

City of Woodcreek Regular City Council Meeting

March 13, 2019; 6:30 p.m.

Woodcreek, Texas

Notice of Agenda

This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551). The Woodcreek City Council will hold a Regular Council Meeting on March 13, 2019, at 6:30 p.m. at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas at which time the following items will be considered:

1. Call to Order

2. Invocation

3. Pledge of Allegiance:

A. To the Flag of the United States of America

B. To the Flag of the Great State of Texas

4. Roll Call

5. Public Comments:

Interested persons are required to sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak. Speakers shall refrain from offensive comments or comments regarding the character of staff, elected official, or council appointed committee membership. Delegations of more than five persons shall appoint one person to present their views before the City Council. The City Council may not discuss comment, except to direct information to the appropriate channels for resolution. Comments will be limited to three (3) minutes per speaker.

6. Citizen Communications:

7. Report Items:

A. Director of Public Work's Monthly Report (Director of Public Works Frank Wood)

B. Financial Report for February 2019 (City Manager Brenton Lewis)

C. City Manager's Monthly Public Report (City Manager Brenton Lewis)

D. Precinct 3 Constables Report (Constable Ray Helm)

E. Council Responsibilities Reports

i City Hall (Mayor Scheel)

ii Planning & Development (Councilmember LeBrun)

iii Public Safety (Mayor Pro-Tem Britner)

iv Communications (Councilmember Brizendine)

v Community Affairs (Mayor Scheel)

vi Infrastructure (Councilmember Brizendine)

vii Parks and Recreation (Councilmember Tilley)

viii Executive/Administrative (Mayor Scheel)

- 8. Consent Agenda: All the following items are considered self-explanatory by the Council and may be acted upon with one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests. For a Citizen to request removal of an item from the Consent Agenda, a written request must be completed and submitted to the City Manager.**
- A.** Approval of the Minutes of the City Council Meeting of February 13th, 2019 and the Special City Council Meeting of February 25th, 2019.
 - B.** Approval of Financial Statements for February 2019
- 9. Regular Agenda:**
- A. Public Hearing**
 - 1.** Replat of Lots 1 & 2, Brookmeadow, Section 6 – approximately 21 Brookmeadow Drive, Woodcreek, TX 78676 – R60285
 - 2.** Staff Briefing
 - 3.** Public Hearing: All persons wishing to speak about this item shall be heard
 - 4.** Discussion and possible action on the Replat of Lots 1 & 2, Brookmeadow, Section 6 – approximately 21 Brookmeadow Drive, Woodcreek, TX 78676 -- R60285
 - B. Public Hearing**
 - 1.** Changes to Chapter 156 Zoning of the Woodcreek Code of Ordinances excluding Chapter 156.058 Fences and Chapter 156.060 Parking
 - 2.** Staff Briefing
 - 3.** Public Hearing: All persons wishing to speak about this item shall be heard
 - 4.** Discussion and possible action on recommendations received from Planning and Zoning and Ordinance Review Committee
 - C.** Discussion, Consideration, and Take Appropriate Action on Receipt and Acceptance of the Audited Basic Financial Statements and Supplemental Schedules and Independent Auditor's Report for the Fiscal Year Ended September 30, 2018 (City Manager Lewis)
 - D.** Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek Establishing Policies for Conduct of Elected and Appointed Officials and Providing for an Effective Date (Mayor Scheel)
 - E.** Discussion and Take Appropriate Action on an Application from Camp Young Judaea for a Pyrotechnics/Fireworks Display Permit for March 23rd, 2019 (City Manager Lewis)
 - F.** Discussion and Take Appropriate Action on Resolution Supporting Fun – Day at CYJ to be held at Camp Young Judaea (Councilmember Brizendine)
 - G.** Discussion and Take Appropriate Action on An Ordinance of the City Council of the City of Woodcreek, Texas Repealing all Rates and Fees Contained in the Code of Ordinances of the City of Woodcreek; Repealing Any Conflicting Ordinances; Providing for Severability; Providing an Effective Date; and Providing for a Finding of Proper Notice and Open Meeting(City Manager Lewis)
 - H.** Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek, Texas Establishing a Master Rate Schedule for Assessing Rates and Fees; Authorizing the City Secretary to Maintain the Master Rate Schedule and Recommend Adjustments; Repealing Any

Conflicting Resolutions; Providing for Severability; Providing an Effective Date; and Providing for a Finding of Proper Meeting and Notice. (City Manager Lewis)

- I. Discussion and Take Appropriate Action on an Ordinance of the City Council of the City of Woodcreek, Texas Amending Title XV (Land Usage), Chapter 156 (Zoning), and Amending Title VII (Traffic Code), Chapter 70 (Traffic Schedules), to Provide for Parking Regulations; Providing for a Repealer Clause; Providing for a Severability Clause; Providing for Publication; Providing for an Effective Date; Providing for Codification; and Providing for a Proper Notice and Meeting. (City Manager Lewis)
- J. Discussion and Take Appropriate Action on Authorizing the Purchase of One (1) Modular Battery Powered Speed Radar Sign (Mayor Pro-Tem Britner)
- K. Discussion and Take Possible Action on a "Your City Councilmembers" Website Update (Councilmember Jackson)
- L. Discussion and Possible Action on New City Business Cards (Councilmember Jackson)
- M. Adjourn

Executive sessions held during this meeting will generally take place in the City Manager's office, at the discretion of the City Council.

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

I certify that the above notice was posted on the 8th day of March, 2019 at 2:00 p.m.

By: Brenton B. Lewis by Inida Sand
Brenton B. Lewis, City Manager

Treasurer's Report

For the Period: October 2018 - February 2019

Percent Complete: 41.67%

7B

	2018-2019			2017-2018			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Feb-19	Feb-18	Difference
Revenue									
3000 Ad Valorem Tax Revenue	237,389	280,000	85%	257,000	280,000	92%	77,521	78,395	(874)
3005 State Sales Tax Revenue	24,320	50,000	49%	20,739	50,000	41%	6,055	6,243	(189)
3010 Mixed Beverage Tax & Fees Rev	379	1,000	38%	338	1,000	34%	-	-	-
3020 Electric Franchise Fee Revenue	17,365	34,000	51%	7,127	34,000	21%	-	-	-
3030 Cable Services Franchise Rev	19,738	30,000	66%	9,654	39,000	25%	9,916	9,654	261
3040 Water Service Franchise Revenue	74,145	96,000	77%	9,374	95,000	10%	-	-	-
3050 Disposal Service Franchise Rev	7,582	14,500	52%	10,124	16,800	60%	4,821	3,379	1,441
3060 Telephone Franchise Revenue	875	1,500	58%	449	2,000	22%	431	445	(15)
3070 Golf Course Franchise Revenue	-	500	0%	-	500	0%	-	-	-
3080 Reimbursements	-	-	#DIV/0!	-	-	n/a	-	-	-
3090 Development Revenue	-	15,000	0%	-	-	n/a	-	-	-
3090.01 Residential	5,863	-	n/a	7,096	-	n/a	1,778	2,301	(523)
3090.02 Commercial	369	-	n/a	6,829	-	n/a	-	60	(60)
3090.03 Other	-	-	n/a	1,500	38,000	4%	-	-	-
Total 3090 Development Revenue	6,232	15,000	42%	15,425	38,000	41%	1,778	2,361	(583)
3095 Sign Fees	135	500	27%	330	940	35%	-	-	-
4000 Interest Income	12,067	29,500	41%	1,878	8,000	23%	1,702	384	1,318
4010 Other Revenue	235	2,500	9%	1,770	3,000	59%	25	228	(203)
4015 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
4020 Municipal Court Revenue	396	3,000	13%	366	3,000	12%	304	-	304
4040 Donations Received	6,000	6,000	100%	-	5,000	0%	-	-	-
4050 General Fund Transfer	-	113,550	0%	-	-	n/a	-	-	-
Uncategorized Revenue	-	-	n/a	-	-	n/a	-	-	-
Total Revenue	408,859	677,550	60%	434,573	576,240	58%	107,357	101,090	1,267
Expenses									
5000 Personnel Services	-	-	n/a	-	-	n/a	-	-	-
5000.01 Salaries and Wages	62,395	166,180	38%	49,971	143,900	35%	12,642	12,013	629
5000.02 Ine Expense Reimbursement	3,316	7,200	46%	500	-	n/a	663	100	563
5000.03 City Manager Vehicle Reimburse	3,479	8,350	42%	3,479	8,350	42%	696	696	-
5000.05 Elected Official Pay	350	840	42%	390	840	46%	70	70	-
5000.20 Payroll Tax Expense	5,515	11,500	48%	6,661	11,900	56%	1,157	1,105	52
5000.40 Retirement	5,439	13,600	40%	3,049	9,370	33%	1,112	1,042	70
5000.50 Direct Deposit Expense	-	-	n/a	-	-	n/a	-	-	-
5000.51 Health Insurance Stipend	-	-	n/a	-	3,600	0%	-	-	-
Total 5000 Personnel Services	80,494	208,890	39%	64,051	177,960	36%	16,341	15,026	1,315
5500 Office Expenses	-	-	n/a	-	-	n/a	-	-	-
5500.05 Bank Fees & Charges	(186)	-	n/a	-	-	n/a	6	-	6
5500.10 City Hall Maintenance / Repairs	731	5,000	15%	1,380	2,000	69%	385	-	385
5500.28 Cleaning Costs	625	1,500	42%	625	1,500	42%	125	125	-
5500.30 IT & Radio Expenses	77	650	12%	-	700	0%	-	-	-
5500.40 Newsletter	-	-	n/a	-	-	n/a	-	-	-
5500.50 Office Supplies	1,227	2,500	49%	1,268	2,000	63%	287	168	119
5500.60 Postage & Shipping	503	1,800	28%	619	1,800	34%	152	146	6
5500.61 Printing & Reproduction	2,446	5,000	49%	2,661	6,000	44%	759	600	159
5500.79 Storage Rental	108	110	98%	539	1,250	43%	-	103	(103)
5500.80 Software & Subscriptions	2,451	7,000	35%	1,415	8,300	17%	423	219	205
Total 5500 Office Expenses	7,982	23,560	34%	8,506	23,550	36%	2,137	1,361	776
6000 Professional Services	-	-	n/a	-	-	n/a	-	-	-
6000.01 Audit Expense	9,860	9,860	100%	-	9,100	0%	-	-	-
6000.10 Codification	351	4,000	9%	728	3,000	24%	-	667	(667)
6000.11 Contract Labor	-	3,000	0%	-	500	0%	-	-	-
6000.15 Engineering	11,801	20,000	59%	3,915	10,000	39%	-	-	-
6000.20 Legal Expenses	16,367	18,000	91%	11,232	20,000	56%	4,504	5,470	(965)
6000.30 IT Services	3,110	8,000	39%	2,775	8,500	33%	679	712	(33)
6000.40 Accounting	4,030	10,000	40%	3,158	10,000	32%	840	811	29
Total 6000 Professional Services	45,519	72,860	62%	21,808	61,100	36%	6,023	7,660	(1,637)
6500 Area Care/Maintenance	-	-	n/a	-	-	n/a	-	-	-
6500.01 Deer Removal	600	1,000	60%	375	1,000	38%	225	-	225
6500.15 Mowing	278	4,000	7%	960	1,200	80%	-	-	-
6500.20 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
6500.21 Outdoor Beautification	6,747	30,000	22%	4,901	15,000	33%	1,953	3,701	(1,748)
6500.25 ROW Tree Trimming	-	10,000	0%	1,500	12,000	13%	-	-	-

7B

	2018-2019			2017-2018			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Feb-19	Feb-18	Difference
6500.30 Street Maintenance	974	150,000	1%	46	1,300	4%	-	46	(46)
6500.31 Street Signs	8	6,000	0%	30	750	4%	8	-	8
6500.35 Storm Damage Reserve	-	1,000	0%	-	7,000	0%	-	-	-
6500.40 Tree Limb Pick-Up	-	-	n/a	-	-	n/a	-	-	-
6500.50 Equipment Maintenance	1,473	2,500	59%	-	-	n/a	-	-	-
Total 6500 Area Care/Maintenance	10,080	204,500	5%	7,812	38,250	20%	2,186	3,747	(1,561)
7000 Other Operating Expenses	-	-	n/a	-	-	n/a	-	-	-
7000.01 Ad Valorem Tax Expense	793	2,500	32%	733	3,100	24%	-	-	-
7000.02 Building Inspections	2,715	6,500	42%	1,380	6,500	21%	425	550	(125)
7000.03 Code Compliance	-	1,500	0%	1,898	2,000	95%	-	-	-
7000.04 Dues & Membership	1,728	3,000	58%	1,268	3,000	42%	46	-	46
7000.05 Election Expense	3,552	3,560	100%	-	-	n/a	-	-	-
7000.10 Depreciation Expense	-	-	n/a	-	-	n/a	-	-	-
7000.15 Meeting Expense	539	500	108%	990	1,600	62%	303	323	(20)
7000.20 Public Notices	685	1,500	46%	495	2,000	25%	194	99	95
7000.30 Travel & Vehicle Exp Reimb.	818	1,500	55%	2,279	4,000	57%	-	217	(217)
7000.31 Elected Official Travel	931	3,000	31%	-	-	n/a	73	-	73
7000.40 Training & Pct Development	-	-	n/a	1,884	5,000	38%	-	1,359	(1,359)
7000.41 Elected Body	710	3,500	20%	-	-	n/a	225	-	225
7000.42 Staff	2,937	3,000	98%	-	-	n/a	1,390	-	1,390
7000.50 Community Relations	1,900	3,000	63%	-	-	n/a	-	-	-
Total 7000 Other Operating Expenses	11,761	33,060	36%	10,928	27,200	40%	1,041	2,548	(1,507)
7500 Utilities	-	-	n/a	-	-	n/a	-	-	-
7500.18 City Hall Utilities	1,143	3,000	38%	1,187	3,200	37%	115	246	(131)
7500.28 Outdoor Utilities	1,368	4,000	34%	1,584	4,000	40%	112	303	(191)
7500.38 Telephone & Internet	1,240	4,000	31%	1,309	4,000	33%	240	262	(21)
Total 7500 UTILITIES	3,752	11,000	34%	4,080	11,200	36%	468	810	(343)
8000 Insurance	3,514	3,500	100%	3,266	3,500	93%	-	-	-
8020 Municipal Court Costs	-	-	n/a	-	-	n/a	-	-	-
8020.20 MC Judge	1,500	3,600	42%	1,250	3,500	36%	300	250	50
8020.26 Misc. Court Costs	641	8,000	8%	4,159	5,000	83%	340	-	340
8020.30 Prosecutor	2,511	1,000	251%	2,752	6,000	46%	1,093	460	633
8020.40 State Comptroller Costs	202	700	29%	248	700	35%	-	-	-
8020.41 Supplies	-	200	0%	-	200	0%	-	-	-
8020.60 Public Safety	15,913	56,680	28%	14,170	30,000	47%	8,828	-	8,828
Total 8020 Municipal Court Costs	20,767	70,180	30%	22,580	45,400	50%	10,561	710	9,851
8900 Miscellaneous	-	-	n/a	-	-	n/a	-	-	-
8900.10 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
8900.20 Contingency Reserve	-	50,000	0%	-	-	n/a	-	-	-
Total 8900 Miscellaneous	-	50,000	0%	-	-	n/a	-	-	-
9077 General Fund Accrual	-	-	n/a	-	-	n/a	-	-	-
Unapplied Cash Bill Payment Expenditure	-	-	n/a	-	-	n/a	-	-	-
Total Expenditures	189,414	677,550	28%	143,031	388,160	37%	40,372	31,861	8,510
Net Operating Revenue	217,445	-	#DIV/0!	191,542	188,080	102%	62,180	69,229	(7,048)
Other Revenue									
4819 Proceeds from Capital Leases	-	-	n/a	-	-	n/a	-	-	-
8590 Capital Improvement Income	142	-	n/a	2,140	-	n/a	0	511	(511)
Other Expenditures									
8500.25 Capital Improvement Expense	-	-	n/a	-	-	n/a	-	-	-
9001 Capital Lease Principal	-	-	n/a	-	-	n/a	-	-	-
9002 Interest on Capital Lease	-	-	n/a	-	-	n/a	-	-	-
9005 Bond Interest Paid	-	-	n/a	-	-	n/a	-	-	-
9000.01 Capital Expenditures - CY	-	-	n/a	-	20,000	0%	-	-	-
9000.01 Capital Project Expenditures - FY	-	-	n/a	-	-	n/a	-	-	-
9000.11 2017 Street Improvements	208,183	-	n/a	152,719	-	n/a	-	16,118	(16,118)
9000.12 2017 Street Improvements Legal	-	-	n/a	-	-	n/a	-	-	-
9018.01 Sinking Fund Revenue	(167,352)	-	n/a	(133,034)	-	n/a	(54,628)	(50,209)	(4,419)
9018.02 Sinking Fund Interest	9,564	-	n/a	7,529	-	n/a	400	7,529	(7,129)
9018.03 Sinking Fund Principal	172,000	-	n/a	143,000	-	n/a	-	143,000	(143,000)
9000.02 Other Miscellaneous Expenditure	(208,183)	-	n/a	(295,719)	-	n/a	-	(159,118)	-
9000 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
Net Other Revenue	(14,069)	-	#DIV/0!	127,646	(20,000)	-638%	54,228	43,191	170,155
Net Revenue	203,376	-	#DIV/0!	319,188	168,080	190%	116,408	112,420	163,107

The City of Woodcreek
STATEMENT OF FINANCIAL POSITION
 As of February 28, 2019

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
1000 Operating - Broadway 9628	0.00
1003 Municipal - Reg Acct#7223	0.00
1003.1 Municipal Court Petty Cash	100.00
1006 PEG - #5467	0.00
1007 TX Regional 061, Operating	393,705.74
1008 TX Regional 053, Investment	-5.95
1008.1 Municipal Court Funds	17,987.07
1008.2 PEG Funds	36,146.10
1008.3 Reserve Funds	538,305.41
Total 1008 TX Regional 053, Investment	592,432.63
1009 TX Regional 095, Bond Proceeds	142.79
1010 Petty Cash	-41.00
1020 Investment Account - Class 0001	464,470.57
1021 Reserved Funds - Broadway 4573	0.00
1022 Crockett National Bank	0.00
1023 Pioneer Bank #6151	0.00
1024 MM Construction Project 6332	0.00
Total Bank Accounts	\$1,450,810.73
Accounts Receivable	
1120 Delinquent Taxes Receivable	10,574.84
Total Accounts Receivable	\$10,574.84
Other Current Assets	
1121 Allowance for Uncollectible	-2,266.76
1122 Due to/from HOT Account	0.00
1123 Employee Cash Advance	0.00
1124 Sales Tax Receivable	3,201.75
1125 Franchise Fees Receivable	0.00
1126 Other Current Receivables	0.00
1150 Due From Capital Project Funds To Operating	167,425.08
1200 Undeposited Funds	0.00
Total Other Current Assets	\$168,360.07
Total Current Assets	\$1,629,745.64
Fixed Assets	
1200 Office Furniture / Equipment	35,704.46
1225 Land	37,850.00
1226 Building & Improvements	130,602.00
1227 Street Pavement	144,126.00
1228 Street Improvements 2017	1,479,824.71
1231 Storage Building	9,055.00

	TOTAL
1235.1 Kawasaki Mule 2016	7,840.64
1240 Accumulated Depreciation - All	-195,372.00
Total Fixed Assets	\$1,649,630.81
Other Assets	
1250 Deferred Revenue	-8,308.49
1300.10 Committed for Streets Repair	0.00
Total Other Assets	\$ -8,308.49
TOTAL ASSETS	\$3,271,067.96
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
1900 Accounts Payable	0.00
Total Accounts Payable	\$0.00
Other Current Liabilities	
1901 Accts Payable At Year-End	0.00
2000 Payroll Tax Payable	3,041.81
2001 Federal Withholding Payable	0.00
2020 State Unemployment Liability	377.39
2021 Accrued Wages Payable	0.00
2030 TMRS Payable	1,779.32
2100 WFWA / LCRA Grant	424.21
Expenditures	
2105 Capital Development Grant	3,066.00
2105.1 Augusta Park Proj Expenditures	0.00
2110 Direct Deposit Liabilities	0.00
2200 Security Deposits	0.00
2300 Sales Tax Revenue Overpayment	533.38
2350 Bond Principal Maturity February	0.00
2400 Due To Operating From Capital Project Funds	167,425.08
2701 Bond Principal Maturity 2/15/2019	172,000.00
Total Other Current Liabilities	\$348,647.19
Total Current Liabilities	\$348,647.19
Long-Term Liabilities	
Bonds Payable Construction Project Funds	
2702 Bond Principal Maturity 2/15/2020	183,000.00
2703 Bond Principal Maturity 2/15/2021	195,000.00
2704 Bond Principal Maturity 2/15/2022	207,000.00
2705 Bond Principal Maturity 2/15/2023	219,000.00
2706 Bond Principal Maturity 2/15/2024	233,000.00
Total Bonds Payable Construction Project Funds	1,037,000.00
Total Long-Term Liabilities	\$1,037,000.00
Total Liabilities	\$1,385,647.19
Equity	
9997 Net Investment in Capital Assets	144,132.96
9998 Opening Balance Equity	329,816.47

7

	TOTAL
9999 Retained Earnings	1,208,096.03
Net Revenue	203,375.31
Total Equity	\$1,885,420.77
TOTAL LIABILITIES AND EQUITY	\$3,271,067.96

70

City Manager Monthly Public Report from February 9, 2019 to March 6, 2019 for the March 13, 2019 City Council Meeting

Meetings were held for the Parks and Recreation Board, the Planning & Zoning Commission and the Planning & Development Advisory Group. Staff attended meetings with Jacobs Well GMZ Stakeholders, Baptist Church (new construction), Camp Young Judaea, Jones/Carter, and ATS Engineers, Inspectors & Surveyors. Scheduled meeting – KVVH – Jessica Wagner.

Public Hearings: Held - P & Z – Zoning Changes (except Fences, Parking) – Feb. 20, 5 PM

Upcoming- City Council - Zoning Changes (except Fences, Parking) – Mar. 13, 6:30 PM

City Council – Replat Lots 1 & 2, Brookmeadow, Sec. 6 – Mar. 13, 6:30 PM

Municipal Court - Held – Feb. 19 – 10 AM – Docket – 3 cases

New hire

The City issued the following permits and stop work orders to date –

Permits Issued: Tree Trimming – 5
Fence – 6
Add Living Space – 1
Sun Room – 1
Single Family Home - 3

Stop Work Orders: 1 – In Progress

Replats – 2 in progress

City Hall – Pest control
Storage Reorganization

7C

MEMORANDUM

TO: City of Woodcreek Mayor and Councilmembers
FROM: City Attorney
RE: *State of Texas v. Craig Doyal*, Texas Court of Criminal Appeals, No. PD-0254-18, related to Texas Open Meetings Act, Section 551.143
DATE: March 13, 2019

On February 27, 2019, the Texas Court of Criminal Appeals struck down a section of the Texas Open Meetings Act, specifically Section 551.143, "Conspiracy to Circumvent Chapter; Offense; Penalty". Section 551.143 reads as follows:

Sec. 551.143. CONSPIRACY TO CIRCUMVENT CHAPTER; OFFENSE; PENALTY.

(a) A member or group of members of a governmental body commits an offense if the member or group of members knowingly conspires to circumvent this chapter by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of this chapter.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

- (1) a fine of not less than \$100 or more than \$500;
- (2) confinement in the county jail for not less than one month or more than six months; or
- (3) both the fine and confinement.

This provision was intended to limit the circumvention of the act, by limiting "walking" or "rolling" quorums between smaller groups of councilmembers (commissioners, school board members, etc.) outside of meetings, and imposed criminal penalties for violations of this section.

In *State of Texas v. Craig Doyal*, a county judge and two commissioners were indicted for violating the provision when they allegedly engaged in a "walking quorum" punishable by a fine of up to \$500 and/or six months in jail. The county officials challenged the underlying statute as an unconstitutional restriction on their First Amendment right to freedom of speech. Municipal attorneys testified to the criminal conspiracy provision's vagueness, and city officials testified as to their confusion about who they can talk to and when.

The Texas Court of Criminal Appeals, in a 7-2 opinion, ruled that the requirement was unconstitutionally vague because it failed to provide elected officials with adequate warning about when private discussions with other officials might violate the law.

As a result of this decision, prosecutors should not seek indictments of city officials under this provision of the Texas Open Meetings Act. However, all other provisions of the Open Meetings Act remain in place and are not impacted by the Texas Court of Criminal Appeals' decision. There are other criminal penalties contained in the Texas Open Meetings Act for other violations of the statute and those continue to be in effect. In addition, the Texas Open Meetings

Act provides civil remedies for violations of its provisions, including mandamus, injunction, or declaratory judgment. Be aware that "walking quorums" are still prohibited under the Texas Open Meetings Act even though the criminal penalty for "walking quorums" was deemed unconstitutional by the Texas Court of Criminal Appeals.

Conclusion

The decision in the case of *State of Texas v. Craig Doyal* may be appealed by the Texas Attorney General to the United States Supreme Court. The City Attorney will monitor any such appeal and keep the City Council apprised. In addition, the Texas Legislature is currently meeting, and two identical bills were filed on March 6, 2019, in order to rewrite this provision of the Texas Open Meetings Act in order to address the Texas Court of Criminal Appeals' recent decision. Senator Kirk Watson, D-Austin, filed Senate Bill 1640 and Representative Dade Phelan, R-Beaumont, filed House Bill 3402. Copies of the bills are included with this memorandum. The proposed language in each of the bills seeks to clarify Section 551.143(a) of the Texas Open Meetings Act. These bills were only recently filed and have not yet been referred to committee. The City Attorney will monitor this proposed legislation and apprise the City Council of any developments.

7C

By: Watson, Bettencourt

S.B. No. 1640

A BILL TO BE ENTITLED

AN ACT

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relating to changing the criminal offense of conspiracy to circumvent the open meetings law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 551.143(a), Government Code, is amended to read as follows:

Sec. 551.143. PROHIBITED SERIES OF COMMUNICATIONS

~~[CONSPIRACY TO CIRCUMVENT CHAPTER];~~ OFFENSE; PENALTY. (a) A member ~~[or group of members]~~ of a governmental body commits an offense if:

(1) the member ~~[or group of members]~~ knowingly engages in at least one among a series of communications that each occur outside of an open meeting concerning any public business of the governmental body where individual communications are among fewer than a quorum of members; and ~~[conspires to circumvent this chapter by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of this chapter]~~

(2) the member knew at the time the member engaged in the series of communications that the series:

- (A) involved or would involve a quorum and,
- (B) would constitute a deliberation in violation of this chapter if the series of communications had occurred in a single instance among every member involved in the series.

SECTION 2. The change in law made by this Act applies only

7C

S.B. No. 1640

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect on the date the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense occurred
7 before that date.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2019.

7C

By: Phelan

H.B. No. 3402

A BILL TO BE ENTITLED

AN ACT

1
2 relating to changing the criminal offense of conspiracy to
3 circumvent the open meetings law.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 551.143(a), Government Code, is amended
6 to read as follows:

7 Sec. 551.143. PROHIBITED SERIES OF COMMUNICATIONS
8 ~~[CONSPIRACY TO CIRCUMVENT CHAPTER]~~; OFFENSE; PENALTY. (a) A
9 member ~~[or group of members]~~ of a governmental body commits an
10 offense if:

11 (1) the member [or group of members] knowingly engages
12 in at least one among a series of communications that each occur
13 outside of an open meeting concerning any public business of the
14 governmental body where individual communications are among fewer
15 than a quorum of members; and [conspires to circumvent this chapter
16 by meeting in numbers less than a quorum for the purpose of secret
17 deliberations in violation of this chapter]

18 (2) the member knew at the time the member engaged in
19 the series of communications that the series:

20 (A) involved or would involve a quorum and,

21 (B) would constitute a deliberation in violation
22 of this chapter if the series of communications had occurred in a
23 single instance among every member involved in the series.

24 SECTION 2. The change in law made by this Act applies only

7C

H.B. No. 3402

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect on the date the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense occurred
7 before that date.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2019.



7D

Ray Helm
Constable Precinct 3 Hays County, Texas

Woodcreek Patrol January 2019

	<u>Total</u>
Hours:	198
Mileage:	934
Traffic Citation/warning(s):	07
Code Enforcement:	18
Close Patrol:	0
Criminal:	0
Civil:	0
Other:	0
Agency/Public Assist:	0
Warrants:	0
Jailing:	0

- Please note undocumented civil questions, concerns and other instances will not be included in this report.

Constable Helm  Deputy Shellhorn 

7Eiv

Council Meeting Date: 03/13/2019

Council Responsibilities Report

COMMUNICATIONS

Chrys Grummert, a Woodcreek resident active on social media and interested in public policy, joined Councilmembers Brizendine and Tilley March 6 for a discussion of the social media policy nearing final form for Council consideration. Mr. Grummert's insightful comments and probing questions required further editing of the policy, and it will likely be ready for consideration at the April 10 Council Meeting.

The working group also discussed a chart still in early stages of development depicting communications roles and media for the City of Woodcreek. Edits to create a fourth color for Regulatory, in addition to Political, Factual, and Media were expanded to include a fifth color separating Political into separate Political Advocacy and Policy Making areas.

The cyber security policy is under development but secondary to social media policy. City staff is working with the City's IT consultant to gather existing procedures and practices in place as part of the plan to create a policy that includes definite steps to follow, not just an outline of principles.

Submitted By:

Ray Don Tilley, Councilmember

7E✓

Council Meeting Date: March 13,2019

AGENDA ITEM COVER SHEET

Subject/Title: Community Affairs

Mayor Bill Scheel

Councilwoman Judy Brizendine

Item Summary:

- 1) Meeting Monday March 4,2019 with Golf Course to discuss Management changes and the replacement of Winton Porterfield.
- 2) Meeting Wednesday March 6,2019 with CYJ to discuss the Resolution to Hold a City of Woodcreek Community Day hosted by Camp Young Judea.

Financial Impact/Financial Information:

- 1) undetermined
- 2) Minimal to cover advertising

Comments/Recommendation:

- 1) Wait and see what impact this has on our City
- 2) The Mayor & I recommend passing this resolution to promote good will and enjoyment for our citizens at the camps invitation.

Attachments

Fun-Day @ CYJ Resolution

Submitted By:

Judy Brizendine

Council Meeting Date: 03/13/2019

Council Responsibilities Report

PARKS & RECREATION BOARD

The Parks and Recreation Board met February 20, having completed public hearings December 19 and January 16 on its draft master plan.

Board member Jane Little discussed tasks that have been completed among the beautification projects at Veterans' Memorial Plaza. Next steps include adding mulch to inhibit weeds.

The Board approved recommending that Council accept an offer from Aqua Texas to install a water fountain at the Triangle Area.

In discussion of the draft master plan, the Board agreed to review the mark-up of the plan that takes into account public hearings' input and to share comments before the next Board meeting.

Submitted By:

Ray Don Tilley, Councilmember

Council Meeting Date: 03/13/2019

Texas Municipal League Report

**“CULTIVATING GREAT CITIES”: TCMA CITY MANAGEMENT CLINIC
February 21-22, 2019, Granbury**

**The Answer Was a Farm:
Transforming Communities**

At a time of personal crisis eight years ago, Daron Babcock visited the blighted Bonton neighborhood of Dallas and was profoundly moved. Previously in private equity, he left his old life behind to relocate there: the only white person in the African-American neighborhood. He worked first to gain trust, then to learn how he could serve a community that was a “food desert,” desperate for jobs. He convinced the City of Dallas to give him an abandoned tract to start a community garden, and became a YouTube farmer, learning to grow food with neighbors he gave a first rung on the job ladder.

In time, his team has harvested fresh produce for the community and provided healing for men and women who had been incarcerated, abused, trafficked, or addicted. Recently, The Market at Bonton Farms opened for dining, employing 35 neighbors. Babcock has expanded the farm to a 40-acre defunct concrete plant, working with the City of Dallas on zoning variances. The farm provides financial management classes and acts as a cashless credit union, helping reduce poverty, recidivism, dropouts, and diabetes.

Babcock welcomes 1,700 visitors per week on summer mission trips to spread the Bonton model for community redevelopment and city management. “Be careful what you learn about inequities,” said Babcock. “Knowledge is dangerous: you can try to walk away, but it demands more from you.”

**Growing Your Team:
Building Leadership**

A.C. Gonzalez was city manager for Dallas (2013-17), serving the same role years earlier in San Marcos, Carrizo Springs, and Dilley. He advocates leadership that treats citizens as customers deserving of respectful, responsive, and resourceful service from city staff. As part of that focus, he contracted a scientific community satisfaction survey every two years for accountability.

**All the Queen’s Horses:
The Rita Crundwell Story**

Attendees watched the title documentary ahead of the clinic. Writer/director Kelly Richmond Pope shared how the film grew out of her interest in the \$53 million fraud uncovered in Dixon, Ill., near DePaul University, where she teaches forensic accounting. “We all have a Rita,” she said, noting that the culprit was a seemingly indispensable city employee who handled all the city’s finances and was the source everyone counted on for 20 years.

Then, one day her assistant, in a rush, asked their bank for a list of all account balances, rather than asking on the phone patiently for each balance, per Rita’s procedure. She noticed a previously unknown account, which turned out to be one that Rita used to siphon off a few million dollars each year through transfers based on phony invoices and phantom projects. The city’s auditor had noted inadequate internal controls, but these were never addressed. The city’s

accounting firm turned out also to be Rita's personal tax preparer.

For the audience, "red flags" were numerous to watch for: Rita's lavish lifestyle as an internationally renowned quarterhorse breeder was dismissed as being financed by a mysterious investor. Discrepancies in the city's fund balances escaped attention from elected officials. Dixon's council ignored a letter from the city manager of neighboring Sterling who questioned Dixon's oddly huge debt burden. Rita's bogus invoices lacked official logos and included misspellings. Any of these signs, said Pope, fit the best practice that, "If your head tells you something is not right, investigate." At a minimum, however, she said all cities should take seriously the segregation of duties, so that handling of public funds includes adequate checks and balances. Auditors should be changed every few years. Elected officials should pay close attention to financial reporting, demanding clarity and transparency, not obfuscation.

Harvesting Quality Crops: Best Practices for Hiring the Right Candidate

HR & Management Solutions' Debbie Maynor described the five distinct generations of workers today and how Millennials and Gen Z present new challenges in hiring. Managers should work to outline desirable candidates rather than rely on job descriptions. Qualities include fit in the staff culture, relative strengths needed to complement the existing team, and compatibility with the management style. Diversity and inclusion concerns are acute, especially among younger workers. Employee assessments now are moving away from quantitative to more qualitative, narrative measures in an interactive, peer-based process.

Planting the Seeds: An Organizational Culture Embraced by All Employees Cori and Gabe Reaume, city managers for Justin and Saginaw, respectively, met at a TCMA conference and now are married. With good humor, they facilitated a give-and-take with the audience of over one hundred, exploring core values as a method to center and organize companies and government entities of all sizes. Stated simply, they noted that cities are similar at their cores, and that they should be "performance-driven through the lens of humanity," a value statement borrowed from Starbucks.

Several cities offered their core value statements: Brownwood "I-SERVE: Integrity Service Excellence Respect Vision Empathy," Grand Prairie "People Service Integrity," Abilene "RISE: Respect Integrity Service Excellence," and Saginaw "PRIDE: Professionalism Responsiveness Integrity Dedication Efficiency." The Reaumes pointed out that these should be short, memorable ideals drawn from a collaborative process that includes current city staff and elected officials. The values should be widely shared and followed consistently in hiring and in relationships with citizens and service providers.

Ripe for the Picking: Legislative Update TML Executive Director Bennett Sandlin wrapped up the conference with a Texas Legislative Update. Among bills filed to date at the time, SB2/HB2 was the primary focus, because it would set an annual revenue cap of 2.5% on cities. As with any legislative update, the most current information now can be found on the TML website.

Submitted By:
Ray Don Tilley, CMO, Councilmember

**City of Woodcreek Regular City Council Meeting
February 13, 2019; 6:30 p.m.
Woodcreek, Texas**

Minutes

1. **Call to Order:** Mayor Scheel called the meeting to order at 6:30 p.m.
2. **Invocation**
3. **Pledge of Allegiance:**
 - A. **To the Flag of the United States of America**
 - B. **To the Flag of the Great State of Texas**
4. **Roll Call. Present:** Mayor William P. Scheel, Mayor Pro Tem Nancy Britner, Councilmember Judy Brizendine, Councilmember Aurora LeBrun, Councilmember Ray Don Tilley, Councilmember Cyndi Jackson, Assistant City Attorney Leslie Kassahn, City Manager Brenton B. Lewis, Director of Public Works Frank Wood, Assistant Administrator Linda Land.
Absent: None
5. **Public Comments:**
All citizens who signed up to speak chose to reserve comments for either the public hearing – Item 9B or for Item 9D.
6. **Citizen Communications:** A letter was submitted to be read during the public hearing for Item 9B.
7. **Report Items:**
 - A. Director of Public Work's Monthly Report (Director of Public Works Frank Wood)
 - B. Financial Report for January 2019 (City Manager Brenton Lewis)
 - C. City Manager's Monthly Public Report (City Manager Brenton Lewis)
 - D. Precinct 3 Constables Report (Constable Ray Helm)
 - E. Legislative Update (City Manager Brenton Lewis)
 - F. Council Responsibilities Reports
 - i City Hall (Mayor Scheel)
 - ii Planning & Development (Councilmember LeBrun)
 - iii Public Safety (Mayor Pro-Tem Britner)
 - iv Communications (Councilmember Brizendine)
 - v Community Affairs (Mayor Scheel)
 - vi Infrastructure (Councilmember Brizendine)
 - vii Parks and Recreation (Councilmember Tilley)
 - viii Executive/Administrative (Mayor Scheel)
8. **Consent Agenda:** All the following items are considered self-explanatory by the Council and may be acted upon with one motion. There will be no separate discussion of these items

unless a Councilmember or Citizen so requests. For a Citizen to request removal of an item from the Consent Agenda, a written request must be completed and submitted to the City Manager.

- A. Approval of the Minutes of the Council meeting of January 2019.
- B. Approval of Financial Statements for January 2019.

Mayor Pro Tem Britner moved to approve the Consent Agenda as presented. The motion was seconded by Councilmember Tilley, which passed with a vote of 5-0-0.

9. Regular Agenda:

- A. **Presentation from John Worrall, Commissioner District #1, Hays Trinity Groundwater Conservation District regarding House Bill 1304, and Possible Discussion.** Commissioner John Worrall presented a report requesting support for House Bill 1304. District Board President Linda Kaye Rogers also provided information on House Bill 1304, requesting support.
- B. **Public Hearing**
 - 1. Changes to Chapter 156.058 FENCES of the Woodcreek Code of Ordinances
 - 2. Staff Briefing: City Manager Lewis reported on the process for changing the ordinance and the options provided for Council consideration.
 - 3. Public Hearing: Open: 7:27 p.m. Cathy Maldonado spoke in favor of the ordinance review committee's recommended changes. Jack Boze spoke in favor of the ordinance review committee's recommended changes. City Manager Lewis read a letter submitted from the Meiers supporting the ordinance review committee's recommended changes. Closed: 7:35 p.m.
 - 4. Discussion and possible action on recommendations received from Planning and Zoning Commission and Ordinance Review Committee. City Council discussed recommended changes from both the Planning & Zoning Commission and the Ordinance Review Committee, which only differed in the location of fencing on the golf course. Mayor Pro Tem Britner moved to accept the Ordinance Review Committee's recommended changes. The motion was seconded by Councilmember Jackson, which passed with a vote of 4-1-0. The following voted Aye: Mayor Pro Tem Britner, Councilmembers Brizendine, Tilley and Jackson. The following voted Nay: Councilmember LeBrun.
- C. **Public Hearing**
 - 1. Changes to Chapter 156.060 PARKING of the Woodcreek Code of Ordinances
 - 2. Staff Briefing: City Manager Lewis reported on the process for changing the ordinance and recommended tabling the matter until the March City Council Meeting to allow time to develop a Master Rate Schedule.
 - 3. Public Hearing: Open: 7:44 p.m. No one signed up to speak about this item. Closed: 7:46 p.m.
 - 4. Discussion and possible action on recommendations received from Planning and Zoning Commission and Ordinance Review Committee. After discussion, Councilmember Tilley moved to table the item to the March City Council meeting and move parts of the ordinance from Zoning to

Transportation. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.

- D. Discussion and Take Appropriate Action on a City Council resolution to oppose Kinder Morgan's Permian Pipeline through Wimberley Valley.** Linda Kaye Rogers spoke in favor of the resolution. After discussion, Councilmember Jackson moved to approve the resolution as presented. Councilmember Tilley seconded the motion, which passed with a vote of 5-0-0.
- E. Discussion and Take Appropriate Action to Adopt the Texas Comptroller of Public Accounts' "Transparency Stars" Program.** After discussion, Councilmember Tilley moved to adopt the Program with no specific timeline for implementation. Councilmember Jackson amended the motion to begin within 60 days. After discussion, Councilmember Tilley withdrew the motion. After discussion, Councilmember Jackson moved to adopt the Transparency Stars Program with the goal of submittal within 6 months using data from this date forward. The motion was seconded by Councilmember Tilley, which passed with a vote of 5-0-0.
- F. Discussion and Take Appropriate Action on a Recommendation to Establish a 2019 Road Committee.** After discussion, Councilmember LeBrun moved to accept the recommendation to include the committee as part of City Council Infrastructure Responsibilities with a cross section of citizens and the Public Works Director. Councilmember Brizendine seconded the motion, which passed with a vote of 5-0-0.
- G. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek, Texas Adopting Rules of Procedure for the Conduct of Its Meetings; and Repealing All Other Resolutions or Parts of Resolutions Inconsistent or Conflict, Tabled from the January 9, 2019 Meeting.** After discussion, Mayor Pro Tem Britner moved to accept the resolution as presented. Councilmember Brizendine seconded the motion. Councilmember Tilley moved to amend the motion by striking "or City Manager" in Rule 1 (C). The amendment was seconded by Councilmember Jackson, which failed with a vote of 2-3-0. The following voted Aye: Councilmembers Jackson and Tilley. The following voted Nay: Mayor Pro Tem Britner, Councilmembers Brizendine and LeBrun. Councilmember moved to amend the motion by adding "with at least 2 weeks notice" to Rule 1 (A) and (B). The amendment was seconded by Councilmember Jackson, which failed with a vote of 2-3-0. The following voted Aye: Councilmembers Jackson and Tilley. The following voted Nay: Mayor Pro Tem Britner, Councilmembers Brizendine and LeBrun. The original motion passed with a vote of 4-1-0. The following voted Aye: Mayor Pro Tem Britner, Councilmembers Brizendine, LeBrun and Jackson. The following voted Nay: Councilmember Tilley.
- H. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek Establishing Policies for Conduct of Elected and Appointed Officials and Providing for an Effective Date, Tabled from the January 9, 2019 Meeting.** After discussion, Councilmember LeBrun moved schedule a City Council workshop to develop policies. The motion was seconded by Councilmember Brizendine, which passed with a vote

of 5-0-0. City Manager Lewis requested that council members provide dates they are available.

- I. **Consider and Take Appropriate Action on an Ordinance to Amend the 2018-2019 Fiscal Year Budget.** After discussion, Councilmember Brizendine moved to accept the ordinance to amend the 2018-2019 Budget. After further discussion, Councilmember LeBrun seconded the motion which passed with a vote of 5-0-0.
- J. **Discussion and Take Appropriate Action for Hays County to Perform Proposed Street Maintenance, Pursuant to the Current Interlocal Agreement.** After discussion, Councilmember Jackson moved to accept the estimate for road repairs from Hays County. Councilmember Brizendine seconded by motion, which passed with a vote of 4-0-1. The following voted Aye: Mayor Pro Tem Britner, Councilmembers Brizendine, Tilley and Jackson. Councilmember LeBrun was Absent and Not Voting.
- K. **Discussion and Take Appropriate Action to ratify execution of City Manager's Amended Employment Agreement to extend term of contract for one year.** Mayor Pro Tem Britner moved to ratify the decision made in August, 2018 to extend the City Manager's Employment Agreement 1 year. The motion was seconded by Councilmember Brizendine. Councilmember LeBrun returned to the meeting. After discussion, the motion passed with a vote of 3-2-0. The following voted Aye: Mayor Pro Tem Britner, Councilmembers Brizendine and LeBrun. The following voted Nay: Councilmembers Tilley and Jackson.
- L. **Executive Session pursuant to Texas Government Code, Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Clerk/Municipal Court Clerk Barbara Grant.** City Council met in Executive Session beginning at 9:01 p.m. and ended at 9:28 p.m.
- M. **Discussion and Take Appropriate Action on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Clerk/Municipal Court Clerk Barbara Grant.** Councilmember Brizendine moved to terminate today, City Clerk/Municipal Court Clerk Barbara Grant with cause and offer a one-week severance per each year of service upon signing an agreement form by Noon on Tuesday, Feb. 19, 2019. Councilmember Jackson seconded the motion, which passed with a vote of 5-0-0. Councilmember LeBrun moved to appoint City Manager Lewis as Court Clerk and directed him to post the position. The motion was seconded by Councilmember Brizendine and passed with a vote of 5-0-0.
- N. **Adjourn.** There being no further business, Mayor Scheel adjourned the meeting at 9:32 p.m.

William P. Scheel, Mayor

Brenton B. Lewis, City Manager

DRAFT

**City of Woodcreek Special City Council Meeting
February 25, 2019; 10:00 a.m.
Woodcreek, Texas**

Minutes

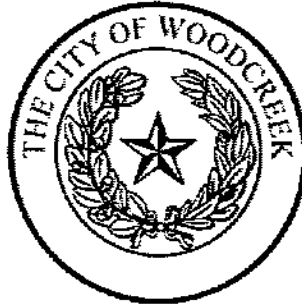
- A. Call to Order:** Mayor Scheel called the meeting to order at 10:00 a.m.
- B. Invocation**
- C. Pledge of Allegiance:**
- A. To the Flag of the United States of America**
 - B. To the Flag of the Great State of Texas**
- D. Roll Call. Present:** Mayor William P. Scheel, Mayor Pro Tem Nancye Britner, Councilmember Judy Brizendine, Councilmember Aurora LeBrun, Councilmember Ray Don Tilley, Councilmember Cyndi Jackson, Assistant City Attorney Leslie Kassahn, City Manager Brenton B. Lewis, Assistant Administrator Linda Land. **Absent:** Director of Public Works Frank Wood
- E. Public Comments:**
- Councilmember Tilley stated his intent to record the meeting and Mayor Scheel requested that the recorder be placed in the back row.
- Robert Tinsman spoke in support of the Resolution in Item 6E.
- Jack Boze asked to reserve his comments until Item 6E.
- Chris Grummett spoke in support of the Resolution in Item 6E.
- Michael Caldwell's submittal against the Resolution in Item 6E was read aloud.
- 6. Regular Agenda:**
- A. Discussion and Take Appropriate Action on the Adoption of an Ordinance Amending Certain Sections of the City of Woodcreek Code of Ordinances Related to the Offices of City Manager/City Administrator and City Secretary.** After discussion, Mayor Pro Tem Britner moved to approve the ordinance amending sections of the City of Woodcreek Code of Ordinances related to the offices of City Manager/City Administrator and City Secretary with all of the changes discussed. The motion was seconded by Councilmember Jackson, which passed with a vote of 5-0-0.
 - B. Discussion and Take Appropriate Action on the Proposed Job Description for the Position of City Secretary.** After discussion, Mayor Pro Tem Britner moved to accept the Proposed Job Description for the Position of City Secretary with the changes discussed. The motion was seconded by Councilmember Jackson, which passed with a vote of 5-0-0.
 - C. Discussion and Take Appropriate Action on the Appointment of a City Secretary.** Councilmember Jackson moved to appoint Linda Land as City Secretary. Mayor Pro Tem Britner seconded the motion. After discussion, Councilmember Jackson amended the motion to pay \$21/hour for the position. Councilmember Tilly seconded the amendment. The motion passed with a vote of 5-0-0.

- D. Discussion and Take Appropriate Action on the Job Description for the Position of Administrative Assistant.** After discussion, Mayor Pro Tem Britner moved to accept the Job Description as provided, along with changes discussed. Councilmember Brizendine seconded the motion, which passed with a vote of 5-0-0.
- E. Discussion and Take Appropriate Action on a Resolution of the City of Woodcreek, Texas Opposing the Connection of Wimberley Sewer Lines to the Existing Woodcreek Wastewater Plant Operated by AQUA TEXAS, and Requesting the Texas Water Development Board Not Release Funding for Private Entity Expansion of this Wastewater Facility.** Jack Boze spoke against the Resolution. After discussion, Councilmember Jackson moved to accept the Resolution with the changes discussed. Councilmember LeBrun seconded the motion, which carried with a vote of 4-0-1. The following voted Aye: Mayor Pro Tem Britner, and Councilmembers LeBrun, Tilley and Jackson. None voted Nay. The following abstained: Councilmember Brizendine.
- F. Discussion and Take Action on establishing a recording protocol of Woodcreek City Council Meetings.** Councilmember Jackson moved to accept the recommendation submitted for establishing a recording protocol of Woodcreek City Council Meetings. After discussion, Councilmember Jackson moved to amend the motion to add "by staff" and remove the last sentence of the written recommendation. Mayor Pro Tem Britner seconded the motion. Councilmember Tilley moved to amend the motion to include meetings on Feb. 13, 2019 Feb. 25, 2019 and March 13, 2019. The amended motion failed for lack of a second. The motion passed with a vote of 5-0-0.
- G. Adjourn.** There being no further business, Mayor Scheel adjourned the meeting at 11:33 a.m.

William P. Scheel, Mayor

Linda Land, City Secretary

9A



NOTICE OF PUBLIC HEARING
CITY COUNCIL
OF THE CITY OF WOODCREEK, TX

NOTICE is hereby given that the City Council of the City of Woodcreek, Texas will hold a PUBLIC HEARING at 6:30 p.m., or as soon thereafter as the proceedings will allow, on March 13, 2019.

The Woodcreek City Council will hear testimony on the following matter:

Replat of Lots 1 & 2, Brookmeadow, Section 6 – approximately 21 Brookmeadow Drive, Woodcreek, TX 78676 – R60285

The public hearing will be held at Woodcreek City Hall, 41 Champions Circle, Woodcreek, TX 78676. The proposed changes are available at woodcreektx.gov and at Woodcreek City Hall.

Texas Local Government Code Sec.212.015(c) – If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal planning commission or governing body, or both prior to the close of the public hearing.

The public is encouraged to attend and make comments. Comments may also be mailed to the above address or emailed to woodcreek@woodcreektx.gov.

Brenton B. Lewis, City Manager

Posted 3:15 pm 2/20/19

RECEIVED
JAN 23 2019 9A

CITY OF WOODS BREEK



**SUBDIVISION PLAT SUBMITTAL FORM
SUPPORTING INFORMATION
Hays County, Texas**

To be included with Plat Submittal
All **APPLICABLE** entries must be completed

NOTICE TO APPLICANT: It is strongly recommended that you meet with County planning, subdivision, and environmental staff **PRIOR** to beginning the process to subdivide and develop property.

For Office Use Only	
Tracking Number:	_____
Date App. Received:	_____
Fee:	_____
Project # in which located:	_____
Lot Size Designation:	_____
A (surface water):	_____
B (community):	_____
C (private):	_____

TYPE OF APPLICATION:

- New Subdivision
- Manufactured Home Rental Community
- Replat/Revision
- Condominium Development

<input type="checkbox"/> Waiver of Preliminary Plan (see page 6)
<input type="checkbox"/> Request for administrative approval

PROPOSED NAME OF SUBDIVISION: REPLAT OF LOTS 142, Brookmeadows Section 6

OWNER/APPLICANT/CONTACT INFORMATION:

Name in which the Development Authorization is requested to be issued:

Property Owner's Legal Name: Michael and Angela Battaglia
 Property Owner's Email Address: MBAT.FINE.HOMES@GMAIL Phone: 512 842-1292
 Property Owner's HEAD Owner ID Number: R60285

Applicant's Legal Name: SAME AS ABOVE
 Applicant's Email Address: SAME AS ABOVE Phone: SAME
 Designated Contact's Name: SAME AS ABOVE
 Designated Contact's Email Address: SAME AS ABOVE Phone: SAME

BUSINESS ENTITIES (FOR SERVICE OF PROCESS):

Name of registered agent: MICHAEL TURNER
 Address of registered agent: 9720 COMMERCIAL CENTER DRIVE, SUITE 500, AUSTIN, TX 78744

CONSULTANTS:

List all professionals involved in the preparation of this Application or any of the supplemental information provided herewith:

	Name	Email Address	Phone
Licensed Professional Engineer:			
Registered Professional Land Surveyor:	<u>MICHAEL TURNER</u>	<u>MIKE.TURNER@WOODSBREEK.COM</u>	<u>(512) 820-2100</u>
Registered Sanitarian:			
Geoscientist:			
Attorney:			

PROPERTY INFORMATION:

PROPOSED NAME OF SUBDIVISION: REPORT OF LOTS 1 & 2, BROOKMOUNTAIN DRIVE, SECTION 6

911 street address for the main entrance, if established: 21 BROOKMOUNTAIN DRIVE

Current legal description: LOT 1 & 2, BROOKMOUNTAIN DRIVE, SECTION 6

HCAD Property ID Number: P.40205

Hays County Precinct in which the subject property is located: 3

Total current land area: 1.691 Acres

Located in city ETJ: Yes No City Name: WOODCREEK

Is the development over the Edwards Aquifer Recharge Zone? Yes No

Is the development over the Contributing Zone of the Edwards Aquifer? Yes No

List all political subdivisions in which the subject property is located (see tax certificates):

School District(s): WIMMERLEY

Emergency Services District(s): ESD #4

Groundwater District(s): AQUA TEXAS

Other: _____

Is the Hays County Habitat Conservation Compliance Form completed? Yes No

For the Hays County Habitat Conservation plan, does the subject property contain potential habitat for the golden-cheeked warbler or black-capped vireo? Yes No Not Sure

Total current acreage of property proposed for development: 1.691 Acres

Total acreage to be subdivided into lots: 1.691 Acres

Total number of lots: 2 Average size of lots: 0.8455 AC.

NUMBER OF LOTS: Greater than 10 acres: _____ Larger than 5 but less than 10 acres: _____

Between 2 and 5 acres: _____ Between 1 and 2 acres: _____

Less than one acre: 2

Set full build-out, what is the maximum number of lots for all phases? 2

Intended use of the lots (in detail): RESIDENTIAL

If the Application is for a replat/division, the reason for the proposed replat/division: MOVING THE BOUNDING

LINE BETWEEN LOTS 1 & 2

FRONTAGE ON EXISTING ROADS:

County Road Name: _____ Linear footage of frontage: _____

County Road Name: _____ Linear footage of frontage: _____

County Road Name: _____ Linear footage of frontage: _____

County Road Name: _____ Linear footage of frontage: _____

State Road Name: BROOKMOUNTAIN DRIVE Linear footage of frontage: 139.46'

(City Road)

Replat of lots 1+2
Brookmeadow, sec. 6

PROPOSED NAME OF SUBDIVISION: _____

State Road Name: _____ Linear footage of footage: _____
 State Road Name: _____ Linear footage of footage: _____
 State Road Name: _____ Linear footage of footage: _____
 Private Road Name: _____ Linear footage of footage: _____
 Private Road Name: _____ Linear footage of footage: _____
 Private Road Name: _____ Linear footage of footage: _____
 Private Road Name: _____ Linear footage of footage: _____

List all roads by which the property can be accessed: Brookmeadow St.

PROPOSED NEW ROADS IN THE DEVELOPMENT: NONE

Linear footage of Public Roads: _____

Linear footage of Private Roads: NONE

(Proposed road names must be shown on the Preliminary Plat)

List all contiguous property owners (including those which share a common boundary as well as those only separated by a roadway, utility corridor or aquatic feature. Properties that are separated by a roadway, utility corridor or aquatic feature within two hundred feet are considered Contiguous Properties.)

25 Brookmeadow Dr. - Patricia Smith Howard; Brookmeadow Dr. (Lundsgaard)
Wynnesco LLC; 12 Brookmeadow Dr. - Frank C. & Pamela Weldon; 14 Brookmeadow Dr
- Kevin A. & Laura H. Tanner; 18 Brookmeadow Dr. - James K. & Corinne L. Holcomb
20 Brookmeadow Dr. - Dorothy K. Holcomb; 22 Brookmeadow Dr. - Carolyn Cannon
14 Oval Dr. - Quinton; 28 Brookmeadow Dr. - Dr. Yvonne M. McGee;
30 Brookmeadow Dr. - Pamela Phillips

UTILITY INFORMATION:

SOURCE OF WATER:

Individual Wells Rainwater Collection System(s)

State Permitted System: From Groundwater From Surface Water Provider: AGVA TEXAS

ANTICIPATED WASTEWATER SYSTEM:

Conventional On-Site Sewage Facilities Advanced On-Site Sewage Facilities System

Public Sewer Provider: AGVA TEXAS

PRE-SUBMITTAL CHECKLIST

- Current Tax Certificate(s) from the Hays Central Appraisal District - Showing all taxes and fees due on the subject property have been paid prior to submission of the Application
- All applicable review fees
- Preliminary Plan - 6 eighteen inch (18") by twenty-four inch (24") copies (Hays County may require up to 8 additional copies of the Preliminary Plan)
- Final Plat - 6 eighteen inch (18") by twenty-four inch (24") copies (Hays County may require up to 14 additional copies of the Final Plat)
- Final Plat - 1 digital data file of the signed/sealed final drawings in accordance with the Hays County Digital Data Submittal Standards
- A copy of the deed or deeds documenting current ownership of the Subject Property.

PROPOSED NAME OF SUBDIVISION: 21 Brookmeadow 6's H2, sec. 6

- A Water and Wastewater Service Plan, if required by Chapter 715 of the Hays County Development Regulations
- Water Service Utility Provider Letter (if utilizing an existing Public Water Supply)
- A roadway design report prepared in accordance with Chapter 721, unless exempt pursuant to Chapter 721, Subchapter 5
- Completed Utilities checklist (see page 7)
- Proof of notification of political subdivisions and contiguous property owners
- Facilities Planning Report as required by 30 TAC Chapter 285 for property that will use on-site sewage facilities for wastewater disposal (if applicable)
- All other documents or reports required pursuant to these Regulations and any associated bonds or letters of credit.
- Hays County ESA Acknowledgement Form
- Other - IAs: any other supplemental information submitted with this Application:

ADDITIONAL INFORMATION REQUIRED FOR REPLATS (REVISIONS ONLY):
 A copy of all existing recorded plats affected by the proposed revision.
 Six (6) eighteen inch (18") by twenty four inch (24") hard copies of the proposed revised plat.

Need to complete
 Replat before submitting
 plans due to tree vs.
 house location

50's with
 Replat
 I split you
 & make

MB

OWNER/APPLICANT'S CERTIFICATION:

I hereby certify that I have carefully read the complete application and know the same is true and correct. I hereby agree to comply with all provisions of local, State, and Federal Laws whether they are herein specified or not. As the Owner of the above property or a duly authorized Applicant, I hereby grant permission to the County to enter the premises and make all necessary inspections and to take all other actions necessary to review and act upon this Application.

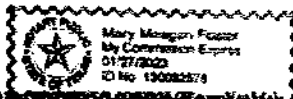
Signed: Michael Bottelner Address: 21 Brookmeadow
 Print Name: Michael Bottelner Phone Number: 512 423 8478 or 512 842
 Date: 12/26/13 Fax Number: N/A

PROPOSED NAME OF SUBDIVISION: 21 Brookmeadow St., Lots 1+2, Sect 6

COUNTY OF HAYS §

Subscribed and sworn to before me this 15 day of January, 2019.

(Seal)



Mary Morgan Foster
Notary Public, State of Texas
My Commission expires: 1/27/2023

OWNER: ~~OR CERTIFICANT~~ (If applicable)

I hereby certify that I have given permission for the above Applicant to submit this Application and to represent me in all matters affecting said Application.

Signed: Michael R. Bunting Address: 21 Brookmeadow
Print Name: Michael R. Bunting Phone Number: 512 423 8476
Date: 1/15/19 Fax Number: _____

STATE OF TEXAS §
COUNTY OF HAYS §

Subscribed and sworn to before me this 15 day of January, 2019.

(Seal)



Mary Morgan Foster
Notary Public, State of Texas
My Commission expires: 1/27/2023

PROPOSED NAME OF SUBDIVISION: _____

NOTE TO APPLICANT:
 Prior to submission of any application materials, you must meet with the Commissioner for the Precinct in which the proposed subdivision is located. Email communication with the Precinct Commissioner may be sufficient in some cases. A copy of the email may be submitted in lieu of this signed document

Product Number: _____ Date of meeting: _____

Signature of Commissioner: _____

Commissioner's Notes: _____

REPLAT/REVISION: The purpose of the Application is to adjust lot lines or consolidate lots. Waiver of the filing of a Preliminary Plan is hereby approved and the Applicant may submit a Final Plat Application only.

Signature of Commissioner: _____

PROPOSED NAME OF SUBDIVISION: 21 Brookmeadow, Lots #2 sec 6.

UTILITY CHECKLIST

Prior to submitting this Application, the Applicant is required to verify the location of the underground utility lines for review and comment. All comments must be provided with the submission of the Application and professional plan to the County. If the requirements of a professional plan are waived, the Applicant must follow the same procedure for the final plan.

NOTE TO UTILITY COMPANIES: Please sign this Checklist ONLY if all comments submitted by you to the Applicant have been addressed in full.

Company Name: Pedernales Electric Corp
Date of Final Approval: 4/12/2019
Signature: [Handwritten Signature] Title: Designer

.....
[Handwritten: no landline, using cell phones]

See Attached Letter

Agree

.....
Agree

9A

PROPOSED NAME OF SUBDIVISION: 21 Brookmead, lots 1 & 2, Sec 6

Date _____ of _____ 19____
Approved: _____
Signature: _____ Title: _____



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

Aqua Utilities, Inc.

having duly applied for certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 20453

to provide continuous and adequate sewer utility service to that service area or those service areas in Brazoria, Burnet, Chambers, Cherokee, Denton, Fort Bend, Harris, Hays, Hood, Jefferson, Marion, Montgomery, Orange, Park, Rockwall, Tarrant, Travis, Trinity, Victoria, Willacy, and Wise Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 35695-S is on file at the Commission offices in Austin, Texas and is a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Utilities, Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this November 2, 2011


For the Commission



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

Aqua Utilities, Inc.

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 11157

to provide continuous and adequate water utility service to that service area or those service areas in Anderson Bandada, Bexar, Blanco, Bexcoe, Brazoria, Brazos, Burleson, Burnet, Castro, Chambers, Comal, Cooke, Denton, East Bend, Gillespie, Gregg, Gillespie, Harris, Hays, Henderson, Hood, Hunt, Jefferson, Johnson, Kendall, Kerr, Kimble, Liberty, Live Oak, Marion, McLennan, Medina, Montgomery, Nueces, Orange, Parker, Polk, Robertson, Rockwall, San Jacinto, Smith, Somervell, Tarrant, Taylor, Travis, Trinity, Victoria, Wharton, Williamson, Wilson, Wise and Wood Counties as by final Order or Orders duly entered by this Commission, which Order resulting from Application No. 20666-S is on file at the Commission office as in Austin, Texas; and is a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Aqua Utilities, Inc. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this November 2, 2011

Maureen Wiley
For the Commission

TAX RECEIPT

LuAnne Caraway Tax Assessor-Collector, Hays County
 712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517



Scan this code with your mobile phone to view this bill.



Receipt Number: SM-2018-1097335

Payor: INDEPENDENCE TITLE CO

Owner: MILLER GEORGE RICHARD
 21 BROCKMEADOW DR

WINBERLEY, TX 78676

Quick Ref ID: R60285

Property: 11-0897-0000-00100-3

Owner: MILLER GEORGE RICHARD

Legal Description: BROCKMEADOW SEC 6 LOT 1-2, ACRES 1.69

Site Address: 21 BROCKMEADOW DR WINBERLEY, TX 78676

Owner Address: 21 BROCKMEADOW DR

WINBERLEY, TX 78676

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Penalty, Interest, & Attorney Fees	Amount Paid
2018						
Wintersville ISD #1	117000	0.002841	0.3333	390.58	0.00	390.58
Wintersville ISD	117000	1.163100	1.371201	1605.24	0.00	1605.24
Hays County	267078	0.002500	0.6600	1764.51	0.00	1764.51
Wintersville ISD	259576	0.003800	1.0175	2638.33	0.00	2638.33
City Of Wintersville	117000	0.001500	0.3960	462.60	0.00	462.60
Wintersville Fire Dept. ISD #05-01	117000	0.001600	0.4440	519.60	0.00	519.60
Total Payment Amount						\$4,863.00

Date Paid: 12/7/2018

Effective Date: 12/7/2018

Station: 111 LANNETT, LuAnne's TR

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

Date: November 30, 2012

Grantor: Richard Miller, an unmarried person

Grantor's Mailing Address (including county):

21 Brookmeadow Drive
Wimberley, Texas 78676
Hays County

Grantee: Michael Battaglia and wife, Angela Battaglia

Grantee's Mailing Address (including County):

1112B River Mountain Road
Wimberley, Texas 78676
Hays County

Consideration: TEN AND NO/100 DOLLARS and other good and valuable consideration.

Property (including any improvements):

Lots One (1) and Two (2), BROOKMEADOW, Section Six (6), a subdivision in Hays County, Texas, according to the map or plat thereof, recorded in Volume 6, Page 127, Plat Records, Hays County, Texas.

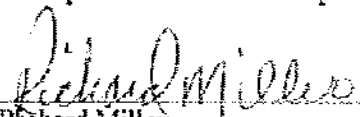
Reservations From and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to any and all restrictions, covenants, reservations, and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to

Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executor, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors are hereby bound to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

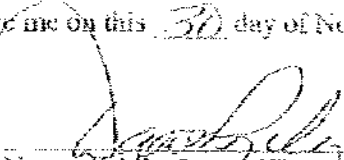

Richard Miller

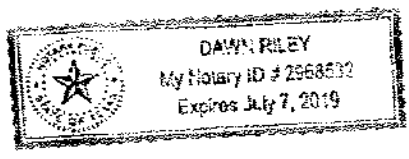
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on this 30 day of November 2018, by Richard Miller.


Notary Public, State of Texas



Patricia Smith Howard
25 Brookmeadow Dr.
Woodcreek, TX 78676

WYNNVESCO LLC
6 Woodcreek Dr.
Woodcreek, TX 78676

Frank C. & Pamela Weldon
13 Brookmeadow Dr.
Woodcreek, TX 78676

Glenn & Laura Tanner
19 Brookmeadow Dr.
Woodcreek, TX 78676

James & Connie Holcomb
18 Brookmeadow Dr.
Woodcreek, TX 78676

Dorothy Holcomb
20 Brookmeadow Dr.
Woodcreek, TX 78676

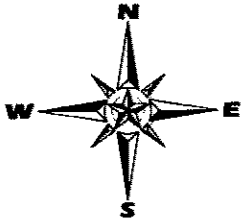
Cody Canon & Tifarah Quinters
22 Brookmeadow Dr.
Woodcreek, TX 78676

Joanne McGee
28 Brookmeadow Dr.
Woodcreek, TX 78676

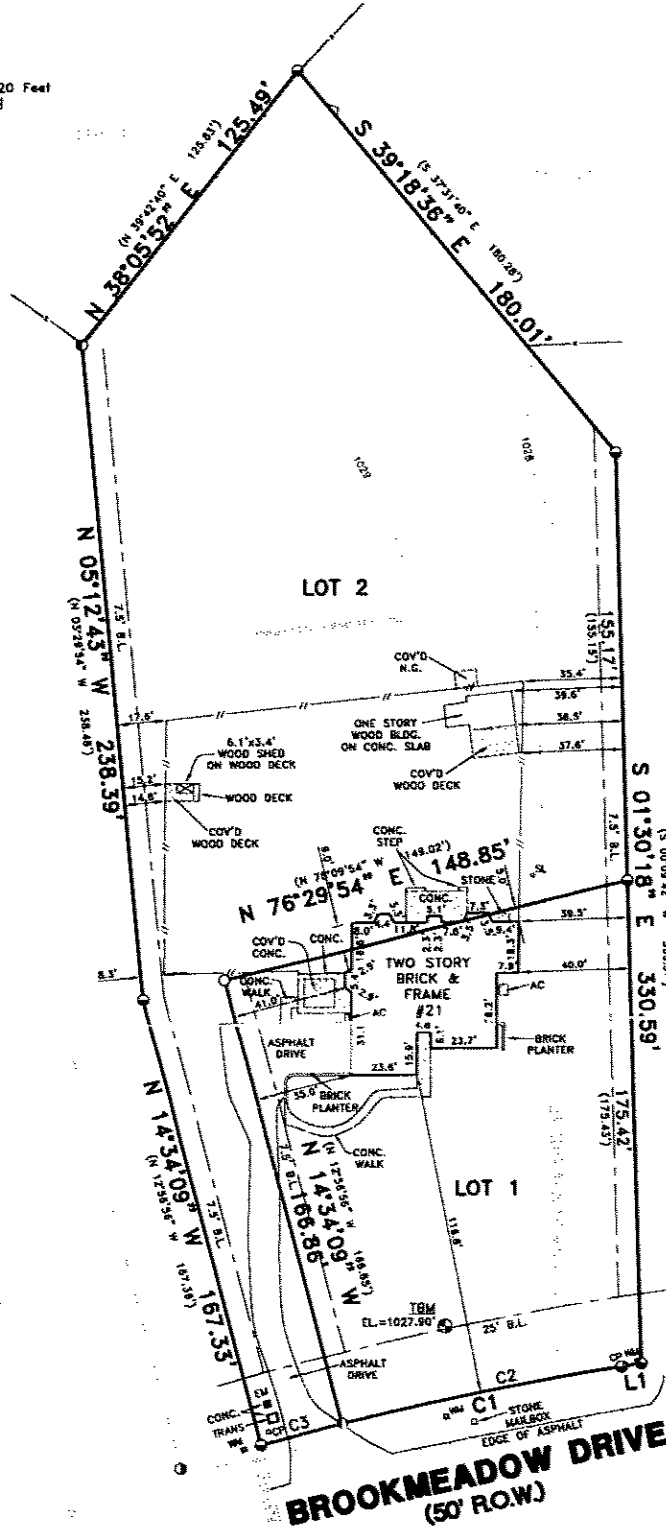
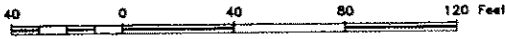
Pamela Phillips
30 Brookmeadow Dr.
Woodcreek, TX 78676

Public Notice
- Mailed to above addresses
2/21/2019
- Email - Citywide - 2/21/2019
- Appeared on Wumberkey
View 2/28/2019
J. Ford

**SURVEY OF
LOTS 1 AND 2
BROOKMEADOW
SECTION 6
VOL. 6, PG. 127, H.C.P.R.
HAYS COUNTY, TEXAS**



SCALE: 1" = 40'



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 80°42'50" W (S 82°13'51" W)	7.21' (7.27')
L2	N 61°19'16" E (N 63°00'01" E)	32.70' (32.73')

LEGEND

- BOUNDARY LINE
- - - - - EASEMENT
- CONCRETE
- - - - - ASPHALT
- BRICK
- WOOD DECK
- WOOD SHED
- CONC. WALK
- CONC. STEP
- CONC. SLAB
- CONC. FOUNDATION
- CONC. WALL
- CONC. CURB
- CONC. DRIVE
- CONC. PLANTER
- CONC. MARKBOX
- CONC. EMBANKMENT
- CONC. ELEVATION
- CONC. ELEVATION
- CONC. ELEVATION
- CONC. ELEVATION

GENERAL NOTES

- THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN TITLE COMMITMENT OF NO. 1841822-10M OF INDEPENDENCE TITLE, EFFECTIVE DATE OF OCTOBER 09, 2018, 2017. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.
- ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.
- ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT, UNLESS OTHERWISE NOTED.
- THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (UNSHADED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 481641 0238 F, REVISED SEPTEMBER 02, 2005. ZONE DETERMINATION WAS DONE BY GRAPHIC PLOTTING FROM THE FEMA MAP. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
- SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 6, PG. 127, H.C.P.R., VOL. 353, PG. 156, VOL. 502, PG. 532, H.C.R.P.R., VOL. 1046, PG. 517, H.C.O.P.R., AND DOC. NO. 9922549, H.C.O.P.R.
- BUILDING LINES SHOWN HEREON BY VOL. 353, PG. 156, H.C.O.P.R., AS MADE APPLICABLE BY VOL. 502, PG. 532, H.C.R.P.R. AND VOL. 1046, PG. 517, H.C.O.P.R.
- SUBJECT TO AN ELECTRIC UTILITY EASEMENT (BLANKET IN NATURE) TO FEDERMALES ELECTRIC COOPERATIVE, INC., BEING A STRIP OF LAND 10' IN WIDTH BEING 5' ON EACH SIDE OF THE LOCATION OF BURIED ELECTRIC CABLES BY VOL. 893, PG. 801, H.C.R.P.R. FOUND NO ABOVEGROUND PHYSICAL EVIDENCE WITHIN SUBJECT PROPERTY PER FIELD INSPECTION AT TIME OF SURVEY, EXCEPT AS SHOWN.
- SUBJECT TO ALL APPLICABLE CITY AND/OR COUNTY DEVELOPMENT CODES AND ORDINANCES.
- ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATION USING NAVD83 VERTICAL DATUM.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	1145.98' (1145.98')	06°36'32" (132.19')	132.19' (132.19')	S 78°07'12" W (102.18')	152.11' (102.18')
C2	1145.98' (1145.98')	05°06'36" (09°06'33")	102.21' (102.18')	S 78°52'10" W (S 80°29'16" W)	102.17' (102.18')
C3	1145.98' (1145.98')	01°29'56" (01°30'00")	29.98' (30.00')	S 75°33'54" W (S 77°10'59" W)	29.98' (30.00')
C4	1145.98' (1145.98')	01°29'56" (01°30'01")	29.99' (30.01')	S 74°03'57" W (S 75°40'59" W)	29.99' (30.01')
C5	1145.98' (1145.98')	04°10'36" (04°10'39")	83.54' (83.56')	S 71°13'40" W (S 72°50'58" W)	83.52' (83.54')

REVISIONS

DATE	REASON
11/16/18	ADDED CONTOURS IN REAR PORTION

I, MICHAEL TURNER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE PROPERTY LEGALLY DESCRIBED HEREON, THAT THE FACTS FOUND AT THE TIME OF THIS SURVEY SHOW THE IMPROVEMENTS AND THAT THERE ARE NO ENCUMBRANCES APPARENT ON THE GROUND, EXCEPT AS SHOWN. SURVEYOR FOR WINDROSE LAND SERVICES - AUSTIN.

Michael Turner
Texas Registered Professional Land Surveyor
R.P.L.S. NO. 6441

11/22/18

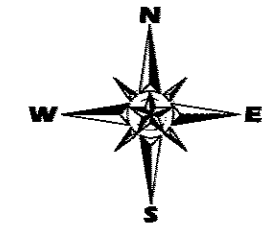
PURCHASER: MICHAEL MATHELA AND ANGELA BENTLEY
ADDRESS: 21 BROOKMEADOW DRIVE, WINDROSE, TX 78678
FIELD BY: 10/21/18 MC
DRAWN BY: 11/02/18 JC
CHECKED BY: 11/02/18 MT
JOB NO. 35740
SHEET 1 OF 1

Windrose Land Services - Austin

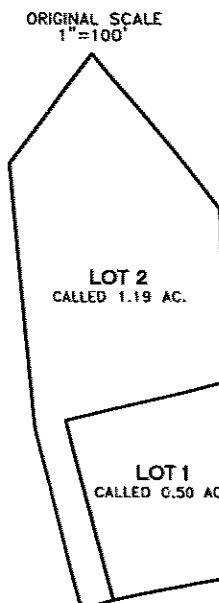
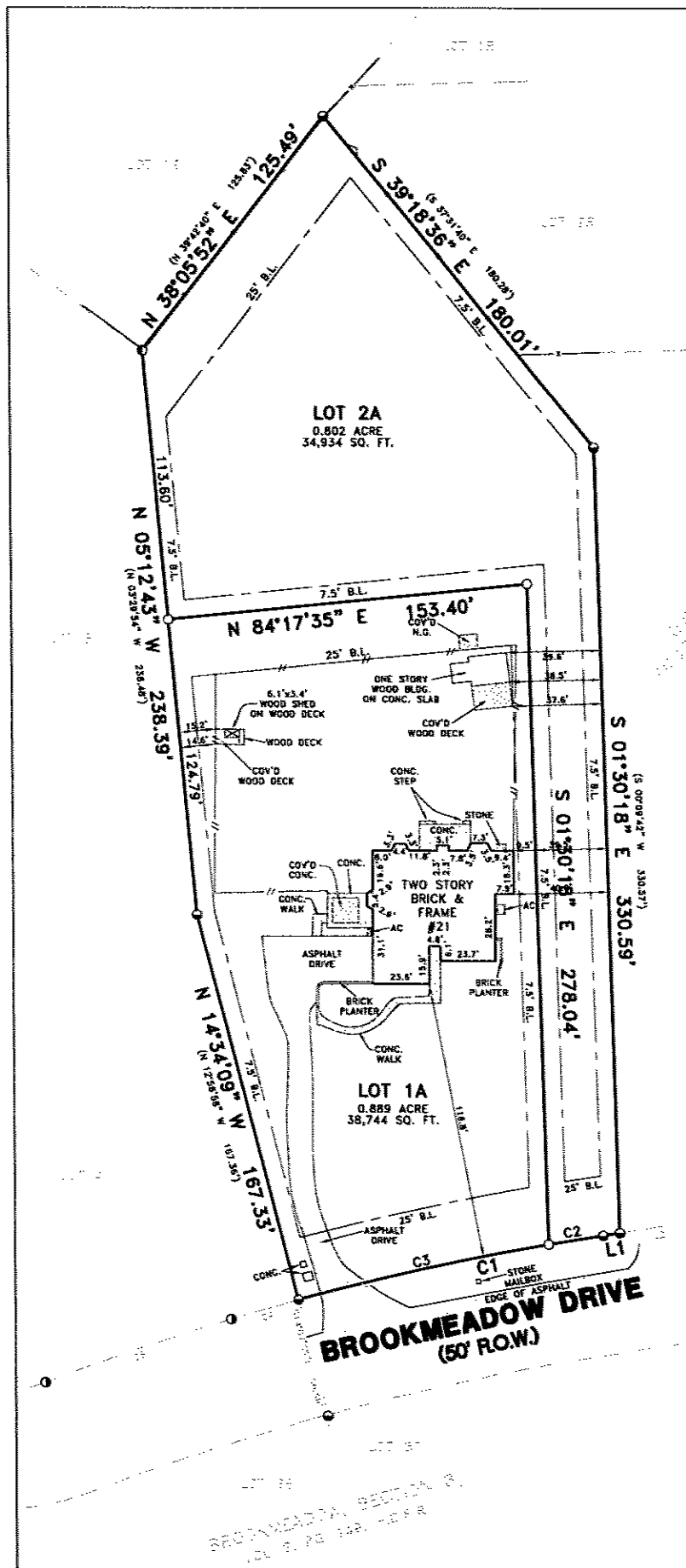
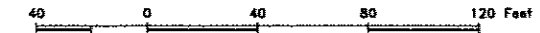
4371 Independence Center Dr.
Suite 100
Austin, Texas 78746
Phone 787-228-0989 Fax 787-228-0990

Independence (512) 476-7344
East (512) 376-7773
Southwest Texas (817) 526-7773
Houston (281) 486-7773

**REPLAT OF LOTS 1 AND 2,
 BROOKMEADOW, SECTION 6
 A SUBDIVISION IN HAYS COUNTY, TEXAS**



SCALE: 1" = 40'



PREVIOUS CONFIGURATION
 BEING LOTS 1 AND 2, BROOK MEADOW,
 SECTION 6, RECORDED IN VOLUME 6, PAGE
 127, PLAT RECORDS OF HAYS COUNTY, TEXAS.

LEGEND

- BL - BOUNDARY LINE
- () - REPORT INFORMATION
- [] - REPORT INFORMATION
- - REPORT INFORMATION
- - REPORT INFORMATION
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- - REPORT INFORMATION
- - REPORT INFORMATION
- - REPORT INFORMATION

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 80°42'50" W (S 82°13'51" W) (7.21')	7.21'
L2	N 81°18'16" E (N 83°00'01" E) (32.75')	32.75'

CURVE TABLE

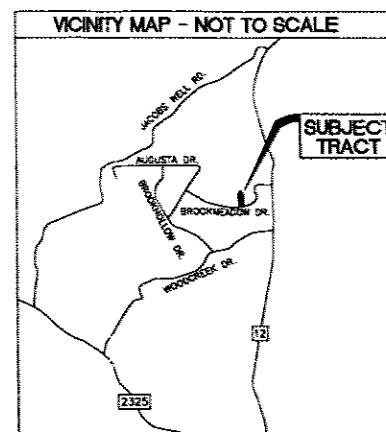
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	1145.98' (1145.98')	06°36'32"	132.19' (132.19')	S 78°07'12" W	132.11'
C2	1145.98' (1145.98')	01°03'10"	21.10'	N 80°47'53" E	21.10'
C3	1145.98' (1145.98')	05°27'22"	109.10'	S 77°32'37" W	109.10'
C4	1145.98' (1145.98')	01°29'58" (01°30'01")	29.99' (30.01')	S 74°03'57" W (S 75°40'59" W)	29.99' (30.01')
C5	1145.98' (1145.98')	04°10'36" (04°10'38")	83.54' (83.54')	S 71°13'40" W (S 72°50'38" W)	83.52' (83.54')

LOT SIZE CATEGORIES:

- TOTAL NUMBER OF LOTS: 2
- NUMBER OF RESIDENTIAL LOTS: 2
- NUMBER OF COMMERCIAL LOTS: 0
- AVERAGE SIZE OF LOTS: 0.8455 ACRE
- TOTAL AREA: 1.691 ACRES
- 0 LOTS OVER 10 ACRES
- 0 LOTS LARGER THAN 5 ACRES AND SMALLER THAN 10 ACRES
- 0 LOTS 2 ACRES OR LARGER UP TO 5 ACRES
- 0 LOTS 1 ACRE OR LARGER AND SMALLER THAN 2 ACRES
- 2 LOTS SMALLER THAN 1 ACRE

UTILITIES:

- ELECTRIC: PEDERNALES ELECTRIC CO-OP, INC.
- WATER: AQUA TEXAS, INC.
- SEWER: AQUA TEXAS, INC.
- TRASH SERVICE: WASTE CONNECTIONS
- FIRE: WIMBERLEY FIRE DEPARTMENT (ESD #4)
- CABLE: SPECTRUM
- TELEPHONE: SPECTRUM AND FRONTIER COMMUNICATIONS



SHEET 1 OF 2

FIELD BY: NG 10/31/18
 DRAWN BY: XMA 11/14/18
 CHECKED BY: MF 11/15/18
 REVISED BY: JC 01/18/19
 JOB NO. 35740

Windrose Land Services - Austin

4402 Southmeade, Dallas, TX 75242
 (214) 422-1874
 www.windrosecad.com

REGISTERED PROFESSIONAL LAND SURVEYOR
 LICENSE NO. 12573-0001
 EXPIRES 12/31/2020

BROOKMEADOW, SECTION 6,
 127, PLAT RECORDS OF HAYS COUNTY, TEXAS

9A

REPLAT OF LOTS 1 AND 2, BROOKMEADOW, SECTION 6 A SUBDIVISION IN HAYS COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS, THAT WE, MICHAEL BATTAGLIA AND ANGELA BATTAGLIA, BEING THE OWNERS OF THOSE CERTAIN LOT NOS. 1 AND 2, MEADOWBROOK, SECTION 6, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT, RECORDED IN VOLUME 6, PAGES 127-128, PLAT RECORDS OF HAYS COUNTY, TEXAS, AND BEING CONVEYED BY DEED RECORDED IN INSTRUMENT NO. 18042313, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY RESUBDIVIDE SAID LOTS TO BE KNOWN AS REPLAT OF LOTS 1 AND 2, BROOKMEADOW, SECTION 6 IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND, THIS THE ___ DAY OF _____, A.D., 201__ WITNESS MY HAND, THIS THE ___ DAY OF _____, A.D., 201__

MICHAEL BATTAGLIA
11128 RIVER MOUNTAIN ROAD
WIMBERLEY, TEXAS 78876

ANGELA BATTAGLIA
11128 RIVER MOUNTAIN ROAD
WIMBERLEY, TEXAS 78876

STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE MICHAEL BATTAGLIA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY HAVE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ___ DAY OF _____, A.D., 201__

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

NOTARY PUBLIC PRINTED NAME _____

MY COMMISSION EXPIRES: _____

STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ANGELA BATTAGLIA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY HAVE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ___ DAY OF _____, A.D., 201__

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

NOTARY PUBLIC PRINTED NAME _____

MY COMMISSION EXPIRES: _____

STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS, THAT I, MICHAEL TURNER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEY RELATED REQUIREMENTS OF THE HAYS COUNTY DEVELOPMENT REGULATIONS AND FURTHER CERTIFY THAT THIS PLAT IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

01/18/19
MICHAEL TURNER DATE
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 6441
WINDROSE LAND SERVICES - AUSTIN
4120 COMMERCIAL CENTER DRIVE, SUITE 300
AUSTIN, TEXAS 78744
PHONE: 512-326-2100
FAX: 512-326-2770
FIRM REGISTRATION NO. 10110400



PLAT NOTES:

- 1) ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (4204), NAD83.
- 2) THIS SUBDIVISION DOES NOT LIE WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER CONTRIBUTING ZONE.
- 3) THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CITY OF WOODCREEK AND IS SUBJECT TO ALL APPLICABLE ORDINANCES AND DEVELOPMENT CODES.
- 4) THIS SUBDIVISION LIES WITHIN THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT.
- 5) THE SUBJECT PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X" (UNSHADED). NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN THE LIMITS OF A FLOOD HAZARD AREA OR WITHIN THE LIMITS OF THE 100 YEAR FLOOD PLAIN AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON MAP NO. 4820500236F, COMMUNITY PANEL NO. 481641 0238 F, DATED SEPTEMBER 02, 2005. ZONE DETERMINATION WAS DONE BY GRAPHIC PLOTTING FROM THE FEMA MAP. SURVEYOR DOES NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
- 6) ELECTRICITY FOR THIS SUBDIVISION IS PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE, INC.
- 7) TELEPHONE SERVICE FOR THIS SUBDIVISION IS PROVIDED BY SPECTRUM AND FRONTIER COMMUNICATIONS.
- 8) WATER SUPPLY FOR THIS SUBDIVISION IS PROVIDED BY AQUA TEXAS.
- 9) WASTEWATER TREATMENT FOR THIS SUBDIVISION IS PROVIDED BY AQUA TEXAS. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM THAT HAS BEEN APPROVED AND PERMITTED BY THE CITY OF WOODCREEK.
- 10) IMPROVEMENTS EXIST ON LOT 1A THAT ARE NOT SHOWN HEREON.
- 11) EASEMENTS SHALL BE PROVIDED FOR INSTALLATION OF UTILITIES, AS REQUIRED BY THE UTILITY COMPANIES PROVIDING SERVICE TO THE SUBDIVISION.
- 12) ACCORDING TO TITLE COMMITMENTS PREPARED BY INDEPENDENCE TITLE, FILE NO. 1841622-WM, EFFECTIVE DATE OF OCTOBER 9, 2018 THE PROPERTY SHOWN HEREON IS SUBJECT TO THE FOLLOWING (SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY):
 - A) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 6, PG. 127, H.C.P.R., VOL. 353, PG. 158, VOL. 502, PG. 532, H.C.P.R., VOL. 1046, PG. 517, H.C.P.R., AND DOC. NO. 9922548, H.C.P.R.
 - B) BUILDING LINES SHOWN HEREON BY VOL. 353, PG. 158, H.C.P.R., AS MADE APPLICABLE BY VOL. 502, PG. 532, H.C.P.R. AND VOL. 1046, PG. 517, H.C.P.R.
 - C) SUBJECT TO AN ELECTRIC UTILITY EASEMENT (BLANKET IN NATURE) TO PEDERNALES ELECTRIC COOPERATIVE, INC., BEING A STRIP OF LAND 10' IN WIDTH BEING 5' ON EACH SIDE OF THE LOCATION OF BURIED ELECTRIC CABLES BY VOL. 893, PG. 801, H.C.P.R.

STATE OF TEXAS §
COUNTY OF HAYS §
CITY OF WOODCREEK §

THIS PLAT REPLAT OF LOTS 1 AND 2, BROOKMEADOW, SECTION 6 HAS BEEN SUBMITTED TO THE CITY OF WOODCREEK, TEXAS AND IS HEREBY APPROVED.
APPROVED THIS THE ___ DAY OF _____, 2019

STATE OF TEXAS §
COUNTY OF HAYS §
CITY OF WOODCREEK §

I, RICK CONERAY, P.E., CITY ENGINEER OF THE CITY OF WOODCREEK, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS TO WHICH APPROVAL IS REQUIRED.

RICK CONERAY, P.E., CITY ENGINEER DATE _____
CITY OF WOODCREEK, TEXAS

STATE OF TEXAS §
COUNTY OF HAYS §

I, Elaine H. Cardenas, County Clerk of Hays County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the ___ day of _____, A.D. 2019, at _____ o'clock _____ m., in the plat records of Hays County, Texas, in instrument Number _____.

Witness my hand and seal of office, this the ___ day of _____, A.D. 2019.

Elaine H. Cardenas
County Clerk
Hays County, Texas

SHEET 2 OF 2

FILED BY: NC	10/21/18
DRAWN BY: KNA	11/14/18
CHECKED BY: MT	11/15/18
REVISED BY: JC	01/18/19
JOB NO. 35740	

Windrose Land Services - Austin

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Suite 300
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Firm Registration No. 10110400

Telephone: (512) 326-2100
Fax: (512) 326-2770
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9B

Woodcreek, TX Code of Ordinances

CHAPTER 156: ZONING

Section

General Provisions

- 156.001 Authority
- 156.002 Title
- 156.003 General purpose and intent
- 156.004 Jurisdiction
- 156.005 Application
- 156.006 Exemptions
- 156.007 Enforcement
- 156.008 Site plan review
- 156.009 Definitions
- 156.010 Establishment of zoning districts

General Requirements and Limitations

- 156.025 Zoning district conformity
- 156.026 Reserved
- 156.027 Outdoor tanks
- 156.028 Hard-surface driveways
- 156.029 Parking
- 156.030 Fences
- 156.031 Wood roofs
- 156.032 Mobile homes
- 156.033 Signs and billboards
- 156.034 Structures and buildings
- 156.035 Accessory structures and uses
- 156.036 Conformity to other city ordinances
- 156.037 Parking and load requirements
- 156.038 Building setback requirements
- 156.039 Height and placement requirements
- 156.040 Uses non-cumulative
- 156.041 Exceptions
- 156.042 Outdoor lighting regulations

Residential Requirements and Limitations

- 156.055 Permitted single-family residential zoning
- 156.056 Masonry requirements
- 156.057 Carports and garages
- 156.058 Fences
- 156.059 Above-ground pools
- 156.060 Parking
- 156.061 Garage and yard sales
- 156.062 Home occupation criteria
- 156.063 Chart 1: Residential Zoning Districts
- 156.064 Chart 2: Residential Zoning Requirements

9B

- 156.065 Chart 3: Multi-Family Requirements, MF-1 and M-2 Zones
- ~~156.066 Chart 4: Multi-Family Requirements, MF-1A~~
- 156.067 Personal care facilities

General District Limitations

- 156.080 Business use requirements and limitations
- 156.081 Recreational district requirements and limitations
- 156.082 Special event permits
- 156.083 Chart 5: Other non-residential zoning districts
- 156.084 Special use permits
- 156.085 Antenna regulations

Non-Conforming Uses

- 156.100 General policy
- 156.101 Non-conforming structures
- 156.102 Non-conforming uses
- 156.103 Repairs and maintenance
- 156.104 General

Planned Unit Development District

- 156.115 Popular name
- 156.116 Purpose
- 156.117 Scope
- 156.118 Definitions
- 156.119 Approval
- 156.120 Regulations
- 156.121 Enforcement
- 156.122 Boundaries
- 156.123 Field note description and map

Administration and Enforcement

- 156.135 General
- 156.136 Ordinance interpretation
- 156.137 Board of Adjustment
- 156.138 Conditions for issuing a building permit
- 156.139 Certificates of occupancy

Amendments

- 156.150 Statement of intent
- 156.151 Amendment limitation; rezoning
- 156.152 Responsibility for change
- 156.153 Referral of amendment to Commission
- 156.154 Action by the Commission
- 156.155 Action by the Council
- 156.156 Public hearing and notice of the proposed zoning change
- 156.157 Protest of proposed amendment
- 156.158 Procedure for amendment petition

9B

156.159 Fees

156.999 Penalty

GENERAL PROVISIONS

§ 156.001 AUTHORITY.

This chapter is adopted pursuant to the police powers of the city and under the authority of the Constitution and general laws of the state, including particularly Tex. Local Gov't Code Ch. 211.

(Ord. 00-65N, passed 6-1-2005)

§ 156.002 TITLE.

This chapter shall be known, and may be cited, as the "Zoning Ordinance of the City of Woodcreek, Texas".

(Ord. 00-65N, passed 6-1-2005)

§ 156.003 GENERAL PURPOSE AND INTENT.

(A) The primary purposes of this chapter are to promote the public health, safety, morals and the general welfare of the city and its present and future residents; provide reasonable regulations and requirements to protect, preserve, improve and provide for the public health, safety, morals and general welfare of the present and future citizens of the city; and to establish a framework of zoning guidelines and criteria which will provide for and support the development of a quality living and work environment by incorporating provisions requiring all future development and redevelopment to provide a compatible plan for residential, commercial and industrial uses, while providing reasonable protections for both the public and persons having an ownership interest in property affected by these regulations.

(B) This chapter should be administered and applied to result in development superior to that otherwise achievable and to promote the following purposes:

- (1) Assist the safe, orderly, healthful and coordinated development of the city;
- (2) Conserve existing and future neighborhoods;
- (3) Protect and conserve the value of real property throughout the community;
- (4) Conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest, to enhance the preservation of the environment;
- (5) Protect and preserve places and areas of historical and cultural importance and significance to the community;
- (6) Prevent the overcrowding of land and avoid undue concentration of population or land uses, thereby encouraging high quality development and innovative design;
- (7) Lessen congestion in the streets and provide convenient, safe and efficient circulation of vehicular and pedestrian traffic;
- (8) Facilitate the adequate and efficient provision of transportation, water and wastewater service, schools, parks, emergency and recreational facilities, and other public requirements;
- (9) Promote economic development through an efficient and practical means by which development will promote a prosperous economic environment;
- (10) Promote compatible residential, commercial and recreational uses to harmoniously relate future development and redevelopment to the existing community and facilitate the development of adjoining properties;
- (11) Standardize the procedure and requirements for zoning, building permits and certificates of occupancy to provide administrative efficiency and property owner rights; and
- (12) Provide the context for the appropriate reconciliation of any differences of interest among property owners, developers, neighborhoods and the city.

(Ord. 00-65N, passed 6-1-2005)

§ 156.004 JURISDICTION.

(A) The requirements of this chapter shall apply to all property within the city; provide a voluntary guide for the development of property within the extraterritorial jurisdiction in order that such property may be developed in a manner consistent with neighboring areas and existing or planned infrastructure; and be construed and

applied in a manner to give effect to the City Master Plan. This chapter has been made with reasonable consideration among other findings, for the character of the district and its peculiar suitability for the particular uses specified and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city consistent with the city's Master Plan. Nothing herein shall be construed to grant a permanent zoning.

(B) The intent of this chapter is to supplement the minimum standards for the development of land within the city as contained in §§ 151.01 through 151.13 and Ch. 155 of this code of ordinances. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. Such will produce a monotonous urban setting and is not encouraged.

(Ord. 00-65N, passed 6-1-2005)

§ 156.005 APPLICATION.

The provisions of this chapter shall, except as specifically provided otherwise in this chapter, apply to all land within the jurisdiction of the city.

(Ord. 00-65N, passed 6-1-2005)

§ 156.006 EXEMPTIONS.

The provisions of this chapter shall not:

(A) Prohibit the continuation of plans, construction or designed use of a building for which a building permit was lawfully issued; provided that:

(1) The building and construction are completed in their entirety within one year from the effective date of this chapter; and

(2) The construction shall have been started within 90 days after the effective date of this chapter. Such building, construction or use that is not in compliance with this chapter shall be a non-conforming use.

(B) Apply to permits or commitments given by the city with reference to construction of public utility buildings prior to the passage of this chapter; provided, the buildings and construction are completed within one year from the effective date of this chapter.

(Ord. 00-65N, passed 6-1-2005)

§ 156.007 ENFORCEMENT.

(A) No building permit or certificate of occupancy shall be issued by the city for or with respect to any lot, tract or parcel of land within the city limits that is developed, or proposed to be developed, after the effective date of this chapter, until all of the applicable requirements of this chapter have been satisfied and accepted by the city.

(B) This chapter may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any violation of any term or provision of this chapter, with respect to any land or development within the city, is subject to fines and penalties set forth by the City Council.

(Ord. 00-65N, passed 6-1-2005)

§ 156.008 SITE PLAN REVIEW.

(A) *Purpose.*

(1) The site plan review is designed to enable the Planning and Zoning Commission and City Council to determine that the proposed development meets the intent and requirements of the Master Plan and this chapter. Site plans are required for all zoning districts with the exceptions of SF-1, SF-2, SF-3, SF-4, SF-5 and SF-6.

(2) The proposed site plan review does not affect the requirement that the applicant submit full building plans to the city to enable the Building Inspector to determine that the proposed development complies with all applicable ordinances and regulations.

(B) *Fees.* The applicant shall pay a fee, the amount thereof to be determined by the City Council, said fee to pay the costs incurred by the city in review of all plans required to be submitted by the applicant.

(C) *Materials to be submitted.* All maps shall be drawn to scale and of a size sufficient to clearly show the required information:

(1) A map showing the location of the property, the use of adjacent property and the location and names of

9B

adjacent streets;

- (2) Photographs of the property and adjacent land uses and structures;
- (3) A plot plan showing the dimensions and boundaries of the property;
- (4) A detailed plan showing the proposed development of the property including location and use of all buildings, parking areas, recreational areas, access roads, driveways, lighting fixtures and other development;
- (5) A copy of the above identified detailed plan showing the dimensions of structures, parking spaces (with specific identification of handicapped accessible parking spaces), access roads, setbacks, recreational facilities, curb cuts, any off-site work or facilities that will be necessary, driveways, erosion control proposed during and after construction, and all other physical development;
- (6) A copy of the above identified detailed plan showing proposed drainage patterns and facilities including surface drainage, storm sewers, detention ponds, channel or paving sections and any other aspects of drainage;
- (7) A copy of the above identified detailed plan showing the proposed system for disposal of waste products;
- (8) A letter from all utility companies which will supply services to the complex specifically stating that they are capable of providing, and will provide, required utilities to the development. The letters must specifically identify the development and the number of proposed units;
- (9) Elevations of all structures including materials to be used;
- (10) Floor plans of all buildings within the proposed development showing the uses of floor space within each building;
- (11) Floor plans, including dimensions, of all sizes and types of dwelling units to be offered within the development (one floor plan for each type or size of unit);
- (12) Detailed drawings of recreational facilities, including required provision of shelters between said recreational facilities and adjacent property;
- (13) A landscape plan showing landscaping proposed to be developed;
- (14) A summary page specifically relating development requirements of this chapter to the proposed development in a tabular form sufficient to enable the Commission and Council to determine that the proposed development meets all requirements of this chapter; and
- (15) Any additional material or information determined by the Commission or Council to be required after review of the above documentation and identification of matters of concern.

(D) *Schedule of review.* The following schedule shall be effective upon submission by the applicant of all required information as described above.

(1) All site plans should be submitted to the ~~Director of Public Works and the Architectural Control Committee, City Manager or their designated representation,~~ by the Commission and their recommendations should be submitted verbatim to Council with the Commission recommendations.

(2) The Commission should submit a recommendation to Council not more than 60 days from the date of the first regular Commission meeting following submission of all documentation by the applicant.

(3) Council should review and act upon the request not more than 60 days from the date of the first regular Council meeting following receipt of the recommendation of the Commission.

(E) *"Site plan specific" action.* Approval of a site plan applies only to the specific site plan approved by the city. Any change to said site plan requires that the city be notified prior to implementation of the change and provided with information deemed by the city to be sufficient to enable the city to evaluate and approve, disapprove or require modification of, the proposed change, deviation of the development from the approved site plan without the specific approval of the city is a violation of approval of the site plan and said action shall result in immediate referral of the violation to the City Attorney for appropriate legal action.

(Ord. 00-65N, passed 6-1-2005)

§ 156.009 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include the future tense. Words used in the plural

9B

number include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “herein” means in this chapter. The word “regulations” means the provisions of any applicable ordinance, rule, regulation or policy. The word “person” means any human being or legal entity and includes a corporation, a partnership and an incorporated or unincorporated association. The words “used or occupied”, as applied to any land or building, shall be construed to include the words intended, arranged or designed to be used or occupied. Any definition not expressly prescribed herein shall, until such time as defined by ordinance, be construed in accordance with customary usage in municipal planning and engineering practices.

ABOVE-GROUND POOL. A swimming pool more than the depth allowed by the most current copy of the International Residential Code on file in the office of the City Secretary which is designed or constructed in a manner where the major part of the primary water basin extends above the ground level of the land and soil abutting the swimming pool; is portable versus permanent in design, fails to meet the test of being operated in a manner which would not be hazardous or obnoxious to adjacent property owners; would be distinguishable by any reasonably prudent person to be something other than an “in-ground” swimming pool; and is clearly not a hot tub, spa or kiddie pool which are not designed to be swimming pools.

ACCESS. A way of approaching or entering a property.

ACCESSORY USE. A use that is customarily a part of the principal use, a use which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character thereof, including, but not limited to, garages, bathhouses, greenhouses or a storage or tool shed. See **ACCESSORY STRUCTURE**.

ACCESSORY STRUCTURE. In a residential district, a subordinate building detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, golf cart storage, tool house, bath or greenhouse as a hobby (no business), home workshop, children’s playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or paying guests; home workshop, bath, children’s playhouse (larger than 4’ x 6’), or storage house shed. Accessory structure does not include buildings that are 4’ x 6’ or less, such as a hobby greenhouse (no business), children’s playhouse, dog house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or paying guest.

ADJACENT. Abutting and directly connected to or bordering.

AMORTIZATION. A method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

ANNEXATION. The incorporation of land area into the city with a resulting change in the boundaries of the city.

APPLICANT. A person applying for zoning approval under this chapter.

APPROVAL. The final approval in a series of required actions. For instance, the **APPROVAL** date of a planned unit development zoning application is the date of Council approval of the final site plan.

BILLBOARD. A sign advertising products not made, sold, used or served on the premises displaying such sign, or a sign having a height greater than 12 feet or a width greater than 18 feet, including supports.

BOARD. The Board of Adjustment of the City of Woodcreek, Texas.

BOARD OF ADJUSTMENT. A committee appointed by the Council to consider appeals from certain administrative actions pursuant to Tex. Local Gov’t Code § 211.008 and that is given the authority set forth in this chapter and in Tex. Local Gov’t Code § 211.009.

BUFFER. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

BUILDING. Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or 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 AREA. The gross area covered by a structure when placed on the lot.

BUILDING ORDINANCE. The city’s Building Ordinance (§§ 151.01 through 151.13 of this code of

9B

ordinances) and related ordinances of the city providing standards, requirements and regulations for site development and the construction and erection of buildings and structures within the city, including those published by the International Code Council on file in the Office of the City Secretary, ~~but not limited to the Electrical Code, Plumbing Code, Building Code and Minimum Housing Code, adopted by the City Council from time to time.~~

BUILDING PERMIT. A permit issued by the city which is required prior to commencing construction or reconstruction of any structure.

BUILDING PLOT. The land, lot, lots or tract of land upon which a building or buildings are located, or upon which they are to be constructed, including yards.

BUILDING SETBACK LINE. A line or lines designating the interior limit of the area of a lot within which structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

BULB. A light-emitting device or structure containing a light source. This includes but is not limited to a lamp.

CARPORT. A structure with one or more open sides, covered with a roof. (See **GARAGE** definition.)

CHURCH or **RECTORY.** A place of worship and religious training of recognized religions including on site housing of ministers, rabbis, priests, nuns and similar staff personnel.

CITY. The City of Woodcreek, Texas.

CITY COUNCIL or **COUNCIL.** The City Council of the city.

CITY LIMITS or **WITHIN THE CITY.** The, or within the, incorporated boundaries of the city.

CITY MANAGER/ADMINISTRATOR. The chief administrative officer designated by ordinance, or his or her designated representative.

CITY STAFF. The officers, employees and agents of the city assigned and designated from time to time by the City Manager/Administrator and/or Council, including, but not limited to, the Director of Public Works, to review, comment and/or report on zoning applications.

CITY STANDARD DETAILS AND SPECIFICATIONS. A library of city-approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, and utility appurtenances to be constructed for city acceptance.

COMMISSION. The Planning and Zoning Commission of the city.

CONDITIONAL USE. An additional use which may be permitted in a district, subject to meeting certain conditions or procedures established by the City Council. No **CONDITIONAL USE** shall be permitted in any location where it will be inconsistent with the existing adjacent and nearby uses.

CONTIGUOUS. Property that is immediately adjacent to another property and property whose lines are separated by only a street, alley, easement, right-of-way or buffer.

CORNER LOT. A lot located at the intersection of and abutting on two or more streets.

CORRELATED COLOR TEMPERATURE. The specification of the color appearance of light emitting by a lamp, relating its color to the color of light from a reference blackbody source when heated to a particular temperature, measure in degrees Kelvin (K).

COUNTRY CLUB. An area of 20 acres or more containing a golf course and clubhouse and available by private or semi-private membership, such as a **CLUB** may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

COUNTY. Hays County, Texas.

COUNTY APPRAISAL DISTRICT. The Hays County Appraisal District.

DAY CAMP. A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

DEVELOPED AREA. The portion of a lot, easement or parcel upon which a building, structure, pavement or other improvements have been placed.

DEVELOPER. The legal owner of land to be improved and/or subdivided or his or her authorized representative.

DIFFUSING LENS. A translucent enclosure which surrounds a light source and through which there can be seen no semblance of an image of the light source. To provide a sufficiently wide distribution of light, a lens meeting this definition shall have a minimum cross-section, as seen from any angle, of not less than 0.125 square inch per lumen of enclosed light source emission.

DIRECTOR OF PUBLIC WORKS. The Director of Public Works or his or her designated representative.

DISTRICT. A zoned section or sections of the city for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

DOUBLE FRONTAGE LOT. See **REVERSE FRONTAGE LOT.**

DRIVE APPROACH. A paved surface connecting the street to a lot line.

DRIVEWAY. A hard, impervious surface such as hot-mix asphalt or concrete surface connecting a drive approach with a parking space, parking lot, loading dock or garage.

DWELLING. Any building or portion thereof built on-site which is designed for or used exclusively for residential purposes.

DWELLING (SINGLE-FAMILY). A detached building having accommodations for occupancy by not more than one family.

DWELLING UNIT. A building or portion of a building arranged, occupied or intended to be occupied as residential unit designed to accommodate one household for living, sleeping, eating, cooking and sanitation.

EASEMENT. A grant by the property owner of the use of a strip of land for stated purposes.

EFFICACY. As an engineering term, the emission of light by a light source expressed in lumens per watt. In the absence of manufacturers' ratings, or at the discretion of the city, the **EFFICACY** and light emission of lamps shall be calculated as follows:

- (1) Common tungsten incandescent: 12 lumens per watt;
- (2) Halogen incandescent: 18 lumens per watt;
- (3) Metal halide: 82 lumens per watt;
- (4) High pressure sodium: 82 lumens per watt;
- (5) Fluorescent tubes: 75 lumens per watt; and
- (6) LED: 50-150 lumens per watt.

ENVIRONMENT. The aggregate of social and physical conditions that influence the life of the individual and/or community.

EXTERIOR SIDE YARD. A yard which faces and is parallel to a side street.

EXTRATERRITORIAL JURISDICTION or **ETJ.** The geographic area outside the corporate boundaries of the city as established pursuant to Tex. Local Gov't Code §§ 42.021 and 42.022.

FAMILY. Any number of individuals living together as a single housekeeping unit, in which not more than three individuals are unrelated by blood, marriage, adoption or guardianship, and occupying a dwelling unit.

FENCE. A structure serving as an enclosure, a barrier or a boundary, usually made of posts or stakes joined together.

FENCING, SMALL-ANIMAL. Metal fencing with the open area between the wires measuring no less than six inches. Wire thickness shall not exceed 0.1 inch.

FILING DATE. With respect to zoning applications, the date of the first public hearing before the Commission regarding such zoning application.

FIXTURE. An outdoor lighting assembly containing 1 or more lamps and including any lenses, reflectors, and shields designed to direct the light in a defined manner.

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

FLOOR AREA RATIO (FAR). The maximum square footage of total floor area permitted for each square foot of land area. The ratio between the total square feet of floor area in all buildings located on a lot and the total square feet of land in the lot or tract on which the buildings are located.

FLOODPLAIN. The land lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by the city and made

of record. It is land which is required to be kept open and non-urbanized in order to maintain upstream **FLOODPLAIN** characteristics and ensure continued adequate drainage of adjacent land.

FOOT CANDLE. As an engineering term, a unit of light intensity equal to 1 lumen per square foot, which applies to the brightness of light on a surface or at a point in space.

FRONTAGE BLOCK. All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

FRONT YARD. A space extending the full width of the lot between any building set back line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

FRONTAGE. The side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

FULL HORIZONTAL CUT-OFF FIXTURE. A fixture that confines the light entirely below a horizontal plane running through the lowest of: the lowest point from which light is emitted, or the lowest part of any lens, or the lowest point of any specular reflector.

GARAGE. A four-sided structure, fully enclosed on three sides, with a door on the fourth side, with a roof and concrete floor, accessible by a hard-surface driveway. See § 156.064 of this chapter for **GARAGE** requirements by zoning district. A two-car garage shall be a minimum square footage of 400 square feet (20' x 20') and a single car garage shall be a minimum square footage of 200 square feet (10' x 20').

GLARE. The effect of light shining directly in the eyes such as occurs when there is a line of sight to the light source.

GOLF COURSE (COMMERCIAL). A golf course or driving range privately owned, but open to the public for a fee and operated as a commercial venture.

GOVERNING BODY. The City Council of the City of Woodcreek.

GREENBELT. Any area that has been platted or otherwise dedicated to the public as a greenbelt or otherwise with the intent to establish and preserve peaceful, attractive, natural or undisturbed areas adjacent to residential districts. Permitted uses include hiking, jogging and non-motorized biking and nature trails, accessory structures and uses incidental to the foregoing uses. A **GREENBELT** is also any land area that is owned by the public or the property owners' association and generally maintained with substantial vegetation in place, with or without enhancement by landscaping and planting and without improvements other than trails and similar low-impact recreational and public uses to enhance the aesthetic quality of the community, screen or partially screen and separate properties, uses or facilities. A **GREENBELT** is a part of the community landscaping and is generally adjacent to and parallel with a property line, right-of-way, creek or other drainage, consisting of existing natural vegetation or created by the use of trees, shrubs and/or berms, and designed to limit views and sound from the site to adjacent properties and vice versa, aid or benefit drainage or water quality and any other compatible public purpose authorized by the City Council.

HEIGHT. The vertical distance from the highest point on a structure to the average ground elevation where the foundation meets ground.

HOME OCCUPATION. A traditional home office occupation having the owner as the only employee, with no outward appearance of the existing occupation and not being commercial in nature.

IMPERVIOUS COVER. Roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

IMPROVEMENTS. Any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

INITIAL LUMENS. The manufacturer-specified number of lumens of light generated by a lamp at the beginning of its service lifetime, not accounting for losses associated with lamp age.

INTERIOR LOT. A lot other than a corner lot and bounded by a street on only one side.

LAMP. A light-emitting device or a structure containing a light source. This includes but is not limited to a bulb.

LEGAL LOT. A lot recorded in the official county records pursuant to and in compliance with the subdivision regulations and/or state law in effect at the time of the creation of the lot.

LIGHT SOURCE. Any device or element which emits light.

LIGHT STRING. The number of bulbs connected with wire in a linear or two-dimensional array, not contained in the structure of a fixture, used either for illumination or decoration, and supported in any manner.

LIGHT TRESPASS. Any horizontal or vertical illumination on a property from light sources on another property that exceeds 0.1 footcandles on a residential or unzoned district or 0.5 footcandles on a non-residential district. The measurement shall be made four feet above the ground at a point four feet inside the property line.

LIGHTING INSTALLATION. All outdoor lighting fixtures and light sources on a property.

LINE OF SIGHT. As it applies to the visibility of a light source, a straight unobstructed line from any point on a property four feet or more above the ground to a light source on another property.

LOT. A separate parcel of land, created by the division or subdivision of a block or other parcel, intended as a unit for transfer of ownership, or for development, or for occupancy and/or use, platted in compliance with state law. See also **LEGAL LOT**.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.

LOT LINES. The lines bounding a lot, as defined herein.

LOT WIDTH. The average horizontal distance at the front building setback line of a lot.

LUMEN. As an engineering term, a unit of light flux, which applies to the amount of light emitted by a lamp.

LUMENS PER ACRE. The total number of initial lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

MASTER PLAN. The overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services.

NEIGHBORHOOD. The area of the city characterized by residential land uses which is bounded by physical (such as river, major street, lack of access, buffer) and/or political features (such as voting districts, subdivision boundaries).

NEIGHBORHOOD PARK. A publicly-owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the city or under authority granted by the city.

NON-CONFORMING LOT. A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NON-CONFORMING STRUCTURE OR BUILDING. A structure or building the size dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NON-CONFORMING USE. Any building, structure or land lawfully occupied by a use or lawfully existing at the time of passage of this chapter or amendments thereto, which does not, by reason of design or use, conform after the passage of this chapter or amendments with the regulations of the chapter or amendment.

OCCUPANCY. The use or intended use of land or a building by any person.

OCCUPANT CAR RATIO (OCR). The minimum number of parking spaces without parking time limits required for each living unit, establishment or use.

OFFICIAL COUNTY RECORDS. The official records of Hays County, Texas.

OFF-SITE IMPROVEMENTS. Any required improvement which lies outside of the property being developed.

OFF-STREET PARKING SPACE. An area of privately-owned land not less than ten (10) feet by twenty (20) feet not on a public street or alley, with an all-weather surface. A public street shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering

space; provided that, not more than 25% of any required off-street parking spaces may be compact parking spaces of not less than 128 square feet exclusive of the driveways connecting said space with the street or alley.

ONE-HUNDRED (100-) YEAR FLOODPLAIN. See **REGULATORY 100-YEAR FLOODPLAIN.**

OPEN SPACE. An 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.

OPEN OR OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk, material, merchandise, in the same place for more than 24 hours.

PARK or PLAYGROUND. An open recreation facility or park owned and operated by a public agency such as the city or the school district and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

PARKING SPACE. An area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than ten feet by 20 feet, exclusive of the driveways connecting said space with a street or alley. Said **PARKING SPACE** and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile. Compact **PARKING SPACES** shall be 128 square feet exclusive of the driveways connecting said space with the street or alley.

PAVED AREA. An area surfaced with asphalt, concrete or similar pavement, providing an all-weather surface. Gravel is not an acceptable **PAVED SURFACE.**

PERFORMANCE STANDARD. A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

PERMIT ISSUING AUTHORITY. The city officer, employee or agent designated by lawful authority to issue the applicable permit.

PERMITTED USE. A use specifically allowed in the applicable zoning districts without the necessity of obtaining a conditional use permit.

PERSON. Any human being or legal entity and includes a corporation, a partnership and an incorporated or unincorporated association.

PRIMARY STRUCTURE. A structure in which the principal use of the lot is conducted. For example, for single-family residential lots, the house is the **PRIMARY STRUCTURE.**

PRIVACY FENCE. An opaque fence or screen no more than six feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so that gaps in the fence do not exceed one-half inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half inch.

PUBLIC. With respect to land and interests in land within the city limits, the city; with respect to land and interests in land within the ETJ limits, the general public; and, with respect to the provision of any services or products by a business establishment, the general public.

PUBLIC GROUNDS OR BUILDING. A facility such as office buildings, and maintenance yards and shops required by branches of local, state or federal government for service to an area such as highway department yard or a city, county or school service center.

PUBLIC USE. Places of non-commercial public assembly or administrative functions where the primary activity is contained within a building(s), including, but not limited to, churches, schools and government buildings.

REAR YARD. A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

REGULATORY 100-YEAR FLOODPLAIN. The 100-year floodplain, as defined by the Federal Emergency Management Act (FEMA).

REQUIRED YARD. The open space between a lot line and the buildable area within which no structure shall be located, except as provided for herein.

RESERVE STRIP. A narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended

to prevent access to the roadway or utility easement from adjacent property and which are prohibited by these regulations unless their control is given to the city.

REVERSE FRONTAGE LOT. A double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term **RIGHT-OF-WAY**, for land platting purposes, shall mean that every **RIGHT-OF-WAY** hereinafter established and shown on the final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. **RIGHT-OF-WAY** intended for streets, crosswalks, water mains, wastewater lines, storm drains or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such right-of-way is established.

SAFETY SERVICES. A facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

SAME OWNERSHIP. Ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations in which a stock holder, partner or associate or a member of his or her family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

SCHOOL (PUBLIC OR DENOMINATIONAL). A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

SETBACK LINE or BUILDING SETBACK LINE. A line which marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a building plot.

SHORT TERM RENTAL. A rental of a residential structure or part of a residential structure for less than 30 consecutive days.

SHRUB. Any self-supporting woody evergreen and/or deciduous species.

SIDE YARD. A space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

SIGN. Any device or surface on which letters, illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected, illuminated or in any manner outlined or attached and used for advertising purposes.

SINGLE-FAMILY, ATTACHED. The use of a series of sites for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot within the total development site.

SINGLE-FAMILY, DETACHED. The use of a lot for only one dwelling unit.

SINGLE-FAMILY DWELLING. A building designed for or occupied exclusively by one household. See **SINGLE-FAMILY, DETACHED.**

SITE PLAN. A plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities to be constructed and drainage, erosion control and utilities.

SLOPE. The vertical change in grade divided by the horizontal distance over which that vertical change occurred. The **SLOPE** is usually given as a percentage.

SPECULAR REFLECTOR. A reflector which has a mirror-like surface that reflects an image (no matter how imperfect or distorted) of a light source.

SQUARE FOOT or SQUARE FEET. The square footage computed from the outside dimensions of the dwelling or structure, excluding attached garages, attics, basements, open or screened porches.

STORY. The portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STREET. Any public or private right-of-way which affords the primary means of vehicular access to abutting property.

STREET LINE. The line limiting the right-of-way of the street and being identical with the property line of

persons owning property fronting on the streets.

STREET-SIDE YARD. An area between any required building setback line and the side property line abutting a public right-of-way, and measured perpendicular to the building to the closest point of the side property line abutting the right-of-way.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or the exterior walls.

STRUCTURAL INTEGRITY. The ability of a structure to maintain stability against normal forces experienced by said structure.

STRUCTURE. Any building or anything constructed or erected on the ground or which is attached to something located on the ground. **STRUCTURES** include buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel and permanent signs. Sidewalks and paving shall not be considered **STRUCTURES** unless located within a public utility or drainage easement.

STRUCTURE, PRINCIPAL. The principal structure which fulfills the purpose for which the building plot is intended.

STUCCO. Masonry on blocks or lath.

SUBDIVISION. The division or redivision of land into two or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the city, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity.

SWIMMING POOL (PRIVATE). A swimming pool constructed for the exclusive use of the residents of a single-family or other residential dwelling, located and fenced in accordance with city regulations and not operated as a business or maintained in a manner to be hazardous or obnoxious to adjacent property owners. See **ABOVE-GROUND POOL.**

VARIANCE. 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.

WATERSHED. Area from which storm water drains into a given basin, river or creek.

WORKING DAYS. Monday through Friday, exclusive of city-recognized holidays.

YARD. An open space at grade between the principal and accessory buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD DEPTH. The shortest distance between a lot line and a yard line.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street easement line and the main building or any projections thereof other than the projections of the usual steps, balconies or bays, or un-air-conditioned porch. On corner lots, the **FRONT YARD** shall be considered as parallel to the street upon which the yard has its least dimension.

YARD LINE. A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

YARD, REAR. A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of steps, balconies or bays, or un-air-conditioned porches, accessory dwellings or detached garages.

YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of any building on the lot, or any projections thereof.

ZERO-LOT-LINE LOT. A single-family lot that has a side wall along or near one of the lot lines so that a usable yard of a minimum of ten feet from the side lot line to the building line is created on the other side of the lot.

ZONING. The division of a municipality into districts in an effort to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement, spacing and size of

land and buildings in order to achieve that compatibility.

ZONING MAP. The official map showing the division of the city into districts, which is a part of this chapter.

ZONING (SPOT). The zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses.

(Ord. 00-65N, passed 6-1-2005; Ord. 17-230, passed 6-14-2017)

§ 156.010 ESTABLISHMENT OF ZONING DISTRICTS.

(A) *General.* The city is hereby divided into 28 zoning districts, each such district having the authorized use, height and area regulations as set out in the Zoning Districts Charts. (See §§ 156.063 and 156.083 of this chapter).

(B) *Zoning map.* The location and boundaries of the districts herein established are shown upon the zoning map, which is hereby incorporated and made a part of this chapter; provided that, such uses as listed but not shown on the zoning map are provided for future growth and use upon expansion of the corporate boundaries of the city and amendment of the Comprehensive Master Plan. It shall be the duty of the City Secretary (whose function is assigned to the City Manager/Administrator) to maintain the zoning map together with all notations, references and other information shown thereon and all amendments thereto.

(C) *District boundaries.* Where uncertainty exists with respect to the boundaries of the established districts as shown on the zoning map, the following rules shall apply.

(1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines shall be construed to be said boundaries.

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of right-of-way lines of highways such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale on said zoning map.

(4) In subdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.

(5) If a district boundary line divides a property into two parts, the district boundary line shall be construed to be the property line nearest the district line as shown.

(6) Whenever any street, alley or other public way is vacated by the City Council, the zoning district shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the districts as extended.

(7) Where the streets on the ground differ from the streets shown on the zoning map, those on the ground shall control.

(Ord. 00-65N, passed 6-1-2005)

GENERAL REQUIREMENTS AND LIMITATIONS

§ 156.025 ZONING DISTRICT CONFORMITY.

No building shall be erected and no existing buildings shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use, for any purpose or in any manner other than provided for hereinafter in the district in which the building, land or premises is located; provided, however, that, necessary structural repairs may be made where health and safety are endangered. (See § 156.082 of this chapter.)

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.026 RESERVED.

§ 156.027 OUTDOOR TANKS.

All outdoor tanks, excluding rain water collection tanks that are manufactured for the purpose of rain water harvesting and storage and that are of 100-gallons or less, shall be shielded from view by landscaping or fencing. Privacy fencing may be used if in compliance with other sections of the Woodcreek Code of Ordinances. **Building permits are required for fencing.**

9B

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999
§ 156.028 HARD-SURFACE DRIVEWAYS.

All buildings shall have a hard-surface driveway. Accessory structures not accessed by road vehicles are excepted.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999
§ 156.029 PARKING.

Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly-owned rights-of-way, park or greenbelt is prohibited except under the following conditions:

(A) Parallel parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement (all tires must be off the pavement), no part of the vehicle projects out over the pavement, and the grass has been mowed to a height of less than four inches.

(B) Residential property owners may elect to surface the parallel parking space in the right-of-way with a pervious cover, such as gravel or crushed granite upon written approval of proposed surfacing plan by the city.

(C) Parking of personal vehicles shall be allowed on publicly-owned rights-of-way, parks and greenbelts with paved or pervious parking spaces provided by the city, subject to the restrictions of any posted signs.

(D) *Penalty.* Any person violating any provision of this section shall be subject to the penalties and provisions in § 10.99 of this code of ordinances.

(Ord. 00-65N, passed 6-1-2005; Ord. 15-217, passed 10-14-2015; Ord. 16-219, passed 2-10-2016; Ord. 18-243, passed 1-17-2018)

§ 156.030 FENCES.

(A) All fences shall be constructed and maintained to ensure structural integrity against natural forces such as wind, rain and temperature variations.

(B) All fences shall be maintained in safe and good workmanship condition.

(C) The finished side of all fences built to comply with these regulations shall face away from the screened object.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.031 WOOD ROOFS.

To reduce fire hazards, wood roof surfaces are not permitted in any zoning district. Fire-resistant materials such as metal, tile, fiberglass, composite shingles and the like shall be used on all roof surfaces.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

~~§ 156.032 MOBILE HOMES.~~

~~Mobile homes are not permitted in any zoning district.~~

~~(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999~~

§ 156.033 SIGNS AND BILLBOARDS.

(A) No sign or billboard shall be erected, moved, altered, added to, enlarged, painted or modified unless it shall conform to the provisions of this chapter and all applicable city ordinances governing the placement, location, permitting, construction and maintenance of signs.

(B) Except as otherwise expressly authorized by ordinance, all off-premises signs and billboards are expressly prohibited.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.034 STRUCTURES AND BUILDINGS.

No building, structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing building or structure be structurally altered or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable city codes and ordinances, and such work and structure shall:

(A) Conform to the setback, building site area, building location and land use regulations hereinafter designated for the district in which such building or open space is located; and/or

(B) Not exceed the height limit herein established for the district in which such building is located.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.035 ACCESSORY STRUCTURES AND USES.

Accessory structures, designed, constructed and located for a use permitted in the district, in compliance with this chapter and all other applicable city ordinances, are permitted in each zoning district.

(Ord. 00-65N, passed 6-1-2005)

§ 156.036 CONFORMITY TO OTHER CITY ORDINANCES.

No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless plans meet the requirements of other city ordinances, including §§ 151.01 through 151.13, Ch. 153 and Ch. 155 of this code of ordinances.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.037 PARKING AND LOAD REQUIREMENTS.

No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless it shall conform to the off-street parking and loading requirements of this chapter.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.038 BUILDING SETBACK REQUIREMENTS.

No yard or other open space provided around any structure or building for the purpose of complying with provisions of this section shall be considered as providing a yard or open space for a building on any other lot.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.039 HEIGHT AND PLACEMENT REQUIREMENTS.

Except as otherwise specifically provided in this chapter, no building shall be erected or maintained within the required building setbacks set forth herein, or which exceeds the height limits specified in the zoning districts charts herein.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.040 USES NON-CUMULATIVE.

Uses within each district are restricted solely to those uses expressly permitted in each district, and are not cumulative unless so stated.

(Ord. 00-65N, passed 6-1-2005)

§ 156.041 EXCEPTIONS.

Nothing in this section shall prohibit the approval of a comprehensive zero lot line residential development or other innovative housing development in compliance with the other terms and provisions of this chapter.

(Ord. 00-65N, passed 6-1-2005)

§ 156.042 OUTDOOR LIGHTING REGULATIONS.

(A) *Dark skies compliance required.* All new outdoor lighting fixtures and installations in the city shall conform to the following provisions.

(B) *Definitions.* For the purpose of this section, the definitions of § 156.009 shall apply unless the context clearly indicates or requires a different meaning.

(C) *Shielding, spectrum and curfews.*

(1) Any fixture installed in the city, including municipally-owned street lights, having a total light emission in excess of 1,500 lumens shall be shielded in a manner that:

(a) Confines the light so that it falls entirely on a wall or sign, or confines the light entirely below a horizontal plane at the level of the lowest of: the lowest point of the fixture at which light is emitted, the lowest part of any lens, or the lowest point of any specular reflector; and

(b) Prevents a line of sight from any point off the property on which the fixture is situated to a light source, its surrounding non-diffusing lens, or a specular reflector within or incidental to the fixture.

(2) No property in the city shall have fixtures that are not included in, or do not conform to division (C)(1) of this section, which collectively have total light emission exceeding 7,200 initial lumens.

(3) No fixture may be installed employing a lamp whose correlated color temperature exceeds 3,000 Kelvins.

(4) New street lighting installed after the effective date, other than fixtures at the intersection of roadways,

shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn.

(D) Site lumen limits/zoning categories.

(1) The total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in both shielded and unshielded fixtures on any nonresidential property in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1A, MF-2, RR, PUD, MH-1, and unzoned tracts where a residence exists shall not exceed 20,000 initial lumens per net acre, or 40,000 initial lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated area. These lumen per net acre values are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task.

(2) Total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in unshielded fixtures on any nonresidential property in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1 A, MF-2, RR, PUD, MH-1, and unzoned tracts where a residence exists shall not exceed 6,000 initial lumens per net acre, or initial 15,000 lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated areas.

(E) Redirection and removal of adjustable fixtures and bulbs.

(1) *Redirection.* Any fixture existing on the effective date of this subchapter which does not conform to division (C) of this section and which can be re-directed or re-aimed shall be re-directed or re-aimed in a manner that reduces the degree of non-compliance so it fully conforms with division (C) of this section.

(2) *Removal.* A light string that does not conform to division (C) of this section shall be removed, or the number of bulbs reduced sufficiently to comply with division (C) of this section.

(F) Illumination.

(1) *Limitation per fixture.* The maximum illumination on any outdoor surface or object, including signs, from all fixtures or light sources, whether installed before or after the effective date of this section, including lighting of externally illuminated and internally illuminated signs, shall not exceed:

(a) Six footcandles in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1 A, MF-2, RR, PUD, MH-1, and unzoned tracts where a residence exists;

(b) Eighteen footcandles in other districts and unzoned tracts where a business exists and is open; or

(c) Three footcandles in other districts and unzoned tracts where a business is closed or does not exist;

(2) Measurement.

(a) On any surface, except signs, the maximum illumination shall be measured at the point of highest illumination but no closer than six feet from the center of the nearest fixture.

(b) On any surface of an externally illuminated sign, the maximum illumination shall be measured at the center of the sign.

(c) On any surface of an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination.

(d) On any surface illuminated by an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination, but no closer than six feet from the center of the sign.

(3) *Re-lamping.* Any fixtures existing on the effective date of this subchapter which do not conform to this section, which require lamp replacement and which will support lamps of lower emission, shall be re-lamped with lower-emission lamps in order to:

(a) Achieve compliance with this section; or

(b) Approach compliance with this section to the greatest possible degree.

(G) Prohibited lighting forms. The installation or replacement of a mercury arc or mercury discharge lamp of any size or kind is strictly prohibited.

(H) Removal of non-conforming fixtures. Any change of use of a property, or renovations or additions to the structures on a property constituting more than 20% of the previous calendar year's appraised value shall result in the removal or replacement of any non-conforming fixtures on those structures.

(I) Replacement of fixtures; conformance required. Any fixture that is replaced, whether or not it conforms to this subchapter, shall be replaced only with a fixture that conforms to all provisions of this section.

(J) Public safety and public nuisance.

(1) The city may install new public outdoor lighting, including street lighting and lighting on other public property and rights-of-way, after the effective date only upon the determination of the City Manager that a clear public safety threat exists in the space to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting.

(2) Notwithstanding the provisions of division (I) of this section, the city may require the modification or removal or limited operation of lighting fixtures found to be a public hazard or public nuisance according to the following criteria:

(a) Criteria for finding illumination to be a public hazard:

1. Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle; or

2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in his or her path; or

(b) Criteria for finding illumination to be a public nuisance:

1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of a property; or

2. A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property; or

3. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any citizen of the city from the usual and reasonable enjoyment of a property.

(3) Benefit to the general public welfare may be found to mitigate a finding of a public nuisance but may not be found to mitigate a finding of a public hazard.

(K) Exceptions. The city may grant an exception to some of the provisions of this section for certain fixtures if the city finds the exception to be in the interest of public health, safety, and welfare and under the following conditions.

(1) For the illumination of city streets, parking lots, areas of public activity, and yard security, a non-conforming fixture which is granted an exception may be installed and the fixture and its light shall be exempt from the provisions of divisions (C), (F)(1)(c), and (H) of this section except as set forth below it:

(a) No alternate lighting design or location using fully conforming fixtures is reasonable applicable to the physical conditions of the site, and the asserted need for a non-conforming fixture is not solely for the purpose of achieving an illumination level in excess of the provisions of division (F)(1)(c) of this section;

(b) A fully conforming fixture with or without auxiliary shielding is unavailable from manufacturers of fixtures or is unavailable for mounting on a pole of the public electric utility;

(c) The fixture has a full horizontal cut-off design, and has total light emission not exceeding 8,500 initial lumens;

(d) A fixture is mounted no higher than:

1. Sixteen feet above the ground when mounted on a privately owned pole;

2. The lowest point consistent with public electric utility requirements when mounted on a pole which is the property of the public electric utility.

(e) No excepted fixture is located closer to another such fixture on one or separate properties than a distance equal to three times the average mounting height of the fixtures, nor closer to property lines of adjoining or facing residential property than a distance equal to two times the height of the fixture above the ground;

(f) No more than one excepted fixture is located on a residential property;

(g) No more than two excepted fixtures are located on a non-residential property for security purposes where there is no night-time public activity;

(h) The maximum illumination due to all fixtures on the ground or any other surface does not exceed six footcandles; and

(i) The light from all excepted fixtures conforms to the provisions of division (C)(1)(b) and (C)(3) of this section so far as it affects any adjoining residential property.

(j) The lighting illuminates the State of Texas flag and/or United States flag, provided that:

1. Flagpoles illuminated from below are limited to a height of 30 feet above ground level, and are illuminated with a single spot-type fixture whose maximum initial output is 75 lumens per foot of height, measured from the light fixture to the top of the flagpole. The fixture must be mounted so that the lens is perpendicular to the flagpole.

2. Flags posted on flagpoles are raised and lowered in a manner consistent with customary etiquette calling for display only between sunrise and sunset.

3. Flagpoles illuminated from above utilize a single light fixture, not to exceed 800 initial lumens, attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole.

(k) Decorative light strings displayed during seasonal holiday period from November 1 to January 15 of the following calendar year are exempt from the provisions of this section.

(L) *Applicability; administration and enforcement.*

(1) All lighting installations or additions to lighting installations made after the original effective date of this section shall conform to this subchapter and shall be subject to inspection by the Woodcreek City Manager or his or her designee.

(2) An outdoor lighting plan shall be included as part of the documentation for a permit application. The outdoor lighting plan shall show the bulb type and electric power of all proposed and existing outdoor bulbs and fixtures in the lighting installation, and provide sufficient detail with respect to location, height, and aiming and shielding of the fixtures to demonstrate that the proposed lighting installation complies with this section.

(3) If the City Manager or his or her designee finds that an outdoor lighting fixture does not comply with this section, the owner shall be notified and shall be allowed 30 days from the date of receipt of notification to remedy the non-compliance or to demonstrate that a violation does not exist.

(Ord. 17-230, passed 6-14-2017)

RESIDENTIAL REQUIREMENTS AND LIMITATIONS

§ 156.055 PERMITTED SINGLE-FAMILY RESIDENTIAL ZONING.

Permitted uses allowed in all single-family residential zoning districts:

- (A) Single-family, built on lot, dwellings;
- (B) Home occupation;
- (C) Temporary buildings for uses incidental to construction work on the premises which shall be removed upon the completion or abandonment of construction work;
- (D) Water supply reservoirs, pumping plants and towers;
- (E) Accessory structures and uses customarily incidental to the above uses and located on the same lot therewith, not involving any conduct of any business or commercial enterprise; and
- (F) Churches.

(Ord. 00-65N, passed 6-1-2005)

~~§ 156.056 MASONRY REQUIREMENTS. * Move entire section to Building Codes*~~

~~(A) Exterior walls of all structures shall have a minimum of 55% stone, brick or stucco, exclusive of openings. For the purpose of calculating the 55% requirement, area of the exterior walls shall be the determinant. Calculation shall be based upon height multiplied by the linear length of the exterior walls minus the area of all openings (i.e., windows, doors and vents). STUCCO shall be deemed to mean multiple applications of wet portland cement stucco or like material applied over stone, brick, concrete, concrete block, tile block or steel mesh that has been affixed to the exterior structure.~~

~~(B) Exterior walls of accessory structures shall have a minimum of 55% stone, brick, stucco or cement board siding, exclusive of openings. Calculations shall be based upon height multiplied by the linear length of exterior walls minus the area of all openings (i.e., windows, doors and vents).~~

~~(C) With regard to structures built before 8-12-1985, any new additions to the original structure or any new~~

~~accessory buildings to be located on the same and original lot shall be required to have as a minimum the same percentage of masonry originally authorized and utilized for the initial structure. Products that are classified as cement board such as Handplank, Handiboard or Handipanel are not to be used to meeting masonry requirements on additions to original structures.~~

~~(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999~~

§ 156.057 CARPORTS AND GARAGES.

Carports are not permitted in any zoning district. A fully-enclosed garage is required. See § 156.064 of this chapter for garage requirements by zoning district.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.058 FENCES.

(A) No wall, fence, planter or hedge in excess of two feet high shall be erected or maintained nearer to the front lot line than the front building setback line, nor on corner lots nearer to the street side lot line than the building setback line parallel to the side street. No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six feet high. For multifamily districts (MF-1, MF-1A, and MF-2) adjacent and contiguous to single-family districts (SF-1 through SF-6), perimeter fences along shared district boundaries may not exceed eight feet height from grade.

(B) No object or thing which obstructs sight lines at elevations between two and six feet above the roadways and within the triangular area formed by intersecting street property lines and a line connecting them at points 25 feet from the intersection of the street lines (or extensions thereof) shall be placed, planted or permitted to remain on corner lots. No wall, fence, planter, hedge or other improvement or object shall be constructed or permitted nearer than five feet to an exterior lot line bordering the golf course. Retainer walls are excepted. Wood fences are prohibited on lot lines contiguous or abutting a golf course where the wood fence would be visible from the golf course. All fences along lot lines contiguous or abutting a golf course shall not obstruct sight lines of the golf course and shall be constructed of panels of a metal product manufactured for the purpose of residential fencing ~~ornamental metal~~ and shall be a minimum of four feet and a maximum of six feet in height.

(C) Fencing materials not allowed are chain link, hog wire, barbed wire, vinyl, rebar, wire, cable, mesh netting, rolled picket or similar materials; except that, Small-Animal Fencing, as that term is defined herein, may be used if its principal fencing support structure consists of ~~ornamental metal~~. **SMALL-ANIMAL FENCING** means metal fencing with opening spacing between the wires no more than ~~measuring~~ approximately two inches by three inches that matches the color and architecture of the principal fencing to which it is attached. ~~Wire thickness shall not exceed 0.1 inch.~~ Approved small-animal fencing may not exceed 50% of the height of the approved or existing principal fencing.

(D) Should a non-conforming fence or non-conforming portion of a fence be damaged by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this chapter.

(E) A fence permit will be issued by the city upon completion of a Type II Residential Permit Application and submittal of required fees in accordance with this chapter. A copy of an approved Type II Residential Fence Permit must be visibly displayed during active construction and until completion of any fence permitted by the city. This permit will expire 60 days from date of issuance.

(F) *Penalty.* Any person violating any provision of this section shall be subject to the penalties and provisions set forth in § 10.99 of this Code of Ordinances.

(Ord. 00-65N, passed 6-1-2005; Ord. 16-218, passed 1-13-2016; Ord. 16-227, passed 9-22-2016)

§ 156.059 ABOVE-GROUND POOLS.

Above-ground pools are not permitted in any zoning district.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.060 PARKING.

(A) All owners, tenants or occupants of any residence used for residential purposes shall be required to park

their vehicles in garages, carports or driveways. No such vehicle, trailer or recreational vehicle shall be parked on a street or within any property unless same is not visible. Covering said vehicle with a tarp shall not be construed as being out of sight. Parking of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited, except on a temporary basis with a permit issued by the City of Woodcreek. **TEMPORARY** shall be defined as not to exceed five days in any 30-day period.

(B) It shall be unlawful for anyone to store vehicles not in operating condition in open view for more than seven days. Such vehicles must be stored in completely enclosed buildings or removed to an authorized storage area. Since streets are narrow and provide limited parking area, residential off-street parking requirements are essential. Each dwelling unit shall have a hard surface driveway, providing a minimum of three off-street parking areas, each area measuring ten feet by 20 feet.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.061 GARAGE AND YARD SALES.

(A) Garage and yard sales shall be limited to the personal belongings of the occupants of the residence, specifically those of the owners or renters living at the residence, along with immediate family and two (2) additional residents of the City. For purposes of this chapter, **OCCUPANTS** shall be deemed to mean full-time, permanent residents of the dwelling and shall not include renters with rental agreements of less than six months.

(B) Such sales shall be limited to city residents and to duration no longer than three days. Sales at any location must be separated by a minimum of six months.

~~(C) Occupants, other persons or agents may not bring additional items to the premises for such sales.~~

~~(D) Auctions are prohibited.~~

~~(C) Occupants, other persons or agents may not bring additional items to the premises for such sales.~~

(C) Auctions are prohibited.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.062 HOME OCCUPATION CRITERIA.

Home occupation must comply with all the following criteria.

(A) The occupation shall produce no alteration or change in the character or exterior appearance of the principle building from that of a dwelling unit for human habitation.

(B) Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize an area exceeding 20% of the gross floor area of the dwelling unit.

(C) The occupation use shall be carried on solely by a member(s) of the family residing on the premises.

(D) The occupation shall not create additional vehicular traffic.

(E) There shall be no storage of merchandise on the property (~~within or on the~~ outside of buildings) connected with the business, except one vehicle used in the business. Merchandise may be stored within the vehicle. Such vehicle shall be no larger than a passenger van or pickup truck. If the vehicle is used for storage purposes, such storage shall be contained within the vehicle and the merchandise shall not be visible.

(F) The occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner.

(G) No equipment or materials associated with the occupation shall be displayed or stored outside of buildings.

(H) The occupation shall not produce wastewater runoff outside the dwelling unit or on property surrounding the dwelling unit.

~~(I) The occupation shall not cause a substantial increase in any utilities.~~

(J) The occupation shall not interfere with permitted uses in the neighborhood, nor make the adjoining premises unsuitable for such permitted uses.

(K) The occupation shall not consist of the following uses: industrial, utility, manufacturing, repairing, maintaining, fabrication, laboratory or other similar uses.

(L) No occupational use shall be allowed which creates any ultra-hazardous risk or condition on the premises or to surrounding neighbors or their property, or any other health or fire hazard, whether regulated by statute or rule promulgated by any administrative body of the state, by the federal government, by the city or which would

constitute a common-law nuisance.

(M) The occupation shall not produce, nor result in, any external noise or vibration.
(Ord. 00-65N, passed 6-1-2005) Penalty, see § 156.999

§ 156.063 CHART 1: RESIDENTIAL ZONING DISTRICTS.

(A) *General.*

(1) All floor space is calculated exclusive of garage, porches, patios, driveways, terraces and other similar additions. Maximum building height for all structures is 30 feet.

(2) Bi-level buildings shall have a minimum living area as calculated at the midpoint between the requirements of one and two stories.

~~(3) Lots bordering the golf course which are more than 25 feet from the area of play (as defined by the golf course out of bounds markers as of 2-15-2005 and per the map adopted herein CREATE MAP) may have a 15-foot building setback line.~~

(B) *Districts.*

(1) *SF-1, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:

(a) Minimum square feet living area:

1. One story: 1,500 square feet; and
2. Two Second story: 2,000 500 square feet.

(b) Minimum setbacks:

1. Front and back: 25 feet
2. Interior sides: seven and one-half feet; and
3. Street-Side street: ten feet.

(c) Two-car garage, not less than 400 square feet (20x20).

~~(d) Short-term rentals not allowed.~~

(2) *SF-2, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:

(a) Minimum square feet living area:

1. One story: 1,000 square feet;
2. Second story: 500 square feet

(b) Minimum setbacks:

1. Front: 25 feet;
2. Interior sides: seven and one-half feet; and
3. Street Side street: ten feet.

(c) Two-car garage, not less than 400 square feet (20x20)

~~(d) Short-term rentals not allowed.~~

(3) *SF-3, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:

(a) Minimum square feet living area:

1. One story: 1,000; and
2. Two Second story: 1,200 square feet.

(b) Minimum setbacks:

1. Front: ten feet;
2. Rear: 15 feet;
3. Interior lot lines: zero;
4. Street-Side street: five feet.

(c) Two-car garage, not less than 400 square feet (20x20)

~~(d) Short-term rentals not allowed.~~

(4) *SF-4, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:

- (a) Minimum square feet living area: 900;
 - (b) Minimum setbacks: zero lot lines;
 - (c) No garage required; and
 - (d) Short-term rentals allowed.
- (5) *SF-5, Single-Family Residence*. One-family dwelling with no more than one residence per lot occupied by no more than one family:
- (a) Minimum square feet living area: 1,000;
 - (b) Minimum setbacks:
 - 1. Front: 20 feet;
 - 2. Rear: 15 feet;
 - 3. Side: seven and one-half; and
 - 4. ~~Street-Side~~ street: ten feet.
 - (c) One-car garage not less than 200 square feet (10x20).
- (6) *SF-6, Single-Family Residence*. One-family dwelling with no more than one residence per lot occupied by no more than one family:
- (a) Minimum square feet living area: 1,000;
 - (b) Minimum setbacks:
 - 1. Front: 25 feet;
 - 2. Rear: 25 feet;
 - 3. Side: five feet; and
 - 4. ~~Street-Side~~ street: ten feet.
 - (c) Two-car garage not less than 400 square feet (20x20).
- (7) *TH/C, Townhouse and Condominium Residence*. Multiple-dwelling units with one family per dwelling unit. Zoning can include single-family dwelling, duplex, townhouses, condominiums:
- (a) Minimum square feet living area:
 - 1. One story: 1,000 feet; and
 - 2. Two story: 1,200 feet.
 - (b) Minimum setbacks:
 - 1. Front and back: 25 feet;
 - 2. Interior lot lines: seven and one-half feet; and
 - 3. ~~Street-Side~~ street: 15 feet.
 - (c) Two-car garage not less than 400 square feet (20x20).
- (8) *DU-1, Two-Family Duplex*. Two single-family dwelling units limited to no more than one building per lot occupied by no more than two families. Zoning can include single-family dwelling or two-family duplex:
- (a) Minimum square feet living area per individual unit:
 - 1. One story: 1,000 feet; and
 - 2. Two story: 1,200 feet.
 - (b) Minimum setbacks:
 - 1. Front and back: 25 feet;
 - 2. Interior: seven and one-half feet; and
 - 3. ~~Street-Side~~ street: 15 feet.
 - (b) One car garage not less than 200 square feet (10x20) per individual unit
- (9) *4PLX, Four-Plex*. Four single-family dwelling units limited to no more than one building per lot occupied by no more than four families. Zoning can include single-family dwelling, two-family dwelling or four-family four-plex:
- (a) Minimum square feet living area per individual unit: 800;
 - (b) Minimum setbacks:
 - 1. Front and back: 25 feet;
 - 2. Interior lot lines: seven and one-half feet; and

9B

- 3. ~~Street-Side~~ street: 15 feet.
- (c) One-car garage per individual unit not less than 200 square feet (10x20).
- (10) **Multi-Family Residences.** (See §§ 156.065 and 156.066 of this chapter for additional information on multi-family residences.)
- (11) **MF-1, Multi-Family Residence.** Maximum units per acre: 14.
- ~~(12) MF-1A. Maximum units per acre: not to exceed 14 units per acre.~~
- (13) **MF-2, Multi-Family Residence.** Maximum units per acre: 16.
- (14) **RR, Rural Residence District.** One-family dwelling with no more than one residence per lot occupied by no more than one family:
 - (a) Minimum lot: one acre;
 - (b) Minimum square feet living area:
 - 1. One story: 1,500; and
 - 2. Two story: 2,000.
 - (c) Minimum setbacks:
 - 1. Front and back: 25 feet;
 - 2. Interior sides: seven and one-half; and
 - 3. ~~Street-Side~~ street: 15 feet.
 - (d) Two-car garage not less than 400 square feet (20x20).
- (15) **PUD, Planned Unit Development.** Planned unit development with planned diverse land uses, such as housing, recreation and shopping in one contained development, and allowing for cluster development and alternative design standards. Minimum site areas: inside city, ten acres recommended.
- (16) **MH-1, Manufactured Housing Subdivision.**
 - (a) Minimum lot: 7,200 feet;
 - (c) Minimum square feet living area: 1000 (600);
 - (d) Minimum setbacks:
 - 1. Front and back: 25 feet;
 - 2. Interior lot lines: seven and one-half feet; and
 - 3. Side street: 15 feet.

(c) Property and areas of the city zoned MH-1 may be planned, used, approved, platted and occupied as a manufactured housing subdivision with lots sold and conveyed to individual lot owners. Land and areas of the city zoned MH-1 and having an approved subdivision plan may be used for manufactured housing.
- (17) **Personal care facility.** See § 156.067 of this chapter.

(Ord. 00-65N, passed 6-1-2005)

§ 156.064 CHART 2: RESIDENTIAL ZONING REQUIREMENTS.

***** SEE NEW CHART 2 AT END OF ZONING ORDINANCE *****

RESIDENTIAL ZONING REQUIREMENTS BY DISTRICT

Note: This table is available in a printer-friendly, PDF version. [Click HERE](#)

	RF-1	RF-2	RF-3	RF-4	RF-5	RF-6	FHC	DU-1	4PLA	MF	RR	PUD	MH-1
% Masonry required	55	55	55	55	55	55	55	55	55	see § 156.064 for MF-1, MF-2 requirements and § 156.065 for MF-1A requirements.	55		55
Garage required	1 Car	2 Car	2 Car	No	1 Car	2 Car	2 Car	1 Car	1 Car		2 Car	-	1 Car
Maximum dwelling unit per lot	1	4	1	1	1	4	1	2	4		4	-	4

Maximum dwelling height-ft	20'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'
Maximum impervious cover	35%	35%	35%	35%	35%	35%	45%	45%	55%	25%	-	35%
Minimum setbacks												
Front	25'	25'	10'	20'	20'	25'	25'	25'	25'	25'	-	25'
Interior side	7'-1-2"	7'-1-2"	0'	0'	7'-1-2"	5'	7'-1-2"	7'-1-2"	7'-1-2"	7'-1-2"	-	7'-1-2"
Rear	25'	25'	15'	15'	15'	25'	25'	25'	25'	25'	-	15'
Street side	40'	40'	5'	5'	40'	40'	15'	45'	15'	40'	-	10'
Minimum square footage												
One-story	1,500	1,000	1,000	900	1,000	1,000	1,000*	900*	800*	1,500	-	1,000
Two-story	2,000	1,000	1,200	900	1,000	1,000	1,200	1,800	800*	2,000	-	N/A
NOTES TO TABLE: 1 per unit 2 Maximum impervious cover is capped at 30% for construction for which a site development plan was not filed prior to October 20, 2006.												

(Ord. 00-65N, passed 6-1-2005; Ord. 06-103, passed 10-20-2006; Ord. 06-103A, passed 1-10-2007; Ord. 10-135, passed 1-13-2010; Ord. 10-139, passed 2-10-2010; Ord. 14-194, passed 6-11-2014)

§ 156.065 CHART 3: MULTI-FAMILY REQUIREMENTS, MF-1 AND M-2 ZONES.

(A) Purpose.

- (1) To provide a buffer use between the high traffic of RR12, which makes development of land abutting RR12 unattractive for single-family housing, and the single-family development of interior land; and
- (2) To permit higher density development of property not suitable for single-family development, but to protect adjacent single-family development from any negative impact of the higher density use.

(B) Permitted uses.

- (1) Single-family homes, duplex units, four-plex units or apartment complexes meeting the minimum requirements of this zone. All uses within this zone shall require approval of a site plan by the Planning and Zoning Commission and City Council prior to the issuance of a building permit; and
- (2) Use of the land for purposes secondary to the primary residential use, such as swimming pools, basketball courts or similar uses, shall require that adjacent property be sheltered from noise and light resulting from said uses. Review of said shelter shall be a part of the site review required before a building permit is granted.

(C) Requirements. The intent of the following requirements is to require yard setbacks which are directly related to the height of the buildings developed on the property and thereby to mitigate the effect of higher buildings upon adjacent single-family properties.

% masonry required	55%
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Front yard (on primary access street)	25' or the height of the closest building on the property, whichever is greater
Maximum density	
MF-1	14 units per acre
MF-2	16 units per acre
Maximum height	2 stories or 30', whichever is less
Maximum impermeable coverage	55%
Minimum floor area per unit	
1 BR	500 sq. ft.
2BR	850 sq. ft.
3 BR	1,000 sq. ft.
Parking spaces required/units	
1 BR	1.5
2 BR	2.5
Rear yard (abutting single-family residential property)	25' or the height of the closest building on the property, whichever is greater
Rear yard (not abutting single-family residential property)	25' or 1/2 the height of the closest building on the property, whichever is greater
Side yard (abutting single-family residential property)	15' or the height of the closest building on the property, whichever is greater
Side yard (abutting street)	15' or the height of the closest building on the property, whichever is greater
Side yard (not abutting single-family residential property)	7.5' or 1/2 the height of the closest building on the property, whichever is greater

(Ord. 00-65N, passed 6-1-2005)

~~§ 156.066 CHART 4 MULTI-FAMILY REQUIREMENTS, MF-1A.~~~~(A) Purpose.~~

~~(1) To provide a buffer use between the high traffic of RR12, which makes development of land abutting RR12 unattractive for single-family housing and the single-family development of interior land and~~

~~(2) To permit higher density development of property not suitable for single-family development, or for more dense M-F development, in order to protect adjacent single-family development from any negative impact of the higher density use.~~

~~(B) Permitted uses.~~

~~(1) Duplex units, four-plex units or apartment complexes having the number of units, but no more than 14 units per acre, as determined herein zoning this property. This zone shall require approval of a site plan by the Planning and Zoning Commission and City Council prior to the issuance of a building permit, and~~

~~(2) Use of the land for purposes secondary to the primary residential use, such as swimming pools, basketball courts or similar uses, shall require that adjacent property be sheltered from noise and light resulting from said use. Review of said shelter shall be a part of the site review required before a building permit is granted.~~

~~(C) Requirement. The intent of the following requirements is to require yard setbacks which are directly related to the height of the buildings developed on the property, and thereby to mitigate the effect of higher-~~

buildings upon adjacent single-family properties:

% masonry required	55%
Front yard (on primary access street)	25' or the height of the closest building on the property, whichever is greater
Maximum density* (1)	14 units/acre
Maximum height	2 stories or 30', whichever is less
Maximum impermeable coverage	55%
Minimum floor area per unit	
—1 BR	500 sq. ft.
—2 BR	850 sq. ft.
—3 BR	1,000 sq. ft.
Parking spaces required/units	
—1 BR	1.5
—2 BR	2.5
—3 BR	3
Rear yard (abutting single-family residential property)	25' or the height of the closest building on the property, whichever is greater
Rear yard (not abutting single-family residential property)	25' or 1/2 the height of the closest building on the property, whichever is greater
Side yard (abutting single-family residential property)	15' or the height of the closest building on the property, whichever is greater
Side yard (abutting street)	15' or the height of the closest building on the property, whichever is greater
Side yard (not abutting single-family residential property)	7.5' or 1/2 the height of the closest building on the property, whichever is greater
NOTES TO TABLE:	
(1) Maximum density shall be determined in the ordinance zoning this property, not to exceed 14 units per acre.	

(Ord. 00-65N, passed 6-1-2005)

§ 156.067 PERSONAL CARE FACILITIES.

(A) *General.* As the city's zoning regulations must comply with the Federal Fair Housing Act, being 42 U.S.C. §§ 3601 et seq., and state laws prohibiting discrimination of the handicapped and elderly, this section clarifies what the city, by law, must allow and addresses the federal and state restrictions in place.

(B) *Definition.* **PERSONAL CARE FACILITY** means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single-family zoning districts.

(1) This definition includes a community-based residential home operated by:

(a) The State Department of Mental Health and Mental Retardation; Texas Health and Human Services Commission

(b) A community center operated under Tex. Health and Safety Code Ch. 534, which provides services to disabled persons;

(c) A non-profit corporation; or

(d) Any entity certified by the ~~State Department of Human Resources~~; Texas Health and Human Services Commission as a provider under the intermediate care facilities for the mentally retarded program.

(2) This definition includes homes for the handicapped as defined in 42 U.S.C. § 3602(h).

(C) *Mandated exceptions.* To the extent required by state or federal law, a personal care facility is an additional permitted use in any zoning district; provided that:

(1) Homes and residential units not designated and constructed in compliance with the ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes, shall meet the following requirements.

(a) The structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes.

(b) There shall be two parking spaces, plus one additional space for each three residents.

(c) There shall be not less than 50 square feet of living space within a sleeping room for each occupant assigned to such room.

(d) There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty.

(e) The structure and operations shall comply with the standards established by the ~~State Department of Human Services~~ Texas Health and Human Services Commission as licensing standards for personal care facilities for a Type B facility.

(2) The home must meet all applicable state licensing requirements;

(3) A personal care facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six residents during waking hours; and

(4) A personal care facility may not have more than 15 residents.

(Ord. 00-65N, passed 6-1-2005)

GENERAL DISTRICT LIMITATIONS

§ 156.080 BUSINESS USE REQUIREMENTS AND LIMITATIONS.

(A) The city is divided into six business districts. All districts permitting any business or commercial use require one-acre lots and must meet requirements for parking, light and height restrictions as set forth in this chapter. The city's business districts allow low-rise garden-type buildings to a maximum of two stories for use in providing professional offices and retail services.

(B) Permitted Neighborhood Office (NO) zoning includes:

(1) Office of an accountant, architect, attorney, engineer, physician, dentist, medical clinic, broker, consultant, insurance agent, real estate agent, travel agent, administrative offices for building contractors and the like or similar professional offices; and

(2) Accessory structures and uses to any of the foregoing permitted uses.

(C) Permitted Neighborhood Commercial (NC) zoning includes:

(1) Antique stores, art studio or gallery, book and stationary store, electrical appliance or repair; financial institution, retail florist shop, professional or service offices, pet shop, photographer's studio, radio, television or electronics sales and service, shoe sales and repair or tailor and dressmaking and other retail stores; and

(2) Specifically prohibited are on-site vehicle repair or services, sales or rental of pornographic or adult items, sales of fireworks, on-site manufacturing and fabrication, on-site dispensing of fuel and on-site dispensing of items that might pose a fire hazard or which might pose a safety hazard of any kind.

(D) Special events: those uses permitted by City Council pursuant to § 156.082 of this chapter.

(E) Commercial lots bordering a residential zoning district shall be required to have a six-foot high privacy fence on all sides adjoining the residential zoning district.

(F) Parking: one hard-surface (asphalt or concrete) parking space is required for each 250 square feet of gross floor space.

(Ord. 00-65N, passed 6-1-2005)

§ 156.081 RECREATIONAL DISTRICT REQUIREMENTS AND LIMITATIONS.

(A) *Purpose.* This district is intended to establish and preserve attractive recreational facilities and to protect the integrity of such areas by prohibiting uses that are incompatible with permitted recreational uses. The site should also contain adequate space for required off-street parking and for buffering from residential districts.

(B) *Permitted uses.*

(1) The following are permitted:

(a) Golf courses including natural or artificial hazards for the game of golf, tee boxes, fairways and golf greens, golf cart storage, servicing facilities and golf course maintenance facilities. Club houses, tennis courts, swimming pools, pavilions and similar recreational facilities may be permitted by a conditional use permit;

(b) Tennis courts and swimming pools;

(c) Youth camps;

(d) Similar use recreational facilities may be approved by the City Council granting a conditional use permit; and

(e) Accessory structures and uses incidental to the foregoing uses.

(2) No structure may be erected or converted to any use other than for recreational purposes or uses related directly to recreation as such exists on the date of this chapter.

(3) The area of property used for an existing use may not be increased nor the use changed without a permit being obtained. The use or size of any structure may not be changed, modified or increased unless the plans and site plan therefor are approved by the City Council. A permit and application fee in the amount of \$100 shall be paid for each permit application.

(4) Implicit in the above are such things as hours of operation, lighting, sounds, noise, music and the like, which may be viewed as intrusive by property owners whose property is located in the immediate area of the property zoned as recreational.

(C) *Special event permit.* Those uses permitted by the City Council pursuant to § 156.082 of this chapter. (Ord. 00-65N, passed 6-1-2005)

§ 156.082 SPECIAL EVENT PERMITS.

A special event permit is required for all events which are outside of normal and customary zoning district activities. Such activities must also comply with all other city ordinances and be harmonious with the zoning district in which it is to take place.

(A) *Permit required.*

(1) No special event shall be established, operated or maintained, except as authorized by a special event permit issued in accordance with the requirements of this section.

(2) A special event permit may be issued by City Council only for the special event meeting the criteria in division (C) below and only for the location where it is authorized.

(3) Permit fee is \$25.50 and the permit shall specify the allowed days and times of the special event.

(B) *Application.* An application for a special event permit shall be made in writing. Application will be approved or denied within 30 days from date all necessary information is received.

(C) *Compliance.* A special event permit must comply with all the following criteria:

(1) The appearance, size, density and operating characteristics for the special event are compatible with the surrounding neighborhood and uses;

(2) The special event will not have an adverse effect on the value of the surrounding properties nor impede their proper development;

(3) The special event will not create a nuisance, nor otherwise interfere with a neighbor's enjoyment of property or operation of business;

(4) The traffic that the special event can be reasonably expected to generate on existing streets will not create nor add significantly to congestion, safety hazards or parking problems in the area, nor will it disturb the peace and quiet of the neighborhood; and

(5) The special event complies with all other applicable ordinances.

(D) *Zoning change.*

(1) A special event permit is not a zoning change.

(2) The notice and procedures required for a zoning change shall not be applicable to the issuance of a special use permit.

(3) Upon an administratively complete application being made for a special event permit, the City Council may decide to grant or deny the same at any meeting of the Council for which notice is given. The City Council may further, in its discretion, require the giving of notice by publication that the application for the special event permit will be considered at a public hearing to be held not less than ten days after the publication of such notice of hearing.

(Ord. 00-65N, passed 6-1-2005)

§ 156.083 CHART 5: OTHER NON-RESIDENTIAL ZONING DISTRICTS.

Maximum building height is 30 feet. All sites shall contain adequate space for required off-street parking and for buffering from residential districts. Prohibited uses include any activity which produces nuisances as described herein.

(A) *Commercial.* (See § 156.080 of this chapter for additional information and requirements.)

(1) *NO, Neighborhood Office.* This district is intended to provide sites for businesses and professional office uses. (See § 156.080 of this chapter.)

(2) *NC, Neighborhood Commercial.* This district is intended to provide sites for retail and service businesses or other such businesses as may be approved by City Council. (See § 156.080 of this chapter.)

(3) *CRR12, Commercial RR 12.* This district is intended for major mixed-use developments of a service nature which typically have operating characteristics requiring location at the intersection of state-maintained highway, excluding scenic arterial.

(4) *HCC, Hotel/conference Center.* This district is intended to provide appropriate districts for hotels, conference centers, motels, lodges, inns and bed-and-breakfast establishments

(5) *CR, Commercial Recreational.* This district is intended to provide sites for commercial recreational activities.

(B) *Other non-residential districts.*

(1) *R, Recreational.* This district is intended to establish and preserve attractive recreational facilities including golf courses and youth camp facilities. Permitted uses also include tennis courts, facilities or clubhouses and other recreational facilities approved by City Council. Special events may be permitted by City Council pursuant to § 156.082 of this chapter.

(2) *G, Governmental Services.* This district is intended to provide appropriate areas for uses that provide important community services. Permitted uses include facilities owned or leased by the federal, state, city or city government. Also permitted are churches, schools, either public or private non-profit, and libraries.

(3) *U, Utility Services.* This district is intended for uses required for both public and private utilities and commercial wireless communications systems

(4) *P-1, Public Park.* This district is intended to establish and preserve peaceful and attractive parcels of land as a place for public recreation. Permitted uses include public open and natural areas surrounded or partly surrounded by woodland or grassland, public areas developed for recreation. Accessory structures, parking and uses incidental to the foregoing permitted uses.

(5) *NWP, Nature Wildlife Preserve.* This district is privately owned land established to preserve open space and wildlife.

(6) *GB, Greenbelt District.* This district is intended to establish and preserve peaceful, attractive, natural or undisturbed areas adjacent to residential districts. Permitted uses include hiking, jogging and non-motorized biking and nature trails, accessory structures and uses incidental to the foregoing uses.

(7) *PUD, Planned Unit Development.* Planned unit development with planned diverse land uses, such as housing, recreation and shopping in one consolidated development, and allowing for cluster development and alternative design standards. Minimum site areas: inside city, ten acres recommended.

(Ord. 00-65N, passed 6-1-2005)

§ 156.084 SPECIAL USE PERMITS.

(A) *Purpose.* The City Council may by ordinance, adopted by four affirmative votes after receiving the

recommendation of the Commission, grant a special use permit in compliance with this section for the special uses as listed in division (B) below. The City Council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood.

(B) *Authorized special uses.* Special uses and those indicated in a specific zoning district as permitted with a special use permit, and none other, may be authorized subject to the terms of this division (B) and compliance with all special terms, regulations and requirements established by the City Council, as identified in the specific district or definition of the use.

(C) *Procedure.* Before authorization of any of the above special uses, public notice shall be given and public hearings shall be held as provided in Tex. Local Gov't Code Ch. 211; provided that, a special use permit for a period not to exceed seven calendar days may be given for a use set forth herein after a public hearing is held by the City Council after having received a report and recommendation from the Commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

(1) *Permit required.* No special use shall be established, operated or maintained, except as authorized by a special use permit issued in accordance with the requirements of this section.

(2) *Special use permit issued by City Council.* A special use permit may be issued only for the special uses specified in this section, and only for the district where it is authorized.

(3) *Compliance.* The City Council shall determine whether the proposed special use complies with each of the general criteria in division (D) below and with each of the criteria for the district applicable to the proposed use and shall make separate findings thereon or adopt the findings made by the Commission.

(4) *Conditions.* The City Council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to assure compliance with the criteria.

(5) *Application.* An application for a special use permit shall be made in writing in a form prescribed by the City Secretary and shall be accompanied by such information as may be requested (including a site plan, if required) in order to properly review the proposed use. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data.

(D) *General criteria applicable to all special uses.* A proposed special use permit must comply with all the following criteria:

(1) The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;

(2) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;

(3) The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of his or her property or operation of his or her business;

(4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

(5) The proposed use complies with all other applicable ordinances and regulations.

(E) *Specific permits.*

(1) The subject property is located at two cabins in Camp Young Judaea, per the map attached to the ordinance codified herein, is and shall remain in zoning district Recreational. This chapter allows for additional or conditional uses to be permitted that are in addition to the current zoning, through a special use permit. The property is accordingly hereby granted a special use permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current zoning district in which property is located.

(2) The subject property is two manufactured office buildings in Camp Young Judaea, per the map attached to the ordinance codified herein, Exhibit A (Camp Young Judaea map dated 11-22-2006), is and shall remain in zoning district Recreational. This chapter allows for additional or conditional uses to be permitted that are in addition to the current zoning, through a special use permit. The property is accordingly hereby granted a

special use permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current zoning district in which property is located.

(3) The subject property is located in the close vicinity of QuickSand Golf Course's Pro Shop, as more particularly described as the QuickSand Golf Course Cart Barn, per the map attached to the ordinance codified herein, is and shall remain in zoning district Recreational. This chapter allows for additional or conditional uses to be permitted that are in addition to the current zoning, through a special use permit. The property is accordingly hereby granted a special use permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current zoning district in which property is located.

(Ord. 00-65F, passed 11-12-2003; Ord. 00-65N, passed 6-1-2005; Ord. 00-65O, passed 11-22-2006)

§ 156.085 ANTENNA REGULATIONS.

(A) *Wireless telecommunications facilities.*

(1) The purpose of this section is to establish guidelines regulating the location of telecommunication towers and antennas with the objective of minimizing their number, to protect and promote public safety and to mitigate adverse visual impacts on the community while promoting the provision of telecommunications service to the public.

(2) The regulations contained in this section are developed under the general guidelines as provided in the Federal Telecommunications Act of 1996.

(3) Notwithstanding any other provision of this section, telecommunications towers and antennas, when permitted by federal law and the laws of the state, shall be regulated and governed by the following use regulations and requirements.

(B) *General provisions.*

(1) *Application.* This section's site plan requirements and fees apply to towers and antennas.

(2) *Technical assistance.* When the technical information provided by the applicant is beyond the technical capacity of city staff to review, the applicant, in addition to the usual fees, shall reimburse the city for the actual cost to the city for the services of a technical expert to review the plans and/or supplemental information, up to a maximum of \$5,000.

(C) *Telecommunications tower standards.*

(1) *Applicable federal and state standards.* All telecommunications towers and antennas shall be erected and operated in compliance with current Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state and local standards.

(2) *Structural standards.* Telecommunications tower structures must conform to the most current revision of EIA 222 standards. Guyed telecommunications towers shall be designed and located such that if the structure should fall, it will avoid habitable structures and public streets.

(3) *Co-location.* Towers over 75 feet in height shall be designed and built to accommodate a minimum of two cellular or PCS providers. The owner of the tower must certify to the city that the tower is available for use by other telecommunications-service providers on a reasonable and non-discriminatory basis.

(4) *Fencing.* Security fencing, if installed, shall be by a wrought iron fence or a masonry wall, each not less than six feet in height. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

(5) *Setbacks.* All telecommunications towers shall be set back from the nearest property line a minimum distance not less than the height of the tower.

(6) *Signage.* Except as otherwise permitted in this section, no signage, lettering, symbols, images or trademarks in excess of 200 square inches shall be placed or affixed to any part of a telecommunications tower, antenna, antenna array, equipment building or security fencing other than as required by FCC regulations or other applicable law.

(7) *Lighting.* Except as otherwise permitted in this section, no signals, lights or illumination of any kind shall be permitted on or directed toward any tower unless required by the FCC, the FAA or other appropriate public authority.

(D) *Antenna mounting standards.* The purpose of this section is to promote public safety and maintain order and harmony within the city's commercial, recreational and residential districts by restricting the size and location of telecommunications antennas. The objective is to avoid the creation of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares and to insure the structural integrity of supporting structures.

(1) *Whip-and-panel antenna mounting standards.*

(a) Building-mounted panel antennas are permitted on non-residential buildings and multi-family dwellings in all zoning districts; provided that, they are mounted flush with the exterior of the building and that they do not project above the roof line nor more than 30 inches from the surface of the building to which they are attached. The antenna's appearance shall be such that its color and texture blend with the surrounding surface of the building.

(b) Whip antennas are permitted on non-residential buildings and multi-family dwellings in all zoning districts; provided that, the total length of the whip antennas, regardless of mounting method or location, does not exceed 15% of the height of the building.

(c) Only one building/roof-mounted antenna support structure, less than 100 square feet in area, is permitted per 500 square feet of building floor area.

(2) *Dish antenna mounting standards.*

(a) Dish antennas shall not be permitted in any front setback area or side setback adjacent to any roadway.

(b) Ground-mounted dish antennas in excess of five feet in height shall be screened from roadways and adjacent property by a minimum six-foot high screening fence, evergreen hedge or masonry wall.

(c) Dish antennas in excess of ten feet in height or more than three meters in diameter shall not be permitted in any residential zoning district.

(d) Building/roof-mounted dish antennas one meter or less in diameter are permitted in any zoning district.

(e) Building/roof-mounted dish antennas two meters or less in diameter are permitted on all buildings in excess of 5,000 square feet of building floor area in non-residential zoning districts.

(f) Only one building/roof-mounted dish antenna two meters or less in diameter is permitted per 5,000 square feet of building-floor area on non-residential buildings and on multi-family dwellings in residential zoning districts.

(g) Building/roof-mounted dish antennas in excess of two meters in diameter may be permitted on buildings in excess of 100,000 square feet of building-floor area in non-residential zoning districts.

(h) Building/roof-mounted dish antennas in excess of two meters in diameter in non-residential zoning districts shall be painted or screened with enclosures so as to have an appearance that blends with the building on which they are located or be located so that they are not visible from any adjacent roadway.

(3) *Structural certification.* Prior to the installation of any building/roof-mounted telecommunications antenna, antenna array, or support structure, the city shall be provided with an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and associated equipment.

(E) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTENNA. A structure or device used to collect or radiate electromagnetic waves, including directional antennas, such as panels, wireless cable and satellite dishes and omni-directional antennas, such as whips, but not including satellite-earth stations.

ANTENNA, DISH. A parabolic or bowl-shaped device that receives and/or transmits signals in a specific directional pattern.

ANTENNA, PANEL. An antenna which receives and/or transmits signals in a directional pattern.

ANTENNA, TELECOMMUNICATIONS. An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas less than 50 feet (15 meters) in height and whip antennas less than four inches (ten cm) in diameter and less than ten feet in height.

ANTENNA, WHIP. An omnidirectional dipole antenna of cylindrical shape which is no more than six inches (915 cm) in diameter.

CO-LOCATION. A single telecommunications tower and/or site used by more than one telecommunications service provider.

EIA 222. Electronics Industries Association Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures.

TELECOMMUNICATIONS. The transmission, between or among points specified by the user, of audio and/or visual information of the user's choosing without change in the form or content of information as sent or received.

TELECOMMUNICATIONS SERVICE. The offering of telecommunications for a fee directly to the public, or to such classes as to be effectively available to the public, regardless of the facilities used.

TOWER. A swell-supporting or cable-anchored structure designed to support telecommunication antennas.

TOWER, GUYED. Any telecommunications tower supported in whole or in part by cable anchored to the ground.

TOWER, HEIGHT. The distance measured from grade to the highest point of any and all components of the structure, including antennas, hazard lighting and other appurtenances, if any.

(F) *Appeal.* If a site plan application is denied, the applicant may submit to City Council an appeal within ten days of the denial. If City Council finds that strict application of the regulations of this chapter would prohibit or have the effect of prohibiting personal wireless service, as defined by federal law. City Council may modify the subject regulations to the extent necessary to prevent prohibition.

(G) *Violation deemed nuisance.* In addition to the penalties provided in the Zoning Ordinance, any violation of this section is hereby declared to be a nuisance. In addition to any other relief provided by this section, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section and other available relief.

(Ord. passed 3-13-2002; Ord. 00-65N, passed 6-1-2005)

NON-CONFORMING USES

§ 156.100 GENERAL POLICY.

The general public, the City Council and the Commission are directed to take note that non-conformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, whenever and wherever possible, except:

(A) When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question; and

(B) When necessary to promote the general welfare and to protect the character of the surrounding property.

(Ord. 00-65N, passed 6-1-2005)

§ 156.101 NON-CONFORMING STRUCTURES.

Where a lawful structure exists on the effective date of the adoption or amendment of this chapter, that could not be built under the terms of this chapter by reason of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued provided it remains otherwise lawful, subject to the following provisions.

(A) No such non-conforming structure may be enlarged or altered in a way which increases its structural non-conformity, but any structure or portion thereof may be altered to decrease its structural non-conformity.

(B) Should such non-conforming structure or non-conforming portions of a structure be damaged by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this chapter.

(C) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(D) Should any existing non-conforming structure expire under the terms of this Chapter, or should any real property or parcel be sold, transferred, or otherwise conveyed, any existing non-conforming structure thereon

shall be removed or reconstructed by the record owner no more than 30 days from the date of notification by the city. Upon written request by a record owner demonstrating sufficient hardship, this period may be extended for no more than an additional 60 days by the City Manager (90 days cumulative after notice).

(E) Nuisances attending any use lawfully existing at the time the property is annexed into the city shall be eliminated or mitigated to the maximum extent feasible within 90 days of date of annexation.

(Ord. 00-65N, passed 6-1-2005; Ord. 16-221, passed 6-8-2016)

§ 156.102 NON-CONFORMING USES.

A non-conforming use may be continued as long as it remains otherwise lawful, subject to the following provisions.

(A) No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed or reconstructed.

(B) The use of the structure shall only be changed to a use permitted in the district in which it is located.

(C) A non-conforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the non-conforming use was discontinued, and such use was not discontinued for a period of six months or more.

(D) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to any land outside such building.

(E) Removal or destruction of a structure containing a non-conforming use shall eliminate the non-conforming use status. Destruction for the purpose of this division (E) is defined as damage equal to more than 50% of the replacement cost of the structure or the physical structure.

(F) A certificate of non-compliance shall be required for each non-conforming use of any land or buildings created by adoption of this chapter. Application for such certificate of non-compliance for a non-conforming use shall be filed with the city by the owner of the building or land with such non-conforming use within one year of the effective date of this chapter. It shall be the duty of the city to issue a certificate of non-compliance for a non-conforming use and the refusal of the city to issue a certificate of non-compliance for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist as of the effective date of this chapter.

(1) If lawful non-conforming use exists on the effective date of passage of this chapter, the following structures will have their use amortized, with the non-conforming use being eliminated over 15 years from the date of passage of this chapter:

(a) Fences erected and existing in compliance with the city's regulations and ordinances prior to the effective date of this chapter and composed of materials not allowed upon the passage of this chapter or which do not meet the city's current setback requirements;

(b) Accessory buildings which do not meet the masonry requirements;

(c) Wood roofs;

(d) Above-ground pools; and

(2) The City Council shall have the power to bring about the discontinuance of non-conforming uses after notices and hearing. The termination date of any non-conforming use shall be set so as to provide the owner with a reasonable opportunity to recoup or recover the owner's investment in the non-conforming use.

(3) Notwithstanding the foregoing, the non-conforming use of a building, roof, above-ground pool, structure, accessory building, fence or driveway (collectively or individually hereafter, the "non-conforming asset") that was lawfully constructed and erected prior to 2000, shall not terminate or expire until such time as the non-conforming asset is reconstructed or replaced. For the purpose of this section, a non-conforming asset shall be deemed to be reconstructed or replaced if 50% or more of such non-conforming asset is reconstructed or replaced, or if modifications or repairs are made to such non-conforming asset within any 12 calendar months that is equal to one half or more of the value of the non-conforming asset prior to the modification or repair.

(Ord. 00-65N, passed 6-1-2005; Ord. 17-232, passed 6-14-2017)

§ 156.103 REPAIRS AND MAINTENANCE.

On any non-conforming structure, or non-conforming portion of a structure, containing a non-conforming use, repairs and maintenance shall be performed to maintain the structure in compliance with the Electrical, Plumbing and Building Codes; provided that, such repairs and maintenance shall be subject to the following conditions and limitations.

(A) No work may be done in any period of six consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing, to an extent exceeding 25% of the current replacement cost of such structure or non-conforming portion of such structure.

(B) If 50% or more of the non-conforming structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the district in which it is located.

(Ord. 00-65N, passed 6-1-2005)

§ 156.104 GENERAL.

No structure, use or non-conforming asset in existence on the effective date of this chapter shall be or constitute a non-conforming structure or use unless such structure or use was constructed, converted, or the use thereof started, in compliance with the ordinances and laws then in effect, included, but not limited to, having received any permit then required by law.

(Ord. 00-65N, passed 6-1-2005)

PLANNED UNIT DEVELOPMENT DISTRICT

§ 156.115 POPULAR NAME.

This subchapter shall be commonly cited as the “PUDD #09-1 Ordinance”.

(Ord. 09-125, passed 7-8-2009)

§ 156.116 PURPOSE.

The enactment of this subchapter memorializes the City Council’s legislative approval of the Planned Unit Development District agreement. This subchapter also creates the zoning classification “Planned Unit Development District Number Nine-One (PUDD #09-1)”.

(Ord. 09-125, passed 7-8-2009)

§ 156.117 SCOPE.

This subchapter applies to all property within the incorporated municipal boundaries (i.e., “city limits”).

(Ord. 09-125, passed 7-8-2009)

§ 156.118 DEFINITIONS.

(A) Terms that are not defined below, but are defined elsewhere in the code of ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the code of ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

(B) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGREEMENT. The contract between the City of Woodcreek, Texas and Ten Robles, Inc. (“TRI”), and Harry E. Gumbert, Jr. and Dorothy M. Gumbert, Owner, dated 7-8-2009, including all Exhibits, which are incorporated herein for all intents and purposes.

CITY. The City of Woodcreek, an incorporated municipality located in Hays County, Texas.

PROPERTY. Approximately 10.48 acres of land located within the municipal boundaries of the City of Woodcreek, in Hays County, Texas, more fully described in § 156.123 of this chapter.

(Ord. 09-125, passed 7-8-2009)

§ 156.119 APPROVAL.

(A) *Agreement approved.* The planned unit development district agreement, that being the contract dated 7-

9B

8-2009, entitled “Development Agreement Oak Orchard Enclave” is hereby approved by the City Council.

(B) *Execution of agreement.* The Mayor is instructed to execute the agreement on behalf of the city.

(C) *Recordation.* The City Administrator is instructed to publish the agreement in and among the official records of the city, and cause the agreement to be filed in and among the land records of the county.

(Ord. 09-125, passed 7-8-2009)

§ 156.120 REGULATIONS.

(A) *Boundary.* The boundary of PUDD #09-1 shall be as delineated in § 156.122 of this chapter.

(B) *Zoning.* The property will be a planned unit development under the city rules and the residential area will be entitled to general land uses consistent with the SF-1 zoning classification (as described in the city rules) with such modifications as described herein and in the exhibits hereto. The commercial area will be entitled to general land uses consistent with the NC (Neighborhood Commercial) zoning classification (as described in city rules) with such modifications as described herein and in the exhibits hereto. The open space areas will be entitled to general land uses consistent with open space/parkland classification.

(C) *Density of development.* Owners will have the right to develop the residential area of the land at a density not to exceed 19 single-family residential units within the residential area noted on the site plan, plus the right to develop the commercial area in accordance with applicable NC density limitations.

(D) *Impervious cover.* There shall be no more than 35% impervious cover on the residential area of the property, and no more than 55% impervious cover on the commercial area of the property.

(E) *Landscaped buffer areas.* The following landscaped buffer areas shall be established for the property (with all such buffers measured from the boundary lines of the property or, as applicable, existing right-of-way boundaries): as provided by the concept and site plans for the Oak Orchard Enclave Development.

(Ord. 09-125, passed 7-8-2009)

§ 156.121 ENFORCEMENT.

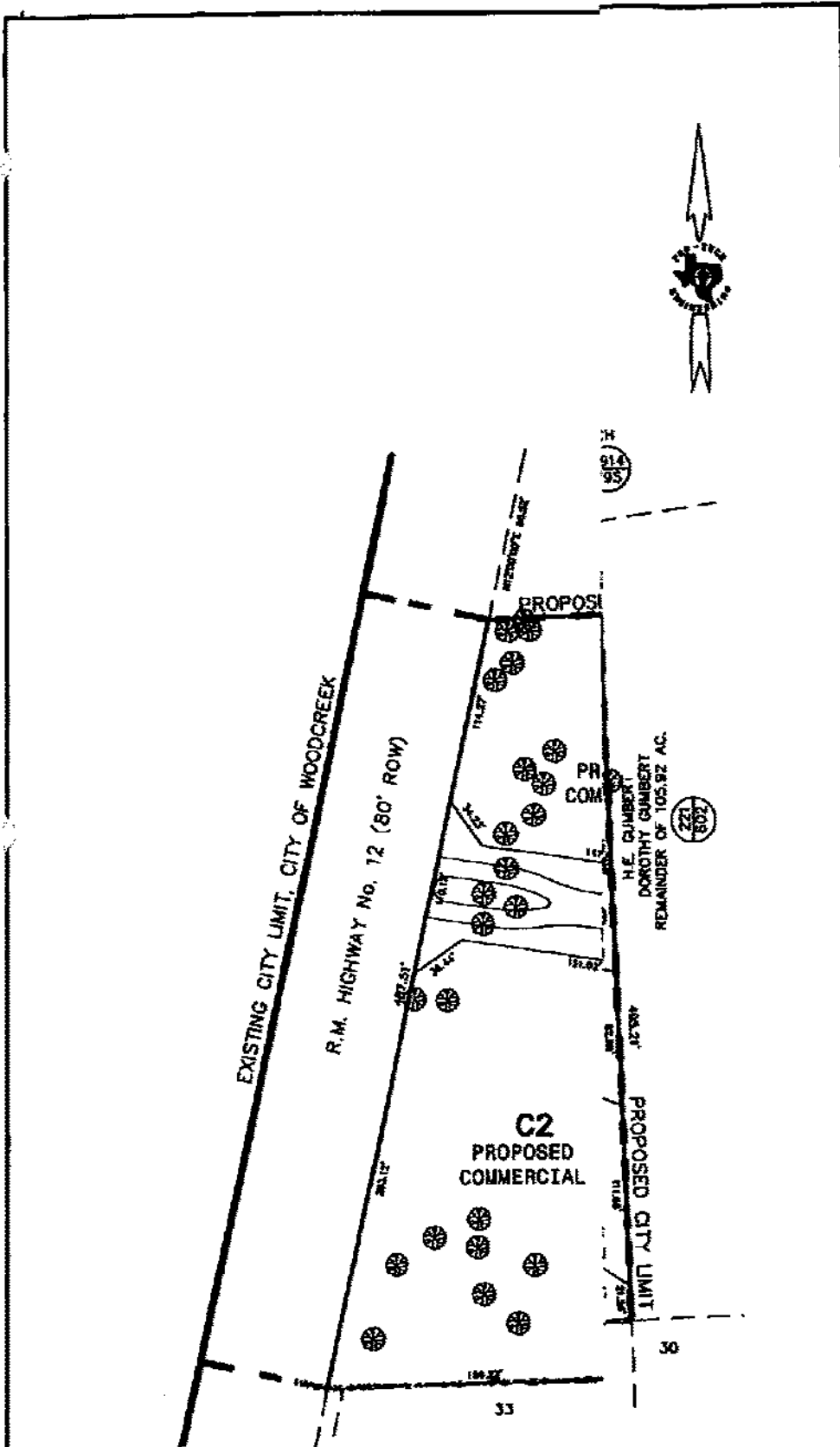
(A) The PUDD agreement provides enforcement mechanisms to ensure compliance.

(B) Among other civil remedies, the city may withhold development approvals in accordance with the PUDD agreement in order to ensure compliance.

(C) Among other remedies, the city is authorized to issue stop work orders to halt construction in violation of this chapter or the PUDD agreement.

(Ord. 09-125, passed 7-8-2009)

§ 156.122 BOUNDARIES.

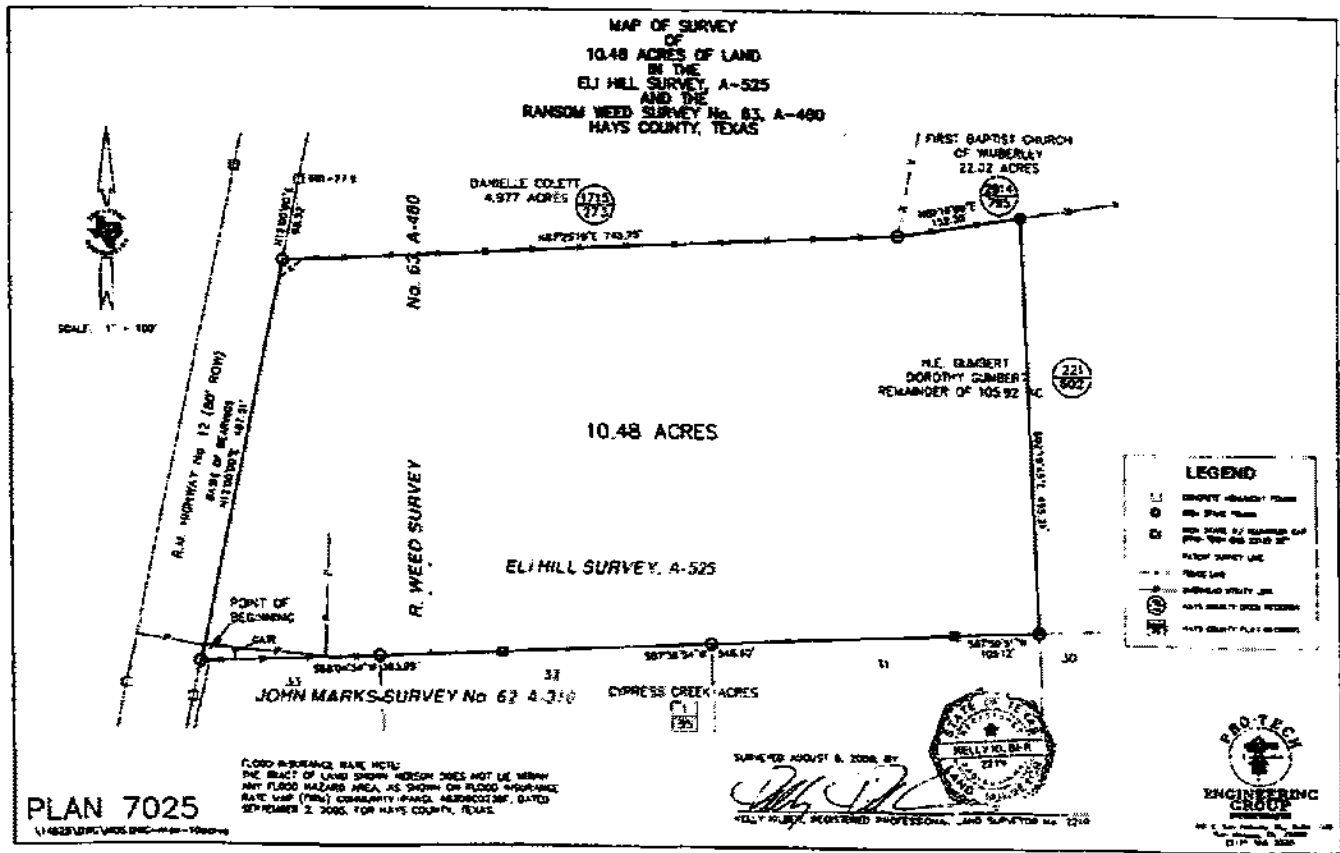


(Ord. 09-125, passed 7-8-2009)

§ 156.123 FIELD NOTE DESCRIPTION AND MAP.

The field note description of 10.48 acres of land in the Eli Hill Survey, A-525, and the Ransom Weed Survey

No. 63, A-480, is incorporated herein as if set out in full.



(Ord. 09-125, passed 7-8-2009)

ADMINISTRATION AND ENFORCEMENT

§ 156.135 GENERAL.

The city shall administer the provisions of this chapter and, in furtherance of such authority, the city shall:

- (A) *Records.* Maintain permanent and current records with respect to this chapter, including amendments thereto;
- (B) *Applications.* Receive, file and review all zoning applications to determine whether such plats comply with this chapter;
- (C) *Commission.* Receive, hear and act upon zoning applications to the Commission as required by this chapter, and forward its recommendations thereon to the City Council;
- (D) *Council.* Receive the recommendation of the Commission, together with the recommendations of city staff, cause notice to be given, hold a public hearing, hear from interested persons and act in its legislative discretion on the zoning change or issue; and
- (E) *Implementation.* Make such other determinations and decisions as may be required of the city by this chapter, the Commission or the Council; and enforce and implement this chapter and the final decisions by the City Council.

(Ord. 00-65N, passed 6-1-2005)

§ 156.136 ORDINANCE INTERPRETATION.

In the interpretation and application of the terms and provisions of this chapter, the following regulations shall govern.

- (A) *Liberal construed.* In the city's interpretation and application, the provisions of this chapter shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience,

prosperity and welfare. This chapter shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

(B) *Highest standards govern.* Whenever a provision of this chapter and any other provision of this chapter, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(C) *Resolution of conflicting interpretations.* Where there arises a question concerning the meaning or intent of a provision of this chapter, a written decision setting forth the manner in which said provision shall be interpreted and administered is encouraged. In the event exception is taken by any interested party to such a decision, the matter may be appealed to the Commission and, as appropriate, to the Council whose decision shall be final.

(D) *Written decisions binding.* Any final written decision made as provided in division (C) above shall be archived and shall govern interpretation of this chapter until such time as an amendment of this chapter shall nullify such decision, or the decision is overruled or rescinded by the City Council.

(E) *State law.* The terms, provisions and conditions of this chapter shall be interpreted and applied in a manner consistent with state law and Tex. Local Gov't Code Ch. 211, in particular.

(F) *Master Plan.* All zoning applications shall conform to the master plan for the community and be consistent with all of the elements thereof.

(1) Where the proposed zoning application is inconsistent with one or more of the elements of the Master Plan, the developer may petition the city for amendment to the particular element or elements of the Master Plan either prior to, or concurrent with, submitting a request for subdivision plat or development plan approval. Inconsistency with the provisions of the Master Plan shall be grounds for disapproval of the zoning application by the city.

(2) Where the proposed zoning is for a zoning district or category provided for in this chapter, but that is not included on the Master Plan existing on the date of this chapter, or not existing on the date of such application, the applicant shall propose an amendment to the Master Plan and provide information and documentation in support of such amendment.

(G) *Consistency with the Subdivision Ordinance.* All development projects within the corporate limits of the city shall be in conformance with Ch. 155 of this code of ordinances. Where the proposed development requires a zoning classification or approval other than that currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary zoning classification or approval required for the proposed development to comply with this chapter.

(Ord. 00-65N, passed 6-1-2005)

§ 156.137 BOARD OF ADJUSTMENT.

(A) *Established.* A Board of Adjustment (hereafter in this section, the "Board") is established in accordance with the provisions of Tex. Local Gov't Code § 211.008, regarding the zoning of cities and with the powers and duties as provided in said code.

(B) *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 such minutes shall be immediately filed in the office of the Board and shall be a public record. The Board of Adjustment shall act by resolution in which four members must concur. The Board may adopt rules in accordance and consistent with this chapter as necessary and required. A copy of any such rules shall be furnished to any person requesting same. All rules and regulations shall operate uniformly in all cases and all resolutions and orders shall be in accordance therewith.

(C) *Powers and duties of the Board.*

(1) *Appeals based on error.* The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Tex. Local Gov't Code Ch. 211 or this chapter.

(2) *Special exceptions.* The Board shall have the power to hear and decide special exceptions to the terms

of this chapter when this chapter requires the Board to do so. Such special exception shall be as follows: authorize a variance from 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, and where the topography or unusual shape of the lot and regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(D) *Variances.* The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:

(1) *Yard and fence setbacks.* Permit a variance in the setback requirements of any district where there are unusual and practical difficulties or unnecessary hardship in the carrying out of these provisions due to an irregular shape of the lot, topography or other conditions; provided that, such variance will not significantly affect any adjoining property or the general welfare; and

(2) *Structures.* Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this chapter as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance as established by this chapter, and at the same time, the surrounding property will be properly protected; provided that, the Board shall not in any event permit a use on any property that is not permitted within the zoning category for which such property is zoned.

(E) *Procedures for requesting a variance.*

(1) A request for a variance shall be made in writing and include information to support the request for a variance. Such information may include, but is not limited to, plat plans, site and building plans, contour maps and location of existing flora. The request shall clearly state the unusual conditions or circumstances which, in the applicant's opinion, justifies a variance.

(2) The request for a variance, and a variance request fee in accordance with Chapter 35, will be mailed to the City of Woodcreek, 41 Champions Circle, Woodcreek, Texas 78676.

(3) The city will be responsible for notifying all property owners within 200 feet of the property for which the variance is requested of variance request and the time and location of the Board of Adjustment meeting at which time the request for variance will be acted upon. The notification will include a complete description of requested variance.

(4) The request for variance will be approved or denied within 45 days from the date the request is received.

(F) *Appeals.*

(1) *Procedure.*

(a) In the event that any person has been detrimentally aggrieved by a decision of an administrative officer, relative to the enforcement of Tex. Local Gov't Code Ch. 211 and or this chapter, such person may submit an appeal in accordance with the rules of the Board within ten days of the decision. Additionally, any officer, department, board or bureau of the city may appeal a decision relative to the enforcement of Tex. Local Gov't Code Ch. 211 and or this chapter.

(b) The appellant must file a written appeal certifying the grounds for the appeal, and it shall be filed with the Board and with the administrative officer. The administrative officer shall forthwith transmit to the Board all documents which are pertinent to the appeal.

(2) *Stay of proceedings.* Such appeal shall stay all further action relative to the appealed decision by the administrative officer. If the administrative officer deems that continuing the stay would cause imminent peril to life or property, he or she must certify the facts relating to his or her opinion in a written certificate to the Board. In the event that due cause is shown and after notice to the administrative official, the stay may be continued

only by a restraining order granted by the Board or by a court of record on application.

(3) *Hearing of the appeal.* The Board shall set a reasonable time for the hearing of the appeal and shall provide notice to the parties of interest, who may appear at the hearing in person or by representation of an attorney or agent.

(4) *Decision by Board.* The Board shall decide appeals within a reasonable time. Any party to the appeal may appear in person or by agent or attorney at any hearing. The Board may, upon the concurring vote of four members, reverse or affirm, in whole or in part, or modify the administrative official's order, requirement or decision, and make the correct order, requirement, decision or determination on the matter appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

(G) *Changes.* The Board shall have no authority to change any provision of this chapter and its jurisdiction is limited to hardship and borderline cases which may arise from time to time.

(Ord. 00-65N, passed 6-1-2005; Ord. 14-198, passed 7-9-2014)

§ 156.138 CONDITIONS FOR ISSUING A BUILDING PERMIT.

No building permit will be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this chapter, all other applicable city ordinances and all applicable elements of the master plan, except as herein exempted, or upon the written application and approval of a variance.

(Ord. 00-65N, passed 6-1-2005)

§ 156.139 CERTIFICATES OF OCCUPANCY.

(A) *Policy and application.* Certificates of occupancy will be required for any of the following:

- (1) Occupancy of any structure or building hereafter erected or structurally altered;
- (2) Change in occupancy of an existing building to an occupancy of a different zoning district; and
- (3) No change of occupancy of any new, or altered portion of any, structure or building, or any such

building or structure will take place until a certificate of occupancy therefor shall have been issued by the city.

(B) *Procedure.*

(1) *New structures.* No structure shall be occupied until a final inspection is made by the appropriate city official.

(2) *Altered structures.* Written application for a certificate of occupancy for an existing building which is to be issued within seven days after a written request for it has been made to the city. The erection or alteration of such building or part thereof shall be completed in conformity with the provisions of this chapter and all applicable city codes and ordinances.

(3) *Change in use.* Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided, shall be made to the city. If the proposed use is in conformity with the provisions of this chapter, a certificate of occupancy shall be issued within seven days after the application for same has been made.

(C) *Approval.* Every certificate of occupancy shall state that the building or the proposed occupancy of a building or land complies with all provisions of law. A record of all certificates of occupancy shall be kept on file in the city offices and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.

(D) *Temporary certificate of occupancy.* Pending the issuance of a regular certificate of occupancy, a temporary certificate may be issued by the city for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as, in any way, altering the respective rights, duties or obligations of the owners, or of the city, relating to the use or occupancy of the premises or any other matter covered by this chapter.

(Ord. 00-65N, passed 6-1-2005)

AMENDMENTS

§ 156.150 STATEMENT OF INTENT.

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the city, this chapter shall not be amended except to correct error in the ordinance, or because of changed or changing conditions in a particular area or in the city generally, or to rezone an area, extend the boundary of an existing zoning district or to change the regulations and restrictions thereof, all in accordance with the Comprehensive Plan. The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this chapter. This chapter may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

(Ord. 00-65N, passed 6-1-2005)

§ 156.151 AMENDMENT LIMITATION; REZONING.

Subject to the limitations of the foregoing statement of intent, an amendment of this chapter may be requested by any person; provided that, an amendment to rezone any property may be initiated only by:

- (A) The City Council on its own motion;
- (B) The Planning and Zoning Commission; or
- (C) Petition by the landowner or his or her authorized agent.

(Ord. 00-65N, passed 6-1-2005)

§ 156.152 RESPONSIBILITY FOR CHANGE.

The City Council has sole responsibility for changes in the zoning map and changes in the zoning ordinance. The zoning and rezoning of land is in the legislative discretion of the City Council. Zoning and rezoning shall be by ordinance only.

(Ord. 00-65N, passed 6-1-2005)

§ 156.153 REFERRAL OF AMENDMENT TO COMMISSION.

Any request for rezoning as prescribed in § 156.151 of this chapter, or the receipt of an administratively complete petition and application to zone or rezone, a lot, tract or parcel of land, which petition and application have been examined and approved as to form by the City Secretary, shall be referred to the Commission for consideration, public hearing and recommendation to the Council. The Council may not enact a rezoning amendment until the Commission has held a public hearing and made its recommendation to the Council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(Ord. 00-65N, passed 6-1-2005)

§ 156.154 ACTION BY THE COMMISSION.

The Commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the Council such action as the Commission deems proper. Written notice of the proposed zoning change shall be mailed, by the U.S. Postal Service, to the owner of each tract or parcel of land that is within 200 feet of the property for which zoning is requested, not less than 15 days prior to the date of the public hearing to be held by the Commission.

(Ord. 00-65N, passed 6-1-2005)

§ 156.155 ACTION BY THE COUNCIL.

The Council shall give public notice and hold a public hearing before taking final action to zone or rezone any land.

(Ord. 00-65N, passed 6-1-2005)

§ 156.156 PUBLIC HEARING AND NOTICE OF THE PROPOSED ZONING CHANGE.

(A) Not less than 15 days prior to the date of the public hearing to be held by the Commission on each zoning or rezoning, written notice of the public hearing and the zoning proposed shall be mailed by the U.S. Postal Service to the owner of each lot, tractor parcel of land within 200 feet of the lot, tract or parcel being considered for zoning. Such notice shall be mailed by first class mail addressed to the persons or firms to whom the properties are assessed on the city tax rolls.

(B) Notice of the public hearing to be held by the Council shall be given by publishing such notice at least once in a newspaper of general circulation in the city, at least 15 days prior to the date set for public hearing.

(C) If the zoning or rezoning is proposed by the Council or the Commission, notice of the proposed zoning change shall be made by the City Secretary, mailing notification by first class mail to the person or firm to

whom the property is assessed on the city tax rolls, and to all persons or firms to whom the property within 200 feet of the proposed zoning change is assessed on the city tax rolls.

(D) The required notice for public hearing having been given for the zoning or rezoning of a tract of land, the Commission or the Council may, as applicable, continue such matter to subsequent public meetings for consideration and may, in the same zoning process or proceeding, recommend zoning/rezoning or, as applicable, zone or rezone the property for which notice was given for a use or zoning district that is a less intensive use than the use for which the notices were given, without additional or further notices being given; provided that, the less intensive district is within the same general-use category (e.g., duplex requested and single-family zoning granted, multiple-family zoning requested) and the granted rezoning is a less intensive multiple-family zoning duplex or single-family.

(Ord. 00-65N, passed 6-1-2005)

§ 156.157 PROTEST OF PROPOSED AMENDMENT.

If a protests) against any proposed rezoning or zoning change for any land is presented in writing to the City Secretary prior to the public hearing thereon, duly signed by the owners of 20% or more either of the area of lots included in the proposed change or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective, except by the favorable vote of three-fourths of all members of the Council.

(Ord. 00-65N, passed 6-1-2005)

§ 156.158 PROCEDURE FOR AMENDMENT PETITION.

(A) *Filing of application.* All petitions to change zoning or rezone property shall contain at least the following:

- (1) The petitioner's name, address and interest in the petition, as well as the name, address and interest of every person having a legal or an equitable interest in the land covered by the petition;
- (2) The nature and effect of the proposed amendment and zoning or permit requested;
- (3) A fully scaled map showing:
 - (a) The land affected by the proposed amendment;
 - (b) A legal description of the land;
 - (c) The present zoning classification of the land;
 - (d) The zoning classification of all abutting land; and
 - (e) All public and private rights-of-way and easements bounding and intersecting the land.
- (4) If applicable, the alleged error in this chapter, which would be corrected by the proposed amendment, together with a detailed explanation of such error and how the proposed amendment will correct same;
- (5) The changed or unchanging conditions, if any, in the area or in the municipality generally, which make the proposed amendment reasonably necessary; and
- (6) A statement of all other circumstances, factors and reasons the applicant offers in support of the proposed amendment.

(B) *Time limitation.* If a petition for rezoning is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be filed with a period of 12 months from the date of final denial, except with the permission of the City Council.

(Ord. 00-65N, passed 6-1-2005)

§ 156.159 FEES.

If the application is submitted by other than the City Council or by the Planning and Zoning Commission, the applicant seeking rezoning approval shall pay to the city at the time of submittal a fee to be determined by City Council.

(Ord. 00-65N, passed 6-1-2005)

§ 156.999 PENALTY.

(A) Except as otherwise provided for in this chapter, it shall be unlawful for any person (see definition of "person" in § 156.009 of this chapter) to develop, improve or sell any lot, parcel, tract or block of land within the city's extraterritorial jurisdiction, regardless of the size or shape of said lot, parcel, tract or block, unless

9B

such lot, parcel, tract or block of land conforms with this chapter.

(B) (1) *Administrative action.* The city shall enforce this chapter by appropriate administrative action, including, but not limited to, the rejection of plans, maps, plats and specifications not found to be in compliance with this chapter and good engineering practices, and the issuance of stop work orders.

(2) *Court proceedings.* Upon the request of the City Council the City Attorney shall file an action in District Court to enjoin the violation or threatened violation of this chapter, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property established pursuant to this chapter.

(C) In any prosecution charging a violation of this chapter governing the zoning regulations, proof that the property described in the complaint was in violation of any section above, together with proof that the defendant named in the complaint was, at the time of the zoning violation, either the occupant or the registered owner of such property, shall constitute in evidence a prima facie presumption that the owner of such property was the person who knowingly and intentionally committed or permitted the violation for the time during which such violation occurred.

(D) Any person who shall violate any of the provisions of this chapter, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of \$2,000. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(Ord. 00-65N, passed 6-1-2005)

CHART 2 - RESIDENTIAL ZONING REQUIREMENTS BY DISTRICT – for 2-20-2019 P and Z Consideration

	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	TH/C	DU-1	4PLX	MF	RR	P U D	MH-1
% masonry required	55	55	55	55	55	55	55	55	55	see § 156.064 for MF-1, MF-2 requirements and § 156.065 for MF-1A requirements	55		55
Garage required	2-Car	2-Car	2-Car	No	1-Car	2-Car	2-Car	1-Car	1-Car ¹		2-Car	-	1-Car
Off-street parking required	1	1	1	1	1	1	1	1	1		1	-	1
Maximum dwelling units per lot	1	1	1	1	1	1	1	2	4		1	-	1
Maximum dwelling height	30'	30'	30'	30'	30'	30'	30'	30'	30'		30'	-	30'
Maximum impervious cover	30%	30%	30%	30%	30%	30%	30%	30%	30%		30%	-	30%
Minimum setbacks													
Front	25'	25'	10'	20'	20'	25'	25'	25'	25'		25'		25'
Interior side	7-1/2'	7-1/2'	0'	0'	7-1/2'	5'	7-1/2'	7-1/2'	7-1/2'		7-1/2'	-	7-1/2'
Rear	25'	25'	15'	15'	15'	25'	25'	25'	25'		25'		25'
Street side	10'	10'	5'	5'	10'	10'	15'	15'	15'		10'	-	10'
Minimum square footage													
One-story	1,500	1,000	1,000	900	1,000	1,000	1,000 ²	900 ²	800 ²		1,500	-	1,000
Two-story	2,000	1,500	1,200	900	1,000	1,000	1,200 ²	1,200 ²	800 ²		2,000	-	NA
NOTES TO TABLE:													
¹ per unit													
² Maximum impervious cover is capped at 30% for construction for which a site development plan was not filed prior to October 20, 2006.													

9B

Application for Pyrotechnics/Fireworks Display Permit

Applicant Camp Young Judaea
Address 5410 Bellaire Blvd Suite 207 Bellaire, TX 77401

Note: Applications must be submitted at least 10 days prior to the proposed display.

Event Location Camp Young Judaea 121 Camp Young Judaea Drive Woodcreek, TX 78676
Date of Event Bar Mitzvah March 23
Event Beginning Time: 8:30pm Event End Time 08:40pm
List of types, number and sizes of fireworks used in display:
Up to 1.4g fireworks Approximately 30

Pyrotechnic Operator: Michael Esposito
Residence Address: 121 Camp Young Judaea Dr
Texas Pyrotechnic License # N.A. Expiration Date: _____
TX DL License # 40646850 Expiration Date: 06/04/2022
Cell Phone 832-623-5940

Provide the Following:

- 1.0 Certificate of General Liability Insurance (Name of Insured, Policy #, Effective Dates of Policy)
- 2.0 Map of Display Area with distances noted, Including:
 - 2.A Firing site.
 - 2.B Fall out Zone – (If other properties are in the fall out zone of the fireworks, a letter must be attached from the property owner or representative of the property owner stating that they give permission for their property to be used in the fallout zone. If any structures are within the fallout zone, the owner of the structure must provide documentation that the structure will not be occupied during the fireworks display.
 - 2.C Spectator location.
 - 2.D Secured perimeter.
 - 2.E Location of adjacent buildings, indicating the use of the building. If there are no buildings within 600 feet of the firing site, indicate such on map.
- 3.0 Verification from local fire department that they were notified of event, date, location and time. It is at the discretion of the AHJ to determine if the local fire department needs to be on scene during the fireworks display. If required, the signature is to confirm the Fire Department will be staged at the location during the proposed display and what staffed equipment will be on location.
- 4.0 A site inspection by the Fire Marshall or their designee must be conducted prior to commencement of the display.

All firework displays involving 1.3G fireworks shall comply with the Texas State Fire Marshal requirements, including obtaining a Fireworks Display Permit from that office. They shall also obtain a permit from the City of Woodcreek and comply with the requirements herein. Where there is a conflict between requirements, the most restrictive shall apply.

Operator qualifications

Must be at least 21 years of age.

Must possess a Pyrotechnic Operator license issued by the State of Texas unless only 1.4G fireworks are being used in the display.

Display

No fireworks display, articles or devices shall be permitted to cross over or burst above a spectator area, building, or any public right-of-way open for use during the display. Favorable weather conditions must be present. Winds in excess of 15 miles per hour or other factors which may alter trajectory or stability of the display will cause the operation to be suspended.

Minimum distance of spectator area to firing site

For aerial shells, the minimum required radius of the display site shall be 70 feet per 1/2 inch of the internal mortar diameter of the largest aerial shell to be fired, with a minimum distance of 150 feet.

For ground display pieces of low hazard potential, the minimum radius shall be 75 feet.

For ground display pieces with greater hazard potential, the minimum radius shall be 125 feet.

Fallout area


The fallout area shall be an open area.

Spectators, unauthorized vehicles, watercraft, or readily combustible materials shall not be within the fallout area during the display.

Fire Protection

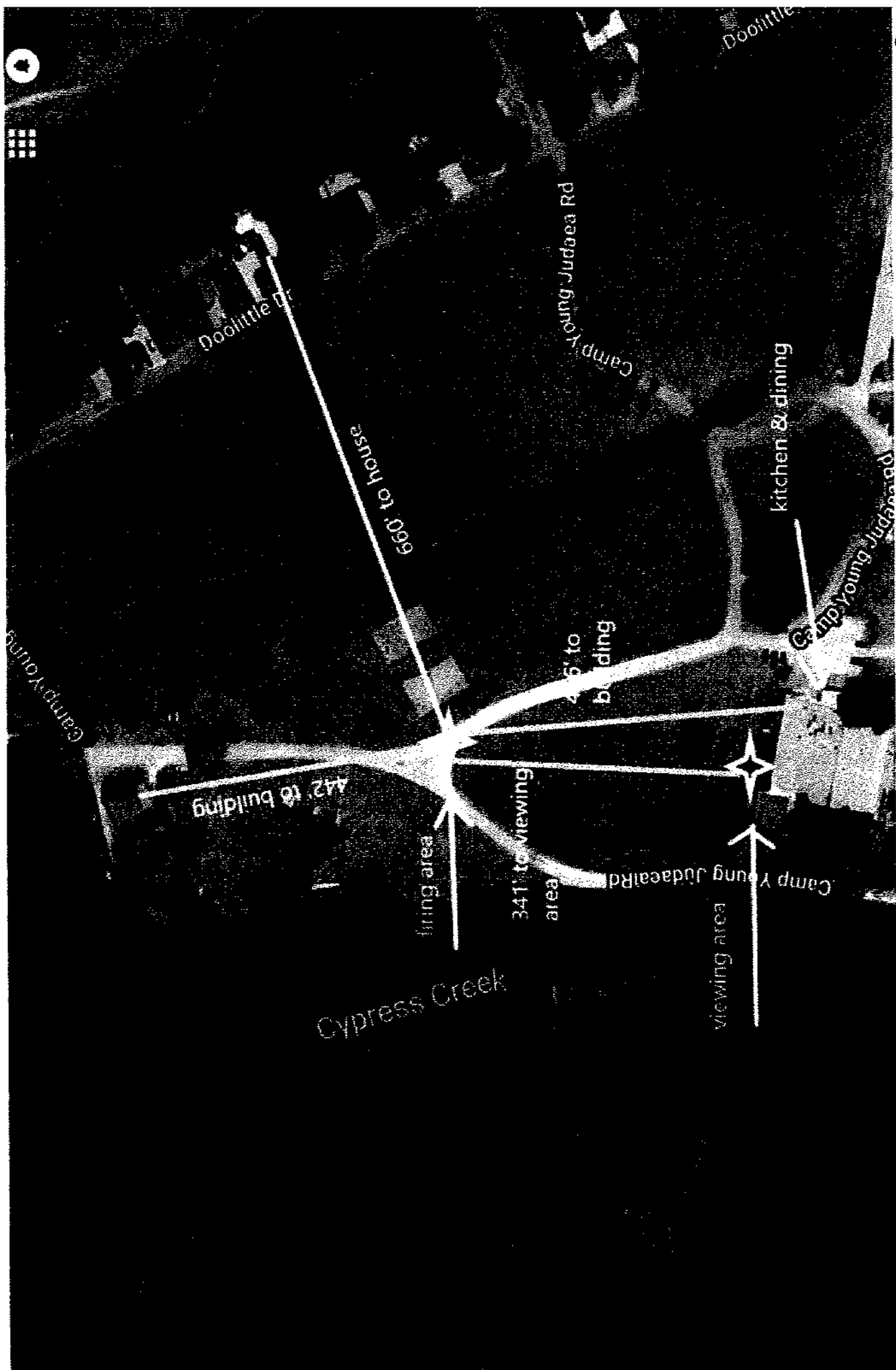
Provide a minimum of two approve 2 1/2 gallon pressurized water fire extinguishers and two 10BC extinguishers at the display area. Additional safeguards may be required at individual display locations as deemed necessary by the Fire Department.

I acknowledge that the information on this application and its attachments are true. I understand that knowingly providing a false answer to any question or submitting false information or documents with this application may be tampering with a governmental record which is punishable under Texas law.

Signature  Date 2/22/19

Print Name Danny Ross danny@cystexas.org

For City Use Only:	
Approved or Denied by Fire Marshall: <u>See attachment</u>	Date <u>2/27/2019</u>
Fee Paid: \$ <u>25⁰⁰</u>	Date: <u>2-22-2019</u> CK.# <u>2604</u>
Permit Issued by City: _____	Date: _____
Date Applicant Notified of Denial: _____	Reason for Denial _____





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/12/2019

9E

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Brown & Brown Lone Star Insurance Services, Inc 1717 N. Sam Houston Parkway #115 Houston TX 77038	CONTACT NAME: _____ PHONE (A/C, No, Ext): 281-260-2000 E-MAIL ADDRESS: _____ FAX (A/C, No): _____																				
	<table border="1"> <thead> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Texas Mutual Insurance Company</td> <td></td> <td>22945</td> </tr> <tr> <td>INSURER B : Utica National Ins Co of Texas</td> <td></td> <td>43478</td> </tr> <tr> <td>INSURER C : Graphic Arts Mutual Ins Co</td> <td></td> <td>25984</td> </tr> <tr> <td>INSURER D :</td> <td></td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A : Texas Mutual Insurance Company		22945	INSURER B : Utica National Ins Co of Texas		43478	INSURER C : Graphic Arts Mutual Ins Co		25984	INSURER D :			INSURER E :			INSURER F :	
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INSURER D :																					
INSURER E :																					
INSURER F :																					
INSURED EMERY-1 The Emery/Weiner School 9825 Stella Link Road Houston TX 77025																					


COVERAGES CERTIFICATE NUMBER: 10409402 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR		CPP5226793	2/1/2019	2/1/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 40,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP OP AGG \$ 3,000,000 OTHER \$
B	X AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS		BAC5226795	2/1/2019	2/1/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ OTHER \$
C	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION \$		CULP5226796	2/1/2019	2/1/2020	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 OTHER \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR PARTNER EXECUTIVE OFFICER MEMBER EXCLUDED? (Mandatory in NH) N/A YES DESCRIBED UNDER DESCRIPTION OF OPERATIONS below		TSF6001247508	2/1/2019	2/1/2020	X PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101. Additional Remarks Schedule, may be attached if more space is required)

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101. Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Camp Young Judaea, Inc. Attn: Bar Twito 5410 Bellaire Blvd. Bellaire TX 77401	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Admin

9E

From: Gib Watt <durhamconst312@gmail.com>
Sent: Wednesday, February 27, 2019 3:04 PM
To: Admin
Cc: Manager
Subject: Re: FW: fireworks application

Everything looks good and I am good with issuing the permit.

Gib

On Wed, Feb 27, 2019 at 1:31 PM Admin <admin@woodcreektx.gov> wrote:

Gib,

Please let us know if the attached documents are ok – note the name of the Insured and the Certificate Holder.

Thank you,

Linda

From: Ross, Danny <danny@cyitexas.org>
Sent: Wednesday, February 27, 2019 1:17 PM
To: Admin <admin@woodcreektx.gov>
Subject: Re: fireworks application

Please see 2 documents attached.....let me know if this will work.

Thanks,

Danny Ross

Director of Operations

Council Meeting Date: March 13,2019

AGENDA ITEM COVER SHEET

Subject/Title: Fun-Day @ CYJ Resolution

Item Summary:

Met Wednesday March 6,2019 with CYJ to discuss the Resolution to Hold a City of Woodcreek Community Day hosted by Camp Young Judea. The Camp will provide activities, food and facilities.

Financial Impact/Financial Information:

Minimal City cost to cover advertising & security

Comments/Recommendation:

Recommend passing this resolution to promote good will and enjoyment for our citizens at the camps invitation.

Attachments

Fun-Day @ CYJ Resolution

Submitted By:

Judy Brizendine

RESOLUTION NO. 2019-03-13-1

A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS SUPPORTING FUN-DAY @ CYJ

WHEREAS, the City Council of the City of Woodcreek and Representatives of Camp Young Judaea are desirous in holding a day promoting a strong community; and

WHEREAS, the City Council of City of Woodcreek and Representatives of Camp Young Judaea recognize the importance of working together to provide a day for the community; and

WHEREAS, the City Council of City of Woodcreek and Representatives of Camp Young Judaea see the need to bring the community together for a day of relaxation, entertainment, and camaraderie; and

WHEREAS, City Council of City of Woodcreek and Representatives of Camp Young Judaea also see the involvement of the corporate partners, utility providers, and other interested parties to provide the most inclusive participants as the Woodcreek Day can provide.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WOODCREEK HEREBY ADOPTS THE FOLLOWING RESOLUTION THAT:

Section 1.

The City of Woodcreek and Camp Young Judaea shall hold the First Annual Fun-day @ CYJ..

Section 2.

The City of Woodcreek and Camp Young Judaea will jointly sponsor the First Annual Fun-day @ CYJ the 5th day of May 2019 at Camp Young Judaea.

Section 3.

This Resolution shall be effective immediately upon its passage.

PASSED AND APPROVED this, the 13th day of March 2019, by a vote of _____ (ayes) to _____ (nays) to _____ (abstentions) to _____ (absent and not voting) of the City Council of Woodcreek, Texas.

City of Woodcreek:

By: _____
Mayor William P. Scheel

Attest:

By: _____
Linda Land, City Secretary

Council Meeting Date: 03/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9. G. Discussion and Take Appropriate Action on An Ordinance of the City Council of the City of Woodcreek, Texas Repealing all Rates and Fees Contained in the Code of Ordinances of the City of Woodcreek; Repealing Any Conflicting Ordinances; Providing for Severability; Providing an Effective Date; and Providing for a Finding of Proper Notice and Open Meeting.

Item Summary:

This item is to consider adopting an ordinance that removes all rates and fees from the Code of Ordinances. The removal of the rates and fees from the Code eliminates the need to amend the Code of Ordinances each time a rate or fee is changed.

Financial Impact/Financial Information:

Reduction in Codification costs if rates and fees are changed.

Comments/Recommendation:

Adoption of Ordinance

Attachments:

Draft Ordinance

Submitted By:

Brenton Lewis, City Manager

CITY OF WOODCREEK, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS REPEALING ALL RATES AND FEES CONTAINED IN THE CODE OF ORDINANCES OF THE CITY OF WOODCREEK; REPEALING ANY CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR A FINDING OF PROPER NOTICE AND OPEN MEETING.

WHEREAS, the City Council of the City of Woodcreek, Texas ("City") seeks to provide for reasonable fees and charges for municipal services in order to recoup the cost of conducting municipal business on the public's behalf without unduly relying on taxes; and

WHEREAS, the City Council finds that the Code of Ordinances of the City of Woodcreek, Texas ("Code") contains rates and fees throughout the Code and therefore desires to consolidate all City rates and fees to provide a single and convenient location for a list of all rates and fees charged by the City through a Master Rate Schedule; and

WHEREAS, the City Council has determined that the public welfare would be best served by consolidating all rates and fees by establishing a Master Rate Schedule by resolution and repealing all fees contained throughout the Code and any conflicting ordinances;

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

SECTION 1. REPEAL OF RATES AND FEES CONTAINED IN CODE. The City Council of the City hereby repeals all rates and fees provided throughout the Code which will be consolidated into and replaced by a Master Rate Schedule adopted by resolution of the City Council.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All City ordinances or parts of ordinances inconsistent or in conflict herewith, to the extent of such inconsistency or conflict, are hereby repealed.

SECTION 3. SEVERABILITY. If any section, subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its approval and passage.

SECTION 5. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this ordinance was passed was attended by a quorum of the

City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this the 13th day of March, 2019 by a vote of

_____ **NAYS** _____ **AYES** _____ **Absent and Not Voting**

CITY OF WOODCREEK

William P. Scheel, Mayor

ATTEST:

Linda Land, City Secretary

Council Meeting Date: 03/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9. H. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek, Texas Establishing a Master Rate Schedule for Assessing Rates and Fees; Authorizing the City Secretary to Maintain the Master Rate Schedule and Recommend Adjustments; Repealing Any Conflicting Resolutions; Providing for Severability; Providing an Effective Date; and Providing for a Finding of Proper Meeting and Notice.

Item Summary:

This item is to consider adopting a resolution establishing a Master Rate Schedule for the various rates and fees of the City of Woodcreek. By adopting the resolution, the Council can change the rates and fees without having to change the Code of Ordinances.

Financial Impact/Financial Information:

N/A

Comments/Recommendation:

Adoption of Resolution

Attachments:

Draft Resolution and Master Rate and Fee Schedule

Submitted By:

Brenton Lewis, City Manager

CITY OF WOODCREEK, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS ESTABLISHING A MASTER RATE SCHEDULE FOR ASSESSING RATES AND FEES; AUTHORIZING THE CITY SECRETARY TO MAINTAIN THE MASTER RATE SCHEDULE AND RECOMMEND ADJUSTMENTS; REPEALING ANY CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR A FINDING OF PROPER MEETING AND NOTICE.

WHEREAS, the City Council of the City of Woodcreek, Texas ("City") seeks to provide for reasonable fees and charges for municipal services in order to recoup the cost of conducting municipal business on the public's behalf without unduly relying on taxes; and

WHEREAS, the City Council finds that the Code of Ordinances of the City of Woodcreek, Texas ("Code") contains rates and fees throughout the Code and desires to consolidate all City rates and fees to provide a single and convenient location for a list of all rates and fees charged by the City through a Master Rate Schedule; and

WHEREAS, by Ordinance No. _____, the City Council repealed all rates and fees provided by City ordinances and by the Code; and

WHEREAS, the City Council has determined that the public welfare would be best served by establishing a Master Rate Schedule;

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

SECTION 1. RATES. The City Council of the City hereby adopts the Master Rate Schedule with the rates and fees attached as Exhibit "A" hereto.

SECTION 2. CITY SECRETARY AUTHORIZED TO MAINTAIN MASTER RATE SCHEDULE AND RECOMMEND ADJUSTMENTS. The City Secretary or his or her designee is hereby authorized to maintain the Master Rate Schedule and make recommendations to the City Council on adjustments to the Master Rate Schedule, as may be necessary, that may be reviewed, amended and/or adopted by City Council, and after adoption incorporated into the Master Rate Schedule.

SECTION 3. REPEAL OF CONFLICTING RESOLUTIONS. All City resolutions or parts of resolutions inconsistent or in conflict herewith, to the extent of such inconsistency or conflict, are hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, phrase, sentence or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 5. EFFECTIVE DATE. That City Secretary is hereby ordered and directed to cause this resolution to be published as required by law. This resolution and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force after its adoption and publication requirements have been satisfied.

SECTION 6. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this the 13th day of March, 2019 by a vote of

_____ **NAYS**

_____ **AYES**

_____ **Absent and Not Voting**

CITY OF WOODCREEK

William P. Scheel, Mayor

ATTEST:

Linda Land, City Secretary

CITY OF WOODCREEK MASTER RATE AND FEE SCHEDULE

EFFECTIVE DATE MARCH 13, 2019

SIGNS

Pre-application conference fee: \$30

Sign permit application fees (based on total square feet of sign surface area):

- Up to 12 square feet: \$30;
- Up to 16 square feet: \$45;
- Up to 24 square feet: \$65;
- Up to 32 square feet: \$80;
- Up to 48 square feet: \$100;
- Up to 64 square feet: \$115;
- Up to 80 square feet: \$145;
- Up to 100 square feet: \$175
- Over 100 square feet: \$200.

Sign permit transfer of ownership fee: \$30.

Sign permit replacement fee: \$10.

Sign impoundment fee: \$30 per sign.

Sign permit waiver/variance request fee: \$500, plus cost of postage and publication

Signs erected before a permit is approved shall require double the normal permit fee amount.

SITE DEVELOPMENT

Site development permit application fees:

- Pre-application conference fee: \$85 per hour, with a \$85 minimum;
- Concept plan review fee: \$575;
- Small projects (<\$50,000): \$575;
- Medium projects (\$50,000—\$100,000): \$1,150;
- Large projects (>\$100,000): \$1,725;

Project cost estimate includes all site-related work (does not include costs of vertical structures, pump stations); cost estimate must be reasonable and based on current costs. The city shall determine the reasonableness of costs;

Temporary projects: \$300 for temporary improvements between 15 and 30 days; and

Site development permit amendment/engineer adjustment fee: \$300.

Reimbursement of consultant costs for site development application:

- The applicant is required to pay all associated costs prior to receiving a permit, regardless of city approval;
- Associated costs may include, but are not limited to, outside professional services provided by engineers, attorneys, surveyors, inspectors and others, as required; and
- Associated costs will be billed at cost, plus 10% to cover the city's additional administrative costs.

Waiver/variance request fee: \$500, plus cost of postage and publication

Guarantee of public improvements: a bond or cash equivalent in an amount equal to the estimated cost of construction of permitted project.

Any project that starts construction without a permit is subject to penalty as described by Chapter 154 of the Woodcreek Code of Ordinances.

Site development work done before the approval of a permit shall require double the normal permit fee amount.

Extension of plan approval request fee: \$300.

SUBDIVISIONS

Pre-application conference fee: \$85 per hour, with a \$85 minimum.

Concept plan (major plat) fee: \$575 per plan.

Preliminary plat (major plat) filing fee: \$575 per plat, plus \$200 per lot.

Minor plat filing fee: \$575 per plat.

Final plat (major plat) filing fee: \$300 per plat, plus \$525 per lot.

Guarantee of public improvements: a bond or cash equivalent in the amount equal to the estimated cost of construction based on approved plans. This amount applies to utilities, drainage, water quality facilities, water detention facilities, roadways and all related features. This amount will not be collected if the county has collected no less than this amount, where applicable.

Guarantee of maintenance: 10% of the estimated costs of construction based on approved plans. This amount applies to utilities, drainage, water quality facilities, water detention facilities, roadways and all related features. This amount will not be collected if the county has collected no less than this amount, where applicable.

Vacation of plat fee: \$300 per plat.

Replat fee: \$300 per plat, plus \$300 per lot. Any time a vacation and replat occur at the same time, only the replat fee will be collected.

Plat amendment fee: \$300 per plat.

Waiver/variance request fee: \$500 per variance, plus cost of postage and publication

Extension of plat approval request fee: \$250.

Reimbursement of consultant costs for plat/construction plan application:

- The applicant is required to pay all associated costs prior to filing the plat for recordation with the City Secretary, regardless of City Council approval;
- Associated costs may include, but are not limited to, outside professional services provided by engineers, attorneys, surveyors, inspectors and others, as required; and
- Required consultant costs will be billed at cost plus 10% to cover the city's additional administrative costs.

Construction plan approval: fees related to construction plan review are included in the final plat filing fees and required consultant costs.

Any project that starts construction without a permit is subject to penalty as described by Ch. 155 of this code of ordinances. Construction work done before approval of a permit shall require double the normal final plat filing fee amount.

ZONING

Use permit application fee: \$575, plus cost of postage and publication

Special use permit application fee: \$575

Zoning classification change request fee: \$575 per lot, tract or parcel

Planned development district request fee: \$5,750 per district, plus \$125 per acre

Waiver/variance request fee: \$500, plus cost of postage and publication

Reimbursement of consultant cost for zoning applications:

- Associated costs may include, but are not limited to, outside professional services provided by engineers, attorneys, surveyors, inspectors and others, as required; and
- Required consultant costs will be billed at cost, plus 10% to cover the city's additional administrative costs.

Zoning determination letter request fee: \$75.

DEVELOPMENT AGREEMENTS

Development agreement fee: \$2,850 per agreement, plus \$125 per acre.

Reimbursement of consultant costs for development agreement:

- Associated costs may include, but are not limited to, outside professional services provided by engineers, attorneys, surveyors, inspectors and others, as required; and
- Required consultant costs will be billed at cost, plus 10% to cover the city's additional administrative costs.

RESIDENTIAL BUILDING PERMIT FEES

Residential Application Building Permit Fee: \$1000

Residential structures, including fences, decks, enclosures, swimming pools: \$75

Residential accessory building, including garages, greenhouse/cabana, expansion of living space, workshop, tool shed: \$150.

Remodeling involving foundation, plumbing, electrical and/or framing: \$750

Waiver/variance request fee: \$500, plus cost of postage and publication

Work begun without permit(s) shall be double the normal permit fee amount.

COMMERCIAL AND MULTI-FAMILY PERMIT FEES

Commercial and multi-family construction building permit fees: includes fees for building permit, inspections and plan review.

Value of Construction Fees

\$1—\$10,000	\$175.00
\$10,001—\$25,000	\$175.00 for the first \$10,000, plus \$20.00 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001—\$50,000	\$500.00 for the first \$25,000, plus \$15.00 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001—\$100,000	\$800.00 for the first \$50,000, plus \$10.00 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001—\$500,000	\$1,250.00 for the first \$100,000, plus \$10.00 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001—\$1,000,000	\$4050.00 for the first \$500,000, plus \$10.00 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,000 and up	\$7,000.00 for the first \$1,000,000, plus \$5.00 for each additional \$1,000, or fraction thereof

Replacement permit fee (lost or damaged): \$50.

Waiver/variance request fee: \$500, plus cost of postage and publication

Work begun without a permit shall be double the normal permit fee amount.

ALCOHOLIC BEVERAGE PERMITS AND LICENSES

Annual fee to the City of Woodcreek equals one-half of the state fee as described in the Texas Alcoholic Beverage Code's Fee Charts current at time of application or renewal (authorized by TABC Title 3, Subtitle A, Chapter 11: Subchapter B, Sec. 11.38).

FOOD ESTABLISHMENTS

Food establishment permit fees:

<i>Number of Employees</i>	<i>Fees*</i>
1—15	\$250
16—30	\$375
31+	\$500

NOTES TO TABLE:

*If application filed after June 1, only 1/2 of the application fee is due

Food establishment compliance inspection fee: \$150

Food establishment compliance reinspection fee: each additional inspection increases by \$50 and is cumulative (e.g., first inspection: \$150; second inspection: \$175; third inspection: \$200; and the like).

Child/adult care, church and school establishment inspection fees:

<i>Licensed Number of Children</i>	<i>Fees Without Food Preparation</i>	<i>Fee With Food Preparation</i>
13—40	\$200	\$300
41—100	\$300	\$400
101+	\$400	\$500

Child/adult care sanitation inspection fee includes facilities with fewer than 13 children/adults, facilities with more than 12 children/adults, but no food preparation, custodial care homes/facilities and foster/adoptive homes: \$100

Mobile food unit fees

- First unit: \$200; and
- Each additional unit: \$150

Seasonal permit fee (valid for six months): \$100

Change of name/ownership fee: \$125

Establishment plan review fees:

- Actual plan review and two pre-opening inspections: \$175; and

- Each additional pre-opening inspection: \$125
- Permit reinstatement fee after suspension: \$150
 Temporary food establishments: \$35 per unit, per day.

ON-SITE SEWAGE FACILITIES

- Permit application fee (includes three inspections):
- Single-family standard system permit fee: \$500
 - Single-family engineered system permit fee: \$750;
 - Commercial engineered system permit fee: \$1,000 and
 - State Commission on Environmental Quality On-Site Wastewater Treatment Research Council fee; Per State Fee Schedule
 - Re-inspection fee: \$125 per inspection
- On-site sewage facility certification fee: \$150
 Waiver/variance request fee: \$500, plus cost of postage and publication
 Amendment/engineer adjustment to on-site sewage facility permit:
- Single-family residential permit: \$300; and
 - Commercial permit: \$500

MISCELLANEOUS

- Copies: Black and White \$0.15 per page, Colored \$1.00 per page
- Certified copies: \$1.50 per page
- Faxes: \$0.25 per page
- Notary services fee in accordance with Tex. Gov't Code § 406.024.
- Grandfathered development status determination request fee:
 - Subdivision: \$1,500; and
 - Other projects (such as site development): \$1,000
 - Appeal of determination of grandfathered status fee: \$500.
- Waiver/variance request fee not listed above: \$500, plus cost of postage and publication
- Checks returned for insufficient funds: \$35
- Parking Permit Fee: \$10.00 per permit
- Pyrotechnic/Fireworks Display Fee: \$50 per display
- Special Event Permit: \$100 per event

Council Meeting Date: 3/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9. I. Discussion and Take Appropriate Action on an Ordinance of the City Council of the City of Woodcreek, Texas Amending Title XV (Land Usage), Chapter 156 (Zoning), and Amending Title VII (Traffic Code), Chapter 70 (Traffic Schedules), to Provide for Parking Regulations; Providing for a Repealer Clause; Providing for a Severability Clause; Providing for Publication; Providing for an Effective Date; Providing for Codification; and Providing for a Proper Notice and Meeting.

Item Summary:

This item is to consider amending the Parking sections of both Chapter 156 (Zoning) and Chapter 70 (Traffic Schedules).

Financial Impact/Financial Information:

N/A

Comments/Recommendation:

Adoption of Ordinance

Attachments

Draft Ordinance

Submitted By:

Brenton Lewis, City Manager

CITY OF WOODCREEK, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS AMENDING TITLE XV (LAND USAGE), CHAPTER 156 (ZONING), AND AMENDING TITLE VII (TRAFFIC CODE), CHAPTER 70 (TRAFFIC SCHEDULES), TO PROVIDE FOR PARKING REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Woodcreek ("City") has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, Title XV (Land Usage), Chapter 156 (Zoning) of the City of Woodcreek Code of Ordinances ("Code") contains zoning provisions related to parking; and

WHEREAS, the Planning and Zoning Commission (the "Commission") and the City Council, in compliance with the laws of the State of Texas and the ordinances of the City, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, and the governing body in the exercise of its legislative discretion has concluded that the Code should be amended as provided by this Ordinance; and

WHEREAS, after a public hearing held on January 16, 2019 and February 20, 2019, the Commission provided a recommendation to City Council regarding amendments to the Zoning Ordinance which are attached hereto as Exhibit A and incorporated by reference; and

WHEREAS, the City Council held a public hearing on February 13, 2019 and March 13, 2019 to consider the recommendations by City staff and the Commission and to receive public input on the proposed amendments to the Zoning Ordinance; and

WHEREAS, the City Council desires to amend provisions related to parking from Chapter 156 and amend Chapter 70 of the Code to include regulations for parking; and

WHEREAS, the City Council finds that amending the Zoning Ordinance, Chapter 156, of the Code, to include parking regulations in Chapter 70 of the Code, as provided for in this Ordinance, is reasonable, necessary, and proper for the good government of the City;

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

1. FINDINGS OF FACT

The above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2. AMENDMENT TO CHAPTER 156 OF THE CODE

Title XV, Land Usage, Chapter 156, Zoning, of the Code is hereby amended as provided by Exhibit A.

3. AMENDMENT TO CHAPTER 70 OF THE CODE

Title VII, Traffic Code, Chapter 70, Traffic Schedules, of the Code is hereby amended as provided by Exhibit A.

4. REPEAL OF CONFLICTING ORDINANCES

All City ordinances or parts of ordinances inconsistent or in conflict herewith, to the extent of such inconsistency or conflict, are hereby repealed.

5. SEVERABILITY

If any section, subsection, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

6. PUBLICATION

The City Secretary is hereby authorized and directed to publish this Ordinance, or a caption that summarizes the purpose of this Ordinance and the penalty provided by this Ordinance in the manner and for the length of time prescribed by law.

7. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Texas Local Government Code.

8. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language, as amended by this Ordinance, in the City's Code of Ordinances.

9. PROPER NOTICE AND MEETING.

It is hereby found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this the 13th day of March, 2019 by a vote of

_____ **NAYS**

_____ **AYES**

_____ **Absent and Not Voting**

CITY OF WOODCREEK

William P. Scheel, Mayor

ATTEST:

Brenton B. Lewis, City Manager

DRAFT

Exhibit A

City of Woodcreek

CODE OF ORDINANCES

TITLE XV: LAND USAGE, CHAPTER 156, ZONING

And

TITLE VII: TRAFFIC CODE, CHAPTER 70, TRAFFIC SCHEDULES

§156.060 PARKING.

(A) Each dwelling unit shall have a hard surface driveway, providing a minimum of three (3) off-street parking areas, each measuring ten (10) feet by twenty (20) feet.

§70, SCHEDULE IV. CITY PARKING.

(A) All owners, tenants or occupants of any residence used for residential purposes shall be required to park their vehicles in garages, carports or driveways. No such vehicle, trailer or recreational vehicle shall be parked on a street or within any property unless same is not visible. Covering said vehicle with a tarp shall not be construed as being out of sight. Parking of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited, except on a temporary basis with a permit visible from the street issued by the City of Woodcreek. TEMPORARY shall be defined as not to exceed seven (7) days in any 30-day period. Cost of the permit shall be based on the Master Rate Schedule as adopted by resolution of the City of Woodcreek.

(B) Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly-owned right-of-way, park or greenbelt is prohibited except under the following conditions:

1. Parallel parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement (all tires must be off the pavement), no part of the vehicle projects out over the pavement, and the grass has been mowed to a height of less than four inches.
2. Residential property owners may elect to surface the parallel parking space in the right-of-way with a pervious cover, such as gravel or crushed granite upon written approval of proposed surfacing plan by the city.
3. Parking of personal vehicles shall be allowed on publicly-owned rights-of-way, parks and greenbelts with paved or pervious parking spaces provided by the city, subject to the restrictions of any posted signs.

(C) It shall be unlawful for anyone to store vehicles not in operating condition in open view for more than seven days. Such vehicles must be stored in completely enclosed buildings or removed to an authorized storage area. Since streets are narrow and provide limited parking area, residential off-street parking requirements are essential.

(D) *Erection of signs.* The city may erect signage of such design, placement, and location as may be required by law, and any other signage as city staff may determine appropriate or necessary, to notify the public that parking in licensed city right-of-way parking spaces is not allowed between the hours of 2:00 a.m. and 6:00 a.m., is not allowed at all or is otherwise restricted, and that violations may result in the towing of vehicles at owner's expense.

(E) *Two-hour parking signs.* In order to promote safer driving in the vicinity of the public parking spaces at Deerfield Drive and Woodcreek Drive, and Champions Circle at Woodcreek Drive, the city shall erect signs reading "2 Hour Parking – Violators will be towed at vehicle owner's expense".

(F) *Penalty.* Any person violating any provision of this schedule shall be subject to the penalties and provisions in §10.99 of this code of ordinances.

DRAFT

Council Meeting Date: 03/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9. J. Consider and Take Appropriate Action on the purchase of a new radar sign.

Item Summary:

This item was tabled at the November 2018 meeting in order to receive more bids. We have received 2 bids and been unable to locate any other interested vendors. Centerline is part of a purchasing cooperative therefore the city does not have to produce 3 bids. In the original bid proposal we asked for at least one additional bracket to enable the sign to be placed in different locations.

Financial Impact/Financial Information:

Not to exceed \$4,000.00

Comments/Recommendation:

To purchase new radar sign

Attachments:

Two (2) quotes

Submitted By:

Nancye Britner, Mayor Pro Tem

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CENTERLINE

QUOTATION

RE.	
------------	--

DATE

Quoted To:
CITY OF WOODCREEK
41 CHAMPIONS CIRCLE
WOODCREEK TX 78676
512-847-9390

Ship To:
CITY OF WOODCREEK
41 CHAMPIONS CIRCLE
WOODCREEK TX 78676

Attn: **BRENTON LEWIS** Phone: 512-847-9390
 Fax:
 E-mail: MANAGER@WOODCREEKTX.GOV

Sales Contact	FOB	Terms	Availability
JB	CENTERLINE	Net 30	

We are pleased to quote on the following:

General Description

Qty.	Units	Item #	Description	Unit Price	Total
1	EA	TC-400	MODULAR BATTERY POWER RADAR SIGN 11" DISPLAY	2,895.00 \$	2,895.00
1	EA		ADDITIONAL UNIVERSAL MOUNT "GO" BRACKET	50.00 \$	50.00
1	EA		Additional 18 A/H Ni-MH battery pack	318.00 \$	318.00
1	EA		STREETSMART DATA COLLECTION SOFTWARE LICENSE	275.00 \$	275.00
				\$	-
				\$	-
				\$	-
				\$	-

NOTES TWO YEAR WARRANTY (Includes parts & labor)	Item Totals	\$ 3,538.00
	Freight	\$ 95.00
	Subtotal	
	Taxable (8.25%)	
	Totals	\$ 3,633.00

Quotation prepared by: **Jason Barrett**
 Office 210.224.4600

Mail jason.barrett@clsusa.com

Quotation good for 30 days.
 9484 Corporate Dr • Selma, TX 78154
 Phone 210.224.4600 • Fax 972.641.1221
www.clsusa.com

Thank You

CENTERLINE



TC-400 Portable Radar Speed Sign

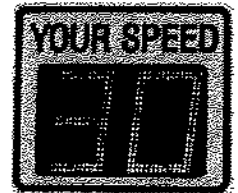
Reliable. Effective. Affordable

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Display and Radar Specifications

YOUR SPEED Faceplate

- 24"W x 21"H YOUR SPEED faceplate with 3" high lettering
- Manufactured with highest grade reflectivity backing
- Ideal for 5-35 mph speed limit roads or lower
- Available in white, fluorescent yellow/green, or safety orange



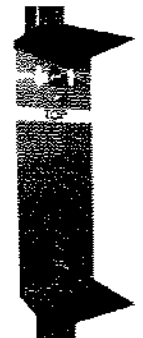
TC-400 with 11" LED display

Speed Violator Alert

- 2 speeds of flashing LEDs to notify drivers that are exceeding the speed limit:
Slow flash and fast flash of actual speed

Radar

- Type: K Band, single direction Doppler radar, FCC part 15 compliant; no license required
- Sensor Range: Detects vehicles up to 1200 feet
- Beam Width: 12 degrees, +/- 2 degrees
- Operating Frequency: 24.125 GHz, +/- 50 MHz
- Accuracy: +/- 1.0 mph
- Speed Detection Range: 5 - 127 mph



Quick Mount Go Bracket

Power Options / Battery Specifications

- TC-400 (Battery Powered): Dual 12-volt, 18 AH Ni-MH battery packs; includes battery charger
- Power Consumption: < 2.5 amps (24w) at maximum intensity; Idle mode < 1/2 watt
- Circuit Breaker: Multi-circuit, 5 amp fuses
- Field exchangeable battery packs
- Runs for +/- 2 weeks on two fully charged battery packs
- Modular design allows the battery packs to be easily swapped in the field for the extended use of the sign in a location
- Battery Status: Via Wi-Fi can check battery charge levels and solar amperage



Easy Carry Handles for Ultimate Portability

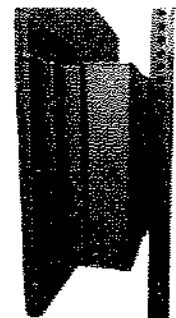
Weight and Operating Temperature

- Weight: Radar speed sign: 27 lbs. without batteries
- Operating Temperature: -40°F to +138° F

Housing Specifications

Radar Speed Sign Housing

- Dimensions: 16.25"H x 22.75"W x 2.375"D
- Thickness: .185" thick aluminum with silver powder coat finish
- NEMA 4R level compliant
- Humidity Maximum: 100%
- Provides maximum protection from the elements and vandalism



Install in Minutes

Bashplate® with LED Cones

- Thick aluminum Bashplate® shields the LED display and protects electronic components from abuse and vandalism
- Individual holes for each LED focus and reflect light toward the road, providing the highest quality viewable display with minimum energy usage



Certified Quality System
ISO 9001:2015



100% MUTCD Compliant
Radar Speed Signs



Proudly Engineered &
Manufactured in the USA

Housing Specifications (continued)

LEDs

- . 2 digits, 11" high super bright amber LEDs (life up to 100,000 hours) with directional beam technology
- . Easily readable up to 450 feet
- . Automatic intensity adjustment to ambient light conditions for maximum visibility
- . Provides directed viewing or display to oncoming traffic

Polycarbonate Display Cover

- . .25" thick protective sheet covers entire display area
- . Abrasion, graffiti and shatter resistant
- . UV protection

Battery Housing

- . 12.5"H x 17"W x 2.75"D
- . .1875" thick powder-coated aluminum
- . Holds up to two 12 volt, Ni-MH battery packs (field exchangeable)

Stainless Steel Universal Go Bracket

- . 12.75"H x 4.5"W x 2.9"D
- . Universal design allows strapping, banding, pipe clamps, or bolting to almost any size/style of pole
- . Go Bracket allows for easy mounting of battery housing and radar speed sign in about a minute

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radarsign.



Standard Programming/ Wi-Fi /OTA Updates

Standard Programming

- . Fully programmable date & time calendar, with D.S.T. support
- . Supports 24 separate schedules per year
- . With relay switch can also control flashing school zone beacons
- . On/Off Timer Options: 4 timers per day, and by day of week. Settings allow lower speed limits for school zone times and for late night display shutoff.
- . Display On/Off: Allows traffic data collection to continue even when display is off
- . Display Brightness Control: Auto adjusts to light conditions
- . Setup Functions: Easy to follow webpage, no mechanical switches to operate
- . Maximum Speed Cutoff: Prevents unwanted high speed displays; up to 99 mph; discourages "racing" of sign. Choice of flashing matrix, or LED display cutoff

Wi-Fi Enabled

- . Allows access to program signs from most web enabled devices (Apple, Android, Windows, etc.)
- . WPA2 encrypted security
- . Password protection
- . Connection range up to 300 feet from sign

OTA Updates (over-the-air)

- . Allows the wireless delivery of software updates and upgrades directly to the radar speed sign

Traffic Data Reporting

StreetSmart (optional)

- . Traffic data reporting software to report, organize and analyze speed and traffic data. The information collected by the radar speed sign is loaded into Excel™ ready .csv files, and can generate 35 charts and graphs.

Radar Speed Sign Data Storage:

- . System Storage Capacity: stores data on up to 5 million vehicles
- . Retains data for retrieval for 12 months

Warranty

- . 2 year warranty on parts and labor, 1 year on battery packs. Exceptions: Does not cover malicious abuse, theft, or damage due to unauthorized modification. Optional third year warranty extension available.

Traffic Logix



Address:
 3 Hamlett Lane
 Spring Valley, NY 10977 USA
 Tel: (866) 915-6449
 Fax: (844) 405-6449
 Email: info@trafficlogix.com

Description: Battery Operated sign has 2 batteries included in sign price. Data collection via the Cloud for the first year is included at no extra charge. No charge for software.

Notes: Extra Battery and Pole Plates listed as options. 2 year warranty on sign, 1 year warranty on batteries. Webinar training on use of sign data collection included at not additional charge.

Created Date: 1/9/2019
Expiration Date: 2/28/2019
Quote Number: 00008581

Prepared By: Karl Pfizenmaier
Title: Senior Account Manager
Phone: (866) 915-6449
Extension: 202
Email: karl@trafficlogix.com
Address: 3 Hamlett Lane
 Spring Valley, New York 10977
 United States

Contact Name: Linda Land
Phone: 5128479390 x 203
Email: admin@woodcreektx.gov

B# To Name: City of Woodcreek
B# To: 41 Champions Circle
 Woodcreek, Texas 76076-3327
 United States

Ship To Name: City of Woodcreek
Ship To: 41 Champions Circle
 Woodcreek, Texas 76076-3327
 United States

Standard Features (Included) - Evolution Signs

- The Evolution radar feedback signs come with 1 year of unlimited cloud access. At the end of this 12 month period the customer has the option to either renew the cloud at a cost of \$400 per sign or resort back to a Bluetooth option at no cost...
- Sign powers down when no traffic present
- Programmable Speed Violator Flashing Strobe Light
- Ambient Light Sensor and Automatic Brightness adjustment
- Banding Mount Bracket
- Safe Pace Management Software
- Bluetooth

Quote Line Items - All Prices shown are in \$USD

Product	Product Code	Quantity	Sales Price	Total Price
Evolution 11 - 4 Cell Battery(2)	EVL 11 4 Cell	1.00	\$2,599.00	\$2,599.00
Yellow Faceplate	YellowSign	1.00	\$0.00	\$0.00
4 Cell Battery	SP18A4	1.00	\$325.00	\$325.00
Evolution Universal Bracket Full Set (EVL 11 and 12 ONLY)	EVL Bracket (EVL 11 and 12 ONLY)	1.00	\$125.00	\$125.00
Evolution Universal Bracket - Pole Plate (EVL 11 and 12 ONLY)	EVL Bracket Pole Plate (EVL 11 and 12)	1.00	\$49.00	\$49.00

Totals

Subtotal: \$3,098.00
Total Price: \$3,098.00

Shipping and Handling	\$295.00
Grand Total	\$3,393.00

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Terms: 1% - 10 Days - Net 30 We also accept: MC - VISA - AMEX

IF TAX EXEMPT: Please Provide Tax Exempt Certificate with Order

Please note: If you are not able to unload from a 53' truck, special delivery services will need to be added

Quote Acceptance Information

Signature

Name

Title

Date

9K

Council Meeting Date: 3/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9 K Discuss and take possible action on a "Your City Councilmembers" Website update

Item Summary:

It's customary for Cities to introduce councilmembers on their website. A nice example of something for Woodcreek is the page introducing our local WISD Board members

Financial Impact:

Zero

Recommendation:

The City add photos and a brief bio for each Councilmember on the website in order to further community relations

Attachments:

Example from WISD

Submitted By:

Cyndi Jackson

WIMBERLEY ISD BOARD OF TRUSTEES

MEET THE BOARD

About the WISD Board

Meet the Trustees

Meeting, Vision & Goals

Operating Procedures

Board Meetings

Board Policy

5 Minutes

Joe Malone, President, Place 5



Joe has served on the board since 2013 and was just voted its president. His commitment to education in the Wimberley Valley was instilled serving as a board member and past president of the Wimberley Education Foundation.

"I am committed to doing all I can as a board member to support our teachers, administrators, kids and parents to deliver an excellent educational experience to all our kids while also being a good steward of the taxpayer dollars with which we have been entrusted."

Joe is a partner with Stevens & Malone, LLP, which supports the Wimberley office of Independence Title Company. He and his wife, Trish, are parents to three WISD students, Sha in 7th grade, Jack in 6th grade and Hope in kindergarten.

Phone (817) 447-1273
Email: jmalone@stevensandmalone.com
Degrees and Certifications:
Current Texas Term Expires November 2028

Traci Maxwell, Vice President, Place 2



A board member since 2015, Traci was recently elected as vice president of the board, eagerly exploring opportunities to work together to enhance classroom tools and resources for teachers and students. She has shared her leadership skills with the school district as a project facilitator for Generation Move the Way at Wimberley High School, connecting first generation and low income students with plans after graduation. A huge Texas fan, Traci is a very enthusiastic member of both the Texas Athletic and Academic Booster Clubs.

Traci is committed to preserving the beauty of her community and values the Wimberley Valley as an ideal place to call home. She has had a 25-year career as a real estate broker, helping families and individuals find their dream house or ranch. She is mother to Stephen, a 2016 graduate of WISD and a son, Blake who will graduate this spring. Additionally, she is the chair for the Camp Good Sam Advisory Board and has served on the Hays County Appraisal Board since 2013. She is a member of St. Stephens Episcopal Church in Wimberley.

"The Wimberley Valley is a beautiful place to live, work and serve. We have shown over and over again, that we are truly Wimberley Strong. I am grateful for the opportunity to serve another term and look forward to continuing the board's legacy of building a stronger foundation and brighter futures for students from the moment they step into the classrooms."

Phone (817) 558-8308
Email: traci.maxwell@stevensandmalone.com
Degrees and Certifications:
Current Texas Term Expires November 2021

Lori Olson, Secretary, Place 1



A native Texan, Lori has lived in Wimberley since 2004 and has served as a trustee since 2015. She served two years as board secretary and continues in her second year as the district's representative to the TASS Delegate Assembly, developing the shared-agenda agenda for all Texas school boards. Lori also served on the district Facilities and Strategic Planning Committees. She and her husband have two daughters in junior high who have attended WISD since Pre-K. Lori has enjoyed supporting their teachers over the years as a classroom and volunteer, with gratitude for the wonderful WISD teachers and administrators who give so much to students and a big appreciation for the many parents and students she has met over the years whose diversity strengthens the Wimberley community.

During the past 20 years, Lori has worked for various non and for-profit organizations across the country, including in Hays and surrounding counties. Since 2011, she has served as the Executive Director of the Texas Land Trust Council, a statewide association of 20 non-profit organizations, including the Wimberley Valley Watershed Association, preserving Texas' most precious lands and waters. She is actively managing a diverse coalition of organizations, undertaking land conservation advocacy and education.

"I am proud of Wimberley ISD achievements to advance educational opportunities in our district, while holding ourselves to high standards of excellence in all areas. I believe in strong community accountability and oversight, in fulfilling obligations to our stakeholders. I am thrilled that WISD uses forward-thinking 'One Water' plan for water and wastewater activities in our new primary school, providing benefits for our children and preserving our community's natural resources. WISD is leading the way to demonstrate what sustainability can look like in the Hill Country."

Phone (817) 447-1273
Email: lorion@stevensandmalone.com
Degrees and Certifications:
Current Texas Term Expires November 2021

9L

Council Meeting Date: 03/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9 L. Discussion and possible action on new City business cards

Item Summary:

There are currently two versions of City business cards. One with a gold seal, no longer supported by our previous vendor, and one of a very cheap variety that is disliked. The goal is to agree on something moderately priced. Councilmember Jackson agreed to do some research and present ideas.

Financial Impact:

\$27/250 cards

Recommendation:

City council should select or modify one of the business card designs attached here. Staff should order cards for all at their soonest convenience.

Attachments:

Card images in PDF format

Submitted By:

Cyndi Jackson



City of Woodcreek

Cyndi Jackson
City Councilmember

41 Champions Circle
Woodcreek, TX 78676-3327
cyndi.jackson@woodcreektx.gov

Office: 512-847-9390
Cell: 512-417-9329
Fax: 512-847-6661



Cyndi Jackson
City Councilmember

41 Champions Circle
Woodcreek, TX 78676-3327
cyndi.jackson@woodcreektx.gov

Office: 512-847-9390
Cell: 512-417-9329
Fax: 512-847-6661



City of Woodcreek

City of Woodcreek

Cyndi Jackson
Councilmember
cyndi.jackson@woodcreektx.gov

41 Champions Circle
Woodcreek, Texas 78676-3327
www.woodcreektx.gov

Office: (512) 847-9390
Cell: (512) 417-9329
Fax: (512) 847-6661



Cyndi Jackson
Councilmember

City of Woodcreek

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