rate for properties in each sub-area of the Zone for years one through thirty-six (1-36).

4.8. Total Appraised Value

Single-family Sub-Area

The current preliminary total appraised value of taxable real property in the Single-family Sub-Area of the Zone is $15,844, as shown in **Exhibit G**. It is estimated that upon expiration of the term of the Zone, the total appraised value of taxable real property in the Single-family Sub-Area of the Zone is estimated to be $487,227,092.

Sports Complex Sub-Area

The current preliminary total appraised value of taxable real property in the Sports Complex Sub-Area of the Zone is $14,907, as shown in **Exhibit G**. It is estimated that upon expiration of the term of the Sports Complex Sub-Area of the Zone, the total appraised value of taxable real property in the Zone is estimated to be $23,560,699.

4.9. Estimated Captured Appraised Value Taxable by the City and the County

The captured appraised value of the Property taxable by the City for a year is the total taxable value of the Property for that year less the tax increment base of the Property. The tax increment base of the Property is the total taxable value of the Property for the year in which the Zone was designated. If the Zone is created during calendar year 2026, the tax increment base of the Property

in the Single-family Sub-Area will be $15,844, and the tax increment base of the Property in the Sports Complex Sub-Area will be $14,907 as shown in **Exhibit G**.

4.10. DURATION OF THE ZONE; TERMINATION

The stated term of the Zone shall be thirty-six (36) years and the base year is January 1, 2026, and shall continue until fiscal year ending December 31, 2062 (with final year's tax to be deposited by January 31, 2063), unless otherwise terminated in accordance with this section, the Creation Ordinance, and Section 4.3 above. The City shall have the right to terminate the Zone prior to the expiration of its stated term if all of the Project Costs have been paid. If upon expiration of the stated term of the Zone, Project Costs have not been paid, the City has no obligation to pay the shortfall. The provisions of this section shall be included in the ordinance that creates the Zone. Nothing in this section is intended to prevent the City from extending the term of the Zone in accordance with the Act.

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5. ASSUMPTION AND LIMITATIONS

The valuation of property for real property tax purposes is determined by the county appraisal district (CAD). This plan attempts to estimate how the CAD may estimate the value of the subject properties in the future. The values estimated by the CAD will almost certainly differ from the estimates included in this report. Values can change significantly over time, and these changes can be significantly higher or lower than values in previous years. Determining property values for tax purposes is not as straight forward or as simple as the analysis in this report. Many factors not considered in this report may impact actual future values. Furthermore, property values are not likely to be consistent from year to year.

The CAD often relies on market data to estimate the value of property. Property values can be appealed, competition can be greater, national or local market conditions can change; in short, there are many factors that can affect the valuation of property. These factors make the projection of future values an imprecise exercise. The successful development of the subject properties is critical to the values estimated in the report.

This report has assumed property taxes are paid as due. This report does not include an analysis to determine if the owners of property within the Zone will be able or willing to pay property taxes or if the tax collector will be able to collect unpaid taxes. The actual delinquencies in the payment of real property taxes in the Zone will likely be different than assumed in this report and a significant increase in the failure to pay property taxes would materially affect the tax increment revenues available for the payment of Project Costs.

This report estimates future tax increment revenues based on current real property tax rates. Scenarios do not assume real property tax rates in the future will be different than tax rates for fiscal year 2026 as shown in Table 2-D. Real property tax rates have varied over the years and have declined over the years. Real property tax rates will likely vary significantly in future years and be different than assumed in this report and a significant decrease in real property tax rates could materially affect the tax increment revenues available for the payment of Project Costs.

This report includes projections of tax increment revenues based on two percent (2%) annual appreciation for real property. Changes in values will not be consistent from year to year. Future values are estimated based on values in 2026. Values in any future year may be less than values in 2026.

This report assumes that the subject properties will be developed as projected in this report. A delay in the development of properties or changes to the program of development would reduce tax increment revenues during the years of the delay and could result in there being inadequate tax increment revenues to pay the Project Costs. No analysis has been conducted to determine if the subject properties are likely to be developed as projected.

Numerous sources of information were relied on in the preparation of this report. These sources are believed to be reliable; however, no effort has been made to verify information obtained from other sources.

In summary, this report necessarily incorporates numerous estimates and assumptions with respect to property performance, general and local business and economic conditions, the absence of material changes in the competitive environment and other matters. Some estimates or assumptions will inevitably not materialize, and unanticipated events and circumstance will occur. As a result, actual results will vary from the estimates in this report and the variations may be material.

Other assumptions made in the preparation of this report and limiting conditions to this report are as follows:

1. There are no zoning, building, safety, environmental or other federal, state, or local laws, regulations, or codes that would prohibit or impair the development, marketing or operation of the subject properties in the manner contemplated in this report, and the subject properties will be developed, marketed and operated in compliance with all applicable laws, regulations, and codes.

2. No material changes will occur in (a) any federal, state or local law, regulation or code affecting the subject properties or (b) any federal, state or local grant, financing or other program to be utilized in connection with the subject properties.

3. The local, national and international economies will not deteriorate and there will be no significant changes in interest rates or in rates of inflation or deflation.

4. The subject properties will be served by adequate transportation, utilities and governmental facilities.

5. The subject properties will not be subjected to any war, energy crises, embargo, strike, earthquake, flood, fire or other casualty or act of God.

6. The subject properties will be developed, marketed, and operated in a highly professional manner.

7. There are no existing, impending or threatened litigation that could hinder the development, marketing, or operation of the subject properties.

8. MuniCap, Inc. does not have expertise in and has no responsibility for legal, environmental, architectural, geologic, engineering, and other matters related to the development and operation of the subject properties.

6. LIST OF EXHIBITS

Unless otherwise stated, all references to "Exhibits" contained in this Preliminary Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Preliminary Plan for all purposes.

Exhibit A Current Map of the Property and TIRZ Zone
- Exhibit A-1 Current Map of the Property and TIRZ Zone
- Exhibit A-2 Current Map of the Single-family Sub-Area
- Exhibit A-3 Current Map of the Sports Complex Sub-Area

Exhibit B Metes and Bounds of Property in the Zone
- Exhibit B-1 Metes and Bounds of Property in the Zone
- Exhibit B-2 Metes and Bounds of the Single-family Sub-Area
- Exhibit B-3 Metes and Bounds of the Sports Complex Sub-Area

Exhibit C Projected Absorption, Incremental Assessed Values and Incremental Real Property Taxes
- Exhibit C-1.1 Projected Absorption – Single-family Sub-Area
- Exhibit C-1.2 Projected Absorption – Sports Complex Sub-Area
- Exhibit C-2.1 Projected Assessed Value – Single-family Sub-Area
- Exhibit C-2.2 Projected Assessed Value – Sports Complex Sub-Area
- Exhibit C-3.1 Projected Incremental Assessed Values and Incremental Real Property Taxes Available for PID Offset – Single-family Sub-Area City of Alvarado
- Exhibit C-3.2 Projected Incremental Assessed Values and Incremental Real Property Taxes Available for TIRZ Obligations – Single-family Sub-Area City of Alvarado
- Exhibit C-3.3 Projected Incremental Assessed Values and Incremental Real Property Taxes Available for TIRZ Obligations – Sports Complex Sub-Area City of Alvarado
- Exhibit C-4.1 Projected Incremental Assessed Values and Incremental Real Property Taxes Available to the City – Single-family Sub-Area City of Alvarado
- Exhibit C-4.2 Projected Incremental Assessed Values and Incremental Real Property Taxes Available to the City – Sports Complex Sub-Area City of Alvarado
- Exhibit C-5.1 Projected Incremental Assessed Values and Incremental Real Property Taxes Available for TIRZ Obligations Sports Complex Sub-Area – Total Summary
- Exhibit C-5.2 Projected Incremental Assessed Values and Incremental Real Property Taxes Available to the City – Total Summary

Exhibit D Map and Description of the Proposed Uses of the Property (current concept plan)

Exhibit E Project Costs

Exhibit F Map of the Public Improvements

Exhibit G Current Appraised Value of the Zone (Base Year)

EXHIBIT A
CURRENT MAP OF THE PROPERTY AND TIRZ ZONE

Exhibit A-1
Current Map of the Property and TIRZ Zone

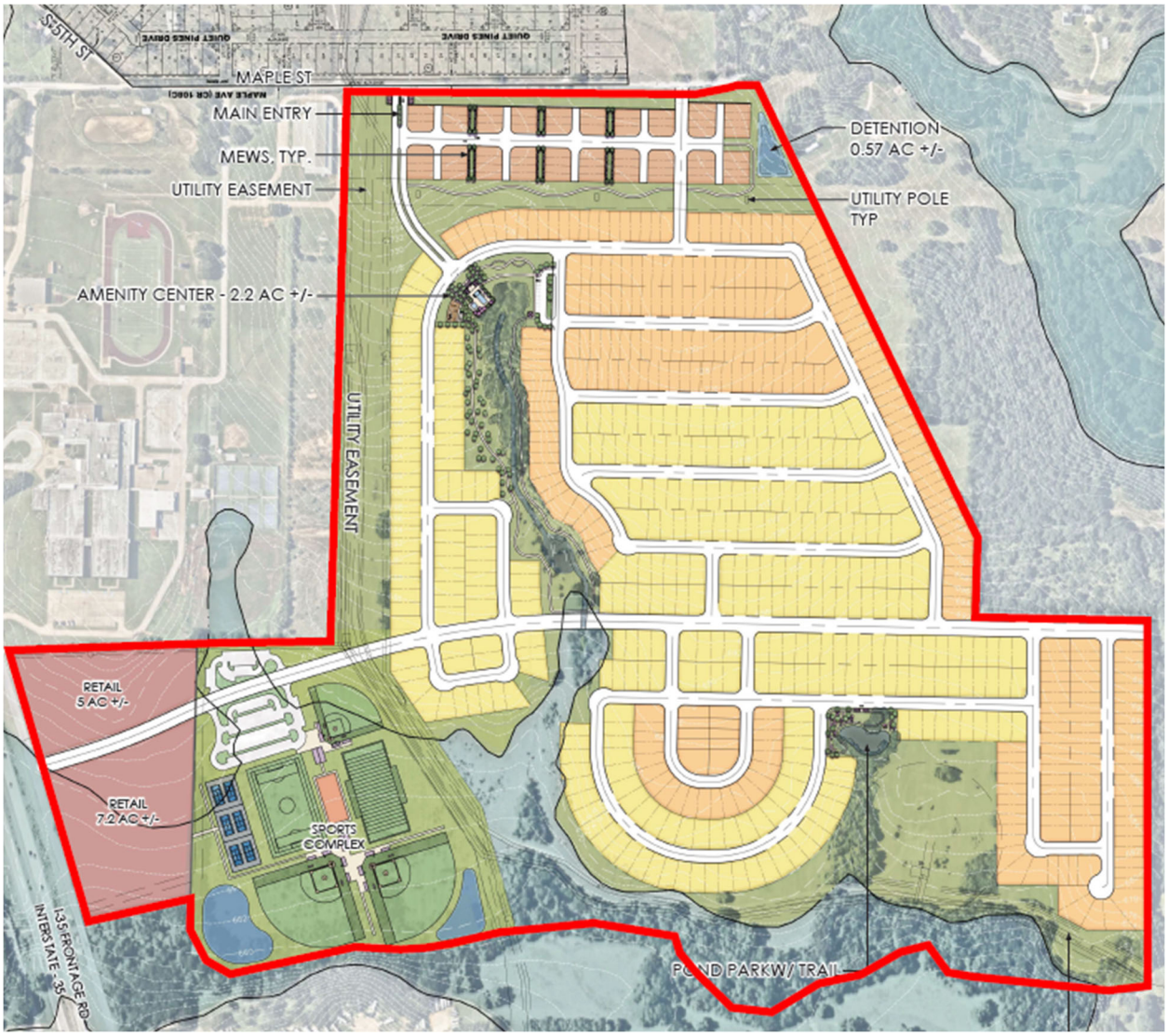


Exhibit A-2
Current Map of the Single-family Sub-Area

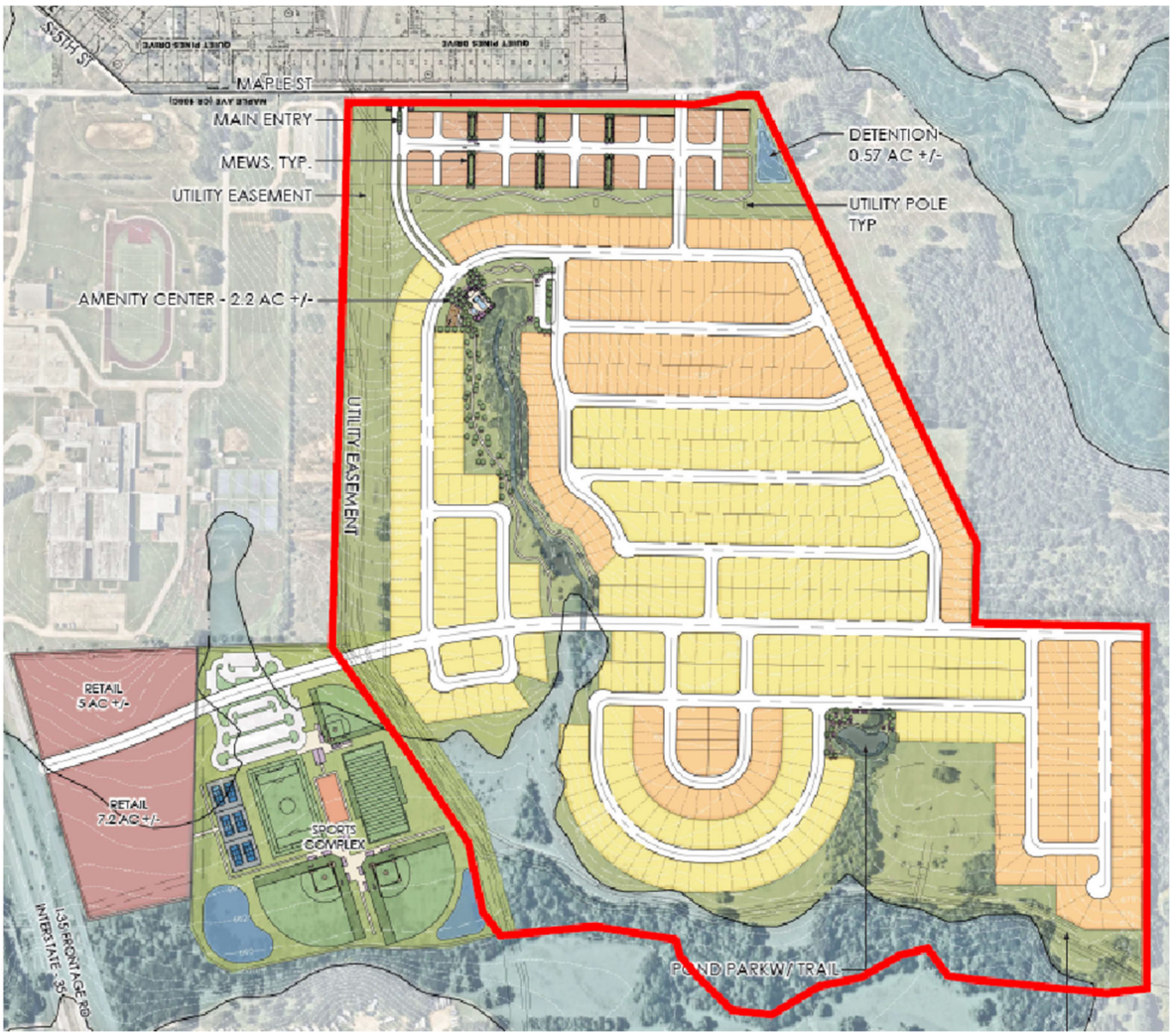


Exhibit A-3
Current Map of the Sports Complex Sub-Area

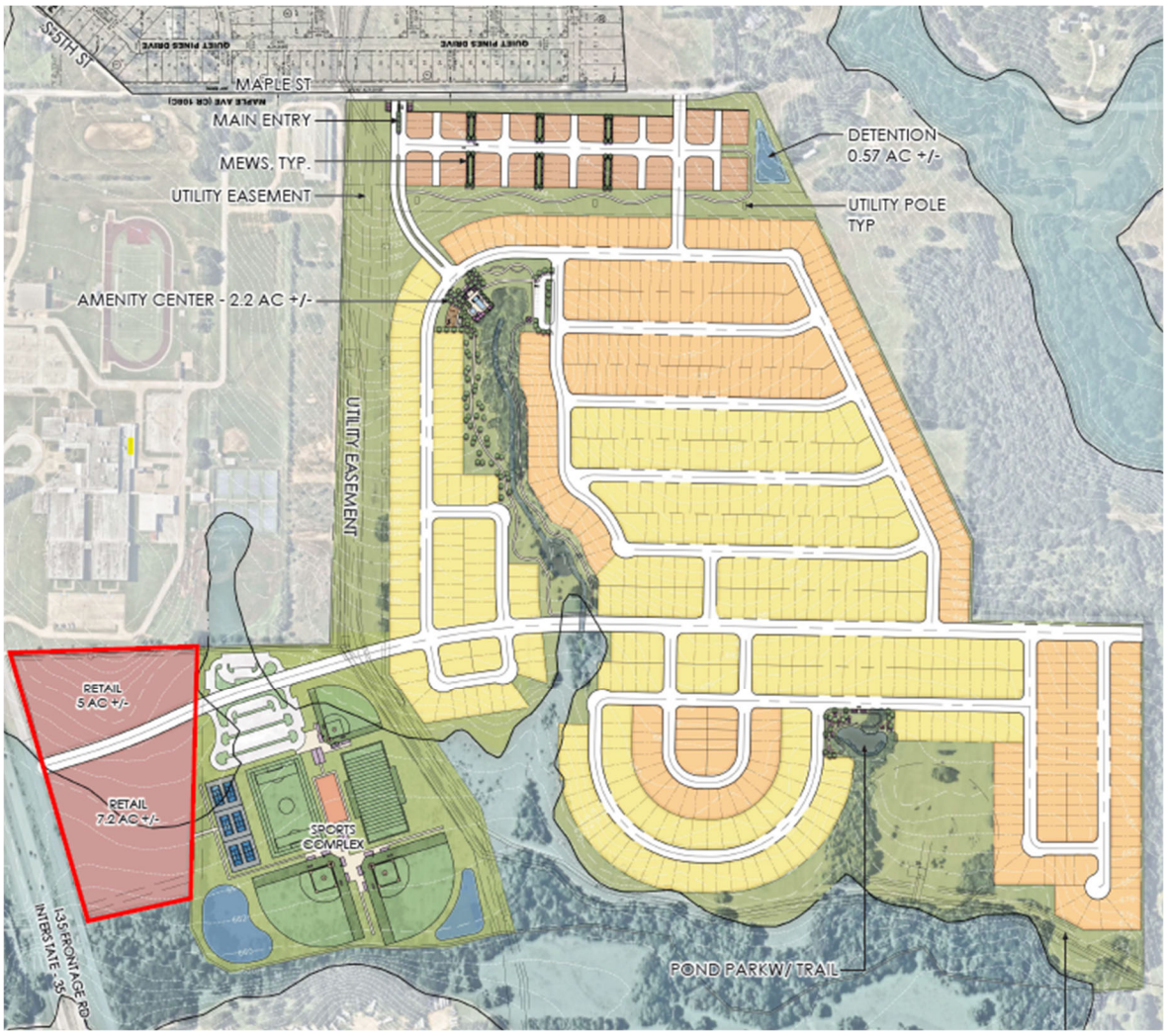


EXHIBIT B
METES AND BOUNDS OF THE PROPERTY

EXHIBIT A-1

Parcel 1 (Residential Tract) – Metes and Bounds Description

Beginning at a mag nail with washer set stamped “MANHARD CONSULTING” at the northernmost northwest corner;
THENCE North 89°45'44” East, a distance of 1,669.99 feet to a yellow capped 5/8” iron rod set stamped “MANHARD CONSULTING”;
THENCE North 62°48'30” East, continuing along said line, a distance of 147.84 feet to a mag nail with washer set stamped “MANHARD CONSULTING” at the northeast corner;
THENCE South 25°14'01” East, along the common line, a distance of 2,002.48 feet to a 1/2” iron rod found;
THENCE South 01°37'36” West, a distance of 314.22 feet to a found fence post;
THENCE South 89°01'16” East, a distance of 676.85 feet to a found 1/2" iron rod;
THENCE South 00°12'15” East, a distance of 1,428.77 feet to a 1/2" iron rod found at the southeast corner;
THENCE South 82°22'29” West, a distance of 160.00 feet to a capped 5/8" iron rod found stamped "RPLS 4838";
THENCE North 84°13'06” West, 557.60 feet;
THENCE North 78°11'06” West, 75.80 feet;
THENCE North 36°28'06” West, 127.40 feet;
THENCE South 75°02'54” West, 101.10 feet;
THENCE South 60°58'54” West, 175.40 feet;
THENCE South 77°47'51” West, 175.00 feet;
THENCE South 56°30'54” West, 172.60 feet;
THENCE North 86°37'06” West, 202.00 feet;
THENCE North 55°59'06” West, 54.80 feet;
THENCE North 45°42'06” West, 143.80 feet;
THENCE North 35°43'06” West, 100.00 feet;
THENCE North 21°54'06” West, 58.20 feet;
THENCE North 78°48'06” West, 186.90 feet;
THENCE North 80°49'06” West, 120.90 feet;
THENCE South 84°37'54” West, 367.50 feet;
THENCE North 76°51'54” East, 22.35 feet;
THENCE North 12°47'36” West, 333.88 feet;
THENCE North 33°45'46” West, 978.77 feet;
THENCE North 89°48'52” East, 1.29 feet;
THENCE North 01°00'47” East, 2,128.25 feet;
THENCE South 89°49'45” West, 199.77 feet;
THENCE North 01°10'12” East, 20.88 feet to the **POINT OF BEGINNING**.
CONTAINING ±188.50 acres of land.

Parcel 2 (Sports Complex) – Metes and Bounds Description

Commencing at a mag nail with washer set stamped "MANHARD CONSULTING" at the northernmost northwest corner;
THENCE South 01°10'12" West, 20.88 feet;
THENCE North 89°49'45" East, 199.77 feet;
THENCE South 01°00'47" West, 2128.25 feet;
THENCE South 89°48'52" West, 1.29 feet to the **POINT OF BEGINNING**;
THENCE North 33°45'46" West, 978.77 feet;
THENCE North 12°47'36" West, 333.88 feet;
THENCE South 76°51'54" West, 180.65 feet;
THENCE South 85°21'54" West, 200.10 feet;
THENCE North 86°16'06" West, 178.50 feet;
THENCE South 75°39'54" West, 300.00 feet;
THENCE South 79°27'54" West, 200.60 feet;
THENCE North 60°35'35" West, 113.10 feet;
THENCE North 26°54'15" West, 139.50 feet;
THENCE North 01°04'35" East, 113.85 feet;
THENCE North 01°15'43" West, 989.34 feet;
THENCE North 88°03'11" East, 362.87 feet;
THENCE North 89°48'52" East, 198.54 feet to the **POINT OF BEGINNING**.
CONTAINING ±26.41 acres of land.

Parcel 3 (Commercial) – Metes and Bounds Description

Commencing at a mag nail with washer set stamped “MANHARD CONSULTING” at the northernmost northwest corner;
THENCE South 01°10'12” West, 20.88 feet;
THENCE North 89°49'45” East, 199.77 feet;
THENCE South 01°00'47” West, 2128.25 feet;
THENCE South 89°48'52” West, 1.29 feet;
THENCE South 89°48'52” West, 198.54 feet;
THENCE South 88°03'11” West, 362.87 feet to the **POINT OF BEGINNING**;
THENCE North 01°15'43” West, 989.34 feet;
THENCE South 77°34'21” West, 401.58 feet;
THENCE North 16°34'19” West, 824.58 feet;
THENCE along a curve to the left, having a radius of 5,904.58 feet, a delta of 02°38'45”, an arc length of 272.67 feet, and whose long chord bears North 17°50'20” West, 272.65 feet to a capped 5/8” iron rod found stamped "RPLS 4838";
THENCE North 87°59'41” East, 733.11 feet to the **POINT OF BEGINNING**.
CONTAINING ±13.29 acres of land.

EXHIBIT A-2

Parcel 1 (Residential Tract) – Metes and Bounds Description

Beginning at a mag nail with washer set stamped “MANHARD CONSULTING” at the northernmost northwest corner;
THENCE North 89°45'44” East, a distance of 1,669.99 feet to a yellow capped 5/8” iron rod set stamped “MANHARD CONSULTING”;
THENCE North 62°48'30” East, continuing along said line, a distance of 147.84 feet to a mag nail with washer set stamped “MANHARD CONSULTING” at the northeast corner;
THENCE South 25°14'01” East, along the common line, a distance of 2,002.48 feet to a 1/2” iron rod found;
THENCE South 01°37'36” West, a distance of 314.22 feet to a found fence post;
THENCE South 89°01'16” East, a distance of 676.85 feet to a found 1/2" iron rod;
THENCE South 00°12'15” East, a distance of 1,428.77 feet to a 1/2" iron rod found at the southeast corner;
THENCE South 82°22'29” West, a distance of 160.00 feet to a capped 5/8" iron rod found stamped "RPLS 4838";
THENCE North 84°13'06” West, 557.60 feet;
THENCE North 78°11'06” West, 75.80 feet;
THENCE North 36°28'06” West, 127.40 feet;
THENCE South 75°02'54” West, 101.10 feet;
THENCE South 60°58'54” West, 175.40 feet;
THENCE South 77°47'51” West, 175.00 feet;
THENCE South 56°30'54” West, 172.60 feet;
THENCE North 86°37'06” West, 202.00 feet;
THENCE North 55°59'06” West, 54.80 feet;
THENCE North 45°42'06” West, 143.80 feet;
THENCE North 35°43'06” West, 100.00 feet;
THENCE North 21°54'06” West, 58.20 feet;
THENCE North 78°48'06” West, 186.90 feet;
THENCE North 80°49'06” West, 120.90 feet;
THENCE South 84°37'54” West, 367.50 feet;
THENCE North 76°51'54” East, 22.35 feet;
THENCE North 12°47'36” West, 333.88 feet;
THENCE North 33°45'46” West, 978.77 feet;
THENCE North 89°48'52” East, 1.29 feet;
THENCE North 01°00'47” East, 2,128.25 feet;
THENCE South 89°49'45” West, 199.77 feet;
THENCE North 01°10'12” East, 20.88 feet to the **POINT OF BEGINNING**.
CONTAINING ±188.50 acres of land.

EXHIBIT A-3

Parcel 3 (Commercial) – Metes and Bounds Description

Commencing at a mag nail with washer set stamped “MANHARD CONSULTING” at the northernmost northwest corner;
THENCE South 01°10'12” West, 20.88 feet;
THENCE North 89°49'45” East, 199.77 feet;
THENCE South 01°00'47” West, 2128.25 feet;
THENCE South 89°48'52” West, 1.29 feet;
THENCE South 89°48'52” West, 198.54 feet;
THENCE South 88°03'11” West, 362.87 feet to the **POINT OF BEGINNING**;
THENCE North 01°15'43” West, 989.34 feet;
THENCE South 77°34'21” West, 401.58 feet;
THENCE North 16°34'19” West, 824.58 feet;
THENCE along a curve to the left, having a radius of 5,904.58 feet, a delta of 02°38'45”, an arc length of 272.67 feet, and whose long chord bears North 17°50'20” West, 272.65 feet to a capped 5/8” iron rod found stamped "RPLS 4838";
THENCE North 87°59'41” East, 733.11 feet to the **POINT OF BEGINNING**.
CONTAINING ±13.29 acres of land.

EXHIBIT C
PROJECTED ABSORPTION, INCREMENTAL ASSESSED VALUES AND INCREMENTAL REAL PROPERTY TAXES

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit C-1.1: Projected Absorption - Single-family Sub-Area[1]

Development Year Ending	Assessed As Of[2]	Single Family - 50' Lot		Single Family - 40' Lot		Single Family - 29' Lot	
		Units	Cumulative	Units	Cumulative	Units	Cumulative
1-Dec-26	1-Jan-27	0	0	0	0	0	0
1-Dec-27	1-Jan-28	73	73	32	32	75	75
1-Dec-28	1-Jan-29	121	194	54	86	0	75
1-Dec-29	1-Jan-30	0	194	0	86	0	75
1-Dec-30	1-Jan-31	66	260	120	206	0	75
1-Dec-31	1-Jan-32	76	336	96	302	0	75
1-Dec-32	1-Jan-33	0	336	0	302	0	75
1-Dec-33	1-Jan-34	0	336	0	302	0	75
1-Dec-34	1-Jan-35	0	336	0	302	0	75
1-Dec-35	1-Jan-36	0	336	0	302	0	75
1-Dec-36	1-Jan-37	0	336	0	302	0	75
1-Dec-37	1-Jan-38	0	336	0	302	0	75
1-Dec-38	1-Jan-39	0	336	0	302	0	75
1-Dec-39	1-Jan-40	0	336	0	302	0	75
1-Dec-40	1-Jan-41	0	336	0	302	0	75
1-Dec-41	1-Jan-42	0	336	0	302	0	75
1-Dec-42	1-Jan-43	0	336	0	302	0	75
1-Dec-43	1-Jan-44	0	336	0	302	0	75
1-Dec-44	1-Jan-45	0	336	0	302	0	75
1-Dec-45	1-Jan-46	0	336	0	302	0	75
1-Dec-46	1-Jan-47	0	336	0	302	0	75
1-Dec-47	1-Jan-48	0	336	0	302	0	75
1-Dec-48	1-Jan-49	0	336	0	302	0	75
1-Dec-49	1-Jan-50	0	336	0	302	0	75
1-Dec-50	1-Jan-51	0	336	0	302	0	75
1-Dec-51	1-Jan-52	0	336	0	302	0	75
1-Dec-52	1-Jan-53	0	336	0	302	0	75
1-Dec-53	1-Jan-54	0	336	0	302	0	75
1-Dec-54	1-Jan-55	0	336	0	302	0	75
1-Dec-55	1-Jan-56	0	336	0	302	0	75
1-Dec-56	1-Jan-57	0	336	0	302	0	75
1-Dec-57	1-Jan-58	0	336	0	302	0	75
1-Dec-58	1-Jan-59	0	336	0	302	0	75
1-Dec-59	1-Jan-60	0	336	0	302	0	75
1-Dec-60	1-Jan-61	0	336	0	302	0	75
1-Dec-61	1-Jan-62	0	336	0	302	0	75
1-Dec-62	1-Jan-63	0	336	0	302	0	75
Total		336		302		75	

MuniCap, Inc. /TEXAS/texas/Alvarado/Chamber Creek (Not Created)/TIRZ/[Chambers Creek - TIRZ Projections v4.0.xlsx]Exhibit C-1.1
31-Mar-26

[1]Provided by Developer.

[2]According to the Johnson County Appraisal District property is assessed as of January 1 annually. During construction, the assessed value represents the portion of the building completed as of January 1. Assumes no assessed value during construction.

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit C-1.2: Projected Absorption - Sports Complex Sub-Area[1]

Development Year Ending	Assessed As Of[2]	Commercial	
		Units	Cumulative
1-Dec-26	1-Jan-27	0	0
1-Dec-27	1-Jan-28	0	0
1-Dec-28	1-Jan-29	35,000	35,000
1-Dec-29	1-Jan-30	35,000	70,000
1-Dec-30	1-Jan-31	35,000	105,000
1-Dec-31	1-Jan-32	0	105,000
1-Dec-32	1-Jan-33	0	105,000
1-Dec-33	1-Jan-34	0	105,000
1-Dec-34	1-Jan-35	0	105,000
1-Dec-35	1-Jan-36	0	105,000
1-Dec-36	1-Jan-37	0	105,000
1-Dec-37	1-Jan-38	0	105,000
1-Dec-38	1-Jan-39	0	105,000
1-Dec-39	1-Jan-40	0	105,000
1-Dec-40	1-Jan-41	0	105,000
1-Dec-41	1-Jan-42	0	105,000
1-Dec-42	1-Jan-43	0	105,000
1-Dec-43	1-Jan-44	0	105,000
1-Dec-44	1-Jan-45	0	105,000
1-Dec-45	1-Jan-46	0	105,000
1-Dec-46	1-Jan-47	0	105,000
1-Dec-47	1-Jan-48	0	105,000
1-Dec-48	1-Jan-49	0	105,000
1-Dec-49	1-Jan-50	0	105,000
1-Dec-50	1-Jan-51	0	105,000
1-Dec-51	1-Jan-52	0	105,000
1-Dec-52	1-Jan-53	0	105,000
1-Dec-53	1-Jan-54	0	105,000
1-Dec-54	1-Jan-55	0	105,000
1-Dec-55	1-Jan-56	0	105,000
1-Dec-56	1-Jan-57	0	105,000
1-Dec-57	1-Jan-58	0	105,000
1-Dec-58	1-Jan-59	0	105,000
1-Dec-59	1-Jan-60	0	105,000
1-Dec-60	1-Jan-61	0	105,000
1-Dec-61	1-Jan-62	0	105,000
1-Dec-62	1-Jan-63	0	105,000
Total		105,000	

[1]Provided by Developer.

[2]According to the Johnson County Appraisal District property is assessed as of January 1 annually. During construction, the assessed value represents the portion of the building completed as of January 1. Assumes no assessed value during construction.

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit C-2.1: Projected Assessed Value - Single-family Sub-Area

Development Year Ending	Assessed As Of[2]	2.0% Inflation Factor[2]	Single Family - 50' Lot Units[3]	Value Per Unit[4]	Projected Assessed Value	Single Family - 40' Lot Units[3]	Value Per GSF[4]	Projected Assessed Value	Single Family - 29' Lot Units[3]	Value Per GSF[4]	Projected Assessed Value	Total Projected Assessed Value
1-Dec-26	1-Jan-27	100%	0	$350,000	$0	0	$325,000	$0	0	$308,000	$0	$0
1-Dec-27	1-Jan-28	102%	73	$357,000	$26,061,000	32	$331,500	$10,608,000	75	$314,160	$23,562,000	$60,231,000
1-Dec-28	1-Jan-29	104%	194	$364,140	$70,643,160	86	$338,130	$29,079,180	75	$320,443	$24,033,240	$123,755,580
1-Dec-29	1-Jan-30	106%	194	$371,423	$72,056,023	86	$344,893	$29,660,764	75	$326,852	$24,513,905	$126,230,692
1-Dec-30	1-Jan-31	108%	260	$378,851	$98,501,327	206	$351,790	$72,468,833	75	$333,389	$25,004,183	$195,974,343
1-Dec-31	1-Jan-32	110%	336	$386,428	$129,839,902	302	$358,826	$108,365,531	75	$340,057	$25,504,267	$263,709,700
1-Dec-32	1-Jan-33	113%	336	$394,157	$132,436,701	302	$366,003	$110,532,841	75	$346,858	$26,014,352	$268,983,894
1-Dec-33	1-Jan-34	115%	336	$402,040	$135,085,435	302	$373,323	$112,743,498	75	$353,795	$26,534,639	$274,363,572
1-Dec-34	1-Jan-35	117%	336	$410,081	$137,787,143	302	$380,789	$114,998,368	75	$360,871	$27,065,332	$279,850,843
1-Dec-35	1-Jan-36	120%	336	$418,282	$140,542,886	302	$388,405	$117,298,336	75	$368,089	$27,606,638	$285,447,860
1-Dec-36	1-Jan-37	122%	336	$426,648	$143,353,744	302	$396,173	$119,644,302	75	$375,450	$28,158,771	$291,156,817
1-Dec-37	1-Jan-38	124%	336	$435,181	$146,220,819	302	$404,097	$122,037,188	75	$382,959	$28,721,947	$296,979,954
1-Dec-38	1-Jan-39	127%	336	$443,885	$149,145,235	302	$412,179	$124,477,932	75	$390,618	$29,296,385	$302,919,553
1-Dec-39	1-Jan-40	129%	336	$452,762	$152,128,140	302	$420,422	$126,967,491	75	$398,431	$29,882,313	$308,977,944
1-Dec-40	1-Jan-41	132%	336	$461,818	$155,170,703	302	$428,831	$129,506,841	75	$406,399	$30,479,959	$315,157,503
1-Dec-41	1-Jan-42	135%	336	$471,054	$158,274,117	302	$437,407	$132,096,977	75	$414,527	$31,089,559	$321,460,653
1-Dec-42	1-Jan-43	137%	336	$480,475	$161,439,599	302	$446,155	$134,738,917	75	$422,818	$31,711,350	$327,889,866
1-Dec-43	1-Jan-44	140%	336	$490,084	$164,668,391	302	$455,078	$137,433,695	75	$431,274	$32,345,577	$334,447,663
1-Dec-44	1-Jan-45	143%	336	$499,886	$167,961,759	302	$464,180	$140,182,369	75	$439,900	$32,992,488	$341,136,616
1-Dec-45	1-Jan-46	146%	336	$509,884	$171,320,994	302	$473,464	$142,986,017	75	$448,698	$33,652,338	$347,959,349
1-Dec-46	1-Jan-47	149%	336	$520,082	$174,747,414	302	$482,933	$145,845,737	75	$457,672	$34,325,385	$354,918,536
1-Dec-47	1-Jan-48	152%	336	$530,483	$178,242,362	302	$492,592	$148,762,652	75	$466,825	$35,011,893	$362,016,906
1-Dec-48	1-Jan-49	155%	336	$541,093	$181,807,209	302	$502,443	$151,737,905	75	$476,162	$35,712,130	$369,257,244
1-Dec-49	1-Jan-50	158%	336	$551,915	$185,443,353	302	$512,492	$154,772,663	75	$485,685	$36,426,373	$376,642,389
1-Dec-50	1-Jan-51	161%	336	$562,953	$189,152,221	302	$522,742	$157,868,116	75	$495,399	$37,154,900	$384,175,237
1-Dec-51	1-Jan-52	164%	336	$574,212	$192,935,265	302	$533,197	$161,025,478	75	$505,307	$37,897,998	$391,858,742
1-Dec-52	1-Jan-53	167%	336	$585,696	$196,793,970	302	$543,861	$164,245,988	75	$515,413	$38,655,958	$399,695,917
1-Dec-53	1-Jan-54	171%	336	$597,410	$200,729,850	302	$554,738	$167,530,908	75	$525,721	$39,429,078	$407,689,835
1-Dec-54	1-Jan-55	174%	336	$609,358	$204,744,447	302	$565,833	$170,881,526	75	$536,235	$40,217,659	$415,843,632
1-Dec-55	1-Jan-56	178%	336	$621,546	$208,839,336	302	$577,150	$174,299,156	75	$546,960	$41,022,012	$424,160,504
1-Dec-56	1-Jan-57	181%	336	$633,977	$213,016,122	302	$588,693	$177,785,139	75	$557,899	$41,842,453	$432,643,714
1-Dec-57	1-Jan-58	185%	336	$646,656	$217,276,445	302	$600,466	$181,340,842	75	$569,057	$42,679,302	$441,296,589
1-Dec-58	1-Jan-59	188%	336	$659,589	$221,621,974	302	$612,476	$184,967,659	75	$580,439	$43,532,888	$450,122,520
1-Dec-59	1-Jan-60	192%	336	$672,781	$226,054,413	302	$624,725	$188,667,012	75	$592,047	$44,403,545	$459,124,971
1-Dec-60	1-Jan-61	196%	336	$686,237	$230,575,501	302	$637,220	$192,440,353	75	$603,888	$45,291,616	$468,307,470
1-Dec-61	1-Jan-62	200%	336	$699,961	$235,187,011	302	$649,964	$196,289,160	75	$615,966	$46,197,449	$477,673,620
1-Dec-62	1-Jan-63	204%	336	$713,961	$239,890,752	302	$662,963	$200,214,943	75	$628,285	$47,121,398	$487,227,092

[1]According to the Johnson County Appraisal District, real property taxes are due without penalty as of January 31st in the year following the year in which property is assessed.
[2]Assumes an annual inflation factor of 2% based on a 4 year CAGR.
[3]See Exhibit C-1.1.

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit C-2.2: Projected Assessed Value - Sports Complex Sub-Area

Development Year Ending	Assessed As Of[2]	2.0% Inflation Factor[2]	Commercial Units[3]	Commercial Value Per Unit[4]	Commercial Projected Assessed Value	Total Projected Assessed Value
1-Dec-26	1-Jan-27	100%	0	$110	$0	$0
1-Dec-27	1-Jan-28	102%	0	$112	$0	$0
1-Dec-28	1-Jan-29	104%	35,000	$114	$4,005,540	$4,005,540
1-Dec-29	1-Jan-30	106%	70,000	$117	$8,171,302	$8,171,302
1-Dec-30	1-Jan-31	108%	105,000	$119	$12,502,091	$12,502,091
1-Dec-31	1-Jan-32	110%	105,000	$121	$12,752,133	$12,752,133
1-Dec-32	1-Jan-33	113%	105,000	$124	$13,007,176	$13,007,176
1-Dec-33	1-Jan-34	115%	105,000	$126	$13,267,319	$13,267,319
1-Dec-34	1-Jan-35	117%	105,000	$129	$13,532,666	$13,532,666
1-Dec-35	1-Jan-36	120%	105,000	$131	$13,803,319	$13,803,319
1-Dec-36	1-Jan-37	122%	105,000	$134	$14,079,386	$14,079,386
1-Dec-37	1-Jan-38	124%	105,000	$137	$14,360,973	$14,360,973
1-Dec-38	1-Jan-39	127%	105,000	$140	$14,648,193	$14,648,193
1-Dec-39	1-Jan-40	129%	105,000	$142	$14,941,157	$14,941,157
1-Dec-40	1-Jan-41	132%	105,000	$145	$15,239,980	$15,239,980
1-Dec-41	1-Jan-42	135%	105,000	$148	$15,544,779	$15,544,779
1-Dec-42	1-Jan-43	137%	105,000	$151	$15,855,675	$15,855,675
1-Dec-43	1-Jan-44	140%	105,000	$154	$16,172,788	$16,172,788
1-Dec-44	1-Jan-45	143%	105,000	$157	$16,496,244	$16,496,244
1-Dec-45	1-Jan-46	146%	105,000	$160	$16,826,169	$16,826,169
1-Dec-46	1-Jan-47	149%	105,000	$163	$17,162,692	$17,162,692
1-Dec-47	1-Jan-48	152%	105,000	$167	$17,505,946	$17,505,946
1-Dec-48	1-Jan-49	155%	105,000	$170	$17,856,065	$17,856,065
1-Dec-49	1-Jan-50	158%	105,000	$173	$18,213,187	$18,213,187
1-Dec-50	1-Jan-51	161%	105,000	$177	$18,577,450	$18,577,450
1-Dec-51	1-Jan-52	164%	105,000	$180	$18,948,999	$18,948,999
1-Dec-52	1-Jan-53	167%	105,000	$184	$19,327,979	$19,327,979
1-Dec-53	1-Jan-54	171%	105,000	$188	$19,714,539	$19,714,539
1-Dec-54	1-Jan-55	174%	105,000	$192	$20,108,830	$20,108,830
1-Dec-55	1-Jan-56	178%	105,000	$195	$20,511,006	$20,511,006
1-Dec-56	1-Jan-57	181%	105,000	$199	$20,921,226	$20,921,226
1-Dec-57	1-Jan-58	185%	105,000	$203	$21,339,651	$21,339,651
1-Dec-58	1-Jan-59	188%	105,000	$207	$21,766,444	$21,766,444
1-Dec-59	1-Jan-60	192%	105,000	$211	$22,201,773	$22,201,773
1-Dec-60	1-Jan-61	196%	105,000	$216	$22,645,808	$22,645,808
1-Dec-61	1-Jan-62	200%	105,000	$220	$23,098,724	$23,098,724
1-Dec-62	1-Jan-63	204%	105,000	$224	$23,560,699	$23,560,699

[1]According to the Johnson County Appraisal District, real property taxes are due without penalty as of January 31st in the year following the year in which property is assessed.

[2]Assumes an annual inflation factor of 2% based on a 4 year CAGR..

[3]See Exhibit C-1.2.

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit C-3.1: Projected Incremental Real Property Taxes Available for PID Offset - Single-family Sub-Area - City of Alvarado

Development Year Ending	Assessed As Of[2]	Inflation Factor[1]	Total Projected Assessed Value[2]	Base Value	Estimated Incremental Value	City of Alvarado Property Tax Rate (Per $100 A.V.)[3]	Total Incremental Tax Revenues	Percent Available for Offset[4]	Total Available Incremental Tax Revenue[5]
1-Dec-26	1-Jan-27	100%	$15,844	($15,844)	$0	$0.806010	$0	20%	$0
1-Dec-27	1-Jan-28	102%	$60,231,000	($15,844)	$60,215,156	$0.806010	$485,340	20%	$97,068
1-Dec-28	1-Jan-29	104%	$123,755,580	($15,844)	$123,739,736	$0.806010	$997,355	20%	$199,471
1-Dec-29	1-Jan-30	106%	$126,230,692	($15,844)	$126,214,848	$0.806010	$1,017,304	20%	$203,461
1-Dec-30	1-Jan-31	108%	$195,974,343	($15,844)	$195,958,499	$0.806010	$1,579,445	20%	$315,889
1-Dec-31	1-Jan-32	110%	$263,709,700	($15,844)	$263,693,856	$0.806010	$2,125,399	20%	$425,080
1-Dec-32	1-Jan-33	113%	$268,983,894	($15,844)	$268,968,050	$0.806010	$2,167,909	20%	$433,582
1-Dec-33	1-Jan-34	115%	$274,363,572	($15,844)	$274,347,728	$0.806010	$2,211,270	20%	$442,254
1-Dec-34	1-Jan-35	117%	$279,850,843	($15,844)	$279,834,999	$0.806010	$2,255,498	20%	$451,100
1-Dec-35	1-Jan-36	120%	$285,447,860	($15,844)	$285,432,016	$0.806010	$2,300,611	20%	$460,122
1-Dec-36	1-Jan-37	122%	$291,156,817	($15,844)	$291,140,973	$0.806010	$2,346,625	20%	$469,325
1-Dec-37	1-Jan-38	124%	$296,979,954	($15,844)	$296,964,110	$0.806010	$2,393,560	20%	$478,712
1-Dec-38	1-Jan-39	127%	$302,919,553	($15,844)	$302,903,709	$0.806010	$2,441,434	20%	$488,287
1-Dec-39	1-Jan-40	129%	$308,977,944	($15,844)	$308,962,100	$0.806010	$2,490,265	20%	$498,053
1-Dec-40	1-Jan-41	132%	$315,157,503	($15,844)	$315,141,659	$0.806010	$2,540,073	20%	$508,015
1-Dec-41	1-Jan-42	135%	$321,460,653	($15,844)	$321,444,809	$0.806010	$2,590,877	20%	$518,175
1-Dec-42	1-Jan-43	137%	$327,889,866	($15,844)	$327,874,022	$0.806010	$2,642,697	20%	$528,539
1-Dec-43	1-Jan-44	140%	$334,447,663	($15,844)	$334,431,819	$0.806010	$2,695,554	20%	$539,111
1-Dec-44	1-Jan-45	143%	$341,136,616	($15,844)	$341,120,773	$0.806010	$2,749,468	20%	$549,894
1-Dec-45	1-Jan-46	146%	$347,959,349	($15,844)	$347,943,505	$0.806010	$2,804,459	20%	$560,892
1-Dec-46	1-Jan-47	149%	$354,918,536	($15,844)	$354,902,692	$0.806010	$2,860,551	20%	$572,110
1-Dec-47	1-Jan-48	152%	$362,016,906	($15,844)	$362,001,063	$0.806010	$2,917,765	20%	$583,553
1-Dec-48	1-Jan-49	155%	$369,257,244	($15,844)	$369,241,401	$0.806010	$2,976,123	20%	$595,225
1-Dec-49	1-Jan-50	158%	$376,642,389	($15,844)	$376,626,546	$0.806010	$3,035,648	20%	$607,130
1-Dec-50	1-Jan-51	161%	$384,175,237	($15,844)	$384,159,393	$0.806010	$3,096,363	20%	$619,273
1-Dec-51	1-Jan-52	164%	$391,858,742	($15,844)	$391,842,898	$0.806010	$3,158,293	20%	$631,659
1-Dec-52	1-Jan-53	167%	$399,695,917	($15,844)	$399,680,073	$0.806010	$3,221,461	20%	$644,292
1-Dec-53	1-Jan-54	171%	$407,689,835	($15,844)	$407,673,991	$0.806010	$3,285,893	20%	$657,179
1-Dec-54	1-Jan-55	174%	$415,843,632	($15,844)	$415,827,788	$0.806010	$3,351,614	20%	$670,323
1-Dec-55	1-Jan-56	178%	$424,160,504	($15,844)	$424,144,661	$0.806010	$3,418,648	20%	$683,730
1-Dec-56	1-Jan-57	181%	$432,643,714	($15,844)	$432,627,871	$0.806010	$3,487,024	20%	$697,405
1-Dec-57	1-Jan-58	185%	$441,296,589	($15,844)	$441,280,745	$0.806010	$3,556,767	20%	$711,353
1-Dec-58	1-Jan-59	188%	$450,122,520	($15,844)	$450,106,677	$0.806010	$3,627,905	20%	$725,581
1-Dec-59	1-Jan-60	192%	$459,124,971	($15,844)	$459,109,127	$0.806010	$3,700,465	20%	$740,093
1-Dec-60	1-Jan-61	196%	$468,307,470	($15,844)	$468,291,627	$0.806010	$3,774,477	20%	$754,895
1-Dec-61	1-Jan-62	200%	$477,673,620	($15,844)	$477,657,776	$0.806010	$3,849,969	20%	$769,994
1-Dec-62	1-Jan-63	204%	$487,227,092	($15,844)	$487,211,248	$0.806010	$3,926,971	20%	$785,394
Total							$98,081,083		$19,616,217

[1]Assumes an annual inflation factor of 2% based on a 4 year CAGR.
[2]See Exhibit C-2.1.
[3]Represents the City of Alvarado real property tax rate for tax year 2026. Source: Johnson County Tax Assessor-Collector.
[4]Assumes 20% of the pledged 50% incremental tax revenues are available for the offset of PID assessments.

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit C-3.2: Projected Incremental Real Property Taxes Available for TIRZ Contributions- Single-family Sub-Area - City of Alvarado

Development Year Ending	Assessed As Of[2]	Inflation Factor[1]	Total Projected Assessed Value[2]	Base Value	Estimated Incremental Value	City of Alvarado Property Tax Rate (Per $100 A.V.)[3]	Total Incremental Tax Revenues	Percent Available for Project Costs[4]	Total Available Incremental Tax Revenue[5]
1-Dec-26	1-Jan-27	100%	$15,844	($15,844)	$0	$0.806010	$0	30%	$0
1-Dec-27	1-Jan-28	102%	$60,231,000	($15,844)	$60,215,156	$0.806010	$485,340	30%	$145,602
1-Dec-28	1-Jan-29	104%	$123,755,580	($15,844)	$123,739,736	$0.806010	$997,355	30%	$299,206
1-Dec-29	1-Jan-30	106%	$126,230,692	($15,844)	$126,214,848	$0.806010	$1,017,304	30%	$305,191
1-Dec-30	1-Jan-31	108%	$195,974,343	($15,844)	$195,958,499	$0.806010	$1,579,445	30%	$473,834
1-Dec-31	1-Jan-32	110%	$263,709,700	($15,844)	$263,693,856	$0.806010	$2,125,399	30%	$637,620
1-Dec-32	1-Jan-33	113%	$268,983,894	($15,844)	$268,968,050	$0.806010	$2,167,909	30%	$650,373
1-Dec-33	1-Jan-34	115%	$274,363,572	($15,844)	$274,347,728	$0.806010	$2,211,270	30%	$663,381
1-Dec-34	1-Jan-35	117%	$279,850,843	($15,844)	$279,834,999	$0.806010	$2,255,498	30%	$676,649
1-Dec-35	1-Jan-36	120%	$285,447,860	($15,844)	$285,432,016	$0.806010	$2,300,611	30%	$690,183
1-Dec-36	1-Jan-37	122%	$291,156,817	($15,844)	$291,140,973	$0.806010	$2,346,625	30%	$703,988
1-Dec-37	1-Jan-38	124%	$296,979,954	($15,844)	$296,964,110	$0.806010	$2,393,560	30%	$718,068
1-Dec-38	1-Jan-39	127%	$302,919,553	($15,844)	$302,903,709	$0.806010	$2,441,434	30%	$732,430
1-Dec-39	1-Jan-40	129%	$308,977,944	($15,844)	$308,962,100	$0.806010	$2,490,265	30%	$747,080
1-Dec-40	1-Jan-41	132%	$315,157,503	($15,844)	$315,141,659	$0.806010	$2,540,073	30%	$762,022
1-Dec-41	1-Jan-42	135%	$321,460,653	($15,844)	$321,444,809	$0.806010	$2,590,877	30%	$777,263
1-Dec-42	1-Jan-43	137%	$327,889,866	($15,844)	$327,874,022	$0.806010	$2,642,697	30%	$792,809
1-Dec-43	1-Jan-44	140%	$334,447,663	($15,844)	$334,431,819	$0.806010	$2,695,554	30%	$808,666
1-Dec-44	1-Jan-45	143%	$341,136,616	($15,844)	$341,120,773	$0.806010	$2,749,468	30%	$824,840
1-Dec-45	1-Jan-46	146%	$347,959,349	($15,844)	$347,943,505	$0.806010	$2,804,459	30%	$841,338
1-Dec-46	1-Jan-47	149%	$354,918,536	($15,844)	$354,902,692	$0.806010	$2,860,551	30%	$858,165
1-Dec-47	1-Jan-48	152%	$362,016,906	($15,844)	$362,001,063	$0.806010	$2,917,765	30%	$875,329
1-Dec-48	1-Jan-49	155%	$369,257,244	($15,844)	$369,241,401	$0.806010	$2,976,123	30%	$892,837
1-Dec-49	1-Jan-50	158%	$376,642,389	($15,844)	$376,626,546	$0.806010	$3,035,648	30%	$910,694
1-Dec-50	1-Jan-51	161%	$384,175,237	($15,844)	$384,159,393	$0.806010	$3,096,363	30%	$928,909
1-Dec-51	1-Jan-52	164%	$391,858,742	($15,844)	$391,842,898	$0.806010	$3,158,293	30%	$947,488
1-Dec-52	1-Jan-53	167%	$399,695,917	($15,844)	$399,680,073	$0.806010	$3,221,461	30%	$966,438
1-Dec-53	1-Jan-54	171%	$407,689,835	($15,844)	$407,673,991	$0.806010	$3,285,893	30%	$985,768
1-Dec-54	1-Jan-55	174%	$415,843,632	($15,844)	$415,827,788	$0.806010	$3,351,614	30%	$1,005,484
1-Dec-55	1-Jan-56	178%	$424,160,504	($15,844)	$424,144,661	$0.806010	$3,418,648	30%	$1,025,595
1-Dec-56	1-Jan-57	181%	$432,643,714	($15,844)	$432,627,871	$0.806010	$3,487,024	30%	$1,046,107
1-Dec-57	1-Jan-58	185%	$441,296,589	($15,844)	$441,280,745	$0.806010	$3,556,767	30%	$1,067,030
1-Dec-58	1-Jan-59	188%	$450,122,520	($15,844)	$450,106,677	$0.806010	$3,627,905	30%	$1,088,371
1-Dec-59	1-Jan-60	192%	$459,124,971	($15,844)	$459,109,127	$0.806010	$3,700,465	30%	$1,110,140
1-Dec-60	1-Jan-61	196%	$468,307,470	($15,844)	$468,291,627	$0.806010	$3,774,477	30%	$1,132,343
1-Dec-61	1-Jan-62	200%	$477,673,620	($15,844)	$477,657,776	$0.806010	$3,849,969	30%	$1,154,991
1-Dec-62	1-Jan-63	204%	$487,227,092	($15,844)	$487,211,248	$0.806010	$3,926,971	30%	$1,178,091
Total							$98,081,083		$29,424,325

[1]Assumes an annual inflation factor of 2% based on a 4 year CAGR.

[2]See Exhibit C-2.1.

[3]Represents the City of Alvarado real property tax rate for tax year 2026. Source: Johnson County Tax Assessor-Collector.

[4]Assumes 30% of the pledged 50% incremental tax revenues are available for the payment of project costs of the Sports Complex Sub-Area.

Chambers Creek TIRZ
City of Alvarado, Texas

Exhbiit C-3.2: Projected Incremental Real Property Taxes Available for TIRZ Contributions - Sports Complex Sub-Area - City of Alvarado

Development Year Ending	Assessed As Of[2]	Inflation Factor[1]	Total Projected Assessed Value[2]	Base Value	Estimated Incremental Value	City of Alvarado Property Tax Rate (Per $100 A.V.)[3]	Total Incremental Tax Revenues	Percent Available for Project Costs[4]	Total Available Incremental Tax Revenues
1-Dec-26	1-Jan-27	100%	$14,907	($14,907)	$0	$0.806010	$0	50%	$0
1-Dec-27	1-Jan-28	102%	$15,205	($14,907)	$298	$0.806010	$2	50%	$1
1-Dec-28	1-Jan-29	104%	$4,005,540	($14,907)	$3,990,633	$0.806010	$32,165	50%	$16,082
1-Dec-29	1-Jan-30	106%	$8,171,302	($14,907)	$8,156,394	$0.806010	$65,741	50%	$32,871
1-Dec-30	1-Jan-31	108%	$12,502,091	($14,907)	$12,487,184	$0.806010	$100,648	50%	$50,324
1-Dec-31	1-Jan-32	110%	$12,752,133	($14,907)	$12,737,226	$0.806010	$102,663	50%	$51,332
1-Dec-32	1-Jan-33	113%	$13,007,176	($14,907)	$12,992,269	$0.806010	$104,719	50%	$52,359
1-Dec-33	1-Jan-34	115%	$13,267,319	($14,907)	$13,252,412	$0.806010	$106,816	50%	$53,408
1-Dec-34	1-Jan-35	117%	$13,532,666	($14,907)	$13,517,759	$0.806010	$108,954	50%	$54,477
1-Dec-35	1-Jan-36	120%	$13,803,319	($14,907)	$13,788,412	$0.806010	$111,136	50%	$55,568
1-Dec-36	1-Jan-37	122%	$14,079,386	($14,907)	$14,064,478	$0.806010	$113,361	50%	$56,681
1-Dec-37	1-Jan-38	124%	$14,360,973	($14,907)	$14,346,066	$0.806010	$115,631	50%	$57,815
1-Dec-38	1-Jan-39	127%	$14,648,193	($14,907)	$14,633,285	$0.806010	$117,946	50%	$58,973
1-Dec-39	1-Jan-40	129%	$14,941,157	($14,907)	$14,926,249	$0.806010	$120,307	50%	$60,154
1-Dec-40	1-Jan-41	132%	$15,239,980	($14,907)	$15,225,072	$0.806010	$122,716	50%	$61,358
1-Dec-41	1-Jan-42	135%	$15,544,779	($14,907)	$15,529,872	$0.806010	$125,172	50%	$62,586
1-Dec-42	1-Jan-43	137%	$15,855,675	($14,907)	$15,840,768	$0.806010	$127,678	50%	$63,839
1-Dec-43	1-Jan-44	140%	$16,172,788	($14,907)	$16,157,881	$0.806010	$130,234	50%	$65,117
1-Dec-44	1-Jan-45	143%	$16,496,244	($14,907)	$16,481,337	$0.806010	$132,841	50%	$66,421
1-Dec-45	1-Jan-46	146%	$16,826,169	($14,907)	$16,811,262	$0.806010	$135,500	50%	$67,750
1-Dec-46	1-Jan-47	149%	$17,162,692	($14,907)	$17,147,785	$0.806010	$138,213	50%	$69,106
1-Dec-47	1-Jan-48	152%	$17,505,946	($14,907)	$17,491,039	$0.806010	$140,980	50%	$70,490
1-Dec-48	1-Jan-49	155%	$17,856,065	($14,907)	$17,841,158	$0.806010	$143,802	50%	$71,901
1-Dec-49	1-Jan-50	158%	$18,213,187	($14,907)	$18,198,279	$0.806010	$146,680	50%	$73,340
1-Dec-50	1-Jan-51	161%	$18,577,450	($14,907)	$18,562,543	$0.806010	$149,616	50%	$74,808
1-Dec-51	1-Jan-52	164%	$18,948,999	($14,907)	$18,934,092	$0.806010	$152,611	50%	$76,305
1-Dec-52	1-Jan-53	167%	$19,327,979	($14,907)	$19,313,072	$0.806010	$155,665	50%	$77,833
1-Dec-53	1-Jan-54	171%	$19,714,539	($14,907)	$19,699,632	$0.806010	$158,781	50%	$79,391
1-Dec-54	1-Jan-55	174%	$20,108,830	($14,907)	$20,093,922	$0.806010	$161,959	50%	$80,980
1-Dec-55	1-Jan-56	178%	$20,511,006	($14,907)	$20,496,099	$0.806010	$165,201	50%	$82,600
1-Dec-56	1-Jan-57	181%	$20,921,226	($14,907)	$20,906,319	$0.806010	$168,507	50%	$84,254
1-Dec-57	1-Jan-58	185%	$21,339,651	($14,907)	$21,324,744	$0.806010	$171,880	50%	$85,940
1-Dec-58	1-Jan-59	188%	$21,766,444	($14,907)	$21,751,537	$0.806010	$175,320	50%	$87,660
1-Dec-59	1-Jan-60	192%	$22,201,773	($14,907)	$22,186,865	$0.806010	$178,828	50%	$89,414
1-Dec-60	1-Jan-61	196%	$22,645,808	($14,907)	$22,630,901	$0.806010	$182,407	50%	$91,204
1-Dec-61	1-Jan-62	200%	$23,098,724	($14,907)	$23,083,817	$0.806010	$186,058	50%	$93,029
1-Dec-62	1-Jan-63	204%	$23,560,699	($14,907)	$23,545,792	$0.806010	$189,781	50%	$94,891
Total							$4,740,519		$2,370,260

[1]Assumes an annual inflation factor of 2% based on a 4 year CAGR of homes in the surrounding area.
[2]See Exhibit C-2.2.
[3]Represents the City of Bonham real property tax rate for tax year 2025. Source: Fannin County Tax Assessor-Collector.
[4]Assumes 50% of incremental tax revenues are available for the payment of Project Costs.

Exhibit C-4.1: Projected Incremental Real Property Taxes Available to the City - Single-family Sub-Area - City of Alvarado

Development Year Ending	Assessed As Of[2]	Inflation Factor[1]	Total Projected Assessed Value[2]	Base Value	Estimated Incremental Value	City of Alvarado Property Tax Rate (Per $100 A.V.)[3]	Total Incremental Tax Revenues	Percent Available to City	Total Available Incremental Tax Revenues
1-Dec-26	1-Jan-27	100%	$16,161	($15,844)	$317	$0.806010	$3	50%	$1
1-Dec-27	1-Jan-28	102%	$60,231,000	($15,844)	$60,215,156	$0.806010	$485,340	50%	$242,670
1-Dec-28	1-Jan-29	104%	$123,755,580	($15,844)	$123,739,736	$0.806010	$997,355	50%	$498,677
1-Dec-29	1-Jan-30	106%	$126,230,692	($15,844)	$126,214,848	$0.806010	$1,017,304	50%	$508,652
1-Dec-30	1-Jan-31	108%	$195,974,343	($15,844)	$195,958,499	$0.806010	$1,579,445	50%	$789,723
1-Dec-31	1-Jan-32	110%	$263,709,700	($15,844)	$263,693,856	$0.806010	$2,125,399	50%	$1,062,699
1-Dec-32	1-Jan-33	113%	$268,983,894	($15,844)	$268,968,050	$0.806010	$2,167,909	50%	$1,083,955
1-Dec-33	1-Jan-34	115%	$274,363,572	($15,844)	$274,347,728	$0.806010	$2,211,270	50%	$1,105,635
1-Dec-34	1-Jan-35	117%	$279,850,843	($15,844)	$279,834,999	$0.806010	$2,255,498	50%	$1,127,749
1-Dec-35	1-Jan-36	120%	$285,447,860	($15,844)	$285,432,016	$0.806010	$2,300,611	50%	$1,150,305
1-Dec-36	1-Jan-37	122%	$291,156,817	($15,844)	$291,140,973	$0.806010	$2,346,625	50%	$1,173,313
1-Dec-37	1-Jan-38	124%	$296,979,954	($15,844)	$296,964,110	$0.806010	$2,393,560	50%	$1,196,780
1-Dec-38	1-Jan-39	127%	$302,919,553	($15,844)	$302,903,709	$0.806010	$2,441,434	50%	$1,220,717
1-Dec-39	1-Jan-40	129%	$308,977,944	($15,844)	$308,962,100	$0.806010	$2,490,265	50%	$1,245,133
1-Dec-40	1-Jan-41	132%	$315,157,503	($15,844)	$315,141,659	$0.806010	$2,540,073	50%	$1,270,037
1-Dec-41	1-Jan-42	135%	$321,460,653	($15,844)	$321,444,809	$0.806010	$2,590,877	50%	$1,295,439
1-Dec-42	1-Jan-43	137%	$327,889,866	($15,844)	$327,874,022	$0.806010	$2,642,697	50%	$1,321,349
1-Dec-43	1-Jan-44	140%	$334,447,663	($15,844)	$334,431,819	$0.806010	$2,695,554	50%	$1,347,777
1-Dec-44	1-Jan-45	143%	$341,136,616	($15,844)	$341,120,773	$0.806010	$2,749,468	50%	$1,374,734
1-Dec-45	1-Jan-46	146%	$347,959,349	($15,844)	$347,943,505	$0.806010	$2,804,459	50%	$1,402,230
1-Dec-46	1-Jan-47	149%	$354,918,536	($15,844)	$354,902,692	$0.806010	$2,860,551	50%	$1,430,276
1-Dec-47	1-Jan-48	152%	$362,016,906	($15,844)	$362,001,063	$0.806010	$2,917,765	50%	$1,458,882
1-Dec-48	1-Jan-49	155%	$369,257,244	($15,844)	$369,241,401	$0.806010	$2,976,123	50%	$1,488,061
1-Dec-49	1-Jan-50	158%	$376,642,389	($15,844)	$376,626,546	$0.806010	$3,035,648	50%	$1,517,824
1-Dec-50	1-Jan-51	161%	$384,175,237	($15,844)	$384,159,393	$0.806010	$3,096,363	50%	$1,548,182
1-Dec-51	1-Jan-52	164%	$391,858,742	($15,844)	$391,842,898	$0.806010	$3,158,293	50%	$1,579,146
1-Dec-52	1-Jan-53	167%	$399,695,917	($15,844)	$399,680,073	$0.806010	$3,221,461	50%	$1,610,731
1-Dec-53	1-Jan-54	171%	$407,689,835	($15,844)	$407,673,991	$0.806010	$3,285,893	50%	$1,642,947
1-Dec-54	1-Jan-55	174%	$415,843,632	($15,844)	$415,827,788	$0.806010	$3,351,614	50%	$1,675,807
1-Dec-55	1-Jan-56	178%	$424,160,504	($15,844)	$424,144,661	$0.806010	$3,418,648	50%	$1,709,324
1-Dec-56	1-Jan-57	181%	$432,643,714	($15,844)	$432,627,871	$0.806010	$3,487,024	50%	$1,743,512
1-Dec-57	1-Jan-58	185%	$441,296,589	($15,844)	$441,280,745	$0.806010	$3,556,767	50%	$1,778,383
1-Dec-58	1-Jan-59	188%	$450,122,520	($15,844)	$450,106,677	$0.806010	$3,627,905	50%	$1,813,952
1-Dec-59	1-Jan-60	192%	$459,124,971	($15,844)	$459,109,127	$0.806010	$3,700,465	50%	$1,850,233
1-Dec-60	1-Jan-61	196%	$468,307,470	($15,844)	$468,291,627	$0.806010	$3,774,477	50%	$1,887,239
1-Dec-61	1-Jan-62	200%	$477,673,620	($15,844)	$477,657,776	$0.806010	$3,849,969	50%	$1,924,985
1-Dec-62	1-Jan-63	204%	$487,227,092	($15,844)	$487,211,248	$0.806010	$3,926,971	50%	$1,963,486
Total							$98,081,086		$49,040,543

[1]Assumes an annual inflation factor of 2% based on a 4 year CAGR

[2]See Exhibit C-2.1.

[3]Represents the City of Alvarado real property tax rate for tax year 2026. Source: Johnson County Tax Assessor-Collector.

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit C-4.2: Projected Incremental Real Property Taxes Available to the City - Sports Complex Sub-Area - City of Alvarado

Development Year Ending	Assessed As Of[2]	Inflation Factor[1]	Total Projected Assessed Value[2]	Base Value	Estimated Incremental Value	City of Alvarado Property Tax Rate (Per $100 A.V.)[3]	Total Incremental Tax Revenues	Percent Available to City	Total Available Incremental Tax Revenues
1-Dec-26	1-Jan-27	100%	$14,907	($14,907)	$0	$0.806010	$0	50%	$0
1-Dec-27	1-Jan-28	102%	$15,205	($14,907)	$298	$0.806010	$2	50%	$1
1-Dec-28	1-Jan-29	104%	$4,005,540	($14,907)	$3,990,633	$0.806010	$32,165	50%	$16,082
1-Dec-29	1-Jan-30	106%	$8,171,302	($14,907)	$8,156,394	$0.806010	$65,741	50%	$32,871
1-Dec-30	1-Jan-31	108%	$12,502,091	($14,907)	$12,487,184	$0.806010	$100,648	50%	$50,324
1-Dec-31	1-Jan-32	110%	$12,752,133	($14,907)	$12,737,226	$0.806010	$102,663	50%	$51,332
1-Dec-32	1-Jan-33	113%	$13,007,176	($14,907)	$12,992,269	$0.806010	$104,719	50%	$52,359
1-Dec-33	1-Jan-34	115%	$13,267,319	($14,907)	$13,252,412	$0.806010	$106,816	50%	$53,408
1-Dec-34	1-Jan-35	117%	$13,532,666	($14,907)	$13,517,759	$0.806010	$108,954	50%	$54,477
1-Dec-35	1-Jan-36	120%	$13,803,319	($14,907)	$13,788,412	$0.806010	$111,136	50%	$55,568
1-Dec-36	1-Jan-37	122%	$14,079,386	($14,907)	$14,064,478	$0.806010	$113,361	50%	$56,681
1-Dec-37	1-Jan-38	124%	$14,360,973	($14,907)	$14,346,066	$0.806010	$115,631	50%	$57,815
1-Dec-38	1-Jan-39	127%	$14,648,193	($14,907)	$14,633,285	$0.806010	$117,946	50%	$58,973
1-Dec-39	1-Jan-40	129%	$14,941,157	($14,907)	$14,926,249	$0.806010	$120,307	50%	$60,154
1-Dec-40	1-Jan-41	132%	$15,239,980	($14,907)	$15,225,072	$0.806010	$122,716	50%	$61,358
1-Dec-41	1-Jan-42	135%	$15,544,779	($14,907)	$15,529,872	$0.806010	$125,172	50%	$62,586
1-Dec-42	1-Jan-43	137%	$15,855,675	($14,907)	$15,840,768	$0.806010	$127,678	50%	$63,839
1-Dec-43	1-Jan-44	140%	$16,172,788	($14,907)	$16,157,881	$0.806010	$130,234	50%	$65,117
1-Dec-44	1-Jan-45	143%	$16,496,244	($14,907)	$16,481,337	$0.806010	$132,841	50%	$66,421
1-Dec-45	1-Jan-46	146%	$16,826,169	($14,907)	$16,811,262	$0.806010	$135,500	50%	$67,750
1-Dec-46	1-Jan-47	149%	$17,162,692	($14,907)	$17,147,785	$0.806010	$138,213	50%	$69,106
1-Dec-47	1-Jan-48	152%	$17,505,946	($14,907)	$17,491,039	$0.806010	$140,980	50%	$70,490
1-Dec-48	1-Jan-49	155%	$17,856,065	($14,907)	$17,841,158	$0.806010	$143,802	50%	$71,901
1-Dec-49	1-Jan-50	158%	$18,213,187	($14,907)	$18,198,279	$0.806010	$146,680	50%	$73,340
1-Dec-50	1-Jan-51	161%	$18,577,450	($14,907)	$18,562,543	$0.806010	$149,616	50%	$74,808
1-Dec-51	1-Jan-52	164%	$18,948,999	($14,907)	$18,934,092	$0.806010	$152,611	50%	$76,305
1-Dec-52	1-Jan-53	167%	$19,327,979	($14,907)	$19,313,072	$0.806010	$155,665	50%	$77,833
1-Dec-53	1-Jan-54	171%	$19,714,539	($14,907)	$19,699,632	$0.806010	$158,781	50%	$79,391
1-Dec-54	1-Jan-55	174%	$20,108,830	($14,907)	$20,093,922	$0.806010	$161,959	50%	$80,980
1-Dec-55	1-Jan-56	178%	$20,511,006	($14,907)	$20,496,099	$0.806010	$165,201	50%	$82,600
1-Dec-56	1-Jan-57	181%	$20,921,226	($14,907)	$20,906,319	$0.806010	$168,507	50%	$84,254
1-Dec-57	1-Jan-58	185%	$21,339,651	($14,907)	$21,324,744	$0.806010	$171,880	50%	$85,940
1-Dec-58	1-Jan-59	188%	$21,766,444	($14,907)	$21,751,537	$0.806010	$175,320	50%	$87,660
1-Dec-59	1-Jan-60	192%	$22,201,773	($14,907)	$22,186,865	$0.806010	$178,828	50%	$89,414
1-Dec-60	1-Jan-61	196%	$22,645,808	($14,907)	$22,630,901	$0.806010	$182,407	50%	$91,204
1-Dec-61	1-Jan-62	200%	$23,098,724	($14,907)	$23,083,817	$0.806010	$186,058	50%	$93,029
1-Dec-62	1-Jan-63	204%	$23,560,699	($14,907)	$23,545,792	$0.806010	$189,781	50%	$94,891
Total							$4,740,519		$2,370,260

MuniCap, Inc. *https://municap.sharepoint.com/sites/ALLSTAFF/TEXAS/texas/Alvarado/Chamber Creek (Not Created)/TIRZ/[Chambers Creek - TIRZ Projections v4.0.xlsx]Exhibit C-4.2-31-Mar-26*

[1]Assumes an annual inflation factor of 2% based on a 4 year CAGR

[2]See Exhibit C-2.2.

[3]Represents the City of Alvarado real property tax rate for tax year 2026. Source: Johnson County Tax Assessor-Collector.

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit C-5.1: Projected Incremental Real Property Taxes Available for TIRZ Contributions - Sports Complex Sub-Area - Combined City of Alvarado

Development Year Ending	Assessed As Of	Single Family Sub-Area Total Available Incremental Tax Revenues[1]	Sports Complex Sub-Area Total Available Incremental Tax Revenues[2]	Total Projected Assessed Value
1-Dec-26	1-Jan-27	$1	$0	$1
1-Dec-27	1-Jan-28	$145,602	$1	$145,603
1-Dec-28	1-Jan-29	$299,206	$16,082	$315,289
1-Dec-29	1-Jan-30	$305,191	$32,871	$338,062
1-Dec-30	1-Jan-31	$473,834	$50,324	$524,158
1-Dec-31	1-Jan-32	$637,620	$51,332	$688,951
1-Dec-32	1-Jan-33	$650,373	$52,359	$702,732
1-Dec-33	1-Jan-34	$663,381	$53,408	$716,789
1-Dec-34	1-Jan-35	$676,649	$54,477	$731,127
1-Dec-35	1-Jan-36	$690,183	$55,568	$745,751
1-Dec-36	1-Jan-37	$703,988	$56,681	$760,668
1-Dec-37	1-Jan-38	$718,068	$57,815	$775,883
1-Dec-38	1-Jan-39	$732,430	$58,973	$791,403
1-Dec-39	1-Jan-40	$747,080	$60,154	$807,233
1-Dec-40	1-Jan-41	$762,022	$61,358	$823,380
1-Dec-41	1-Jan-42	$777,263	$62,586	$839,849
1-Dec-42	1-Jan-43	$792,809	$63,839	$856,648
1-Dec-43	1-Jan-44	$808,666	$65,117	$873,783
1-Dec-44	1-Jan-45	$824,840	$66,421	$891,261
1-Dec-45	1-Jan-46	$841,338	$67,750	$909,088
1-Dec-46	1-Jan-47	$858,165	$69,106	$927,272
1-Dec-47	1-Jan-48	$875,329	$70,490	$945,819
1-Dec-48	1-Jan-49	$892,837	$71,901	$964,738
1-Dec-49	1-Jan-50	$910,694	$73,340	$984,034
1-Dec-50	1-Jan-51	$928,909	$74,808	$1,003,717
1-Dec-51	1-Jan-52	$947,488	$76,305	$1,023,793
1-Dec-52	1-Jan-53	$966,438	$77,833	$1,044,271
1-Dec-53	1-Jan-54	$985,768	$79,391	$1,065,158
1-Dec-54	1-Jan-55	$1,005,484	$80,980	$1,086,464
1-Dec-55	1-Jan-56	$1,025,595	$82,600	$1,108,195
1-Dec-56	1-Jan-57	$1,046,107	$84,254	$1,130,361
1-Dec-57	1-Jan-58	$1,067,030	$85,940	$1,152,970
1-Dec-58	1-Jan-59	$1,088,371	$87,660	$1,176,031
1-Dec-59	1-Jan-60	$149,517	$0	$149,517
1-Dec-60	1-Jan-61	$0	$0	$0
1-Dec-61	1-Jan-62	$0	$0	$0
1-Dec-62	1-Jan-63	$0	$0	$0
		$24,998,278	$2,001,722	$27,000,000

MuniCap, Inc.as/Alvarado/Chamber Creek (Not Created)/TIRZ/[Chambers Creek - TIRZ Projections v4.0.xlsx]Exhibit C-5.1
31-Mar-26

[1]See Exhibit C-3.2.

[2]See Exhibit C-3.3.

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit C-5.2: Projected Incremental Real Property Taxes Available to the City - Combined City of Alvarado

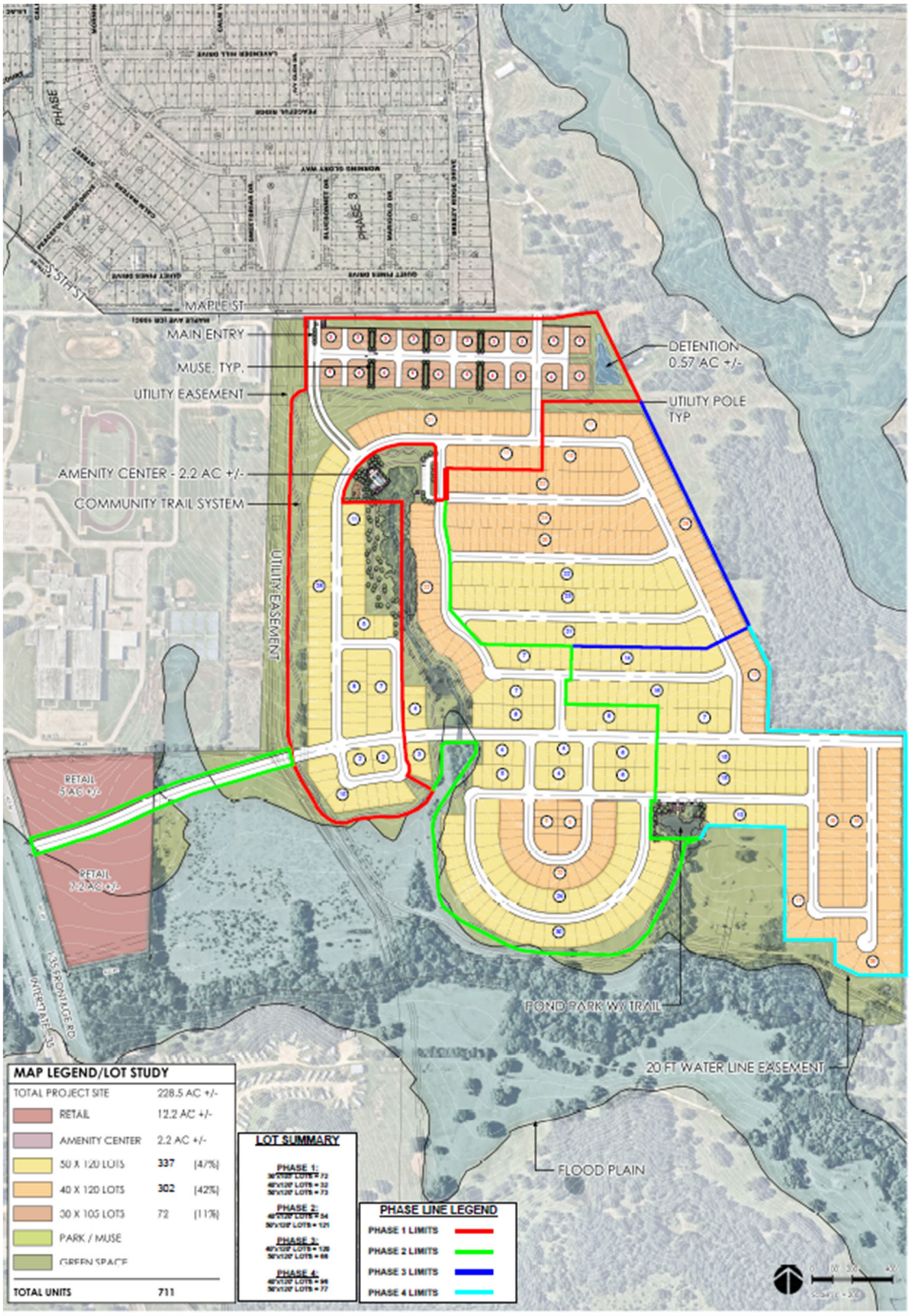
Development Year Ending	Assessed As Of	Single Family Sub-Area Total Available Incremental Tax Revenues[1]	Sports Complex Sub-Area Total Available Incremental Tax Revenues[2]	Total Projected Assessed Value
1-Dec-26	1-Jan-27	$1	$0	$1
1-Dec-27	1-Jan-28	$242,670	$1	$242,671
1-Dec-28	1-Jan-29	$498,677	$16,082	$514,760
1-Dec-29	1-Jan-30	$508,652	$32,871	$541,523
1-Dec-30	1-Jan-31	$789,723	$50,324	$840,047
1-Dec-31	1-Jan-32	$1,062,699	$51,332	$1,114,031
1-Dec-32	1-Jan-33	$1,083,955	$52,359	$1,136,314
1-Dec-33	1-Jan-34	$1,105,635	$53,408	$1,159,043
1-Dec-34	1-Jan-35	$1,127,749	$54,477	$1,182,226
1-Dec-35	1-Jan-36	$1,150,305	$55,568	$1,205,873
1-Dec-36	1-Jan-37	$1,173,313	$56,681	$1,229,993
1-Dec-37	1-Jan-38	$1,196,780	$57,815	$1,254,596
1-Dec-38	1-Jan-39	$1,220,717	$58,973	$1,279,690
1-Dec-39	1-Jan-40	$1,245,133	$60,154	$1,305,286
1-Dec-40	1-Jan-41	$1,270,037	$61,358	$1,331,394
1-Dec-41	1-Jan-42	$1,295,439	$62,586	$1,358,025
1-Dec-42	1-Jan-43	$1,321,349	$63,839	$1,385,188
1-Dec-43	1-Jan-44	$1,347,777	$65,117	$1,412,894
1-Dec-44	1-Jan-45	$1,374,734	$66,421	$1,441,154
1-Dec-45	1-Jan-46	$1,402,230	$67,750	$1,469,980
1-Dec-46	1-Jan-47	$1,430,276	$69,106	$1,499,382
1-Dec-47	1-Jan-48	$1,458,882	$70,490	$1,529,372
1-Dec-48	1-Jan-49	$1,488,061	$71,901	$1,559,962
1-Dec-49	1-Jan-50	$1,517,824	$73,340	$1,591,164
1-Dec-50	1-Jan-51	$1,548,182	$74,808	$1,622,990
1-Dec-51	1-Jan-52	$1,579,146	$76,305	$1,655,452
1-Dec-52	1-Jan-53	$1,610,731	$77,833	$1,688,563
1-Dec-53	1-Jan-54	$1,642,947	$79,391	$1,722,337
1-Dec-54	1-Jan-55	$1,675,807	$80,980	$1,756,786
1-Dec-55	1-Jan-56	$1,709,324	$82,600	$1,791,924
1-Dec-56	1-Jan-57	$1,743,512	$84,254	$1,827,765
1-Dec-57	1-Jan-58	$1,778,383	$85,940	$1,864,323
1-Dec-58	1-Jan-59	$1,813,952	$87,660	$1,901,612
1-Dec-59	1-Jan-60	$2,810,855	$178,828	$2,989,684
1-Dec-60	1-Jan-61	$3,019,582	$182,407	$3,201,989
1-Dec-61	1-Jan-62	$3,079,976	$186,058	$3,266,033
1-Dec-62	1-Jan-63	$3,141,577	$189,781	$3,331,359
		$53,466,591	$2,738,797	$56,205,388

MuniCap, Inc.exas/Alvarado/Chamber Creek (Not Created)/TIRZ/[Chambers Creek - TIRZ Projections v4.0.xlsx]Exhibit C-5.2
31-Mar-26

[1]See Exhibit C-4.1.

[2]See Exhibit C-4.2.

EXHIBIT D
MAP AND DESCRIPTION OF THE PROPOSED USES OF THE PROPERTY



AVALON DEVELOPMENT GROUP
2025-10-14

CHAMBERS CREEK
CONCEPTUAL MASTER PLAN
ENHANCED AMENITIES

Manhard CONSULTING ADG TALSON DESIGN

EXHIBIT E
PROJECT COSTS

Chambers Creek TIRZ
City of Alvarado, Texas

Exhibit E: Project Costs[1]

Public Improvement	Total
Major Improvement Costs	
Street Improvements	$559,735
Water System	$0
Sanitary Sewer System	$136,146
Drainage System	$676,292
Landscaping	$516,133
Other Soft and Miscellaneous Costs	$314,027
Sub-total Major Improvement Costs	*$2,202,333*
Direct Improvement Costs	
Street Improvements	$6,888,627
Water System	$1,564,131
Sanitary Sewer System	$1,961,813
Drainage System	$3,650,990
Landscaping	$170,861
Other Soft and Miscellaneous Costs	$919,559
Sub-total Direct Improvement Costs	*$15,155,981*
Zone Improvements	
Administrative Expense	$2,669,456
Sub-total Zone Improvements	*$2,669,456*
Sports Complex	
Project costs, including financing and actual interest paid	$27,000,000
Sub-total Sports Complex	*$27,000,000*
Administrative Expenses	
Administrative Expense	$585,000
Sub-total Administrative Expenses	*$585,000*
Total Public Improvement Costs Financed	$47,612,770

[1]Provided by Developer

EXHIBIT B-1

ENGINEER'S OPINION OF PROBABLE COST
ALVARADO CHAMBERS CREEK
ALVARADO,TX
1/13/2026
PID ELIGIBLE BUDGET - EXECUTIVE SUMMARY

	LOT QUANTITY	177	175	186	173	711
	LOT WIDTH (30/40/50)	(72/32/73)	(0/54/121)	(0/120/66)	(0/96/77)	(72/302/337)

ITEM	DESCRIPTION					
	MAJOR	PHASE 1	PHASE 2	PHASE 3	PHASE 4	TOTAL
1.	EARTHWORK & EROSION CONTROL	$ 200,764	$ 46,774	$ 20,005	$ 31,176	$ 298,719
2.	SANITARY SEWER IMPROVEMENTS	$ 136,146	$ -	$ -	$ -	$ 136,146
3.	WATER IMPROVEMENTS	$ -	$ -	$ -	$ -	$ -
4.	STORM SEWER IMPROVEMENTS	$ 475,528	$ -	$ -	$ -	$ 475,528
5.	PAVING IMPROVEMENTS	$ 487,264	$ 1,797,590	$ -	$ 518,892	$ 2,803,745
6.	STREET LIGHTING & SIGNAGE	$ 72,471	$ 26,187	$ -	$ 38,063	$ 136,721
7.	LANDSCAPE, SCREENING, ENTRY, & AMENITIES	$ 516,133	$ 11,406	$ -	$ 11,092	$ 538,631
SUBTOTAL (HARD COSTS)		$ 1,888,305	$ 1,881,957	$ 20,005	$ 599,222	$ 4,389,490
8.	CIVIL ENGINEERING DESIGN & SURVEY	$ 277,525	$ 41,798	$ 9,037	$ 48,200	$ 376,560
9.	GEOTECHNICAL & MATERIAL TESTING (1.5%; Owner)	$ 28,325	$ 28,229	$ 300	$ 8,988	$ 65,842
10.	CONTINGENCY (15%)	$ 283,246	$ 282,294	$ 3,001	$ 89,883	$ 658,423
	TOTAL	**$ 2,477,401**	**$ 2,234,278**	**$ 32,343**	**$ 746,294**	**$ 5,490,315**
	HARD COST PER LOT	**$ 10,668**	**$ 10,754**	**$ 108**	**$ 3,464**	**$ 6,174**
	TOTAL COST PER LOT	**$ 13,997**	**$ 12,767**	**$ 174**	**$ 4,314**	**$ 7,722**

	MINOR	PHASE 1	PHASE 2	PHASE 3	PHASE 4	TOTAL
1.	EARTHWORK & EROSION CONTROL	$ 79,629	$ 109,071	$ 99,250	$ 85,738	$ 373,688
2.	SANITARY SEWER IMPROVEMENTS	$ 552,829	$ 594,231	$ 407,066	$ 407,690	$ 1,961,816
3.	WATER IMPROVEMENTS	$ 598,979	$ 450,509	$ 276,086	$ 238,557	$ 1,564,132
4.	STORM SEWER IMPROVEMENTS	$ 833,383	$ 1,155,028	$ 271,105	$ 1,017,786	$ 3,277,301
5.	PAVING IMPROVEMENTS	$ 1,404,346	$ 1,749,612	$ 1,406,740	$ 1,211,936	$ 5,772,633
6.	STREET LIGHTING & SIGNAGE	$ 60,291	$ 85,260	$ 64,148	$ 68,817	$ 278,516
7.	LANDSCAPE, SCREENING, ENTRY, & AMENITIES	$ 41,020	$ 50,834	$ 42,548	$ 36,459	$ 170,861
SUBTOTAL (HARD COSTS)		$ 3,570,476	$ 4,194,544	$ 2,566,943	$ 3,066,983	$ 13,398,947
8.	CIVIL ENGINEERING DESIGN & SURVEY	$ 194,015	$ 222,758	$ 136,530	$ 165,272	$ 718,575
9.	GEOTECHNICAL & MATERIAL TESTING (1.5%; Owner)	$ 53,557	$ 62,918	$ 38,504	$ 46,005	$ 200,984
10.	CONTINGENCY (15%)	$ 535,571	$ 629,182	$ 385,041	$ 460,047	$ 2,009,842
	TOTAL	**$ 4,353,620**	**$ 5,109,402**	**$ 3,127,019**	**$ 3,738,307**	**$ 16,328,348**
	HARD COST PER LOT	**$ 20,172**	**$ 23,969**	**$ 13,801**	**$ 17,728**	**$ 18,845**
	TOTAL COST PER LOT	**$ 24,597**	**$ 29,197**	**$ 16,812**	**$ 21,609**	**$ 22,965**

	PRIVATE	PHASE 1	PHASE 2	PHASE 3	PHASE 4	TOTAL
1.	EARTHWORK & EROSION CONTROL	$ 2,208,059	$ 1,614,476	$ 1,959,173	$ 996,438	$ 6,778,146
2.	SANITARY SEWER IMPROVEMENTS	$ 187,769	$ 182,310	$ 197,760	$ 186,430	$ 754,269
3.	WATER IMPROVEMENTS	$ 190,344	$ 182,928	$ 192,919	$ 179,529	$ 745,720
4.	STORM SEWER IMPROVEMENTS	$ -	$ -	$ -	$ -	$ -
5	LANDSCAPE, SCREENING, ENTRY, & AMENITIES	$ 582,414	$ 2,234,229	$ 142,167	$ 142,167	$ 3,100,977
SUBTOTAL (HARD COSTS)		$ 3,168,586	$ 4,213,943	$ 2,492,019	$ 1,504,564	$ 11,379,112
8.	CIVIL ENGINEERING DESIGN & SURVEY	$ 304,724	$ 116,958	$ 131,500	$ 79,025	$ 632,207
9.	GEOTECHNICAL & MATERIAL TESTING (1.5%; Owner)	$ 47,529	$ 63,209	$ 37,380	$ 22,568	$ 170,687
10.	CONTINGENCY (15%)	$ 475,288	$ 632,091	$ 373,803	$ 225,685	$ 1,706,867
	TOTAL	**$ 3,996,126**	**$ 5,026,202**	**$ 3,034,702**	**$ 1,831,842**	**$ 13,888,872**
	HARD COST PER LOT	**$ 17,902**	**$ 24,080**	**$ 13,398**	**$ 8,697**	**$ 16,004**
	TOTAL COST PER LOT	**$ 22,577**	**$ 28,721**	**$ 16,316**	**$ 10,589**	**$ 19,534**

	DEVELOPMENT TOTAL	**$ 10,827,147**	**$ 12,369,881**	**$ 6,194,064**	**$ 6,316,444**	**$ 35,707,536**
	HARD COST PER LOT	**$ 48,742**	**$ 58,803**	**$ 27,306**	**$ 29,889**	**$ 41,023**
	TOTAL COST PER LOT	**$ 61,170**	**$ 70,685**	**$ 33,301**	**$ 36,511**	**$ 50,222**

EXHIBIT B-1

ENGINEER'S OPINION OF PROBABLE COST
ALVARADO CHAMBERS CREEK
ALVARADO,TX
1/13/2026
IMPACT FEE REIMBURSEMENT - EXECUTIVE SUMMARY

	LOT QUANTITY	177	175	186	173	711
	LOT WIDTH (30/40/50)	(72/32/73)	(0/54/121)	(0/120/66)	(0/96/77)	(72/302/337)
ITEM	**DESCRIPTION**					
	MAJOR CIP IMPROVEMENTS	PHASE 1	PHASE 2	PHASE 3	PHASE 4	TOTAL
1 .	EARTHWORK & EROSION CONTROL	$ -	$ -	$ -	$ -	$ -
2 .	SANITARY SEWER IMPROVEMENTS	$ -	$ 1,141,225	$ -	$ -	$ 1,141,225
3 .	WATER IMPROVEMENTS	$ 1,055,186	$ 161,555	$ 150,402	$ 301,154	$ 1,668,297
4 .	STORM SEWER IMPROVEMENTS	$ -	$ -	$ -	$ -	$ -
5 .	PAVING IMPROVEMENTS	$ -	$ 360,280	$ -	$ -	$ 360,280
6 .	STREET LIGHTING & SIGNAGE	$ -	$ -	$ -	$ -	$ -
7 .	LANDSCAPE, SCREENING, ENTRY, & AMENITIES	$ -	$ -	$ -	$ -	$ -
SUBTOTAL (HARD COSTS)		$ 1,055,186	$ 1,663,060	$ 150,402	$ 301,154	$ 3,169,802
8 .	CIVIL ENGINEERING DESIGN & SURVEY	$ -	$ -	$ -	$ -	$ -
9 .	GEOTECHNICAL & MATERIAL TESTING (1.5%; Owner)	$ -	$ -	$ -	$ -	$ -
10 .	CONTINGENCY (15%)	$ 158,278	$ 249,459	$ 22,560	$ 45,173	$ 475,470
	TOTAL	**$ 1,213,464**	**$ 1,912,519**	**$ 172,962**	**$ 346,327**	**$ 3,645,272**

City Of Alvarado
Sports Complex Estimated Project Costs

Design & Construction Costs			
Feasibility Study		$	45,000.00
Engineering & Design		$	400,000.00
Hardscape Improvements		$	4,474,600.00
Irrigation Improvements		$	351,560.00
Landscape Improvements		$	646,990.00
Site Amenity Improvements		$	2,180,000.00
Contigency	20%	$	1,530,630.00
Total Design and Construction		**$**	**9,628,780.00**
Financing Costs			
Issuance & Reserve Funds		$	2,268,917.00
Interest Expense		$	14,602,303.00
Total Financing Costs		**$**	**16,871,220.00**
Administrative Expenses		$	500,000.00
Total Project Costs		**$**	**27,000,000.00**

EXHIBIT F
MAP OF PUBLIC IMPROVEMENTS

EXHIBIT B-2- WATER IMPROVEMENTS & CIP WATERLINE

NOTES

WATER MAIN PLACED 2' OFF ROW ON THE SOUTH AND EAST
FIRE HYDRANTS PLACED 2' OFF BACK OF CURB

CIP WATER MAIN IMPROVEMENTS

MAPLE STREET

CONNECT TO EXISTING 12" WATER MAIN
SURVEY TO VERIFY EXACT LOCATION AND FL

CONNECT TO PROPOSED OFFSITE 12" WATER MAIN

INSTALL:
1-12" PLUG

INSTALL:
4-8" PLUGS

INSTALL:
2-8" PLUGS

INSTALL:
4-8" PLUGS

MARION J. MOORE AND WAFE, DAWN JO ANNE MOORE
BOOK 515, PAGE 327
D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' FREEDOM PIPELINE, LLC PIPELINE ESMT.

APPROX. LOCATION OF EXIST. 15' ACCESS ESMT.
INST. NO. 201100001747

POSSIBLE LOCATION OF 40'X70' SURFACE SITE ESMT.
INST. NO. 201100001747
D.R.J.C.T.

ALVARADO INDEPENDENT SCHOOL DISTRICT
BOOK 1839, PAGE 598
D.R.J.C.T.

THE BOARD OF TRUSTEES OF THE ALVARADO INDEPENDENT SCHOOL DISTRICT
BOOK 3307, PAGE 905
D.R.J.C.T.

APPROX. LOCATION OF EXIST. 100' TEXAS POWER & LIGHT CO. ESMT
BOOK 903, PAGE 628, D.R.J.C.T.

REMAINDER OF ALVARADO WILLOW SPRINGS RANCH LIMITED FAMILY PARTNERSHIP
BOOK 2354, PAGE 740

PHASE 1
PHASE 2
PHASE 3
PHASE 4

APPROX. LOCATION OF EXIST. 40'X30' SURFACE ESMT.
INST. NO. 201000026842

APPROX. LOCATION OF EXIST. 30' FREEDOM PIPELINE, LLC PIPELINE ESMT.
VOLUME NO. 201000027000
D.R.J.C.T

INSTALL:
1-12"x8" REDUCER
1-12" GATE VALVE
CONNECT TO EXISTING 8" WATER MAIN
SURVEY TO VERIFY EXACT LOCATION AND FL

CONCRETE ENCASEMENT

INSTALL:
1-8" PLUG

INSTALL:
1-12" PLUG

JULIANAN COWDEN SECOND TRACT
BOOK 526, PAGE 544
D.R.J.C.T.

ALVARADO WILLOW SPRINGS RANCH LIMITED FAMILY PARTNERSHIP TRACT II
BOOK 2376, PAGE 145
D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' JOHNSON COUNTY ELECTRIC COOPERATIVE ASSOCIATION ESMT.
VOLUME 1962, PAGE 849, D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' SOUTHWESTERN GAS PIPELINE INC. ESMT.
VOLUME 3586, PAGE 234, D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' FREEDOM PIPELINE, LLC PIPELINE ESMT.
VOLUME 3972, PAGE 511, D.R.J.C.T.

APPROX. LOCATION OF EXIST. 15' ACCESS ESMT.
VOLUME 3826, PAGE 246
D.R.J.C.T.

POSSIBLE LOCATION OF 40'X70' SURFACE SITE ESMT.
INST. NO. 201100001747
D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' SOUTHWESTERN GAS PIPELINE INC. ESMT.
VOLUME 3714, PAGE 951 D.R.J.C.T.

INTERSTATE 35 FRONTAGE ROAD

I-35

N

0 100 200 400
SCALE: 1"=200'

LEGEND

- PHASE BOUNDARY
- MAJOR 12" WATER MAIN
- MINOR 8" WATER MAIN
- PROP. FIRE HYDRANT

MAJOR IMPROVEMENT PHASE LEGEND

- PHASE 1
- PHASE 2
- PHASE 3
- PHASE 4

- ALL OFF-SITE IMPROVEMENTS TO BE CONSTRUCTED IN PHASE 1.

DRAWN BY	REVISIONS	DATE

Manhard CONSULTING
8144 Walnut Hill Lane, Suite 750, Dallas, TX 75231 ph:972.272.4250 manhard.com
Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
Construction Managers | Environmental Scientists | Landscape Architects | Planners
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194454 (Surv), F-2752 (Eng)

ALVARADO CHAMBERS CREEK
1303 S PARKWAY DRIVE, CITY OFALVARADO, JOHNSON COUNTY, TEXAS
CONCEPTUAL WATER LAYOUT

PROJ MGR:	LS
PROJ ASSOC:	ANV
DRAWN BY:	WH
DATE:	10/14/2025

SHEET
EX
611.174001

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Plot Date: 09/26/23 Dwg Name: R:\611.174 Meritage Alvarado Chambers Creek\001 Due Diligence\Civil\Eng\Exhibits\Paving Exhibit.dwg Updated By: AWarnell

EXHIBIT B-3 -- WASTEWATER/SANITARY FACILITES & CIP SEWER LINE

NOTES

1. **SANITARY SEWER PLACED ALONG STREET CENTERLINE**
2. **MAXIMUM MANHOLE SPACING: 500-FEET**
3. **EXISTING CONTOURS ARE SHOWN AT 2-FOOT MINOR AND 10-FOOT MAJOR INTERVALS**

MAPLE STREET

MARION J. MOORE AND WAFE, DAWN JO ANNE MOORE BOOK 515, PAGE 327 D.R.J.C.T.

CONNECT TO EXISTING SS SURVEY TO VERIFY EXACT LOCATION AND FL

EG 740.05

APPROX. LOCATION OF EXIST. 100' TEXAS POWER & LIGHT CO. ESMT BOOK 903, PAGE 628, D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' FREEDOM PIPELINE, LLC PIPELINE ESMT.

APPROX. LOCATION OF EXIST. 15' ACCESS ESMT. INST. NO. 201100001747

POSSIBLE LOCATION OF 40'X70' SURFACE SITE ESMT. INST. NO. 201100001747 D.R.J.C.T.

ALVARADO INDEPENDENT SCHOOL DISTRICT BOOK 1839, PAGE 598 D.R.J.C.T.

THE BOARD OF TRUSTEES OF THE ALVARADO INDEPENDENT SCHOOL DISTRICT BOOK 3307, PAGE 905 D.R.J.C.T.

REMOVE EXISTING 4" SANITARY FORCE MAIN & REPLACE WITH PROPOSED 8" SANITARY FORCE MAIN REFER TO OFFSITE UTILITY EXHIBIT FOR DETAIL

PHASE 1
PHASE 2
PHASE 3
PHASE 4

APPROX. LOCATION OF EXIST. 20' PIPELINE ESMT. INST. NO. 201000027000 D.R.J.C.T

APPROX. LOCATION OF EXIST. 40'X30' SURFACE ESMT. INST. NO. 201000026842

CONNECT TO LIFT STATION AND BEGIN OFFSITE FORCE MAIN IMPROVEMENTS REFER TO LIFT STATION PLANS FOR DETAIL

BEGIN OFFSITE GRAVITY MAIN IMPROVEMENTS

I-35 FRONTAGE ROAD
INTERSTATE 35

8" STUB FOR FUTURE DEVELOPMENT

ALVARADO WILLOW SPRINGS RANCH LIMITED FAMILY PARTNERSHIP TRACT II BOOK 2376, PAGE 145 D.R.J.C.T.

CONNECT TO LIFT STATION AND END OFFSITE GRAVITY MAIN IMPROVEMENTS REFER TO LIFT STATION PLANS FOR DETAIL

APPROX. LOCATION OF EXIST. 30' JOHNSON COUNTY ELECTRIC COOPERATIVE ASSOCIATION ESMT. VOLUME 1962, PAGE 849, D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' SOUTHWESTERN GAS PIPELINE INC. ESMT. VOLUME 3586, PAGE 234, D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' FREEDOM PIPELINE, LLC PIPELINE ESMT. VOLUME 3972, PAGE 511, D.R.J.C.T.

APPROX. LOCATION OF EXIST. 15' ACCESS ESMT. VOLUME 3826, PAGE 246 D.R.J.C.T.

POSSIBLE LOCATION OF 40'X70' SURFACE SITE ESMT. INST. NO. 201100001747 D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' SOUTHWESTERN GAS PIPELINE INC. E VOLUME 3714, PAGE 951 D.R.J.C.T.

JULIANAN COWDE SECOND TRACT BOOK 526, PAGE D.R.J.C.T.

ALVAR RAN BOO

N

0 100 200 400
SCALE: 1"=200'

LEGEND

- PHASE BOUNDARY
- SS — MAJOR 10" SANITARY SEWER MAIN
- SS — MAJOR 8" SANITARY SEWER MAIN
- FM — MAJOR 8" FORCE MAIN
- SS — MINOR 8" SANITARY SEWER MAIN

MAJOR IMPROVEMENT PHASE LEGEND

- **PHASE 1**
- **PHASE 2**

- NO MAJOR STORM IMPROVEMENTS IN PHASES 2, 3 & 4.

- ALL OFF-SITE IMPROVEMENTS TO BE CONSTRUCTED IN PHASE 1.

DRAWN BY	REVISIONS	DATE

Manhard CONSULTING
8144 Walnut Hill Lane, Suite 750, Dallas, TX 75231 ph:972.490.4250 manhard.com
Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
Construction Managers | Environmental Scientists | Landscape Architects | Planners
Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194154 (Surv), F-2752 (Eng)

ALVARADO CHAMBERS CREEK

1303 S PARKWAY DRIVE, CITY OFALVARADO, JOHNSON COUNTY, TEXAS

CONCEPTUAL SEWER LAYOUT

PROJ. MGR.:	LS
PROJ. ASSOC.:	ANV
DRAWN BY:	WH
DATE:	10/14/2025

SHEET
EX
611.174001

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Plot Date: 09/26/23 Dwg Name: K:\611.174 Meritage Alvarado Chambers Creek\000 Due Diligence\dwg\Eng\Exhibits\Routing Exhibit.dwg Worked By: AWarren

EXHIBIT B-4 ROADWAY FACILITIES & CIP MAPLE STREET IMPROVEMENTS

CIP MAPLE STREET IMPROVEMENT AREA

MARION J. MOORE AND WAFE, DAWN JO ANNE MOORE BOOK 515, PAGE 327 D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' FREEDOM PIPELINE, LLC PIPELINE ESMT.

APPROX. LOCATION OF EXIST. 15' ACCESS ESMT. INST. NO. 201100001747

POSSIBLE LOCATION OF 40'X70' SURFACE SITE ESMT. INST. NO. 201100001747 D.R.J.C.T.

ALVARADO INDEPENDENT SCHOOL DISTRICT BOOK 1839, PAGE 598 D.R.J.C.T.

THE BOARD OF TRUSTEES OF THE ALVARADO INDEPENDENT SCHOOL DISTRICT BOOK 3307, PAGE 905 D.R.J.C.T.

PROPOSED ACCESS ROAD DRIVE APPROACH

APPROX. LOCATION OF EXIST. 20' PIPELINE ESMT. INST. NO. 201000027000 D.R.J.C.T

APPROX. LOCATION OF EXIST. 40'X30' SURFACE ESMT. INST. NO. 201000026842

ALVARADO WILLOW SPRINGS RANCH LIMITED FAMILY PARTNERSHIP TRACT II BOOK 2376, PAGE 145 D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' JOHNSON COUNTY ELECTRIC COOPERATIVE ASSOCIATION ESMT. VOLUME 1962, PAGE 849, D.R.J.C.T.

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APPROX. LOCATION OF EXIST. 30' FREEDOM PIPELINE, LLC PIPELINE ESMT. VOLUME 3972, PAGE 511, D.R.J.C.T.

APPROX. LOCATION OF EXIST. 15' ACCESS ESMT. VOLUME 3826, PAGE 246 D.R.J.C.T.

POSSIBLE LOCATION OF 40'X70' SURFACE SITE ESMT. INST. NO. 201100001747 D.R.J.C.T.

APPROX. LOCATION OF EXIST. 30' SOUTHWESTERN GAS PIPELINE INC. ESMT. VOLUME 3714, PAGE 951 D.R.J.C.T.

APPROX. LOCATION OF EXIST. 100' TEXAS POWER & LIGHT CO. ESMT BOOK 903, PAGE 628, D.R.J.C.T.

REMAINDER OF ALVARADO WILLOW SPRINGS RANCH LIMITED FAMILY PARTNERSHIP BOOK 2354, PAGE 740

JULIANAN COWDEN SECOND TRACT BOOK 526, PAGE 544 D.R.J.C.T.

AMENITY CENTER 2.56 ACRES (CONSTRUCTED WITH PHASE 2)

DETENTION POND

STREET A, STREET B, STREET C, STREET D, STREET E, STREET F, STREET G, STREET H, STREET I, STREET J, STREET K, STREET L, STREET M, STREET N, STREET O, STREET P, STREET R, STREET S, STREET T, STREET U, STREET V, STREET W, STREET X, STREET Z, STREET ZZ

PHASE 1, PHASE 2, PHASE 3, PHASE 4

N

0 100 200 400

SCALE: 1"=200'

LEGEND

- MAJOR COLLECTOR STREETS (8" PAVEMENT, 60' ROW)
- MAJOR RESIDENTIAL STREETS (7" PAVEMENT, 50' ROW)
- MINOR RESIDENTIAL STREETS (7" PAVEMENT, 50' ROW)
- PHASE BOUNDARY

MAJOR IMPROVEMENT PHASE LEGEND

- PHASE 1
- PHASE 2
- PHASE 4

- NO MAJOR PAVING IMPROVEMENTS IN PHASE 3.
- ALL OFF-SITE IMPROVEMENTS TO BE CONSTRUCTED IN PHASE 1.

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Construction Managers | Environmental Scientists | Landscape Architects | Planners
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ALVARADO CHAMBERS CREEK

1303 S PARKWAY DRIVE, CITY OFALVARADO, JOHNSON COUNTY, TEXAS

CONCEPTUAL ON-SITE PAVING LAYOUT

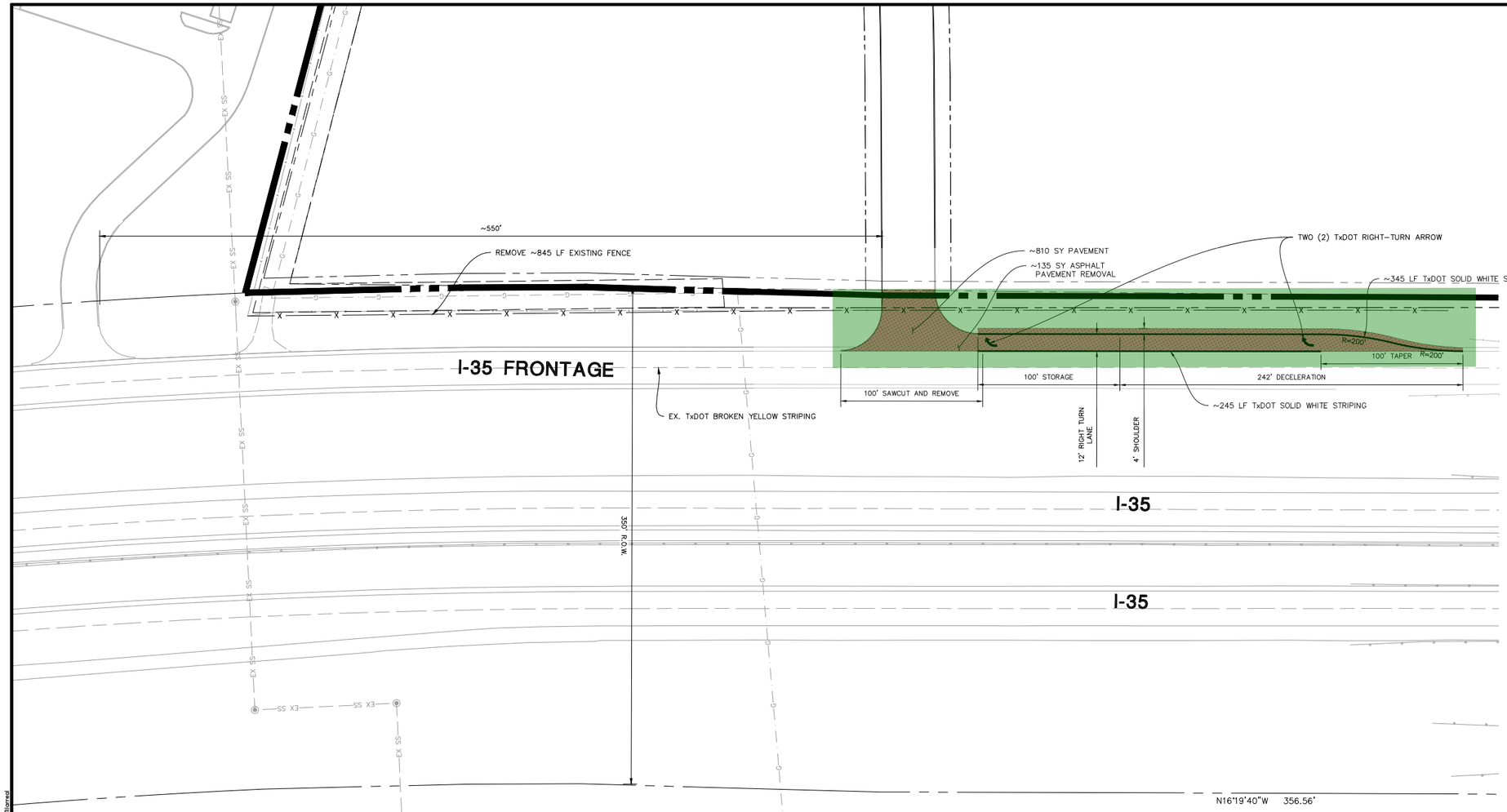
PROJ. MGR.: LS
PROJ. ASSOC.: ANV
DRAWN BY: WH
DATE: 10/14/2025

SHEET
EX

611.174001

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Plot Date: 09/05/23 Dwg Name: P:\611.174 Heritage Alvarado Chambers Creek\009 Due Diligence\Dwg\Eng\Exhibits\Picture Exhibit.dwg Updated By: AMorrell



0 20 40 80
SCALE: 1"=40'

LEGEND

MAJOR ARTERIAL PAVING (MAPLE STREET)
10" THICK CONCRETE – 4,000 PSI

MAJOR I-35 FRONTAGE PAVING
10" THICK CONCRETE – 4,500 PSI

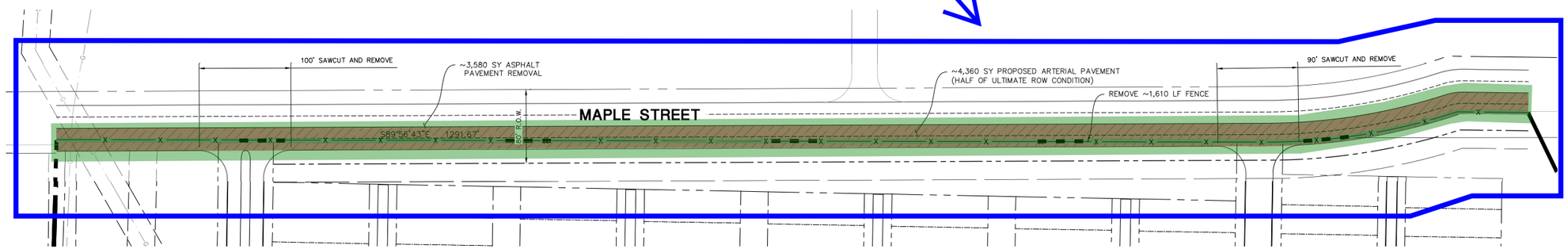
MAJOR IMPROVEMENT PHASE LEGEND

PHASE 2

- NO MAJOR PAVING IMPROVEMENTS IN PHASE 3.

- ALL OFF-SITE IMPROVEMENTS TO BE CONSTRUCTED IN PHASE 1.

CIP MAPLE STREET IMPROVEMENT AREA



N

0 30 60 120
SCALE: 1"=60'

DATE	REVISIONS	DRAWN BY

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Construction Managers | Environmental Scientists | Landscape Architects | Planners
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ALVARADO CHAMBERS CREEK

1303 S PARKWAY DRIVE, CITY OFALVARADO, JOHNSON COUNTY, TEXAS

OFFSITE PAVING EXHIBIT

PROJ. MGR.: LS
PROJ. ASSOC.: ANV
DRAWN BY: WH
DATE: 10/14/2025

SHEET
EX
611.174001

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Plot Date: 09/26/25 Dwg Name: K:\611.174 Manhard - Alvarado Chambers Creek\001 Due Diligence\dwg\Engr\Exhibits\Paving Exhibit.dwg Updated By: AWarnell

EXHIBIT G
CURRENT APPRAISED VALUE OF THE ZONE

Tax Reinvestment Zone Number 4
Chambers Creek
Base Year Market Value vs Taxable Value
2026

Property ID[1]	Acreage	Owner	Market Value[2,3]	Taxable Value[2,4]
Single-family Sub-Area				
R000002512	165.30	Alvarado 228 Development LLC	$1,289,421	$13,390
R000016792	23.60	Alvarado 228 Development LLC	$283,200	$2,454
Total Single Family Sub-Area	**188.90**		**$1,572,621**	**$15,844**
Sports Complex Sub-Area				
R000012038	4.00	Alvarado 228 Development LLC	$12,000	$11,520
R000002512	26.41	Alvarado 228 Development LLC	$206,011	$2,139
R000012037	1.00	Alvarado 228 Development LLC	$48,000	$416
R000012039	8.00	Alvarado 228 Development LLC	$96,000	$832
Total Sports Complex Sub-Area	**39.41**		**$362,011**	**$14,907**

[1]The tax parcels shown above, comprising the proposed Tax Increment Reinvestment Zone.

[2]Assumes base value will be based on the certified 2026 values.

[3]According to the Johnson County Appraisal District records.

[4]According to the Johnson County Tax Assessor Collector records.

City Council Management Report
Meeting Date: 4/20/2026
Contact: Justin French, Community Development Director

AGENDA ITEM:
Public hearing, consideration and action on the application of MV&A Builders LLC for a zoning change from Single-family Residential (SF-2) District to Garden Home (GH) District on 0.3213 acres known as a portion of Lot 4 and all of Lot 5, Block 6 of the New Town Addition (aka Missouri Pacific Addition), addressed at 905 and 907 Travis Avenue. (French)

BACKGROUND & FINDINGS:
The Future Land Use (FLU) map in the 2026 Comprehensive Plan designates the subject site to the Existing Neighborhood land use category, which is characterized in the attachment titled *FLUP Page of Draft Alvarado Master Plan Set*. Approval of this rezoning request is anticipated to yield two dwelling units rather than one, while being compatible with existing single-family residences in the general area.

FINANCIAL IMPACT:
None.

RECOMMENDATION:
On March 12, 2026, the Planning and Zoning Commission recomended approval by a vote of 4-0.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Attachments for 905-907 Travis Ave Rezone

CITY OF ALVARADO

APPLICATION FOR ZONING CHANGES

DATE: 1-19-2026 CLERK: _____ FEE: _____ CASE NO: _____

NAME OF APPLICANT: MV & A Builders LLC PH: (817) 907-1638

MAILING ADDRESS: PO Box 568 Lillian Tx 76061

APPLICANT IS THE: (OWNER) / LEASER / PURCHASER OF THE PROPERTY.
circle one

NAME OF OWNER: MV & A Builders LLC PH: (817) 907-1638

MAILING ADDRESS: PO Box 568 Lillian TX 76061

STREET ADDRESS OF PROPERTY: 905 & 907 Travis Ave ACREAGE: 0.3213

LEGAL DESCRIPTION: Lot4 & Lot5 Block 6 New Town AKA Missouri Pacific Addition

PRESENT ZONE OF PROPERTY: _____ PRESENT USE: _____

REQUESTED ZONE: Garden Home District PROPOSED USE: _____

REASON FOR CHANGE: Trying to apply to Build 2 Homes on These Lots

USAGE OF ADJACENT PROPERTY NORTH: _____

SOUTH: _____

EAST: _____

WEST: _____

NOTE: If the property can be identified by the subdivision or addition please include that with the lot and block numbers as the legal description. You must also attach a copy of the appropriate portion of the subdivision or addition plat with the subject property clearly indicated on it. If property is not part of a subdivision or addition plat, give the complete metes and bounds description of the property and indicate the location of said property by identifying one or more adjacent tracts and/or rights-of-way or attach a surveyor's plat of the property.

APPLICANT'S SIGNATURE: _____

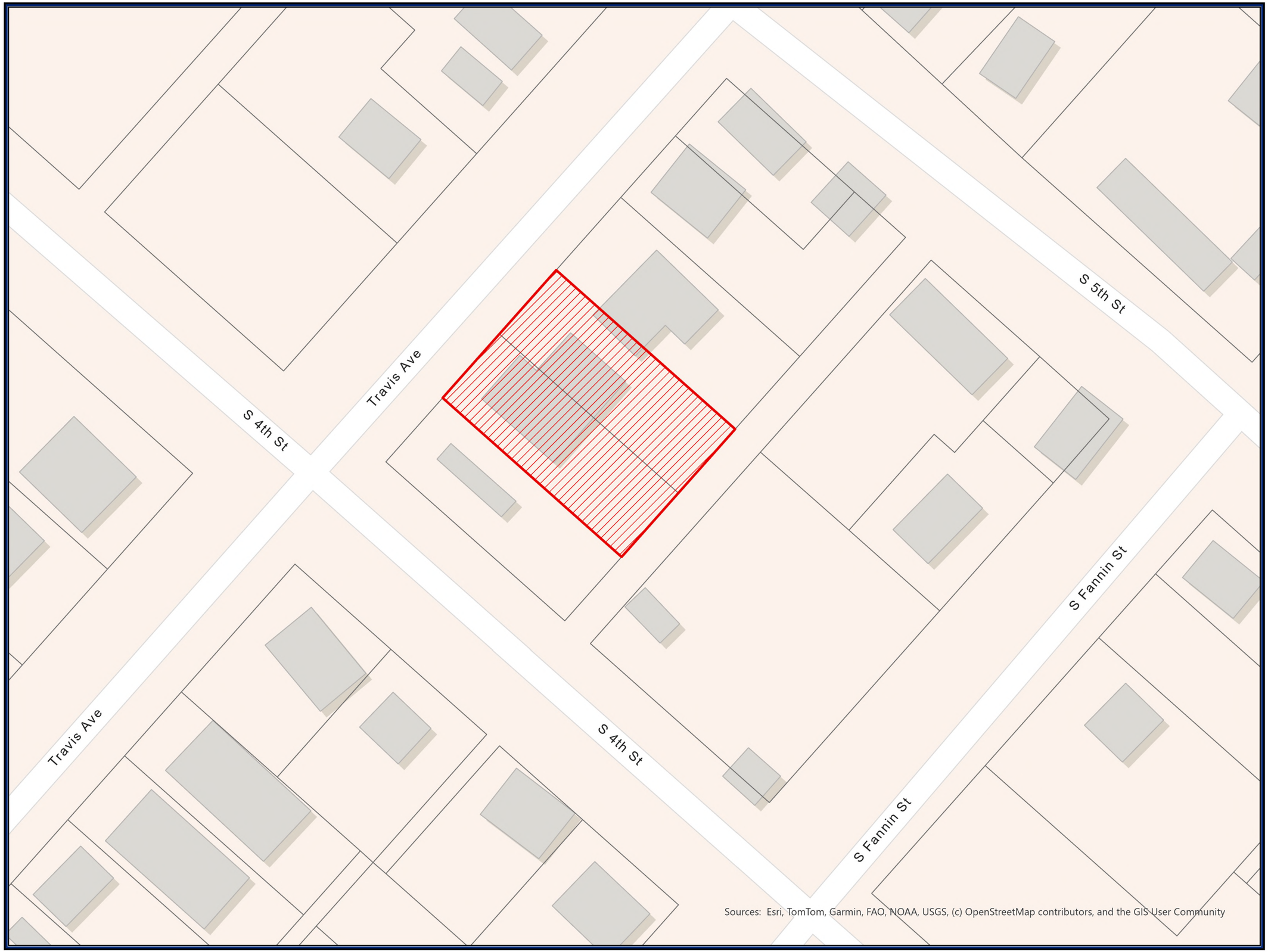
The undersigned hereby, on oath, states that he or she is the record owner of the property for which this application is made.

OWNER: _____

SWORN TO AND SUBSCRIBED before me this 20 day of January, 2026, by the person whose signature appears directly above.

Tanner B Glenney
Notary Public, State of Texas
NOTARY ID #135524983
My Commission Exp 07/22/2029

Notary Public in and for The State of Texas.
My Commission expires 7/22/26



Location Map

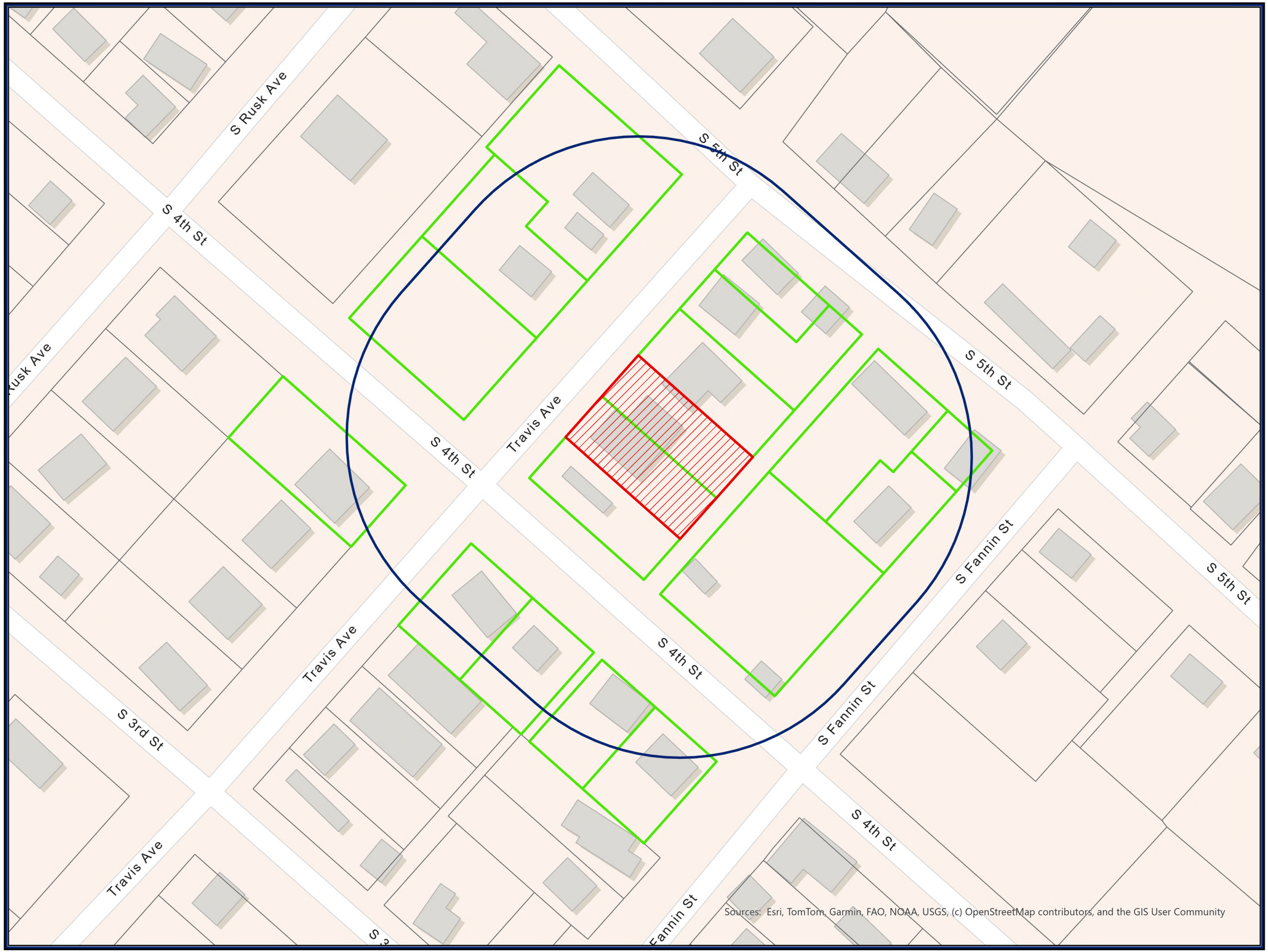
Legend

- Subject Property
- Johnson County Parcels

N
W E
S

0 38 75 Feet

2/2/2026



Notification Map

Legend

- Subject Property
- Notifications
- 200 FT Buffer
- Johnson County Parcels

N
W E
S

0 60 120 Feet

2/2/2026

Prop ID	Owner Name	Owner Address
R000025433	AGUILAR EDGAR CASTILLO ETUX	400 S 4TH ST ALVARADO, TX 76009-0000
R000025443	GONZALEZ ROSA DELIA	2517 CR 425 CLEBURNE, TX 76031-8804
R000025442	HATCHER NEAL DWAYNE	P O BOX 914 ALVARADO, TX 76009-0000
R000025415	MARTINEZ JAVIER ETUX	400 S 5TH ST ALVARADO, TX 76009-0000
R000025414	HILTON BILLY P	PO BOX 702 ALVARADO, TX 76009-0702
R000025416	DAY DAWN	905 TRAVIS AVE ALVARADO, TX 76009-0000
R000025417	L & L PROPERTIES & INVESTMENTS LLC	PO BOX 85 GRANDVIEW, TX 76050-0000
R000025418	GARCIA ROBERT	2809 MAVERICK DALLAS, TX 75228-0000
R000025420	BRIDGEWATER JOSHUA B ETUX MELISSA A	408 S 5TH ST ALVARADO, TX 76009-5566
R000025419	BRIDGEWATER JOSHUA B ETUX MELISSA A	409 S 5TH ST ALVARADO, TX 76009-5566
R000025421	MATLOCK HOMER & DIANE	406 SOUTH FIFTH ST ALVARADO, TX 76009-5566
R000067023	LAZETTE JOSHUA M ETUX TAYLOR L	1000 TRAVIS ST ALVARADO, TX 76009-0000
R000025410	COUCH WINNIE G MRS	PO BOX 746 ALVARADO, TX 76009-0000
R000025411	COUCH WINNIE G MRS	PO BOX 746 ALVARADO, TX 76009-0001
R000025412	AVALOS FRANCISCO ETUX CLAUDIA BERMUDES	902 TRAVIS AVE ALVARADO, TX 76009-5574
R000025434	DEHOYOS JUAN & MARIA	9303 MAY BLOSSOM WAY DALLAS, TX 75217-0000
R000119377	GAMERO LLC	312 W 2ND ST STE 2123 CASPER, WY 82601-0000
R000125360	MV & A BUILDERS LLC	PO BOX 568 LILLIAN, TX 76061-0000

City of Alvarado
104 W. College Ave. Alvarado, TX 76009
817-790-3351 ◆ www.cityofalvarado.org

February 16, 2026

Dear Property Owner,

The City of Alvarado has received the request made by MV&A Builders LLC for a zoning change from Single-family Residential (SF-2) District to Garden Home (GH) District on 0.3213 acres known as a portion of Lot 4 and all of Lot 5, Block 6 of the New Town Addition (aka Missouri Pacific Addition), addressed at 905 and 907 Travis Avenue.

NOTICE OF HEARING BEFORE PLANNING AND ZONING COMMISSION

Notice is hereby given that a public hearing will be held before the Planning and Zoning Commission of the City of Alvarado on Thursday, the 12th day of March 2026, in the Council Chambers, 104 W. College Avenue, at 6:30p.m. regarding this request. The Planning and Zoning Commission will forward a recommendation to the City Council.

NOTICE OF HEARING BEFORE CITY COUNCIL

Notice is hereby given that a public hearing will be held by the City Council of the City of Alvarado on Monday, the 20th day of April 2026, in the Council Chambers, 104 W. College Avenue, at 6:30 p.m., regarding this request.

According to City and County Tax Records, you are the owner of property which is located within two hundred (200) feet of the area of the requested zoning change. This is notice of the public hearings, at which any interested persons will be given an opportunity to be heard. In hearing this matter, the Planning and Zoning Commission and City Council may approve the request as submitted, may approve an amended request, or may deny the request. For more information on the Comprehensive Plan, its land use classifications and its role in the planning and zoning process, you may contact the Community Development Director at 817.240.9585, or via email below.

Sincerely,

Justin French

Justin French, AICP
Community Development Director
City of Alvarado
frenchj@cityofalvarado.org

Member Texas Municipal League

City of Alvarado
104 W. College Ave. Alvarado, TX 76009
817-790-3351 ◆ www.cityofalvarado.org

February 13, 2026

Dear Dr. Kenneth Estes,

The City of Alvarado has received the request made by 275 Alvarado LLC represented by MV&A Builders LLC for approval of a zoning change from Single-family Residential (SF-2) District to Garden Home (GH) District on 0.3213 acres known as a portion of Lot 4 and all of Lot 5, Block 6 of the New Town Addition (aka Missouri Pacific Addition), addressed at 905 and 907 Travis Avenue. Approval of this rezoning request is anticipated to yield two dwelling units rather than one.

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This notice is provided in accordance with Section 211.007(c-1) of the Texas Local Government Code. This is notice of the public hearings, at which any interested persons will be given an opportunity to be heard. In hearing this matter, the Planning and Zoning Commission and City Council may approve the request as submitted, may approve an amended request, or may deny the request. For more information on the Comprehensive Plan, its land use classifications and its role in the planning and zoning process, you may contact the Community Development Director at 817.240.9585, or at frenchj@cityofalvarado.org.

Sincerely,

Justin French

Justin French, AICP
Community Development Director
City of Alvarado
frenchj@cityofalvarado.org

City of Alvarado
104 W. College Ave. Alvarado, TX 76009
817-790-3351 ◆ www.cityofalvarado.org

February 16, 2026

MV&A Builders LLC
Attn: Fermin Martinez
PO Box 568
Lillian, TX 76061
817.907.1638
ferminm@yahoo.com

The City of Alvarado has received your request for approval of a zoning change from Single-family Residential (SF-2) District to Garden Home (GH) District on 0.3213 acres known as a portion of Lot 4 and all of Lot 5, Block 6 of the New Town Addition (aka Missouri Pacific Addition), addressed at 905 and 907 Travis Avenue.

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Sincerely,

Justin French

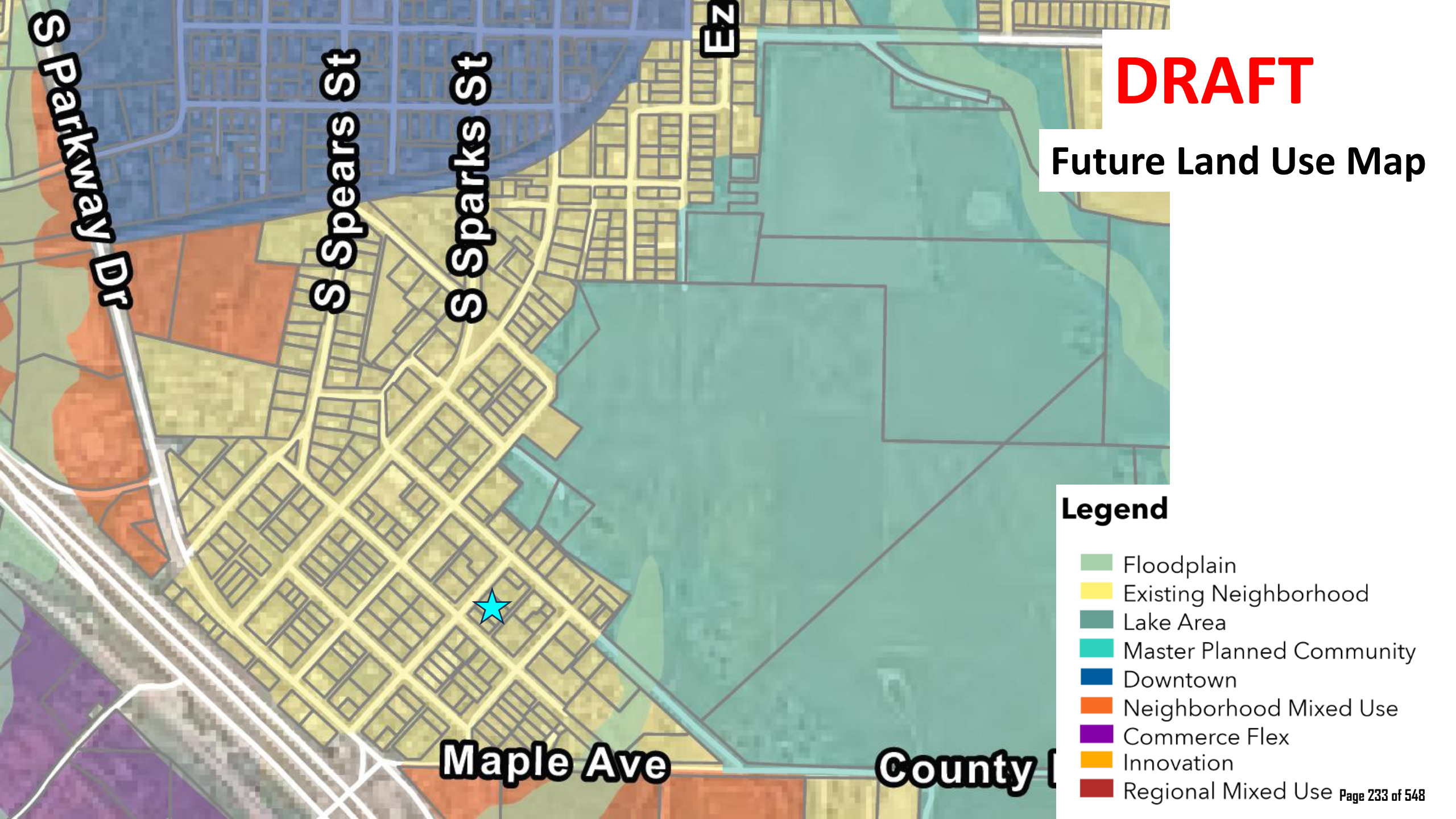
Justin French, AICP
Community Development Director
City of Alvarado
frenchj@cityofalvarado.org

Figure 18. Future Land Use



Future Land Use

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Industrial/Utility
- Local Business District
- Interstate Business District
- Parks and Open Space
- Public/Semi-Public
- Downtown Square
- Lake
- Approximate Location of 100 Year Floodplain


S Parkway Dr
S Spears St
S Sparks St
Maple Ave
DRAFT
Future Land Use Map
Legend
Floodplain
Existing Neighborhood
Lake Area
Master Planned Community
Downtown
Neighborhood Mixed Use
Commerce Flex
Innovation
Regional Mixed Use

VISION: CHARACTER FRAMEWORK

Future Land Use Plan (FLUP)

Existing Neighborhoods

ROLE IN ALVARADO
Existing Neighborhoods provide continuity and trust as other parts of the city evolve, reinforcing quality of life and long-term community stability.

CHARACTER VISION

Existing Neighborhoods represent the established residential fabric of Alvarado and reflect long-standing community character. These areas are defined by stability, familiarity, and everyday life, with the future focused on preservation, compatibility, and thoughtful reinvestment.

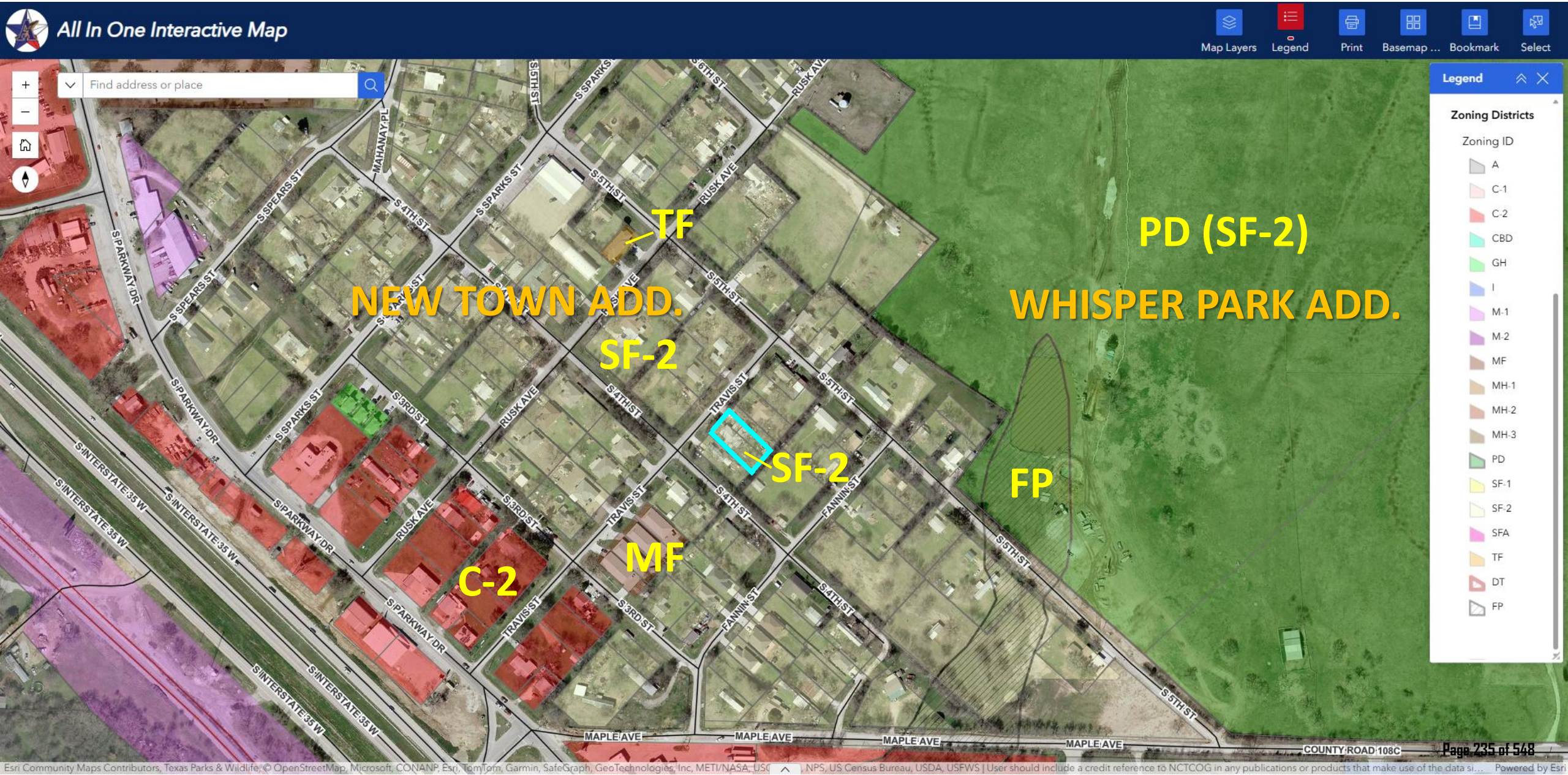
DESIGN + PLACE PRINCIPLES

- Maintain a maximum building height of two stories to reinforce neighborhood scale
- Support residential uses alongside parks, schools, and neighborhood open space
- Where the neighborhood agrees, support neighborhood-scale retail or restaurant, if applicable
- Ensure new development is compatible with existing design to maintain current character and a cohesive look and feel
- Preserve prevailing neighborhood patterns related to massing, setbacks, and rhythm
- Strengthen connections to nearby destinations through sidewalks and trails
- Improve walkability and safety while avoiding incompatible intensity or use





Current Zoning Map



Sec. 42-23. GH garden home district.

(a) *Purpose.* The GH district provides for the construction of detached single family homes on zero lot line lots. In all other respects, the GH district is intended to provide the same benefits and atmosphere as other single family districts. This district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses.

(b) *Permitted uses and parking regulations.*

USE	PARKING REGULATIONS
Accessory building to main use	0 spaces
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Garden (patio) home	2 enclosed spaces per unit, must be attached to main structure
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) *Development requirements.*

Minimum lot area:	2,800 square feet[1]
Minimum lot width:	25 linear feet on residential streets and 35 linear feet on collector and major streets
Minimum lot depth:	120 linear feet
Minimum front yard:	15 linear feet[2]
Minimum side yard:	0 linear feet[3]
Minimum rear yard:	5 linear feet[4]
Maximum ground coverage:	45/65[5]

Maximum density per acre:	12 DU
Height:	35 linear feet

[1] A lot of less than 2,800 square feet may be used for a garden home or other single family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

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

[3] The minimum side yard shall be zero feet except that there shall be at least ten feet of separation between structures. When garden (patio) homes are constructed with a zero side yard, five feet on the lot adjacent to the zero setback shall be dedicated as an access/maintenance easement for the zero setback garden home. There shall be a minimum side yard setback of 20 feet from any property line adjacent to a street. Side yard setbacks and access/maintenance easements shall be shown on the subdivision plat.

[4] The minimum rear yard shall be five feet for a single story structure and 15 feet for any two-story structure. If access is from an alley, the minimum setback will be 20 feet for garages or carports. A one-story wing or extension may be built to within 15 feet of the rear lot line.

[5] The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) *Site plan required.* A site plan meeting the requirements of section 42-56 shall be required for each application for the development of a garden home in the GH district.

(e) *Specific uses.* The following specific uses are allowed in the GH district when authorized under the provisions of section 42-45:

USE	PARKING REGULATIONS
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Boarding home facility	1 space per employee, plus 1 space for each 6 beds
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains
Community home	1 space per employee, plus 1 space for each 6 beds

Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Farm, ranch, or orchard	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Guest house	1 space per unit
Hospital (chronic care); long term heath care facility	1 space for each 2 beds
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i))	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(f) *Special construction requirements.*

(1) *Developments of ten or more lots.* All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(2) *Developments of one to nine lots.* All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin-type material and design. It is provided; however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(3) *Applicability of regulations.* These construction regulations shall apply to all the following:

a. Newly constructed houses.

b. Houses moved into or within the city from a previous location.

(4) *Attic space.* All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.

(5) *Living space.* All residential structures must have at least 1,200 square feet of living space.

(g) *Common area maintenance.* To ensure the long-term maintenance of common land and facilities in garden home developments, the following shall be required:

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

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

(h) *Usable open space requirements.* Each parcel of land developed under garden home standards shall provide usable open space totaling 15 percent of the area of the parcel. Such open space shall have a maximum slope of ten percent and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The 15 percent shall be computed on the percentage of total platted area in a garden home subdivision, excluding right-of-way for major and secondary streets (as described in the current comprehensive plan). At the time of site plan and/or subdivision plat approval, the city council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

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

(Ord. No. 2015-005, § 1, 4-20-2015)

ORDINANCE NO. 2026-____

AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, REZONING FROM SINGLE-FAMILY RESIDENTIAL (SF-2) DISTRICT TO GARDEN HOME (GH) DISTRICT, ON A PORTION OF LOT 4 AND ALL OF LOT 5, BLOCK 6 OF THE NEW TOWN ADDITION, BEING 0.3213 ACRES ADDRESSED AT 905 AND 907 TRAVIS AVENUE, IN THE CITY OF ALVARADO, JOHNSON COUNTY, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of a hearing before the Planning and Zoning Commission was posted on the property affected by the zoning change, the property herein described, at least 10 days before such hearing and remained until the date of City Council final action; and

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 11 days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Alvarado, Texas at least 16 days before such hearing; and

WHEREAS, public hearings to change the zoning on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the zoning change; and

WHEREAS, The City Council finds the proposed zoning is consistent with the Low-Density Residential land use category of the 2017 Future Land Use Plan and the Existing Neighborhood land use category of the 2026 Future Land Use Plan; and

WHEREAS, The City Council is of the opinion that the zoning change herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Alvarado;

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

SECTION 1. That the Comprehensive Zoning Ordinance and the Zoning Map of the City of Alvarado are hereby amended to change the zoning designation on the herein described property and area known as a portion of Lot 4 and all of Lot 5, Block 6 of the New Town Addition in Exhibit "A" of this ordinance.

SECTION 2. This ordinance shall be cumulative of all provisions and ordinances of the Code of Ordinances of the City of Alvarado, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6. 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 this ordinance involving zoning, fire safety, or public health and sanitation shall be fined not more than Two Thousand Dollars ($2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7. The City Secretary of the City of Alvarado is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time for two days in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

SECTION 8. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

AND SO IT IS ORDAINED.

Passed on this the 20th day of April, 2026 by a vote of ____ to ____.

ATTEST: **CITY OF ALVARADO**

_____ **By: _____**

Bobbie Jo Taylor, City Secretary **Jacob Wheat, Mayor**

Exhibit “A”

Legal Description

(See Next Page)

METES AND BOUNDS DESCRIPTION

Being a total of 0.3213 acres of land situated in the R. Bell Survey, Abstract 44, City of Alvarado, Johnson County, Texas also known as Lot 4 and Lot 5, Block 6, New Town, aka Missouri Pacific Addition, recorded in Volume 26, Page 640, Deed Records, Johnson County, Texas and being more particularly described as follows;

Beginning at a 1/2" iron rod set in the southern right–of–way line of Travis Avenue, (80' right–of–way), at the north corner of Lot 6, Block 6 of said New Town Addition and being 90 feet from the centerline of Fourth Avenue, (80' right–of–way), being the west corner of Lot 5, Block 6 and the Point Of Beginning of the herein described tracts of land;

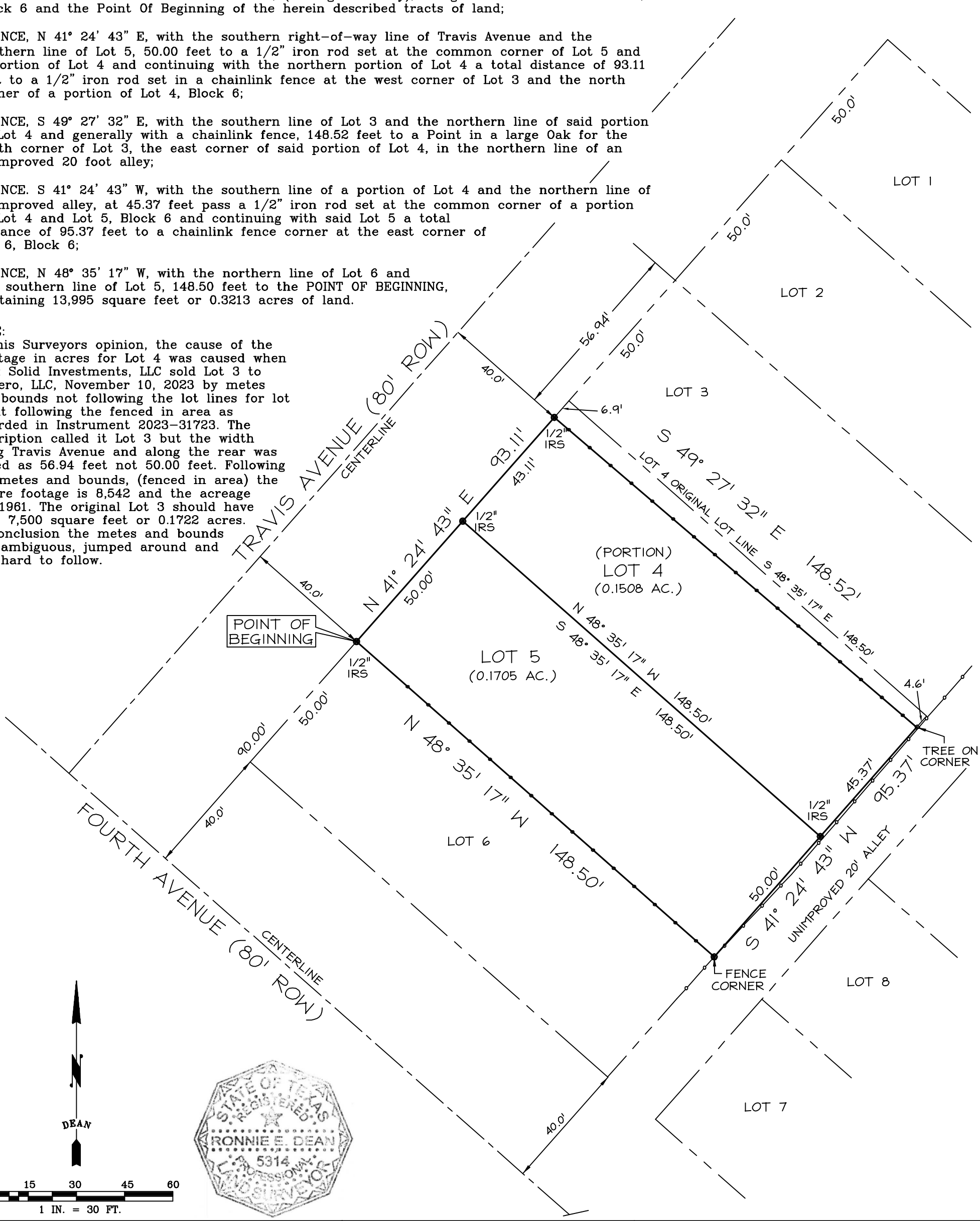
THENCE, N 41° 24' 43" E, with the southern right–of–way line of Travis Avenue and the northern line of Lot 5, 50.00 feet to a 1/2" iron rod set at the common corner of Lot 5 and a portion of Lot 4 and continuing with the northern portion of Lot 4 a total distance of 93.11 feet to a 1/2" iron rod set in a chainlink fence at the west corner of Lot 3 and the north corner of a portion of Lot 4, Block 6;

THENCE, S 49° 27' 32" E, with the southern line of Lot 3 and the northern line of said portion of Lot 4 and generally with a chainlink fence, 148.52 feet to a Point in a large Oak for the south corner of Lot 3, the east corner of said portion of Lot 4, in the northern line of an unimproved 20 foot alley;

THENCE. S 41° 24' 43" W, with the southern line of a portion of Lot 4 and the northern line of unimproved alley, at 45.37 feet pass a 1/2" iron rod set at the common corner of a portion of Lot 4 and Lot 5, Block 6 and continuing with said Lot 5 a total distance of 95.37 feet to a chainlink fence corner at the east corner of Lot 6, Block 6;

THENCE, N 48° 35' 17" W, with the northern line of Lot 6 and the southern line of Lot 5, 148.50 feet to the POINT OF BEGINNING, containing 13,995 square feet or 0.3213 acres of land.

NOTE:
In this Surveyors opinion, the cause of the shortage in acres for Lot 4 was caused when Rock Solid Investments, LLC sold Lot 3 to Gamero, LLC, November 10, 2023 by metes and bounds not following the lot lines for lot 3 but following the fenced in area as recorded in Instrument 2023–31723. The description called it Lot 3 but the width along Travis Avenue and along the rear was stated as 56.94 feet not 50.00 feet. Following the metes and bounds, (fenced in area) the square footage is 8,542 and the acreage is 0.1961. The original Lot 3 should have been 7,500 square feet or 0.1722 acres. In conclusion the metes and bounds was ambiguous, jumped around and was hard to follow.



STATE OF TEXAS
REGISTERED
RONNIE E. DEAN
5314
PROFESSIONAL
LAND SURVEYOR

DEAN SURVEYORS
Firm No. 10193712
5116 Bellefontaine Drive
Arlington, Texas 76017
ronnie@deansurveyors.net
817–487–9486

Surveyed on the ground
September 10, 2025

Ronnie E. Dean, R.P.L.S. No. 5314 Job No. 250828

I, Ronnie E. Dean, a Texas Registered Professional Land Surveyor do hereby certify that this survey was made on the ground under my direct supervision and accurately represents the property as found on the date indicated.

LEGAL DESCRIPTION

Being a portion of Lot 4 and all of Lot 5, Block 6 of New Town Addition, aka Missouri Pacific Addition situated in the R. Bell Survey, Abstract 44, City of Alvarado, Johnson County, Texas.

(See Metes and Bounds Description)

Address: 905 Travis Avenue
Alvarado, Texas, 76009

F.E.M.A. FLOOD STATEMENT

This Lot appears to be located in Zone "X" by Flood Insurance Rate Map No. 48251C0215J, dated December 4, 2012. It is not shown as being located in a Special Flood Hazard Area Inundated by 100–Year Flood.

LEGEND & SYMBOLS

IRF – Iron Rod Found
IRS – Iron Rod Set
PP – Power Pole
TP – Telephone Pedestal
UE – Utility Easement
– CONCRETE
—O— Chain Link Fence
ROW – Right Of Way

City Council Management Report
Meeting Date: 4/20/2026
Contact: Justin French, Community Development Director

AGENDA ITEM:
Public hearing, consideration, and action related to Ordinance No. 2026-0006, an Ordinance replacing Chapter 42, "Zoning" of the Code of Ordinances, City of Alvarado, Texas, in its entirety; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing for a penalty for violations hereof, providing a savings clause; providing for publications; and providing an effective date. (French)

BACKGROUND & FINDINGS:
Statement of Conformity with the Comprehensive Plan / Future Land Use Plan
The City of Alvarado Zoning Ordinance amendments were prepared concurrently with the City of Alvarado Comprehensive Plan, which includes the City's Future Land Use Plan (FLUP). The Comprehensive Plan establishes the long-term vision for land use, growth, development patterns, infrastructure, parks and recreation, Downtown revitalization, and community character within the Alvarado Planning Area. On March 16, 2026, the City of Alvarado Comprehensive Plan was approved and adopted by the Alvarado City Council. The Future Land Use Plan is intended to serve as the policy foundation for zoning and development regulations upon adoption. The proposed zoning ordinance amendments have been developed in coordination with and in reliance upon the Comprehensive Plan and Future Land Use Plan, with the intent that the Zoning Ordinance will conform to the adopted Comprehensive Plan. Final zoning adoption is to occur following adoption of the Comprehensive Plan to ensure consistency between policy guidance and regulatory implementation.

FINANCIAL IMPACT:
None

RECOMMENDATION:
The Planning Advisory Committee and the Technical Advisory Committee have no recommended changes to the proposed zoning ordinance text amendments. On April 16, 2026, the Planning and Zoning Commission recommended _____ by a vote of _____.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Adopting Comprehensive Zoning
2. 260409 - Final Zoning Ordinance Clean

ORDINANCE NO. _____

AN ORDINANCE REPLACING CHAPTER 42, "ZONING," OF THE CODE OF ORDINANCES, CITY OF ALVARADO, TEXAS, IN ITS ENTIRETY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant of Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted zoning regulations that regulate the location and use of buildings, other structures and land for business, industrial, residential, or other purposes, for the purpose of promoting the public health, safety, morals, and general welfare, all in accordance with a comprehensive plan and that otherwise regulates the development and use of properties within the city limits of the City, codified in Chapter 42 "Zoning" (the Zoning Ordinance") of the Code of Ordinances, City of Alvarado, Texas (the "Code"); and

WHEREAS, the City determined that the Zoning Ordinance required a comprehensive review and consulted with LJA Planning & Landscape Architecture to draft a new comprehensive zoning ordinance to reflect the needs of the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing on April 16, 2026, and the City Council held a public hearing on April 20, 2026, with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, the Code of Ordinances, City of Alvarado, Texas (the "Code"), and all other laws dealing with notice, publication, and procedural requirements for amending the zoning regulations.

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

SECTION 1.

Chapter 42 of the Code is hereby replaced in its entirety with the zoning ordinance attached as **Exhibit A**, incorporated herein for all purposes.

SECTION 2.

This Ordinance shall be cumulative of all provisions and ordinances of the Code, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

Any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Section 1-12, of the Code. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 5.

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance as provided by the City's Charter.

SECTION 6.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Alvarado on this the ____ day of _____, 2026.

_____
Jacob Wheat, Mayor

ATTEST:

_____

Bobbie Jo Taylor, City Secretary

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Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, set out provisions for use herein as arts. I—VII, secs. 42-1—42-10, 42-20—42-36, 42-45, 42-55—42-59, 42-70—42-73, 42-80—42-85, and 42-95—42-99. Inasmuch as provisions with similar numbering already existed, at the direction of the city,

the existing provisions numbered arts. III—VII were maintained by renumbering as new arts. VIII—XII.

Chapter 42 is included herein as published in the 2010 Code of Ordinances, as supplemented. Article, division and section numbers have not been changed.

ARTICLE I APPLICABILITY OF ORDINANCE

§ 42-1. Interpretation, purposes, and administration.

(a) Purpose. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and welfare. The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan, for the purpose of promoting the health, safety, morals and welfare of the city. This chapter has been designed, among other things, to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of the land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, open spaces, and to protect and enhance historical, cultural and environmental qualities, and other public requirements. They have been made with reasonable consideration, among other things; of the right to use the land subject to reasonable regulations; of the character of the district and its peculiar suitability for the particular uses specified; and with a view of conserving the value of land and buildings and encouraging the most appropriate use of land throughout the city consistent with the comprehensive plan.

(b) Zoning administration. The zoning administrator is charged with the administration and interpretation of this chapter. In the event that this chapter or any provision hereof is unclear as to its applicability to any property or person, the zoning administrator shall render an interpretation of the ordinance or provision after taking into consideration the purpose and intent of the ordinance as a whole. The decision of the zoning administrator shall be subject to review by the board of adjustment as provided in section 42-95.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-2. Scope of chapter.

The provisions of this zoning chapter and the regulations in the districts established herein constitute minimum requirements for the promotion of the public health, safety, morals and general welfare of the city. Wherever higher or more restrictive standards are established by provisions of any other applicable statute, ordinance or regulation than is established by the provisions of this chapter, the provisions of such other statute, ordinance or regulation shall govern.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-3. Compliance with zoning regulations.

(a) Compliance with zoning regulations required. Except as otherwise provided in this chapter, all property located within the city shall only be occupied, used, erected, altered, converted, arranged or designed in conformance with the zoning regulations prescribed for the zoning district in which such property is located as hereinafter provided.

(b) Building permits prohibited without plat. No permit for the construction or placement of a building upon any property shall be issued unless the property is part of a plat of record, properly approved by the planning and zoning commission and city council and filed in the plat records of the county.

(c) Exclusions. Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time the provisions of this chapter become applicable provided the entire building shall be completed within one year from the date of the passage of the ordinance from which this chapter is derived.

(d) One main building on a lot or tract. Only one main building for one-family or two-family use with

permitted accessory buildings may be located upon any lot or tract. Every dwelling shall face or front upon a public street or approved means of access other than an alley, which street or approved means of access shall have a minimum width of 30 feet. Where a lot is used for retail or multifamily dwelling purposes, more than one main building may be located upon the lot but only when such buildings conform to all the open space, parking, density, and other development requirements applicable to the uses in the district in which it is located. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the city council. No parking area, yard, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other use.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-4. Zoning districts.

(a) Purpose. In order to regulate and restrict the location of trades and industries, the use of land and buildings, and the location of buildings erected, placed, reconstructed, altered or enlarged for specified uses; to regulate and limit the height and bulk of buildings; to regulate and determine the area of yards and other open spaces; to regulate and limit the density of population; and to otherwise assure that adjoining and adjacent uses of land are compatible, the city is hereby divided into the following zoning districts:

A	Agricultural District
CBDX	Central Business District (X)
CF	Commerce Flex District
DD	Duplex District
DT	Downtown Overlay District
FN	Floodplain and Nature District
GH	Garden Home District
IND	Industrial District
INN	Innovation District
INSX	Institutional District (X)
MFX	Multifamily Residential District (X)
MH-1X	Manufactured Home Park District (X)
MH-2X	Manufactured Home Subdivision District (X)
MH-3X	Manufactured Home Subdivision District (X)
NC	Neighborhood Commercial District
NMU	Neighborhood Mixed Use District
PD	Planned Development District
RC	Regional Commercial District
RMU	Regional Mixed Use District
SF-1	Single-Family Residential District
SF-2	Single-Family Residential District
TH	Townhome Residential District

(b) Uses permitted by district. Land and buildings in each of the zoning districts may be used for any of the indicated uses in that district but no land shall hereafter be used, and no building or structure

shall hereafter be occupied, used erected, altered, converted, arranged or designed for other than those uses specified as permitted uses in the district in which it is located.

(c) Description of zoning districts.

(1) A—Agricultural district. The A district provides for the continuance of farming, ranching, and commercial gardening activities on land being utilized for these purposes. When land in an agricultural district is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning district to provide for orderly growth and development in accordance with the comprehensive plan. See section 42-20 for agricultural district regulations.

(2) SF-1—Single-family residential district. The SF-1 district provides for a minimum residential building site of 7,500 square feet. Density in this district will usually be no greater than four units per gross acre. See section 42-21 for SF-1 single-family residential district regulations.

(3) SF-2—Single-family residential district. The SF-2 district provides for a minimum residential building site of 6,000 square feet and permits residential development of densities ranging from four to six units per gross acre. See section 42-22 for SF-2 single-family residential district regulations.

(4) GH—Garden home district. The GH district allows for more flexible development of single-family subdivisions with homes being built on small lots with zero lot lines. See section 42-23 for GH garden home district regulations.

(5) DD—Duplex district. The DD district provides for stable, quality residential development, including duplex, garden (patio) homes, and similar residential development with densities ranging from four to eight units per gross acre. See section 42-27 for DD regulations.

(6) MH-1X—Manufactured home park district. This is a legacy district. The MH-1X district establishes a category in which manufactured home park development with a maximum density of approximately five to six units per gross acre can occur. See section 42-24 for MH-1X manufactured home park district regulations.

(7) MH-2X—Manufactured home subdivision district. This is a legacy district. The MH-2X district establishes a category in which a tract can be platted and developed with lots sold to persons seeking to locate manufactured homes, and/or standard single-family units. The MH-2X district permits residential development of densities ranging from four to six units per gross acre. See section 42-25 for MH-2X manufactured home subdivision district regulations.

(8) MH-3X—Manufactured home subdivision district. This is a legacy district. The MH-3X district allows for manufactured home subdivisions with a more flexible design than the MH-2X district. As with the MH-2X district, it is interpreted to provide characteristics and atmosphere similar to a single-family subdivision. See section 42-26 for MH-3X manufactured home subdivision district regulations.

(9) MFX—Multifamily residential district (X). This is a legacy district. The MFX district permits multifamily developments of maximum densities of 15 units per acre, except under special mitigation conditions. See section 42-28 for MFX regulations.

(10) NC— Neighborhood commercial district—. Retail, commercial, and office uses developed under the standards of the NC district are designed to provide a compatible relationship between the NC development and adjacent residential areas. See Section 42-29 for NC regulations.

(11) RC— Regional commercial district. Uses which require considerable space for display, sales,

or open storage, or by the nature of the use are generally not compatible with residential uses, are located in the RC district. See section 42-30 for RC district regulations.

(12) CBDX—Central business district (X). This is a legacy district. The CBDX is established to accommodate the unique characteristics of the historical center of the city and to ensure that future development in the CBDX is compatible with maintaining the economic and historic integrity of the area. The Central business district (X) is designed to provide an area for shopping, dining, working, and entertainment which will remain active during evenings and weekends as well as standard work hours. See section 42-33 for CBDX regulations.

(13) CF—Commerce Flex district. The CF district is established to accommodate uses of a non-nuisance type located in relatively close proximity to residential and NC business areas. Development in the CF district is limited primarily to certain wholesale, jobbing, and warehouse uses and certain specialized manufacturing and research uses of a type which will not create nuisances, as well as any commercial uses. See section 42-31 for CF district regulations.

(14) IND—Industrial district. The IND district is established to accommodate industrial uses not appropriate for inclusion in the CF district and likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses. See section 42-32 for IND district regulations.

(15) INSX—Institutional district (X). This is a legacy district. The INSX district is established to accommodate uses of a generally noncommercial institutional and/or group quarters character. Such uses typically have residential characteristics or have symbiotic relationships with residential neighborhoods. See section 42-34 for INSX regulations.

(16) PD—Planned development district. The PD district provides a zoning category for the planning and development of larger tracts of land or tracts of land with unique characteristics for a single use or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect for the protection of surrounding property. See section 42-35 for PD planned development district regulations.

(17) FN—Floodplain and nature district. Zoning districts located in flood hazard areas which are subject to periodic inundation shall be preceded by the prefix FN, indicating a subdistrict. Areas designated FN may be used only for those uses listed in section 42-36 until a use in any area or any portion thereof located in FN subdistrict has been approved by the city council. Approval shall only be given after engineering studies determine that the area, or any portion thereof, is suitable for uses in the district, and building construction or development would not create an obstruction to drainage nor a hazard to life or property, and that such construction is not contrary to the public interest. See section 42-36 for FN district regulations.

(18) DT—Downtown overlay district. The downtown overlay district is established to safeguard the core of downtown Alvarado and ensure that any new development is compatible with existing development and also reflects a historic character, is functional, and has organized design. See section 42-38 for DT downtown overlay district regulations.

(19) TH – Townhome residential district. The TH is established to provide adequate space for medium density, single-family attached type residential development, on lots of not less than 1,600 square feet.

(20) INN – Innovation district. The INN district is intended to promote research, education, technology development, and emerging business creation by providing flexible, campus-style land use opportunities. Development within this district should foster a high-quality built environment and reinforce a connected and vibrant employment and institutional center. Uses are scaled to minimize off-site impacts and ensure compatibility with surrounding neighborhoods.

(21) NMU – Neighborhood mixed use district. The NMU district is to provide for low intensity mixed uses, including local shopping and dining destinations, residential, community amenity, and entertainment uses. It is intended for development in this district to be compatible with adjacent or nearby residential land uses. This district also provides an opportunity to include community gathering spaces, parks, and plazas for the residents and visitors in the district and in surrounding neighborhoods.

(22) RMU – Regional mixed use district. The RMU district is intended to provide for high intensity mixed uses, including highway-oriented commercial, residential, and hospitality uses. The uses permitted in the RMU district are not generally carried on completely within a building or structure and an expanded range of commercial uses is permitted. This district is reserved for areas adjacent to major highways and corridors.

§ 42-5. Zoning district map.

The districts aforesaid, and the boundaries of such districts, shall be as hereinafter described, and as shown upon the map attached hereto and made a part of this chapter, said map being designated as the "Zoning Map of the City of Alvarado, Texas." The map and all notations, references, and other information shown thereon shall be a part of this chapter the same as if all such matters and information were fully described herein. The original of said map shall bear the date of the passing of the ordinance from which this chapter is derived and shall be signed by the mayor and attested by the city secretary, under the seal of the city. The original map shall be kept in the office of the city secretary in the city hall, and a replica thereof shall be produced upon paper or other format in such reduced scale as will permit it being attached to this chapter.

It shall be the duty of the zoning administrator to keep the official zoning map and current copies up to date, by entering on such map any changes which the city council may from time to time approve by amendments to the zoning ordinance. A written record (logbook) shall be kept by the zoning administrator of all changes made to the zoning district map.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-6. Zoning district boundaries.

(a) Rules of interpretation. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the official zoning map, the following rules shall apply:

(1) The district boundaries are either streets, alleys, or railroad right-of-way unless otherwise shown, and where the districts designated on the zoning map are bounded approximately by street or alley lines, the centerline of said street or alley shall be construed to be the boundary of such district. Where the districts designated on the zoning map are bounded approximately by railroad or utility right-of-way lines or public rights-of-way, the centerline of the railroad or utility right-of-way or the public right-of-way shall be construed to be the boundary of the district.

(2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the zoning map are bounded approximately by lot lines, said lot line shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.

(3) In un-subdivided property, the district boundary lines on the zoning map shall be determined by use of the scale contained on such map, unless dimensions are shown.

(4) Boundaries indicated as approximately following the city limits shall be construed as following the city limits.

(5) Boundaries indicated as following the centerlines of streams or rivers or the shoreline of lakes or ponds shall be construed as following such centerlines or shorelines as the case may be.

(6) Whenever any street, alley, or other public way is vacated by official action of the city council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley or way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

(7) Where physical features on the ground are at variance with information shown on the official

zoning map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections (a)(1) through (6), or if the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered classified as A agricultural district until rezoned.

(b) Procedure. The zoning administrator shall have the authority to make determinations of zoning district boundaries based upon the above rules, subject to appeal to the board of adjustment as provided in section 42-95(c).

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-7. Newly annexed territory.

An area being annexed into the city shall ordinarily be given permanent zoning concurrently with the annexation. In the event that any territory is annexed into the city without zoning being concurrently established, the annexed territory shall be temporarily classified in the A agricultural district until permanent zoning classifications are given to the area by the city council. The procedure for establishing appropriate zoning on any annexed territory shall be the same as set forth in section 42-96 for the amendment of the zoning ordinance.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-8. Consistency with comprehensive plan.

(a) Review of zoning. As the zoning ordinance is one implementation tool for the city's comprehensive plan, the zoning ordinance shall be kept current and consistent with the goals and objectives of the comprehensive plan. Consequently, it shall be the policy of the city council that during the review of the comprehensive plan the appropriate implementation committee shall review the zoning on all undeveloped parcels of land to determine if the zoning in effect at the time is appropriate. If there are undeveloped parcels with zoning which has been in effect for at least ten years and if, in the committee's opinion, zoning is inconsistent with the comprehensive plan and no longer appropriate, a recommendation shall be made that a public hearing be called to review said zoning. Proceedings may then be initiated to amend the ordinance as specified in section 42-96.

(b) Amendment of comprehensive plan. If a rezoning of any property shall be requested which is contrary to the comprehensive plan, during the review process for such rezoning request consideration shall be given for amendment to the comprehensive plan. In the event the city council determines that the requested zoning promotes the public health, safety, morals and welfare and should be approved, the city council may require the applicant to apply for an amendment to the comprehensive plan concurrently with the request for rezoning.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-9. Rules of construction and definitions.

(a) Rules of construction. The following rules of construction shall apply to the interpretation of words used in this chapter:

(1) Terms used in the present tense include the future tense.

(2) Terms used in the singular number include the plural number.

(3) Terms in the plural number include the singular number.

(4) The terms "building" and "structure" are synonymous.

(5) The terms "lot," "plot," and "tract" are synonymous.

(6) The term "shall" is mandatory and not discretionary.

(b) Definitions. The following use descriptions, when used in this chapter, shall have the meanings ascribed to them in this section.

Abutting property means property touching or adjoining another property. Property abutting upon a street shall also be deemed to abut property on the other side of the street.

Accessory building or use is one which is customarily incidental to the principal building or principal use and:

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

(2) Is subordinate in size, area, extent, or purpose to the principal building or principal use served;

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

(4) Is located on the same lot as the principal use served.

Adjacent means next to or closest to but shall not necessarily mean touching.

Air conditioning and refrigeration contractor means a place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, V.T.C.A., Occupations Code chapter 1302.

Airport, landing field means a place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

All-weather hard surface means six inches of road-base with two inches of emulsion sealant or other similar design standard approved by the City Engineer after consideration of soils and dust protection to adjacent properties.

Alley means a public space or street which affords only secondary means of access to property abutting thereon.

Amusement, commercial (indoor) means an establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.

Amusement, commercial (outdoor) means an outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks and carnivals.

Antenna/microwave reflector means an apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. The term "antenna/microwave reflector" includes but is not limited to what is commonly referred to as satellite receive-only earth stations.

Antenna, radio or television, means the arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

Antique shops means a retail establishment engaged in the selling of works of art, furniture or other

artifacts of an earlier period, with all sales and storage occurring inside a building.

Apartment means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three or more families living in independent dwelling units.

Arcade means an establishment in which there are located six or more coin-operated skill or pleasure machines.

Area of a lot or building site means the net area of the lot or site and shall not include portions of streets and alleys.

Assisted living facility means an establishment that:

(1) Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;

(2) Provides:

a. Personal care services; or

b. Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;

(3) May provide assistance with or supervision of the administration of medication; and

(4) May provide skilled nursing services for the following limited purposes:

a. Coordination of resident care with outside home and community support services agencies and other health care professionals;

b. Provision or delegation of personal care services and medication administration as described by this subdivision;

c. Assessment of residents to determine the care required; and

d. For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

Auto laundry. See *Carwash*.

Auto leasing means storage and leasing of automobiles, motorcycles, and light-load vehicles.

Auto parts sales, inside, means the use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.

Auto parts sales, outside, means the use of any land area for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreation vehicles.

Automobile and trailer sales, new, means buildings and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on-premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.

Automobile and trailer sales, used, means building and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles, light trucks, or

trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

Automobile repair, major, means general repair or reconditioning of engines and air conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under the term "automobile repair, minor," and other similar uses.

Automobile repair, minor, means minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light-load vehicles, but not including any operation named under the term "automobile repair, major," or any other similar use.

Automobile service station means a building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premises motor vehicle trade; provided that, the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles, steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles which are inoperative or are being repaired to remain outside such service station for a period greater than seven days.

Automobile storage, auto storage mean the storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.

Automobile wrecking yard or junkyard means any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of a dismounted or wrecked vehicle or its parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scrapping of any other goods, articles, or merchandise.

Bakery and confectionery, commercial, means a place for preparing, cooking, or baking of products primarily intended for off-premises distribution.

Bakery and confectionery, retail sales, means a place for preparing, cooking, baking and selling of products on the premises.

Bank, savings and loan, credit union means an establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

Barber school or college means a place of training for practice of barbering, as defined in V.T.C.A., Occupations Code chapter 1603, Regulation of Barbering and Cosmetology, meeting standards established in such act.

Barbershop means a place where barbering, as defined in V.T.C.A., Occupations Code chapter 1603, Regulation of Barbering and Cosmetology, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.

Basement means a building story which is partly underground, but having at least one-half of its

height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.

Beauty culture school, cosmetology specialty shop means a specialized place of training, as defined in V.T.C.A., Occupations Code chapter 1603, Regulation of Barbering and Cosmetology.

Beauty shop means a place where cosmetology, as defined in V.T.C.A., Occupations Code chapter 1603, Regulation of Barbering and Cosmetology, is practiced.

Bed and breakfast inn means a building, other than a hotel or multifamily dwelling, where lodging is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

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

Boarding home facility means an establishment that:

(1) Furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and

(2) Provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services as defined by V.T.C.A., Health and Safety Code section 247.002 to those persons.

Bottling works means a manufacturing facility designed to place a product into a bottle for distribution.

Brew pub means a pub or restaurant that also brews beer on the premises exclusively for on-site sales and consumption.

Buildable width means the width of the building site left to be built upon after the required side yards are provided.

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

Building, detached, means a building surrounded by yard or open space on the same building lot.

Building end means those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building spacing regulations for multiple-family dwellings, the term "building end" means the narrowest side of a building regardless of whether it fronts upon a street, faces the rear of the lot or adjoins the side lot line or another building.

Building, front of, means the side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

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

Building lot means a single tract of land located within a single block which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a building lot may not coincide with a lot of record. A building lot may be subsequently subdivided

into two or more building lots, and a number of building lots may be cumulated into one building lot, subject to the provisions of this chapter.

Building, main or primary, means a building in which is conducted the principal use of the lot on which it is situated.

Building materials, hardware sales means the sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical, and plumbing supplies all of which are oriented to the retail customer, rather than contractors or wholesale customers.

Building official means the building inspector or other person charged with the enforcement of building codes in the city.

Bus terminal means any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

Business service means establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.

Cabinet and upholstering shop means an establishment used for the production, display, and sale of furniture and soft coverings for furniture.

Canopy means any structure of a permanent fixed nature attached to or independent of the main structure, built and designed for the purpose of shielding from the elements, persons or chattels, or a roof-like structure of a permanent nature which is supported by or projects from the wall of a structure.

Carport means a structure open on a minimum of three sides designed or used to shelter vehicles, not to exceed 24 feet on its longest dimension.

Carwash means a facility or structure used to wash motorcycles, automobiles, and light-load vehicles.

Cellar means a building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

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

Child care center means an establishment where four or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term "child care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (Also see *Registered family home*.)

Church, rectory, or place of worship means a building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises.

Civic center means a building or complex of buildings that houses municipal offices and services and which may include cultural, recreational, athletic, convention, and/or entertainment facilities owned and/or operated by a governmental agency.

Cleaning and dyeing, dry cleaning plant means an industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents. (Also see *Cleaning and dyeing, small plant or shop*.)

Cleaning and dyeing, small plant or shop, means a custom cleaning shop not exceeding 5,000 square feet of floor area or a pickup station. (Also see *Cleaning and dyeing, dry cleaning plant*.)

Clinic, medical or dental, means a facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight.

College or university means an institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

Community center, private, means a building dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit, not to be a commercial, for-profit business.

Community center, public, means a building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

Community home means an establishment that is:

(1) A community-based residential home operated by:

a. The state department of mental health and mental retardation;

b. A community center organized under V.T.C.A., Health and Safety Code chapter 534, subchapter A, that provides services to persons with disabilities;

c. An entity subject to the Texas Non-Profit Corporation Act (article 1396-1.01 et seq., Vernon's Texas Civil Statutes); or

d. An entity certified by the state department of human services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or

(2) An assisted living facility licensed under V.T.C.A., Health and Safety Code chapter 247, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

Construction yard, temporary, means a storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at the completion of construction and subject to same restrictions as a field office.

Contiguous means touching or in contact.

Convenience store means a retail establishment providing for the sale of food items, nonprescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.

Country club, private, means land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

Court means an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent space.

Coverage means the percent of a lot or tract covered by the roof or first floor of a building.

Custom personal service shop includes such uses as tailor, shoe repair, barbershop/beauty shop, health studio, or travel consultant.

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

Discount, variety, or department store means a retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

Dormitory means a building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or bed and breakfast inn. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one such apartment unit for each 50 students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The term "dormitory" may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry; provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

Duplex means a building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof. (Also see *Two-family dwelling*.)

Dwelling, single-family attached, means an attached residential building, not including a HUD-code manufactured home, which contains not more than one dwelling unit per lot of record.

Dwelling, single-family detached, means a detached residential structure, including a HUD-code manufactured home, which contains not more than one dwelling unit per lot of record.

Dwelling unit means a building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, except for buildings designed and used as hotels, bed and breakfast inns, and motels.

Electrical substation means a subsidiary station in which electric current is transformed.

Exhibition area means an area or space either outside or within a building for the display of topic-specific goods or information.

Fairgrounds means an area where outdoor fairs, circuses, or exhibitions are held.

Family means an individual or group of two or more persons related by blood, marriage, adoption or guardianship including foster children, exchange students, and servants living together with not more than two additional persons not related by blood, marriage or adoption to the previously identified individual or group, and as a single housekeeping unit in a dwelling unit.

Farm, ranch, or orchard means an area of five acres or more which is used for growing of usual farm products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.

Feed and farm supply store means an establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

Field or sales office, temporary, means a building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or

for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for temporary buildings shall be issued for a period of time not to exceed 18 months. Extensions may be granted only by the city council. Upon due notice and hearing by and before the city council, any such permits granted may be revoked if the city council finds the use of the building or structure is contrary to the intent of this section or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

Flea market means a site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term "flea market" shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Floodplain means an area of land subject to inundation by a 100-year frequency flood, as shown on the floodplain map of the city. The term "floodplain" is interchangeable with the term "flood hazard area."

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

Floor area ratio means the ratio of total building floor area to lot area.

Florist means an establishment displaying plants, flowers, floral supplies, and similar items.

Food store, grocery store means an establishment that displays and sells consumable goods that are not to be eaten on the premises.

Fraternal organization, lodge, or civic club means an organized group having a restricted membership and specific purpose related to the welfare of the members.

Front yard. See *Yard, front*.

Furniture and appliance repair or storage means the storage, maintenance, or rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

Furniture, appliance store, means retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.

Garage, private, means a detached accessory building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

Garden center (retail sales) means a location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.

Garden (patio) home means a freestanding, detached structure used for single-family residential purposes, built in accordance with standards set out in section 42-23.

Gas metering station means a facility at which natural gas flows are regulated and recorded.

General commercial plant means an establishment other than a personal service shop for the treatment

and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.

General manufacturing means manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this article.

General merchandise store means retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.

Golf course means an area of 20 acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

Greenhouse, noncommercial, means a building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

Greenhouse or plant nursery, commercial, means a place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.

Gross floor area. The gross floor area of a building shall be measured by taking outside dimensions of the building at each floor level.

Guesthouse means living quarters within a detached accessory building located on the same premises with the principal residence for use by temporary guests of the occupants of the premises. A guesthouse shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling. This term may also be referred to as a servant's, caretaker's or guard's residence.

Heavy load vehicle (HLV) means a self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean heavy load vehicle, unless specifically stated otherwise.

Height means the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

(1) The highest point of the roof's surface if a flat surface;

(2) The deck line of mansard roofs; or

(3) The mean height level between eaves and edge for hip and gable roofs, and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Heliport or helistop means a landing facility for rotary-wing aircraft which may include fueling or servicing facilities for such craft.

Home occupation means an occupation, profession, domestic craft, or economic enterprise which is

customarily conducted in a residential dwelling, subject to compliance with each of the following conditions:

(1) A home occupation may only be performed in a single-family residential dwelling.

(2) No person other than members of a family who reside in the dwelling shall be engaged in such home occupation.

(3) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such home occupation shall never exceed 25 percent of the total of the floor area of the residential dwelling.

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

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

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

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

(8) The home occupation shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.

(9) No stock, goods, wares, or merchandise shall be sold or kept for sale on the premises.

(10) The only equipment to be used in the home occupation shall be that which is ordinarily used in a private home in a like amount and kind.

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

Hospital, acute care, means an institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the state.

Hospital, chronic care, long-term health care facility, means an institution providing inpatient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease and which is licensed by the state.

Household care facility means a dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with not more than two supervisory personnel as a single housekeeping unit.

Household care institution means a facility which provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with supervisory personnel.

Industrial park means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Industrialized housing.

(1) The term "industrialized housing" means a residential structure designed for use and occupancy by one or more families, constructed in one or more modular components built at a location other than the permanent residential site, designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system.

(2) The term "industrialized housing" shall not mean or apply to:

a. Housing constructed of sectional or panelized systems not utilizing modular components; or

b. Any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Junkyard or salvage yard means a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "junkyard" includes an automobile wrecking yard and automobile parts yard. The term "junkyard" includes secondary metal dealers. The term "junkyard" does not include such uses conducted entirely within an enclosed building.

Kennel means any lot or premises on which four or more dogs, cats, or other domestic animals more than four months of age are housed or accepted for boarding, breeding, training, selling, grooming, and/or bathing for which remuneration is received.

Laboratory, scientific or research, means facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

Landscape screen means plant material of the evergreen variety, a minimum of six feet in height at the time of installation and planted on four-foot centers. All such landscape screens shall be permanently maintained. Adequate facilities shall be provided for permanent watering at the time of installation.

Legacy District means a zoning district whereby any use or structure shall be considered a legal use or structure and shall not be considered a nonconforming use or structure. Such use or structure may be expanded, extended, or moved in accordance with the applicable legacy district regulations as a legal use or structure. Legacy districts cannot be utilized for new rezoning requests.

Library means any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

Light load vehicle (LLV) means a self-propelled vehicle having a manufacturer's recommended gross vehicle weight not greater than 11,000 pounds, and having no more than two axles, such as, pick-up trucks, vans, recreational vehicles, campers and other similar vehicles, but not including automobiles and motorcycles.

Light manufacturing means manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Living unit means a room occupied by a family which includes cooking facilities.

Lot means a platted tract of land occupied or to be occupied by a building and its accessory buildings and having its principal frontage upon a public street or officially approved place.

Lot, corner, means a lot that has frontage upon a side street in addition to a front street.

Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of a building located on the lot or the area determined as the maximum cross sectional area of the building.

Lot line means the lines bounding a lot as defined herein.

Lot line, front, means that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

Lot line, rear, means that boundary of a building lot which is most distant from or is most nearly parallel to the front lot line.

Lot line, side, means that boundary of a building lot which is not a front lot line or a rear lot line.

Lot of record means any lot that is part of a subdivision the plat of which has been recorded in the office of the county clerk.

Lot or building site means land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Lot width means the width of a lot at the front building lines.

Main building means the building on a lot which is occupied by the primary use.

Manufactured home park means any tract of land under single ownership of not less than two acres and not more than ten acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the city relating to the location, use, construction, operation, or maintenance of manufactured housing.

Manufacturing processes means uses restricted from other zoning districts but permitted in the CF and IND districts. Under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the property lines of the lot or tract upon which the uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas.

Masonry and glass pane includes brick, stone, rock, concrete tilt wall, lath and stucco. The term "glass pane" shall include any glass product that is approved for exterior use and installed in accordance with the city building code. In order to qualify as a finished wall it shall have a minimum thickness of seven-eighths inch of masonry. The following materials and applications shall not be allowed as finished exterior wall:

(1) Concrete masonry units (CMU);

(2) Exterior insulating finish system (EIFS) or similar applications.

Masonry-type product includes cement board siding or other such masonry products approved for exterior use and installed under the specifications contained in the city building code. In order to qualify as a finished wall it shall have a minimum thickness of seven-eighths inch of masonry. The following materials and applications shall not be allowed as finished exterior wall:

(1) Concrete masonry units (CMU);

(2) Exterior insulating finish system (EIFS) or similar applications.

Metal dealer, crafted precious, means a place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other

thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or its alloys, excluding coins and commemorative medallions, under terms and conditions found in V.T.C.A., Occupations Code section 1956.051 et seq.

Metal dealer, secondhand, means a place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in V.T.C.A., Occupations Code chapter 1956. (Also see *Junkyard or salvage yard*.)

Microbrewery means a brewery facility established to produce beers and ales in small quantities for sale to local and regional markets.

Microdistillery means a small distillery established to produce beverage grade alcohol in relatively small quantities for on-site retail sale and consumption and for sale to local and regional markets.

Mobile food unit means a vehicle-mounted food establishment, designed to be readily moveable, typically constructed in a truck or trailer. Mobile food units may not be permanently parked in one location.

Mobile food vendor means any person who sells food products or takes food product orders from house to house or from place to place in the city, and who sells such food out of a vehicle, wagon, cart or other conveyance used in the transportation of such food on premises where there is no related business building.

Motel, motor hotel, or motor lodge means a building or group of buildings designed for and occupied as a temporary dwelling place, providing four or more room units for compensation, and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. The term "motel," "motor hotel," or "motor lodge" may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.

Multifamily residence means any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

Museum or art gallery means an institution for the collection, display, and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

Nonconforming building or use means a building, structure or use of land lawfully occupied at the time of the effective date of the ordinance from which this chapter is derived or amendments thereto, and which does not conform to the use regulations of the district in which it is located.

Nonprofit animal shelter means a not-for-profit facility operated to provide a public service by removing unsupervised and potentially dangerous animals from the public domain and providing for the adoption or euthanizing of such animals. A nonprofit animal shelter shall not be considered a kennel.

Nonresidential district means any zoning district included in this chapter in which nonresidential uses constitute the primary permitted use classification, including AG, NC, RC, CF, IND, CBDX, and INSX.

Nursery school/kindergarten means a child care facility offering a program four hours or less per day for children who have passed their second birthday but who are under seven years old.

Occupancy means the use or intended use of the land or buildings by proprietors or tenants.

Off-street parking incidental to main use means off-street parking spaces provided in accordance with the requirements specified by this chapter and located on the lot or tract occupied by the main use or within 200 feet of such lot or tract and located within the same zoning district as the main use or in an

adjacent parking district.

Off-street parking space means an area for the temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley or other right-of-way. (See section 42-57(d) for detailed descriptions and regulations.)

Office center means a building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

Office, professional or general administrative, means a room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and associations but excluding medical offices.

Office-showroom/warehouse means an establishment with a minimum of 75 percent of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Open space means area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material. Also see *Usable open space*.

Open storage means the storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level, for more than 24 hours.

Park, playground, or recreation center (private) means a privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owners' association, or similar organization.

Park, playground, or recreation center (public) means an open recreation facility or park owned and operated by a public agency and available to the general public.

Parking lot or parking garage (automobile) means an area for parking light-load vehicles.

Parking lot or parking garage (truck) means an area for parking heavy-load vehicles.

Parking space means a surfaced area enclosed in the main building or accessory building, or unenclosed, having an area of not less than 180 square feet, exclusive of driveways, used for parking a vehicle, not on a public street or alley, together with a surfaced driveway connecting the area with a street, permitting free ingress and egress without encroachment on the street.

Pawnshop means an establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

Person with a disability means a person whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

(1) An orthopedic, visual, speech, or hearing impairment;

(2) Alzheimer's disease;

(3) Pre-senile dementia;

(4) Cerebral palsy;

(5) Epilepsy;

(6) Muscular dystrophy;

(7) Multiple sclerosis;

(8) Cancer;

(9) Heart disease;

(10) Diabetes;

(11) Mental retardation;

(12) Autism; or

(13) Emotional illness.

Personal service shop means an establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barbershops and beauty shops, dry cleaning and laundry pick-up stations and reducing salons/health clubs.

Pet shop means a retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

Plat means a complete and exact subdivision plan submitted to the city council which if approved shall be submitted to the county clerk.

Plumbing, heating, refrigeration, or air conditioning business means an establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see *Air conditioning and refrigeration contractor*.)

Plumbing service means the operation of a business which involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheetmetal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.

Portable building sales means an establishment which displays and sells structures which are capable of being carried and transported to another location, not including manufactured housing.

Post office, government or private, means a local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

Printshop means an establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.

Public or private franchised utility means a utility such as one distributing heat, chilled water, closed circuit television, or similar service and requiring a franchise to operate in the city. Such utility usually requires special facilities in residential areas or on public property such as heating, cooling, or communications.

Quick oil change facility means a business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

Quick tune-up facility means a business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace

carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

Racetrack means a facility used for the racing of motor-driven vehicles and/or animals.

Racquetball facilities means courts housed in an acoustically treated building and designed for one to four persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of 40 percent of the total floor area.

Radio, television, or microwave communications operations (amateur) means the transmission, retransmission, or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.

Radio, television, or microwave communications operations (commercial) means the transmission, retransmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.

Radio, television, or microwave towers means structures supporting antennas for transmitting or receiving any portion of the radio spectrum but excluding noncommercial antenna installations for home use of radio or television.

Railroad station means any premises for the transient parking of trains and the loading and unloading of passengers.

Railroad team track and right-of-way means a facility/place for the loading and unloading of materials on trains.

Railroad track and right-of-way includes track and undeveloped right-of-way, but does not include railroad stations, sidings, team tracks, loading facilities, dock yards, or maintenance areas.

Registered family home means a child care facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed 12 at any given time. (Also see *Child care center*.)

Residence means same as dwelling; when used with district, an area of residential regulations.

Residence hotel means a multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services, such as, linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house and recreational facilities intended for the use of residents and their guests are permitted. The term "residence hotel" shall not include other dwelling units as defined in this chapter.

Residential district means any zoning district included in this chapter in which residential use constitutes the primary permitted use classification, including the SF-1, SF-2, GH, MH-1X, MH-2X, MH-3XX, DD, and MFX district classifications.

Restaurant or cafeteria, with drive-in or drive-through service, means an eating establishment where service is primarily to customers at tables and/or providing service of food or drink to customers in automobiles and/or providing facilities for the consumption of food in automobiles on or near the restaurant premises.

Restaurant or cafeteria, without drive-in or drive-through service, means an eating establishment where service is primarily to customers at tables and not providing service of food or drink to customers in automobiles or facilities for the consumption of food in automobiles on or near the restaurant premises.

Retail stores and shops means establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open, outside a building, of new or used

automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

Retirement housing means a development providing dwelling units specifically designed for the needs of ambulatory retired persons. The following subsidiary uses shall be permitted to provide on- site goods and services for residents and their guests, but are not intended for use by the general public:

(1) Cafeteria and/or dining room.

(2) Library.

(3) Game room.

(4) Swimming pool and/or jacuzzi.

(5) Exercise room.

(6) Arts and crafts facilities.

(7) Greenhouse.

(8) Housekeeping service.

(9) Transportation service.

(10) Snack bar with a maximum of 350 square feet per 100 dwelling units.

(11) Beauty shop/barbershop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units.

(12) Convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, nonprescription drugs, small household items, and gifts.

Room means a building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

Sand, gravel, stone or earth sales means an establishment for the selling of sand, gravel, stone, earth or similar natural materials, for which the extraction process for such materials occurs off-premises.

School, commercial means an establishment organized to offer instruction and training in a service or art such as secretarial school, art school, cake decorating, or flower arranging, but not including manual trade schools.

School, private (primary or secondary) means an institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

School, public (primary or secondary) means an institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

School, trade means an establishment organized to offer instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

Scrap tire facility means a facility that stores, processes, conducts energy recovery, recycles, splits, shreds, or quarters used tires, scrap tires, or tire pieces for use or disposal as solid waste, recyclable materials, or inert fill materials. A scrap tire is a whole tire that can no longer be used for its original intended purpose. A whole used tire that can be used, reused or legally modified to be reused, for its original intended purpose is not a scrap tire. A tire piece is a particle of a scrap tire or scrap tire piece that has been split, quartered or shredded to a usable size such as two-inch minus, or other size required by an industry user or recycler.

Screening device. See *Landscape screen*.

Secondhand store, furniture or clothing, means an establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

Self-storage, mini-warehouse means a facility used only for storage of goods, materials, boats and operable vehicles with separate access to individual storage units or areas by persons renting the individual units or areas. This term shall not include storage of "junked vehicles."

Servant's, caretaker's, or guard's residence means an accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person employed on the premises for not less than 50 percent of his actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed 600 square feet. (see also guesthouse)

Service, retail, means an establishment engaged in the selling and/or servicing of goods where a minimum of 80 percent of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

Service yard of governmental agency means an area for the servicing and storage of vehicles or other property of a governmental agency.

Setback means the minimum horizontal distance between the front wall of any projection of the building, excluding steps and unenclosed porch, and the side street.

Sexually oriented businesses:

(1) Means an adult arcade, adult bookstore, adult cabaret, adult motel, adult movie theater, adult novelty store, adult service establishment, adult theater, adult video store, escort agency, nude modeling studio, sex parlor, sexual encounter center, or other commercial enterprise, or any combination thereof:

a. A principal business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or

b. Whose employees or customers appear in a state of nudity.

(2) The businesses listed above shall be defined as follows:

a. Adult arcade. Any place to which the public is permitted or invited wherein coin-operated, token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

b. Adult bookstore. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration books, magazines, periodicals or other printed matters, or any combination thereof, which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

c. Adult cabaret. A nightclub, bar, restaurant, or similar commercial establishment

which regularly features persons who appear in a state of nudity or give live performances which are distinguished or characterized by an emphasis on the exposure of specified anatomical areas or by an emphasis on specified sexual activities.

d. Adult motel. A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other pornographic reproductions which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than ten hours; or

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

e. Adult movie theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, video reproductions, slides or other visual representations, or any combination thereof, are regularly shown which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

f. Adult novelty store. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, objects, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or

2. Instruments, devices, or paraphernalia which are designed or manufactured for use in connection with specified sexual activities. This does not include items used for birth control or for prevention of sexually transmitted diseases.

g. Adult service establishment. A commercial establishment which offers services or sells products to customers and in which one or more of the employees or the customer appears in a state of nudity or simulated nudity.

h. Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

i. Adult video store. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration photographs, films, motion pictures, video cassettes, video reproductions, slides or other visual representations, or any combination thereof, which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

j. Escort agency. A person who, as one of its principal business purposes, furnishes,

offers to furnish, or advertises to furnish escorts, or any combination thereof, for a fee, tip, or other consideration.

k. Nude modeling studio. Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

l. Sex parlor. An establishment that is operated for the purpose of giving massages, at the establishment or on a home-call basis, that are intended to provide sexual stimulation or sexual gratification in combination with a massage.

m. Sexual encounter center. A business or commercial enterprise that offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex, when one or more of the persons is in a state of nudity or simulated nudity.

(3) Definitions of terms used in subsection (1) of this definition shall be as follows:

a. Nudity means less than completely or opaquely covered:

1. Human genitals, pubic region, or pubic hair;

2. All portions of the female breast below a point immediately above the top of the areola continuing downward to the lowest portion of the breast;

3. Human buttock; or

4. Any combination of the above.

b. Principal means over 35 percent of either customers, volume of sales, stock in trade, display areas, or presentation time, or any combination thereof in any three-month increment period beginning from the date of issuance of a certificate of occupancy. Stock in trade shall be measured with all titles or objects available on the premises for sale or rental including those that are identical, considered a separate title or object.

c. Simulated nudity means a state of dress in which any device or covering is worn and exposed to view that simulates any part of the genitals, buttocks, anus, pubic region, or areola of the female breast.

d. Specified anatomical areas means human genitals, pubic regions, buttocks and female breast below a point immediately above the top of the areola.

e. Specified sexual activity means:

1. The fondling or other erotic touching of human genitals, pubic regions, pubic hair, perineum, buttocks, anus, or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, or bestiality;

3. Masturbation, actual or simulated; or

4. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 3. of this definition.

(4) The following activities are exempted from the definition of a sexually oriented business:

a. Any business operated by or employing licensed psychologists, licensed physical therapists, registered massage therapists, registered nurses, or licensed athletic trainers engaged in practicing such licensed professions;

b. Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts;

c. Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and which does not exhibit merchandise on live models; or

d. Any activity conducted or sponsored by any Texas independent school district, licensed or accredited private school, or public or private college or university.

Shopping center means a group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

Shops, office, and/or storage area of public or private utility means the pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

Sign means any identification, description, illustration, or device illuminated or non-illuminated which is visible to the general public and directs attention to a project, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or facsimile, or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify or convey information.

Site plan means a detailed line drawing, to scale, showing scale used, north arrow, date and title of project, clearly describing the project and showing the following information:

(1) Property lines, location and widths of all streets, alleys, and easements.

(2) Proper dimensions on all fundamental features such as lots, buildings, parking spaces, and landscaped areas.

(3) The location of setback lines, driveway openings, and sidewalks.

(4) All proposed buildings, freestanding sign locations, parking areas and open spaces.

(5) All required landscaping, together with a description of type of material to be used.

(6) A cross-section of any required or proposed screening.

(7) Total square footage of the development lot; total square footage of proposed structures; total footage of landscaped areas; total percentage of coverage; density of floor area ratio where applicable; height of all structures; number of parking spaces; square footage and design features of all signs; and solid waste collection facilities.

(8) Name, address and telephone number of the proponent.

Solid waste transfer station means a facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

Stable, commercial, means a structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction, or similar trading activity.

Stable, private, means an accessory building set back from adjacent property lines a minimum distance of 100 feet and used for quartering horses, not to exceed one horse per one and one-half acre area of a farm or lot.

Stadium or playfield, public, means an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

Storage or wholesale warehouse, heavy, means a building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

Storage or wholesale warehouse, light, means a building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

Story means the height between the successive floors of a building from the top floor to the roof. The standard height for a story is 11 feet, six inches.

Street means a way for vehicular traffic and other public uses, whether designated a street, highway, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

Street line means a dividing line between a lot, tract or parcel of land and a contiguous street; the right-of-way.

Street, local or residential, means those streets that are used primarily for access to abutting properties.

Street, major, means streets used primarily for fast or heavy traffic as designated in the thoroughfare plan.

Street, secondary or collector, means those streets which carry traffic from minor streets to major system of arterial streets and highways, including the principal entrance streets of a residential development or business park and those streets for circulation within such a development as designated on the thoroughfare plan.

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

Structure. Same as "building."

Swimming pool, commercial, means a swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming pool, private, means a swimming pool constructed for the exclusive use of the residents of a single-family, two-family or multifamily dwelling and located within the required rear or permitted side yards.

Tattoo parlor/body piercing studio means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

(1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;

(2) Creating of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Teen club shall include teen night clubs, teen dance clubs or any entertainment establishment where the intended occupancy is in excess of 70 percent minors between 13 and 19 years of age unaccompanied by an adult parent or guardian.

Telephone exchange means a switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

Tennis court, private, means a surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas, except as may be otherwise provided or restricted by the specific use permit.

Theater, outdoor, means an open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

Tobacco sales means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the sale of tobacco products.

Townhouse or row dwelling means one of a series of not less than three nor more than ten attached one-family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.

Trailer rental means the display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.

Travel trailer, manufactured housing, display and sales, means the offering for sale or display of travel trailers or manufactured housing, on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis. This use shall also allow the sale or display of major recreational vehicles, boat trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles, but excluding pick-up shells not designed or used for camping purposes), motorized dwellings, tent trailers, house trailers, and utility trailers.

Travel trailer park means any tract of land under single ownership, two acres or more, where commercial accommodation is provided for temporary lodging in travel trailers and/or other recreational vehicles, and not permanent residency.

Truck and bus leasing means the rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

Truck and bus repair means an establishment providing major and minor automobile repair services to heavy load vehicles.

Truck or motor freight terminal means a building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.

Truck sales means buildings and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles to be displayed and sold on-premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.

Two-family dwelling means a building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof. This term may also be referred to as Duplex.

Usable open space means an open area which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent, shall have no dimension of less than ten feet, and may include landscaping, walks, water features and decorative objects. The term "usable open space" shall not include rooftops, accessory buildings, parking areas, driveways, turnaround areas, or right-of-way or easement for streets or alleys.

Variance means an adjustment in the application of the specific regulations of this chapter to a particular parcel of property which, because of special conditions or circumstances 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.

Vendor, stationary means a vendor who sets up a temporary building, vehicle, trailer, or other mobile unit on private property to engage in the sale of food items, merchandise or services.

Vertically mixed use commercial and residential means a building designed for ground floor commercial uses and upper floor residential units.

Washateria means a building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three employees and four automatic single-family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless.

Wholesale means the sale of goods, merchandise, services and/or commodities for resale by the purchaser and does not offer retail sales to the general public.

Yard means an open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point 40 inches above the general ground level of the graded lot to the sky, except as provided for roof overhangs and similar special architectural features and plant material.

Yard, front, means an open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

Yard, rear, means an open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line.

Yard, side, means an open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or front line shall be deemed a side line.

Zero lot line house means a residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

Zoning district map means the official certified map upon which the boundaries of the various zoning districts are drawn.

Zoning administrator means the official designated by the city manager to administer and enforce this chapter, or his designee.

§ 42-10. Classification of new and unlisted uses.

(a) Classification of new and unlisted uses. It is recognized that new types of land uses will develop and forms of land use not anticipated may seek to locate in the city. The zoning administrator shall review any request for approval of a use that is not specifically listed as a permitted use in any zoning district. If in the determination of the zoning administrator the use is substantially similar in nature and impact to a listed use, the zoning administrator may make a determination, under his authority to render interpretations of the provisions of this chapter, of the district or districts where such use is appropriate to locate. The determination of the zoning administrator is subject to review by the board of adjustment in accordance with the provisions of section 42-95.

(b) Determination of classification by planning and zoning commission. If the zoning administrator determines that such new or unlisted use is not substantially similar in nature and impact to a listed use, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

(1) The zoning administrator shall refer the question concerning any new or unlisted use to the planning and zoning commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves

dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated, and the general requirements for public utilities such as water and sanitary sewer. Notice of the request for interpretation shall be given in the manner provided for zoning text amendments in order for the ultimate determination of classification to be considered as a text amendment.

(2) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and determine the zoning district or districts within which such use should be permitted.

(3) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council may, by ordinance, approve the recommendation of the commission or make such determination concerning the classification of such use as is determined appropriate.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-11. through § 42-19. (Reserved)

§ 42-20. A Agricultural district.

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

(b) Permitted uses and parking regulations. In the A agricultural district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servant's quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent of the gross land area of the tract.	1 space per employee to be occupying the building
Carport, private	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Farm, ranch, or orchard	1 space per employee
Garage, private	0 spaces
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Home occupation	0 spaces

Use	Parking Regulations
Kennel	1 space per 200 square feet of floor area
Local utility distribution lines	0 spaces
Nonprofit animal shelter	1 space per 200 square feet of floor area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Railroad track and right-of-way	1 space per employee
Riding academy or other equestrian related activities	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Sewage pumping station	0 spaces
Single-family dwellings on building lots of two acres or more in areas where said dwellings can be adequately served by city utilities or septic tanks located on the building lot provided	2 enclosed spaces per unit, must be attached to the main structure
Stable, private	1 space per employee
Swimming pool, private	0 spaces
Telephone exchange	1 space per employee
Telephone line	0 spaces
Temporary metal buildings of less than 600 square feet which are used for tool and supply storage	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces

(c) Development requirements.

Minimum lot area:	5 acres[1]
Minimum lot width at front building line:	100 linear feet
Minimum lot depth, average:	120 linear feet
Front setback:	50 linear feet
Side setback:	8/10/15 linear feet[2]

Rear setback:	50 linear feet
Maximum ground coverage:	10% of lot area
Maximum density per acre:	0.50 DU
Height:	45 linear feet

[1] Single-family dwellings require building lots of two acres or more.

[2] The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

(d) Specific uses. The following specific uses are allowed in the A district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Community home	1 space per employee, plus 1 space for each 6 beds
Electric power generating plant	1 space per employee
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Feedlot, livestock	1 space per employee
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Fraternal organization, lodge	1.25 spaces per 200 square feet
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Guest house	1 space per unit

Use	Parking Regulations
Hatchery	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Heliport or helistop	1 space if located on the ground
Landfill	1 space per employee
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2000 square feet of floor area
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Racetrack	1 space for every 4 seats or bench seating
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Radio, TV or microwave operation, commercial. (See further regulations in section 42-55(i).)	1 space per employee
Rodeo arena and grounds	1 space for every 4 seats or bench seating
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Shooting range, target range	1 space per employee plus 1 space for every 5,000 square feet of floor area
Shops, office and/or storage area of public or private utility	1 space per employee
Solid waste transfer station	1 space per employee
Water treatment plant	1 space per employee

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-21. SF-1 Single-family residential district.

(a) Purpose. The SF-1 district is the most restrictive of residential zones and should be applied in areas of larger lots, more contemporary subdivision design and layout, and for areas that are designed solely for residential uses. This zoning classification should be applied in areas of the city to conserve neighborhood character and value of buildings. This district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses.

(b) Permitted uses and parking regulations. In the SF-1 single-family residential district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	7,500 square feet[1]
Minimum lot width:	60 linear feet

Minimum lot depth:	125 linear feet
Minimum front yard:	25/35 linear feet[2]
Minimum side yard:	8/10/15 linear feet[3]
Minimum rear yard:	25 linear feet[4]
Maximum ground coverage:	40/50[5]
Maximum density per acre:	4.0 DU
Height:	35 linear feet

[1] A lot of less than 7,500 square feet may be used for a single-family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

[2] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[3] The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

[4] A one-story wing or extension may be built to within 15 feet of the rear lot line.

[5] The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) Specific uses. The following specific uses are allowed in the SF-1 district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Boarding home facility	1 space per employee, plus 1 space for each 6 beds
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

Use	Parking Regulations
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community home	1 space per employee, plus 1 space for each 6 beds
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Farm, ranch, or orchard	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Guest house	1 space per unit
Home occupation	0 spaces
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee

Use	Parking Regulations
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(e) Special construction requirements.

(1) Developments of ten or more lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(2) Developments of one to nine lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin type material and design. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(3) Applicability of regulations. These construction requirements shall apply to all the following:

a. Newly constructed houses.

b. Houses moved into or within the city from a previous location.

(4) Attic space. All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-22. SF-2 Single-family residential district.

(a) Purpose. The SF-2 district is not as restrictive as the SF-1 district. This district is to be applied in areas where smaller residential lots are appropriate and in areas of transition between nonresidential uses and the SF-1 single-family residential district. This district also functions as a buffer or transition between major streets and the SF-1 district.

(b) Permitted uses and parking regulations. In the SF-2 single-family residential district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	0 spaces

Use	Parking Regulations
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	6,000 square feet[1]
Minimum lot width:	50 linear feet
Minimum lot depth:	120 linear feet
Minimum front yard:	25/35 linear feet[2]
Minimum side yard:	8/10/15 linear feet[3]
Minimum rear yard:	25 linear feet[4]
Maximum ground coverage:	45/55[5]
Maximum density per acre:	6.00 DU
Height:	35 linear feet

[1] A lot of less than 6,000 square feet may be used for a single-family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

[2] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[3] The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

[4] A one-story wing or extension may be built to within 15 feet of the rear lot line.

[5] The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) Specific uses. The following specific uses are allowed in the SF-2 district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Boarding home facility	1 space per employee, plus 1 space for each 6 beds
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community home	1 space per employee, plus 1 space for each 6 beds
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Farm, ranch, or orchard	1 space per employee
Gas metering station	1 space per employee

Use	Parking Regulations
Golf course	Minimum of 30 spaces
Guest house	1 space per unit
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee
Zero lot line house	2 enclosed spaces per unit

(e) Special construction requirements.

(1) Developments of ten or more lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(2) Developments of one to nine lots. All outside walls of the ground floor of every residential

structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin type material and design. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(3) Applicability of regulations. These construction requirements shall apply to all the following:

a. Newly constructed houses.

b. Houses moved into or within the city from a previous location.

(4) Attic space. All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-23. GH Garden home district.

(a) Purpose. The GH district provides for the construction of detached single-family homes on zero lot line lots. In all other respects, the GH district is intended to provide the same benefits and atmosphere as other single-family districts. This district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses.

(b) Permitted uses and parking regulations.

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Garden (patio) home	2 enclosed spaces per unit, must be attached to main structure
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required

Use	Parking Regulations
Railroad track and right-of-way	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	2,800 square feet[1]
Minimum lot width:	25 linear feet on residential streets and 35 linear feet on collector and major streets
Minimum lot depth:	120 linear feet
Minimum front yard:	15 linear feet[2]
Minimum side yard:	0 linear feet[3]
Minimum rear yard:	5 linear feet[4]
Maximum ground coverage:	45/65[5]
Maximum density per acre:	12 DU
Height:	35 linear feet

[1] A lot of less than 2,800 square feet may be used for a garden home or other single-family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

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

[3] The minimum side yard shall be zero feet except that there shall be at least ten feet of separation between structures. When garden (patio) homes are constructed with a zero side yard, five feet on the lot adjacent to the zero setback shall be dedicated as an access/maintenance easement for the zero setback garden home. There shall be a minimum side yard setback of 20 feet from any property line adjacent to a street. Side yard setbacks and access/maintenance easements shall be shown on the subdivision plat.

[4] The minimum rear yard shall be five feet for a single-story structure and 15 feet for any two-story structure. If access is from an alley, the minimum setback will be 20 feet for garages or carports. A one-story wing or extension may be built to within 15 feet of the rear lot line.

[5] The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) Site plan required. A site plan meeting the requirements of section 42-56 shall be required for each application for the development of a garden home in the GH district.

(e) Specific uses. The following specific uses are allowed in the GH district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Boarding home facility	1 space per employee, plus 1 space for each 6 beds
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community home	1 space per employee, plus 1 space for each 6 beds
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Farm, ranch, or orchard	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Guest house	1 space per unit

Use	Parking Regulations
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains,
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(f) Special construction requirements.

(1) Developments of ten or more lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(2) Developments of one to nine lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin type material and design. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious

material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(3) Applicability of regulations. These construction regulations shall apply to all the following:

a. Newly constructed houses.

b. Houses moved into or within the city from a previous location.

(4) Attic space. All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.

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

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

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

(h) Usable open space requirements. Each parcel of land developed under garden home standards shall provide usable open space totaling 15 percent of the area of the parcel. Such open space shall have a maximum slope of ten percent and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The 15 percent shall be computed on the percentage of total platted area in a garden home subdivision, excluding right-of-way for major and secondary streets (as described in the current comprehensive plan). At the time of site plan and/or subdivision plat approval, the city council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

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

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-24. MH-1X Manufactured home park district (X).

(a) Purpose. The MH-1X district is established to allow for the development of quality manufactured home park developments which create lots or units of land under single ownership where the

individual lots or units of land are rented or leased for the placement of a single manufactured home. This district provides adequate space and restrictions for the placement of manufactured housing in the city where adequate streets and other community facilities are available for present and future needs. The MH-1X district is established to provide housing densities compatible with single-family neighborhoods and to promote the most desirable use of land; to promote stability of development; to preserve the value of the land and improvements; and to protect the city's tax base. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No.___ on ___, no additional rezoning applications will be considered for rezoning to this district. Any MH-1X zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No.___ on ___. Any MH-1X zoned property may also be considered for rezoning to a non-legacy district, not marked with an "X" in the district name.

(b) Permitted uses and parking regulations. In the MH-1X district, no building or land shall be used and no building shall be hereafter erected or placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Manufactured home, HUD-code	1 space per unit
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	5,000 square feet[1]
Minimum lot width:	40 linear feet
Minimum lot depth:	125 linear feet
Minimum front yard:	5/35 linear feet[2]
Minimum side yard:	8/10/15 linear feet[3]
Minimum rear yard:	25 linear feet (25 feet street side)[4]
Maximum ground coverage:	40/50[5]
Maximum density per acre:	6.0 DU
Height:	35 linear feet

[1] A lot of less than 5,000 square feet may be used for a manufactured home residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

[2] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[3] The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

[4] A one-story wing or extension may be built to within 15 feet of the rear lot line.

[5] The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) Site plan required. A site plan meeting the requirements of section 42-56 shall be required for each application for the development of a manufactured home park in the MH-1X district.

(e) Screening. A landscape buffer meeting the requirements of section 42-58 will be required when this use is located adjacent to any residential district.

(f) Specific uses. The following specific uses are allowed in the MH-1X district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee to be occupying the building
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

Use	Parking Regulations
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Electrical substation	1 space per employee
Gas metering station	1 space per employee
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

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

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

(2) All manufactured homes shall be set on a solid slab structure and/or 18-inch to 20-inch runners and/or pier and beam construction consistent with Rural Economic and Community

Development Administration (formerly Farmer's Home Administration) standards. Additional rooms and enclosed porches shall be constructed on a solid slab.

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

(4) Underpinning and skirting are required and must be installed prior to occupancy. Upon determination by the city manager that a bona fide hardship will be incurred by this provision, a waiver of up to 90 days' occupancy may be granted prior to strict enforcement of this provision.

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

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

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-25. MH-2X Manufactured home subdivision district (X).

(a) Purpose. The MH-2X district is intended to provide for quality manufactured home subdivision development containing most of the characteristics and atmosphere of a standard single-family residential subdivision. The development is designed in a similar manner as a single-family residential subdivision with lots being platted for separate ownership. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No.___ on ___, no additional rezoning applications will be considered for rezoning to this district. Any MH-2X-zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No.___ on ___. Any MH-2X zoned property may also be considered for rezoning to a non-legacy district, not marked with an "X" in the district name.

(b) Permitted uses and parking regulations. In the MH-2X, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	1 space per employee to be occupying the carport
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Manufactured home, HUD-code	1 space per unit
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided

Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	6,000 square feet[1]
Minimum lot width:	50 linear feet
Minimum lot depth:	120 linear feet
Minimum front yard:	25/35 linear feet[2]
Minimum side yard:	8/10/15 linear feet[3]
Minimum rear yard:	25 linear feet[4]
Maximum ground coverage:	40/50[5]
Maximum density per acre:	6.0 DU
Height:	35 linear feet

[1] A lot of less than 6,000 square feet may be used for a manufactured home residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

[2] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[3] The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

[4] A one-story wing or extension may be built to within 15 feet of the rear lot line.

[5] The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) Site plan required. A site plan meeting the requirements of section 42-56 shall be required prior to a manufactured home subdivision development in the MH-2X district.

(e) Screening. A landscape buffer meeting the requirements of section 42-58 will be required when this use is located adjacent to any residential district or use.

(f) Specific uses. The following specific uses are allowed in the MH-2X district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee to be occupying the building
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Electrical substation	1 space per employee
Gas metering station	1 space per employee
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Servant's, caretaker's or guard's residence	1 space per unit

Use	Parking Regulations
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Travel trailer park	1 space per unit
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(g) Additional restrictions applicable to manufactured home subdivision district.

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

(2) All manufactured homes shall be set on a solid slab structure and/or 18-inch to 20-inch runners and/or pier and beam construction consistent with Rural Economic and Community Development Administration (formerly Farmer's Home Administration) standards. Additional rooms and enclosed porches shall be constructed on a solid slab.

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

(4) Underpinning and skirting are required and must be installed prior to occupancy. Upon determination by the city manager that a bona fide hardship will be incurred by this provision, a waiver of up to 90 days' occupancy may be granted prior to strict enforcement of this provision.

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

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

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-26. MH-3X Manufactured home subdivision district (X).

(a) Purpose. The MH-3X district is intended to provide for quality manufactured home subdivision development containing most of the characteristics and atmosphere of a standard single-family residential subdivision. The development is designed in a similar manner as a single-family residential subdivision with lots being platted for separate ownership. The MH-3X district allows more flexible design standards than the MH-2X district. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No.___ on ___, no additional rezoning applications will be considered for rezoning to this district. Any MH-3X zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No.___ on ___. Any MH-3X zoned property may also be considered for rezoning to a non-legacy district, not marked with an “X” in the district name.

(b) Permitted uses and parking regulations .In the MH-3X manufactured housing district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	1 space per employee to be occupying the carport
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Manufactured home, HUD-code	1 space per unit
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	6,000 square feet[1]
Minimum lot width:	50 linear feet
Minimum lot depth:	120 linear feet
Minimum front yard:	12 linear feet
Minimum side yard:	8/10 linear feet[2]
Minimum rear yard:	10 linear feet
Maximum ground coverage:	40/50[3]
Maximum density per acre:	6.0 DU
Height:	35 linear feet

[1] A lot of less than 6,000 square feet may be used for a manufactured home residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

[2] The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a street.

[3] The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) Site plan required. A site plan meeting the requirements of section 42-56 shall be required prior to a manufactured home subdivision development in the MH-3X district.

(e) Screening. A landscape buffer meeting the requirements of section 42-58 will be required when this use is located adjacent to any residential district.

(f) Specific uses. The following specific uses are allowed in the MH-3X district when authorized under the provisions of section 42-45:

Use	**Parking Regulations**
Assisted living facility	1 space per employee to be occupying the building
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Electrical substation	1 space per employee
Gas metering station	1 space per employee

Use	Parking Regulations
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Travel trailer park	1 space per unit
Water storage, elevated	0 spaces
Water storage, ground	0 spaces
Water treatment plant	1 space per employee

(g) Additional restrictions applicable to manufactured home subdivision district.

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

(2) All manufactured homes shall be set on a solid slab structure and/or 18-inch to 20-inch runners and/or pier and beam construction consistent with Rural Economic and Community Development Administration (formerly Farmer's Home Administration) standards. Additional rooms and enclosed porches shall be constructed on a solid slab.

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

(4) Underpinning and skirting are required and must be installed prior to occupancy. Upon determination by the city manager that a bona fide hardship will be incurred by this provision, a waiver of up to 90 days' occupancy may be granted prior to strict enforcement of this provision.

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

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

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-27. DD Duplex district.

(a) Purpose. The DD district is designed to promote stable, quality residential development. This district is the most restrictive of the multifamily districts and is intended for two-family use. This district is intended for zones of transition from the single-family zones to higher density multifamily or nonresidential zones.

(b) Permitted uses and parking regulations. In the DD district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Carport	0 spaces
Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, attached	2 enclosed spaces per unit, must be attached to the main structure
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Two-family dwelling	2 spaces per unit, 1 covered
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	7,500 square feet[1]
Minimum lot width:	60 linear feet

Minimum lot depth:	125 linear feet
Minimum front yard:	25/35 linear feet[2]
Minimum side yard:	8/10/15 linear feet[3]
Minimum rear yard:	25 linear feet[4]
Maximum ground coverage:	50/60[5]
Maximum density per acre:	8.0 DU
Height:	35 feet

[1] A lot of less than 7,500 square feet may be used for a single-family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

[2] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[3] The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

[4] A one-story wing or extension may be built to within 15 feet of the rear lot line.

[5] The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) Specific uses. The following specific exception uses are allowed in the DD district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee to be occupying the building
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

Use	Parking Regulations
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Guest house	1 space per unit
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater

Use	Parking Regulations
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Townhouse or row dwelling	2 spaces per unit, 1 covered
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(e) Special construction requirements.

(1) Developments of ten or more lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other materials shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(2) Developments of one to nine lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin type material and design. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(3) Applicability of regulations. These construction requirements shall apply to all the following:

a. Newly constructed houses.

b. Houses moved into or within the city from a previous location.

(4) Attic space. All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-28. MFX Multifamily residential district (X).

(a) Purpose. The MFX district allows medium to high density multifamily development. This district is intended to be a buffer or transition zone from major streets and nonresidential uses to lower density residential zones. Density in this district does not ordinarily exceed 15 units per gross acre but can reach a maximum of 25 units per gross acre if special fire protection requirements are observed. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No.___ on ___, no additional rezoning applications will be considered for rezoning to this district. Any MFX zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No.___ on ___. Any MFX zoned property may also be considered for rezoning to a non-legacy district, not marked with an "X" in the district name.

(b) Permitted uses and parking regulations. In the MFX district, no building or land shall be used and

no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Multiple-family residence	For residence 1-99 units, 1.5 spaces per unit. For residence over 100 units, 1.5 spaces per unit with 20% being a covered space.
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area
Retirement housing	1 space for each 6 beds per unit
Sewage pumping station	0 spaces
Single-family dwelling, attached or detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Townhouse or row dwelling	2 spaces per unit, 1 covered
Transit station or turnaround	1 space per intended user
Two-family dwelling	2 spaces per unit, 1 covered
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	10,000 square feet or 1,500 square feet per DU, whichever is greater[1]
Minimum lot width:	For multifamily, townhouse and zero lot line lots, 20 linear feet per ground floor unit plus the side yard setback. For all other permitted uses, 60 linear feet.
Minimum lot depth:	120 linear feet
Minimum front yard:	25/35 linear feet[2]
Minimum side yard:	8/25 linear feet[3]
Minimum rear yard:	25 linear feet[4]
Maximum ground coverage:	60/65[5]
Maximum density:	15.0/25.0 dwelling units per acre[7]
Height:	45 feet[6]

[1] Minimum lot size for townhouses shall be 3,000 square feet per dwelling unit. Minimum lot size for all other permitted uses shall be 10,000 square feet or 1,500 square feet per dwelling unit, whichever is greater.

[2] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[3] The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a street. If a side yard is adjacent to a single-family residential district, there shall be a 25-foot setback and a 60-foot setback from the adjacent property line for buildings in excess of one story in height. If more than one building is located on the same lot, there shall be a ten-foot separation between buildings without openings (windows) and a 15-foot separation between buildings with openings.

[4] If a rear yard is adjacent to a single-family residential district, there shall be a 25-foot setback and a 60-foot setback from the adjacent property line for buildings in excess of one story in height. If more than one building is located on the same lot, there shall be a ten-foot separation between buildings without openings (windows) and a 15-foot separation between buildings with openings.

[5] The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

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

[7] The first number in the column is the maximum density for a multifamily development fronting a residential street; the second number in the column is the maximum density for a multifamily development fronting a collector or major street.

(d) Specific uses. The following specific uses are allowed in the MFX district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee to be occupying the building
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)

Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Dormitory	1 space for each 2 beds
Electrical substation	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds

Use	Parking Regulations
Household care facility	1 space per employee
Household care institution	1 space per employee
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Swimming pool, commercial	1 space for each 100 square feet of gross water surface and deck area
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(e) Additional parking requirements. At least 20 percent of the parking required to be provided shall be designated visitor parking only. A minimum of 50 percent of the required parking spaces of a multifamily development shall be either an attached enclosed garage or a detached multi-car covered parking structure. Detached covered parking shall function unobtrusively and shall be compatible with the main buildings of the multifamily development in terms of materials design, style and color. Detached covered parking structures, if used, shall be located near the building served. No detached covered parking structure shall accommodate more than ten parking spaces or be located closer than ten feet to another parking structure. When garages are used within dwellings, one-car garages shall be a minimum of ten feet wide and 20 feet long.

(f) Leasing office/clubhouse required. A leasing office shall be constructed with each multifamily development. A clubhouse, which shall be available to all residents of the development, with a minimum of 2,500 square feet in size shall be provided for any multifamily development of 200 units or less; a minimum of 3,500 square feet in size for 201 to 350 units; and 4,000 square feet for 351 or more units.

(g) General landscaping and screening provisions.

(1) A standard ten-foot-wide landscaped screening buffer meeting the requirements of section 42-58(f) shall be constructed around the entire perimeter of the multifamily lot or premises. Not less than one tree shall be planted and maintained for each 25 linear feet or portion thereof the landscaped buffer strip. Each tree used in landscaped open space buffer strips shall be not less than six feet in height upon planting and shall have a caliper of not less than two inches measured 12 inches from the ground.

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

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

(i) Special fire protection requirements.

(1) For multifamily densities of greater than 15 units per acre, each building in the development shall contain an automatic sprinkler system to be installed at the time of construction, and thereafter operated in accordance with currently applicable fire safety codes.

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

(j) Masonry requirements.

(1) All single-story buildings hereafter constructed or placed in the MFX district shall have at least 75 percent of the exterior wall surface constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the MFX district shall have at least 50 percent of the exterior wall surface constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in the MFX district shall have at least 50 percent of the exterior wall surface constructed of masonry and/or glass pane.

(k) Courts and open space requirements.

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

(2) Usable open space. Each lot or parcel of land which is used for multifamily residences shall provide on the same lot or parcel of land usable open space in accordance with the table below:

a. Usable open space requirements are as follows:

Number of Bedrooms or Sleeping Rooms	Square Feet
One or less	600
Each additional bedroom over one	300

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

c. In meeting this requirement, a credit of three square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within ten feet of a pool; developed and equipped children's play areas; and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the city council may allow a credit not to exceed ten percent of the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed 50 percent of the total usable open space for an individual lot or parcel of land.

d. At the time of site plan approval, the city council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmentally significant and that their preservation would enhance the development.

(l) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the MFX district.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-29. NC Neighborhood commercial district.

(a) Purpose. The NC district is a low intensity commercial category providing a uniform set of standards for office facilities, neighborhood-type retail shopping facilities and general commercial activities of a service character. The NC district is established to accommodate the daily and frequent needs of the community at a neighborhood scale. It is intended that properties in this zoning district be served by appropriate streets and be of such size that all parking and traffic maneuvering can take place on the commercial site.

(b) Permitted uses and parking regulations. In the NC district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (inside sales)	1 space for every 200 square feet of floor area
Auto parts sales (inside)	1 space for every 200 square feet of floor area
Automobile service station (no garage or automobile repair facilities)	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Barbershop	1 space per 200 square feet of gross floor area
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Bowling alley	6 spaces for each lane
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Business service	1 space per 300 square feet of gross floor area
Clinic, medical or dental	1 space per 200 square feet of gross floor area
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Custom personal service shop	1 space per 200 square feet of gross floor area
Dance hall	1 space per 100 square feet of gross floor area
Discount, variety, or department store of not greater than 20,000 square feet floor space	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Florist	1 space per 300 square feet of gross floor area
Food store; grocery store with floor space not greater than 20,000 square feet	1 space per 300 square feet of gross floor area
Fraternal organization, lodge	1.25 spaces per 200 square feet
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Garage, private	1 space per employee to be occupying the garage
Gas metering station	1 space per employee
General merchandise	1 space per 200 square feet of gross floor area
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Local utility distribution lines	0 spaces

Use	Parking Regulations
Mobile food vendor	0 spaces
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Nonprofit animal shelter	1 space per 200 square feet of floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Personal service shop	1 space per 200 square feet of gross floor area
Pharmacy	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Racquetball facilities	4 spaces for each court
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater

Use	Parking Regulations
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Sewage pumping station	0 spaces
Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Tanning salon	1 space per 200 square feet of gross floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Veterinarian clinic (no outside pens)	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, ground	0 spaces

(c) District restrictions. The following restrictions shall apply to uses in the NC district.

(1) The business shall be conducted wholly within an enclosed building;

(2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;

(3) All merchandise shall be sold at retail on the premises; and

(4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

(d) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to the NC district:

(1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:

a. Off-street parking of motor vehicles in operable condition;

b. Off-street loading;

c. Permitted display of merchandise for sale to the public; and

d. Drive-in type establishments.

(2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and shall be maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.

(3) No loading of materials or products shall be permitted in the required front yard.

(e) Development requirements.

Minimum lot area:	2,500 square feet
Minimum lot width:	50 feet
Minimum lot depth:	50 linear feet
Minimum front yard:	25/35 linear feet[1]
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet, shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	NA
Height:	35 linear feet[2]

[1] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street. The front yard setback shall be 45 feet where parking is allowed in front of the building. Accessory buildings shall have a 60-foot front yard setback.

[2] No building shall exceed 35 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

(f) Specific uses. The following specific uses are allowed in the NC district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Arcade	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee to be occupying the building
Auto laundry	1 space per 200 square feet of floor space

Use	Parking Regulations
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Carwash	1 space per employee
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Feed and farm supply (inside sales/ storage)	1 space per 300 square feet of gross floor area
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garden center (retail sales)	1 space per 200 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee

Use	Parking Regulations
Hospital (acute care)	1 space for every 2 beds
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Kennel (no outside pens)	1 space per 200 square feet of floor area
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Office center	1 space per 300 square feet of gross floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Pet shop	1 space per 300 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Retirement housing	1 space for each 6 beds per unit
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Secondhand store, furniture/clothing	1 space per 200 square feet of gross floor area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Service, retail	1 space per 200 square feet of gross floor area
Sewage treatment plant	1 space per employee

Use	Parking Regulations
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial or private	1 space for each 100 square feet of gross water surface and deck area
Theater (indoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (with outside storage)	1 space for every 200 square feet of floor area
Tobacco sales	1 space per 200 square feet of gross floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Vendor, stationary	1 space per 200 square feet of gross floor area
Veterinarian clinic (no outside pens)	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area
Water storage, elevated	0 spaces
Water treatment plant	1 space per employee

(g) Screening devices. In the event that this district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.

(h) Masonry requirements.

(1) All single-story buildings hereafter constructed or placed in this district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the NC district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in the NC district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-30. RC Regional commercial district.

Purpose. The RC district is intended to allow the development of areas that provide a greater number and mix of retail and commercial uses. The uses permitted in the RC district are still intended to be generally carried on completely within a building or structure, but some outside areas and an expanded range of service and repair uses could be permitted. This district is reserved for areas of adequate size and location so that its broad range of high intensity land uses will not cause or create nuisances to adjoining zoning districts.

(a) Permitted uses and parking regulations. In the RC district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (indoor or outdoor sales)	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Auto laundry	1 space per 200 square feet of floor space
Auto parts sales (inside)	1 space for every 200 square feet of floor area
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Automobile and trailer sales area, new or used	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Automobile service station	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Barbershop	1 space per 200 square feet of gross floor area
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Boat sales and storage	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Bowling alley	6 spaces for each lane
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Bus terminal	1 space per intended user
Business service	1 space per 300 square feet of gross floor area
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Carwash	1 space per employee
Child care center	1 space per ten pupils/clients (design capacity)
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Clinic, medical or dental	1 space per 200 square feet of gross floor area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Custom personal service shop	1 space per 200 square feet of gross floor area

Use	Parking Regulations
Dance hall	1 space per 100 square feet of gross floor area
Discount, variety, or department store	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Engine and motor repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm equipment, sales and service	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Feed and farm supply (inside sales/storage)	1 space per 300 square feet of gross floor area
Feed and farm supply (outside sales/storage)	1 space per 300 square feet of gross floor area
Field or sales office, temporary	1 space per employee
Florist	1 space per 300 square feet of gross floor area
Food store; grocery store	1 space per 300 square feet of gross floor area
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Furniture and appliance repair and storage	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garage, private	1 space per employee to be occupying the garage
Garden center (retail sales)	1 space per 200 square feet of gross floor area
Gas metering station	1 space per employee
General merchandise indoor auction	1 space per 300 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Heliport or helistop	1 space if located on the ground
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2,000 square feet of floor area
Local utility distribution lines	0 spaces
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Mobile food vendor	0 spaces
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Nonprofit animal shelter	1 space per 200 square feet of floor area
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Office center	1 space per 300 square feet of gross floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Pawn shop	1 space per 300 square feet of gross floor area
Personal service shop	1 space per 200 square feet of gross floor area
Pet shop	1 space per 300 square feet of gross floor area
Pharmacy	1 space per 300 square feet of gross floor area
Plumbing service	1 space per 300 square feet of gross floor area
Plumbing, heating, refrigeration or air conditioning business	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Quick oil change facility	1 space per employee
Quick tune-up facility	1 space per employee
Racquetball facilities	4 spaces for each court
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Railroad station	1 space per employee, and if station is for public travel, 1 space for every 1,000 square feet of areas meant for public travel
Railroad team track and right-of-way	1 space per employee
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area

Use	Parking Regulations
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Service, retail	1 space per 200 square feet of gross floor area
Sewage pumping station	0 spaces
Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Shops, office and/or storage area of public or private utility	1 space per employee
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial	1 space for each 100 square feet of gross water surface and deck area
Tanning salon	1 space per 200 square feet of gross floor area
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Taxidermist	1 space per 200 square feet of gross floor area
Teen club	1 space for every 1,000 square feet of floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Theater (indoor)	1 space for each 4 seats or bench seating spaces

Use	Parking Regulations
Tire dealer (with outside storage)	1 space for every 200 square feet of floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Transit station or turnaround	1 space per intended user
Truck sales	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Washateria	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(b) District restrictions. The following restrictions shall apply to uses in the RC district.

(1) The business shall be conducted wholly within an enclosed building;

(2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;

(3) All merchandise shall be sold at retail on the premises; and

(4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

(c) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

(1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a inwall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:

a. Off-street parking of motor vehicles in operable condition;

b. Off-street loading;

c. Permitted display of merchandise for sale to the public; and

d. Establishments of the drive-in type.

(2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.

(3) No loading or storage of material or products shall be permitted in the required front yard.

(d) Specific uses. The following specific uses are allowed in the RC district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Air conditioning and refrigeration contractor	1 space for every 200 square feet of floor area
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Arcade	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee to be occupying the building
Auto leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Brew pub	1 space per 100 square feet of gross floor area
Building materials, hardware (outside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community home	1 space per employee to be occupying the building
Electric power generating plant	1 space per employee
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm seed and/or fertilizer sales/storage (inside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Food products processing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Heavy machinery sales	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Kennel (with or without outside pens)	1 space per 200 square feet of floor area
Microbrewery	1 space per 200 square feet of floor area
Microdistillery	1 space per 200 square feet of floor area
Newspaper printing	1 space per 300 square feet of gross floor area
Parking lot or parking garage, truck parking	1 space per employee, plus 1 space per vehicle to be parked
Pipe sales and supply	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Print shop	1 space per 300 square feet of gross floor area
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Pump sales, repair and maintenance	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Registered family home	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sand, gravel, stone or earth sales	1 space per 300 square feet of gross floor area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Self storage; mini-warehouse	4 spaces per complex, plus 1 space per 5,000 square feet of storage area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Shooting range, target range	1 space per employee plus 1 space for every 5,000 square feet of floor area

Use	Parking Regulations
Solid waste transfer station	1 space per employee
Storage/wholesale warehouse, light	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Theater (outdoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (no outside storage)	1 space for every 200 square feet of floor area
Tobacco sales	1 space per 200 square feet of gross floor area
Trailer rental	1 space per 200 square feet of gross floor area
Travel trailer, manufactured housing or manufactured home display and sales	1 space per 200 square feet of gross floor area
Truck and bus leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Truck or motor freight terminal	1 space per employee plus one space for each intended vehicle to be accommodated
Vendor, stationary	1 space per 200 square feet of gross floor area
Veterinarian clinic (with or without outside pens)	1 space per 200 square feet of gross floor area

(e) Development requirements.

Minimum lot area:	2,500 square feet
Minimum lot width:	50 feet
Minimum lot depth:	50 linear feet
Minimum front yard:	25/35 linear feet[1]
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet, shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	NA
Height:	55 linear feet [2]

[1] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[2] No building shall exceed 55 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

(f) Screening devices. In the event that the RC district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry or wood wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.

(g) Masonry requirements.

(1) All single-story buildings hereafter constructed or placed in the RC district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the RC district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in the RC district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-31. CF Commerce flex district.

(a) Purpose. The CF district permits and regulates those uses of the land that cause the manufacturing, assembly, processing, storage, distribution, sale or repair of materials, goods, parts, products, equipment, machinery, and other such operations incidental to industrial uses. This district is intended to allow certain storage, wholesale and industrial uses such as the fabrication of materials and specialized manufacturing and research institutions. Clean and quiet flex-space development that takes advantage of convenient access to Highways I-35 and US 67 is highly encouraged. All uses in the CF district must be compatible with surrounding uses so as not to adversely affect the use, development or enjoyment of surrounding properties.

(b) Permitted uses and parking regulations. In the CF district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Advertising displays manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Air conditioning and refrigeration contractor	1 space for every 200 square feet of floor area
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Amusement, commercial (outdoor)	1 space for every 1,000 square feet of gross floor area
Apparel and other products assembled from finished textiles	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Arts, crafts store (outdoor sales)	1 space for every 200 square feet of floor area or
Auto laundry	1 space per 200 square feet of floor space
Auto leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Auto paint and body shop	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto parts sales (inside or outside)	1 space for every 200 square feet of floor area
Auto repair, major	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto storage	1 space per employee, plus 1 space per vehicle to be stored
Automobile and trailer sales area, new or used	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Bakery and confectionery, commercial	1 space per 300 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

Use	Parking Regulations
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Boat sales and storage	1 space per 300 square feet of gross floor area
Boats, building or repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bookbinding, except hand binding	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Bottling works	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Bowling alley	6 spaces for each lane
Brooms or brushes, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Building materials (inside or outside storage)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Building materials, hardware (inside or outside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Bus terminal	1 space per intended user
Business service	1 space per 300 square feet of gross floor area
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Cameras or other photographic equipment	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Carpet manufacturing or cleaning	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Carwash	1 space per employee
Ceramics, stone, glass, marble or porcelain products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
Cleaning and dyeing; dry cleaning plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Contractor's shop and storage yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Cosmetic manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Dance hall	1 space per 100 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical appliances, supplies, and machinery, assembly or manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Electronic products, assembly	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Engine and motor repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm equipment, sales and service	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Farm seed and/or fertilizer sales/storage (inside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Farm, ranch, or orchard	1 space per employee
Feed and farm supply (inside or outside sales/storage)	1 space per 300 square feet of gross floor area
Field or sales office, temporary	1 space per employee

Use	Parking Regulation
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Food store; grocery store	1 space per 300 square feet of gross floor area
Fraternal organization, lodge	1.25 spaces per 200 square feet
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Fur good manufacturing (not including tanning and dyeing)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Furniture and appliance repair and storage	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Furniture and upholstery manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garage, private	1 space per employee to be occupying the garage
Garden center (retail sales)	1 space per 200 square feet of gross floor area
Gas metering station	1 space per employee
General commercial plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
General manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Glass products	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Golf course	Minimum of 30 spaces

Use	Parking Regulations
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Hatchery	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Heavy machinery sales	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Heliport or helistop	1 space if located on the ground
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Household appliance products assembly and manufacturing from prefabricated parts	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ice production, dry or natural	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Industrial park	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Jute, hemp, sisal or oakum products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Kennel (with or without outside pens)	1 space per 200 square feet of floor area
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laboratory, scientific or research	1 space per 300 square feet of gross floor area
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Laundry plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Light manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2,000 square feet of floor area
Local utility distribution lines	0 spaces
Mattress manufacturing or renovation	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Metal dealer, secondhand	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Mobile food vendor	0 spaces
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Musical instrument manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Newspaper printing	1 space per 300 square feet of gross floor area
Nonprofit animal shelter	1 space per 200 square feet of floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Orthopedic or medical appliance manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Plumbing service	1 space per 300 square feet of gross floor area
Plumbing, heating, refrigeration or air conditioning business	1 space per 300 square feet of gross floor area
Portable building sales	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Pump sales, repair and maintenance	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Quick oil change facility	1 space per employee
Quick tune-up facility	1 space per employee
Racquetball facilities	4 spaces for each court
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Railroad station	1 space per employee, and if station is for public travel, 1 space for every 1,000 square feet of areas meant for public travel
Railroad team track and right-of-way	1 space per employee
Railroad track and right-of-way	1 space per employee
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Sand, gravel, stone or earth sales	1 space per 300 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Service yards of government agency	1 space per employee
Service, retail	1 space per 200 square feet of gross floor area
Sewage pumping station	0 spaces
Sexually oriented business	1 space per 200 square feet of gross floor area
Shops, office and/or storage area of public or private utility	1 space per employee

Use	Parking Regulations
Sporting and athletic equipment manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Storage/wholesale warehouse, light	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Telephone exchange	1 space per employee
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Telephone line	0 spaces
Theater (indoor or outdoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (with or without outside storage)	1 space for every 200 square feet of floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Tools or hardware manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Toys and novelty products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Trailer rental	1 space per 200 square feet of gross floor area
Transit station or turnaround	1 space per intended user
Travel trailer, manufactured housing or manufactured home display and sales	1 space per 200 square feet of gross floor area
Truck and bus repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Truck or motor freight terminal	1 space per employee plus one space for each intended vehicle to be accommodated

Use	Parking Regulation
Truck sales	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Veterinarian clinic (with or without outside pens)	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee
Window shade, awnings, venetian blind manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

(c) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

(1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:

a. Off-street parking of motor vehicles in operable condition;

b. Off-street loading;

c. Permitted display of merchandise for sale to the public; and

d. Establishments of the drive-in type.

(2) The first 15 feet of the required front yard setback, measured from the property line shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.

(3) No loading or storage of material or products shall be permitted in the required front yard.

(4) Pedestrian walkways shall be provided along the perimeter of the building (where feasible) and connect to walkways, sidewalks, and/or trails within the development.

(d) Specific uses. The following specific uses are allowed in the CF district when authorized by the provisions of section 42-45:

Use	Parking Regulations
Arcade	1 space for every 200 square feet of floor area
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto wrecking yard or junkyard	1 space for every 1,000 square feet of floor area
Automobile service station	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Brick, tile, pottery or terra-cotta manufacturing, other than handcraft	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Coal, coke or wood yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community home	1 space per employee to be occupying the building
Concrete, asphalt batching plant (permanent)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Custom personal service shop	1 space per 200 square feet of gross floor area
Dairy products processing, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Discount, variety, or department store	1 space per 200 square feet of gross floor area
Drugs or pharmaceutical products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Dyestuff manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electric power generating plant	1 space per employee
Electronic products, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Factory outlet retail or wholesale store on same premises as manufacturing company	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Farm seed and/or fertilizer sales/ storage (outside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Florist	1 space per 300 square feet of gross floor area
Food products processing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Mill (grain, flour, food products)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Oil field service	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Oilcloth or linoleum manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Paint, oil, shellac, turpentine or varnish manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Parking lot or parking garage, truck parking	1 space per employee, plus 1 space per vehicle to be parked
Pawn shop	1 space per 300 square feet of gross floor area
Petroleum products, sales (wholesale)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Pipe sales and supply	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Plastic products manufacturing (not including processing of raw materials)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Racetrack	1 space for every 4 seats or bench seating
Railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses	1 space per employee
Rodeo arena and grounds	1 space for every 4 seats or bench seating
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Self-storage; mini-warehouse	4 spaces per complex, plus 1 space per 5,000 square feet of storage area
Servant's, caretaker's or guard's residence	1 space per unit
Sewage treatment plant	1 space per employee
Sewage treatment plant	1 space per employee
Shooting range, target range	1 space per employee plus 1 space for every 5,000 square feet of floor area

Use	Parking Regulations
Solid waste transfer station	1 space per employee
Solid waste transfer station	1 space per employee
Storage/wholesale warehouse, heavy	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial or private	1 space for each 100 square feet of gross water surface and deck area
Taxidermist	1 space per 200 square feet of gross floor area
Truck and bus leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Vendor, stationary	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area

(e) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	A 25-foot front yard is required except that a front yard of not less than 50 feet shall be provided upon that portion of a lot abutting a residential or commercial use or district (other than industrial).
Minimum side yard:	No side yard is required except that a side yard or a side street yard of not less than 25 feet in width shall be provided on the side of the lot abutting a residential or commercial use or district (other than industrial).
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 50 feet in depth shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	NA
Height:	45 linear feet[1]

[1] No building shall exceed 45 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

(f) Screening devices. In the event that the CF district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry wall shall be constructed on the nonresidential property adjacent to the common property line with any residential use or district. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the manufacturing/industrial use by the owner of the property.

(g) Masonry requirements.

(1) All single-story buildings hereafter constructed or placed in this district shall have at least 75 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the district shall have at least 50 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in this district shall have at least 50 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.

(h) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the CF district.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2023-0016 adopted 7/17/2023; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-32. IND Industrial district.

(a) Purpose. The IND district is designed to accommodate most industrial uses and is the most intensive zoning classification within the city. This district is intended for those uses that without proper regulation would manifest clear negative impacts on surrounding land uses and as such must be sited to avoid environmental degradation.

(b) Permitted uses and parking regulations. In the IND district, no building or land shall be used and no building shall be hereafter erected or placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Acetylene gas manufacturing or storage	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Acid manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Advertising displays manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Air conditioning and refrigeration contractor	1 space for every 200 square feet of floor area
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Alcohol manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ammonia, bleach or chlorine manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Apparel and other products assembled from finished textiles	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Arsenal	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Asphalt manufacturing or refining	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Auto paint and body shop	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto storage	1 space per employee, plus 1 space per vehicle to be stored
Automobile and trailer sales area, new or used	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Bag cleaning	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Bakery and confectionery, commercial	1 space per 300 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Blast furnace	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Boats, building or repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Boiler works	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Bookbinding, except hand binding	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Bottling works	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Brick, tile, pottery or terra-cotta manufacturing, other than handcraft	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Brooms or brushes, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Building materials (inside or outside storage)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Building materials, hardware (outside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Business service	1 space per 300 square feet of gross floor area
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Cameras or other photographic equipment	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Carpet manufacturing or cleaning	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Celluloid manufacturing or treatment	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Cement, lime, gypsum or plaster of Paris manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ceramics, stone, glass, marble or porcelain products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
Cleaning and dyeing; dry cleaning plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Coal, coke or wood yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Contractor's shop and storage yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Cosmetic manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Cotton seed oil manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Dairy products processing, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Dance hall	1 space per 100 square feet of gross floor area
Disinfectant manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Distillation of bones, coal or wood	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Drugs or pharmaceutical products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Dyestuff manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electric power generating plant	1 space per employee
Electrical appliances, supplies, and machinery, assembly or manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electrical substation	1 space per employee

Use	Parking Regulations
Electrical transmission line	0 spaces
Electronic products, assembly	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electronic products, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Emery cloth and sandpaper manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Engine and motor repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm equipment, sales and service	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Farm seed and/or fertilizer sales/storage (inside or outside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Farm, ranch, or orchard	1 space per employee
Fat rendering	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Feed and farm supply (inside or outside sales/storage)	1 space per 300 square feet of gross floor area
Field or sales office, temporary	1 space per employee
Fish smoking and curing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Food products processing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Food store; grocery store	1 space per 300 square feet of gross floor area
Forge plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Foundry (iron, steel, brass or copper)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Fur good manufacturing (not including tanning and dyeing)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Furniture and appliance repair and storage	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Furniture and upholstery manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garage, private	1 space per employee to be occupying the garage
Gas manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Gas metering station	1 space per employee

Use	Parking Regulations
General commercial plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
General manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Glass products	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Glue or gelatin manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Golf course	Minimum of 30 spaces
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Heavy machinery sales	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Heliport or helistop	1 space if located on the ground
Household appliance products assembly and manufacturing from prefabricated parts	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ice production, dry or natural	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Industrial park	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Jute, hemp, sisal or oakum products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Laboratory, scientific or research	1 space per 300 square feet of gross floor area
Laundry plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Light manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2,000 square feet of floor area
Local utility distribution lines	0 spaces
Mattress manufacturing or renovation	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Meat processing/locker plant/frozen food products	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Metal dealer, secondhand	1 space per 300 square feet of gross floor area
Metal fabrication	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Mill (grain, flour, food products)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Mobile food vendor	0 spaces
Musical instrument manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Newspaper printing	1 space per 300 square feet of gross floor area
Nonprofit animal shelter	1 space per 200 square feet of floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Oil field service	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Oilcloth or linoleum manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ore reduction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Orthopedic or medical appliance manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Paint, oil, shellac, turpentine or varnish manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Paper products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Petroleum products, bulk quantities	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Petroleum products, sales (wholesale)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Pipe sales and supply	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Plastic products manufacturing (not including processing of raw materials)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Post office, government and private	1 space per 300 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee

Use	Parking Regulations
Pump sales, repair and maintenance	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Railroad station	1 space per employee, and if station is for public travel, 1 space for every 1,000 square feet of areas meant for public travel
Railroad team track and right-of-way	1 space per employee
Railroad track and right-of-way	1 space per employee
Sand, gravel, stone or earth sales	1 space per 300 square feet of gross floor area
Scrap metal sales and storage	1 space for each 2 employees or 1 space per 1,000 square feet of gross floor area, whichever is greater
Scrap tire facility	1 space per employee
Service yards of government agency	1 space per employee
Sewage pumping station	0 spaces
Shops, office and/or storage area of public or private utility	1 space per employee
Solid waste transfer station	1 space per employee
Sporting and athletic equipment manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Steel fabrication	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Storage/wholesale warehouse, light or heavy	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Tire recapping, vulcanizing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Tire retreading and recapping	1 space per employee
Tools or hardware manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Toys and novelty products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Transit station or turnaround	1 space per intended user
Truck and bus repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Truck or motor freight terminal	1 space per employee plus one space for each intended vehicle to be accommodated
Truck sales	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces

Use	Parking Regulations
Water treatment plant	1 space per employee
Window shade, awnings, venetian blind manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Yeast manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

(c) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

(1) Except as provided below, every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yard. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:

a. Off-street parking of motor vehicles in operable condition;

b. Off-street loading;

c. Permitted display of merchandise for sale to the public; and

d. Establishments of the drive-in type.

(2) No loading or storage of material or products shall be permitted in the required front yard.

(3) All uses permitted in the IND district must meet the following performance standards and any appropriate city ordinances:

a. Smoke. No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to smoke emission;

b. Particulate matter. No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;

c. Dust, odor, gas, fumes, glare, or vibration. No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;

d. Radiation hazards and electrical disturbances. No operation shall be conducted unless it

conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;

e. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise at the property line shall not exceed 75 dB(A) permitted for a maximum of 15 minutes in any one hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise; and

f. Water pollution. No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate state and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency.

(4) The first 15 feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.

(d) Specific uses. The following specific uses are allowed in the IND district when authorized by the board of adjustment under the provisions of section 42-45:

Use	Parking Regulations
Arcade	1 space for every 200 square feet of floor area
Auto parts sales (outside)	1 space for every 1,000 square feet of floor area
Auto repair, major or minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto wrecking yard or junkyard	1 space for every 1,000 square feet of floor area
Automobile service station	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Chemical manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Concrete, asphalt batching plant (permanent)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Cotton gin	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Creosote treatment	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Explosive or fireworks manufacturing or storage	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Fertilizer manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Fiberglass manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Garbage, offal or dead animal reduction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Grain elevator	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Herbicide manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Insect poison manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Junkyard or salvage yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Livestock feed yards	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Mines and quarries	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Parking lot or parking garage, truck parking	1 space per employee, plus 1 space per vehicle to be parked
Plumbing, heating, refrigeration or air conditioning business	1 space per 300 square feet of gross floor area
Portable building sales	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Self-storage; mini-warehouse	4 spaces per complex, plus 1 space per 5,000 square feet of storage area
Servant's, caretaker's or guard's residence	1 space per unit
Sewage treatment plant	1 space per employee
Shooting range, target range	1 space per employee plus 1 space for every 5,000 square feet of floor area
Tire dealer (with or without outside storage)	1 space for every 200 square feet of floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Trailer rental	1 space per 200 square feet of gross floor area
Travel trailer, manufactured housing or manufactured home display and sales	1 space per 200 square feet of gross floor area
Truck and bus leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Vendor, stationary	1 space per 200 square feet of gross floor area
Wrecking yard (junkyard or salvage yard)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

(e) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the IND district.

(f) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 linear feet
Minimum lot depth:	80 linear feet

Minimum front yard:	A 25-foot front yard is required except that a front yard of not less than 50 feet shall be provided upon that portion of a lot abutting a residential or commercial use or district (other than industrial).
Minimum side yard:	No side yard is required except that a side yard or a side street yard of not less than 50 feet in width shall be provided on the side of the lot abutting a residential or commercial use or district (other than industrial).
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 50 feet in depth shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	NA
Height:	45 linear feet

(g) Screening devices. In the event that the IND district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the manufacturing/industrial use by the owner of the property.

(h) Masonry requirements.

(1) All single-story buildings hereafter constructed or placed in the IND district shall have at least 75 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the IND district shall have at least 50 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in the IND district shall have at least 50 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2023-0016 adopted 7/17/2023; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-33. CBDX Central business district (X).

(a) Purpose. The CBDX district is established to accommodate the unique characteristic of the historical center of the city and to ensure that future development in the CBDX district is compatible with maintaining the economic and historic integrity of the area. The Central Business District (X) is designed to provide an area for shopping, dining, working, residing, and entertainment which will remain active during evenings and weekends as well as standard work hours. Historically, the retail and cultural core of the city, the CBDX district includes the central downtown area of the city, extending from Patton Street to Atchley Street and from Spears Street

to Sparks Street. The CBDX is projected as a mixed-use district that will including residential, retail and commercial uses as set forth in this section. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No.___ on ___, no additional rezoning applications will be considered for rezoning to this district. Any CBDX zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No.___ on ___. Any CBDX zoned property may also be considered for rezoning to a non-legacy district, not marked with an "X" in the district name.

(b) Permitted uses and parking regulations. The CBDX allows commercial, retail and residential-above- retail/commercial uses. Where a residential use occurs above a retail or commercial use, the facade of the building should differentiate between the two uses with architectural features, e.g., different window designs, contrasting exterior surfaces, harmonizing colors or other subtle distinctions. The minimum area for a residential unit that is located over a commercial/retail/office use shall be 650 square feet. In the CBDX business district, no buildings or land shall be used or undertaken, and no buildings shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (inside sales)	1 space for every 200 square feet of floor area
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barbershop	1 space per 200 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bowling alley	6 spaces for each lane
Building materials, hardware sales (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Building materials, hardware sales (outside and inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Business service	1 space per 300 square feet of gross floor area
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Custom personal service shop	1 space per 200 square feet of gross floor area
Discount, variety, or department store	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Florist	1 space per 300 square feet of gross floor area

Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
General merchandise indoor auction	1 space per 300 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Local utility distribution lines	0 spaces
Mobile food vendor	0 spaces
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Office center	1 space per 300 square feet of gross floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Personal service shop	1 space per 200 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Service, retail	1 space per 200 square feet of gross floor area
Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Theater (indoor)	1 space for each 4 seats or bench seating spaces

(c) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the CBDX district.

(d) Dimensional standards.

Minimum lot area:	1600'
Minimum lot width:	20'
Minimum lot depth:	80'
Minimum front yard:	Setback averaging[1]
Minimum side yard for interior unit:	0'
Minimum side yard not abutting street:	5'
Minimum side yard abutting residential street:	10'
Minimum side yard abutting collector or major street:	15'
Minimum rear yard setback adjacent to DT boundary properties:	10'
Max imperious coverage:	90%
Max density/acre:	8 DU/A
Max height:	45'

Notes:

[1]The proposed building shall be located within the range of existing primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range. On an interior lot, the range of setbacks is measured on the basis of the two closest lots in either direction along the block face. On a corner lot, the range of setbacks is measured on the basis of the three closest lots along the block face.

(e) Specific uses. The following specific uses are allowed in the CBDX district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Arcade	1 space for every 200 square feet of floor area
Arts, crafts store (outdoor sales)	1 space for every 200 square feet of floor area or
Bakery and confectionery, commercial	1 space per 300 square feet of gross floor area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.

Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Dance hall	1 space per 100 square feet of gross floor area
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Food store; grocery store	1 space per 300 square feet of gross floor area
Forge plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Foundry (iron, steel, brass or copper)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Glass products	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Metal fabrication	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Musical instrument manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

(f) Masonry requirements.

(1) All single-story buildings hereafter constructed or placed in the CBDX district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the CBDX district

shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in the CBDX district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(g) Signs. Projection signs may be erected in the CBDX in accordance with the requirements of this subsection. The horizontal portion of any projecting sign shall not be more than six feet in length measured from the building face and shall not be closer than two feet from the back of the curb line. The height of a projection sign shall not exceed four feet and shall be an integral part of the architectural design of the attached building. The vertical clearance of a projection sign shall be as shown below:

Vertical Clearance	Maximum Projection
7 feet or less	3 inches
7 - 8 feet	12 inches
8 feet or more	4 inches

Signs on commercial buildings should fit within existing features of the building's facade and not detract from or hide significant architectural details of the building. Sign styles common between the 1880's and 1950's are appropriate for the CBDX.

(h) Architectural guidelines.

(1) New development sites within the CBDX shall not be permitted unless integrated with other historic buildings within the area to maintain the functional and visual appearance of the historic architectural style.

(2) Buildings within the CBDX shall be oriented toward the streets and pedestrian traffic in order to create a cohesive, pedestrian-oriented development plan. Building fronts and sidewalks may also be maintained for outdoor uses such as cafes, restaurant seating, street side seating, etc. Parking areas may be located in the front or rear of buildings to improve the overall appearance of the development from the street.

(3) New development/renovation in the CBDX may incorporate design elements dating from the 1800's and early 1900's. Retail uses are preferred with parking in common areas. Roof lines featuring parapets, articulated cornice line, articulated ground floor levels, and strong corner treatments are a few of the design options. Exterior finishes should utilize the classic base colors of the state environment, e.g., tan, ochre, beige and terra-cotta.

(4) A high quality durable base material, such as terra-cotta, natural stone, cast stone, clay fired tile, or other approved masonry material, is suggested for building facades abutting the sidewalk. The base should be a minimum of 18 inches in height and appropriately proportioned and detailed for the facade of the building.

(i) Design. A minimum of three of the following elements must be incorporated in the design of a new or refurbished building in the CBDX:

(1) Overhangs.

(2) Cornices.

(3) String courses.

(4) Peaked roof forms.

(5) Arches.

(6) Lintels.

(7) Pilasters.

(8) Rustication.

(9) Canopies.

(10) Awnings or porticos.

(11) Outdoor patios.

(j) Pedestrian circulation requirements. Each lot within the CBDX must provide on-site pedestrian facilities or public plazas or spaces that encourage pedestrian traffic on and to adjacent properties.

(k) Street furnishings and lighting. Private new developments and expansions to existing developments within the CBDX shall coordinate the selection and installation of street furniture and lighting in accordance with the standards approved by the city for the public areas adjacent to streets, in order to maintain design continuity.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2022-004, sec. 1, adopted 3/21/2022; Ordinance 2024-0018 adopted 9/16/2024)

§ 42-34. INSX Institutional district (X).

Purpose. The INSX district is an overlay zone that is intended to provide for uses of a generally noncommercial institutional and/or group quarters character. Such uses typically involve densities or arrangements which are not permitted by right in low and medium density residential areas but which often have residential characteristics or have symbiotic relationships with residential neighborhoods. The INSX district is approved as a prefix on other zoning districts to allow in appropriate circumstances for institutional type uses that are typically regulated by state or federal law. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No.___ on ___, no additional rezoning applications will be considered for rezoning to this district. Any INSX zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No.___ on ___. Any INSX zoned property may also be considered for rezoning to a non-legacy district, not marked with an "X" in the district name.

(a) Permitted uses and parking regulations. When a zoning district is overlayed with the INSX institutional prefix, buildings or land may be used for the following uses, in addition to those uses allowed in the underlying zoning district:

(b)

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Assisted living facility	1 space per employee to be occupying the building
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.

College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Dormitory	1 space for each 2 beds
Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Garage, private	1 space per employee to be occupying the garage
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Local utility distribution lines	0 spaces
Mobile food vendor	0 spaces
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Retirement housing	1 space for each 6 beds per unit
Rodeo arena and grounds	1 space for every 4 seats or bench seating
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Sewage pumping station	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(c) Specific uses. The following specific uses are allowed in the INSX district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Community home	1 space per employee to be occupying the building
Electrical substation	1 space per employee
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Gas metering station	1 space per employee
Heliport or helistop	1 space if located on the ground
Household care facility	1 space per employee
Household care institution	1 space per employee
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee

Racetrack	1 space for every 4 seats or bench seating
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Vendor, stationary	1 space per 200 square feet of gross floor area

(d) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the INSX district.

(e) Development requirements.

Minimum lot area:	None
Minimum lot width:	60 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	25/35 linear feet[1]
Minimum side yard:	Footnote [sic] 13/10/15 linear feet[2]
Minimum rear yard:	Footnote [sic] 18
Maximum ground coverage:	None
Maximum density per acre:	NA
Height:	35 linear feet

[1] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[2] The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

(f) Development criteria. Unless otherwise specifically provided in this section, every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:

(1) Off-street parking of motor vehicles in operable condition;

(2) Off-street loading; and

(3) Permitted display of merchandise for sale to the public.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-35. PD Planned development district.

(a) Purpose. The PD district is intended to permit flexibility and encourage a more creative, efficient, and aesthetically desirable design and placement of buildings, open spaces and circulation patterns, and to best utilize special site features such as topography, size and shape. It is intended that the flexibility permitted by this zoning category extends to discretionary approval, in conjunction with development plan review, not limited to, but including such requirements as those relating to parking, building setbacks, square footage of buildings and structures, protective screening, sign placement, and other specifications in order to achieve the purposes and objectives stated in conformance with good planning practices. The PD district allows for combining and mixing of uses allowed in various zoning districts with appropriate regulations to govern the development of specific sites. The PD district may be a prefix to other zoning districts or a separate zoning district approved for a particular development.

(b) Base zoning. PD districts shall have base zoning, of one or more straight zoning district(s) of this article, that correspond with the concept plan, development standards, and other potential exhibits and studies.

(c) Permitted uses. The uses to be permitted in any PD district shall be consistent with the uses permitted in the base zoning district(s) as specified, unless otherwise enumerated in the PD district's development standards. The city council may approve any use or combination of uses in a PD district that are proposed to be developed under development controlled conditions designed to assure quality development and meet the purposes and requirements of this section. In reviewing an application for a PD district, the planning and zoning commission shall consider the nature and described performance of the proposed use and shall transmit its findings and recommendations to the city council.

(d) Development standards.

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

(2) When a PD district is approved as a prefix to another zoning district, the particular district to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this chapter.

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

(4) The PD district shall conform to all other sections of this chapter, unless specifically exempted in the granting ordinance.

(e) Design. PD districts shall provide design and standards consistent with the following:

(1) Where development is adjacent to or has floodplains and/or large easements included, they shall be activated with a minimum eight-foot wide trail, a minimum of one trailhead, and off-spots spaced at a minimum of every quarter mile.

(2) PD districts shall include activated open spaces or parks that provide a park or activated open space within a quarter mile of each proposed dwelling unit. Golf courses, parks, and public open space areas near the PD district can assist in meeting the quarter mile walk shed requirement. Low-impact passive uses shall be permitted to meet the quarter mile walk shed requirement and include conservation of open land in its natural state (for

example, woodland, fallow field, or meadow), neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways, and similar low-impact passive recreational uses. Active recreation uses shall also be permitted (and are encouraged) to meet the requirement and include recreational playing fields, playgrounds, pickleball courts, neighborhood pools, and clubhouse structures. Each activated open space or park shall include, at minimum the following:

a. One shaded bench, water fountain, trash receptacle, and a path that connects to a public sidewalk.

b. For developments 10 acres or larger, a minimum of one playground to include play or recreation equipment shall be provided each half mile.

c. Areas consistent with or similar to the following shall not be utilized to meet the quarter mile walk shed requirement:

Land areas reserved for the exclusive use and benefit of an individual owner or tenant;

Public or private street right-of-way, parkways, alleys, driveways, parking or loading areas;

Religious institutions or private school sites; or

Street medians or islands.

d. The maximum amount of activated amenity used to meet the quarter mile walk shed requirement for stormwater detention or retention purposes shall not exceed twenty-five [percent] (25%) of the activated amenity area. If the activated amenity area contains a retention pond, the pond shall include at least one (1) aeration device, such as a fountain, waterfall or underwater device.

e. Activated amenity areas adjacent to street rights-of-way shall be a minimum depth of twenty five (25) feet and shall be landscaped to include the retention or planting of one (1) three inch (3") caliper tree per each fifty (50) feet of street frontage, which may be clustered or distributed within the activated amenity area.

(f) Conceptual and development plans. In establishing a PD district, the city council shall approve as part of the granting ordinance appropriate plans and standards for each PD district. During the review and public hearing process, the city council shall require a conceptual plan and a development plan (or detailed site plan).

(1) Conceptual plan. This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner and shall be supported by written documentation of proposals and standards for development.

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

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

adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.

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

(2) Development plan or detailed site plan. This plan shall set forth the final plans for development of the planned development district and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The development plan must be approved by the city council after a recommendation of the planning and zoning commission. A public hearing on approval of the development plan shall be required at the council level, unless such a hearing is waived pursuant to section 42-56 at the time of conceptual plan approval in the original granting ordinance. The development plan shall include:

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

b. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet.

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

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

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

(3) Procedure for establishment. The procedure for establishing a PD district shall follow the procedure for zoning amendments as set forth in section 42-96. This procedure is expanded as follows for approval of conceptual and development plans.

a. An application for a PD district shall be made to the planning and zoning commission in the same manner as an application for a zoning change. The application shall include and be accompanied by a conceptual plan, development standards, parks and amenity exhibit, and all other applicable exhibits/plans.

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

1. The applicant submits adequate data with the request for the PD district to fulfill the requirements for both plans; or

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

3. The requirement is waived at the time the granting ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the granting ordinance.

c. The ordinance establishing the planned development district shall not be approved until the conceptual plan is approved. The conceptual plan shall become a part of the granting ordinance.

d. The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the planning and zoning commission and city council for the initial and subsequent sections will be required.

e. An initial development plan shall be submitted for approval within six months from the approval of the PD ordinance. If the development plan is not submitted within six months, the conceptual plan is subject to reapproval by the city council. If the entire project is not completed within two years, the city council may review the original conceptual plan to ensure its continued validity.

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

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

(h) Planned developments to be recorded. All PD districts approved in accordance with the provisions of this chapter shall be referenced on the zoning map, and a list of such PD districts, together with the category of uses permitted therein, shall be maintained in an appendix attached to the zoning ordinance from which this division is derived.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-36. FN Floodplain and nature district.

(a) Purpose. The FN district is intended to manage land use within identified flood hazard areas in a manner that protects public safety, preserves natural floodplain functions, and minimizes flood-related damages.

(b) Permitted uses and parking regulations. In the FN zoning district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Bridle, bicycle or nature trail	0 spaces required

Electrical substation	1 space per employee
Local utilities (all types, including those requiring specific use permits)	1 space per employee
Parks, playgrounds, public golf courses (no structures), and other recreational areas	1 space per acre plus a minimum of 30 spaces for golf courses
Private open space as a part of a planned residential development	0 spaces required
Structures, installations and facilities for flood control purposes	1 space per employee

(c) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 feet
Minimum lot depth:	80 feet
Minimum front yard:	20 feet
Minimum side yard:	10 feet
Minimum rear yard:	10 feet
Maximum ground coverage:	30 percent
Maximum density per acre:	None
Height:	20 feet

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-37. TH Townhome Residential district.

(a) Purpose. The TH district is established to provide adequate space for medium density, single-family attached type residential development, on lots of not less than 1,600 square feet.

(b) Primary uses allowed. In the TH district, no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this section, except for one or more of the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	0 spaces
Concrete, asphalt batching plant (allowed only on a temporary basis in a new subdivision composed of no less than 100 lots, to cease upon completion and dedication of the streets)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces

Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 spaces per unit
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(b.1) Development requirements.

Minimum lot area:	1,600 square feet
Minimum lot width:	20 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	15/25 linear feet[1]
Minimum side yard:	0/5/10/15 linear feet[2]
Minimum rear yard:	10/25 linear feet[3]
Maximum ground coverage:	60
Height:	35 vertical feet

[1] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[2] The first number in the column is the required setback for a side yard for an interior unit, the second number is the required setback for a side yard not abutting a street; the third number is the required setback for a side yard abutting a residential street; the fourth number is the required setback for a side yard abutting a collector or major street.

[3] A one-story wing or extension may be built to within 10 feet of the rear lot line.

(c) Special construction requirements.

(1) All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products, and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(2) Applicability of regulations. These construction requirements shall apply to all the following:

a. Newly constructed houses.

b. Houses moved into or within the city from a previous location.

(3) Attic space. All residential structures must have at least six feet of attic space from the

attic floor to the highest point of the attic framing.

(d) Landscaping. Landscaping shall be in compliance with section 42-834.

(e) Parking. Parking shall be in compliance with Article III—Stopping, Standing and Parking.
(Ordinance 2016-010, sec. 1, adopted 5/16/2016)

§ 42-38. DT Downtown overlay district.

(a) Purpose. The downtown overlay district is established to safeguard the core of downtown Alvarado and ensure that any new development is compatible with existing development and also reflects a historic character, is functional, and has organized design. The overlay district is intended to provide a framework for the thoughtful consideration of development and redevelopment, while preserving the downtown area's unique assets and character. Any regulations not mentioned within the overlay district shall default to the underlying zoning district. When there is a conflict, the most restrictive regulations shall apply.

(b) Permitted uses and parking regulations. Within the overlay district encompassing the core of downtown Alvarado, the use and development of buildings and land shall adhere to standards contained herein. No buildings or land shall be used, and no buildings shall be erected, placed, reconstructed, altered, or enlarged, unless otherwise provided herein. Permitted uses include those as specified in the permitted uses and parking requirements table below. Minimum residential unit sizes shall be controlled only by the building code (outside any dimensional standards for lots and structures for any use contained herein). All buildings within the overlay district must harmonize with the downtown character through thoughtful design and architectural features that integrate development harmoniously. In cases where regulations from the underlying zoning districts conflict, the most restrictive requirement shall apply to ensure consistency and preserve the cohesive character of the area. Any land use within the below table that requires a specific use permit (S) shall only be permitted under the provisions of articles III and V of Alvarado's zoning ordinance, as applicable; except that the specific use permit application fee shall be waived for such requests within the downtown overlay district.

Use	Downtown Overlay	Minimum Parking Spaces Required
Accessory building to main use	S	
Amusement, commercial (indoor or outdoor)	S	None
Antique shop	P	None
Arcade	S	None
Arts, crafts store (inside sales)	P	None
Arts, crafts store (outdoor sales)	S	None
Assisted living facility		
Auto laundry		
Auto parts sales (inside)		
Auto repair, minor		
Automobile and trailer sales area, new or used		
Automobile service station (no garage or automobile repair facilities)	S	None
Bakery and confectionary, commercial	S	None

Bakery and confectionary, retail sales	P	None
Bank, savings and loan, credit union	S	None
Bar, tavern, nightclub	S	None
Barber school or college		
Barbershop	P	None
Beauty culture school; cosmetology spec. shop		
Beauty shop	P	None
Bed and breakfast inn	S	None
Boarding home facility	S	None
Boat sales and storage		
Bowling alley	S	None
Use	**Downtown Overlay**	**Minimum Parking Spaces Required**
Building materials, hardware (inside storage)	S	None
Building materials, hardware (outside storage)		
Business service	P	None
Cabinet and upholstery shop		
Candle manufacturing	S	None
Carport	P	None
Carwash		
Cemetery or mausoleum	S	None
Child-care center	S	None
Church, rectory, place of worship	P	None
Civic center	P	None
Cleaning and dyeing, small shop		
Clinic, medical or dental	S	None
College or university		
Community center, private	S	None
Community center, public	S	None
Community home	S	None
Concrete, asphalt batching plant (allowed only on a temporary basis in a new subdivision composed of no less than 100 lots, to cease upon completion and dedication of the streets)		
Concrete, asphalt batching plant (temporary)		
Construction yard (temporary)		
Convenience store	S	None
Country club (private)		

Custom personal service shop	P	None
Dance hall	S	None
Discount, variety, or department store of not greater than 20,000 square feet floor space	S	None
Dormitory		
Drapery, needlework, or weaving shop	P	None
Electrical substation	S	None
Electrical transmission line	S	None
Exhibition area	S	None

Use	Downtown Overlay	Minimum Parking Spaces Required
Fairgrounds	S	None
Farm, ranch, or orchard		
Feed and farm supply (inside sales/storage)		
Field or sales office, temporary	S	None
Florist	P	None
Food store; grocery store with floor space not greater than 20,000 square feet	S	None
Forge plant		
Foundry (iron, steel, brass or copper)		
Fraternal organization, lodge		
Fraternal organization, lodge or civic club		
Furniture, appliance store	S	None
Garage, private		
Garden center (retail sales)	S	None
Gas metering station	S	None
General merchandise indoor auction		
General merchandise store	P	None
Glass products		
Golf course		
Golf driving range		
Greenhouse or plant nursery, commercial		
Greenhouse or plant nursery, noncommercial		
Guest house	S	None
Gymnastic or dance studio	S	None
Handcraft shop	P	None
Health club; gymnasium	S	None
Heliport or helistop		
Home occupation	P	None
Hospital (acute care)		
Hospital (chronic care); long-term health care facility		
Hotel, motel, motor hotel, or motor lodge	S	None
Household care facility		

Use	Downtown Overlay	Minimum Parking Spaces Required
Household care institution		
Kennel (no outside pens)		
Laboratory, medical or dental		
Laundry and cleaning, commercial		
Library	P	None
Local utility distribution lines	P	None
Medical supplies, sales and service		
Metal dealer, crafted precious	S	None
Metal fabrication		
Mobile food vendor	S	None
Mortuary or funeral home		
Motorcycle sales and service		
Museum or art gallery	P	None
Musical instrument manufacturing		
Nonprofit animal shelter		
Nursery school, kindergarten	S	None
Office center	S	None
Office, professional or general administrative	S	None
Office-showroom/warehouse		
Oil, gas, other mineral extraction		
Park, playground or recreation center (private)	S	None
Park, playground or recreation center (public)	S	None
Parking lot or parking garage, automobile	S	None
Personal service shop	S	None
Pet shop		
Pharmacy		
Post office, government and private		
Print shop	S	None
Prison, jail or place of incarceration		
Private open space as a part of a planned residential development	P	None

Use	Downtown Overlay	Minimum Parking Spaces Required
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	S	None
Racetrack		
Racquetball facilities		
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i))	S	None
Railroad track and right-of-way	S	None
Registered family home	S	None
Residence hotel		
Restaurant or cafeteria, with drive-in or drive-through service		
Restaurant or cafeteria, without drive-in or drive-through service	P	None
Retirement housing	S	None
Rodeo arena and grounds		
School, commercial		
School, private (primary and/or secondary)		
School, public (primary and/or secondary)		
School, trade	S	None
School, trade or commercial	S	None
Second hand store, furniture/clothing	S	None
Servant's, caretaker's or guard's residence	S	None
Service yards of government agency	S	None
Service, retail	S	None
Sewage pumping station	S	None
Sewage treatment plant		
Shooting range, target range		
Shopping center	S	None
Single-family dwelling, attached		
Single-family dwelling, detached	S	None
Stadium or playfield		
Studio (photographer, musician, artist)	P	None

Use	Downtown Overlay	Minimum Parking Spaces Required
Studio for radio and television		
Swimming pool, commercial	S	None
Swimming pool, private	S	None
Tanning salon		
Tattoo parlor/body piercing studio	S	None
Taxidermist		
Telephone exchange		
Telephone line	P	None
Theater (indoor)	S	None
Tire dealer (with outside storage)		
Tobacco sales		
Tool rental shop		
Townhouse or row dwelling	S	None
Transit station or turnaround	S	None
Two-family dwelling	S	None
Vendor, stationary	S	None
Veterinarian clinic (no outside pens)		
Washateria		
Water pumping station or well	S	None
Water storage, elevated	S	None
Water storage, ground		
Water treatment plant	S	None
Zero lot line house		

(c) Shipping, Conex, and cargo containers. Shipping containers, Conex boxes, cargo containers, and like containers are limited to three days within any 30-day period throughout the downtown overlay district.

(d) Dimensional standards.

Minimum lot area:	1600'
Minimum lot width:	20'
Minimum lot depth:	80'
Minimum front yard:	Setback averaging[1]

Minimum side yard for interior unit:	0'
Minimum side yard not abutting street:	5'
Minimum side yard abutting residential street:	10'
Minimum side yard abutting collector or major street:	15'
Minimum rear yard setback adjacent to overlay boundary properties:	10'
Minimum rear yard setback adjacent to overlay boundary properties:	25'
Max imperious coverage:	90%
Max density/acre:	8 DU/A
Max height:	45'

Notes:

[1] The proposed building shall be located within the range of existing primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range. On an interior lot, the range of setbacks is measured on the basis of the two closest lots in either direction along the block face. On a corner lot, the range of setbacks is measured on the basis of the three closest lots along the block face.

(e) Masonry requirements.

(1) Masonry shall mean and include that form of construction defined below and composed of brick, stone, granite, marble, stucco (three-step hard coat), and exterior insulation finish systems (EIFS).

(2) All single-story buildings hereafter constructed or placed in the overlay district shall have at least 75% of their front exterior wall surface constructed of masonry and/or glass pane.

(3) All buildings having more than a single-story hereafter constructed or placed in the overlay district shall have at least 50% of their front exterior wall surface constructed of masonry and/ or glass pane.

(4) All additions hereafter constructed to buildings in the overlay district shall have at least 50% of their front exterior wall surface, if any, constructed of masonry and/or glass pane.

(f) Architectural guidelines.

(1) New development sites, signage, and other structural elements within the overlay district shall not be permitted unless architecturally consistent with other historic buildings within the area to maintain the functional and visual appearance of the historic architectural style.

(2) Buildings within the overlay district shall be oriented toward the street in order to create a cohesive, pedestrian-oriented development plan. Front building facades and sidewalks may be utilized for outdoor uses such as cafes, restaurant seating, street-side seating, etc., provided these uses do not obstruct pedestrian movement or disrupt the streetscape's aesthetic continuity. Parking areas shall be located primarily in the rear of buildings to preserve the visual integrity of the streetscape and minimize disruptions to the pedestrian environment.

(3) New development/renovation in the overlay district shall incorporate design elements dating from the 1800's and early 1900's. Retail uses are preferred with parking in common areas. Roof lines featuring parapets, articulated cornice line, articulated ground floor levels, and strong corner treatments are a few of the design options. Exterior finishes should utilize the classic base colors of the natural environment, e.g., tan, ochre, beige, and terra cotta.

(4) A high quality durable base material, such as terra cotta, natural stone, cast stone, clay fired tile, or other approved masonry material is suggested for front building facades abutting the sidewalk. The base should be a minimum of 18 inches in height and appropriately proportioned and detailed for the front facade of the building.

(g) Design. A minimum of three of the following elements must be incorporated in the design of a new or refurbished building in the overlay district:

(1) Overhangs.

(2) Cornices.

(3) String courses.

(4) Peaked roof forms.

(5) Arches.

(6) Lintels.

(7) Pilasters.

(8) Rustication.

(9) Canopies.

(10) Awnings or porticos.

(11) Outdoor patios.

(h) Window transparency. The following transparency standards apply to building facades to ensure visibility and engagement at the street level:

(1) Transparency percentages refer to the area of clear, unobstructed glass that allows views into the building interior.

(2) Reflective, mirrored, or opaque treatments that obstruct visibility shall not qualify as transparent.

(3) The remaining window area may be used for signage, decorative elements, or illustrative graphics, provided they do not obstruct transparency minimums.

Level	Minimum Transparency Requirement
Floor 1	65%
Floor 2	30%

(i) Signage. The types of signage listed in the table below shall be permitted within the overlay district,

provided all applicable requirements of this section are met.

(1) Any permanent signage not explicitly listed herein shall be prohibited within the overlay district.

(2) All permitted signage shall comply with the size, placement, design, and operational standards established by this section.

(3) Any sign authorized by this section is allowed to contain a noncommercial message in place of any other authorized message.

Sign Regulation/Sign Type	Permit Required	Maximum Gross Surface Area (sq. ft.)	Sign Height	Number of Signs	Setback	Spacing of Signs
Wall	Yes	25% of wall	Attached to structure and not to exceed the roofline	One sign for each exterior wall; not to exceed four in total	—	—
Ground	Yes	Off-premises 150'; on-premises 300'	Off-premises 20' On-premises 25' 10' from bottom of sign to ground. [sic] On-premises signs on property with 1-35 or Hwy 67 frontage 70'	One for each premises, or for each street frontage	10' (any portion of the sign)	100' separation from adjacent ground sign on each premises. Minimum of 50' on adjacent premises
Wall—Residential	Yes	1'	Attached to structure and not to exceed the roofline	One sign for each exterior wall; not to exceed four in total.	—	—
Canopy, marquee or projection	Yes	50% of canopy, marquee or projection	—	One for each premises, or for each street frontage	—	—
Window	No	See window transparency standard listed in (g) above	—	—	—	—

Monument	Yes	Off-premises 150'; on-premises 300'	8 feet	One for each premises (multitenant sites see § 30-12)	10' (any portion of the sign)	No restrictions
Nameplate	No	5 sf in SF-1, -2, -3, MH-1X, MH-2X, MFX, DD10 sf in NC, RC, CF, IND	10' from top of roof, not to exceed a total distance of 40' from ground	One for each premises, or for each street frontage	—	—
Roof	Yes	200 sf in NC, RC, CBDX, CF, IND	10' from top of roof, not to exceed a total distance of 40' from ground	One for each main structure	—	—

(Ordinance 2025-0005 adopted 2/17/2025)

§ 42-39. NMU Neighborhood Mixed Use district

(a) Purpose. The NMU district is to provide for low intensity mixed uses, including local shopping and dining destinations, residential, community amenity, and entertainment uses. It is intended for development in this district to be compatible with adjacent or nearby residential land uses. This district also provides an opportunity to include community gathering spaces, parks, and plazas for the residents and visitors in the district and in surrounding neighborhoods.

(b) Permitted uses and parking regulations. In the NMU district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (inside sales)	1 space for every 200 square feet of floor area
Auto parts sales (inside)	1 space for every 200 square feet of floor area
Automobile service station (no garage or automobile repair facilities)	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Barbershop	1 space per 200 square feet of gross floor area
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Bowling alley	6 spaces for each lane
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Business service	1 space per 300 square feet of gross floor area
Clinic, medical or dental	1 space per 200 square feet of gross floor area
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Custom personal service shop	1 space per 200 square feet of gross floor area
Dance hall	1 space per 100 square feet of gross floor area
Discount, variety, or department store of not greater than 20,000 square feet floor space	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical substation	1 space per employee

Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Florist	1 space per 300 square feet of gross floor area
Food store; grocery store with floor space not greater than 20,000 square feet	1 space per 300 square feet of gross floor area
Fraternal organization, lodge	1.25 spaces per 200 square feet
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Garage, private	1 space per employee to be occupying the garage
Garden (patio) home	2 enclosed spaces per unit, must be attached to main structure
Gas metering station	1 space per employee
General merchandise indoor auction	1 space per 300 square feet of gross floor area
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Local utility distribution lines	0 spaces
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Mobile food vendor	0 spaces
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Multiple-family residence	For residence 1-99 units, 1.5 spaces per unit. For residence over 100 units, 1.5 spaces per unit with 20% being a covered space.

Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Nonprofit animal shelter	1 space per 200 square feet of floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Personal service shop	1 space per 200 square feet of gross floor area
Pharmacy	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Racquetball facilities	4 spaces for each court
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Sewage pumping station	0 spaces

Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Single-family dwelling, attached	2 enclosed spaces per unit, must be attached to the main structure
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Tanning salon	1 space per 200 square feet of gross floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Two-family dwelling	2 spaces per unit, 1 covered
Vertically mixed-use commercial and residential	The sum of the parking ratio for commercial use(s) and the parking ratio for residential uses within the building
Veterinarian clinic (no outside pens)	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, ground	0 spaces

(c) District restrictions. The following restrictions shall apply to uses in the NMU district.

(1) The business shall be conducted wholly within an enclosed building;

(2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;

(3) All merchandise shall be sold at retail on the premises; and

(4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

(d) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to the NMU district:

(1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
   a. Off-street parking of motor vehicles in operable condition;
   b. Off-street loading;
   c. Permitted display of merchandise for sale to the public; and
   d. Drive-in type establishments.

(2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and shall be maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.

(3) No loading of materials or products shall be permitted in the required front yard.

(4) Pedestrian walkways shall be provided along the perimeter of buildings (where feasible) and connect to walkways, sidewalks, and/or trails within the development.

(e) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 feet
Minimum lot depth:	80 linear feet
Minimum front yard:	25/35 linear feet[1]
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	20 du/ac
Height:	35 linear feet[2]

[1] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street. The front yard setback shall be 45 feet where parking is allowed in front of the building. Accessory buildings shall have a 60-foot front yard setback.

[2] No building shall exceed 35 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

(f) Specific uses. The following specific uses are allowed in the NMU district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Arcade	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee to be occupying the building
Auto laundry	1 space per 200 square feet of floor space
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area

Carwash	1 space per employee
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Feed and farm supply (inside sales/ storage)	1 space per 300 square feet of gross floor area
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garden center (retail sales)	1 space per 200 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Hospital (acute care)	1 space for every 2 beds
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Kennel (no outside pens)	1 space per 200 square feet of floor area
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Office center	1 space per 300 square feet of gross floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area

Pet shop	1 space per 300 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Retirement housing	1 space for each 6 beds per unit
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Service, retail	1 space per 200 square feet of gross floor area
Sewage treatment plant	1 space per employee
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial or private	1 space for each 100 square feet of gross water surface and deck area
Theater (indoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (with outside storage)	1 space for every 200 square feet of floor area
Tobacco sales	1 space per 200 square feet of gross floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Vendor, stationary	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area
Water storage, elevated	0 spaces
Water treatment plant	1 space per employee

(g) Screening devices. In the event that this district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, MFX, or TH, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be

maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.

(h) Masonry requirements.

(1) All single-story buildings hereafter constructed or placed in this district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the NMU district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in the NMU district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

§ 42-40. RMU Regional Mixed Use district

(a) Purpose. The RMU district is intended to provide for high intensity mixed uses, including highway-oriented commercial, residential, and hospitality uses. The uses permitted in the RMU district are not generally carried on completely within a building or structure and an expanded range of commercial uses is permitted. This district is reserved for areas adjacent to major highways and corridors.

(b) Permitted uses and parking regulations. In the RMU district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (indoor or outdoor sales)	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Auto laundry	1 space per 200 square feet of floor space
Auto parts sales (inside)	1 space for every 200 square feet of floor area
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Automobile and trailer sales area, new or used	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Automobile service station	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area

Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Barbershop	1 space per 200 square feet of gross floor area
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Boat sales and storage	1 space per 300 square feet of gross floor area
Bowling alley	6 spaces for each lane
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Bus terminal	1 space per intended user
Business service	1 space per 300 square feet of gross floor area
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Carwash	1 space per employee
Child care center	1 space per ten pupils/clients (design capacity)
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Clinic, medical or dental	1 space per 200 square feet of gross floor area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.

Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Custom personal service shop	1 space per 200 square feet of gross floor area
Dance hall	1 space per 100 square feet of gross floor area
Discount, variety, or department store	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Engine and motor repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm equipment, sales and service	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Feed and farm supply (inside sales/storage)	1 space per 300 square feet of gross floor area
Feed and farm supply (outside sales/storage)	1 space per 300 square feet of gross floor area
Field or sales office, temporary	1 space per employee
Florist	1 space per 300 square feet of gross floor area
Food store; grocery store	1 space per 300 square feet of gross floor area
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Furniture and appliance repair and storage	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garage, private	1 space per employee to be occupying the garage
Garden (patio) home	2 enclosed spaces per unit, must be attached to main structure
Garden center (retail sales)	1 space per 200 square feet of gross floor area
Gas metering station	1 space per employee
General merchandise indoor auction	1 space per 300 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area

Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Heliport or helistop	1 space if located on the ground
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2,000 square feet of floor area
Local utility distribution lines	0 spaces
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Mobile food vendor	0 spaces
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Multiple-family residence	For residence 1-99 units, 1.5 spaces per unit. For residence over 100 units, 1.5 spaces per unit with 20% being a covered space.

Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Nonprofit animal shelter	1 space per 200 square feet of floor area
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Office center	1 space per 300 square feet of gross floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Pawn shop	1 space per 300 square feet of gross floor area
Personal service shop	1 space per 200 square feet of gross floor area
Pet shop	1 space per 300 square feet of gross floor area
Pharmacy	1 space per 300 square feet of gross floor area
Plumbing service	1 space per 300 square feet of gross floor area
Plumbing, heating, refrigeration or air conditioning business	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Quick oil change facility	1 space per employee
Quick tune-up facility	1 space per employee
Racquetball facilities	4 spaces for each court
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Railroad station	1 space per employee, and if station is for public travel, 1 space for every 1,000 square feet of areas meant for public travel

Railroad team track and right-of-way	1 space per employee
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Service, retail	1 space per 200 square feet of gross floor area
Sewage pumping station	0 spaces
Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Shops, office and/or storage area of public or private utility	1 space per employee
Single-family dwelling, attached	2 enclosed spaces per unit, must be attached to the main structure
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial	1 space for each 100 square feet of gross water surface and deck area
Tanning salon	1 space per 200 square feet of gross floor area
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Teen club	1 space for every 1,000 square feet of floor area
Telephone exchange	1 space per employee

Telephone line	0 spaces
Theater (indoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (with outside storage)	1 space for every 200 square feet of floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Transit station or turnaround	1 space per intended user
Truck sales	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Vertically mixed-use commercial and residential	The sum of the parking ratio for commercial use(s) and the parking ratio for residential uses within the building
Washateria	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(c) District restrictions. The following restrictions shall apply to uses in the RC district:

(1) The business shall be conducted wholly within an enclosed building;

(2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;

(3) All merchandise shall be sold at retail on the premises; and

(4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

(d) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

(1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:

a. Off-street parking of motor vehicles in operable condition;

b. Off-street loading;

c. Permitted display of merchandise for sale to the public; and

d. Establishments of the drive-in type.

(2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.

(3) No loading or storage of material or products shall be permitted in the required front yard.

(4) Pedestrian walkways shall be provided along the perimeter of buildings (where feasible) and connect to walkways, sidewalks, and/or trails within the development.

(e) Specific uses. The following specific uses are allowed in the RMU district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Air conditioning and refrigeration contractor	1 space for every 200 square feet of floor area
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Arcade	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee to be occupying the building
Auto leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Brew pub	1 space per 100 square feet of gross floor area
Building materials, hardware (outside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community home	1 space per employee to be occupying the building
Electric power generating plant	1 space per employee
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm seed and/or fertilizer sales/storage (inside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Heavy machinery sales	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet

Kennel (with or without outside pens)	1 space per 200 square feet of floor area
Microbrewery	1 space per 200 square feet of floor area
Microdistillery	1 space per 200 square feet of floor area
Newspaper printing	1 space per 300 square feet of gross floor area
Parking lot or parking garage, truck parking	1 space per employee, plus 1 space per vehicle to be parked
Pipe sales and supply	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Print shop	1 space per 300 square feet of gross floor area
Pump sales, repair and maintenance	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Registered family home	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sand, gravel, stone or earth sales	1 space per 300 square feet of gross floor area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Self storage; mini-warehouse	4 spaces per complex, plus 1 space per 5,000 square feet of storage area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Solid waste transfer station	1 space per employee
Storage/wholesale warehouse, light	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Theater (outdoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (no outside storage)	1 space for every 200 square feet of floor area
Tobacco sales	1 space per 200 square feet of gross floor area
Trailer rental	1 space per 200 square feet of gross floor area
Travel trailer, manufactured housing or manufactured home display and sales	1 space per 200 square feet of gross floor area

Truck and bus leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Truck or motor freight terminal	1 space per employee plus one space for each intended vehicle to be accommodated
Vendor, stationary	1 space per 200 square feet of gross floor area
Veterinarian clinic (with or without outside pens)	1 space per 200 square feet of gross floor area

(f) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	25/35 linear feet[1]
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	45 du/ac
Height	55 linear feet[2]

[1] The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

[2] No building shall exceed 55 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

(g) Screening devices. In the event that the RC district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry or wood wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.

(h) Masonry requirements.

(1) All single-story buildings hereafter constructed or placed in the RMU district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the RMU district

shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in the RMU district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

§ 42-41. INN Innovation district

(a) Purpose. The INN district is intended to promote research, education, technology development, and emerging business creation by providing flexible, campus-style land use opportunities. Development within this district should foster a high-quality built environment and reinforce a connected and vibrant employment and institutional center. Uses are scaled to minimize off-site impacts and ensure compatibility with surrounding neighborhoods.

(b) Permitted uses and parking regulations. In the INN district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Uses	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Dormitory	1 space for each 2 beds
Garage, private	1 space per employee to be occupying the garage
General merchandise store	1 space per 200 square feet of gross floor area

Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Mobile food vendor	0 spaces
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater

School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Single-family dwelling, attached	2 enclosed spaces per unit, must be attached to the main structure
Two-family dwelling	2 spaces per unit, 1 covered
Vertically mixed-use commercial and residential	The sum of the parking ratio for commercial use(s) and the parking ratio for residential uses within the building
Zero lot line house	2 enclosed spaces per unit, must be attached to the main structure

(c) District restrictions. The following restrictions shall apply to uses in the INN district.

(1) The business shall be conducted wholly within an enclosed building;

(2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;

(3) Loading docks must be screened and oriented to interior drives;

(4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance; and

(5) Any development or phase of development containing residential units shall include a commercial component consisting of a minimum of ten percent of the total gross floor area of the development.

(d) Development requirements.

Minimum lot area:	2,500 square feet
Minimum lot width:	50 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	25/35 linear feet[1]
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	80 percent

Maximum density per acre:	8 du/ac
Height:	35 linear feet[2]

[1] The first number in the column is the required setback for a front yard abutting a residential street the second number in the column is the required setback for a front yard abutting a collector or major street. The front yard setback shall be 45 feet where parking is allowed in front of the building. Accessory buildings shall have a 60-foot front yard setback.

[2] No building shall exceed 35 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

(e) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

(1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:

a. Off-street parking of motor vehicles in operable condition;

b. Off-street loading;

c. Permitted display of merchandise for sale to the public; and

d. Establishments of the drive-in type.

(2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.

(3) No loading or storage of material or products shall be permitted in the required front yard.

(4) Pedestrian walkways shall be provided along the perimeter of buildings (where feasible) and connect to walkways, sidewalks, and/or trails within the development.

(f) Screening devices. In the event that this district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, MFX, or TH, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry or wood wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.

(g) Masonry requirements.

(1) All single-story buildings hereafter constructed or placed in this district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.

(2) All buildings having more than a single story hereafter constructed or placed in the INN district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(3) All additions hereafter constructed to buildings in the INN district shall have at least 50 percent

of their exterior wall surface constructed of masonry and/or glass pane.

§ 42-42. through § 42-44 (Reserved)

§ 42-45. Additional regulations for special uses.

(a) Generally. The following uses, where permitted in the various zoning districts, shall be operated only in accordance with the requirements set forth below.

(b) Child care centers.

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

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

(3) Site plan approval by the planning and zoning commission and city council shall be required for all child care center sites, whether or not a specific use permit is required.

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

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

a. All vehicular entrances and exits shall be clearly visible from the street.

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

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

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

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

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

(d) Residence hotels. Residence hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in section 42-28. Residence hotels constructed in the MFX, NC, RC, DT, NMU, and RMU districts shall comply with the MFX, NC, RC, DT, NMU, and RMU district

requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

(e) Automobile service stations. Gasoline pump islands at automobile service stations and convenience stores may not be located nearer than 18 feet to the front property line. An unenclosed canopy for a gasoline pump island may extend beyond the front building line but shall not be closer than ten feet to the property line.

(f) Swimming pools. It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.

(1) No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.

(2) A swimming pool may be constructed and operated when:

a. The pool is not located in any required front yard or side yard abutting a street;

b. A wall or fence, not less than four feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;

c. All lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;

d. No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers;

e. The swimming pool is no closer than eight feet from any property line for all public and commercially owned pools; and

f. For private residential pools, the swimming pool is no closer than:

1. Three feet from any property line, and

2. Five feet from the main building.

(g) Teen clubs. In order to provide a safe and secure environment, at least one uniformed security officer or off-duty police officer for every 100 occupants shall be working in the club during all hours of operation of a teen club; provided, however, the first security officer or off-duty police officer shall not be required until the building occupancy reaches 50.

(h) Regulation of sexually oriented businesses.

(1) No sexually oriented business shall be allowed within 1,000 feet of:

a. A church, rectory or place of worship;

b. A public or private elementary or secondary school;

c. A boundary of a residential district;

d. A public park;

e. A child care center;

f. The property line of a lot devoted to a residential use; or

g. Another sexually oriented business.

(2) For the purpose of subsections (h)(1)a. through f., measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsections (h)(1)a. through f.. For the purpose of subsection (h)(1)g., the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(3) No sexually oriented business shall be operated in any building or structure containing another sexually oriented business.

(4) No sexually oriented business shall begin operations until the applicant thereof provides proof of compliance with V.T.C.A., Local Government Code section 243.0075.

(5) Any sexually oriented business that is in violation of subsection (h)(1) or any other location requirement of any other city ordinance, that was legally operating on the effective date of adoption or amendment of such ordinance or regulation, shall be deemed a nonconforming use, except if two or more sexually oriented businesses are within 1,000 feet of each other, or are located in the same building or structure, and otherwise in a permissible location, the sexually oriented business that was first established and continually operating as a sexually oriented business at a particular location (regardless of which business was first located in the city), even if operating under a different name, ownership, or selling different sexually oriented merchandise or services, is the conforming use and the later-established business is nonconforming. The provisions of this subsection shall also apply to legally operating sexually oriented businesses made nonconforming by annexation into the city limits.

(6) Any sexually oriented business that is lawfully operating within the city as a conforming use on or after March 16, 2015 shall not be rendered a nonconforming use by the subsequent location of a protected use listed in subsection (h)(1) within 1,000 feet of the sexually oriented business.

(7) Nothing in this section shall be construed to limit the amortization of a nonconforming sexually oriented businesses pursuant to the procedures set forth in this chapter.

(8) A nonconforming sexually oriented business shall not be increased, enlarged, extended or altered except that the use may be changed to a use other than a sexually oriented business to the extent allowed by this chapter. A person commits an offense if he increases, enlarges, extends or alters, or causes to be increased, enlarged, extended or altered a nonconforming sexually oriented business.

(i) Mobile food vendors.

(1) Vehicle requirements.

a. All mobile food units shall be readily identifiable by business name, printed in bold letters

not less than three inches in height, not less than one and one-half inches in width, permanently affixed, and prominently displayed upon at least two sides of the unit.

b. All mobile food units shall maintain a current state motor vehicle inspection sticker and a current Texas motor vehicle license plate registration sticker.

c. All mobile food units must be readily moveable (capable of moving immediately upon the request of the code enforcement officer).

d. Mobile food vendors who only sell prepackaged goods on their mobile food units shall not remain parked in one location for longer than three hours. No time restriction shall apply for mobile food vendors who prepare food on their mobile food unit.

(2) Restroom access and trash receptacles. Mobile food vendors who prepare food on their mobile food unit shall:

a. Provide one or more trash receptacles for disposal of waste from customers, and shall provide for the disposal of such waste; and

b. Provide access to restroom facilities for customers within 300 feet of the mobile food unit.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-46. through § 42-54. (Reserved)

§ 42-55. Supplementary district regulations.

(a) Generally. To the extent applicable, the regulations set forth in this section shall supplement the general regulations set forth in the various zoning districts, and to the extent there is a conflict between such general regulations and these supplementary district regulations, these supplementary district regulations shall supersede them.

(b) Calculation of setbacks.

(1) Front yards. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 30 inches above the average grade of the yard.

a. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless shown specifically otherwise on a final plat.

b. Where a building line has been established by a plat approved by the city council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than 20 feet, except as approved under a planned development. The board of adjustment may grant a variance to the required front yard as in other case.

c. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

d. Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.

e. On any corner lot for which front and side yards are required, no wall, fence, structure, sign, tree, or other planting or sloped terrace or embankment may be maintained higher than three feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point 30 feet back from the right-of-way corner. Visual clearance shall be provided in all zoning districts so that no fence, wall, vegetation, architectural screen, earth mounding, or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.

f. Where a future right-of-way line has been established on a plat for future widening or opening of a street upon which a lot abuts, the front or side yard shall be measured from the future right-of-way line.

(2) Side yards. Every part of a required side yard shall be open and unobstructed except for:

a. Accessory buildings and swimming pools as permitted herein;

b. The ordinary projections of window sills, belt courses, cornices, and other architectural features not more than 12 inches into the required side yard; and

c. Roof eaves projecting not more than 36 inches into the required side yard. Balconies shall not project into the required side yard.

When a non-residentially zoned lot or tract abuts upon a residentially zoned lot or tract, a minimum side yard of ten feet shall be provided on the nonresidential property. An opaque wood fence or masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

(3) Rear yards. The required rear yard shall be open and unobstructed by any object that is greater than 30 inches in height above the average grade of the yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet. Balconies shall not project into the required rear yard.

(c) Exceptions to yard regulations. Chimneys shall be permitted to encroach 30 inches into any required yard in residential zoning districts.

(d) Exceptions to height regulations. The general height limitations contained in the various zoning district height and area regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(e) Exceptions to lot width regulations. This chapter shall not prohibit the use of a lot that has less width than required in the applicable zoning district if such lot was a lot of record and in separate ownership at the time of adoption of this chapter.

(f) Structure to have access. Every building hereafter erected, placed, reconstructed, altered or enlarged shall be on a lot adjacent to a public street, or with access to any approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

(g) Accessory buildings.

(1) Permanent accessory buildings, residential. Permanent accessory buildings which are placed on a permanent foundation shall be allowed in residential zoning districts subject to the following regulations:

a. Accessory buildings shall not exceed one story in height and must be located behind the primary structure.

b. Setbacks:

1. Front yard: Must be located behind the primary structure.

2. Side yard: Same as the primary structure.

3. Rear yard: Minimum of five feet.

c. No separate accessory building shall be erected within six feet of any other building.

d. No accessory building shall be used as a place of habitation or for commercial purposes.

e. The total floor area of the accessory building on one lot shall not exceed 30 percent of the floor area of the main building on the lot, except that this requirement shall not limit the floor area of an accessory building to less than 200 square feet.

f. Accessory buildings shall not occupy more than 50 percent of the rear yard.

g. An accessory building that exceeds 200 square feet must meet the masonry requirement of the primary structure.

h. An accessory building may be constructed as part of the main building, in which case the regulations controlling the primary structure shall apply.

i. No accessory building will be permitted without a primary structure being located on the same premises.

j. No such building shall be located within or encroach upon any utility or drainage easement.

k. No accessory building shall be placed or constructed on a lot until construction of the principal building has commenced, and no accessory building shall be occupied until the principal building is completed and is being used or occupied.

(2) Temporary and portable type accessory buildings, residential. Temporary and portable accessory buildings which are not placed on a permanent foundation shall be allowed in any residential district subject to the following regulations:

a. Accessory buildings shall not exceed 12 feet in height and must be located behind the primary structure.

b. Setbacks:

1. Front yard: Must be located behind the primary structure and may not be located with the front yard or side yard adjacent to a street.

2. Side yard: Minimum of five feet.

3. Rear yard: Minimum of five feet.

c. Maximum floor area of 200 square feet.

d. Two per lot. Total area of accessory buildings shall not exceed 50 percent of the area behind the rear building face.

e. No separate accessory building shall be erected within six feet of any other building.

f. Construction material. Each accessory building must have an exterior finish of materials similar to the principal building on the lot on which it is located. A portable building less than 120 square feet may be of metal commercial kit construction and must be properly secured to prevent overturning, utilizing a method acceptable to the building official.

g. No accessory building will be permitted without a primary structure being located on the premises.

(3) Residential detached garage and carport regulations.In all residential districts, detached garages shall not exceed 25 feet in height and must be located behind the primary structure:

a. Setbacks:

1. Front yard: Must be located behind the primary structure.

2. Side yard: Same as the primary structure.

3. Rear yard: Minimum of five feet.

b. No separate detached garage shall be erected within six feet of any other building.

c. No detached garage or carport shall be used as a place of habitation or for commercial purposes.

d. The total floor area of the detached garage on one lot shall not exceed 30 percent of the floor area of the main building on the lot, except that this requirement shall not limit the floor area of an accessory building to less than 600 square feet.

e. A detached garage shall not occupy more than 50 percent of the rear yard.

f. A detached garage that exceeds 600 square feet must meet the masonry requirement of the primary structure. This requirement does not apply to lots greater than one-half acre.

g. No detached garage or carport is permitted without a primary structure being located on the same premises.

h. A detached garage shall provide space for not more than one motor vehicle for each 3,000 square feet of lot area.

(4) Permanent accessory buildings, nonresidential. The following accessory building and use regulations apply only to property in a nonresidential zoning district.

a. The height of accessory buildings shall be the same as the primary structure.

b. Setbacks:

1. Front yard: Same as the primary structure.

2. Side yard: Same as the primary structure.

3. Rear yard: Same as the primary structure.

c. No separate accessory building shall be erected within six feet of any other building.

d. An accessory building shall meet the masonry requirements of the primary structure.

e. No accessory building will be permitted without a primary structure being located on the same premises.

f. No permanent accessory building shall be located within or encroach upon any utility or drainage easement.

g. The building may be used for any permitted accessory use allowed in the district in which the accessory building is located.

(5) Nonresidential temporary and portable type accessory buildings. Temporary and portable accessory buildings which are not placed on a permanent foundation shall be allowed in any nonresidential district as follows:

a. Construction purposes only. In all nonresidential zoning districts, a temporary building shall be permitted for construction purposes only, provided the building shall be removed upon completion or abandonment of construction work or removed upon request of the city manager.

b. Permit required. Permits shall be issued for temporary buildings on construction sites for a period of six months only, with a renewal clause for a similar period.

(h) Performance standards. The following are maximum accepted levels of noise, vibration, smoke, particulate matter, and toxic and noxious matter allowable for all uses. To the extent these levels conflict with the levels of performance set forth in a specific zoning district, the more stringent

level shall apply. These levels shall be shown on the performance standards report submitted with the required site plan unless the submission of all or part of the report is waived by the zoning administrator, based upon his determination that the proposed use will not produce the listed effects.

(1) Noise. The day-night average sound level at the property line shall not exceed 75 decibels, unless the property line abuts property zoned for residential uses where the maximum day-night average sound level shall not exceed 65 decibels. The day-night average sound level (LDN) is the 24-hour average sound level, in decibels, obtained after addition of ten sound decibels to sound levels in the night from 10:00 p.m. to 7:00 a.m.

(2) Vibration. At the point of measurement taken on the property line of the source property which has the highest reading, the sound pressure level or impact level of any operation or plant shall not exceed the decibel limits for the octave bands designated in column I below, unless the point of measurement is located on a property line which is also the boundary line of a residential district in which case the limits set forth in column II shall apply.

Frequency (cycles/second)	Column I Displacement (in.)	Column II* Displacement (in.)
0 to 10	.0022	.0008
11 to 20	.0016	.0005
21 to 30	.0010	.0002
31 and Over	.0005	.0001

*Steady state—Vibrations, for the purpose of this chapter, which are continuous or, if in discrete pulses, are more frequent than 60 per minute. Impact vibrations, that is, discrete pulses which do not exceed 60 pulses per minute, shall not cause in excess of twice the displacement stipulated.

(3) Smoke, particulate matter and visible emissions. Smoke or visible emissions emitted from any vent, stack, chimney, skylight, or window shall not exceed an opacity of 20 percent averaged over a five-minute period. Any emission of air pollutant must be in accordance with the requirements of the state. Emissions shall not exceed any of the following net ground level concentrations:

a. One hundred micrograms per cubic meter of air sampled averaged over any five consecutive hours.

b. Two hundred micrograms per cubic meter of air sampled, averaged over any three consecutive hours.

c. Four hundred micrograms per cubic meter of air sampled, averaged over any one hour.

(4) Toxic and noxious matter. The handling processing, storage and disposal of hazardous, toxic, or noxious materials shall be in accordance with applicable state and federal laws and regulations. In addition, the city council may establish additional performance standards, including setbacks, berms, and buffers, for the siting of facilities which handle, treat, store, or dispose of potentially hazardous or dangerous materials.

(5) Odor. No operation shall permit odors to be released which are detectable at the property line and which offensively affect the sense of smell.

(6) Glare. All artificial light sources shall be shielded so as to prevent direct rays of light

from crossing a zoning district boundary line.

(7) Effluent. If the proposed use is to emit sanitary sewage effluent containing industrial wastes or other effluent into the city's sanitary sewer system which is considered by the city engineer to be unusual to or be damaging to the sanitary sewer system, a description of methods of pretreatment of the effluent must accompany the development site plan.

(8) Additional standards. The city council may establish additional performance standards to protect neighboring areas and land uses from potential uses which may be hazards and nuisances.

(i) Transmitting and receiving antennas and antenna facilities.

(1) Purpose. The purpose of these regulations is to establish general guidelines for the siting of antennas and antenna facilities, including telecommunications antennas and towers, and to:

a. Protect residential areas and land uses from potential adverse impacts of antennas and antenna facilities;

b. Encourage the location of antenna facilities in nonresidential areas;

c. Minimize the total number of antenna facilities throughout the community;

d. Strongly encourage co-location on both new and existing antenna facility sites as a primary option rather than construction of additional single-use facilities;

e. Encourage the users of antenna facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

f. Encourage users of antenna facilities to configure them in a way that minimizes the adverse visual impact of the facility through careful design, siting, landscape screening, and innovative camouflaging techniques;

g. Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;

h. Consider the public health and safety of antenna facilities; and

i. Avoid potential damage to adjacent properties from facility failure through engineering and careful siting of facilities. In furtherance of these purposes, the city shall give due consideration to the city comprehensive land use plan, zoning map, existing land uses, and environmentally sensitive areas in considering sites for the location of antenna facilities.

(2) Amateur radio equipment and TV antennas (including ham radio and CB equipment but not including commercial uses) shall be permitted as a special exception within residential zoning districts in accordance with the following regulations:

a. Antenna facilities may be building attached, monopoles, or lattice towers;

b. Only one antenna facility per lot of record;

c. An antenna that is attached to a building shall not extend more than ten feet above the building on which it is mounted;

d. An antenna facility shall be limited to having the number and size of antenna attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;

e. Setbacks:

1. Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards. Guy wires are permitted in required side and rear yards;

2. Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts;

f. Separation. There will be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record;

g. Antenna facilities shall not be permitted in any easement;

h. Lights. No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission;

i. A building permit must be obtained prior to the construction and/or installation of an antenna facility except TV antennas;

j. No part of an antenna, antenna facility or any attachment thereto may extend beyond the property line of the owner of such antenna or antenna facility.

(3) Satellite receive-only antennas.

a. Satellite receive-only antennas are permitted as an accessory use as follows:

1. Less than one meter in diameter: in any zoning district;

2. Less than two meters in diameter: in a nonresidential district;

b. A special exception is required for:

1. A satellite receive-only antenna which exceeds one meter in diameter to be located in a residential zoning district;

2. A satellite receive-only antenna which exceeds two meters in diameter to be located in a nonresidential zoning district except governmental antennas; and

3. Any non-governmental independently supported commercial antenna facility.

(4) Commercial radio, television and microwave towers.

a. No commercial radio, television, or microwave tower shall be located within a distance equal to at least the height of such tower from any residential structure or from any residential district. Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of such area or residence.

b. No commercial radio, television, or microwave reflector antenna support structure shall be closer to any residential district boundary line than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.

c. The location of commercial radio, television, or microwave reflectors, antennas, or support structures and associated foundations and any support structures and associated

foundations and any support wires shall be prohibited within any required front or side yard.

d. All commercial communication operations or radio, television, or microwave reflectors, antennas, or structures shall be prohibited in residential districts.

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

(5) Telecommunications antennas and towers. Telecommunications antennas and towers shall be permitted as a special exception in accordance with the provisions in section 42-95(h).

(j) Outdoor display. The outside display or sale of goods, products, or inventory is not permitted within the nonresidential zoning districts except as set forth herein or as specifically authorized in each district.

(1) NC and RC commercial districts.

a. Outside display or sale of goods, products, or inventory shall be permitted only on the sidewalk adjacent to the building; provided such goods, products or inventory shall not extend more than ten feet from the building and shall not be more than five feet in height; and provided further, that there shall be at least five feet in width of unobstructed sidewalk remaining.

b. The restrictions in subsection (j)(1)a. shall not be construed to prohibit the following, provided the sidewalk clearances as stated in subsection (j)(1)a. are met:

1. Storage and display of Christmas trees for a period not to exceed 60 days prior to and five business days after Christmas Day each year.

2. Merchandise dispensing units placed adjacent to a building.

3. Storage and display of merchandise normally placed on gasoline pump islands.

4. Storage, display, and sale of newspapers in newspaper racks or the outside display of merchandise by a retail landscape nursery.

5. "Sidewalk sales" for periods not exceeding five days in each month.

c. The accessory seasonal display of plant and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the zoning administrator only under the following conditions:

1. The plants and related materials shall be located on an all-weather hard surface.

2. All of the plants and related materials shall be located behind the front and side building lines.

3. The storage area for display of plants and related materials shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements in this subsection (j) are met.

4. The storage area for display of plants shall not occupy more than five percent of the total lot area.

d. The restrictions in subsection (j)(1)a. shall be construed to prohibit the storage and display of rental trailers and trucks except in districts where such uses are indicated as permitted

uses.

(2) CF and IND districts not abutting residential district. In districts CF and IND that do not abut a residential district, the following regulations shall apply:

a. Outdoor display shall not be located in any required parking/loading space.

b. If display is located within the required front yard setback, the stacking height of merchandise/inventory shall not exceed five feet nor shall merchandise/inventory be located within the public open space easement or visibility triangle of a corner lot.

c. The restrictions in subsection (j)(2)b. shall not be construed to prohibit the following, provided the height restrictions as stated in subsection (j)(2)b. are met.

1. Storage and display of Christmas trees for a period not to exceed 60 days prior to and five business days after Christmas Day each year.

2. Merchandise dispensing units placed adjacent to a building.

3. Storage and display of merchandise normally placed on gasoline pump islands.

4. Storage, display, and sale of newspapers in newspaper racks or the outside display of merchandise by a retail landscape nursery.

(3) CF and IND districts abutting residential district. In districts CF and IND that abut a residential district, the following regulations shall apply:

a. Outdoor display shall not be located in any required parking/loading space.

b. Any property line of the nonresidential district adjacent to a residential district shall be screened from view with a screening device as defined in this chapter.

c. No stacking of outdoor displays shall exceed the height of the required screening device.

d. If display is located within the required front yard setback, the stacking height of merchandise/inventory shall not exceed five feet nor shall merchandise/inventory be located within the public open space easement or visibility triangle on a corner lot.

e. A ten-foot landscaped buffer strip shall be installed adjacent to the screening device. Said landscaped buffer strip shall consist of dense evergreen shrubs, each shrub being from no less than a five-gallon container, capable of growing a minimum of six feet in height within two years of planting. A combination of evergreen shrubs and trees accomplishing the same effect as stated above may be used.

f. The prohibition in subsection (j)(3)d. shall not apply to:

1. Storage and display of Christmas trees for a period not to exceed 60 days prior to and five business days after Christmas Day each year.

2. Merchandise dispensing units placed adjacent to a building.

3. Storage and display of merchandise normally placed on gasoline pump islands.

4. Storage display and sale of newspapers in newspaper racks.

(4) In the CBDX, the following regulations shall apply:

a. No less than fifty percent (50%) of all outdoor display and outdoor storage must be located on a paved concrete surface.

(k) Sand, gravel, stone or earth sales. No sand, gravel, stone, earth or similar natural materials (materials) shall be stored or displayed for sale without such materials being placed in or upon a bunker, bin, or other man-made impervious surface. The materials may not be placed for sale or stored upon any unimproved surface.

(l) Garage sales.

(1) Definition. A garage sale is the sale of items normally accumulated by a household.

(2) Permits and conditions of sales.

a. No person or business shall conduct a garage sale without a city-issued garage sale permit. A garage sale permit fee as adopted by resolution of the city council from time to time shall be paid to the city at the time application is made. The permit applicant must be at least 18 years of age, present a state-issued form of identification and provide a valid mailing address when obtaining a garage sale permit.

b. No more than three garage sales shall be permitted for the same residence during any 12-month period. The duration of the garage sale shall not exceed three consecutive days.

c. Garage sales are to be held on a lot that has a physical structure such as a home or business with a city utility account.

d. No items shall be purchased for a garage sale for the purpose of resale.

e. Signs advertising the garage sale shall comply with the sign code of the city.

f. If a garage sale permit was purchased and the majority of the scheduled dates for the sale are affected by rain or other inclement weather, as determined by the city manager, a rain-out permit may be issued at no cost provided the applicant notifies the city the next business day following the expiration of the garage sale permit. A rain-out permit shall authorize the continuation of the garage sale for the number of days the sale was disrupted by inclement weather, as determined by the city manager. The new permit must be issued within 30 days of the date of issuance of the original permit. If the permit was issued for two or three days and the rain or inclement weather affects only one day during the permit period, a rain-out permit shall not be issued.

(m) Parking of major recreational vehicles in street or public right-of-way. In all residential districts, major recreational vehicles may be parked on a street for the express purpose of being loaded or unloaded only. Such vehicles shall not be parked in any street or public right-of-way for a period exceeding 24 hours.

(n) Parking of vehicles for the purpose of sale. No vehicle shall be parked on any property within the city for the principal purpose of displaying such vehicle for sale except:

(1) On a property that is zoned and licensed for vehicle sales; or

(2) On residentially zoned property not more than one vehicle may be displayed for sale at any time if such vehicle is owned by a resident on the residential premises. There shall be a rebuttable presumption that a vehicle is parked for the principal purpose of displaying said vehicle for sale if it is parked in such a location with a "for sale" sign or other indication that the vehicle is for sale.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2022-0020, sec. 1, adopted 11/21/2022; Ordinance 2024-0018 adopted 9/16/2024)

§ 42-56. Site plans.

(a) Generally. Whenever a site plan is required by this chapter, the site plan must conform to the requirements of this section.

(b) Administrative site plans. Site plans may be approved administratively by the zoning administrator unless approval is required under subsection 42-56(c). An aggrieved party may appeal the decision of the zoning administrator to the board of adjustment in accordance with the provisions of this chapter.

(c) City council approval. The following site plans must be acted upon by the city council after recommendation by the planning and zoning commission:

(1) A site plan submitted in conjunction with an application for a specific use permit in any zoning district (public hearing required);

(2) A site plan submitted in conjunction with an application for a zoning change to GH, MH-1X, MH-2X, MH-3X, MFX, CF, IND, CBDX, or I.

Changes in any site plan approved by the city council shall be processed the same as the original approval of the site plan, unless a determination is made by the zoning administrator that a proposed change of detail does not alter the basic relationship of the proposed development to adjacent property, and does not alter the uses permitted or increase the density, floor-area ratio, height ratio, or reduce the yards provided at the boundary of the site as indicated on the approved site plan. Such changes may be authorized by the zoning administrator. An aggrieved party may appeal the decision of the zoning administrator to the zoning board of adjustment in accordance with the provisions of this chapter.

(d) Site plan review. The purpose of site plan review is:

(1) To insure compliance with the zoning ordinance, while allowing for design flexibility;

(2) To assist in the orderly and harmonious development of the city;

(3) To protect adjacent uses from obstructions to light, air, and visibility;

(4) To provide protection from fire;

(5) To avoid undue concentrations of population and overcrowding of land; and

(6) To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.

(e) Notice and hearing. The following notice and hearing requirements shall apply to site plans requiring city council approval:

(1) Owners of record of property within 200 feet of the property under consideration will be notified of site plan consideration by the planning and zoning commission.

(2) The zoning administrator shall have at least one sign erected on the property for which site plan consideration of the planning and zoning commission has been requested. The sign shall have total area of at least four square feet and shall be located adjacent to streets, if possible. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the city council, or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of hearing on a site plan and the

telephone number of the public official from whom dates of public hearing may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the review or approval of any site plan or the holding of any public hearing.

(3) Hearings held by the city council for consideration of site plans for specific use permits shall be conducted in accordance with the provisions of state law and section 42-96. An approved site plan for a specific use permit shall become part of the amending ordinance.

(4) A separate notice and hearing shall not be required for site plan approval in connection with a zoning change or other action requiring notice and a hearing.

(f) Form and content. The site plan shall contain the information listed below, as determined applicable by the zoning administrator. Any or all of the required features may be incorporated on a single drawing, if such drawing is clear and capable of evaluation by the planning and zoning commission, the city council, and the officers required to enforce and interpret this chapter.

(1) A scale drawing on a minimum sheet size of 18 inches by 24 inches is required, showing any proposed public or private street(s) and alley(s); building site(s) or building lot(s); any area(s) proposed for dedication, or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets and an accurate survey of the boundary of tract, as well as a ledger size (11 inches by 17 inches) for file purposes.

(2) Topography with contour interval of not less than two-foot intervals.

(3) Where multiple types of land use are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.

(4) Where building(s) are proposed, a site plan showing the location of each building and the minimum distance between building(s), and between building(s) and the property lines, street lines and/or alley lines, shall be submitted.

(5) The square footage of each proposed building on the site.

(6) Front, side, and rear building elevations of all proposed structures.

(7) The height of the building(s) and type of construction materials.

(8) A plan indicating the arrangement and provision of off-street parking, off-street loading, and points of entry from adjoining streets.

(9) Landscape plan.

(10) Fire lanes as designated by the fire department.

(11) The location of all fire hydrants.

(12) A table showing land area, building area, parking area and a ratio of building area and land area, and a ratio of building/parking area and land area.

(13) The location of all outside facilities for waste disposal.

(14) The type, location, height, and orientation of all external illumination facilities.

(15) The location, size, height, and orientation of all proposed signs.

(16) The 100-year floodplain and floodway limit locations and showing the floodplain map number and date.

(17) A drainage plan shall be made a part of the site plan for development projects influenced by or containing major drainageways or containing flood-prone areas as determined by the city engineer.

(18) A performance standards report if deemed necessary by the zoning administrator because of the characteristics of the activities to be conducted on the site.

(19) All pedestrian walks, malls, and open area(s) for use by tenants or the public; the types of surfacing of such paving or turfing to be used at all locations on the site.

(20) Scale, north arrow, date of site plan preparation, and name(s) and address(es) of those responsible for the preparation of the site plan.

(21) Title block, name of owner/applicant, developer, land planner, and/or other relevant participant.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-57. Parking regulations.

(a) General provisions. In all zoning districts there shall be provided, in connection with appropriate allowable use, off-street vehicle parking space in connection with the following requirements. In any case where specific requirements result in a fraction of a parking space the next larger whole number of spaces shall be required.

(b) Certificate of occupancy. All land uses must provide paved parking areas at the time of the issuance of the certificate of occupancy. In situations that demonstrate unique and unusual circumstances, as determined by the zoning administrator, an administrative, one time extension may be given for an additional six-month period.

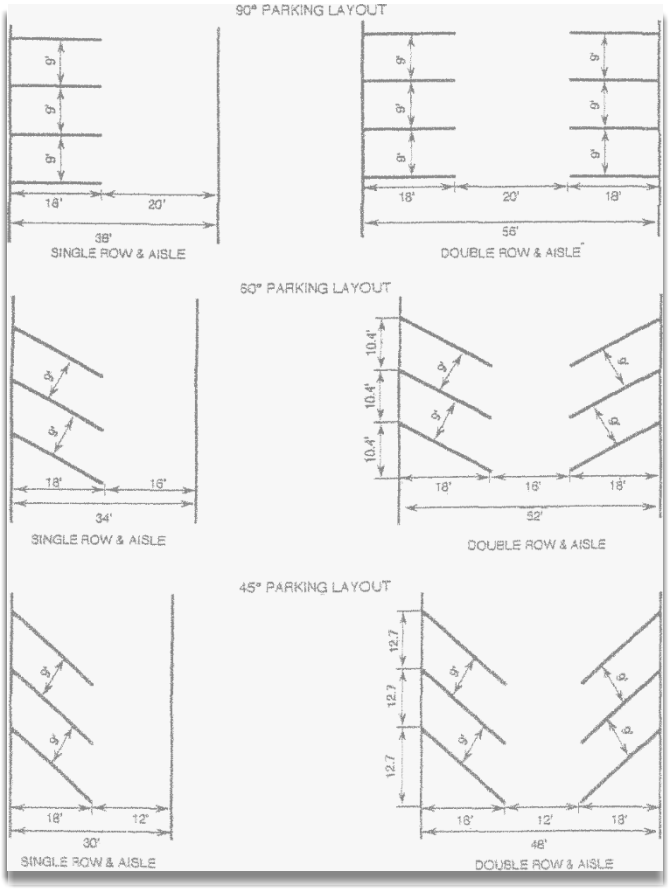
(c) Off-street parking. Shall mean all areas dedicated to parking and maneuvering that are located on- site. Off-street parking will not be permitted in any street right-of-way.

(d) Requirements for off-street parking spaces. For the purpose of this section, an off-street parking space shall be a minimum of nine feet in width and 18 feet in length as set forth below (see figure 57-1, which is incorporated in and made a part of this chapter).

Type and Angle	Length (ft.)	Width (ft.)
Single row 90 degree	18	38 including drive lane
Two rows 90 degree	18	56 including drive lane
Single row 60	18	34 including drive lane
Two rows 60	18	52 including drive lane
Single row 45	18	30 including drive lane
Two rows 45	18	48 including drive lane
Single parallel to aisle	20	9

(See also figure 57-1, which is incorporated in and made a part of this chapter.)

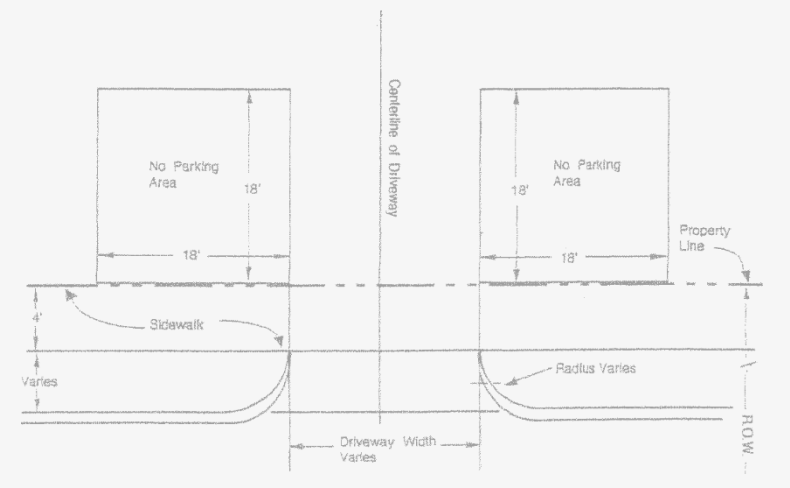
FIGURE 57-1 PARKING LOT LAYOUT



(e) Entrances, exits, and internal circulation in nonresidential districts. In nonresidential districts, when driveways are less than 20 feet in width, separate marked entrances and exits shall be provided so that traffic shall flow in one direction only. Entrances and exits to an alley may be provided if prior approval is obtained in writing from the city. When more than one aisle is provided, adequate internal circulation shall be provided between the aisles to allow movement between the aisles without using public right-of-way.

(f) Non-parking areas and maneuvering space. No parking shall be allowed in nonresidential districts within an area measuring 18 feet square with one side of the square along a property line and a second side of the square along the width limit of a drive approach in any district. The above noted 18-foot square area of no parking shall be behind the property line and adjacent to the throat of a driveway. The requirements of this subsection are depicted on figure 57-2, which is incorporated in and made a part of this chapter. Maneuvering space shall be completely off the right-of-way of a public street, place or court.

FIGURE 57-2



(g) General parking surfaces. In all zoning districts, parking areas, vehicle maneuvering areas, loading areas, driveways and approaches for all uses, including one- and two-family dwellings, shall be a paved surface, unless otherwise specified in this chapter. All parking requirements applying to a stated unit of measurement shall be understood to include a parking space for each unit or fraction thereof.

(h) Change in use. In nonresidential zoning districts, when the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this section for the new use.

(i) Parking areas that utilize rights-of-way. In nonresidential districts, parking areas which would require the use of public rights-of-way for maneuvering shall not be acceptable for the furnishing of required off-street parking spaces other than for one- and two-family dwellings. Parking parallel to the curb on a public street shall not be substituted for off-street requirements. Parking is limited to private property; the use of rights-of-way area between the property line and the back of the curb is contrary to this chapter.

(j) Loading and unloading requirements. In nonresidential districts, all business uses shall provide and maintain, in addition to other parking requirements, off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public street. The loading and unloading zone must be distinct from the drive lane. No portion of the drive lane shall be included as part of the loading and unloading zone. Such space shall consist of a minimum area of ten feet by 25 feet and be provided as follows:

Gross Floor Space (sq. ft.)	Loading or Unloading Berths
25,000 feet or less	1
25,001 to 84,000	2
84,001 to 156,000	3
156,001 to 236,000	4
Each 100,000 additional	1 additional

(k) Handicapped parking spaces. In each parking facility in districts MFX, NC, RC, CF, IND, CBDX, and I, a portion of the total parking shall be specifically designed, located, and reserved for vehicles licensed by the state for use by the handicapped. These spaces will be provided according to the following schedule:

Total Spaces in Lot	Minimum No. of Handicapped Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
Over 501	2% of total

Each parking space designated for use by the handicapped shall consist of a rectangular area not less than 13 feet wide by 18 feet long, with a vertical clearance of 7.5 feet, shall be located in an area not exceeding two percent slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons. Parking spaces for the handicapped shall be signed in accordance with state law and restricted for use by the handicapped only.

(l) Landscaping of parking lots. It is the purpose of this section to require incorporation of landscaping into the design and construction of parking areas while maintaining standards necessary for safe parking and maneuvering space. Within parking lots, landscaping shall be provided as follows:

(1) New trees from the approved tree list contained in section 42-58(g).

(2) Unless otherwise approved by the zoning administrator, trees planted to satisfy parking lot landscape requirements shall be chosen from the species specified by section 42-58(g).

(3) Existing, on-site trees of any species that are of six inches minimum caliper, measured 12 inches above grade may be counted towards landscaping requirements established for parking lots.

(4) An irrigation system must be provided with all landscape plans. Irrigation plans shall comply with the design standards set forth by the state commission on environmental quality, in Texas Administrative Code title 30, chapter 344, Landscape Irrigation.

(5) Landscaping adjacent to public rights-of-way.

a. A ten-foot landscaped strip shall be provided adjacent to all public and private rights-of-way on lots with an area greater than one acre, but less than five acres.

b. A twenty-foot landscaped strip shall be provided adjacent to all public and private rights-of- way on lots with an area greater than five acres.

c. Within landscaped strips adjacent to rights-of-way, landscaping shall be required as follows:

1. One canopy tree or two ornamental trees, at a minimum three-inch caliper, for each 60 linear feet of frontage.

2. An average density of one five-gallon evergreen shrub for each five linear feet of frontage; provided, however, that any landscaping materials that will be located within ten feet of any public right-of-way shall not, at ultimate growth, exceed 30 inches in height above street grade unless otherwise permitted by the city. Shrubs may be grouped to provide variety in design.

3. A landscaped berm may be provided in lieu of required shrubs. The berm must be an average height of three feet, but in no case less than 18 inches, above the average grade of the street and parking lot curbs, and must be planted with evergreen groundcover and/or shrubs to provide full plant coverage of the berm surface area. A variation in height of the berm is encouraged. Shrubs may be grouped to provide variety in design. The combined height of the berm and ultimate height of plant materials shall not exceed 30 inches in height from street grade in any area that is within ten feet of a public right-of-way.

(6) Parking lot interior.

a. Developments with an area less than five acres shall be designed with a maximum of 20 parking spaces between landscape islands. Parking aisles of 20 or more spaces in length shall terminate in landscape islands.

b. Developments with an area five acres or greater shall provide one landscaped island at least 162 square feet in area for each 12 parking spaces.

c. Landscape islands are required at the terminus of every parking row.

d. Within parking lot interiors, landscaping shall be provided as follows:

1. One canopy tree or one ornamental tree at a minimum three inches in caliper per landscape island.

2. Grass, evergreen groundcover or shrubs to a maximum ultimate height of 30 inches from parking lot grade, of a type that will provide full coverage of the landscape island shall be provided. Planted area shall be exclusive of the area within 18-inch radius from each required tree.

3. Areas that are not covered with live plant materials shall be permanently maintained with natural mulch materials such as hard wood, pine bark, or other typical mulch materials.

(7) Exception: accessible parking. The design and location of accessible parking spaces shall comply with the State of Texas Architectural Barriers Act. A landscape island may be omitted at an aisle termination for the purpose of providing required access to accessible parking spaces.

(8) Landscape material which is located within the interior of a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between 24 inches in height and seven feet in height. No shrubs shall exceed 24 inches in height. Tree canopies shall be at least seven feet in height.

(9) For large existing trees located in the parking area, which are being retained and incorporated into the landscaping plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.

(10) For each landscaped island of at least ten feet by 20 feet located within a parking lot, credit for four parking spaces will be provided. Credit for parking spaces cannot reduce the overall parking requirement by more than ten percent or to less than ten total spaces.

(11) Curbing or other protective devices or barriers shall be installed to protect landscaped areas from vehicular encroachment.

(m) Safety standards for off-street parking.

(1) Safety barriers, protective bumpers or curbing shall be provided to prevent encroachment onto abutting public or private property.

(2) Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.

(3) Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.

(4) Lighting. Lights provided to illuminate any parking facility or paved area shall, to the maximum extent feasible, be designed to reflect away from any residential use, and shall not cause glare to traffic on a public roadway.

(5) Fencing and screening. A parking lot in any nonresidential district which abuts residentially zoned property shall have a wall or privacy fence not less than six feet in height located for the length of the common property line. However, such a fence shall not be required within the front or exterior setback area of the nonresidential use.

(6) Noise. Areas used for primary circulation, for frequent idling of vehicle engines, or for loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound reduction.

(7) Maintenance. All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris, or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

(8) Drainage. All parking facilities shall be graded and provided with permanent storm drainage facilities, meeting the construction specifications set by the city engineer.

(n) Existing buildings. Nothing in this section shall require the furnishing of additional parking spaces for existing buildings which are not enlarged or changed to a new use.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-58. Landscaping and screening standards.

(a) Purpose.

(1) It is the purpose of this section to establish certain regulations pertaining to landscaping within

the city. These regulations provide standards and criteria for new landscaping and the retention of existing trees, which are intended to:

a. Promote the value of property, enhance the welfare, and improve the physical appearance of the city and protect the character and stability of residential, commercial, institutional and industrial areas within the city;

b. Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and unvegetated surfaces within the urban environment; and

c. Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the city.

(2) This section establishes landscaping requirements only in zoning districts DT, NC, RC, CF, IND, CBDX, INSX, NMU, RMU, and INN and for all specific uses that specify that the requirements of this section be met.

(3) Single-family, manufactured home subdivision and two-family residential uses shall be required to conform to the requirements of subsection 42-58(i).

(4) Developments within the MFX and MH-1X zoning districts shall be required to comply with the landscaping requirements set forth in section 42-58(j).

(5) Nonresidential uses located within the SF-1, SF-2, GH, DD, MFX, MH-1X, MH-2X, MH-3X, and TH zoning districts, which consist of principal structures, parking areas, and signage, shall be required to comply with the requirements contained in this section.

(6) Parking lot landscaping shall be provided as specified by Table 1, Summary of Landscape Requirements for Nonresidential Uses.

(b) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Artificial plants means a manufactured or assembled representation of live plant material constructed from man-made material for the purpose of closely resembling live plant material and to be used as a substitute to live plant material.

Caliper means the diameter of the trunk of a tree measured 12 inches above the ground.

Canopy tree means a perennial woody plant single or multiple trunk, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as a shade tree.

Development means the changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property.

Grasses means thin and broad-bladed surface material typically planted from seed, sprigs, or plugs with the intention of providing a uniform and aesthetic groundcover very close to the surface of the ground.

Groundcover means and consists of low-growing, dense-spreading plants typically planted from containers.

Hydromulch means a planting process by which seed, water, fertilizer, fiber mulch, and sometimes lime are blended together in a tank and applied onto a prepared lawn area. This process is also known as hydraulic mulch seed, hydromulching, and hydroseeding.

Irrigation system means a method of conveyance and application of water to live plant material for the purpose of maintaining said plant material in a live and healthy condition.

Landscaping means the planting, arranging, cultivating, and maintenance of live plant material in such a manner that said material is aesthetically pleasing and contributes to the overall design of a development site.

Landscape area means and consists of an area included in and around a development site that has been planned to complement the development site with natural grass, groundcover, trees, or other natural plant materials.

Shrubs consists of plants that grow vertically in a multi-branched growth pattern from the ground level to heights usually not to exceed six feet. These plants may be sculpted and trimmed to present aesthetic shapes and forms.

Sod means grass and the part of the soil beneath it held together by its roots or another piece of thin material.

(Ordinance 2005-009, sec. 40.2, adopted 3/21/2005; Ordinance 2018-010, sec. 1, adopted 5/21/2018)

(c) Events requiring compliance. Land uses not previously subject to landscaping requirements shall be required to comply with this section upon issuance of a building permit satisfying either of the following conditions:

(1) Remodeling, alterations or additions for which a site plan is required under the terms of this zoning chapter; or

(2) Remodeling or alterations taking place within a 12-month period the total value of which exceeds 25 percent of the valuation of property improvements (excluding land value) as shown on the current county tax rolls.

(d) Landscaping. Landscape installation is required as follows:

(1) Landscaping of 20 percent of the total lot shall be required, unless credits are obtained by additional plantings as set forth in subsection 42-58(g). Landscaping which includes the planting of new and the retention of existing shrubs, trees, and flowering plants in excess of the minimum standards established in this section may not reduce the landscape requirement to less than ten percent of the total lot area;

(2) Where the construction is to be a single-phase or multi-phase development, only the area being constructed in the current phase shall be required to comply with the landscape regulations. However, each phase will be required to meet the landscaping requirements as it is being developed;

(3) The use of native and adapted, drought-tolerant plants is encouraged to meet requirements of this section;

(4) Artificial plants or artificial turf are expressly prohibited;

(5) An irrigation system must be provided with all landscape plans for nonresidential development. Irrigation plans shall comply with the design standards set forth by the state commission on environmental quality, in Texas Administrative Code title 30, chapter 344, Landscape Irrigation;

(6) The term "ornamental tree" shall be defined as a single- or multi-trunk tree with a maximum height of approximately 30 feet and maximum crown diameter of approximately 30 feet, and a minimum height of approximately 20 feet and minimum crown diameter of approximately 15 feet;

(7) Grass, groundcover, trees, shrubs, flowering and non-flowering plants, stonework, and water features may all be used as components of required landscaping in conjunction with the following minimum planting standards:

a. Grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required

landscape area.

b. The credits listed in subsection 42-58(g) shall be used to calculate the area occupied by a tree or shrub. Trees and shrubs used to comply with minimum landscape requirements shall not be credited towards area reduction requirements set forth in subsection 42-58(g).

(8) Grasses shall be installed by laying sod. Spreading grass seed or use of hydromulch is expressly prohibited unless approved by the Zoning Administrator after consultation with the City Engineer.

(e) Landscaping plan required.

(1) The landscape plan may be prepared by the applicant or his designee. The landscape design is not required to be prepared by a registered or certified professional. Any required irrigation system must be designed in accordance with the standards of the state commission on environmental quality, in Texas Administrative Code title 30, chapter 344, Landscape Irrigation.

(2) The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this section shall be provided and approved prior to the issuance of a building permit.

(3) The landscape plan shall contain the following information:

a. Scale of drawing;

b. Location of all trees to be preserved. The method of preservation during the construction phase of development shall be approved by the zoning administrator;

c. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;

d. Species of all plant material to be used;

e. Size of all plant material to be used;

f. Spacing of plant material where appropriate;

g. Layout and description of irrigation, sprinkler or water system, including placement of water sources;

h. Description of a plan that will be implemented to maintain the landscaping and other landscape features shown on the landscape plan; and

i. Persons responsible for the preparation of the landscape plan.

(f) Location criteria.

(1) Not less than 40 percent of the total landscaping shall be located in the designated front yard.

(2) All landscape material shall comply with visibility requirements of the city regulations including the subdivision ordinance and this chapter.

(g) Credits for landscape area reduction. Required landscape area may be reduced to less than the 20 percent specified by subsection 42-58(d). As provided below, the application of credits shall not

reduce the required landscape area to less than ten percent of the total lot area. Reduction of area may be achieved by planting additional trees, shrubs, and flowering plants. Area reduction credits may be granted for additional enhancements in the following manner:

(1) Three-inch caliper tree, planted or saved: 200 sq. ft.

(2) Six-inch tree caliper, planted or saved: 400 sq. ft.

(3) One shrub, less than five gallons: ten sq. ft.

(4) One shrub, five gallons or greater: 25 sq. ft.

(5) For each one square foot of drought tolerant area: two sq. ft.

a. Total landscaping on a lot shall not be reduced through credits by more than 50 percent of the landscaped area required.

b. Drought tolerant area and methodology shall be clearly located and detailed on the site plan.

c. Area reduction credit, based on tree size, shall be granted for all saved trees regardless of species.

d. Unless otherwise approved by the zoning administrator, area reduction credit for newly planted trees shall only be granted for installation of the following species:

Afghan pine

Bald cypress

Bigtooth maple

Bur oak

Caddo maple

Canopy trees

Chinese pistache

Crape myrtle

Dogwood

Eastern red cedar

Eve's necklace

Flowering crabapple

Forest pansy redbud

Lacebark elm

Little gem magnolia

Japanese maple

Mexican plum

Oklahoma redbud

Ornamental pear

Ornamental trees

Osage orange

Pecan

Shumard oak

Southern live oak

Southern magnolia

Texas red oak

Western soapberry

(h) Installation and maintenance.

(1) All required landscaped area shall be permanently landscaped with living plant material, and shall have either have an irrigation system installed or shall be accessible to a hose bib, faucet, or other water source on the same lot or tract. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements.

(2) Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.

(3) All plant materials shall be maintained in a healthy, neat and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.

(4) Plant materials which die shall be replaced with plant materials of similar variety size within 90 days, with a one-time extension not exceeding 90 days being provided upon approval of the zoning administrator.

(i) Landscaping for single-family, manufactured home subdivision and two-family residential uses. The landscaping requirements set forth in this subsection shall apply to SF-1, SF-2, GH, DD, MH-2X, MH-3X, and TH residential districts.

(1) Lots shall have a minimum landscaping requirement of one canopy tree located in any required front yard.

(2) Required canopy trees shall be a minimum of three caliper inches.

(3) Existing trees of equal or greater size within the front yard area may be counted toward this requirement.

(4) In cases when the applicant can show that required trees cannot reasonably be placed on the lot due to size, configuration or amenities, the zoning administrator may reduce the required number of trees to a number that can reasonably be accommodated on the subject lot.

(5) Grasses shall be installed by laying sod. Spreading grass seed or use of hydromulch is expressly prohibited.

(j) Landscaping in MFX and MH-1X districts. The following minimum requirements shall be observed for development located within the MFX and MH-1X districts.

(1) Landscape buffer of 20 feet will be required along any property line abutting a SF-1, SF-2, GH, MH-2X, MH-3X or DD residential district.

(2) Not less than 20 percent of the gross site area shall be devoted to open space, including required yards and buffer areas. Open space shall not include areas covered by structures, parking areas, driveways, and internal streets.

(3) Landscaping consisting of the planting of new or retention of existing shrubs, trees, and flowering plants shall be placed in the yard facing any public roadway.

(4) Method of irrigation must be indicated on the site plan.

(5) All landscaping shall be permanently maintained. Should any plant material used in any landscaping required under this chapter die, the owner of the property shall have 90 days after notification from the city to obtain and install a suitable replacement plant material. Landscaped areas shall be kept fee of trash, litter, weeds and other material or plants not a part of the landscaping.

(6) An irrigation system must be provided with all landscape plans in the MFX and MH-1X districts. Irrigation plans shall comply with the design standards set forth by the state commission on environmental quality, in Texas Administrative Code title 30, chapter 344, Landscape Irrigation.

(k) Certificate of occupancy.

(1) All landscaping shall be completed and installed in accordance with the approved landscape plan within 90 days of a certificate of occupancy being granted. A one-time extension not to exceed 90 days may be granted upon approval of the zoning administrator.

(2) If landscaping requirements have not been satisfied within the 90-day period from when the certificate of occupancy is issued, the property owner shall be considered in violation of this chapter.

(l) Nonconforming uses and lots. All uses that were in existence at the time of the adoption of this section, which do not meet the landscape requirements, will be considered nonconforming. These nonconforming uses/lots will be subject to the following.

(1) When the owners of properties that do not comply with the landscape requirements of this section are required to provide landscaping, the minimum standards in this subsection shall apply.

(2) A minimum of ten percent of total lot area must be devoted to landscaping. Grass, groundcover, trees, shrubs, flowering and non-flowering plants, stonework, and water features may all be used as components of required landscaping in conjunction with the following minimum planting standards:

a. Grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required landscape area.

b. The credits listed in subsection 42-58(g) shall be used to calculate the area occupied by a tree or shrub. Trees and shrubs used to comply with minimum landscape requirements shall not be credited toward area reduction requirements set forth in subsection 42-58(g).

(m) Modification of landscape requirements. The zoning administrator may approve minor variations in the location of required landscape materials due to unusual topographic constraints, setting requirements, preservation of existing stands of native trees or similar conditions, or to maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the zoning administrator and shall specify the modifications requested and present a justification for such modifications.

(n) Relief from landscaping requirements. The planning and zoning commission and city council may, upon completion of the following, grant relief from landscaping requirements in situations where the individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements:

(1) Application for relief from landscaping requirements may be made by any property owner, or other person having a proprietary interest in the property for which relief is requested.

(2) Applications shall be made in writing and shall specify the property conditions or considerations that make the requested relief necessary.

(3) Applications shall include a proposed landscape plan, drawn to scale, illustrating the area available for landscaping and specifying proposed plantings by size, type and location. The proposed plan shall indicate the means by which irrigation will be provided and provide a phasing schedule for completion of the plan.

(4) Applications shall be accompanied by an application fee as currently established or as hereafter adopted by resolution of the city council from time to time.

(5) Applications shall be presented to the planning and zoning commission. Applications for relief shall not require a public hearing. The planning and zoning commission, after considering a proposed plan, may recommend that it be approved as presented, approved with modification, or denied.

(6) Following consideration by the planning and zoning commission, a proposed landscape plan shall be forwarded to the city council with the commission's recommendation. The city council shall act to approve a plan, as presented, approve it with modifications, or deny the application.

(7) City council's action regarding a proposed landscape plan shall be documented as follows:

a. If approved, the zoning administrator shall sign two copies of the approved plan. One copy shall be returned to the applicant. The second copy shall be retained as permanent record by the city.

b. If approved with modification, the applicant shall amend the plan to reflect the required modifications. The applicant shall return two copies of the amended plan to the city within 14 calendar days of the city council's action to approve the plan with modifications. The zoning administrator shall sign two copies of the amended plan. One copy shall be returned to the applicant. The second copy shall be retained as permanent record by the city.

c. If disapproved, the zoning administrator shall sign two copies of the plan that have been marked as being disapproved. A letter prepared by the zoning administrator, stating the reasons for disapproval, shall be attached to each signed plan. One copy of the plan shall be returned to the applicant. The second copy shall be retained as permanent record by the

city.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-59. Fences.

(a) No fence or hedge shall exceed four feet in height in the required front yard in any district.

(b) No fence shall exceed eight feet in height, except as otherwise provided in this chapter.

(c) Fences shall be constructed of customary urban fencing materials and shall be aesthetically consistent with buildings and fences in the area.

(d) Notwithstanding any other provision of this section, where subdivisions are platted so that the rear yards of residentially zoned lots, including but not limited to SF-1, SF-2, GH, DD, MH-1X, MH-2X, MH-3X, MFX, TH, and residential PD, are adjacent and back to a dedicated roadway, the developer shall provide, at his sole expense, a brick or decorative solid masonry wall with a minimum height of six feet located on the street right-of-way line.

(1) When a brick or masonry wall is erected adjacent to a dedicated roadway, the color of the wall shall be uniform and/or compatible on both sides of a street between two intersecting streets. When walls are built in sections, the color shall be as closely similar as possible, but shall in no case be incompatible.

(2) All brick and masonry screening walls shall be placed on an engineered concrete footing, with provision for drainage under the wall. Masonry or brick columns shall be expressed at a minimum of 30 feet on centers and should typically be taller than the remainder of the wall. The exterior of all sides of each wall shall be finished with the same material and shall be similar in appearance. Developers are encouraged to create offsets in brick or decorative masonry walls to provide visual variety. At development and subdivision entry features, all walls and raised planter beds shall be of brick or decorative masonry construction.

(3) Developers are encouraged to create offsets in brick or masonry walls to provide visual variety.

(e) No fence shall impede the visibility of or from any point of ingress or egress to any parking lot or driveway or any intersection of a street or highway.

(f) On any corner lot for which front and side yards are required, no wall or fence shall cause danger or hazard to traffic by obstructing the view of the intersection from a point 30 feet back from the right-of-way corner. Visual clearance shall be provided in all zoning districts so that no fence or wall obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection.

(g) Prohibited materials. Electrical fences or electrical attachments of any type designed to administer a shock, shall not be constructed within the legal limits of the city. Permanent barbed wire and razor wire fences of any type or dimension shall not be constructed within the legal limits of the city. Vee arms or base and arms with barbed wire not to exceed three strands will be permitted in all districts except SF-1, SF-2, GH, DD, MH-1X, MH-2X, MH-3X, MFX, or any residential planned development and said attachments shall be considered as part of the fence in determining the height of the fence and shall not protrude over property lines. The lowest strand of barbed wire shall be a minimum of six feet above ground level.

(h) Temporary fences. Temporary fencing for the purpose of protecting or securing of construction sites shall be allowed and must be removed at the completion of the project.

(i) Inspection. When a fence is completed it must be inspected. The office of the building official shall be notified upon completion of the fence. The building official will issue a card of acceptance if the fence complies with the provisions of this chapter or it will be rejected. All fences constructed under the provisions of this chapter shall be maintained so as to comply with the requirements of this chapter at all times.

(j) Existing fences. Any fence constructed prior to enactment or amendment of this chapter will not be restricted by this chapter. Any fence constructed at any time on property not within the city, but annexed by the city at a later date will not be restricted by this chapter. Any fence reconstruction, modifications, enlargements, extensions, alterations or any construction other than maintenance of the fence as it existed at the time of enactment or amendment of this chapter or annexation of property containing the fence shall be regulated by this chapter.

(k) Emergency ingress and egress required. In order to allow ingress/egress of emergency and maintenance personnel and equipment, at least one self-closing and self-latching gate or opening not less than three feet in width shall be required with each fence or wall that is adjacent to or running parallel with a public right-of-way, alley, drainage, utility or access easement. One such opening is required for each lot or in cases when the lot frontage is greater than 200 feet, an opening or gate shall be located not more than 200 feet from another opening on the same property. Double frontage lots shall be required to have an opening only on the street used as the frontage for the property.

(l) Property owners' responsibility. The construction of a fence or wall on the property line shall not negate the owners' responsibility to maintain and keep the following specified areas free and clear of debris and high weeds:

(1) The area between the fence and the extension of the property line to the back of curb or edge of pavement.

(2) The area between the fence and the property line or between parallel fences.

(m) Maintenance of fences. The owner or any person who has a fence shall be responsible for maintaining the fence in a neat and functional condition.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-60. through § 42-69. (Reserved)

§ 42-70. Purpose.

The purpose of the specific use permitting procedure is to allow for review of uses which would not be appropriate generally or without certain restrictions throughout a zoning district, but which, if controlled as to the number, area, location or relation to the neighborhood, would promote the health, safety, and welfare of the community. The procedure is intended to allow broad public review and evaluation of the proposed development and to ensure adequate mitigation of potentially unfavorable impacts.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-71. Submission and approval requirements and procedure.

(a) A property owner may petition the city for a specific use of property, as authorized by the zoning district in which the property is located. An application for a specific use permit shall be submitted to the zoning administrator, along with any applicable fee. The application shall include a site plan meeting the requirements of section 42-56, and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; visual screening such as walls, landscaping, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet.

(b) The same notice, hearing and approval requirements as for changes and amendments to a zoning district classification shall apply to approval of a specific use permit; provided, however, that the approval of a specific use permit shall not be considered a change in zoning.

(c) The zoning administrator shall review the application and submit a report to the planning and zoning commission. This report shall be made available to the applicant prior to the public hearing. After proper notice and a public hearing, the planning and zoning commission shall make a recommendation to the city council regarding any application for a specific use permit. The planning and zoning commission may require information, operating data, and expert evaluation concerning the location, function and characteristics of any building or use proposed.

(d) The city council may approve a specific use by adoption of an ordinance. The ordinance shall set forth any limitations or conditions which the city council may place upon the specific use. Only those specific uses authorized in the district in which the property is located may be approved.

(e) The planning and zoning commission and the city council shall review the application against the review and evaluation criteria set forth below and approve, conditionally approve, or deny the specific use application.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-72. Review and evaluation criteria.

The specific use application shall be reviewed and evaluated using the following criteria:

(1) Conformance with applicable regulations and standards in this zoning chapter.

(2) Compatibility with existing or permitted uses on abutting sites in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation features.

(3) Potentially unfavorable effects or impacts on existing or permitted uses on adjacent properties, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.

(4) Location, lighting, and type of signs and relation of signs to traffic control and adverse effect on adjacent properties.

(5) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

(6) The city council shall authorize issuance of a specific use permit only after determining that the proposed use or uses are harmonious with buildings and uses of adjacent property in the vicinity of the premises under consideration and that adequate provisions have been made for the paving of streets, alleys, and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, height of structures, and compatibility of buildings.

(7) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the permit, as attached to the site plan drawing and approved by the city council.

(8) When the city council approves a specific use permit, the zoning map shall be amended according to its legend to indicate that the property is subject to the specific use permit.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-73. Lapse of approval and modifications.

(a) A specific use permit shall be valid for one year from the date of approval unless prior to such expiration date a building permit is issued and construction is commenced or the actual use, if not requiring a building permit, is commenced. The expiration date may be extended by the city council upon application. An inspection of the property granted a specific use permit shall be performed one year after such grant to determine whether the use has been commenced and whether all conditions of the permit have been complied with.

(b) Approval of a specific use permit automatically expires upon any of the following:

(1) A change in use on the property; or

(2) A relocation of the use.

The city council may grant a continuance of the specific use upon application.

(c) Minor modifications to a specific use permit may be made if the zoning administrator determines that such modifications will not change the intent and effect of the approval by the city council.

(d) A specific use permit for a stationary vendor, as defined in subsection 42-9(b), shall be subject to the following additional conditions:

(1) The permit shall be limited to a period of one year unless additional time is allowed by the city council.

(2) The applicant must show that the applicant has the written permission of the property owner to engage in the vending activities.

(3) Any temporary structures associated with the use must comply with the city's building code and must be removed within two days after the specific use permit expires.

(4) Food vendors must comply with conditions established by the health officer.

(5) The applicant must hold a valid sales and use tax permit from the state.

Exception: A specific use permit is not required for a stationary vendor to make sales at a special event if the city has issued a permit for the special event and the permit holder has authorized the stationary vendor to make sales at the special event.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-74. through § 42-79. (Reserved)

ARTICLE VI NONCONFORMING USES, LOTS AND STRUCTURES

§ 42-80. Purpose and intent.

Within the districts established by this chapter, there may exist buildings or uses of land and buildings (nonconforming uses) which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. Such nonconforming uses may be continued although they do not conform with the provisions of this chapter, subject to the limitations and conditions set forth in this section. However, such nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. With due regard for the property rights of the persons affected when considered in light of the public welfare, the character of the area surrounding the nonconforming use and the conservation and preservation of surrounding properties and their values, it is the declared purpose of this chapter that nonconforming uses be eliminated and be required to conform to the regulations prescribed in this chapter.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-81. Continuation of use.

(a) Nonconforming uses or structures. Any use or structure that existed as a nonconforming or previously conforming use or structure under applicable zoning regulations prior to adoption of this chapter shall be permitted to continue as a nonconforming use or structure, subject to the provisions of this section.

(b) Exemptions to nonconforming regulations. Any use that does not conform to the provisions of this chapter that require the use to have a specific use permit, but which existed as a conforming use without a specific use permit under applicable zoning regulations prior to the adoption of this chapter, shall be permitted to continue as a nonconforming use. In the event such a use is replaced by or changed to a use conforming to the provisions of this chapter, the nonconforming use shall be considered void and only uses conforming to this chapter will be permitted thereafter. The burden of proof that the exemption provided by this section exists shall rest on the property owner.

(c) Illegal use or structures. By adoption of this chapter, no presently illegal use or structure shall be deemed to have been legalized unless such use or structure falls within a district where the actual use and structure conform to the provisions of this chapter.

(d) Building on nonconforming lots of record. In any zoning district, buildings may be erected on any single lot of record, provided there is access to such buildings from a street and the lot is in the same ownership as recorded on the effective date of the ordinance from which this chapter is derived. This provision shall apply even though the lot fails to meet the minimum requirements for area, width, or depth for the district in which it is located; however, all other requirements shall still apply. All buildings constructed on nonconforming lots of record shall meet all development regulations in the district unless proper variances are granted by the board of adjustment. No building shall be constructed on multiple lots. Whenever construction is desired on multiple lots, the property owner shall replat the property into a single lot.

(e) Nonconforming buildings. Repairs and alterations may be made to a nonconforming building, provided that no structural alterations shall be made except those required by law or ordinance, unless the building is brought into conformity with the provisions of this chapter.

(f) Nonconforming use of buildings. A nonconforming use of a building shall not be increased or

enlarged and no occupancy of additional buildings or land by a nonconforming use shall be permitted except that a nonconforming use of a building may be extended throughout any parts of the building which were manifestly arranged or designed for such use and which were owned or leased by the owner of the nonconforming use on the effective date of the ordinance from which this chapter is derived, provided no structural alterations, except those required by law or ordinance, are made, and provided further that no additional dwelling units shall be added where the nonconforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located. The board of adjustment shall have the authority to permit an extension of a building which is nonconforming as to uses not to exceed 25 percent of the existing floor area, subject to the development regulations applicable in the zoning district.

(g) Nonconforming use of land. Unless otherwise provided in this section, a nonconforming use of land may not be expanded, extended or moved in whole or in part, beyond the area of land actually being occupied by the use at the time it becomes nonconforming, except to provide off-street loading or off-street parking space facilities. Notwithstanding the above, the board of adjustment may permit an expansion of a nonconforming use of land on a lot of record not to exceed 25 percent of the existing area of the land actually being occupied by the nonconforming use, subject to the development regulations applicable in the zoning district.

(h) Legacy District. Notwithstanding anything to the contrary herein, any use or structure that exists in a legacy district, those districts marked with an "X" in the district name as of the adoption of Ordinance No.___ on ___ , shall be considered a legal use or structure and shall not be considered a nonconforming use or structure. Such use or structure may be expanded, extended, or moved in accordance with the applicable legacy district regulations as a legal use or structure.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-82. Discontinuance or abandonment.

(a) Defined. A nonconforming use, when discontinued or abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this chapter. Discontinuance or abandonment shall be defined as follows:

(1) When land used for a nonconforming use shall cease to be used in a bona fide manner for the nonconforming use for six consecutive calendar months.

(2) When a building designed or arranged for a nonconforming use shall cease to be used in a bona fide manner as a nonconforming use for a period of six consecutive calendar months.

(3) When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a nonconforming use for a period of six consecutive calendar months.

(4) When land or a building used only on a seasonal basis is not used in a bona fide manner as a nonconforming use during such season.

(b) Presumption. There shall be a rebuttable presumption that the property owner intended to discontinue or abandon the nonconforming use if such use ceases for the above time periods.

(c) Deemed to have occurred. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming use was dilapidated, substandard, or was not maintained in a suitable condition for occupancy during the above time periods.

(d) Hardship. Upon evidence of hardship, the board of adjustment shall have the power to extend the time limits in subsection (a), not to exceed one year.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-83. Destruction of nonconforming use.

(a) Destruction. If a nonconforming building is destroyed by fire, the elements, or otherwise, it may not be reconstructed or rebuilt except to conform with the provisions of this chapter unless the destruction amount is less than 50 percent of its fair market value at the time of destruction. If a conforming building occupied by a nonconforming use is destroyed by fire, the elements, or otherwise, it may be reconstructed in conformity with the provisions of this chapter; provided, however, if the destruction amount is more than 50 percent of its fair market value at the time of destruction, the nonconforming use may not continue in the building.

(b) Destruction greater than 50 percent. If the destruction is greater than 50 percent and less than total, the board of adjustment may, after a public hearing, authorize repair, taking into consideration the property owner's circumstances and the effect on surrounding properties.

(c) Destruction less than 50 percent. Upon submission by the owner of sufficient evidence to prove that the destruction of a nonconforming building amounts to less than 50 percent of the fair market value of the entire nonconforming use and that the destroyed building or structure constituted an integral part of the nonconforming use without which the nonconforming use cannot be profitably operated, the board of adjustment may permit the reconstruction of such destroyed building or buildings under conditions which reasonably allow the owner to recoup his original investment.

(d) Single-family residences. Notwithstanding anything herein to the contrary, a single-family residence which is destroyed shall be permitted to be reconstructed without board of adjustment approval regardless of the extent of destruction provided that the construction complies with all current building codes and is commenced within six months of the date of destruction. The failure of the owner to start such reconstruction within six months shall forfeit the owner's right to restore or reconstruct the dwelling except in conformance with this chapter.

(e) Time limit for reconstruction. If the owner of a nonconforming use fails to begin reconstruction of the destroyed building (when permitted to do so by the terms of this chapter) within six months of the date of destruction or approval by the board of adjustment, the nonconforming building or use shall be deemed to be discontinued or abandoned as provided in section 42-82.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-84. Expedited compliance.

It is the policy of the city to allow the continuance of nonconforming uses but not to encourage their survival. It is recognized that a nonconforming use shall be permitted to continue for the life of the investment made by the original builder or operator. No improvements or structural alterations that extend the life or expand the degree of noncompliance shall be permitted as a general rule. Under certain conditions the continued existence of a nonconforming use may create such a degree of incompatibility with surrounding land uses and with the intent of the city's short range, medium range and long range comprehensive planning that a requirement for expedited compliance with the zoning district regulations is necessary in the public interest. A decision of this nature may affect vested property rights of the property owner and, therefore, the following procedural requirements shall apply.

(1) Determination of need for expedited compliance. Any city officer, board, commission or the city council may request that the board of adjustment establish a zoning compliance date for a nonconforming use. Upon receiving such a request, the board shall determine whether there is a public necessity for expedited compliance with the zoning regulations. The board will schedule a public hearing in conformance with the notice and procedural requirements established by this chapter and the rules of the board. The following factors must be considered by the board in determining the public necessity for expedited compliance:

a. The character of the surrounding neighborhood.

b. The degree of incompatibility of the nonconforming use to the zoning district in which it is located.

c. The effect of the nonconforming use on the surrounding area and the effect of its cessation on that area.

(2) Hearing requirements.

a. Notice of the public hearing shall be given to the owner of the affected property and all surrounding property owners within 200 feet of the subject property as prescribed for other cases heard by the board of adjustment. All interested citizens, individuals and organizations will be given the opportunity to appear before the board and present evidence that they deem relevant and appropriate for the board to consider in determining the need for the establishment of a compliance date for the specific nonconforming use.

b. At the conclusion of the public hearing the board shall make a finding as to whether or not there is a need for expedited compliance with the zoning ordinance and shall determine whether or not it is appropriate to set a date certain for the use or activity to come into compliance with the current requirements of the ordinance. If the board determines that there is no need for expedited compliance, it shall provide written notice to the party who requested the hearing that the board has found that expedited compliance is not necessary at the present time. No further action shall be taken by the board and the nonconforming use shall retain its existing status. Any party who disagrees with this determination by the board shall have the right to appeal such decision to state district court in the same manner as any other decision of the board may be presented for judicial review. Review is by writ of certiorari and shall be presented in the manner set forth in V.T.C.A., Local Government Code, section 211.011.

(3) Expedited compliance—Procedure for determining amortization value.

a. If the board determines that expedited compliance is necessary and appropriate in the public interest, it shall commence the proceedings necessary to establish the value of the nonconforming use and a reasonable amortization period for that use. The board shall initially establish a time for hearing evidence on the various value and income issues necessary to comply with the amortization process. The board shall give the various parties to an amortization case sufficient time to conduct discovery and to prepare evidence of value, depreciation and income. To the extent deemed reasonable, the board shall establish a hearing date within 60 days following the determination of a need for expedited compliance. If a party believes more time is necessary to prepare for the hearing, a request for continuance of the hearing may be made to the chairman of the board who shall have the authority to grant a reasonable extension of time.

b. The parties may exchange written discovery requests and take, as appropriate, depositions of potential witnesses. Discovery disputes will be presented to the chairman of the board for resolution. The hearing to determine value and income matters relating to amortization shall be subject to the same notice requirements as those established for the expedited compliance hearing. The purpose of the second hearing shall be to determine the value of the interest taken, if any, and whether the owner has had a reasonable opportunity to recoup that value; and a reasonable compliance date. The value is determined in the following manner:

1. The board first determines the date upon which the nonconforming use came into existence

and/or operation.

2. The purpose of amortization value determination is to fully recognize the investment the owner made at the time that the use was legally permitted. A determination is made, based on the presentment of evidence, of the initial investment made by the original owner in the construction and establishment of the nonconforming use. Land value is not a factor as the property owner or his successor will retain ownership and the right to use the land for a legal use. The board should consider any evidence establishing the amount of the investment made in the establishment of the nonconforming use prior to the point in time at which it became nonconforming. Any improvement, addition, expansion or change made after the date of its nonconformity shall not be considered by the board, as it was made by the owner with knowledge of the limited life expectancy and use of the property. Initial investment value shall not be given to items that may be transported to a new site. Compensation for these items is addressed as a relocation cost below.

3. The board shall then determine the income that the property has produced annually since the nonconforming use commenced. The board, at its discretion, may make findings as to the annual operating cost of the nonconforming use to determine income over purely operating revenue. The board shall prepare a written finding stating clearly for each year that the nonconforming use has been in existence, the annual income it has produced and shall further make a finding of its current annual income based upon the income it produced at the close of the most recent calendar year or fiscal year for which it has been in operation. If due to the age of the nonconforming use, changes of ownership, or the loss or destruction of records it is not possible to prepare an income finding for each year of the nonconforming use the board will make a finding for each year that can be documented and will note why the missing years have not been addressed. The board shall use that annual income as the current and future income projection of the nonconforming use for determining amortization of any remaining investment value. Any party to these proceedings shall have the right to offer evidence as to why that projection is no longer realistic based upon evidence of economic change.

4. The board shall determine whether the original investment in the nonconforming use is subject to depreciation due to physical and/or market conditions. The board shall look at standard industry practices in determining a reasonable depreciation schedule.

5. The board may consider any other factors or evidence that shows that the owner has had a reasonable opportunity to recoup his investment in the nonconforming use.

6. The board shall then take the original investment value determined in step number 2 of this process and then subtract from that number the income of the nonconforming use as determined in step 3 and any depreciation of the nonconforming use as determined in step 4. If the subtraction of the income of the nonconforming use from the original investment value less depreciation leaves a positive figure of value remaining in the tract, the board shall make a determination that there is unamortized value in the nonconforming use that must be addressed by the city prior to expedited compliance. If the subtraction of the income streams from the initial investment value produces a negative number, then no unamortized value will remain and the board shall establish a date for expedited compliance without the need to address unamortized value.

7. All findings of the board pertaining to the value of the investment in the nonconforming use and the rate of return derived by the owner must be reasonable and in accordance with

accepted industry practices for that type of nonconforming use. Any party may offer evidence to the board in order to substantiate a reasonable value of the initial investment and/or a reasonable rate of return for such nonconforming use.

8. The board shall next determine whether the property owner will incur any costs of closing down or relocating the nonconforming use. Closure or relocation cost shall include only the reasonable and necessary expenses to transport items and material from the site to a new location. Relocation cost does not include the cost of acquiring alternate land as the property owner is retaining the land at the existing site to convert to a conforming use. The cost of relocation does not include the cost of removing permanent improvements such as buildings, parking areas, or public works facilities that will remain on the original site for use by the owner in a conforming business activity.

c. Board findings on unamortized value and the cost of relocation. If the board makes a determination that unamortized value remains in the nonconforming use by determining that the original investment value minus depreciation exceeds the amount of income derived from the nonconforming use during its operation through the date of the amortization hearing, the board shall make the following findings as a matter of record:

1. The dollar value of the unamortized interest remaining in the nonconforming use (original investment value, minus depreciation and minus income earned during historic operation of the nonconforming use).

2. The dollar income the nonconforming use produced during its last full calendar year of operation prior to the date of the hearing

3. The dollar cost of relocating business assets or inventory.

4. Other factors that show whether the owner has had a reasonable opportunity to recoup his investment in the nonconforming use.

d. Based upon the above factors, the board determines a calendar date upon which amortization shall be deemed complete. The calendar date determined herein shall be the date upon which the board determines is a reasonable period of time for the owner to have fully amortized the original investment value of the nonconforming use together with the closure/relocation costs that are properly chargeable to the nonconforming use.

e. The board shall make these findings a matter of record in the minutes of the board meeting in which such final determination was reached. The date upon which final amortization occurs shall be the date upon which the nonconforming use shall cease to operate in a nonconforming status.

f. Under no circumstance shall a nonconforming use be given less than 90 days to cease operation irrespective of the date determinations made above. The 90-day minimum is to provide the nonconforming use business with the opportunity to give its customers, suppliers and vendors proper notice and to permit an orderly closure and transfer of business operations.

g. The board of adjustment shall cause its findings to be transmitted to the city council including whether any unamortized value remains in the nonconforming use identified for expedited compliance. The city council in its sole discretion shall have the right to determine if the city should appropriate funds to purchase the remaining unamortized value of the nonconforming use, thereby instituting immediate closure rather than waiting for the expiration of the time

necessary for the automatic amortization of remaining value.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-85. Additional limitations and provisions regarding nonconforming uses.

(a) Change to conforming. A nonconforming use or building, if changed to a conforming use or building, may not be changed back to a nonconforming use or building.

(b) Accessory uses or structures. No nonconforming accessory use or structure shall continue after the principal use or structure shall have ceased or terminated unless the accessory use or structure shall thereafter conform to the provisions of the zoning district in which it is located.

(c) Vested rights. Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building or land development project for which a building permit was lawfully issued no more than six months prior to the adoption or amendment or this chapter, provided that such construction shall have been started at the time such use became nonconforming and shall have been diligently prosecuted to completion.

(d) Future nonconformities. The foregoing provisions of this article shall also apply to uses made nonconforming by subsequent amendments to the zoning regulations or by annexation into the city limits.

(e) Special exceptions. Any use which is approved as a specific use permit by the city council or as a special exception use by the board of adjustment shall, upon its establishment, be considered a conforming use in that district, provided that this regulation shall not be interpreted as to waive any conditions placed on the specific use or special exception use.

(f) Replacement of manufactured home. Notwithstanding anything in this article to the contrary, a nonconforming manufactured home may be exchanged or replaced by another manufactured home, provided the replacement manufactured home is owner-occupied.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-86. Waiver.

The board shall have the power to approve a waiver of any required yard area or setback requirement when such a waiver is necessary due to a surveying or construction error in the placement of the original foundation or site improvement.
(Ordinance 2014-010, sec. 1, adopted 4/21/2014)

§ 42-87. through § 42-94. (Reserved)

§ 42-95. Board of adjustment.

(a) Creation, membership and procedures.

(1) Zoning board of adjustment established. A board of adjustment is hereby established in accordance with the provisions of V.T.C.A., Local Government Code section 211.008 and shall have the powers and duties as provided in said statute and this chapter.

(2) Membership.

a. The zoning board of adjustment shall consist of five members, each to be appointed by the city council for a term of two years and removable for cause by the city council upon written charges and after public hearing. If a member is absent for three consecutive meetings, or if the member misses more than 50 percent of the meetings in a calendar year, reasonable cause exists for the removal of the member unless the board has granted the member a leave of absence at a meeting due to illness or other good cause.

b. 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. Three members shall serve until January 1 of odd-numbered years, as heretofore appointed, and two members, as heretofore appointed, shall serve until January 1 of even-numbered years. Thereafter each member reappointed or each new appointee shall serve for a full term of two years unless removed as hereinabove provided.

c. The city council may also appoint up to four alternate members of the board who shall serve in the absence of one or more of the regular members when requested to do so by the chairperson of the board, so that all cases to be heard by the board will always be heard by a minimum number of four members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner and they shall be subject to removal by the same means and under the same procedures as the regular members.

(3) Hearings. The hearings of the board shall be public. The board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least four members of the board.

(4) Meetings. Regular meetings of the board shall be held at such times as the board may determine. Special meetings of the board shall be held at the call of the chairperson or at the written request of two regular members of the board, said request to be submitted to the chairperson.

(5) Rules and regulations. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating 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 city secretary and shall be public record. The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of this chapter, and shall furnish a copy of the same to the zoning administrator, all of which rules and regulations shall operate uniformly in all cases. All of its orders shall be

in accordance therewith.

(b) Jurisdiction and powers. The board of adjustment shall have all powers granted by the provisions of V.T.C.A., Local Government Code sections 211.008 through 211.011. The board may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, take the following actions:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator or other city officer or department in the enforcement of this chapter;

(2) Hear appeals on zoning boundary disputes;

(3) Hear requests by a city officer, board, commission or city council to abate, remove, limit or terminate a nonconforming use or building through expedited compliance procedures to require the discontinuance of a nonconforming use or building under a reasonable plan whereby the owner's investment in the nonconforming use or building can be recouped through amortization over a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter.

(4) Permit the expansion or extension of a nonconforming use in accordance with the provisions of section 42-83 [42-81].

(5) Within the limits prescribed in section 42-82, the board may review nonconforming uses which have been abandoned or discontinued to determine whether such uses should be allowed to resume operation. Such action by the board shall consider any unnecessary hardship on the property owner if the use is discontinued and shall have due regard for the public welfare, the character of the area surrounding such use, and the conservation, preservation and protection of surrounding properties and their values;

(6) Permit the repair or reconstruction and occupancy of a nonconforming building or a building containing a nonconforming use where the building has been destroyed in excess of 50 percent, but less than the total value as provided in section 42-83, provided such reconstruction does not, in the judgment of the board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming building beyond what is permitted by article VI. Such action by the board of adjustment shall have due regard for the property rights of the person or persons affected, when considered in light of the public welfare, the character of the area surrounding such structure, and the conservation, preservation and protection of surrounding properties and their values;

(7) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated or substandard;

(8) Permit variances to the development regulations in this chapter such as front yard, side yard, rear yard, lot width, lot depth, lot coverage, minimum setback, off-street parking, off-street loading, lot area, maximum height, or other development regulations where such variance is necessary to permit the reasonable development of a specific parcel of land which differs from other parcels of land in the same zoning district by being of such area, shape, topography, slope or condition that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same zoning district, or where, due to special conditions:

a. The literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district and would result in an unnecessary and/or unreasonable hardship;

b. The special conditions are not the result of the applicant's actions, but are peculiar to the land, structure or building involved;

c. The variance requested is the minimum necessary; and

d. No special privilege is granted which is denied to other similarly situated uses.

Any variance granted shall not adversely affect adjoining property, shall not be contrary to the public interest and shall insure that the spirit of the ordinance is observed and substantial justice is done.

(9) Approve special exception uses which are specifically authorized by this chapter. A site plan meeting the requirements of section 42-56 shall be required to be submitted with each application for a special exception. Any special exceptions authorized by the board, either under the provisions of this chapter, or under the authority granted to the board under the statutes of the state, shall authorize the issuance of a building permit for a period of 90 days from the date of the favorable action on the part of the board of adjustment, unless the board in its minutes shall, at the same time, grant a longer period. If a building permit shall not have been issued within said 90-day period or such other period as the board of adjustment may specifically grant, the special exceptions shall be deemed waived, and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to said board of adjustment in accordance with the rules and regulations regarding appeals.

(c) Appeals.

(1) Except as limited for specific appeals, appeals to the board of adjustment can be taken by any person aggrieved or by any officer, department, or board of the municipality affected by any decision of the zoning administrator or any official authorized to make a decision under this chapter. Such appeal shall be taken within 15 days after the decision has been rendered by the zoning administrator or other official by filing with the official from whom the appeal is taken and with the city secretary a notice of appeal specifying the grounds thereof. The official from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(2) A written application for appeal shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings, and other data or information relevant to the appeal.

(3) An appeal shall stay all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case proceedings may be stayed only by a restraining order granted by the board of adjustment or by a court of record on application after notice to the official and upon a showing of due cause.

(4) Limitation on reapplications. When the board has denied an appeal, no new applications of similar nature shall be accepted by the board or scheduled for 12 months after the date of board denial. Applications which have been withdrawn at or before the board meeting or that have been expired after approval by the board, may be resubmitted at any time for hearing before the

board.

(d) Hearing. The board of adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing any party may appear in person or by attorney or agent. The notice provided in this section shall be given by publication in the official city publication stating the time and place of such hearing, which shall not be earlier than ten days from the day of such publication, and in addition, the board of adjustment shall mail notices of such hearing to the petitioner and the owners of property lying within 200 feet of any point of the lot or portion thereof, on which an appeal is taken, and to all persons deemed by the board of adjustment to be affected. Such owners and persons shall be determined according to the current tax rolls of the city and substantial compliance therewith shall be deemed sufficient, provided, however, that the depositing of such written notice in the mail by the board of adjustment shall be deemed in compliance with this section.

(e) Decision of the board. The board shall decide the appeal within a reasonable time. The board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken. In granting any appeal, the board may place reasonable conditions and restrictions on the property that the board deems appropriate to assure that the spirit and intent of this chapter is observed.

(f) Vote of four members required. The concurring vote of four members of the board is necessary to:

(1) Reverse an order, requirement, decision or determination of an administrative official;

(2) Decide in favor of an applicant on a matter on which the board is required to pass; or

(3) Authorize a variation from the terms of this chapter.

(g) Appeals to court. Any person or persons, jointly or separately, aggrieved by any decision of the board of adjustment or any taxpayer or any officer, department or board of the city may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten days after the rendering of the decision complained of by the board of adjustment, and not thereafter.

(h) Authorized special exceptions. The following special exceptions may be permitted by the board of adjustment, in the district specified, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the board of adjustment may impose:

(1) Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformity with the city comprehensive plan and present no conflict or nuisance to adjacent properties.

(2) Permit a public utility or public service building in any zoning district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

(3) Grant a permit for the extension of a use, height, or area regulation into an abutting district where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this chapter is derived.

(4) Waive or reduce the parking and loading requirements in any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(5)

(6) Approve the location of amateur radio equipment and TV antennas (including ham radio and CB equipment but not including commercial equipment) in a residential district subject to the restrictions in this chapter.

(7) Approve the location of satellite receive-only antennas which exceed one meter in diameter in residential districts or two meters in diameter in nonresidential districts subject to the following conditions: To receive a special exception, a satellite receive-only antenna which exceeds:

a. One meter in diameter located in a residential zoning district, or

b. Two meters in diameter located in a nonresidential zoning district (except governmental antennas), must comply with the following requirements:

1. Height. A satellite receive-only antenna shall not exceed 12 feet in height; however, satellite receive-only antennas may be placed on the roof of commercial structures if screened from public view from line of sight at ground level from the property line.

2. Setbacks.

i. Front and side. Satellite receive-only antennas shall not be permitted in front or side yards;

ii. Rear. Satellite receive-only antennas shall be permitted in rear yards provided they meet the minimum setback as required for accessory buildings in residential districts and as for all buildings in nonresidential districts.

3. Separation. There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record.

4. Satellite receive-only antennas shall not be permitted in easements.

5. Lights. No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

6. Construction standards. Except for satellite receive-only antennas installed by a governmental entity, a building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna.

7. No part of an antenna, or any attachment thereto, may extend beyond the property lines of the owner of such antenna site.

(8) Approve the location of telecommunications antennas and towers.

a. Application. To properly evaluate applications to locate telecommunications antennas or towers, the following information must be provided by the applicant, as applicable:

1. A description of the nature of the antenna or tower site. Indicate whether the proposed structure is a monopole or lattice tower. Indicate the proposed height;

2. Provide photos or drawings of all equipment, structures and antennas;

3. Describe why the antenna or tower is necessary;

4. State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user;

5. Indicate if this antenna or tower site will be connected to other sites; and if so, describe how it will be connected and who will provide the backhaul network;

6. The applicant must address whether an effort has been made to co-locate the facility proposed for this antenna or tower on existing towers or facilities in the same general area. Identify the location of existing sites. Describe in detail efforts made and explain in detail why existing site were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites' owners and/or operators which confirm the statements provided. Indicate whether or not the existing sites allow or promote co-location and, if not, describe why not;

7. Indicate whether or not co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason;

8. If the requested location is in a residential district the applicant must address whether an effort has been made to locate the facility in a commercial or industrial district. Identify the location of the commercial and/or industrial district sites. Describe in detail efforts and explain in detail why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites' owners and/or operators which confirm the statements provided;

9. Indicate the applicant's current coverage area for the city. Attach maps showing the areas the applicant's existing antennas currently cover, the areas the applicant's existing sites and other existing sites would cover, and the areas the applicant's existing sites and the requested site would cover;

10. Describe the applicant's master antenna and tower plan for the city. Attach maps and other related documentation. Provide information indicating each phase of the plan;

11. Describe the applicant's plan to minimize the number of telecommunications towers need to cover the city.

b. Conditions of approval. The board of adjustment will approve a requested application for a special exception to locate a telecommunications antenna or tower subject to the finding

that co-location of this facility with a nearby existing antenna facility is not feasible and subject to the following conditions:

1. Applicant will permit co-location of others at the site;
2. Applicant will configure its antenna and other equipment to accommodate other providers;
3. Applicant will identify its backhaul network connecting antenna sites;
4. Applicant will give notice to the city identifying any providers who co-locate on the site and identify their backhaul network; and
5. Applicant shall meet the height, area, separation, and other requirements as listed in section 42-45.

c. Written report upon denial of request. The city shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing, stating the reason for denial and indicating substantial evidence that supports the denial.

d. Abandoned antenna facilities. Any antenna or antenna facility that is not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove it within 90 days of receipt of notice from the city.

(9) To grant a permit for the extension of a use, height or area regulation into an abutting district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this chapter is derived.

(10) To waive or reduce the parking and loading requirements in any of the districts, when:

a. The character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or

b. When such regulations would impose an unreasonable hardship upon the use of the lot.

The board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

(i) Limitations on jurisdiction.

(1) The board shall have no authority to change any provisions of this chapter and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The board may not change the district designation of any land either to a more or less restrictive zone.

(2) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the zoning administrator, that such questions shall be presented to the board only on appeal from the decision of the zoning administrator and that recourse from the decisions of the zoning board of adjustment shall be to the courts as provided by the laws of the state.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-96. Changes and amendments.

(a) Authority to amend. The city council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of

the zoning districts. Any amendment, supplement, or change to the text of this chapter and any change in the classification or boundaries of the zoning districts, may be initiated by the planning and zoning commission, the city council, or may be requested by the owner of real property or the authorized representative of an owner of real property.

(b) Application for rezoning.

(1) Each application by a property owner for rezoning or an application for a specific use permit shall include a signed, notarized statement of ownership of the property in the following format:

The undersigned hereby, on oath, states that he or she is the record owner of the property for which this application is made.

_____
Name

Sworn to and subscribed before me on this _____day of _____, 20__, by the person whose signature appears directly above.

{SEAL}

_____
Notary Public in and for the State of Texas

Upon filing of an application for an amendment to the zoning ordinance or a change in the classification or boundaries of a zoning district map, the planning and zoning commission shall call a public hearing on said application.

(2) For changes to a zoning classification or district boundary, written notice of such hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within 200 feet of the property on which the change in classification is proposed, such notice to be given not less than 11 days before the date of such hearing, to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. Where property lying within 200 feet of the property proposed to be changed is located outside the city limits or in territory which was annexed to the city after the final date for making the renditions which are included on the last approved city tax roll, notice to such owners shall be given by one publication in the official newspaper at least 16 days before the time of hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

(3) If, at the conclusion of the hearing, the planning and zoning commission recommends amendment of this chapter to the city council, said recommendation shall be by resolution of the planning and zoning commission carried by the affirmative votes of not less than a majority of the members present and voting. A copy of any recommended amendment shall be submitted to the city council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.

(4) If, after public hearing, the planning and zoning commission recommends denial of an application, the applicant may appeal said determination to the city council by filing a written notice of appeal with the city clerk within ten days after the determination of the planning and zoning commission.

(5) The planning and zoning commission may recommend denial of an application with or without prejudice against the applicant to refile the application. If the commission recommends denial of the application and fails to clearly state the same is being denied without prejudice, then it shall be deemed that said application is being recommended for denial without prejudice against refiling. If the planning and zoning commission recommends denial with prejudice, if it is later determined by the commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period. Newly annexed land which has been given agricultural zoning is exempt from the one-year waiting period.

(c) Action by city council.

(1) If the planning and zoning commission has recommended approval of an application or if the planning and zoning commission has recommended denial of an application and a notice of appeal has been filed pursuant to subsection (b), the city council shall set said application for public hearing and shall give notice of the time and place of the hearing by publication one time in the official newspaper at least 16 days prior to such hearing.

(2) If the planning and zoning commission has recommended to the city council that a proposed amendment be disapproved, the city council may refuse to adopt the amendment by a simple majority vote of the councilmembers present and voting. However, in order to adopt the amendment which has been recommended for disapproval by the planning and zoning commission, the amendment shall not become effective except by the favorable vote of three-fourths of all members of the city council.

(3) When the planning and zoning commission has recommended to the city council that a proposed amendment be approved, the city council may either approve or disapprove the petition or application for amendment by a simple majority vote of the city councilmen present and voting. In the event of a tie vote of the city councilmen present and voting, the mayor may cast the deciding vote.

(4) In the case of a protest against an amendment to the ordinance signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area included in the proposed change and extending 200 feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the city council.

(5) In making its determination, the city council shall consider the following factors:

a. Whether the use permitted by the proposed change will be appropriate in the immediate area concerned and its relationship to the general area and the city as a whole.

b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.

d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

e. The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.

f. Any other factors which will substantially affect the public health, safety, morals or general welfare.

(6) In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the city council shall further consider whether said application shall be denied with or without prejudice against refiling. If the city council shall deny the application and fail to clearly state the same is being denied without prejudice, then it shall be deemed that said application is being denied with prejudice against refiling. If an application is denied with prejudice, no application may be filed for all or a part of the subject tract of land for a period of one year from the date of denial by the city council unless the new application is substantially different, as determined by the city council. If it is determined by the city council that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period. Newly annexed land which has been given agricultural zoning is exempt from the one-year waiting period.

(d) Changes in zoning regulations. Amendments to this zoning chapter not involving a particular property but involving a change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing before the city council shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, at least 16 days prior to the date of the hearing.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-97. Fees, charges, and expenses.

(a) Establishment of schedule of fees. The city council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, applications, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the city secretary and may be altered or amended only by the city council.

(b) Fee payment required. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-98. Violations, penalties, and enforcement.

(a) Fines. 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 this chapter, shall be fined not more than $2,000.00 for each offense. Each day that a violation exists shall constitute a separate offense. The penalty should not be construed as exclusive, and the city hereby provides that any other remedy available to it, in law or in equity, is not intended to be, and is not, foreclosed by the provision of such penalty.

(b) Enforcement. The provisions of this chapter shall be enforced by the city manager or his duly authorized representatives. The city manager's authorized representatives shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out the enforcement of this chapter.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-99. Injunction.

The city shall have and retain the right for injunctive relief against any person, firm, or corporation who is in the process of or about to violate any section, paragraph, or part of this chapter; such right for injunctive relief shall exist independent of the other penalty provisions of this chapter and not in lieu thereof. The right of injunctive relief is essential to the city in order that it may maintain an orderly and properly planned control over all land uses, thus protecting the health, morals, safety, and wellbeing of the citizens and halting any attempt by any person, firm, or corporation to inflict temporary or permanent injury on the general public by a failure to comply with the terms of this chapter.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-100. Planning and Zoning Commission.

(a) Organization and appointment. There is hereby created a planning and zoning commission which shall be organized, appointed, and function as follows:

(1) Membership. The planning and zoning commission shall consist of five (5) members who are residents of the city or its extraterritorial jurisdiction, each to be appointed by the city council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Appointees shall fill positions which shall be designated by place numbers (e.g., place 1, place 2, etc.). 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. 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 when requested to do so by the chairman of the planning and zoning commission. If a member is absent for three consecutive meetings, or if the member misses more than 50% of the meetings in a calendar year, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a meeting.

(2) Terms. The terms of members filling places 1, 3, and 5 shall expire on June 30th of each odd- numbered year and the terms of members filling places 2 and 4 shall expire on June 30th of each even-numbered year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two (2) years. Newly-appointed members shall be installed at the first regular commission meeting after their appointment.

(3) Organization. The commission shall hold an organizational meeting in July of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law. The planning and zoning commission shall elect a chairman from its own membership at its annual organizational meeting.

(4) Quorum and compensation. A quorum for the conduct of business shall consist of three members and/or alternate members of the commission. The members shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

(b) Duties and authority. The planning and zoning commission is hereby charged with the duty and invested with the authority to:

(1) Formulate and recommend to the city council for its adoption a city plan for the orderly growth

and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.

(2) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as authorized under state law.

(3) Exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as authorized under state law.

(4) Study and recommend the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same.

(5) Study and make recommendations regarding the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances.

(6) Initiate, in the name of the city, proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places and for the change of zoning district boundaries on an area-wide basis.

(7) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.

(8) Submit each May a progress report to the city council summarizing its activities for the past year and a proposed work program for the coming year.

(Ordinance 2024-0022 adopted 11/18/2024)

§ 42-101. Occupancy Permits (or Certificates of Occupancy)

(a) Required. An occupancy permit (CO) shall be required in the city limits of the City of Alvarado:

(1) prior to the occupancy and use of any and all buildings or real property, and

(2) to update a change of use of any and all buildings or real property, and

(3) to lessen or expand space occupied, and

(4) to update a change of real property ownership, and

(5) to update a change of business name, and

(6) to update a change of property management, and

(7) prior to connection of temporary utility service for the purpose of cleanup, property improvements or alterations (90-day clean & show).

(b) Procedures and requirements established. The procedures and requirements set out in this ordinance shall be established for the approval and issuance of occupancy permits.

(c) Application requirements.

(1) An application for an occupancy permit (CO) shall be submitted prior to the intended occupancy of the premises.

(2) The following information shall be provided by the applicant. If this information is not provided, the application will be considered incomplete and will not be processed.

a. The name, address, and phone number of the applicant

b. The name and address of the property owner and the property owner's phone number

c. The name, address, and phone number of the business owner

d. The name of the occupant

e. Full disclosure of the intended use of the building and/or property

f. The address and/or legal description of the property for which the occupancy permit is being requested

g. The square footage of the building

h. The number of employees per shift

i. Chemicals used under SARA title III

j. Certification by signature on the application that the applicant will not, nor will they permit any other person or persons to, use the described property for any other purpose than that stated on the occupancy permit and that the use of the property will be in conformance with all applicable city ordinances and state, federal and county law

k. Retail sales permit, if required under state law

l. Certificate of Occupancy Questionnaire provided with the CO application

m. Floor plan with all rooms labeled and dimensioned with equipment/seating layout

n. Building suite layout if part of a multi-tenant building

o. Title survey, as-built survey, improvement surveyor, or site plan

(3) Each occupancy permit (CO) application shall be accompanied by a fee as provided for in the city adopted fee schedule.

(4) The date of acceptance of the application will be the date on which the Building Official or his appointee determines that the application is complete, and the requirements of the zoning district are met as determined by the Community Development Director.

(d) Temporary utility service. The connection of temporary utility service for the purpose of cleanup, property improvements or alterations (clean & show) may be authorized by the Building Official or his appointee, for a 90-day period beginning with the date of acceptance of the application.

(e) Administrative review of application; inspections

(1) Review of application. On or after the date of acceptance of the application, the application will be reviewed by the Community Development Director and the Building Official or his appointee, to ensure compliance with applicable zoning ordinances and building codes. Other city departments or state, federal or county agencies may be asked to review the application, as warranted by the nature of the business or type of occupancy for which application is made.

(2) Inspections. The city fire and building safety departments shall be provided access to the property for a physical inspection of the premises to assure adherence to the requirements of the International Fire Code and the International Building Code and associated trade codes. Access to the property for a physical inspection of the premises shall be given to the city's third-party health department provider, the city police department, and any other city department, or state, federal or county agency, if such inspections are warranted by the nature of the business or type of occupancy for which application is made.

(3) Failure to make premises available for inspection. It is the responsibility of the applicant to make the premises available for inspection during regular working hours by all applicable departments or

agencies. Failure to do so within thirty (30) calendar days of the date of acceptance of the application will result in the voiding of the application. A new application will need to be submitted along with the applicable fee provided for in the city adopted fee schedule.

(4) Proof of valid permits, licenses and certificates. The applicant must have all federal, state, county and city permits, licenses, and/or certificates that pertain to the use stated in the occupancy permit (CO) application.

(5) Failure to pass inspections. If the building or structure does not pass all applicable inspections for what the applicant is applying for, an occupancy permit will not be issued.

(f) Extension of application period. Upon authorization by the Building Official or his appointee, and for good cause shown, the application for an occupancy permit (CO) and temporary services may be continued for an additional thirty (30) days beyond the original date of acceptance of the application while compliance is sought.

(g) Issuance. An occupancy permit (CO) will be issued to the applicant by the Building Official or his appointee when all of the requirements of this ordinance, and any other city, state, county or federal requirements which pertain to the use of the property for which application has been made, have been met.

(h) Existing occupancy permits. Valid occupancy permits issued prior to the effective date of the ordinance codified in this ordinance will remain in effect until such time as the use of the property for which the permit was issued ceases to operate, or there is a change of ownership of the business, or a change in use. Subsequent occupancy permits will not be issued until the requirements of this ordinance are met. Occupancy permits issued prior to the effective date of the ordinance codified in this ordinance which are found to be invalid are subject to revocation.

(i) Revocation.

(1) The Building Official or his appointee may, in writing, suspend or revoke an occupancy permit (CO) whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or any portion thereof is in violation of any ordinance or regulation. Occupancy permits which are subject to revocation under the terms of this subsection are invalid occupancy permits.

(2) A decision by the Building Official or his appointee to revoke an occupancy permit (CO) because it was issued in error may be appealed to the city council.

(j) Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises at or near the front entrance of the building.

(k) Denial of permit and city services. If all the provisions of this ordinance are not met, an occupancy permit (CO) will not be issued and city services, such as, but not limited to, water, sewer, and sanitation, will not be permitted to be used on or connected to the premises.

§ 42-102. through § 42-175. (Reserved)

ARTICLE VIII DISTRICT REGULATIONS[1]

DIVISION 1

Reserved[2]

§ 42-176. through § 42-208. (Reserved)

1. **Editor's Note—Art. III Was Renumbered As Art. VIII Pursuant To The Inclusion Of Ord. 2015-005, Adopted April 20, 2015. See The Editor's Note At Beginning Of This Chapter.**
2. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 1, secs. 42-176—42-185, in its entirety. Former div. 1, "Generally", was derived from Ord. 2004-028, secs. 2-1, 2-2, 3—6, 27—38, adopted February 17, 2004; Ord. 2005-010, adopted March 21, 2005; Ord. 2009-002, secs. 2A, 2B, adopted January 19, 2009; and Ord. 2011-002, sec. 12, adopted February 21, 2011.**

DIVISION 2

Reserved[3]

§ 42-209. through § 42-234. (Reserved)

3. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 2, secs. 42-209—42-213, in its entirety. Former div. 2, "A—Agricultural District", was derived from Ord. 2004-028, secs. 7.1—7.5, adopted February 17, 2004.**

DIVISION 3

Reserved[4]

§ 42-235. through § 42-258. (Reserved)

4. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 3, secs. 42-235—42-240, in its entirety. Former div. 3, "SF-1—Single-Family Residential District-1", was derived from Ord. 2004-028, secs. 8.1—8.6, adopted February 17, 2004; Ord. 2009-002, secs. 2C(8.5), 2C(8.6), adopted January 19, 2009; and Ord. 2011-002, sec. 1, adopted February 21, 2011.**

DIVISION 4

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5. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed secs. 42-259—42-263. Former secs. 42-259—42-263, "General purpose and description", "Permitted uses", "Permitted specific uses", "Height and area regulations", and "Parking regulations", were derived from Ord. 2004-028, secs. 9.1—9.5, adopted February 17, 2004, and Ord. 2009-002, sec. 2D(9.5) adopted January 19, 2009.**

6. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed secs. 42-292—42-296. Former secs. 42-292—42-296, "General purpose and description", "Permitted uses", "Permitted specific uses", "Height and area regulations", and "Parking regulations", were derived from Ord. 2004-028, secs. 11.1—11.5, adopted February 17, 2004.

DIVISION 6

Reserved[7]

§ 42-328. through § 42-354. (Reserved)

7. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 6, secs. 42-328—42-333, in its entirety. Former div. 6, "MH-1X—Manufactured Home Park District (X)", was derived from Ord. 2004-028, secs. 12.1—12.6, adopted February 17, 2004, and Ord. 2009-002, sec. 2G(12.5), adopted January 19, 2009.**

DIVISION 7

Reserved[8]

§ 42-355. through § 42-364. (Reserved)

8. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 7, secs. 42-355—42-360, in its entirety. Former div. 7, "MH-2X—Manufactured Home Subdivision District", was derived from Ord. 2004-028, secs. 13.1—13.6, adopted February 17, 2004 and Ord. 2009-002, sec. 2H(13.5), adopted January 19, 2009.**

DIVISION 8

Reserved[9]

§ 42-379. through § 42-417. (Reserved)

9. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 8, secs. 42-379—42-387, in its entirety. Former div. 8, "MFX—Multifamily Residential District (X)", was derived from Ord. 2004-028, secs. 14.1—14.9, adopted February 17, 2004; Ord. 2009-002, secs. 2I(14.5), (14.9), adopted January 19, 2009; and Ord. 2011-002, sec. 4, adopted February 21, 2011.**

DIVISION 9

Reserved[10]

§ 42-418. through § 42-444. (Reserved)

10. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 9, secs. 42-418—42-423, in its entirety. Former div. 9, "NC—Commercial District—Office, Light Retail And Neighborhood Services", was derived from Ord. 2004-028, secs. 15.1—15.6, adopted February 17, 2004; Ord. 2009-002, secs. 2J(15.6), adopted January 19, 2009; and Ord. 2011-002, sec. 5, adopted February 21, 2011.**

DIVISION 10

Reserved[11]

§ 42-445. through § 42-468. (Reserved)

11. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 10, secs. 42-445—42-450, in its entirety. Former div. 10, "RC—Regional Commercial District", was derived from Ord. 2004-028, secs. 16.1—16.6, adopted February 17, 2004; Ord. 2009-002, secs. 2K(16.6), adopted January 19, 2009; and Ord. 2011-002, sec. 6, adopted February 21, 2011.**

DIVISION 12

Reserved[13]

§ 42-500. through § 42-531. (Reserved)

12. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 12, secs. 42-500—42-505, in its entirety. Former div. 10, "CF—Commerce Flex District", was derived from Ord. 2004-028, secs. 17.1—17.5, adopted February 17, 2004, and Ord. 2011-002, sec. 8, adopted February 21, 2011

13. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed secs. 42-532—42-536. Former secs. 42-532—42-536, "General purpose and description", "Permitted uses", "Permitted specific uses", "Height and area regulations", and "Parking regulations", were derived from Ord. 2004-028, secs. 18.1—18.5, adopted February 17, 2004.

DIVISION 14

Reserved[15]

§ 42-566. through § 42-590. (Reserved)

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14. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 14, secs. 42-566—42-571, in its entirety. Former div. 14, "INSX—Institutional District (X)", was derived from Ord. 2004-028, secs. 19.1—19.6, adopted February 17, 2004, and Ord. 2009-002, sec. 2L(19.6), adopted January 19, 2009.

DIVISION 15

Reserved[16]

§ 42-591. through § 42-625. (Reserved)

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15. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 15, secs. 42-591—42-596, in its entirety. Former div. 15, "PD—Planned Development District", was derived from Ord. 2004-028, secs. 20.1—20.6, adopted February 17, 2004.

DIVISION 16

Reserved[17]

§ 42-626. through § 42-659. (Reserved)

16. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 16, secs. 42-626—42-628, in its entirety. Former div. 16, "FN—Floodplain and Nature District", was derived from Ord. 2004-028, secs. 21.1—21.3, adopted February 17, 2004.**

DIVISION 17

Reserved[18]

§ 42-660. through § 42-672. (Reserved)

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17. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 17, secs. 42-660—42-662, in its entirety. Former div. 17, "Schedule of Uses/Tables", was derived from Ord. 2004-028, sec. 22, adopted February 17, 2004; Ord. 2005-002, adopted October 18, 2004; Ord. 2009-002, sec. 2M, adopted January 19, 2009; Ord. 2010-001, sec. 2(A), adopted February 15, 2010; Ord. 2010-003, sec. 2(A), adopted February 15, 2010; Ord. 2010-006, sec. 1(exh. A), adopted April 19, 2010; Ord. 2010-025, sec. 2A, adopted October 18, 2010; Ord. 2011-003, sec. 2, adopted February 21, 2011; Ord. 2011-024, sec. 1, adopted July 18, 2011; Ord. 2011-028, sec. 1, adopted August 15, 2011; Ord. 2011-032A, sec. 1A, adopted September 19, 2011; and Ord. 2011-033, secs. 1A—C, adopted September 19, 2011.**

DIVISION 18

Reserved[19]

§ 42-673. through § 42-683. (Reserved)

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18. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 18, sec. 42-673, in its entirety. Former div. 18, "Descriptions/Definitions of Uses", was derived from Ord. 2003-012, adopted February 17, 2003; Ord. 2004-028, sec. 23, adopted February 17, 2004; Ord. 2005-001, adopted October 18, 2005; Ord. 2006-007, adopted November 21, 2005; Ord. 2006-008, adopted November 21, 2005; Ord. 2009-002, sec. 2N(23.1.15—23.1.16), adopted January 19, 2009; Ord. 2010-003, sec. 2(B), adopted February 15, 2010; Ord. 2010-025, secs. 2B, 2C, adopted October 18, 2010; Ord. 2011-024, sec. 2, adopted July 18, 2011 and Ord. 2011-034, sec. 2, adopted September 19, 2011.**

DIVISION 19

Reserved[20]

§ 42-684. through § 42-714. (Reserved)

19. **Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 19, secs. 42-684—42-695, in its entirety. Former div. 19, "Special Uses", was derived from Ord. 2004-028, secs. 24.1—24.11, adopted February 17, 2004; Ord. 2005-002, adopted October 18, 2004; Ord. 2006-008, adopted November 21, 2005; Ord. 2011-002, sec. 14, adopted February 21, 2011; Ord. 2011-019, sec. 2, adopted June 20, 2011; Ord. 2011-021, sec. 1, adopted July 18, 2011; and Ord. 2013-031 adopted July 15, 2013.**

DIVISION 20

Reserved[21]

§ 42-715. through § 42-736. (Reserved)

20. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 20, secs. 42-715, 42-716, in its entirety. Former div. 20, "Specific Use Permit", was derived from Ord. 2004-028, secs. 25.1, 25.2, adopted February 17, 2004; Ord. 2010-003, sec. 2(C), adopted February 15, 2010 and Ord. 2010-024, sec. 2, adopted October 18, 2010.

ARTICLE IX MANUFACTURED HOMES [22]

§ 42-737. Definitions.

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

License means a written license issued by the city allowing a person to operate and maintain a manufactured home park under the provisions of this article.

Manufactured home lot means a parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.

Manufactured home stand means that part of an individual lot which has been reserved for the placement of one manufactured home unit.

Park management means the person who owns or has charge, care, or control of the manufactured home park.

Park street means a private way which affords principal means of access to individual manufactured home lots or auxiliary buildings.

Permanent manufactured home means a manufactured home parked or placed on a separate vacant platted city lot or a plot containing at least 5,000 square feet of land and outside a manufactured home park in which the setback requirements for said manufactured home as specified for manufactured homes located in residential zoning districts as set out in this article. The manufactured home shall have the wheels removed and be underpinned, underskirted, and anchored to the ground in a permanent fashion, using solid concrete blocks and bases and having separate water, sewer, gas, and electrical connections approved by the city.

Permit means a written permit or certification issued by the city permitting the construction, alteration, and extension of a manufactured home park or placement of a permanent manufactured home under the provisions of this article and regulations issued hereunder.

Service building means a structure housing toilet, lavatory, and such other facilities as may be required by this article.

Sewer connection means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the manufactured home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the manufactured home park.

Sewer riser pipe means the portion of the sewer system serving a manufactured home park which extends vertically to the ground elevation and terminates at a designated point on each manufactured home lot.

Trailer or travel trailer means a vehicle used for temporary living quarters and designed to be used for camping and vacations and to be stored in the vicinity of a permanent residence, and no living quarters maintained therein.

Water connection means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured home.

Water riser pipe means that portion of the water supply system serving the manufactured home park which extends vertically to the ground elevation and terminates at a designated point at each manufactured home lot.

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21. Editor's Note—Art. IV Was Renumbered As Art. IX Pursuant To The Inclusion Of Ord. 2015-005, Adopted April 20, 2015. See The Editor's Note At Beginning Of This Chapter.

(2008 Code, sec. 152.01)

§ 42-738. Manufactured homes to be located in manufactured home parks or subdivisions; exception.

It shall be unlawful for any person to connect utilities or to occupy a manufactured home within the city, except where it is located in a duly licensed manufactured home park or manufactured home subdivision under the terms of this article, and has been approved in the manner prescribed herein, except where the manufactured home meets the definition of a permanent manufactured home under this article and the city zoning regulations, and a valid permit has been granted and a certificate of occupancy has been issued by the city.
(2008 Code, sec. 152.02)

§ 42-739. Utility service contingent on obtaining certificate of occupancy.

The city will provide for electric, water, and sewer service to the site of manufactured home parks or permanent manufactured homes only after a permit has been granted and a certificate of occupancy has been issued by the city. Water and sewer service will be provided in accordance with the policy of this city concerning water supply to permanent structures and electric service will be provided upon receipt of deposit by the city.
(2008 Code, sec. 152.03)

§ 42-740. Permits.

(a) It shall be unlawful for any person to place, construct, alter, or extend any manufactured home park within the city unless the plan for the park is approved by the city's planning and zoning commission and unless such person holds a valid permit issued in that person's name for the specific construction, alteration, and/or extension proposed and has paid other charges for normal utility connections.

(b) All applications for permits shall contain the following:

(1) A formal written request by applicant containing the name and address of the applicant.

(2) Location and legal description of the manufactured home park.

(3) Plans and specifications of the water supply system, refuse and sewer disposal facilities, and lighting and electrical systems.

(4) Plans and specifications of all buildings constructed or to be constructed within the manufactured home park.

(5) Plans and specifications of roadways, walkways, driveways and parking areas.

(c) All applications shall be accompanied by the deposit of a fee as currently established or as hereafter adopted by resolution of the city council from time to time.

(d) When, upon review of the application, the city's building official is satisfied that the proposed plan meets the requirements of this article, a permit shall be issued.

(e) Any person whose application for a permit under this article has been denied may request and shall be granted a hearing on the matter before the city council under the procedure provided by section 42-744.

(2008 Code, sec. 152.04)

§ 42-741. Certificate of occupancy for permanent manufactured home.

No permanent manufactured home shall be occupied nor shall any city utility be connected to any permanent manufactured home unless or until a certificate of occupancy for the permanent manufactured home has been issued. The city's building officials shall, after an application therefor has been filed by the owner or his agent, issue a certificate of occupancy if, after inspection of the premises, it is found that same complies with the provisions of this chapter and any other applicable codes and ordinances relative to location, construction, arrangement, safety, and sanitary facilities of manufactured homes.
(2008 Code, sec. 152.05)

§ 42-742. Licenses.

(a) It shall be unlawful for any person to operate any manufactured home park within the city, unless he holds a valid license issued annually by the city in the name of such person for the specific manufactured home park. All applications for licenses shall be made to the city's building official, who shall issue a license upon compliance by the applicant with the provisions of this article.

(b) Every person holding a license shall give notice in writing to the city within 24 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any manufactured home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such manufactured home park. Upon application in writing for transfer of the license and deposit of a fee as currently established or as hereafter adopted by resolution of the city council from time to time, the license shall be transferred if the manufactured home park is in compliance with all applicable provisions of this chapter.

(c) Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee as currently established or as hereafter adopted by resolution of the city council from time to time, and shall contain:

(1) The name and address of the applicant;

(2) The location and legal description of the manufactured home park; and

(3) A site plan of the manufactured home park showing all manufactured home lots, structures, roads, walkways, and other service facilities.

(d) Applications for renewal of license shall be made in writing by the holders of the license, shall be accompanied by the deposit of a fee as currently established or as hereafter adopted by resolution of the city council from time to time and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

(e) Any person whose application for a license under this chapter has been denied may request and shall be granted a hearing on the matter before the city council under the procedure provided by section 42-744.

(f) Whenever, upon inspection of any manufactured home park, the city's building official finds that conditions or practices exist which are in violation of any provision of this article, the building inspector shall give notice in writing in accordance with section 42-744(a) to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by said building official, the license shall be suspended. At the end of such period, the building official shall re-inspect such manufactured home park and, if such

conditions or practices have not been corrected, such officials shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such manufactured home park except as provided in section 42-744(b).

(2008 Code, sec. 152.06)

§ 42-743. Inspection of manufactured home parks.

(a) The city's director of community development and such other designated city officials are authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this article.

(b) Such officials shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.

(c) Such officials shall have the power to inspect the register containing a record of all residents of the manufactured home park.

(d) It shall be the duty of the park management to give such officials free access to all lots at reasonable times for the purpose of inspection.

(e) It shall be the duty of every occupant of a manufactured home park to give the owner thereof or his agent or employee access to any part of such manufactured home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this article.

(2008 Code, sec. 152.07)

§ 42-744. Notice, hearings, and orders.

(a) Whenever the city officials determine that there are reasonable grounds to believe there has been a violation of any provision of this article, the city's director of community development, or designated building official, shall give notice of such alleged violation to the person to whom the permit and/or license was issued, as hereinafter provided. Such notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for its issuance;

(3) Allow a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent as the case may require. Such notice or order shall be deemed to have been proper if served upon such owner or agent when a copy thereof has been sent by certified mail to his last-known address, or when he has been served with such notice by any method authorized or required by the laws of this state;

(5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.

(b) Any person affected by any notice issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the city council, provided that such person shall file in the office of the city secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of any order issued under subsection (e) of this section. Upon receipt of

such petition, the city secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed, provided that upon application of the petitioner the city secretary may postpone the date of the hearing for a reasonable time beyond such ten-day period when it is determined that the petitioner has submitted good and sufficient reasons for such postponement.

(c) After such hearing, the city secretary shall make findings regarding compliance with the provisions of this article and shall issue a written order sustaining, modifying, or withdrawing the notice, which shall be served as provided in subsection (a) of this section. Upon failure to comply with any order sustaining or modifying a notice, the license of the manufactured home park affected by the order shall be revoked.

(d) The proceedings at such a hearing, including the findings and decision of the city council, and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the city secretary. The transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the decision of the city council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

(e) Whenever the director of community development or other designated building inspector finds that any emergency exists which requires immediate action to protect the public health, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the city secretary, shall be afforded a hearing before the city council as soon as possible. The provisions of subsections (c) and (d) of this section shall be applicable to such hearing and the order issued thereafter.

(2008 Code, sec. 152.08)

§ 42-745. Miscellaneous manufactured home regulations.

(a) It shall be unlawful for any person to park any trailer or manufactured home on any street, alley, or highway, or other public place or on any tract of land owned by any person, occupied or unoccupied, within the city, except as provided in this article and this chapter.

(b) Temporary stopping or parking is permitted on any street, alley, or highway for not more than two hours subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, or highway.

(c) Each manufactured home that meets the definition of a permanent manufactured home shall be underpinned and underskirted and shall be anchored according to the following:

(1) Length up to 30 feet: two per side, including one on each corner;

(2) Length 30 to 50 feet: three per side, including one on each corner;

(3) Length 50 to 70 feet: four per side, including one on each corner;

(4) Length over 70 feet: five per side, including one on each corner.

(d) It shall be unlawful to occupy a manufactured home as any type occupancy other than as a private dwelling, with the following exceptions: Not more than one manufactured home may be used for demonstration and office at a manufactured home sales lot or manufactured home park.

(2008 Code, sec. 152.09)

§ 42-746. Nonconforming manufactured home parks constitute public nuisances.

Any manufactured home park or permanent manufactured home in violation of the terms and provisions of this article is hereby declared to be a public nuisance and the appropriate officers of the city are hereby authorized to institute any action necessary to restrain or abate such violation. Owners of manufactured home parks shall have filed with the city a survey showing all the property they own intended for use as a manufactured home park, and the improvements existing on the property, and a schedule of changes to be made during a period of time not more than five years to bring the manufactured home park to a conforming status.

(2008 Code, sec. 152.10)

§ 42-747. Revision of plan after approval.

No changes, erasures, modifications, or revisions shall be made in any plan of a manufactured home park after approval has been given by the planning and zoning commission, unless said change, modification, or revision is first submitted to and approved by said commission.

(2008 Code, sec. 152.11)

§ 42-748. Temporary exemptions.

(a) If it is found that compliance with provisions of this article would result in undue hardship, an exemption may be granted by the planning and zoning commission if such exemption does not impair the intent and purpose of this article and except where exemptions or variances affect the city's zoning regulations and come under the purview of the board of adjustments. Deviations from design, construction, and installation provisions shall be brought into compliance with this article within a reasonable period of time based on economic feasibility of improvement, nature, significance, and extent of deviation, depreciation of material, improvement, layout in use, and other similar factors, within a period not exceeding five years.

(b) Such period shall begin after city officials have given notice of a certain and specific deviation from this article to the person to whom the permit or certification was issued.

(c) Gradual improvements to a higher degree of conformity shall be permitted, provided that there shall be complete conformity at the end of a period prescribed by the exemptions granted.

(2008 Code, sec. 152.12)

§ 42-749. Environmental, open space, and access requirements.

(a) General requirements. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influence, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

(b) Soil and groundcover requirements. Exposed ground surfaces in all parts of every manufactured home park shall be paved, covered with stone screenings or other solid materials, or protected with a

vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(c) Site drainage requirements. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(d) Park areas for nonresident uses.

(1) No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

(2) Nothing contained in this section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home stand and connected to the pertinent utilities.

(e) Required separation between manufactured homes. Manufactured homes shall be separated from each other by 15 feet and from other buildings and structures by at least ten feet; provided that manufactured homes placed end-to-end may have a clearance of ten feet where opposing rear walls are staggered. In determining these distances, manufactured home shall include any structure that is attached to the manufactured home.

(f) Required recreation areas.

(1) In all parks accommodating or designed to accommodate 15 or more manufactured homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.

(2) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet.

(3) Recreation areas shall be so located as to be free of traffic hazards and should be centrally located, where topography permits.

(g) Required setbacks, buffer strips, and screenings.

(1) All manufactured homes shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway and at least five feet from other park property boundary lines.

(2) There shall be a minimum distance of ten feet between the manufactured home stand and abutting park street.

(3) All manufactured home parks located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary line separating the park and such adjacent nonresidential use.

(h) Park street system and car parking.

(1) General requirements. All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Such access shall be provided by streets, driveways, or other means.

(2) Park entrance. Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning, unless the park entrance is at least 34 feet wide.

(3) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

a. All streets, except minor streets (from back of curb to back of curb, if provided: 25 feet width.

b. Minor streets (acceptable only if less than 500 feet long and serving less than 15 manufactured homes or of any length if manufactured home lots abut on one side only): 20 feet width.

c. Dead-end streets shall be limited in length to 500 feet; dead-end streets shall be provided, at the closed end, with a turnaround having an outside roadway diameter of at least 80 feet.

d. The minimum street width requirement above shall be increased by eight feet if on-street parking is the only type parking provided in a manufactured home park.

e. Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall:

1. Be furnished at a rate of at least 1-1/4 car spaces for each manufactured home lot.

2. Be located within a distance of 200 feet from the manufactured home to be served, unless other vehicular access is provided.

f. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

1. All parts of the park street system: 0.6 footcandle with a minimum of 0.1 footcandle.

2. Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.3 footcandle.

g. Street construction and design standards:

1. Pavements. All streets shall be provided with a smooth, hard, and dense surface which shall be durable and well drained under normal use and weather conditions. A suggested minimum construction detail shall be furnished by the director of public works. Street surfaces shall be maintained free of holes and other hazards.

2. Grades. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent. Short runs with a maximum grade of 12 percent may be permitted, provided traffic safety is assured by appropriate paving, adequate leveling areas, and avoidance of lateral curves.

3. Intersections. Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between centerlines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.

(i) Walks.

(1) General requirements. All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between

individual manufactured homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(2) Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four feet.

(3) Individual walks. All manufactured home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

(j) Manufactured home stands. The area of the manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the manufactured home, thereby securing the superstructure against uplift, sliding, rotation, and overturning. The manufactured home stand shall not heave, shift, or settle unevenly under the weight of the manufactured home due to inadequate drainage or other forces acting on the structure.

(2008 Code, sec. 152.13)

§ 42-750. Water supply.

(a) General requirements. An accessible, adequate, safe, and potable supply of water shall be provided in each manufactured home park and shall conform to the city's water system regulations. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively.

(b) Source of supply. The water supply shall be capable of supplying a minimum of 150 gallons per day per manufactured home.

(c) Water storage facilities. All water storage reservoirs shall be covered, watertight, and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

(d) Water distribution system.

(1) The water supply system of the manufactured home park shall be connected by pipes to all manufactured homes, buildings, and other facilities requiring water.

(2) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and city regulations and shall be of a type and in locations approved by the public works director.

(3) The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.

(4) The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions at service buildings and other locations requiring potable water supply.

(e) Individual water riser pipes and connections.

(1) Individual water riser pipes shall be located within the confined area of the manufactured home stand at a point where the water connection will approximate a vertical position.

(2) Water riser pipes shall extend at least four inches above ground elevation. The pipe diameter shall be at least three-fourths of an inch. The water outlet shall be capped when a manufactured home does not occupy the lot.

(3) Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

(4) A shutoff valve shall be provided near the water riser pipe on each manufactured home lot.

(5) Underground stop and waste valves shall not be installed on any water service.

(2008 Code, sec. 152.14)

§ 42-751. Sewage disposal.

(a) General requirements. An adequate and safe sewerage system shall be provided in all manufactured home parks for conveying and disposing of all sewage and conforming to the city's sewage disposal regulations. Such systems shall be designed and constructed and maintained in accordance with state and city regulations.

(b) Sewer lines. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system by a safe distance as approved by the city's director of public works. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials approved by the director of public works, shall be adequately vented, and shall have watertight joints.

(c) Individual sewer connections.

(1) Each manufactured home stand shall be provided with at least one four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured home drain outlet will approximate a vertical position.

(2) The sewer connection (see definition) shall have a nominal inside diameter of at least three inches and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipeline only without any branch fitting. All joints shall be watertight.

(3) All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth.

(4) Provision shall be made for plugging the sewer riser pipe when a manufactured home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least two inches above ground elevation.

(d) Sewage treatment and/or discharge. Where the sewer lines of the manufactured home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the director of public works prior to construction. Effluents from sewer treatment facilities shall not be discharged into any waters of the city, county, or state except with prior approval of the city and the appropriate state agency.

(2008 Code, sec. 152.15)

§ 42-752. Electrical distribution systems.

(a) General requirements. Every park and every manufactured home shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the city electrical code.

(b) Power distribution lines.

(1) Main power lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of three feet between overhead wiring and any manufactured home, service building or other structure.

(2) All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one-foot radial distance from water, sewer, gas, or communications lines, and in conformance with the city electrical code.

(c) Individual electrical connections.

(1) Each manufactured home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 50 amperes. Wherever wires are exposed at any connection, then a locking device shall be required to cover the connection.

(2) Outlets (receptacles or pressure connectors) shall be housed in a waterproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the manufactured home. A three-pole, four-wire grounding type shall be used.

(3) Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1.

(4) Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the manufactured home is more than 50 amperes.

(5) The manufactured home shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plus or with pressure connectors.

(d) Required grounding. All exposed non-current-carrying metal parts of manufactured homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for manufactured homes or other equipment.

(2008 Code, sec. 152.16)

§ 42-753. Service building and other community service facilities.

(a) Applicability. The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities, such as:

(1) Management offices, repair shops and storage areas;

(2) Sanitary facilities;

(3) Laundry facilities;

(4) Indoor recreation areas;

(5) Commercial uses supplying essential goods or services for the exclusive use of park occupants.

(b) Structural requirements for buildings.

(1) All portions of the structure shall be properly protected from damage by ordinary use or by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

(2) All rooms containing sanitary or laundry facilities shall have:

a. Sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material, or covered with moisture-resistant material;

b. At least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent of the floor area served by them; and

c. At least one window which can be easily opened or a mechanical device which will adequately ventilate the room.

(3) Toilets shall be located in separate compartments. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

(4) Illumination levels shall be maintained as follows:

a. General seeing tasks: five footcandles;

b. Laundry room work area: 40 footcandles;

c. Toilet room, in front of mirrors: 40 footcandles.

(5) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

(6) All structures shall comply with the building codes of the city.

(c) Barbeque pits, fireplaces, stoves and incinerators. Cooking shelters, barbecue pits, fireplaces, and woodburning stoves shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. The use of open fires and burning of materials shall conform strictly to the city's zoning, health, sanitation, and nuisance regulations.

(2008 Code, sec. 152.17)

§ 42-754. Refuse handling.

(a) The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident, or fire hazards or air pollution.

(b) All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than 150 feet from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(c) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

(d) All refuse containing garbage shall be collected at least twice weekly. All refuse shall be collected and transported in covered vehicles or covered containers.

(e) All manufactured home parks must conform to the city's refuse and garbage collection system and regulations.

(2008 Code, sec. 152.18)

§ 42-755. Insect and rodent control.

(a) Grounds, buildings, and structures shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the city's health and sanitation regulations.

(b) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(c) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground.

(d) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(e) The growth of bushes, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

(2008 Code, sec. 152.19)

§ 42-756. Fuel supply and storage.

(a) Natural gas system.

(1) Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems and conform to state and city regulations.

(2) Each manufactured home lot provided with piped gas shall have an approved manual shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(b) Liquefied petroleum gas system.

(1) Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems and conform to state and city regulations.

(2) Systems shall be provided with safety devices to relieve excessive pressures and shall be

arranged so that the discharge terminates at a safe location.

(3) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the manufactured home and shall be maintained in effective operating condition.

(4) All liquefied petroleum gas piping outside of the manufactured homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes.

(5) Liquefied petroleum gas containers installed on a manufactured home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 12 or more than 60 U.S. gallons gross capacity.

(6) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home, or any other structure, unless such installations are approved by the building official.

(c) Fuel oil supply systems.

(1) All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems and conform to state and city regulations.

(2) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place.

(3) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home or less than five feet from any manufactured home exit.

(4) Storage tanks located in areas subject to traffic shall be protected against physical damage.

(2008 Code, sec. 152.20)

§ 42-757. Fire protection.

(a) Manufactured home parks shall be kept free of litter, rubbish, and other flammable materials and shall comply with the standards found in the International Fire Code.

(b) Portable fire extinguishers rated for classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. There shall be one such fire extinguisher for each ten manufactured homes, not being located further than 200 feet from any manufactured home stand.

(c) Fire hydrants shall be located within 500 feet of any manufactured home stand, service building, or other structure in the park, and shall be subject to inspection by the building official.

(2008 Code, sec. 152.21)

§ 42-758. Construction and additions.

It shall be unlawful for any person operating a manufactured home park or owning or occupying a manufactured home to construct, or permit to be constructed in such park or in connection with such manufactured home, any additional structure, building, or shelter in connection with or attached to a manufactured home, except that suitably constructed awnings of canvas or metal may be attached to such manufactured homes, as well as portable, prefabricated, temporary rooms (commonly called "cabanas")

for the express purpose of increasing a manufactured home's living area. These additions must meet the following requirements:

(1) Construction shall be of metal only, fire-resistant, double-walled, mechanical joint panels (no welding joints between panels permitted);

(2) Strength of material and structure shall meet minimum standards of the building code;

(3) Construction shall be capable of being dismantled when moved;

(4) Any structure shall be completely dismantled and removed from the site at the time the manufactured home to which it is accessory is moved;

(5) Finish and appearance shall match, as near as possible, the finish of the manufactured home to which it is accessory;

(6) The length of the structure shall not exceed the length of the manufactured home to which it is accessory; and

(7) Only one such structure per manufactured home shall be permitted.

(2008 Code, sec. 152.22)

§ 42-759. Responsibility of park management and occupants.

(a) Responsibilities of the park management.

(1) The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this article and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The park management shall notify park occupants of applicable provisions of this article and inform them of their duties and responsibilities under this article.

(3) The park management shall supervise the placement of each manufactured home on its manufactured home stand which includes securing its stability and installing all utility connections.

(4) The park management shall maintain a register containing the following information:

a. Name and address of each occupant.

b. Make, model, year, and license number of all automobiles and manufactured homes of owners and occupants residing in the park.

c. The state issuing such license.

d. The date of arrival and of departure of each manufactured home;

(5) The park manager shall keep the register available at all times for inspection by law enforcement officers, public health officials, and other city officials whose duties necessitate acquisition of the information contained in the register.

(6) The register records shall not be destroyed for a period of three years following the date of registration.

(7) The park management shall notify the city's health authorities immediately of any suspected communicable or contagious disease within the park.

(b) Responsibilities of park occupants.

(1) Park occupants shall comply with all applicable requirements of this article and shall maintain their manufactured home lots and facilities and equipment in good repair and in a clean and sanitary condition.

(2) Park occupants shall be responsible for proper placement of their manufactured homes on manufactured home stands and proper installation of all utility connections in accordance with the instructions of the park management and state and city regulations.

(3) Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath a manufactured home shall be used for storage only if permitted by the park management and city codes and regulations. If permitted, the following conditions shall be satisfied for storage:

a. The storage area shall be provided with a base of impervious material.

b. Stored items shall be located so as not to interfere with the underneath inspection of the manufactured home.

c. The storage area shall be enclosed by skirting.

(4) Park occupants shall store and dispose of all their rubbish and garbage in a clean, sanitary, and safe manner. The garbage container shall be rodentproof, insectproof, and watertight.

(2008 Code, sec. 152.23)

§ 42-760. through § 42-779. (Reserved)

ARTICLE X OFF-STREET PARKING AND LOADING[23]

§ 42-780. Purpose.

To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.
(Ordinance 2005-009, sec. 26.1, adopted 3/21/2005)

§ 42-781. Special off-street parking provisions in residential districts.

(a) Required off-street parking shall be provided on the same site as the use it serves.

(b) No parking shall be allowed except on a paved concrete or asphalt parking space surface.

(c) In residential districts, a boat, trailer or recreational vehicle may be parked or stored on the residential premises of the owner, provided that the boat, trailer or recreational vehicle is within the rear yard or side yard not abutting a street, or in the driveway in the front yard.

(d) All driveways shall be a minimum width of 12 feet.
(Ordinance 2005-009, sec. 26.2, adopted 3/21/2005; Ordinance 2011-002, sec. 13, adopted 2/21/2011)

§ 42-782. Size of space.

(a) Standard off-street measurements. Each standard off-street surface parking space shall measure not less than nine feet by 18 feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way, or adjacent property, the length of the standard space may be reduced to 18 feet.

(b) Small car off-street measurements. Each small car off-street parking space shall measure not less 8.5 feet by 16 feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way or adjacent property, the length of the small car space may be reduced to 15 feet. All small car parking spaces shall be grouped and located in specific areas so as not to be scattered throughout a parking lot.

(c) Required parking for a general office or light manufacturing plant.

(1) A maximum of 50 percent of the required parking for a general office or light manufacturing plant may be permitted as small car spaces upon approval of a site plan but only when both of the following conditions are met:

a. Signage will identify the small car spaces; and

b. The entire grounds and building served by the small car spaces are occupied and controlled by one tenant who shall be responsible for policing the use of the small car spaces.

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22. Editor's Note—Art. V Was Renumbered As Art. X Pursuant To The Inclusion Of Ord. 2015-005, Adopted April 20, 2015. See The Editor's Note At Beginning Of This Chapter.

(2) Each parking space (on-street or off-street) designed for parallel parking shall have a minimum dimension of eight feet by 22 feet.

(3) Each standard parking space located in a parking garage shall measure not less than nine feet by 18 feet, exclusive of access drives or aisles.

(d) Parking area standards.

(1) To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties. For safety and firefighting purposes, free access through to adjacent parking areas shall be provided, where practical.

(2) Except for single-family and duplex uses, parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent-type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

(3) Except for single-family residences, parking areas must be constructed of asphalt paving or concrete and built to the same specification as streets further described in the design and construction guidelines as adopted by the city.

(e) Off-street parking incidental to main use. Off-street parking shall be provided in accordance with the requirements specified by this article and located on the lot or tract occupied by the main use or in accordance with subsection (i) of this section and located within the same zoning district as the main use.

(f) Schedule of parking requirements based on use. Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated. Where a calculation results in requiring a fractional space, one additional space shall be required. The following parking requirements are to be utilized when a requirement is not explicitly stated in the applicable zoning district.

(1) Bank, savings and loan or similar financial establishment: one space for each 200 square feet of total floor area.

(2) Business or professional office, studio, medical or dental clinic: three parking spaces, plus one additional parking space for each 200 square feet of floor area over 500 feet.

(3) Church or other place of worship: one parking space for each four seats in the main auditorium.

(4) Clinic of doctor's or dentist's office: one space for each 200 square feet of total floor area.

(5) Community center, library, museum or art gallery: ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains.

(6) College or university: one space for each two students, plus one space for each classroom, laboratory or instruction area.

(7) Commercial amusement (indoor):

a. Bowling alley: six spaces for each lane;

b. Racquetball or handball courts: four spaces for each court;

c. Indoor tennis courts: six spaces for each court;

d. Gymnasium, skating rinks, and martial arts schools or areas: one space for each three seats at maximum seating capacity, plus one space for each 200 square feet;

e. Swimming pool: one space for each 100 square feet of gross water surface and deck area;

f. Weight lifting or exercise areas: one space for each 100 square feet;

g. Bingo parlors: one space for three seats (design capacity) or one per 100 square feet of total floor area, whichever is greater;

h. Indoor jogging or running tracks: one space for each 100 linear feet;

i. All areas for subsidiary uses not listed above or in other parts of article III, division 20 of this chapter (those noted uses such as restaurants, offices, etc., shall be calculated with the minimum specified for those individual uses): one space for each 1,000 square feet;

Editor's note—Article III, division 20 was repealed by Ord. 2015-005, adopted April 20, 2015.

j. Other: one space for each three persons accommodated (design capacity).

(8) Dance hall, assembly or exhibition hall (without fixed seats): one parking space for each 100 square feet of floor area used thereof.

(9) Day nursery, day care, kindergarten school: one space per ten pupils/clients (design capacity).

(10) Dwellings.

a. Single-family, development involving ten or more lots. Two enclosed parking spaces for each dwelling unit, must be attached to main structure.

b. Single-family, development involving one to nine lots. One covered parking space for each dwelling unit.

c. House moved into or within the city from a previous location. One covered parking space for each dwelling unit (see additional carport requirements in section 42-182).

Editor's note—Section 42-182, referenced in subsection c., was included in article VIII, division 1, "Generally". Division 1 was repealed by Ord. 2015-005 adopted 4/20/2015.

d. Multiple-family residence one to 99 units. 1.5 parking spaces per unit.

e. Multiple-family residence over 100 units. 1.5 spaces per unit with 20 percent being a covered space.

f. Two-family dwelling (duplex). Two parking places per unit, one enclosed, must be attached to main structure.

g. Townhouses or row dwellings. Two parking spaces per unit, one covered.

(11) Flea market: 1.5 spaces for each 200 square feet of floor area or market area.

(12) Fraternity, sorority or dormitory: one parking space for each two beds.

(13) Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service: two parking spaces plus one additional parking space for each 500 square feet of floor area over 1,000 square feet.

(14) Gasoline service station: minimum of five spaces.

(15) Golf course: minimum of 30 spaces.

(16) Health care facility: one space for each four rooms or beds, whichever is greater.

(17) Hospital: one space for each two beds.

(18) Hotel or motel: one parking space for each sleeping room, unit, or guest accommodation, plus one space for each 300 square feet of commercial floor area contained therein.

(19) Lodge, or fraternal organization: 1.25 spaces per 200 square feet.

(20) Manufacturing, processing or repairing: one parking space for each two employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than one parking space for each 1,000 square feet of floor area, whichever is greater.

(21) Massage establishment: one space for each 200 square feet of floor area.

(22) Mini-warehouse: four spaces per complex plus one space per 5,000 square feet of storage area.

(23) Mortuary or funeral home: one parking space for each 50 square feet of floorspace in slumber rooms, parlors, or individual funeral service rooms.

(24) Motor vehicle salesrooms and used car lots: one parking space for each 500 square feet of sales floor for indoor uses, or one parking space for each 1,000 square feet of lot area for outdoor uses.

(25) Office, general: one space for each 300 square feet of total floor area.

(26) Office, medical: one space for each 175 square feet of floor area.

(27) Office-showroom or office-warehouse: One space for each 1,000 square feet of floor area for storage and warehousing, plus one space for each 100 square feet of office, sales or display area.

(28) Private club:

a. If free standing or located in a shopping center of 150,000 square feet or less, one space for each ten square feet of bar, lounge and waiting areas, plus one space for each 100 square feet of remaining floor area.

b. If located in a shopping center of greater than 150,000 square feet, one space for each 100 square feet of gross floor area.

(29) Private country club or golf club: one parking space for each 250 square feet of floor area or for every five members, whichever is greater.

(30) Recreational area or building (other than listed): one space for each two persons to be normally accommodated in the establishment.

(31) Restaurant, cafeteria, cafe, or similar establishment: one parking space for every 100 square feet of floor area.

(32) Retail store or personal service establishment, except as otherwise specified herein: one parking space for each 200 square feet of floor area.

(33) Sanitarium, convalescent home, home for the aged or similar institutions: one parking space for each six beds.

(34) School, elementary and middle: one parking space for each five seats in the auditorium or main assembly room, or one space for each classroom, plus ten spaces, whichever is greater.

(35) School, secondary (grades nine through 12): one parking space for each four seats in the main auditorium, or one space for each classroom, plus one space for each two students accommodated in the institution, whichever is greater.

(36) Shopping center: one space for each 200 square feet of floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds ten percent of the shopping center floor area, shall require additional parking to be provided in accordance with the requirements for restaurants.

(37) Storage or warehousing: one space for each two employees, or one space for each 1,000 square feet of total floor area, whichever is greater.

(38) Theater, auditorium (except school), meeting room, sports arena, stadium, gymnasium, or other places of public assembly: one parking space for each four seats or bench seating spaces.

(39) Vehicle repair garage: three spaces per service bay, plus one space per employee (maximum shift), plus one space per tow truck or other service vehicle.

(g) Off-street parking requirements for uses not listed. For those uses which are not matched with a parking requirement in subsection (f) of this section, the following standards shall apply:

General Use Category	Parking Space Requirements
Educational, institutional, and special uses	One space per employee
Transportation, utility and communications uses	One space per employee, plus one space per stored vehicle
Accessory and incidental uses	One space per employee
Office and professional uses	One space per 300 square feet of gross floor area
Automobile and related uses	One space per employee, plus one space per stored vehicle
Retail uses	One space per 200 square feet of gross floor area
Service uses	One space per 200 square feet of gross floor area
Wholesale uses	Same as for storage or warehousing
Contract construction uses	One space per employee
Commercial, manufacturing, and industrial uses	Same as for Manufacturing, processing, or repairing

(h) Rules for computing number of parking spaces. In computing the number of parking spaces required

for each of the uses in sections 42-780 through 42-782, the following rules shall govern:

(1) The term "floor area" shall mean the gross floor area of the specific use.

(2) Where fractional spaces result, the parking spaces required shall be rounded to the nearest whole number.

(3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(i) Location of parking spaces. All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

(1) Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not more than 300 feet from an institutional building served and not more than 300 feet from any other nonresidential building served.

(2) Not more than 50 percent of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than 80 percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified in subsection (i)(3) of this section.

(3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby ensuring retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city and executed by the parties concerned, and shall be filed with the application for a building permit.

(j) Use of parking spaces, all districts. Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

(k) Special off-street parking regulations.

(1) In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements for each use included in the development. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most restrictive requirements, unless specific areas of different uses are delineated by floor or building segment.

(2) Wherever a parking lot is located across the street from or adjacent to residentially zoned property and is designed so that headlight beams will shine into residences (whether or not such residences have been built at the time the parking lot is constructed), an irrigated earthen berm or a solid masonry wall or reinforced concrete fence having a minimum height of six feet above the finished grade of the off-street parking area and tapering to a height of three feet at the front building setback shall be erected and maintained so as to provide a headlight screen for the residential district. Fencing located exclusively along the front building setback shall be three feet in height and must be an irrigated earthen berm, hedge, or decorative fencing only.

(3) The off-street parking spaces designated for each apartment (multifamily) dwelling unit shall be located within 100 feet of the dwelling unit served by such spaces.

(4) In all residential districts, no heavy load vehicle, motor home, camper, trailer, or boat (collectively called "equipment") shall be parked or left standing for more than two days out of any consecutive seven-day period within the public street or alley.

a. Equipment may be parked on a lot located in a residential district if the lot contains a residential structure. In no event shall equipment, including motor vehicles, trucks, and vans be parked or left standing at any time on a surface other than a paved or gravel driveway or paved parking lot.

b. No more than one of each of the following may be parked on a residential lot at any one time: one motor home, one boat, and one trailer.

c. No more than 50 percent of the front yard shall be a driveway. In no event shall vehicles or equipment be parked or left standing closer than five feet from the front property line.

d. A camping trailer parked on a residential lot shall in no way be utilized for living quarters or office space. The connection of any utility to a camping trailer on any residential lot shall constitute prima facie evidence that the trailer is being utilized as living quarters or office space. Notwithstanding the foregoing, a motor home or camping trailer may be used as temporary living quarters for a single-family engaged in the construction, repair, or renovation of a permanent dwelling upon the same lot provided that this use shall not be permitted for a period greater than six months in the aggregate within any four-year period beginning on the first date so used.

(5) Parking spaces in nonresidential districts shall be provided with sufficient space for entering and exiting without backing onto a public street. Parking spaces on the perimeter of the parking lot and abutting a property line shall have a wheel stop barrier two feet from the end of the parking space.

(6) Off-street parking requirements for uses in the CBDX zone are not subject to the provisions of this section. The zoning administrator shall be responsible for periodically (not less than annually) reporting to the planning and zoning commission regarding the availability of parking in the CBDX and the possible need for changes in this provision.

(l) Design standards for parking structures.

(1) In all districts, above grade parking structures shall conform to height restrictions for zoning districts in which they are located.

(2) The distance from parking structure entry and exit points to a corner of a street intersection shall conform to standards contained in the subdivision chapter.

(3) Ramps shall not be constructed with slopes exceeding 15 percent and single lane entrances shall not be less than 12 feet wide at the street.

(4) A minimum of one car length shall be provided between an exit control gate and the inside edge of a sidewalk to minimize conflicts between exiting cars and pedestrians.

(5) Parking structure facades shall be left 50 percent open and interior light levels shall be maintained at ten footcandles to enhance security and safety. All parking structure lighting shall

be designed so as not to reflect or shine on adjacent properties.

(6) Full enclosure of any level of a parking structure may be permitted only if such structure is fully sprinklered and mechanically ventilated.

(m) Off-street loading.

(1) All retail, commercial, and industrial structures shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a private service drive.

a. At least one-half of such loading spaces shall have a minimum dimension of ten feet by 40 feet, and the remaining spaces shall have a minimum dimension of ten feet by 20 feet.

b. Where such loading space is located adjacent to a residential district, the space shall be enclosed on three sides.

c. Loading spaces shall be provided in accordance with the following schedule:

1. For all retail, commercial and industrial uses:

Gross Floor Area in Structure (square feet)	Minimum Required Spaces or Berths
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 100,000	1 additional

2. For all hotels, office buildings, restaurants, similar establishments:

Gross Floor Area in Structure (square feet)	Minimum Required Spaces or Berths
0 to 50,000	None
50,000 to 150,000	1
150,000 to 300,000	2
300,000 to 500,000	3
Each additional 500,000	1 additional

(2) Kindergartens, day schools, and similar child training and care establishments shall provide loading and unloading space on a private drive, off-street, to accommodate one motor vehicle for each ten students or children cared for by the establishment.

(3) Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m., and is adjacent to a residential use or district, shall be designed and constructed so as to fully enclose the loading operation in order to reduce the effects of the noise

of the operation on adjacent residences.

(4) Where adjacent to residential uses or districts, off-street loading areas shall be screened from view of the residential use or district.

(n) Stacking requirements for drive-through facilities.

(1) A stacking space shall be an area on a site measuring eight feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.

(2) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces (from the right-of-way line).

(3) For each service window of a drive-through restaurant, a minimum of seven stacking spaces (from the right-of-way line) shall be provided.

(4) For kiosks, a minimum of two stacking spaces (from the right-of-way line) for each service window shall be provided.

(Ordinance 2005-009, secs. 26.3—26.14, adopted 3/21/2005; Ordinance 2009-002, sec. 2O(26.2.2), (26.6.10), (26.6.11), (26.11.4), adopted 1/19/2009; Ordinance 2010-001, sec. 2(B), adopted 2/15/2010; Ordinance 2011-002, secs. 10, 15, adopted 2/21/2011)

§ 42-783. through § 42-803. (Reserved)

ARTICLE XI NONCONFORMING USES AND STRUCTURES[24]

§ 42-804. Uses in existence at time of adoption of ordinance.

A nonconforming status shall exist when a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the ordinance from which this chapter is derived.
(Ordinance 2005-009, sec. 31.1, adopted 3/21/2005)

§ 42-805. Expansion of nonconforming use prohibited.

No nonconforming use or structure may be expanded or increased except to provide off-street loading or off-street parking upon approval of the city council.
(Ordinance 2005-009, sec. 31.2, adopted 3/21/2005)

§ 42-806. Repairs, normal maintenance on nonconforming uses permitted.

Repairs and normal maintenance may be made to a nonconforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.
(Ordinance 2005-009, sec. 31.3, adopted 3/21/2005)

§ 42-807. Change of nonconforming to conforming use.

Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
(Ordinance 2005-009, sec. 31.4, adopted 3/21/2005)

§ 42-808. Abandonment or discontinuation of nonconforming use.

Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformity with this article. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a nonconforming use for a period of six months shall be construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.
(Ordinance 2005-009, sec. 31.5, adopted 3/21/2005)

§ 42-809. Accidental destruction of nonconforming use.

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except in conformance to the provisions of this article, unless permitted by the zoning board of adjustment, taking into consideration the property owner's circumstances and the effect on surrounding properties, after a public hearing with notice provided in accordance with section 42-82(c) [42-95(c)] for appeals before the zoning board of adjustment. The zoning board of adjustment may provide restrictions on such rebuilding. Such nonconforming use or structure may be

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23. Editor's Note—Art. VI Was Renumbered As Art. XI Pursuant To The Inclusion Of Ord. 2015-005, Adopted April 20, 2015. See The Editor's Note At Beginning Of This Chapter.

rebuilt without such permission if such destruction does not exceed 50 percent of its reasonable value so long as permits for such rebuilding are obtained within six months of such destruction, and the size and function of the nonconforming use are not expanded.
(Ordinance 2005-009, sec. 31.6, adopted 3/21/2005; Ordinance 2012-026, sec. 1, adopted 9/17/2012)

§ 42-810. Replacement of nonconforming HUD-code manufactured home.

Notwithstanding any of the provisions of this article, a nonconforming HUD-code manufactured home may be exchanged or replaced by another HUD-code manufactured home, provided the newly located residential unit is owner-occupied.
(Ordinance 2005-009, sec. 31.7, adopted 3/21/2005)

§ 42-811. through § 42-830. (Reserved)

City Council Management Report
Meeting Date: 4/20/2026
Contact: Laura Cox, Chief Financial Officer

AGENDA ITEM:
Presentation and discussion of the City of Alvarado's FY 2026 First Quarter Financial Report (Cox)

BACKGROUND & FINDINGS:
Financial reports are prepared each quarter for the General Fund, Water and Sewer Fund, Hotel Occupancy Tax Fund and Alvarado Economic Development Corporation Fund. Attached are copies of the unaudited reports for the period ending December 31, 2025. This report includes actual figures from the prior fiscal year for comparison.

FINANCIAL IMPACT:
None

RECOMMENDATION:
N/A

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. FY2026 Q1 Financial Report

City of Alvarado

Quarterly Financial Report

For the Period Ended December 31, 2025
(Unaudited)

Prepared by: City of Alvarado Finance Department

City of Alvarado
104 W. College ◆ Alvarado, TX 76009
817-790-3351 ◆ Fax 817-783-7925 ◆ www.cityofalvarado.org

To: Paul DeBuff, City Manager

From: Laura Cox, Chief Financial Officer

Re: First Quarter Financial Review

Date: 4/06/2026

This is the first quarter report for the 2025-2026 fiscal year. Revenues and expenditures reflect activity from October 1, 2025 through December 31, 2025 or 25 percent of the fiscal year.

GENERAL FUND

- Fiscal year-to-date revenue totals $2.7 million, which is 16.7 percent of the overall budget amount. Sales tax collections on this report reflect one month (October) since the funds are received two months after the month to which they pertain. In other words, the sales taxes collected on October sales were received in December. Based on a 3-year historical trend, the City collects 7.6 percent for the month of October and 24.2 percent for the months of October through December. Including the amounts received for November and December that will be reflected on the second quarter report, sales tax collections are tracking approximately $17K below budget.

- Fiscal year-to-date expenditures and transfers total approximately $3.3 million, which is 26.0 percent of budget. All departments are on pace with or below their respective budgets for fiscal year 2026.

HOTEL OCCUPANCY TAX (HOT) FUND

- Revenues through the first quarter total approximately $54 thousand, 7.3 percent of the fiscal year 2026 budget. Hotel occupancy tax collections are 12.0 percent of budget for two months of collections. Receipts are one month in arrears since hoteliers remit in the month following the hotel stays. Including the amounts received for December that will be reflected on the second quarter report, hotel occupancy taxes are 21.9 percent of budget.

(continued) **HOTEL OCCUPANCY TAX (HOT) FUND**

- Hotel Occupancy Tax Fund expenditures of $131 thousand are 17.9 percent of budget due to timing of events.

UTILITY FUND

- Operating revenue through the first quarter totals $1.3 million, or 19.9 percent of the fiscal year 2026 budget. Water revenues for three months are at 21.8 percent of the fiscal year 2026 budget and sewer revenues are at 21.3 percent of the fiscal year 2026 budget. The year-to-date revenue is higher than the prior year; however, the percent of budget is slightly lower than the prior year.

- Operating expenses through the first quarter total approximately $1.6 million, or 24.1 percent of the fiscal year 2026 budget. Expenses are on pace with or under budget for fiscal year 2026.

ECONOMIC DEVELOPMENT CORPORATION FUND

- Fiscal year-to-date revenue totals $59 thousand, which is 4.5 percent of the overall budget amount. The low revenue percentage is due to the planned utilization of fund balance of $752,785, which is 56.7 percent of total budgeted revenues. Sales tax collections on this report reflect one month (October) since the funds are received two months after the month to which they pertain. In other words, the sales taxes collected on October sales were received in December. Based on a 3-year historical trend, the City collects 7.6 percent for the month of October and 24.2 percent for the months of October through December. Including the amounts received for November and December that will be reflected on the second quarter report, sales tax collections are tracking approximately $3K below budget.

- Fiscal year-to-date expenditures and transfers total approximately $195 thousand, which is 14.7 percent of budget due to the timing of projects.

CITY OF ALVARADO

GENERAL FUND

FY2026 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

CATEGORY	FY 2024-25 ACTUAL PRIOR YEAR	FY 2025-26 REVISED BUDGET	FY 2025-26 ACTUAL YTD*	ACTUAL YTD as a % of Budget
Revenues:				
Ad Valorem taxes:				
Current Ad Valorem Tax	4,620,853	4,573,030	573,935	12.6%
Delinquent Ad Valorem Tax	46,261	32,000	29,320	91.6%
Tax Penalties & Interest	38,409	29,000	10,128	34.9%
Non-property taxes:				
Sales Tax	3,016,415	3,083,400	232,347	7.5%
Mixed Beverage Tax	873	500	32	6.4%
Franchise Fees	620,737	588,876	188,378	32.0%
Licenses & Permits	926,839	832,200	425,564	51.1%
Fines & Forfeitures	814,380	1,400,000	261,467	18.7%
Intergovernmental:				
ESD Payments	360,774	369,072	92,268	25.0%
ESD Incentives	297,701	365,625	111,002	30.4%
Misc. Incentives	642	-	-	100.0%
Service Charges	46,354	45,000	9,616	21.4%
Interest earnings	633,195	485,000	77,988	16.1%
Other	330,326	305,739	85,493	28.0%
Planned utilization of FB	491,759	429,095	-	0.0%
Total Revenues	**12,245,518**	**12,538,537**	**2,097,538**	**16.7%**

* Unaudited - information subject to change

CITY OF ALVARADO

GENERAL FUND

FY2026 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

CATEGORY	FY 2024-25 ACTUAL PRIOR YEAR	FY 2025-26 REVISED BUDGET	FY 2025-26 ACTUAL YTD*	ACTUAL YTD as a % of Budget
Expenditures:				
General Government:				
Administration	946,613	696,301	465,818	66.9%
Community Development	643,916	882,073	178,728	20.3%
Non-Departmental	1,225,857	1,094,251	285,708	26.1%
City Secretary	180,678	205,981	42,029	20.4%
Human Resources	115,424	160,840	37,166	23.1%
Finance	416,526	430,655	96,827	22.5%
Public Safety:				
Police	3,328,760	3,550,824	978,872	27.6%
Police CVE	286,749	317,570	67,055	21.1%
Municipal Court	435,752	510,760	120,585	23.6%
Fire	2,852,873	3,383,007	728,004	21.5%
Animal Control	223,933	253,460	47,056	18.6%
City Marshal	8,987	101,630	2,428	2.4%
Public Safety:				
Streets & Drainage	734,925	187,565	37,760	20.1%
Culture & Recreation:				
Library	226,455	283,590	64,752	22.8%
Senior Services	3,981	5,760	522	9.1%
Park Maintenance	614,089	474,270	101,508	21.4%
Total Expenditures	**12,245,518**	**12,538,537**	**3,254,818**	**26.0%**
Excess/(deficiency) of revenues over/(under) expenditures	-	-	(1,157,280)	

* Unaudited - information subject to change

CITY OF ALVARADO

HOTEL OCCUPANCY TAX FUND

FY2026 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

CATEGORY	FY 2024-25 ACTUAL PRIOR YEAR	FY 2025-26 REVISED BUDGET	FY 2025-26 ACTUAL YTD*	ACTUAL YTD as a % of Budget
Operating revenues:				
Hotel/Motel occupancy taxes	391,903	400,000	48,092	12.0%
Interest earnings and miscellaneous	25,171	25,000	5,877	23.5%
Miscellaneous Income	-	50,000	-	0.0%
Planned utilization of FB	49,054	259,609	-	0.0%
Total Operating Revenues:	**466,128**	**734,609**	**53,969**	**7.3%**
Operating expenses:				
Personnel costs	187,254	175,805	28,179	16.0%
Contractual services	25,267	13,225	2,780	21.0%
General services:				
Supplies	1,443	25,575	2,442	9.5%
Marketing	1,987	20,000	24	0.1%
Grants	-	5,000	375	7.5%
Fall Festival	14,606	15,000	11,784	78.6%
Magical Old Town Christmas	31,218	45,000	46,448	103.2%
Spring Event	53,385	50,000	-	0.0%
July 4th Event	50,000	50,000	7,500	15.0%
JCPOSR	25,000	20,000	-	0.0%
Movie Screening Series	4,847	5,000	13	0.3%
Landscaping	29,700	10,000	1,084	10.8%
Maintenance	1,170	1,750	156	8.9%
Capital outlay	21,508	270,000	23,550	8.7%
Other expenses	18,743	28,254	7,064	25.0%
Total Operating Expenses:	**466,128**	**734,609**	**131,399**	**17.9%**
Excess/(deficiency) of revenues over/(under) expenditures	-	-	(77,430)	

* Unaudited - information subject to change

CITY OF ALVARADO

WATER/SEWER FUND

FY2026 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

CATEGORY	FY 2024-25 ACTUAL PRIOR YEAR	FY 2025-26 REVISED BUDGET	FY 2025-26 ACTUAL YTD*	ACTUAL YTD as a % of Budget
Operating revenues:				
Water Service	2,516,526	2,917,060	635,218	21.8%
Sewer Service	2,073,255	2,332,120	497,224	21.3%
Interest Income and other	992,847	723,660	180,278	24.9%
Planned utilization of FB	191,117	617,707	-	0.0%
Total Operating Revenues:	**5,773,745**	**6,590,547**	**1,312,720**	**19.9%**
Operating expenses:				
Personnel costs	1,134,583	1,289,846	263,923	20.5%
Contractual services:				
Purchased water expense	1,602,967	1,855,000	292,822	15.8%
Other services	801,706	876,108	251,142	28.7%
General services	278,795	406,330	74,575	18.4%
Maintenance	247,424	437,510	116,831	26.7%
Capital outlay	7,471	-	-	100.0%
Other expenses	250,632	216,022	54,815	25.4%
Debt service	1,450,167	1,509,731	537,366	35.6%
Total Operating Expenses:	**5,773,745**	**6,590,547**	**1,591,474**	**24.1%**
Net Change in Working Capital	-	-	(278,754)	

* Unaudited - information subject to change

CITY OF ALVARADO

ALVARADO ECONOMIC DEVELOPMENT CORPORATION FUND

FY2026 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

CATEGORY	FY 2024-25 ACTUAL PRIOR YEAR*	FY 2025-26 REVISED BUDGET	FY 2025-26 ACTUAL YTD*	ACTUAL YTD as a % of Budget
Operating revenues:				
Sales taxes	505,959	513,900	38,725	7.5%
Interest earnings and miscellaneous	74,099	60,000	20,641	34.4%
Planned utilization of FB	-	752,785	-	0.0%
Total Operating Revenues:	**580,058**	**1,326,685**	**59,366**	**4.5%**
Operating expenses:				
Personnel costs	172,128	204,076	47,654	23.4%
Contractual services	103,615	142,901	24,325	17.0%
General services	35,573	111,400	19,509	17.5%
Maintenance	1,042	26,400	6,029	22.8%
Capital outlay:				
EDC Grants	40,415	150,000	15,735	10.5%
Special Purpose Equipment	64,983	-	15,958	100.0%
Pecan Orchard	-	250,000	-	0.0%
Capital outlay	5,279	40,000	-	0.0%
Other expenses:				
303 E College	-	80,000	-	0.0%
Projects	-	-	-	100.0%
Incentives	-	80,000	-	0.0%
Administrative costs	31,063	77,014	12,996	16.9%
Debt service transfers	-	164,894	52,954	32.1%
Total Operating Expenses:	**454,098**	**1,326,685**	**195,160**	**14.7%**
Net Change in Fund Balance	125,960	-	(135,794)	

* Unaudited - information subject to change

City Council Management Report
Meeting Date: 4/20/2026
Contact: Gus Chavarria, City Engineer

AGENDA ITEM:
Consideration and action related to adding a position to the Engineering Department for a Construction Inspector. (Chavarria)

BACKGROUND & FINDINGS:
The City has never had a dedicated, full-time infrastructure inspector, which has resulted in both inefficiencies and increased costs. In an effort to address this gap, infrastructure inspections have been assigned to Public Works staff. However, these employees are already managing a significant volume of daily repairs due to the size and demands of the department. Additionally, not all personnel possess the specialized expertise required to perform infrastructure inspections, further limiting capacity. As a result, the City is not positioned to safeguard its interests effectively.

Due to the absence of an in-house construction inspector, the City continues to incur substantial costs for outsourced inspection services. These expenses apply to both City-funded construction projects and developer-driven construction projects. For development-related projects, the City passes the cost of Bureau Veritas services directly to developers at a rate of 2.5% of the infrastructure installation cost. However, this revenue could instead be retained by the City to support a dedicated construction-inspection position and to contribute to Capital Improvement Projects.

For City-funded infrastructure projects, the City absorbs the full cost of inspection services without any cost recovery. To date in this fiscal year, the City has paid approximately $452,000 to Bureau Veritas. With continued growth in infrastructure improvements and development activity, these costs are expected to rise. Redirecting these expenditures toward a full-time construction inspector would provide a more cost-effective solution while ensuring consistent oversight aligned with the City's best interests.

FINANCIAL IMPACT:
The funds requested will be split between the General Fund and the Utility Fund. The starting salary would be $50,229.92 (step3)

RECOMMENDATION:
Staff recommends approving the position of the Construction Inspector

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
None

City Council Management Report
Meeting Date: 4/20/2026
Contact: Donielle Suber, Director of Administrative Services

AGENDA ITEM:
Consideration and action related to adding a position for an Administrative Assistant. (Suber)

BACKGROUND & FINDINGS:
City of Alvarado Administration staff is requesting the addition of a new Administrative Assistant position to help support daily operations and maintain an efficient workflow across multiple departments within the Administration Building, including Administrative Services, Community Development, Economic Development, and the City Manager's Office. This role will provide direct support to leadership by handling a variety of administrative and clerical duties.

With continuous growth in the City, this position has become increasingly necessary in FY2026, although it was not originally budgeted. Without additional support, key projects (i.e., Senior Services) and day-to-day functions may be delayed or left incomplete. The ideal candidate will be detailed-oriented, customer-service focused, and capable of managing multiple priorities in a fast-paced environment.

FINANCIAL IMPACT:
The proposed Administrative Assistant position is to be set at approximately $20.00 per hour, with an annual base salary of $41,600 for a full-time employee. Including benefits, the total annual cost is approximately $58,240.

RECOMMENDATION:
Staff recommends City Council take action on adding a position for an Administrative Assistant.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
None

City Council Management Report
Meeting Date: 4/20/2026
Contact: Hillary Cromer, Director of Economic Development

AGENDA ITEM:
First Reading of Resolution No. 2026-0025; A Resolution of the City of Alvarado, Texas, authorizing the Economic Development Corporation's expenditure of funds for a professional services agreement between the City of Alvarado and Innovative Transportation Solutions, Inc. for transportation consulting services; and providing an effective date. (Cromer)

BACKGROUND & FINDINGS:

The Alvarado Economic Development Corporation (AEDC) Board has approved a Professional Services Agreement between the City of Alvarado and Innovative Transportation Solutions, Inc. (ITS) for transportation consulting services and has recommended City Council approval of the associated expenditure.

The proposed agreement provides for ITS to assist the City with transportation-related initiatives, including coordination with local, state, and federal agencies, identifying and leveraging funding opportunities, and advancing key infrastructure projects.

As outlined in the agreement, ITS will serve as a liaison and advocate for the City on transportation matters and support efforts related to regional projects, including coordination with agencies such as TxDOT and the North Central Texas Council of Governments.

The agreement is for a one-year term (June 2026 – June 2027), with an automatic one-year extension, and includes a monthly retainer structure for services.

In accordance with Chapter 505 of the Texas Local Government Code, projects exceeding $10,000 funded by a Type B economic development corporation require City Council approval by resolution after two readings.

This item is being presented for **first reading only**. No action will be taken at this time. The resolution will return at the next City Council meeting for a second reading and consideration of approval.

FINANCIAL IMPACT:
The agreement provides for a monthly retainer of $3,500, not to exceed $42,000 annually. Funding for this project has been approved by the AEDC Board and can be accommodated within the existing budget, contingent upon careful management of remaining professional services expenditures.

RECOMMENDATION:
No action required at this time.
This item is presented for first reading. Staff will return at the next meeting for second reading and consideration of approval.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Resolution 2026-0025 Professional Services

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS AUTHORIZING THE ALVARADO ECONOMIC DEVELOPMENT CORPORATION'S EXPENDITURE OF FUNDS FOR A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ALVARADO AND INNOVATIVE TRANSPORTATION SOLUTIONS, INC. FOR TRANSPORTATION CONSULTING SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas (City), is a home-rule city located in Johnson County, Texas acting under its charter adopted pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City desires to obtain professional transportation consulting services to support its infrastructure planning, coordination, and development efforts; and

WHEREAS, Innovative Transportation Solutions, Inc. ("ITS") is a transportation consulting firm qualified to provide such professional services; and

WHEREAS, the proposed services to be provided by ITS include acting as a liaison between the City and local, state, and federal transportation agencies, developing funding partnership strategies, and providing additional transportation consulting services as directed by the City (the "Project"); and

WHEREAS, the Alvarado Economic Development Corporation ("AEDC") has determined that the Project will promote new or expanded business development within the City by improving transportation planning and access to funding opportunities; and

WHEREAS, Section 505.158, Texas Local Government Code provides that a Type B economic development corporation in a city with a population of 20,000 or less may make an expenditure to promote new or expanded business development, provided that if such project requires an expenditure of more than $10,000.00, the City Council must adopt a resolution authorizing the project after giving the Resolution at least two separate readings; and

WHEREAS, the AEDC Board has reviewed the proposed Professional Services Agreement between the City and ITS, attached hereto as Exhibit "A" (the "Agreement"), and has recommended funding the Project and has requested City Council approval of such expenditure; and

WHEREAS, the City Council considered this Resolution on first reading on April 20, 2026, and on second reading on May 18, 2026; and

WHEREAS, the City Council desires to authorize the proposed expenditure by the AEDC and approve the Agreement between the City and ITS.

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

SECTION 1.

The findings declared, made and found in the Preamble to this Resolution are hereby adopted, and made a part hereof of the operative provisions of this Resolution.

SECTION 2.

The City Council hereby authorizes the Alvarado Economic Development Corporation's expenditure of funds in an amount not to exceed FORTY-TWO THOUSAND DOLLARS ($42,000.00) for the Project and approves the Professional Services Agreement between the City of Alvarado and Innovative Transportation Solutions, Inc., attached hereto as Exhibit "A", for transportation consulting services as described therein.

SECTION 3.

This Resolution shall take effect after its second reading and adoption.

PASSED AND APPROVED ON FIRST READING this April 20, 2026.

PASSED AND APPROVED ON SECOND READING this May 18, 2016.

_____
Mayor, City of Alvarado

ATTEST:

_____
City Secretary

City Council Management Report
Meeting Date: 4/20/2026
Contact:

AGENDA ITEM:
First Reading of Resolution No. 2026-0026; A Resolution of the City of Alvarado, Texas, authorizing the Alvarado Economic Development Corporation to undertake the Downtown Refresh Initiative as an economic development project; finding that the project promotes economic development and quality of life; and providing an effective date. (Cromer)

BACKGROUND & FINDINGS:
The Alvarado Economic Development Corporation (AEDC) has approved the Downtown Refresh Initiative as an economic development project, designed to enhance the appearance, functionality, and overall experience of Historic Downtown Alvarado.

The initiative focuses on implementing short-term, high-impact improvements that are flexible, movable, and reusable. These improvements allow the City and AEDC to make meaningful progress while long-term planning efforts continue to develop.

Proposed improvements include placemaking elements such as planters, lighting, seating, gateway features, and other enhancements intended to create a more welcoming and cohesive downtown environment.

FINANCIAL IMPACT:
The total estimated cost of the initiative is approximately $300,000, with an estimated $250,000 excluding power enhancements. The AEDC has identified the ability to mostly fund this project within the current fiscal year budget through strategic reallocation of existing funds.

RECOMMENDATION:

The AEDC board of directors recommends City Council approve the first reading of the resolution. Final approval is recommended following the second reading at a future City Council meeting.

MANAGEMENT REVIEW:
Paul DeBuff, City Manager

ATTACHMENTS:
1. Resolution-Downtown Refresh

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ALVARADO, TEXAS, APPROVING ALVARADO ECONOMIC DEVELOPMENT CORPORATION'S DOWNTOWN REFRESH INITIATIVE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado ("City") is a home rule municipality operating under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Alvarado Economic Development Corporation (the "AEDC") approved the Downtown Refresh Initiative (the "Initiative") on _____, 2026, to enhance the appearance, functionality, and overall experience of Historic Downtown Alvarado through a series of short-term, high-impact improvements; and

WHEREAS, the improvements considered for the Initiative are intentionally designed to be flexible, movable, and reusable, allowing the City and the AEDC to make immediate progress while long-term planning efforts continue to evolve; and

WHEREAS, the Initiative focuses on creating a more welcoming and cohesive environment that encourages foot traffic, supports existing businesses, and strengthens Historic Downtown Alvarado as a destination; and

WHEREAS, the proposed improvements for the Initiative include planters, lighting, seating, gateway features, and other placemaking enhancements; and

WHEREAS, upon full review and consideration of the Initiative, and all matters attendant and related thereto, the City Council is of the opinion that, pursuant to Development Corporation Act Chapters 501-505 of the Texas Local Government Code, as amended (the "Act"), the Initiative constitutes a "project," should be approved and the AEDC President shall be authorized to execute all documents related thereto on behalf of AEDC; and

WHEREAS, the AEDC, a Type B corporation established under the Texas Development Corporation Act, has as its purpose the development of recreational or community facilities, including enhancements to the City's downtown area; and

WHEREAS, the AEDC Board of Directors, at its regular meeting on April 13, 2026, approved a grant for the Project; and

WHEREAS, the Project will be funded through the AEDC's portion of sales tax revenue dedicated to economic development purposes; and

WHEREAS, pursuant to Texas Local Government Code Chapter 505, a Resolution of the City Council authorizing the AEDC to proceed with the Project must be read twice in open session prior to final approval.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, THAT:

SECTION 1.

All the above premises are true and correct findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2.

The Project and the AEDC grant for the Project, not to exceed $250,000, is found to be in the best interest of the City of Alvarado and its citizens, and is hereby approved.

SECTION 3.

The President of the AEDC is hereby authorized to execute all documents related to the Project on behalf of the AEDC.

SECTION 2.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED ON FIRST READING THIS THE _____ DAY OF _____, 2026.

PASSED AND APPROVED ON SECOND READING THIS THE _____ DAY OF _____, 2026.

_____
Jacob Wheat, Mayor

ATTEST:

_____
Bobbie Jo Taylor, City Secretary