



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
SPECIAL CALLED MEETING
DECEMBER 2, 2019, 6:30 P.M.
COUNCIL CHAMBERS, CITY HALL
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

If you wish to address the Planning & Zoning Commission on a posted item on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Planning & Zoning Commission for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the Planning & Zoning Commission regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Chairman may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

III. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a change in zoning from PD – Planned Development Ordinance #94-24 for Limited Retail/Services Center for expansion of existing retail grocery and related parking together with display of not over four cars for sale at any one time to SF-2 – Single Family Dwelling – 2 district uses on approximately 0.671 acres of land that is generally located on the southeast corner of the intersection between Murchison Street and Business State Highway No. 78 (N. Main Street), which land is more particularly identified as Block 10, Lot 53A of the Howell Addition.

- B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request to amend Exhibit C, "Development Standards," to PD – Planned Development Ordinance #2015-0922-002 applicable to the Camden Park Subdivision ("Subdivision") to reduce the minimum front yard setback from thirty feet (30') to twenty feet (20') and increase the minimum rear yard setback from ten feet (10') to twenty feet (20') for proposed Lots 14 through 31, Block G of Camden Park Phase 3, which lots are situated generally along or near a portion of the northern boundary of the Subdivision that is generally located north of US Highway 380 (W. Audie Murphy Parkway) and west of County Road 611 (Collin Parkway).

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon a recommendation to City Council regarding a text amendment to Chapter 77, "Comprehensive Zoning Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various provisions of said Chapter which regulate the building products, materials or methods used in the construction or renovation of residential or commercial buildings to bring such provisions into conformity with new state laws adopted by and through House Bill 2439.

V. ADJOURNMENT

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on November 25, 2019, by 6:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 25th day of November, 2019.



Sandra Green, City Secretary



I. Preliminary Matters

**II. PUBLIC COMMENT ON AGENDA ITEMS (FOR
NON-PUBLIC HEARING AGENDA ITEMS)**

III. Public Hearing

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a change in zoning from PD – Planned Development Ordinance #94-24 for Limited Retail/Services Center for expansion of existing retail grocery and related parking together with display of not over four cars for sale at any one time to SF-2 – Single Family Dwelling – 2 district uses on approximately 0.671 acres of land that is generally located on the southeast corner of the intersection between Murchison Street and Business State Highway No. 78 (N. Main Street), which land is more particularly identified as Block 10, Lot 53A of the Howell Addition.



PLANNING & ZONING AGENDA ITEM

SUBJECT: Howell Addition, Lot 53A, Block 10

MEETING DATE: December 2, 2019

DEPARTMENT: Planning

CONTACT: Sandra Green, City Secretary

RECOMMENDED CITY COUNCIL ACTION:

Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a change in zoning from PD – Planned Development Ordinance #94-24 for Limited Retail/Services Center for expansion of existing retail grocery and related parking together with display of not over four cars for sale at any one time to SF-2 – Single Family Dwelling – 2 district uses on approximately 0.671 acres of land that is generally located on the southeast corner of the intersection between Murchison Street and Business State Highway No. 78 (N. Main Street), which land is more particularly identified as Block 10, Lot 53A of the Howell Addition.

ITEM SUMMARY:

- The application for zoning change was submitted on June 11, 2019.
- The city waited on a zoning exhibit for several months since the one originally submitted was not adequate. Once obtained some corrections were needed and it still currently states Lot 53, instead of Lot 53A. Staff has requested the change from the survey company, but has not received it to date. Staff wanted to go ahead and let the P&Z Commission hear the case since the exhibit appeared to be accurate in showing the property dimensions and overall location of the property.
- The property for the zoning change is located on the southeast corner of N. Main Street and Murchison Street.
- The current zoning of the property is PD #94-24 for Limited Retail/Services Center for expansion of existing retail grocery and related parking together with display of not over four cars for sale at any one time.
- The applicant is requesting the zoning be changed for approximately 0.671 acres to become SF-2 –Single Family Dwelling – 2 district uses in order to build a residence.



Farmersville
DISCOVER A TEXAS TREASURE

Project Number: 20191184

Zoning Change Application

Today's Date: 6-11-19

Contact Information

Property Location: Lot 53, Block 10 N Main Street
(street address)

Subdivision: Howell Addition Lot: 53 Block: 10

Acreage: (if acreage, provide separate metes and bounds description) 0.671

Existing Use and Current Zoning of Property: Pd 9424

Property Owner/Applicant Owner: Amin Ali 316 N Main St Farmersville, TX 7541
(Name) (Address) (City, State, & Zip Code)

Property Owner Signature: [Signature]

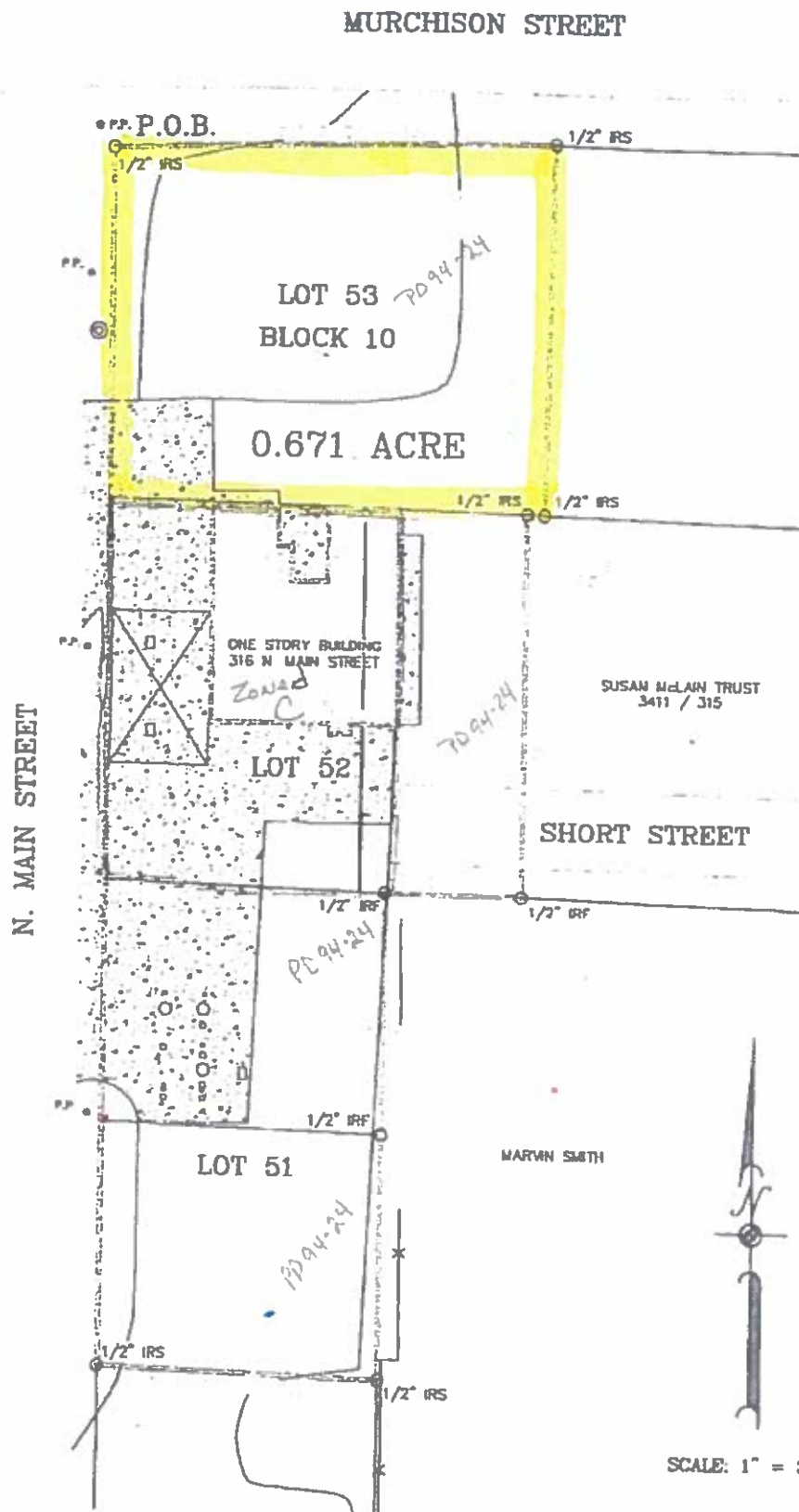
AminAli5@shcglobal.net (682)552-3532
(Email) (Phone)

REQUEST

PLEASE DESCRIBE YOUR REQUEST IN DETAIL.

We are requesting to change the zoning on Block 10, Lot 53 into a single family 2. We would like to build 1500-2000 sqft home. The house will be built to fit in on Main St. The house will be new but have the charm and look of an old house. Hudson & Hudson Homes LLC will be building the house. They did the house on 410 N Main and will be making a similar house here. We personally think a house would be the best use in this space. My records already show this as a single family but city record shows as PD. Last year I wanted to make this a lot for unimproved rentals but found that neighbors did not want that and pulled my request. Thank you.

NOTICE: This publication can be made available upon request in alternative formats, such as, Braille, large print, audiotape or computer disk. Requests can be made by calling 972-782-6151 (Voice) or email s.green@farmersville.com. Please allow at least 48 hours for your request to be processed.



Collin County, Texas

מדינת ישראל

WILKINS

Original Grantee

Pat. No. _____
School District _____

FARMERSVILLE

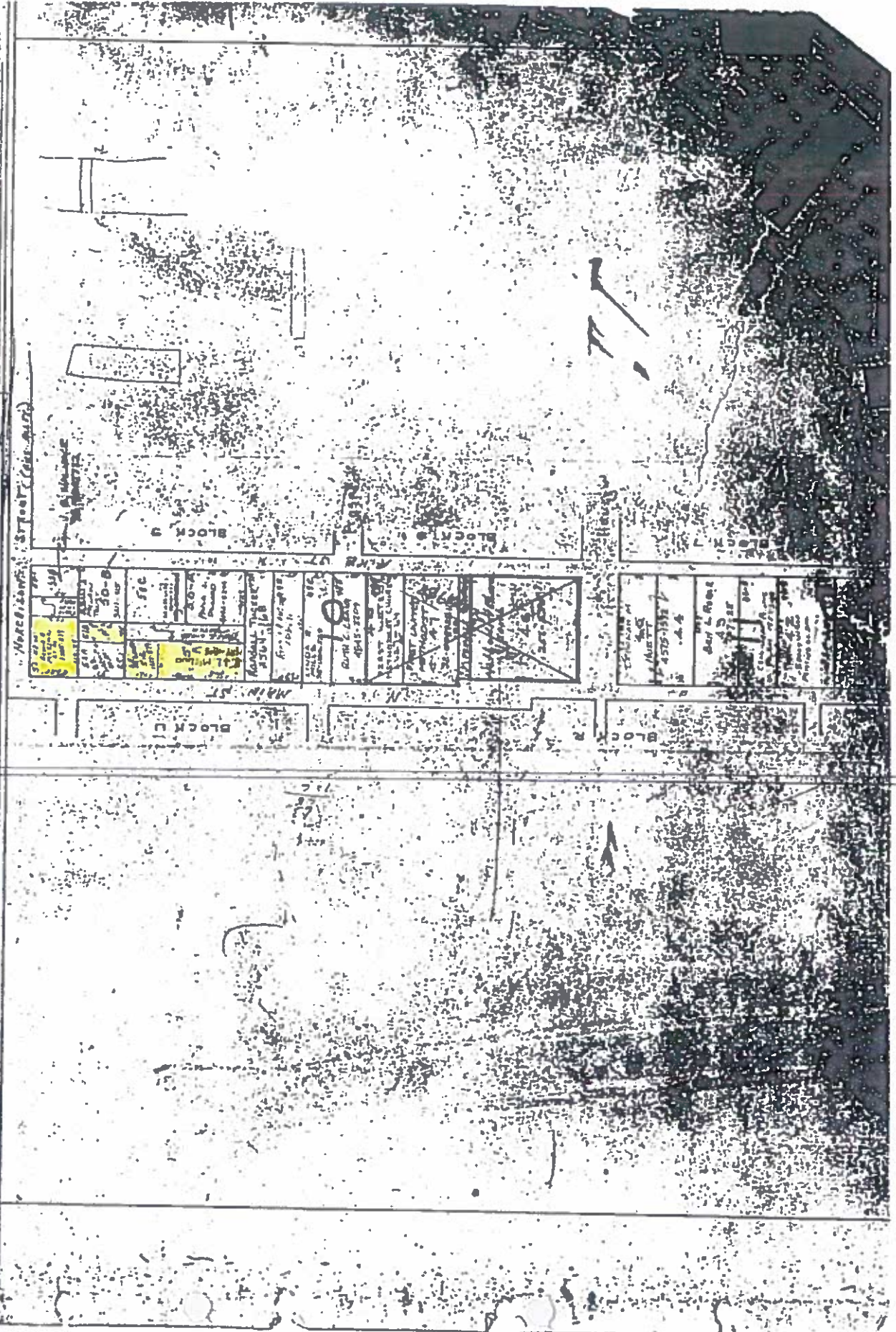
Assigned _____ R. J. MULLIN

Certificate of Achievement

Road District ROAD DIST NO 8

Scale 1 in. = 100 ft Foot 1 inch

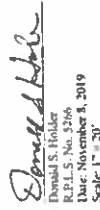
HOTEL ADDITION



HEING all that certain ~~36~~ tract, or parcel of land situated in the City of Farmersville, Collin County, Texas, and being part of Block 10 of HIGHLAND ESTATES, an addition to the City of Farmersville, Collin County, Texas, according to the plat thereof recorded in the Public Records of Collin County, Texas, under the name of "HIGHLAND ESTATES," as shown on Slide 719 of the Map and Plat Records of Collin County, Texas, and being part of the 1971 tax map of Collin County, Texas, as described in a Special Warranty Deed from Hermsie B. McDonald and Lonnie Jay McDonald to H. H. Hines, Jr., et al., recorded in Volume 6042 at Page 2639 of the Official Records of Collin County, Texas, to H. H. Hines, Jr., et al., as follows:

BEGINNING at a 1/2 inch iron rod found for a corner at the northeast corner of said 0.671 acre tract, said Point of Beginning being the intersection of the south line of the east line of North Main Street and the south line of Market Street; thence S 89° 12' 37" E along the north line of said 0.671 acre tract and the east line of North Main Street 112.45 feet to the 1/2 inch iron rod found for a corner at the northeast corner of said 0.671 acre tract; thence S 89° 12' 37" W a distance of 93.16 feet to a 1/2 inch iron rod found for a corner at the northeast corner of said 0.671 acre tract; thence N 89° 12' 37" E along the north line of said 0.671 acre tract and the east line of North Main Street 112.45 feet to the Point of Beginning and containing 0.324 acre of land.

I, Donald S. Holder, Registered Professional Land Surveyor, State of Texas, hereby certify that the plat herein is a true and correct representation of the property as determined by survey upon the ground, the lines and dimensions of said property being indicated by the plat, the visible survey monuments are within the boundaries of the property set back from the property lines the distances indicated and there are NO VISIBLE ENCROACHMENTS, CONFLICTS OR PROJECTIONS, except as shown on the plat.



SCALE: 1" = 20'



VICINITY MAP

Surveyor:
Owens Land Surveying
P.O. Box 4025, 2616 Stonewall Street
Greenville TX 75403
(903) 450-9837

Owner:
Effective Enterprises, Inc.
957 Herschell St.
Allen, TX 75013

[illegible]

**CITY OF FARMERSVILLE
ORDINANCE #94-24**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING ITS ZONING ORDINANCE AND ESTABLISHING PLANNED DEVELOPMENT #94-24; PROVIDING FOR A LIMITED RETAIL/SERVICES CENTER UPON PROPERTY DESCRIBED HEREIN; AMENDING THE OFFICIAL ZONING MAP; AND PROVIDING FOR A PENALTY, SEVERABILITY, SAVINGS AND AN EFFECTIVE DATE.

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

SECTION I: PLANNED DEVELOPMENT

Planned Development #94-24 is hereby established for property situated in the Howell Addition, Block 10, Lots 51A, 51B, 52B, and 53A, providing for the following uses:

Limited Retail/Services Center for:

1. Expansion of existing retail grocery
2. Expansion of existing parking
3. Display of not over four (4) cars (for sale) at any one time

SECTION II. SITE PLAN

The development shall be in conformance with the Site Plan, attached hereto as Exhibit A.

SECTION III: PENALTY

Any person, firm or corporation violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable by a fine not to exceed two thousand dollars (\$2000); and each day or portion thereof during which the violation is committed, continued or permitted shall be a separate offense.

SECTION IV: SEVERABILITY

If any section, paragraph, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provisions hereof, other than the part so decided to be invalid or unconstitutional.

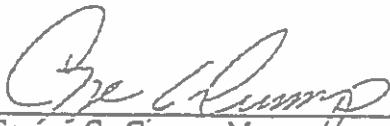
SECTION V: SAVINGS

Ordinance Number 70-5, otherwise known as the Zoning Ordinance, as amended, shall remain in full force and effect.

SECTION VI: EFFECTIVE DATE

This Ordinance shall take effect immediately, from and after its passage and publication of the caption, as the law in such cases provides.

PASSED AND APPROVED BY ORDER OF THE CITY COUNCIL OF THE CITY OF
FARMERSVILLE, TEXAS: First reading, September 13, 1994.
Second reading, September 27, 1994.


George G. Crump, Mayor

Attest:


Susan Martin, City Secretary

- B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request to amend Exhibit C, "Development Standards," to PD – Planned Development Ordinance #2015-0922-002 applicable to the Camden Park Subdivision ("Subdivision") to reduce the minimum front yard setback from thirty feet (30') to twenty feet (20') and increase the minimum rear yard setback from ten feet (10') to twenty feet (20') for proposed Lots 14 through 31, Block G of Camden Park Phase 3, which lots are situated generally along or near a portion of the northern boundary of the Subdivision that is generally located north of US Highway 380 (W. Audie Murphy Parkway) and west of County Road 611 (Collin Parkway).



PLANNING & ZONING AGENDA ITEM

SUBJECT: Camden Park Phase 3
MEETING DATE: December 2, 2019
DEPARTMENT: Planning
CONTACT: Sandra Green, City Secretary

RECOMMENDED CITY COUNCIL ACTION:

Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request to amend Exhibit C, "Development Standards," to PD – Planned Development Ordinance #2015-0922-002 applicable to the Camden Park Subdivision ("Subdivision") to reduce the minimum front yard setback from thirty feet (30') to twenty feet (20') and increase the minimum rear yard setback from ten feet (10') to twenty feet (20') for proposed Lots 14 through 31, Block G of Camden Park Phase 3, which lots are situated generally along or near a portion of the northern boundary of the Subdivision that is generally located north of US Highway 380 (W. Audie Murphy Parkway) and west of County Road 611 (Collin Parkway).

ITEM SUMMARY:

- The application for zoning change was submitted on October 28, 2019.
- The property for the zoning change is located on Lots 14 through 31, Block G of Camden Park, Phase 3.
- The current zoning of the property is PD #2015-1027-001.
- The applicant is requesting the zoning for the specific lots be changed in order for them to have 20' front yard setbacks.
- According to the application, the goal was to be farther away from the landowner's property to the north so staff also recommended they ask for a 20' rear setback instead of the current 10'. This change has not been shown on their application yet, but it would not change the process. Staff has requested a corrected application from the applicant.



Project Number 20191300

Zoning Change Application

Today's Date: 10/22/2019

Contact Information

Property Location: Harvard Drive North of Highway 380
(street address)

Subdivision: Camden Park Phase 3 Lot 14-31 Block G

Acreage: (if acreage, provide separate metes and bounds description) 29.34 Acres

Existing Use and Current Zoning of Property: _____

Property Owner/Applicant Owner: SHG Land Investments
Ted Zaden Partner 12801 N Central Expressway, Suite 1850 Dallas, TX 75243
(Name) (Address) (City, State, & Zip Code)

Property Owner Signature: [Signature]
Ted@mtaco.com 214-384-8486
(Email) (Phone)

REQUEST

PLEASE DESCRIBE YOUR REQUEST IN DETAIL.

We are requesting a revision to the existing PD zoning, as follows:

1. Reduce the front yard setback to 20' on lots 14 through 31 block G.

This request is being made so we can build the future houses closer to the street and move farther away from the land owners to the north of this property.

NOTICE: This publication can be made available upon request in alternative formats, such as Braille, large print, audiotape or computer disk. Requests can be made by calling 972-782-6151 (Voice) or email green@farmersvilletx.com. Please allow at least 48 hours for your request to be processed.



**CITY OF FARMERSVILLE
ORDINANCE #2015-1027-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 2004-01, AS AMENDED, BY CHANGING THE ZONING ON APPROXIMATELY 100.81 ACRES OF LAND IN THE W. B. WILLIAMS SURVEY, ABSTRACT NO. 952, IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, FROM PLANNED DEVELOPMENT (PD) DISTRICT WITH SINGLE-FAMILY 3 (SF-3), MULTI-FAMILY 2 (MF-2), AND COMMERCIAL (C) DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT WITH SINGLE-FAMILY 2 (SF-2) DISTRICT USES, SINGLE-FAMILY 3 (SF-3) DISTRICT USES, MULTI-FAMILY 2 (MF-2) DISTRICT USES AND COMMERCIAL (C) DISTRICT USES, AND APPROVING CERTAIN EXCEPTIONS TO THE REQUIREMENTS ESTABLISHED BY THE BASE ZONING OF SINGLE-FAMILY 2 (SF-2) DISTRICT AND SINGLE-FAMILY 3 (SF-3) DISTRICT IN ACCORDANCE WITH THE SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, has recommended a change in zoning classification of the property described herein and has recommended amending the official zoning map of the City of Farmersville, Texas, regarding the rezoning of the property hereinafter described; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council of the City of Farmersville; and

WHEREAS, the City Council of the City of Farmersville, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the City of Farmersville and of all testimony and information submitted during said public hearings, has determined that in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the City, the zoning of the property described herein shall be changed and that the official zoning map of the City of Farmersville, Texas, should be amended to reflect the rezoning of the property herein described;

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

SECTION I. All of the above premises are found to be true and correct legislative and factual determinations of the City of Farmersville and are hereby

approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the Official Zoning Map of the Comprehensive Zoning Ordinance, Ordinance No. 2004-01, as amended, of the City of Farmersville, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of the City's Zoning Ordinance are not amended but shall remain intact and are hereby ratified, verified, and affirmed, in order to create a change in the zoning classification of the property described herein, as follows:

That certain tract of land containing approximately 100.81 acres of land in the W. B. Williams Survey, Abstract No. 952, and more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"), presently zoned Planned Development District with Single-Family 3 (SF-3), Multi-Family 2 (MF-2), and Commercial (C) District uses is hereby rezoned to Planned Development District with at least fifty (50) single-family residential lots meeting the minimum standards for Single-Family 2 (SF-2) District uses and the remainder of the single-family residential lots meeting the minimum standards for Single-Family 3 (SF-3) District uses - as such standards may be modified by this Ordinance - on Tract 1 containing approximately 59.64± acres of land, Multi-Family 2 (MF-2) District uses on Tract 2 containing approximately 18.16± acres of land, and Commercial (C) District uses on Tracts 3, 4 and 5 containing approximately 9.32± acres, 3.0± acres and 8.77± acres of land, respectively, as such tracts of land are generally depicted and described on Exhibit "B" (Zoning Exhibit) in accordance with the City's Master Plan and Zoning Ordinance, and in accordance with Exhibit "C" (Development Standards) and Exhibit "D" (Concept Plan) all of which exhibits are attached hereto and incorporated herein by reference for all purposes allowed by law. In the event of any conflict between any exhibit attached hereto and this Ordinance, the language and contents of this Ordinance shall control.

SECTION III. It is directed that the official zoning map of the City of Farmersville be changed to reflect the zoning classification established by this Ordinance.

SECTION IV. It is further directed that the following modifications to the requirements of the Single-Family 2 (SF-2) base zoning district are approved through the adoption of this Planned Development District regarding the fifty single-family residential lots identified for Single-Family 2 (SF-2) District uses on that portion of the Property identified herein as Tract 1 and as designated on the Concept Plan attached hereto as Exhibit D:

- (a) Section 77-161 is hereby modified to confirm that the minimum lot area shall be no less than 7,200 square feet for the designated SF-2 lots within Tract 1;
- (b) Section 77-164 is hereby modified to increase the minimum dwelling size to no less than 1,500 square feet in area for lots within Tract 1;

- (c) Section 77-166(b)(4) is hereby modified regarding a corner lot used for one-family dwellings to increase the required side yard setback along the street frontage on which the property is NOT addressed to at least twenty feet (20') and allowing the setback on the other street frontage (twenty-five foot) to be treated as the front yard setback for said property for lots within Tract 1; and
- (d) Section 77-168 is hereby modified to increase the maximum percentage of any lot area that may be covered by the main area and all accessory buildings to no more than sixty percent (60%) of the lot area for lots within Tract 1.

SECTION V. It is also directed that the following modifications to the requirements of the Single-Family 3 (SF-3) base zoning district are approved through the adoption of this Planned Development District regarding the single-family residential lots identified for Single-Family 3 (SF-3) District uses on that portion of the Property identified herein as Tract 1 and as designated on the Concept Plan attached hereto as Exhibit D:

- (a) Section 77-161 is hereby modified to confirm that the minimum lot area shall be no less than five thousand (5,000) square feet for the designated SF-3 lots within Tract 1;
- (b) Section 77-162 is hereby modified to confirm that the minimum lot width shall be no less than fifty feet (50') for lots within Tract 1;
- (c) Section 77-163 is hereby modified to increase the minimum lot depth to no less than one hundred feet (100') for lots within Tract 1;
- (d) Section 77-164 is hereby modified to increase the minimum dwelling size to no less than 1,500 square feet in area for lots within Tract 1;
- (e) Section 77-166(b)(4) is hereby modified regarding a corner lot used for one-family dwellings to increase the required side yard setback along the street frontage on which the property is NOT addressed to at least twenty feet (20') and allowing the setback on the other street frontage (twenty-five foot) to be treated as the front yard setback for said property for lots within Tract 1; and
- (f) Section 77-168 is hereby modified to increase the maximum percentage of any lot area that may be covered by the main area and all accessory buildings to no more than sixty percent (60%) of the lot area for lots within Tract 1.

SECTION VI. All provisions of the ordinances of the City of Farmersville in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Farmersville not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION VII. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by any court of competent

jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section, and said remaining portions shall remain in full force and effect.

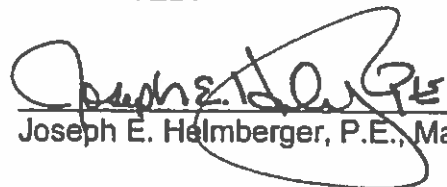
SECTION VIII. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Farmersville, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION IX. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

PASSED on first and final reading on the 27th day of October, 2015, at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 27th DAY OF OCTOBER, 2015.

APPROVED:


Joseph E. Helmberger, P.E., Mayor

ATTEST:


Edie Sims, City Secretary

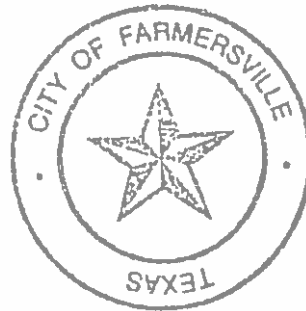


Exhibit "A"

Property Description

1. ---

OWNERS CERTIFICATE

Being all that tract of land in Collin County, Texas, out of the WB Williams Survey, A-952, and being part of that called 100.81 acres of land described in a deed to SHG LAND INVESTMENTS CF FARMERSVILLE, LTD., as recorded by Instrument No. 20060530000726050 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being further described as follows.

Beginning at a 1/2" iron rod found in County Road No. 610 at the Northeast corner of said 101.80 acres.

THENCE South 01°32'36" West, a distance of 772.06 feet to a point for corner in said County Road No. 610, said point being the northeast corner of a tract of land conveyed to Community Public Service Company by deed recorded in Volume 456, Page 269, D.R.C.C.T.;

THENCE North 87°37'57" West, a distance of 95.93 feet to a 1" pipe in concrete found for the northwest corner of said Community Public tract;

THENCE South 01°46'05" West, a distance of 100.49 feet to a 1" pipe in concrete found for the southwest corner of said Community Public tract;

THENCE South 88°05'04" East, a distance of 95.58 feet to a point corner in said County Road No. 610, said point being the southeast corner of said Community Public tract;

THENCE South 01°23'28" West, along said County Road No. 610 and County Road No. 611, a distance of 892.85 feet to a point for corner in said County Road No. 611, same being the southeast corner of said 101.80 acres, and the northeast corner of Murphy's Crossing Phase I as recorded in Cabinet P, Page 416, Plat Records of Collin County, Texas (P.R.C.C.T.);

THENCE North 88°39'17" West, along the south line of said 101.80 acres, a distance of 398.79 feet to a 1/2" iron rod found for the northwest corner of said Murphy's Crossing Phase I, said point being the northeast corner of Murphy's Crossing Phase 2 & 3;

THENCE North 88°21'57" West, continuing along the south line of said 101.80 acres, a distance of 874.41 feet to a 1/2" iron rod found for corner;

THENCE North 87°59'40" West, continuing along the south line of said 101.80 acres, a distance of 444.32 feet to a 1/2" iron rod found for the northwest corner of said Murphy's Crossing Phase 2 & 3, said point being the northeast corner of a tract of land conveyed to Lucien Hines and wife, Wanda L. Hines according to County Clerk's File No. 95-0043148, D.R.C.C.T.;

THENCE North 88°10'03" West, continuing along the south line of said 101.80 acres, a distance of 867.71 feet to a 1/2" iron rod found for the southwest corner of said 101.80 acres, said point also being the southeast corner of a tract of land conveyed to Thomas O. Midkiff, IV by deed recorded in Volume 4142, Page 2059, D.R.C.C.T.;

THENCE North 00°00'00" East, along the west line of said 101.80 acres, a distance of 1,610.65 feet to a 3/8" iron rod found for the northwest corner of said 101.80 acres, said point being in the south line of a tract of land conveyed to James G. Howell and Sherry J. Howell by deed recorded in Volume 4702, Page 1958, D.R.C.C.T.;

THENCE South 88°56'54" East, along the north line of said 101.80 acres, passing the southeast corner of said Howell tract, same being the southwest corner of a tract of land conveyed to Dewey W. Spradlin, et ux, Shirley Spradlin by deed recorded in Volume 1549, Page 465, D.R.C.C.T., a distance of 540.85 feet to a 3/8" iron rod found for the southeast corner of said Spradlin tract, same being the southwest corner of a tract of land conveyed to J. Richard Smith, et ux, Jarvis D. Smith by deed recorded in Volume 1572, Page 613, D.R.C.C.T.;

THENCE South 89°39'10" East, along the north line of said 101.80 acres, a distance of 749.97 feet to a fence corner post found for corner, said point being the southeast corner of said Smith tract;

THENCE North 03°53'12" East, a distance of 103.51 feet to a fence corner post found for corner, said point being the southwest corner of a tract of land conveyed to J. Richard Smith by deed recorded in County Clerk's File No. 95-0054686, D.R.C.C.T.;

THENCE South 89°26'31" East, along the north line of said 101.80 acres, a distance of 1,331.27 feet to the POINT OF BEGINNING and containing 4,391,163 square feet or 100.81 acres of computed land

Exhibit "B"
Zoning Exhibit

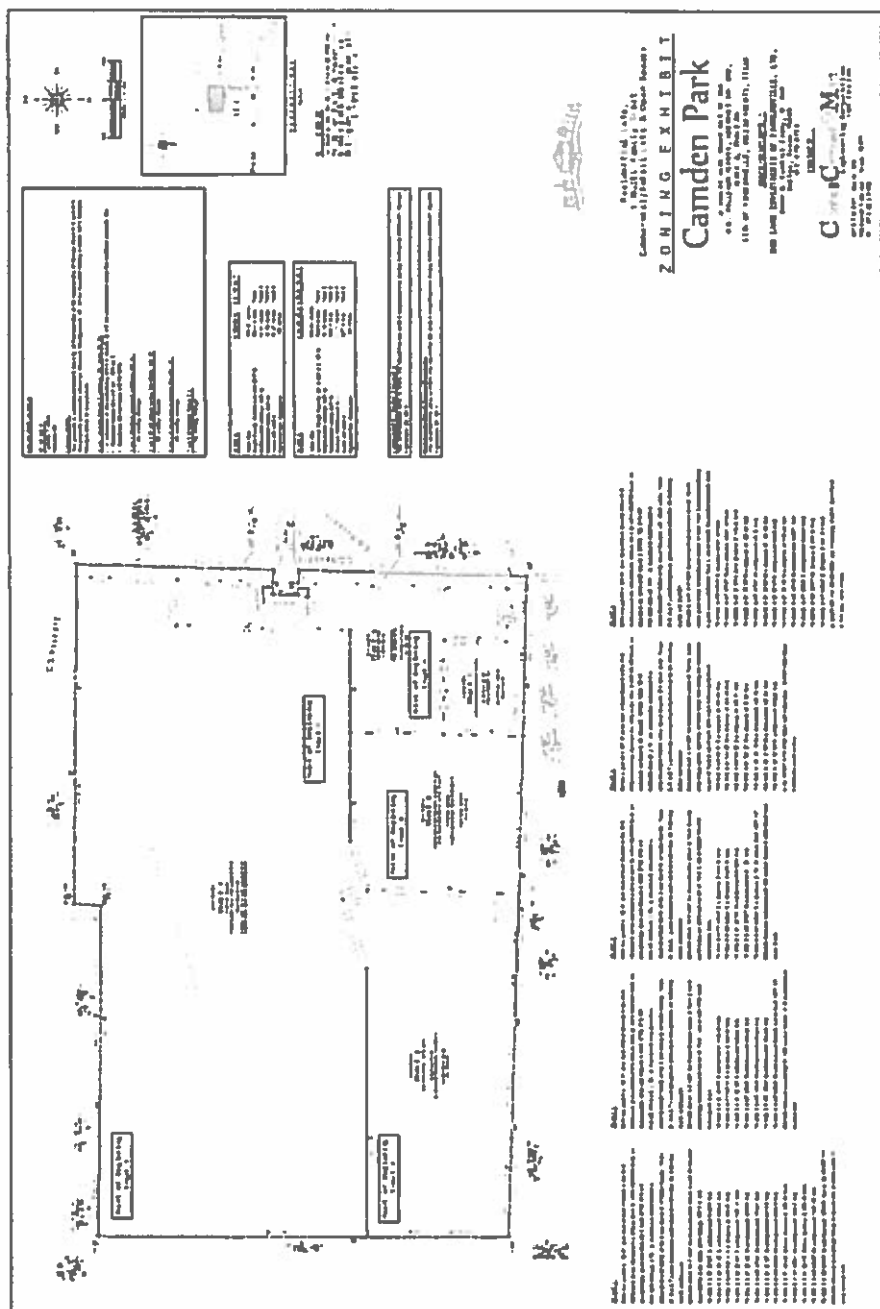


Exhibit "C"

Development Standards

CAMDEN PARK

The Planned Development District depicted in Exhibit "C" shall be developed in accordance with the City of Farmersville's Zoning Ordinance, Subdivision Regulations and other applicable ordinances, as amended, and shall be subject to the following requirements and conditions.

A. TRACT 1: SINGLE-FAMILY 2 (SF-2) AND SINGLE-FAMILY 3 (SF-3) BASE ZONING DISTRICT USES.

The area identified as Tract 1 on Exhibit "B" (Zoning Exhibit) and Exhibit "D" (Concept Plan), attached hereto, containing approximately 59.64± acres shall be developed in compliance with all regulations applicable to Single-Family 2 (SF-2) and Single-Family 3 (SF-3) District uses contained in the City's Code of Ordinances, as amended, save and except only to the extent otherwise specifically provided to the contrary in this Ordinance.

1. **Permitted Uses.** The following uses may be permitted in the area designated as Tract 1 on Exhibits "B" and "D" for Single-Family 2 (SF-2) and Single-Family 3 (SF-3) District uses:
 - a. All uses as identified and defined in the Farmersville, Texas Code of Ordinances as being permitted by right.
2. **Specific Uses.** The following uses may be permitted in the area designated as Tract 1 on Exhibits "B" and "D" as Single-Family 2 (SF-2) and Single-Family 3 (SF-3) District uses with a Specific Use Permit (SUP) approved by the City Council:
 - a. All uses as identified and defined in the Farmersville, Texas Code of Ordinances as being permitted upon approval a Specific Use Permit (SUP).
3. **Temporary Uses.** The following uses may be permitted in the area designated as Tract 1 on Exhibits "B" and "D" as Single-Family 2 (SF-2) and Single-Family 3 (SF-3) District uses only upon approval of a temporary use permit by the City Council:
 - a. All uses as identified and defined in the Farmersville, Texas Code of Ordinances as being permitted upon approval a temporary use permit.
4. **Minimum and Maximum Dimensions.** The minimum and maximum dimensions for development of the Single-Family 2 (SF-2) and Single-

Family 3 (SF-3) District uses shall be as provided in the Farmersville, Texas Code of Ordinances save and except only to the extent specifically modified in Sections IV and V of this Ordinance.

5. **Prohibited Uses.** Any use not indicated within the Permitted Uses, Specific Uses, or Temporary Uses above shall not be permitted within this Planned Development District.

6. **Miscellaneous Standards.**

- a. The maximum number of lots used for residential purposes shall be limited to 290 lots.
- b. At least fifty (50) lots of such 290 residential lots shall meet the minimum standards for Single-Family 2 (SF-2) District uses, as such standards may be modified by this Ordinance.
- c. Developer shall create a homeowner's association identified as the Camden Park Homeowner's Association (the "Association") to which entity all open space shall be developed. Membership in the Association shall be mandatory for all owners of property and such membership shall be conditioned upon ownership of property within the Single-Family 2 (SF-2) and Single-Family 3 (SF-3) District areas and such membership shall be transferred from owner to owner together with the conveyance of any real property within said areas.

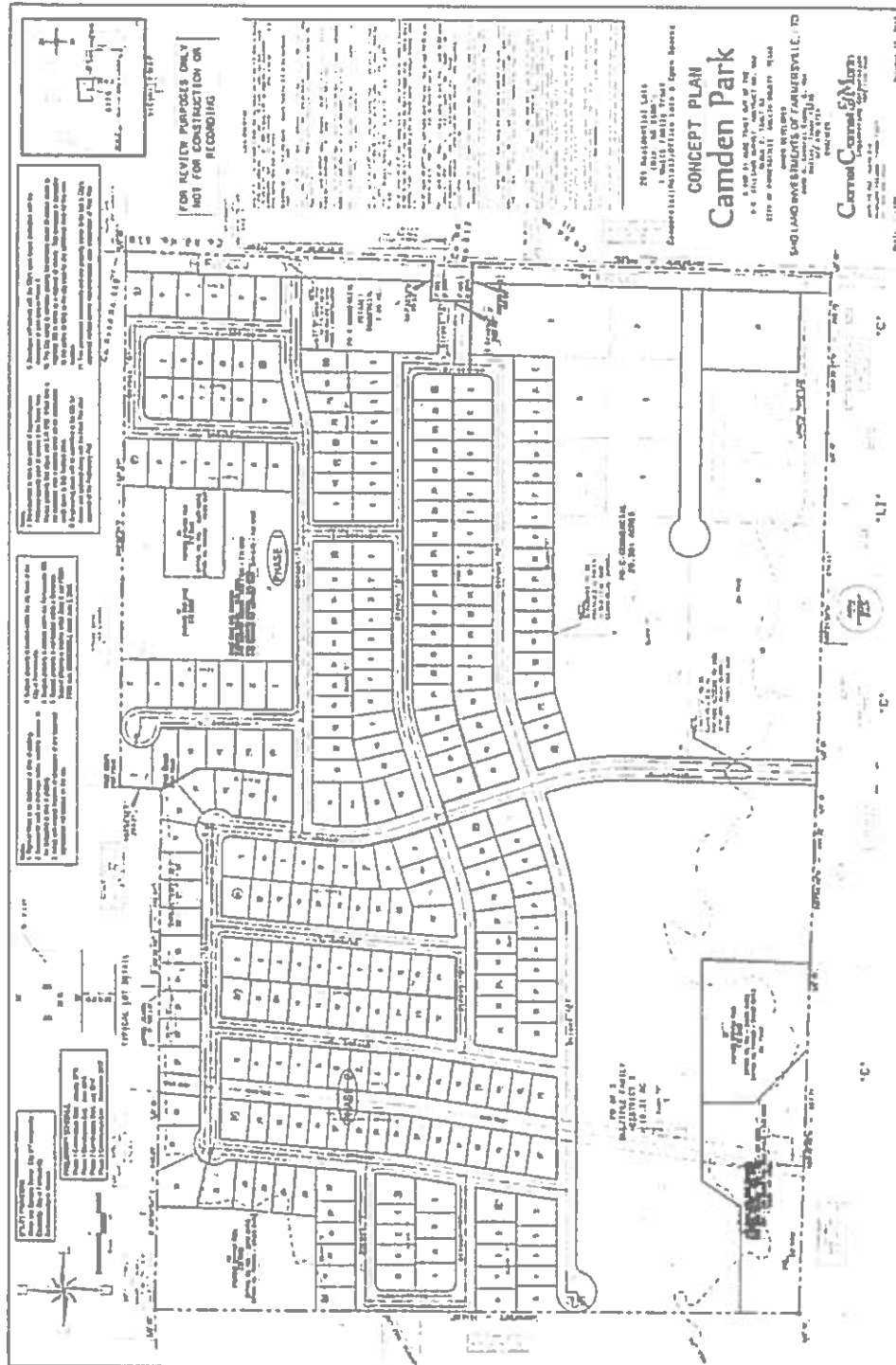
B. TRACT 2: MULTI-FAMILY 2 (MF-2) BASE ZONING DISTRICT USES.

The area identified as Tract 2 on Exhibit "B" (Zoning Exhibit) and Exhibit "C" (Concept Plan), attached hereto, containing approximately 18.16± acres shall be developed in compliance with all regulations applicable to Multi-Family 2 (MF-2) District uses contained in the City's Code of Ordinances, as amended, save and except only to the extent otherwise specifically provided to the contrary in this Ordinance.

C. TRACTS 3, 4 and 5: COMMERCIAL (C) BASE ZONING DISTRICT USES.

The areas identified as Tracts 3, 4 and 5 on Exhibit "B" (Zoning Exhibit) and Exhibit "C" (Concept Plan), attached hereto, containing approximately 9.32± acres, 3.00± acres and 8.77± acres, respectively, shall be developed in compliance with all regulations applicable to Commercial (C) District uses contained in the City's Code of Ordinances, as amended, save and except only to the extent otherwise specifically provided to the contrary in this Ordinance.

Exhibit "D" **Concept Plan**



IV. Items for Possible Discussion

- A. Consider, discuss and act upon a recommendation to City Council regarding a text amendment to Chapter 77, "Comprehensive Zoning Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various provisions of said Chapter which regulate the building products, materials or methods used in the construction or renovation of residential or commercial buildings to bring such provisions into conformity with new state laws adopted by and through House Bill 2439.

Sec. 77-29. - Definitions.

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

Historically Significant Area means one or more places or areas designated by the City for its historical, cultural, or architectural importance and significance before April 1, 2019. The areas included within the CA -- Central Area District, the Farmersville Commercial Historic District, and the Farmersville Main Street America Program Area are Historically Significant Areas designated by the City before April 1, 2019 or as authorized by Chapter 3000 of the Texas Local Government Code.

Significantly Important Building means a building which is:

- (a) located in a Historically Significant Area;
- (b) located in an area designated as a historic district on the National Register of Historic Places;
- (c) designated as a Recorded Texas Historic Landmark;
- (d) designated as a State Archeological Landmark or State Antiquities Landmark;
- (e) listed on the National Register of Historic Places or designated as a landmark by a governmental entity;
- (f) located in a World Heritage Buffer Zone; or
- (g) located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Texas Government Code Section 442.014; or as otherwise provided in Chapter 3000 of the Texas Government Code.

Structure means a combination of materials that are used to form a construction that is built and/or installed on, above or below the surface of land or water. (means that which is built or constructed vertically above ground level. ??)

Sec. 77-51. - Non-conforming uses and structures.

(a) *Nonconforming status.* A nonconforming status shall exist under the following provisions of this article:

(1) When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to June 16, 1970, and has been operating since without discontinuance.

(2) When, on the effective date of the ordinance from which this article is derived, the use or structure was in existence within the provisions of the prior zoning ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which such use or structure is located.

(3) When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence at the time of annexation to the city and has since been in regular and continuous use.

(b) *Use within classifications.* Any nonconforming use of land or structures may be continued for definite periods of time subject to such regulations as the board of adjustment may require for immediate preservation of the adjoining property prior to the ultimate removal of the nonconforming use. The city manager may grant a change of occupancy from one nonconforming use to another, providing the use is within the same, or higher or more restrictive, classification. It shall not later be changed to a less restrictive classification of use, and the prior, less restrictive classification shall be considered to have been abandoned.

(c) *Structure destroyed; partial destruction; reconstruction.* If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this article. In the case of partial destruction of a nonconforming structure, not exceeding 50 percent of its reasonable value, reconstruction will be permitted, but the size or function of a nonconforming use therein cannot be expanded. In addition, a nonconforming structure that is located in a Historically Significant Area or which is a Significantly Important Building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction.

Conversely, if a residential structure which was in existence within the provisions of prior zoning district regulations, which does not now conform to the regulations herein prescribed for highway commercial zoning, is destroyed in the above described manner, it shall be allowed to be rebuilt. A nonconforming structure that is located in a Historically Significant Area or which is a Significantly Important Building may also only

be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction.

(d) *Expansion of area.* No nonconforming use may be expanded or increased beyond the platted lot or tract upon which such nonconforming use is located nor may a nonconforming junk yard or trailer park be expanded by covering more area than it did as of the effective date of the ordinance from which this article is derived, except to provide off-street parking or off-street loading space upon approval of the board of adjustment. Conversely, a residential structure which was in existence within the provisions of prior zoning district regulations, which does not now conform to the regulations herein prescribed for highway commercial zoning, shall be allowed to expand. A nonconforming structure that is located in a Historically Significant Area or which is a Significantly Important Building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction.

(e) *Abandonment.* When a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformance to this article. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued for, or which remains vacant for, a period of six months shall be considered to have been abandoned.

(f) *Termination and amortization.*

(1) Termination of nonconforming uses. It is the purpose of this article that nonconforming uses be eliminated and required to comply with the regulations and provisions of this Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(2) Amortization of nonconforming uses.

a. Any person who resides or owns real property in the city may request that the board of adjustment establish a compliance date for a nonconforming use. Upon receiving such a request, the board shall determine whether there is a public necessity for expedited compliance with the zoning regulations. In doing so, the board shall consider the character of the surrounding neighborhood, the degree of incompatibility of the use to the zoning district in which it is located and the effect of the nonconforming use on the surrounding area and the effect of its cessation on that area.

b. The board shall provide a compliance date for the nonconforming use under a plan whereby the owner's actual

investment in the use, before the time the use became nonconforming, can be amortized within a definite time period.

c. The following factors must be considered by the board in determining a reasonable amortization period:

1. The owner's capital investment in structures. Fixed equipment and other assets, excluding inventory and other assets that may be feasibly transferred to another site, on the property before the time the use became nonconforming.

2. Any costs that are directly attributable to the establishment of the compliance date, including demolition expenses, relocation expenses, and termination of leases.

3. Any return on investment since inception of the use, including net income and depreciation.

4. The anticipated annual recovery of investment, including net income and depreciation.

d. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date, and it may not operate thereafter unless it becomes a conforming use.

e. For purposes of this section, the term "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

Sec. 77-67. - Exterior construction standards for structures.

The Texas Legislature adopted House Bill 2439, which became effective on September 1, 2019, establishing Texas Government Code Sections 3000.001 through 3000.005. That legislation prohibits a governmental entity from adopting or enforcing a rule, charter provision, ordinance, order, building code or other regulation – with certain specified exceptions – that

- (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the

construction, renovation, maintenance, or other alteration of the building; or

(2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

Tex. Gov't Code § 3000.002(a). Certain of the provisions set out in this Section 77-67 do not conflict with Tex. Gov't Code §§ 3000.001, *et seq.* However, to the extent that the foregoing legislation preempts the City's ability to enforce the following exterior construction standards, the City will not enforce these exterior construction standards. Notwithstanding the foregoing, the City reserves the right to enforce any and all of the following exterior construction standards to the extent that the City's authority is not otherwise preempted.

The following exterior construction standards requirements shall apply to any and all buildings in a "Historically Significant Area" and any and all buildings that are a "Significantly Important Building" which are situated within the corporate limits of the City, and as otherwise specifically noted.

(a) *Residential structures.*

(1) Exterior wall construction for residential structures shall consist of a minimum of 75 percent of the following masonry materials on the first floor and 50 percent of stories other than the first story. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

- a. Stone or brick laid up unit by unit and set in mortar,
- b. Cultured stone, or
- c. Three-step stucco, or
- d. An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(2) Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: fiber cement siding, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at

least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: fiber cement siding, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

(3) All main structures within the multifamily residential districts must have a minimum of 80 percent masonry on the first and second floors and 50 percent on all other floors.

(4) Alternate materials and designs may be considered by the planning and zoning commission for meritorious exceptions in accordance with section 77-67(h).

(b) *Non-residential structures.*

(1) Except for the LI and HI districts, and as otherwise regulated by this chapter, exterior wall construction for nonresidential structures shall consist of a minimum of 75 percent masonry, three-step stucco, glass, or combination of these materials, with no single wall face of any structure containing less than 50 percent of its exposed surface of masonry construction. A maximum of ten percent of any exposed exterior wall may consist of EIFS.

(2) No more than 80 percent of the ground floor of any exterior wall (to the first plate) shall be comprised of windows or glass. No more than 50 percent of any exterior wall above the ground floor shall be comprised of windows or glass. Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

(3) Reflective glass with an exterior reflectance in excess of 27 percent shall not be permitted.

(4) Exterior Construction Standards for Central Area (CA), Neighborhood Service (NS), General Retail (GR), and Commercial (C) Districts.

a. All non-residential buildings shall be architecturally finished on all four sides with the same materials and detailing (e.g., tiles, moldings, cornices, wainscoting, etc.).

b. The rear façade of a building, which is not adjacent to or does not face a public right-of-way, park or residential district, shall not be required to comply with the above requirement.

c. All entrances of a building along any street shall incorporate arcades, roofs, alcoves, porticoes and awnings that protect pedestrians from the sun and weather. Minimum awning size shall be four feet by four feet.

d. All buildings facing a public right-of-way, park, or residential zoning district shall meet the following articulation requirements:

1. Façade articulation of at least three feet in depth or offset shall be required for every 30 feet in horizontal surface length.
2. Buildings greater than two stories or taller than 20 feet shall be designed to reduce apparent mass by including a clearly identifiable base, middle, and top, with horizontal elements separating these components.
3. A well-defined cornice or fascia shall be located at the top of the storefront and at the roofline.

(5) All buildings and structures in the Central Area (CA) District shall be of exterior fire-resistant construction, having 100 percent of the total exterior walls, excluding doors and windows, be constructed of brick, stone, or brick veneer.

(6) In Industrial Districts (LI and HI) any exterior wall visible from a public thoroughfare or residential zoning district must be of 100 percent masonry, exclusive of doors and windows.

a. Up to 100 percent of any exposed exterior wall may consist of metal if the exterior wall is not visible from a public thoroughfare or residential zoning district.

(7) Procedure for determining alternative exterior materials.

a. Exceptions to the material requirements may be permitted on a case by case basis.

1. All requests for alternative exterior building materials shall be noted and described on a site plan with elevation drawings to be submitted to the planning and zoning commission for approval.

b. The planning and zoning commission may approve an alternative exterior material if it is determined it is equivalent or better than masonry according to the criteria listed in section 77-67(b).

c. Consideration for exceptions to the above requirements shall be based only on the following:

1. Architectural design and creativity;
2. Compatibility with surrounding developed properties.

(c) *Accessory structures.*

(1) *Exterior façades.* Any accessory building or storage building that is greater than 200 square feet in floor area which is allowed under this chapter shall be of like appearance to the primary building.

(2) *Exceptions to exterior façades.*

a. Any accessory building or storage building that is 200 square feet or less in area, which is allowed under this chapter, may be constructed of materials having a different appearance from the primary building provided that the building shall be the same color as the primary building.

b. Fiber cement siding may be used to fulfill masonry requirements for an accessory structure or structure of 200 square feet or less in a single family or two-family district.

c. Metal or wood may be used as an exterior construction material for an accessory structure or structure of 120 square feet or less in a single family or two-family district.

d. Fiber cement siding may be used to fulfill masonry requirements for structures accessory to an existing structure constructed entirely of wood or vinyl siding.

e. In nonresidential districts, accessory structures with pervious roofs (e.g., pergola) may be constructed of Cedar, Douglas Fir, or other material impervious to rotting, provided masonry, matching the material of the primary building or structure, wraps around the base of each column for a minimum three feet above grade.

(3) *Foundation requirements.*

a. Attached accessory buildings shall conform to the regulations applicable to the main building to which they are attached. Attached buildings are defined as any building sharing a common roof with the primary structure.

b. Foundation requirements for detached accessory buildings (except barns) are as follows:

1. *Buildings 200 square feet and less.* The building may be placed on the ground without a foundation provided that the building is anchored to the ground. This must be done to resist wind loads.

2. *Buildings greater than 200 square feet.* The building shall have a permanent foundation in accordance with the current city building codes, the plans for which shall be prepared and sealed by a professional engineer licensed by the state. Foundations higher than 12 inches above ground level shall be required to have a foundation

fascia consisting of the same material that covers the exterior wall directly above the foundation, so that no more than 12 inches of the foundation is exposed.

(d) *Prohibited exterior materials.* The following materials and products shall not be used for exterior walls or exterior accents, unless otherwise permitted by this article: metal panels, wood siding, Masonite, particle board, stucco foam insulation systems, and aluminum siding.

(e) *Roofing requirements.*

(1) The implied visible purpose of the roof form is to perform those functions associated with a roof. That is to provide sunshade or shed water. A roof, which exists only to conceal mechanical equipment, is not allowed. The guidelines for roofs are as follows:

(2) *Roof massing.* Roofs (pitched or flat) shall be massed with an orderly sequence of subordinate roofs extending from a dominant roof mass. Where more complex building design creates multiple roof forms, there shall be a logical relationship of the roof composition. Single roof forms, other than flat roofs, which articulate the entire plate size of the structure, are not allowed. It is the intent of this guideline to encourage roof forms (other than flat roofs) with compositional components rather than the entire mass of the structure itself. When pitched roof forms are used in conformance with these guidelines, roof forms must be simple hipped or gable roofs. This guideline is not meant to limit the use of flat roofs in subordinate mass situations and where such a roof is necessary to attain an appropriate perception of span. A flat roof shall be concealed behind a parapet (or an extension of the wall plane).

(3) *Roof projections.* No plumbing stacks, venting stacks or roof mounted attic ventilators (except gable and or dormer vents) shall penetrate the roof surfaces facing the street. Roof projections must be mounted straight and perpendicular to the ground plane and be painted to blend with the roof color. Roof projections and HVAC equipment mounted on the roof shall be screened from view and shall not be visible from any streets abutting or adjacent to the structure.

(4) *Roof span.* Care must be taken in the design of new development to create (or give the illusion of) spans that are compatible with pedestrian scaled development and residential uses. Roof spans should not be larger than 45 feet unless a dominant span (larger in size) is made more complex and obscured by subordinate roof masses extending from it.

(5) *Flat roofs.* Flat roofs shall include parapets that adhere to articulation requirements for the main face of the structure. The average height of the parapet shall not exceed 15 percent of the height of the supporting wall, unless rooftop equipment cannot be sufficiently screened. A three-dimensional cornice treatment

is encouraged for parapets. Parapets shall look complete from all sides if visible at any distance from the ground. Parapets shall be constructed of the same material as the primary façade.

(6) Roof pitch. Pitched roofs shall have a minimum pitch of 6:12 for all structures. This requirement excludes roofs for entries and dormers.

(7) Sloped roof materials. Sloped roof materials shall be one of the following:

- a. Metal R panel;
- b. Natural slate;
- c. High quality clay or concrete tile (including such slate like products as Hardislate or equal) in warm darker gray or dark earth tone color range;
- d. High quality composition shingle with a 30-year warranty with a gray, dark chocolate, or weathered blend color or other dark color;
- e. All roof colors shall be limited to a Verde, dark bronze or naturally weathered or earth tone color.

(8) Flat roofs may be constructed of any industry-standard material, unless prohibited by this section.

(9) Wood shingles, corrugated metal, tar paper, and brightly colored asphalt shingle roof materials are prohibited on all roof types. Corrugated metal roofs on non-residential structures within the downtown historical area of the city shall be allowed.

(10) A pitched roof with a minimum 6:12 pitch shall be required on at least 75 percent of the roof of each single-family and two-family dwelling.

(11) All single-family and two-family dwellings erected after the adoption of the ordinance from which this section is derived shall be required to have a pitched roof with a minimum 6:12 pitch on at least 75 percent of the roof.

(12) Detached garages, sheds, porticos and accessory structures on the same lot as a single-family or two-family dwelling shall have a minimum 4:12 pitched roof.

(f) *Foundation requirements.*

(1) All single-family and two-family dwellings shall have a permanent foundation the plans for which shall be prepared and sealed by a professional engineer licensed by the state. Foundations higher than 12 inches above ground level shall be required to have a foundation fascia consisting of the same material that covers the exterior wall directly above the foundation, so that no more than 12 inches of the foundation is exposed.

(g) *Limited waivers for expansion or reconstruction of existing buildings.* The planning and zoning commission may, upon request by the applicant, authorize a waiver from specific requirements for exterior materials set out in section 77-67, if:

- (1) Strict compliance with these standards would result in significantly inconsistent appearance between existing and proposed sections of the building; or,
- (2) If the proposed expansion or reconstruction has been mandated as a condition to the applicant's ability to continue operating a franchise, or license, to conduct business in the existing building; and
- (3) The expansion or reconstruction does not increase the square footage of the existing building by more than 50 percent; and
- (4) The applicant proposes the use of high-quality materials in the expansion or reconstruction of the existing building that significantly improve the quality and appearance of the existing building.
- (5) The applicant shall submit detailed information to the city manager as required in subsection (g) regarding meritorious exceptions. The city manager shall review the application, prepare a report of findings and refer the request for a waiver to the planning and zoning commission for a decision according to procedures outlined in subsection (g). The applicant may appeal the decision of the planning and zoning commission to the city council according to the procedures outlined in subsection (g) regarding meritorious exceptions.

(h) *Meritorious exception.* It is not the intent of this section to discourage innovation. An architectural and site design that does not conform with the specific requirements of this section, but which has merit by making a positive contribution to the visual environment and which is appropriate to the site and use, may be submitted for consideration as a meritorious exception. Such proposals shall be fairly and seriously considered by the planning and zoning commission through the approval process outlined in this section.

- (1) An applicant for a meritorious exception shall submit:
 - a. All items required for the review of required architectural and site standards;
 - b. A written description of the nature of the meritorious exception and the compelling reasons that prevent the applicant from meeting the minimum standards set forth herein; and
 - c. Color renderings of all elevations.
- (2) The application for a meritorious exception shall be reviewed by the city manager and a report of findings shall be prepared and submitted to the planning

and zoning commission. If the applicant is not in agreement with the decision of the planning and zoning commission, the applicant may, within 21 days of the planning and zoning commission action, request in writing to the city manager that the meritorious exception be appealed to the city council. Prior to consideration of an application for a meritorious exception, the planning and zoning commission shall hold a public hearing, with notice given according to the procedure for a change in a zoning district location or boundary. In considering the request, the planning and zoning commission shall consider the following factors in determining the extent of any exception granted:

- a. The extent to which the application meets other specific standards of this article;
- b. The extent to which the application meets the spirit and intent of this article through the use of building materials, colors, and façade design to create a building of exceptional quality and appearance;
- c. The positive or negative impact of the proposed project on surrounding property use and property values, in comparison to the expected impact of a project, which could be built in conformance with the standards of this article; and
- d. The extent to which the proposed project accomplishes city goals as stated in the comprehensive plan or other approved document.
- e. A meritorious exception shall not be granted to serve solely as a convenience to the applicant, or for reasons related solely to economic hardship.

(i) *Variances.* When a property owner can show that a strict application of the terms of this article relating to architectural or site standards will impose upon him unusual and practical difficulties or particular hardship, including instances where an applicant has previously built in strict conformance with approved architectural and site standards plans and such approval was erroneously granted by the city manager or his designee, a variance from the strict application of this section may be granted by the board of adjustment; provided that:

- (1) The variance requested is in harmony with the general purpose and intent of this section;
- (2) The board of adjustment is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate a demonstrable and unusual hardship or difficulty; and
- (3) The board of adjustment is satisfied that there will be no adverse impact on surrounding property.

Sec. 77-66. - Accessory building regulations.

(a) *Use of accessory building.*

(1) In a residential zoning district, an accessory building may not be used for commercial purposes and may not be rented.

(2) In a nonresidential zoning district, an accessory structure is a subordinate structure, the use of which is incidental to and used only in conjunction with the main structure.

(b) *Garage apartment or guest house.* Accessory dwelling units (garage apartment or guest house) shall be allowed as an incidental use on the same lot or tract as the main dwelling unit and used by the same person or persons of the immediate family when the main structure is owner occupied, and meet the following standards.

(1) *Location.*

a. A garage apartment shall be constructed attached to a garage, either above or adjacent to the garage.

b. A guest house shall be constructed to the rear of the main dwelling, separate from that upon which the main dwelling is constructed.

(2) *Building permit requirement.* An accessory dwelling unit may be constructed only with the issuance of a building permit.

(3) *Independent sale and sublet prohibited.* An accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.

(4) *Setbacks.* Setback requirements shall be the same as for the main structure.

(5) *Area regulations.*

a. Accessory dwelling units may not exceed a height of 35 feet, and is limited to two stories.

b. Accessory dwelling units may not exceed 1,100 total square feet and 550 square feet on the second story, if any. The minimum allowed area of the accessory unit shall be 350 square feet.

c. The floor area of any detached accessory structure shall not exceed 50 percent of the floor area of the principal structure. The total

combined floor area of all structures shall not exceed the maximum lot coverage for the zoning district in which it is located.

(6) *Other regulations.*

a. An accessory dwelling unit shall not contain more than one bedroom, more than one kitchen, or more than one bathroom.

b. Parking areas shall be located behind the front yard.

c. In order to maintain the architectural design, style, appearance and character of the main building as a single-family residence, the accessory dwelling unit shall have a roof pitch, exterior façades and window proportions identical to that of the principal residence if the principal residence is a Significantly Important Building, or either or both of the principal residence and the accessory building are situated in a Historically Significant Area.

(c) *Height and yard requirements.*

(1) Where the accessory building is attached to a main building, it shall be subject to, and must conform to, all regulations applicable to the main building except as provided within this section.

(2) Accessory buildings shall not be erected in any required front yard.

(3) Carports and detached accessory buildings, except garages, shall not be located closer than three feet to any side or rear lot line.

(4) Detached accessory buildings enclosed on three or more sides shall not be located closer than ten feet to the main building.

(5) Garages entered from an alley shall be set back from the lot line adjacent to the alley a minimum of 20 feet.

(6) Accessory buildings may not be placed in the required side yard setback if the side yard lot line abuts a street.

(7) In no instance shall an accessory building be located within an easement or right-of-way.

(8) Detached accessory buildings located in a required rear or side yard shall not exceed ten feet in height. If the detached accessory building is located less than ten feet from the rear or side lot line, a six-foot solid fence or wall shall be built on the rear or side lot line to screen the building. No screening shall be required at the point of entry for a carport.

(d) *Carports.*

- (1) In single-family and two-family developments, a carport shall shelter not more than three vehicles and shall not exceed 24 feet on its longest dimension.
- (2) Carports must meet all height and yard setback requirements in section 3.12 and are prohibited within the front yard setback.

Sec. 77-73. - Exterior lighting.

The Texas Legislature adopted House Bill 2439, which became effective on September 1, 2019, establishing Texas Government Code Sections 3000.001 through 3000.005. That legislation prohibits a governmental entity from adopting or enforcing a rule, charter provision, ordinance, order, building code or other regulation – with certain specified exceptions – that

- (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or
- (2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

Tex. Gov't Code § 3000.002(a). Certain of the provisions set out in this Section 77-73 do not conflict with Tex. Gov't Code §§ 3000.001, et seq. However, to the extent that the foregoing legislation preempts the City's ability to enforce the following exterior lighting standards, the City will not enforce these exterior lighting standards. Notwithstanding the

foregoing, the City reserves the right to enforce any and all of the following exterior lighting standards to the extent that the City's authority is not preempted.

The following exterior lighting standards requirements shall apply to any and all buildings in a "Historically Significant Area" and any and all buildings that are a "Significantly Important Building" which are situated within the corporate limits of the City, and as otherwise specifically noted.

(a) *Purpose.* Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby properties by their owners and occupants while requiring adequate levels of lighting of parking areas.

(b) *Glare.* Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected so that acting together, the light beam is controlled and not directed across any bounding property line above height of three feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be one-quarter foot-candles.

(c) *Nonresidential lighting.*

(1) *Off-street parking.* All off-street parking areas, for nonresidential uses in nonresidential districts, which are used after dark shall be illuminated beginning one-half hour after sunset and continuing throughout the hours of business operation. In case only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements. No intermittent flashing lights are permitted.

(2) *Intensity.* On the parking area surface, an average of at least two foot-candles, initial measurement, and a minimum average of one foot-candle on a maintained basis.

(3) *Height.* Luminaries located in an off-street parking area on privately owned property shall be mounted at a height not to exceed 30 feet as measured vertically from the horizontal surface of the nearest parking pavement. Special lighting or lighting higher than the maximum building height allowed in the applicable zoning district may be approved by city council as specifically noted on the site plan.

(d) *Residential lighting.* Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

- (1) Direct lighting over ten feet in height is shielded from adjacent property.
 - (2) No light source shall exceed 20 feet in height. Street lights and other traffic safety lighting are exempt from this standard.
 - (3) Lighting shall not directly shine on adjacent dwellings.
- (e) *Luminaries.* Light source shall be a down-light type, indirect, diffused, or shielded type luminaries installed so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs of 15 watts or more or strings of lamps are prohibited, except for temporary lighting not exceeding 45 days per year. Strings of low wattage lamps are permitted for use as café patio lights.

V. Adjournment