



**CITY OF FARMERSVILLE  
PLANNING AND ZONING COMMISSION AGENDA  
REGULAR CALLED MEETING  
March 15, 2021, 6:00 P.M.  
205 S. Main St.**

**WATCH THE LIVE BROADCAST**

This meeting will be broadcast live through the City's website and by telephone. Members of the public who wish to watch this meeting, and not speak or participate in the discussion, may watch the live broadcast by

1. Going to the City's website;
2. Clicking on "GOVERNMENT";
3. Clicking on "AGENDAS AND MINUTES";
4. Clicking on the "[click here](#)" link that is located to the right of "LIVE STREAMING."

**SPEAKING DURING PUBLIC COMMENTS**

Members of the public wishing to speak during Public Comments or a public hearing may join the meeting by going online to [www.blizz.com](http://www.blizz.com), and following the online prompts to input the "Dial-in Phone Number" and the "Meeting ID."

Members of the public wishing to speak during Public Comments or a public hearing may also join the meeting by calling-in to the telephone number listed below, and inserting the Meeting ID listed below: Those members of the public calling in will not be able to participate through video and will only have an audio feed of the meeting on their telephone.

1. **Dial-in Phone Number: [\(646\) 769-9101](tel:6467699101)**  
Please note that if you dial a toll number, your carrier rates will apply.
2. You will be prompted to enter the Meeting ID.  
**The Meeting ID for this meeting is [134-480-98](#)**
3. Please listen closely to the directions and follow the directions to gain access to the Blizz meeting.

## **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)**

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 an application requesting a change in zoning on approximately 4.137 acres of land, more or less, from C – Commercial District Uses to MF-2 – Multifamily Residence-2 District Uses for an apartment complex. The property is generally situated at 1904 Harvard Blvd., and located in the Murphy's Crossing Addition, Phase II, Lot 9, out of the W.B. Williams Survey, Abstract A-952, of Farmersville, Collin County, Texas.
- B. Public hearing to consider, discuss and act upon text amendments to the Comprehensive Zoning Ordinance that may change the zoning classification names and will amend the land uses and related land development standards currently identified as the "Light Industrial," "Heavy Industrial," and "High Impact Industrial" zoning classifications set out in Sections 77-53(e)-(g) of the Farmersville Code together with any related amendments necessary to Section 77-46, "Schedule of Permitted Uses," regarding uses to be allowed in such land use classifications, as they may be amended, together with any necessary additions, changes or deletions to Section 77-29, "Definitions," as they may apply to any one or more of the land use classifications set out in Sections 77-53(e)-(g) of the Farmersville Code, as they may be amended.

## **IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

- A. Consider, discuss and act upon minutes from February 22, 2021.
- B. Discussion and direction regarding scope and goals for the Historic Preservation Ad Hoc Committee in relations to the Historic Preservation Ordinance and the Sign Ordinance.

## **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 March 11, 2021, by 6:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

**Dated this the 11<sup>th</sup> day of March, 2021.**



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Sandra Green, TRMC  
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 an application requesting a change in zoning on approximately 4.137 acres of land, more or less, from C – Commercial District Uses to MF-2 – Multifamily Residence-2 District Uses for an apartment complex. The property is generally situated at 1904 Harvard Blvd., and located in the Murphy's Crossing Addition, Phase II, Lot 9, out of the W.B. Williams Survey, Abstract A-952, of Farmersville, Collin County, Texas.



## Farmersville

DISCOVER A TEXAS TREASURE

### DEVELOPMENT APPLICATION

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat          | <input type="checkbox"/> Replat           |
| <input type="checkbox"/> Amended Plat     | <input type="checkbox"/> Minor Plat          | <input type="checkbox"/> Development Plat |
| <input type="checkbox"/> Concept Plan     | <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Site Plan        |
| <input type="checkbox"/> Annexation       | <input checked="" type="checkbox"/> Zoning   | <input type="checkbox"/> Rezoning         |

#### Fees:

A retainer fee of \$1,000.00 is required for submittal. Once the plans have been reviewed the money will be refunded back to the applicant if all the \$1,000.00 is not used and will be billed if the amount exceeds the initial \$1,000.00. (Note: All engineering inspection fees will be billed at the time of service.)

The application fee of \$ 1,000, to be paid to the City of Farmersville, is enclosed with this application.

#### A. Description of Property

1. Addition Name Murphy's Crossing Phase II + III, Lot 9
2. Total Acreage 4.13
3. Current Zoning Classification(s) Commercial District
4. Proposed Zoning Classification(s) MF-2
5. Total Number of Lots, by Type 1
6. Proposed Use of Property Multi-Family
7. Location of Property Intersection of Bob Tedford Blvd. + Harvard Blvd
8. Geographic (Tax) ID Number R- 8762-000-0090-1 R-

#### B. Applicants: (List those persons you wish to be contacted about this request.) PLEASE PRINT

- |                                    |   |
|------------------------------------|---|
| 1. Owner <u>Pennaco, Inc.</u>      | 2. Applicant/Representative <u>Engineering Concepts</u> |
| Address <u>P.O. Box 36795</u>      | Address <u>201 Wind Circle</u>                          |
| City, State, Zip <u>Tucson, AZ</u> | City, State, Zip <u>Wylie, TX 75098</u>                 |
| Phone _____                        | Phone <u>972-977-2369</u>                               |
| Email _____                        | Email <u>SAM@ecd1p.com</u>                              |

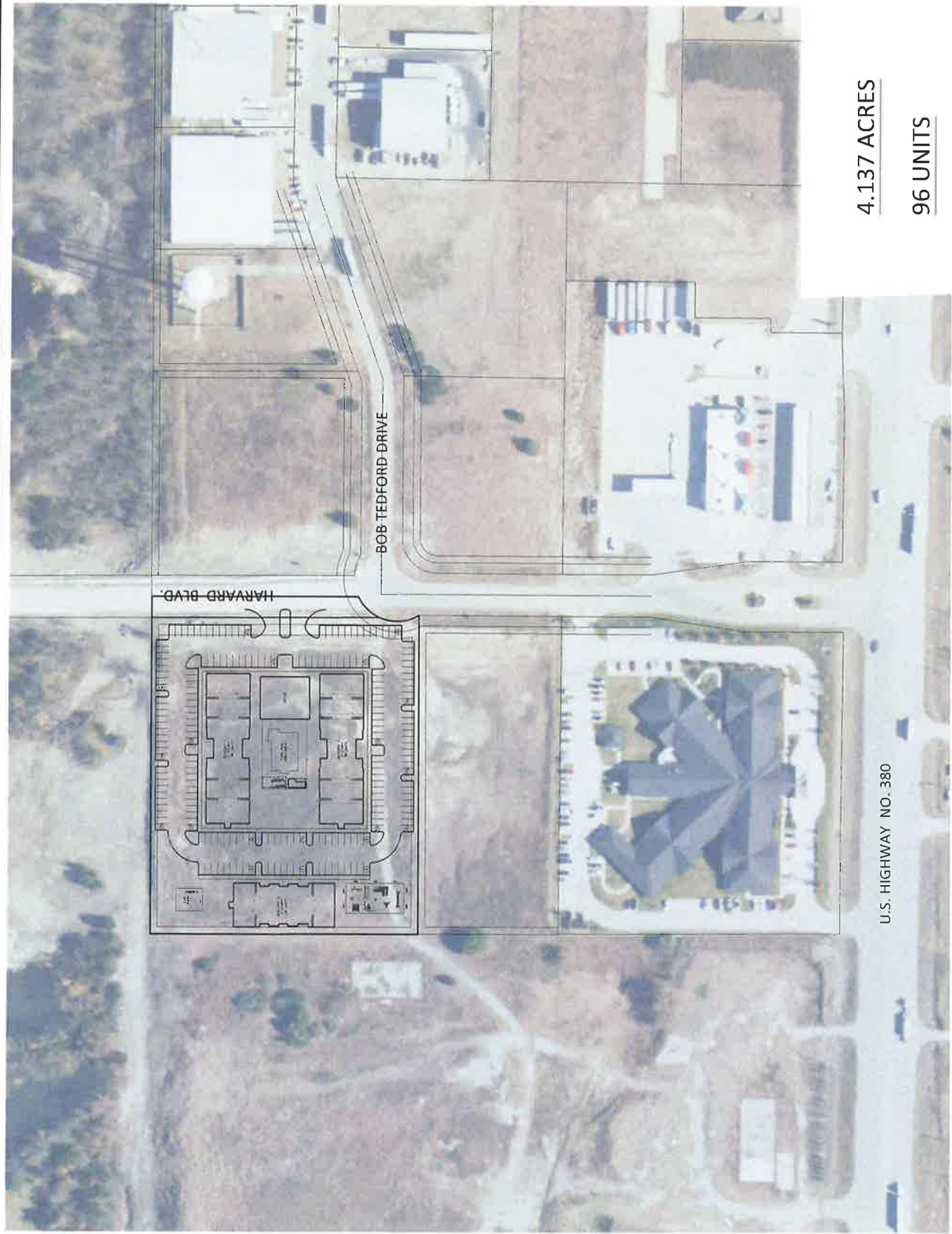
C. Variance Request: ☐ Yes ☒ No If yes, describe: \_\_\_\_\_

"I hereby certify that I am the owner, or duly authorized agent of the owner for the purposes of this application, of the property herein described, that all information submitted herein is true and correct."

Applicant/Owner: Nicholas Dapra

Managing Partner  
Pennaco

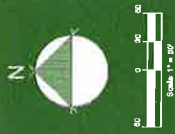
Date: Feb 12, 2021



4.137 ACRES

96 UNITS

U.S. HIGHWAY NO. 380



# FARMERSVILLE MF ZONING EXHIBIT CITY OF FARMERSVILLE, TEXAS



FEBRUARY 12, 2021  
SHEET NO. 1 OF 1  
PROJECT #05270



- B. Public hearing to consider, discuss and act upon text amendments to the Comprehensive Zoning Ordinance that may change the zoning classification names and will amend the land uses and related land development standards currently identified as the "Light Industrial," "Heavy Industrial," and "High Impact Industrial" zoning classifications set out in Sections 77-53(e)-(g) of the Farmersville Code together with any related amendments necessary to Section 77-46, "Schedule of Permitted Uses," regarding uses to be allowed in such land use classifications, as they may be amended, together with any necessary additions, changes or deletions to Section 77-29, "Definitions," as they may apply to any one or more of the land use classifications set out in Sections 77-53(e)-(g) of the Farmersville Code, as they may be amended.

**CITY OF FARMERSVILLE  
ORDINANCE #2021-\_\_\_\_-\_\_\_\_**

**AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERSVILLE, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 77, ENTITLED "ZONING," OF THE FARMERSVILLE CODE BY AMENDING SECTION 77-29, ENTITLED "DEFINITIONS," BY DELETING THE DEFINITION OF "HIGH IMPACT USE" IN ITS ENTIRETY, BY AMENDING SECTION 77-41, ENTITLED "ESTABLISHMENT OF ZONING DISTRICTS," TO CHANGE THE ZONING CLASSIFICATION NAMES OF "HEAVY INDUSTRIAL" AND "HIGH IMPACT INDUSTRIAL" TO "HI-1 - HEAVY INDUSTRIAL-1" AND "HI-2 - HEAVY INDUSTRIAL-2," RESPECTIVELY, BY AMENDING SECTION 77-53, ENTITLED "NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICT REGULATIONS," TO CHANGE THE ZONING CLASSIFICATION NAMES OF "HEAVY INDUSTRIAL" AND "HIGH IMPACT INDUSTRIAL" TO "HI-1 - HEAVY INDUSTRIAL-1" AND "HI-2 - HEAVY INDUSTRIAL-2," IN SECTIONS 77-53(F) AND (G), RESPECTIVELY, AND AMEND THE LAND USES AND RELATED LAND DEVELOPMENT STANDARDS ALLOWED IN THE "LI - LIGHT INDUSTRIAL," "HI-1 - HEAVY INDUSTRIAL-1" AND "HI-2 - HEAVY INDUSTRIAL-2," ZONING CLASSIFICATIONS SET OUT IN SECTIONS 77-53(E) THROUGH (G), RESPECTIVELY, OF THE FARMERSVILLE CODE INCLUDING THE IDENTIFICATION OF THE PURPOSE AND CERTAIN PERMITTED USES, PROHIBITED USES AND DEVELOPMENT STANDARDS CONTAINED THEREIN, BY AMENDING SECTION 77-46, ENTITLED "SCHEDULE OF PERMITTED USES," TO CHANGE THE ZONING CLASSIFICATION NAMES OF "HEAVY INDUSTRIAL" AND "HIGH IMPACT INDUSTRIAL" TO "HI-1 - HEAVY INDUSTRIAL-1" AND "HI-2 - HEAVY INDUSTRIAL-2" DISTRICTS, RESPECTIVELY, AND TO IDENTIFY THE USES ALLOWED IN THE "LI - LIGHT INDUSTRIAL DISTRICT," "HI-1 - HEAVY INDUSTRIAL-1 DISTRICT" AND "HI-2 - HEAVY INDUSTRIAL-2 DISTRICT" ZONING CLASSIFICATIONS; BY AMENDING SECTION 77-49, "USE-SPECIFIC REGULATIONS," BY ADDING A NEW PARAGRAPH (M), ENTITLED "CONCRETE/ASPHALT BATCHING PLANT (NOT TEMPORARY)," ESTABLISHING CERTAIN STANDARDS SPECIFIC TO A NON-TEMPORARY CONCRETE/ASPHALT BATCHING PLANT SEEKING A SPECIFIC USE PERMIT; BY AMENDING SECTION 77-54(A), ENTITLED "HIGHWAY COMMERCIAL OVERLAY DISTRICT," AS IT APPLIES TO USES ALLOWED IN THE "LI - LIGHT INDUSTRIAL DISTRICT," "HI-1 - HEAVY INDUSTRIAL-1 DISTRICT," AND "HI-2 - HEAVY INDUSTRIAL-2 DISTRICT" ZONING CLASSIFICATIONS; BY AMENDING SECTION 77-67, ENTITLED "EXTERIOR CONSTRUCTION STANDARDS FOR STRUCTURES," BY AMENDING PARAGRAPH (C), ENTITLED "NON-RESIDENTIAL STRUCTURES," BY AMENDING SUBPARAGRAPH (6) TO CHANGE THE REFERENCES TO INDUSTRIAL DISTRICT TO REFLECT THE CHANGES MADE BY THIS ORDINANCE; AND, BY AMENDING SECTION 77-69, ENTITLED "SCREENING, FENCE AND WALL REGULATIONS," BY AMENDING PARAGRAPH (B), ENTITLED "GENERAL FENCE AND WALL REGULATIONS," BY AMENDING SUBPARAGRAPH (1)C TO CHANGE THE REFERENCES TO "HI - HEAVY INDUSTRIAL DISTRICT" TO REFLECT THE**

**CHANGES MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Farmersville, Texas ("City") is a Type A General – Law City located in Collin County created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code, as amended, authorizes a municipality to adopt and update zoning ordinances for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

**WHEREAS**, the City has previously adopted a Zoning Ordinance under the authority of Chapter 211 of the Texas Local Government Code, which Zoning Ordinance is codified as Chapter 77 of the Farmersville Code; and

**WHEREAS**, the City Council of the City of Farmersville, Texas ("City Council"), desires to amend Chapter 77 of the Farmersville Code to rename the zoning classifications and amend the land uses and related land development standards currently identified as, and allowed in, the "Light Industrial," "Heavy Industrial," and "High Impact Industrial" zoning classifications as the "LI - Light Industrial District," "HI-1 - Heavy Industrial-1 District," and "HI-2 - Heavy Industrial-2 District" zoning classifications, respectively, including the identification of the purpose and certain permitted uses, prohibited uses and development standards in each of those renamed districts; and

**WHEREAS**, the City Council of the City of Farmersville, Texas, does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals, and general welfare of the City of Farmersville.

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

#### **SECTION 1. INCORPORATION OF FINDINGS**

The findings set forth above are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

#### **SECTION 2. AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERSVILLE, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 77, ENTITLED "ZONING," OF THE FARMERSVILLE CODE BY AMENDING SECTION 77-29, ENTITLED**

**"DEFINITIONS," BY DELETING THE DEFINITION OF "HIGH IMPACT USE" IN ITS ENTIRETY**

From and after the effective date of this Ordinance, Chapter 77 of the Farmersville Code is amended through the amendment of Section 77-29, entitled "Definitions," by deleting the definition for the phrase "'High Impact Use" in its entirety.

**SECTION 3. AMENDMENT OF CHAPTER 77, ENTITLED "ZONING," OF THE FARMERSVILLE CODE BY AMENDING SECTION 77-41, ENTITLED "ESTABLISHMENT OF ZONING DISTRICTS," TO CHANGE THE ZONING CLASSIFICATION NAMES OF "HEAVY INDUSTRIAL" AND "HIGH IMPACT INDUSTRIAL" TO "HI-1 - HEAVY INDUSTRIAL-1 DISTRICT" AND "HI-2 - HEAVY INDUSTRIAL-2 DISTRICT," RESPECTIVELY,**

From and after the effective date of this Ordinance, Chapter 77 of the Farmersville Code is amended through the amendment of Section 77-41, "Establishment of Zoning Districts," by changing the zoning classification names of "Heavy Industrial" and "High Impact Industrial" to "HI-1 - Heavy Industrial-1 District," and "HI-2 - Heavy Industrial-2 District" such that the chart of zoning districts hereafter reads as follows:

Abbreviated Designation	Zoning District Name
A	Agricultural District
ED	Estate Development
SF-1	Single Family Dwelling-1 District
SF-2	Single Family Dwelling-2 District
SF-3	Single Family Dwelling-3 District
2F	Two Family Residence (Duplex) District
MF-1	Multifamily Residence-1
MF-2	Multifamily Residence-2
NS	Neighborhood Service District
GR	General Retail District
C	Commercial District
CA	Central Area District
LI	Light Industrial District
HI-1	Heavy Industrial-1 District
HI-2	Heavy Industrial-2 District

**SECTION 4. AMENDMENT OF CHAPTER 77, ENTITLED "ZONING," OF THE FARMERSVILLE CODE BY AMENDING SECTION 77-53, ENTITLED "NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICT REGULATIONS," TO CHANGE THE ZONING CLASSIFICATION NAMES OF "HEAVY INDUSTRIAL" AND "HIGH IMPACT INDUSTRIAL" TO "HI-1 - HEAVY INDUSTRIAL-1 DISTRICT" AND "HI-2 - HEAVY INDUSTRIAL-2 DISTRICT," IN SECTIONS 77-53(F) AND (G), RESPECTIVELY, AND AMEND THE LAND USES AND RELATED LAND**

**DEVELOPMENT STANDARDS ALLOWED IN THE “LI - LIGHT INDUSTRIAL,” HI-1 - HEAVY INDUSTRIAL-1” AND “HI-2 - HEAVY INDUSTRIAL-2,” DISTRICTS SET OUT IN SECTIONS 77-53(E) THROUGH (G), RESPECTIVELY, OF THE FARMERSVILLE CODE INCLUDING THE IDENTIFICATION OF THE PURPOSE AND CERTAIN PERMITTED USES, PROHIBITED USES AND DEVELOPMENT STANDARDS FOR EACH SUCH ZONING CLASSIFICATION**

From and after the effective date of this Ordinance, Section 77-53, “Non-Residential and Mixed-Use Zoning District Regulations,” is hereby amended by amending Sections 77-53(e)-(g), to change the names of the Zoning Classification contained therein from “Light Industrial,” “Heavy Industrial,” and “High Impact Industrial,” respectively, to “LI - Light Industrial District,” “HI-1 - Heavy Industrial-1 District,” and “HI-2 - Heavy Industrial-2 District” and establish new subparagraphs (e) through (g) identifying the purpose and certain permitted uses, prohibited uses and development standards for each such zoning classification to read as follows:

“(e) *LI — Light Industrial District.*

- (1) *Purpose.* The LI district is primarily intended for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations.
- (2) *Permitted Uses.* See Section 77-46, “Schedule of Permitted Uses,” for a complete listing.
- (3) *Area, Yard and Bulk Requirements.*

Description		Requirements
Minimum Lot Area		15,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		30 feet
Minimum Side Yard	<i>Interior Lot</i>	None
	<i>Corner Lot</i>	20 feet
Minimum Rear Yard		None
Maximum Lot Coverage		None
Maximum Height		None, generally; 40 feet height limitation when any part is located within 40 feet of a residential property line

- (4) See Article IV., "Development Standards," for additional requirements and exceptions.

(f) *HI-1 — Heavy Industrial District-1.*

- (1) *Purpose.* The HI-1 district is primarily intended to provide areas for manufacturing firms engaged in processing, assembling, warehousing, research and development, and incidental services.
- (2) *Permitted Uses.* See section 77-46, Schedule of Permitted Uses," for a complete listing.
- (3) *Area, Yard and Bulk Requirements.*

Description		Requirements
Minimum Lot Area		15,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		30 feet
Minimum Side Yard	<i>Interior Lot</i>	None
	<i>Corner Lot</i>	20 feet
Minimum Rear Yard		None
Maximum Lot Coverage		None
Maximum Height		None; 40 feet when within 40' of a residential property line

- (4) See Article IV., "Development Standards," for additional requirements and exceptions.

(g) *HI-2 — Heavy Industrial District-2.*

- (1) *Purpose.* The HI-2 district is primarily intended to provide areas for manufacturing firms engaged in very heavy industrial activities that may be less compatible with residential, commercial and lighter impact industrial uses and sensitive natural areas.
- (2) *Permitted Uses.* See Section 77-46, "Schedule of Permitted Uses," for a complete listing.
- (3) *Area, Yard and Bulk Requirements.*

Description		Requirements
Minimum Lot Area		15,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		30 feet
Minimum Side Yard	<i>Interior Lot</i>	None
	<i>Corner Lot</i>	20 feet
Minimum Rear Yard		20'
Maximum Lot Coverage		None
Maximum Height		None, generally; Except 40 feet height limitation if any part is located within 40 feet of a residential property line

- (4) *Applicable Development Standards.* All uses in the HI-2 — Heavy Industrial District-2 shall meet or exceed all of the minimum requirements established in Article IV., "Development Standards," of this Zoning Ordinance for the HI-2 - Heavy Industrial District-2 including without limitation, except as otherwise specifically provided herein to the contrary, the requirements set forth in Sections 77-61 through 77-80. Notwithstanding the foregoing, Section 71-71(h) shall not generally apply to uses in the HI-2 — Heavy Industrial-2 District. However, any areas that are not used for buildings, facilities, structures, parking and roadways shall be devoted to living landscape,

which shall at a minimum include grass, ground cover, plants, shrubs, or trees.

(5) *Prohibited Uses.* Uses that are not expressly enumerated herein as permitted uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

- (a) Manufacture and/or bulk storage and testing of explosives, fireworks, or munitions;
- (b) Refining petroleum or its products, including tar distillation, and the storage and distribution of natural and liquid gas or other petroleum derivatives in bulk including terminals, tank farms or other similar facilities (save and except "propane storage and distribution");
- (c) Manufacture, storage, compounding or handling radioactive materials or wastes;
- (d) Manufacture, blending or mixture of pesticides, certain acids, glue, soap and fertilizer;
- (e) Stockyards, feed pens, livestock sales with barns and/or shipping facilities;
- (f) Rendering of animal fats, slaughtering or processing of animals and industrial manufacturing processes using the following raw materials: bones, garbage, offal and dead animals;
- (g) Refining of raw materials, such as, but not limited to chemicals, rubber, wood or wood pulp, into other products;
- (h) The extraction of raw materials, such as sand or gravel mining;
- (i) Jet engine or other engine testing;
- (j) Refuse disposal services including but not limited to landfills, incinerators, and other

locations which receive garbage and refuse generated offsite for storage, treatment or disposal;

- (k) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse;
- (l) Smelting of iron, copper, tin, zinc, or any other ore;
- (m) Coal distillation or coke ovens;
- (n) Creosote treatment;
- (o) Steel mills or furnaces;
- (p) Coal- or coke-fired kilns;
- (q) Used tire storage;
- (r) Extraction of raw materials; and
- (s) Concert halls.

**SECTION 5. AMENDING SECTION 77-46, "SCHEDULE OF PERMITTED USES," BY AMENDING SECTION 77-46, ENTITLED "SCHEDULE OF PERMITTED USES," TO CHANGE THE ZONING CLASSIFICATION NAMES OF "HEAVY INDUSTRIAL" AND "HIGH IMPACT INDUSTRIAL" TO "HI-1 - HEAVY INDUSTRIAL-1" AND "HI-2 - HEAVY INDUSTRIAL-2" DISTRICTS, RESPECTIVELY, AND TO IDENTIFY THE USES ALLOWED IN THE "LI - LIGHT INDUSTRIAL DISTRICT," "HI-1 - HEAVY INDUSTRIAL-1 DISTRICT" AND "HI-2 - HEAVY INDUSTRIAL-2 DISTRICT" ZONING CLASSIFICATIONS**

- A. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by changing the zoning classification names for "HI-Heavy Industrial District" and "HI-High Impact Industrial District" to "HI-1 - Heavy Industrial-1 District" and "HI-2 - Heavy Industrial-2 District," respectively, and modifying certain of the uses allowed in the "LI - Light Industrial District," "HI-1 - Heavy Industrial-1 District" And "HI-2 - Heavy Industrial-2 District" Zoning Classifications that are more particularly identified in Paragraph (c), entitled "Residential Uses," to read as follows:

(c) Residential uses.				
Type of Use	LI – Light Industrial District	HI-1 – Heavy Industrial-1 District	HI-2 – Heavy Industrial-2 District	Use Specific Regulations
Bed and breakfast inn				
Boarding house or rooming house	P			
Garage apartment				
Bed and breakfast inn				
Boarding house or rooming house				
Garage apartment				
Guest house				
Hotel	P			
HUD-Code manufactured home				
Industrialized housing (or modular home)				
Mobile Home				
Motel	S*			77-49(i)
Multiple-family dwelling				
One-family dwelling (attached)				
One-family dwelling (detached)				
Residence hotel	S			
Two-family dwelling (duplex)	P			
Zero lot line dwelling				

- B. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by changing the zoning classification names for "HI-Heavy Industrial District" and "HII-High Impact Industrial District" to "HI-1 - Heavy Industrial-1 District" and "HI-2 - Heavy Industrial-2 District," respectively, and modifying certain of the uses allowed in the "LI - Light Industrial District," "Hi-1 - Heavy Industrial-1 District" And "Hi-2 - Heavy Industrial-2 District" Zoning Classifications that are more particularly identified in Paragraph (d), entitled "Accessory and Incidental Uses," to read as follows:

(d) Accessory and incidental uses.				
Type of Use	LI – Light Industrial District	HI-1 – Heavy Industrial-1 District	HI-2 – Heavy Industrial-2 District	Use Specific Regulations
Accessory building	P	P	P	
Farm accessory building	P	P	P	
Fuel pumps (accessory use)	P*		P	77-49(g)

Home occupation				
Open storage and outside display			S	
Parking lot/garage (accessory)	P	P	P	
Stable (private)	P	P		
Swimming pool (private)	P	P		77-49(l)
Temporary field office	P	P	P	
Tennis courts	P	P		77-49(k)

- C. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by changing the zoning classification names for "HI-Heavy Industrial District" and "HII-High Impact Industrial District" to "HI-1 - Heavy Industrial-1 District" and "HI-2 - Heavy Industrial-2 District," respectively, and modifying certain of the uses allowed in the "LI - Light Industrial District," "Hi-1 - Heavy Industrial-1 District" And "Hi-2 - Heavy Industrial-2 District" Zoning Classifications that are more particularly identified in Paragraph (e), entitled "Agricultural Uses," to read as follows:

(e) <i>Agricultural uses.</i>	LI – Light Industrial District	HI-1 – Heavy Industrial-1 District	HI-2 – Heavy Industrial-2 District	Use Specific Regulations
<b>Type of Use</b>				
Farm, ranch, garden, or orchard	P	P		
Feed store	P	P	P	
Nursery, major	P	P		77-49(j)
Nursery, minor	P	P		
Stable (commercial)				
Veterinarian clinic and/or kennel, indoor	P	P		
Veterinarian clinic and/or kennel, outdoor	P	P		

- D. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by changing the zoning classification names for "HI-Heavy Industrial District" and "HII-High Impact Industrial District" to "HI-1 - Heavy Industrial-1 District" and "HI-2 - Heavy Industrial-2 District," respectively, and modifying certain of the uses allowed in the "LI - Light Industrial District," "Hi-1 - Heavy Industrial-1 District" And "Hi-2 - Heavy Industrial-2 District" Zoning Classifications that are more particularly identified in Paragraph (f), entitled "Automobile and Related Uses," to read as follows:

(f) <i>Automobile and related uses.</i>	LI – Light Industrial District	HI-1 – Heavy Industrial-1 District	HI-2 – Heavy Industrial-2 District	Use Specific Regulations
<b>Type of Use</b>				
Auto parts and accessory sales (indoor)	P	P		
Auto parts and accessory sales (outdoor)	P	P		
Automobile repair, major	P	P		
Automobile repair, minor	P	P		
Automobile sales, used	S	S		
Automobile sales/leasing, new	P	P		
Car wash, full service	P	P		
Car wash, self-service	P	P		
Convenience store with gas pumps	P	P		
Convenience store without gas pumps	P	P		
Motor vehicle towing, motor vehicle recovery, and motor vehicle storage	S	P		
Motorcycle sales/service	P	P		
Recreational vehicle sales and service, new/used	P	P		
Salvage yard		S	S	
Trailer sales/rental	P	P		
Truck sales (heavy truck)	P	P		

- E. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by changing the zoning classification names for "HI-Heavy Industrial District" and "HII-High Impact Industrial District" to "HI-1 - Heavy Industrial-1 District" and "HI-2 - Heavy Industrial-2 District," respectively, and modifying certain of the uses allowed in the "LI - Light Industrial District," "Hi-1 - Heavy Industrial-1 District" And "Hi-2 - Heavy Industrial-2 District" Zoning Classifications that are more particularly identified in Paragraph (g), entitled "Commercial and Professional Uses," to read as follows:

(g) <i>Commercial and professional uses.</i>	LI – Light Industrial District	HI-1 – Heavy Industrial-1 District	HI-2 – Heavy Industrial-2 District	Use Specific Regulations
<b>Type of Use</b>				
Building maintenance service and sales	P	P		
Clinic, medical or dental	P	P		

Contractor's shop and storage yard	P	P	S	
Dry cleaning plant	P	P		
Equipment and machinery sales and rental, major	P	P		
Manufactured home display and sales		S		
Medical or scientific research lab	P	P		
Office showroom/warehouse	P	P	S	
Office, professional, general administrative	P	P		
Open storage and outside display	P	P	S	
Print shop, major	P	P		
Propane storage and distribution	P	P		

- F. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by changing the zoning classification names for "HI-Heavy Industrial District" and "HII-High Impact Industrial District" to "HI-1 - Heavy Industrial-1 District" and "HI-2 - Heavy Industrial-2 District," respectively, and modifying certain of the uses allowed in the "LI - Light Industrial District," "Hi-1 - Heavy Industrial-1 District" And "Hi-2 - Heavy Industrial-2 District" Zoning Classifications that are more particularly identified in Paragraph (h), entitled "Educational, Institutional, and Public Uses," to read as follows:

(h) <i>Educational, institutional, and public uses.</i>	LI - Light Industrial District	HI-1 - Heavy Industrial-1 District	HI-2 - Heavy Industrial-2 District	Use Specific Regulations
<b>Type of Use</b>				
Adult day care center	P	P		
Art gallery or museum	P	P		
Banquet/meeting hall				77-49(d)
Cemetery or mausoleum	S	S		
Church, rectory, or other place of worship	P	P		
College, university or private school	P			
Day care center	S	S		
Fire station and public safety building	P	P	P	
Fraternal organization, lodge, or civic club	P			
Hospital	P			
Nursing/convalescent home	S			
Post office, government and private	P	P		

Public building, shop or yard of local, state or federal government	P	P		
Rehabilitation care facility				
Rehabilitation care institution	P			
School, private or parochial (primary or secondary)	P			
School, public	P			
School, trade or commercial	P	P		

- G. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by changing the zoning classification names for "HI-Heavy Industrial District" and "HII-High Impact Industrial District" to "HI-1 - Heavy Industrial-1 District" and "HI-2 - Heavy Industrial-2 District," respectively, and modifying certain of the uses allowed in the "LI - Light Industrial District," "Hi-1 - Heavy Industrial-1 District" And "Hi-2 - Heavy Industrial-2 District" Zoning Classifications that are more particularly identified in Paragraph (i), entitled "Entertainment and Recreational Uses," to read as follows:

(i) <i>Entertainment and Recreational Uses.</i>	LI - Light Industrial District	HI-1 - Heavy Industrial-1 District	HI-2 - Heavy Industrial-2 District	Use Specific Regulations
<b>Type of Use</b>				
Amenity center (private)				
Amusement, commercial (indoors)	P	P		
Amusement, commercial (outdoors)	S	S		
Community center (public)	P	P		
Dancehall or nightclub	S	S	S	
Day camp	P	P		
Fairgrounds/exhibition area	S	S		
Game room	S*			77-49(h)
Golf course and/or country club	P	P		
Gun or archery range (indoor)	P	P		
Park or playground (public)	P	P		
Play field or stadium (public)	P	P		
Recreational vehicle (RV) parks and campgrounds	P	P		
Swim and tennis club				
Theater (drive-in)	S	S		
Theater (indoor)	P	P		

- H. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by changing the zoning classification names for "HI-Heavy Industrial District" and "HII-High Impact Industrial District" to "HI-1 - Heavy

Industrial-1 District” and “HI-2 - Heavy Industrial-2 District,” respectively, and modifying certain of the uses allowed in the “LI - Light Industrial District,” “Hi-1 - Heavy Industrial-1 District” And “Hi-2 - Heavy Industrial-2 District” Zoning Classifications that are more particularly identified in Paragraph (j), entitled “Industrial and Wholesale Uses,” to read as follows:

(j) <i>Industrial and Wholesale Uses.</i>				
Type of Use	LI – Light Industrial District	HI-1 – Heavy Industrial-1 District	HI-2 – Heavy Industrial-2 District	Use Specific Regulations
Bakery and confectioners works (wholesale)	P	P		
Concrete/asphalt batching plant (not temporary)			S	77-49(m)
Concrete/asphalt batching plant, temporary	*	*	*S	77-49(f)
Manufacturing, heavy	S	P		
Manufacturing, light	P	P		
Mini-warehouse/self-storage	P	P		
Open storage and outside display	P	P	S	
Sand and gravel storage	P	P	S	
Warehouse/distribution center	P	P		
Wholesale office storage or sales facility	P	P		

- I. From and after the effective date of this Ordinance, Section 77-46, “Schedule of Permitted Uses,” is hereby amended by changing the zoning classification names for “HI-Heavy Industrial District” and “HII-High Impact Industrial District” to “HI-1 - Heavy Industrial-1 District” and “HI-2 - Heavy Industrial-2 District,” respectively, and modifying certain of the uses allowed in the “LI - Light Industrial District,” “Hi-1 - Heavy Industrial-1 District” And “Hi-2 - Heavy Industrial-2 District” Zoning Classifications that are more particularly identified in Paragraph (k), entitled “Retail and Service Uses,” to read as follows:

(k) <i>Retail and service uses.</i>				
Type of Use	LI – Light Industrial District	HI-1 – Heavy Industrial-1 District	HI-2 – Heavy Industrial-2 District	Use Specific Regulations
Alternative financial institution	P	P		
Antique shop and used furniture	P	P		
Artisan’s workshop	P	P	P	

Bakery and confectioners works (retail)	P	P		
Banks, savings and loan, or credit union	P	P		
Barber shop/beauty salon and personal service shops	P	P		
Big box retail development	P	P		
Body art studio	P	P		77-49(e)
Building materials and hardware sales, inside storage	P	P		
Building materials and hardware sales, outside storage	P	P	S	
Cleaning & laundry, self-service	P	P		
Dry cleaning or laundry, minor	P	P		
Equipment and machinery sales and rental, minor	P	P		
Farmer's market	P	P		
Flea market, inside	P	P		
Flea market, outside	P	P		
Florist shop	P	P		
Furniture, home furnishing, and equipment stores	P	P		
Grocery store or supermarket	P	P		
Health/fitness center	P	P		
Licensed massage therapy	P	P		
Mortuary or funeral parlor	P	P		
Pawn shop	P	P		
Pet grooming	P	P		
Pet shop	P	P		
Portable building sales	P	P		
Private club	P	P		
Repair shop, household equipment and appliances	P	P		
Restaurant (drive-in type)	P	P		
Restaurant or cafeteria	P	P		
Restaurant or food shop, take-out and delivery	P	P		
Retail stores and shops	P	P		
Sexually oriented businesses or establishments			S	
Shopping center	P	P		
Small engine repair shop	P	P		
Studio for dance, gymnastics, and/or martial	P	P		

Studio for photographer, musician, and artist	P	P		
Studio for radio and television	P	P		

- J. From and after the effective date of this Ordinance, Section 77-46, "Schedule of Permitted Uses," is hereby amended by changing the zoning classification names for "HI-Heavy Industrial District" and "HII-High Impact Industrial District" to "HI-1 - Heavy Industrial-1 District" and "HI-2 - Heavy Industrial-2 District," respectively, and modifying certain of the uses allowed in the "LI - Light Industrial District," "Hi-1 - Heavy Industrial-1 District" And "Hi-2 - Heavy Industrial-2 District" Zoning Classifications that are more particularly identified in Paragraph (I), entitled "Transportation, Utility, and Communications Uses," to read as follows:

(I) <i>Transportation, utility, and communications uses.</i>	LI - Light Industrial District	HI-1 - Heavy Industrial-1 District	HI-2 - Heavy Industrial-2 District	Use Specific Regulations
<b>Type of Use</b>				
Airport landing field	P	P		
Antenna and/or antenna support structure, commercial	*	*	*	77-49(b)
Antenna and/or antenna support structure, non-commercial	P*	P*	S	77-49(b)
Parking lot/garage (commercial)	P	P		
Private utility, other than listed	S	S		
Railroad or bus passenger station	P	P		
Railroad team track, freight depot or docks	P	P	S	
Shops, offices, and storage area for public or private utility	P	P	P	
Telephone line and exchange	P	P	P	
Transportation and utility structures / facilities	P	P	P	
Truck terminal	P	P	S	
Utility distribution/transmission lines	P	P	P	

**SECTION 6. AMENDING SECTION 77-49, "USE-SPECIFIC REGULATIONS," BY ADDING A NEW PARAGRAPH (M), ENTITLED "CONCRETE/ASPHALT BATCHING PLANT (NOT TEMPORARY)," ESTABLISHING CERTAIN STANDARDS SPECIFIC TO A NON-TEMPORARY CONCRETE/ASPHALT BATCHING PLANT SEEKING A SPECIFIC USE PERMIT**

From and after the effective date of this Ordinance, Section 77-49, entitled "Use-Specific Regulations," is hereby amended by adding a new Paragraph (m), entitled "Concrete/Asphalt Batching Plant (Not Temporary)," establishing certain standards specific to a non-temporary concrete/asphalt batching plant seeking a Specific Use Permit to read as follows:

"(m) Concrete/asphalt batching plant (not temporary).  
Specific use permit application requirements for  
concrete/asphalt batching plant:

- (1) Concrete/asphalt batching plants shall be permitted only in the HI-2 - Heavy Industrial-2 District upon the granting of a specific use permit (SUP);
- (2) The SUP shall be for an initial period of twenty (20) years (the "Initial Term") with one (1) automatic ten (10) year extension (the "Automatic Extension Period") of the SUP;
- (3) The SUP shall run with the land during the Initial Term and the Automatic Extension Period provided however, that:
  - a. The operating name of the concrete/asphalt batching plant specifically identified in the ordinance granting the SUP shall not be changed during the Initial Term and the Automatic Extension Period without the owner first providing the City advance written notice of said name change; and
  - b. The ownership of the concrete/asphalt batching plant shall not be conveyed, sold or transferred to any other persons or entities identified in the ordinance granting the SUP parties not named in the in the ordinance granting the SUP during the Initial Term and the Automatic Extension Period without the owner(s) identified in the ordinance granting the SUP first providing the City advance written notice of such proposed change in ownership, and then only if the entirety of the concrete/asphalt batching plant is being so conveyed, sold or transferred;
- (4) The owner may seek an extension or further renewal of the SUP prior to the expiration of the

Automatic Extension Period or any then current subsequent extension with the length of any such extension or renewal being determined in the sole discretion of the planning and zoning commission and city council;

- (5) The applicant shall submit a site plan, landscape plan and elevations, in addition to any other plans that may be required by the city's ordinances, drawn to scale and sealed by a professional engineer or professional architect licensed by the state satisfying all of the requirements of Section 77-44, "Specific Use Permits";
- (6) The grant of an SUP shall not relieve the applicant, owner and/or operator of a concrete/asphalt batching plant from any other and further obligations under this Code."

**SECTION 7. AMENDING SECTION 77-54, "SPECIAL DISTRICT REGULATIONS," BY AMENDING PARAGRAPH (A), ENTITLED "HIGHWAY COMMERCIAL OVERLAY DISTRICT," AS IT APPLIES TO USES ALLOWED IN THE "LI - LIGHT INDUSTRIAL DISTRICT," "HI-1 - HEAVY INDUSTRIAL-1 DISTRICT," AND "HI-2 - HEAVY INDUSTRIAL-2 DISTRICT" ZONING CLASSIFICATIONS**

From and after the effective date of this Ordinance, Section 77-54, "Special District Regulations," is amended by amending Paragraph (a), entitled "Highway Commercial Overlay District," is hereby amended as it applies to uses allowed in the "Light Industrial District," "HI-1 - Heavy Industrial-1 District," And "HI-2 - Heavy Industrial-2 District" zoning classifications to read as follows:

**"Sec. 77-54. - Special district regulations.**

*(a) Highway commercial overlay district.*

- (1) *Purpose.* The highway commercial (HC) overlay district is intended to provide for retail, service, and office uses within the Highway 380 and Highway 78 corridors, with the high traffic volumes and high visibility. The regulations and standards of this district are designed to enhance the aesthetic and functional characteristics of this transportation corridor. Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable standards of this chapter. All

applicable regulations of the underlying base zoning district apply to property in an overlay zoning district unless otherwise expressly stated. When overlay district standards conflict with standards that otherwise apply in the underlying, base zoning district, the regulations of the overlay zoning district govern unless the regulations of the base zoning district are more stringent, in which event the more stringent or restrictive standards shall apply.

- (2) *Permitted uses.* All applicable land uses of the underlying base zoning district apply to property in the HC overlay zoning district unless otherwise expressly stated. See section 77-46, Schedule of permitted uses for a complete listing.

The following uses are allowed by right within the HC overlay zoning district unless the base zoning district is HI-2 – Heavy Industrial-2 District, in which base zoning district the following uses are allowed, or not, as reflected in Section 77--46, “Schedule of Permitted Uses”:

- a. Big box retail development.

- (3) *Specific use permit required.* The following uses require a specific use permit within the HC overlay zoning district unless the base zoning district is HI-2 – Heavy Industrial-2 District, in which base zoning district the following uses are allowed, or not, as reflected in Section 77--46, “Schedule of Permitted Uses”:

- a. Automobile repair, major.
- b. Building materials and hardware sales, outside storage.
- c. Equipment and machinery sales and rental, major.
- d. Print shop, major.
- e. Warehouse/distribution center.

- (4) *Prohibited uses.* The following uses are prohibited within the HC overlay zoning district unless the base

zoning district is HI-2 – Heavy Industrial-2 District, in which base zoning district the following uses are allowed, or not, as reflected in Section 77--46, "Schedule of Permitted Uses":

- a. Car wash, self-service.
- b. Contractor's shop and storage yard.
- c. Game rooms.
- d. Mini-warehouse/self-storage.

(5) *Area, yard and bulk requirements.*

Description		Requirements
Minimum Lot Area		None
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		25 feet
Minimum	<i>Interior</i>	10 feet
Side	<i>Lot</i>	
Yard	<i>Corner</i>	25 feet
	<i>Lot</i>	
Minimum Rear Yard		20 feet
Maximum Lot Coverage		50%
Maximum Height		None, unless single family or two-family zoning districts or developments are within 200 feet of the property line, in which a 40-foot height maximum shall apply.
Maximum Floor Area Ratio		1.5:1

(6) *Highway commercial overlay district regulations.*

- a. *Façade design and exterior materials and products* — 75 percent of any front and side exterior wall must be faced with individual unit masonry consisting of brick, native or precast stone, glass and textured concrete masonry. Precast tilt wall systems may be used for 100 percent of the rear façade if it does not face a public street. Precast panels on all sides of the

building shall be scored or seamed to provide visual interest and a repeating pattern.

- b. Buildings shall be articulated at all entrances facing streets by a minimum of two offsets (façade articulations that extend outward from the building must be set back at some point in a corresponding manner) in the façade of a minimum two feet in depth. Main building entrances shall be covered by an awning, canopy or building overhang.
- c. The planning and zoning commission may consider waivers of the building façade material and design requirements for expansions and reconstruction of buildings that existed within the HC district on the date of adoption of the ordinance from which this chapter is derived in accordance with the requirements below:
  - 1. The expansion or reconstruction does not increase the square footage of the existing building by more than 50 percent; and
  - 2. Strict compliance with these standards would result in significant inconsistency in appearance between existing and proposed sections of the building.
- d. The standards set out in subparagraphs a, b and c of this Paragraph (a)(6) shall not be required for the following uses if the base zoning district in which the use is situated is HI-2 – Heavy Industrial-2 District:
  - 1. Concrete/asphalt batching plant;
  - 2. Concrete/asphalt batching plant, temporary;
  - 3. High impact use; and
  - 4. Sand and gravel storage.
- e. *Prohibited exterior materials and products.* The following materials and products shall not be used for exterior walls or exterior accents on any

building within the HC district: metal panels, wood siding, Masonite, particle board, stucco foam insulation systems, vinyl siding, and aluminum siding. Metal panels may only be used for decorative architectural features, awnings and canopies and may not constitute the exterior building material of any wall. Notwithstanding the foregoing, architectural metal panels (not corrugated metal or galvanized metal) may be used in conjunction with uses situated within the base zoning district of HI-2 – Heavy Industrial-2 District.

- f. *Building orientation.* Bays for car washes, auto repair and other automotive uses shall not be oriented to face public streets.
- g. *Mechanical screening.* Roof mounted mechanical units shall be screened from view at a point five feet five inches above the property line by solid panels, parapet walls, mansard roofs or other architectural feature. Ground mounted mechanical units, compressors, generators and other equipment must be screened by a minimum six-foot tall solid screening wall or solid, irrigated landscape screen of shrubs that will achieve a height of six feet within two years of planting.
- h. *Open storage and outside display.* No outside storage and display, sales, or operations shall be permitted unless such activity is visually screened from all streets and adjacent residential property in accordance with section 77-68. Outside garden centers are allowed only if attached to the main building and screened by masonry walls constructed of the same materials and manner of construction as the main building. The walls may be interspersed with ornamental metal panels.
- i. *Loading area placement and screening.* Loading areas shall be located on the side and/or rear sides of buildings within the HC district. The loading areas shall be screened from view of public streets and from adjacent residential uses by wing walls, landscaping or other screening features.

- j. *Screening of automobile storage areas.* Storage areas for automobiles that have been towed, are being staged before or after repairs, and/or stored for auction shall be screened by a minimum six-foot tall masonry wall or a solid, irrigated landscaped screen of shrubs that will achieve a height of six feet within two years of planting.
  - k. *Cross access.* Cross access easements shall be required between properties within the HC district to allow access to existing and proposed median openings and left turn lanes and to provide access to two public streets. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s). The planning and zoning commission may determine that cross access is not appropriate for security reasons or where topography and existing site conditions make cross access difficult.
  - l. *Utility services.* All utility service lines shall be underground.
  - m. *Extra requirements for uses in the HC district having a base zoning district of HI-2 – Heavy Industrial-2 District.* In addition to complying with the other requirements set forth in this Section 77-54, any use in the HI-2 – Heavy Industrial-2 base zoning district shall to the extent it is situated within the HC district provide a minimum six-foot tall masonry screening wall such that all HI-2 – Heavy Industrial-2 District activity on and about the property is visually screened from U.S. Highway 380 and State Highway 78.
- (7) *Highway commercial overlay district landscape regulations.* Landscaping shall conform to the following:
- a. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.
  - b. Landscaping adjacent to public right-of-ways.

1. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten feet in depth adjacent to the highway right-of-way.
  2. A minimum 10-foot landscape buffer adjacent to the right-of-way of any minor thoroughfare is required. If the lot is a corner lot, all frontages on minor thoroughfares and private drives of two lanes or greater shall be required to observe the ten-foot buffer.
  3. Developers shall be required to plant one large canopy tree per 40 linear feet or portion thereof of street frontage, not including entry drives or visibility triangles. These required trees must be planted within the landscape setback along thoroughfares, unless otherwise approved. Trees may be grouped or clustered to facilitate site design. Ornamental trees may be substituted for canopy trees at the ratio of two to one along the street frontage for up to 50 percent of the required canopy trees.
- c. Screening of parking areas and drive aisles adjacent to public right-of-way
1. Landscaped screening is required for all parking areas and drive aisles within 50 feet of the property line.
- d. Landscaping adjacent to buildings.
1. Foundation plantings with a minimum six-foot depth are required along 50 percent of a building façade facing a major or minor thoroughfare.
  2. Entries should be accented.
- e. General landscaping standards.
1. All trees shall be a minimum of four feet from all pavement and underground utilities.
  2. Canopy trees shall be a minimum of three inches in caliper (measured six inches above the ground) and seven feet in height at time of planting.

3. Accent or ornamental trees shall be a minimum of one-inch in caliper (measured six inches above the ground) and five feet in height at time of planting.
4. Evergreen shrubs shall be a minimum height of 24 inches at time of planting.
- f. The standards set out in subparagraphs c and d of this Paragraph (a)(7) shall not be required for the following uses if the base zoning district in which the use is situated is HI-2 – Heavy Industrial-2 District:
  1. Concrete/asphalt batching plant;
  2. Concrete/asphalt batching plant, temporary;
  3. High impact use; and
  4. Sand and gravel storage.”

**SECTION 8. AMENDING SECTION 77-67, ENTITLED “EXTERIOR CONSTRUCTION STANDARDS FOR STRUCTURES,” BY AMENDING PARAGRAPH (C), ENTITLED “NON-RESIDENTIAL STRUCTURES,” BY AMENDING SUBPARAGRAPH (6) TO CHANGE THE REFERENCES TO INDUSTRIAL DISTRICT TO REFLECT THE CHANGES MADE BY THIS ORDINANCE;**

From and after the effective date of this Ordinance, Section 77-67, entitled “Exterior Construction Standards for Structures,” is amended by amending Paragraph (c), entitled “Non-Residential Structures,” by amending Subparagraph (6) to change the references to “Industrial Districts” referenced therein to reflect the changes made by this Ordinance to read as follows:

- “(6) In the LI – Light Industrial District and the HI-1 – Heavy Industrial-1 District 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.”

**SECTION 9. AMENDING SECTION 77-69, ENTITLED “SCREENING, FENCE AND WALL REGULATIONS,” BY AMENDING PARAGRAPH (B), ENTITLED “GENERAL FENCE AND WALL REGULATIONS,” BY AMENDING SUBPARAGRAPH (1)C TO CHANGE THE REFERENCES TO “HI –**

## **HEAVY INDUSTRIAL DISTRICT" TO REFLECT THE CHANGES MADE BY THIS ORDINANCE**

From and after the effective date of this Ordinance, Section 77-69, entitled "Screening, Fence and Wall Regulations," is amended by amending Paragraph (b), entitled "General Fence and Wall Regulations," by amending Subparagraph (1)c to change the references to "HI – Heavy Industrial District" referenced therein to reflect the changes made by this Ordinance to read as follows:

- "c. For all uses within the LI, HI-1 and HI-2 districts, a wall or fence not more than eight feet in height may be erected in the front yard setback."

### **SECTION 10. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

### **SECTION 11. REPEALER**

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

### **SECTION 12. PENALTY**

Any person, firm, partnership, corporation, or other entity violating any provision contained in this Ordinance shall, upon conviction, be fined an amount not more than \$2,000.00; and each day a violation exists shall be deemed a separate offense. A culpable mental state is not required.

### **SECTION 13. PUBLICATION**

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

#### **SECTION 14. ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

#### **SECTION 15. SAVINGS**

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 16. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

**PASSED** on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2021, 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 \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

**APPROVED:**

BY: \_\_\_\_\_  
BRYON WEIBOLD  
Mayor

ATTEST:

\_\_\_\_\_  
SANDRA GREEN, TRMC  
City Secretary

#### **IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

A. Consider, discuss and act upon minutes from February 22, 2021.



**CITY OF FARMERSVILLE  
PLANNING AND ZONING COMMISSION MINUTES  
REGULAR SESSION MEETING  
February 22, 2021, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Vice-Chairman Michael Hesse presided over the meeting which was called to order at 6:02 p.m. Commissioners Lance Hudson, Rachel Crist (via teleconference), Leaca Caspari and John Klostermann were in attendance. Joe Helmberger and Adam White were not in attendance. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; Mike Henry, Council liaison; and City Attorney, Alan Lathrom.
- Mike Henry led the prayer and the pledges to the United States and Texas flags.

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

- None came forward to speak in person or via teleconference.

**III. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon text amendments to Chapter 77, "Zoning," by amending Sections 77-66, "Accessory Building Regulations," and Section 77-67 "Exterior Construction Standards for Structures," to modify the minimum and maximum requirements for accessory buildings and accessory structures.
- Michael Hesse opened the public hearing at 6:05 p.m. and asked if anyone wanted to speak for or against the item.
  - No one came forward so he closed the public hearing at 6:05 p.m.
  - Ben White stated we changed the requirement for the height of the structures and the roof pitch.

- Alan Lathrom stated the height was changed to be ten foot to the face plate and then the roof could be higher than that. He said we created an exception where the roof pitch has to be 6:12 unless the house is different and then they would need to meet the roof pitch of the house.
- Mike Henry asked if the facade materials were called out.
- Alan Lathrom stated there was nothing included about materials.

- Motion to approve made by John Klostermann
- 2<sup>nd</sup> to approve made by Lance Hudson
- All members voted in favor

B. Public hearing to consider, discuss and act upon text amendments to the Comprehensive Zoning Ordinance that may change the zoning classification names and will amend the land uses and related land development standards currently identified as the "Light Industrial," "Heavy Industrial," and "High Impact Industrial" zoning classifications set out in Sections 77-53(e)-(g) of the Farmersville Code together with any related amendments necessary to Section 77-46, "Schedule of Permitted Uses," regarding uses to be allowed in such land use classifications, as they may be amended, together with any necessary additions, changes or deletions to Section 77-29, "Definitions," as they may apply to any one or more of the land use classifications set out in Sections 77-53(e)-(g) of the Farmersville Code, as they may be amended.

- Michael Hesse opened the public hearing at 6:14 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:15 p.m.
- Rachel Crist stated that Guy Anderson was on the line and wanted to speak via teleconference.
- Michael Hesse reopened the public hearing.
- There were issues with people being heard on the phone line.
- Leaca Caspari suggested they table the item until the technical difficulties are fixed.
- Alan Lathrom explained that since we had the item posted for people to join the meeting via teleconference and they were not able to speak at the public hearing, he recommended they table the item to a future meeting.

- Motion to table the public hearing until March 15th made by John Klostermann
- 2<sup>nd</sup> made by Leaca Caspari
- All members voted in favor

- Alan Lathrom stated this would table and continue the public hearing and action on the item to the March 15<sup>th</sup> meeting.
- Michael Hesse stated he never closed the public hearing the second time.

- Alan Lathrom stated he was okay with that considering the circumstances and the public hearing would be reopened on March 15<sup>th</sup> anyway.
- Michael Hesse went back to Item II on the agenda and asked if anyone wanted to speak on a non-public hearing item.
- No one came forward to speak.

#### **IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

A. Consider, discuss and act upon minutes from January 25, 2021.

- Motion to approve made by Lance Hudson
- 2<sup>nd</sup> to approve made by John Klostermann
- All members voted in favor

B. Consider, discuss and act upon the minor plat of the Brunswick Addition, Lot 1 & 2, Block A.

- Motion to conditionally approve pending the completion of the items requested in DBI Engineering's letter made by Leaca Caspari
- 2<sup>nd</sup> made by Lance Hudson
- All members voted in favor

C. Consider, discuss and act upon the minor plat of the Hall 613 Addition, Lot 1 & 2, Block 1.

- Motion to conditionally approve pending the completion of the items requested in DBI Engineering's letter made by Lance Hudson
- 2<sup>nd</sup> made by John Klostermann
- All members voted in favor

D. Consider, discuss and act upon the final plat of the Mosley 2194 Addition, Lot 1, Block 1.

- Motion to conditionally approve pending the completion of the items requested in DBI Engineering's letter made by John Klostermann
- 2<sup>nd</sup> made by Leaca Caspari
- All members voted in favor

E. Consider, discuss and act upon the concept plan for the Rikepur Addition.

- Michael Hesse stated that DBI Engineering's letter showed there were several items that needed to be addressed before the plan could be approved. He said that DBI was recommending denial until the items could be addressed.
  - Motion to deny subject to compliance with the conditions identified by DBI made by Lance Hudson
  - 2<sup>nd</sup> made by Leaca Caspari
  - All members voted in favor

F. Consider, discuss and act upon the preliminary plat for the Rikepur Addition.

- Motion to disapprove subject to compliance with the conditions identified by DBI made by Lance Hudson
- 2<sup>nd</sup> made by John Klostermann
- All members voted in favor

G. Consider, discuss and act upon the concept plan for Camden Park Phase 4.

- Michael Hesse stated the letter from DBI Engineering showed they still had several items that needed to be addressed. He explained that DBI was recommending denial until the issues were addressed.
  - Motion to deny subject to compliance with the conditions identified by DBI made by John Klostermann
  - 2<sup>nd</sup> made by Lance Hudson
  - All members voted in favor

H. Consider, discuss and act upon the preliminary plat for Camden Park Phase 4.

- Motion to deny subject to compliance with the conditions identified by DBI made by John Klostermann
- 2<sup>nd</sup> made by Lance Hudson
- All members voted in favor

## **V. ADJOURNMENT**

Meeting was adjourned at 6:38 p.m.

ATTEST:

APPROVE:

\_\_\_\_\_  
Sandra Green, TRMC, City Secretary

\_\_\_\_\_  
Joe Helmberger, Chairman



February 17, 2021

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Brunswick Addition – Minor Plat  
Dated February 3, 2021

Mr. White,

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed

- The property owner will be required to sign an ETJ Facilities Agreement with the City.

It is recommended that the Minor Plat be conditionally approved pending the completion of the above mentioned items. Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis".

Jacob Dupuis, P.E.

DANIEL & BROWN INC.  
118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442  
OFFICE 972-784-7777 | WWW.DBICONCONSULTANTS.COM  
FIRM REGISTRATION NO: F-002225



February 17, 2021

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Hall 613 Addition – Minor Plat  
Dated February 2021

Mr. White,

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- The North Farmersville WSC utility service letter only references one meter. A revised letter stating they have the capacity to serve an additional meter will be needed.
- The property owner will be required to sign an ETJ Facilities Agreement with the City.

It is recommended that the Minor Plat be conditionally approved pending the completion of the above mentioned items. Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis".

Jacob Dupuis, P.E.

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FIRM REGISTRATION NO: F-002225



February 18, 2021

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Mosley 2194 Addition – Final Plat  
Dated January 2021

Mr. White,

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Plat should be designated as a Minor Plat.
- The property owner will be required to sign an ETJ Facilities Agreement with the City.

It is recommended that the Mosley 2194 Addition be conditionally approved pending the completion of the above mentioned items. Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis".

Jacob Dupuis, P.E.

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FIRM REGISTRATION NO: F-002225



February 18, 2021

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Rikepur Addition – Concept Plan, Preliminary Plat, & Engineering Plans  
Dated January 27, 2021

Mr. White,

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Concept Plan
  - Include metes & bounds description for entire tract.
- Preliminary Plat
  - The metes & bounds description for Rikepur Addition should include streets and right-of-way. This will create one contiguous boundary instead of having three separate tracts. The total acreage needs to reflect the right-of-way limits also.
  - Subdivisions involving 5 or more lots are subject to dedication of 5% of gross area for park land dedication. Developer has indicated paying Park Fees.
  - ROW dedication for Orange St will be required.
  - Vicinity Map needs to be revised to include additional lots.
  - Include notes about
    - Utility providers
    - Zoning classification
    - “Notice: Selling a portion of this addition by metes & bounds...”
  - Block A Lot 1 lot lines were changed to account for existing building, but adjacent lots were not revised with it. Adjacent lot bearings & lengths will need to reflect these changes.
  - Additional 25’ right-of-way shown east of new lots. Lots are not allowed double frontage of this kind. There is no existing street or note on the City thoroughfare plan for a road to be here so it is not a requirement.
- Drainage
  - Curb inlets should be added on Herron Street prior to intersection with Orange Street so that all runoff can be caught and sent directly to proposed box culvert.
  - Pre drain area total is 12.32 acres but post drain area is only 12.12.

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- Pre drain basin 'A' appears to incorporate post drain basins 'A', 'E', and 'F'. Please use same nomenclature throughout for comparison. Subdivide 'A' into 'A1', 'A2', etc. like the other basins.
- Storm Line 1 outfalls as a point leading directly to unplatted remainder tract, which is not allowed.
- Lots should not be graded to drain to unplatted remainder tract.
- Paving
  - S. Rike Street end pavement elevation is almost 4' above existing grade, what grading is planned for this?
  - Curb return on north side of Herron Street encroaches on neighboring lot. Since no right-of-way dedication exists on this lot, this radius should be modified so it will stay inside the proposed right-of-way limits.
- Grading
  - Will there be ditch grading for culvert at Orange St? None is indicated.
  - Will there be a retaining wall? Lot grades are much higher than surrounding area.
- Utility Plan
  - Relocate tee/GV/FH near lot 1 Block C further south so fitting is not under pavement.
  - Extend 8-inch waterline further north just past Herron Street. Install 8" x 6" tee, 6-inch GV, 6-inch waterline to the west, and connect to existing 6-inch with a 90° bend. Install 8-inch plug on north side of tee.

Based on the items above, it is recommended that the Concept Plan & Preliminary Plat be denied. Please contact me if you should have any questions or need additional information.

Sincerely,



Jacob Dupuis, P.E.



February 18, 2021

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Camden Park Phase 4 – Concept Plan & Preliminary Plat  
Dated February 3, 2021

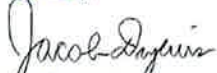
Mr. White,

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Concept Plan
  - Rename 'Site Plan' to 'Concept Plan'
  - Concept plan will need to follow requirements listed in subdivision ordinances Sec 65-28.
- Preliminary Plat
  - Indicate Point of Beginning
  - Legal description does not match metes & bounds shown on plan.
  - No Park Land dedication is shown. Developer has stated they will pay Park Fees.
  - Street names are to be reviewed and approved at time of Preliminary Plat submittal.
  - Include notes about:
    - Utility providers
    - Zoning
    - "Notice: Selling a portion of this addition by metes & bounds..."
  - Engineering plans are to be submitted and reviewed at time of Preliminary Plat submittal. Developer has indicated they will be submitted with the Final Plat.
  - Note 8 mentions Developer will comply with open space requirements during phase 1. Please clarify as there is only 1 phase indicated.
  - Note 9 mentions an offsite sanitary sewer lift station. Please clarify if this pertains to Camden Phase 4.

Based on the items above, it is recommended that the Concept Plan & Preliminary Plat be denied. Please contact me if you should have any questions or need additional information.

Sincerely,

  
Jacob Dupuis, P.E.

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FIRM REGISTRATION NO: F-002225

- B. Discussion and direction regarding scope and goals for the Historic Preservation Ad Hoc Committee in relations to the Historic Preservation Ordinance and the Sign Ordinance.

- Motion to approve the zoning request made by Lance Hudson
- 2<sup>nd</sup> to approve made by Joe Helmberger
- Votes went as follows: Rachel Crist, no; Leaca Caspari, no; Adam White, no; Lance Hudson, yes; Joe Helmberger, yes

C. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a proposed textual amendment to the Code of Ordinances, City of Farmersville, Texas, as heretofore amended, through the amendment of Chapter 77, "Zoning," by adopting a new article that will create a Historic Preservation Overlay Zoning District to provide for the protection and preservation of individual historic structures and properties as well as the protection and preservation of both potential and designated historic districts together with individual historic structures and properties and contributing structures and properties within such potential and designated historic districts by and through the adoption of ordinances containing by way of illustration, and not limitation: definitions; design guidelines; the establishment of a historic preservation body; a process through which structures and districts are designated as being historic; minimum maintenance requirements; a certificate of appropriateness process for modifications to and renovations of historic structures and contributing structures; prohibitions against demolition of historic structures and contributing structures whether by neglect or otherwise; and, a permitting process for demolition of dangerous and substandard historic structures and contributing structures.

- Chairman Helmberger stated we are not creating a new zoning district with the Historic Preservation Ordinance, but he feels the document needs some work.
- Chairman Helmberger opened the public hearing at 9:33 p.m.
- Allison Mathers, who lives at 109 College Street, stated she wants to extend the ordinance to include more areas than what it currently would cover in just the downtown area. She stated that the proposed Land Use Map needed to be approved first before they decide which areas to include in the historic overlay area. She said that groups of people and organizations should be involved in drafting the ordinance. She indicated it has to be well planned and suggested a committee be formed to look at the ordinance.
- Chairman Helmberger stated we needed a committee to be put together that could tailor the ordinance to Farmersville. He asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 9:41 p.m.
- Chairman Helmberger stated he would leave his notes regarding the ordinance with Ben White.



B. Consider, discuss and act upon a replat of the Farmersville Old Donation Lot 82-A & Lot 82-B, Block T.

- Lance Hudson recused himself and left the room due to a conflict of interest.
- Ben White stated DBI Engineer's reviewed the plat and asked for one correction and staff recommends approval based on that one condition.
  - Motion to approve subject to using the correct signature block indicated in Jacob Dupuis letter made by Leaca Caspari
  - 2<sup>nd</sup> to approve made by John Klostermann
  - All members voted in favor
- Lance Hudson returned to the room and continued with the meeting.

C. Consider, discuss and act upon appointing members to the Historic Preservation Ad Hoc Committee.

- Joe Helmberger stated that he and Ben White got together to make sure they had a representative sample for the committee members. He explained the following people were asked to sit on the committee: Paul Kelly, Michael Hesse, Bruce Woody, Tony Gray, Jim Foy, and Allison Mathers.
- Ben White stated Kevin Casey, Main Street Manager, would also be a voting member on the committee.
- Leaca Caspari said she thought they had already been appointed to the committee. She asked if someone could be added to the committee at a later date if they feel like they would be a good fit. She explained she believes that someone from the Historical Committee should be on there. She also suggested someone from the Parks & Recreation Board or City Amenities Board should sit on the committee.
- Joe Helmberger stated we could start the committee and then add more members. The committee will have to choose a Chair, but he thinks Allison Mathers has a good handle on creating the ordinance.
  - Motion to form the ad hoc committee with the seven named members and the ability to add more members made by John Klostermann
  - 2<sup>nd</sup> to approve made by Adam White
  - All members voted in favor

#### **IV. WORKSHOP**

- A. Discussion regarding possible changes to the land uses allowed by right or specific use permit together with the appropriate development standards applicable to those land uses within the Light Industrial, Heavy Industrial, and High Impact Industrial Zoning Districts set out in Sections 77-53(e) – (g) of the



- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Possible Council Liaison Report

- D. Main Street Board
  - 1. Possible Council Liaison Report

- E. Parks & Recreation Board
  - 1. Possible Council Liaison Report

- F. Planning & Zoning Commission
  - 1. Minutes
  - 2. Possible Council Liaison Report

- G. TIRZ Board
  - 1. Possible Council Liaison Report

## VI. READING OF ORDINANCES

- A. Consider, discuss and act upon the first reading of Ordinance #O-2020-1208-001 regarding an amendment to the Sign Ordinance pertaining to painted signs on walls.

- Mayor Wiebold read the caption to the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING CHAPTER 56, "SIGNS AND ADVERTISING," THROUGH THE AMENDMENT OF ARTICLE II "DEFINITIONS AND REGULATIONS," OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 56-32, "PROHIBITED SIGNS" BY AMENDING SUBPARAGRAPH (L) TO ALLOW A SIGN TO BE PAINTED DIRECTLY ON TO THE EXTERIOR WALL OR FACADE OF A BUILDING OR STRUCTURE IN THE CENTRAL AREA (CA) ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING GOVERNING LAW; PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF; AND PROVIDING AN EFFECTIVE DATE.**

This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide

- Craig Overstreet stated the first two whereas clauses in the ordinance pertain to a totally different ordinance. He said he would like it to go down

- to the Planning & Zoning Commission for public hearings and comments before Council makes a decision on it.
- Dwain Mathers stated the new ad hoc committee for Historic Preservation should review this with the items they are going to review. He recommends delaying the approval of the item.
- Mike Henry stated he would like to have it sent down to the Planning & Zoning Commission as well.
- Direction was given by Council to send the ordinance down to the Planning & Zoning Commission for review and comment.

## **VII. REGULAR AGENDA**

- A. Consider, discuss and act (including the possibility of reconsidering or modifying the City Council's previous motion) regarding the holiday lights gala celebration across Farmersville Parkway and into downtown including, but not limited to: (a) the propriety of one person acting on behalf of the City without prior City Council discussion, input, and approval to request donations for a holiday celebration to be approved by the City Council; (b) asking an individual to acquire and/or install the lights and related displays for a holiday celebration without first having City Council approval, a defined scope of work, and soliciting bids for such work; (c) generally defining the scope of the program and activities proposed for a city celebration; (d) establishing a specific scope of work and budget for the acquisition, construction, installation, set-up, maintenance, clean-up, and removal of the lights and displays before, during and after the completion of the holiday season, as well as the restoration of each area where programming and activities are proposed; (e) obtaining permission from property owners to utilize various areas for the celebration; (f) identifying the persons or groups participating in the celebration that will operate all aspects of each area where programming and activities are planned; (g) establishing the dates and times for such program and activities; (h) determining to whom money will be paid in what amounts and for what purposes in connection with the programming and activities are planned for each area of the celebration; and (i) accounting for all expenditures in accordance with the requirements of Texas law, and the handling of any remaining funds from the donations accepted for the celebration.
- Dwain Mathers stated that no one on Council is opposed to the lights, but it just bothers him how it came about. He was surprised by it at the last Council meeting, even though he voted in favor of it. He believes in the future items like this should be discussed with Council before they are thrown into action. He stated they went about it wrong. He indicated that he was not aware that the Mayor was going out to try and raise funds from businesses.



- Motion to table and set up for a workshop made by Mike Henry
- 2<sup>nd</sup> was made by Jim Hemby
- All council members voted in favor

B. Consider, discuss and act upon the first reading of Ordinance #O-2021-0209-001 regarding an amendment to the Sign Ordinance pertaining to painted signs on walls.

- Mayor Wiebold read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING CHAPTER 56, "SIGNS AND ADVERTISING," THROUGH THE AMENDMENT OF ARTICLE II "DEFINITIONS AND REGULATIONS," OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 56-31, "DEFINITIONS; SIGN REGULATIONS AND REQUIREMENTS," BY AMENDING THE DEFINITIONS FOR THE FOLLOWING WORDS OR PHRASES "CENTRAL AREA (CA) ZONING DISTRICT OR CA – CENTRAL AREA DISTRICT," "GRAFFITI," "MURAL," "REAR WALL SIGN," AND "WALL SIGN," BY AMENDING SECTION 56-32, "PROHIBITED SIGNS" BY AMENDING SUBPARAGRAPH (L) TO PROHIBIT A SIGN TO BE PAINTED DIRECTLY ON TO THE EXTERIOR WALL OR FACADE OF A BUILDING OR STRUCTURE IN THE CENTRAL AREA (CA) ZONING DISTRICT SAVE AND EXCEPT A MURAL (IF OTHERWISE PERMITTED), A REAR WALL SIGN, AND/OR A WALL SIGN, AND BY AMENDING SECTION 56-53, "SIGNS FOR THE CENTRAL AREA (CA) ZONING DISTRICT" TO ALLOW A MURAL (IF OTHERWISE PERMITTED), A REAR WALL SIGN, AND/OR A WALL SIGN, TO BE PAINTED DIRECTLY ON TO THE EXTERIOR WALL OR FACADE OF A BUILDING OR STRUCTURE IN THE CENTRAL AREA (CA) ZONING DISTRICT; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

- Ben White stated that at prior meetings we passed this down to the Planning & Zoning Commission. He said we have some

owners that would like to paint their sign directly on their building face.

- Mike Henry asked if a sign that was painted on a wall was permitted erroneously. He said he would like to table it and move it to the Historic Preservation Ad Hoc Committee. He would like it reviewed in a timely manner and then brought back to Council.
  - Dwain Mather stated he agreed with Mike Henry.
  - Craig Overstreet stated he would like to see it back in front of Council within 60 days.
  - Ben White said he told the business that had the sign they were in violation and we are waiting on a decision from Council regarding this ordinance.
  - Mike Henry asked if another application for this type of sign came into the city what would the city do at this point.
  - Ben White stated a permit would not be issued because we would follow the sign ordinance.
- Motion to table and send the ordinance to the Historic Preservation Ad Hoc Committee made by Mike Henry
  - 2<sup>nd</sup> was made by Craig Overstreet
  - All council members voted in favor

## VIII. REGULAR AGENDA

- A. Consider, discuss and act upon Resolution #R-2021-0126-001 finding and declaring the current number of inhabitants within the city's corporate limits to exceed 5,000.
- Mike Henry stated he read through the document and conducted his own research and he received documents that had numbers from the city. He said the U.S. Census comes out in April and if Council stated we were at 5,000 and the census said less than 5,000 he would have a problem with that.
  - Dwain Mathers stated he agrees with Mike Henry. He stated there are some questions, after his research, as to whether there are 5,000 inhabitants. He said he believes a year from now it will be different, but we are trying to do this a month before the census comes out. He wants to delay it.
  - Craig Overstreet stated the census is not a do all to catch all. He explained he feels the census may not be accurate because a lot of people do not fill them out. He said it is dangerous to say that the census

## **V. Adjournment**