Mitchell W. Jordan, Mayor
Sean Conner, Council District #1
Ava Harmon, Council District #2
James Smith, Council District #3
Kenneth Davidson, Council District #4
Angela Woodard, Council District #5
Christopher Gibbs, Council District #6

Teresa Herrera, City Manager
April Jackson, City Secretary
Rezzin Pullum, City Attorney

NOTICE OF MEETING
CITY COUNCIL AGENDA
May 28, 2024
Work Session at 4:00 p.m.
Regular Meeting at 5:30 p.m.
City Council Chambers
504 N. Queen Street
Palestine, Texas

Zoom Link:
https://us02web.zoom.us/j/85479766466?pwd=c0Erd0llSC9NZG42U2d0ZjVSOS9iUT09

Meeting ID: 854 7976 6466
Passcode: 877653

One tap mobile
+13462487799,,85479766466#,,,,*877653# US

Note: when you are joining a Zoom meeting by phone, you can use your phone's dial pad to enter the commands *6 for toggling mute/unmute and *9 to "raise your hand." Learn more here.

Follow us live at: facebook.com/palestinetx

WORK SESSION

1. Discussion regarding the Fiscal Year 2023 Annual Comprehensive Financial Report and Single Audit Report for the City of Palestine. Andrew Sibai, Finance Director
2. Presentation regarding Tax Increment Financing and Tax Increment Reinvestment Zones. Christophe Trahan, EDC Director

REGULAR MEETING

A. **CALL TO ORDER**

B. **INVOCATION AND PLEDGE OF ALLEGIANCE**

C. **PROPOSED CHANGES OF AGENDA ITEMS**

D. **PUBLIC RECOGNITION, PUBLIC COMMENTS, AND ANNOUNCEMENTS**

Any citizen wishing to speak during public comments regarding an item on or off the agenda may do so after completing the required Request to Speak form. All comments must be no more than five minutes in length. Any comments regarding items not on the posted agenda may not be discussed or responded to by the City Council. Members of the public may join via Zoom or in person.

It is not the intention of the City of Palestine to provide a public forum for the embarrassment or demeaning of an individual or group. Neither is it the intention of the Council to allow a member of the public to slur the performance, honesty, and/or integrity of any person or threaten any person. Accordingly, profane, insulting, or threatening language will not be read aloud at the meeting.

1. Recognition of American Public Works Appreciation Week. Kevin Olson, PW Director
2. Public recognition of Palestine Police Department Officers involved in large drug seizure. Mark Harcrow, Police Chief

E. **CONFLICT OF INTEREST DISCLOSURES**

F. **PUBLIC HEARINGS**

1. Public hearing regarding a Specific Use Permit for the placement of a manufactured home at 911 N. Esplanade Street, Jacob Snively Survey, A-63, Block 862-1, Tract 19, 20, 21. Susan Davis, Planning Tech
   a. Open Public Hearing
   b. Receive Public Comments
   c. Close Public Hearing
2. Public hearing regarding amendments to Chapter 39, "Zoning," Article II, "Zoning Districts and Regulations," Article IV, "Administration and Review Process," and Article V, "Definitions." Susan Davis, Planning Tech
   a. Open Public Hearing
   b. Receive Public Comments
   c. Close Public Hearing

G. **CITY MANAGER'S REPORT**

1. March 2024 Tourism Monthly Report
2. April 2024 Financial Statement
3. April 2024 Municipal Court Monthly Report
4. April 2024 Police Monthly Report

H. **CONSENT AGENDA**

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by the Mayor or a Council Member, in which event those items will be pulled for separate consideration. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

1. Consider approval of minutes for April 22, 2024, and May 13, 2024. April Jackson, City Secretary
2. Consider approval of the Fiscal Year 2023 Annual Comprehensive Financial Report and Single Audit Report for the City of Palestine. Andrew Sibai, Finance Director
3. Consider approval of expenditures over $25,000.00. Andrew Sibai, Finance Director
4. Consider authorizing the City Manager to accept an emergency purchase for parts only from APSCO Supply in the amount of $11,466.00 for the 10" sewer line repair on Gillespie right-of-way. Kevin Olson, PW Director
5. Consider authorizing the City Manager to accept a quote through buy board for a new 300 HP Motor for Raw Water/Vertical Turbine and installation for Motor #1 at the Water Treatment Plant from Smith Pump Company, Inc. in the amount of $31,479.00. Kevin Olson, PW Director
6. Consider authorizing the City Manager to accept an emergency purchase for labor only from Garcias Contractor's Services in the amount of $125,000.00 for the 10" sewer line repair on Gillespie right-of-way. Kevin Olson, PW Director

I. **REGULAR AGENDA**

1. Discussion and possible action regarding a Specific Use Permit for placement of a manufactured home at 911 N. Esplanade Street, Jacob Snively Survey, A-63, Block 862-1, Tract 19, 20, 21. Susan Davis, Planning Tech

2. Discussion and possible action regarding an ordinance abandoning the following:
a. A 10-foot wide alley easement running north and south between West Street and Magnolia Street. Block G, Lots 1, 2, 3, and 4; and Block N, Lots 1, 2, 3, and 4; and Magnolia Street and Sycamore Street. Block H, Lots 1, 2, 3, and 4.
b. A 50-foot right-of-way for Magnolia Street from Washington Street extending south to Leach Street; Leach Street from the southwest corner of Block F and the northwest corner of Block O extending east to Magnolia Street; Pershing Street from the southwest corner of Block O and the northwest corner of D extending east to West Street; and West Street from Washington Street extending south to Pershing Street. Applicant Oncor. Susan Davis, Planning Tech
3. Discussion and possible action regarding the final plat for the Overlook Apartments Addition for approval of a 60-foot right-of-way dedication of Overlook Way. Susan Davis, Planning Tech
4. Discussion and possible action regarding an ordinance amending Chapter 39, "Zoning," Article II, "Zoning Districts and Regulations," Article IV, "Administration and Review Process," and Article V, "Definitions." Susan Davis, Planning Tech
5. Discussion and possible action regarding a resolution stating support and acceptance of the proposed Aviation Capital Improvement Program for Federal and State Fiscal Year 2024/2025 at the Palestine Municipal Airport. Teresa Herrera, City Manager
6. Discussion and possible action regarding a Downtown Grant Agreement between the Palestine Economic Development Corporation and Home Grill Steakhouse, LLC. in an amount not to exceed $33,067.50. Christophe Trahan, EDC Director
7. Discussion and possible action regarding a resolution setting a public hearing to consider the adoption of tax abatement guidelines and criteria. Christophe Trahan, EDC Director

J. **MAYOR'S REPORT**

K. **ITEMS FROM COUNCIL**

L. **CLOSED SESSION**
Council will go into Closed Session pursuant to Texas Government Code, Chapter 551, Subchapter D.
1. Section 551.087 deliberation regarding Economic Development negotiations: Prospect #1061

M. **RECONVENE IN REGULAR SESSION**
1. Take any action necessary regarding Economic Development negotiations: Prospect #1061

N. **ADJOURNMENT**

The Palestine City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development), and §551.086 (Competitive Matters regarding Electric Utility).

I certify that the above Notice of Meeting was posted on the outdoor bulletin board at the main entrance to City Hall, 504 N. Queen Street, Palestine, Texas, in compliance with Chapter 551 of the Texas Government Code on **Friday, May 24, 2024, at 12:30 p.m.**

April Jackson, City Secretary

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) PERSONS IN NEED OF SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, CONTACT THE CITY SECRETARY'S OFFICE VIA EMAIL AT citysecretary@palestine-tx.org or 903-731-8414.

Agenda Date:	May 28, 2024
To:	City Council
From:	Christophe Trahan, Economic Development Director
Agenda Item:	Presentation regarding Tax Increment Financing and Tax Increment Reinvestment Zones.
Date Submitted:	05/22/2024

SUMMARY:

Tom Mullins, President of TG Mullins Consulting LLC, will provide a high-level overview of Chapter 311 of the Texas Tax Code regarding Tax Increment Financing.

RECOMMENDED ACTION:

No action is required.

CITY MANAGER APPROVAL:

Attachments

TIRZ Presentation

Economic Development Incentives

TAX INCREMENT FINANCING

T. G. Mullins Consulting, LLC

Economic Development Strategy

- Retention/Expansion of Existing Businesses
- New and Small Business Development
- Targeted Marketing and Attraction
- Use and Development of Incentives and Infrastructure

Economic Development Incentives

LOCAL INCENTIVES

- Tax Increment Financing (TIF) *(Chapter 311)*
- Tax Abatements *(Chapter 312)*
- Chapter 380/381 Agreements
- Land Discounts
- Freeport Exemption
- Half-cent Sales Tax

STATE INCENTIVES

- Texas Enterprise Fund
- Texas Enterprise Zone Program
- Skills Development Grant
- JETI Program *(Replaced Chapter 313)*
  - *Jobs, Energy, Technology, Innovation Act*
  - *Up to 50%; 75% if in Opportunity Zone*
  - *Minimum required investment and job creation based on county population*

Tax Increment Financing

T. G. Mullins Consulting, LLC

Tax Increment Reinvestment Zone

WHAT IS IT AND HOW DOES IT WORK?

T. G. Mullins Consulting, LLC

What Is a TIRZ?

- Tax Increment Reinvestment Zone (TIRZ)
- Governed by Chapter 311 of the Texas Tax Code
- Economic development tool used to incentivize development and redevelopment
- Establishes a “base tax value” for a designated geographical area within the TIRZ boundary
- Reallocates some, or all of the additional ad valorem property taxes in the zone

How Does a TIRZ Work?

When a TIRZ is created, the City records the sum of the ad valorem property tax at the time of creation

01

Property taxes collected each year, up to the "base tax value" continue to go into the City's general fund, as well as any new value not dedicated to the TIRZ district

02

As properties in the TIRZ develop and increase in value, property taxes collected over and above that "base value" (the captured appraised value), go directly to the TIRZ fund; the TIF does not capture additional land value

03

Funds collected from the additional tax revenue can only be used within the TIRZ for projects identified in the TIF project plan; new value added to the zone excludes FFE

What Can a TIRZ Fund?

- Most common use of TIRZ funds is the cost of infrastructure
- Project costs can be paid by TIRZ funds as defined and approved in the "Project Plan":
  - Purchase of land for public infrastructure
  - Relocation of public utilities
  - Water, wastewater, and drainage systems
  - Parks and landscaping
  - Public roads and buildings
  - Facade improvements
  - Environmental remediation
  - Demolition of existing structures
  - Debt service
  - Administration fees and marketing
  - Operational costs

How is a TIRZ Created?

A TIRZ can be created in one of two ways:

- The City Council can direct staff to create a Tax Increment Reinvestment Zone
- Creation of a TIRZ petition: a threshold of 50% of all the appraised value within the zone is required – property owners who represent at least half of the appraised value can petition the City

- Various taxing entities that levy taxes in the zone may choose to participate in the TIRZ such as the municipality, county, water districts, and/or special districts *(school districts typically do not participate)*

The Multi-Step Process for Creating a TIRZ

- Develop preliminary financing plan *(details how improvements will be paid for)*
- Hold public hearing
- Designate reinvestment zone *(through adoption of an Ordinance) Ordinance should:*
  - Outline zone timeframe – typically 20-25 years; can be longer
  - Formally establish zone
  - Note certain findings that zone meets criteria *(can use wording from statute)*
  - Create board of directors *(all taxing entities, excluding the City, can only designate one board member) of not less than five and no more than 15 members; serve staggered two-year terms*
- Prepare final Project Plan and Financing Plan *(to be consistent with preliminary plans and approved by the TIRZ Board and City Council)*
- Seek approval of other taxing entities through public hearing and formal consideration
- Take action to implement TIRZ *(TIRZ Board and City Council)*
- Submit annual report to Comptroller's Office

How is the TIRZ Managed?

- City Staff
  - Finance department
  - Economic development staff
  - Consultant *(if staff lack knowledge base)*
- Knowledgeable attorney is advisable
- TIRZ Board or Tax Increment Reinvestment Board of Directors *(serves as recommending body to the City Council)*
- Final level of oversight is the City Council

How are TIF Funds Disbursed?

- Debt Service
  - City borrows money by issuing a bond
  - Tax increment generated by the TIF used to pay back bondholders
  - Lump sum issuance enables the city to pay for high up-front costs
  - City can be held responsible for this debt
- Pay-As-You-Go
  - Tax increment is used to pay a developer or corporation
  - Project costs are paid as the TIF cash flows

TIF Financing

TIF financing is borrowing against the *future cash flow* of the TIRZ.

A TIF bond is sold to an investor for an exchange of returns.

A TIF bond borrows against the future increase in taxes from a new development, for a lump sum of money today.

In a general obligation bond approach, the bonds are credit enhanced by the full faith and credit of the issuer or plan sponsor.

If the sponsor pledges its full faith and credit, the sponsor (and not the marketplace) will bear the risk that the projected incremental revenue will not materialize.

The primary credit risk of tax increment financing for the tax increment district is that tax rates and the pace of private development in a project area lie outside the control of the redevelopment agency issuing the debt.

Tax Increment Calculation

Tax Increment Example

- **Tax Increment Base and Current Captured Appraised Value Retained**

taxing entity	2022 taxable base *	Value as of 1/1/23	(CAP) current captured appraised value
City	28,193,275	125,289,544	97,096,269
County	28,493,875	125,548,203	97,054,328

Projected TIF Receipts for the 2023 Tax Year Under Finance Plan Approved 4/30/2022

(Assumes 100% Participation)

	2023 tax rate	CAP*tax rate/100
City	0.692642	672,530
County	0.507893	493,939
Estimated amount to be paid into TIF for 2023		1,166,469

T. G. Mullins Consulting, LLC

Tax Abatement Incentive Calculation

- Abatement Example:
  - *Building/Equipment (($30,000,000) x 0.692642 [tax rate*] x 7 years) / 100))*
    - *Incentive = $1,454,545 or $207,779 per year*
- If more than one taxing entity is participating, the calculation would simply include the "total" tax rate of all entities.

Tax Abatements and TIFs

- Tax abatements defer collection of ad valorem taxes on all or a portion of new capital investment for a maximum of 10 years
- TIF zones use the “captured appraised value” above the “base value” of the TIRZ to pay for public infrastructure improvements
- Tax abatements can be granted within a TIRZ with the approval of the TIF board and City Council
  - *The abated portion of the capital investment project will not be calculated in the TIRZ value until the abatement term has ended*

Questions

Agenda Date:	May 28, 2024
To:	City Council
From:	Mark Harcrow, Chief of Police
Agenda Item:	Recognition for Officers Involved in Large Drug Seizure
Date Submitted:	05/22/2024

SUMMARY:

Public recognition of Palestine Police Department Officers involved in large drug seizure.

RECOMMENDED ACTION:

Recognition only.

CITY MANAGER APPROVAL:

Agenda Date:	May 28, 2024
To:	Planning and Zoning Commission
From:	Susan Davis, Planning Technician
Agenda Item:	Consider Specific Use Permit for Manufactured Home - 911 N. Esplanade Street
Date Submitted:	04/29/2024

SUMMARY:

Public hearing regarding a Specific Use Permit for the placement of a manufactured home at 911 N. Esplanade Street, Jacob Snively Survey, A-63, Block 862-1, Tract 19, 20, 21, which is zoned Mixed Residential. The applicant, Maria Acevado De Burciaga, voluntarily demolished the substandard structure previously located on these lots.

On April 19, 2024, ten notices were mailed to property owners within 200 feet of the location of the specific use permit request. Two have been returned in favor of the request, none have been returned in opposition, and eight have not responded.

During the regular meeting of the Planning and Zoning Commission held on May 2, 2024, a motion to approve the Specific Use Permit failed with a 0-4 vote.

RECOMMENDED ACTION:

City Council will receive input from citizens wishing to comment on the Specific Use Permit for the placement of a manufactured home at 911 N. Esplanade Street.

CITY MANAGER APPROVAL:

Attachments

Application
Photos
Photos of Substandard Structure
Notice
Staff Report

THE CITY OF PALESTINE TEXAS • 1846

SPECIFIC USE PERMIT APPLICATION

APPLICANT INFORMATION

Applicant Name: Maria ANgelica ACevedo - De Burciaga

Address: 703 N ELM St

City: Palestine State: TX Zip: 75801

Phone Number: 571-497-6870 Email: _____ Fax: _____

PROPERTY DESCRIPTION

Address (if available): 911 N Esplanade St

Subdivision: _____ Lot: _____ Block: _____

Anderson County Appraisal District Block Map # _____ Tract #: _____

Existing Deed Restrictions: ☐ Yes (Attach a copy with the application) ☐ No

Proposed Deed Restrictions: ☐ Yes (Attach a copy with the application) ☐ No

PRESENT USE OF PROPERTY

Describe how the property is currently being used: Vacant lot

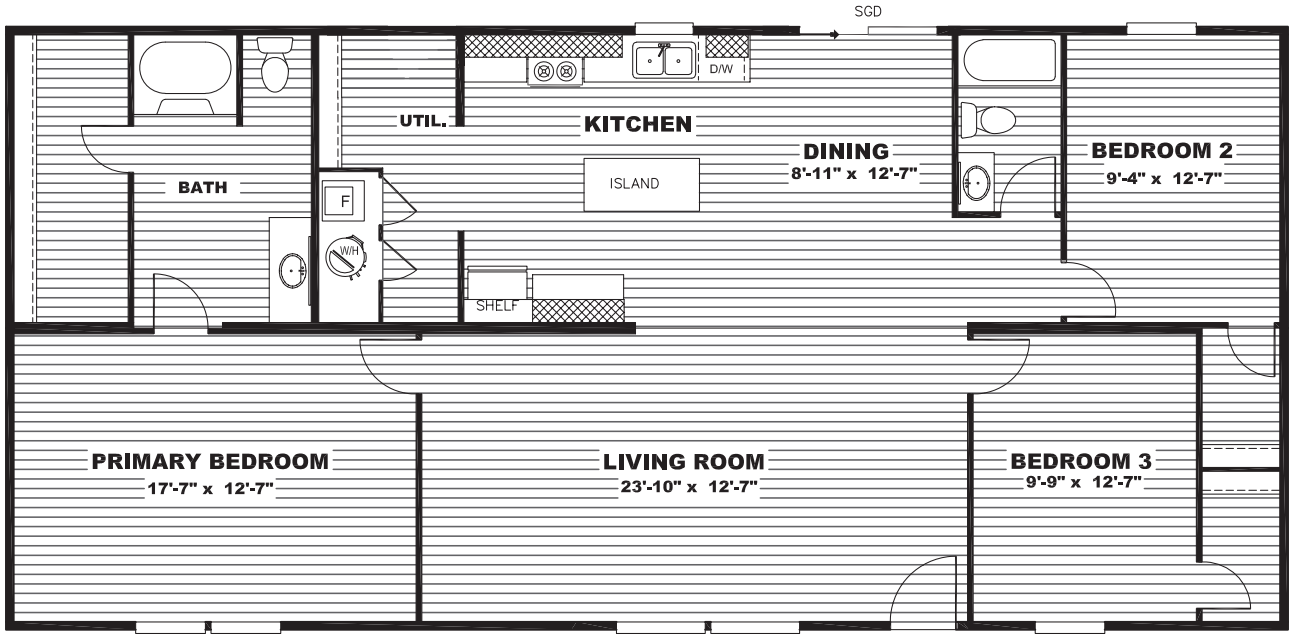
PROPOSED USE OF PROPERTY

Describe the proposed use of the property (be specific): I want to install a home here for me to retire. this is going to be my Primary home.

Attach additional sheets if necessary including any surveys or drawings that will show the proposed improvements on the property.

THRILL

TRU28563R // 3 beds // 2 bath // 1,475 sq. ft. // 28x56



OWN IT

The home series and floor plans indicated will vary by retailer and state. Your local Home Center can quote you on specific prices and terms of purchase for specific homes. TRU invests in continuous product and process improvement. All home series, floor plans, specifications, dimension, features, materials, availability, and starting prices shown on this website are artist's renderings or estimates, and are subject to change without notice. Dimensions are nominal and length and width measurements are from exterior wall to exterior wall.

BOOK

THE CITY OF PALESTINE
TEXAS • 1846

SPECIFIC USE PERMIT COMMENT FORM
CASE # XZ-24-03
May 2, 2024, at 1:30PM

Members of the Planning and Zoning Commission

Per the request for a Specific Use Permit for a Manufactured Home to be placed at **911 N. Esplanade Street, Jacob Snively Surve, A-63, Block 862-1, Tract 19, 20, 21.**

I am (check one): ☐ In Favor of the request ☐ Opposed to the request

IMPORTANT: Please complete survey and return.

Name: _____ Address: _____

Comments:

_____

_____

_____

_____

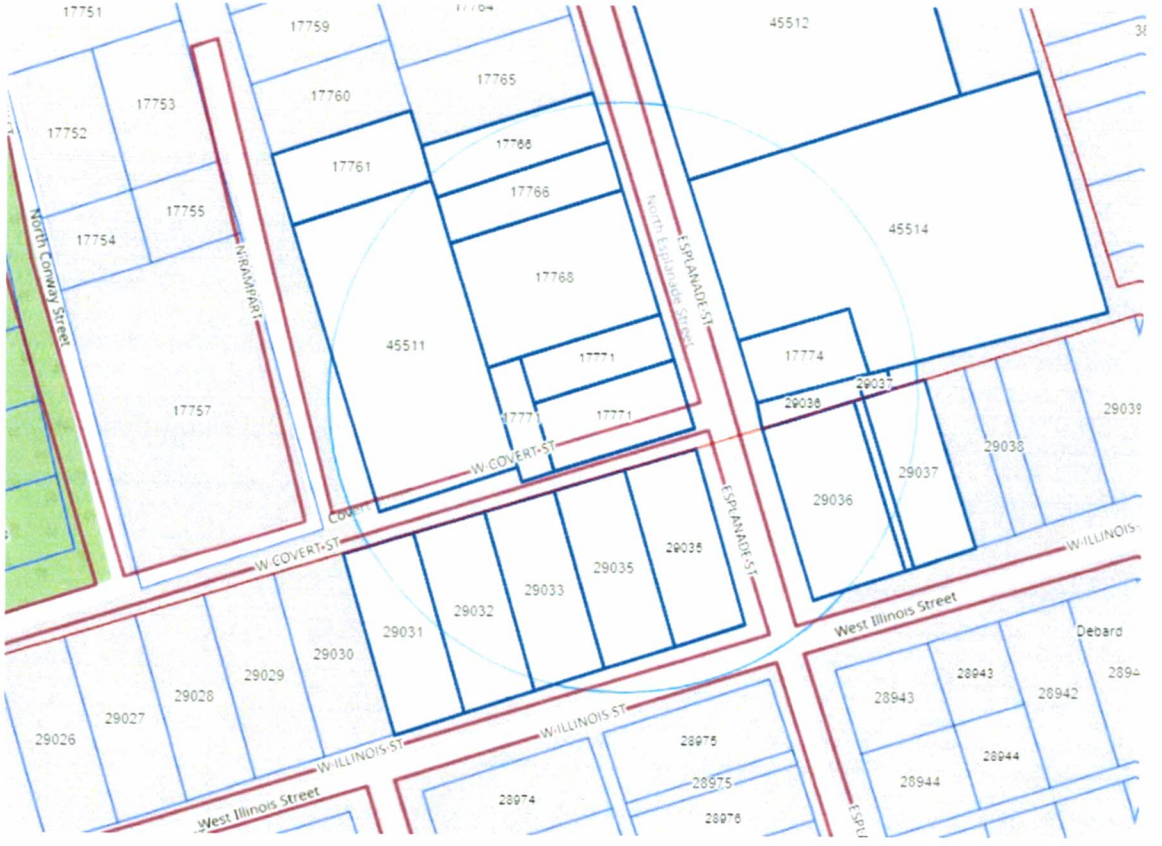
_____

Comment Form Return Options:

Mail: Attention Development Services
504 North Queen Street
Palestine, Texas 75801

Email: plantech@palestine-tx.org

ACAD Map – 911 Esplanade; 200 ft Radius



CITY COUNCIL
AGENDA DATE: May 28, 2024
ITEM XZ-24-1 / STAFF REPORT

REQUEST:	A specific use permit to allow a manufactured home to be placed at 911 N. Esplanade
APPLICANT:	Maria Angelica Acevado-De Burciaga
EXHIBITS:	Manufactured home floor plan, Area Map, and Photos of Adjacent Properties
PREPARED BY:	Susan Davis, Planning Tech

PROPERTY INFORMATION

LOCATION:	911 N. Esplanade Street
ZONING:	MR, Mixed Residential
OVERLAY ZONES:	None
LAND USE:	Vacant
ADJACENT ZONING:	MR, Mixed Residential
ACREAGE:	0.2316 acres
SUBDIVISION:	Jacob Snively Survey, A-63, Block 862-1, Tract 19, 20, 21

SUMMARY OF REQUEST

The applicant, Maria Angelica Acevedo-De Burciaga, applied for a specific use permit to place a double-wide mobile home at 911 N. Esplanade Street. The property is zoned MR, Mixed Residential which allows the placement of a mobile home if approved by specific use permit.

In February 2024, the 852 sq. ft. home located at 911 N. Esplanade was identified as a substandard structure. The owner consulted with a contractor then on March 8, 2024 she voluntarily obtained a demolition permit. The owner is seeking permission to place a manufactured home on the property as her residence.

PROPERTY ZONING AND LAND USE

The property where the mobile home is proposed to be located is zoned Mixed Residential. Adjacent zoning districts include Mixed Residential to the east, south, west, and north.

WATER, SEWER AND STREET ACCESS

Public water, sewer and street access are available from N. Esplanade and/or Covert Street.

PUBLIC NOTICE

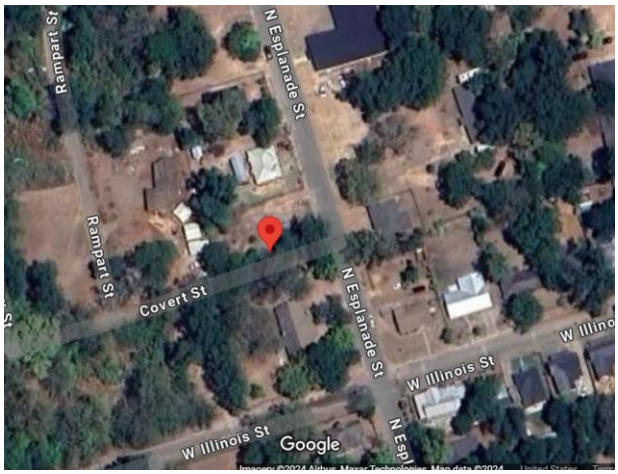
On April 19, 2024, ten notices were mailed to property owners within 200-feet of the location of the specific use permit request. Two (20%) have been returned in favor of the request. None have been returned in opposition. Eight (80%) owners did not respond.

ZONING AND DEVELOPMENT REQUIREMENTS / MOBILE HOMES

The requirements for placement of a manufacture home are stated as follows:

- Mobile home manufactured cannot be over five years old;
- Non-combustible underpinning shall be installed;
- The front of the mobile home shall face the street;
- All-weather off-street parking spaces for two vehicles;
- Only double-wide mobile homes shall be considered for a specific use permit;

SPECIFIC USE PERMIT LOCATION MAP



STAFF COMMENTS AND RECOMMENDATION

There are no structures on the property where the manufactured home is proposed to be located. The area is populated with single family residences and a church.

PLANNING & ZONING COMMISSION

During the regular meeting of the Planning & Commission held on May 2, 2024, a motion to approve the Specific Use Permit failed with a 0-4 vote.

Agenda Date:	May 28, 2024
To:	Planning and Zoning Commission
From:	Susan Davis, Planning Technician
Agenda Item:	Public hearing regarding amendments to Chapter 39, "Zoning"
Date Submitted:	04/29/2024

SUMMARY:

Public hearing regarding amendments to Chapter 39, "Zoning," as follows:

1. Section 39.2.2-13 Land Use Chart:
   - to remove the AirBNB Rental Unit category and add a Short-Term Rental category. Airbnb Rental is a company name and not a use type. Currently, AirBNB are only allowed by Specific Use Permits in Residential Estate, Suburban Residential, Urban Residential, Mixed Residential, Mixed Use Neighborhood, Central Business District, Retail Commercial, Highway Commercial, Planned Development, and Historic Preservation Overlay.

2. Section 39.2.2-13 Land Use Chart:
   - to remove the Airbnb Rental Unit category and add a Short-Term Rental category. Airbnb Rental is a company name and not a use type. Currently, AirBNB are only allowed by Specific Use Permits in Residential Estate, Suburban Residential, Urban Residential, Mixed Residential, Mixed Use Neighborhood, Central Business District, Retail Commercial, Highway Commercial, Planned Development, and Historic Preservation Overlay.
   - to allow Body Art Studio/Branding, Piercing and Tattoo Facility in the Industrial Zoning District. Body Art Studio/Branding, Piercing and Tattoo Facility is currently permitted by right in the Central Business District, Retail Commercial, Highway Commercial; and by Specific Use Permit in the Mixed Use Neighborhood, Planned Development, and Historic Preservation Overlay.

3. Section 39.4.3-2(6) Administrative and Review Procedures, General Review Criteria:
   - to reference the Appendix B Fee Schedule in place of the old fee amount of $125.00 as follows: (a) Complete and submit a Specific Use Permit Application. A Site Plan, a Floor Plan, and pictures of the proposed home must be submitted. The permit fee, as stated in Appendix B Fee Schedule, is due at the time of the submittal.

4. Section 39.5.3, Use Definitions
   - to add a definition for Short-Term Rental as follows:

"Short-term rental" means a residential property, including a single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partly for a fee for a period no longer than thirty (30) consecutive days.

Upon a vote by the Planning & Zoning Commission on May 2, 2024, motions to approve the changes to Chapter 39 Zoning Code as presented passed 4-0.

RECOMMENDED ACTION:

City Council will receive input from citizens wishing to comment on amendments to Chapter 39, "Zoning," Article II, "Zoning Districts and Regulations," Article IV, "Administration and Review Process," and Article V, "Definitions."

CITY MANAGER APPROVAL:

Agenda Date:	May 28, 2024
To:	City Council
From:	Cassie Ham, Tourism Marketing Manager
Agenda Item:	March 2024 Tourism Report
Date Submitted:	05/22/2024

SUMMARY:

Tourism Manager's report for the month of March 2024.

RECOMMENDED ACTION:

No action is required.

CITY MANAGER APPROVAL:

Attachments

March 2024 Tourism Report

Contact: Cassie Ham
City of Palestine
Phone: (903) 723-3014
Direct: (903) 723-3053

825 W. Spring St.
Palestine, TX 75801
tourism@palestine-tx.org

TOURISM REPORT – MARCH 2024

Hotel Occupancy Income Tax Collected/STR Reporting

	March 2024	March 2023	+/- to Last Year	Year-to-Date
Occupancy	64.9%	58.4%	+11.1%	+19.4%
Average Daily Rate (ADR)	$89.26	$87.40	+2.1	+0.3
Revenue Per Avail. Room (RevPAR)	$57.93	$51.06	+13.4	+19.7
Revenue	$1,271,384	$1,120,687	+13.4	+19.7

*Census includes 8 hotels, 708 rooms. (8 of 11 hotels reporting)

Accomplishments, Activities & Successes

- **Attended Dallas Travel and Adventure Show to advertise Palestine, TX**
- **New HOT grant application and process passed by Tourism Advisory Board.**
- **Successful kickoff to Dogwood Trails Celebration.**

Marketing:

- Advertisements/articles submitted to be published with: County Line, Good Housekeeping/Woman's Day, Meetings + Events (Digital).
- Social media engagement is still high, due to paid ads for Dogwood Celebration.
- Dogwood Trails kicked off successfully, blooms held on for the beginning of the celebration period (goes through April 6)
- Planning 4 – 5K/10K/Half-Marathon runs in 2025.

Main Street

- Continued work with businesses dealing with challenges from the Downtown Revitalization project
- Farmer's Market season opening
- Dogwood Festival
- Dealing with sign ordinance concerns.

Visitor Center:

- More than 416 visitors or calls to the Visitor Center, with 366 from in-state, and 50 from out of state (based on the quantified data)

Agenda Date:	May 28, 2024
To:	City Council
From:	Andrew Sibai, Finance Director
Agenda Item:	April 2024 Financial Statement
Date Submitted:	05/23/2024

SUMMARY:

April 2024 Financial Statement

RECOMMENDED ACTION:

Staff recommends a review of financials.

CITY MANAGER APPROVAL:

Attachments

April 2024 Financial Report

City of Palestine, Texas

Financial Statement

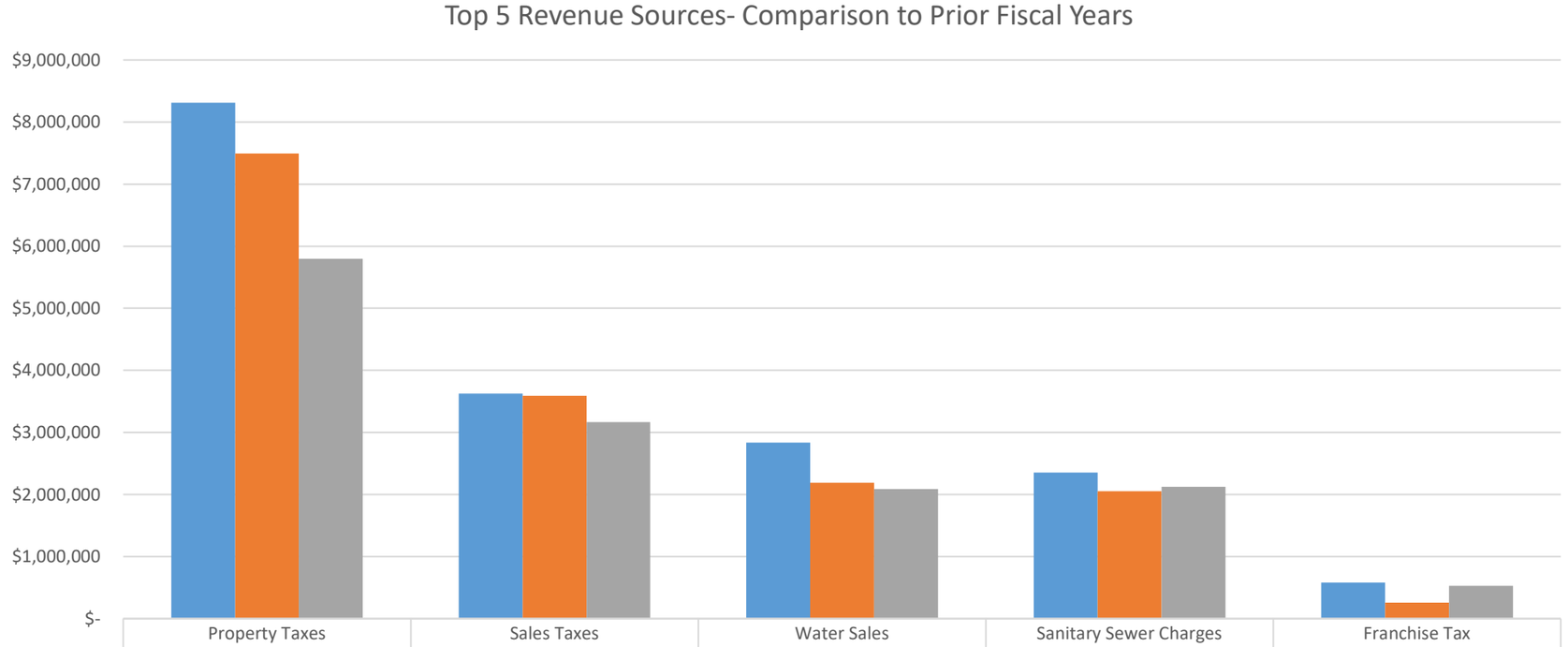
As of April 30, 2024

OVERVIEW

April 30, 2024 marks the end of the seventh period of the FY 2024 budget year.
Therefore, the year-to-date budget percentage for budgetary comparison is 58.33%.

As of April 30th, 2024, General & Utility Fund combined
revenues are $20,551,385.
This is higher than budgeted expectations at 65% of the annual budgeted amount.
FY 2024 revenues are increased $2.1 million or 11% more than FY 2023.
This is due to different timing of property tax deposits between FY 2023 and FY 2024.

Top 5 Revenue Sources- Comparison to Prior Fiscal Years

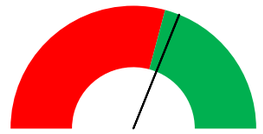


	Property Taxes	Sales Taxes	Water Sales	Sanitary Sewer Charges	Franchise Tax
FY 2024	$8,308,949	$3,624,406	$2,833,846	$2,350,176	$582,001
FY 2023	$7,490,907	$3,591,342	$2,188,744	$2,050,577	$259,328
FY 2022	$5,796,463	$3,166,880	$2,090,253	$2,125,848	$527,063

93.4% of Annual Projection

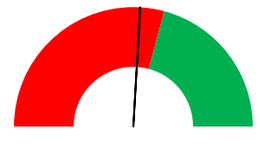
Property Taxes

62.1% of Annual Projection



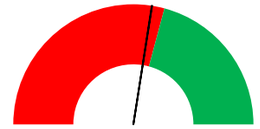
Sales Taxes

51.8% of Annual Projection



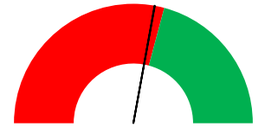
Water Sales

54.9% of Annual Projection



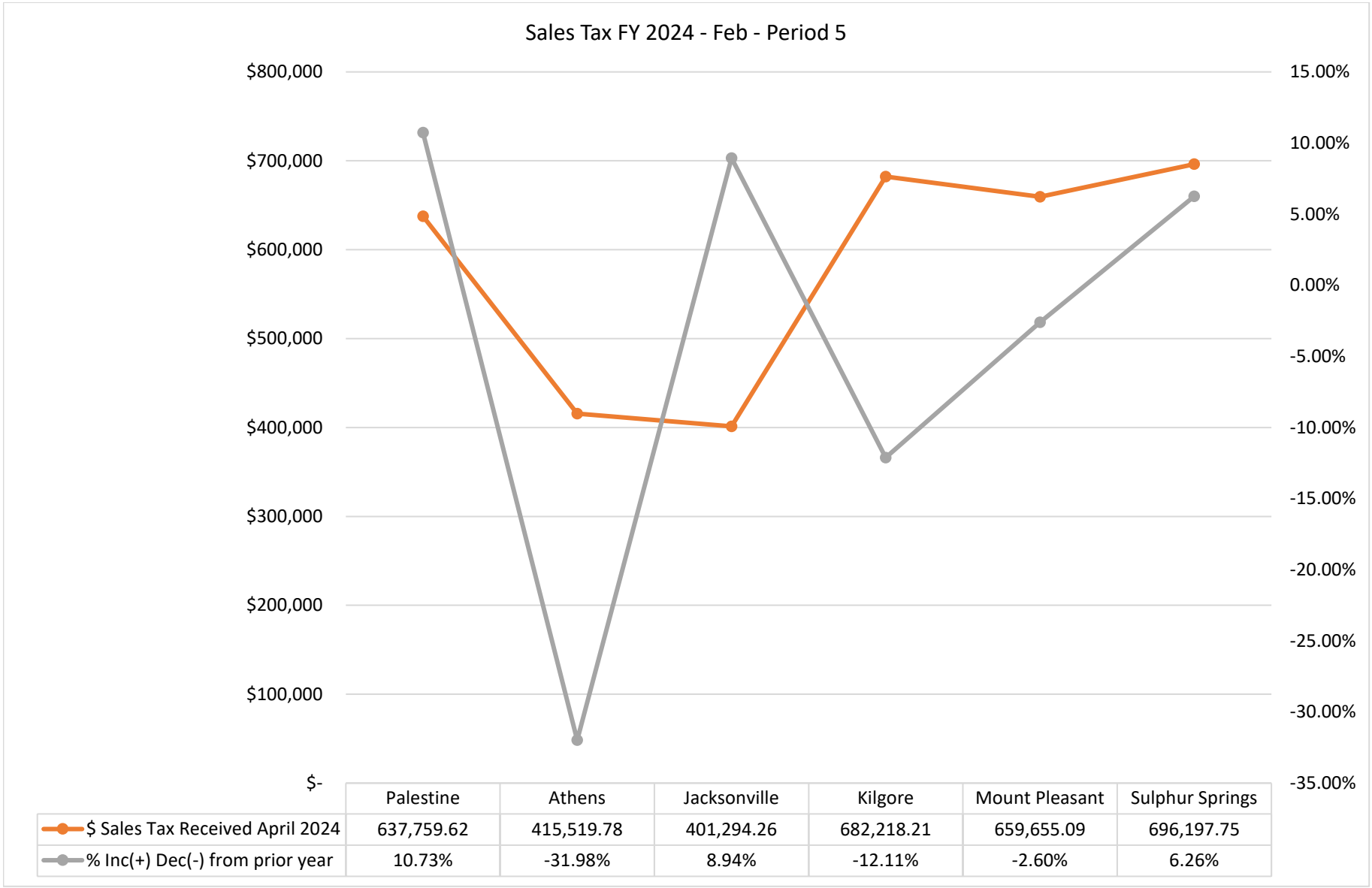
Sanitary Sewer Charges

55.7% of Annual Projection



Franchise Taxes

City of Palestine
Financial Statement
As of April 30, 2024



	Palestine	Athens	Jacksonville	Kilgore	Mount Pleasant	Sulphur Springs
$ Sales Tax Received April 2024	637,759.62	415,519.78	401,294.26	682,218.21	659,655.09	696,197.75
% Inc(+) Dec(-) from prior year	10.73%	-31.98%	8.94%	-12.11%	-2.60%	6.26%

City of Palestine
Financial Statement
As of April 30, 2024

Sales Tax History: Fiscal Years 2022 - 2024

FY 2022

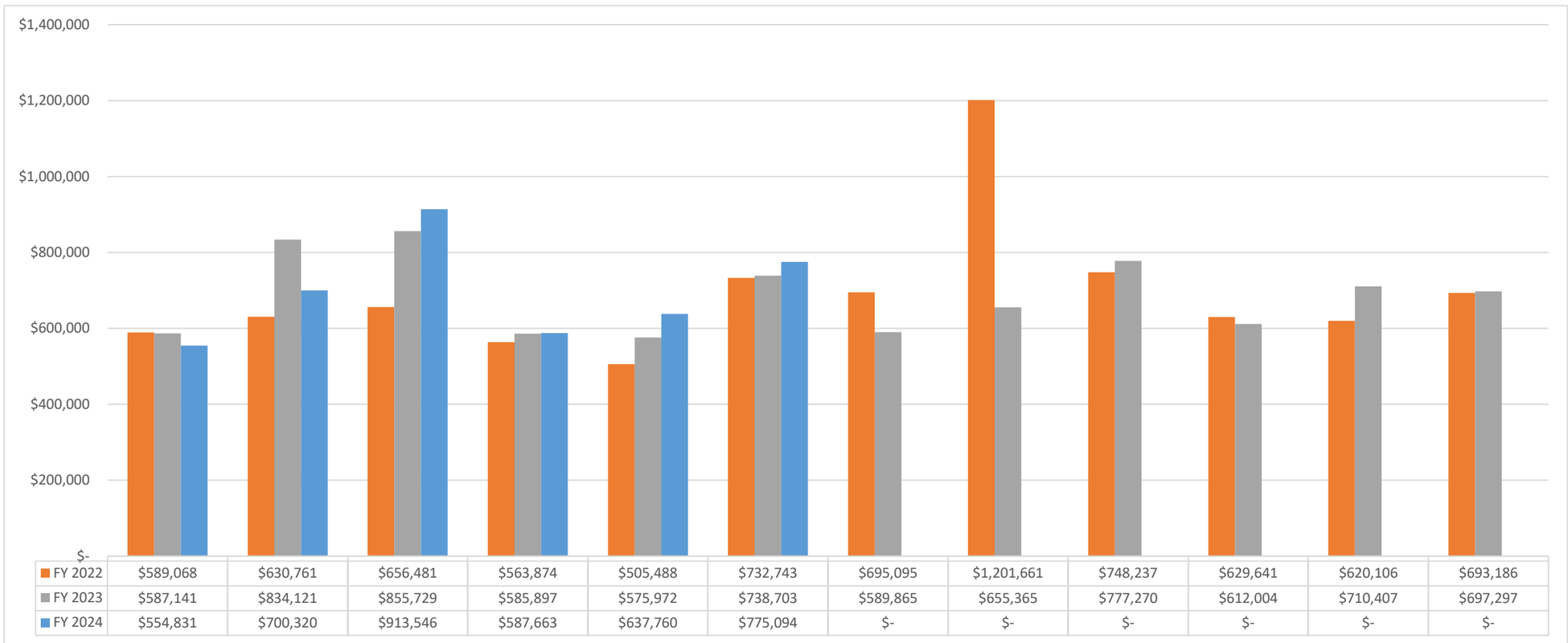
	CITY 83.33%	PEDC 16.67%	TOTAL 100.00%	CUMULATIVE TOTAL
October	$ 490,870	$ 98,198	$ 589,068	$ 589,068
November	525,613	105,148	$ 630,761	1,219,828
December	547,046	109,435	$ 656,481	1,876,309
January	469,876	93,998	$ 563,874	2,440,183
February	421,224	84,265	$ 505,488	2,945,672
March	610,594	122,148	$ 732,743	3,678,414
April	579,223	115,872	$ 695,095	4,373,509
May	1,001,344	200,317	$ 1,201,661	5,575,170
June	623,506	124,731	$ 748,237	6,323,407
July	524,680	104,961	$ 629,641	6,953,048
August	516,734	103,372	$ 620,106	7,573,154
September	577,632	115,554	$ 693,186	8,266,340
	$ 6,888,341	**$ 1,377,999**	**$ 8,266,340**	

FY 2023

	CITY 83.33%	PEDC 16.67%	TOTAL 100.00%	CUMULATIVE TOTAL
October	$ 489,264	$ 97,876	$ 587,141	$ 587,141
November	695,073	139,048	$ 834,121	1,421,262
December	713,079	142,650	$ 855,729	2,276,991
January	488,228	97,669	$ 585,897	2,862,888
February	479,957	96,014	$ 575,972	3,438,860
March	615,561	123,142	$ 738,703	4,177,563
April	491,534	98,330	$ 589,865	4,767,428
May	546,115	109,249	$ 655,365	5,422,792
June	647,699	129,571	$ 777,270	6,200,063
July	509,983	102,021	$ 612,004	6,812,067
August	591,982	118,425	$ 710,407	7,522,474
September	581,058	116,239	$ 697,297	8,219,771
	$ 6,849,535	**$ 1,370,236**	**$ 8,219,771**	

FY 2024

	CITY 83.33%	PEDC 16.67%	TOTAL 100.00%	CUMULATIVE TOTAL
October	$ 462,340	$ 92,490	$ 554,831	$ 554,831
November	583,576	116,743	$ 700,320	1,255,151
December	761,258	152,288	$ 913,546	2,168,697
January	489,699	97,963	$ 587,663	2,756,359
February	531,445	106,315	$ 637,760	3,394,119
March	645,886	129,208	$ 775,094	4,169,213
April	-	-	$ -	4,169,213
May	-	-	$ -	4,169,213
June	-	-	$ -	4,169,213
July	-	-	$ -	4,169,213
August	-	-	$ -	4,169,213
September	-	-	$ -	4,169,213
	$ 3,474,205	**$ 695,008**	**$ 4,169,213**	



City of Palestine, Texas
Financial Statement
As of April 30, 2024

GENERAL FUND REVENUES

Revenue Signal Key	
	> 100% of Projected
	95-100% of Projected
	< 95% of Projected

	April 2024				Year-To-Date				Annual			Prior Year		
	Signal	Actual	Projected	%	Signal	Actual	Projected	%	Actual	Projected	%	Actual	Projected	%
Property Taxes		$ 113,483	$ 741,071	15.3%		$ 8,308,949	$ 5,187,494	160.2%	$ 8,308,949	$ 8,892,848	93.4%	$ 7,490,907	$ 7,969,028	94.0%
Sales Tax		482,097	486,188	99.2%		3,624,406	$ 3,403,319	106.5%	3,624,406	5,834,261	62.1%	3,591,342	5,455,077	65.8%
Franchise Tax		65,926	87,121	75.7%		582,001	$ 609,846	95.4%	582,001	1,045,450	55.7%	259,328	1,055,713	24.6%
Permits Licenses & Fees		39,255	9,959	394.2%		238,625	$ 69,711	342.3%	238,625	119,505	199.7%	107,424	104,534	102.8%
Fines & Warrants		30,427	32,274	94.3%		202,244	$ 225,918	89.5%	202,244	387,288	52.2%	218,260	355,460	61.4%
Lease / Rental Revenue		3,250	2,288	142.0%		18,787	$ 16,018	117.3%	18,787	27,460	68.4%	16,620	27,460	60.5%
Charges for Services		3,892	3,367	115.6%		31,884	$ 23,567	135.3%	31,884	40,400	78.9%	39,068	40,400	96.7%
Intergovernmental Revenue		10,871	189,302	5.7%		88,302	$ 1,325,113	6.7%	88,302	2,271,622	3.9%	150,327	2,271,622	6.6%
Other Income		74,183	35,925	206.5%		426,871	$ 251,475	169.7%	426,871	431,100	99.0%	290,144	148,152	195.8%
Interfund Activity		204,318	204,318	100.0%		1,430,225	$ 1,430,225	100.0%	1,430,225	2,451,815	58.3%	1,448,858	2,483,757	58.3%
Total Revenues		$ 1,027,702	$ 1,791,812	57.4%		$ 14,952,294	$ 12,542,687	119.2%	$ 14,952,294	$ 21,501,748	69.5%	$ 13,612,278	$ 19,911,203	68.4%

YEAR-TO-DATE OVERVIEW
April 30, 2024 marks the end of the seventh period of the fiscal year. General Fund revenue of $14,952,294 is around $2.4 million more than projected and increased 9.84% over last fiscal year due to more property tax collection earlier.

PROPERTY TAXES
Tax collection of $8,308,949 is around $3.1 million more than projected and decreased around $818,000 compared to last year or 10.9% over last fiscal year.

SALES TAX
Through April 30, 2024, $3,624,406 of sales tax revenue has been received. Receipts are around $221,000 more than projected and are decreased about $33,000 from last fiscal year.

FRANCHISE TAX
Year-to-date Franchise Taxes total $582,001. Receipts are $27,000 lower than projected. Collections are $322,000 more than the previous fiscal year.

PERMITS LICENSES & FEES
Revenue of $238,625 is about $169,000 more than the year-to-date projection and is increased around $131,000 over April 2023 year-to-date receipts.

FINES & WARRANTS
Revenue of $202,244 is $23,700 less than the year-to-date projection. Collections are decreased around $16,000 from the prior year.

LEASE & RENTAL REVENUE
Through April 30, 2024, $18,787 of lease & rental revenue has been earned. This amount is about $2,700 more than the year-to-date projection and is about $2,000 more than last fiscal year.

CHARGES FOR SERVICES
Charges for services revenue year-to-date is $31,884 which is about $8,300 more than year-to-date projections. Collections are decreased approximately $7,000 over last fiscal year.

INTERGOVERNMENTAL REVENUE
Intergovernmental revenue is comprised of local, county, state, and federal grants and reimbursements received by the city.

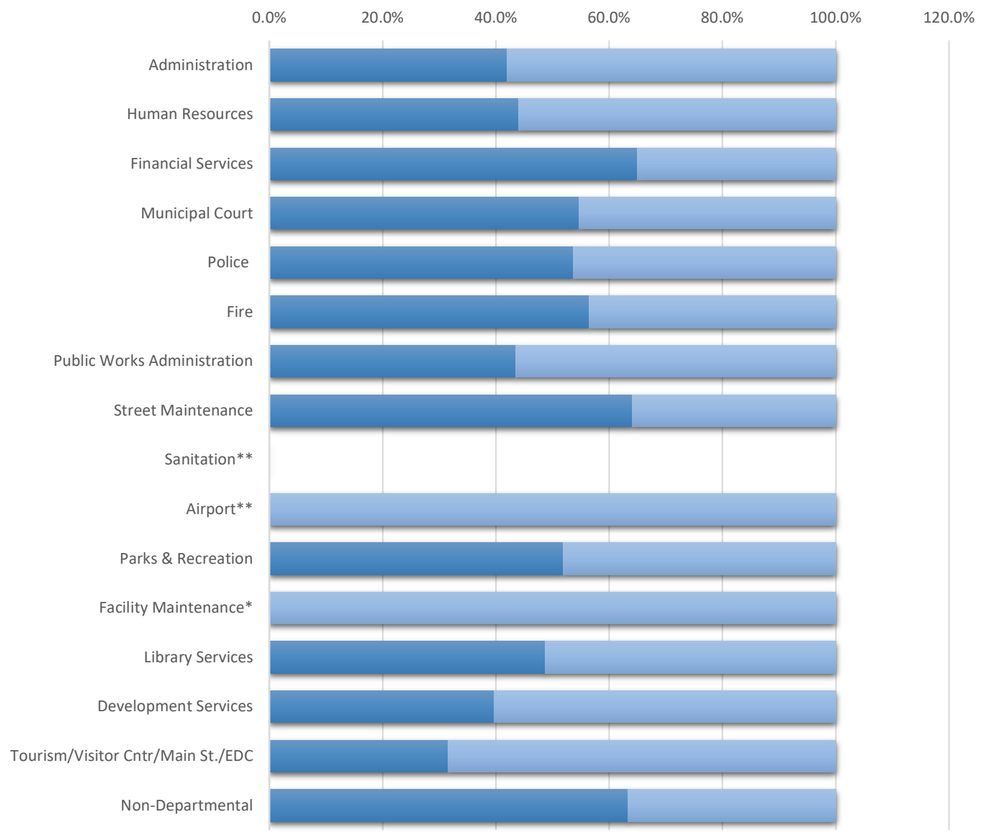
OTHER INCOME
As of April 30th, $426,871 of other income was received. This revenue includes Interest and other miscellaneous one-off revenue that is not received consistently.

INTERFUND ACTIVITY
Monthly transfers reimburse the General Fund for the transferring fund's share of general, administrative and other applicable expenses.

City of Palestine, Texas
Financial Statement
As of April 30, 2024

GENERAL FUND EXPENDITURES

	April 2024			April 2023		
	YTD Actual	Annual Budget	% of Budget	YTD Actual	Annual Budget	% of Budget
Administration	297,581	$ 709,031	42.0%	330,741	$ 719,976	45.9%
Human Resources	143,078	325,311	44.0%	175,696	317,519	55.3%
Financial Services	416,377	641,173	64.9%	384,067	612,524	62.7%
Municipal Court	194,044	355,172	54.6%	194,992	342,447	56.9%
Police	3,529,020	6,570,756	53.7%	2,885,992	5,791,066	49.8%
Fire	2,295,169	4,064,180	56.5%	2,106,845	3,708,964	56.8%
Public Works Administration	242,061	557,034	43.5%	215,714	426,630	50.6%
Street Maintenance	2,438,960	3,808,731	64.0%	1,668,591	3,778,314	44.2%
Sanitation**	7,385	-	0.0%	906	-	0.0%
Airport**	-	-	0.0%	-	-	0.0%
Parks & Recreation	843,033	1,624,443	51.9%	788,546	1,289,403	61.2%
Facility Maintenance*	-	-	0.0%	-	-	0.0%
Library Services	333,256	683,536	48.8%	400,092	640,220	62.5%
Development Services	225,684	569,035	39.7%	237,075	548,206	43.2%
Tourism/Visitor Cntr/Main St./EDC	4,901	15,500	31.6%	3,851	13,950	27.6%
Non-Departmental	1,059,183	1,671,884	63.4%	1,014,671	1,765,917	57.5%
Total Expenditures	$ 12,029,731	$ 21,595,786	55.7%	$ 10,407,777	$ 19,955,136	52.2%



OVERVIEW

April 30th, 2024, marks the end of the seventh period of the FY 2024 budget year. The year-to-date budget percentage for budgetary comparison is therefore 58.33%. Year to date expenditures total $12,029,731 or 55.7% of the budget and are therefore below budgetary expectations. FY 2024 expenditures are increased around $1.62M or 15.6%, over FY 2023. This is mostly due to lots of street repair projects from summer months completing in November 2023.

* Department combined with another department in the General Fund.

** Department moved to a separate fund.

City of Palestine, Texas
Financial Statement
As of April 30, 2024

UTILITY FUND REVENUES

Revenue Signal Key
> 100% of Projected
95-100% of Projected
< 95% of Projected

	April 2024				Year-To-Date				Annual			Prior Year		
	Signal	Actual	Projected	%	Signal	Actual	Projected	%	Actual	Projected	%	Actual	Projected	%
Charges for Services		$ 882,775	$ 839,962	105.1%		$ 5,446,587	$ 5,879,735	92.6%	$ 5,446,587	$ 10,079,545	54.0%	$ 4,712,946	$ 9,125,000	51.6%
Intergovernmental Revenue		-	4,167	0.0%		42,182	$ 29,167	144.6%	42,182	50,000	84.4%	49,193	15,068,197	0.3%
Other Income		17,001	5,000	340.0%		110,322	$ 35,000	315.2%	110,322	60,000	183.9%	95,000	60,000	158.3%
Interfund Activity		-	-	0.0%		-	$ -	0.0%	-	-	0.0%	-	-	0.0%
Total Revenues		$ 899,776	$ 849,129	106.0%		$ 5,599,091	$ 5,943,901	94.2%	$ 5,599,091	$ 10,189,545	54.9%	$ 4,857,139	$ 24,253,197	20.0%

YEAR-TO-DATE OVERVIEW
Total Utility Fund operational revenue of $5,599,091 ended March about $345,000 less than the year-to-date projection and revenue was increased about $742,000 from the same period prior fiscal year.

WATER AND SEWER CHARGES
Revenue totaling $5,446,587 was approx $433,000 less than the year-to-date projection.

INTERGOVERNMENTAL REVENUE
Intergovernmental Revenue is higher than projected due to a reimbursement from the Upper Neches River Water Authority in March.

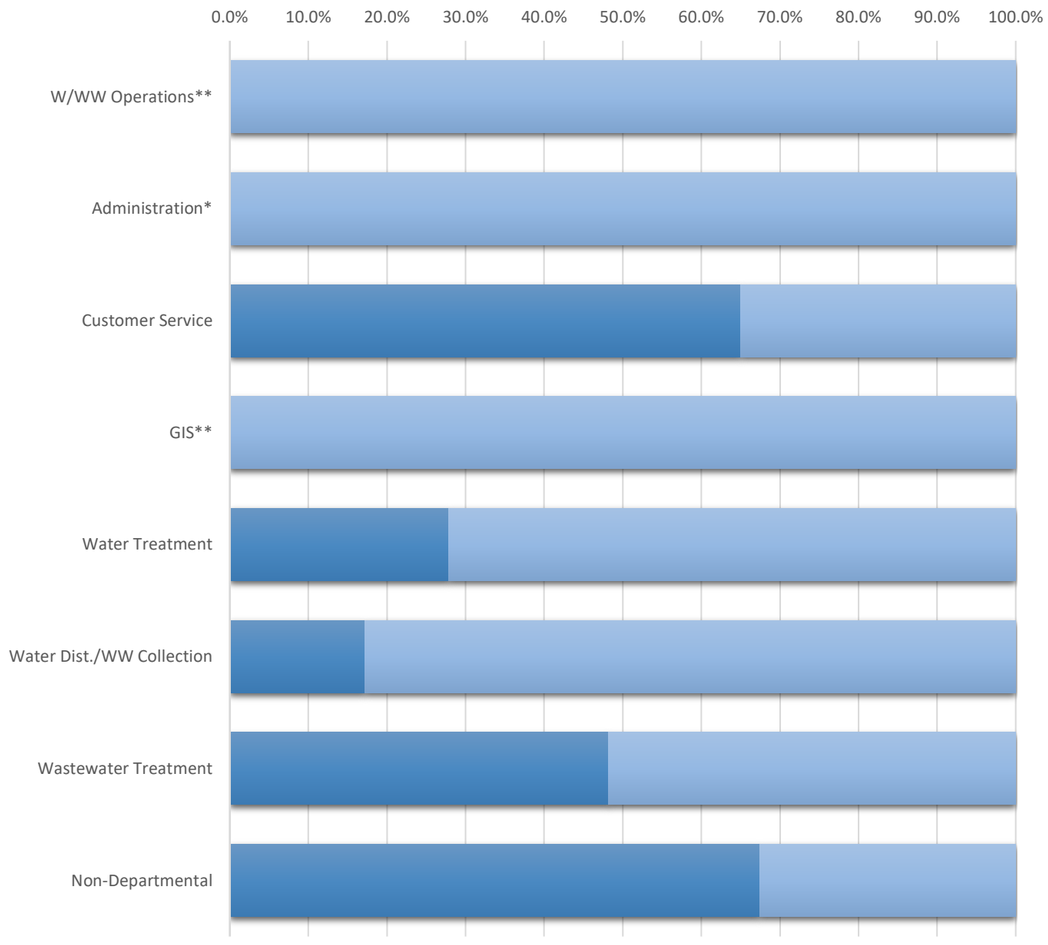
OTHER INCOME
Other income includes interest on investments, bond sale premium proceeds, sale of scrap metal, and transfers from other funds.

INTERFUND ACTIVITY
There has been no interfund activity this year to date.

City of Palestine, Texas
Financial Statement
As of April 30, 2024

UTILITY FUND EXPENDITURES

	April 2024			April 2023		
	YTD Actual	Annual Budget	% of Budget	YTD Actual	Annual Budget	% of Budget
W/WW Operations**	8,881	$ -	0.0%	$ 70,613	$ 1,072,148	6.6%
Administration*	-	-	0.0%	$ -	-	0.0%
Customer Service	441,226	678,547	65.0%	$ 393,299	626,306	62.8%
GIS**	-	-	0.0%	$ -	-	0.0%
Water Treatment	970,554	3,481,663	27.9%	$ 1,259,265	3,167,893	39.8%
Water Dist./WW Collection	2,377,591	13,796,350	17.2%	$ 2,119,011	13,934,866	15.2%
Wastewater Treatment	1,148,755	2,385,603	48.2%	$ 1,576,511	2,300,351	68.5%
Non-Departmental	2,258,800	3,351,236	67.4%	$ 2,076,349	3,275,259	63.4%
Total Expenditures	$ 7,205,807	$ 23,693,399	30.4%	$ 7,495,048	$ 24,376,823	30.7%



OVERVIEW

April 30, 2024 marks the end of the seventh period of the FY 2024 budget year. The year-to-date budget percentage for budgetary comparison is therefore 58.33%. Year to date expenditures total $7,205,807 or 30.4% of the budget and are therefore under budgetary expectations. FY 2024 expenditures decreased approximately $289,000, or about 3.86%, less than FY 2023. This is due to differences in project completion and invoicing.

* Department moved to General Fund 010-510
** Department Closed FY22-23 - expense was due to remaining encumbrance from FY21-22.

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
010 -GENERAL FUND- DETAIL								
REVENUE								
PROPERTY TAXES								
010-41001	AD VALOREM TAXES - CURRENT	8,678,524	93,459	8,192,806	94.4%	485,718	7,386,972	805,834
010-41002	PROPERTY TAX DELINQUENT	124,324	9,139	62,885	50.6%	61,439	58,505	4,380
010-41003	PROPERTY TAX PENALTY	90,000	10,885	53,258	59.2%	36,742	45,431	7,828
	***** REVENUE CATEGORY TOTALS *****	**8,892,848**	**113,483**	**8,308,949**	**93.4%**	**583,898**	**7,490,907**	**818,042**
SALES TAX								
010-41010	CITY SALES TAX	5,179,486	425,173	3,201,215	61.8%	1,978,271	3,168,102	33,113
010-41011	MIXED BEVERAGE TAX	38,170	3,777	23,039	60.4%	15,131	27,228	(4,189)
010-41012	CITY SALES TAX - PROP TAX REDU	616,605	53,147	400,152	64.9%	216,453	396,013	4,139
	***** REVENUE CATEGORY TOTALS *****	**5,834,261**	**482,097**	**3,624,406**	**62.1%**	**2,209,855**	**3,591,342**	**33,064**
FRANCHISE TAX								
010-41101	FRANCHISE - ELECTRICAL	825,000	63,390	513,641	62.3%	311,359	179,449	334,192
010-41102	FRANCHISE - GAS	172,937	-	55,323	32.0%	117,614	66,029	(10,706)
010-41103	FRANCHISE - TELEPHONE	32,513	-	4,961	15.3%	27,552	6,140	(1,179)
010-41104	FRANCHISE - CABLE TV	15,000	2,536	8,075	53.8%	6,925	7,709	366
	***** REVENUE CATEGORY TOTALS *****	**1,045,450**	**65,926**	**582,001**	**55.7%**	**463,449**	**259,328**	**322,673**
PERMITS LICENSES AND FEES								
010-41301	BUILDING PERMIT FEES	55,000	22,161	85,669	155.8%	(30,669)	47,131	38,538
010-41302	ELECTRICAL PERMIT FEES	13,000	898	10,720	82.5%	2,280	11,031	(312)
010-41303	PLUMBING PERMIT FEES	10,000	1,680	9,936	99.4%	64	6,781	3,155
010-41304	HEALTH PERMITS	-	1,175	43,725	0.0%	(43,725)	-	43,725
010-41305	ALARM PERMITS	5,000	3,706	8,661	173.2%	(3,661)	5,105	3,556
010-41306	MECHANICAL PERMITS	5,250	525	2,045	39.0%	3,205	4,100	(2,055)
010-41307	FIRE OPERATION PERMITS	205	175	805	392.7%	(600)	140	665
010-41310	OTHER PERMITS	500	-	600	120.0%	(100)	-	600
010-41311	MERCHANT PERMITS	550	375	1,296	235.6%	(746)	415	881
010-41312	BEVERAGE PERMITS	7,000	443	7,878	112.5%	(878)	7,158	720
010-41313	ZONING AND PLAT FEES	8,000	6,868	54,457	680.7%	(46,457)	12,043	42,414
010-41315	CONTRACTOR LICENSE	10,000	1,000	9,125	91.3%	875	10,500	(1,375)
010-41317	RIGHT OF WAY FEES (ROW)	5,000	249	3,708	74.2%	1,292	3,020	688
	***** REVENUE CATEGORY TOTALS *****	**119,505**	**39,255**	**238,625**	**199.7%**	**(119,120)**	**107,424**	**131,201**
FINES AND WARRANTS								
010-41401	MUNICIPAL COURT FINES	381,602	29,867	198,490	52.0%	183,112	215,546	(17,056)
010-41403	LIBRARY FINES	5,000	254	2,906	58.1%	2,094	2,527	379
010-41404	WARRANT SERVICE FEES	420	-	70	16.7%	350	35	35
010-41405	JFCI JUDICIAL FEE - CITY	56	2	19	33.8%	37	32	(13)
010-41406	MUNICIPAL JURY FUND	210	16	109	52.0%	101	119	(10)
010-41411	LIEN REVENUE	-	289	649	0.0%	(649)	-	649
010-41413	ALARM FINES	-	-	-	0.0%	-	-	-
	***** REVENUE CATEGORY TOTALS *****	**387,288**	**30,427**	**202,244**	**52.2%**	**185,044**	**218,260**	**(16,016)**
LEASE/RENTAL REVENUE								
010-41605	OTHER RENTS & LEASES	700	-	820	117.1%	(120)	820	-
010-41611	CELL TOWER RENTAL	26,760	3,250	17,967	67.1%	8,793	15,800	2,167
	***** REVENUE CATEGORY TOTALS *****	**27,460**	**3,250**	**18,787**	**68.4%**	**8,673**	**16,620**	**2,167**
CHARGES FOR SERVICE								
010-41706	SALE OF EQUIPMENT	90,000	-	17,952	19.9%	72,048	20,045	(2,093)
010-41712	OPEN RECORD FEE	3,000	96	2,037	67.9%	963	2,351	(313)

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
010-41713	RECREATION FEE	4,000	1,310	3,920	98.0%	80	3,215	705
010-41715	SANITATION COLLECTION CHARGES	-	-	-	0.0%	-	-	-
010-41720	FIRING RANGE FEE	-	-	-	0.0%	-	-	-
010-41723	SALES TAX DISCOUNT	-	-	-	0.0%	-	-	-
010-41726	POOL PASS FEES	1,200	-	-	0.0%	1,200	-	-
010-41730	RETIREE INSURANCE	30,000	2,373	6,744	22.5%	23,256	13,457	(6,713)
010-41734	ATHLETIC FEES	-	-	-	0.0%	-	-	-
010-41735	MAIN STREET REVENUE	-	114	1,231	0.0%	(1,231)	-	1,231
	***** REVENUE CATEGORY TOTALS *****	**128,200**	**3,892**	**31,884**	**24.9%**	**96,316**	**39,068**	**(7,183)**
INTERGOVERNMENTAL REVENUE								
010-41804	STATE & FEDERAL GRANTS	2,196,622	10,871	13,302	0.6%	2,183,320	58,280	(44,979)
010-41805	EMERGENCY MANAGEMENT REIMB	-	-	-	0.0%	-	-	-
010-41806	COUNTY - LIBRARY	75,000	-	75,000	100.0%	-	75,000	-
010-41811	PEDC GRANT	-	-	-	0.0%	-	10,000	(10,000)
010-41812	LIBRARY GRANTS	5,000	-	-	0.0%	5,000	7,046	(7,046)
	***** REVENUE CATEGORY TOTALS *****	**2,276,622**	**10,871**	**88,302**	**3.9%**	**2,188,320**	**150,327**	**(62,025)**
OTHER INCOME								
010-41901	INTEREST REVENUE	400,000	61,900	346,071	86.5%	53,929	235,404	110,667
010-41902	INSURANCE RECOVERIES	10,000	11,347	28,518	285.2%	(18,518)	(1,464)	29,982
010-41907	FIRE SUPPRESSION REVENUE	-	-	-	0.0%	-	3	(3)
010-41910	FIRE RECOVERY REVENUE	-	-	333	0.0%	(333)	1,496	(1,163)
010-41912	DONATIONS	10,000	459	10,424	104.2%	(424)	37,406	(26,983)
010-41913	LIBRARY LOST/DAMAGED BOOKS	1,000	95	511	51.1%	489	199	312
010-41916	LOT CLEANUP REIMBURSEMENT	-	-	-	0.0%	-	-	-
010-41918	LIBRARY REVENUE	5,100	256	2,618	51.3%	2,482	5,164	(2,546)
010-41919	AIRPORT FUEL SALES	-	-	-	0.0%	-	-	-
010-41922	REBATE REVENUE	-	-	35,727	0.0%	(35,727)	-	35,727
010-41927	TAX SALE EXCESS PROCEEDS	-	-	-	0.0%	-	-	-
010-41923	EMS FUEL SALES	-	-	-	0.0%	-	-	-
010-41924	MISC REVENUE	1,000	125	1,728	172.8%	(728)	8,547	(6,818)
010-41926	SCRAP METAL RECOVERY	4,000	-	942	23.5%	3,058	3,388	(2,446)
010-41938	SALE OF PROPERTY	-	-	-	0.0%	-	-	-
010-41940	CASH OVER/SHORT	-	-	(2)	0.0%	2	-	(2)
	***** REVENUE CATEGORY TOTALS *****	**431,100**	**74,183**	**426,871**	**99.0%**	**4,229**	**290,144**	**136,727**
INTERFUND ACTIVITY								
010-49000	TRANSFER FROM OTHER FUNDS	-	-	-	0.0%	-	-	-
010-49150	TRANSFER FROM OCCUPANCY TAX	31,371	2,614	18,300	58.3%	13,071	18,300	-
010-49215	TRANSFER FROM PEDC	31,371	2,614	18,300	58.3%	13,071	18,300	-
010-49561	TRANSFER FROM UNEMP FUND	-	-	-	0.0%	-	-	-
010-49610	TRSF FROM UTILITY FUND	1,190,925	99,244	694,706	58.3%	496,219	694,706	-
010-49620	TRANSFER FROM SANITATION	1,198,148	99,846	698,920	58.3%	499,228	717,553	(18,633)
010-49625	TRSF FROM RETAIL FUND	-	-	-	0.0%	-	-	-
010-49819	TRANSFER FROM EMERGENCY FUND	-	-	-	0.0%	-	-	-
	***** REVENUE CATEGORY TOTALS *****	**2,451,815**	**204,318**	**1,430,225**	**58.3%**	**1,021,590**	**1,448,858**	**(18,633)**
	***** TOTAL REVENUE *****	**21,594,548**	**1,027,702**	**14,952,294**	**69.2%**	**6,642,254**	**13,612,278**	**1,340,016**
010 -GENERAL FUND- DETAIL								
EXPENSE								
PERSONNEL								
010-51010	SALARIES & WAGES	8,590,015	607,550	4,224,254	49.2%	4,365,761	4,055,175	169,079
010-51011	PART-TIME WAGES	-	-	-	0.0%	-	-	-
010-51020	OVERTIME	511,600	44,140	363,654	71.1%	147,946	349,742	13,912
010-51021	STEP OVERTIME	-	2,524	8,381	0.0%	(8,381)	-	8,381

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
010-51030	LONGEVITY	74,520	5,994	38,341	51.5%	36,179	36,071	2,270
010-51031	CERTIFICATION PAY	280,328	24,585	155,276	55.4%	125,052	148,980	6,297
010-51032	SHIFT PAY	14,400	1,250	7,639	53.1%	6,761	8,229	(589)
010-51033	CAR ALLOWANCE	6,300	525	3,525	56.0%	2,775	3,375	150
010-51034	UNIFORM ALLOWANCE	11,045	1,087	6,699	60.7%	4,345	5,223	1,477
010-51036	CELL PHONE ALLOWANCE	6,000	550	3,721	62.0%	2,279	3,943	(222)
010-51040	SOCIAL SECURITY	726,192	51,304	359,552	49.5%	366,640	365,335	(5,783)
010-51050	HEALTH INSURANCE	1,269,964	97,353	705,798	55.6%	564,166	505,276	200,522
010-51061	WORKER'S COMPENSATION	218,616	30,722	215,404	98.5%	3,212	44,079	171,325
010-51063	UNEMPLOYMENT CLAIMS EXP.	50,000	-	-	0.0%	50,000	-	-
010-51070	RETIREMENT	1,349,921	97,623	682,701	50.6%	667,220	641,282	41,419
	***** EXPENSE CATEGORY TOTALS *****	**13,108,901**	**965,207**	**6,774,946**	**51.7%**	**6,333,955**	**6,166,708**	**608,238**
SUPPLIES AND MATERIALS								
010-52010	OFFICE SUPPLIES/EQUIPMENT	61,780	3,344	23,047	37.3%	38,733	18,244	4,802
010-52020	POSTAGE	12,955	761	4,827	37.3%	8,128	7,443	(2,616)
010-52030	JANITORIAL SUPPLIES	38,800	1,350	14,230	36.7%	24,570	13,465	765
010-52031	CHEMICALS	3,000	25	129	4.3%	2,871	-	129
010-52032	PLANTS SEED FERTILIZER	4,000	-	-	0.0%	4,000	-	-
010-52040	UNIFORMS/APPAREL	63,050	8,396	47,362	75.1%	15,688	24,880	22,482
010-52050	MEDICAL SUPPLIES	1,500	728	2,829	188.6%	(1,329)	955	1,873
010-52051	ANIMAL MEDICAL SUPPLIES	250	81	81	32.3%	169	-	81
010-52060	PUBLICATIONS	3,458	1,061	2,195	63.5%	1,263	128	2,067
010-52061	SAFETY MATERIALS	5,000	-	4,687	93.7%	313	548	4,139
010-52062	POLICE INFORMANT	3,000	-	-	0.0%	3,000	-	-
010-52070	GASOLINE AND OIL	3,200	173	756	23.6%	2,444	1,168	(412)
010-52080	SMALL TOOLS/EQUIPMENT	68,300	7,720	59,750	87.5%	8,550	38,686	21,063
010-52082	PERS PROTECTIVE EQUIP	25,000	3,214	4,953	19.8%	20,047	7,156	(2,203)
010-52083	ARSENAL	18,000	1,459	5,820	32.3%	12,180	5,893	(73)
010-52084	ELECTION EXPENSE	17,000	1,205	6,580	38.7%	10,420	8,547	(1,967)
010-52091	FURNITURE & OFFICE EQUIPMENT	4,000	-	290	7.2%	3,710	-	290
010-52092	COMPUTER EQUIPMENT	1,000	-	-	0.0%	1,000	-	-
010-52120	STREET SIGNS	7,500	595	7,918	105.6%	(418)	5,905	2,013
010-52130	GARBAGE BAGS	-	4,993	4,993	0.0%	(4,993)	-	4,993
010-52201	READING PROGRAM	4,000	70	2,837	70.9%	1,163	-	2,837
010-52210	MARKETING SUPPLIES	1,800	157	413	22.9%	1,387	-	413
	***** EXPENSE CATEGORY TOTALS *****	**346,593**	**35,330**	**193,695**	**55.9%**	**152,898**	**133,020**	**60,675**
PROF/CONTRACTUAL SERV								
010-53010	LEGAL SERVICES	120,000	6,795	18,971	15.8%	101,029	52,771	(33,800)
010-53011	LEGAL LITIGATION EXPENSES	50,000	3,719	16,609	33.2%	33,391	10,073	6,537
010-53012	LEGAL SERVICES - HR RELATED	6,000	-	3,386	56.4%	2,614	-	3,386
010-53016	JURY EXPENSE	1,200	-	-	0.0%	1,200	-	-
010-53017	MUNICIPAL PROSECUTORS	12,000	458	3,593	29.9%	8,408	5,888	(2,295)
010-53019	TOWING FEE	1,200	-	-	0.0%	1,200	-	-
010-53020	AUDIT & ACCOUNTING SERVICES	27,225	-	22,863	84.0%	4,362	22,575	288
010-53021	APPRAISAL DISTRICT	152,000	-	114,355	75.2%	37,645	76,010	38,345
010-53022	TAX ASSESSOR-COLLECTOR	14,000	-	5,551	39.6%	8,450	8,333	(2,782)
010-53023	RAILROAD WATER LINE LEASE	300	-	162	54.0%	138	154	8
010-53026	CODIFICATION	6,000	-	-	0.0%	6,000	237	(237)
010-53027	RECORDS MANAGEMENT	500	157	996	199.1%	(496)	285	711
010-53029	POLY/PSYCH	1,125	-	-	0.0%	1,125	750	(750)
010-53030	PROFESSIONAL SERVICES	14,550	6,906	14,596	100.3%	(46)	10,374	4,223
010-53031	CONSULTANT SERVICES	110,394	18,969	38,373	34.8%	72,021	63,235	(24,862)
010-53033	EMPLOYEE EAP	7,200	250	250	3.5%	6,950	425	(175)
010-53034	CITY SPONSORED EVENT	25,000	12,625	12,625	50.5%	12,375	-	12,625
010-53035	MEDICAL/DOCTOR-HOSPITAL	-	-	-	0.0%	-	-	-
010-53037	PRE-EMPLOYMENT SCREENINGS	13,000	1,474	9,026	69.4%	3,974	8,621	405
010-53039	CIVIL SERVICE EXAMS	8,000	370	3,559	44.5%	4,441	1,300	2,259

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
010-53041	CITY ISSUED CELL PHONES	21,480	1,575	10,470	48.7%	11,010	9,349	1,121
010-53042	CITY ISSUED TABLETS	11,200	1,063	7,441	66.4%	3,759	4,883	2,558
010-53043	PENALTIES AND FEES	-	-	-	0.0%	-	-	-
010-53060	DEMOLITION/CLEANUP	5,000	-	-	0.0%	5,000	-	-
010-53070	UNIFORM SERVICES	-	-	-	0.0%	-	-	-
010-53075	RECRUITMENT / RETENTION	5,000	67	67	1.3%	4,933	-	67
010-53076	CERTIFICATION FEES	2,850	-	2,357	82.7%	493	64	2,293
010-53083	POSITION 1 TRAVEL	1,500	-	630	42.0%	870	1,365	(735)
010-53084	POSITION 2 TRAVEL	1,500	-	801	53.4%	699	23	778
010-53085	POSITION 3 TRAVEL	1,500	-	514	34.3%	986	913	(399)
010-53086	POSITION 4 TRAVEL	1,500	-	714	47.6%	786	992	(279)
010-53087	POSITION 5 TRAVEL	1,500	-	652	43.5%	848	749	(97)
010-53088	POSITION 6 TRAVEL	1,500	-	714	47.6%	786	335	379
010-53089	MAYOR POSITION TRAVEL	1,500	-	440	29.3%	1,060	1,122	(682)
010-53090	IT SUPPORT	75,640	-	36,084	47.7%	39,557	48,607	(12,523)
010-53095	SOFTWARE MAINTENANCE	379,709	6,366	264,113	69.6%	115,596	352,088	(87,975)
010-53100	CHAPTER 380 AGREEMENT	-	-	-	0.0%	-	-	-
010-53150	MARKETING SERVICES	1,000	-	-	0.0%	1,000	-	-
010-53210	FINANCIAL SERVICE CHARGES	-	5	1,366	0.0%	(1,366)	8	1,359
010-53310	EQUIPMENT RENTAL/LEASE	23,656	1,198	7,953	33.6%	15,703	19,346	(11,392)
010-53311	PRINTER/COPIER LEASE	29,640	2,208	13,053	44.0%	16,587	13,378	(325)
010-53315	VEHICLE LEASE FEES	432,128	41,269	274,086	63.4%	158,042	171,326	102,760
010-53321	UPRR LEASED LAND	500	-	-	0.0%	500	-	-
010-53331	CONTRACT SERV-HUMANE SOCIETY	35,000	-	-	0.0%	35,000	16,250	(16,250)
010-53333	BUILDING DEMOLITION	28,000	-	-	0.0%	28,000	-	-
010-53334	PESTICIDE SPRAYING	25,000	-	-	0.0%	25,000	-	-
010-53342	DUE TO OMNI	-	-	-	0.0%	-	-	-
010-53343	CHILD SAFETY FEE	-	-	-	0.0%	-	-	-
010-53501	COMMUNICATIONS	-	-	-	0.0%	-	-	-
010-53503	RETIREE INSURANCE PREMIUMS	30,000	-	16,556	55.2%	13,444	15,354	1,201
010-53504	ROLL OFFS	-	-	-	0.0%	-	-	-
010-53505	RESIDENTIAL COLLECTION	-	-	-	0.0%	-	-	-
010-53506	COMMERCIAL COLLECTION	-	-	-	0.0%	-	-	-
010-53508	CITY WIDE CLEAN-UP COLLECTION	-	626	2,392	0.0%	(2,392)	302	2,090
010-53509	MEMBERSHIPS & SUBSCRIPTIONS	50,294	1,344	27,995	55.7%	22,299	30,831	(2,836)
010-53510	TRAVEL AND TRAINING	162,039	17,688	84,127	51.9%	77,912	74,184	9,943
010-53511	ADVERTISING	13,250	28	8,055	60.8%	5,195	7,121	935
010-53512	PRINTING SERVICES	5,100	62	1,525	29.9%	3,575	1,511	14
010-53513	MERCHANT CR CRD PROCESSING	19,500	2,546	15,287	78.4%	4,213	11,787	3,500
010-53514	TML INSURANCE	211,058	-	211,247	100.1%	(189)	166,660	44,587
010-53515	INSURANCE AND BONDS	1,000	-	-	0.0%	1,000	521	(521)
010-53516	LIFE, DISABILITY, AD & D PREM	-	-	30,122	0.0%	(30,122)	23,636	6,485
010-53517	CONTRACTUAL SERVICES	210,335	9,919	72,907	34.7%	137,428	124,007	(51,100)
010-53518	CITY POOL	90,000	5,868	52,117	57.9%	37,883	63,199	(11,082)
010-53520	JANITORIAL SERVICES	88,588	325	32,276	36.4%	56,313	42,296	(10,021)
	***** EXPENSE CATEGORY TOTALS *****	**2,537,161**	**143,880**	**1,440,976**	**56.8%**	**1,096,186**	**1,463,237**	**(22,261)**
MAINTENANCE & REPAIR								
010-54010	BLDG/STRUCTURE/GRNDS MAINTENANCE	251,800	29,605	165,164	65.6%	86,636	120,995	44,169
010-54011	PLANTER BOXES-MAINTENANCE	300	-	-	0.0%	300	188	(188)
010-54020	STREET MAINTENANCE	2,080,522	53,423	1,430,345	68.7%	650,177	836,825	593,520
010-54022	CONCRETE REPAIR	10,000	-	-	0.0%	10,000	-	-
010-54110	MOTOR VEHICLE REPAIRS	44,100	10,629	79,929	181.2%	(35,829)	53,216	26,712
010-54120	EQUIPMENT REPAIR/MAINT EXP	38,460	4,152	15,602	40.6%	22,858	36,030	(20,428)
010-54121	GREEN'S PARK PORTABLE	10,300	339	2,375	23.1%	7,925	863	1,512
010-54125	LADDER TESTING	1,700	-	1,947	114.6%	(247)	3,120	(1,173)
010-54130	AIR PACK TESTING	1,500	-	-	0.0%	1,500	-	-
010-54135	PUMP TESTING	1,500	-	1,536	102.4%	(36)	-	1,536
010-54140	JAWS TESTING	4,400	-	-	0.0%	4,400	3,890	(3,890)

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
	***** EXPENSE CATEGORY TOTALS *****	**2,444,582**	**98,148**	**1,696,898**	**69.4%**	**747,684**	**1,055,127**	**641,771**
UTILITIES								
010-54500	UTILITIES - ELECTRIC	529,200	44,892	241,616	45.7%	287,584	295,987	(54,371)
010-54501	UTILITIES - WATER/SEWER	57,700	-	16,452	28.5%	41,248	35,602	(19,150)
010-54502	UTILITIES - GAS	17,500	1,030	12,627	72.2%	4,873	13,465	(838)
010-54503	PHONES/INTERNET	71,756	7,146	57,323	79.9%	14,433	61,748	(4,425)
010-54504	CITY POOL ELECTRIC	8,000	454	4,923	61.5%	3,077	5,493	(570)
	***** EXPENSE CATEGORY TOTALS *****	**684,156**	**53,521**	**332,941**	**48.7%**	**351,215**	**412,296**	**(79,354)**
OTHER/MISC.								
010-55001	EMPLOYEE APPRECIATION	10,000	-	5,429	54.3%	4,571	5,793	(364)
010-55002	EVENTS & PROMOTIONS	5,000	279	1,106	22.1%	3,894	572	534
010-55200	MEETING MEALS	2,700	54	1,483	54.9%	1,217	244	1,238
010-55202	ANIMAL FOOD	200	-	-	0.0%	200	-	-
010-55203	CHRISTMAS ACTIVITIES	1,500	-	1,100	73.3%	400	1,215	(115)
010-55409	EMERGENCY RESPONSE EXP	-	-	-	0.0%	-	-	-
010-55411	DONATION FUNDED EXPENSE	10,000	1,393	23,764	237.6%	(13,764)	40,521	(16,757)
	***** EXPENSE CATEGORY TOTALS *****	**29,400**	**1,725**	**32,882**	**111.8%**	**(3,482)**	**48,345**	**(15,463)**
CAPITAL OUTLAY								
010-58030	IMPROVEMENTS	316,100	-	199,080	63.0%	117,020	201,380	(2,300)
010-58040	VEHICLES & EQUIPMENT	540,775	-	284,956	52.7%	255,820	46,792	238,164
010-58060	COMPUTER SOFTWARE	1,000	-	-	0.0%	1,000	-	-
010-58070	LIBRARY BOOKS	50,000	627	19,109	38.2%	30,891	20,961	(1,852)
	***** EXPENSE CATEGORY TOTALS *****	**907,875**	**627**	**503,145**	**55.4%**	**404,731**	**269,133**	**234,012**
INTERFUND ACTIVITY								
010-59240	TRANSFER TO AIRPORT FUND	307,633	25,636	179,453	58.3%	128,180	48,003	131,450
010-59283	TRANS TO HOME GRANT FUND-283	-	-	-	0.0%	-	-	-
010-59310	TRANSFER TO DEBT SERVICE FUND	949,535	79,128	553,895	58.3%	395,640	541,287	12,609
010-59511	TRSF TO VEH/EQUIP FUND	-	-	-	0.0%	-	-	-
010-59570	TRANSFER TO FLEET FUND	552,450	44,824	320,901	58.1%	231,549	270,882	50,019
	***** EXPENSE CATEGORY TOTALS *****	**1,809,618**	**149,588**	**1,054,249**	**58.3%**	**755,369**	**860,171**	**194,078**
	***** TOTAL EXPENSE *****	**$ 21,868,286**	**$ 1,448,027**	**$ 12,029,731**	**55.0%**	**$ 9,838,555**	**$ 10,408,035**	**$ 1,621,696**
310 -DEBT SERVICE FUND- DETAIL								
REVENUE								
310-41001	AD VALOREM TAXES - CURRENT	429,656	5,341	467,896	108.9%	(38,240)	286,385	181,511
310-41002	DELINQUENT TAX REVENUE	25,680	837	6,852	26.7%	18,828	12,531	(5,679)
310-41003	PENALTY & INTEREST TAXES	22,229	849	5,013	22.6%	17,216	5,357	(344)
310-41901	INTEREST REVENUE	1,500	239	4,835	322.3%	(3,335)	2,611	2,224
310-49000	TRANSFER FROM OTHER FUNDS	-	-	-	0.0%	-	-	-
310-49010	TRANSFER FROM GENERAL FUND	949,535	79,128	553,895	58.3%	395,640	541,287	12,609
310-49610	TRSF FROM UTILITY FUND	-	-	-	0.0%	-	-	-
	***** TOTAL REVENUE *****	**1,428,600**	**86,394**	**1,038,491**	**72.7%**	**390,109**	**848,171**	**190,320**
310 -DEBT SERVICE FUND- DETAIL								
EXPENSE								
310-53030	PROFESSIONAL SERVICES	-	-	-	0.0%	-	-	-
310-53045	COMPLIANCE REPORTING	3,500	-	-	0.0%	3,500	-	-
310-55412	AGENT FEES	-	-	-	0.0%	-	-	-
310-56024	PRINCIPAL- BONDED DEBT	417,691	-	417,691	100.0%	0	243,000	174,691
310-56025	PRINCIPAL - CAPITAL LEASE	224,353	62,533	224,353	100.0%	-	218,487	5,866
310-56050	INTEREST- BONDED DEBT	926,240	-	466,316	50.3%	459,924	468,416	(2,100)

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
310-56051	INTEREST- CAPITAL LEASE	26,357	6,291	26,357	100.0%	-	32,223	(5,866)
310-56054	PAY/ESCROW AGENT FEES	-	-	2,363	0.0%	(2,363)	2,363	-
	***** TOTAL EXPENSE *****	**$ 1,598,141**	**$ 68,824**	**$ 1,137,079**	**71.2%**	**$ 461,062**	**$ 964,489**	**$ 172,591**
610 -WATER & WASTEWATER FUND - DETAIL								
REVENUE								
610-41706	SALE OF EQUIPMENT	-	-	-	0.0%	-	6,454	(6,454)
610-41709	WATER METERED SALES	5,474,905	459,413	2,833,846	51.8%	2,641,059	2,188,744	645,102
610-41710	METER REPLACEMENT FEE	-	-	-	0.0%	-	298,739	(298,739)
610-41711	SEWER SERVICE CHARGES	4,280,840	384,904	2,350,176	54.9%	1,930,664	1,316,312	1,033,864
610-41716	BULK WATER SALES	1,000	-	-	0.0%	1,000	-	-
610-41717	SEWER SURCHARGE	-	-	-	0.0%	-	734,265	(734,265)
610-41718	WATER TAPS	45,000	4,905	39,622	88.0%	5,378	21,762	17,859
610-41719	SEWER TAPS	45,000	3,498	12,374	27.5%	32,626	16,770	(4,396)
610-41724	SERVICE FEES	120,000	11,260	64,414	53.7%	55,586	65,733	(1,319)
610-41725	TAMPERING FEES	1,800	-	-	0.0%	1,800	1,265	(1,265)
610-41727	SEPTAGE FEES AND OTHER	30,000	2,286	14,580	48.6%	15,420	14,694	(113)
610-41728	REBATE - COMPOST FACILITY	20,000	-	-	0.0%	20,000	-	-
610-41732	MISC. CHARGES THRU WATER BILLS	1,000	17	(421)	-42.1%	1,421	528	(949)
610-41733	PENALTY WATER BILLINGS	60,000	16,492	131,996	220.0%	(71,996)	47,680	84,316
610-41804	STATE & FEDERAL GRANTS	-	-	-	0.0%	-	-	-
610-41815	UNMWA REIMB.	50,000	-	42,182	84.4%	7,818	49,193	(7,011)
610-41818	DEBT OR OTHER FINANCING	-	-	-	0.0%	-	-	-
610-41901	INTEREST REVENUE	60,000	15,619	85,900	143.2%	(25,900)	85,418	482
610-41902	INSURANCE RECOVERIES	-	-	20,656	0.0%	(20,656)	3,598	17,058
610-41903	BOND SALE PREMIUM	-	-	-	0.0%	-	-	-
610-41924	MISC REVENUE	-	265	265	0.0%	(265)	5,947	(5,682)
610-41926	SCRAP METAL RECOVERY	-	1,117	3,500	0.0%	(3,500)	37	3,463
610-49000	TRANSFER FROM OTHER FUNDS	-	-	-	0.0%	-	-	-
610-49620	TRANSFER FROM SANITATION	-	-	-	0.0%	-	-	-
	***** TOTAL REVENUE *****	**10,189,545**	**899,776**	**5,599,091**	**54.9%**	**4,590,454**	**4,857,139**	**741,951**
610 -WATER & WASTEWATER FUND - DETAIL								
EXPENSE								
PERSONNEL								
610-51010	SALARIES & WAGES	1,428,409	93,175	702,087	49.2%	726,323	688,495	13,592
610-51020	OVERTIME	172,400	17,895	145,398	84.3%	27,002	102,405	42,993
610-51030	LONGEVITY	8,712	597	3,999	45.9%	4,713	3,405	594
610-51031	CERTIFICATION PAY	34,200	4,150	28,448	83.2%	5,752	28,668	(220)
610-51032	SHIFT PAY	3,600	300	1,961	54.5%	1,639	2,021	(61)
610-51034	UNIFORM ALLOWANCE	6,854	454	2,806	40.9%	4,049	3,058	(252)
610-51036	CELL PHONE ALLOWANCE	7,200	600	4,148	57.6%	3,052	4,600	(452)
610-51040	SOCIAL SECURITY	123,800	8,741	66,453	53.7%	57,347	66,377	76
610-51050	HEALTH INSURANCE	304,214	19,694	162,845	53.5%	141,369	129,132	33,713
610-51061	WORKER'S COMPENSATION	49,614	4,857	36,123	72.8%	13,491	11,468	24,655
610-51070	RETIREMENT	229,634	16,757	126,223	55.0%	103,411	115,961	10,261
	***** EXPENSE CATEGORY TOTALS *****	**2,368,637**	**167,220**	**1,280,490**	**54.1%**	**1,088,146**	**1,155,591**	**124,899**
SUPPLIES AND MATERIALS								
610-52010	OFFICE SUPPLIES/EQUIPMENT	2,800	267	908	32.4%	1,892	1,658	(750)
610-52020	POSTAGE	35,900	15	20,469	57.0%	15,431	25,669	(5,199)
610-52030	JANITORIAL SUPPLIES	2,600	-	104	4.0%	2,496	593	(489)
610-52031	CHEMICALS	597,000	22,494	220,041	36.9%	376,959	271,044	(51,004)
610-52040	UNIFORMS/APPAREL	11,500	144	7,331	63.8%	4,169	4,840	2,492
610-52050	MEDICAL SUPPLIES	400	-	405	101.3%	(5)	-	405
610-52057	LAB SUPPLIES	12,000	4,001	11,578	96.5%	422	2,138	9,440
610-52061	SAFETY MATERIALS	10,000	612	3,207	32.1%	6,793	5,142	(1,936)

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
610-52070	GASOLINE AND OIL	-	14	58	0.0%	(58)	29	29
610-52080	SMALL TOOLS/EQUIPMENT	41,200	969	36,334	88.2%	4,866	31,443	4,891
	***** EXPENSE CATEGORY TOTALS *****	**713,400**	**28,516**	**300,435**	**42.1%**	**412,965**	**342,555**	**(42,120)**
PROF/CONTRACTUAL SERV								
610-53020	AUDIT & ACCOUNTING SERVICES	19,800	-	15,090	76.2%	4,710	14,900	190
610-53030	PROFESSIONAL SERVICES	45,000	5,568	39,478	87.7%	5,523	33,701	5,777
610-53041	CITY ISSUED CELL PHONES	600	80	563	93.8%	37	611	(48)
610-53042	CITY ISSUED TABLETS	1,800	190	1,102	61.2%	698	880	221
610-53043	PENALTIES AND FEES	-	-	-	0.0%	-	-	-
610-53046	COMPLIANCE MONITORING	50,000	13,054	30,956	61.9%	19,044	24,339	6,617
610-53090	IT SUPPORT	15,175	-	6,395	42.1%	8,781	8,526	(2,132)
610-53095	SOFTWARE MAINTENANCE	43,104	-	25,169	58.4%	17,935	27,589	(2,420)
610-53310	EQUIPMENT RENTAL/LEASE	11,500	-	1,442	12.5%	10,058	1,753	(311)
610-53311	PRINTER/COPIER LEASE	6,400	604	2,841	44.4%	3,559	2,004	837
610-53315	VEHICLE LEASE FEES	84,733	7,749	54,223	64.0%	30,510	20,213	34,010
610-53341	COLLECTIONS/LEGAL MVBA	500	32	791	158.2%	(291)	224	567
610-53501	COMMUNICATIONS	-	-	-	0.0%	-	-	-
610-53507	SLUDGE COLLECTION	365,000	17,729	136,708	37.5%	228,292	143,017	(6,309)
610-53509	MEMBERSHIPS & SUBSCRIPTIONS	1,260	99	169	13.4%	1,091	490	(321)
610-53510	TRAVEL AND TRAINING	20,000	1,485	6,867	34.3%	13,133	12,976	(6,109)
610-53512	PRINTING SERVICES	7,500	-	7,034	93.8%	466	5,518	1,516
610-53513	MERCHANT CR CRD PROCESSING	160,000	28,860	139,441	87.2%	20,559	92,076	47,365
610-53514	TML INSURANCE	147,441	-	145,187	98.5%	2,254	92,378	52,809
610-53517	CONTRACTUAL SERVICES	-	50	315	0.0%	(315)	224	90
610-53519	TANK MAINTENANCE	215,000	8,753	26,258	12.2%	188,742	180,459	(154,201)
610-53520	JANITORIAL SERVICES	1,920	-	8,074	420.5%	(6,154)	7,691	383
610-53521	UNRMWA WATER CONTRACT	203,582	14,392	86,351	42.4%	117,232	81,107	5,243
	***** EXPENSE CATEGORY TOTALS *****	**1,400,316**	**98,644**	**734,453**	**52.4%**	**665,863**	**750,678**	**(16,225)**
MAINTENANCE & REPAIR								
610-54010	BLDG/STRUCTURE/GRNDS MAINTENANCE	40,000	-	22,365	55.9%	17,635	24,494	(2,129)
610-54110	MOTOR VEHICLE REPAIRS	-	-	-	0.0%	-	2,558	(2,558)
610-54120	EQUIPMENT REPAIR/MAINT EXP	296,360	17,568	140,897	47.5%	155,463	105,116	35,781
610-54220	WATER METERS	-	-	-	0.0%	-	-	-
610-54310	SEWER LINE MAINTENANCE	-	-	-	0.0%	-	-	-
610-54311	SEWER PLANT MAINTENANCE	175,000	6,229	43,006	24.6%	131,994	138,131	(95,125)
610-54313	LIFT STATION MAINTENANCE	290,000	9,258	154,147	53.2%	135,853	211,767	(57,620)
610-54314	GENERATOR MAINTENANCE	13,500	127	6,911	51.2%	6,589	1,832	5,079
610-54315	PRETREATMENT FOG MGMT	2,300	-	-	0.0%	2,300	2,000	(2,000)
610-54421	WATER METER REPLACEMENT PROJECT	200,000	34,400	264,363	132.2%	(64,363)	131,195	133,168
610-54450	WATER/SEWER LINE REPAIR	600,000	70,934	491,021	81.8%	108,979	382,298	108,724
610-54460	METER READER HANDHELDS	-	-	-	0.0%	-	-	-
	***** EXPENSE CATEGORY TOTALS *****	**1,617,160**	**138,516**	**1,122,710**	**69.4%**	**494,450**	**999,390**	**123,320**
UTILITIES								
610-54500	UTILITIES - ELECTRIC	386,000	41,479	242,074	62.7%	143,926	467,950	(225,876)
610-54501	UTILITIES - WATER/SEWER	32,700	-	11,054	33.8%	21,646	14,999	(3,944)
610-54502	UTILITIES - GAS	-	-	-	0.0%	-	-	-
610-54503	PHONES/INTERNET	21,000	2,470	18,494	88.1%	2,506	20,012	(1,518)
	***** EXPENSE CATEGORY TOTALS *****	**439,700**	**43,949**	**271,622**	**61.8%**	**168,078**	**502,961**	**(231,339)**
OTHER/MISC.								
610-55005	TCEQ PERMITTING	65,000	-	55,617	85.6%	9,383	52,518	3,099
610-55030	BAD DEBT EXPENSE	-	-	-	0.0%	-	-	-
	***** EXPENSE CATEGORY TOTALS *****	**65,000**	**-**	**55,617**	**85.6%**	**9,383**	**52,518**	**3,099**

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
REVENUE BOND PRINCIPAL PAYMENT								
610-56005	REVENUE BOND PRIN PAYMENT	755,000	-	855,309	113.3%	(100,309)	885,000	(29,691)
610-56009	CERT OBLIG PRIN PAYMENT	480,000	-	210,000	43.8%	270,000	-	210,000
610-56025	PRINCIPAL - CAPITAL LEASE	59,131	-	61,955	104.8%	(2,824)	93,177	(31,222)
610-56050	INTEREST- BONDED DEBT	737,855	-	265,143	35.9%	472,712	276,971	(11,827)
610-56051	INTEREST- CAPITAL LEASE	5,783	-	2,959	51.2%	2,824	-	2,959
610-56054	PAY/ESCROW AGENT FEES	2,000	-	1,250	62.5%	750	1,750	(500)
	***** EXPENSE CATEGORY TOTALS *****	**2,039,769**	**-**	**1,396,617**	**68.5%**	**643,152**	**1,256,898**	**139,719**
CAPITAL OUTLAY								
610-58030	IMPROVEMENTS	12,154,447	494,219	1,091,047	9.0%	11,063,400	1,167,609	(76,563)
610-58040	VEHICLES & EQUIPMENT	404,000	18,243	78,874	19.5%	325,126	506,690	(427,816)
610-58044	COMMUNICATION EQUIPMENT	130,000	-	49,664	38.2%	80,336	-	49,664
610-58046	LIFT STATION REPLACEMENT	1,146,800	-	-	0.0%	1,146,800	-	-
	***** EXPENSE CATEGORY TOTALS *****	**13,835,247**	**512,462**	**1,219,585**	**8.8%**	**12,615,662**	**1,674,299**	**(454,715)**
INTERFUND ACTIVITY								
610-59010	TRANSFER TO/FROM GENERAL FUND	1,146,530	99,244	694,706	60.6%	451,824	694,706	-
610-59570	TRANSFER TO FLEET FUND	135,200	26,398	116,229	86.0%	18,971	65,452	50,778
	***** EXPENSE CATEGORY TOTALS *****	**1,281,730**	**125,642**	**810,936**	**63.3%**	**470,794**	**760,158**	**50,778**
	***** TOTAL EXPENSE *****	**$ 23,760,958**	**$ 1,114,948**	**$ 7,192,465**	**30.3%**	**$ 16,568,494**	**$ 7,495,048**	**$ (302,584)**
620-SANITATION FUND- DETAIL								
REVENUE								
620-41715	SANITATION COLLECTION CHARGES	3,160,569	263,940	1,693,746	53.6%	1,466,823	1,638,066	55,680
620-41721	COLLECTION BAG SALES	20,000	1,463	9,484	47.4%	10,516	9,236	248
620-41722	CLEAN STREETS PROGRAM	166,233	14,034	98,516	59.3%	67,717	97,871	645
620-41723	SALES TAX DISCOUNT	600	-	829	138.1%	(229)	762	67
620-41729	ROLL OFF CHARGES	721,313	62,500	428,214	59.4%	293,099	314,300	113,914
620-41901	INTEREST REVENUE	7,000	1,289	1,566	22.4%	5,434	3,557	(1,991)
620-41902	INSURANCE RECOVERIES	-	-	-	0.0%	-	-	-
620-41922	REBATE REVENUE	15,000	-	-	0.0%	15,000	9,982	(9,982)
620-41924	MISC REVENUE	-	-	-	0.0%	-	-	-
620-41926	SCRAP METAL RECOVERY	-	-	-	0.0%	-	966	(966)
620-49010	TRANSFER FROM GENERAL FUND	-	-	-	0.0%	-	377	(377)
	***** TOTAL REVENUE *****	**4,090,715**	**343,227**	**2,232,354**	**54.6%**	**1,858,360**	**2,075,116**	**157,238**
620-SANITATION FUND- DETAIL								
EXPENSE								
SUPPLIES AND MATERIALS								
620-52130	GARBAGE BAGS	12,493	-	4,966	39.8%	7,527	4,992	(26)
	***** EXPENSE CATEGORY TOTALS *****	**12,493**	**-**	**4,966**	**39.8%**	**7,527**	**4,992**	**(26)**
PROF/CONTRACTUAL SERV								
620-53504	ROLL OFFS	453,932	47,760	325,301	71.7%	128,631	292,988	32,313
620-53505	RESIDENTIAL COLLECTION	808,000	144,879	486,074	60.2%	321,926	422,215	63,859
620-53506	COMMERCIAL COLLECTION	1,456,000	197,016	854,785	58.7%	601,215	955,869	(101,084)
620-53508	CITY WIDE CLEAN-UP COLLECTION	82,692	49	84,104	101.7%	(1,412)	74,189	9,915
620-53520	JANITORIAL SERVICES	1,450	121	845	58.3%	605	120	725
	***** EXPENSE CATEGORY TOTALS *****	**2,802,074**	**389,824**	**1,751,109**	**62.5%**	**1,050,965**	**1,745,380**	**5,729**
MAINTENANCE & REPAIR								

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
620-54110	MOTOR VEHICLE REPAIRS	-	-	-	0.0%	-	-	-
	***** EXPENSE CATEGORY TOTALS *****	**-**	**-**	**-**	**0.0%**	**-**	**-**	**-**
OTHER/MISC.								
620-55030	BAD DEBT EXPENSE	20,000	-	-	0.0%	20,000	-	-
	***** EXPENSE CATEGORY TOTALS *****	**20,000**	**-**	**-**	**0.0%**	**20,000**	**-**	**-**
INTERFUND ACTIVITY								
620-59010	TRANSFER TO/FROM GENERAL FUND	1,198,148	99,846	698,920	58.3%	499,228	717,553	(18,633)
620-59570	TRANSFER TO FLEET FUND	13,000	3,528	16,734	128.7%	(3,734)	6,705	10,029
	***** EXPENSE CATEGORY TOTALS *****	**1,211,148**	**103,374**	**715,654**	**59.1%**	**495,494**	**724,258**	**(8,604)**
	***** TOTAL EXPENSE *****	**$ 4,045,715**	**$ 493,198**	**$ 2,471,729**	**61.1%**	**$ 1,573,986**	**$ 2,474,630**	**$ (2,901)**

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
215 -ECONOMIC DEVELOPMENT CORP (PEDC)- DETAIL								
REVENUE								
215-41013	PEDC SALES TAX	$ 1,250,055	$ 106,293	$ 800,304	64.0%	$ 449,751	792,025.41	$ 8,278
215-41609	RENT - SUITE B	36,000	3,000	21,000	58.3%	15,000	-	21,000
215-41610	RENT - RESULTS CO	161,583	17,954	125,676	77.8%	35,907	125,676	-
215-41807	ETEX FIBER RECAPTURE	380,000	-	99,381	26.2%	280,619	267,893	(168,512)
215-41901	INTEREST REVENUE	40,000	12,093	73,206	183.0%	(33,206)	34,197	39,009
215-41932	TAH LOAN PYMT	34,064	2,839	19,870	58.3%	14,194	39,450	(19,579)
215-41924	MISC REVENUE	$ -	$ -	$ -	0.0%	$ -	0.00	$ -
	***** TOTAL REVENUE *****	**1,901,702**	**142,178**	**1,139,437**	**59.9%**	**762,265**	**1,259,242**	**(119,805)**
215 -ECONOMIC DEVELOPMENT CORP (PEDC)- DETAIL								
EXPENSE								
PERSONNEL								
215-51010	SALARIES & WAGES	185,555	13,003	81,213	43.8%	104,342	50,285	30,928
215-51020	OVERTIME	-	7	7	0.0%	(7)	-	7
215-51030	LONGEVITY	144	24	144	100.3%	(0)	75	69
215-51031	CERTIFICATION PAY	-	-	-	0.0%	-	-	-
215-51036	CELL PHONE ALLOWANCE	600	50	327	54.5%	273	225	102
215-51040	SOCIAL SECURITY	13,817	962	6,130	44.4%	7,687	3,950	2,179
215-51050	HEALTH INSURANCE	24,976	2,187	13,382	53.6%	11,594	6,556	6,826
215-51061	WORKER'S COMPENSATION	619	54	335	54.1%	284	45	290
215-51070	RETIREMENT	25,981	1,896	11,743	45.2%	14,238	7,144	4,599
	***** EXPENSE CATEGORY TOTALS *****	**251,691**	**18,184**	**113,281**	**45.0%**	**138,410**	**68,281**	**45,000**
SUPPLIES AND MATERIALS								
215-52010	OFFICE SUPPLIES/EQUIPMENT	3,000	121	761	25.4%	2,239	1,458	(697)
215-52020	POSTAGE	250	72	132	52.6%	119	-	132
215-52091	FURNITURE & OFFICE EQUIPMENT	2,000	529	1,105	55.2%	895	103	1,002
	***** EXPENSE CATEGORY TOTALS *****	**5,250**	**723**	**1,997**	**38.0%**	**3,253**	**1,561**	**436**
PROF/CONTRACTUAL SERV								
215-53010	LEGAL SERVICES	55,000	1,285	27,106	49.3%	27,894	16,124	10,982
215-53020	AUDIT & ACCOUNTING SERVICES	5,000	-	3,811	76.2%	1,189	3,763	48
215-53030	PROFESSIONAL SERVICES	50,000	250	2,598	5.2%	47,402	8,395	(5,797)
215-53031	CONSULTANT SERVICES	20,000	-	-	0.0%	20,000	-	-
215-53041	CITY ISSUED CELL PHONES	-	-	-	0.0%	-	-	-
215-53090	IT SUPPORT	1,897	-	914	48.2%	984	1,218	(305)
215-53095	SOFTWARE MAINTENANCE	808	-	377	46.6%	431	522	(145)
215-53150	MARKETING SERVICES	50,000	32	23,543	47.1%	26,457	12,825	10,718
215-53210	FINANCIAL SERVICE CHARGES	-	-	-	0.0%	-	10	(10)
215-53315	VEHICLE LEASE FEES	-	-	-	0.0%	-	218	(218)
215-53330	CITY-PAID EXPENSES	-	-	-	0.0%	-	-	-

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
215-53500	LEGAL NOTICES	6,000	693	693	11.6%	5,307	468	225
215-53501	COMMUNICATIONS	-	(693)	-	0.0%	-	297	(297)
215-53509	MEMBERSHIPS & SUBSCRIPTIONS	20,000	13	16,813	84.1%	3,187	7,549	9,265
215-53510	TRAVEL AND TRAINING	10,000	124	3,655	36.6%	6,345	1,518	2,137
215-53512	PRINTING SERVICES	-	-	-	0.0%	-	1,502	(1,502)
215-53514	TML INSURANCE	9,000	-	12,135	134.8%	(3,135)	6,827	5,308
215-53520	JANITORIAL SERVICES	9,000	-	5,050	56.1%	3,950	2,515	2,535
215-53617	PROJECTS SUPPORT GRANTS	800,000	3,500	103,500	12.9%	696,500	-	103,500
215-53662	ATH COMPLEX IMPROVEMENTS GRANT	25,000	-	-	0.0%	25,000	-	-
215-53663	COM DEV GRANT-GENERAL PROGRAM	75,000	-	-	0.0%	75,000	10,000	(10,000)
215-53664	BLDG IMPROVEMENT GRANT PROG	150,000	53,292	79,492	53.0%	70,508	-	79,492
215-53665	PRIOR YEAR BLDG IMPROV GRANTS	-	-	-	0.0%	-	-	-
	***** EXPENSE CATEGORY TOTALS *****	**1,286,705**	**58,497**	**279,687**	**21.7%**	**1,007,018**	**73,750**	**205,937**
MAINTENANCE & REPAIR								
215-54010	BLDG/STRUCTURE/GRNDS MAINTENANCE	100,000	3,174	38,059	38.1%	61,941	17,810	20,249
215-54120	EQUIPMENT REPAIR/MAINT EXP	-	-	-	0.0%	-	-	-
	***** EXPENSE CATEGORY TOTALS *****	**100,000**	**3,174**	**38,059**	**38.1%**	**61,941**	**17,810**	**20,249**
UTILITIES								
215-54500	UTILITIES - ELECTRIC	7,500	51	2,502	33.4%	4,998	3,555	(1,053)
215-54501	UTILITIES - WATER/SEWER	4,000	294	2,044	51.1%	1,956	1,595	448
215-54503	PHONES/INTERNET	4,000	552	3,140	78.5%	860	2,958	182
	***** EXPENSE CATEGORY TOTALS *****	**15,500**	**896**	**7,686**	**49.6%**	**7,814**	**8,109**	**(423)**
OTHER/MISC.								
215-55002	EVENTS & PROMOTIONS	-	-	-	0.0%	-	-	-
215-55009	BUSINESS RETENTION/EXPANSION	15,000	-	1,128	7.5%	13,872	-	1,128
215-55066	COMMUNITY EVENTS	-	-	-	0.0%	-	100	(100)
215-55067	HOSPITAL DEMOLITION	-	-	-	0.0%	-	-	-
215-55200	MEETING MEALS	3,000	616	1,831	61.0%	1,169	1,265	566
	***** EXPENSE CATEGORY TOTALS *****	**18,000**	**616**	**2,959**	**16.4%**	**15,041**	**1,365**	**1,595**
DEBT SERVICE								
215-56005	REVENUE BOND PRIN PAYMENT	455,481	-	42,042	9.2%	413,439	46,480	(4,437)
215-56050	INTEREST- BONDED DEBT	130,484	-	22,749	17.4%	107,736	21,830	918
215-56054	PAY/ESCROW AGENT FEES	30,000	-	55,340	184.5%	(25,340)	-	55,340
	***** EXPENSE CATEGORY TOTALS *****	**615,966**	**-**	**120,131**	**19.5%**	**495,835**	**68,310**	**51,821**
CAPITAL OUTLAY								
215-58000	CAPITAL OUTLAY	55,936	-	2,338,481	4180.6%	(2,282,545)	-	2,338,481
	***** EXPENSE CATEGORY TOTALS *****	**55,936**	**-**	**2,338,481**	**4180.6%**	**(2,282,545)**	**-**	**2,338,481**

City of Palestine, Texas
Financial Statement
As of April 30, 2024

		Current Budget	Current Period	Current Y-T-D	% of Budget	Budget Balance	Prior Year Y-T-D Actual	INC/(DEC) Prior Year
INTERFUND ACTIVITY								
215-59010	TRANSFER TO/FROM GENERAL FUND	48,404	2,614	18,300	37.8%	30,104	18,300	-
215-59570	TRANSFER TO FLEET FUND	250	37	93	37.1%	157	-	93
	***** EXPENSE CATEGORY TOTALS *****	**48,654**	**2,651**	**18,392**	**37.8%**	**30,262**	**18,300**	**93**
	***** TOTAL EXPENSE *****	**$ 2,397,702**	**$ 84,740**	**$ 2,920,674**	**121.8%**	**$ (522,972)**	**$ 257,485**	**$ 2,663,189**

City of Palestine, Texas
Financial Statement
As of April 30, 2024

NON MAJOR FUNDS SUMMARY

	200	240	250	251	252	260	270
	HOTEL	AIRPORT	MUNICIPAL COURT -	MUNICIPAL	MUNICIPAL	PD FORFEITURE FUND	COMMUNITY FOREST
Beginning Fund Balance	$ 1,393,016	$ 29,056	$ 75,562	$ 55,426	$ 73,037	$ 69,664	$ 2,877
REVENUE							
PROPERTY TAXES	-	-	-	-	-	-	-
SALES TAX	-	-	-	-	-	-	-
FRANCHISE TAX	-	-	-	-	-	-	-
PERMITS LICENSES & FEES	-	-	-	-	-	-	-
FINES AND WARRANTS	-	-	5,451	4,499	9,099	-	-
LEASE/RENTAL REVENUE	-	11,838	-	-	-	-	-
CHARGES FOR SERVICE	-	-	-	-	-	-	-
INTERGOVERNMENTAL REVENUE	-	15,313	-	-	-	6,740	-
OTHER INCOME	417,812	5,535	1,545	1,128	2,263	3,067	102
INTERFUND ACTIVITY	-	179,453	-	-	-	-	-
Total	**417,812**	**212,139**	**6,996**	**5,627**	**11,362**	**9,807**	**102**
EXPENSE							
PERSONNEL	107,913	-	-	-	-	-	-
SUPPLIES AND MATERIALS	17,791	32,290	-	1,526	-	-	-
PROF/CONTRACTUAL SERV	93,778	34,275	-	-	-	-	9,870
MAINTENANCE & REPAIR	468	42,369	-	-	-	-	-
UTILITIES	8,560	5,453	-	-	-	-	-
OTHER/MISC.	194,346	-	-	-	-	-	-
DEBT SERVICE	-	-	-	-	-	-	-
CAPITAL OUTLAY	-	18,147	-	-	-	-	-
INTERFUND ACTIVITY	18,342	1,445	-	-	-	-	-
Total	**441,197**	**133,979**	**-**	**1,526**	**-**	**-**	**9,870**
Surplus (Deficit)	**(23,386)**	**78,160**	**6,996**	**4,101**	**11,362**	**9,807**	**(9,768)**
Ending Fund Balance	$ 1,369,630	$ 107,215	$ 82,558	$ 59,528	$ 84,399	$ 79,470	$ (6,891)

City of Palestine, Texas
Financial Statement
As of April 30, 2024

NON MAJOR FUNDS SUMMARY

	271	280	290	400	740	770	
	PERPETUAL CEMETERY FUND	GRANTS	STREET MAINTENANCE / REPAIR TAX	GENERAL CIP FUND	EQUIPMENT REPLACEMENT	FLEET FUND	TOTAL NON MAJOR FUNDS
Beginning Fund Balance	$ 232,103	$ 21,766	$ 746,530	$ 22,084,037	$ 834,893	$ (77,634)	$ 25,540,333
REVENUE							
PROPERTY TAXES	-	-	-	-	-	-	-
SALES TAX	-	-	400,152	-	-	-	400,152
FRANCHISE TAX	-	-	-	-	-	-	-
PERMITS LICENSES & FEES	-	-	-	-	-	-	-
FINES AND WARRANTS	-	-	-	-	-	-	19,050
LEASE/RENTAL REVENUE	-	-	-	-	-	-	11,838
CHARGES FOR SERVICE	9,750	-	-	-	-	8,579	18,329
INTERGOVERNMENTAL REVENUE	-	-	-	-	-	-	22,052
OTHER INCOME	4,316	428	-	424,325	-	62,101	922,621
INTERFUND ACTIVITY	-	-	-	-	-	452,031	631,484
Total	**14,066**	**428**	**400,152**	**424,325**	**-**	**522,711**	**2,025,526**
EXPENSE							
PERSONNEL	-	-	-	-	-	115,895	223,807
SUPPLIES AND MATERIALS	-	-	-	-	-	229,050	280,657
PROF/CONTRACTUAL SERV	-	-	-	-	-	6,605	144,528
MAINTENANCE & REPAIR	35,383	-	51,333	-	-	150,199	279,752
UTILITIES	-	-	-	-	-	6,471	20,484
OTHER/MISC.	-	-	-	-	-	-	194,346
DEBT SERVICE	-	-	-	-	-	-	-
CAPITAL OUTLAY	-	-	-	778,676	-	15,936	812,759
INTERFUND ACTIVITY	-	-	-	-	-	-	19,787
Total	**35,383**	**-**	**51,333**	**778,676**	**-**	**524,155**	**1,976,120**
Surplus (Deficit)	**(21,318)**	**428**	**348,819**	**(354,351)**	**-**	**(1,445)**	**49,406**
Ending Fund Balance	$ 210,785	$ 22,193	$ 1,095,349	$ 21,729,686	$ 834,893	$ (79,078)	$ 25,589,739

City of Palestine, Texas
Summary of Cash and Investment Activity
For the Month Ending: April 30, 2024

	Par Value	Book Value	Market Value	Ratio Market-to-Book Value
Beginning Balances				
Cash	$ 21,157,667.66	$ 21,157,667.66	$ 21,157,667.66	100.00%
Investments	38,883,557.90	38,883,557.90	38,883,557.90	100.00%
Total	$ 60,041,225.56	$ 60,041,225.56	$ 60,041,225.56	100.00%
Activity				
Cash	($1,572,783.81)	(1,572,783.81)	(1,572,783.81)	
Investments				
Net Accretion & Amortization	(73,333.33)	(73,333.33)	(73,333.33)	
Purchases	-	-	-	
Maturities/Calls	-	-	-	
Changes to Market Value	-	-	($160,500.40)	
Withdrawals/Deposits	503,192.93	503,192.93	503,192.93	
Interest Earnings	$164,839.35	$164,839.35	$164,839.35	
Net Monthly Activity	($978,084.86)	(978,084.86)	(1,138,585.26)	
Ending Balances				
Cash	19,584,883.85	19,584,883.85	19,584,883.85	100.00%
Investments	39,478,256.85	39,478,256.85	39,317,756.45	99.59%
Total	$ 59,063,140.70	$ 59,063,140.70	$ 58,902,640.30	99.73%

City of Palestine, Texas
Summary of Cash and Investment Activity
For the Month Ending: April 30, 2024

Purchase Date	Maturity Date	CUSIP / CD Number	Security Type	Par Value	Coupon	Purchase			Book Value	Market Value	Unrealized Gain / (Loss)	Days to Maturity
						Price	Yield	Principal				
N/A	N/A	N/A	Prosperity Bank - Cash	$6,562,619		$ 100.000	0.200%	$6,562,619	$ 6,562,619	$ 6,562,619	$ -	1
N/A	N/A	N/A	BNY Mellon - Cash Reserve	225,362		100.000	0.153%	225,362	225,362	225,362	-	1
N/A	N/A	N/A	TexSTAR - Local Government Investment Pool	9,693,466		100.000	5.040%	9,693,466	9,693,466	9,693,466	-	1
N/A	N/A	N/A	TexSTAR - General Obligation Bond 2014	10,524,039		100.000	5.040%	10,524,039	10,524,039	10,524,039	-	1
N/A	N/A	N/A	FNC - Cash, Money Funds, & Bank Deposits	134,774		100.000	0.010%	134,774	134,774	134,774	-	1
N/A	N/A	N/A	FNC PEDC - Cash, Money Funds, & Bank Deposits	26,859		100.000	0.010%	26,859	26,859	26,859	-	1
1/13/2022	1/13/2025	3130AQGT4	Bond - Federal Home Loan Bank	992,500		100.000	1.100%	992,500	992,500	971,330	(21,170)	258
2/18/2022	2/18/2025	3130AQRN5	Bond - Federal Home Loan Bank	997,000		100.000	1.150%	997,000	997,000	975,500	(21,500)	294
4/5/2022	4/5/2025	14042TFC6	CD - Capital One Bank	250,000		100.000	2.580%	250,000	250,000	244,003	(5,998)	340
2/18/2022	2/18/2025	05580AJ39	CD - BMW Bank North America	200,000		100.000	1.460%	200,000	200,000	194,092	(5,908)	294
1/21/2022	1/21/2025	38149MU35	CD - Goldman Sachs	250,000		100.000	2.080%	250,000	250,000	242,503	(7,498)	266
5/11/2022	5/19/2025	02007GRK1	CD - Ally Bank	250,000		100.000	3.100%	250,000	250,000	244,788	(5,213)	384
5/11/2022	5/19/2025	0258ACS9	CD - American Express	250,000		100.000	3.100%	250,000	250,000	244,808	(5,193)	384
5/11/2022	5/19/2025	140442RRH6	CD - Capital One National Bank	250,000		100.000	3.100%	250,000	250,000	244,808	(5,193)	384
5/11/2022	5/19/2025	61690UJ43	CD - Morgan Stanley Bank	250,000		100.000	3.150%	250,000	250,000	244,913	(5,088)	384
5/11/2022	5/19/2025	61768EJP9	CD - Morgan Stanley Private Bank	250,000		100.000	3.150%	250,000	250,000	244,913	(5,088)	384
5/25/2022	5/27/2025	06740KQN0	CD- Barclays Bank	250,000		100.000	3.050%	250,000	250,000	244,583	(5,418)	392
5/25/2022	5/27/2025	254673E69	CD - Discover Bank	250,000		100.000	3.100%	250,000	250,000	244,713	(5,288)	392
6/30/2022	8/30/2024	87164DTM2	CD - Synovus Bank	250,000		100.000	3.200%	250,000	250,000	248,183	(1,818)	122
6/30/2022	6/30/2025	90348J4C1	CD - UBS Bank	250,000		100.000	3.300%	250,000	250,000	244,875	(5,125)	426
7/22/2022	7/22/2025	87164XN36	CD - Synchrony Bank	250,000		100.000	3.050%	250,000	250,000	244,608	(5,393)	448
7/25/2022	7/25/2025	32022RRW9	CD - First Financial Bank	250,000		100.000	3.050%	250,000	250,000	243,845	(6,155)	451
9/28/2022	9/29/2025	307811EZ8	CD - Farmers & Merchants Bank	250,000		100.000	3.750%	250,000	250,000	245,500	(4,500)	517

City of Palestine, Texas
Summary of Cash and Investment Activity
For the Month Ending: April 30, 2024

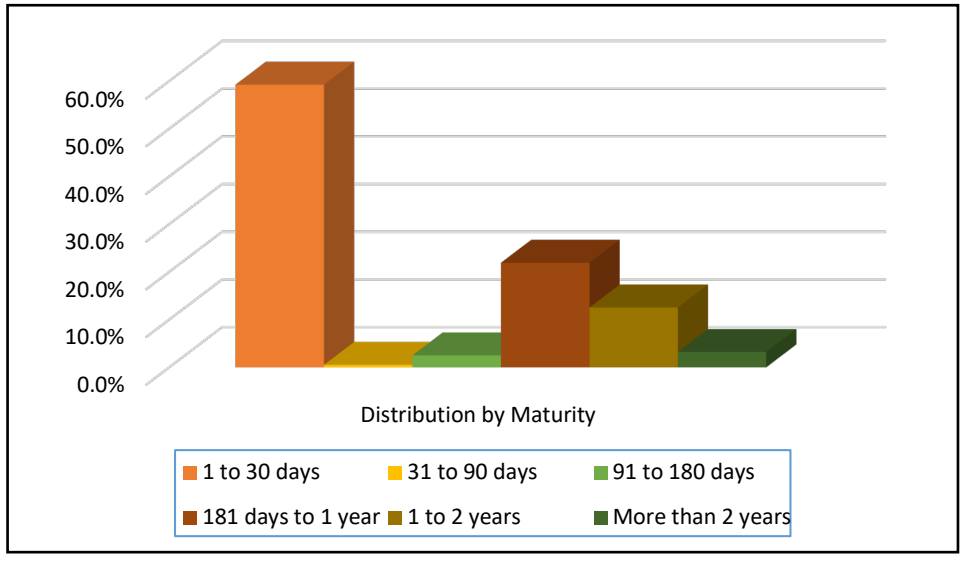
Purchase Date	Maturity Date	CUSIP / CD Number	Security Type	Par Value	Coupon	Purchase			Book Value	Market Value	Unrealized Gain / (Loss)	Days to Maturity
						Price	Yield	Principal				
9/29/2022	9/29/2025	8266GET7	CD - Signature Bank	250,000		100.000	4.050%	250,000	250,000	246,393	(3,608)	517
9/30/2022	9/30/2025	32112UEC1	CD - First National Bank	250,000		100.000	3.750%	250,000	250,000	245,470	(4,530)	518
9/30/2022	9/30/2025	52470QCA0	CD - Legacy Bank & Trust	250,000		100.000	4.000%	250,000	250,000	246,323	(3,678)	518
10/7/2022	4/7/2025	84229LAX0	CD - Southern Bank	250,000		100.000	3.740%	250,000	250,000	246,448	(3,553)	342
10/13/2022	10/14/2025	07815ACD7	CD - Bell St Bank & Trust	250,000		100.000	4.210%	250,000	250,000	246,775	(3,225)	532
10/14/2022	4/14/2025	620476BB6	CD - Mound City Bank	250,000		100.000	4.160%	250,000	250,000	247,515	(2,485)	349
10/26/2022	10/28/2024	23204HLJ5	CD - Customers Bank	250,000		100.000	4.510%	250,000	250,000	248,983	(1,018)	181
10/28/2022	10/28/2025	319477AN5	CD - First Citizens Bank & Trust	250,000		100.000	4.160%	250,000	250,000	248,598	(1,403)	546
11/15/2022	8/15/2024	66476QDC9	CD - Northern Bank & Trust	250,000		100.000	4.750%	250,000	250,000	249,575	(425)	107
9/20/2019	9/20/2025	182001541	CD - Prosperity Bank	166,319		100.000	1.900%	166,319	166,319	166,319	-	508
9/20/2020	9/20/2024	182001540	CD - Prosperity Bank	163,036		100.000	0.500%	163,036	163,036	163,036	-	143
9/27/2022	10/15/2024	62384RAQ9	CD - Mountain Amer Cr Un	249,000		100.000	4.750%	249,000	249,000	248,358	(642)	168
11/23/2022	11/24/2025	849061AA4	CD - Spokane Teachers Cr Un	248,000		100.000	5.000%	248,000	248,000	247,836	(164)	573
11/28/2022	5/28/2024	397129AJ6	CD - Greenwood Cr Un	248,000		100.000	4.950%	248,000	248,000	247,968	(32)	28
11/28/2022	11/28/2025	07181JAX	CD - Baxter Cr Un	248,000		100.000	4.950%	248,000	248,000	247,623	(377)	577
12/30/2022	12/30/2025	01882MAD4	CD - Alliant Cr Un	248,000		100.000	5.100%	248,000	248,000	248,255	255	609
12/23/2022	12/23/2024	9497634P8	CD - Wells Fargo Bank (PEDC)	249,000		100.000	4.750%	249,000	249,000	247,762	(1,238)	237
1/20/2023	7/22/2024	564759RU4	CD - Manufacturers & Traders Tr Co (PEDC)	244,000		100.000	4.600%	244,000	244,000	243,561	(439)	83
1/31/2023	7/31/2024	33651FAH2	CD - First Source Fed Cr Un	250,000		100.000	4.750%	250,000	250,000	249,648	(353)	92
2/15/2023	2/14/2025	369674CJ3	CD - General Electric Cr Un	248,000		100.000	5.000%	248,000	248,000	247,521	(479)	290
2/24/2023	2/24/2025	87868YAJ2	CD - Technology Cr Un San Jose	248,000		100.000	5.000%	248,000	248,000	247,504	(496)	300
3/8/2023	3/8/2028	011852AE0	CD - Alaska USA Fed Cr Un	249,000		100.000	4.600%	249,000	249,000	248,335	(665)	1408
3/10/2023	3/10/2028	92891CCZ3	CD - Vystar Cr Un	249,000		100.000	4.550%	249,000	249,000	247,909	(1,091)	1410

City of Palestine, Texas
Summary of Cash and Investment Activity
For the Month Ending: April 30, 2024

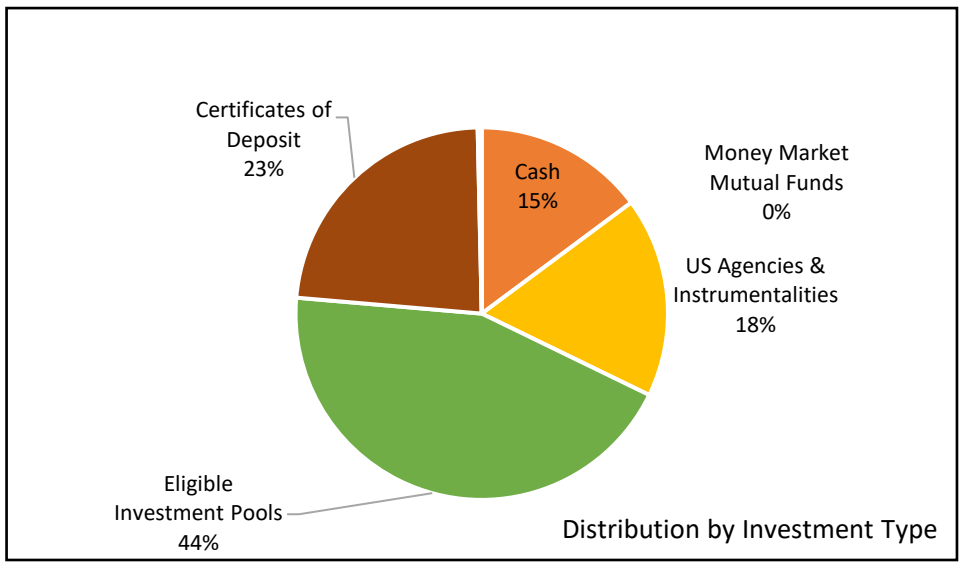
Purchase Date	Maturity Date	CUSIP / CD Number	Security Type	Par Value	Coupon	Purchase			Book Value	Market Value	Unrealized Gain / (Loss)	Days to Maturity
						Price	Yield	Principal				
5/24/2023	5/27/2025	59001PAT6	CD - Meritrust Fed Cr Un	150,000		100.000	5.000%	150,000	150,000	150,426	426	392
5/30/2023	5/30/2025	67054NBG7	CD - Numerica Cr Un	250,000		100.000	5.000%	250,000	250,000	249,675	(325)	395
6/21/2023	6/22/2026	14919NAA8	CD - Catholic and Community Cr Un	250,000		100.000	5.300%	250,000	250,000	250,053	53	783
7/14/2023	7/14/2028	91739JAA3	CD - Utah First Fed Cr Un	249,000		100.000	4.750%	249,000	249,000	255,653	6,653	1536
5/12/2023	12/30/2024	3134GXB29	Bond - Federal Home Ln Mtg Corp (CIP)	4,962,500		100.000	4.000%	4,962,500	4,962,500	4,954,250	(8,250)	244
2/16/2024	2/14/2025	3135GAP62	Bond - Federal Natl Mtg Assn (CIP)	1,000,000		100.000	5.000%	1,000,000	1,000,000	997,440	(2,560)	290
2/28/2024	3/1/2027	01025RAP4	SH CTF - Alabama Cr Un	250,000		100.000	4.500%	250,000	250,000	248,015	(1,985)	1035
2/28/2024	3/1/2027	30960QAW7	SH CTF - Farmers ins Group Fed Cr Un	250,000		100.000	4.500%	250,000	250,000	248,015	(1,985)	1035
4/16/2024	8/31/2025	TSRYS5638348	US Treasury Securities NTS	500,000		100.000	5.000%	500,000	500,000	498,655	(1,345)	488
Totals/Weighted Average				$46,275,475			3.775%	$46,275,475	$ 46,275,475	$ 46,114,975	$ (160,500)	160
Benchmark - 4 Weeks Coupon Equivalent- Treasury Bill Rate							5.370%					

City of Palestine, Texas
Summary of Cash and Investment Activity
For the Month Ending: April 30, 2024

Distribution by Maturity		
	Par Value	Percent
1 to 30 days	$27,415,120	59.2%
31 to 90 days	244,000	0.5%
91 to 180 days	1,162,036	2.5%
181 days to 1 year	10,147,000	21.9%
1 to 2 years	5,810,319	12.6%
More than 2 years	1,497,000	3.2%
	$ 46,275,475	100.0%



Distribution by Investment Type		
	Book Value	Percent
Cash	$6,787,982	14.7%
US Agencies & Instrumentalities	7,952,000	17.2%
Eligible Investment Pools	20,217,505	43.7%
Certificates of Deposit	10,656,355	23.0%
US Treasury Bills / Notes / Bonds	500,000	1.1%
Money Market Mutual Funds	161,634	0.3%
Repurchase Agreements	-	0.0%
	$ 46,275,475	100.0%



City of Palestine, Texas
Cash and Investment Distribution by Fund
For the Month Ending: April 30, 2024

Transaction Information		010	200	215	240	250	251	252
Description	Security Type	GENERAL FUND	HOTEL OCCUPANCY TAX	PALESTINE ECON. DEV. CORP. (PEDC)	AIRPORT FUND	MUNICIPAL COURT - BLDG. SECURITY	MUNICIPAL COURT - TECH. FUND	MUNICIPAL COURT - CHILD SAFETY
TexSTAR	Investment Pool	$ 6,061,720	$ 479,467	$ 1,130,771	$ 72,379	$ 29,389	$ 21,191	43,708
FNC/Pershing	Cash, Money Funds, & Bank Dep.	$ 85,933	$ 6,797	$ 42,889	$ 1,026	$ 417	$ 300	620
CD's	Certificates of Deposit	$ 7,436,642	$ 588,220	$ 1,880,253	$ 88,796	$ 36,056	$ 25,997	53,621
Total of Investments		13,584,295	1,074,484	3,053,913	162,202	65,862	47,489	97,949
Cash		1,542,602	540,836	18,419	7,479	5,393	11,123	14,363
Total Investments & Cash		15,126,896	1,615,320	3,072,333	169,681	71,254	58,612	112,312

Transaction Information		260	270	271	280	281	290	310
Description	Security Type	PD FORFEITURE FUND	COMMUNITY FOREST	PERPETUAL CEMETERY FUND	GRANTS	RESTRICTED DONATIONS	STREET MAINT. TAX FUND	DEBT SERVICE FUND
TexSTAR	Investment Pool	56,441	(2,453)	75,035	7,901	-	347,600	52,874
FNC/Pershing	Cash, Money Funds, & Bank Dep.	800	(35)	1,064	112	-	4,928	750
CD's	Certificates of Deposit	69,243	(3,009)	92,055	9,693	-	426,442	64,867
Total of Investments		126,485	(5,497)	168,153	17,705	-	778,970	118,490
Cash		19,095	122,016	2,011	-	-	88,458	(624)
Total Investments & Cash		145,580	116,519	170,164	17,705	$ -	$ 867,428	117,866

Transaction Information		400	610	620	740	770	TOTAL
Description	Security Type	GENERAL CIP FUND	W/WW UTILITY FUND	SANITATION	EQUIPMENT REPLACEMENT FUND	FLEET FUND	
TexSTAR	Investment Pool	10,524,039	1,344,431	(40,602)	-	13,614	20,217,505
FNC/Pershing	Cash, Money Funds, & Bank Dep.	-	16,415	(576)	-	193	161,634
CD's	Certificates of Deposit	8,852,686	1,420,589	(49,811)	-	16,702	21,009,041
Total of Investments		19,376,725	2,781,435	(90,989)	-	30,509	41,388,179
Cash		3,465	520,039	(10,333)	13,455	-	2,897,796
Total Investments & Cash		$ 19,380,189	$ 3,301,474	$ (101,322)	$ 13,455	$ 30,509	$ 44,285,975

City of Palestine, Texas
Summary of Investment Earnings by Fund
For the Month Ending: April 30, 2024

Description	010 GENERAL FUND	200 HOTEL OCCUPANCY TAX	215 PALESTINE ECONOMIC DEV. CORP. (PEDC)	240 AIRPORT	250 MUNICIPAL COURT - BLDG SECURITY FUND	251 MUNICIPAL COURT - TECH. FUND	252 MUNICIPAL COURT - CHILD SAFETY FEES
Bank Interest	210.42	16.64	94.97	2.51	1.02	0.74	1.52
TexSTAR	26,319.32	2,081.79	4,909.68	314.26	127.61	92.01	189.77
FNC/Pershing	295.30	23.36	148.77	3.53	1.43	1.03	2.13
CD's	32,446.43	2,566.43	7,896.13	387.42	157.31	113.43	233.95
Total	59,271.47	4,688.23	13,049.55	707.72	287.37	207.20	$ 427.37

Description	260 PD FORFEITURE FUND	270 COMMUNITY FOREST	271 PERPETUAL CEMETERY FUND	280 GRANTS	281 RESTRICTED DONATIONS	290 STREET MAINT. TAX FUND	310 DEBT SERVICE FUND
Bank Interest	1.96	(0.09)	2.60	0.27	-	12.07	1.84
TexSTAR	245.06	(10.65)	325.79	34.30	-	1,509.24	229.57
FNC/Pershing	2.75	(0.12)	3.66	0.38	-	16.93	2.58
CD's	302.11	(13.13)	401.64	42.29	-	1,860.59	283.02
Total	551.88	(23.98)	733.69	77.25	-	3,398.83	517.00

Description	400 GENERAL CIP FUND	610 W/WW UTILITY FUND	620 SANITATION FUND	740 EQUIPMENT REPLACEMENT FUND	770 FLEET FUND	TOTAL
Bank Interest	-	384.23	(1.41)	-	0.47	729.77
TexSTAR	45,694.22	5,837.37	(176.29)	-	59.11	87,782.18
FNC/Pershing	-	56.41	(1.98)	-	0.66	556.82
CD's	17,568.71	6,198.10	(217.33)	-	72.87	70,299.98
Total	$ 63,262.93	$ 12,476.12	$ (397.01)	$ -	$ 133.12	$ 159,368.75

This monthly report is in full compliance with the investment strategies as established in the City's Investment Policy and the Public Funds Investment Act, Chapter 2256, Texas Government Code.

Andrew Sibai
Finance Director

Agenda Date:	May 28, 2024
To:	City Council
From:	Courtney Acklin, Court Administrator
Agenda Item:	Municipal Court Report for April 2024
Date Submitted:	05/10/2024

SUMMARY:

A monthly detailed report is attached which provides the types of citations, dispositions, and total fines/fees collected. Brief highlights for the month are listed below.

- April's case volume (charges filed) increased, but revenue decreased from the previous month, as shown in the attached activity graphs.
- 109 warrants were issued.
- 100 warrants were cleared.
- 2 trials and a status hearing were conducted.

RECOMMENDED ACTION:

None.

CITY MANAGER APPROVAL:

Attachments

Municipal Court Report for April 2024

City of Palestine

Official Municipal Court Monthly Report

Month of April 2024

		Traffic Misdemeanors		Non-Traffic Misdemeanors		Total
		Non-Parking	Parking	State Law	Ordinance	
1	**New Cases Filed During Month**	231	0	68	42	341
	Caseload Reporting - Primary Activity of the Court					
2	**Dispositions Prior to Trial:**					
A	Bonds Forfeited	0	0	0	0	0
B	Fined	54	0	26	9	89
C	Cases Dismissed	2	0	0	0	2
	Total Dispositions Prior to Trial	56	0	26	9	91
3	**Dispositions at Trial:**					
A	Plea of Guilty or Nolo Contendere	105	0	24	19	148
B1	Guilty by Judge	1	0	1	0	2
B2	Not Guilty by Judge	0	0	0	0	0
C1	Guilty by Jury	0	0	0	0	0
C2	Not Guilty by Jury	0	0	0	0	0
D	Dismissed at Trial	2	0	2	6	10
	Total Dispositions at Trial	108	0	27	25	160
4	**Cases Dismissed:**					
A	After Driver Safety Course	8	0	0	0	8
B	After Deferred Disposition	6	0	1	0	7
C	After Proof of Financial Responsibility	5	0	0	0	5
D	Compliance Dismissal	35	0	2	0	37
	Total Categorized Dismissals	54	0	3	0	57
5	**Community Service Ordered:**	11	0	0	0	11
6	**Cases Appealed**	0	0	0	0	0
	Totals 2,3,4,5	229	0	56	34	319

Warrant Activity

7	**Total Warrants Issued**	109	**Value of Warrants Issued**	$34,471.50
8	**Total Warrants Cleared**	100	**Value of Warrants Cleared**	$51,865.76

Juvenile Activity and Other Magistrate Functions

9	**Juvenile Activity**		10. DL Suspension Hearings	0
A	ABC Code Offenses (Non-Driving)	3	11. Property Hearings	0
B	DUI Alcohol	0	12. Search Warrants Issued	0
C	Health and Safety Code (Tobacco)	3	13. Total Magistrate Warnings Given	54
D	Transportation Code	4	A. Class C Misdemeanors Only	54
E	Non-Traffic Offenses	0	B. Felonies/A and B Misdemeanors	0
F	Waive Jurisdiction on Non-Traffic	0		
G	Drug Paraphernalia	0	**Total Court Fines and Fees**	**$ 43,584.43**

The Total Court Fine and Fees amount includes both City Revenue and State Revenue.

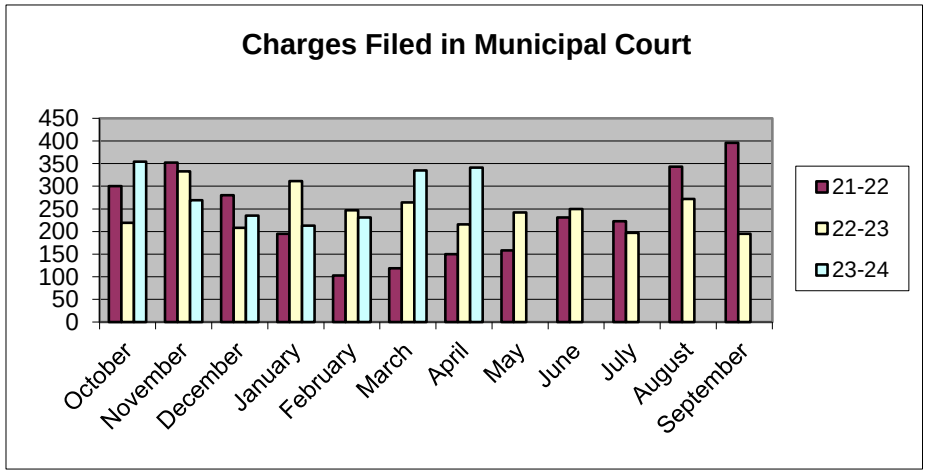
City of Palestine Municipal Court
Activity Report - FY 2023 - 2024

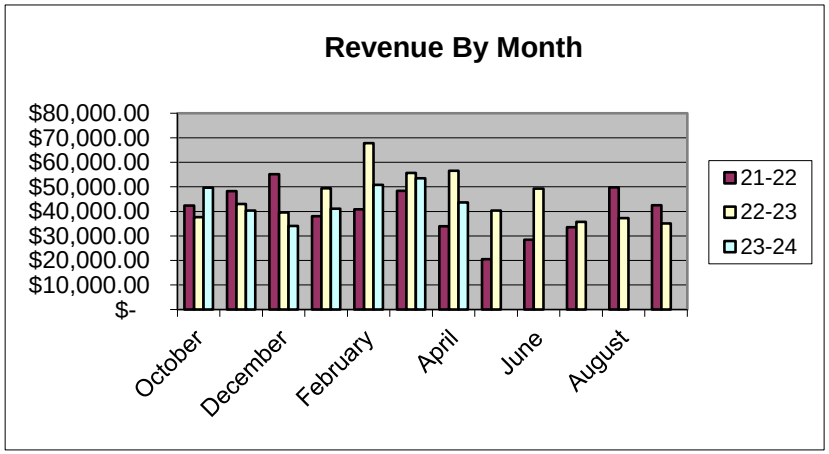
Charges Filed
All Tickets and Other Complaints

	21-22	22-23	23-24
October	300	219	354
November	352	333	269
December	280	208	235
January	195	311	213
February	103	247	231
March	119	264	335
April	150	216	341
May	158	242	
June	231	250	
July	223	197	
August	343	272	
September	396	195	
Total	2850	2954	1978

Revenue

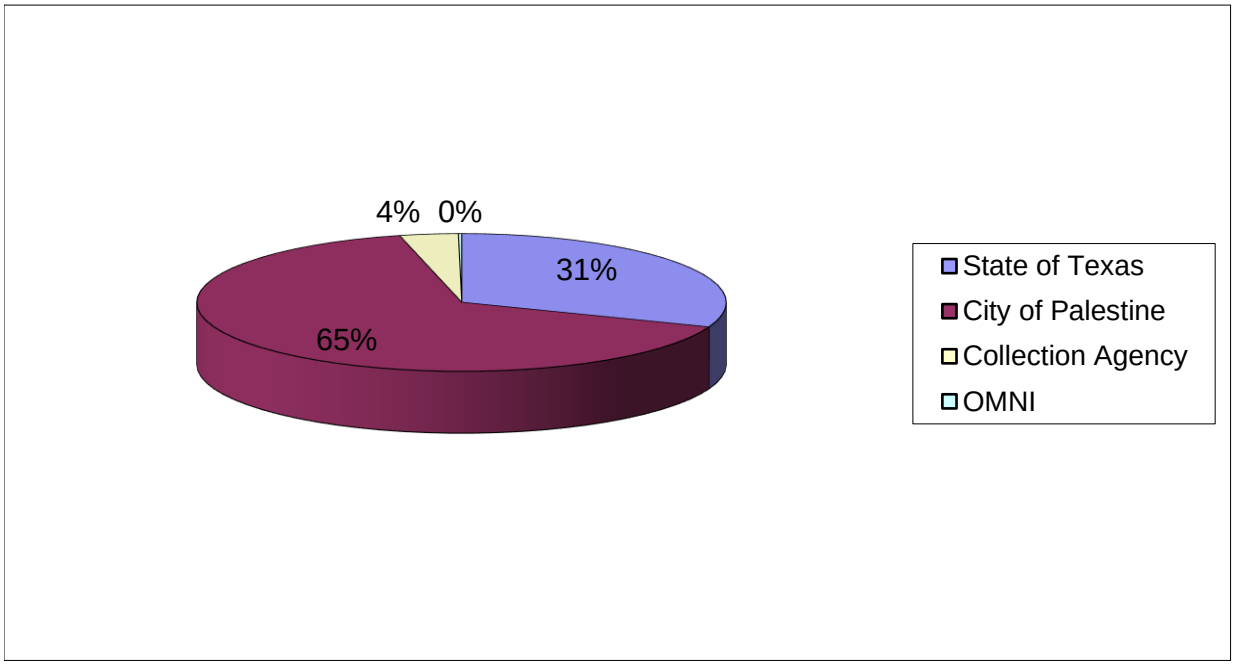
	21-22	22-23	23-24
October	$ 42,354.77	$ 37,620.46	$ 49,619.84
November	$ 48,254.04	$ 43,003.81	$ 40,377.93
December	$ 55,144.50	$ 39,549.76	$ 34,022.00
January	$ 38,074.21	$ 49,458.48	$ 41,034.04
February	$ 40,777.61	$ 67,843.30	$ 50,782.19
March	$ 48,410.01	$ 55,648.71	$ 53,497.58
April	$ 33,879.43	$ 56,502.49	$ 43,584.43
May	$ 20,524.01	$ 40,308.43	
June	$ 28,370.83	$ 49,331.30	
July	$ 33,493.63	$ 35,699.02	
August	$ 49,749.95	$ 37,304.07	
September	$ 42,451.20	$ 35,107.46	
Total	$ 481,484.19	$ 547,377.29	$ 312,918.01





Where the Money Goes:

State of Texas	$	13,437.52
City of Palestine	$	28,500.47
Collection Agency	$	1,556.19
OMNI	$	90.25
Total Collections	$	43,584.43



Agenda Date:	May 28, 2024
To:	City Council
From:	Mark Harcrow, Chief of Police
Agenda Item:	Police Department Monthly Reports
Date Submitted:	05/22/2024

SUMMARY:

April 2024 Monthly Reports for the Police Department.

RECOMMENDED ACTION:

Report only.

CITY MANAGER APPROVAL:

Attachments

CID Stats April 2024
PLACE Team Stats April 24
PPD Stats April 2024

PALESTINE POLICE DEPARTMENT

CID Council Report

Printed on May 1, 2024

Offense	Disposition	Disposition Date
Cleared Exceptionally - Victim Refused to Cooperate		
SEX OFFENSE	Cleared Exceptionally -	04/25/24
ASSAULT	Cleared Exceptionally -	04/04/24
ASSAULT	Cleared Exceptionally -	04/02/24
SEX OFFENSE	Cleared Exceptionally -	04/17/24
Cleared Exceptionally - Victim Refused to Cooperate Total: 4		
Closed		
SEX OFFENSE	Closed	04/18/24
Closed Total: 1		
DA Ready		
MENTAL SUBJECT	DA Ready	04/09/24
AGGRAVATED ASSAULT	DA Ready	04/30/24
ASSAULT	DA Ready	04/15/24
SEX OFFENSE	DA Ready	04/30/24
SEX OFFENSE	DA Ready	04/24/24
SEX OFFENSE	DA Ready	04/30/24
ACCIDENT-FATALITY	DA Ready	04/30/24
DA Ready Total: 7		
Referred to DA		
ASSAULT	Referred to DA	04/24/24
Traffic Stop	Referred to DA	04/17/24
ASSAULT	Referred to DA	04/17/24
ASSAULT	Referred to DA	04/17/24
SEX OFFENSE	Referred to DA	04/17/24
INDECENT EXPOSURE	Referred to DA	04/24/24
BURGLARY OF VEHICLE	Referred to DA	04/24/24
THEFT	Referred to DA	04/24/24
INJURY TO A CHILD/ELDERLY/DISABLED	Referred to DA	04/24/24
SEX OFFENSE	Referred to DA	04/24/24
SEX OFFENSE	Referred to DA	04/24/24
SEX OFFENSE	Referred to DA	04/24/24
Referred to DA Total: 12		
Total Records: 24		

Palestine Police Department
P.L.A.C.E. Team Activity Report
504 North Queen Street
Palestine, Texas 75801

April 2024

Code Violations

Maintenance of Property	6
Trash / Rubbish	3
Tall Weeds and Grass	103
Vehicles / Trailers	7
Other Violation	36
Animal Control	6
Illegal Dump Sites	1
Estimated Total Weight	0

Violation Status

Compliant upon Contact	108
Non-Compliance	106
Citations	0
Municipal Court	5

Known Expenditures

Properties Cleaned	0
Property Liens	0
Community Service Persons	0
Total Accumulated Hours	0

Litter Abatement

Total # Dump Sites	8
Estimated Total Weight	1100 lbs

Animal Control

Total Calls for Month	146
Bites / Quarantine	3
Emergency Calls – OT	2
Citations	31
Warnings	5
Animal Intake	42

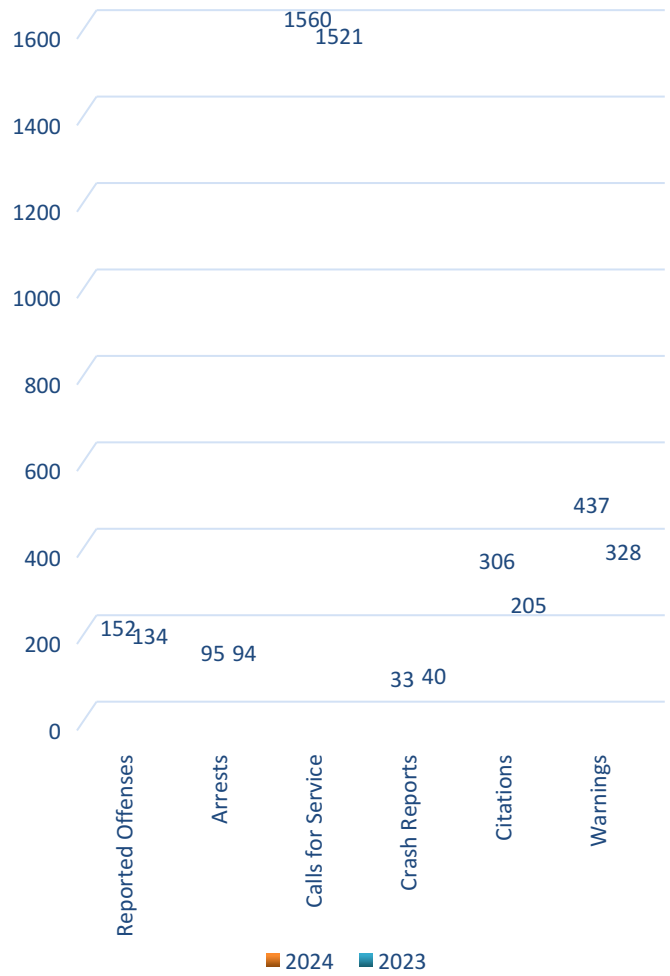
Palestine Police Department
Monthly Activity Report

Date Reported: **4/1/2024 – 4/30/2024**

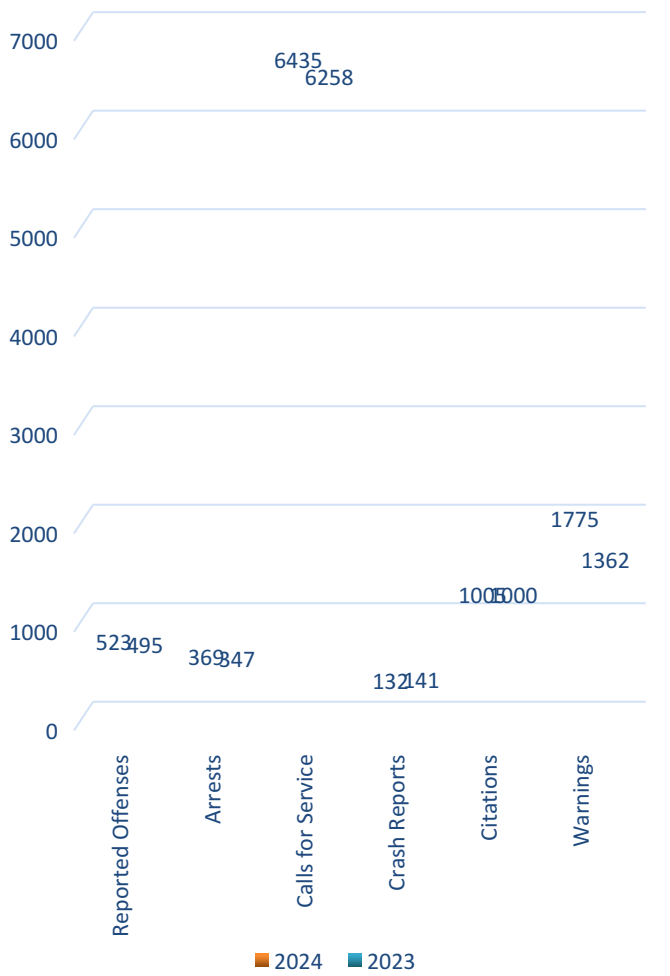
Palestine Police Department
504 N Queen St
Palestine, TX 75801
(903) 729-2254

	MONTH			YEAR TO DATE		
Reported Offenses	**April 2024**	**April 2023**	**% Diff**	**April 2024**	**April 2023**	**% Diff**
	152	134	12%	523	495	5%
Arrests	**April 2024**	**April 2023**	**% Diff**	**April 2024**	**April 2023**	**% Diff**
	95	94	1%	369	347	6%
Calls for Service	**April 2024**	**April 2023**	**% Diff**	**April 2024**	**April 2023**	**% Diff**
	1560	1521	3%	6435	6258	3%
Traffic	**April 2024**	**April 2023**	**% Diff**	**April 2024**	**April 2023**	**% Diff**
Crash Reports	33	40	21%	132	141	7%
Citations	306	205	33%	1005	1000	1%
Warnings	437	328	25%	1775	1362	23%

Month Comparison



Year Comparison



Agenda Date:	May 28, 2024
To:	City Council
From:	April Jackson, City Secretary
Agenda Item:	Consider approval of minutes of April 22, 2024, and May 13, 2024
Date Submitted:	05/23/2024

SUMMARY:

Consider approval of minutes for April 22, 2024, and May 13, 2024.

RECOMMENDED ACTION:

Staff recommends approval as presented.

CITY MANAGER APPROVAL:

Attachments

April 22, 2024, Minutes
May 13, 2024, Minutes

DRAFT

MINUTES

The City Council of the City of Palestine convened for a regular meeting on April 22, 2024, at 3:30 p.m. for the Work Session in the City Hall Conference Room, 504 N. Queen St, Palestine, Texas, and at 5:30 p.m. for the Regular Meeting in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following members present:

Present:	Mitchell Jordan, Mayor; Krissy Clark, Mayor Pro Tem; Sean Conner, Council Member; Ava Harmon, Council Member; James Smith, Council Member; Kenneth Davidson, Council Member; Christopher Gibbs, Council Member
Also Present:	Teresa Herrera, City Manager; Rezzin Pullum, City Attorney; April Jackson, City Secretary; Christophe Trahan, EDC Director; Andrew Sibai, Finance Director; Shannon Davis, Fire Chief; Lisa Cariker, Human Resource Director; Ana Sanchez, Library Director; Patsy Smith, Parks & Recreation Director; Susan Davis, Planning Tech; Mark Harcrow, Police Chief; Kevin Olson, PW Director; Jason Shelton, Utilities Supervisor; Cassie Boyd, Tourism Marketing Manager

WORK SESSION

With a quorum present, Mayor Pro Tem Clark called the work session to order at 3:31 p.m.

1. Discuss water utility options from KSA. Kevin Olson, PW Director

   Jeremy Orr and Chris Aylor from KSA Engineers Inc. discussed rehabbing existing wells, constructing two new wells, and having a raw water reservoir with a 30-day supply as options for a redundant water system. The cost estimate for a raw water reservoir with a 30-day supply is $30,435,930.00. The cost estimate for constructing a well at each proposed location is $3,616,780.00 for each well, excluding the cost of electrical service and SCADA improvements. The cost estimate for rehabilitating the existing wells, Well 3A and Well 4, is $1,475,950.00 for each well, excluding the cost of electrical service and SCADA improvements.

2. Discuss the Water Master Plan from Freese and Nichols, Inc. Kevin Olson, PW Director

   Mazen Kawasmi and Nicholas McCormick of Freese and Nichols, Inc., provided an overview of the Water and Wastewater Plan's updates.

3. Discuss expanding Palestine Municipal Airport hangars and taxiways. Kevin Olson, PW Director

   PW Director Kevin Olson reported to Council that there was interest in constructing four new hangars at the Palestine Municipal Airport. Staff presented a map of potential sites for constructing the new hangars utilizing the existing water line. Mr. Olson informed Council that the City would receive $8,400.00 per service under the Oncor

Electric State Grant Program and requested approval to conduct a detailed drainage study prior to construction.

4. Discussion regarding boards, commissions, and committees appointments: Palestine Economic Development Corporation and other board appointments. Chris Gibbs, Council Member

   Council discussed filling the unexpired terms of the Economic Development Corporation's Board of Directors. EDC Director Christophe Trahan confirmed that there are no term limits for the Economic Development Corporation. Staff informed Council that Ben Campbell had submitted a letter of resignation, leaving a vacancy to fill. Mayor Jordan committed to reappointing Dan Bochsler and Kim Willmott at the next City Council meeting.

5. Discussion on Extraterritorial Jurisdiction (ETJ) – Clarification of Process and Consideration of Dissolution. Rezzin Pullum, City Attorney

   City Attorney Rezzin Pullum gave a presentation regarding the extraterritorial jurisdiction release process and the impact of Senate Bill 2038.

   With no other business to come before Council, the work session was adjourned at 5:32 p.m.

REGULAR MEETING

A. **CALL TO ORDER**

Mayor Jordan called the Regular Meeting to order at 5:42 p.m.

B. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Chief Joe Tinsley with Elkhart I.S.D. and was followed by the Pledge of Allegiance.

C. **PROPOSED CHANGES OF AGENDA ITEMS**

Council Member Ava Harmon requested that item G7 be pulled from the Consent Agenda to the Regular Agenda.

D. **PUBLIC RECOGNITION, PUBLIC COMMENTS, AND ANNOUNCEMENTS**

Laura Munoz discussed a video of herself allegedly being distributed by a member of the City Council.

1. Certificate of Achievement for the Fiscal Year 2022 Annual Comprehensive Financial Report. Andrew Sibai, Finance Director

   Finance Director Andrew Sibai presented the Fiscal Year 2022 Annual Comprehensive Financial Report to the Finance and Municipal Court Department.

2. Recognition of the Visitor Center. Mitchell Jordan, Mayor

Mayor Jordan read aloud a letter from Elkhart I.S.D. thanking the City of Palestine for donating solar eclipse glasses. Mr. Jordan recognized Tourism Marketing Manager Cassie Boyd and City staff for assisting Elkhart I.S.D.

E. CONFLICT OF INTEREST DISCLOSURES

No action was taken.

F. CITY MANAGER'S REPORT

Police Chief Mark Harcrow presented the 2023 Racial Profiling Report, which Council Member Smith requested a copy of. Chief Harcrow also spoke about the Police Department's community programs.

City Manager Herrera informed that department directors were present to address questions from Council regarding reports.

The following departmental reports were provided:

1. March 2024 Police Monthly Report
2. March/April 2024 Economic Development Monthly Report

G. CONSENT AGENDA

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by the Mayor or a Council Member, in which event those items will be pulled for separate consideration. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

1. Consider approval of minutes of the Work Session and Regular Agenda of April 8, 2024. April Jackson, City Secretary
2. Consider approval of a resolution for the Texas Community Development Block Grant No. CDV23-0354 and reaffirming adopted local Fair Housing and Civil Rights Policies, including the Citizen Participation Plan, the Excessive Force Policy, the Fair Housing Policy and Public Service Announcement, the Fair Housing Month Proclamation, the Section 504 Policy and Section 504 Self-Evaluation Form, the Code of Conduct Policy, and the Violence Against Women Act. Teresa Herrera, City Manager **(Resolution No. R-21-24)**
3. Consider approval of a resolution adopting the Financial Policies and Procedures for Federal Grant Contracts as needed for applying for a GLO Resilient Communities Program (RDP) grant. Teresa Herrera, City Manager **(Resolution No. R-22-24)**
4. Consider approval of a resolution adopting the Procurement Policies and Procedures for Federal Grant Contracts as needed for applying for a GLO Resilient Communities Program (RCP) grant. Teresa Herrera, City Manager **(Resolution No. R-23-24)**
5. Consider approval of the City of Palestine Farmers' Market Agreement between the City of Palestine and April and Roger Shaner. Teresa Herrera, City Manager
6. Consider approval of expenditures over $25,000.00. Andrew Sibai, Finance Director
7. Consider approval of engineering services at the Palestine Municipal Airport. Kevin Olson, PW Director (Item moved to the Consent Agenda)
8. Consider authorizing the City Manager to seek sealed bids for annual sludge removal at the Water Treatment Plant. Kevin Olson, PW Director

9. Consider approval of a revised contract with ETEX for phone and fiber services for a 48-month term in the amount of $7,396.90 monthly. Andrew Sibai, Finance Director

10. Consider approval of an ordinance amending the Fiscal Year 2023-2024 budget by appropriating and setting aside the necessary funds for additional expenditures for the Palestine Economic Development Corporation in the amount of $140,000.00. Andrew Sibai, Finance Director **(Ordinance No. O-10-24)**

Motion by Council Member Ava Harmon, seconded by Mayor Pro Tem Krissy Clark to approve the Consent Agenda as presented, excluding Item G7, adopting **Resolution No. R-21-24**, **Resolution No. R-22-24**, **Resolution No. R-23-24**, and **Ordinance No. O-10-24**.

Vote: 7 - 0 - Unanimously

H. **REGULAR AGENDA**

Consider approval of engineering services at the Palestine Municipal Airport. Kevin Olson, PW Director (Item moved from the Consent Agenda)

PW Director Kevin Olson confirmed that the agenda item was to request approval to solicit quotes and engineering services. Staff will provide Council with the quoted amount and the contract for engineering services for approval.

Motion by Council Member Ava Harmon, seconded by Mayor Pro Tem Krissy Clark to authorize City staff to seek sealed bids for engineering services at the Palestine Municipal Airport for building hangars.

Vote: 7 - 0 - Unanimously

1. Traylor & Associates Section 3 Presentation - Overview of Texas Community Development Block Grant (TxCDBG) requirements related to Section 3 of the Housing and Urban Development Act of 1968 for Grant Number CDV23-0354.

John Besterio of Traylor & Associates gave a presentation regarding an overview of Texas Community Development Block Grant (TxCDBG) requirements related to Section 3 of the Housing and Urban Development Act of 1968 for Grant Number CDV23-0354.

No action was required.

2. Discussion and possible action regarding a Downtown Grant Agreement between the Palestine Economic Development Corporation and The Historic Palestine Event Center in an amount not to exceed $37,125.00. Christophe Trahan, EDC Director

EDC Director Christophe Trahan requested approval of a Downtown Grant Agreement between the Palestine Economic Development Corporation and the Historic Palestine Event Center for an amount not to exceed $37,125.00 for the replacement of an HVAC system.

Motion by Mayor Mitchell Jordan, seconded by Council Member Christopher Gibbs to approve the item as presented.

Vote: 7 - 0 - Unanimously

3. Discussion and possible action regarding a Downtown Grant Agreement between the Palestine Economic Development Corporation and Palestine Community Theater, Inc. in an amount not to exceed $60,000.00. Christophe Trahan, EDC Director

EDC Director Christophe Trahan requested approval of a Downtown Grant Agreement between the Palestine Economic Development Corporation and the Palestine Community Theater, Inc. for an amount not to exceed $60,000.00 for the replacement of an HVAC system.

Motion by Council Member Christopher Gibbs, seconded by Mayor Mitchell Jordan to approve the item as presented.

Vote: 7 - 0 - Unanimously

I. MAYOR'S REPORT

Mayor Jordan spoke concerning the following: early voting for the District 5 General Election, the Palestine Community Theater production of Sister Act, and the upcoming Soap Box Derby.

J. ITEMS FROM COUNCIL

Council Member Davidson apologized for missing the Work Session and being tardy to the Regular Meeting due to handling an issue in the Westwood area.

Council Member Smith discussed attending a We Care program on April 21, 2024, and the Upper Lake Trail. Mr. Smith addressed a newspaper article regarding City Council's deliberation of the specific use permit request from Ordonez Groceries.

Council Member Harmon thanked Police Chief Mark Harcrow and the Police Department for handling an ongoing issue in District 2. Ms. Harmon also acknowledged Planning Tech Susan Davis and the Building and Standards Commission for addressing a long-standing substandard structure in District 2.

Mayor Pro Tem Clark spoke about Community Mpact's contribution to A.M. Story Intermediate School and the renovation and ribbon-cutting ceremony of Upper Lake Trail. Ms. Clark notified the Police Department of complaints from residents of District 5 of drivers exceeding the speed limit on Park Avenue.

Mayor Jordan also spoke regarding the Westwood I.S.D. Dream Catchers event and the Huey Helicopter Project.

K. CLOSED SESSION

Mayor Jordan announced that Council would go into Closed Session pursuant to Texas Government Code, Chapter 551, Subchapter D. The time was 6:33 p.m.

1. Section 551.071 consultation with an attorney: pending or contemplated litigation or a settlement offer: Palestine Municipal Airport, Union Pacific Railroad, Laza, Humber, and legal advice contract negotiations for trash services.

L. **RECONVENE IN REGULAR SESSION**

Mayor Jordan reconvened Council into open session at 7:20 p.m.

1. Take any action necessary regarding consultation with an attorney: pending or contemplated litigation or a settlement offer: Palestine Municipal Airport, Union Pacific Railroad, Laza, Humber, and legal advice contract negotiations for trash services.

   City Council authorized the City Manager to negotiate with Waste Connection regarding the contract for trash services for the City of Palestine.

M. **ADJOURNMENT**

With no other business to come before Council, the meeting was adjourned at 7:25 p.m.

PASSED AND APPROVED THIS 28TH DAY OF MAY 2024.

_____
Mitchell Jordan, Mayor

ATTEST:

_____
April Jackson, City Secretary

D R A F T

MINUTES

The City Council of the City of Palestine convened for a regular meeting on May 13, 2024, at 4:30 p.m. for the Work Session and at 5:30 p.m. for the Regular Meeting in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following members present:

Present:	Mitchell Jordan, Mayor; Ava Harmon, Mayor Pro Tem; Sean Conner, Council Member; James Smith, Council Member; Kenneth Davidson, Council Member; Angela Woodard, Council Member; Christopher Gibbs, Council Member
Also Present:	Teresa Herrera, City Manager; Rezzin Pullum, City Attorney; April Jackson, City Secretary; Christophe Trahan, EDC Director; Andrew Sibai, Finance Director; Shannon Davis, Fire Chief; Lisa Cariker, Human Resource Director; Ana Sanchez, Library Director; Patsy Smith, Parks & Recreation Director; Susan Davis, Planning Tech; Mark Harcrow, Police Chief; Kevin Olson, PW Director; Jason Shelton, Utilities Supervisor; Cassie Ham, Tourism Marketing Manager

WORK SESSION

With a quorum present, Mayor Jordan called the work session to order at 4:33 p.m.

1. Discuss city parades. Christopher Gibbs, Council Member

   Council Member Gibbs requested the item be removed from the Work Session.

2. Discuss the creation of a music and arts festival. Mitchell Jordan, Mayor

   Mayor Jordan proposed creating a music and arts festival to promote tourism in the downtown area. Council discussed potential conflicts with current festivals and events of the Dogwood Arts Council. Tourism Marketing Manager Cassie Ham addressed the challenges faced by City staff in holding the proposed event with a limited workforce. Ms. Ham informed Council of the 15% limit on Hotel Occupancy Tax Revenue for arts and culture funding. She encouraged local business owners to notify her about their events being held for promotion by the Tourism Department. Council directed staff to complete additional research regarding hosting arts and music festivals.

3. Discuss high-water drainage issues on Larry Street and Victory Street. James Smith, Council Member

   Council Member Smith discussed high-water drainage issues at the intersection of Larry Street and Victory Street. To evaluate drainage concerns, Mr. Smith will meet with the City Manager, Teresa Herrera, and the Public Works Director, Kevin Olson.

   With no other business to come before Council, the Work Session was adjourned at 5:08 p.m.

REGULAR MEETING

A. **CALL TO ORDER**

Mayor Jordan called the Regular Meeting to order at 5:31 p.m.

B. **INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Council Member Christopher Gibbs and was followed by the Pledge of Allegiance.

C. **PROPOSED CHANGES OF AGENDA ITEMS**

There were no proposed changes to agenda items.

D. **PUBLIC RECOGNITION, PUBLIC COMMENTS, AND ANNOUNCEMENTS**

Elaine Triplett expressed appreciation to City Council and welcomed newly elected City Council Member Angela Woodard.

1. Public recognition of the Cinco de Mayo Festival. Mitchell Jordan, Mayor

Mayor Mitchell Jordan recognized the following volunteers who assisted with facilitating the Cinco de Mayo Celebration held on May 2024: Luis Giron, Sofia Ontiveros, Mar Hernandez, Jorge Serralde, Stephanie Wickware, Anita Ruiz, Maritza Hernandez, Daniel Nunez, Willis Hunt, Pedro Ontiveros, and Eva Roman.

2. Mental Health Month Proclamation. Mitchell Jordan, Mayor

Mayor Jordan spoke about mental health and read the Mental Health Month Proclamation aloud.

3. Kids to Parks Day Proclamation. Patsy Smith, Parks and Recreation Director

Mayor Jordan read the Kids to Parks Day Proclamation aloud, which was received by Parks and Recreation Director Patsy Smith.

E. **CONFLICT OF INTEREST DISCLOSURES**

No action was taken.

F. **CONSIDER ADOPTING A RESOLUTION CANVASSING RETURNS OF A GENERAL ELECTION HELD ON MAY 4, 2024; DECLARING THE RESULTS OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. APRIL JACKSON, CITY SECRETARY (RESOLUTION NO. R-24-24)**

Mayor Jordan and Council conducted the official canvass for the May 4, 2024, general election.

Motion by Council Member Sean Conner, seconded by Mayor Pro Tem Ava Harmon to approve Resolution No. R-24-24, adopting canvassing returns of a general election held on May 4, 2024, with the following results:

Member of City Council District 5	Early Voting and Mail-In	Election Day	Provisional	Totals	Percentage
Krissy Clark	59	26	85	0	45.455%
Angela Woodard	83	19	102	0	54.545%
Totals	142	45	187	0	100.0%

Vote: 6 - 0 - Unanimously

G. **OATH OF OFFICE FOR NEWLY ELECTED OFFICIAL**

Sean Conner, James Smith, and Angela Woodard recited the Oath of Officer, given by Honorable Judge James Todd.

H. **ELECTION OF MAYOR PRO TEM**

Motion by Council Member Sean Conner, seconded by Council Member Kenneth Davidson to appoint Council Member Christopher Gibbs as Mayor Pro Tem.

Motion by Council Member James Smith, seconded by Council Member Angela Woodard to appoint Council Member Ava Harmon as Mayor Pro Tem.

Upon roll call, Council Member Ava Harmon was appointed as Mayor Pro Tem as follows:

Mayor Mitchell Jordan - Harmon
Council Member Sean Conner - Gibbs
Council Member Ava Harmon - Harmon
Council Member James Smith - Harmon
Council Member Kenneth Davidson - Gibbs
Council Member Angela Woodard - Harmon
Council Member Christopher Gibbs - Gibbs

I. **CITY MANAGER'S REPORT**

City Manager Teresa Herrera reported on the deadline for Hotel Occupancy Tax Grant Applications; the closure of City offices in observance of Memorial Day, May 27, 2024; the City Council meeting scheduled on Tuesday, May 28, 2024; Family Fish Day; the Steven Bennett Aquatic Center opening date; and resident pool passes.

Ms. Herrera informed Council that Walmart Supercenter in Palestine had placed a community recycling unit in their parking lot and to contact the store for additional information.

City Manager Herrera informed that department directors were present to address questions from Council regarding reports.

The following departmental reports were provided:

1. March 2024 Financial Statement
2. April 2024 Development Services Monthly Report
3. April 2024 Fire Monthly Report
4. April 2024 Library Monthly Report
5. April 2024 Parks and Recreation Department/Facility Maintenance Monthly Report
6. April 2024 Public Works Monthly Report
7. April 2024 Utility Billing Monthly Report

J. **BOARD APPOINTMENTS**

1. Consider the appointment of Firouz Haghighi to Place 3, replacing Suzanne Eiben, with a term to expire on December 31, 2025, and Veer Patel to vacant Place 5, with a term to expire on December 31, 2024, to the Economic Development Corporation. Mitchell Jordan, Mayor

   Motion by Mayor Pro Tem Ava Harmon, seconded by Council Member James Smith to approve the item as presented.

   Vote: 7 - 0 - Unanimously

2. Consider the reappointment of Dan Bochsler to Place 1 and Kim Willmott to Place 2 with a term to expire on December 31, 2025, to the Economic Development Corporation. Mitchell Jordan, Mayor

   Motion by Council Member Christopher Gibbs, seconded by Mayor Mitchell Jordan to approve the item as presented.

   Vote: 7 - 0 - Unanimously

3. Consider the reappointment of Jon Gardner to Place 3 and the appointment of Rhonda Herrington to Place 5, replacing Julie Abston with a term to expire on September 30, 2025, to the Historic Landmarks Commission. Mitchell Jordan, Mayor

   Motion by Council Member Christopher Gibbs, seconded by Mayor Mitchell Jordan to approve the item as presented.

   Vote: 7 - 0 - Unanimously

4. Consider the reappointment of Jacob Wheeler to Place 3 with a term to expire on September 30, 2025, to the Parks Advisory Board. Mitchell Jordan, Mayor

   Motion by Council Member Sean Conner, seconded by Council Member Christopher Gibbs to approve the item as presented.

   Vote: 7 - 0 - Unanimously

5. Consider the reappointment of Daniel Hennessee to Place 1, Michael Nichols to Place 2, and the appointment of Cristy Buckner to Place 3, replacing Susan Rand with a term to expire on September 30, 2025, to the Tourism Advisory Board. Mitchell Jordan, Mayor

Motion by Mayor Pro Tem Ava Harmon, seconded by Mayor Mitchell Jordan to approve the item as presented.

Vote: 7 - 0 - Unanimously

K. **CONSENT AGENDA**

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by the Mayor or a Council Member, in which event those items will be pulled for separate consideration. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

1. Consider approval of an ordinance amending the Fiscal Year 2023-2024 Budget by appropriating and setting aside the necessary funds for additional expenditures for wayfinding signage in the amount of $496,152.56. Cassie Ham, Tourism Marketing Manager **(Ordinance No. O-11-24)**
2. Consider approval of a purchase order for airport consulting services at the Palestine Municipal Airport to Jeffcoat Consulting in an amount not to exceed $60,000.00. Teresa Herrera, City Manager
3. Consider approval of the sale of a 2016 Ford Interceptor SUV to Oakwood Independent School District. Mark Harcrow, Police Chief
4. Consider approval of expenditures over $25,000.00. Andrew Sibai, Finance Director
5. Consider awarding bid RFP 2024-007- Bank Depository Services to Prosperity Bank for a three-year term. Andrew Sibai, Finance Director
6. Consider approval of surplus items and equipment to be auctioned. Andrew Sibai, Finance Director
7. Consider amending the City's Certification Pay List to add On-site Sewage System (OSSF)/Designated Representative License (DR). Teresa Herrera, City Manager
8. Consider authorizing the City Manager to seek sealed bids for sewer line replacement from E. Crawford Street to Kroger parking lot. Kevin Olson, PW Director
9. Consider authorizing the City Manager to accept the purchase of 1 Yaskawa Model Z1B1361PMBRTL 300 HP, 480V, 361A from Trane Technologies for the Raw Water Pump Station in the amount of $49,240.00. Kevin Olson, PW Director
10. Consider authorizing the City Manager to accept a quote through buy board for a new 300 HP Motor for Raw Water/Vertical Turbine and installation for Motor #3 at the Water Treatment Plant from Smith Pump Company, Inc. in the amount of $31,479.00. Kevin Olson, PW Director

Motion by Council Member Christopher Gibbs, seconded by Mayor Pro Tem Ava Harmon to approve the Consent Agenda as presented, adopting **Ordinance No. O-11-24**.

Vote: 7 - 0 - Unanimously

L. **REGULAR AGENDA**

1. Discussion and possible action regarding the final plat for the Overlook Apartments Addition for approval of a 60-foot right-of-way dedication of Overlook Way and Road Dedication Deed Without Warranty. Susan Davis, Planning Tech

   Planning Tech Susan Davis notified Council about the history of the plat. Ms. Davis informed Council that roadway dedication to the City of Palestine required approval by the Planning and Zoning Commission and City Council. The Planning and Zoning Commission unanimously approved the plat by a vote of 4-0 on May 2, 2024. Staff requested approval of the final plat for the Overlook Apartment Addition for approval of a 60-foot right-way dedication and road dedication deed.

   Motion by Mayor Pro Tem Ava Harmon, seconded by Council Member Christopher Gibbs to approve the item as presented.

   Vote: 7 - 0 - Unanimously

2. Discussion and possible action regarding a proclamation proclaiming June as Fair Housing Month in the City of Palestine, Texas. Teresa Herrera, City Manager

   Mayor Pro Tem Harmon read aloud the Fair Housing Month Proclamation required by the Texas Department of Agriculture for grant procurement.

   Motion by Council Member Sean Conner, seconded by Mayor Mitchell Jordan to accept June as Fair Housing Month in the City of Palestine.

   Vote: 7 - 0 - Unanimously

3. Discussion and possible action regarding a resolution authorizing the appointment of a City representative to the Anderson County Central Appraisal District Board of Directors to fill the 2024-2025 unexpired term. Teresa Herrera, City Manager

   City Manager Herrera requested that Council appoint a City representative to the Anderson County Central Appraisal District Board of Directors to fill Krissy Clark's unexpired term from 2024-2025.

   Motion by Mayor Mitchell Jordan, seconded by Mayor Pro Tem Ava Harmon to appoint Christopher Gibbs as City representative to the Anderson County Central Appraisal District Board of Directors to fill the 2024-2025 unexpired term.

   Vote: 7 - 0 - Unanimously

4. Discussion and possible action regarding high water drainage issues on Larry Street and Victory Street. James Smith, Council Member

   Council Member Smith requested assistance to address high-water drainage issues on Larry and Victory Streets. Mr. Smith will discuss these issues with the City Manager and Public Works Director to evaluate concerns regarding high-water drainage issues.

M. **MAYOR'S REPORT**

Mayor Jordan spoke about severe weather preparedness, mental health awareness, and the City-Wide Barbecue, which will be held on July 6, 2024, hosted by LEAD.

N. **ITEMS FROM COUNCIL**

Council Member Conner thanked Krissy Clark for serving on City Council and congratulated newly elected Council Member Angela Woodard.

Council Member Smith acknowledged Krissy Clark for service on City Council and newly elected Council Member Angela Woodard. Mr. Smith also discussed the Palestine High School Baccalaureate, the Planning and Zoning Commission's approval of the placement of a manufactured home on North Esplanade Street, and the Mt. Vernon A.M.E. fundraiser event.
Council Member Woodard expressed gratitude to all who voted for election to District 5 and recognized Krissy Clark for her service.

Council Member Gibbs expressed appreciation to Krissy Clark for years of service on City Council and congratulated Council Member Woodard. Mr. Gibbs also spoke regarding road safety and pothole maintenance. He acknowledged the local churches that participated in the National Day of Prayer and encouraged everyone to honor our veterans and those serving the community on Memorial Day.

Mayor Jordan congratulated all graduating seniors in Anderson County and spoke about donating to the Huey Helicopter Project.

O. **CLOSED SESSION**

Mayor Jordan announced that Council would go into Closed Session pursuant to Texas Government Code, Chapter 551, Subchapter D. The time was 6:28 p.m.

1. Section 551.071 consultation with attorney: legal advice contract negotiations for trash services.

P. **RECONVENE IN REGULAR SESSION**

Mayor Jordan reconvened Council into open session at 7:02 p.m.

1. Take any action necessary regarding consultation with an attorney: legal advice contract negotiations for trash services.

No action was taken.

Q. **ADJOURNMENT**

With no other business to come before Council, the meeting was adjourned at 7:02 p.m.

PASSED AND APPROVED THIS 28TH DAY OF MAY 2024.

_____
Mitchell Jordan, Mayor

ATTEST:

_____
April Jackson, City Secretary

Agenda Date:	May 28, 2024
To:	City Council
From:	Andrew Sibai, Finance Director
Agenda Item:	Consider approval of Annual Comprehensive Financial Report for Fiscal Year 2022-2023
Date Submitted:	05/23/2024

SUMMARY:

Consider approval of the Fiscal Year 2023 Annual Comprehensive Financial Report and Single Audit Report for the City of Palestine.

RECOMMENDED ACTION:

Staff recommends approval as presented.

CITY MANAGER APPROVAL:

Agenda Date:	May 28, 2024
To:	City Council
From:	Chris Mahoney, Accountant
Agenda Item:	25K Checks
Date Submitted:	05/21/2024

SUMMARY:

The current purchasing policy requires City Council approval for expenditures over $25,000. The following expenditures have been reviewed and approved by Department Head(s) and City Manager:

1. Hahn Equipment Co , Inc- $62,914.00
2. Mcguffy Asphalt, Paving & Dirt Construction- $154,480.00
3. Tegrity Contractors, Inc.-$110,495.56
4. Hahn Equipment Co , Inc-$28,399.00
5. Mcguffy Asphalt, Paving & Dirt Construction-$73,935.00
6. Schaumburg & Polk Inc.-$28920.00

RECOMMENDED ACTION:

Review and approve invoices as presented.

CITY MANAGER APPROVAL:

Attachments

25K Checks

CITY OF PALESTINE **207583**

VENDOR: 0105179 HAHN EQUIPMENT CO, INC. 05/16/2024

DATE	INVOICE #	PO #	DESCRIPTION	AMOUNT
3/28/2024	118324	23-4737	New pumps and controls for Crestline Lift Station	59,516.00
4/30/2024	118645		(2) MPE SC 1000 CONTROLLERS FOR BACKUP'S (L.S.)	3,398.00

CHECK TOTAL 62,914.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

City of Palestine
504 Queen St
Palestine, TX 75801
General Operating Account

PROSPERITY BANK
1015 North Church Street
Palestine, Texas 75801

CHECK # **207583**
113122655

CHECK DATE	PAY THIS AMOUNT
05/16/2024	$62,914.00

Void after 90 days

PAY ---Sixty Two Thousand Nine Hundred Fourteen Dollars and 00/100 Cents---

TO THE ORDER OF HAHN EQUIPMENT CO, INC.
5636 KANSAS ST.
HOUSTON, TX 77007

INVOICE

INVOICE NO.	PAGE
118324	2
INVOICE DATE	
03/28/24	

HAHN EQUIPMENT CO., INC.
5636 KANSAS
HOUSTON, TX 77007
(713) 868-3255 FAX: 713-868-9725

SOLD TO

CITY OF PALESTINE
Acctclerk@Palestine-TX.org
504 N QUEEN ST

PALESTINE, TX 75801
US

CITY OF PALESTINE CRESTLINE

PALESTINE, TX 75801
US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SLSMN	PURCHASE ORD. NO.	JOB NUMBER	SHIP VIA	COL/PPD
4924896	12/14/23	B10074	01	8	23-4737	CP-3840	HAHN EQUIPMENT	

QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION	UNIT PRICE	UOM DISC.	NET PRICE

Q#170113AD

Serial No. 24-0274

PAYMENT AUTHORIZATION (BAN 05/10/2024

PO # 23-4737 Partial ☐ Complete ☒

Acct #: 610-581-54313 $ 59,516.00

Acct #: _____ $ _____

Acct #: _____ $ _____

Describe: New Pumps, Controls, accesories for Pumps @ Crestline Lift station

DPT DIR: _____ ☐: 5-13-24

FINC DIR: _____ ☐: _____

CTY MNR: _____ ☐: _____

COMMENTS:

FINAL INVOICE FOR THIS PROJECT
03/27/2024: MH
03/28/2024:AH

TERMS:

NET 30 DAYS

SALE AMOUNT	59,516.00
MISC. CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	59,516.00
AMOUNT RECEIVED	.00
BALANCE DUE	59,516.00

INVOICE

INVOICE NO.	PAGE
118324	1
INVOICE DATE	
03/28/24	

HAHN EQUIPMENT CO., INC.
5636 KANSAS
HOUSTON, TX 77007
(713) 868-3255 FAX: 713-868-9725

RECEIVED
MAY 07 2024
BY:

SOLD TO

CITY OF PALESTINE
Acctclerk@Palestine-TX.org
504 N QUEEN ST

PALESTINE, TX 75801
US

SHIP TO

CITY OF PALESTINE CRESTLINE

PALESTINE, TX 75801
US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SLSMN	PURCHASE ORD. NO.	JOB NUMBER	SHIP VIA	COL/PPD
4924896	12/14/23	B10074	01	8	CRESTLINE 23-4737	L.S. CP-3840	HAHN EQUIPMENT	

QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION	UNIT PRICE	UOM DISC.	NET PRICE
2.0000	2.0000	0031020600440 NX256-3 6.5/230/3 50' FLS		EA	
Serial No. 060-2410061		060-2410062			
2.0000	2.0000	O/M. OPERATION & MAINTENANCE MANUAL		EA	
2.0000	2.0000	MT-N-3 NIPPLE CLOSED 3"		EA	
Lot No. 9		2.00			
2.0000	2.0000	MT-S-90-3 SPRINKLER 3" 90 ELBOW		EA	
Lot No. 18		2.00			
40.0000	40.0000	SSCH-5/16 5/16" LIFTING CHAIN 2-20' SECTIONALS		EA	
Lot No. 18		40.00			
2.0000	2.0000	4318400XHB STAND, SMALL "CS" 3085 - 3127		EA	
2.0000	2.0000	S40NO ROTO FLOAT WITH 40 FT. CABLE		EA	
Lot No. 12		2.00			
2.0000	2.0000	SS3/8SHACKLE 3/8" SHACKLE		EA	
Lot No. 8		2.00			
1.0000	1.0000	HEC-X5927 DUPLEX 4X 304SS		EA	

	COMMENTS:		
		SALE AMOUNT	
		MISC. CHARGES	
		FREIGHT	
		SALES TAX	
		TOTAL	
	TERMS:	AMOUNT RECEIVED	
		BALANCE DUE	

CITY OF PALESTINE
504 North Queen Street
Palestine, TX 75801

PURCHASE ORDER

PO Number: 23-4737 **Date:** 09/28/2023

Requisition #: 23-4855 **Vendor #:** 0105179

ISSUED TO: HAHN EQUIPMENT CO, INC.
5636 KANSAS ST.
HOUSTON, TX 77007

SHIP TO: PUBLIC WORKS
KIMBERLY BECKMAN
Palestine, TX 75801

ITEM	UNITS	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	0	FLYGT MODEL NP 3102SH,3"DISCHARGE, ELECTRIC SUBMER	610-581-54313		0.00	22,012.00
2	0	90° FLANGED ELBOWS WITH 3" FEMALE NTP THREADS LOOK	610-581-54313		0.00	632.00
3	0	STAND FOR NP 3102 PUMPS	610-581-54313		0.00	699.00
4	0	ABB ACQ580-01-017A-2 VFD'S INSTALLED IN PANEL FOR	610-581-54313		0.00	2,549.00
5	0	FLYGT MULTISMART 3PC PLUS WITH 10' HMI TOUCHSCREEN	610-581-54313		0.00	9,999.00
6	0	NEMA 4X SS DUPLEX PANEL,TRANSDUCER AND BACK UP FLO	610-581-54313		0.00	20,356.00
7	0	INSTALL/ INTEGRATION INTO PUMP2IT SCADA	610-581-54313		0.00	3,269.00

SUBTOTAL:	59,516.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	59,516.00

City Manager

Finance Director

Purchasing Agent

1. Original invoice with remittance slip must be sent to: City of Palestine, 504 North Queen Street, Palestine, TX 75801.
2. Payment may be expected within 30 days of receipt of goods and invoice.
3. C.O.D. shipment will not be accepted.
4. Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
5. All goods are to be shipped F.O.B. Destination unless otherwise stated.
6. All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
7. All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
8. Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
9. Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
10. The City is exempt from all federal excise and state tax – ID# 75-6000632

INVOICE

INVOICE NO.	PAGE
118645	1
INVOICE DATE	
04/30/24	

HAHN EQUIPMENT CO., INC.
5636 KANSAS
HOUSTON, TX 77007
(713) 868-3255 FAX: 713-868-9725

RECEIVED
MAY 02 2024
BY

SOLD TO

CITY OF PALESTINE
504 N QUEEN ST
Acctclerk@Palestine-TX.org

PALESTINE, TX 75801
US

SHIP TO

CITY OF PALESTINE
STOCK / SYCAMORE
WWTP
504 N QUEEN ST
PALESTINE, TX 75801
US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SLSMN	PURCHASE ORD. NO.	JOB NUMBER	SHIP VIA	COL/PPD
492500	8 12/28/2	31007472	01	8	VERBAL BEN		HAHN EQUIPMENT	

QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION	UNIT PRICE	UOM DISC.	NET PRICE
2.0000	2.0000	SC1000-E SC1000-E CONTROLLER 2.00	1,699.0000EA		3,398.00

Lot No. WILL CALL

PAYMENT AUTHORIZATION (BAD 05/10/2024

PO # _____ Partial ☐ Complete ☐

Acct #: 610-581-54313 $ 3,398.00

Acct #: _____ $ _____

Acct #: _____ $ _____

Describe: (2) MPE SC1000 controllers for backup's (Lift Stations)

DPT DIR: _____ ☐: 5-13-24

FINC DIR: _____ ☐: 05/15/2024

CTY MNR: _____ ☐: _____

COMMENTS:

HEC MAX 03/27/2024
BH 04/30/2024

TERMS:
NET 30 DAYS

SALE AMOUNT	3,398.00
MISC. CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	3,398.00
AMOUNT RECEIVED	.00
BALANCE DUE	3,398.00

CITY OF PALESTINE **207584**

VENDOR: 0105085 MCGUFFY ASPHALT, PAVING & DIRT CONSTRUCTION,INC 05/16/2024

DATE	INVOICE #	PO #	DESCRIPTION	AMOUNT
5/13/2024	6213	23-4722	Asphalt Replacement on 6 Streets	33,980.00
5/13/2024	6214	23-4720	Asphalt Replacement on 14 Streets	17,820.00
5/13/2024	6215	23-4722	Asphalt Replacement on 6 Streets	102,680.00

CHECK TOTAL 154,480.00

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City of Palestine
504 Queen St
Palestine, TX 75801
General Operating Account

PROSPERITY BANK
1015 North Church Street
Palestine, Texas 75801

CHECK # **207584**
113122655

CHECK DATE	PAY THIS AMOUNT
05/16/2024	$154,480.00

Void after 90 days

PAY ---One Hundred Fifty Four Thousand Four Hundred Eighty Dollars and 00/100 Cents---

TO THE ORDER OF MCGUFFY ASPHALT, PAVING & DIRT CONSTRUCTION,INC
PO BOX 1104
FRANKSTON, TX 75763

McGuffey Contracting Inc.

10887 FM 19 / PO Box 1104

Frankston, TX 75763

903-922-2886

Invoice: 6213 **5/13/2024**

To: City of Palestine

Services Completed:

Re-Surfacing: S Sylvan Ave (Gay Ave to Sandy Ln to Rock Creek Ave)

- Removed old asphalt and oil sand.
- Repaired areas where base failures had occurred.
- Over laid with 2.5 inches of type d hot-mix compacted to 2 inches.

Total for all labor and materials **$33,980.00**

Please make checks payable to McGuffey Contracting Inc. & mail to

PO Box 1104

Frankston, TX 75763

PAYMENT AUTHORIZATION

PO # 23-4722 Partial ☑ Complete ☐

Acct #: 010-520-5420 $ 33,980.00

Acct #: $

Acct #: $

Describe: Asphalt S. Sylvan St. Gay to Rockcreek

DPT DIR: ☐: 5-14-24

FINC DIR: ☐:

CTY MNR: ☐:

McGuffey Contracting Inc.

10887 FM 19 / PO Box 1104

Frankston, TX 75763

903-922-2886

Invoice: 6215 **5/13/2024**

To: City of Palestine

Services Completed:

Re-Surfacing: Clearview Drive (Parkcrest Dr to Ridgewood Dr)

- Removed old asphalt and oil sand.
- Repaired areas where base failures had occurred.
- Over laid with 2.5 inches of type d hot-mix compacted to 2 inches.

Total for all labor and materials **$102,680.00**

Please make checks payable to McGuffey Contracting Inc. & mail to

PO Box 1104

Frankston, TX 75763

PAYMENT AUTHORIZATION

PO # 23-4722 Partial ☐ Complete ☑

Acct #: 010-520-54020 $ 102,680.00

Acct #: $

Acct #: $

Describe: Asphalt. Clearview Dr. / Parkcrest to Ridgewood

DPT DIR: ☐: 5-14-24

FINC DIR: ☐:

CTY MNR: ☐:

CITY OF PALESTINE
504 North Queen Street
Palestine, TX 75801

PURCHASE ORDER

PO Number: 23-4722 **Date:** 09/18/2023

Requisition #: 23-4823 **Vendor #:** 0105085

ISSUED TO: MCGUFFY ASPHALT, PAVING & DIRT CONSTRUCTION,INC
PO BOX 1104
FRANKSTON, TX 75763

SHIP TO: PUBLIC WORKS
KIMBERLY BECKMAN
Palestine, TX 75801

ITEM	UNITS DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	0 GAY AVE (CROCKETT RD TO S. SYLVAN	010-520-54020	144-STREET	0.00	87,720.00
2	0 SYLVAN AVE (GAY AVE TO SANDY LN TO ROCK CREEK AVE	010-520-54020	088-STREET	0.00	33,980.00
3	0 CLEARVIEW DR (PARKCREST DR TO RIDGEWOOD DR)	010-520-54020	172-STREET	0.00	102,680.00
4	0 INDIAN CREEK DR (FOREST DR TO HMAILTON RD)	010-520-54020	173-STREET	0.00	67,940.00
5	0 7TH ST (W OAK TO WESTWOOD RD)	010-520-54020	174-STREET	0.00	86,125.00
6	0 5TH ST (W. OAK TO AVE D)	010-520-54020	175-STREET	0.00	108,870.00

SUBTOTAL:	487,315.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	487,315.00

Herrera
City Manager

Finance Director

Purchasing Agent

1. Original invoice with remittance slip must be sent to: City of Palestine, 504 North Queen Street, Palestine, TX 75801.
2. Payment may be expected within 30 days of receipt of goods and invoice.
3. C.O.D. shipment will not be accepted.
4. Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
5. All goods are to be shipped F.O.B. Destination unless otherwise stated.
6. All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
7. All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
8. Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
9. Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
10. The City is exempt from all federal excise and state tax – ID# 75-6000632

McGuffey Contracting Inc.

10887 FM 19 / PO Box 1104

Frankston, TX 75763

903-922-2886

Invoice: 6214 **5/13/2024**

To: City of Palestine

Services Completed:

Re-Surfacing: Ave B From First to Second st

- Removed old asphalt and oil sand.
- Repaired areas where base failures had occurred.
- Over laid with 2.5 inches of type d hot-mix compacted to 2 inches.

Total for all labor and materials **$17,820.00**

Please make checks payable to McGuffey Contracting Inc. & mail to

PO Box 1104

Frankston, TX 75763

PAYMENT AUTHORIZATION

PO # 23-4720 Partial ☑ Complete ☐

Acct #: 010-520-54020 $17,820.00

Acct #: $

Acct #: $

Describe: ~~Asphalt~~ Ave. B / First to Second

DPT DIR: ☐ 5-14-24

FINC DIR: ☐:

CTY MNR: ☐:

CITY OF PALESTINE
504 North Queen Street
Palestine, TX 75801

PURCHASE ORDER

PO Number: 23-4720 **Date:** 09/15/2023

Requisition #: 23-4818 **Vendor #:** 0105085

ISSUED TO: MCGUFFY ASPHALT, PAVING & DIRT CONSTRUCTION,INC
PO BOX 1104
FRANKSTON, TX 75763

SHIP TO: PUBLIC WORKS
KIMBERLY BECKMAN
Palestine, TX 75801

ITEM	UNITS	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	0	CALLIER ST FROM COURT DR TO LARRY ST	010-520-54020	158-STREET	0.00	34,300.00
2	0	AVE B FROM 5TH ST TO 7TH ST	010-520-54020	159-STREET	0.00	28,620.00
3	0	W.KOLSTAD ST FROM N. FORT ST TO N COTTAGE AVE	010-520-54020	160-STREET	0.00	19,450.00
4	0	N. SPENCER ST FROM W. KOLSTAD ST TO CONVERT ST	010-520-52040	161-STREET	0.00	17,090.00
5	0	N. COTTAGE AVE FROM W. PALESTINE AVE TO W. SPRING	010-520-54020	162-STREET	0.00	137,370.00
6	0	ALL OF 7TH ST & LIPSEY AVE FROM 7TH ST TO US HW 79	010-520-54020	163-STREET	0.00	65,850.00
7	0	AVE B FROM 1ST ST TO 2ND ST	010-520-54020	159-STREET	0.00	17,820.00
8	0	SHAMROCK DR FROM W OAK ST TO W POINT TAP RD	010-520-54020	164-STREET	0.00	169,240.00
9	0	ALL OF SPRINGDALE	010-520-54020	165-STREET	0.00	56,660.00
10	0	ALL OF BELFAST ST	010-520-54020	166-STREET	0.00	38,610.00
11	0	ALL OF MIDDLETON ST	010-520-54020		0.00	73,935.00
12	0	ALL OF KENT AVE	010-520-54020	168-STREET	0.00	24,930.00
13	0	ALL OF SURREY CIRCLE	010-520-54020	169-STREET	0.00	21,940.00
14	0	TILE FACTORY RD FROM W OAK TO W POINT TAP RD	010-520-54020	170-STREET	0.00	70,350.00

SUBTOTAL:	776,165.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	776,165.00

City Manager

Finance Director

Purchasing Agent

1. Original invoice with remittance slip must be sent to: City of Palestine, 504 North Queen Street, Palestine, TX 75801.
2. Payment may be expected within 30 days of receipt of goods and invoice.
3. C.O.D. shipment will not be accepted.
4. Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
5. All goods are to be shipped F.O.B. Destination unless otherwise stated.
6. All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
7. All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
8. Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
9. Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
10. The City is exempt from all federal excise and state tax – ID# 75-6000632

CITY OF PALESTINE **207586**

VENDOR: 05848 TEGRITY CONTRACTORS, INC. 05/16/2024

DATE	INVOICE #	PO #	DESCRIPTION	AMOUNT
4/30/2024	APPLICATION NO 3	24-4853	DOWNTOWN REVITALIZATION PART 1	110,495.56

CHECK TOTAL 110,495.56

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

City of Palestine
504 Queen St
Palestine, TX 75801
General Operating Account

PROSPERITY BANK
1015 North Church Street
Palestine, Texas 75801

CHECK # **207586**
113122655

CHECK DATE	PAY THIS AMOUNT
05/16/2024	$110,495.56

Void after 90 days

PAY ---One Hundred Ten Thousand Four Hundred Ninety Five Dollars and 56/100 Cents---

TO THE ORDER OF
TEGRITY CONTRACTORS, INC.
202 N ALLEN DR
SUITE E
ALLEN, TX 75013

TO OWNER/CLIENT:
City of Palestine
Palestine Tx,

PROJECT:
Palestine Downtown
504 N. Queen St
Palestine, Texas 75801

APPLICATION NO: 3
INVOICE NO: 3
PERIOD: 04/01/24 - 04/30/24
PROJECT NO: 23-103
CONTRACT DATE:

FROM CONTRACTOR:
Tegrity Contractors, Inc.
202 N. Allen Drive, Suite E
Allen, Texas 75013

VIA ARCHITECT/ENGINEER:

CONTRACT FOR: 23-103

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1.	Original Contract Sum		$6,407,777.00
2.	Net change by change orders		$0.00
3.	Contract Sum to date (Line 1 ± 2)		$6,407,777.00
4.	Total completed and stored to date (Column G on detail sheet)		$943,641.43
5.	Retainage:		
	a. 5.00% of completed work	$42,805.52	
	b. 5.00% of stored material	$4,376.56	
	Total retainage (Line 5a + 5b or total in column I of detail sheet)		$47,182.08
6.	Total earned less retainage (Line 4 less Line 5 Total)		$896,459.35
7.	Less previous certificates for payment (Line 6 from prior certificate)		$785,963.79
8.	Current payment due:		$110,495.56
9.	Balance to finish, including retainage (Line 3 less Line 6)		$5,511,317.65

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	$0.00	$0.00
Total approved this month:	$31,900.00	$(31,900.00)
Totals:	$31,900.00	$(31,900.00)
Net change by change orders:	$0.00	

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: Tegrity Contractors, Inc.

By: Hayden D. Mahr Date: 5-9-24

State of: Texas
County of: Collin
Subscribed and sworn to before me this 9th day of May
Notary Public: Heather Jones
My commission expires: 7-26-26

HEATHER JONES
Notary Public, State of Texas
Comm. Expires 07-26-2026
Notary ID 131589529

ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Architect's/Engineer's knowledge, information and belief that Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: $110,495.56

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm the amount certified.)

ARCHITECT/ENGINEER:

By: Date: 5-10-24

This certificate is not negotiable. The amount certified is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

PAYMENT AUTHORIZATION

PO # 24-4853 Partial [X] Complete [ ]

Acct #: $ 110,495.56

Acct #: $

Acct #: $

Describe: Downtown Revitalization - Tegrity #3

DPT DIR: KRO [X]: 5-10-24

FINC DIR: [ ]:

CTY MNR: [ ]:

Document SUMMARY SHEET, APPLICATION AND CERTIFICATE FOR PAYMENT, containing
Contractor's signed Certification is attached.
Use Column I on Contracts where variable retainage for line items apply.

APPLICATION NUMBER: 3
APPLICATION DATE:
PERIOD: 04/01/24 - 04/30/24

Contract Lines

A		B	C	D	E	F	G		H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	01-3000 - Mobilization.O Mobilization,Other	Mobilization	$390,000.00	$113,100.00	$0.00	$0.00	$113,100.00	29.00%	$276,900.00	$5,655.00
2	01-5500 - Traffic Control.O ..Other	Traffic Control	$78,000.00	$19,110.00	$0.00	$0.00	$19,110.00	24.50%	$58,890.00	$955.50
3	33-1000 - Utilities-33-1000.100 - Utilities Labor.O Utilities Labor.Other	OSHA Compliant Trench Safety System	$21,000.00	$4,200.00	$0.00	$0.00	$4,200.00	20.00%	$16,800.00	$210.00
4	01-3223 - Survey & Layout.O Construction Staking	Construction Staking	$20,202.00	$4,141.41	$0.00	$0.00	$4,141.41	20.50%	$16,060.59	$207.07
5	01-5000 - Temp Facilities-01-5000.50 - SWPPP.O Temporary Erosion, Sedimentation, Environmental Control	Temporary Erosion Sedimentation Environmental Controls	$54,000.00	$10,260.00	$0.00	$0.00	$10,260.00	19.00%	$43,740.00	$513.00
6	31-3000 - Dirt Work/Excavation-31-3000.40 - Select Fill.O Select Fill (if necessary)	Select Fill (If Necessary)	$7,800.00	$1,365.00	$0.00	$0.00	$1,365.00	17.50%	$6,435.00	$68.25
7	33-1000 - Utilities-33-1000.100 - Utilities Labor.O Utilities Labor.Other	REMOVAL AND REPLACEMENT OF UNSUITABLE UTILITY EMBEDMENT MATERIAL IF NECESSARY	$6,000.00	$0.00	$0.00	$0.00	$0.00	0.00%	$6,000.00	$0.00
8	31-3000 - Dirt Work/Excavation-31 - 3000.60 - Spoils Haul off.O REMOVAL AND DISPOSAL OF UNSUITABLE ROAD SUBGRADE MATERIAL IF NECESSARY	Removal and Disposal of Unsuitable utility Embedment Material if Necessary	$108,000.00	$0.00	$0.00	$0.00	$0.00	0.00%	$108,000.00	$0.00
9	31-3000 - Dirt Work/Excavation-31-3000.20 - Pad Prep.O LIME TREATMENT OF SUBGRADE IF NECESSARY	Lime Treatment of Subgrade If Necessary	$20,400.00	$0.00	$0.00	$0.00	$0.00	0.00%	$20,400.00	$0.00
10	33-1000 - Utilities-33-1000.100 - Utilities Labor.O Utilities Labor.Other	Utility Locates	$13,620.00	$5,448.00	$0.00	$0.00	$5,448.00	40.00%	$8,172.00	$272.40
11	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	6" AWWA C-900 DR 18 (PC-235) PVC WATERLINE, OPEN CUT, FURNISHED & INSTALLED, COMPLETE IN PLACE	$135,595.20	$25,147.20	$0.00	$0.00	$25,147.20	18.55%	$110,448.00	$1,257.36
12	33-1000 - Utilities-33-1000.10 - Utilities Water.O	8" AWWA C-900 DR 18 (PC-235) PVC WATERLINE, OPEN CUT	$22,686.00	$0.00	$0.00	$0.00	$0.00	0.00%	$22,686.00	$0.00

A		B	C	D	E	F	G		H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	Utilities Water.Other									
13	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	6" GATE VALVE, FURNISHED AND INSTALLED, COMPLETE IN PLACE AND READY FOR SERVICE	$84,000.00	$25,200.00	$0.00	$0.00	$25,200.00	30.00%	$58,800.00	$1,260.00
14	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	8" GATE VALVE, FURNISHED AND INSTALLED, COMPLETE IN PLACE AND READY FOR SERVICE	$23,400.00	$0.00	$0.00	$0.00	$0.00	0.00%	$23,400.00	$0.00
15	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	10" INSERTA VALVE	$10,200.00	$0.00	$0.00	$0.00	$0.00	0.00%	$10,200.00	$0.00
16	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	INTERCONNECTION TO EXISTING WATERLINE	$54,000.00	$10,800.00	$0.00	$0.00	$10,800.00	20.00%	$43,200.00	$540.00
17	33-1000 - Utilities-33-1000.20 - Fire Line.O Fire Line.Other	FIRE HYDRANT ASSEMBLY	$79,200.00	$13,200.00	$0.00	$0.00	$13,200.00	16.67%	$66,000.00	$660.00
18	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	2" WATER STUB OUT ASSEMBLY	$46,800.00	$3,600.00	$0.00	$0.00	$3,600.00	7.69%	$43,200.00	$180.00
19	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	DECOMMISSIONING OF EXISTING WATER SYSTEM	$16,800.00	$3,360.00	$0.00	$0.00	$3,360.00	20.00%	$13,440.00	$168.00
20	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	DECOMMISSIONING OF EXISTING WATERLINE IN SPRING STREET	$19,200.00	$0.00	$0.00	$0.00	$0.00	0.00%	$19,200.00	$0.00
21	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	2" ASTM D2241 SDR-21 PC200 PVC WATERLINE	$16,200.00	$3,240.00	$0.00	$0.00	$3,240.00	20.00%	$12,960.00	$162.00
22	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	WATER SERVICE CONNECTION	$105,600.00	$4,800.00	$0.00	$0.00	$4,800.00	4.55%	$100,800.00	$240.00
23	33-1000 - Utilities-33-1000.10 - Utilities Water.O Utilities Water.Other	LARGE (1.5-2") WATER SERVICE CONNECTION	$5,400.00	$0.00	$0.00	$0.00	$0.00	0.00%	$5,400.00	$0.00
24	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	6" ASTM D2241 PR 160SDR 26 PVC SANITARY SEWER LINE	$57,768.00	$0.00	$0.00	$0.00	$0.00	0.00%	$57,768.00	$0.00
25	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	10" ASTM D2241 PR 160SDR 26 PVC SANITARY SEWER LINE	$331,008.00	$25,920.00	$0.00	$0.00	$25,920.00	7.83%	$305,088.00	$1,296.00
26	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	10" STEEL CASING PIPE	$24,000.00	$0.00	$0.00	$0.00	$0.00	0.00%	$24,000.00	$0.00
27	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	15" STEEL CASING PIPE	$14,400.00	$7,200.00	$0.00	$0.00	$7,200.00	50.00%	$7,200.00	$360.00

A		B	C	D	E	F	G		H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
28	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	4' DIAMETER CONCRETE STANDARD MANHOLE	$50,400.00	$0.00	$0.00	$0.00	$0.00	0.00%	$50,400.00	$0.00
29	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	4' DIAMETER CONCRETE DROP MANHOLE	$12,000.00	$0.00	$0.00	$0.00	$0.00	0.00%	$12,000.00	$0.00
30	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	4' DIAMETER CONCRETE DOGHOUSE STYLE MANHOLE	$10,800.00	$10,800.00	$0.00	$0.00	$10,800.00	100.00%	$0.00	$540.00
31	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	ADDITIONAL COST FOR DEPTH BEYOND SIX FEET (6') FOR 4' DIA. MANHOLES	$9,600.00	$1,200.00	$0.00	$0.00	$1,200.00	12.50%	$8,400.00	$60.00
32	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	4' MAIN LINE CLEANOUT, FURNISHED & INSTALLED, COMPLETE IN PLACE, READY FOR SERVICE	$3,600.00	$0.00	$0.00	$0.00	$0.00	0.00%	$3,600.00	$0.00
33	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	BYPASS PUMPING, TEMPORARY PUMPING	$24,000.00	$2,400.00	$0.00	$0.00	$2,400.00	10.00%	$21,600.00	$120.00
34	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	TEMPORARY SEWER MAIN CONNECTIONS	$31,200.00	$6,240.00	$0.00	$0.00	$6,240.00	20.00%	$24,960.00	$312.00
35	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	TEMPORARY SEWER MANHOLE IF NECESSARY	$10,800.00	$0.00	$0.00	$0.00	$0.00	0.00%	$10,800.00	$0.00
36	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	TV INSPECTION OF COMPLETED SANITARY SEWER LINE	$12,000.00	$1,200.00	$0.00	$0.00	$1,200.00	10.00%	$10,800.00	$60.00
37	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	SEWER SERVICE CONNECTION, COMPLETE IN PLACE	$142,560.00	$3,960.00	$0.00	$0.00	$3,960.00	2.78%	$138,600.00	$198.00
38	33-1000 - Utilities-33-1000.40- Sanitary Sewer.O Sanitary Sewer.Other	DECOMMISSIONING OF EXISTING SEWER SYSTEM	$19,200.00	$3,840.00	$0.00	$0.00	$3,840.00	20.00%	$15,360.00	$192.00
39	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	18" REINFORCED CONCRETE PIPE (CL III),	$280,800.00	$28,320.00	$0.00	$0.00	$28,320.00	10.09%	$252,480.00	$1,416.00
40	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	24" REINFORCED CONCRETE PIPE (CL III)	$231,300.00	$82,500.00	$0.00	$0.00	$82,500.00	35.67%	$148,800.00	$4,125.00
41	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	30" REINFORCED CONCRETE PIPE (CL III)	$64,440.00	$0.00	$0.00	$0.00	$0.00	0.00%	$64,440.00	$0.00

A		B	C	D	E	F	G		H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
42	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 3'X3' JUNCTION BOX WITH 30"X30" METAL GRATE	$125,400.00	$19,800.00	$0.00	$0.00	$19,800.00	15.79%	$105,600.00	$990.00
43	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 42"X3' GRATE INLET BOX WITH 30"X30" METAL GRATE	$33,000.00	$19,800.00	$0.00	$0.00	$19,800.00	60.00%	$13,200.00	$990.00
44	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 5'X2' JUNCTION BOX WITH 24" MANHOLE OPENING,	$7,200.00	$0.00	$0.00	$0.00	$0.00	0.00%	$7,200.00	$0.00
45	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 6'X2' JUNCTION BOX WITH 24" MANHOLE OPENING	$15,600.00	$0.00	$0.00	$0.00	$0.00	0.00%	$15,600.00	$0.00
46	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 6'X3' JUNCTION BOX WITH 30"X30" METAL GRATE,	$16,800.00	$0.00	$0.00	$0.00	$0.00	0.00%	$16,800.00	$0.00
47	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 5'X3' JUNCTION BOX WITH 24" MANHOLE OPENING	$7,800.00	$0.00	$0.00	$0.00	$0.00	0.00%	$7,800.00	$0.00
48	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 6'X3' JUNCTION BOX WITH 24" MANHOLE OPENING	$7,800.00	$0.00	$0.00	$0.00	$0.00	0.00%	$7,800.00	$0.00
49	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 3'X3' JUNCTION BOX WITH 24" MANHOLE OPENING	$13,200.00	$0.00	$0.00	$0.00	$0.00	0.00%	$13,200.00	$0.00
50	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 42"X42" JUNCTION BOX WITH 24" MANHOLE OPENING	$21,600.00	$7,200.00	$0.00	$0.00	$7,200.00	33.33%	$14,400.00	$360.00
51	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 4'X2' JUNCTION BOX WITH 24" MANHOLE OPENING	$6,600.00	$0.00	$0.00	$0.00	$0.00	0.00%	$6,600.00	$0.00
52	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 4'X3' JUNCTION BOX WITH 24" MANHOLE OPENING	$7,200.00	$0.00	$0.00	$0.00	$0.00	0.00%	$7,200.00	$0.00
53	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 5'X3' JUNCTION BOX WITH 30"X30" METAL GRATE	$15,600.00	$0.00	$0.00	$0.00	$0.00	0.00%	$15,600.00	$0.00
54	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	PRECAST TRAFFIC RATED 4'X3' JUNCTION BOX WITH 30"X30" METAL GRATE	$7,800.00	$0.00	$0.00	$0.00	$0.00	0.00%	$7,800.00	$0.00
55	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	DECOMMISSIONING OF EXISTING STORMDRAIN SYSTEM	$24,000.00	$2,400.00	$0.00	$0.00	$2,400.00	10.00%	$21,600.00	$120.00
56	32-1313 Site Paving.O Asphalt Repair	TEMPORARY PEDESTRIAN ACCESS	$24,000.00	$6,000.00	$0.00	$0.00	$6,000.00	25.00%	$18,000.00	$300.00
57	02-4100 - Demo-02-4100.10 - Demo Concrete.O Demo Concrete.Other	DRIVEWAY REMOVAL	$38,700.00	$2,340.00	$0.00	$0.00	$2,340.00	6.05%	$36,360.00	$117.00
58	02-4100 - Demo-02-4100.10 - Demo Concrete.O Demo Concrete.Other	CURB & GUTTER REMOVAL	$57,975.00	$6,375.00	$0.00	$0.00	$6,375.00	11.00%	$51,600.00	$318.75

A		B	C	D	E	F	G		H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
59	02-4100 - Demo-02-4100.10 - Demo Concrete.O Demo Concrete.Other	SIDEWALK REMOVAL, INCLUDES REMOVAL, STORAGE, AND REPLACEMENT OF ART, BENCHES, AND TRASH CANS	$43,869.60	$3,823.20	$0.00	$0.00	$3,823.20	8.71%	$40,046.40	$191.16
60	26-0000 - Electrical-26-0000.20 - Lighting Fixtures.O Lighting Fixtures.Other	RELOCATION OF STREET LIGHTS	$32,400.00	$1,890.00	$0.00	$0.00	$1,890.00	5.83%	$30,510.00	$94.50
61	26-0000 - Electrical-26-0000.20 - Lighting Fixtures.O Lighting Fixtures.Other	RAISING OF STREET LIGHTS (DARK COLORED POLES WITH ACORN SHAPED GLOBE)	$39,600.00	$0.00	$0.00	$0.00	$0.00	0.00%	$39,600.00	$0.00
62	26-0000 - Electrical-26-0000.20 - Lighting Fixtures.O Lighting Fixtures.Other	REPLACEMENT OF WIRING AND CONDUIT FOR STREET LIGHTS IF NECESSARY DUE TO DAMAGE OF CONDUIT AND WIRING DURING DEMOLITION	$20,880.00	$6,264.00	$5,220.00	$0.00	$11,484.00	55.00%	$9,396.00	$574.20
63	33-1000 - Utilities.O ..Other	UTILITY COVER ADJUSTMENT,	$18,000.00	$0.00	$0.00	$0.00	$0.00	0.00%	$18,000.00	$0.00
64	33-1000 - Utilities-33-1000.30 - Storm Sewer.O Storm Sewer.Other	ROOF DRAIN EXTENSION,	$42,000.00	$8,400.00	$0.00	$0.00	$8,400.00	20.00%	$33,600.00	$420.00
65	32-1313 Site Paving.O Asphalt Repair	CONCRETE SIDEWALK, INCLUDES RAMPS AND STAIRS	$343,926.00	$0.00	$9,900.00	$0.00	$9,900.00	2.88%	$334,026.00	$495.00
66	32-1313 Site Paving.O Asphalt Repair	ADDITIONAL COST TO STAMP CONCRETE	$180,090.00	$0.00	$0.00	$0.00	$0.00	0.00%	$180,090.00	$0.00
67	32-1313 Site Paving.O Asphalt Repair	ADDITIONAL COST FOR INTEGRAL COLOR CONCRETE	$40,020.00	$0.00	$0.00	$0.00	$0.00	0.00%	$40,020.00	$0.00
68	32-1313 Site Paving.O Asphalt Repair	DRIVEWAY	$37,440.00	$0.00	$0.00	$0.00	$0.00	0.00%	$37,440.00	$0.00
69	05-7000 - Metal Railings.O Metal Railings.Other	CABLE WIRE RAILING SYSTEM	$98,935.20	$0.00	$0.00	$59,361.12	$59,361.12	60.00%	$39,574.08	$2,968.06
70	05-7000 - Metal Railings.O Metal Railings.Other	PIPE RAILING SYSTEM	$46,950.00	$1,500.00	$0.00	$28,170.00	$29,670.00	63.19%	$17,280.00	$1,483.50
71	10-1400 - Signage.O ..Other	REMOVE, STORE, AND REINSTALL SIGNS	$3,600.00	$0.00	$0.00	$0.00	$0.00	0.00%	$3,600.00	$0.00
72	32-1313 Site Paving.O Asphalt Repair	ADA CURB RAMP INCLUDING LANDING	$52,200.00	$0.00	$0.00	$0.00	$0.00	0.00%	$52,200.00	$0.00
73	32-1313 Site Paving.O Asphalt Repair	LARGE (8' WIDE) ADA CURB RAMP (FLARED SIDES) INCLUDING LANDING	$4,200.00	$0.00	$0.00	$0.00	$0.00	0.00%	$4,200.00	$0.00
74	05-7000 - Metal Railings.O Metal Railings.Other	METAL PEDESTRIAN BARRIER	$3,600.00	$0.00	$0.00	$0.00	$0.00	0.00%	$3,600.00	$0.00
75	32-1313 Site Paving.O Asphalt Repair	SIDEWALK CURB	$5,400.00	$0.00	$0.00	$0.00	$0.00	0.00%	$5,400.00	$0.00
76	02-4100 - Demo-02-4100.50 - Demo Misc.O Demo Misc.Other	LARGE TREE REMOVAL	$2,400.00	$0.00	$0.00	$0.00	$0.00	0.00%	$2,400.00	$0.00
77	32-1700 - Striping.O ..Other	TEMPORARY STRIPING OF MAIN (MAGNOLIA TO SYCAMORE)	$9,000.00	$9,000.00	$0.00	$0.00	$9,000.00	100.00%	$0.00	$450.00

A		B	C	D	E	F	G		H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
78	32-1700 - Striping.O ..Other	TEMPORARY STRIPING OF MAIN (JOHN TO MAGNOLIA),	$18,000.00	$0.00	$0.00	$0.00	$0.00	0.00%	$18,000.00	$0.00
79	32-1700 - Striping.O ..Other	STIPING OF OAK (MAGNOLIA TO SYCAMORE)	$12,876.00	$0.00	$0.00	$0.00	$0.00	0.00%	$12,876.00	$0.00
80	32-1700 - Striping.O ..Other	STRIPING OF SOUTH MAGNOLIA (SOUTH OF SPRING STREET),	$12,000.00	$0.00	$0.00	$0.00	$0.00	0.00%	$12,000.00	$0.00
81	10-1400 - Signage.O ..Other	24" STOP SIGNS, FURNISHED AND INSTALLED	$4,860.00	$0.00	$0.00	$0.00	$0.00	0.00%	$4,860.00	$0.00
82	32-1700 - Striping.O ..Other	4" WHITE SOLID PARKING SPACE STRIPING	$2,160.00	$0.00	$0.00	$0.00	$0.00	0.00%	$2,160.00	$0.00
83	10-1400 - Signage.O ..Other	12" STOP BARS, RETROREFLECTORIZED PAVEMENT MARKINGS TYPE I, PER TXDOT ITEM 666	$18,000.00	$0.00	$0.00	$0.00	$0.00	0.00%	$18,000.00	$0.00
84	32-1700 - Striping.O ..Other	CROSSWALKS, RETROREFLECTORIZED PAVEMENT MARKINGS TYPE I, PER TXDOT ITEM 666 AND TXDOT STANDARD	$21,600.00	$0.00	$0.00	$0.00	$0.00	0.00%	$21,600.00	$0.00
85	32-1700 - Striping.O ..Other	ADA ACCESSIBLE PARKING SPACE, INCLUDES FURNISHED AND INSTALLED SYMBOL, WORDS, ACCESSS AISLE STRIPING, PARKING SIGNS. RETROREFLECTORIZED PAVEMENT MARKINGS TYPE I, PER TXDOT ITEM 666 AND TXDOT STANDARD	$1,440.00	$0.00	$0.00	$0.00	$0.00	0.00%	$1,440.00	$0.00
86	02-4100 - Demo-02-4100.10 - Demo Concrete.O Demo Concrete.Other	PAVEMENT REMOVAL	$692,640.00	$104,407.20	$0.00	$0.00	$104,407.20	15.07%	$588,232.80	$5,220.36
87	32-1313 Site Paving.O Asphalt Repair	TEMPORARY PAVEMENT REPAIR	$45,540.00	$900.00	$0.00	$0.00	$900.00	1.98%	$44,640.00	$45.00
88	32-1313 Site Paving.O Asphalt Repair	PERMANENT PAVEMENT REPAIR	$9,000.00	$1,539.00	$0.00	$0.00	$1,539.00	17.10%	$7,461.00	$76.95
89	32-1313 Site Paving.O Asphalt Repair	CONCRETE PAVEMENT WITH INTEGRAL CURB, PER TXDOT ITEM 360 AND PROVIDED GEOTECHNICAL REPORT	$1,214,496.00	$201,888.00	$0.00	$0.00	$201,888.00	16.62%	$1,012,608.00	$10,094.40
90	31-3000 - Dirt Work/Excavation-31-3000.20 - Pad Prep.O LIME TREATMENT OF SUBGRADE IF NECESSARY	PROOF ROLL, PER TXDOT ITEM 216	$3,600.00	$720.00	$360.00	$0.00	$1,080.00	30.00%	$2,520.00	$54.00
91	01-4523 - Testing.O ..Other	OWNER'S ALLOWANCE FOR MATERIAL TESTING, CONTINGENT ON THE OWNER'S APPROVAL	$30,000.00	$2,532.30	$0.00	$0.00	$2,532.30	8.44%	$27,467.70	$126.62
92	01-2100 - Contingency-01-2100.10 - Owner Con.O Owner Con.Other	OWNER'S ALLOWANCE FOR MISCELLANEOUS ITEMS, CONTINGENT ON THE OWNER'S APPROVAL	$185,500.00	$0.00	$0.00	$0.00	$0.00	0.00%	$185,500.00	$0.00
New 2	33-1000 - Utilities.M	Added Connection 24" Storm	$3,600.00	$0.00	$3,600.00	$0.00	$3,600.00	100.00%	$0.00	$180.00

A		B	C	D	E	F	G		H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	8" inserta valve									
New 1	33-1000 - Utilities.M 8" inserta valve	8" Inserta Valve	$9,700.00	$0.00	$9,700.00	$0.00	$9,700.00	100.00%	$0.00	$485.00
		TOTALS:	**$6,407,777.00**	**$827,330.31**	**$28,780.00**	**$87,531.12**	**$943,641.43**	**14.73%**	**$5,464,135.57**	**$47,182.08**

Change Orders

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
95	PCCO#001 CE #001 - Phase 1 Utility Tie-Ins and Added Materials	$0.00	$0.00	$0.00	$0.00	$0.00	100.00%	$0.00	$0.00
	TOTALS:	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**0.00%**	**$0.00**	**$0.00**

Grand Totals

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	GRAND TOTALS:	**$6,407,777.00**	**$827,330.31**	**$28,780.00**	**$87,531.12**	**$943,641.43**	**14.73%**	**$5,464,135.57**	**$47,182.08**

CITY OF PALESTINE
504 North Queen Street
Palestine, TX 75801

PURCHASE ORDER

PO Number: 24-4853 **Date:** 03/06/2024

Requisition #: 24-4997 **Vendor #:** 05848

ISSUED TO: TEGRITY CONTRACTORS, INC.
202 N ALLEN DR
SUITE E
ALLEN, TX 75013-

SHIP TO: CITY OF PALESTINE
504 NORTH QUEEN STREET
Palestine, TX 75801

ITEM	UNITS	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	0	DOWNTOWN REVITALIZATION PART 1 STREETS/SIDEWALK	400-100-58050	039-EXPENSE	0.00	5,027,559.80
2	0	DOWNTOWN REVITALIZATION PART 1 WATER/SEWER	610-571-58030	039-EXPENSE	0.00	1,380,217.20

SUBTOTAL:	6,407,777.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	6,407,777.00

City Manager

Finance Director

Purchasing Agent

1. Original invoice with remittance slip must be sent to: City of Palestine, 504 North Queen Street, Palestine, TX 75801.
2. Payment may be expected within 30 days of receipt of goods and invoice.
3. C.O.D. shipment will not be accepted.
4. Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
5. All goods are to be shipped F.O.B. Destination unless otherwise stated.
6. All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
7. All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
8. Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
9. Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
10. The City is exempt from all federal excise and state tax – ID# 75-6000632

CITY OF PALESTINE 207525

VENDOR: 0105179 HAHN EQUIPMENT CO, INC. 05/09/2024

DATE	INVOICE #	PO #	DESCRIPTION	AMOUNT
4/29/2024	118565	23-4768	EQUIPMENT TO RUN ROTORS AT WWTP	28,399.00

CHECK TOTAL 28,399.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

City of Palestine
504 Queen St
Palestine, TX 75801
General Operating Account

PROSPERITY BANK
1015 North Church Street
Palestine, Texas 75801

CHECK # **207525**
113122655

CHECK DATE	PAY THIS AMOUNT
05/09/2024	$28,399.00

Void after 90 days

PAY ---Twenty Eight Thousand Three Hundred Ninety Nine Dollars and 00/100 Cents---

TO THE ORDER OF HAHN EQUIPMENT CO, INC.
5636 KANSAS ST.
HOUSTON, TX 77007

Rosa Herrera

INVOICE

INVOICE NO.	PAGE
118565	1
INVOICE DATE	
04/29/24	

HAHN EQUIPMENT CO., INC.
5636 KANSAS
HOUSTON, TX 77007
(713) 868-3255 FAX: 713-868-9725

RECEIVED
APR 29 2024

SOLD TO

CITY OF PALESTINE
504 N QUEEN ST
Acctclerk@Palestine-TX.org

PALESTINE, TX 75801
US

SHIP TO

CITY OF PALESTINE
TOWN CREEK WWTP ROTORS
US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SLSMN	PURCHASE ORD. NO.	JOB NUMBER	SHIP VIA	COL/PPD
4924459	10/27/23	100747	01	8	23-4768	10424	HAHN EQUIPMENT	

QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION	UNIT PRICE	UOM DISC.	NET PRICE
2.0000	2.0000	ACQ580-01-065A-4 ABB VFD SN: 2240203682 & 2240203694	2.00	EA	
Lot No. W/C PALLET					
2.0000	2.0000	DPMP-01 CONTROL PANEL MOUTNING PLATFORM (FLUSH)	2.00	EA	
Lot No. GH					
2.0000	2.0000	HEC-68884-1 VFD 3RX ENCLOSURE		EA	
Serial No. 24-0150		24-0151			
2.0000	2.0000	HEC-68884-2 COOLING FAN PACKAGE 6" FILTERED 3RX	2.00	EA	
Lot No. BB					
2.0000	2.0000	HEC-68884-3 FILTER PKG FOR 6IN 5 PACK	2.00	EA	
Lot No. BB					

COMMENTS:

HEC TA 04/24/2024
BH 04/25/2024

TERMS:

NET 30 DAYS

SALE AMOUNT	28,399.00
MISC. CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	28,399.00
AMOUNT RECEIVED	.00
BALANCE DUE	28,399.00

PAYMENT AUTHORIZATION

BAN 05/01/2024

PO # 23-4768 Partial ☐ Complete ☒

Acct #: 610-581-58030 $ 28,399.00

Acct #: Project #154 $

Acct #: $

Describe: VFD's & enclosures for Rotors #1 & 3 @ WWTF

DPT DIR: ☐: 5-7-24

FINC DIR: ☐:

CTY MNR: ☐:

CITY OF PALESTINE
504 North Queen Street
Palestine, TX 75801

PURCHASE ORDER

PO Number: 23-4768 **Date:** 10/24/2023

Requisition #: 23-4899 **Vendor #:** 0105179

ISSUED TO: HAHN EQUIPMENT CO, INC.
5636 KANSAS ST.
HOUSTON, TX 77007

SHIP TO: WWATER PLANT CITY OF PALESTINE
Attn:PLANT OPERATOR
800 PRIVATE ROAD 6078
Palestine, TX 75801

ITEM	UNITS	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	0	EQUIPMENT TO RUN ROTORS AT WWTP	610-581-58030	154-E	0.00	28,399.00

SUBTOTAL:	28,399.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	28,399.00

Herrera
City Manager

Finance Director

Purchasing Agent

1. Original invoice with remittance slip must be sent to: City of Palestine, 504 North Queen Street, Palestine, TX 75801.
2. Payment may be expected within 30 days of receipt of goods and invoice.
3. C.O.D. shipment will not be accepted.
4. Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
5. All goods are to be shipped F.O.B. Destination unless otherwise stated.
6. All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
7. All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
8. Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
9. Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
10. The City is exempt from all federal excise and state tax – ID# 75-6000632

CITY OF PALESTINE **207526**

VENDOR: 0105085 MCGUFFY ASPHALT, PAVING & DIRT CONSTRUCTION,INC 05/09/2024

DATE	INVOICE #	PO #	DESCRIPTION	AMOUNT
5/8/2024	5691	23-4720	Asphalt Replacement on 14 Streets	73,935.00

CHECK TOTAL 73,935.00

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City of Palestine
504 Queen St
Palestine, TX 75801
General Operating Account

PROSPERITY BANK
1015 North Church Street
Palestine, Texas 75801

CHECK # **207526**
113122655

CHECK DATE	PAY THIS AMOUNT
05/09/2024	$73,935.00

Void after 90 days

PAY ---Seventy Three Thousand Nine Hundred Thirty Five Dollars and 00/100 Cents---

TO THE ORDER OF MCGUFFY ASPHALT, PAVING & DIRT CONSTRUCTION,INC
PO BOX 1104
FRANKSTON, TX 75763

RUB RED IMAGE FADES WITH HEAT

McGuffey Contracting, INC
PO BOX 1104
Frankston, TX 75762

Invoice #5691
To: City of Palestine

Job completed: Resurfacing all of Middleton St

Milled up and hauled off all existing asphalt and oil sand, graded and compacted base. Installed new base in areas where base failures had occurred. Over laid with 2.5 inches of type D hotmix asphalt, compacted to 2 inches.

Total for all labor and materials $73,936

PAYMENT AUTHORIZATION

PO # 23-4720 Partial ☐ Complete ☐

Acct #: 010-520-54020	$ 73,935.00
Acct #:	$
Acct #:	$

Describe: Repave Middleton St.

DPT DIR: ☐ 4-26-24

FINC DIR: ☐:

CTY MNR: ☐:

CITY OF PALESTINE
504 North Queen Street
Palestine, TX 75801

PURCHASE ORDER

PO Number: 23-4720 **Date:** 09/15/2023

Requisition #: 23-4818 **Vendor #:** 0105085

ISSUED TO: MCGUFFY ASPHALT, PAVING & DIRT CONSTRUCTION,INC
PO BOX 1104
FRANKSTON, TX 75763

SHIP TO: PUBLIC WORKS
KIMBERLY BECKMAN
Palestine, TX 75801

ITEM	UNITS DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	0 CALLIER ST FROM COURT DR TO LARRY ST	010-520-54020	158-STREET	0.00	34,300.00
2	0 AVE B FROM 5TH ST TO 7TH ST	010-520-54020	159-STREET	0.00	28,620.00
3	0 W.KOLSTAD ST FROM N. FORT ST TO N COTTAGE AVE	010-520-54020	160-STREET	0.00	19,450.00
4	0 N. SPENCER ST FROM W. KOLSTAD ST TO CONVERT ST	010-520-52040	161-STREET	0.00	17,090.00
5	0 N. COTTAGE AVE FROM W. PALESTINE AVE TO W. SPRING	010-520-54020	162-STREET	0.00	137,370.00
6	0 ALL OF 7TH ST & LIPSEY AVE FROM 7TH ST TO US HW 79	010-520-54020	163-STREET	0.00	65,850.00
7	0 AVE B FROM 1ST ST TO 2ND ST	010-520-54020	159-STREET	0.00	17,820.00
8	0 SHAMROCK DR FROM W OAK ST TO W POINT TAP RD	010-520-54020	164-STREET	0.00	169,240.00
9	0 ALL OF SPRINGDALE	010-520-54020	165-STREET	0.00	56,660.00
10	0 ALL OF BELFAST ST	010-520-54020	166-STREET	0.00	38,610.00
11	0 ALL OF MIDDLETON ST	010-520-54020		0.00	73,935.00
12	0 ALL OF KENT AVE	010-520-54020	168-STREET	0.00	24,930.00
13	0 ALL OF SURREY CIRCLE	010-520-54020	169-STREET	0.00	21,940.00
14	0 TILE FACTORY RD FROM W OAK TO W POINT TAP RD	010-520-54020	170-STREET	0.00	70,350.00

SUBTOTAL:	776,165.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	776,165.00

Herrera
City Manager

Finance Director

Purchasing Agent

1. Original invoice with remittance slip must be sent to: City of Palestine, 504 North Queen Street, Palestine, TX 75801.
2. Payment may be expected within 30 days of receipt of goods and invoice.
3. C.O.D. shipment will not be accepted.
4. Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
5. All goods are to be shipped F.O.B. Destination unless otherwise stated.
6. All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
7. All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
8. Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
9. Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
10. The City is exempt from all federal excise and state tax – ID# 75-6000632

CITY OF PALESTINE **207585**

VENDOR: 0103921 SCHAUMBURG & POLK INC. 05/16/2024

DATE	INVOICE #	PO #	DESCRIPTION	AMOUNT
5/9/2024	0000951018.00-25	22-04449	DOWNTOWN REVITALIZATION	23,400.00
5/9/2024	0000951019.00-6	23-4827	DOWNTOWN REVITALIZATION PROJECT FOR SIDEWALKS	5,520.00

CHECK TOTAL 28,920.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

City of Palestine
504 Queen St
Palestine, TX 75801
General Operating Account

PROSPERITY BANK
1015 North Church Street
Palestine, Texas 75801

CHECK # **207585**
113122655

CHECK DATE	PAY THIS AMOUNT
05/16/2024	$28,920.00

Void after 90 days

PAY ---Twenty Eight Thousand Nine Hundred Twenty Dollars and 00/100 Cents---

TO THE ORDER OF SCHAUMBURG & POLK INC.
8865 COLLEGE ST
BEAUMONT, TX 77707

Invoice

SCHAUMBURG & POLK, INC.

May 9, 2024
Invoice No: 0000951018.00 - 25

CITY OF PALESTINE
ATTN: KEVIN OLSON
504 NORTH QUEEN STREET
PALESTINE, TX 75801

Project 0000951018.00 DOWNTOWN REVITALIZATION
PALESTINE DOWNTOWN REVITALIZATION

via email:
pwdirector@palestine-tx.org
pwadmin@palestine-tx.org

Professional Services from April 1, 2024 to April 28, 2024

Fee

Total Fee	1,800,000.00			
Percent Complete	31.60	Total Earned	568,800.00	
		Previous Fee Billing	545,400.00	
		Current Fee Billing	23,400.00	
		Total Fee		**23,400.00**
			Total this Invoice	**$23,400.00**

Billings to Date

	Current	Prior	Total
Fee	23,400.00	545,400.00	568,800.00
Totals	**23,400.00**	**545,400.00**	**568,800.00**

PAYMENT AUTHORIZATION
PO # 22-04449 Partial ☒ Complete ☐
Acct #: $ 23,400.00
Acct #: $
Acct #: $
Describe: Downtown Revitalization
DPT DIR: KRO ☒: 5-14-24
FINC DIR: ☐:
CTY MNR: ☐:

City of Palestine
504 North Queen Street
Palestine TX 75801

PURCHASE ORDER

PO Number: 22-04449 **Date:** 06/17/2022

Request # : 22-04528 **Vendor # :** 01-03921

ISSUED TO: SCHAUMBURG & POLK INC.
8865 COLLEGE ST
BEAUMONT, TX 77707

SHIP TO: STREET DEPT
201 EAST CORONACA STREET
PALESTINE, TX 75801
ATTN: CR

ITEM	UNITS	DESCRIPTION	G/L ACCOUNT	PROJ	PRICE	AMOUNT
1	0.00	DOWNTOWN REVITALIZATION DOWNTOWN REVITALIZATION	673-5-110-7403 PROJECT.	039	0.00	1,800,000.00

TOTAL	1,800,000.00

Rosa M. Herrera
CityManager

Finance Director

Purchasing Agent

1. Original invoice plus one copy must be sent to: City of Palestine, Accounts Payable Dept, 504 N Queen St, Palestine TX 75801-2733.
2. Payment may be expected within 30 days of receipt of goods, unless otherwise stated.
3. C.O.D. shipment will not be accepted.
4. Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
5. All goods are to be shipped F.O.B. Destination unless otherwise stated.
6. All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
7. All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
8. Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
9. Seller acknowledges that buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
10. The City is exempt from all federal excise and state tax - ID# 75-6000632

Purchasing Dept. (903) 731-8441 Fax (903) 731-8486

Invoice

SCHAUMBURG & POLK, INC.

May 9, 2024
Invoice No: 0000951019.00 - 6

CITY OF PALESTINE
ATTN: KEVIN OLSON
504 NORTH QUEEN STREET
PALESTINE, TX 75801

Project 0000951019.00 CDM22-0147 DRP SIDEWALK IMPROVEMENTS
DOWNTOWN SIDEWALK IMPROVEMENTS
PWDIRECTOR@PALESTINE-TX.ORG

Professional Services from April 1, 2024 to April 28, 2024

Fee

Total Fee	92,000.00			
Percent Complete	48.00	Total Earned	44,160.00	
		Previous Fee Billing	38,640.00	
		Current Fee Billing	5,520.00	
		Total Fee		**5,520.00**
			Total this Invoice	**$5,520.00**

Billings to Date

	Current	Prior	Total
Fee	5,520.00	38,640.00	44,160.00
Totals	**5,520.00**	**38,640.00**	**44,160.00**

PAYMENT AUTHORIZATION

PO # _____ Partial [X] Complete [ ]
Acct #: 23-4827 $ 5,520 00
Acct #: _____ $ _____
Acct #: _____ $ _____
Describe: Downtown Sidewalk Improvements
DPT DIR: KPO [X]: 5-14-24
FINC DIR: _____ [ ]: _____
CTY MNR: _____ [ ]: _____

CITY OF PALESTINE
504 North Queen Street
Palestine, TX 75801

PURCHASE ORDER

PO Number: 23-4827 **Date:** 01/03/2024

Requisition #: 23-4965 **Vendor #:** 0103921

ISSUED TO: SCHAUMBURG & POLK INC.
8865 COLLEGE ST
BEAUMONT, TX 77707

SHIP TO: STREET DEPT
Attn:ATTN: JOHN ELROD
201 EAST CORONACA STREET
Palestine, TX 75801

ITEM	UNITS	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	0	DOWNTOWN REVITALIZATION PROJECT FOR SIDEWALKS	400-100-57402	189ENG-EXP	0.00	92,000.00

SUBTOTAL:	92,000.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	92,000.00

City Manager

Finance Director

Purchasing Agent

1. Original invoice with remittance slip must be sent to: City of Palestine, 504 North Queen Street, Palestine, TX 75801.
2. Payment may be expected within 30 days of receipt of goods and invoice.
3. C.O.D. shipment will not be accepted.
4. Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
5. All goods are to be shipped F.O.B. Destination unless otherwise stated.
6. All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
7. All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
8. Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
9. Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
10. The City is exempt from all federal excise and state tax – ID# 75-6000632

Agenda Date:	May 28, 2024
To:	City Council
From:	Kimberly Beckman, Public Works Admin
Agenda Item:	Consider authorizing City Manager to accept emergency purchase for parts only on 10" sewer line repair
Date Submitted:	05/22/2024

SUMMARY:

Consider authorizing the City Manager to accept an emergency purchase for parts only from APSCO Supply in the amount of $11,466.00 for the 10" sewer line repair on Gillespie right-of-way.

- APSCO Supply $11,466.00
- Johnson Lab Supply $14,000.00
- Core and Main $15,190.00

RECOMMENDED ACTION:

Staff recommends authorizing the City Manager to accept an emergency purchase for parts only for the 10" sewer line repair.

CITY MANAGER APPROVAL:

Attachments

Invoices

APSCO SUPPLY
since 1928
serving the plumbing and waterworks industries

APSCO QUINLAN
6700 STATE HWY 34
QUINLAN, TX 75474
469.595.0243
Fax 325.672.0949

Quotation

EXPIRATION DATE	QUOTE NUMBER
05/19/2024	S1449052

APSCO QUINLAN
6700 STATE HWY 34
QUINLAN, TX 75474
469.595.0243
Fax 325.672.0949

PAGE NO.
1 of 1

QUOTE TO:

CITY OF PALESTINE
504 N QUEEN STREET
1620 W PALESTINE AVE
PALESTINE, TX 75801

SHIP TO:

CITY OF PALESTINE
504 N QUEEN STREET
1620 W PALESTINE AVE
PALESTINE, TX 75801

CUSTOMER NUMBER	CUSTOMER PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON
5456			CHRIS 403

WRITER	SHIP VIA	TERMS	SHIP DATE	FREIGHT ALLOWED
DANIEL 401	PICK UP	Net Due 30th	05/20/2024	No

ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
1400ft	1040B 10" SCH40 PVC PIPE BE	8.190/ft	11466.00

****

Due to supply chain issues and a volatile market, product pricing is not protected and subject to change without notice
Due to possible UPS strike, we are shifing volumne to FedEx to mitigate delays in shipping

****

Cash, Check, & ACH Discount Incentive
All prices listed reflect a 4% Discount Incentive for Cash, Check, & ACH paying customers. Other forms of payment are still welcome, but

Subtotal	11466.00
S&H Charges	0.00
Estimated Tax	0.00
Amount Due	11466.00

Printed By: DANIELP on 5/20/2024 10:36:48 AM

Johnson Lab and Supply Inc.
1-800-235-2344

Johnson Lab & Supply Inc.
415 N. Tennessee St.
Palestine, TX 75801
Phone: 903-729-3111
Fax: 903-729-3355

QUOTE

Invoice No.: **270939-000**
Date: **05/20/2024**
Page: **1** of **1**

Sold To:

PALESTINE, CITY OF
504 NORTH QUEEN STREET
ATT: FINANCE DEPT. ACCOUINTS PAYABLE
PALESTINE, TX 75801

Ship To:

PALESTINE, CITY OF
1620 W. PALESTINE AVE
PALESTINE, TX 75801

P.O. No.: **PIPE QUOTE**

Terms	Order No./Rel.	Customer No.	SalesRep	Ship Via	Req. Date	Reference
NET/30 DAYS	**270939-000**	**116680**	**MIKE**	**OUR TRUCK**	**05/20/2024**	

QUOTE ORDER - DO NOT PAY

Product No.	Description	Ordered	Shipped	UOM	Unit Price	Unit Discount	Extension
***PB4010**	10" SCH 40 PIPE	1400	1400	FEET	10.00		14,000.00
				Sub Total:			**14,000.00**
				Total:			**$ 14,000.00**

05/20/2024 10:41 JRP

Bid Proposal for City of Palestine: 10" SCH40 PIPE

CUSTOMER

CITY OF PALESTINE
1620 W PALESTINE AVE
PALESTINE, TX 75801

Job
City of Palestine: 10" SCH40 PIPE
Palestine, TX
Bid Date: 06/07/2024
Bid #: 3549972

CONTACT

Sales Representative
James Kubiak
(M) 936-465-5735
(T) 936-639-2341
(F) 936-632-7834
James.Kubiak@coreandmain.com

Core & Main
1907 Kurth Dr
Lufkin, TX 75904
(T) 9366392341

NOTES

CITY OF PALESTINE
Job Location: Palestine, TX
Bid Date: 06/07/2024
Core & Main 3549972

Core & Main
1907 Kurth Dr
Lufkin, TX 75904
Phone: 9366392341
Fax: 9366327834

Seq#	Qty	Description	Units	Price	Ext Price
10	1400	10 SCH40 PVC PIPE SWB 20'	FT	10.85	15,190.00
				Sub Total	**15,190.00**
				Tax	0.00
				Total	**15,190.00**

UNLESS OTHERWISE SPECIFIED HEREIN, PRICES QUOTED ARE VALID IF ACCEPTED BY CUSTOMER AND PRODUCTS ARE RELEASED BY CUSTOMER FOR MANUFACTURE WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THIS QUOTATION. CORE & MAIN LP RESERVES THE RIGHT TO INCREASE PRICES TO ADDRESS FACTORS, INCLUDING BUT NOT LIMITED TO, GOVERNMENT REGULATIONS, TARIFFS, TRANSPORTATION, FUEL AND RAW MATERIAL COSTS. DELIVERY WILL COMMENCE BASED UPON MANUFACTURER LEAD TIMES. ANY MATERIAL DELIVERIES DELAYED BEYOND MANUFACTURER LEAD TIMES MAY BE SUBJECT TO PRICE INCREASES AND/OR APPLICABLE STORAGE FEES. THIS BID PROPOSAL IS CONTINGENT UPON BUYER'S ACCEPTANCE OF SELLER'S TERMS AND CONDITIONS OF SALE, AS MODIFIED FROM TIME TO TIME, WHICH CAN BE FOUND AT: https://coreandmain.com/TandC/

Agenda Date:	May 28, 2024
To:	City Council
From:	Kimberly Beckman, Public Works Admin
Agenda Item:	Consider authorizing City Manager to accept quote for 300 HP Motor for Raw Water/Vertical Turbine and installation for Water Treatment Plant
Date Submitted:	05/22/2024

SUMMARY:

Consider authorizing the City Manager to accept a quote through buy board for a new 300 HP Motor for Raw Water/Vertical Turbine and installation for Motor #1 at the Water Treatment Plant from Smith Pump Company, Inc. in the amount of $31,479.00.

RECOMMENDED ACTION:

Staff recommends authorizing the City Manager to accept a quote through buy board for a new 300 HP Motor for Raw Water/Vertical Turbine and installation for Motor #1 at the Water Treatment Plant from Smith Pump Company, Inc. in the amount of $31,479.00.

CITY MANAGER APPROVAL:

Attachments

Smith Pump

Smith Pump Company, Inc.
301 MB Industrial Blvd
Waco, TX 76712 US

Phone: 800-299-8909
Fax: 254-776-0023
Fed ID: 74-1460081

Quote No: 38687
Monday, May 6, 2024

Attention:

City of Palestine
acctclerk@palestine-tx.org
1620 W. Palestine Avenue
Palestine, TX 75801
Phone: 903 731 8400
Fax: 903 731 8486

Thank you for the opportunity to present our quotation for your upcoming project. Please give us a call if you require additional information.

Sincerely,

Line: ***1*** *Part ID:* ***2002-300HP-1800-460/3-WPI*** *Rev:* ***0***

Motor-VHS-HT-300HP-1800-460/3-WPI
Lead Time: 2 to 3 weeks after receipt of PO or signed quote.
Motor Base Diameter = 20"
Motor BX (shaft diameter) = 1-11/16"

Quantity U/M	*Unit Price*	*Discount*	*Discounted Unit Price*	*Addl Charge*	*Lead Time*	*Total Price*
1.00 EA	28,168.00000					$28,168.00

Line: ***2*** *Part ID:* ***4201*** *Rev:* ***0***

Install Vertical Motor
(1) Field Service Technician to Install and Reconnect a Vertical Motor.

Includes:
1. Labor, Mileage to/from Jobsite, Transport Motor to Shop for Inspection and Crane to lift and set motor.

Quantity U/M	*Unit Price*	*Discount*	*Discounted Unit Price*	*Addl Charge*	*Lead Time*	*Total Price*
1.00 EA	3,311.00000					$3,311.00

Salesperson: TXEAST - Matt Ramburger

Prices are Valid Until Wednesday, June 5, 2024

ACCEPTED BY: _____

PRINTED NAME: _____

PURCHASE ORDER (IF APPLICABLE): _____

SIGNED ON DATE: _____

This quotation is made in accordance to BuyBoard Contract Number 672-22.

Agenda Date:	May 28, 2024
To:	City Council
From:	Kimberly Beckman, Public Works Admin
Agenda Item:	Consider authorizing City Manager to accept emergency purchase for labor only on 10" sewer line repair
Date Submitted:	05/22/2024

SUMMARY:

Consider authorizing the City Manager to accept an emergency purchase for labor only from Garcias Contractor's Services in the amount of $125,000.00 for the 10" sewer line repair on Gillespie right-of-way.

- Duplichain Contractors $160,000.00
- Precision Terrain $175,000.00

RECOMMENDED ACTION:

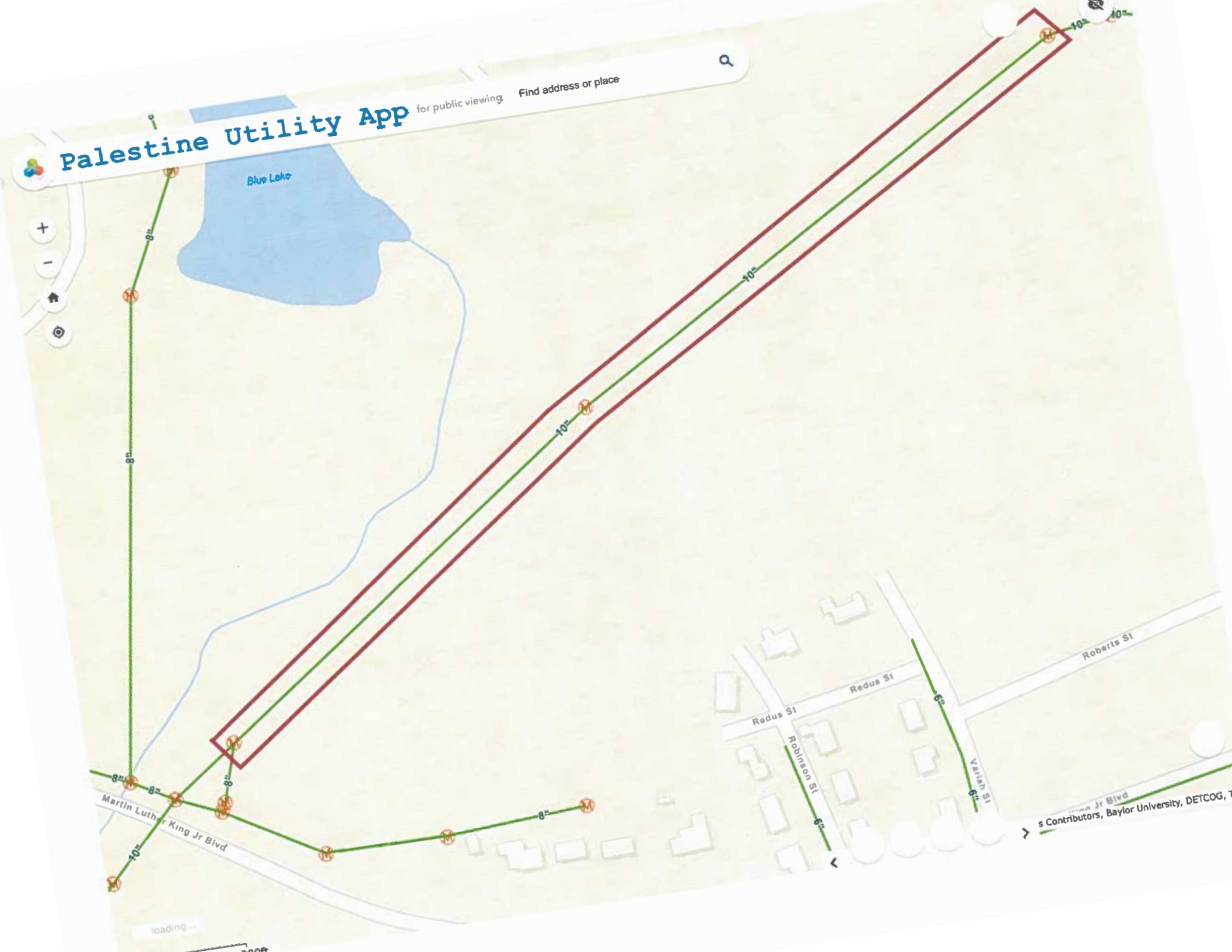
Staff recommends authorizing the City Manager to accept an emergency purchase for labor only for the 10" sewer line repair.

CITY MANAGER APPROVAL:

Attachments

Map

Invoices


Palestine Utility App
for public viewing
Find address or place
Blue Lake
Martin Luther King Jr Blvd
Redus St
Redus St
Roberts St
Robinson St
Varlah St
loading...

ESTIMATE

Garcia's Contractors Services LLC
343 County Road 1501
Rusk, TX 75785

garciascontractors13@gmail.com
+1 (903) 283-4529

City of Palestine

Bill to
GILLESPIE RIGHT OF WAY (Emergency 10" Sewer Line Repair)

City of Palestine
504 N Queen St
Palestine, Tx 75801
United States

Ship to
City of Palestine
504 N Queen St
Palestine, Tx 75801
United States

Estimate details
Estimate no.: 1012
Estimate date: 05/20/2024

#	Product or service	Description	Qty	Rate	Amount
1.	**Labor Only**	Replace 1400 FT of 10" Sewer Line	1400	$84.00	$117,600.00
2.	**Labor Only**	Manhole Installation	1	$5,000.00	$5,000.00
3.	**Labor Only**	Pull kill out old manhole and Dressup	1	$2,400.00	$2,400.00
4.		EMERGENCY 10" SEWER LINE REPAIR			

Total **$125,000.00**

DUPLICHAIN CONTRACTORS

Duplichain Contractors, LLC
100 Elkhart Rd./P. O. Box 637
Alto, Texas 75925
(936) 858-4100 * (936) 858-4789-Fax
jeff@duplichain.com

May 20, 2024

City of Palestine
504 N. Queen St.
Palestine, TX 75801
utilitysupervisor@palestine-tx.org

Attn: Jason Shelton (903-373-4911)

Re: Emergency Sewer Main Repair
Gillespie ROW - Collapsed 10in Concrete Pipe Replacement

Labor and Equipment Only. Material provided by the City of Palestine.

10in PVC Sewer Main 8' Deep	1400 lf @ $100.00	$140,000.00
Connect to Existing Manhole	2 ea @ $5,000.00	$10,000.00
New Manhole	1 ea @ $10,000.00	$10,000.00
	Bid Amount:	**$160,000.00**

Adder if needed:

River Rock Bedding for PVC Pipe 8" below pipe to 12" above pipe Price includes material and installation	1400 lf @ $50.00	$70,000.00

Note:
*Sewer will continue to by pass in the City installed ditch. By pass pumping will be utilized while connecting to the manholes.
*Drag boxes and timber mats will be used due to the condition of the ground
*No permits/fees
*No return trips for ditch settlement/erosion
*No imported bedding or backfill material (unless adder is used)
*Any item not specifically mentioned in the quote.

Sincerely,

Jeff Duplichain

Precision Terrain, LLC
PO BOX 1057
Frankston, TX 75763
Mobile: 903-922-1153

May 20, 2024

City of Palestine
504 North Queen Street
Palestine, TX 75801

PROJECT: Gillespie Emergency 10" Sewer Repair

BID PROPOSAL:

Install 1400' of 10" Such 40 Sewer Pipe	$168,000
Install pour-in-place manhole	$ 7,000
Total	**$175,000**

Agenda Date:	May 28, 2024
To:	Planning and Zoning Commission
From:	Susan Davis, Planning Technician
Agenda Item:	Consider Specific Use Permit for Manufactured Home - 911 N. Esplanade Street
Date Submitted:	04/29/2024

SUMMARY:

Discussion and consideration of a Specific Use Permit for placement of a manufactured home at 911 N. Esplanade Street, Jacob Snively Survey, A-63, Block 862-1, Tract 19, 20, 21, which is zoned Mixed Residential. The applicant, Maria Acevado De Burciaga, voluntarily demolished the substandard structure previously located on these lots.

On April 19, 2024, ten notices were mailed to property owners within 200 feet of the location of the specific use permit request. Two have been returned in favor of the request, none have been returned in opposition, and eight have not responded.

During the regular meeting of the Planning and Zoning Commission held on May 2, 2024, a motion to approve the Specific Use Permit failed with a 0-4 vote.

RECOMMENDED ACTION:

For discussion and consideration.

CITY MANAGER APPROVAL:

Attachments

Application

Photos

Photos of Substandard Structure

Notice

Staff Report

THE CITY OF PALESTINE TEXAS • 1846

SPECIFIC USE PERMIT APPLICATION

APPLICANT INFORMATION

Applicant Name: Maria ANgelica ACevedo - De Burciaga

Address: 703 N ELM St

City: Palestine State: TX Zip: 75801

Phone Number: 571-497-6870 Email: _____ Fax: _____

PROPERTY DESCRIPTION

Address (if available): 911 N Esplanade St

Subdivision: _____ Lot: _____ Block: _____

Anderson County Appraisal District Block Map # _____ Tract #: _____

Existing Deed Restrictions: ☐ Yes (Attach a copy with the application) ☐ No

Proposed Deed Restrictions: ☐ Yes (Attach a copy with the application) ☐ No

PRESENT USE OF PROPERTY

Describe how the property is currently being used: Vacant lot

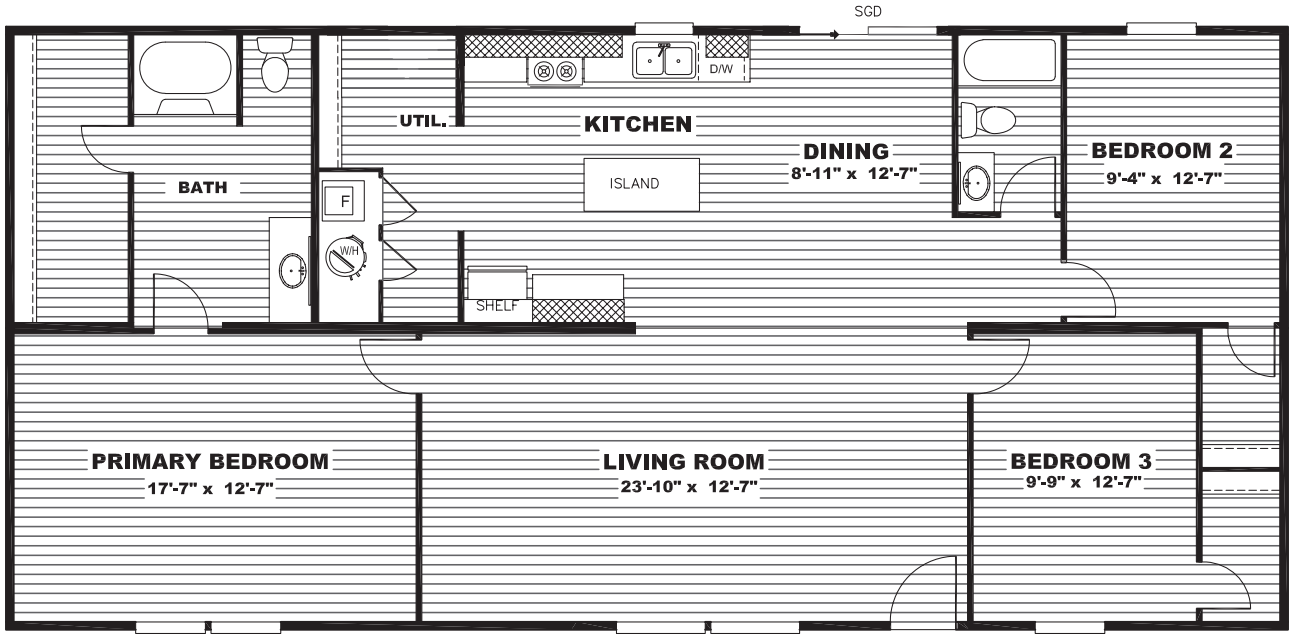
PROPOSED USE OF PROPERTY

Describe the proposed use of the property (be specific): I want to install a home here for me to retire. this is going to be my Primary home.

Attach additional sheets if necessary including any surveys or drawings that will show the proposed improvements on the property.

THRILL

TRU28563R // 3 beds // 2 bath // 1,475 sq. ft. // 28x56



OWN IT

The home series and floor plans indicated will vary by retailer and state. Your local Home Center can quote you on specific prices and terms of purchase for specific homes. TRU invests in continuous product and process improvement. All home series, floor plans, specifications, dimension, features, materials, availability, and starting prices shown on this website are artist's renderings or estimates, and are subject to change without notice. Dimensions are nominal and length and width measurements are from exterior wall to exterior wall.

BOOK

THE CITY OF PALESTINE
TEXAS • 1846

SPECIFIC USE PERMIT COMMENT FORM
CASE # XZ-24-03
May 2, 2024, at 1:30PM

Members of the Planning and Zoning Commission

Per the request for a Specific Use Permit for a Manufactured Home to be placed at **911 N. Esplanade Street, Jacob Snively Surve, A-63, Block 862-1, Tract 19, 20, 21.**

I am (check one): ☐ In Favor of the request ☐ Opposed to the request

IMPORTANT: Please complete survey and return.

Name: _____ Address: _____

Comments:

_____

_____

_____

_____

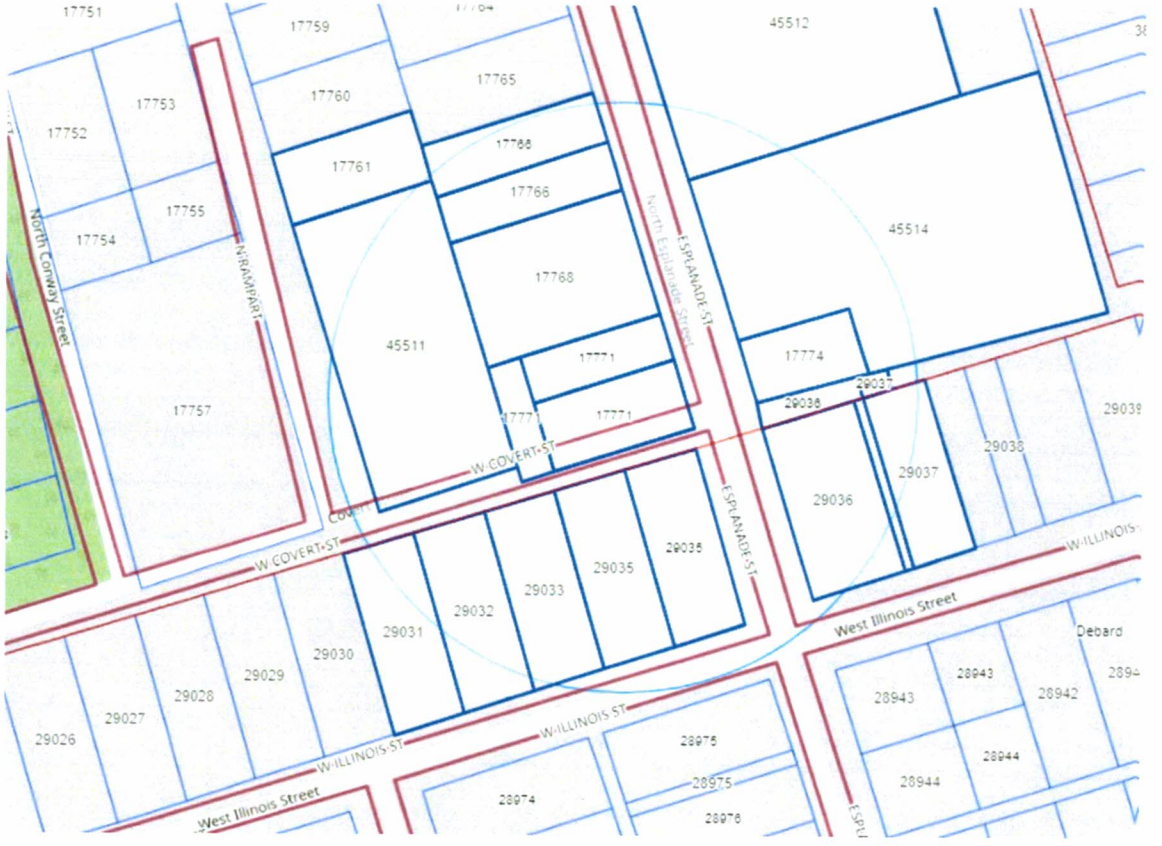
_____

Comment Form Return Options:

Mail: Attention Development Services
504 North Queen Street
Palestine, Texas 75801

Email: plantech@palestine-tx.org

ACAD Map – 911 Esplanade; 200 ft Radius



CITY COUNCIL
AGENDA DATE: May 28, 2024
ITEM XZ-24-1 / STAFF REPORT

REQUEST:	A specific use permit to allow a manufactured home to be placed at 911 N. Esplanade
APPLICANT:	Maria Angelica Acevado-De Burciaga
EXHIBITS:	Manufactured home floor plan, Area Map, and Photos of Adjacent Properties
PREPARED BY:	Susan Davis, Planning Tech

PROPERTY INFORMATION

LOCATION:	911 N. Esplanade Street
ZONING:	MR, Mixed Residential
OVERLAY ZONES:	None
LAND USE:	Vacant
ADJACENT ZONING:	MR, Mixed Residential
ACREAGE:	0.2316 acres
SUBDIVISION:	Jacob Snively Survey, A-63, Block 862-1, Tract 19, 20, 21

SUMMARY OF REQUEST

The applicant, Maria Angelica Acevedo-De Burciaga, applied for a specific use permit to place a double-wide mobile home at 911 N. Esplanade Street. The property is zoned MR, Mixed Residential which allows the placement of a mobile home if approved by specific use permit.

In February 2024, the 852 sq. ft. home located at 911 N. Esplanade was identified as a substandard structure. The owner consulted with a contractor then on March 8, 2024 she voluntarily obtained a demolition permit. The owner is seeking permission to place a manufactured home on the property as her residence.

PROPERTY ZONING AND LAND USE

The property where the mobile home is proposed to be located is zoned Mixed Residential. Adjacent zoning districts include Mixed Residential to the east, south, west, and north.

WATER, SEWER AND STREET ACCESS

Public water, sewer and street access are available from N. Esplanade and/or Covert Street.

PUBLIC NOTICE

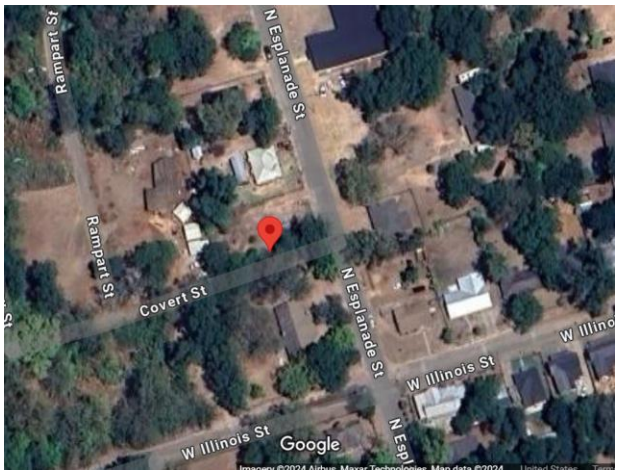
On April 19, 2024, ten notices were mailed to property owners within 200-feet of the location of the specific use permit request. Two (20%) have been returned in favor of the request. None have been returned in opposition. Eight (80%) owners did not respond.

ZONING AND DEVELOPMENT REQUIREMENTS / MOBILE HOMES

The requirements for placement of a manufacture home are stated as follows:

- Mobile home manufactured cannot be over five years old;
- Non-combustible underpinning shall be installed;
- The front of the mobile home shall face the street;
- All-weather off-street parking spaces for two vehicles;
- Only double-wide mobile homes shall be considered for a specific use permit;

SPECIFIC USE PERMIT LOCATION MAP



STAFF COMMENTS AND RECOMMENDATION

There are no structures on the property where the manufactured home is proposed to be located. The area is populated with single family residences and a church.

PLANNING & ZONING COMMISSION

During the regular meeting of the Planning & Commission held on May 2, 2024, a motion to approve the Specific Use Permit failed with a 0-4 vote.

Agenda Date:	May 28, 2024
To:	City Council
From:	April Jackson, City Secretary
Agenda Item:	Oncor Alley and Street ROW Abandonment
Date Submitted:	05/10/2024

SUMMARY:

Consider an application for abandonment at the following:

- A 10-foot wide alley easement running north and south between West Street and Magnolia Street. The following properties will benefit: Broyles and Leach, Block G, Lots 1, 2, 3, and 4; and Broyles and Leach, Block N, Lots 1, 2, 3, and 4.
- A 10-foot wide alley easement running north and south between Magnolia Street and Sycamore Street. The following properties will benefit: Broyles and Leach, Block H, Lots 1, 2, 3, and 4.
- A 50-foot right-of-way for Magnolia Street from Washington Street extending south to Leach Street. The following properties will benefit: Broyles and Leach, Block G, Lots 1, 2, 3, and 4.
- A 50-foot right-of-way for West Street from Washington Street extending south to Pershing Street. The following properties will benefit: Broyles and Leach, Block G, Lots 1, 2, 3, and 4; Broyles and Leach, Block N, Lots 1, 2, 3, and 4; Broyles and Leach, Block F, Lots 1, and 2; and Broyles and Leach, Block O, Lots 1, and 2.
- A 50-foot right-of-way for Leach Street from the southwest corner of Block F and the northwest corner of Block O extending east to Magnolia Street. The following properties will benefit: Broyles and Leach, Block F, Lots 1 and 2; and Broyles and Leach, Block O, Lots 1 and 2; Broyles and Leach, Block G, Lots 1, 2, 3, and 4; and Broyles and Leach, Block N, Lots 1, 2, 3, and 4.
- A 50-foot right-of-way for Pershing Street from the southwest corner of Block O and the northwest corner of D extending east to West Street. The following properties will benefit: Broyles and Leach, Block O, Lots 1 and 2; and Broyles and Leach, Block D.

The Development Services and Public Works Departments have reviewed the requested vacation and abandonment of an alleyway and street right-of-ways and determined that no public water and sewer lines are located within the portions of the right-of-way to be abandoned. The applicant is Oncor, who owns all of the lots benefiting from the abandonments. A representative of Atmos has confirmed that there are no objections, no other public utilities in the right-of-way, and that there are no future plans to improve the right-of-way to be abandoned.

RECOMMENDED ACTION:

Staff recommends approval of an ordinance as presented.

CITY MANAGER APPROVAL:

Attachments

Application
Ordinance

THE CITY OF PALESTINE TEXAS 1846

APPLICATION FOR THE ABANDONMENT OF A PUBLIC ALLEY OR STREET RIGHT-OF-WAY

APPLICATION SUBMITTAL REQUIREMENTS

1. Completed application;
2. Copy of the subdivision plat or Anderson County Tax Record Map showing the location of the alley or street right-of-way to be abandoned and closed;
3. Signatures of all property owners adjacent to the alley or street right-of-way consenting to the closure and abandonment.
4. Payment of $300.00 application fee.

APPLICANT INFORMATION

Name: Rob Myers Address: 6160 Warren Parkway, Suite 210

City: Frisco State: TX Zip: 75034

Phone: 972-731-3800 Email: rob.myers@kimley-horn.com

GENERAL INFORMATION (ALLEY OR STREET R.O.W.)

Location of Alley or R.O.W. to be abandoned: Abandoning streets and alleys surrounding Broyles & Leach Addition Block N Lots 1-4. This includes Leach Avenue, Magnolia Street, West Street, Perishing Street, and adjacent alleys shown in exhibits.

Subdivision Name: Broyles & Leach's Addition

Reason for requesting abandonment: To develop a new Oncor electrical substation.

Current status of the alley or r.o.w.: ☐ Paved ☑ Unimproved ☐ Fenced

APPLICANT ACKNOWLEDGEMENT AND SIGNATURE

The applicant certifies that all information on this application is true and correct.

Applicant's Signature

4/2/24

Date

APPLICATION FOR THE ABANDONMENT OF A PUBLIC ALLEY OR STREET RIGHT-OF-WAY

INFORMATION AND PROCEDURES ON CLOSING AND ABANDONING A PUBLIC ALLEY OR STREET RIGHT-OF-WAY

1. Requests for the closure and abandonment for a public alley of street right-of-way are processed through the Development Services Department.
2. All property owners that adjoin the alley or street right-of-way must sign the attached petition giving consent or stating why they oppose to the closure.
3. Once the application and all necessary property owner signatures are submitted, Development Services will notify the Public Works Department and all other utility companies advising them of the request. If there are any utilities located within the alley or street right-of-way, the utility companies and Public Works Department will normally request that an easement be reserved to allow the continued access and maintenance to any infrastructure such as public water, sewer, electric, phone and gas services that are located in the alley or within the street right-of-way.
4. The applicant and adjoining property owners understand that no conveyance of title will be made. The City Council may choose to close and abandon the alley or street right-of-way, but will issue no quitclaim deed to the property. The City will file an alley or street right-of-way abandonment ordinance with Anderson County Deed Records.

THE CITY OF PALESTINE TEXAS 1846

APPLICATION FOR THE ABANDONMENT OF A PUBLIC ALLEY OR STREET RIGHT-OF-WAY

ADJACENT PROPERTY OWNERS CONSENT FOR CLOSURE AND ABANDONMENT STREET RIGHT-OF-WAY/ EASEMENT/ ALLEY

The following property owners are adjacent to the alley or street right-of-way requested to be closed and abandoned as described in the application.

Property Owner			
Name:			
Address:			
I am the owner of the property listed above and I:	☐ Consent	☐ Do not consent	
Reason I do not consent:			

Property Owner			
Name:			
Address:			
I am the owner of the property listed above and I:	☐ Consent	☐ Do not consent	
Reason I do not consent:			

Property Owner			
Name:			
Address:			
I am the owner of the property listed above and I:	☐ Consent	☐ Do not consent	
Reason I do not consent:			

APPLICATION FOR THE ABANDONMENT OF A PUBLIC ALLEY OR STREET RIGHT-OF-WAY

Property Owner			
Name:			
Address:			
I am the owner of the property listed above and I:	☐ Consent	☐ Do not consent	
Reason I do not consent:			

Property Owner			
Name:			
Address:			
I am the owner of the property listed above and I:	☐ Consent	☐ Do not consent	
Reason I do not consent:			

Property Owner			
Name:			
Address:			
I am the owner of the property listed above and I:	☐ Consent	☐ Do not consent	
Reason I do not consent:			

ORDINANCE NO. O- -24

AN ORDINANCE OF THE CITY OF PALESTINE, TEXAS, VACATING AND ABANDONING ALLEYWAYS AND EASEMENTS; CONTAINING FINDINGS IN SUPPORT OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Transportation Code Section 311.007, the City has general authority to vacate, abandon, or close a street or alley; and

WHEREAS, the City of Palestine has received a request to close, vacate, and abandon a 10-foot wide alley easement running north and south between West Street and Magnolia Street, BLOCK G; and

WHEREAS, the City of Palestine has received a request to close, vacate, and abandon a 10-foot wide alley easement running north and south between Magnolia Street and Sycamore Street, BLOCK N; and

WHEREAS, the City of Palestine has received a request to close, vacate, and abandon a 10-foot wide alley easement running north and south between Magnolia Street and Sycamore Street, BLOCK H; and

WHEREAS, the City of Palestine has received a request to close, vacate, and abandon a 50-foot right-of-way for Magnolia Street from Washington Street extending south to Leach Street; and

WHEREAS, the City of Palestine has received a request to close, vacate, and abandon a 50-foot right-of-way for Leach Street from the southwest corner of Block F and the northwest corner of Block O extending south to Magnolia Street; and

WHEREAS, the City of Palestine has received a request to close, vacate, and abandon a 50-foot right-of-way for Pershing Street from the southwest corner of Block O and the northwest corner of D extending south to West Street; and

WHEREAS, the Development Services Department and Public Works Department have reviewed the requests and determined that no public water and sewer lines are located within the portion of rights-of-way to be abandoned; and

WHEREAS, there were no objections to the vacation and abandonment from the utility companies serving the area; and

WHEREAS, the abandonments are in the public interest.

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

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

DRAFT

SECTION 2. The 10-foot wide alley easement running north and south between West Street and Magnolia Street, BLOCK G, as shown in Attachment A and attached hereto, is hereby closed and abandoned by the City of Palestine, Texas.

SECTION 3. The 10-foot wide alley easement running north and south between Magnolia Street and Sycamore Street, BLOCK N, as shown in Attachment B and attached hereto, is hereby closed and abandoned by the City of Palestine, Texas.

SECTION 4. The 10-foot wide alley easement running north and south between Magnolia Street and Sycamore Street, BLOCK H, as shown in Attachment C and attached hereto, is hereby closed and abandoned by the City of Palestine, Texas.

SECTION 5. The 50-foot right-of-way for Magnolia Street from Washington Street extending south to Leach Street, as shown in Attachment D and attached hereto, is hereby closed and abandoned by the City of Palestine, Texas.

SECTION 6. The 50-foot right-of-way for Leach Street from the southwest corner of Block F and the northwest corner of Block O extending south to Magnolia Street, as shown in Attachment E and attached hereto, is hereby closed and abandoned by the City of Palestine, Texas.

SECTION 7. The 50-foot right-of-way for Pershing Street from the southwest corner of Block O and the northwest corner of D extending south to West Street, as shown in Attachment F and attached hereto, is hereby closed and abandoned by the City of Palestine, Texas.

SECTION 8. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 9. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

SECTION 10. This Ordinance shall be effective immediately upon passage and publication as provided for by law.

[The remainder of this page was intentionally left blank; signatures are on the following page.]

DRAFT

PASSED, APPROVED, and ADOPTED by the City Council of the City of Palestine, Texas, at a regular meeting held on the 13th day of May 2024.

_____
MITCHELL JORDAN
MAYOR

ATTEST:

_____
APRIL JACKSON
CITY SECRETARY

APPROVED AS TO FORM:

_____
REZZIN PULLUM
CITY ATTORNEY

DRAFT

Agenda Date:	May 28, 2024
To:	Planning and Zoning Commission
From:	Susan Davis, Planning Technician
Agenda Item:	Consider approval of the final plat for the Overlook Apartments
Date Submitted:	04/29/2024

SUMMARY:

Discussion and consideration of the final plat for the Overlook Apartments Addition for approval of a 60' R.O.W. dedication of Overlook Way. Pursuant to Section 40-53(1)(a) of the Code of Ordinances, a Major Plat involves laying out or realigning streets or other public or private access ways. Section 40-53(1)(b) of the Code of Ordinances, a Minor Plat does not include the creation of any new street or extension of public utilities.

RECOMMENDED ACTION:

For discussion and consideration.

CITY MANAGER APPROVAL:

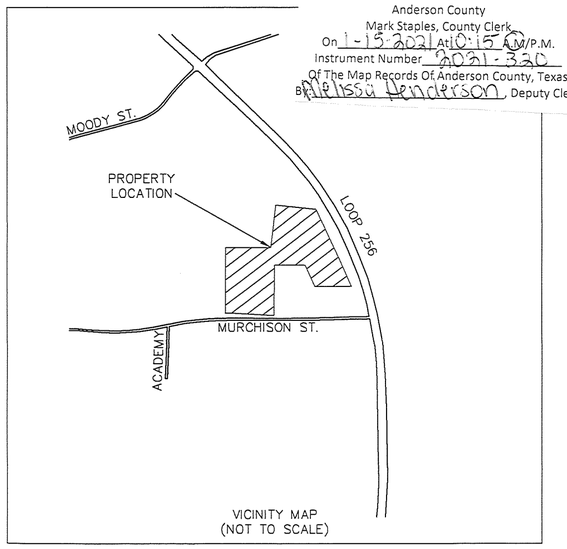
Attachments

Plat

2021 - 320 01/15/2021 10:15AM Page 1 of 1 Mark Staples, Anderson County Clerk

Map Envelope Number: 4318

STATE OF TEXAS
COUNTY OF ANDERSON
Filed For Record In
Anderson County
Mark Staples, County Clerk
On 1-15-2021 At 10:15 AM/P.M.
Instrument Number 2021-320
Of The Map Records Of Anderson County, Texas
By Melissa Henderson, Deputy Clerk



VICINITY MAP
(NOT TO SCALE)

S. G. WELLS SURVEY, A-65

(BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD83 MAP DATUM)

NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

OWNER'S STATEMENT:

THAT WE, THE OVERLOOK LIFESTYLE APT HOMES LLC, ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, ARE THE OWNERS OF THE TRACT SHOWN HEREON AND DO ACCEPT THIS AS OUR PLAN FOR THE SUBDIVIDING INTO LOTS AND BLOCKS AND DO DEDICATE TO THE PUBLIC FOREVER THE STREETS SHOWN HEREON. IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO VERIFY EASEMENTS PRIOR TO CONSTRUCTING ANY IMPROVEMENTS.

WITNESS, MY HAND, THIS THE 28th DAY OF December, 2020.

BY: _____
MARIE C. FREEMAN, PRESIDENT
THE OVERLOOK LIFESTYLE APT HOMES LLC

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS, THIS THE 28th DAY OF December, 2020.

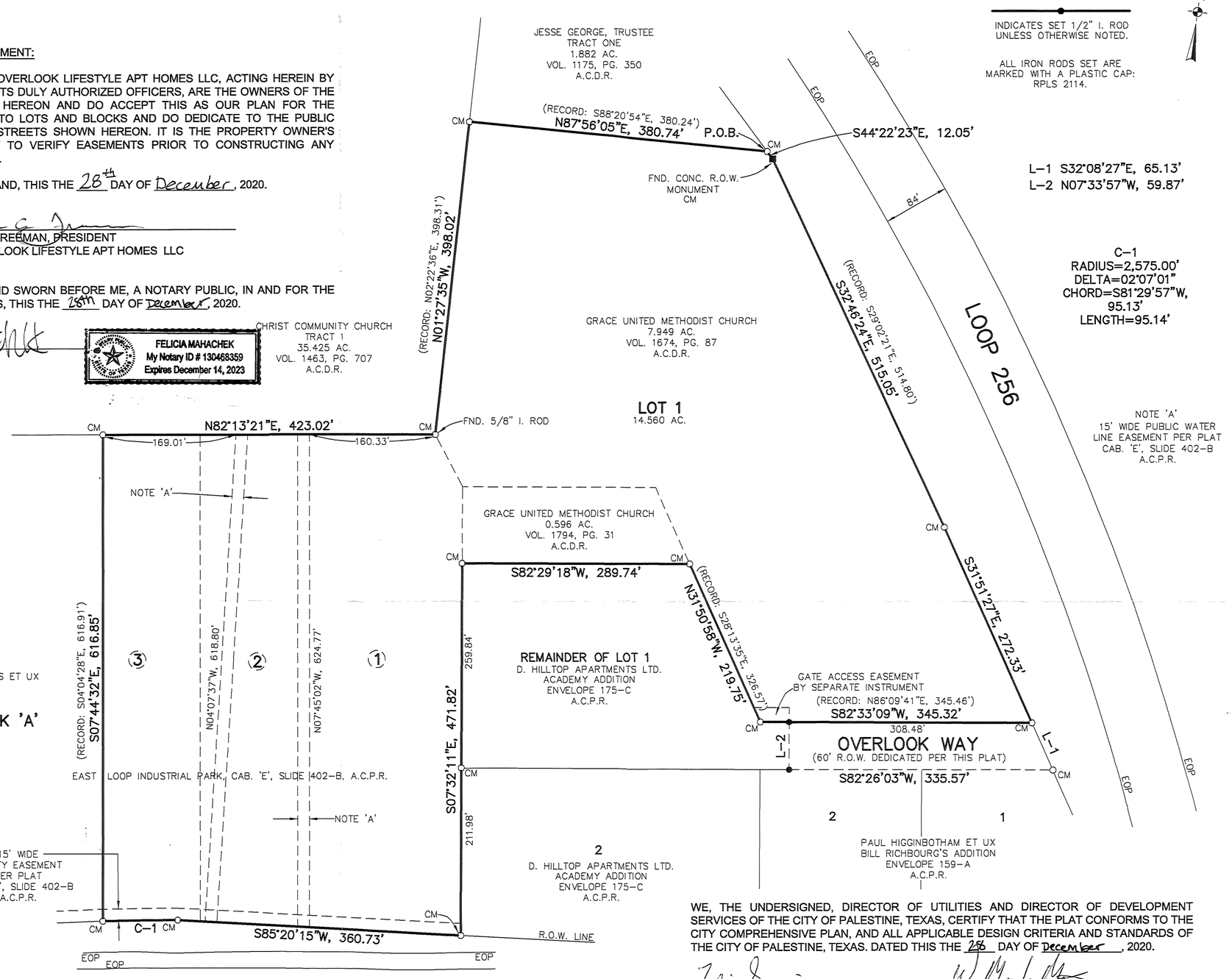
_____
NOTARY PUBLIC

FELICIA MAHACHEK
My Notary ID # 130468359
Expires December 14, 2023

INDICATES FND. 1/2" I. ROD UNLESS OTHERWISE NOTED.

INDICATES SET 1/2" I. ROD UNLESS OTHERWISE NOTED.

ALL IRON RODS SET ARE MARKED WITH A PLASTIC CAP: RPLS 2114.



MURCHISON STREET (60' R.O.W.)

WE, THE UNDERSIGNED, DIRECTOR OF UTILITIES AND DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF PALESTINE, TEXAS, CERTIFY THAT THE PLAT CONFORMS TO THE CITY COMPREHENSIVE PLAN, AND ALL APPLICABLE DESIGN CRITERIA AND STANDARDS OF THE CITY OF PALESTINE, TEXAS. DATED THIS THE 28th DAY OF December, 2020.

_____
DIRECTOR OF UTILITIES

_____
DIRECTOR OF DEVELOPMENT SERVICES

LEGAL DESCRIPTION:

All that certain tract or parcel of land situated in the S. G. Well Survey, Abstract 65, being a part of that certain called 31.612 acre tract described in a Special Warranty Deed from United Southwest Realty, L.P. to the Board of Trustees of Grace United Methodist Church, dated June 13, 2001, recorded in Volume 1674, Page 87, of the Deed Records of Anderson County, Texas, also being all of that certain called 0.596 acre tract described in a Sheriff's Tax Resale Deed from the City of Palestine, trustee for itself et al to Grace United Methodist Church, dated June 25, 2003, recorded in Volume 1794, Page 31, of the Deed Records of Anderson County, Texas, and also being all of Lots 1, 2, and 3, Block A, East Loop Industrial Park, according to the Replat thereof recorded in Cabinet 'E', Slide 402-B, of the Plat Records of Anderson County, Texas, being more completely described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the northeast corner of said 31.612 acre tract, same being in the west right-of-way line of State Highway Loop No. 256;

THENCE, South 44°22'23" East, with said west right-of-way line of State Highway Loop No. 256, a distance of 12.05 feet to a concrete right-of-way monument found for a corner of the herein described tract;

THENCE, South 32°46'24" East, continuing with said west right-of-way line of State Highway Loop No. 256, a distance of 515.05 feet to a 1/2" iron rod found for a corner of the herein described tract;

THENCE, South 31°51'27" East, continuing with said west right-of-way line of State Highway Loop No. 256, a distance of 272.33 feet to a 1/2" iron rod found for the easternmost southeast corner of said 31.612 acre tract;

THENCE, South 82°33'09" West (the adjoining tract being described as Lot 1, Academy Addition, as shown on the Final Plat thereof recorded in Envelope No. 175-C, A.C.P.R., for reference), with the easternmost south line of said 31.612 acre tract, a distance of 345.32 feet to a 1/2" iron rod found for an interior corner of said 31.612 acre tract;

THENCE, North 31°50'58" West, with the easternmost west line of said 31.612 acre tract, a distance of 219.75 feet to a 1/2" iron rod found for the southeast corner of said 0.596 acre tract;

THENCE, South 82°29'18" West, with the south line of said 0.596 acre tract, a distance of 289.74 feet to a 1/2" iron rod found for the southwest corner of said 0.596 acre tract, same being in the west line of Lot 1, Block A, East Loop Industrial Park, according to the Replat thereof recorded in Cabinet 'E', Slide 402-B, of the Plat Records of Anderson County, Texas;

THENCE, South 07°32'11" East (the adjoining tracts being the remainder of Lot 1, and Lot 2, Academy Addition, according to the plat thereof recorded in Envelope 175-C, of the Plat Records of Anderson County, Texas, for reference) with the east line of said Lot 1, Block A, a distance of 471.82 feet to a 1/2" iron rod found for the southeast corner of said Lot 1, Block A, same being in the north right-of-way line of Murchison Street (a 60-foot wide right-of-way);

THENCE, South 85°20'15" West, with said north right-of-way line of Murchison Street, a distance of 360.73 feet to a 1/2" iron rod found in the south line of said Lot 3, Block, same being the beginning of a curve to the left having a radius of 2,575.00 feet;

THENCE, with said curve to the left having a radius of 2,575.00 feet, a central angle of 02°07'01", and a chord bearing and distance of South 81°29'57" West, 95.13 feet, an arc length of 95.14 feet to a 1/2" iron rod found for the southwest corner of said Lot 3, Block A;

THENCE, North 07°44'32" West (the adjoining tract being Lot 4, of said Block A, East Loop Industrial Park, for reference), with the west line of said Lot 3, Block A, a distance of 616.85 feet to a 1/2" iron rod found for the northwest corner of said Lot 3, Block A;

THENCE, North 82°13'21" East (the adjoining tract being described in a deed recorded in Vol. 1463, Pg. 707, A.C.D.R., for reference), with the north line of said Lots 1, 2, and 3, Block A, a distance of 423.02 feet to a 5/8" iron rod found for the northernmost northeast corner of said Lot 1, Block A;

THENCE, North 01°27'35" West (the adjoining tract being described in a deed recorded in Vol. 1463, Pg. 707, A.C.D.R., for reference), with the northernmost west line said 31.612 acre tract, a distance of 398.02 feet to a 1/2" iron rod found for the northernmost northwest corner of said 31.612 acre tract;

THENCE, North 87°56'05" East (the adjoining tract being described in a deed recorded in Vol. 1175, Pg. 350, A.C.D.R., for reference), with the north line of said 31.612 acre tract, a distance of 380.74 feet to the POINT OF BEGINNING and containing 14.560 acres of land.

SURVEYOR'S STATEMENT:

I, JORDAN VULGAMOTT, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6613, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION DURING THE MONTH OF MAY, 2019.

_____
JORDAN VULGAMOTT
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6613
STATE OF TEXAS

STATE OF TEXAS
REGISTERED
JORDAN VULGAMOTT
6613
PROFESSIONAL
LAND SURVEYOR

LEGEND
CM=CONTROLLING MONUMENT
EOP=EDGE OF PAVEMENT

I, MARK STAPLES, ANDERSON COUNTY CLERK, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE 15th DAY OF January, 2020.

_____
COUNTY CLERK, ANDERSON COUNTY, TEXAS

COUNTY OF ANDERSON COUNTY, TEXAS
COUNTY COURT

PLAT RECORDED IN MAP ENVELOPE NO. 4318
DATE RECORDED: 1-15-2021

0 100 200 300

FINAL PLAT
OVERLOOK APARTMENTS ADDITION
14.560 AC. IN 1 LOT
CITY OF PALESTINE
ANDERSON COUNTY, TEXAS

BMS TYLER SURVEYORS
BOB MATUSH SURVEYING, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
2624 KENSINGTON DRIVE, SUITE 107 TYLER, TEXAS 75703
TEL. (903) 561-7287 www.bmstyler.com
T.B.P.L.S. FIRM NO. 10048200

JOB NO. 18-329 DATE: 24 JUNE 2019 SCALE: 1"=100'

Agenda Date:	May 28, 2024
To:	Planning and Zoning Commission
From:	Susan Davis, Planning Technician
Agenda Item:	Consider an ordinance amending Chapter 39, "Zoning"
Date Submitted:	04/29/2024

SUMMARY:

Discussion to consider amending Chapter 39, "Zoning," as follows:

1. Section 39.2.2-13 Land Use Chart:

   - to remove the AirBNB Rental Unit category and add a Short-Term Rental category. Airbnb Rental is a company name and not a use type. Currently, AirBNB are only allowed by Specific Use Permits in Residential Estate, Suburban Residential, Urban Residential, Mixed Residential, Mixed Use Neighborhood, Central Business District, Retail Commercial, Highway Commercial, Planned Development, and Historic Preservation Overlay.

2. Section 39.2.2-13 Land Use Chart:

   - to remove the Airbnb Rental Unit category and add a Short-Term Rental category. Airbnb Rental is a company name and not a use type. Currently, AirBNB are only allowed by Specific Use Permits in Residential Estate, Suburban Residential, Urban Residential, Mixed Residential, Mixed Use Neighborhood, Central Business District, Retail Commercial, Highway Commercial, Planned Development, and Historic Preservation Overlay.
   - to allow Body Art Studio/Branding, Piercing and Tattoo Facility in the Industrial Zoning District. Body Art Studio/Branding, Piercing and Tattoo Facility is currently permitted by right in the Central Business District, Retail Commercial, Highway Commercial; and by Specific Use Permit in the Mixed Use Neighborhood, Planned Development, and Historic Preservation Overlay.

3. Section 39.4.3-2(6) Administrative and Review Procedures, General Review Criteria:

   - to reference the Appendix B Fee Schedule in place of the old fee amount of $125.00 as follows: (a) Complete and submit a Specific Use Permit Application. A Site Plan, a Floor Plan, and pictures of the proposed home must be submitted. The permit fee, as stated in Appendix B Fee Schedule, is due at the time of the submittal.

4. Section 39.5.3, Use Definitions

   - to add a definition for Short-Term Rental as follows: "Short-term rental" means a residential property, including a single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partly for a fee for a period no longer than thirty (30) consecutive days.

Upon a vote by the Planning & Zoning Commission on May 2, 2024, motions to approve the changes to Chapter 39 Zoning Code as presented passed 4-0.

RECOMMENDED ACTION:

Staff recommends approval of an ordinance amending Chapter 39, "Zoning," Article II, "Zoning Districts and Regulations," Article IV, "Administration and Review Process," and Article V, "Definitions."

CITY MANAGER APPROVAL:

Attachments

Ordinance

ORDINANCE NO. O- -24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, AMENDING CHAPTER 39, "ZONING," ARTICLE II, "ZONING DISTRICTS AND USE REGULATIONS," ARTICLE IV, "ADMINISTRATION," AND ARTICLE V, "DEFINITIONS"; PROVIDING FOR A SEVERABILITY, OPEN MEETINGS, AND REPEALING CLAUSE; AND PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Palestine has general authority to adopt an ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds certain amendments to the aforementioned code are necessary to meet changing conditions and are in the best interest of the City; and

WHEREAS, the City Council finds the amendments to be reasonable and necessary.

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

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

SECTION 2. That Chapter 39, "Zoning," Article II, "Zoning Districts and Use Regulations," Article IV, "Administration," and Article V, "Definitions" of the Code of Ordinances of the City of Palestine, Texas, shall be amended as set forth in Exhibit "A," attached hereto and incorporated herein for all purposes.

SECTION 3. If any provision of the Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

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

SECTION 5. To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 6. The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

DRAFT

SECTION 7. This Ordinance shall be effective immediately upon passage and publication as provided for by law.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Palestine, Texas, this the 28th day of May, 2024.

MITCHELL JORDAN
MAYOR

ATTEST:

APRIL JACKSON
CITY SECRETARY

APPROVED AS TO FORM:

REZZIN PULLUM
CITY ATTORNEY

DRAFT

"Exhibit A"

Zoning Code

Table of Contents

Article I. Introduction 1

Division 1. Title and Purpose 1

Sec. 39.1.1-1 Title 1

Sec. 39.1.1-2 Effective Date 1

Sec. 39.1.1-3 Authority 1

Sec. 39.1.1-4 Purpose 1

Sec. 39.1.1-5 Applicability 1

Sec. 39.1.1-6 Interpretation and Conflict 2

Sec. 39.1.1-7 Exhibits and Graphics 2

Sec. 39.1.1-8 Comprehensive Plan 2

Sec. 39.1.1-9 Severability and Penalty 2

Sec. 39.1.1-10 Preservation of Rights 3

Article II. Zoning Districts and Use Regulations 4

Division 1. Zoning Districts and Map 4

Sec. 39.2.1-1 Zoning Districts Established 4

Sec. 39.2.1-2 Zoning District Map 5

Sec. 39.2.1-3 Interpretation of Zoning District Boundaries 6

Sec. 39.2.1-4 Zoning of Annexed Land 6

Sec. 39.2.1-5 Areas Not Included Within a Zoning District 7

Division 2. District Standards 8

Sec. 39.2.2-1 Residential Estate District (RE) 8

Sec. 39.2.2-2 Suburban Residential District (SR) 10

Sec. 39.2.2-3 Urban Residential District (UR) 11

Sec. 39.2.2-4 Mixed Residential District (MR) 13

Sec. 39.2.2-5 Mixed Use Neighborhood District (MUN) 16

Sec. 39.2.2-6 Manufactured Housing and Mobile Home Park (MHP) 19

Sec. 39.2.2-7 Central Business District (CBD) 21

Sec. 39.2.2-8 Retail Commercial District (RC) 25

Sec. 39.2.2-9 Highway Commercial District (HC) 27

Sec. 39.2.2-10 Industrial District (I) 29

Sec. 39.2.2-11 Planned Development District (PD) 31

Sec. 39.2.2-12 Manufactured Home Overlay District (MHO) 33

Sec. 39.2.2-13 Land Use Chart 34

Division 3. General Provisions for All Districts 51

Table of Contents

Sec. 39.2.3 -1 Purpose 51
Sec. 39.2.3-2 General Zoning Compliance 51
Sec. 39.2.3-3 Principal Use and Dwellings 51
Sec. 39.2.3-4 Manufactured and Mobile Homes 52
Sec. 39.2.3-5 Setbacks, Lots, and Yards 53
Sec. 39.2.3-6 Height 56
Sec. 39.2.3-7 Steep Slopes 57
Sec. 39.2.3-8 Access and Frontage 59
Sec. 39.2.3-9 Grading and Excavation 59
Sec. 39.2.3-10 Visibility at Intersections 60
Sec. 39.2.3-11 Walls and Fences 60
Sec. 39.2.3-12 Swimming Pools and Spas 60
Sec. 39.2.3-13 Recreational Vehicle Parking 61
Sec. 39.2.3-14 Refuse Containers 61
Sec. 39.2.3-15 Sewer and Septic Systems 61
Sec. 39.2.3-16 Noxious Impacts Prohibited 62
Sec. 39.2.3-17 Nonconformities 62

Division 4. Supplementary Use Requirements 65

Sec. 39.2.4-1 Purpose 65
Sec. 39.2.4-2 Accessory Building/Structure 65
Sec. 39.2.4-3 Agricultural Operation, Farm, Ranch, or Agritourism 65
Sec. 39.2.4-4 Airport, Heliport, Airstrip, Helicopter Landing Pad 65
Sec. 39.2.4-5 Alcoholic Beverage Sales 65
Sec. 39.2.4-6 Alternative Financial Establishments, Pawnshops 66
Sec. 39.2.4-7 Animal Services (animal/pet – shelter or rescue, hotel, store) 66
Sec. 39.2.4-8 Automobile Repair Facilities 67
Sec. 39.2.4-9 Bail Bond Establishment 67
Sec. 39.2.4-10 Bed and Breakfast 67
Sec. 39.2.4-11 Boarding/ Rooming House 67
Sec. 39.2.4-12 Cemeteries and Mausoleums 68
Sec. 39.2.4-13 Childcare Centers (Daycare, After School Care) 69
Sec. 39.2.4-14 Churches and Other Houses of Worship 69
Sec. 39.2.4-15 Commercial Amusement, Indoor 69
Sec. 39.2.4-16 Commercial Amusement, Outdoor 70

Table of Contents

Sec. 39.2.4-17 Drilling and Production of Oil and Gas, Gathering and Compression Station 70
Sec. 39.2.4-18 Educational and Scientific Research Office Excluding Laboratory Facilities 72
Sec. 39.2.4-19 Eight-liner Business 72
Sec. 39.2.4-20 Funeral Homes and Mortuaries 72
Sec. 39.2.4-21 Gasoline Service Stations and Car Washes 73
Sec. 39.2.4-22 General Retail (Indoor) - Over 50,000 Gross Floor Area 73
Sec. 39.2.4-23 Greenhouse and Nursery, Commercial 74
Sec. 39.2.4-24 Group Housing, Adult Group Home 75
Sec. 39.2.4-25 Gun Shooting or Archery Range, Indoor 75
Sec. 39.2.4-26 Holiday Tree and Firewood Sales 75
Sec. 39.2.4-27 Home Occupations 75
Sec. 39.2.4-28 Impounded Vehicle Storage Facility 77
Sec. 39.2.4-29 Industrial 77
Sec. 39.2.4-30 Junkyards and Salvage Yards 78
Sec. 39.2.4-31 Manufactured Home/ Mobile Home Community 79
Sec. 39.2.4-32 Manufactured and Mobile Homes 80
Sec. 39.2.4-33 Mining and Mineral Extraction Operation 80
Sec. 39.2.4-34 Nursing/Convalescent Homes 82
Sec. 39.2.4-35 Outdoor Storage and Display 82
Sec. 39.2.4-36 Propane Sales and Distribution 83
Sec. 39.2.4-37 Recreational Vehicle (RV) or Trailer Park 84
Sec. 39.2.4-38 Personal Property Sales in Residential Districts 84
Sec. 39.2.4-39 Restaurant with Drive-Through 84
Sec. 39.2.4-40 Roadside (Produce) Stand 84
Sec. 39.2.4-41 Satellite Transmission Antenna 85
Sec. 39.2.4-42 Sexually Oriented Businesses 86
Sec. 39.2.4-43 Solar Energy Equipment 86
Sec. 39.2.4-44 Temporary Uses 86
Sec. 39.2.4-45 Tiny House 86
Sec. 39.2.4-46 Transitional Housing 87
Sec. 39.2.4-47 Vehicle Sales and Rental 87
Sec. 39.2.4-48 Veterinary Hospitals or Clinics 88
Sec. 39.2.4-49 Wind Energy Turbines 89
Sec. 39.2.4-50 Wireless Communication Facilities 89

Table of Contents

Article III. Development and Design Requirements 91

Division 1. Site Design Standards 91

Sec. 39.3.1-1 Applicability 91

Sec. 39.3.1–2 Private Land Design. 91

Sec. 39.3.1–3 Public Land Design. 93

Sec. 39.3.1–4 Access and Frontage 93

Sec. 39.3.1-5 Street Connectivity 94

Sec. 39.3.1-6 Traffic Impact Mitigation 95

Division 2. Building and Design Standards 99

Sec. 39.3.2-1 Applicability 99

Sec. 39.3.2-2 Building Design Requirements in General 99

Division 3. Parking and Loading 101

Sec. 39.3.3-1 Applicability 101

Sec. 39.3.3-2 General Parking Requirements 101

Sec. 39.3.3-3 Number of Off-Street Parking Spaces Required 102

Sec. 39.3.3-4 Design requirements for parking lots 107

Sec. 39.3.3–5 Design requirements for Driveways. 111

Sec. 39.3.3–6 Temporary Parking Lots. 116

Sec. 39.3.3–7 Reduction of Parking 116

Sec. 39.3.3–8 Off-street loading requirements. 117

Division 4. Landscaping and Tree Preservation 119

Sec. 39.3.4–1 Applicability 119

Sec. 39.3.4–2 General Landscaping Requirements 119

Sec. 39.3.4–3 Landscape Plan Procedures. 120

Sec. 39.3.4–4 Development/Subdivision Landscaping 120

Sec. 39.3.4–5 Landscaping in Parking Lots 121

Sec. 39.3.4–6 Landscaping in Street Rights-of-Way or Public Utility Easements. 122

Sec. 39.3.4–7 Tree Preservation. 122

Sec. 39.3.4–8 Irrigation 123

Sec. 39.3.4-9 Landscape Maintenance. 123

Sec. 39.3.4–10 Approved Tree List 124

Division 5. Screening 130

Sec. 39.3.5-1 Applicability 130

Sec. 39.3.5-2 General Standards for Screening 130

Sec. 39.3.5-3 Parking Lot Screening 131

Table of Contents

Sec. 39.3.5-4 Outdoor Storage Screening 131
Sec. 39.3.5-5 Trash/Dumpster Screening 132
Sec. 39.3.5-6 Utility Equipment Screening 132
Division 6. Signs 133
Sec. 39.3.6-1 Purpose 133
Sec. 39.3.6-2 General Provisions 133
Sec. 39.3.6-3 Exempt Signs 134
Sec. 39.3.6-4 Prohibited Signs 135
Sec. 39.3.6-5 Permits and Fees 137
Sec. 39.3.6-6 Nonconforming Signs 140
Sec. 39.3.6-7 Noncommercial Signs 140
Sec. 39.3.6-8 Attached Signs 140
Sec. 39.3.6-9 Detached Signs 144
Sec. 39.3.6-10 Other Signs 149
Sec. 39.3.6-11 Temporary Signs 154
Sec. 39.3.6-12 Measurement Standards 159
Sec. 39.3.6-13 Construction Standards 163
Sec. 39.3.6-14 Lighting Standards 163
Sec. 39.3.6-15 Enforcement and Maintenance 163
Sec. 39.3.6-16 Signs in the Main Street Overlay District 164
Division 7. Historic Preservation 172
Sec. 39.3.7-1 Purpose 172
Sec. 39.3.7-2 Definitions 172
Sec. 39.3.7-3 Appointment of historic preservation officer 176
Sec. 39.3.7-4 Criteria for Designation of Local Historic Landmarks and Districts 176
Sec. 39.3.7-5 Designation of Local Historic Landmarks and Districts 177
Sec. 39.3.7-6 Minimum Maintenance Standards 179
Sec. 39.3.7-7 Procedure to Mitigate Demolition by Neglect 180
Sec. 39.3.7-8 Ordinary Maintenance 180
Sec. 39.3.7-9 Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts 180
Sec. 39.3.7-10 Review Criteria for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts 180
Sec. 39.3.7-11 Procedure for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts 180

Table of Contents

Sec. 39.3.7-12 Demolition of Landmarks 182

Sec. 39.3.7-13 Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts 183

Sec. 39.3.7-14 Procedure for Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts 184

Sec. 39.3.7-15 Economic Hardship Involving Certificates of Appropriateness for Demolition Affecting Landmarks 186

Sec. 39.3.7-16 Other Regulations in Historic Districts 187

Sec. 39.3.7-17 Incentives 188

Sec. 39.3.7-18 Enforcement 188

Sec. 39.3.7-19 Penalties 188

Article IV. Administration and Review Procedures 189

Division 1. Decision Making Entities 189

Sec. 39.4.1-1 City Manager or His/Her Designee 189

Sec. 39.4.1-2 Planning & Zoning Commission 191

Sec. 39.4.1-3 Board of Adjustment 191

Sec. 39.4.1-4 Historic Landmark Commission 191

Sec. 39.4.1-5 Main Street Advisory Board 191

Sec. 39.4.1-6 Zoning Ordinance Steering Committee 191

Division 2. General Procedures and Amendments 192

Sec. 39.4.2-1 Summary of Procedures 192

Sec. 39.4.2-2 Application Submission, Contents, and Fees 192

Sec. 39.4.2-3 Completeness Review 193

Sec. 39.4.2-4 Administrative Review 194

Sec. 39.4.2-5 Review and Action by City Authorities 195

Sec. 39.4.2-6 General Review Criteria 196

Sec. 39.4.2-7 Public Notice Requirements 197

Sec. 39.4.2-8 Text and Map Amendments 198

Sec. 39.4.2-9 Building Permits, Development Permits, and Certificates of Occupancy 201

Division 3. Specific Procedures and Processes 204

Sec. 39.4.3-1 Rezoning Process 204

Sec. 39.4.3-2 Specific Use Permit (SUP) Process 206

Sec. 39.4.3-3 Planned Unit Development Process 209

Sec. 39.4.3-4 Site Plan Review Process 212

Sec. 39.4.3-5 Waivers 214

Sec. 39.4.3-6 Special Exception 215

Table of Contents

Sec. 39.4.3-7 Variance 217
Sec. 39.4.3-8 Appeal of an Administrative Official's Decision 218
Sec. 39.4.3-9 Amortization of a Nonconforming Use 220
Article V. Definitions 222
Division 1. Construction Language 222
Sec. 39.5.1-1 Words, Terms and Phrases. 222
Sec. 39.5.1-2 Rules of Construction. 222
Division 2. General Definitions 223
Division 3. Use Definitions 257

Article I. Introduction
Division 1. Title and Purpose

Sec. 39.1.1-1 Title
This ordinance shall be known and may be cited as the "Zoning Ordinance for the City of Palestine, Texas." The map herein referred to is identified by the title, "Zoning Map of the City of Palestine, Texas," and all explanatory matter thereon is hereby adopted and made a part of this ordinance. It may be referred to as the "Zoning regulations," or the "Code."

Sec. 39.1.1-2 Effective Date
This City of Palestine Zoning Ordinance shall take effect and be in force from and after December 1, 2017.

Sec. 39.1.1-3 Authority
The Palestine Zoning Ordinance is enacted pursuant to the powers granted and limitations imposed by laws of the State of Texas, including the statutory authority granted in the Local Government Code Chapter 211, and all other relevant laws of the State of Texas. Whenever any provision of the Zoning Ordinance refers to or cites a section of the Texas Revised Statutes and that section is later amended or superseded, the zoning regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Sec. 39.1.1-4 Purpose
It is the intent of this ordinance to promote, the safety, morals, public health, or general welfare, of the citizens of the City of Palestine, Texas and protecting and preserving places and areas of historical, cultural, or architectural importance and significance in the City of Palestine, Texas in accordance with present and future needs of the City and its citizens. Furthermore, the purpose of this chapter is the implementation of the comprehensive plan, specifically the goals, objectives and policies contained therein. This purpose is met by:

1. Providing the means of implementing the policies and provisions of the comprehensive plan.

2. Guiding the growth of the city, concentrating more intense development in areas with high development capability and limiting development in areas of low capability.

3. Guiding, the type, distribution, intensity, and aesthetic appearance of development.

Sec. 39.1.1-5 Applicability
No building, or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered, and no existing use, new use, or change of use of any building, structure, or land, or part thereof, shall be made or continued except in conformity with the provisions of this ordinance, including all necessary reviews, approvals, authorizations, and/or permits.

Emergency Powers. The City Council may authorize deviations from any provision of the zoning ordinance during a local emergency caused by a disaster defined such by the Federal Emergency Management Authority (FEMA). Such deviations shall be authorized by resolution of the City Council without a requirement for prior notice or public hearing.

Sec. 39.1.1-6 Interpretation and Conflict

Conflict with Other Public Laws, Ordinances, Regulations, or Permits. The zoning ordinance is intended to complement other city, state, and federal regulations that affect land use. The zoning ordinance is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of the zoning ordinance are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the Administrator, shall govern.

Conflict with Private Agreements. The zoning ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of the zoning ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of the zoning ordinance shall govern.

Nothing in the zoning ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with the zoning ordinance. In no case shall the city be obligated to enforce the provisions of any easements, covenants, or agreements between private or third parties. All applicants and landowners shall be responsible for obligations and restrictions applicable to subject properties by private agreements.

All ordinances, or parts of ordinances, in conflict with the zoning regulations herein are to the extent of such conflict hereby repealed.

Sec. 39.1.1-7 Exhibits and Graphics

Exhibits with graphics are provided as "figures" to illustrate the intent of the language included in the zoning ordinance. When there is an apparent discrepancy between the text and a figure, the text shall supersede. In cases where the exhibit is a table, it shall be considered a requirement.

Sec. 39.1.1-8 Comprehensive Plan

The city shall adopt a comprehensive plan to guide future development. The comprehensive plan may consist of a future land use plan, future thoroughfare plan, and other plans or policies that may be deemed advisable to assist in long range planning and development of the city. The comprehensive plan or individual elements of the comprehensive plan shall be updated or revised from time to time, as necessary.

The overall zoning regulations shall be in conformance with the City's comprehensive plan and shall be updated or revised following any comprehensive plan revision and/or update. However, until such time that the zoning regulations are revised or updated, the text and map in this ordinance shall supersede the comprehensive plan update and revisions.

Sec. 39.1.1-9 Severability and Penalty

If any article, division, section, subsection, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

Any person convicted of violating any of the provisions of terms of this ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine as provided for in this section. Any person violating any of the provisions of this ordinance shall, upon a conviction, be fined any sum not exceeding $2,000.00; and each day

and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded by a violation of the terms of the ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

Sec. 39.1.1-10 Preservation of Rights

By the adoption of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically, such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture either civil or criminal, incurred prior to the time the provisions of previous zoning ordinances were repealed and this zoning ordinance adopted shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted, or causes presently pending proceeded with in all respects as if such prior ordinances had not been repealed.

Article II. Zoning Districts and Use Regulations
Division 1. Zoning Districts and Map

Sec. 39.2.1-1 Zoning Districts Established

In order to classify, regulate, and restrict the use of land, water, buildings, and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the intensity of land use; and to promote the orderly urban growth within the corporate area of the City of Palestine, Texas, the following zoning districts are established:

Residential Estate (RE)
The RE District is established to allow for larger, single-family dwellings on large lots. This district is intended to provide a more rural setting.

Suburban Residential (SR)
The SR District is established to allow single-family dwellings on lots 10,000 sq. ft. or larger. This district is intended to provide low-density residential neighborhoods along with their customary accessory uses.

Urban Residential (UR)
The UR District is established to allow for single-family dwellings on lots 7,500 sq. ft. or larger. This district is intended to provide medium density neighborhoods along with their customary accessory uses.

Mixed Residential (MR)
The MR District is established to allow a mix of single-family, duplex, zero lot line, multi-family dwellings on lots 6,000 sq. ft. or larger. This district is intended to provide high-density, mixed residential neighborhoods along with customary accessory uses.

Mixed Use Neighborhood (MUN)
The MUN District is established to allow a mixture of residential, recreational, office, retail, public and institutional uses in a traditional neighborhood pattern.

Manufactured Housing & Mobile Home Park (MHP)
The MHP District is established to allow for the proper location and planning of attractive manufactured home park developments. Development standards and requirements are included. For the purpose of occupancy, all manufactured homes, mobile homes, and trailers, other than in the AG and RE districts shall be located within a mobile home park within the MHP district.

Central Business (CB)
The CB District is established to allow a central place for civic activity in Palestine as well as to preserve the unique character it contains in a wide range of mixed uses that include potential historical structures, older single-family residences, in a manner that distinguishes it from neighboring communities. The regulations in this section are intended to encourage a relatively dense mix of residences and businesses that create a built environment which is both aesthetically pleasing, and which encourages walkability and public gatherings.

Retail Commercial (RC)
The RC District is established to allow a variety of low intensity retail uses, office uses, and higher density multi-family uses. In addition, this district can create areas to serve as transitional buffers between residential districts and commercial districts, the number and type of retail uses permitted is limited. The primary purpose of this district is to accommodate existing and new retail, office and institutional areas.

Highway Commercial (HC)
The HC District is established to allow a wide array of primarily retail and service uses to a large trading area for persons residing in and/or traveling through the Palestine. Such uses shall be located and designed in such a manner so as to promote aesthetics, the safe and efficient movement of traffic, and to not unduly burden adjoining thoroughfares.

Industrial (I)
The I District is established to allow most industrial and manufacturing uses, provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise, fumes, or vibrations.

Planned Development (PD)
The PD District is established to allow an alternative to conventional development by permitting flexibility in the regulations for development by authorizing Planned Development Districts (PD). The purpose in allowing this alternative is to encourage:

- innovation in land development in terms of variety, design, layout, and type of structures constructed;
- adaptive re-use of significant or historic buildings;
- mixing compatible uses;
- preservation of significant natural features, open space, and cultural/ historic resources;
- development that is consistent with the character of the community;
- efficient provision of public services and utilities; safe and efficient pedestrian access and circulation;
- development of convenient recreational facilities;
- the use and improvement of land where site conditions make development under conventional zoning difficult or less desirable.

Sec. 39.2.1-2 Zoning District Map
The Official Zoning Map, also known as the "City Zoning Map," or "Zoning Map," is adopted and is declared to be a part of this zoning ordinance. This map shall be kept on file in the office of the Administrator and shall be available for public inspection during regular office hours. The Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the city under the following words: "This is the Official Zoning Map as adopted by part of Ordinance No. [number] on [date] by the City Council of the City of Palestine, Texas."

Amendments to the Zoning Map shall be effective after approval by the City Council. The Zoning Map will be periodically updated to reflect amendments. Updated Zoning Maps shall also be identified by the signature of the Mayor attested by the City Secretary and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as a part of the Zoning Ordinance of the City of Palestine, Texas."

Sec. 39.2.1-3 Interpretation of Zoning District Boundaries

The boundaries of each district are designed and established as shown on the zoning map of the City of Palestine, Texas. The regulations of this ordinance governing the use of land and water and buildings, the height of buildings, lot areas, setbacks, lot coverage, parking and loading requirements are hereby included within the boundaries of each and every district shown upon the zoning map. When uncertainty exists as to the boundaries of the various districts on the zoning map, the following rules shall apply:

1. When the district boundaries are roads or streets or alleys, shown as centerlines or parallel lines, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the center line of the road or street or alley shall be construed to be the district boundary line.

2. Where the district boundaries indicated follow platted lot or tract lines, the district boundaries shall be construed to follow the lot or tract lines.

3. Where the district boundaries indicated appear to follow city limit boundaries, the district boundaries shall be construed to follow the city limit boundaries.

4. Where district boundaries are indicated as dividing a lot or tract, the district boundaries shall be decided upon by the City Manager or his/her designee as follows:

    a. the district with more restrictive regulations shall apply to the entire lot/tract (example: if the lot/tract is divided into a residential district and a commercial district, then the residential district shall apply to the entire lot; or if the lot/tract is divided between SR and MR districts then the SR district will apply to the entire lot/tract); or if the applicant/property owner chooses to, then by:

    b. the City Council through the City's rezoning process described in this ordinance.

5. Where boundaries follow the shoreline of a stream, lake, or other body of water, they shall be construed to follow the centerline of streams, rivers, drainage ditches, or other bodies of water.

6. Where the application of these rules leaves a reasonable doubt as to the boundaries between districts, the City Council shall interpret the boundary location through the City's rezoning process described in this ordinance.

Sec. 39.2.1-4 Zoning of Annexed Land

All land and water areas annexed to the city shall be designated as RE on the Zoning Map until a different zoning designation is approved by the City Council. A Zoning Map amendment can be reviewed concurrently along with annexation proceedings; however, the annexation approval must occur prior to approval of the amendment to the Zoning Map.

Sec. 39.2.1-5 Areas Not Included Within a Zoning District

1. Areas Not Included**.** In every case where land has not been included within a district on the Zoning Map, the land is determined to be in the RE zoning district until a different zoning designation is approved by the City Council.

2. Vacated Areas**.** When a street, alley, or other public way is vacated by governmental action, and when the lands within the boundaries of such a facility are attached to and become a part of the lands adjoining the vacated street, alley, or public way, the lands formerly within the boundaries of the facility shall be subject to the same zoning regulations as apply to the adjoining lands. A Zoning Map amendment can be reviewed concurrently along with vacation proceedings; however, the vacation approval must occur prior to approval of the amendment to the Zoning Map.

Division 2. District Standards

Sec. 39.2.2-1 Residential Estate District (RE)

1. **Purpose**. The RE – Residential Estate District is intended for larger, single-family dwellings on large lots. This district is intended to provide a more rural residential setting and preservation of open space and country living. This district may allow cluster of housing as along as overall density follows the spatial requirements and the visual from major thoroughfares is of rural countryside.

2. **Allowed Uses**. Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

    a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance and subject to Article II. Division 4.

    b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3. Sec. 39.4.3 - 2 of this ordinance.

    c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses**. Accessory use of land shall not exceed 25% of the total land area.

    a. Accessory use shall be determined based on the definition of accessory use in Article V.

    b. Accessory structures shall also be subject to the requirements of Section 39.2.2—1 5) b) below, Section 39.2.2-3 and Section 39.2.4-2.

    c. A secondary dwelling unit or mother-in-law suite shall be allowed as an accessory use in this district, subject to:

        i. be limited to one such use per lot and to a maximum floor area of 800 sq. ft. or 40% of the Net Floor Area of the Single Detached Dwelling to which it is accessory, whichever is less; and

        ii. not be located where there is a Residential Care Use, Supportive Recovery Use or Boarding Use on the lot.

4. **Other Requirements**. Land and/or buildings in this district shall be subject to all the requirements of this ordinance, specifically:

    a. Parking & Loading — See Article III. Division 3.

    b. Landscaping & Tree Preservation — See Article III. Division 4.

    c. Screening & Fencing — See Article III. Division 5.

d. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

e. Outdoor Storage — is not allowed in the front yard or street side yard except when screened from the street/ right-of-way with berms, natural vegetation, or a solid screen or fence. All outdoor storage shall also comply with Section 39.2.4-35

5. **Alternatives.** If a property owner wishes to develop property in this district in a manner other than as described, following options are available through a site plan approval process:

   a. Cluster Development: Residential units maybe allowed if it meets the following regulations:

      i. 50% of the land is open space; and

      ii. Residential uses are screened from thoroughfares using trees and other landscaping to ensure a rural setting.

   b. Principle dwelling and/or accessory use in residential estate district may use shipping containers or tiny house, subject to requirements in Section 39.2.4-45 and if the structures are screened from thoroughfares using trees and other landscaping to ensure a rural setting.

6. **Spatial Requirements**:

Requirements	Lot	Principal Building	Accessory Building
Min. Area	3 acres	1,600 sq. ft*	-
Max. Density	0.3/acre (1 DU/ 3 acre)**		
Min. Width	150 ft	-	-
Min. Depth	120 ft	-	-
Min. Front yard setback	-	50 ft	50 ft
Min. Side yard setback	-	25 ft	25 ft
Min. Side Street yard setback	-	50 ft	50 ft
Min. Rear yard setback	-	50 ft	10 ft
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	45 ft	35 ft
Max. Stories	-	2.5 stories	2 stories

Sec. 39.2.2-2 Suburban Residential District (SR)

1. **Purpose**. The SR – Suburban Residential District is intended to provide a location for medium density single family residential development.

2. **Allowed Uses.** Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

    a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance and subject to Article II. Division 4.

    b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3. Sec. 39.4.3 - 2 of this ordinance.

    c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses.** Accessory use of land shall not exceed 25% of the total land area.

    a. Accessory use shall be determined based on the definition of accessory use in Article V.

    b. Accessory structures shall also be subject to the requirements of Section 39.2.4—2.

    c. A secondary dwelling unit or mother-in-law suite shall be allowed as an accessory use in this district, subject to:

        i. be limited to one such use per lot and to a maximum floor area of 800 sq. ft. or 40% of the Net Floor Area of the Single Detached Dwelling to which it is accessory, whichever is less;

        ii. not be located where there is a Residential Care Use, Supportive Recovery Use or Boarding Use on the lot; and,

        iii. may use tiny house, subject to requirements in Section 39.2.4-45

4. **Other Requirements.** Land and/or buildings in this district shall be subject to all the requirements of this ordinance, specifically:

    a. Parking & Loading — See Article III. Division 3.

    b. Landscaping & Tree Preservation — See Article III. Division 4.

    c. Screening & Fencing — See Article III. Division 5.

    d. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

e. Outdoor Storage — is not allowed in the front yard or street side yard. All outdoor storage shall also comply with Section 39.2.4-35.

f. Shipping/Cargo containers for primary and/or accessory uses are not allowed in this district.

g. Tiny houses are not permitted for a primary use in this district.

5. **Spatial Requirements**

Requirements	Lot	Principal Building	Accessory Building
Min. Area	10,000 sq. ft.	1,600 sq. ft.	-
Max. Density	4.4/acre (1 DU/ 10,000 sq. ft.)		
Min. Width	100 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	25 ft	25 ft
Min. Side yard setback	-	6 ft	3 ft
Min. Side Street yard setback	-	15 ft	25 ft
Min. Rear yard setback	-	20 ft	3 ft
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	35 ft	25 ft
Max. Stories	-	2.5 stories	2 stories

Sec. 39.2.2-3 Urban Residential District (UR)

1. **Purpose.** The UR – Urban Residential District is intended to provide a location for high density single family residential uses.

2. **Allowed Uses.** Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

    a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance and subject to Article II. Division 4.

b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3 Sec. 39.4.3 - 2 of this ordinance.

c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses.** Accessory use of land shall not exceed 25% of the total land area.
   a. Accessory use shall be determined based on the definition of accessory use in Article V.

   b. Accessory structures shall also be subject to the requirements of Section 39.2.2-3 (5) below and Section 39.2.4-2.

   c. A secondary dwelling unit or mother-in-law suite shall be allowed as an accessory use in this district, subject to:

      i. be limited to one such use per lot and to a maximum floor area of 450 sq. ft. or 25% of the Net Floor Area of the Single Detached Dwelling to which it is accessory, whichever is less;

      ii. not be located where there is a Residential Care Use, Supportive Recovery Use or Boarding Use on the lot; and,

      iii. may use tiny house, subject to requirements in Section 39.2.4-45.

4. **Other Requirements.** Land and/or buildings in this district shall be subject to all the requirements of this ordinance, specifically

   a. Parking & Loading — See Article III. Division 3.

   b. Landscaping & Tree Preservation — See Article III. Division 4.

   c. Screening & Fencing — See Article III. Division 5.

   d. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

   e. Outdoor Storage — is not allowed in the front yard or street side yard. All outdoor storage shall also comply with Sec. 39.2.4 - 35.

   f. Shipping/Cargo containers for primary and/or accessory uses are not allowed in this district.

   g. Tiny houses are not permitted for a primary use in this district.

5. **Alternatives.** Duplex or townhouse/zero lot line residential maybe allowed in this district through a specific use permit.

6. **Spatial Requirements**

Requirements	Lot	Principal Building	Accessory Building
Min. Area	7,500 sq. ft.	1,400 sq. ft.	-
Max. Density	5.8/acre (1 DU/ 7,500 sq. ft.)		
Min. Width	75 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	25 ft	25 ft
Min. Side yard setback	-	6 ft	3 ft
Min. Side Street yard setback	-	15 ft	15 ft
Min. Rear yard setback	-	20 ft	3 ft
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	35 ft	25 ft
Max. Stories	-	2.5 stories	2 stories

Sec. 39.2.2-4 Mixed Residential District (MR)

1. **Purpose.** The MR – Mixed Residential District is intended to provide a location for an urban small-town neighborhood with a variety of residential options in a higher density environment to allow for common public open space and amenities.

2. **Allowed Uses.** Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

    a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance.

    b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3. Sec. 39.4.3 - 2 of this ordinance.

    c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses.** Accessory use of land shall not exceed 25% of the total land area.

    a. Accessory use shall be determined based on the definition of accessory use in Article V.

    b. Accessory structures shall also be subject to the requirements of Section 39.2.4—2.

    c. A secondary dwelling unit or mother-in-law suite shall be allowed as an accessory use to single family and/or duplex residential primary use in this district, subject to:

        i. be limited to one such use per lot and to a maximum floor area of 450 sq. ft. or 25% of the Net Floor Area of the Single Detached or Duplex Dwelling to which it is accessory, whichever is less;

        ii. not be located where there is a Residential Care Use, Supportive Recovery Use or Boarding Use on the lot; and,

        iii. may use tiny house, subject to requirements in Section 39.2.4-45

4. **Other Requirements.**

    a. Site Design Standards — See Article III. Division 1.

    b. Building Design Standards — See Article III. Division 2.

    c. Parking & Loading — See Article III. Division 3.

    d. Landscaping & Tree Preservation — See Article III. Division 4.

    e. Screening & Fencing — See Article III. Division 5.

    f. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

    g. Outdoor Storage — is not allowed in this district.

    h. Shipping/Cargo containers for primary and/or accessory uses are not allowed in this district.

    i. Tiny houses are not permitted for a primary use in this district.

5. **Spatial Requirements*:***

Requirements	Lot	Principal Building	Accessory Building
Single Family & Duplex Residential			
Min. Area	6,000 sq. ft.	600 sq. ft.	-
Max. Density	7.3/acre (1 DU or duplex/ 6,000 sq. ft.)		
Min. Width	60 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	25 ft	25 ft
Min. Side yard setback	-	6 ft	3 ft
Min. Side Street yard setback	-	10 ft	10 ft
Min. Rear yard setback	-	20 ft	3 ft
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	35 ft	15 ft
Max. Stories	-	2.5 stories	1 story
Zero Lot Line & Townhouse			
Min. Area	2,500 sq. ft.	800 sq. ft.	-
Max. Density	17.4/acre (1 DU/ 2,500 sq. ft.)		
Min. Width	25 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	10 ft	-
Min. Side yard setback	-	0 ft	-
Min. Side Street yard setback	-	5 ft	-
Min. Rear yard setback	-	10 ft	-
Min. setback from other structures	-	-	-
Max. Height	-	40 ft	-
Max. Stories	-	3 stories	-

Requirements	Lot	Principal Building	Accessory Building
Multifamily			
Min. Area	10,000 sq. ft.	500 sq. ft.	25% Max
Min. Width	100 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	25 ft	10 ft
Min. Side yard setback	-	15 ft	10 ft
Min. Side Street yard setback	-	15 ft	10 ft
Min. Rear yard setback	-	20 ft	10 ft
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	50 ft	25 ft
Max. Stories	-	3 stories	1.5 stories

Sec. 39.2.2-5 Mixed Use Neighborhood District (MUN)

1. **Purpose.** The MUN – Mixed Use Neighborhood district is intended to provide a mixture of residential, recreational, office, retail, public and institutional uses in a traditional neighborhood pattern.

2. **Allowed Uses.** Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

    a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance and subject to Article II Division 4.

    b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3. Sec. 39.4.3 - 2 of this ordinance.

    c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses.** Accessory use of land shall not exceed 25% of the total land area.

    a. Accessory use shall be determined based on the definition of accessory use in Article V.

    b. Accessory structures shall also be subject to the requirements of Section 39.2.4—2.

    c. A secondary dwelling unit or mother-in-law suite shall be allowed as an accessory use to single family and/or duplex residential primary use in this district, subject to:

i. be limited to one such use per lot and to a maximum floor area of 450 sq. ft. or 25% of the Net Floor Area of the Single Detached or Duplex Dwelling to which it is accessory, whichever is less; and

ii. not be located where there is a Residential Care Use, Supportive Recovery Use or Boarding Use on the lot; and

iii. may use tiny house, subject to requirements in Section 39.2.4-45.

4. **Other Requirements.**

a. Site Design Standards — See Article III. Divisions 1.

b. Building Design Standards — See Article III. Division 2.

c. Parking & Loading — See Article III. Division 3.

d. Landscaping & Tree Preservation — See Article III. Division 4.

e. Screening & Fencing — See Article III. Division 5.

f. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

g. Outdoor Storage — is not allowed in this district.

h. Shipping/Cargo containers for primary and/or accessory uses are not allowed in this district.

i. Tiny houses are not permitted for a primary use in this district.

j. Where termination of the nonconforming use occurs, any future use of the property must conform to the current District requirements.

k. The design and construction of new structures in the district shall be compatible with the existing character, appearance, quality of development and physical characteristics of the neighborhood and immediate vicinity.

l. Existing accessory living units located on any tract of land currently designated as residential are permitted within this district.

m. All setbacks in this district for new structures (including buildings moved into the district and expansion of an existing primary structure) shall follow the regulations in Section 39.2.2-5, 5) table except in cases where the setbacks in the table conflict with the setbacks on the adjacent properties, then the setbacks shall either match or be max. an average of the setbacks on the block along the same side of the street.

5. **Spatial Requirements*:***

Requirements	Lot	Principal Building	Accessory Building
Single Family & Duplex Residential			
Min. Area	6,000 sq. ft.	600 sq. ft.	-
Max. Density	7.3/acre (1 DU/ 6,000 sq. ft.)		
Min. Width	60 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	25 ft	25 ft
Min. Side yard setback	-	6 ft	3 ft
Min. Side Street yard setback	-	10 ft	10 ft
Min. Rear yard setback	-	20 ft	3 ft
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	35 ft	15 ft
Max. Stories	-	2.5 stories	1 story
Zero Lot Line & Townhouse			
Min. Area	2,500 sq. ft.	800 sq. ft.	-
Max. Density	17.4/acre (1 DU/ 2,500 sq. ft.)		
Min. Width	25 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	10 ft	-
Min. Side yard setback	-	0 ft	-
Min. Side Street yard setback	-	5 ft	-
Min. Rear yard setback	-	10 ft	-
Min. setback from other structures	-	-	-
Max. Height	-	40 ft	-
Max. Stories	-	3 stories	-

Requirements	Lot	Principal Building	Accessory Building
Multifamily			
Min. Area	10,000 sq. ft.	600 sq. ft.	25% Max
Min. Width	100 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	25 ft	15 ft
Min. Side yard setback	-	15 ft	3 ft
Min. Side Street yard setback	-	15 ft	5 ft
Min. Rear yard setback	-	20 ft	3 ft
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	50 ft	25 ft
Max. Stories	-	3 stories	1.5 stories
Nonresidential			
Min. Area	6,000 sq. ft.	-	-
Min. Width	-	-	-
Min. Depth	-	-	-
Min. Front yard setback	-	25 ft	Same as PU
Min. Side yard setback	-	6 ft	6 ft.
Min. Side Street yard setback	-	15 ft	10 ft.
Min. Rear yard setback	-	20 ft	6 ft.
Min. setback from other structures	-	10 ft	10 ft.
Max. Height	-	40 ft	25 ft.
Max. Stories	-	3 stories	1 story

Sec. 39.2.2-6 Manufactured Housing and Mobile Home Park (MHP)

1. **Purpose.** The MHP – Manufactured Home Park District is intended to provide for a quality manufactured home park subdivision development containing many of the characteristics and atmosphere of a conventional type single-family residential subdivision on the lot, while adding to the rural, open space character to the City.

2. **Allowed Uses.** Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance.

b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3. Sec. 39.4.3-2 of this ordinance.

c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses.** Accessory use of land shall not exceed 5 % of the total land area.

a. Accessory use shall be determined based on the definition of accessory use in Article V.

b. Accessory structures shall also be subject to the requirements of Section 39.2.4-2.

c. An accessory structure which has a horizontal area exceeding 25 square feet and is attached to a manufactured home or located within ten feet of its window and has an opaque top or roof that is higher than the nearest window, shall, for purposes of all separation requirements, be considered part of the manufactured home.

4. **Other Requirements.**

a. Parking & Loading — See Article III. Division 3.

b. Landscaping & Tree Preservation — See Article III. Division 4.

c. Screening & Fencing — See Article III. Division 5.

d. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

e. Outdoor Storage — is not allowed in this district.

f. Principle dwelling and/or accessory use in Manufactured Home Park district may use shipping/cargo containers or tiny house, subject to requirements in Article II. Division 4.

g. All standards applying to general subdivision developments with regard to all utilities public and private streets, sidewalks (per Chapter 40. Subdivision Ordinance of the Code of Ordinances and Article III. Division I. of this ordinance) and fire per City of Palestine's adopted Fire Code shall apply to the design and development of a manufactured home park.

h. No part of any manufactured home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park, and those found in Sec. 39.2.2-13 land use chart.

i. Manufactured homes shall be anchored in accordance with standards promulgated by the state department of licensing and regulation.

j. All manufactured homes shall be underpinned.

5. **Spatial Requirements*:***

Requirements	Lot	Principal Building	Accessory Building
Manufactured Home Park/Development			
Min. Area	3 acres	1,000 sq. ft.	-
Max. Density	10/acre (50 DU/ 5 acre)		
Min. Width	40 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	10 ft	25 ft
Min. Side yard setback	-	6 ft	6 ft
Min. Side Street yard setback	-	10 ft	10 ft
Min. Rear yard setback	-	10 ft	10 ft
Min. setback from other permanent structures	-	20 ft	20 ft
Mobile Home			
Min. Area	4,000 sq. ft.	-	-
Min. Width	40 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	10 ft	25 ft
Min. Side yard setback	-	6 ft	6 ft.
Min. Side Street yard setback	-	10 ft	10 ft.
Min. Rear yard setback	-	10 ft	10 ft.
Min. setback from other permanent structures	-	20 ft	20 ft.
Min. setback from common parking area or other common areas	-	5 ft	5 ft.
Max. Height	-	20 ft	25 ft

Sec. 39.2.2-7 Central Business District (CBD)

1. **Purpose.** The CBD – Central Business district is intended to encourage the preservation and development of architecture and uses that have been determined as being historically and culturally

significant to the City. This district shall provide flexibility in land uses and regulations that will encourage the continuance of the historic character and encourage a relatively dense mix of residences and businesses that create a built environment which is both aesthetically pleasing, and which encourages walkability and public gatherings.

2. **Allowed Uses.** Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

    a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance.

    b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3 Sec. 39.4.3 - 2 of this ordinance.

    c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses.** Accessory use of land shall not exceed 5% of the total land area.

    a. Accessory use shall be determined based on the definition of accessory use in Article V.

    b. Accessory structures shall also be subject to the requirements of Section 39.2.4—2 and Section 39.2.2— 1 (5).

    c. A secondary dwelling unit or mother-in-law suite shall be allowed as an accessory use to single family and/or duplex residential primary use in this district, subject to:
        i. be limited to one such use per lot and to a maximum floor area of 450 sq. ft.
        ii. not be located where there is a Residential Care Use, Supportive Recovery Use or Boarding Use on the lot; and,
        iii. may use tiny house, subject to requirements in Section 39.2.4—45.

4. **Other Requirements.**

    a. Site Design Standards — See Article III. Division 1.

    b. Building Design Standards — See Article III. Division 2.

    c. Parking & Loading — See Article III. Division 3.

    d. Landscaping & Tree Preservation — See Article III. Division 4.

    e. Screening & Fencing — See Article III. Division 5.
    f. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

    g. Outdoor Storage — is not allowed in this district, except existing outdoor storage shall be considered a nonconforming use.

h. Shipping/Cargo containers for primary and/or accessory uses are not allowed in this district.

i. Tiny houses are not permitted for primary use in this district. These may be allowed for accessory buildings.

j. The design and construction of new structures and remodels in the district shall be compatible with the existing character, appearance, quality of development and physical characteristics of the neighborhood and immediate vicinity and shall follow Historic Preservation regulations in this ordinance – See Article III. Division 7.

k. All setbacks in this district for new structures (including buildings moved into the district and expansion of an existing primary structure) shall follow the regulations in Section 39.2.2-7, 6) table except in cases where the setbacks in the table conflict with the setbacks on the adjacent 30 properties, then the setbacks shall either match or be max. an average of the setbacks on the block along the same side of the street.

5. **Alternatives.** All requirements, except land use in this district maybe amended through a site plan approval process subject to providing 1,000 sq. ft. or 5 % whichever is greater, of the development area for common public space/plaza, either on the property or elsewhere within this district.

6. **Spatial Requirements*:***

Requirements	Lot	Principal Building	Accessory Building
Single Family & Duplex Residential			
Min. Area	5,000 sq. ft.	1,000 sq. ft.	-
Max. Density	8.7/acre (1 DU or duplex/5,000 sq. ft.)		
Min. Width	50 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	10 ft	25 ft
Min. Side yard setback	-	5 ft	3 ft
Min. Side Street yard setback	-	5 ft	5 ft
Min. Rear yard setback	-	10 ft	3 ft

Requirements	Lot	Principal Building	Accessory Building
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	35 ft	15 ft
Max. Stories	-	3 stories	1 story
Zero Lot Line & Townhouse			
Min. Area	2,500 sq. ft.	600 sq. ft.	-
Max. Density	17.4/acre (1 DU/ 2,500 sq. ft.)		
Min. Width	25 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	10 ft	-
Min. Side yard setback	-	0 ft	-
Min. Street yard setback	-	5 ft	-
Min. Rear yard setback	-	10 ft	-
Min. setback from other structures	-	-	-
Max. Height	-	40 ft	-
Max. Stories	-	3 stories	-
Multifamily			
Min. Area	5,000 sq. ft.	500 sq. ft.	-
Min. Front yard setback	-	10 ft	-
Min. Side yard setback	-	5 ft	-
Min. Street yard setback	-	5 ft	-
Min. Rear yard setback	-	10 ft	-
Min. setback from other structures	-	10 ft	-
Max. Height	-	35 ft	-
Max. Stories	-	3 stories	-

Requirements	Lot	Principal Building	Accessory Building
Nonresidential			
Min. Area	-	-	-
Max. Area	-	-	-
Min. Width	-	-	-
Min. Depth	-	-	-
Max. Front yard setback	-	10 ft.	10 ft
Min. Side yard setback	-	-	-
Max. Side street yard setback	-	10 ft.	-
Min. Rear yard setback	-	-	-
Min. setback from other structures	-	-	-
Max. Height	-	50 ft.	25 ft.
Max. Stories	-	3 stories	1 story

Sec. 39.2.2-8 Retail Commercial District (RC)

1. **Purpose.** The RC – Retail Commercial District is intended to provide for the development of retail-oriented uses and to accommodate the basic shopping and service needs of residents. All commercial uses, operations, and sales, except for off-street parking and off-street loading facilities, shall be conducted within completely enclosed buildings. However, this district is not intended to prohibit the outside display of merchandise in the normal course of retail business and within regular business hours.

2. **Allowed Uses.** Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

    a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance.

    b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3 Sec. 39.4.3 - 2. of this ordinance.

    c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses.** Accessory use of land shall not exceed 5% of the total land area.

    a. Accessory use shall be determined based on the definition of accessory use in Article V.

    b. Accessory structures shall also be subject to the requirements of Section 39.2.4—2.

4. Other Requirements.

a. Site Design Standards — See Article III. Division 1.

b. Building Design Standards — See Article III. Division 2.

c. Parking & Loading — See Article III. Division 3.

d. Landscaping & Tree Preservation — See Article III. Division 4.

e. Screening & Fencing — See Article III. Division 5.

f. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

g. Outdoor Storage — is not allowed in this district, except for inventory for sale or being stored temporarily. All outdoor storage on the property must meet the required setbacks and be screened from the street/ right-of-way with berms, natural vegetation, or a solid masonry fence.

h. Shipping/Cargo containers or Tiny house for accessory uses is allowed in this district.

5. Spatial Requirements

Requirements	Lot	Principal Building	Accessory Building
Min. Area	6,000 sq. ft.	1000 sq. ft.	-
Min. Width	60 ft.	-	-
Min. Depth	100 ft.	-	-
Min. Front yard setback	-	25 ft.	25 ft.
Min. Side yard setback	-	10 ft.	10 ft.
Min. Side street yard setback	-	15 ft.	15 ft.
Min. Rear yard setback	-	25 ft.	10 ft.
Min. setback from other structures	-	10 ft.	10 ft.
Max. Height	-	40 ft.	25 ft.
Max. Stories	-	2 stories	1 story

Requirements	Lot	Principal Building	Accessory Building
Multifamily			
Min. Area	10,000 sq. ft.	500 sq. ft.	25% Max
Min. Width	100 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	25 ft	10 ft
Min. Side yard setback	-	15 ft	10 ft
Min. Side Street yard setback	-	15 ft	10 ft
Min. Rear yard setback	-	20 ft	10 ft
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	50 ft	25 ft
Max. Stories	-	3 stories	1.5 stories

Sec. 39.2.2-9 Highway Commercial District (HC)

1. **Purpose.** The HC – Highway Commercial District is intended to provide for a variety of office, retail, and service uses for the purpose of creating a high-quality mixture of land uses along Highways within the City. This District is also designed to allow multiple story construction.

2. **Allowed Uses.** Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

    a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance.

    b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3 Sec. 39.4.3 - 2. of this ordinance.

    c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses.** Accessory use of land shall not exceed 5% of the total land area.

    a. Accessory use shall be determined based on the definition of accessory use in Article V.

    b. Accessory structures shall also be subject to the requirements of Section 39.2.4—2.

4. Other Requirements.

a. Site Design Standards — See Article III. Division 1.

b. Building Design Standards — See Article III. Division 2.

c. Parking & Loading — See Article III. Division 3.

d. Landscaping & Tree Preservation — See Article III. Division 4.

e. Screening & Fencing — See Article III. Division 5.

f. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

g. Outdoor Storage — is not allowed in this district, except for inventory for sale or being stored temporarily. All outdoor storage on the property must meet the required setbacks and be screened from the street/ right-of-way with berms, natural vegetation, or a solid masonry fence.

h. Shipping/Cargo containers or Tiny house for accessory use is allowed in this district.

i. Tiny houses may be used for office or security use and must conform to the other design standards for the area when used in conjunction with principal building.

5. Spatial Requirements:

Requirements	Lot	Principal Building	Accessory Building
Min. Area	7,500 sq. ft.	-	-
Min. Width	75 ft.	-	-
Min. Depth	100 ft.	-	-
Min. Front yard setback	-	25 ft.	25 ft.
Min. Side yard setback	-	10 ft.	10 ft.
Min. Side street yard setback	-	20 ft.	20 ft.
Min. Rear yard setback	-	25 ft.	25 ft.
Min. setback from other structures	-	10 ft.	10 ft.
Max. Height	-	60 ft.	25 ft.
Max. Stories	-	2 stories	1 story

Requirements	Lot	Principal Building	Accessory Building
Multifamily			
Min. Area	10,000 sq. ft.	500 sq. ft.	25% Max
Min. Width	100 ft	-	-
Min. Depth	100 ft	-	-
Min. Front yard setback	-	25 ft	10 ft
Min. Side yard setback	-	15 ft	10 ft
Min. Side Street yard setback	-	15 ft	10 ft
Min. Rear yard setback	-	20 ft	10 ft
Min. setback from other structures	-	10 ft	10 ft
Max. Height	-	50 ft	25 ft
Max. Stories	-	3 stories	1.5 stories

Sec. 39.2.2-10 Industrial District (I)

1. **Purpose.** The I – Industrial District is intended to provide for uses in the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits.

2. **Allowed Uses.** Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in this district may be used as shown in Section 39.2.2—13 as denoted by the following abbreviations:

    a. Permitted Use (P). Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance.

    b. Specific Use (S). Land and/or buildings are subject to Article II. Division 4. and will be reviewed and permitted in accordance with Article IV. Division 3 Sec. 39.4.3 - 2. of this ordinance.

    c. Not Permitted. Blank cells indicate that a use is not permitted within the zoning district.

3. **Accessory Uses.** Accessory use of land shall not exceed 10% of the total land area.

    a. Accessory use shall be determined based on the definition of accessory use in Article V.

    b. Accessory structures shall also be subject to the requirements of Section 39.2.4—2.

4. **Other Requirements.**

   a. Site Design Standards — See Article III. Division 1.

   b. Building Design Standards — See Article III. Division 2.

   c. Parking & Loading — See Article III. Division 3.

   d. Landscaping & Tree Preservation — See Article III. Division 4.

   e. Screening & Fencing — See Article III. Division 5.

   f. Signs — temporary signage for seasonal sale of products will be allowed in accordance with Article III. Division 6.

   g. Outdoor Storage — is not allowed in the front yard or street side yard. All outdoor storage on the property must meet the required setbacks and be screened from the street/ right-of-way with berms, natural vegetation, or a solid masonry fence.

   h. Shipping/Cargo containers for primary and/or accessory uses maybe allowed in this district through a site plan approval process.

   i. Tiny houses are not permitted for a primary use in this district.

   j. All manufacturing, assembling, or processing of any kind (except storage and off-street parking and loading) located within 100 feet of a residential district boundary shall be conducted within completely enclosed structures.

5. **Spatial Requirements:**

Requirements	Lot	Principal Building	Accessory Building
Min. Area	1/2 acre	-	-
Min. Width	100 ft.	-	-
Min. Depth	200 ft.	-	-
Min. Front yard setback	-	25 ft.	25 ft.
Min. Side yard setback	-	15 ft.	15 ft.
Min. Side street yard setback	-	25 ft.	25 ft.
Min. Rear yard setback	-	25 ft.	25 ft.
Min. setback from other structures	-	10 ft.	10 ft.
Max. Height	-	-	-
Max. Stories	-	-	-

Sec. 39.2.2-11 Planned Development District (PD)

1. **Purpose.** The PD – Planned Development District is intended to offer an alternative to conventional development by permitting flexibility in design and variation of the specific spatial requirements based on an overall concept plan, subject to the approval of the PD by the City Council in accordance with the requirements set forth in this ordinance. A PD shall not be sought to avoid the standards and requirements of other zoning districts. The PD zoning is intended to provide a design option to allow for one (1) or more of the following:

    a. Encourage innovation in land development in terms of variety, design, layout, and type of structures constructed;

    b. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;

    c. Encourage the adaptive re-use of significant or historic buildings;

    d. Provide the opportunity to mix compatible uses or residential types;

    e. Preserve and protect significant natural features, open space, and cultural/historic resources;

    f. Ensure that new development is consistent with the character of the community;

    g. Promote efficient provision of public services and utilities;

    h. Minimize adverse traffic impacts and accommodate safe and efficient pedestrian access and circulation;

    i. Encourage development of convenient recreational facilities; and

    j. Encourage the use and improvement of land where site conditions make development under conventional zoning difficult or less desirable.

2. **Allowed Uses.** Any permitted use, special exception, or accessory use allowed anywhere in the City within Section 39.2.2—13 may be permitted in a PD, if all the objectives and standards of this ordinance are determined to be met and there is compliance with the procedures of this ordinance. Residential and non- residential uses may be permitted in combination to create an integrated, mixed-use development. Approval of a PD shall include the identification of the land uses permitted within the PD, and only those uses approved through the PD process shall be permitted.

3. **Accessory Uses.** All accessory use regulations shall be identified through the PD process.

4. **Other Requirements.**

    a. Article III. of this ordinance shall apply in cases where the approved PD is silent, otherwise the regulations identified in the approved PD shall apply.

    b. The following criteria shall apply to all PDs:

i. Unified Control. The development shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as an integral unit.

ii. Minimum Acreage. The gross area of a tract of land to be developed in a Planned Development. District shall be a minimum of five (5) acres.

iii. Recognizable Benefit. The applicant shall demonstrate that the PD provides at least four (4) of the following site design elements, which could not be attained through a project designed under conventional zoning:

1. Mixed-use development with residential and non-residential uses, or a variety of housing types;

2. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;

3. High quality architectural design beyond the site plan requirements of this article;

4. Extensive landscaping beyond the site plan requirements of this article;

5. Preservation, enhancement, or restoration of natural resources (trees, slopes, wetland areas, views, etc.);

6. Preservation or restoration of significant or historic resources;

7. Provision of open space or public plazas or features;

8. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g., topography, shape etc.);

9. Effective transition between higher and lower density uses, and/or between nonresidential and residential uses; or allowing incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;

10. Shared vehicular and pedestrian access between properties or uses;

11. Mitigation to offset impacts on public facilities (such as street improvements); or

12. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact storm water management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards

iv. Compatibility with Adjacent Uses. The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, waste receptacles, swimming pools, tennis courts, and facilities of a similar nature, shall not be located near the perimeter of the PD to avoid negative impact on the residential use of adjacent lands.

v. Comprehensive Plan. The proposed PD shall be consistent with the Comprehensive Plan.

5. **Spatial Requirements:** All spatial requirements shall be identified through the PD process.

Sec. 39.2.2-12 Manufactured Home Overlay District (MHO)

1. **Purpose.** The MHO – Manufactured Home Overlay District is intended to offer affordable housing option and flexibility in appropriate areas of the City.

2. **Allowed Uses.** In addition to the uses allowed in the base district, MHO will allow a manufactured home by right subject to additional regulations as described in Sec.39.2.4-32 Manufactured and Mobile Homes.

3. **Accessory Uses.** All accessory use regulations of the base district shall be allowed.

4. **Other Requirements.** Article III. Division 1 -7 of this ordinance shall apply.

Sec. 39.2.2-13 Land Use Chart

Use Type	Residential						Non-Residential						Special			
P Indicates uses allowed by right Indicates prohibited uses S Indicates Specific Use Permit required A Indicates accessory use only	RE - Residential Estate District	SR - Suburban Residential District	UR - Urban Residential District	MR - Mixed Residential District	MUN - Mixed Use Neighborhood District	MHP - Manufactured Home Park District	CBD - Central Business District	RC - Retail Commercial District	HC - Highway Commercial District	I - Industrial	PD - Planned Development District	Future District	HP - Historic Preservation Overlay	Manufactured Home Overlay District	Future Overlay District
Agricultural Uses															
Agricultural operation	S														
Agribusiness and feed store (without animal sales)	S							P	P	P					
Agribusiness and feed store (with animal sales)	S								S	P					
Agritourism	P														
Dairy farms	S														
Farmers market	P				S	P	P	P	P		S		S		
Greenhouse and nursery, commercial	P				S	P	P	P	P		S				
Livestock auction															
Livestock feeding plant															
Poultry Farms															
Stables, private	P														
Stables, public/commercial	S														
Winery, with vineyard	P														

Use Type	Residential						Non-Residential						Special		
P Indicates uses allowed by right Indicates prohibited uses S Indicates Specific Use Permit required A Indicates accessory use only	RE - Residential Estate District	SR - Suburban Residential District	UR - Urban Residential District	MR - Mixed Residential District	MUN - Mixed Use Neighborhood	MHP - Manufactured Home Park District	CBD - Central Business District	RC - Retail Commercial District	HC - Highway Commercial District	I - Industrial	PD - Planned Development District	Future District	HP - Historic Preservation Overlay	Manufactured Home Overlay District	Future Overlay District
Residential Uses															
Accessory building/structure	P	P	P	P	P	P	P	P	P	P	S		P		
~~Airbnb rental units~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~		~~S~~	~~S~~	~~S~~		~~S~~		~~S~~		
Bed and breakfast, 2 rooms or less	S	S	S	S	S		S	S	S				S		
Bed and Breakfast, more than 2 rooms	S	S	S	S	S		S	S	S		S		S		
Boardinghouse/Rooming House	S	S	S	S	S		S	S	S		S		S		
Caretaker's/Guard's Residence	S	S	S	S	S	S	S	S	S	S	S		S		
Dormitory				S	S			S	S		S		P		
Family Group Support Homes	P	P	P	P	P						S				
Garage Apartment	P	P	P	P	P	P	P	P	S		S		P		
Garage Sales	P	P	P	P	P	P	P	P	P		S		P		
Guest House	P	P	P	P	P		S				S		S		
Halfway House	S			S	S		S								
Holiday Tree and Firewood Sales	P						P	P	P	P	S				
Home Occupation	P	P	P	P	P	P	P	P	P				P		
Manufactured Home	S			S		P				S				P	
Model Home	P	P	P	P	P	P	P	S	S	S			P		
Multifamily Dwelling				P	P	P	P	P	P		S		S		
Outdoor Display/Storage							S	P	P	P	S				
Residential Sales	P	P	P	P	P	P	P	P	P		S		P		
Retirement Housing	P	S	S	P	P	S	P	P	P				S		
RV or Trailer Park	P					P			S	S	S				
Secondary Dwelling Unit	P	P	P	P	P	S	S				S		S		
Short-Term Rental	S	S	S	S	S		S	S	S		S		S		
Solar Energy Equipment	P	P	P	P	P	P	P	P	P	P	S		P		
Single Family Residence, Attached	P	P	P	P	P	P	P	P	P		S		S		

Single Family Resident, Detached	P	P	P	P	P	P	P	P	P		S		P		

Use Type	Residential					Non-Residential						Special			
P Indicates uses allowed by right Indicates prohibited uses S Indicates Specific Use Permit required A Indicates accessory use only	RE - Residential Estate District	SR - Suburban Residential District	UR - Urban Residential District	MR - Mixed Residential District	MUN - Mixed Use Neighborhood	MHP - Manufactured Home Park District	CBD - Central Business District	RC - Retail Commercial District	HC - Highway Commercial District	I - Industrial	PD - Planned Development District	Future District	HP - Historic Preservation Overlay	Manufactured Home Overlay District	Future Overlay District
Studio Residence	P	P	P	P	P	P	P	P	P		S		S		
Tiny House	A	A	A	A	A	P	A	A	A	S	S				
Townhome	P	P	P	P	P		P	P	P		S		S		
Transitional Housing	S	S	S	S	S	S	S	S	S		S		S		
Two Family Residence (Duplex)	S	S	P	P	P		S				S		S		
Work-Live Unit	P			P	P	P	P	S	S		S		S		
Wind Energy Equipment	S	S	S	S	S	S	S	S	S	S	S		S		

Use Type	Residential						Non-Residential					Special			
P Indicates uses allowed by right Indicates prohibited uses S Indicates Specific Use Permit required A Indicates accessory use only	RE - Residential Estate District	SR - Suburban Residential District	UR - Urban Residential District	MR - Mixed Residential District	MUN - Mixed Use Neighborhood	MHP - Manufactured Home Park District	CBD - Central Business District	RC - Retail Commercial District	HC - Highway Commercial District	I - Industrial	PD - Planned Development District	Future District	HP - Historic Preservation Overlay	Manufactured Home Overlay District	Future Overlay District
Non- Residential Uses															
Acid Manufacture										S					
Advertising Agency				P	P		P	P	P		S		P		
Airport/Heliport	S							S	S	S	S				
Airstrip	S									S					
Alcoholic Beverage Sales					S		P	P	P		S				
Alternative Financial Establishments							P	P	P		S				
Amenity Center		P	P	P	P	P	P	P	P		S		P		
Ammonia Manufacture										S					
Amusement Machine Establishment, Indoor							P	P	P	P	S				
Animal Clinic/Hospital	P						S	S	P	P	S		S		
Animal Clinic/Pet Hotel	P						S	S	P	P	S		S		
Animal Shelter or Rescue								P	P	P	S				
Antenna and/or Antenna Support Structure, Commercial	S	S	S	S	P	S	S	S	S	S	S		S		
Antenna and/or Antenna Support Structure, Non-Commercial	P	P	P	P	P	P	P	P	P	P	S		P		
Antenna, Stealth, Commercial	S						S	S	P	P	S				
Antique Store					P		P	P	P		S		P		
Appliances, Sales, or Rental							P	P	P		S		P		
Art Gallery/Museum/Studio/Workshop					P		P	P	P		S		P		
Asphalt/Concrete Batching Plant, Temporary									P	P					
Assisted Living Facility				P	P			P	P		S		S		
Athletic Facility or Field, Private	P	S	S	S	S	S		S	P	P	S				
Athletic Facility or Field, Public	P	S	S	S	S	S		S	P	P	S		S		
Automobile Parking Lot/Garage, Paid or Unpaid							P	P	P	P	S		P		

Use Type	Residential						Non-Residential					Special			
P Indicates uses allowed by right Indicates prohibited uses S Indicates Specific Use Permit required A Indicates accessory use only	RE - Residential Estate District	SR - Suburban Residential District	UR - Urban Residential District	MR - Mixed Residential District	MUN - Mixed Use Neighborhood	MHP - Manufactured Home Park District	CBD - Central Business District	RC - Retail Commercial District	HC - Highway Commercial District	I - Industrial	PD - Planned Development District	Future District	HP - Historic Preservation Overlay	Manufactured Home Overlay District	Future Overlay District
Automobile Repair, Major							P	P	P	P	S				
Automobile Repair, Minor							P	P	P	P	S		S		
Automobile Storage							S	S	P	P	S				
Autonomous Vehicle Equipment	S	S	S	S	S	S	S	S	S	S	S		S		
Auto Painting/Body Repair							S	S	P	P	S				
Auto Parts Sales (New), Indoor					S		P	P	P	P	P		P		
Auto Parts Sales (Used), Indoor					S		P	P	P	P	S		P		
Auto Rental							S	P	P	P	S		S		
Auto Sales (New or Used)							P	P	P	P	S				
Auto Sales and Rental: heavy equipment/tools, heavy trucks, RVs, manufactured homes									P	P	S				
Auto Wrecking/Salvage Yard										P	S				
Bail Bond Establishment					S		P	P	P	P					
Bakery (Retail)					P		P	P	P	P	S		P		
Bakery, retail 2,000 SF or more of gross floor area					S		P	P	P	P	S		S		
Banks and Financial Institutions					P		P	P	P		S		P		
Bank, Drive-In					S		P	P	P		S		S		
Bank Teller, Automatic, 24-Hours					P		P	P	P	P	S		P		
Banquet Hall	P				S		S	P	P		S		S		
Beauty Salon/Barber Shop					P		P	P	P		S		P		
Beverage Establishment, Non-Alcoholic					P		P	P	P		S		P		
Bicycle Rental Stands							P								
Big Box Retail Development								P	P		S				
Body Art Studio/Branding, Piercing and Tattoo Facility					S		P	P	P		S		S		

Use Type	Residential						Non-Residential						Special		
P Indicates uses allowed by right Indicates prohibited uses S Indicates Specific Use Permit required A Indicates accessory use only	RE - Residential Estate District	SR - Suburban Residential District	UR - Urban Residential District	MR - Mixed Residential District	MUN - Mixed Use Neighborhood	MHP - Manufactured Home Park District	CBD - Central Business District	RC - Retail Commercial District	HC - Highway Commercial District	I - Industrial	PD - Planned Development District	Future District	HP - Historic Preservation Overlay	Manufactured Home Overlay District	Future Overlay District
Bookstore					P		P	P	P		S		P		
Brick or Tile Plant										P	S				
Building Material and Hardware Sales, Major								P	P	P	S				
Building Material and Hardware Sales, Minor							S	P	P	P	S				
Business or Trade School					P		P	P	P	P	S		P		
Business Service				S	P		P	P	P	P	S		P		
Bus Terminal (storage/maintenance)								S	S	P	S				
Cabinet/Upholstery Shop					S		P	P	P	P	S		S		
Camera and Photography Supplies					P		P	P	P		S		P		
Campground or Recreational Vehicle Park	P					P			P		S				
Carbon Black Manufacture										P					
Carnivals (temporary)	P						P	P	P		S				
Car Wash, Full Service							S	P	P	P	S		S		
Car Wash, Self Service							S	P	P	P	S		S		
Car Wash, Trucks and Heavy Equipment								S	P	P	S				
Cemetery/Mausoleum Expansion					S			S	S		S				
Cement or Hydrated Lime Manufacturing										P					
Cement, Lime, Gypsum or Plaster of Paris Manufacture										P					
Ceramic and Pottery Manufacturing with Dust Odor and Fume Control										P					
Child Day Care, Home Facility	S	S	S	S	S	S	S	S	S		S		S		
Child Day Care Center					S		S	P	P	P	S		S		
Child Protective Housing	P	P	P	P	P	P	P				S		S		
Chlorine Manufacture										S					

Use Type	Residential						Non-Residential					Special			
P Indicates uses allowed by right Indicates prohibited uses S Indicates Specific Use Permit required A Indicates accessory use only	RE - Residential Estate District	SR - Suburban Residential District	UR - Urban Residential District	MR - Mixed Residential District	MUN - Mixed Use Neighborhood	MHP - Manufactured Home Park District	CBD - Central Business District	RC - Retail Commercial District	HC - Highway Commercial District	I - Industrial	PD - Planned Development District	Future District	HP - Historic Preservation Overlay	Manufactured Home Overlay District	Future Overlay District
Church/Rectory, Temple, Synagogue, Mosque, or Other Place of Worship	S	S	S	S	S	S	S	P	P		S		S		
Civic/Convention Center	S				S		S	P	P	P	S		S		
College, University, Trade, or Private Boarding School							P	P	P		S		S		
Commercial Amusement, Indoor, not elsewhere classified							S	P	P	P	S		S		
Commercial Amusement, Outdoor, not elsewhere classified								S	P	P	S				
Commercial Parking Lots							P	P	P	P	S		S		
Commercial Printing, Art, and Photography (reprographics)							P	P	P	P	S		P		
Computer and Data Processing					P		P	P	P	P	S		P		
Community Center/Cultural Facility	S	S	S	S	S	S	P	P	P		S		P		
Community Public Safety-Fire	P	P	P	P	P	P	P	P	P	P	S		P		
Community Public Safety – Police	P	P	P	P	P	P	P	P	P	P	S		P		
Community Public Safety-Prison or Penitentiary										S					
Concrete/Asphalt Batching Plant, Permanent										S					
Concrete/Asphalt Batching Plant, Temporary										P	S				
Contractor's Shop and/or Storage Yard								P	P	P	S				
Construction and Building Services, Indoor Storage							P	P	P	P	S				
Construction and Building Services, Outdoor Storage								P	P	P	S				

Use Type	Residential						Non-Residential					Special			
P Indicates uses allowed by right Indicates prohibited uses S Indicates Specific Use Permit required A Indicates accessory use only	RE - Residential Estate District	SR - Suburban Residential District	UR - Urban Residential District	MR - Mixed Residential District	MUN - Mixed Use Neighborhood	MHP - Manufactured Home Park District	CBD - Central Business District	RC - Retail Commercial District	HC - Highway Commercial District	I - Industrial	PD - Planned Development District	Future District	HP - Historic Preservation Overlay	Manufactured Home Overlay District	Future Overlay District
Construction Yard and Field Office, Temporary	P	S	S	S	S	S	S	P	P	P	S		P		
Convalescent or Nursing Home	P			S	S		S	P	P		S		S		
Convenience Store with Gas Pumps							S	P	P	P	S		S		
Convenience Store, No Gas Pumps					S		P	P	P	P	S		P		
Cotton Gin or Compress										P	S				
Country Club (private, with/without golf course)	P	S	S	S	S	S		S	P	P	S				
Crematorium									P	P	S				
Dance Studios					P		P	P	P		S		P		
Day Camp	P				P	P	P	P	P		S		S		
Day Services, Adult					P	P	P	P	P		S		P		
Department Store							P	P	P		S		S		
Distillery							S	S	S	P	S		S		
Drag Strip/Commercial Racing										S	S				
Drilling and Production of Oil and Gas, Gathering and Compression Station									S	S	S				
Drive-In Theater	S							P	P	S	S		S		
Driving Range	S								S	P	S				
Drugstore - Pharmacies					P		P	P	P		S		P		
Dry Cleaning and Laundry (pickup station only)					P		P	P	P		S		P		
Dry Cleaning and Laundry (self-service only)					P		P	P	P		S		S		
Dry Cleaning and Laundry, Commercial							S	P	P	P					
Electrical Generating Plant									S	P					
Electrical Substation	S	S	S	S	S	S	S	S	S	S	S		S		
Electroplating or Battery Making with Acid, Fume and Odor Control										S					

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Equipment and Machinery Sales and Rental, Major							S	P	P	P	S				
Equipment and Machinery Sales and Rental, Minor							S	P	P	P	S				
Equipment Storage								S	P	P	S				
Explosives Storage or Manufacture										S					
Fairgrounds or Exhibition Area								S	P	P	S				
Family Outreach Care Facility	S	S	S	S	S	S	S	P	P		S		S		
Farm Equipment Sales and Service, New and Used								P	P	P	S				
Finance Company					P		P	P	P		S		P		
Flea Market, Inside (Short Term)					S		P	P	P	P	S				
Flea Market, Outside (Short Term)					S		P	P	P	P	S				
Florist Shop					P		P	P	P		S		P		
Food Truck					P	P	P	P	P	P	S		P		
Fortune Teller/Psychic					S		P	P	P	P			P		
Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority	P				P		P	P	P		S		P		
Freight Terminal, Railroad										P					
Freight Terminal, Trucking										P					
Funeral Home					S		S	P	P	P	S		S		
Furniture Restoration					S		P	P	P		S		S		
Gas Pumps (Accessory Use)								S	P	P	S		P		
Gathering and Compression Station										P					
General Manufacturing/Industrial Use										P					

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General Retail (Indoor)					S	S	P	P	P		S		P		
General Retail (Indoor) – over 50,000 SF or gross floor area							S	P	P		S		S		
General Retail with a Drive-Through							P	P	P		S		S		
Gift, Novelty, Souvenir Shop					P		P	P	P		S		P		
Glue or Fertilizer Manufacture										S					
Go Cart Track									S	S	S				
Golf Course, Commercial or Public	P	S	S	S				S	P	P	S				
Government Buildings, Facility, Office, or Services	P	P	P	P	P	P	P	P	P	P	S		P		
Grain Processing with Hoods, Dust, and Odor Controls										P					
Gunsmith and Sales					S		P	P	P	P					
Gun Shooting or Archery Range, Indoor							S	S	S	S	S				
Gymnastics/Dance Studio					P		P	P	P	P	S		P		
Handcraft and Ceramic Stores					P		P	P	P		S		P		
Hall, Dance/Night Club	P						P	P	P		S		S		
Hall, Reception/Banquet/Meeting	S				S		S	P	P		S		P		
Health/Fitness Center					P		P	P	P		S		P		
Helipads/Heliport	S							S	S	S	S				
Home Occupation	P	P	P	P	P	P	P	P	P		S		P		
Homebuilding Marketing Center	P	P	P	P	P	P	P	P	P		S		S		
Hospital							S	P	P		S		S		
Hotel/Motel							P	P	P	P	S		P		
Hotel, Extended Stay							P	P	P	P	S				

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Household Appliance Service and Repair					P		P	P	P	P	S		P		
Impound Vehicle Storage Facility								S	P	P					
Independent and Assisted Living	P			P	P	P		P	P	P			S		
Infrastructure and Utilities – Regional	S	S	S	S	S	S	S	S	S	S	S		S		
Insurance/Finance/Investment Offices	P			P	P		P	P	P		S		P		
Janitorial Services					P		P	P	P	P					
Jewelry Store					P		P	P	P		S		P		
Library					P		P	P	P		S		P		
Light Fabrication or Assembly							S	P	P	P					
Lumberyard and Building Material Site								P	P	P					
Landfill										S	S				
Laundromat					P		P	P	P		S		P		
Liquified Petroleum Gas (LPC) Sales							P	P	P	P					
Limited Assembly and Manufacturing Use									S	P					
Locksmith/Security System Company					P		P	P	P		S		P		
Machinery Equipment, New/Used, Sales and Service									S	P					
Machine Shop							S	S	P	P	S				
Manufacturing, Processing, and Packaging-Light								S	S	P					
Manufacturing, Processing, and Packaging-Light, and Associated Retail Sales	P						S	P	P	P					
Manufacturing, Processing, and Packaging - Heavy										P					
Market-Meats, Fish, Vegetables					S		P	P	P		S		P		

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Massage Therapy					P		P	P	P		S		P		
Meat Packing Plant, No Slaughtering										P					
Medical Clinics					P		P	P	P		S		P		
Medical Offices					P		P	P	P		S		P		
Meeting Facility	P				P		P	P	P		S		P		
Micro-Brewery					P		P	P	P		S		P		
Micro-Winery with Vineyard	P										S				
Micro-Winery without Vineyard	P				P		P	P	P		S		P		
Mining (Extracting)											S				
Mini-Warehouse/Self-Storage	P							P	P	P	S				
Miscellaneous Hazardous Industrial Use										S					
Mobile Home Dealers, New/Used	P							P	P	P	S				
Moving and Storage	S						S	S	P	P	S				
Motorcycle Sales/Service							S	P	P	P	S				
Muffler Shop/Installation							S	P	P	P	S				
Municipal Uses Operated by the City	P	P	P	P	P	P	P	P	P	P	S		P		
Museum/Art Gallery					P		P	P	P		S		P		
Newspaper Printing (Publishing)							P	P	P	P					
Nursery/Greenhouse, Retail	P				S		P	P	P		S		P		
Nursery/Greenhouse, Wholesale	P				S		P	P	P		S				
Nursing/Convalescent Home	P	S	S	S	P	P	P	P	P		S		P		
Office and Storage Area for Public/Private Utility									P	P					
Office, Administrative, Medical, or Professional					P		P	P	P		S		P		
Office/Showroom					P		P	P	P		S		P		

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Office/Warehouse/Distribution Center					S			P	P	P	S				
Open Salvage Yard for Rags, Machinery, etc.										S					
Open Vehicular Storage								S	P	P	S				
Outside Storage and Display (Incidental Use)					A		A	A	A		A		A		
Outside Storage and Display (Primary Use)							S	P	P	P					
Paintball or Other Survival Games, Outdoor	P						S	S	S	S	S				
Paint, Oil, Shellac, and Lacquer Manufacturing										P					
Park or Playground	P	P	P	P	P	P	P	P	P	P	S		P		
Pawn Shop							P	P	P		S				
Personal Service Establishment					P		P	P	P		S		P		
Petroleum or Gas Well and/or Drilling Operations	S									S	S				
Petroleum Products Storage and Wholesale									P	P					
Petroleum Collection and Storage Facilities										P					
Petroleum or Petroleum Products Refining and Manufacturing										P					
Petroleum Tank Farm										P					
Petrochemical Plant										P					
Pet Store, Retail							P	P	P		S		P		
Photography Studios					P		P	P	P		S		P		
Plastic Products Manufacturing with Dust and Fume Control										S					
Pool or Billiards Hall, Indoor					S		P	P	P	P	S		S		
Portable Building Sales								P	P	P					
Poultry Processing										P					

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Print Shop					S		P	P	P	P	S		P		
Private Club	P				S		P	P	P		S		P		
Professional and Administrative Services					P		P	P	P				P		
Propane Bottle Exchange							P	P	P	P					
Propane Sales and Distribution									S	P					
Public and Private Utilities	S	S	S	S	S	S	S	S	S	S	S		S		
Public/Private School	S	S	S	S	S	S	S	P	P		S		S		
Radio and TV Towers	S	S	S	S	S	S	S	S	S	S	S		S		
Railroad Freight Terminal										P					
Recreational Vehicles, New/Used, Sales/Service								P	P	P					
Recreational Vehicle/Truck Parking Lot or Garage								P	P	P					
Rehabilitation Care Facility 9 or Less	P						S	P	P		S		S		
Rehabilitation Care Facility 10 or More Persons	S							P	P		S				
Recycle, drop-off site only										P					
Recycling Plant (paper, aluminum, glass, plastic only)										P					
Recycling Plant - other										P					
Recycle with can crusher or related equipment										P					
Rendering Plant										S					
Research and Developmental Laboratories							P	P	P	P	S				
Restaurant, Café, Cafeteria					P		P	P	P	P	S		S		
Restaurant, Drive-In					S		P	P	P	P	S				
Restaurant with Drive-Through					S		P	P	P	P	S				

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Restaurant with Micro-Brewery or Micro winery					S		P	P	P		S		S		
Restaurant with Outdoor Dining or Service					S		P	P	P		S		S		
Retail/Service, Incidental					P		P	P	P	P	S		P		
Retail Shoe Stores Only					P		P	P	P		S		P		
Retail Stores Not Otherwise Listed					S		P	P	P		S		P		
Rodeo Grounds	P										S				
Salvage Yard										P					
School, Public or Private	S	S	S	S	S	S	P	P	P		S		P		
School, Specialized/Training							P	P	P	P	S		P		
Secondhand Store, Consignment					S		P	P	P		S		P		
Sewage Treatment Plant/Pumping Station										S	S				
Sexually Oriented Business										S					
Shipping and Receiving – Heavy								P	P	P					
Shipping and Receiving - Light							P	P	P	P	S				
Shoe Repair and Sales					P		P	P	P		S		P		
Smelter or Refinery										S					
Sound Recording Studio					P		P	P	P		S		P		
Street Furniture except bicycle rental stands				P	P	P	P	P	P		S		P		
Swim or Tennis Club	S	S	S	S	S	S	S	P	P		S		S		
Tanning, Curing, Treating, or Storage of Skins or Hides										S					
Taxi Company/Office							P	P	P	P	S				
Taxidermist	P							P	P	S					
Telephone Exchange, Switching Relay or Transmitting Station							P	P	P	P	S				

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Temporary Building	P	P	P	P	P	P	P	P	P	P	S		P		
Textile Manufacturing with Dust and Odor Control								S		P					
Theater, Indoor							P	P	P		S		S		
Tire Retreading/Capping								S	P	P	S				
Tire Sales and Installation							P	P	P	P	S				
Toy Store					P		P	P	P		S		P		
Trailer Rental								P	P	P					
Trailer/HUD-code Manufacturing Home Display and Sales						P		S	P	P					
Transit Center Truckstop, Full Service								S	P	P	S				
Truck/Bus Repair								S	S	P					
Truck Sales, Heavy Trucks								S	P	P					
Truck Terminal – Heavy								S	P	P					
Upholstery Shop					P		P	P	P		S		p		
Vehicle Glass and Mirror Shop					P		P	P	P	P	S				
Vehicular Accessories, Retail and Wholesale							P	P	P	P	S				
Vehicular Driving Schools					P		P	P	P	P	S				
Vehicular Racing Facility								S		S	S				
Vehicular and Equipment Rental								P	P	P	S				
Veterinarian Clinic and/or Kennel, Indoor	P							P	P	P	S		S		
Veterinarian Clinic and/or Kennel, Outdoor	P							S	S	P	S				
Video Rental and Sales							P	P	P		S		P		
Warehousing								S	P	P	S				
Waste Management Facility								S		P	S				

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Waste Management Facility – Transfer Station										P	S				
Water Treatment Plant										P	S				
Welding or Machine Shop								P	P	P	S				
Wholesale and Distribution									P	P	S				
Wind Energy Turbine	S	S	S	S	S	S	S	S	S	S	S		S		
Winery, without Vineyard	P						P	P	P	P	S		S		
Wireless Communication Facility	S	S	S	S	S	S	S	S	S	S	S		S		
Woodworking and Planning Mill with Dust and Noise Control										P					
Wrecking Yards or Salvage Yard										P					

Division 3. General Provisions for All Districts

Sec. 39.2.3 -1 Purpose

This division outlines requirements that are applicable for situations that may occur in any location in the City of Palestine, regardless of the zoning district designation.

Sec. 39.2.3-2 General Zoning Compliance

Compliance. The regulations established by this ordinance for each zoning district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, and in accordance with the following:

1. Conformity. No building, structure or land shall be used or occupied, and no building or addition to a building shall be erected, reconstructed, enlarged, or structurally altered except in conformity with all of the regulations of this ordinance specified for the zoning district in which it is located.

    a. For buildings/structures or land in an airport shall follow the regulations in Chapter 18 of the City of Palestine Code of Ordinances in addition to the regulations in this ordinance. Where the regulations in this ordinance conflict with the regulations in Chapter 18, then Chapter 18 shall control.

2. Setbacks. Building setbacks shall be no less than the requirements of this ordinance, and they shall not be further reduced in size without a variance from the Board of Adjustments.

Sec. 39.2.3-3 Principal Use and Dwellings

1. Principal Buildings. No more than one (1) principal building shall be placed on a parcel. In the case of residential condominium projects, each building site shall be limited to one (1) principal building.

2. Principal Use Collectively. A parcel shall not be devoted to more than one (1) principal use, or contain more than one (1) principal building, except for mixed uses where permitted, or groups of retails, industrial, or agricultural buildings which are determined by the City Manager or his/her designee to be a principal use collectively, based on the following considerations:

    a. Individual buildings share common parking areas.

    b. Access to the buildings/uses is provided via shared access drives or streets.

    c. Buildings are under single ownership.

    d. Individual activities support one another (such as auto dealership/vehicle repair or a convenience store/ restaurant/gas station) unless it is a mixed commercial and residential use allowed by the Zoning Ordinance.

    e. The buildings are architecturally consistent and compatible.

3. Dwellings

    a. Only one single-family dwelling and its customary accessory structure may hereafter be erected on any lot of record which is zoned as an AG, RE, SR, UR, MR, MUN, and CBD Districts.

    b. Accessory Dwellings. Attached and detached accessory dwellings may be permitted as identified per Section 39.2.2-13 and per Division IV of this Article II.

    c. Conversions. No dwelling shall be converted to create additional units unless located in a district which allows multiple units and unless the structure complies with all requirements for new structures in such district.

Sec. 39.2.3-4 Manufactured and Mobile Homes

1. Location. No person shall park, store, or use a mobile home on any lot other than a licensed mobile home park or mobile home subdivision or a specific use permit having been granted within the corporate city limits of the City of Palestine, except that a manufactured or mobile home:

    a. may be parked or stored as a part of a commercial business that has a permit for sale or manufacture of manufactured or mobile homes.

    b. may be used as a temporary office or shelter incidental to construction or development of premises on which the mobile home is located, only during the time construction on [or] development is actively underway.

    c. may be permitted by the planning and zoning commission and the city council after a public hearing, with a temporary permit for one mobile home in the I (Industrial) district for security reasons, provided that there is minimum extra lot area of 5,000 square feet for the mobile home. Such temporary permits shall have a time limit placed upon them.

    d. may be permitted as a part of FEMA disaster recovery effort for a period of 12 months, which may be extended by the planning and zoning commission and the city council after a public hearing.

2. Mobile Homes Prohibited.

    a. Movement and Occupancy. It shall be unlawful for any person to locate or occupy a mobile home within the city unless such mobile home was legally permitted at that location for use or occupancy as a residential dwelling prior to the adoption of this ordinance (Add adoption date here). In the absence of water connection records, it shall be the responsibility of the owner of the mobile home to establish proof of the date that the mobile home was legally permitted and obtain a Certificate of Nonconformity per Chapter 39. Article II. Division 3. Section 39.2.3-17 (3) of the City of Palestine Code of Ordinance.

    b. Replacement. A previously existing mobile home which is removed from the city may be replaced with a manufactured home, subject to the requirements of Chapter 39 of the City of Palestine Code of Ordinance and any other city ordinances regarding manufactured home.

3. Unlawful Occupancy. It shall be unlawful for any person to occupy any manufactured or mobile home or to permit the occupancy of any such manufactured home or mobile home except as specifically permitted in this Chapter 39.

4. Unlawful Use on Streets and Public Ways. No manufactured home or mobile home shall be used for living quarters upon any street, alley, or other public right-of-way in the city.

5. Utility Connections.

    a. Electrical. Connections to any source of electricity without approval of a building inspector and the payment of the required fee is prohibited. All electrical connections must comply with the requirements of the adopted National Electric Code.

    b. Plumbing. Connections to any source of water supply or sewage disposal without the approval of a building inspector and the payment of the required fee is prohibited. All plumbing connections must comply with the requirements of the adopted International Plumbing Code.

6. Construction standards for portable or modular buildings, per Chapter 22. Section 22-51 of the City of Palestine Code of Ordinances shall apply to all Manufactured and Mobile homes in the City.

7. Refer to Article IV Div. III Sec. 39.2.3-4 (page 177).

Sec. 39.2.3-5 Setbacks, Lots, and Yards

The minimum yards and other open spaces required in this Chapter 39 for each and every building existing at the time of the passage of this ordinance (add adoption date here), or for any building hereafter erected or altered, shall not be encroached upon, or considered a yard or open space or use requirements for any other building.

1. Setbacks and Width

    a. Minimum Requirement. Unless otherwise stated, principal and accessory buildings are subject to a minimum required horizontal separation from right-of-way lines or property lines as required per each District's spacing regulations in Division 2. of this Article II.

    b. Exemption. Structures such as mailboxes, fences, planters, landscaping beds, flagpoles, yard decorations, and other elements determined by the City Manager or his/her designee to be similar, are not subject to setbacks.

    c. Average Front Setback. The minimum front setback requirement for a single-family dwelling may be reduced by the City Manager or his/her designee in cases where two (2) adjacent lots on each side of the subject parcel are occupied by principal single-family dwellings of which the actual building setbacks are less than required by the zoning district. The average of the established setbacks for those buildings shall be the minimum required front setback for the subject lot.

    d. Cul-De-Sac Lots. The front yard setback shall follow the curve of the front lot line.

e. Lot Width. Lot width shall be measured at the front lot line and at the front setback line. On cul-de-sac lots, width shall only be measured at the front setback line.

f. Projections into Setback Areas.

g. Architectural Features. Certain architectural features, such as cornices, bay windows, windows without foundations, window wells, gutters, chimneys, pilasters, balcony, and other elements determined by the City Manager or his/her designee to be similar, may project no further than three (3) feet into any setback area.

h. Open and Uncovered Elements. An open, uncovered, and unenclosed porch or paved terrace and other structural elements determined by the City Manager or his/her designee to be similar, may project into a setback area for a distance of not more than 10 feet.

i. Covered and Enclosed Additions. Any permanently constructed porch, patio, carport, terrace, addition, deck, or balcony that is covered by a roof or trellis, or enclosed by a barrier, wall, or screen, shall meet the minimum setback requirements of the principal building or accessory building to which it is attached. Any other similar covering or enclosing structural element shall be subject to the same requirement.

2. Projections into Setback Areas.

a. Architectural Features. Certain architectural features, such as cornices, bay windows, windows without foundations, window wells, gutters, chimneys, pilasters, balcony, and other elements determined by the City Manager or his/her designee to be similar, may project no further than three (3) feet into any setback area.

b. Open and Uncovered Elements. An open, uncovered, and unenclosed porch or paved terrace and other structural elements determined by the City Manager or his/her designee to be similar, may project into a setback area for a distance of not more than 10 feet.

c. Covered and Enclosed Additions. Any permanently constructed porch, patio, carport, terrace, addition, deck, or balcony that is covered by a roof or trellis, or enclosed by a barrier, wall, or screen, shall meet the minimum setback requirements of the principal building or accessory building to which it is attached. Any other similar covering or enclosing structural element shall be subject to the same requirement.

3. Lot Requirements and Designations.

a. Interior Lots

i. Yards and Lot Lines. Interior lots shall have one (1) front lot line, one (1) front yard, two (2) side lot lines, two (2) side yards, one (1) rear lot line, and one (1) rear yard.

ii. Setbacks. Buildings on interior lots shall be subject to one (1) front setback, two (2) side setbacks, and one (1) rear setback.

b. Corner Lots

i. Yards and Lot Lines. A corner lot with street frontage on two (2) connecting sides shall have the following yards and lot lines:

1. Residential corner lot shall have one (1) front lot line, two (2) side lot lines, and one (1) rear lot line, one (1) front yard, two (2) side yards, and one (1) rear yard.

a. For residential lots, the narrower street frontage lot line shall be the front lot line and location of the front yard.

b. Where the lot lines are of equal length, the City Manager or his/her designee shall determine the front lot line and front yard to match the front lot line and front yard on the adjacent lots along the street on which the residence is addressed.

2. Commercial corner lot shall have two (2) front lot lines, one (1) interior side lot line, and one (1) rear lot line. A commercial corner lot has two (2) front yards, one (1) side yard, and one (1) rear yard.

ii. Setbacks. On a corner lot with street frontage on two (2) sides, residential buildings shall be subject to the following setbacks: one (1) front setback, two (2) side setbacks, and one (1) rear setback; and commercial buildings shall be subject to the following setbacks: two (2) front setbacks, one (1) side setback, and one (1) rear setback.

c. Multi-Frontage Lots

i. Yards and Lot Lines. A multi-frontage lot with street frontage on three (3) sides shall have the following yards and lot lines:

1. Residential multi frontage lot shall have one (1) front lot line, two (2) side lot lines, and one (1) rear lot line, one (1) front yard, two (2) side yards, and one (1) rear yard.

a. For residential lots, the narrower street frontage lot line shall be the front lot line and location of the front yard.

b. Where the lot lines are of equal length, the City Manager or his/her designee shall determine the front lot line and front yard to match the front lot line and front yard on the street on which the residence is addressed.

2. Commercial multi frontage lot shall have three (3) front lot lines, and one (1) rear lot line. A commercial corner lot has three (3) front yards, and one (1) rear yard.

ii. Setbacks. On a multi-frontage lot with street frontage on three (3) sides, buildings shall be subject to the following setbacks.

1. Residential dwellings shall be subject to one (1) front setback, two (2) side setbacks, and one (1) rear setback.

2. Commercial buildings shall be subject to three (3) primary front setbacks and a rear setback.

d. Through Lots

i. Yards and Lot Lines. Through lots shall have two (2) front lot lines, two (2) front yards, two (2) side lot lines, and two (2) side yards.

ii. Setbacks. Buildings shall be subject to two (2) front setbacks, two (2) side setbacks.

iii. Orientation of Structures. The City Manager or his/her designee shall consider the following when determining orientation of the dwelling:

1. Location and orientation of existing or proposed buildings on the through lot in relation to existing buildings on properties in the same general neighborhood, historic development patterns, and existing developed through lots.

2. Location and impact of existing vegetation, water, or other natural features affecting the location of buildings or structures on the lot in question.

4. Residential Lots.

a. Duplex Lots. Duplex development may be platted so that two (2) units are placed on one lot in accordance with the requirements of the dimensional table of the district in which the duplex is located, or so that the units are placed on pairs of lots with the lot line through the common wall between the units. If lots are platted so that each unit is on an individual lot, the plat shall indicate which lots are paired. Paired lots shall each provide half of the required minimum size and width but may together meet other requirements of the applicable dimensional standards.

Sec. 39.2.3-6 Height

1. Church spires, chimneys, water, fire, radio, and television towers, smokestacks, flagpoles, monuments, and similar structures and their necessary mechanical appurtenances may be erected above the height limits established in this zoning ordinance.

2. Measurement. Vertical distance of building height is measured from the elevation of the finished grade at the front of a building, on a level lot, to:

a. Mansard, Gable, Hip or Gambrel Roof. The average height between the eaves and ridge.

b. Parapet/Flat Roof. The highest point of the roof for a flat roof.

c. Other Roof Type. A point equivalent to the roof types specified in this section, as determined by the City manager or his/her designee.

3. Sloping Grade and Walkout. On a sloping grade, the height shall be measured from the average grade, between front and rear building lines, or between side building lines, whichever dimension reflects the greater degree of slope, to the point of measurement noted in Section 39.2.3 – 6. 2) above. The height of building additions shall be measured in the same manner.

Sec. 39.2.3-7 Steep Slopes

1. The objectives of this section are to:

    a. Guard against property damage and personal injury, and minimize the potential for erosion, slope failure;

    b. Stream siltation, increased runoff, flooding, and contamination of surface waters caused by the adverse effects of site preparation and construction on steep slopes;

    c. Conserve existing woodlands for air and water quality benefits;

    d. Permit land uses by right that are compatible with protection of steep slope areas and encourage the use of steep slope areas for open space and conservation uses.

    e. Require development to avoid steep slope areas wherever possible, and require all land use, clearing, grading and construction to satisfy development standards;

    f. Regulate expansion of land use or development that existed on steep slope areas prior to enactment of these requirements; and

    g. Protect adjoining properties from harmful consequences of development permitted under these requirements.

2. Applicability.

    a. Slope. The steep slope restrictions shall apply to all building sites with slopes 15 percent or greater.

    b. Regulations. When applicable, steep slope regulations shall take precedence over the regulations of the applicable zoning district.

    c. Land Disturbance. These regulations apply to lots where the proposed land disturbing activity is greater than 5,000 square feet.

    d. River and Creeks. Certain requirements apply to properties with river and creek frontage.

3. Steep Slope Area Categories.

    a. Category 1. Average slope of 15 percent but less than 25 percent.

    b. Category 2. Average slope of 25 percent or more.

4. Determination.

a. Determination. The City Engineer shall determine steep slope category.

b. Accuracy. Submitted plans must be sufficiently accurate to make this determination. The burden of proving the correct category boundaries shall be on the applicant, supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence.

5. Lot Requirements. Lot sizes for lots with slopes that are 15 percent or more, or average 15 percent or more, shall be increased by a lot size multiplier of:

    a. 3 times for slope of 15 percent to 24.99 percent; and

    b. 5 times for slope of 25 percent and above

6. Cut and Fill.

    a. Slope. Finished slopes of all cuts and fills shall not exceed 33 percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the City Engineer.

    b. Retaining Walls.

        i. All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are approved by the City Engineer in order to prevent erosion.

        ii. No retaining wall shall exceed five (5) feet in height. All retaining walls require a certification by a professional engineer that the wall was constructed in accordance with approved plans and applicable building codes.

    c. Stabilization. Permanent vegetative cover shall be planted prior to occupancy of a building.

7. Tree Preservation. No trees with a diameter at breast height (DBH) of eight (8) inches or more shall be removed from areas with slopes of 25 percent or more.

8. Rivers and Creeks. Grading may occur adjacent to rivers and creeks but shall not exceed a slope of 4:1 from the toe of the creek, upward.

9. Driveways and Roads. The alignment of roads and driveways shall follow the natural topography and minimize regrading.

10. Land Use. Buildings or land shall not be used, and buildings shall not be erected on Category 2 sites, except for agricultural farms, parks, playgrounds, golf courses, and other similar uses may be allowed with a Special Use Permit.

Sec. 39.2.3-8 Access and Frontage

1. Access. All lots shall have frontage on a public street or approved private street and all buildings shall be located on lots in a manner that provides safe and convenient access for servicing, fire protection, and required off-street parking.

2. Minimum Frontage. Minimum lot frontage shall be equal to the minimum lot width required for the applicable zoning district, unless otherwise permitted in Chapter 39 or Chapter 40 of the City of Palestine Code of Ordinances.

3. Use of residentially zoned property for access. No residentially zoned land shall be used for driveway, walkway, or access purposes to any land which is nonresidential zoned or used for any purpose not permitted in a residential district except for ingress and egress to a use existing at the time of adoption (add date of adoption here) of this ordinance and which does not abut a public street.

4. Access to commercial uses. Where a parcel of property zoned for commercial use abuts more than one street, access from either street to such property will be permitted only if no residentially zoned property lies immediately across such street from such commercial zoned property; provided, however, access may be permitted from any major thoroughfare on the thoroughfare plan map adopted by the city council; and provided, further, that one point of access shall be permitted in any case, notwithstanding other provisions of this ordinance.

Sec. 39.2.3-9 Grading and Excavation

1. Drainage. For storm water drainage in addition to the regulations below Chapter 40 shall also apply.

    a. Slope. Elevations for any site with a building located on it, or a site proposed for a building, shall have a grade sloping away from the walls of the building to prevent the ponding of surface water along foundations.

    b. Runoff. No site shall be filled or graded in a way that will discharge surface runoff onto adjacent properties in a manner that increases the amount of runoff in excess of pre-development conditions.

2. Elevating a Building Site. Grading and/or filling of materials to elevate the first-floor elevation of a structure is permitted but shall count against the height measurement of the building if the increase is three (3) feet or greater.
3. Excavation. The construction, maintenance, or existence of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which in the opinion of the City Manager or his/her designee, constitute or are likely to constitute a danger to the public health, safety, or welfare is prohibited; provided, this section shall not apply to any excavation for which a building permit or a temporary permit has been issued by the city and which is properly protected and warning signs posted.

4. Standards. Grading guidelines for development of lots and tracts, to maintain protection of adjoining properties and alleviate erosion problems encountered by improper drainage, shall be as follows:

    a. Excavations or fills made for purpose of development of a lot or tract shall grade permanent slopes no steeper than five feet horizontal to one foot vertical.

b. Deviation from excavation or fill limitations for slopes shall be permitted only upon the presentation of a soil investigation report acceptable to the public works director.

c. Retaining walls used to comply with the foregoing requirement shall be constructed in accordance with accepted engineering practices and shall be installed in a good workmanship manner satisfactory to the public works director.

d. Grading of slopes shall be done in such a manner as to influence proper drainage. Unless an alternative drainage pattern is approved by the public works director, a lot or tract shall be graded such that drainage shall flow to the fronting street gutter. Drainage on the portion of a lot or tract below curb level shall drain to an approved drainageway. This drainage should be accomplished in such a manner as not to cause erosion or damage to any property.

e. Replacement of topsoil. During the excavation, the topsoil shall be set aside. Upon completion of an excavation, the topsoil shall be replaced, and the site leveled in conformance with the approved grading plan. Upon replacement of the topsoil the property shall be landscaped and grassed as shown on the landscape plan.

Sec. 39.2.3-10 Visibility at Intersections

1. On a corner lot or a lot with a driveway, no use, structure, or plant material, such as off-street parking spaces, fences, signs, berms, hedges, or planting of shrubs, between two and one-half (2 ½) and 10 feet above the ground, or which obstructs safe vision at a street corner, shall be located, erected, or maintained within the following clear vision areas:

    a. Intersection of Streets. The triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines 30 feet from the point of the intersection of the right of way lines.

    b. Street and Driveway. The triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two (2) points that are located on the right-of-way line and the driveway 20 feet from the point of intersection of the right-of-way line and driveway.

2. Exemption. Public utility structures, traffic signs, or other items approved by the City Manager or his/her designees are exempt from this provision. This section does not apply to the CB District.

Sec. 39.2.3-11 Walls and Fences

Nothing in these regulations shall be construed to prohibit or prevent the construction of a retaining wall on any property; provided, that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse effect upon adjacent or adjoining properties. However, any application for a retaining wall shall be subject to the approval of the city engineer before the issuance of a permit.

Sec. 39.2.3-12 Swimming Pools and Spas

1. All swimming pools and spas within residential districts, either below ground or above ground, which has a depth of 18-inches or greater shall:

    a. not be constructed in the required front yard setback.

b. not have the edge of the water line not be closer to the side or rear property lines than six feet.

c. not have any pool structure, excluding the concrete pool deck, be closer to the side or rear property lines than three feet.

d. be enclosed by a four-foot fence, with no opening larger than four inches in any direction and a self- closing, self-latching gate.

2. Construction standards for swimming pools, per Chapter 22. Section 22-41 of the City of Palestine Code of Ordinances shall apply to all Manufactured and Mobile homes in the City.

Sec. 39.2.3-13 Recreational Vehicle Parking

1. No person shall place, keep, maintain, or occupy a recreational vehicle upon any lot or parcel of ground within the city for a period exceeding 12 hours, except in a manufactured home park or recreational vehicle park approved by the city, except for:

    a. A recreational vehicle may be parked and/or be occupied on the driveway of a residential lot for living, sleeping, and housekeeping purposes for no more than 15 days in any three (3) month period, and will be subject to the following requirements:

        i. A recreational vehicle may not be parked in a primary or secondary front yard.

        ii. The recreational vehicle is located on a parking surface made of concrete, asphalt or other hard all-weather surface approved by the City Manager or his/her designee, which is kept free of litter, debris, weeds, and other objectionable material or objects.

        iii. Connections to any source of electricity must be approved by the electrical inspector after the payment of the required fee. All electrical connections must comply with the requirements of the adopted National Electric Code.

        iv. Connections to any source of water supply or sewage disposal must be approved by the plumbing inspector after the payment of the required fee. All plumbing connections must comply with the requirements of the adopted International Plumbing Code.

Sec. 39.2.3-14 Refuse Containers

1. Refuse containers or dumpsters shall not be located in the front or side yard of any commercial, office, mixed use, or multi-family building. This restriction shall not apply in cases where compliance would cause such containers to be inaccessible (as determined by the City manager or his/her designee) to refuse collection vehicles; however, such containers or dumpsters shall be screened from public view.

2. Refuse containers on a premise that is classified and billed as a residential user under Chapter 98. Sec 98-93 of the City's Code of ordinances shall follow Chapter 82. Article II. Sec. 82-27 of the City's Code of ordinances.

Sec. 39.2.3-15 Sewer and Septic Systems

1. The design and construction of sewer and septic systems in the City of Palestine shall be in accordance with Chapter 40. Article VIII, the City's "Construction Specifications for Public Improvements", and the Texas Commission on Environmental Quality (TCEQ) guidelines.

a. Sewer Connection. All lot, tract or parcel of land that is within a distance or radius of 100 feet of a public sanitary sewer main, or across which lot, tract, or parcel of land a public sanitary sewer extends, shall be connected to a public sanitary sewer main. Accessory buildings under single ownership may be connected to a common building sewer in accordance with other applicable ordinances of the city.

b. Septic System. When there is not a public sanitary sewer within 100 feet of any lot, tract, or parcel of land and when such lot is a minimum 1 acre or more in size, within the corporate limits such lot may be connected to an approved septic tank or an alternative sewer system per Chapter 40. Article VIII. Sec.40-210. Application for the use of a septic tank must be made in writing to the City Manager or his/her designee, and such septic tank and the underground drain connections shall be constructed and maintained so as to meet the minimum requirements of the county health department and the state health department, as well as the applicable ordinances of the city and the Texas Commission on Environmental Quality (TCEQ) guidelines.

Sec. 39.2.3-16 Noxious Impacts Prohibited

Every use shall be conducted and operated in a way that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the parcel on which the use is located.

Sec. 39.2.3-17 Nonconformities

General. Any lawful use of land, or structure, or lot, existing at the date of passage of this ordinance and located in a district in which these were permitted before this zoning ordinance passed or was amended, but are now prohibited, regulated, or restricted under the terms of this ordinance or subsequent amendments is considered.

1. Nonconforming and not in violation of the regulations provided in this ordinance. However, such nonconforming use, or structure, or lot shall be subject to the regulations in this section It is the intent of the City of Palestine to discontinue nonconforming uses, structures, or lots but permit legal nonconformities to continue until they are removed.

2. Nonconforming status. Nonconforming status shall exist under the following provisions:

    a. When a use or structure or lot which does not conform to the regulations prescribed in the district in which such use or structure or lot was in existence and lawfully operating prior to the effective date of this ordinance and has been operating since without discontinuance.

    b. When on the effective date of this ordinance, the use or structure or lot was a legal nonconforming use or structure or lot under the provisions of the prior zoning ordinance and has been operating since without discontinuance.

    c. When a use or structure or lot which does not conform to the regulations prescribed in the district in which such use or structure or lot is located was in existence at the time of annexation to the City of Palestine and has since been in regular and continuous use.

3. Registration of Nonconforming uses/structures/lots

a. The owner of a nonconforming structure or use or lot shall certify by affidavit to the City Manager or his/ her designee (in the building permit office) that his structure or use or lot was made nonconforming by the passage of this ordinance or its amendment within six (6) months of the use, structure, or lot being made nonconforming.

b. On acceptance of the affidavit the City Manager or his/her designee shall issue a certificate of nonconformity for the nonconforming use or structure or lot. Such certificate shall designate the location, nature, and extent of such nonconformity[use or structure or lot] and any additional data necessary for issuance of said certificate.

c. If, upon review of the affidavit, any illegally established violation of previous or existing ordinances or codes is found, the City Manager or his/her designee shall not issue said certificate of nonconformity and shall declare such use to be in violation of this ordinance and shall act accordingly.

d. Any use, or structure, or lot not in conformance with this ordinance and on which no certificate of nonconformity has been issued shall be presumed to be in violation of these zoning regulations and shall be treated accordingly.

4. Change of nonconforming use.

   a. A nonconforming use may be changed to another similar nonconforming use where in the opinion of the board of adjustment such new use:

      i. Will not extend the life of a nonconforming use;

      ii. Will reduce traffic, sound, odor, smoke, or number of employees;

      iii. Will not include structural alteration or expansion;

      iv. Will improve the character and value of surrounding property. Such change in use may be permitted only following formal application for change with the board of adjustment. Where proper findings are made, the board of adjustment may direct the City Manager or his/her designee to issue the necessary permits.

   b. Whenever a nonconforming use has been changed to a conforming use, it shall not revert back to a nonconforming use.

   c. No nonconforming use may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this ordinance.

5. Restoration of nonconforming use/structures

   a. Nonconforming structures may be restored only if destruction caused by fire, explosion, or act of God is 50 percent or less of its structural valuation prior to such destruction. (The determination of such reduced structural valuation shall be made by an appraiser appointed by the city).

b. Except as provided by paragraph c. of this subsection, any structure whose destruction exceeds ten percent but less than 50 percent of its prior structural valuation must apply for a building permit for reconstruction within six months and commence reconstruction within 12 months of the date of the described destruction. At time of reconstruction, existing off-street and loading requirements for that particular use shall be complied with.

c. A nonconforming residential use/structure may be restored only if destruction caused by fire, explosion, or act of God is 75 percent or less of its structural valuation prior to such destruction.

6. Discontinuance or abandonment of nonconforming use/structure. Any nonconforming use of land or structure which has ceased by discontinuance or abandonment for a period of six months shall thereafter conform to the provisions of this ordinance. Nonconforming uses of land or structures maybe continued or restored if such nonconforming use or structure was discontinued for less than six-month period.

7. Nonconforming Lots.

a. Use of Nonconforming Lots. In any district, buildings may be erected on any single lot of record, provided there is access to such buildings or houses from a street. This provision shall apply even though the lot fails to meet the minimum requirements of area, width, or depth, for the district in which located; however, all other requirements shall still apply.

b. Spatial Requirements. Any buildings constructed on nonconforming lots of record shall meet all development regulations in the district unless property variances are granted by the Board of Adjustment.

8. Property platted prior to 1987.

a. Property platted prior to 1987 without established building lines shall conform to the following building setback requirements from property lines:

i. Residential:
1. Front yard: Twenty-five feet.

2. Side yard interior lot line: Meet current zoning setback.

3. Side yard street side: Ten feet.

4. Rear yard: Fifteen feet.

ii. Nonresidential:
1. Front yard: Twenty-five feet.

2. Side yard : Ten feet.

3. Side yard street side: Fifteen feet.

4. Rear yard: Twenty-five feet.

Division 4. Supplementary Use Requirements

Sec. 39.2.4-1 Purpose

This division outlines requirements that are applicable for situations that may occur in any location in the City of Palestine, regardless of the zoning district designation. These regulations apply in addition to all regulations of the zoning district in which the use is located, as well as all other applicable requirements of Chapter 39 and Chapter 40, as well as all other applicable requirements of the City's Code of Ordinances.

Sec. 39.2.4-2 Accessory Building/Structure

1. Accessory structures shall be incidental to the principal use and be located on the same lot.

2. Attached accessory structures are subject to the spatial requirements of the principal buildings for the applicable zoning district.

3. Detached accessory buildings such as detached garages, carports, storage sheds, gazebos, swimming pools, hot tubs, spas, and any other structure that is an accessory use to the primary building are prohibited in front yards and are subject to the spatial requirements for accessory buildings for the applicable zoning district, except Farm (produce) stands may be placed within the front yard and within the front setback, subject to any other applicable requirements.

4. Cargo/shipping containers, rail cars and tiny houses may be used as permanent accessory structures only in the Districts where these are specifically allowed.

5. Some properties within residential zoning districts may also be within one of the designated historic districts and or may be a designated Palestine landmark. The location, height, and exterior materials in conjunction with new accessory structures located in those districts or designated as a Palestine landmark are subject to additional requirements found in Chapter 39. Article III. Division 7. Historical Preservation.

6. All attached and detached accessory buildings and additions shall be compatible and similar to the principal building in terms of architectural style/design, and/or building materials.

Sec. 39.2.4-3 Agricultural Operation, Farm, Ranch, or Agritourism

1. Shall be compliant with the State of Texas Agricultural code.

2. Barns, agricultural structures, livestock auctions, livestock feeding, stables public and private, poultry farms, and farmers markets are regulated as accessory structures, but are not subject to square footage restrictions.

Sec. 39.2.4-4 Airport, Heliport, Airstrip, Helicopter Landing Pad

1. Shall be compliant with FAA regulations.

Sec. 39.2.4-5 Alcoholic Beverage Sales

1. Shall be compliant with Chapter 10. Alcoholic Beverages of the Code of Ordinances of City of Palestine.

2. Shall be compliant with the City Charter. Article XI. Sec. 11.9 Areas where sale of alcoholic beverages permitted.

Sec. 39.2.4-6 Alternative Financial Establishments, Pawnshops

1. In addition to this section, all alternative financial establishments, pawnshops shall be subject to Chapter 26, Article VI of the Palestine City Code.

2. Distance Separation. Measurements shall be made in a straight line between the nearest points of one lot to the other lot.

    a. The use shall be located at least 1,000 feet from any lot containing another alternative financial establishment or pawnshop.

    b. The use shall be located at least 500 feet from any lot zoned or used for residential purposes, school, place of worship, or child day care center.

3. Restricted Districts. No alternative financial establishment or pawnshop shall be permitted within the Central Business District (CBD).

Sec. 39.2.4-7 Animal Services (animal/pet – shelter or rescue, hotel, store)

1. In addition to the requirements applicable to such uses within the districts where such uses are permitted, the following requirements and regulations shall be complied with:

2. Limitations of use. Such facilities shall be limited to the treatment, boarding (not more than 30 days) grooming and short time breeding of domesticated animals such as horses, cats, and dogs.

3. Dimensional requirements.

    a. Minimum lot area. The lot area shall not be less than 10,000 square feet.

    b. Minimum lot width. The minimum lot width at the building line shall not be less than 100 feet.

    c. Minimum yard setback. All buildings and structures excluding fences or walls shall be set back a minimum distance of 25 feet from any residential district boundary. All other setbacks shall conform to the requirements of the district in which such uses are located.

    d. Additional requirements. Veterinary hospitals or clinics shall not be required to meet any minimum lot coverage or building height except for the angle of light obstruction regulations of the district in which such facilities are permitted.

4. Buffering and screening. All buffering and screening shall be a solid fence, masonry wall, or evergreen hedge.

5. Additional regulations.

    a. No such facilities shall be permitted to have outside cages or runs.

b. All such facilities shall be soundproof so to prevent any noise from being heard outside any building or structure.

c. Buildings, or units in multi-tenant buildings, shall incorporate ventilation and noise attenuation measures.

d. Buildings must be located at least 100 feet from any residentially zoned property.

e. Outdoor runs and enclosures shall be screened from adjoining properties with a solid fence or wall at least six (6) feet in height and be subject to the requirements of Article III. Division 5.

Sec. 39.2.4-8 Automobile Repair Facilities

1. All work associated with the repairing and servicing of automobiles, motorcycles, trucks, trailers, or similar vehicles shall be conducted within an enclosed building.

2. Any outdoor storage shall meet the requirements set forth in section 39.2.4-35 outdoor storage and display requirements of this division.

Sec. 39.2.4-9 Bail Bond Establishment

1. Distance Separation. Measurements shall be made in a straight line between the nearest points of one lot to the other lot.

    a. The use shall be located at least 1,000 feet from any lot containing another bail bond establishment.

    b. The use shall be located at least 500 feet from any lot zoned or used for residential purposes, school, place of worship, or child day care center.

2. Restricted Districts. No bail bond establishment shall be permitted within the Central Business District (CBD).

Sec. 39.2.4-10 Bed and Breakfast

1. Any structure to be used for a bed and breakfast, or in a similar operation, in a residential district shall be permitted by Specific Use Permit when the structure is a single-family dwelling and shall be subject to all other requirements governing structures in the applicable residential zoning district.

2. Bed and breakfast inn and bed and breakfast only uses which are required to have a specific use permit as provided herein shall be subject to the off-street parking requirements of the city.

Sec. 39.2.4-11 Boarding/ Rooming House

1. The most restrictive of the following requirements will apply to the use of a building as a boardinghouse or rooming house:

    a. No more than two persons who are not related by blood, marriage, adoption, or other legal relationship, may occupy a lodge within the building; and

b. No building may be used as a boardinghouse or rooming house unless the building is equipped with a private sanitary toilet, lavatory, and shower, or bathtub bathing facility, for every four persons occupying said building.

2. No building may be used as a boardinghouse or rooming house except through a specific use permit for such use.

    a. The specific use permit ordinance will indicate, the number of rooms in the building that may be used as a lodge, and the maximum occupancy of the building.

    b. Any violation of the SUP ordinance is grounds for the revocation by the city council of the specific use permit for a boardinghouse or rooming house.

        i. The revocation of the specific use permit will be in addition to any other penalties provided by the ordinance and any other ordinances of the City of Palestine, Texas, and the statutes and laws of the State of Texas.

3. Any person who owns or operates a boardinghouse as defined herein, shall be required to keep and maintain a daily boardinghouse log in which the following information will be recorded:

    a. Address of boarding house;

    b. Name and address of owner and manager of such boardinghouse;

    c. Number of lodges, as defined herein, in such boardinghouse; and

    d. Name and lodge number for every person who occupied a lodge within the building for such day.

4. The daily boardinghouse log shall be kept at the boardinghouse for inspection for one calendar year after the current year during which the log is maintained. The daily boardinghouse logs will be available for inspection by the building official or his designee upon no notice.

Sec. 39.2.4-12 Cemeteries and Mausoleums

1. The minimum parcel size for cemeteries and/or mausoleums shall not be less than ten acres, and crematories (building only) shall not be less than two acres unless such uses are extensions of one that exists at the time of adoption of this section.

2. No part of any crypt, mausoleum, or other building, other than a subterranean grave, shall be less than 50 feet from the nearest lot line.

3. Crypts, mausoleums, or other structures, other than monuments, shall together not occupy more than ten percent of the total area.

4. A continuous screening device shall be provided and maintained along with all boundary lines separating said cemetery or crematories from any contiguous land.

Sec. 39.2.4-13 Childcare Centers (Daycare, After School Care)

1. The minimum lot area shall not be less than 6,000 square feet or not less than 30 square feet per child, whichever is greater.

2. Each day care center shall comply with minimum spatial requirements within the district [where] such use is permitted.

3. There shall be a fence six feet in height surrounding all play areas. Such fencing shall be continuous with latching gates at exit and entrance points. The fencing may be of masonry construction, chain link or wood.

4. In the case of specific uses, the planning and zoning commission may require that plantings be placed on the outside of the above required fencing and may also require that such fenced areas be setbacks from any property line, and other requirements as may be required by the planning and zoning commission.

5. Each day care center prior to receiving a certificate of occupancy from the City must have met all State of Texas regulations and present a copy of the state license or permit to operate such a facility to the building inspector.

Sec. 39.2.4-14 Churches and Other Houses of Worship

1. Minimum lot area: One acre.

2. Minimum lot width at building line: 100 feet.

3. Minimum setbacks from any property line: 35 feet.

4. Maximum building height of principal structure, excluding church spire: 30 feet.

5. Maximum percent of lot coverage: 25 percent.

6. Access to and from a residential street is prohibited.

Sec. 39.2.4-15 Commercial Amusement, Indoor

1. In addition to this section, all Commercial Amusement, indoor establishments shall be subject to Chapter 26, Article II and Article III, Chapter 39, Article II, Section 39.2.4-15 of the Palestine City Code.

2. Hours of Operation.

    a. Except as provided in subsection 2.b and 2.c of this section, no commercial amusement (indoor) establishment shall operate between the hours of 12:01 a.m. to 9:00 a.m., seven (7) days a week.

    b. A commercial amusement establishment that is within 500 feet of a district restricted to residential use only in this Chapter 39. Zoning ordinance of the City of Palestine shall not be allowed to operate between the hours of 11:00 p.m., Sunday through Thursday, and 9:00 a.m. the following day, or between the hours of 12:01 a.m. to 9:00 a.m. on Saturday and Sunday.

c. For purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest entry door in the portion of the building used as an amusement machine establishment to the nearest point of a district restricted to residential use or nearest entry door of a school.

Sec. 39.2.4-16 Commercial Amusement, Outdoor

1. Outdoor activities shall be separated at least 300 feet from any residential district.

Sec. 39.2.4-17 Drilling and Production of Oil and Gas, Gathering and Compression Station

The following regulations shall apply to Drilling and Production of Oil and Gas:

1. The drilling and production of oil and gas, gathering stations, and compressor stations within the corporate limits of the city shall be permitted by specific use permit process only.

2. No drilling, production, compressors, compressor station or gathering station shall be permitted within the floodway or 500-year floodplain as defined by FEMA or within 600 feet of any cultural, historic or archaeological resources, or groundwater recharge areas; or environmentally sensitive areas excluding floodplain or floodways; or within 600 feet of any habitable structure or public building, institution, park, school, or commercial building, for which a building permit has been issued on or before the date the application for a drilling permit is filed with the city; provided, however, that drilling shall be permitted as close as 300 feet if all affected property owners agree in writing. The distance shall be calculated from the well bore, in a straight line, without regard to intervening structures or objects, to the primary structure of the protected use or park boundary.

3. Residential Separation Requirements. No drilling, production, compressor, compressor station, or gathering station shall be permitted within 300 feet of a neighboring property line unless all affected property owners agree in writing.

    a. If 80 percent of affected property owners agree in writing to permit drilling as close as 300 feet or 300 feet of a neighboring property line, then the operator may apply to the Board of Adjustment for a special exception from the requirement that all affected property owners must agree in writing; or

    b. When four (4) or fewer waivers are required, if all but one (1) property owners agree in writing to permit drilling or production within the reduced distance, then the operator may apply to the Board of Adjustment for a special exception from the requirement that all affected property owners must agree in writing.

4. Separation between Sites. No drilling or production site or compressor station shall be permitted within 3,500 feet of an existing drill site or compressor station, except that existing pad sites may be expanded so that different operators may share space at the same pad site ("co-location"). Co-locations must have a common drive, common sound walls, and commons screening.

5. An approved road repair agreement shall be a part of the special use permit approval.

6. An oil and gas permit application shall be filed with the city concurrently with the request for a special use permit; provided, however, that

a. the city shall not be required to consider the oil and gas permit application unless and until a special use permit is approved by the City Council.

7. If drilling is not commenced on at least one (1) well covered by the special use permit for oil or gas drilling or production within two (2) years from the date of issuance, the special use permit shall expire.

8. The City Council may establish a lesser expiration timeline at the time of approval of the special use permit.

9. If an extension is desired but drilling has not commenced, the operator(s) may submit to the City Council an application to amend the special use permit to extend the timeline.

10. The special use permit required by this section is in addition to and is not in lieu of any permit, exception, variance, or other requirements that may be required by any other provision of this Chapter 39, other provisions of the City Code, or by any other governmental agency.

In addition to, the following regulations shall apply to gathering Stations and Compressor Stations:

1. General Separation Requirements. No gathering station shall be permitted within the floodway or 500-year floodplain as defined by FEMA or within 2,000 feet of any cultural, historic or archaeological resources, or groundwater recharge areas, or environmentally sensitive areas, excluding floodplain and floodways; or within 2,000 feet of any habitable structure or public building, institution, park, school, or commercial building for which a building permit has been issued on or before the date the application for a drilling permit is filed with the inspector, provided, however, that this minimum setback may be reduced to 1,000 feet if:

    a. All affected property owners agree in writing. No gathering station shall be permitted closer than 1,000 feet to a neighboring property line unless all affected property owners agree in writing. If 80 percent of affected property owners agree in writing to permit a gathering station as close as 1,000 feet, then the operator may apply to the city for a special use permit.

    b. When four (4) or fewer waivers are required, if all but one (1) property owners agree in writing to permit a gathering station within the reduced distance, then the operator may apply to the city for a special use permit.

    c. No gathering station shall be located within 200 feet of a railroad right-of-way.

2. Erosion Control. Construction of the gathering station shall comply with the erosion control regulations set forth in Chapter 40.

3. Floodplain and Floodways. No gathering station shall be permitted in a floodplain or floodway.

4. Security.
    a. There shall be a locked entrance gate to the gathering station site. The entrance gate shall be fire accessible with a Knox-Box rapid entry system.

b. The equipment and facilities at a gathering station site must be enclosed, individually or collectively, in accordance with the requirements of this section.

5. Warning Signage. Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" in a minimum of four (4) inch lettering shall be posted at the entrance of each gathering station site. The sign shall include the phone number for emergency services (9-1-1), the name and phone number for the owner/operator in three (3) inch lettering. In addition, if the special use permit is approved, the SUP ordinance number must be displayed on the sign in a minimum of three (3) inch lettering.

6. Parking and Driveways. All facilities used for parking, loading, unloading, driveways, and all other vehicular access, including private roads or driveways, shall be constructed, and maintained in compliance with the North Central Texas Council of Government (NCTCOG) Specifications, and other provisions of the City Code and must meet all minimum fire code requirements, provided that the drive approach from the street be constructed of concrete. The surface for such facilities and drive approach must always be maintained in good condition and repair.

Sec. 39.2.4-18 Educational and Scientific Research Office Excluding Laboratory Facilities

1. In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

    a. All activities shall be conducted within a completely enclosed building or buildings.

    b. There shall be no outdoor storage of dismantled parts or supplies visible beyond the premises, and all storage shall be in accordance with Chapter 39. Article II. Division 4. Sec. 39.2.4 – 35.

    c. Such uses shall be screened from abutting properties by a solid fence, masonry wall or evergreen hedge.

Sec. 39.2.4-19 Eight-liner Business

1. In addition to the requirements applicable within the districts where such uses are permitted, or those required through a Specific Use Permit granted within the City of Palestine corporate limits, the following requirements and regulations shall be complied with:

    a. Eight-liner machines and businesses are prohibited in this City.

    b. Eight-liner business is prohibited as an accessory use in the City of Palestine.

Sec. 39.2.4-20 Funeral Homes and Mortuaries

1. In addition to the requirements applicable to funeral homes and mortuaries within the districts where such are permitted, the following requirements and regulations shall be complied with:

    a. Dimensional requirements. The minimum lot area shall not be less than one acre.

    b. Access. All ingress and egress points shall be to or from primary arterials.

    c. Buffering and screening. All such operations including the loading and unloading facilities shall be screened from abutting properties by a solid fence, masonry wall or evergreen hedge.

Sec. 39.2.4-21 Gasoline Service Stations and Car Washes

In addition to the requirements applicable to gasoline service stations and car washes within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Gasoline service stations.

    a. The minimum lot area to be occupied by a gasoline service station shall not be less than 12,000 square feet with a lot frontage of not less than 100 feet;

    b. All fuel pumps and pump islands shall be set back a minimum distance of at least 15 feet from any street right-of-way line, property line or buffer strip;

    c. The outside ends of all canopies shall be set back a minimum distance of ten feet from all property lines;

    d. Permitted uses. Retail sale of: Minor automobile parts and accessories, gasoline, diesel fuel, kerosene, lubricating oils and greases; and articles dispensed by vending machines providing such vending machines are located under the roof of the principal structure and screened on not less than three sides.

    e. No permanent outdoor storage of materials or products shall be permitted.

    f. All buffering and screening except as provided for herein shall be screened from abutting properties by a solid fence or masonry wall.

2. Car Washes.

    a. The minimum lot area to be occupied by a car wash containing either one conveyor belt washing stall or four or less self-service and/or automatic washing stalls shall not be less than 15,000 square feet with a lot frontage of not less than 100 feet. For each additional washing stall over one or four, an additional 2,000 square feet shall be added to the minimum lot requirement.

    b. Except as provided for in the above paragraph, all car washes shall comply with the regulations of subsection 1 Gasoline service stations above.

Sec. 39.2.4-22 General Retail (Indoor) - Over 50,000 Gross Floor Area

1. Community Spaces. Entrances and parking lot locations shall be clearly identifiable with walkways conveniently tied to logical destinations. Customer drop-off/pick-up points that may be provided should be integrated into the design and should not conflict with traffic lanes or pedestrian paths. Pedestrian ways shall be anchored by special design features, such as towers, arcades, porticoes, light fixtures, planter walls, seating areas, or other architectural features that define circulation paths and outdoor spaces.

2. Delivery, Trash Collection, and Loading Spaces. If the area is adjacent to residential property, the delivery, trash collection, and loading spaces must be set back at least 150 feet from a residential use, unless such operations are located entirely within an enclosed building that meets the required building setback. If the area is adjacent to residential property, delivery, trash collection, and loading operations

shall not be permitted between 10:00 p.m. and 7:00 a.m. Regardless of whether the area is adjacent to residential property, the delivery, trash collection, and loading areas shall be screened or enclosed so they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties.

3. Outdoor Storage and Display. Outside storage and display areas, combined, shall be limited to five (5) percent of the gross floor area, but no larger than 10,000 square feet, be screened from public view by an eight (8) foot wall of like material to the building when facing a public right-of-way or residential property, and shall in no case be allowed within 150 feet of residential property or more than 150 feet from the building.

4. Pedestrian and Bicycle Access. Pedestrian and bicycle access separate from vehicular access is to be provided between the storefront and the main entrance from a public right-of-way, and along the full length of any building where it adjoins a parking lot. Such access shall be a minimum of six (6) feet wide and shall be delineated by paving bricks, stone, or raised concrete with appropriate access impaired ramps in accordance with standard building code regulations with painted stripes at parking isle and drive lane crossings.

5. Design Features. The building shall incorporate design features that minimize the building's visual impact, including:

    a. Construction of all facades with a minimum of 90 percent masonry materials, excluding all windows, doors, and glass construction materials. Masonry shall mean brick, stone, concrete masonry units, or stucco. Cement or concrete tilt wall materials shall be prohibited.

    b. All masonry colors shall be light to medium earth tones ranging from light beige to medium earth yellows, tans, rays, ochers, rust, etc. Primary accent colors may be used on a maximum of 10 percent of all building facades for decorative impact.

    c. All facades shall have horizontal and vertical articulation that provides a visual break to the expanse of masonry.

    d. The building shall contain at least 40 percent non-reflective glass on the first floor of the front facade to create an attractive store-front appearance.

    e. Canopies or other design or architectural features designed to enhance the appearance of the building's facade.

Sec. 39.2.4-23 Greenhouse and Nursery, Commercial

1. The outdoor display/storage of trees, shrubs, and plants shall be permitted at plant nurseries, including garden centers associated with home improvement and general merchandise stores. The display of lawn and garden supplies, grass pallets, and other bulk items shall be permitted, but shall be accessory and ancillary to the primary display of trees, shrubs, and plants.

2. The storage/display area shall be designated and approved on the site plan for the use.

3. Paving within a plant display area shall be required only for pedestrian walkways.

4. All items shall be displayed outside of the setbacks applicable to principal buildings, and no such display shall obstruct or eliminate any designated parking or loading space, access drive, or fire lane.

5. Construction of fences shall be in accordance with Chapter 39. Article III, Division 5.

6. Minimum fire lanes must be marked and maintained throughout the display/storage area in accordance with the requirements of the Fire Code. Buildings in a display/sales area shall be separated by a minimum distance of 10 feet.

Sec. 39.2.4-24 Group Housing, Adult Group Home

1. Requires State licensing and only permits homes complying with the Community Homes for Disabled Persons Act.

2. A building permit shall be issued upon the applicant providing proof of meeting the state licensing requirements.

Sec. 39.2.4-25 Gun Shooting or Archery Range, Indoor

1. In addition to the requirements applicable within the districts where such uses are permitted, or those required through a specific use permit granted within the City of Palestine corporate limits, the following requirements and regulations shall be complied with:

    a. The sale or consumption of alcohol on the premises of an indoor gun range is prohibited.

    b. No indoor gun range shall be located closer than 300-feet from a residential zoning district.

    c. The operator / owner of an indoor gun range shall provide casualty insurance coverage for any injuries to the public that are related to the use of the firearms.

    d. The loading or unloading of firearms on the premises of an indoor gun range outside the structure where the shooting takes place is prohibited.

Sec. 39.2.4-26 Holiday Tree and Firewood Sales

1. The outdoor sales of Christmas Trees and Firewood sales may be permitted for a period of not more than 90-days.

2. Sales lots located on undeveloped property shall identify and provide adequate off-street parking.

3. Electrical connections must be permitted by the Building Department.

4. Sales lots on developed sites which comply with the requirements for outdoor sales shall not require a permit under this section.

Sec. 39.2.4-27 Home Occupations

1. Persons desiring a home occupation permit shall make application for same with the building inspector of the City of Palestine, Texas. Said inspector shall evaluate those factors which might have a bearing on determining if such application for home occupation is clearly incidental and secondary to the dwelling unit and meets all the standards and criteria set forth in this section. If such application is determined to be consistent with this section, a permit for the same shall be issued by the building

inspector. Once said home occupation permit is issued to the applicant, it cannot be transferred to a second applicant through the sale, leasing, or rental of the premises on which said home occupation is located or in any other manner. Such application for a permit shall contain such information as the building inspector may require, but in any event, shall include the following:

a. Name of applicant;

b. Location of residence where the home occupation will be conducted;

c. Total floor area of the residence;

d. Area of room or rooms to be utilized in the conduct of the home occupation;

e. A sketch with dimension showing the floor plan and the area to be utilized;

f. The exact nature of the home occupation.

2. Any home occupation permit shall be for a period of five (5) years and must be renewed every five years from date of issue by application to the City Manager or his/her designee according to the provisions set forth in this section. Home occupation permits issued prior to the effective date of this ordinance shall expire one (1) year from the date of issuance and must be renewed for a five-year period by application to the City Manager or his/her designee according to the provisions of this section.

3. Notice of expiration of home occupation permits issued prior to the effective date of this ordinance shall be sent by mail by the City Manager or his/her designee to the holder of such permit within 30 days from the effective date of this ordinance. If any occupation permit shall expire under the provisions of this ordinance within 90 days from the effective date of this ordinance, such permit shall continue to be valid until final determination by the City Manager or his/her designee on an application for renewal on [of] same, provided such application is made within ten days after notification by the City Manager or his/her designee.

4. Any person within 200 feet of said home occupation may seek revocation of a home occupation permit by filing a written complaint thereon with the City Manager or his/her designee who shall cause an investigation to be made to determine whether the permit holder is conducting said home occupation in a lawful manner as prescribed by this section. If the City Manager or his/her designee determines that the permit holder is in violation of the provisions of this section, said permit holder shall have a ten-day period in which to correct the violations listed by the City Manager or his/her designee. If said violations are not corrected within the ten-day period granted, the permit shall be revoked until such time a public hearing is held. Said public hearing shall be held on filed complaint for continuation of said home occupation. Said public hearing shall be held before the zoning board of adjustments and appeals within 30 days of filed complaint in which a public hearing will ultimately determine the continuation or elimination of occupation.

5. All home occupations shall comply with the following standards and criteria before permits can be issued:

a. The home occupation shall be conducted wholly within the principal building or accessory building;

b. No more than one additional person other than the residents residing on the premises shall be employed or engaged in said home occupation at the premises;

c. There shall be no alteration or change to the outside appearance, character, or use of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding one square foot in area, non-illuminated, mounted flat against the wall of the principal building or accessory building;

d. No home occupation shall occupy more space than 20 percent of the total floor area of a residence, exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided, however, that in no event shall such home occupation occupy more than 700 square feet. Rooms which have been constructed as an addition to the residence and any attached garage or porch which has been converted into living quarters may be utilized for such home occupation;

e. No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building or accessory building so used;

f. No commodities or goods of any kind shall be sold on the premises, nor displayed on the premises for [or] elsewhere;

g. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses outside the dwelling unit, nor shall there be any combustible materials located elsewhere on the premises which are in violation of the city's fire prevention code. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in voltage off the premises;

h. No more than one automobile or truck whose size shall not be larger than a stock one-ton panel or pickup truck used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties. Vehicles may not have attached signs which exceed or extend beyond the dimensions of the vehicle.

Sec. 39.2.4-28 Impounded Vehicle Storage Facility

1. Temporary parking and storage of impounded operable or inoperable motor vehicles is limited to a period of time not to exceed 90 days.

2. All enclosed and unenclosed facilities must be paved with an all-weather surface.

3. Vehicles may not be salvaged, dismantled, or repaired at the facility.

Sec. 39.2.4-29 Industrial

All industrial uses shall conform to the following standards, which are established as minimum requirements.

1. Fire and Explosion Hazards. All buildings, storage and handling of flammable materials, and other activities shall conform to city building and fire codes and to any applicable state and federal regulations or requirements. A land use shall not represent a fire or explosion hazard to another adjacent property or to the general public. The storage, use, or manufacture of materials, goods, or products, ranging from free or active burning to intense burning, as determined by the Fire Marshal, is permitted subject to compliance with all other yard requirements and performance standards previously described and providing that the following conditions are met:

    a. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater or soil shall be stored within a building. Secondary containment measures shall be installed and utilized to prevent ground contact by any spills.

    b. All such materials or products shall be produced, stored, or used in a completely enclosed building or structure that has noncombustible exterior walls and that also meets all related building code requirements.

    c. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with state rules and regulations.

    d. All handling of flammable or hazardous substances shall be in accordance with state and federal laws, all required permits shall be obtained, and the establishment shall remain in conformance with all such requirements.

2. Smoke and/or Air Pollution Control. Smoke, radiation, fumes, gases, dust, odors, or other atmospheric pollutants shall not be emitted beyond the boundaries of a lot in a manner that may cause property damage or hazards to public health, be detrimental to the property rights of others, or constitute a nuisance. Emissions shall be in strict conformance with all applicable federal, state and county health laws.

3. Vibration. Vibration caused by an industrial activity shall not be detectable beyond the boundaries of the site on which the activity is conducted.

4. Noise. Noise created by an industrial activity shall not adversely affect an adjoining property.

5. Glare and Radioactive Materials. Any process that results in glare (such as arc welding or acetylene torch cutting), shall not emit ultraviolet light, measured at the property line, that exceeds safe levels as established by the National Institute of Standards and Technology and/or the Atomic Energy Commission.

Sec. 39.2.4-30 Junkyards and Salvage Yards

In addition to the requirements within the districts where such uses are permitted, the following requirements and regulations shall be complied with:

1. Dimension requirements.

    a. Minimum lot area: Two acres.

b. Minimum lot location:

i. Distance from any residentially zoned district; or federal or state highway within the city: 300 feet.

ii. Distance from any street right-of-way line: 25 feet.

iii. Distance from any other property line: 20 feet.

2. Buffering and screening. The planning and zoning commission shall recommend to the city council the area to be buffered or screened by a solid fence or screened by a solid fence eight feet in height or other prescribed screening device, with the necessary openings for the operation of business. All state and federal requirements shall apply where applicable.

3. Site plan approval. All such uses shall be required to have site plan approval in accordance with Chapter 39. Article IV. Division 6

Sec. 39.2.4-31 Manufactured Home/ Mobile Home Community

1. The minimum size of any manufactured home community shall be five (5) acres.

2. There shall be adequate provisions for the collection and removal of waste and garbage.

3. A separate electrical outlet shall be provided for each unit in the park. If such outlet is of a plug-in type approved and inspected by the city upon installation, then it shall not be necessary to obtain city inspection upon connection and disconnection of individual manufactured homes thereto, provided there has been no modification to the approved outlet.

4. Water and Sewer requirements shall be as follows:

a. City water connections furnishing an ample and adequate supply of water for both health and firefighting purposes, including the adequate provisions of fire hydrants.

b. Connection with the municipal sanitary sewer system.

c. Separate water and sewer outlets may be provided to each unit in the park. If the original installations are inspected and approved by the city, and in the opinion of the city manager or his/her designee are of such a nature to safely permit connection and disconnection by untrained persons, it shall not be necessary to obtain city inspection and approval upon connection or disconnection of individual manufactured homes thereto, provided there has been no modification to the approved outlet. Notwithstanding the above, sewer connections for lots located within floodplain areas must be inspected for each re- connection.

5. The park shall have adequate and sufficient electrical lighting of the streets. The cost of this lighting will be borne by the owner of the park.

6. The park shall have minimum 20% of the area set aside for open space/park, and play area if children are permitted in the park. The play area shall be enclosed with a fence.

7. Each lot or space shall be identified by lot number painted or displayed on a sign board at the front of the lot. Numerals shall be dark in color against a light background to assure easy identification by emergency personnel. Minimum numeral size will be six (6) inches in height. The sign board must be at least 10 inches by 10 inches in size.

Sec. 39.2.4-32 Manufactured and Mobile Homes

In addition to the requirements within the districts where such uses are permitted, the following requirements and regulations in Chapter 39. Article II. Division 3. Sec. 39.2.3 – 4 and Division 4 Sec. 39.4.3 — 2. Subsection 6 shall also be complied with.

Sec. 39.2.4-33 Mining and Mineral Extraction Operation

1. This section does not apply to oil and gas operations.

2. No quarrying operation shall be carried on or any stockpile placed closer than 50 feet to any property line, unless a greater distance is deemed necessary for the protection of adjacent property by the Planning and Zoning Commission and/or City Council during the Specific Use Permit process; provided that this distance requirement may be reduced to 25 feet by written consent of the owner of the abutting property.

3. If the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest line of such right-of-way.

4. Slopes shall not exceed 4:1 for portions of a pit more than six (6) feet deep and within 25 feet of a property line or right-of-way without an approved slope stabilization or shoring plan.

5. Fencing shall be erected and maintained around the entire site for the protection of the public safety and shall be of a type specified in Chapter 39. Article III. Division 5.

6. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Planning and Zoning Commission and/or City Council during the Specific Use Permit process.

7. The crushing, washing, and refining or other similar processing may be authorized by the Planning and Zoning Commission and/or City Council during the Specific Use Permit process as an accessory use, but such processing shall not be in conflict with the use regulations of the district in which the operation is located.

8. An operational and site plan must be submitted as a part of the Specific Use permit application and shall include the following information:

    a. The areas to be mined and proposed phases.

    b. The location of permanent structures.

    c. Locations for storage piles.

d. The points of access upon public roads and internal roads.

e. Screening and reclamation plans.

f. Hours of operation.

g. Estimated type and quantity of mineral materials to be removed.

h. Description of extraction and processing methods and location of processing plant.

i. Equipment to be placed on the site.

j. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this section.

k. A plan disclosing the final grades and elevation.

9. Internal combustion engines may be used if they have mufflers that will reduce noise to comply with required noise levels set forth in this ordinance at any point 300 feet from the boundary of the site or operation site and prevent the escape of noxious gases, fumes or ignited carbon or soot.

10. The noise level during operations shall not exceed 70 decibels at any point 300 feet from the boundary of the site between 8:00 a.m. and 7:00 p.m. The noise level between 7:00 p.m. and 8:00 a.m. shall not exceed 60 decibels at any point within 300 feet from the boundary of the site. If noise levels at a distance of 300 feet exceed 70 decibels, a sound reduction enclosure shall be required for compliance.

11. A road repair agreement shall be filed with the city. A road repair agreement must obligate the operator to repair damage to public streets, including, but not limited to, bridges, caused by the operator (or by the operator's employees, agents, contractors, or representatives) in the performance of any activity authorized by or contemplated by the approved oil and gas well permit. A video documenting the existing conditions must be submitted prior to approval of the road repair agreement.

12. To guarantee restoration, rehabilitation, and reclamation of mined out areas, every applicant granted a mining permit shall furnish a surety bond to the City of Palestine, in an amount of not less than $2,000, the upper limit to be determined by the Planning and Zoning Commission and/or City Council during the Specific Use Permit process, as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and meet the following requirements:

    a. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and noncombustible solids, to secure that the excavated area shall not collect stagnant water or that the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

    b. Vegetation shall be restored by appropriate seeds, grasses, or planting of shrubs or trees in all parts of the mining area where such area is not to be submerged under water.

c. The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than four (4) horizontal feet to one (1) foot vertical and the bank shall be stabilized and maintained in accordance with the final stabilization requirements of the Texas Pollution Discharge Elimination System (TPDES) Construction General Permit in effect at the time of construction.

d. The Planning and Zoning Commission and/or City Council during the Specific Use Permit process may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operation of such mines, quarries, or gravel pits as the city may deem necessary for the protection of adjacent properties and the public interest. The conditions and the amount of the surety bond shall be determined by the Planning and Zoning Commission and/or City Council during the Specific Use Permit process prior to the issuance of the permit.

Sec. 39.2.4-34 Nursing/Convalescent Homes

In addition to the requirements within the districts where such uses are permitted, the following requirements and regulations shall be complied with:

1. The minimum lot area shall not be less than 10,000 square feet.

2. The minimum lot width at the building line shall be 100 feet.

3. All buildings and structures excluding fences or walls shall be set back a minimum distance of 25 feet from any property line or as required in the district where permitted, whichever is more restrictive.

4. Such uses shall meet the minimum requirements as set forth by the state and federal agencies regulating such activities, and shall upon application, for either building permit or occupancy certificate, submit certificates indicating approval by such state or federal agencies.

Sec. 39.2.4-35 Outdoor Storage and Display

1. Any land use listed in Chapter 39. Article II. Division 2. Sec. 39.2.2 — 13. Land Use Chart that involves outdoor storage and or display shall comply with these standards whether or not a permit is required.

2. Outdoor storage or outdoor display that is legally in effect at the time of adoption of these standards shall be considered legally nonconforming.

3. The outdoor storage of any materials, products, or supplies used or designed for commercial or industrial use is hereby expressly prohibited in any residential district; provided, however, that provisions of this subsection shall not apply to the storage of building material on a lot or parcel of land during construction.

4. No outdoor display or outdoor storage shall be conducted outside of an enclosed building unless the use complies with the following provisions and limitations, except as may otherwise be permitted by this ordinance.

5. Fire lanes and or maneuvering isles shall be kept clear for vehicular and pedestrian maneuvering.

6. Outdoor storage and display may take place where designated off-street parking spaces are located as long as the minimum amount of required off-street parking is maintained on the property.

7. Any outdoor storage that is adjacent to a residential district shall be in compliance with the screening standards as outlined in Chapter 39. Article III. Division 5.

8. All outdoor storage shall be made of a material that is resistant to damage or deterioration from exposure to the outside environment.

9. Outdoor display and storage must be set back a minimum of ten (10) feet from the outside curb or edge of pavement of a public street for visibility purposes. In no event shall any items be placed within the street right- of-way.

10. Outdoor storage and display shall be conducted on an improved surface such as concrete, asphalt, concrete pavers or crushed rock that is dust free and shall meet the standards for storage yards as required in chapter 40, development, article XI. off-street parking driveway and storage yard standards, section 40-283; however, in the event that items for display are placed outside of the building and removed after normal business hours, items may be placed on a non-improved surface.

11. In the addition of meeting the required 10-foot setback from an adjacent public street, outdoor storage may not be conducted in the front yard setback of the primary building.

12. It is a defense to prosecution under this Section that the item stored outside is:

    a. An operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking restrictions of the city, except that this defense is not available if the vehicle is a truck tractor, truck, bus or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification or if the vehicle is over 32 feet in length;

    b. A boat, trailer or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off-street parking restrictions of the city and the item cannot reasonably be placed in an area behind the front yard;

    c. Landscaping or an ornamental structure, including, but not limited to, a birdbath, plant container or statuette, placed in the front yard or on the front porch for landscaping purposes;

    d. Lawn furniture made of a material that is resistant to damage or deterioration from exposure to the outside environment;

    e. Located on a front porch and not visible from the street; or

    f. A vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of V.T.C.A. § 6675a-5e.1.

Sec. 39.2.4-36 Propane Sales and Distribution

In addition to the requirements applicable within the districts where such uses are permitted, or any requirements of a specific use permit granted within the City of Palestine corporate limits, the applicant shall

provide a fire safety analysis report prepared by a licensed engineer with submittal of an application for a specific use permit for propane sales and distribution.

Sec. 39.2.4-37 Recreational Vehicle (RV) or Trailer Park

Recreational vehicles may be used for temporary living quarters in a properly zoned and approved recreational vehicle park subject to the following conditions:

1. No recreational vehicle may remain on a lot in a recreational vehicle park in excess of 15 days in any three (3) month period.

2. The owner, operator and manager of the recreational vehicle park shall maintain a written record showing the date that each recreational vehicle is placed in the park, a description and license number of the recreational vehicle, the name of the occupant and upon departure, the date the recreational vehicle is removed from the park. Entries shall be made in this book promptly upon arrival of the recreational vehicle and these records shall be open to inspection by City manager or his/her designee during normal business hours.

3. Every recreational vehicle park shall be equipped with sewage pumping and storage facilities approved, inspected, and permitted by the city. Additionally, temporary electrical and water hook-ups meeting the building and plumbing codes of the city must be provided for each lot or space reserved for use by recreational vehicles.

4. A recreational vehicle park shall not be located in a floodplain or floodway as designated on the city's flood insurance rate map.

Sec. 39.2.4-38 Personal Property Sales in Residential Districts

1. It shall be unlawful for any person to display or allow to be displayed for sale or lease on any lot any motor vehicle, boat, or vessel subject to registration under V.T.C.A., Parks and Wildlife Code, Chapter 31, or camper shell designed for use on a motor vehicle unless such vehicle is owned by the actual occupant of the premises.

2. No more than two (2) motor vehicles, boats or other similar vessels subject to registration under V.T.C.A., Parks and Wildlife Code, Chapter 31, camper shells, tractors, plows, mowing equipment, or other implements of farming, or combination these items, shall be displayed for sale on a lot at any one (1) time on a parcel in the City of Palestine, except no more than two (2) motor vehicles, boats or other similar vessels subject to registration under V.T.C.A., Parks and Wildlife Code, Chapter 31, camper shells, or combination these items, shall be displayed on a lot at any one (1) time on a parcel in the MHP Zoning District.

Sec. 39.2.4-39 Restaurant with Drive-Through

The hours of operation for food service with drive-through shall begin no earlier than 6:00 p.m. and end no later than 10:00 p.m., where the use is located within 300 feet of a residential use.

Sec. 39.2.4-40 Roadside (Produce) Stand

1. Stands shall be placed outside of public right-of-way and clear visibility areas.

2. Stands may be placed within the front yard and within the front setback, subject to any other applicable requirements of the zoning district it is located in.

Sec. 39.2.4-41 Satellite Transmission Antenna

1. This section establishes the general standards for the siting of satellite antennas greater than one meter in diameter. Where authorized as a special exception, the following additional standards of approval shall be considered:

    a. Consider the public health and safety of satellite antenna facilities.

    b. Protect residential areas and land uses from potential adverse impacts of satellite antennas;

    c. Encourage users of satellite antenna facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

    d. Configure satellite transmission antennas in a way that minimizes the adverse visual impact of the facilities through careful design, siting, landscape screening, and innovative camouflaging techniques.

    e. Avoid potential damage to adjacent properties from satellite antenna failure through engineering and careful siting of facilities.

2. Governmental satellite antennas shall be allowed as an accessory use in all zoning districts regardless of the size of the antenna.

3. Satellite antennas (whether receive-only or transmission) that exceed one (1) meter in diameter in a residential zoning district or two (2) meters in diameter in a non-residential zoning district, shall be subject to the following conditions:

4. A satellite antenna may be placed on the roof of a residential structure provided it is not placed on the side of the roof that faces a public street unless this would cause an unreasonable increase in the cost of installing, maintaining, or using the antenna or would prevent reception of an acceptable quality signal. A satellite antenna may be placed on the roof of a nonresidential structure if screened from public view from line of sight at ground level from the property line.

5. The satellite antenna shall not be permitted in front or side yards. The satellite antenna shall be permitted in the rear yard provided it meets the minimum setback as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts.

6. Satellite antennas shall not be permitted in easements.

7. No part of an antenna, or any attachment thereto may extend beyond the property lines of the owner of such antenna site.

8. No auxiliary or outdoor lighting shall be allowed on the satellite antenna except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

Sec. 39.2.4-42 Sexually Oriented Businesses

In addition to the requirements within the districts where such uses are permitted, the following requirements and regulations in the City of Palestine Code of Ordinances Chapter 26. Businesses. Article VII. Sexually Oriented Businesses shall also be complied with.

Sec. 39.2.4-43 Solar Energy Equipment

1. Freestanding solar collectors are accessory use structures and shall be subject to the requirements for such, together with all other applicable building codes and ordinances, including height limits.

2. A structurally attached solar collector is attached to an existing structure's roof or wall or serving as a structure's roof, wall, window, or other structural member.

    a. Structurally attached solar collectors installed on a building with a sloped roof shall not project vertically above the peak of the roof.

    b. Structurally attached solar collectors installed on a building with a flat roof shall not project vertically more than five (5) feet above the roof.

    c. Roof-mounted or structurally attached solar energy systems shall comply with the maximum height requirements in the applicable zoning district.

3. A building permit, electrical permit, or any other permit related to work required to install solar energy equipment shall be obtained prior to installation of any solar energy equipment.

Sec. 39.2.4-44 Temporary Uses

1. Temporary Construction Office. The location of a temporary office may be permitted on a site for which a building permit has been issued. Such office permit may be issued for no more than one (1) year but may be extended if the builder maintains active and continuous construction on the site.

2. Temporary Sales Office. A residential real estate sales office, located on a platted lot, may be permitted within a subdivision for which building permits have been issued and may be located either in a model home, in a temporary building, or in a portable trailer. Each permit shall specify the location of the office and area and shall be valid for a period of ten years to be renewed yearly based on the number of building permits issued.

3. Temporary Batch Plant. A temporary concrete or asphalt batch plant maybe permitted for use by a contractor for the period of active and continuous construction requiring concrete or asphalt. A batch plant shall be located at least500 feet from any occupied residential lot and shall not be used for construction at any other location than the project for which it is permitted. An application shall include a copy of the approved State permit for such operation.

4. Temporary accessory structure shall be limited to 30-days, per Specific Use Permit.

Sec. 39.2.4-45 Tiny House

All Tiny Houses must comply with all applicable building codes adopted by the City and any requirements for accessory buildings.

Sec. 39.2.4-46 Transitional Housing

In addition to the requirements applicable within the districts where such uses are permitted, or those required through a Specific Use Permit granted within the City of Palestine corporate limits, the following requirements and regulations shall be complied with:

1. Such facilities shall be limited to only housing (not less than three months or more than two years) for homeless and shall not involve treatment and/or rehabilitation for alcohol, drugs, or other substance abuse.

2. Dimensional requirements.

    a. Maximum density – 26 units/acre

    b. Minimum lot area – 10,000 sq. ft.

    c. Minimum lot width – 100 ft.

    d. Minimum living area – 500 sq. ft.

    e. Minimum yard setback – all buildings and structures excluding fences shall be setback a minimum distance of 25 ft. from any residential district boundary. All other setbacks shall comply with the requirements of the district in which the use is located or as required in the Specific Use Permit ordinance.

3. The site shall be oriented on/towards a major collector street.

4. The site shall be screened from adjacent properties and rights-of-ways except for entrance/exit from the site by a minimum 6 feet solid fence, masonry wall, or evergreen hedge.

Sec. 39.2.4-47 Vehicle Sales and Rental

All items shall be displayed outside of the setbacks applicable to principal buildings. Vehicle sales lots may include minor repair and maintenance if conducted totally within an enclosed building. Major vehicle repair and collision services are only allowed if permitted within the applicable zoning district and in accordance with Chapter 39. Article II. Division Sec. 39.2.4-8 Automobile Repair Facilities.

1. Outdoor display shall consist only of operational vehicles with current inspection stickers; with hoods, trunks, and doors closed when not open for inspection; and with tires properly inflated. The appearance of the lot shall be orderly.

2. Barriers shall be provided on all vehicular sales lots to retain vehicles completely within the property and prohibit ingress and egress except at approved drive approaches.

3. Display areas shall be arranged in an orderly manner with items generally parallel to each other.

4. Construction of fences shall be in accordance with Chapter 39. Article III. Division 5.

5. The storage/display area must be designated and approved on the site plan for the use.

6. Paving is required for all parking, display, and storage areas in accordance with city standards, except that paving shall not be required for the display of residential buildings, e.g., mobile, or modular homes, if the following conditions are met:

    a. Units are anchored according to the manufacturer's specifications required for occupancy;

    b. The space between the ground and the floor level is completely enclosed, i.e., skirted;

    c. Access sidewalks are provided; and

    d. Unpaved areas are landscaped and regularly maintained in accordance with a landscape plan approved by the Administrator.

7. Minimum fire lanes must be marked and maintained throughout the display/storage area in accordance with the requirements of the Fire Code. Buildings in a display/sales area shall be separated by a minimum distance of 10 feet.

8. All such facilities shall be soundproof so to prevent any noise from being heard outside any building or structure. Outside cage structures permitted in industrial districts shall not be required to be soundproof.

Sec. 39.2.4-48 Veterinary Hospitals or Clinics

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Such facilities shall be limited to the treatment, boarding (not more than 30 days) grooming and short time breeding of domesticated animals such as horses, cats, and dogs.

2. The lot area shall not be less than 10,000 square feet.

3. The minimum lot width at the building line shall not be less than 100 feet.

4. All buildings and structures excluding fences or walls shall be set back a minimum distance of 25 feet from any residential district boundary. All other setbacks shall conform to the requirements of the district in which such uses are located.

5. Veterinary hospitals or clinics shall not be required to meet any minimum lot coverage or building height except for the angle of light obstruction regulations of the district in which such facilities are permitted.

6. All buffering and screening shall be a solid fence, masonry wall, or evergreen hedge.

7. No such facilities shall be permitted to have outside cages or runs except those permitted in industrial districts.

8. All such facilities shall be soundproof so to prevent any noise from being heard outside any building or structure. Outside cage structures permitted in industrial districts shall not be required to be soundproof.

Sec. 39.2.4-49 Wind Energy Turbines

1. Freestanding wind energy equipment shall be considered an accessory building and shall be subject to the requirements spatial requirements for accessory buildings, together with all other applicable building codes and ordinances, including height limits.

2. Wind energy production/generation shall not be the primary use of any property within the City except in Residential Estate or Industrial Districts.

3. The wind energy system shall not create a noise above ambient level on the adjacent property.

4. All portions of the wind energy system shall be a non-reflective, non-obtrusive color, subject to the approval of the City Manager or his/her designee.

5. Wind energy equipment shall not be used for displaying any advertising and shall not be illuminated.

6. The electrical collection system shall be placed underground within the interior of each parcel.

7. A building permit and any other permit related to work required to install wind energy equipment shall be obtained prior to installation of any wind energy equipment.

Sec. 39.2.4-50 Wireless Communication Facilities

1. Fleet parking and outdoor storage are prohibited as an accessory use at a wireless communication facility.

2. Wireless communication facilities (WCF) are limited to freestanding monopoles, self-enclosed monopoles, stealth, and WCFs attached to existing buildings or structures.

3. All WCFs above 75 feet shall be structurally designed for the co-location of multiple carrier antenna arrays.

4. All new construction of WCF monopoles exceeding 75 feet in height shall be screened, around the base of the pole and related appurtenances, with a masonry wall of minimum six (6) feet height.

5. The new construction of freestanding monopoles and stealth facilities shall follow the site plan and building permit processes.

6. The collocation of antennas on existing, legal non-conforming wireless telecommunication facilities shall not be considered an expansion of a nonconforming use, structure, or site, provided the collocation does not increase the height of the tower on which it is situated.

7. The collocation of antennas on existing WCF towers shall not require a site plan or building permit, provided the collocation does not increase the height of the tower on which it is situated or require

additional structural engineered support at the base of the tower that substantially changes its physical dimensions. An electrical permit shall be required, as applicable.

8. If attached directly to the vertical side(s) of a building or structure other than a monopole, the attached WCF antennas and related appurtenances shall be painted to blend in with the structure for which it is attached.

9. Any WCF equal to or less than 50 feet in height shall have a minimum setback from the right-of-way equal to the height of the tower.

10. Towers may not exceed 150 feet in height and must have a minimum setback from any single-family residentially zoned property line or conforming single-family use, and arterial and freeway rights-of-way, a minimum distance equal to three (3) times the maximum height of the tower.

11. Any attached WCF on a roof of an existing building shall not exceed 15 feet in height above the top plate of the building.

12. Setbacks from roadways shall be measured from the edge of the right-of-way to the base of the pole. Setback distances shall not apply to antenna attachments to building rooftops, water utility tanks, or other existing vertical infrastructure.

13. The following are prohibited:

    a. Interference with City and public safety communication systems and/or area television or radio broadcast;

    b. Lattice towers;

    c. Advertising signage, except for the minimum signage required by the Federal Communications Commission (FCC) regulations or necessary for the operation of WCF;

    d. The use of guy wires is prohibited unless utilized in conjunction with an attached WCF to an existing building.

Article III. Development and Design Requirements
Division 1. Site Design Standards

Sec. 39.3.1-1 Applicability

Site design standards are established to promote development that is compatible with nearby properties, neighborhood character, and natural features to minimize pedestrian and vehicular conflict, to reinforce public spaces, to promote public safety, and to visually enhance development. These standards shall apply to the establishment or expansion of any new principal non-residential or mixed-use building, any building or use that contains five (5) or more new or additional dwelling units, and principal parking facilities.

Sec. 39.3.1–2 Private Land Design

1. Pedestrian Access. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk or pathway and to any parking facilities located on the site. Such walkways shall be a minimum of four (4) feet in width.

2. Vehicular Access.
    a. In general. Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and with surrounding residential uses.
    b. Parking and loading areas. Where practical, parking and loading areas shall be a reasonable distance from building (and other service) entrances to facilitate moving of household furnishings.

3. Landscaping and Screening.
    a. Required landscaping. Overall composition and location of landscaped areas shall complement the scale of the development and its surroundings. A reasonable attempt shall be made to preserve as many existing trees as is practical and to incorporate them into the site plan. In general, larger, well- placed contiguous planting areas shall be preferred to smaller, disconnected areas. Not less than twenty (20) percent of the site not occupied by buildings including all required landscaped yards shall be landscaped with the following:

        i. One overstory tree per 3,000 square feet of open area.

        ii. One ornamental tree per 1,500 square feet of open area.

        iii. One evergreen tree per 3,000 square feet of open area.

        iv. One deciduous or evergreen shrub per 1,000 square feet of open area.

    b. Parking Lot Screening. The following shall apply to all new development and redevelopment of parking lots for expansions creating 5,000 square feet or more of impervious surface or disturbance of one-half acre or more of land. The intent is to screen vehicles and headlights from adjacent areas.

        i. Parking lot screening must be provided within ten (10) feet of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bioretention systems, other landscape features, or where the traffic sight visibility may be impacted.

ii. Parking lot screening shall be a minimum of three (3) feet and a maximum of four (4) feet in height as measured from the adjacent finished surface of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two (2) feet tall at planting and anticipated to grow to at least three (3) feet tall at maturity.

c. Parking Lot Islands. Off-street parking areas with at least twenty-five (25) parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch (wood, bark, or decorative rock) or turf grass to retain soil moisture. This provision shall not apply to parking structures. The standards for landscape islands are as follows:

i. Landscape parking lot islands shall be required at the beginning and end of each parking row and shall contain a minimum of 180 square feet and a minimum width of nine (9) feet.

ii. A minimum of one overstory tree shall be provided for each island. This provision may be waived for islands utilized for storm water management or other utility or safety issues as determined by the City Engineer.

iii. Shrubs, perennials, or ornamental grass shall be incorporated in each landscaped island.

d. Walls and Fences. All walls and fences erected within designated buffer yards shall meet the following conditions:

i. A screening fence or wall shall be constructed of attractive, permanent finished materials compatible with those used in construction of the permanent structure. Such screens shall be at least six (6) feet and 100% visual obstruction of the item(s) to be screened pursuant to requirements of this title.

ii. Fences may be exposed no more than a maximum length of 20 feet between landscaping areas or clusters.

iii. For interior lots, a gate constructed of the same material as the fence shall be provided in the wall or fence to allow for maintenance of the street side boulevard.

iv. Fences and landscaping shall not be located within the traffic sight visibility triangle.

e. Trash receptacles and garbage. All trash receptacles must be screened on at least three sides and not visible from any public right-of-way.

4. Lighting.

a. In general. No lighting shall create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

b. Specific standards. Lighting shall comply with the following standards except as otherwise provided in this section:

i. Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half foot-candle measured at the closest property line abutting a residential use or residential zoning district, and five foot-candles measured at the street curb line or nonresidential property line nearest the light source.

ii. Lighting fixtures shall not exceed 2,000 lumens (equivalent to a 150-watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

iii. Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.

iv. Lighting shall not create a hazard for vehicular or pedestrian traffic.

5. Crime prevention through environmental design.

a. In general. Site plans shall employ best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces.

b. Natural surveillance and visibility. Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

c. Lighting levels. Provide lighting on site, at all building entrances, and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.

d. Territorial reinforcement and space delineation. Locate landscaping, sidewalks, lighting, fencing, and building features to clearly guide pedestrian movements on or through the site and to control and restrict people to appropriate locations.

e. Natural access control. Locate entrances, exits, signs, fencing, landscaping, and lighting to distinguish between public and private areas, control access, and to guide people coming to and going from the site.

Sec. 39.3.1–3 Public Land Design

1. Site Design of publicly (government) owned land shall meet the intent and purpose of this Chapter 39.

Sec. 39.3.1–4 Access and Frontage

1. In general. Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and with surrounding residential uses. Curb cuts for vehicles shall be consolidated wherever possible.

2. Service access. Access for service shall be provided which does not conflict with pedestrian traffic. Where practical, truck loading areas shall be located away from residential districts.

3. Concrete curbs and wheel stops. All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by a six (6) inch by six (6) inch continuous concrete curb.

Sec. 39.3.1-5 Street Connectivity

1. Applicability. These requirements and standards apply to all streets, private or public, in subdivisions and site development projects.

2. Street Connectivity. Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together, rather than form barriers between them.

3. Internal Street Connectivity.
    a. Connections to Existing. New and infill development shall provide for multiple connections to the existing city street network wherever possible.

    b. Through Streets. The design of street systems shall use through streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.

    c. Dead-Ends. All permanent dead-end streets shall be developed as cul-de-sacs and extend no further than 600 feet. The starting point for the measurement shall be at the intersection of the centerline of the proposed cul-de-sac with the projected edge of the right-of-way of the nearest intersecting through street, measured along the centerline of the cul-de-sac to the nearest point of curvature of the cul-de- sac bulb or the nearest angle of hammerhead turnaround.

    d. Fire Code. All cul-de-sacs shall conform to the requirements of the Fire Code.

    e. Cul-De-Sac Path Connection. Whenever cul-de-sac streets are created, at least one eight (8) foot wide pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian pathway. This requirement shall not apply where it would result in damage to or intrusion into significant natural areas such as stream corridors, wetlands, and steep slope areas. The pedestrian access easement will be dedicated to the city and maintained as part of the sidewalk system.

4. External Street Connectivity. In addition to the internal street connectivity requirements, all new development shall maintain external street connectivity in accordance with the following standards:

a. Alignment. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections.

b. Traffic Calming. Traffic calming measures shall be integrated into the development to mitigate the impact of potential future "cut-through" traffic.

c. Right-of-Way. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development at least every 1,500 feet for each direction (north, south, east, and west) in cases where development abuts vacant lands. Such street stubs shall not be required to abut adjacent development lacking existing or planned street connections, floodplains, wetlands, riparian buffers, or other unique site conditions preventing a street connection in the opinion of the City manager or his/her designee. When connections to surrounding streets are proposed or required by the city, public right-of-way shall be dedicated, and streets developed to existing paved rights-of-way. The city may also require temporary turnarounds to be constructed for temporary cul-de-sacs between development phases.

d. Commercial Connections. Street and sidewalk connections shall be made between neighborhood commercial centers in Retail Commercial (RC) Zoning District and adjacent residential neighborhoods.

e. Platting Stub Streets. The final plat and the deeds for all residential dwellings shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property.

5. Residential Streets.
   a. Through Traffic. Residential streets shall be designed so that use by through-traffic will be discouraged. Traffic-calming techniques are encouraged.

   b. Mid-Block Feature and Crossing. Should topography or other constraints require the use of streets that extend more than 600 feet without being punctuated by cross streets, an oblong median, traffic- calming device, or similar feature shall be used to slow traffic and break-up the "runway" appearance. Location, dimensions, and design of such features shall be coordinated with required mid- block pedestrian connections to maximize pedestrian safety.

   c. Natural Contours. To the maximum extent possible and practical, streets shall be arranged to follow the natural contours of the site.

6. Vehicular Access to Public Streets and Adjacent Land. All development shall provide public street connections to all existing, proposed, or preliminary platted adjacent public streets. Corner lots are only required to have access to a single street.

Sec. 39.3.1-6 Traffic Impact Mitigation

1. Applicability. The transportation system for new development shall be capable of supporting the proposed development in addition to the existing and future uses in the area. Evaluation of system

capacity shall be undertaken through a Traffic Impact Analysis (TIA). A TIA shall be required with applications for development review and approval when:

a. Trips. If a proposed subdivision or any interim phase or combination of phases, or site development is expected to generate over 100 peak hour trips according to the latest edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual, a licensed engineer shall prepare a TIA and sign it to certify its completeness and accuracy. A TIA, including the initial scope, shall meet the minimum requirements of the City Manager or his/her designee. The TIA shall be prepared by an engineer with experience in traffic flow analysis. The scope of the Traffic Impact Analysis shall be based on the peak hour trips projected to be generated by the proposed development, as set for in the following table.

b. Other Factors. If any of the following occur:

    i. A TIA is required as a condition of any land use application approved pursuant to the requirements of this Ordinance; or

    ii. The City Manager or his/her designee, at their discretion, may require a TIA for:

        1. Any application for a rezoning or specific plan review;

        2. Any case where the previous TIA for the property is more than two (2) years old;

        3. Any case where increased land use intensity will result in increased traffic generation; or

        4. Any case in which the City Manager or his/her designee determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.

2. Considerations. The TIA in general should consider the following factors without limitation: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety.

    a. The analysis should include the following conditions:

        i. Existing traffic volumes and roadway conditions.

        ii. Existing traffic volumes and roadway conditions plus projected site generated traffic.

        iii. Existing traffic volumes with improved roadway conditions plus projected site generated traffic.

    b. The analysis should be performed for a typical weekday unless specified by city staff. The analysis shall include both the a.m. and p.m. peak hours, 24-hour generations, and special times

or days of the week dependent of the land uses peak traffic generating time periods as determined from the ITE Trip Generation Manual.

3. Traffic Impact Analysis and Development Review Process.
    a. Meeting. A scoping meeting between the developer and the City Manager or his/her designee shall be required prior to the start of the TIA in order to determine the parameters of the study.

    b. Scope. The City Manager or his/her designee shall define the TIA study in as limited of a vicinity as is feasible to make adequate traffic determinations for the project.

    c. Requirement. If required, the TIA shall be submitted with the applicable development application.

4. Traffic Mitigation Measures. The applicant shall, as supported by the TIA, propose measures to minimize and mitigate the anticipated impacts and determine the adequacy of the planned access points. Proposed mitigation measures shall be acceptable to the City Manager or his/her designee, must be installed as a condition of development approval, and may include, but are not limited to:

    a. Improvements. Street improvements on or off the site:

        i. Left turn bays;

        ii. Increased storage lanes;

        iii. Right turn declaration lanes;

        iv. Roadway expansion or extension; and/or

        v. Other capital improvement projects such as traffic calming infrastructure or capacity improvement.

    b. Traffic Control. Traffic control measures:

        i. Conversion of Two-way Stop control to All-way Stop control, if warrants are met and City Manager or his/her designee approves;

        ii. Conversion of All-way Stop control to roundabout or traffic signal, if warrants are met and staff approves;

        iii. The installation of a traffic signal if warrants are met and staff approves; and/

        iv. Improved signal timing or phasing.

    c. Access Management Plan. An access management plan and access management measures to improve overall circulation and/or safety.

    d. Non-Motorized Facilities. Installation of pedestrian, bicycle, or transit facilities on or off the site.

Table 1 - TIA Scope Requirements

TIA Scope Requirements	
Peak Hour Trips	TIA Scope
100 or less	Not Required
101 to 300	The frontage of the property, all access points (including common access), and all intersections within a quarter (1/4) mile to half (1/2) mile radius of the proposed development.
301 to 500	The frontage of the property, all access points (including common access), and all intersections within a half (1/2) mile to one (1) mile radius of the proposed development.
501 or more	The frontage of the property, all access points (including common access), and all intersections within a one (1) mile radius of the proposed development

Division 2. Building and Design Standards

Sec. 39.3.2-1 Applicability

1. These requirements apply to all new construction, or redevelopment projects equal to or exceeding 75% of the existing area of the structure, except when the building is located in a historic overlay, then Article III, Division 7 of this Chapter 39 shall apply.

Sec. 39.3.2-2 Building Design Requirements in General

1. Building Orientation

    a. The placement of buildings shall be compatible with the area, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.

    b. All Building facades with public entrances shall be oriented to face the adjoining public street.

2. Building Articulation

    a. Building walls. Building walls shall provide architectural detail and shall contain windows as required in this section in order to create visual interest and to increase the security of adjacent outdoor spaces by maximizing natural surveillance and visibility. In larger buildings, architectural elements, including recesses or projections, windows, and entries, shall be emphasized to divide the building into smaller identifiable sections. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty-five (25) feet in length.

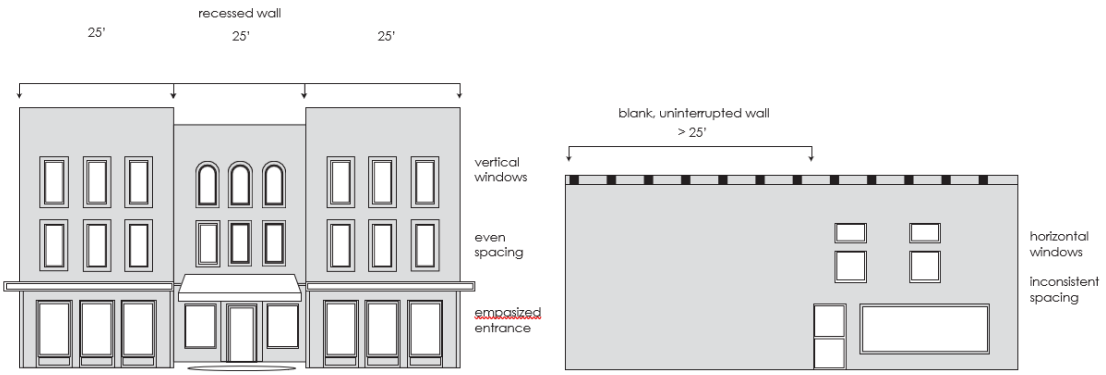
    b. Entrances and windows. Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches, roofs, overhangs, or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the wall area on the first floor and ten (10) percent of the wall area on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot shall be windows as follows:

        i. Windows shall be vertical in proportion.

        ii. Windows shall be distributed in a more or less even manner.

        iii. Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

Figure 1. Typical window placement



3. Building Façade Material

   a. Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass, as long as the masonry requirement below in Sec. 39.3.2-4 6) and 7) are met.

   b. The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.

   c. The use of plain face concrete block as an exterior material shall be prohibited where fronting along a public street, public sidewalk, public pathway.

   d. The following materials shall be considered masonry for the purposes of façade material requirements of this ordinance: glass, natural stone, face brick, face tile, concrete, split face concrete masonry units, decorative pattern concrete block, brick or stone veneer, cement stucco, and cementitious board.

   e. In determining the percentage of masonry required, the surface of the exterior walls exclusive of the doors and windows shall be measured, up to the eave area or up to a maximum of 12 feet in height, whichever is more.

   f. Residential Districts. All building facades shall be 75% masonry, except when Section 39.3.2 -1. 1) above applies.

   g. Commercial Districts. All building facades shall be 90% masonry, except when Section 39.3.2 -1. 1) above applies.

   h. If 75% or more of the buildings on the street on which the new construction, or redevelopment project is located are not consistent with the masonry requirements of this section, then the applicant may use materials similar to and compatible with the existing materials used on facades of those existing structures on the street, with administrative approval from the City Manager or his/her designee, when the building is located outside the historic overlay.

Division 3. Parking and Loading

Sec. 39.3.3-1 Applicability

This division shall apply to all new developments and redevelopments in the City of Palestine. The purpose of these provisions is to secure safety from fire, panic, and other dangers, lessen congestion on public streets, facilitate adequate provision of transportation, conserve building values, encourage the most appropriate use of land, and to provide safe and adequate access into and out of commercial and residential developments.

Sec. 39.3.3-2 General Parking Requirements

1. Residential.

    a. Required off-street parking for residential uses shall be provided on the lot or tract occupied by the principal use.

    b. No person shall park any vehicle or trailer in any front or side yard in any residential district except on an all-weather parking surface which is provided to accommodate off-street parking.

2. Non-Residential.

    a. The developer shall provide off-street parking spaces in accordance with the standards in this Chapter 39, article III and table 2 in Sec. 39.3.3 – 3, off-street parking requirements, when a building or structure is erected or an existing building enlarged, or an old structure or foundation is converted to a new use; provided, however, that developers of properties located within the central business district as defined by the city's zoning regulations shall not be required to provide off-street parking spaces. If adherence to these standards is found to not be possible, the zoning board of adjustments and appeals may consider a variance to these standards.

    b. Required off-street parking for non-residential uses shall be provided on the lot or tract occupied by the principal use; however, the city may permit either required or additional off-premises parking, as a special exception, under such regulations and conditions as the Board of Adjustment may deem advisable when the proposed parking facility is on a platted lot within 300 feet of the principal use property. In the case of churches, off-site parking may be permitted by the Board of Adjustment; provided, it is located within 1,000 feet of the church building.

    c. No off-street parking facility shall be located, either in whole or in part, in a public street or sidewalk, parkway, alley, or other public right-of-way, except for on-street parking authorized in the Central Business District.

    d. No off-street parking shall be located, either in whole or in part, within any fire lane required by the city or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.

    e. No required off-street parking facility shall be used for sales, non-vehicular storage, repair, or service activities.

f. For all multifamily and nonresidential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface. Parking spaces shall be designed to not interfere with or encroach into fire lanes or other areas necessary for aisles or maneuvering of vehicles.

3. Commercial and Large Vehicle Parking Restrictions.

   a. Parking of Vehicles in Right-of-Way. It is unlawful for any person to park and/ or permit any other person to park a recreational vehicle, utility vehicle, commercial vehicle, boat, or trailer that intrudes into the public right-of-way or obstructs visibility from adjacent driveways or street corners.

   b. Truck Tractors, Trailers, and Large Commercial Vehicles. Parking of commercial vehicles over 10,000 pounds gross weight, exceeding 20 feet in length and/or seven and a half (7 ½) feet in width, is prohibited in residential areas, except on a temporary and non-regular basis not exceeding six (6) hours when sight visibility is not obstructed.

   c. Extended Parking. No motor home, travel trailer, or other recreational vehicle, and no 18-wheeler (including the tractor or the trailer, or both) may be parked in a public parking lot for more than five (5) consecutive hours.

Sec. 39.3.3-3 Number of Off-Street Parking Spaces Required

The following rules shall be applied in computing the number of off-street parking spaces required:

1. Fractional spaces shall be rounded to the next higher whole space.

2. Buildings or structures containing mixed uses shall provide off-street parking spaces equal to the sum of the various uses computed separately.

3. The required off-street parking spaces shall be located on the same lot as the building or use served, except as follows:

   a. When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 300 feet (within reason, as determined by the city manager or his/her designee) feet from an institutional building served or 500 feet from any other nonresidential building served; provided, however, that a written agreement is approved to the city manager or his/her designee.

   b. When the required off-street parking spaces are not located on the same lot with the building or use served or when the required off-street parking spaces are provided collectively or used jointly by two or more establishments, a written agreement which ensures the retention of such spaces for this purpose shall be drawn and executed by the parties concerned, approved as to form by the city attorney, and filed for record in the office of the Anderson County Clerk. A copy of the recorded agreement shall be filed with the application for a building permit or certificate of occupancy if a change in use is involved.

c. Not more than 50 percent of the off-street parking spaces required for theaters, bowling alleys, dancehalls, nightclubs, restaurants, or similar uses may be provided and used jointly by uses not normally open, used, or operated during the same hours as those listed.

d. Not more than 60 percent of the off-street parking spaces required for a church, school auditorium or similar use may be provided and used jointly by uses not normally open, used, or operated during the same hours as those listed.

e. All parking lots, aisles and spaces required shall conform to the standards in Chapter 39, and this article. Refer to figure 2, typical parking lot layout.

f. The above parking requirements shall not prohibit the enlargement of a building or structure, provided that excess spaces exist, and such enlargement does not create a deficiency in the total number of off- street parking spaces, based upon criteria listed in this Sec. 39.3.3 – 3, table 2.

g. Any proposed land use, whether commercial, industrial, or residential, not specifically designated in this Sec. 39.3.3 – 3, table 2, which by its nature generates or attracts vehicular activity or traffic, must provide sufficient parking spaces on or near the site to accommodate the vehicular load for residents, customers, clients, suppliers, etc., which would normally be associated with the proposed land use, to the satisfaction and approval of the city.

h. No parking space, carport, or automobile storage space shall be used for the storage of any commercial truck, truck trailer, vans (except for panel or passenger vans), and trucks (exceeding one-ton capacity) in the residential zoning districts.

i. Motorhomes, travel trailers or other recreational vehicles shall not park in a public street.

Table 2 - Off-street parking spaces required

Land Use Category	Number of Off-Street Spaces Required	Additional Requirements or Comments
Residential Uses		
Single Family Dwellings	2 spaces per dwelling unit	Driveway may be counted for required spaces
Mobile/Manufactured homes	2 spaces per dwelling unit	1 additional space for each 3 bedrooms
Multifamily Uses		
1 bedroom and efficiency	1.5 spaces per dwelling unit	

Land Use Category	Number of Off-Street Spaces Required	Additional Requirements or Comments
2 or more bedrooms	2 spaces per dwelling unit	
For multi-family structures with 10 or more units, guest parking spaces calculated by multiplying total number of required tenant spaces by 0.05		
CBD Multiple Family Dwellings	1 space per dwelling unit	
Bed and Breakfast	1.5 spaces per guest room	
Public Housing for elderly	1 space per 4 dwelling units	
Motels/ Hotels	1 space per guest room	1 space per 2 employees; attached uses shall be calculated independently
Rooming or boarding houses	1 space per guest room	1 space per 2 employees; attached uses shall be calculated independently
Retail/Commercial Uses		
Restaurants, cafeterias, bars, and similar uses	1 space per 3 seats	1 space per 3 employees; minimum 5 spaces
Fast food with drive-through window or window service	1 space per 3 seats	5 storage spaces per service window or a common reservoir storage area
Auditorium, theaters, stadiums, and similar uses	1 space per 4 permanently fixed seats	1 space per every 4 persons of legal capacity if permanently fixed seats are not used
Gasoline Service Station	2 spaces per service stall	2 spaces for employees
Gasoline Service Station: Self-Service	4 storage spaces per gasoline pumping island	1 space per 3 employees
Coin operated laundries	1 space per 2 washing machines	
Barber & Beauty Shops	1 space per chair	Minimum of 5 spaces
Amusement and recreation	1 space per 4 seats	
Bowling Alleys	5 spaces per bowling lane	
Churches	1 space per 4 fixed seats in largest assembly area	1 space per every 4 persons of legal capacity in the largest assembly area if no fixed seats

Land Use Category	Number of Off-Street Spaces Required	Additional Requirements or Comments
Mortuaries & Funeral Homes	1 space per 50 square feet of floor area in the slumber room, parlors, or individual funeral service rooms	
Professional offices	1 space per 300 square feet of gross floor area	
Medical/ Dental offices	1 space per 400 square feet of floor area excluding restrooms, storage, or other unoccupied space	1 space per employee on shift; attached uses shall be calculated independently
Medical Clinics	1 space per 300 square feet of floor area excluding restroom s, storage, or other unoccupied space	1 space per employee on shift; attached uses shall be calculated independently
Drive-In Banks	8 storage spaces per teller window in the approach lane to each teller window or in a common reservoir storage area	1 space per 3 employees separate from any reservoir or storage lane parking
Retail Stores	1 space per 300 square Feet of gross floor area	
Retail Stores (over 2.500 square feet)	1 space per 150 square feet of gross floor area	
Furniture/Home Improvement Stores	1 space per 800 square feet of gross floor area	1 space per 2 employees in the largest shift
Shopping Center	7 spaces per 1,000 square feet of gross leasable floor area	
Vehicle sales and service	2 spaces per vehicle service stall	1 space per 3 employees plus an additional number of parking spaces based on 5% of the total outdoor vehicular display area
Vehicle washing facilities (automated)	10 storage spaces per conveyor belt system provided from the end of the service pumps to the beginning of each conveyor belt system	1 space per 4 employees on the largest work shift
Barber & Beauty Shops	1 space per chair	(minimum of 5 space s)
Amusement and recreation	1 space per 4 seats	
Bowling Alleys	5 spaces per bowling lane	
Churches	1 space per 4 fixed seats in largest assembly area	1 space per every 4 persons of legal capacity in the largest assembly area if no fixed seats

Land Use Category	Number of Off-Street Spaces Required	Additional Requirements or Comments
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Medical/ Dental offices	1 space per 400 square feet of floor area excluding restrooms, storage, or other unoccupied space	1 space per employee on shift; attached uses shall be calculated independently
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Drive-In Banks	8 storage spaces per teller window in the approach lane to each teller window or in a common reservoir storage area	1 space per 3 employees separate from any reservoir or storage lane parking
Retail Stores	1 space per 300 square Feet of gross floor area	
Retail Stores (over 2.500 square feet)	1 space per 150 square feet of gross floor area	
Furniture/Home Improvement Stores	1 space per 800 square feet of gross floor area	1 space per 2 employees in the largest shift
Shopping Center	7 spaces per 1,000 square feet of gross leasable floor area	
Vehicle sales and service	2 spaces per vehicle service stall	1 space per 3 employees plus an additional number of parking spaces based on 5% of the total outdoor vehicular display area
Vehicle washing facilities (automated)	10 storage spaces per conveyor belt system provided from the end of the service pumps to the beginning of each conveyor belt system	1 space per 4 employees on the largest work shift
Vehicle washing facilities (self service)	4 storage spaces per washing stall in the approach lane	
Industrial Uses		
Industrial uses (except warehousing)	1 space per 300 square feet of gross floor area devoted to retail sales or service	1 space per 2 employees in the largest work shift

Land Use Category	Number of Off-Street Spaces Required	Additional Requirements or Comments
Warehousing	1 space per 3 employees in the larges work shift	
Transportation terminal facilities	1space per 100 square feet of public waiting room floor area	1 space per 2 employees on the largest work shift
Institutional and Public Uses		
Daycares	5 spaces	Circular drive to loading and unloading required
Schools (public and private)	1 space per 3 students	1 space per faculty member or school employee
Orphanages and similar institutions	1 space per 5 beds	
Nursing/ Convalescent homes	1 space per 2 patient beds	
Hospitals	1 space per patient bed	1 space per 2 employees
Drive-in cleaner and other similar drive-in facilities	3 storage spaces for every drive-in service window to be provided in the approach lane to each service window or in a common reservoir storage area	1 parking space per 3 employees separate from any reservoir or storage lane parking
Any land use not listed in this table shall be subject to review and determination of the city manager or his/her designee as to the required number of off-street parking spaces.		

Sec. 39.3.3-4 Design requirements for parking lots

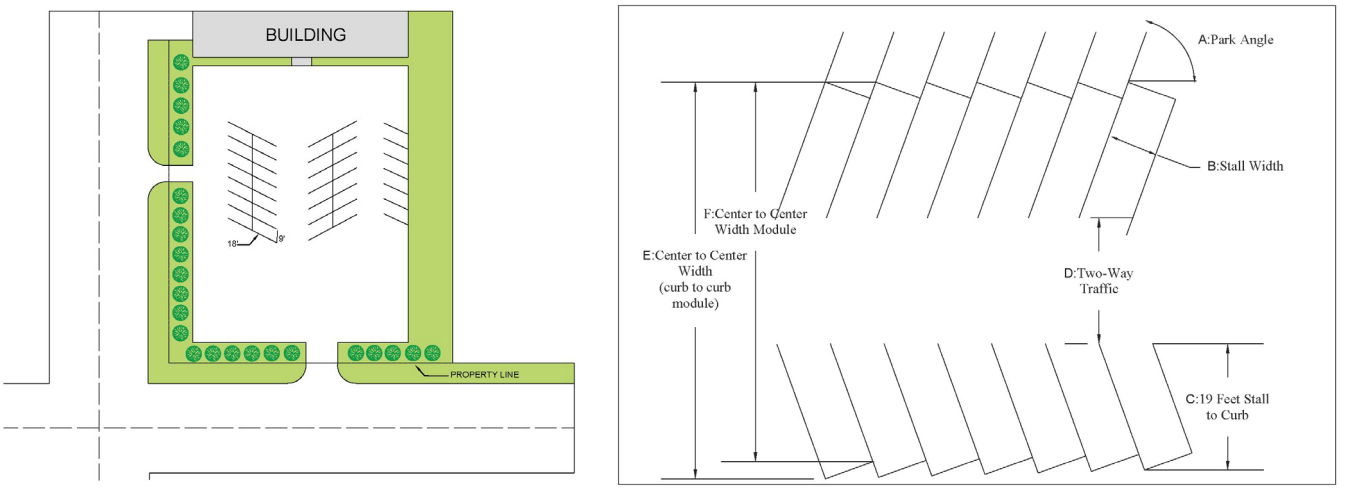
1. New, repair of existing and expansions.

    a. New parking lots or driveways constructed on unimproved property that will serve a new commercial or industrial use where a new structure will be equal to or exceed 5,000 square feet of gross floor area shall be designed by a Professional Engineer Licensed in the State of Texas. If the new structure will be less than 5,000 square feet of gross floor area then there are no design requirements.

    b. The expansion or repair of existing parking lots are not subject to any professional design requirements provided that proposed expansion pavement sections match existing engineered pavement section.

2. Design standards.
    a. Setbacks. Parking lots shall not be located closer than ten feet to a front lot line, ten feet to a side lot line or ten feet to a rear lot line unless an exception is allowed by the public works director. Refer to figure 2 for typical parking lot layout.

Figure 2. Typical Parking Layout



b. Materials. The design criteria for new parking lots and driveways which serve commercial and industrial uses depend upon the current conditions of the property where such improvements are proposed. Parking lots and driveways shall be paved per the following standards:

i. All new parking lots and driveways shall be constructed of concrete, asphalt, permeable pavement, or concrete pavers, or any other approved material.

ii. Fire lanes/heavy-duty vehicle routes within parking lots. New pavement located within a fire lane, maneuvering areas for trash services and those areas located in a street right-of-way shall be designed by a professional engineer or constructed to the following minimum standards:

1. Portland cement concrete. Six inches thick, 3,000 psi and reinforced with #3 bars at 18 inches O.C.E.W, on six-inch compacted sub-grade.

2. Asphalt. Two two-inch thick asphaltic concrete on an eight-inch compacted base of 95 percent density Standard Proctor on compacted six-inch sub-grade 95 percent density Standard Proctor. Parking lots with heavy truck traffic or excessive slopes shall be six inches' thick asphaltic concrete on six-inch compacted sub grade 95 percent density Standard Proctor. (ASTM D698).

iii. Concrete and asphalt minimum standards. Minimum standards for paved areas outside of fire lanes and routes for heavy-duty vehicles shall be determined by the engineer hired by the developer and must be based upon site-specific conditions.

iv. An engineer may recommend less stringent standards than shown in the above items so long as the engineer's design computations based upon site-specific conditions guarantee that the pavement will support emergency vehicles and trash trucks.

c. Maneuvering. Parking lots and loading areas shall be designed to allow all vehicle maneuvers such as backing, parking, and turning the vehicle, to take place on the lot. The city manager or his/her designee may allow an exception to this requirement based on the following site conditions:

i. The size limitations prevent the construction of a parking lot with on-site maneuverability per the standards in (b) design standards (4) dimensions.

ii. The location of the new parking lot will not be connected to an existing or proposed driveway onto any street maintained by the Texas Department of Transportation.

iii. Any other criteria which would prevent the construction of a parking lot per the standards in (2) design standards (d) dimensions, as long as the exception does not create an unsafe situation for any oncoming traffic or traffic backing out into the public street.

Any applicant adversely affected by a decision of the city manager or his/her designee may appeal the decision to the City of Palestine Zoning Board of Adjustment.

d. Dimensions.

i. Aisles and standard spaces —Refer to table 3 and figure 3. Parking Lot Dimensions.

ii. Compact spaces. If a development provides ten or more parking spaces, up to ten percent of those spaces may be designed for compact cars. Effective stall dimension shall be a minimum of seven and one-half feet wide by 15 feet long, and each space shall be marked "COMPACT CARS ONLY."

iii. ADA spaces. Location, size, and number of accessible parking spaces shall conform to the latest building codes, and/or state and federal regulations (Americans with Disabilities Act).

iv. All other parking spaces and lots shall meet the standards provided in table 2. Parking Lot Dimensions unless otherwise permitted in this article.

e. Delineation. All parking spaces shall be clearly delineated and designated by means of painted stripes, wheel stops, buttons, tiles, curbs, barriers signs, or other approved methods non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

Table 3 - Parking Lot Dimensions

Stall Angle	Stall Width		Stall length		Aisle Width	
	Standard	**Compact**	**Standard**	**Compact**	**One Way**	**Two Way**
45°	9'	8'	18'	16'	14'	
60°	9'	8'	18'	16'	18'	
90°	9'	8'	18'	16'		24'
Parallel	8'	18'	23'	21'		24'
Handicap	11'		18'		5' Striping	

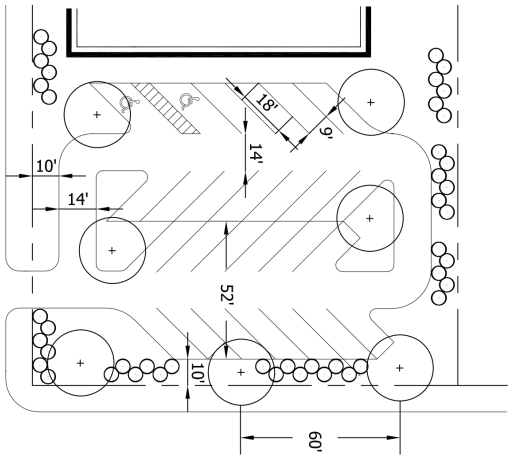
i. Wheel stops. Vehicle wheel stops shall be provided to prevent any part of a vehicle from overhanging onto the right-of-way of any public right-of-way or alley. Parking shall not be permitted to encroach upon the public right-of-way in any case.

ii. Landscape. The developer shall landscape parking lots according to the standards contained in Division 4 of this Article III. Where more than one parking lot is required to satisfy the standards of this article, a landscape area of at least ten feet in width shall separate parking lots; provided, however, that sufficient aisle connections shall be provided to ensure adequate traffic flow.

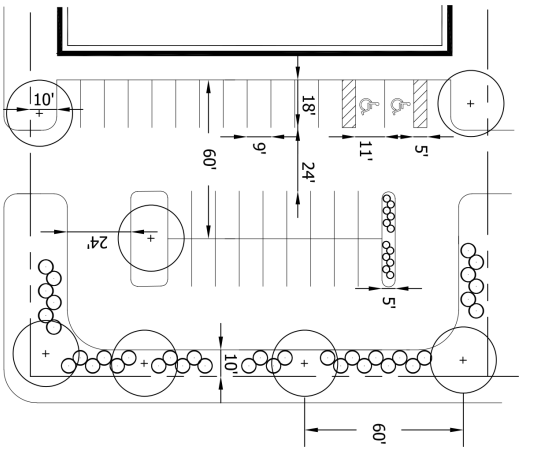
iii. Lighting. Parking lot lighting shall be designed and operated to avoid a spillover outside property lines. Parking lots lights shall have a maximum height of 25 feet and be glare shielded. Lights mounted on a building shall not extend above the building roofline. Lighting for ground-mounted signs shall be affixed to the signs. All parking lot lighting shall be directed downward so as not to reflect of shine on adjacent properties.

Figure 3 - Parking Lot Dimensions

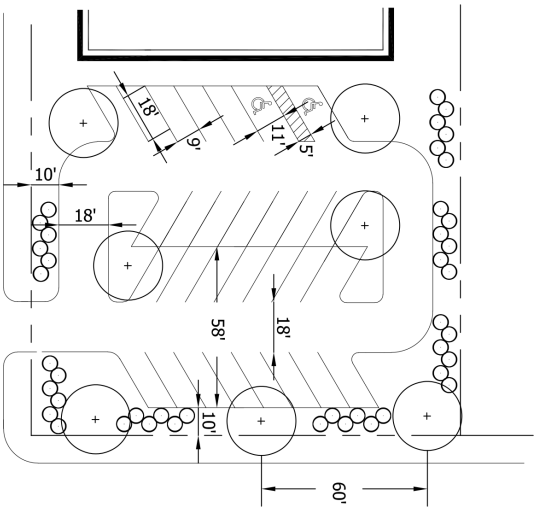
60 degree Two-Way



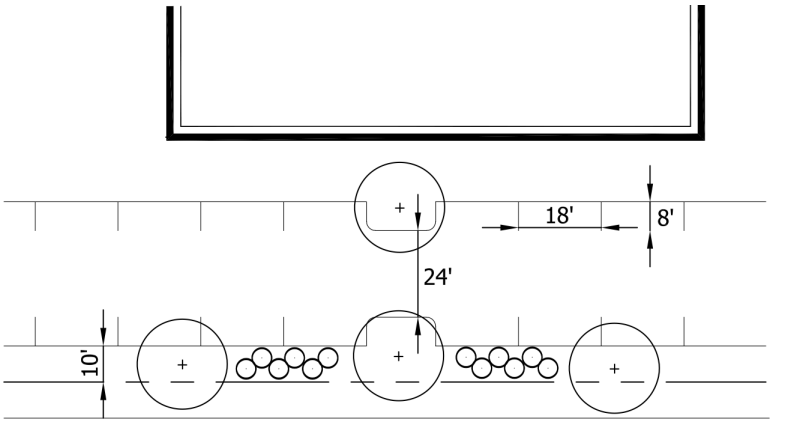
90 degree Two-Way



60-degree Two-Way



Parallel Parking - Two Way



Sec. 39.3.3–5 Design requirements for Driveways.

1. The developer shall design, construct, upgrade, reconstruct, or repair driveway approaches (also referred to as driveways or curb cuts) for access to lots according to the standards of this section. Driveways shall be permitted only along streets where full street improvements exist and are maintained as a public street; provided, however, that residential driveways may be permitted on public alleys or other accepted public access facilities in existence prior to the adoption of this chapter. Prior to construction of a driveway, the developer shall obtain a driveway permit from the city. Driveways shall be paved according to the minimum standards provided in Sec. 39.3.3-4. 2) b).

2. New driveways, repair of existing driveways, expansion of existing driveways on properties located within a historic district or those that have been designated as a Palestine Landmark shall adhere to the standards found in chapter 39 zoning, article III, Division 7, historic preservation.

3. Driveway design. Driveway design will depend on the land use, the volume, the character of both through traffic and driveway traffic and the speed of traffic on the through street. Dependent upon these factors, the critical design elements include radii of curb returns, driveway throat width and the angle between the driveway centerline and the edge of the roadway. Driveway geometry shall adhere to standards and dimensions shown in the figures 4-8 and tables in the appendix of this section.

    a. The developer shall design driveway entrances to be able to accommodate all vehicle types having occasion to enter the lot, including delivery vehicles.

    b. The developer shall design driveways with minimum curb return radii according to the type of driveway and the classification of the street as provided in figure 4, high-volume driveway criteria, and/or based on the characteristics of certain design vehicles (AASHTO-based) which will regularly use the driveway.

    c. Tapered or channelized deceleration lanes for vehicles turning right into high-volume or intersection- type driveways may be required on arterial streets. Where such lanes are necessary, acquisition of additional right-of-way may also be required. The design of such lanes shall adhere to the latest TxDOT standards and guidelines.

    d. Figure 7 provides approved minimum design criteria for limited movement driveways. Deceleration lanes may also be required to be incorporated into the design. The design of such lanes shall adhere to the latest TxDOT standards and guidelines.

    e. The developer shall design driveways so as not to interfere with, block, hinder or impede the flow of traffic on a public street. Where it is determined that a proposed driveway will block, hinder, or impede the flow of traffic, the developer shall provide alternative means of ingress and egress to the lot or lots such that the negative effects of the proposed driveway are eliminated. These alternatives will be subject to review and approval.

    f. Driveway design standards for sites that include fuel pumps parallel to the adjacent street are necessary due to the special access needs that characterize such developments. The developer shall design sites for fuel pumps according to the following standards:

        i. The minimum corner clearance shall be a distance of 35 feet measured from the point of intersecting right-of-way lines to the point of tangency of the curb return radii leading to the driveway approach. The point of tangency of the curb line corner radius and that of the curb return radius of the driveway approach shall not be compounded.

        ii. The minimum spacing between driveway approaches within the same property lines shall be 25 feet of tangent curb length.

        iii. A minimum distance between the fuel pump island and the right-of-way or property line shall be 25 feet.

4. Residential driveways.

a. The developer shall locate residential driveways entirely within the frontage of a lot and not less than one foot from any side property line as extended perpendicularly to intersect with the curb line. This applies to driveways within property boundaries; not driveway approaches.

b. The developer shall construct driveways so as not to interfere with pedestrian crosswalks.

c. Any new residential driveway which will cross an existing sidewalk, or which will be constructed in conjunction with a proposed sidewalk, shall ensure that the cross slope of the sidewalk as it crosses the driveway does not exceed two percent, in accordance with ADA requirements.

d. The developer shall construct driveways a minimum of three feet from any obstruction such as a streetlight or utility pole, fire hydrant, traffic signal controller, telephone junction box, etc.

e. The developer shall construct residential driveways to conform to the criteria shown in figure 5 for low volume driveway criteria.

f. The developer shall design residential driveways with curb return radii according to the classification (curbed or non-curbed) of the street as provided in figure 5, low volume driveway criteria.

g. All driveway approaches constructed within the rights-of-way of public streets shall conform to material standards found in Sec. 39.3.3-4. 2) b). Refer to standard driveway approach detail.

5. High-volume driveways.

a. Location and construction of high-volume driveway approaches. The location of high-volume driveway approaches is based on a number of factors, including the location of individual property lines, available street frontage, requirements of internal site design, number of vehicles to be accommodated, and traffic safety. As a general rule, the farther from an intersection a driveway can be located, the less it will affect through traffic and the less delay it will cause to vehicles using the driveway.

i. The developer shall locate high-volume driveway approaches entirely within the frontage of the lot and not less than ten feet, not including curb return radii, from any side property line; provided, however, that joint driveway approaches may be permitted where a permanent joint access is provided by the respective property owners either through platting or a mutual access easement.

ii. The developer shall consider the location of other driveways on the opposite side of the street when locating a proposed driveway. Where possible, driveways on both sides of the street shall be aligned in order to minimize adverse effects on through traffic and to optimize efficiencies of the driveway. Driveways directly opposite each other shall be given preference over staggered driveways. Where it is not possible to place driveways directly opposite each other, a driveway shall be placed so that adequate left-turn storage capacity is provided in advance of each driveway in order to avoid the overlap of left-turn movements.

iii. The developer shall construct high-volume driveway approaches so as not to interfere with pedestrian crosswalks.

iv. Any new high-volume driveway which will cross an existing sidewalk, or which will be constructed in conjunction with a proposed sidewalk, shall ensure that the cross slope of the sidewalk as it crosses the driveway does not exceed two percent, in accordance with ADA requirements.

v. The developer shall construct high-volume driveways a minimum of three feet from any obstruction such as a streetlight or utility pole, fire hydrant, traffic signal controller, telephone junction box, etc.

vi. The developer shall construct high-volume driveways to conform to the criteria shown in for high-volume driveway criteria.

vii. The maximum number of driveways per lot, based on the street classification and lot width, shall be as shown in figure 4, high-volume driveway criteria.

viii. Driveways located on streets and highways controlled by the state shall be permitted by the Texas Department of Transportation (TxDOT).

ix. Driveway spacing for high-volume driveways. The developer shall design and construct high- volume driveways according to the spacing standards shown in figure 4 for high-volume driveway criteria.

6. Restrictions. Access to public streets will not be provided where the conditions described in this section restrict or compromise the safety and efficiency of the access.

   a. Backing maneuvers. Access points shall not be approved for parking or loading areas that require backing maneuvers in a public street right-of-way except for single-family residential uses on local streets or if authorized by the city manager or his/her designee per Sec. 39.3.3 – 4 2) c).

   b. Sight distance requirements. The minimum sight distance shall be provided at all access points as shown in the figure 8 for sight distance at entrance.

   c. Signalized intersections proposed. Access drives within the area of an intersection of public streets where traffic signals are installed, or are anticipated to be installed in the future, will not be permitted.

   d. Provision of access. If a lot has frontage on more than one street, access will be permitted on each street, based upon whether or not the standards set forth in Sec. 39.3.3 – 4 and Sec. 39.3.3 – 5 can be met on each street frontage. If a lot cannot be served by any access point meeting these standards, access points shall be designated by the public works director based on traffic safety, operational needs, and conformance to as much of the requirements of these guidelines as possible.

e. Driveway approaches. Driveway approaches shall not be constructed or used for the standing or parking of vehicles.

7. Abandoned driveway approaches. Driveway approaches that have been abandoned for a continuous period greater than 12 months shall be removed and the curb restored by the property owner adjoining the driveway according to the city's specifications.

Figure 4 - High-Volume Driveway Criteria

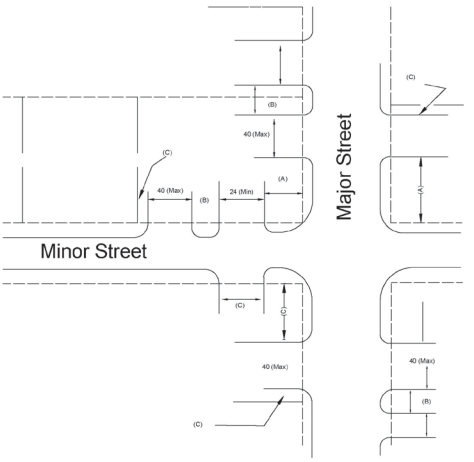


Table 4 - Minimum Separation

	Arterial	Collector	Local
A	65'	55'	35'
B	20'	20'	20'
C	10'	10'	10'

Figure 5 - Low Volume Driveway Criteria

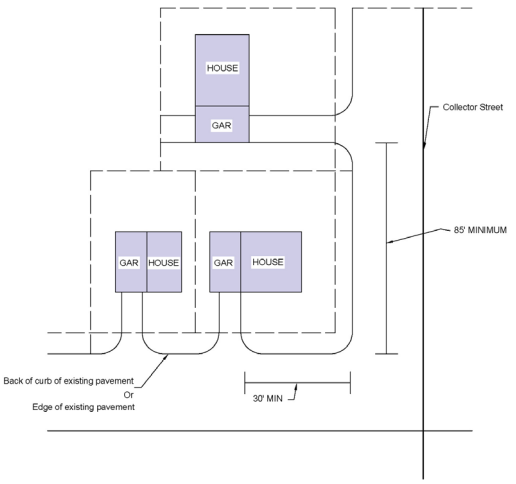


Figure 6 - Standard Driveway Approach Detail

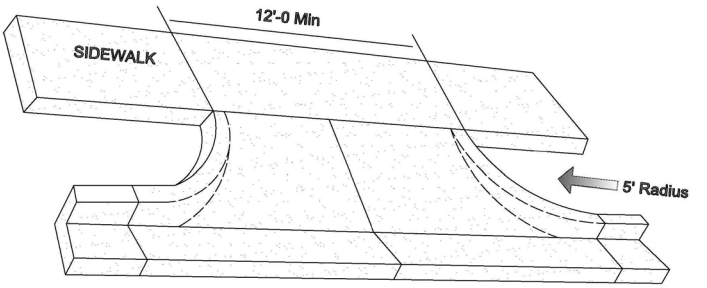


Figure 7 - Limited Movement Driveways

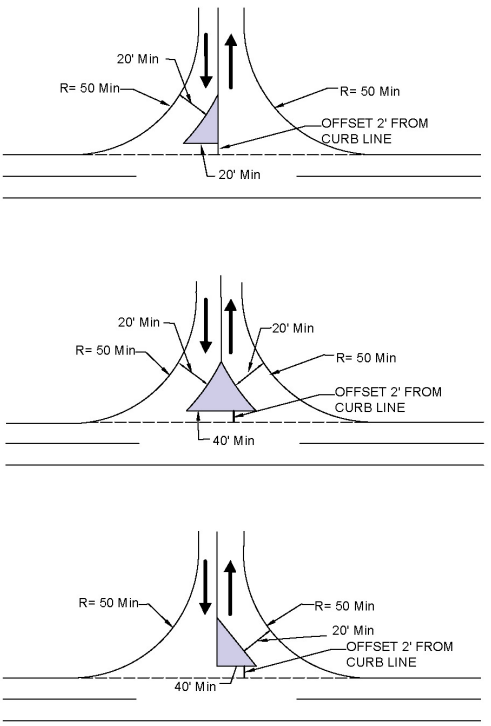
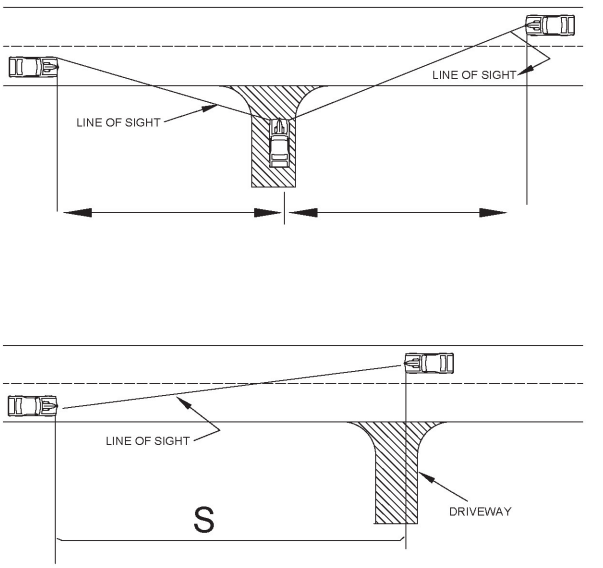


Figure 8 - Sight Distance



Sec. 39.3.3–6 Temporary Parking Lots.

1. The developer may provide temporary parking lots to meet unexpected or short-term needs. Where such temporary parking lots are constructed, the developer shall complete a signed agreement (approved by the city attorney), specifying the time period in which the temporary parking lot is to be used, with the length of time being no greater than 24 months from the date of the agreement. The developer shall also provide acceptable surety that the temporary parking lot shall either be constructed to meet permanent standards prescribed by a geotechnical engineer licensed in the State of Texas (contracted by the developer) or as approved by the city manager or his/her designee on a case-by-case basis in the absence of geotechnical recommendations or completely removed from the site within 60 days of the termination of the agreement.

2. Temporary parking lots shall consist of eight inches of compacted flex base (conforming to TxDOT item 247) (95 percent Standard Proctor ASTM D698) on six inches of compacted sub-grade (95 percent Standard Proctor). Depending on the use of the temporary parking lot, location, and traffic volume, the city manager or his/her designee may allow on a case-by-case basis, alternative construction standards, however, all temporary parking lots shall be constructed in such a way as to ensure that no significant amounts of dust, dirt or other particulate is transported off site by wind, storm water, or vehicle tracking.

Sec. 39.3.3–7 Reduction of Parking

1. Permitted Reductions. Parking minimums may be reduced when it is demonstrated to the approving authority that parking demand is expected to be lower than the requirements of this Chapter and the following standards are met:

a. Single Building or Use.

i. There is convenient municipal off-street parking or on-street spaces located within 500 feet of the subject property.

ii. Walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.

iii. The applicant has provided a parking study, conducted by a qualified traffic engineer or parking expert, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.

b. Mixed Occupancy or Multiple Buildings. Parking may be reduced for shared/ common parking lots by multiple uses where:

i. There will be a high proportion of multipurpose visits.

ii. Uses have peak parking demands during differing times of the day or days of the week and meet the following requirements:

1. Parking facilities at a church or place of worship may be used to meet up to 50 percent of the off-street parking required for theaters, stadiums, other places of public assembly, retail stores, personal services establishments, office buildings, and industrial facilities lying within 600 feet of the church or place of worship. Distance shall be measured from the nearest point of public entrance to the building to the nearest point of the parking lot.

2. There is no conflict between times when the uses are in need of the parking facilities.

3. The church or place of worship makes the spaces available and enters into a recordable agreement with the owners of the affected uses who will be sharing the parking.

Sec. 39.3.3–8 Off-street loading requirements.

1. Any use that receives or distributes materials or merchandise by vehicle shall provide off-street loading spaces es to be determined by the developer, but a minimum of one (1) loading space shall be required, except in central business district.

2. Such off-street loading space may be adjacent to a public street or alley, private service drive, or may consist of a truck berth within the structure.

3. No loading docks shall be constructed facing on any public street unless said loading dock is at least 75 feet from the right-of-way line of the public street on which said loading dock fronts. Such off-street loading space or truck berth shall consist of a minimum area of 10 feet by 45 feet.

4. The existence of a 20-foot alley adjacent to the property shall be construed as equivalent to one (1) berth. All off-street loading spaces shall have an all-weather surface of asphalt or concrete construction and shall be accessible by a street, driveway, or alley.

5. Counting parking and loading space twice is prohibited. No part of any off-street parking or loading space required in connection with any building for the purpose of complying with these regulations shall be included as a part of any off-street parking or loading space similarly required for any other building.

6. No loading dock shall be permitted or approved unless it is shown that it is set back a sufficient distance from any public street and right-of-way so that all loading operations, parking, storage, and vehicular maneuvering into or out of loading dock spaces shall take place outside of any public street or right-of-way. The City man- ager or his/her designee shall determine whether the setback distance is sufficient.

7. Loading spaces shall be designed so that all truck maneuvers, loading and unloading shall take place on the lot.

Division 4. Landscaping and Tree Preservation

Sec. 39.3.4–1 Applicability

1. The building official shall not issue a building permit unless the applicant provides landscaped areas according to this Chapter 39. The applicant shall provide and maintain landscaped areas within all developments according to the standards contained in this article; provided, however, that this section shall not apply to the following:

    a. Building permits for new construction applied for prior to the adoption of these regulations.

    b. Building permits for residential remodeling.

    c. Building permits issued in the central business district and the Main Street Overlay, as defined in the city's zoning regulations.

2. When the requirements of this article conflict or are inconsistent with requirements of other provisions of this chapter, this article shall prevail.

Sec. 39.3.4–2 General Landscaping Requirements

1. Any tree planted shall not at maturity interfere with the line of sight of vehicles (visibility triangle) or overhead utilities.

2. Native or naturalized plants and trees which are capable of vigorous and healthy growth in this area shall be used.

3. All trees shall be planted in a permeable area not less than three feet in width. Not more than 50 percent of the area within the dripline of any tree at the time of permit issuance shall be impervious cover. Permeable pavers may be considered as permeable cover.

4. Required landscape structures shall be maintained in a structurally sound condition.

5. Required screening or buffering shall be maintained and repaired or replaced where necessary.

6. Plant installation. All plant materials shall be installed according to planting details and specifications showing clearly how growing conditions adequate to sustain vigorous and healthy growth will be achieved including, but not limited to:

    a. Protection and support of tree trunks.

    b. Provision of adequate conditions for root growth.

    c. Provision for retention of moisture.

    d. Protection of plants from equipment or vehicular damage.

7. Tree replacements and new plantings. Invasive or prohibited plant species as defined by the Texas Parks and Wildlife Code shall not be allowed.

Sec. 39.3.4–3 Landscape Plan Procedures.

1. Applications for residential building permits shall show the required landscaping by noting the square footage of the landscaped area and the location and diameter of the existing and proposed trees on the site plan.

2. Application for nonresidential building permits shall provide a landscaping plan with the following information:

    a. The approximate location, size, and type (tree, shrub, groundcover, grass) of proposed landscaping in proposed landscaped areas;

    b. The approximate location and size of proposed landscaped areas;

    c. The approximate location and species of existing trees 8 12 inches or larger in diameter DBH and the approximate size of their crowns;

    d. Information necessary for verifying whether the required minimum percent of landscaped area has been met;

    e. An explanation of how the applicant plans to protect the existing trees, which are proposed to be retained on site from damage during construction;

    f. The proposed irrigation system as required by Sec. 39.3.4 – 4 (6)

    g. The certification of an engineer, surveyor, landscape architect or architect registered in the state, or professional building designer or landscaper that the plans satisfy the requirements of this section; provided, however, that for a development greater than two (2) acres in size, such plans and certification shall only be made by landscape architect registered in the state.

3. The building official shall inspect each site not later than twelve (12) months after issuance of the certificate of occupancy to ensure compliance with the requirements of this section.

Sec. 39.3.4–4 Development/Subdivision Landscaping

1. Residential lots. The following requirements apply to all new residential construction other than multifamily construction:

    a. Not less than fifty (50) percent of the area contained within the front and side yard setback area on the lot shall be landscaped area.

    b. A minimum of two large (25 feet or more) canopy trees (either existing or planted) measuring three inch or greater in diameter shall be within the landscaped area in the front yard. One or both required front yard trees shall be located within four feet from the front property line adjacent the street, placed such that the distance between trees on the same lot and adjacent lot allow each tree to grow to full canopy without interfering with each other. The intent is to create tree lined residential streets.

c. A minimum of one tree shall (either existing or planted) measuring three inch or greater in diameter shall be within the back/rear yard.

2. Nonresidential lots and multifamily developments:

   a. Not less than ten (10) percent of the lot shall be landscaped area; and

   b. An area ten (10) feet in width adjacent to each street right-of-way shall be landscaped area. Drives and sidewalks are not permitted in this landscaped area except to the extent to which they may be required to cross the landscaped area to provide access. This landscaped area shall contain one large (25 feet or more) canopy tree per 60 feet along all streets.

   c. All open, unpaved space including, but not limited to, front, side, and rear building setback areas, shall be landscaped area.

   d. There shall be an average of at least ten (10) feet, and a minimum of five (5) feet of landscaped area and walkway between the building and parking areas.

   e. Trees, (either existing or planted) measuring three inches or greater in diameter are required in landscaped areas in the following quantities:

      i. One tree for every 2,000 square feet of landscaped area.

      ii. A minimum of twenty-five (25) percent of the trees will be single trunk trees that will obtain a minimum height of thirty (30) feet when grown.

      iii. Each tree planted shall be not less than five (5) feet from the edge of the landscaped area.

      iv. All tree plantings shall be encompassed with an approved curb barrier to prevent access by vehicular traffic.

3. Ground signs. There shall be a landscaped area not less than ten (10) feet in width located around the supporting structure of each ground sign and extending not less than three feet beyond each end. A hedge or other durable planting, which is not less than one (1) foot in height at the time of planting and which will attain an average height of at least three (3) feet shall extend the entire length and width of the required landscaped area. Two (2) flowering trees, not less than eight (8) feet in height when grown, shall be located within the required landscape area. The remainder of the landscaped area may be in grass or a decorative groundcover

Sec. 39.3.4–5 Landscaping in Parking Lots

1. Parking lots and other vehicular areas. Landscaped areas in a parking lot shall be in addition to all other landscape requirements of this division and shall be provided in any parking lot of five (5) spaces or more in accordance with the following requirements:

   a. There shall be a landscaped area as a buffer between the street view and vehicular use areas, parking areas, parking lots, and their parked vehicles.

b. One (1) tree shall be provided for each 15 parking spaces in all developments; however, no car parking space shall be located greater than a 100 feet from the center of a tree.

c. Planting Area Width. Trees shall be planted within a planting island or peninsula shall be at least 50 square feet with a minimum dimension of five (5) feet in width and the area must be further planted with a ground cover, grass, or shrubs and may be counted toward the total required square footage of required landscaping.

d. Minimum Installation Width. Trees shall be a minimum of three (3) inch caliper measured one (1) foot from the ground.

e. One landscaped island shall be placed at the ends of all parking rows regardless of the spaces in that row. One landscaped island shall also be provided at the ends of every 15 spaces. Any parking row that terminates adjacent to a required landscaped area adjacent to each street right-of-way may count that landscaping as a landscaped island.

f. The city manager or his/her designee may make an adjustment to the distribution and location of landscaped islands, peninsulas, and medians to accommodate existing trees or other natural features so long as the total requirements for landscaped islands, peninsulas, and medians for the respective parking areas above is satisfied.

Sec. 39.3.4–6 Landscaping in Street Rights-of-Way or Public Utility Easements.

1. Maintenance of landscaping within street rights-of-way shall be the responsibility of the adjacent property owner. Trees, shrubs, bushes, or other vegetation planted in the street right-of-way, and in existence prior to adoption of these standards, shall not interfere with the view of traffic along the street. No trees, bushes, shrubs, or other vegetation greater than two feet at maturity in height shall be planted, grown, or maintained within the sight/ visibility triangle defined in the Zoning Ordinance.

2. Trees shall not be planted in a public right-of-way after the date of adoption of these standards other than shrubs that normally grow, at maturity, to a height of less than 15 feet. Trees shall not be located, or seedlings allowed to grow within ten feet from a fire hydrant. Trees shall not be planted under or within 20 lateral feet of any overhead utility or within ten lateral feet of any underground water line, transmission line or other utility.

3. The city shall have the right to plant, prune, and maintain trees, street trees and park trees within the lines of all streets, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city may remove or cause or order to be removed, any tree or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest.

Sec. 39.3.4–7 Tree Preservation.

1. As an incentive to preserving existing large canopy trees (whether on the list of protected trees or not) the minimum required landscaping may be reduced by the square footage described below where such trees are already established and growing, as follows:

    a. Twelve inches or greater diameter, 4,000 square feet;

b. Three to 12 inches, 2,000 square feet;

c. Less than three inches, no credit.

Sec. 39.3.4–8 Irrigation

1. Irrigation shall be provided to landscaped areas. The irrigation method used shall provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis. Such irrigation method shall be in place and operational prior to issuance of the certificate of occupancy.

    a. One of the following methods shall be used for landscape irrigation:

        i. An underground sprinkling system.

        ii. An automatic water-saving irrigation system.

        iii. A hose attachment with an anti-siphon device within 100 feet of all landscaped areas.

    b. It is recommended that all underground sprinkling systems and automatic water-saving irrigation systems be on a separate water meter from other uses and equipment with approved backflow prevention devices shall be installed.

2. Irrigation requirement above may be excepted through administrative approval by City Manager or his/her designee in cases where native plant materials that do not require constant irrigation are provided and the applicant provides a detailed written maintenance plan for the landscaped areas where such plant materials are used.

Sec. 39.3.4-9 Landscape Maintenance.

Every property owner and any tenants shall keep their landscaping in a well maintained, safe, clean, and attractive condition at all times.

1. Indiscriminate clearing or stripping of natural vegetation on a lot is not allowed. The landowner, or the landowner's representative, shall use reasonable good faith efforts to preserve existing trees and natural landscape character. In determining whether there is compliance with this subsection the city shall consider topographical constraints on design, drainage, access and egress, utilities and other factors reasonably related to the health, safety and welfare of the public which necessitate disturbance of the existing natural character, the nature and quality of the landscaping installed to replace it; and such other factors as may be relevant and proper.

2. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way all landscaping within the sight/visibility triangle shall provide unobstructed cross visibility at a level between three feet and eight feet above the driving surface. Landscaping shall be maintained in such a manner, so it will not:

    a. Obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device;

b. Obstruct or interfere with the view of the driver of an approaching, emerging, or intersecting vehicle; or

c. Prevent a traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.

3. The landowner shall perform necessary and appropriate maintenance including weeding, watering, fertilization, pruning, mowing, edging, and mulching. Vegetation shall not be permitted to intrude more than four inches onto any sidewalk, paved walkway, driveway, or curb. Plant materials which are dead, diseased, or severely damaged shall be removed and replaced by the landowner.

Sec. 39.3.4–10 Approved Tree List

Common Name	Scientific Name	Mature Height/Canopy	Protected Tress
Ash, green	Fraxinus pennsylvanica		
Ash, white	Fraxinus americana		
Basswood, American	Tilia americana		
Beech, American	Fagus grandifolia		
Cedar, Japanese *	Cryptomeria japonica		
Cherry, black	Prunus serotina		
Cypress, bald	Taxodium distichum		
Cypress, pond	Taxodium ascendens		
Elm, American	Ulmus Americana		
Elm, slippery	Ulmus rubra		
Ginkgo (male only) *	Ginkgo biloba (male only)		
Hickory, bitternut	Carya cordiformis		

Common Name	Scientific Name	Mature Height/Canopy	Protected Tress
Hickory, black	Carya texana		
Hickory, mockernut	Carya tomentosa		
Hickory, pignut	Carya glabra		
Hickory, shagbark	Carya ovata		
Hickory, water	Carya aquatica		
Kentucky coffee-tree	Gymnocladus dioica		
Magnolia, southern	Magnolia grandiflora		
Magnolia, sweetbay	Magnolia virginiana		
Maple, red	Acer rubrum		
Mulberry, red	Morus rubra		
Oak, black	Quercus velutina		
Oak, bur	Quercus macrocarpa		
Oak, cherry bark	Quercus falcata var. pago- daefolia		
Oak, chinquapin	Quercus muehlembergii		
Oak, laurel	Quercus laurifolia		
Oak, live	Quercus virginiana		
Oak, nuttall	Quercus nuttallii		
Oak, overcup	Quercus lyrata		
Oak, post	Quercus stellata		
Oak, sawtooth *	Quercus accutissima		
Oak, Shumard red	Quercus shumardii		
Oak, southern red	Quercus falcate		

Common Name	Scientific Name	Mature Height/Canopy	Protected Tress
Oak, swamp chestnut	Quercus michauxii		
Oak, white	Quercus alba		
Oak, willow	Quercus phellos		
Pecan	Carya illinoensis		
Pine, loblolly	Pinus taeda		
Pine, shortleaf	Pinus echinata		
Sweetgum, fruitless	Liquidambar styraciflua 'Rotundiloba'		
Sycamore, American	Platanus occidentalis		
Tupelo, black (blackgum)	Nyssa sylvatica		
Tupelo, water	Nyssa aquatica		
Walnut, black	Juglans nigra		
Bois d' arc (Osage orange) (male)	Maclura pomifera (male)		
Bumelia, woollybucket (gum bumelia)	Bumelia lanuginose		
Cedar, atlas *	Cedrus atlantica		
Cedar, deodar *	Cedrus deodara		
Cedar, eastern red (female)	Juniperus virginiana (female)		
Cedar, eastern red (male)	Juniperus virginiana (male)		
Cedar, Lebanese *	Cedrus libani		
Cherry, common choke	Prunus virginiana		
Cherry, laurel	Prunus caroliniana		
Cypress, Leyland *	Cupressocyparis leylan- dii		
Elm, lacebark *	Ulmus parvifolia		

Common Name	Scientific Name	Mature Height/Canopy	Protected Tress
Elm, water	Planera aquatica		
Elm, winged	Ulmus alata		
Holly, American (female)	Ilex opaca (female)		
Holly, American (male)	Ilex opaca (male)		
Hornbeam, American (ironwood)	Carpinus caroliniana		
Hornbeam, eastern hop	Ostrya virginiana		
Magnolia, southern 'Little Gem'	Magnolia grandiflora 'Little Gem'		
Maple, Florida	Acer barbatum		
Persimmon, common (male)	Diospiros virginiana (male)		
Pistache, Chinese (male only) *	Pistacia chinensis (male only)*		
Sassafras	Sassafras albidum		
Silverbell, Carolina	Halesia Carolina		
Soapberry, western	Sapindus saponaria		
Sweetleaf, common	Symplocos tinctoria		
Yellowwood	Cladrastis kentukea		
Alder, hazel	Alnus serrulata		
Buckeye, red	Aesculus pavia		
Carolina buckthorn	Rhamnus caroliniana		
Chinquapin, Alleghany	Castanea pumila		
Crabapple *	Malus spp.		
Crape myrtle *	Lagerstroemia spp.		
Dogwood, flowering	Cornus florida		

Common Name	Scientific Name	Mature Height/Canopy	Protected Tress
Dogwood, rough-leaf	Cornus drummondii		
Dogwood, stiff	Cornus foemina		
Elder, American	Sambucus Canadensis		
Fringetree, American	Chionanthus virginicus		
Hawthorn, mayhaw	Crataegus opaca		
Hawthorn, parsley	Crataegus marshallii		
Holly, dahoon	Ilex cassine		
Holly, yaupon (female)	Ilex vomitoria (female)		
Magnolia, pyramid	Magnolia pyramidata		
Magnolia, saucer *	Magnolia x soulangiana		
Maple, chalk	Acer leucoderme		
Maple, Japanese *	Acer palmatum		
Pawpaw	Asimina triloba		
Plum, Chickasaw	Prunus angustifolia		
Plum, flatwoods	Prunus umbellata		
Plum, Mexican	Prunus mexicana		
Redbud, eastern	Cercis canadensis		
Serviceberry, shadeblow	Amelanchier arborea		
Silverbell, two-winged	Halesia diptera		
Snowbell, American	Styrax americanum		
Snowbell, bigleaf	Styrax grandifolius		
Sparkleberry	Vaccinium arboretum		

Common Name	Scientific Name	Mature Height/Canopy	Protected Tress
Stewartia, Virginia	Stewartia malacoden-dron		
Sumac, shining	Rhus copallina		
Sumac, smooth	Rhus glabra		
Sumac, staghorn	Rhus typhina		
Viburnum, arrow-wood	Viburnum dentatum		
Viburnum, blackhaw	Viburnum prunifolium		
Viburnum, possumhaw	Viburnum nudum		
Viburnum, rusty blackhaw	Viburnum rufidulum		
Wax-myrtle, southern	Myrica cerifera		
Witch hazel, common	Hamamelis virginiana		
Witch hazel, vernal	Hamamelis vernalis		

* Not Native to United States C = Copper

Division 5. Screening

Sec. 39.3.5-1 Applicability

1. Screening to create visual barriers using fencing or landscaping as specified in this Chapter 39 shall be
required:

    a. when a nonresidential zoning district abuts a residential zoning district. Screening is not required if the qualifying adjacent zoning districts are separated by a public right-of-way;

    b. around parking lots visible from a public right-of-way;

    c. around outdoor storage, trash/dumpster storage, loading areas, and ground mounted communication or utility equipment, and heating/cooling units visible from the public right-of-way.

Sec. 39.3.5-2 General Standards for Screening

1. Parks, Open Space, and Amenity areas whether public and private shall only use wrought iron fencing and/ or solid plant or hedge (which planting shall be maintained in a healthy growing condition and constituting a visual barrier) only.

2. The screening walls or visual barriers on nonresidential and multifamily uses shall be constructed of masonry or of a permanent and substantial type wall or fence material, supported by a frame or base constructed of concrete, metal or other substantial material, and not readily subject to damage by operations within the enclosure or by the effects of winds or other weather elements. In lieu of a screening wall or fence, a landscaped strip containing a solid plant or hedge not less than six feet in height [may be used], which planting shall be maintained in a healthy growing condition and constituting a visual barrier.

3. Barbed wire or chain link material shall not be allowed as a screening material in the City of Palestine.

4. If a development (residential subdivision, nonresidential development, or multifamily development) is screened from a public right-of-way then a masonry wall shall be used for such screening. This wall shall be equipped with gates at 600 feet intervals and such gates shall be compatible in height and screening characteristics to the wall.

5. Side or rear yard fencing on individual residential uses/lot that faces a public right-of-way shall use masonry walls, wrought-iron fencing, or solid plant or hedge (which planting shall be maintained in a healthy growing condition and constituting a visual barrier) only.

6. Side or rear yard fencing on residential uses/lot between the lot and a public park or open space shall be of wrought iron and/or a solid plant or hedge, which planting shall be maintained in a healthy growing condition and constituting a visual barrier.

7. Screening walls or fences where required shall not be less than six feet in height and all openings in such walls or fences shall be equipped with gates equal in height and screening characteristics to the wall or fence and shall be closed and securely latched at all times except during business hours.

8. All screening, regardless of material shall be maintained in good repair and shall not contain openings constituting more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier, except when gates are provided in the screening.

9. Screening and landscaping strips with adjacent vehicle parking shall be protected from vehicle wheels by a bumper rail or wheel barrier located at least three feet from such planting or fence/visual barrier.

Sec. 39.3.5-3 Parking Lot Screening

1. All parking lots visible from the public right-of-way shall be screened. The screen shall be at a minimum of three (3) feet in height and located within five (5) feet of the edge of the parking surface. This screening shall and be achieved through one (1) of the following methods:

    a. A berm within a side slope no greater than 1:3;

    b. A planting screen (hedge);

    c. A wall, using masonry materials similar to those used in the main building facade;

    d. A wrought-iron or metal fence, supported by masonry columns not greater than 25 feet apart and at least two (2) feet by two (2) feet in width; or

    e. A combination of the above.

    f. Screening shall confirm to the clear sight/visibility triangle provisions.

    g. Landscaping areas and plant materials used for screening may also be counted towards the required landscaping requirement for that property.

Sec. 39.3.5-4 Outdoor Storage Screening

1. Outdoor storage of materials or commodities shall be screened with either a solid fence or solid plant material/ landscaping. The materials shall not be stacked so as to exceed the heights of the screening fence, wall or visual barrier and such materials or commodities shall not be placed outside the fence, wall, or visual barrier.

    a. Any equipment or material storage outside of a building shall be enclosed by a solid screen of not less than six feet in height without openings except for entrances and exits, which shall be equipped with comparable gates or other screening. However, when the equipment is totally enclosed within a building, no fence or other screening device shall be required.

    b. Storage of vehicles or equipment used in the maintenance of any utility, or such other equipment may be stored in residential districts provided it is enclosed within a building or properly screened outside as in accordance with this Article III Division 5.

Sec. 39.3.5-5 Trash/Dumpster Screening

1. Trash receptacles and/or trash compactors that are outside a building shall be screened from view with a four-sided masonry wall with an opening at one side with gates large enough to allow for a trash truck to back up to the trash receptacles.

2. The trash/dumpster screening shall not interfere with traffic circulation and shall be easily accessible from a public right-of-way.

3. Alternative screening methods may be requested as part of the site plan review process and may be approved by the City Council.

4. Screening wall plans are required to be submitted to the City for review at time of Building Permit application and shall be signed and sealed by a Structural or Civil Engineer licensed by the State of Texas.

Sec. 39.3.5-6 Utility Equipment Screening

1. All around ground mounted communication or utility equipment, and heating/cooling units shall be screened from the public right-of-way with a solid fence or solid plant materials.

Division 6. Signs

Sec. 39.3.6-1 Purpose

It is the city's intent to provide uniform sign standards which:

1. Promote a positive city image reflecting order, harmony and pride and thereby strengthen the economic stability of its business, cultural and residential areas;

2. Provide for efficient transfer of information in sign messages; and

3. Protect the public welfare by enhancing the appearance and economic value of the landscape.

Sec. 39.3.6-2 General Provisions

The following provisions shall apply to all signage (Signage example in figure 9):

1. All signs shall comply with the city's building codes and other ordinances, where applicable.

2. All signs shall be set a minimum of ten feet back from the street right-of-way. In the event that there is a public utility easement adjacent to the street right-of-way, the sign shall not encroach into said easement unless an agreement is established with the City of Palestine.

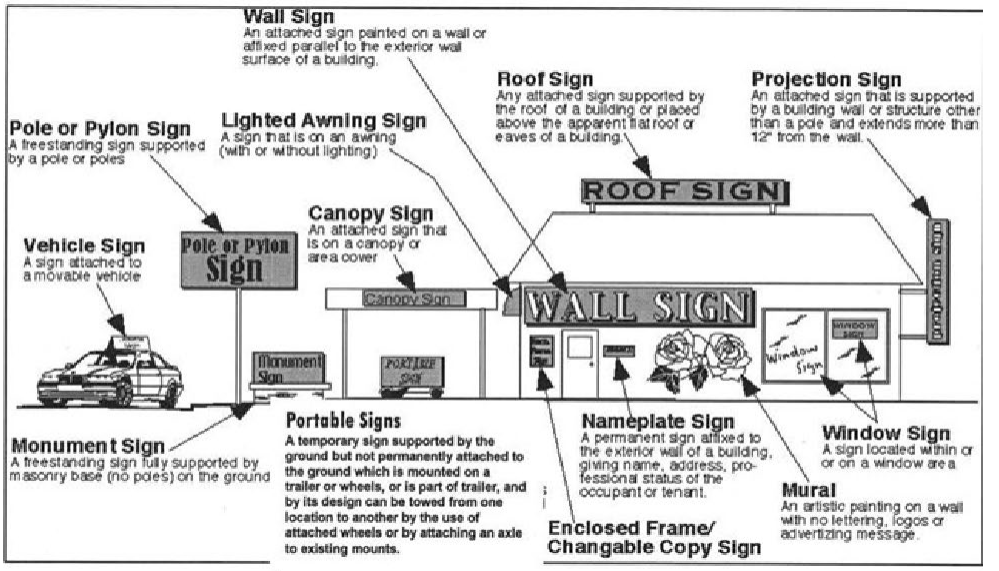
3. No sign of any kind shall obstruct the view of traffic.

4. Any sign advertising a business, lessor, owner, product, service, or activity no longer located on the premises where the sign is displayed shall be removed within 90 days of the abandonment of the advertised function; provided that a property owner may remove the sign or cover the sign with a banner advertising that the property is vacant or available or for sale.

5. Off-premises signs as defined in this Chapter 39 are permitted only with a specific use permit, through a City Council approved license agreement with the City, an integrated business development sign plan, or those located within a business park.

6. Any person aggrieved by a decision of the building official under this division or any person seeking a variance from the requirements of this division may file an appeal with the zoning board of adjustment. The appeal shall be made in accordance with the guidelines set forth in section 22 - 284.

Figure 9 - Illustration of various types of permitted signs and their typical locations



Sec. 39.3.6-3 Exempt Signs

The following signs are exempt from the provisions and regulations of this division:

1. Public signs. Signs specifically required by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by the law, statute, or ordinance.

2. Signs on vehicles.

    a. Signs placed on or affixed to vehicles or trailers where the sign is incidental to the primary use of the vehicle or trailer as transportation.

    b. Signs attached or affixed to vehicles being displayed on vehicle sales or rental lots are deemed to be exempt from these regulations, if the purpose of the attached or affixed sign is to advertise the sale or rental of the vehicle upon which it is attached or affixed.

    c. Temporary construction trailers and vehicles located on construction sites that bear the contractor advertising are exempt from these regulations.

    d. Signs on vehicles passing through town for the purpose of advertising at a destination outside city limits are deemed to be exempt from these regulations.

3. Vehicle signs. Attached, affixed or painted on vehicles when primary use of the vehicle is for the daily transportation of products or the delivery of services in connection with the business.

4. Warning signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.

5. Governmental signs. Signs of duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.

6. Address numerals. Address numerals and other signs required to be maintained by and placed in accordance with law or governmental order, rule, or regulation.

7. Athletic signs. Signs used as scoreboards in athletic stadiums.

8. Directional signs. Signs which direct vehicles and pedestrian traffic, which may display arrows, words, or other symbols to indicate direction of facilities.

9. Directory signs. Signs that are located in or adjacent to entrances or foyers.

10. Instructional signs. Signs, providing no advertising of any kind, which provide direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, the signs identifying restrooms, public telephones, public walkways, parking areas and other similar facilities.

11. Decorations. Seasonal, holiday or festival decorations

12. Flags. Flags of any state, nation, political subdivision, or entity, any non-profit group, corporation or entity, or any flag displaying any other noncommercial message.

Sec. 39.3.6-4 Prohibited Signs

The following signs are prohibited from installation, construction, repair, alteration, or relocation within the city as shown in figure 10, except as otherwise permitted in this division:

1. Any sign, which is not included under the types of signs, permitted in this division.

2. Signs or other advertising structures erected or maintained in violation of city building, electrical or sign codes, or other applicable local, state, or federal regulations.

3. Inflatable signs, bandit signs, and portable signs shall be prohibited in the city.

4. Permanent off-premises signs (billboard). Permanent off-premises signs (billboards) are also prohibited in the city's extraterritorial jurisdiction.

5. Any search lights, bullhorns, spinners (rotating signs), streamers, string lights or strip lighting, pennant, hot air balloon or similar device that is intended to move freely in the wind. Examples of such signs are shown in figure 10 below.

6. Moving/whirling and flashing signs except for reader boards, which convey a message. Any light source that produces a revolving beam or beacons that resemble emergency vehicle lights shall be prohibited.
7. Any signs, advertisement, poster, placard or handbill upon any lamp post, electric light, railway, telephone, or telegraph pole, fire hydrant, shade tree, stone cliff or other natural object, or boxing covering public utilities, or on any bridge, pavement, sidewalk, or crosswalk.

8. Signs that resemble traffic control signs or emergency information signs.

9. Any sign or sign structure which constitutes a hazard to public safety or health.

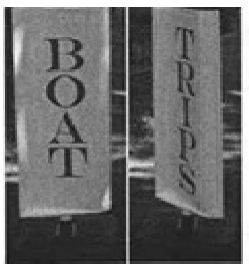
10. Any sign that obstructs free ingress or egress from a fire escape, door, window, or other required exit way.

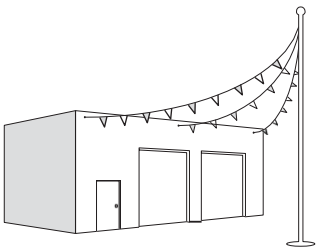
11. Any sign that interferes with any opening required for ventilation, or that obstructs openings intended as a means of entrance or exit, or signs that obstruct light or air from any room or building, or block (physically/ visually) any public governmental or warning signs.

12. Any sign which makes use of words such as stop, look, one way, danger, yield or any other similar words, phrases, symbols, lights, or characters in such a manner as to interfere with, mislead or confuse the vehicular traffic.

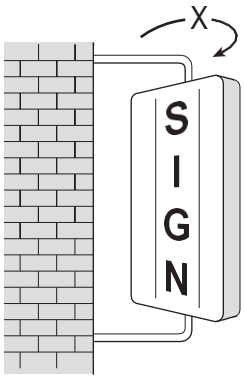
13. Any structure or part thereof, or any device or representation attached to, painted on, or represented on a building, fence, pole, or other structure, which is used as or in the nature of an announcement, direction, advertisement, or other attention-getting purposes, and which is not originally designed or intended to be a sign.

Figure 10 - Examples of prohibited rotating, spinning and streamer signs





NO SPIN



14. Home occupation signs that advertise for a business operated in the home.

15. Signs placed on property without permission of owner or agent.

16. Roof signs.

17. New off-premises signs except those permitted through the specific use permit process, through a City Council approved license agreement with the City, an integrated business development sign plan, those located within a business park or temporary signs as permitted in this division.

18. Outdated signs that advertise a business or product which is no longer in existence.

19. Signs and supports, other than governmental signs and supports, which are located in, or extend over, a public right-of-way unless authorized by an approved encroachment agreement.

20. Reader panel signs must be totally encased to prevent tampering if the bottom of the sign is less than eight feet in height.

21. Signs emitting sound or odor.

22. Signs illuminated to such intensity or brilliance as to cause glare or impair vision. Lighting shall be shielded to prevent beams from being directed at any portion of a traveled roadway or an occupied residential area; provided, however, this requirement does not apply to internally lit signs with a lighting intensity of less than 150-foot lamberts.

23. Signs on vehicles or trailers that are parked or located for the primary purpose of displaying the sign. It shall be prima facie evidence that the primary purpose of a vehicle or trailer is to display a sign if the vehicle or trailer is parked on a site for a continuous period exceeding 72 hours.

24. Signs with the sign structure larger than is reasonably necessary to support the sign.

25. Signs that restrict the use of a parking space in a development (example shopping center) where parking is calculated as a total for all businesses located on the premise.

Sec. 39.3.6-5 Permits and Fees

1. Permit required. It shall be unlawful for any person to construct, reconstruct, alter, or use a sign, or for any owner or occupant of land to allow the construction, reconstruction, alteration, or use of a sign on land owned or occupied by such person, without first having secured a written permit from the city to do so, subject to the exceptions set forth in Sec. 39.3.6-5. 8) below.

2. No sign, unless excepted by this division, shall be located, constructed, altered attached, or painted until a building permit has been approved by the building official in accordance with the requirements of this division.

3. All signs shall be built in accordance with the drawings attached with the permit application and as approved by the building official.

4. Sign permit applications shall contain or be submitted with the following:

a. A completed application form;

b. The appropriate fees;

c. A dimensioned site plan showing:

i. The location of the proposed sign in relation to all other structures on the property and the property line itself;

ii. All adjacent properties and location of signs within 200 feet of the proposed sign;

iii. An elevation of the sign showing industry specifications and construction details if necessary.

5. The city manager or his/her designee shall review a permit application and make a decision on whether to grant or deny the permit within 30 days of submittal of a fully completed application. If additional information is required of an applicant in order to complete an application, the applicant shall be notified of that fact within 30 days. Thereafter, the city manager or his/her designee shall make a decision on whether to grant or deny the permit within 30 days of receiving the additional information or a written certification from the applicant that the application is complete. Any application for which the city manager or his/her designee fails to grant a decision within the first 30-day period shall be deemed denied.

6. If the work authorized by a permit issued under this division has not been commenced within 180 days after the date of issuance, the permit shall become null and void.

7. Any decision rendered by the city manager or his/her designee under this division may be appealed to the zoning board of adjustment.

8. Exceptions. Permits shall not be required for:

a. The repainting, cleaning, or maintenance of a sign;

b. Signs painted on glass surfaces which do not cover more than 50 percent of the total glass surface area;

c. Signs erected by governmental agencies and their lessees;

d. Railroad signs;

e. Legal notices;

f. Non-internally illuminated house numbers not more than six inches in height;

g. Temporary signs as follows:
i. For sale or lease signs

ii. Contractor identification signs

iii. Under construction signs

iv. Grand opening signs

h. Any sign:

i. Erected or maintained pursuant to and in discharge of any governmental function;

ii. Required by law, ordinance, or governmental regulation; or

iii. Located on property owned, leased or under the control of a governmental entity.

i. Signs on private property not greater than four square feet in area and four feet in height that contain no advertising (except a logo) and that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs.

j. Decorations clearly incidental, customary, and commonly associated with a national, local, ethnic, or religious holiday; provided, however, that such decorations are displayed for only the length of time that such holiday or event is normally and customarily celebrated by the public.

k. Nameplates, not exceeding two square feet in area, for residents or occupants of commercial, industrial, and professional buildings, or dwellings, apartments, boardinghouses, rooming houses, or other similar facilities.

l. Political signs permitted by this division

m. Protection or security signs, not exceeding four square feet in area, erected by the occupant of a premises denoting security devices or no trespassing.

n. Signs located in the interior of a building which are designed and located to be viewed by patrons within the building and not by persons outside the building.

o. Signs on vehicles required by any governmental agency.

p. Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles or trailers are not designed or constructed for the primary purpose of providing an advertising medium.

q. Direction signs, menu boards and the like, which are designed to be read from a distance no greater than ten feet.

r. All nonelectric exterior signs not visible from off the property.

9. It is an affirmative defense to prosecution under this section that a sign is excepted under this subsection from the requirement of a permit.

10. The permit application fee for a temporary event sign may be waived for an event deemed to be in the best interests of the City of Palestine.

Sec. 39.3.6-6 Nonconforming Signs

1. All nonconforming permanent signs, legally existing as of May 31, 2018, may continue to exist and shall be allowed the changing of advertising copy or message on theater marquee signs and similar signs specifically designed for the use of replaceable copy, change of face panel, or where the sign frame was designed for replaceable plates. In addition, all nonconforming signs shall be subject to the following:

    a. Shall not be changed to another nonconforming sign.

    b. Shall not be structurally altered so as to change the shape, size, type, or design of the sign; except where alterations are necessary to abate a threat to public safety. This does not include a structural modification whereby an upgrade to a sign's existing electronic changeable message technology is made pursuant to Sec. 39.3.6-9- Detached Signs, 6) Billboards, b) electronic billboards.

    c. Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the reproduction cost.

    d. Any structural change, alteration, modification, or change in the name, design, letters, message, or other matter on the nonconforming sign, other than a face (copy) change, shall require the sign to be brought into conformity with the requirements of this division. This does not include a structural modification whereby an upgrade to a sign's existing electronic changeable message technology is made according to the following:

        i. Overall sign area and height do not increase;

        ii. Changeable message sign area does not increase;

        iii. Total number of changeable message signs do [not] exceed one per premise; and

        iv. Changeable message sign operates in conformance with section 63-70.

Sec. 39.3.6-7 Noncommercial Signs

Notwithstanding any provision in this division to the contrary, any sign authorized in this division is allowed to contain a noncommercial message in place of any commercial message.

Sec. 39.3.6-8 Attached Signs

1. Generally.

    a. All attached signs on a building elevation shall not exceed 30 percent of the area of that elevation, except as allowed in this section.

b. Attached signs shall be allowed on all building elevations.

c. Attached signs shall not be allowed on accessory buildings.

d. Each elevation shall be allowed to cover a maximum of 30 percent of the area of the elevation with any combination of attached signs.

2. Awning sign.

a. Location.

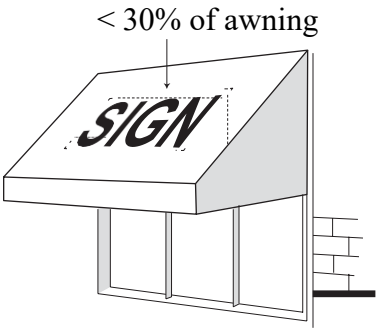
i. Signs must be premises signs.

ii. Signs shall be attached to the elevation of the awning. If signs project above the structure of the awning they will be considered roof signs.

b. Area. Maximum 30 percent of the area of the awning elevation.

c. Number of signs. Shall not exceed the total area of all awning signs on each awning elevation does not exceed 30 percent of the area of that awning elevation.

Figure 11 - Awning Sign



3. Canopy sign.

a. Location.

i. Signs must be premises signs.

ii. Signs shall be attached to the elevation of the canopy. If signs project above the structure of the canopy they will be considered roof signs.

b. Area. Maximum 30 percent of the area of the canopy elevation.

c. Number of signs. Unlimited as long as the total area of all canopy signs on each canopy elevation does not exceed 30 percent of the area of that canopy elevation.

Figure 12 - Canopy Sign

4. Channel letter sign.

    a. Location.

        i. Signs must be premises signs.

        ii. Signs shall be attached to the elevation of the building.

    b. Area. Maximum 30 percent of the area of the building elevation to which it is attached.

    c. Number of signs. One per elevation per certificate of occupancy.

5. Marquee sign.

    a. Location.

        i. Signs must be premises signs.

        ii. Signs shall be attached to a marquee on theaters, sports venues, and other entertainment venues.

    b. Area. Maximum 60 percent of the area of the marquee to which it is attached.

    c. Number of signs. One per building elevation.

6. Mural sign.

    a. Location.

        i. Signs must be premises signs.

        ii. Signs shall be painted directly on the surface of the building.

    b. Area Maximum 100 percent of the area of the building elevation on which it is painted. Words and/or symbols may only be ten percent of the size of the entire mural.

    c. Number of signs. One per building structure.

Figure 13 - Mural Sign

7. Poster sign.

    a. Location.

        i. Signs must be premises signs.

        ii. Signs shall be attached directly to the surface of the building.

    b. Area. Maximum 30 percent of the area of the building elevation to which it is attached.

    c. Number of signs. One per elevation per certificate of occupancy.

8. Projection sign.

    a. Location.

        i. Signs must be premises signs.

        ii. Signs shall be attached to the building such that they project maximum one foot from the surface of the building.

    b. Area. The surface area of the sign where text and graphics are displayed shall not exceed a maximum of 30 percent of the area of the building elevation to which it is attached.

    c. Number of signs. One per building elevation.

9. Sign cabinet.

    a. Location.

        i. Signs must be premises signs.

        ii. Signs shall be attached directly to the surface of the building.

    b. Area. Maximum 30 percent of the area of the building elevation to which it is attached.

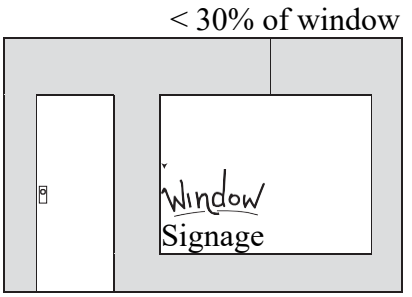
    c. Number of signs. One per elevation per certificate of occupancy.

10. Window sign.

a. Location. Signs must be premises signs.

b. Area. Maximum 30 percent of the area of the window.

Figure 14 - Window Sign



Sec. 39.3.6-9 Detached Signs

1. Generally.

    a. All detached signs shall be setback a minimum ten feet from the property line.

    b. Combination of detached sign types allowed on a premise at any given time is as follows:
        i. A premise may either have a pole sign, or a pylon sign or a monument sign if permitted by this division;
        ii. A premise may combine architectural element sign or a vehicle sign with any other detached signs;
        iii. A premise may combine flag signs only with monument signs.

2. Architectural element sign.

    a. Location.

        i. Signs must be premises signs.

        ii. Signs shall be attached to the surface of the architectural element.

    b. Area. Maximum 200 square feet.

    c. Height. May not extend beyond the surface of the architectural element to which it is attached.

    d. Number of signs. One per elevation of the architectural element.

3. Flag sign.

    a. Location.
        i. Signs must be premises signs.

ii. Signs may only display logos, symbols, tag lines and name of business.

b. Area. Maximum 200 square feet.

c. Height.

i. Maximum 30 feet; except:

1. Maximum 50 feet along state highways and FM roads; or

2. Maximum 70 feet in business park.

d. Number of signs. One per premise.

4. Kiosk signs.

a. Signs may be premise or non-premise signs.

b. The city council may, by duly executed license agreement, grant the exclusive right to design, erect and maintain non-premise kiosk signs within the city limits of the city.

c. Kiosk signs shall be designed and constructed in accordance to the specifications contained in the aforementioned license agreement and in this section.

d. Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the director of community development for approval. The sign location map shall contain the location, orientation, and number of individual location signs available for each kiosk sign.

e. Kiosk sign installation shall include design features as required for traffic signs in the street right-of-way.

f. No additional or extraneous signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.

g. Individual sign panels on kiosks shall have a uniform design and color.

h. Kiosk signs shall not:

i. Interfere with the use of sidewalks, walkways, bike, and hiking trails;

ii. Obstruct the visibility of motorists, pedestrians or traffic control signs; and

iii. Be installed in the immediate vicinity of street intersections.

i. Signs shall comply with the visibility triangle requirements contained in the subdivision regulations or other visibility easements provided by code or subdivision plat.

j. Kiosk sign plazas may be located on private premises along the state highways and farm-to-market corridors, or other state-maintained roadways, provided written permission is obtained from the premise owner.

k. In accordance to the specifications contained in the aforementioned license agreement a percentage of the kiosk sign panels shall be reserved for the city to use as directional signage to municipal or community facilities, or locations for community events.

l. The licensee shall be responsible for all construction, installation, maintenance, and repair of the kiosk signs at no cost to the city.

m. Notwithstanding anything contained herein to the contrary, any sign authorized under this section to contain commercial copy may contain noncommercial copy in lieu of commercial copy.

n. The licensee shall administer the kiosk signs and shall fill the individual location sign spaces in accordance with the following criteria:

i. The spaces shall be filled according to the date the requesting location submits an application or request is received by the licensee on a first-come, first-served basis.

ii. The number of kiosk signs and spaces on each sign shall be set by the sign location map approved by the city manager or his/her designee. The licensee may request the placement of additional kiosk signs only if the number of unserved requests will fill an additional sign.

iii. The licensee shall have no discretion to award or not award a space on a kiosk sign based on the type of organization or business that requests placement on a kiosk sign.

5. Monument sign.

a. Location. Signs must be premises signs.

b. Area.

i. Maximum 300 square feet for single tenant sign constructed along state

ii. Maximum 400 square feet for multi-tenant sign constructed along TX 256 Loop, TX-155, TX-19, US 287, 84, and 79 corridors.

iii. Maximum 100 square feet for single tenant sign constructed along all other roadways.

iv. Maximum 150 square feet for multi-tenant sign constructed along all other roadways.

c. Height.

i. Sign base shall be between two feet and four feet.

ii. Maximum 14 feet for multi-tenant sign constructed in Where the average grade of the lot on which a sign is placed is at or above the adjacent street grade, the sign shall be measured from the grade level adjacent to the sign. Where the average grade of the lot is below the adjacent street grade, the sign height shall be measured from the adjacent street grade.

iii. Maximum ten feet for single tenant signs. Where the average grade of the lot on which a sign is placed is at or above the adjacent street grade, the sign shall be measured from the grade level adjacent to the sign. Where the average grade of the lot is below the adjacent street grade, the sign height shall be measured from the adjacent street grade.

d. Number of signs. One per street frontage, maximum two per premise.

e. A landscaping bed shall be required around the base of the monument sign and shall be equal in area to one-half the square footage of the sign area. The landscape bed shall be planted with seasonal material such as annuals or bulbs and will be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.

f. Monument signs must be wrapped in masonry material to match or compliment building, exposed sign cabinets or poles are prohibited. The masonry material wrapping the advertising area shall not exceed 100 percent nor fall below 30 percent of the commercial advertising area.

6. Billboards.

a. Location.

i. The construction of new billboard signs shall be prohibited in any zoning district. The construction of new billboard signs shall also be prohibited in the city's extraterritorial jurisdiction. The existing, nonconforming billboard signs in the city or its extraterritorial jurisdiction that are adjacent to interstate highways and federal-aid primary highways, as those terms are defined in the Highway Beautification Act, are subject to the regulations in this section. All Texas Department of Transportation regulations for billboards (permanent off-premises) signs shall apply in addition to the requirements of this division.

b. Electronic billboards.

i. Converting an existing sign to digital sign shall be considered a face change and will be allowed but will not change the nonconforming status of the sign.

ii. Message changes on digital signs shall be allowed at two-second transition with an eight- second hold time.

c. Area.

i. Each panel or sign shall not exceed 300 square feet in total area.

ii. No more than two panels or sign faces will be allowed for each sign.

iii. No off-premises sign shall exceed 60 feet in length, inclusive of border and trim.

d. Height.

i. Maximum 50 feet; except:

ii. Signs must maintain a ten-foot clearance from ground to sign.

e. Illumination.

i. Signs shall be shielded upward to prevent beams or rays from being directed at any portion of a traveled roadway or an occupied residential area and shall not be of such intensity or brilliance as to cause glare or impair vision.

ii. Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

iii. Digital billboards shall not operate at brightness levels of more than 0.3 foot-candles above ambient light, as measured using a foot-candle meter at a pre-set distance.

1. Pre-set distances to measure the foot-candle's impact vary with the expected viewing distances of each size sign.

7. Pole/Pylon sign.

a. Location.

i. Signs must be premises signs.

ii. Signs shall only be allowed on a premise with a commercial certificate of occupancy adjacent to TX 256 Loop, TX-19, TX-155, US 287, 84, and 79 corridors).

iii. Signs shall maintain a 100-foot separation from an adjacent pole sign on each premise and minimum of 50 feet on adjacent premises on the same side of the street.

b. Area.

i. Maximum 400 square feet.

c. Height.

i. Maximum 50 feet

ii. Signs must maintain a ten-foot clearance from ground to sign.

d. Number of signs. One per street frontage per premise.

8. Directional sign.

    a. Location. Must be premises signs.

    b. Area. Maximum ten square feet.

    c. Height. Maximum four feet.

    d. Number of signs. One per driveway entrance.

Sec. 39.3.6-10 Other Signs

1. Changeable message signs.

    a. These maybe premise signs or non-premise signs.

    b. These may be manual or electronic.

    c. Changeable message signs:

        i. Shall be allowed on all permitted signs.

        ii. May be a part of an attached sign or a detached sign.

            1. Shall not comprise an area greater than 50 percent of the allowed area of the monument or pylon sign.

            2. If constructed as part of a monument or pylon sign, the changeable message sign cabinet must be wrapped in material to match or compliment the building materials used on the premise.

        iii. Shall not be allowed on temporary signs.

    d. Number of signs. Only one sign per premises shall be allowed as a changeable message sign.

    e. Illumination of changeable message signs shall not be of such intensity or brilliance as to cause glare or impair vision. The Spinks Airport Air Hazard Zoning Ordinance, as referred to by Resolution 503, shall govern all changeable message signs located within identified air hazard areas.

    f. All electronic changeable message signs shall have an auto dimmer photo eye installed in the sign.

        i. Maximum daytime (7:00 a.m. to 6:00 p.m.) brightness shall be 5.000 nits; and

        ii. Maximum nighttime (6:01 p.m. to 6:59 a.m.) brightness shall be 500/660 nits.

    g. Message changes shall be allowed at two-second transition with an eight-second hold time.

2. Signs in public rights-of-way.

    a. All signs in public right-of-way shall have a right-of-way agreement or a license agreement between the sign owner and the city council.

    b. The application for a right-of-way agreement or license agreement shall include the types, locations, size, area, height, number, materials, design, and construction of all proposed signs.

    c. This data shall be a part of the agreement and will be attached to the agreement.

    d. The process for right-of way agreement or license agreement shall be as follows:

        i. The application will be submitted to the development services department and will be reviewed by the development review committee and shall be placed on a planning and zoning commission agenda.

        ii. The city manager will then place the item on a city council agenda.

        iii. The director of development services department shall put a notice in the newspaper 15 days before the day of the meeting for both the planning and zoning commission meeting and city council meetings (this notice may be sent at one time). The planning and zoning commission shall review the sign details and design and make a recommendation to the city council.

    e. The sign placement agreement shall be approved if the following criteria are met:

        i. The sign will be placed in right-of-way adjacent to and in the frontage of the business location or other establishment referenced in the sign.

        ii. There would be an unnecessary hardship if the business location or establishment were not allowed to place the sign in the right-of-way due to lack of visibility from the right-of-way due to the placement of other existing structures.

3. Integrated business development sign plan

    a. An integrated business development sign plan application shall be a written and/or illustrated document to depict all temporary and permanent proposed signs on site which shall include:

        i. Proposed sign palette, which may include any combination of attached, detached, and temporary sign types that are allowed in this division;

        ii. Location of all proposed signs included in the sign palette;

        iii. Size and number of all proposed signs including maximum area, letter height, number, and height;

        iv. Materials proposed for all signs and sign structures;

v. Color and style palette for all signs (letter colors, background colors, text fonts, etc.) including context of where signs are to be placed on any given facade;

vi. Type of illumination proposed, and whether external or internal;

vii. Landscaping or ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement the proposed sign palette and design; and

viii. Any other information as required by the decision-making bodies.

b. Design guidelines.

i. Compatibility with surroundings.

1. Proportional size and scale. The scale of signs should be based on the building facade on which they are placed and the area in which they are located. The size and shape of a sign should be proportional with the scale of the structure. Large storefronts such as big boxes will be allowed to have proportionally larger signs than smaller storefronts. Signs should not overwhelm the section of the building facade on which it is placed upon.

2. Integrate signs with the building. Signs should be designed so that they are integrated with the design of the building. A well-designed building facade or storefront is created by the careful coordination of sign and architectural design, and a coordinated color scheme. Signs in multiple-tenant buildings should be designed to complement or enhance the other signs in the building. Sign placement and design should be reviewed within the context of building design.

3. Corporate franchise signage. Corporate franchise signage should conform to the community's visual desires while maintaining some elements of corporate identity. Corporate logos should fit the context, color, scale and building elements.

ii. Location and mounting.

1. Signs should be mounted in locations that respect the design of a building and site, including the arrangement of bays and openings. Signs should not obscure windows, (including second-story windows), window trim/molding, grillwork, piers, pilasters, and other ornamental features.

2. Attached signs on fascia above storefront windows should be sized to fit within existing friezes, lintels, spandrels, and other such features and not extend above, below, or beyond them. Typically, attached signs should be centered on horizontal surfaces (e.g., over a storefront opening).

3. When a large building contains several storefronts, signs for the individual businesses should relate well to each other in terms of locations, height, proportion, color, and illumination. Maintaining continuity will reinforce the building's facade composition while still retaining each business's identity.

iii. Color.

1. Avoid using too many colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs should be avoided.

2. Use contrasting colors. Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read in both day and night. Light letters on a dark background or dark letters on a light background are most legible. Light letters on a dark background work best for both day and nighttime use.

iv. Materials.

1. Compatibility of materials. Sign materials should be compatible with the design of the facade on which they are placed. Consider the architectural design of the building's facade and select materials that complement the design. The selected materials should also contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.

2. Appropriate materials. Sign materials should be extremely durable. Paper and cloth signs are not suitable for exterior use (except on awnings) because they deteriorate quickly. If wood is used, it should be properly sealed to keep moisture from soaking into the wood and causing the sign's lettering to deteriorate.

v. Sign legibility.

1. Concise name identification. A concise name or limited lines of copy should be used whenever possible given the limited amount of time the vehicle traveling public has to identify and read the sign. The fewer number of words, the more effective the sign. A simple and succinct sign is easier to read and looks more attractive because it is less cluttered.

2. Use symbols and logos. Symbols and logos can be used in place of words whenever appropriate. Pictographic images will usually register more quickly in the viewer's mind than a written message. And they can be an expression of the owner's creativity.

3. Limit the number of letter styles. The number of lettering styles that are used on a sign should be limited in order to increase legibility. As a general rule, limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.

vi. Sign illumination.

1. Internal illumination. Individually illuminated letters, either internally illuminated or backlit solid letters (reverse channel) are a preferred alternative to internally illuminated plastic cabinet signs. Signs comprised of individual letters mounted directly on a structure can often use a distinctive element of the structure's facade as a backdrop, thereby providing a better integration of the sign with the structure.

2. Use a projected light source. Signs along roadways with slower moving traffic or in pedestrian-oriented environment should consider illumination by a projected light source (e.g., spotlight). Projection lighting is usually a better alternative because the sign will appear to be integrated with the building's architecture. Light fixtures supported in front of the sign cast light on the sign and generally a portion of the building's face as well. Projected lighting emphasizes the continuity of the structure's surface and signs become an integral part of the facade. The use of small, unobtrusive fixtures for external (projection) lighting is encouraged. Avoid the use of oversized fixtures that are out of scale with the sign and structure. Whenever projection lighting is used (fluorescent or incandescent), care should be taken to properly shield the light source to prevent glare from spilling over into residential areas and any public right-of-way. Signs should be lighted only to the minimum level required for nighttime readability.

3. Cabinet signs. The use of internally illuminated cabinet signs is discouraged. When such signs are proposed, the background field is required to be opaque so that only the lettering appears illuminated (e.g., routed or push-through lettering/graphics). When the background is not opaque, the entire sign face

becomes bright, and the sign becomes visually separated from the building. As a result, this type of sign can disrupt the continuity of the facade.

4. Electrical raceways and conduits. Electrical transformer boxes and raceways are required to be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway should be finished to match the background wall or integrated into the overall design of the sign. If raceways are necessary, they should be as thin and narrow as possible and should never extend in width or height beyond the area of the sign's lettering or graphics. All exposed conduit and junction boxes should also be concealed from public view.

5. Neon signs. Neon/L.E.D. or similar types of lighting are discouraged.

Sec. 39.3.6-11 Temporary Signs

1. Generally.

    a. All temporary signs shall require a permit except as provided in section 39.3.6 – 5

    b. All temporary sign permits shall be displayed in the door or windows of the establishment during the time in which the sign is displayed on the premises.

2. Banner sign.

    a. Location.

        i. Signs may be premises or non-premises signs.

        ii. Signs shall be attached to a main building or on light poles.

        iii. Signs may be allowed in the public right-of-way for large community events.

        iv. Banners shall not be allowed on accessory structures/buildings or fences.

    b. Area.

        i. Maximum 80 square feet; except:

        ii. Maximum 35 square feet each when located on light poles, letters, symbols, logos, etc., shall be allowed to cover only 15 percent of the total area of each light pole banner.

    c. Height.

        i. Minimum ten feet from the ground; and

        ii. Shall not obstruct pedestrian or vehicular traffic.

    d. Number.

i. Maximum four displays per year per certificate of occupancy; except

ii. Two vertical banners per light pole.

e. Time limitations.

i. Maximum 30 days with 60 days between displays for each separate certificate of occupancy;

ii. Grand openings.

1. Once for each separate certificate of occupancy;

2. Within 30 days of the issuance of the certificate of occupancy;

3. Maximum for 15 consecutive days.

iii. Special events. Banner signs are allowed with a special event permit for 14 days prior to the event and two days after the event is over.

iv. There is no time limitation for banners on light poles.

3. Construction sign.

a. Location. Signs must be premises signs.

b. Area.

i. Maximum 50 square feet in residential districts.

ii. Maximum 100 square feet in nonresidential districts.

c. Height. Fifteen feet as measured from the sign base.

d. Number of signs. One sign for each abutting street.

e. Time limitation. Maximum 60 days prior to construction up to 14 days after completion (issuance of certificate of occupancy).

4. Movable sign.

a. Location.

i. Signs must be premises signs.

ii. Except for "A"-frame or sandwich board signs, must be ten feet from curb or edge of paving and 15 feet from access drive.

iii. Fifty feet from any other movable signs.

iv. Movable signs are prohibited in the public right-of-way.

b. Area.

i. Generally: Maximum eight square feet.

ii. Bow banners or swooper flags: 15 square feet.

iii. "A"-frame or sandwich board signs: 25 square feet.

c. Height.

i. Generally: Maximum four feet from ground.

ii. Bow banners or swooper flags: Maximum ten feet from the ground.

iii. "A"-frame or sandwich board signs: Maximum five feet from the ground.

d. Number of signs. Each business may display one movable sign per street frontage, regardless of the size of the premises.

e. Time limitation. "A"-frame or sandwich board signs shall only be allowed during business hours.

f. Illumination. Movable signs shall not be illuminated.

5. Pennants.

a. Location.

i. Signs must be premises signs.

ii. Pennants are only allowed for grand openings and for holidays and festivals.

b. Time limitation.

i. Grand openings.

1. Once for each separate certificate of occupancy (CO).

2. Within 30 days of the issuance of the CO.

3. Maximum for 15 consecutive days.

ii. Holiday and festivals. Forty days prior to the holiday event and up to two days after the holiday event for each premise.

6. Residential yard sign.

    a. Location. Except for noncommercial signs, signs must be on premises signs

    b. Area. Maximum ten square feet.

    c. Height. Maximum four feet.

    d. Number of signs. One sign per premises.

    e. Time limitation. For the duration of the activity but removed 30 days following completion.

7. Wind sign.

    a. Location.

        i. Signs must be premises signs.

        ii. Wind signs are only allowed for grand openings and for holidays and festivals.

    b. Time limitation.

        i. Grand openings.

            1. Once for each separate certificate of occupancy (CO).

            2. Within 30 days of the issuance of the CO.

            3. Maximum for 15 consecutive days.

        ii. Holiday and festivals. Forty days prior to the holiday event and up to two days after the holiday event for each premise.

8. Residential subdivision development sign.

    a. Location.

        i. Sign may be non-premises or premises within 250 feet of the subdivision entrance and within the subdivision boundaries.

        ii. Sign shall be located:

            1. On property of the subdivision where the lots of the homebuilder are located or on property of an earlier phase of the subdivision where the lots of the homebuilder are located; or

2. Within 250 feet of the entrance to the subdivision.

iii. No signs shall be allowed in the public right-of-way.

b. Area. Maximum 32 square feet.

c. Height. Maximum 12 feet.

d. Number of signs. One sign per homebuilder per subdivision entrance.

e. Time limitation. After 100 percent of the home builder's sites are completed, and then they have 48 hours to remove the sign.

9. Political signs.

a. Political signs not exceeding 36 square feet may be erected on private real property only with the permission of the property owner. Private real property does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

b. Political signs shall be removed within ten days after completion of the election in question.

c. In the case of a run-off election, signs advertising those candidates who are in the run-off election may be continued to be displayed during the interim period but must be removed within ten days after the run-off election.

d. A political sign shall not require a sign permit and shall comply with the following requirements:

i. The total signage area for political signs shall not exceed 36 square feet in area, shall not exceed eight feet in height, shall not be illuminated, nor have any moving elements.

ii. Political signs shall not be located in the city rights-of-way or in roadway medians, nor be placed on city-owned property such as city parks, fire stations, police stations, libraries, city hall and other city-owned buildings. However, such signs may be placed on public property designated as an official polling place on a designated election day, with such signs being located outside the specified distance from the polling place entrance as permitted by state election laws.

iii. Political signs may not be placed in the state rights-of-way situated within the city.

iv. Political signs shall not be installed in any manner that may result in a potential safety hazard of any type.

v. Political signs shall not be placed in visibility triangles as defined in the subdivision ordinance of the city.

vi. Political signs shall be kept in repair and proper state of preservation.
vii. Political signs may be erected no earlier than 62 days before the date of the election for which the sign is designated.

viii. Notwithstanding any provision in this division to the contrary, if a political sign is authorized to be placed or erected under this section, a temporary sign with any other noncommercial message is allowed to be erected in its place provided it otherwise complies with the provisions of this section.

10. Human signs.

a. Location.

i. Each sign shall be located on private property where a sale, event, promotion, or a similar limited-duration event is taking place.

ii. Human signs shall not be permitted in residential districts.

iii. Human signs are prohibited within any public right-of-way.

iv. A person acting as a human sign is not permitted to hold or carry wind devices, flags, or balloons. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.

b. Area. Eight square feet.

c. Height. May not extend 12 feet above ground.

d. Number of signs.

i. No more than one human sign per business location.

ii. A human sign counts as a type of moveable sign for purposes of the number limitation set forth in section 39.3.6-11. 4)

11. Time limitation. Human signs shall only be allowed during business hours.

Sec. 39.3.6-12 Measurement Standards

1. For an attached sign, which is framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area, and dimensions, shall include the entire portion within such background or frame.

Figure 15 - For an attached sign, which is framed

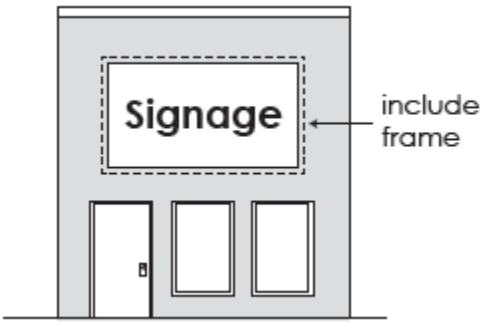
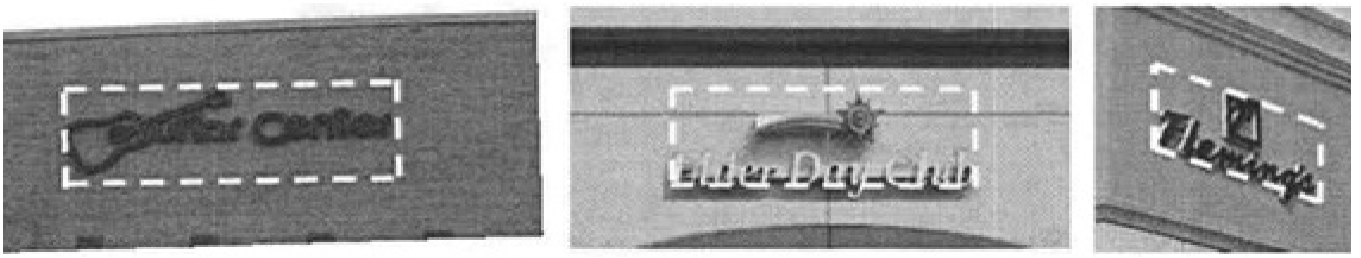
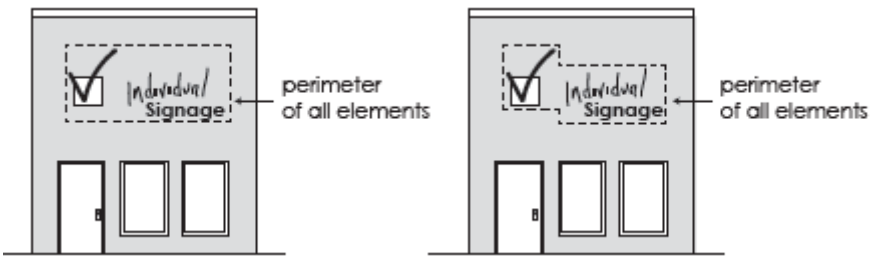


Figure 16 - Examples of geometric area applied to sign area calculations



2. For an attached sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. (See figure 17.)

Figure 17 - For an attached sign comprised of individual letters



3. For a detached sign, the sign area shall include the frame, if any, but shall not include:

    a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.

b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

Figure 18 -Examples of calculation for detached sign area.

The black dashed line indicates the sign area

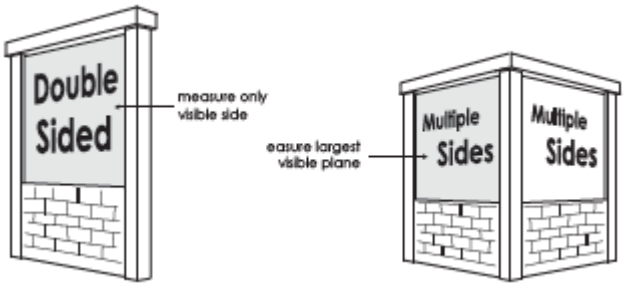
In the sign to the left, the frame may or may not be included in the sign area.
In the sign above, the solid base is not included in the sign area.

4. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction. The area of a sign with more than two faces would be calculated as the area of the largest rectangular plane of the panels that are visible from any single location. (See figure 19 & 20 above.).

Figure 19 -Examples of a sign area with multiple faces

The area of a sign, with more than two faces, would be calculated as the area of the largest rectangle plane of the panels that are visible from any single location.

Figure 20 -Sketch of a sign area with multiple faces



5. In the event of a dispute in determining the area or dimensions of any sign, the decision of the building official may be appealed by the applicant through the submittal of a formal application to the zoning board of adjustment in accordance with the variance process described in this division.

6. Determining sign height. The height of a detached sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A detached sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

Figure 21 -Sketch of Sign Height

Figure 22 -Image of Sign Height.

The height of a sign is measured from the grade of the street level where the sign is viewed: not from the top of the mound.

7. Clearance for detached and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

Sec. 39.3.6-13 Construction Standards

1. Design required. Before a sign permit shall be granted, the applicant shall submit to the City a design or plan containing information as to the type, size, shape, location, construction, lighting/illumination, and materials of the proposed sign.

2. The design and erection of all signs shall be constructed as specified in the latest adopted edition of the International Building Code:

    a. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.

    b. All permanent detached signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.

    c. If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.

    d. The signs should not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.

    e. No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.

    f. Signs shall be structurally designed in compliance with ANSI and ASCI standards. All elective signs shall be constructed according to the technical standards of a certified testing laboratory.

Sec. 39.3.6-14 Lighting Standards

1. Signs may be illuminated—by external or internal means—and in addition to the requirements and regulations of the ordinance codified herein, provided that:

    a. The brightness and intensity shall not be greater than necessary to meet reasonable needs of the business or use served;

2. Light sources shall be shielded from all adjacent buildings and streets; and

3. The lighting shall not create excessive glare to pedestrians and/or motorists and will not obstruct traffic

4. control or any other public informational signs.

Sec. 39.3.6-15 Enforcement and Maintenance

1. All signs shall be maintained in accordance with the following:

    a. The property owner shall maintain the sign; in a condition appropriate to the intended use; to all city standards; and has a continuing obligation to comply with all building code requirements.

    b. If the sign is deemed by the code enforcement officer to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 48 hours of receipt

of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after 30 days the unsafe condition has not been corrected through repair or removal, the code enforcement officer may cause the repair or removal of such sign at the expense of the property owner or lessee. If the total costs are not paid in full within 30 days of the repairs or removal, the amount owned shall be certified as an assessment against the property of the sign owner, and lien upon that property, for collection as prescribed for unpaid real estate taxes.

c. In cases of emergency, the code enforcement officer may cause the immediate removal of a dangerous or defective sign without notice.

d. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, re-lettering, or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:

   i. There is no alteration or remodeling to the structure or the mounting of the sign itself;

   ii. There is no enlargement or increase in any of the dimensions of the sign or its structure;

   iii. The sign is accessory to a legally permitted, specific use, or nonconforming use.

Sec. 39.3.6-16 Signs in the Main Street Overlay District

1. General.

   a. Purpose. The purpose of the Palestine Main Street District Sign Ordinance is to encourage the preservation of historic signs and development of new signs which are compatible with their surroundings and enhance the building while giving opportunities for individual expression. Main Street's purpose is based on the historic nature of the district for tourism and economic development enhancement. Signs should be of appropriate historical design when possible and do not visually obscure significant architectural features of the building.

   b. Signs should be in balance with the overall character of the property. Signs may be expressed in a variety of styles. A sign should be in character with the material, color, and detail of the building.

   c. All current signs, as of August 15, 2011, will be considered exempt from this sign ordinance and will be "grandfathered" into the Main Street District. Such signs will be considered legal and nonconforming within the guidelines of this section. Any sign that is deemed "grandfathered" shall be considered no longer exempt if more than 50 percent is replaced due to age, damage or change of business, at such time the Main Street Sign Ordinance will be in effect.

2. Definitions and specifications.

    a. Signboard.

        i. Definition. A signboard is any flat sign mounted or applied to a building facade.

        ii. Specifications.

            1. Number. Each building may have one signboard or projecting sign oriented to its primary or entrance frontage. A building located at a corner may also have one signboard oriented to its secondary or side street frontage. In the situation of multiple occupant/tenant sign special consideration shall be considered on a per application basis.

            2. Size. For everyone linear foot of building primary or entrance footage, two square feet of sign area shall be allowed. Signboards on secondary or side-street frontage shall not exceed the size of signboards on the primary or entrance frontage.

            3. Location. Place signs on the building's sign frieze, which is the horizontal flat bank above the store windows. Original signs, either on flat signboards or made of individual letters attached to the sign frieze, were designed as an integral part of the building.

    b. Window sign.

        i. Definition. Any permanent sign painted, applied to, or hung inside or outside a window glass.

        ii. Specifications.

            1. Size. Window signs shall cover no more than 30 percent of the total glass areas of the window on which they are placed. The sign coverage shall be determined by an imaginary square or rectangle that encompasses the window sign glass.

            2. Temporary decorative or seasonal window paintings do not require a permit as long as is it removed or replaced within 60 days.

    c. Projecting sign.

        i. Definition. Any sign attached to and placed perpendicular to a building facade and can have print on both sides.

        ii. Specifications.

            1. Number. Each building may have one signboard or projecting sign oriented to its primary or entrance frontage.

2. Size. Projecting signs for one story buildings shall be no more than 15 square feet in size, with a maximum sign height of three feet. Signs for multi-story buildings must be proportional in size to the building and are subject to approval by the Main Street Advisory Board.

3. Location. Projecting signs shall have a minimum clearance from the sidewalk of ten feet to the bottom of the sign and shall not project more than half of the sidewalk width.

d. Hanging sign.

i. Definition. Any sign suspended from an awning or canopy and can have print on both sides.

ii. Specifications.

1. Number. Each entrance that faces a street may have one hanging sign per building.

2. Size. Each face of a hanging sign shall be no more than eight square feet in size.

3. Location. Hanging signs shall be allowed when such signs have a minimum clearance of seven-foot height from the sidewalk and do not extend beyond the awning or canopy projection.

e. Awning sign.

i. Definition. Any sign painted or applied to the valance or top panel of a fabric or rigid awning structure made of aluminum, iron, or steel, wood, or transparent material. Signs are not permitted on the side panels of an awning. Awnings that are used as signs are subject to the following regulations:

ii. Specifications.

1. Awning signs may not be back lit.

2. Awnings attached to the same building must be the same shape, color, and height, regardless of individual business ownership or tenancy in the building.

3. Number. Awning signs may be used in addition to a signboard or projecting sign. Awning signs in addition to a sign board or projecting sign are restricted to the valance and may only include the business name and/or street address. If a sign is placed on the portion of the awning above the valance only the street address is permitted on the valance.

4. Size. Awning sign size shall not exceed the surface of the awning. Lettering shall be limited to twenty-five percent (25%) of the height of the awning, as measured from the point of attachment to the building to the bottom of the fully extended awning excluding the valance. Lettering shall also be limited to fifty

percent (50%) of the width of the awning and shall be located within the center 75 percent of the frontage of the awning. A logo shall be limited to fifty percent (50%) of the height of the awning, as measured from the point of attachment to the building to the bottom of the fully extended awning excluding the valance.

5. Location. Awning signs in addition to a sign board are restricted to the valance and may only include the business name and/or street address. In lieu of a wall sign, the name of the business (lettering only) or logo may be printed on the portion of the awning above the valance. If a sign is placed on the portion of the awning above the valance, only the street address is permitted on the valance. The awning sign shall be located within the center 75 percent of the frontage of the awning, the tenancy, or the building face, whichever is least. Awning signs must maintain a minimum border of one inch between the body of the letters or logo and the edge or a change of plane. Awnings shall be tailored to serve the opening into the building and positioned so that distinctive architectural features remain visible.

6. Reserved.

f. Freestanding hanging signs.

i. Definition. Any sign that is a freestanding sign suspended from a bracket attached to pole or post located near the sidewalk in areas where the primary structure is set back from the street.

ii. Specifications.

1. Freestanding signs may not obstruct traffic or the right-of-way.

2. Number. No more than one freestanding hanging sign per business.
3. Size. Freestanding hanging signs should be no more than a maximum of 15 square feet.

4. Location. Freestanding hanging sign must have a minimum seven-foot clearance from the sidewalk or ground surface.

g. Directory sign.

i. Specifications.

1. On multi-tenant buildings where, there are two or more tenants without direct outside access to a public street, a directory sign may be allowed.

2. Number. One directory sign per street face is permitted.

3. Size. All directory signs shall be a maximum of ten square feet.

4. Location. All directory signs must be in proximity to an entry door.

h. Temporary sign and banners.

i. Definition. Any sign that is a banner or that is used for a special purpose, such as limited- time offers and sales.

ii. Specifications.

1. Number. Each business shall be allowed two banner permits per calendar year, and each permit shall be good for a maximum of 30 days. A minimum of 30 days shall be required between each banner permit.

2. Banners shall be kept in good repair and remain firmly anchored or secured.

3. Location. No more than one banner sign shall be permitted across the facade of a building or business or in any other location on a single property.

i. Sidewalk Sign

i. Definition. A sandwich board, A-frame, or easel-mounted sign that is portable and intended for the pedestrian walking on the sidewalk.

ii. Specifications.

1. The sign shall be sufficiently weighted or anchored to prevent movement by wind or other elements.

2. The display of a sidewalk sign is limited to operating business hours of the business.

3. Number. No more than one A-frame or sandwich board sign per business shall be allowed.

4. Size. No A-frame or sandwich board shall exceed eight square feet per side. The measurement of the sign structure shall be calculated as the total of the flat surface of the sign area per side, and does not include framing, support, or legs.

5. Location. A minimum of three feet of clear sidewalk shall be maintained at all times. All sidewalk signs shall be limited to the street frontage of the business.

j. Ghost sign.

i. Definition. A facade sign at least 50 years old on an exterior building wall. Such signs are unique due to their age, letter style, outdated trademark, defunct company, obsolete product, or clue as to the history of the building's occupancy.

k. Landmark sign.

i. Definition. A sign at least 20 years old that is visible for one-half mile or more from a major thoroughfare or expressway and which, by reason of unique design, size, configuration, or its product's/company's long association with the city, is of extraordinary local significance.

ii. Specifications. Review of this type of sign will be conducted by the Main Street Board on a case-by-case basis when permits are sought.

l. Historic sign.

i. Definition. A sign that, by its construction materials, unusual age, prominent location, unique design, or craftsmanship from another period, makes a contribution to the cultural, historic, or aesthetic quality of the city's streetscape. Examples include: Historic signs, porcelain or neon signs, theater marquees, or signs made up of the three-dimensional stainless-steel letters, and should be of such an age that they are no longer economically viable to produce or manufacture.

ii. Specifications. Review of this type of sign will be conducted by the Main Street Board on a case-by-case basis when permits are sought.

m. Spectacular.

i. Definition. A large, lighted sign that is a landmark due to its extreme size, elaborate animation, variety of colors, and obvious expense. A sign must embody all of these characteristics to be considered as "spectacular."

ii. Specifications. Review of this type of sign will be conducted by the Main Street Board on a case-by-case basis when permits are sought.

3. Any sign design or variance not addressed within these confines shall be brought before the Main Street Advisory Board for approval. Pictures of historic signs may be used for the approval process.

4. Variance.

a. The Main Street Advisory Board may grant a variance permitting noncompliance with any provision of this section.

b. To request a variance decision from the Main Street Advisory Board, applicant should submit in writing a reason for the variance and proposed design rendering (if applicable) to the Main Street Advisory Board; and other than for safety or structural provisions, the Main Street

Advisory Board may issue a variance decision to waive the provisions of the sign ordinance on a case-by-case basis.

5. Issuance of sign permits.

    a. If applicant has a picture of a historic sign from the period of 1890 to 1950, and from a region comparable to the Palestine Main Street District, which can be adapted and replicated in period appropriate materials (as specified in the definition and specification section of Main Street Sign Ordinance), it is an allowed process for applicant to provide a copy of the picture and design specifications from the fabricator, architect, sign company or appropriate institution to the Main Street Board for approval, and such approval will be provided to development services for permit issuance.

    b. If the design has never been attempted before in a comparable region or the appropriate time period, and there are no pictures for the correct historic time period or region, the applicant is required to meet the design criteria listed in the definition and specifications section of the Main Street Sign Ordinance.

6. Material, color, detail.

    a. Interior illumination for signs shall not be allowed.

    b. Plastic as a sign material is discouraged in the Palestine Main Street District. Internally illuminated plastic box signs are no longer allowed. There are some cases where the board will consider the use of plastic for a sign, however, such cases are rare, and the justification must be compelling. New techniques of working plastic may result in appropriate signage. Requests will be reviewed on a case-by-case basis, and money should not be invested prior to approval.

    c. No fluorescent materials and/or paints shall be allowed.

    d. Signs that are out of character with those seen historically and that would alter the historic character of the street are inappropriate. Any sign that visually overpowers the building or obscures significant architectural features is inappropriate. Animated and electronic digital or programmable signs are prohibited.

    e. Sign materials should be compatible with that of building facade.

    f. Colors for the sign are limited to colors compatible with the building front. Signs that are not from a four-color process shall be limited in number of colors, no more than three colors shall be used.

7. Maintenance of signs.

    a. All signage is required to be maintained:

        i. Re-secure sign mounts to the building fronts.

        ii. Repaint faded graphics.

iii. Repair worn wiring.

iv. Replace burned out bulbs.

v. Remove non-historic, obsolete signs.

1. Except as provided in subsection e.2. below, obsolete signs for a business no longer in operation for a period of six months or longer, as well as all sign-hanging materials, must be removed.

2. Obsolete signs that may be considered under the ghost, historic or landmark sign section of the Main Street Sign Ordinance may be brought before the Main Street Board for review on a case-by-case basis.

vi. Preserve historic painted signs in place as decorative features.

8. Procedure.

a. The Main Street Advisory Board has full authority over signs in the Main Street District. Any design or variance the requirements in subsection (g) must be approved by the board.

b. The applicant may, within ten days of the decision of the board to deny an application, file an appeal of that decision. The city council will consider the appeal. Such appeal is denied by operation of law, and the board's decision will stand, if the city council takes no action on the appeal within 60 days of the board's decision. The city council may affirm the board's decision, take the action it determines the board should have taken, or remand the application to the board for reconsideration with instructions.

c. The City of Palestine reserves the right for revocation of sign permit if the final sign is different from the design submitted to the Main Street Advisory Board.

d. Other than safety and structural requirements, any provision of this sign ordinance may be waived by the city council for historic or unique signs upon application for relief by the sign owner or by a city-initiated application.

i. The Main Street Advisory Board will recommend to the city council whether to declare a sign or group of signs to be "historic" or "unique," and thereby grant a waiver to one or more requirements of this section.

ii. Upon granting the waiver, the sign or group of signs shall be deemed to conform to this section.

e. Historic, ghost, landmarked, or spectacular sign guidelines. Signs may be so designated upon the finding that they exhibit unique characteristics that enhance the streetscape or the historic identity of the city or neighborhood. The sign shall be found to be a ghost sign or historic sign the continued existence of which is encouraged and is beneficial to the public good. Such a sign contributes to the historical or cultural character of the streetscape and community at large.

Division 7. Historic Preservation

Sec. 39.3.7-1 Purpose

The City Council of Palestine hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the central business district, historic overlay district, Main Street district, Michaux Park historical district, north and south side historical districts, as well as all other districts and properties that appear on city zoning maps bearing the suffix "HD" or "HL" represents the unique confluence of time and place that shaped the identity of the city and produced significant historic, architectural, and cultural resources that constitute our heritage. This Act is intended to:

1. Protect and enhance the landmarks and districts which represent distinctive elements of Palestine's historic, architectural, and cultural heritage:

2. Foster civic pride in the accomplishments of the past;

3. Protect and enhance Palestine's attractiveness to visitors and the support and stimulus to the economy thereby provided;

4. Ensure a harmonious, orderly, and efficient growth and development of the city that is sensitive to its historic resources;

5. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city;

6. Encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation.

Sec. 39.3.7-2 Definitions

Alterations
any act or process which changes one or more of the exterior architectural features of a structure designated for preservation or of any structure in a district designated for preservation.

Building
resource created principally to shelter any form of human activity, such as large and small houses, barns, garages, sheds, commercial buildings, factories, warehouses, schools, hospitals, churches, and public buildings.

COA, certificate of appropriateness,
certificate from the historic landmarks commission authorizing plans for alteration, construction, removal, or demolition of a landmark or an improvement within a historic district. The term "Certificate of Appropriateness" shall be synonymous with "Notice to Proceed."

CLG, certified local government
local government officially certified to carry out some of the purposes of the National Historic Preservation Act, as amended.

Construction
creation of an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property or the result of this process.

Contributing property/resource
building, site, structure, or object adding to the historic significance of a property. For example, a building structure, site or object within a "historic district" that adds to the values or qualities of that district, was present during the period of significance and possesses historic integrity or is listed as one of the following: independently listed as a Palestine historic landmark; independently listed on the National Register of Historic Places; listed as a recorded Texas historic landmark; listed as a historic Texas cemetery; designated as a state archeological landmark.

Demolition by neglect.
Demolition by neglect occurs when a party having ownership, custody, or control of a property allows or causes through a failure to perform routine or minimum maintenance gradual or accelerated deterioration of a designated landmark or significantly contributing property resource in a historical district.

Exterior architectural feature
the architectural style, design, general arrangement, and components of all of the outer surfaces of an "improvement," as distinguished from the interior surfaces enclosed by said exterior surfaces, including, but not limited to, the kind, color, and texture of the building material and the type and style of all windows, doors, lights, signs, and other fixtures belonging to such "improvement."

HABS
Historic American Building Survey.

HD, historic district
any area designated as a "Palestine Historic District" by ordinance of the city council and/ or any area listed on the National Register of Historic Places which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or features which have a special character or special historical interest or value, representing one or more periods or styles of architecture typical of one or more eras in the history of the city, and causes such area, by reason of such factors, to constitute a distinct section of the city. Such historic districts may also be comprised of archeological properties.

HL
historic landmark.

HLC
historic landmarks commission.

HPO
historic preservation officer.

Historic property/resource
building, structure, object, or site that is at least 50 years old and that is associated with events of significance, or is strongly associated with persons of significance, or embodies the characteristics of an important architectural style, method of construction or plan type, or may yield cultural and/or archaeological information. It may be within a historic district or individually designated.

Historic zoning overlay
set of zoning requirements described in the adopted or approved Palestine Residential Design Guidelines, the Palestine Commercial Design Guidelines or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties, as applicable to officially designated Palestine landmarks or Palestine historic districts, and as recorded by reference on the city zoning map and in the Palestine Register of Historic Places and imposed in addition to those of the underlying zoning district. Development within a historic zoning overlay must conform to the requirements of both the appropriate design guidelines and city zoning standards, and where conflict between the two arise the more restrictive standards apply.

Improvement
any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical improvement of real property, and any part of such improvement.

Integrity
a condition of a property occurring when such property is physically unaltered or retains a sufficient amount of its historic character defining elements, appearance, or ambiance to be recognizable to the period when the property achieved significance.

Landmark
any "improvement", including archeological property, which has a special character and/or special historical interest or value, a part of the development of the heritage or cultural characteristics of the city, county, state, or nation and which has been designated as a: Palestine landmark, recorded Texas historic landmark, historic Texas cemetery, Texas subject marker, or state archeological landmark.

Noncontributing property
a building, structure, site, or object within a "historic district" that does not add to the values or qualities of that district, was not present during the period of significance, no longer possesses historic integrity due to alterations or is not independently listed as one of the following: a Palestine historic landmark, on the National Register of Historic Places, a recorded Texas historic landmark, a historic Texas cemetery, a Texas subject marker, or state archeological landmark.

Non-historic property
a building, structure, site, or object that is less than 50 years old and is not associated with events, individuals, construction types or styles of historic significance or is not apt to yield cultural and/or archaeological information. It may be within a historic district or associated with a landmarked property.

NR
National Register of Historic Places.

Palestine Register of Historic Places
a comprehensive list, updated annually, of all historic properties and historic districts within the city limits of Palestine, Texas. The register contains identifying information on historic properties designated under local, state, and national programs, including the name of the property (original owners or business, or another long-time historic period owner), street address, type of property (house, commercial, cemetery, etc.), and date of listing.

Period of significance
the period of time in which a historic district or property attained historical significance. If the property is important for its architectural merits, the period is the date of construction or span of time when developed. If the property is important for association with an individual, the period typically includes the time span during which that individual was associated with the property. If the property is important for its association with a period in history, the period is the years during which the historical events occurred.
Principal improvement or building the primary built improvement, which is the largest and most architecturally significant building to the site or on an individual parcel within the historic district, or other major structure designated as a historic landmark.

Property owner
individuals or other entity listed on the title or with the appraisal district or the representative appointed by such.

Object
a construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue or milepost.

Rehabilitation
the process of returning a property to a state of utility through repair or alteration that makes possible a contemporary use while preserving those features of the property significant to its historical, architectural, or cultural values.

Restoration
the process of accurately recovering the form and detail of a property and its setting as it appeared at a particular time by the removal of later work or the replacement of missing earlier work.

Removal
any relocation of a structure on its site or to another site.

RTHL
recorded Texas historic landmark.

SAL
state archeological landmark.

Secondary historic resources
buildings and structures associated with principle improvements and/or buildings and structures within historic districts and individually designated properties that include, but are not limited to, garages, sheds, wells, barns, carriage houses, foot bridges and other similar auxiliary constructions.

Significant resource
any designated property, district, or landmark as defined in this section. This term may be used interchangeably with landmark or significant property.

Site
any parcel of land located within the city limits of Palestine, Texas, which is considered to be historically significant.

Structure
manmade object designed to enhance human life, but not designed for occupancy, such as fences, wall, bridges, grain elevators, electrical generating plants, sewage treatment plants.

Sec. 39.3.7-3 Appointment of historic preservation officer

The city manager or his designee shall appoint, a qualified city official, or staff person to serve as historic preservation officer (HPO). The HPO should have an interest, knowledge, and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. The HPO shall be empowered to:

1. Administer this ordinance [article] and advise the HLC on matters submitted to it.

2. Maintain and hold open for public inspection all documents and records pertaining to the provisions of this article.

3. Receive and review all applications pursuant to this article to ensure their completeness.

4. Review and take action on all certificates of appropriateness applications subject to administrative review pursuant to this article.

5. Review and forward with any recommendations all applications for certificates of appropriateness subject to review by the HLC pursuant to this article.

6. Ensure proper posting and noticing of all HLC meetings, schedule applications for HLC review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all HLC meetings.

7. Review and help coordinate the city's preservation and urban design activities with those of local, state, and federal agencies and with local, state, and national preservation organizations in the private sector.

Sec. 39.3.7-4 Criteria for Designation of Local Historic Landmarks and Districts

1. Property Register, listed as a recorded Texas historic landmark (RTHL), state archeological landmark (SAL) or listed on the National Register of Historic Places (NR) shall be considered as recognized local landmarks.

2. An individual landmark may be designated if it is at least 50 years old and it substantially complies with two or more of the following:

    a. Possesses significance in history, architecture, archeology, and culture.

b. Associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.

c. Associated with events that made a significant impact in our past.

d. Represents the work of a master designer, builder, or craftsman.

e. Embodies distinctive characteristics of a type, period, or method of construction.

f. Represents an established and familiar visual feature of the city.

3. A district may be designated if it substantially complies with both of the following:

a. Contains properties and an environmental setting which meet two or more of the criteria for designation of a landmark, and

b. Constitutes a distinct section of the city.

Sec. 39.3.7-5 Designation of Local Historic Landmarks and Districts

1. These provisions pertaining to the designation of historic landmarks constitute a part of the comprehensive zoning plan of the City of Palestine.

2. The procedure for designating a historic landmark or to establish or amend a historic district may be initiated by the city, by the individual property owner, or by at least 20 percent of the property owners of a potential district. An application for determination of significance shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule. Buildings, structures, sites, or areas located within the city which substantially complies with the criteria found in section 40-105 may be recommended to planning and zoning and the city council as landmarks or districts by the HLC. The application shall contain:

a. Name, address, telephone number of applicant, and physical address of the individual property, or a petition signed by the owners of at least 20 percent of the properties within a proposed area which otherwise complies with subsection 39.3.7-13 (3).

b. Site plan of the individual property or map indicating the geographic boundaries of the proposed area showing all affected buildings and/or structures.

c. Detailed historic description and background on the property or area.

d. Current photographs of the overall property or area along with any historical photographs, if available.

e. Any other information which the HPO or HLC may deem necessary.

3. Upon receipt of a completed application for determination of significance with the appropriate fees, the HPO shall schedule a hearing at the next available regularly scheduled HLC meeting. Notice of the application shall be mailed to the property owner. Notice for such hearing shall be in the same

manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Palestine.

4. An individual property or area under review by the city for a formal determination of significance is immediately protected by and subject to all of the provisions of this article governing demolition, minimum maintenance standards and penalties until a decision by the city council becomes final under the development code.

5. In the case of an application for a landmark, at the hearing before the HLC, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance of the subject property or area. Other interested parties and technical experts may also present testimony or documentary evidence to support or oppose the application which will become part of a record. The burden of proof shall be upon the applicant. The HLC's final recommendation shall be forwarded to the city council within 30 days after taking action on the application.

6. In the case of an application for a district, petitioners shall be afforded an opportunity to present testimony and evidence to demonstrate the historical significance of the area in accordance with the requirements of this article. Affected property owners, interested citizens, and technical experts may appear and present testimony or documentary evidence to support or oppose the application. All such testimony and evidence shall become part of the record of the HLC in the matter. The burden of proof shall be upon the applicant. After the hearing, notice of the proposal shall be sent to all property owners within the proposed district. The notice shall request each property owner either support or oppose the proposal. The HLC's final recommendation shall be forwarded to planning and zoning commission within 30 days after taking action on the application. The planning and zoning commission shall receive the recommendation, and the response of all property owners to the letter of notice. After a public hearing, the planning and zoning commission shall make its final recommendation for approval or disapproval to city council.

7. The HLC and the planning and zoning commission may hold a joint hearing. If both entities recommend approval of the application, that recommendation shall be immediately referred to the city council.

8. Upon receipt of the final recommendations on the application from the HLC and from the planning and zoning commission, the city council shall act on the application within 30 days. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Palestine.

9. Upon approval of a designation of a landmark or a district by the city council, the designation shall be recorded by legal description on the city's official zoning maps, in the records of real property of Anderson County, and with the tax appraisal office.

10. The applicant or any persons adversely affected by any denial of the HLC, or the planning and zoning commission may appeal the decision to the city council. Appeal requests shall be on forms as prescribed by the city and shall be filed with the HPO within seven days of the decision and scheduled for the next available regularly scheduled city council meeting. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of Palestine. Appeals to the city council shall be limited to issues and arguments raised before the HLC although new evidence may be admitted supporting such issues and

arguments subject to a finding of good cause by the city council for a party's failure to proffer such evidence before the HLC. Appeals may attack the decision of the HLC only on the grounds of arbitrariness, capriciousness, or illegality.

11. Historic landmarks owned by religious organizations.

    a. If a building, structure, site, or object is owned by a religious organization, it may not be designated as a Palestine Historic Landmark if the religious organization shows that the designation will substantially burden the religious organization's exercise of its religious beliefs.

    b. If a building, structure, site, or object is owned by a religious organization, it may not be included in a Palestine Historic District if the religious organization shows that the designation will substantially burden the religious organization's exercise of its religious beliefs.

    c. In order to qualify for the exception is this subsection, a religious organization must show that the substantial burden on the religious organization's exercise of its religious beliefs cannot be avoided by use of the exceptions of subsections 39.3.7 - 11 (5) and 39.3.7 - 12 (3).

Sec. 39.3.7-6 Minimum Maintenance Standards

1. It is a violation under the development code that an owner or person with an interest in real property designated as a landmark or a property located within a district shall cause or allow the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which in the judgment of the HLC would create a detrimental effect upon the historic character of the landmark or district.

2. Examples of serious disrepair or significant deterioration include, but are not limited to:

    a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

    b. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.

    c. Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.

    d. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

    e. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

    f. Rotting, holes, and other forms of material decay, including, but not limited to, damage by termites or other insects.

    g. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delaminating, instability, loss of shape and form, or crumbling.

h. Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.

i. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

Sec. 39.3.7-7 Procedure to Mitigate Demolition by Neglect

The HPO and the development services department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within historical districts in the city. If a property is determined by the HLC to be in a state of demolition by neglect, the HPO/HLC shall refer the property to the appropriate city authority.

Sec. 39.3.7-8 Ordinary Maintenance

Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance that require the issuance of a building permit. In-kind repair/replacement and repainting is included in this definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted. The HPO may decide what changes constitutes "ordinary maintenance."

Sec. 39.3.7-9 Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts

No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any landmark or any property within a district, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from any public right-of-way which affect the appearance and cohesiveness of any landmark or any property within a district without a certificate of appropriateness application. The application must be reviewed and approved by the HPO or the HLC prior to the issuance of any building permit involving any landmark or property located within a district. The application shall be required in addition to, and not in lieu of, any required building permit.

Sec. 39.3.7-10 Review Criteria for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts

In considering an application for a certificate of appropriateness, the HPO and the HLC shall review it for compliance with the Secretary of the Interior's Standards for Rehabilitation and any applicable adopted design guidelines previously ratified by the city council. The standards and any applicable adopted design guidelines shall apply in all zones within the city bearing the suffix "HD" or individual properties bearing the suffix "HL."

All review criteria shall be made available to the applicant, property owners of landmarks and properties located within districts. The HLC shall promulgate and make recommendations to update the adopted design guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until ratified by the city council.

Sec. 39.3.7-11 Procedure for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts

1. The procedure for obtaining a certificate of appropriateness may be initiated by the city for all city-owned landmarks or proposed work within a district, or by the individual property owner of the subject

landmark or for a property located within a district. The application must be submitted for review and approved by the HPO or the HLC prior to the commencement of any work. An application for certificate of appropriateness shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.

2. The application shall contain:

    a. Name, address, telephone number of applicant, and physical address of the individual property.

    b. Site plan of the individual property or map indicating the area of the proposed work showing all affected buildings and/or structures on the site.

    c. Scaled elevation drawings of the proposed changes, when necessary.

    d. Photographs of existing conditions as well as any historical photographs, if available.

    e. Samples of proposed materials and/or products to be used.

    f. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.

    g. Any other information which the HLC may deem necessary in order to visualize the proposed work.

3. Administrative design review affecting landmarks and properties located in districts.

    a. Upon receipt of a certificate of appropriateness application which is complete, the HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and the adopted design guidelines.

    b. The HPO may approve administratively the following certificates of appropriateness:

        i. Emergency repairs;

        ii. Repairs with like materials;

        iii. Any category of construction, reconstruction, alteration, restoration, rehabilitation, repair, or relocation that the HLC has determined, in advance, is appropriate for administrative approval.

    c. All other requests [for] certificates of appropriateness will be presented for approval to the HLC. If approved, a COA shall be issued immediately.

    d. If no action has been taken by the HPO within 60 days of the original receipt of the application, a certificate of appropriateness shall be deemed issued by the HPO.

e. The applicant or any persons adversely affected by the determination of the HPO may appeal the decision to the HLC. Appeal requests shall be filed in writing to the HPO within ten days of the HPO's decision. The HPO must schedule the appeal for a public hearing at the next available regularly scheduled HLC meeting. Appeals to the HLC shall be considered only on the record made before the HPO.

4. HLC design review affecting landmarks and properties located in districts.

   a. The HPO shall schedule a public hearing at the next available regularly scheduled HLC meeting. The HPO will notify the owner of where and when their application will be reviewed at least 72 hours before such meeting. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act.

   b. The HLC may take action to approve, postpone requesting additional information for a period of up to 90 days or deny the application. If no hearing is conducted within 90 days of receipt of the complete application by the HPO, a certificate of appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing.

   c. If approved, the HPO shall issue a certificate of appropriateness to the applicant within five days. Any specific conditions of approval made by the HLC shall be attached to the construction documents prior to the issuance of any building permits. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO or HLC. An applicant must obtain a building permit within one year from the date of issuance of a certificate of appropriateness, or the certificate of appropriateness shall lapse and no longer have any effect, except it may be submitted for reconsideration.

   d. The applicant adversely affected by any denial of the HLC regarding a certificate of appropriateness may appeal the decision to the city council. All requests shall be filed in writing to the HPO within ten days of the HLC's decision. The HPO shall place the appeal request on the next available council meeting.

5. Special criteria for religious organizations under federal law.

   a. In determining how to use its discretion in issuing certificates or appropriateness under this Sec. 39.3.7- 11, the historic landmarks commission, the planning and zoning commission, and the city council shall take into consideration whether its action will substantially burden a religious organization's exercise of its religious beliefs and shall avoid taking any action which imposes such a burden.

   b. It shall be the burden of the religious organization to present evidence that the proposed action will impose a burden on the religious organization's exercise of its religious beliefs.

Sec. 39.3.7-12 Demolition of Landmarks

1. It is the intent of this and succeeding sections to preserve the historic and architectural resources of the city through limitations on demolition and removal of landmarks to the extent it is economically feasible, practical, and necessary. The demolition or removal of historic buildings and structures diminish the character of the city, and it is strongly discouraged. However, non-remediable structural deterioration, economic hardship, and other factors not within the control of the property owner may

necessitate demolition or removal of a historic building structure. Removal from a site is always preferable to demolition.

2. Removal or repair of hazardous or dangerous landmarks.

    a. If the building official determines a landmark to be structurally unsound and a hazardous or dangerous building pursuant to the provisions found in the city's adopted building code, the building official shall be required to provide written notice to the HLC of the ordered removal or repair of the landmark prior to taking such action.

    b. The provisions contained in V.T.C.A., Local Government Code § 214.00111, provides additional authority to the city to preserve substandard historic buildings and are effective immediately upon designation as a certified local government by the U.S. Department of the Interior, National Park Service and Texas State Historic Preservation Officer as provided by 16 U.S.C., Section 470 et seq.; and

    c. The property owner of the demolished landmark removed under this procedure is subject to the penal- ties found in section 39.3.7 – 19 herein.

Sec. 39.3.7-13 Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts

1. No person shall carry out the demolition of a landmark or property within a district, including secondary buildings and landscape features that are not previously deemed a hazardous or dangerous building by the building official, without the review and approval of a certificate of appropriateness for demolition by the HLC. A COA shall be required in addition to, and not in lieu of, any building permits required.

2. In the absence of a determination by the building official of the subject property as a hazardous or dangerous building, the HLC may consider an application for a certificate of appropriateness for demolition or removal of a landmark located within a district, only in the event of one or more of the following:

    a. The subject property of the application is not a recognized landmark.

    b. The subject building, structure or object is an accessory building or landscape feature that is not integral to the historic interpretation or integrity of the landmark.

    c. The applicant is requesting a certificate of appropriateness for demolition of a landmark on the basis of economic hardship pursuant to Sec. 39.3.7-15.

    d. The subject building, structure or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owners.

3. Special criteria for religious organizations under federal law.

    a. In determining how to use its discretion in issuing certificates or appropriateness under this section 40- 114, the historic landmarks commission, the planning and zoning commission, and the city council shall take into consideration whether its action will substantially burden a

religious organization's exercise of its religious beliefs and shall avoid taking any action which imposes such a burden.

b. It shall be the burden of the religious organization to present evidence that the proposed action will impose a burden on the religious organization's exercise of its religious beliefs.

Sec. 39.3.7-14 Procedure for Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts

1. The procedure for obtaining a certificate of appropriateness for demolition may be initiated by the city for all landmarks or properties within a district, or by the individual property owners of the subject landmark or property within a district. The complete application must be submitted to the HPO for review and approval by the HLC prior to the commencement of any work. An application for certificate of appropriateness for demolition or removal shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.

2. The application shall contain:

   a. Name, address, telephone number of applicant, and physical address of the individual property.

   b. Site plan of the individual property or map indicating the area of the proposed demolition showing all affected buildings and/or structures on the site.

   c. Photographs of existing conditions as well as any historical photographs, if available.

   d. All future development plans for the property, if available.

   e. Any other information which the HLC may deem necessary pursuant to section 39.3.7 - 15 of this article.

   f. In the event of a removal, the site to which the relocated structure shall be moved and finally re-erected.

3. An individual property under review by the city for a certificate of appropriateness for demolition or removal shall be protected by and subject to all of the provisions of this article governing demolition, minimum maintenance standards and penalties until a final decision by the HLC becomes effective, and it shall be a violation under this article to proceed with demolition or removal while a certificate of appropriateness for demolition or removal is pending approval or disapproval.

4. The procedure for a certificate of appropriateness for demolition application involving a claim of economic hardship shall be as follows:

   a. Upon receipt of a completed certificate of appropriateness for demolition application, the HPO shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in section 39.3.7 - 15 herein.

   b. Upon receipt of a completed certificate of appropriateness involving a claim of economic hardship and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next regular or special meeting of the HLC, provided that at least seven days'

notice of the hearing is provided. The owner shall be required to stabilize and secure the property subject to the penalties of this article until a final decision by the HLC.

c. The HLC shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that standards for economic hardship and the criteria for review have been met. The burden of proof shall be upon the applicant. If the HLC does not hold the initial review within 90 days of receipt of the application, a certificate of appropriateness for demolition may be granted.

d. In considering the application, the HLC may take action to postpone the application in order to establish a stay of demolition period, during which time the owner shall allow the city to post a sign stating that the property is subject to demolition. Said sign shall be a minimum of three feet wide by two feet tall but must be readable by a person of ordinary visual acuity from a point of public access. The owner must seek in good faith with the city local preservation organizations and interested parties an alternative that will result in the rehabilitation of the landmark.

e. At the end of the 180 days, if prior negotiations are unsuccessful and the request for demolition stands, the HPO shall schedule a second public hearing on the application at the next available regularly scheduled HLC meeting pursuant to the same manner described above in subsection b).

f. At the end of the second hearing, the HLC may take action to approve, postpone action pending receipt of requested additional information from the applicant or deny the application. If no hearing is scheduled within 60 days of the end of the stay period, a certificate of appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing.

g. If approved, the HPO shall issue a certificate of appropriateness to the applicant with the written findings of fact, conclusions of law and any specific conditions of approval (if any) supporting the decision. The approval shall be valid for one year from the hearing date of the HLC's final decision. The historic property shall immediately be removed from the city's inventory of historic properties the official public records of real property of Anderson County and the official zoning maps of the city.

    i. Prior to demolition, the city may as a condition of approval require the owner to provide documentation of the demolished historic property at the owner's expense in accordance with the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey, or other information as specified.

    ii. Forward a recommendation to the planning and zoning commission to place limitations on future development on the subject property in regard to square footage, building footprint, scale mass, height, setbacks, etc. of the demolished landmark to help ensure infill that is architecturally compatible.

    iii. Approval for the demolition of a structure may be conditioned upon the construction of an acceptable replacement structure, or landscape or park plan. A bond or other

financial guaranty in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan.

iv. The city may also require the owner to incorporate an appropriate memorialization of the building, structure, or site such as a photographic display or plaque into any proposed future development project on the property.

h. Denial of a certificate of appropriateness application for demolition involving economic hardship shall prevent the owner from demolishing the property or reapplying for another certificate of appropriateness application for demolition for a period of three years from the hearing date of the HLC's final decision unless substantial changes in circumstances have occurred other than resale of the property or those caused by acts beyond the control of the owner. It shall be the responsibility of the owner to stabilize and maintain the minimum maintenance standards for the property so as not to create a hazardous or dangerous building as identified in subsection 39.3.7 – 12. 2.a) herein.

i. The city may continue to provide the owner with information regarding financial assistance for the necessary rehabilitation or repair work as it becomes available.

j. The owner may appeal the decision of the HLC to the city council. Appeal requests shall be filed in writing to the HPO within ten days of the HLC's decision. The city council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city. Appeals to the city council shall be considered only on the record made before the HLC and may only allege that the HLC's decision was arbitrary, capricious, or illegal.

Sec. 39.3.7-15 Economic Hardship Involving Certificates of Appropriateness for Demolition Affecting Landmarks

1. No certificate of appropriateness for demolition involving a claim of economic hardship may be approved, nor shall a demolition permit be issued by the city unless the owner proves compliance with the following standards for economic hardship:

    a. The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.

    b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.

    c. Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.

    d. The property cannot be moved or relocated to another site similar site or within the district.

2. The city shall adopt by resolution separate criteria for review in considering claims of economic hardship for investment for income producing and non-income producing properties, as recommended by the HLC. Non-income properties shall consist of owner-occupied single-family dwellings and non-income-producing institutional properties. All standards for review shall be made available to the

owner prior to the hearing. The information to be considered by the city may include, but not be limited to the following:

a. Purchase date, price, and financing arrangements;

b. Current market value;

c. Form of ownership;

d. Type of occupancy;

e. Cost estimates of demolition and post demolition plans for development;

f. Maintenance and operating costs;

g. Inspection report by licensed architect, structural engineer, or contractor having experience working with historic properties;

h. Costs and engineering feasibility for rehabilitation;

i. Property tax information;

j. Rental rates and gross income from the property;

k. Other additional information as deemed appropriate.

3. Claims of economic hardship by the owner shall not be based on conditions resulting from:

a. Evidence of demolition by neglect or other willful and negligent acts by the owner;

b. Purchasing the property for substantially more than market value at the time of purchase;

c. Failure to perform normal maintenance and repairs;

d. Failure to diligently solicit and retain tenants;

e. Failure to provide normal tenant improvements.

4. Throughout the process, the applicant shall consult in good faith with the HPO, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be demonstrated to the HLC at the hearing.

Sec. 39.3.7-16 Other Regulations in Historic Districts

To the extent provided for in the development code, the HLC may approve landscaping plans, offsite parking plans, and signage plans which are alternatives to strict compliance with the general provision for the City of Palestine, but which preserve and maintain the character of the historical district or the historical landmark. The HLC shall adopt rules, and guidelines, which shall become effective following review by the planning and zoning commission and ratified by the city council.

Sec. 39.3.7-17 Incentives

The City of Palestine has determined that this historical district is in need of tax relief to encourage reinvestment, preservation, and renovation of this area. In order to accomplish this goal, tax abatement on part of the assessed value of such structures once they have been restored or renovated, as well as other forms of incentives are necessary. In accordance with state law, the city council finds that any building, site, or structure which meets the definition of a landmark may be given tax relief for a period of five years to encourage preservation. Such properties which are substantially rehabilitated or restored as certified by the HLC and approved by the city tax assessor-collector, may have an assessed value for ad valorem taxation.

Sec. 39.3.7-18 Enforcement

All work performed pursuant to a certificate of appropriateness issued under this article shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the HLC and verification by the HPO, the building inspector shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to appear at a hearing before the HLC at the next regularly scheduled meeting to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work is in effect until a decision is rendered by the HLC on the application. Each day of work performed while a stop-work order is in effect is a separate violation under this Code.

Sec. 39.3.7-19 Penalties

1. It shall be unlawful to construct, reconstruct, significantly alter, restore, or demolish any building or structure designated as a landmark or in a designated district in violation of the provisions of this article. The city in addition to other remedies may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, significant alteration or demolition to restrain, correct or abate such violation or to prevent any illegal act business or maintenance in and about such premises including acquisition of the property.

2. Any person firm or corporation violating any provision of this article shall be guilty of a class C misdemeanor punishable by a fine of not less than $250.00 or more than $2,000.00. Each day the violation continues shall be considered a separate offence. Such remedy under this section is in addition to the abatement restitution.

Article IV. Administration and Review Procedures
Division 1. Decision Making Entities

Sec. 39.4.1-1 City Manager or His/Her Designee

1. The city manager is hereby designated by the City Council as the administrative official to supervise the administration and enforcement of these regulations. The city manager may appoint a designee to help him/ her with the duty of administering the provisions of this zoning ordinance and securing compliance therewith. The city manager or his/her designee in the furtherance of his responsibilities shall:

    a. Make such inspections as may be necessary to effectuate the purpose and intent of this ordinance and to initiate appropriate action to bring about compliance with this ordinance if such inspection discloses any instance of noncompliance.

    b. Investigate thoroughly any complaints of alleged violations of this ordinance and indicate clearly in writing as a public record in his office the disposition made of such complaint.

    c. Order in writing as set out in this Chapter 39 the remedy of all conditions or violations of the ordinance found to exist in or on any premises.

    d. State in the violation order a time limit for complaints herewith as hereinafter set out.

    e. Request the assistance of the city attorney in taking appropriate legal action upon the failure of the responsible party to comply with such violation order within the time specified therein.

2. Whenever the city manager or his/her designee determines that a violation of this ordinance exists, he/she shall act as follows:

    a. Give written notice of the violation to the occupant and the owner shown on the most recent tax roll of the city, and to the holder of the certificate of occupancy if different from both the occupant or owner.

    b. The notice shall include:

        i. A description of the location of the property involved, either by street address or by legal description;

        ii. A statement indicating the nature of the violation and reason or reasons why the notice of violation is issued;

        iii. A specification of the section or sections of this ordinance upon which the notice of violation is based;

        iv. A general description of the things that are required to be done in order that the premises comply with the provisions of this ordinance;

v. A statement showing the time within which the work must be accomplished to comply with the provisions of this ordinance, which requirement as to time may not be less than ten days nor more than 90 days from the date of such written notice;

vi. The name or names of the persons upon whom the notice of violation is served;

vii. A statement advising that, upon the failure to comply with the requirements of the notice, the city shall take such enforcement procedures as may be required under this ordinance to secure compliance and to punish for continued violation;

c. A statement advising of the procedures available for review of the action of the city manager or his/her designee as set out in this Chapter 39.

i. Issuance of the notice:

ii. Service of the written notice required by this ordinance shall be deemed complete if personally delivered to the person or persons required under the provisions of this ordinance to be served with such notice, and if the same cannot be personally delivered within the city, then service shall be deemed complete upon sending same by certified mail, return receipt requested, to the last known address of such person or persons and by posting a copy of such notice in a conspicuous place on the premises.

iii. The city manager or his/her designee shall endorse on the copy of the written notice forwarded to the city manager or his/her designee the manner of service of the notice or notices as are hereby required.

iv. When any written notice of violation shall become an order, either because a petition for review of the decision of the city manager or his/her designee has been taken and the decision of the enforcing official has not been reversed, then such order shall be executed by the city manager or his/her designee.

v. If such order is not complied with within the time specified in the order, then the city manager or his/her designee shall use all available means of enforcement to secure compliance.

3. Revocation of certificate of occupancy.

a. When any notice has been issued and such notice becomes an order within the terms of this Chapter 39, the certificate of occupancy shall be automatically revoked as to those premises covered by such order.

b. It shall be unlawful for any person to occupy or use any premises as to which the certificate of occupancy has been revoked, except that use is permitted in the process of restoring and bringing about compliance with the ordinance. Any person convicted of violating this provision shall be punished as provided in Chapter 39. Each day such violation continues shall constitute a separate offense.

4. The city manager or his/her designee shall appoint, a qualified city official, or staff person to serve as historic preservation officer (HPO). The HPO should have an interest, knowledge, and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. The HPO shall be empowered to:

    a. Administer this ordinance [article] and advise the HLC on matters submitted to it.

    b. Maintain and hold open for public inspection all documents and records pertaining to the provisions of this article.

    c. Receive and review all applications pursuant to this article to ensure their completeness.

    d. Review and take action on all certificates of appropriateness applications subject to administrative review pursuant to this article.

    e. Review and forward with any recommendations all applications for certificates of appropriateness subject to review by the HLC pursuant to this article.

    f. Ensure proper posting and noticing of all HLC meetings, schedule applications for HLC review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all HLC meetings.

    g. Review and help coordinate the city's preservation and urban design activities with those of local, state, and federal agencies and with local, state, and national preservation organizations in the private sector.

Sec. 39.4.1-2 Planning & Zoning Commission
See City of Palestine Code of Ordinances, Chapter 2. Administration, Article IV. Boards, Committees, Commissions.

Sec. 39.4.1-3 Board of Adjustment
See City of Palestine Code of Ordinances, Chapter 2. Administration, Article IV. Boards, Committees, Commissions.

Sec. 39.4.1-4 Historic Landmark Commission
See City of Palestine Code of Ordinances, Chapter 2. Administration, Article IV. Boards, Committees, Commissions.

Sec. 39.4.1-5 Main Street Advisory Board
See City of Palestine Code of Ordinances, Chapter 2. Administration, Article IV. Boards, Committees, Commissions.

Sec. 39.4.1-6 Zoning Ordinance Steering Committee
See City of Palestine Code of Ordinances, Chapter 2. Administration, Article IV. Boards, Committees, Commissions.

Division 2. General Procedures and Amendments

Sec. 39.4.2-1 Summary of Procedures

Table 39.4.2-1a below summarizes the land use and development procedures in this Chapter and identifies the bodies that have review and decision-making responsibilities for each procedure. Other agencies and outside authorities may be asked by the City manager or his/her designee, Planning and Zoning Commission, or City Council to review certain applications.

R = Review. Responsible for a review and a recommendation.
D = Decision. Responsible for the final decision on matter, approval, or denial.
A = Appeal. Authority to hear and decide upon appeal requests.
PH = Public Hearing. A public hearing is required at this step.

Procedures	Staff	P&Z	City Council	Board of Adjustments
Rezoning	R	R/PH	D/PH	-
Special Use Permit (SUP)	R	R/PH	D/PH	-
Planned Unit Development (PD)	R	R/PH	D/PH	-
Site Plan	D	A/PH	A/PH	-
Waiver	R	R/PH	D/PH	-
Zoning Ordinance (text and/or map Amendment)	R	R/PH	D/PH	-
Building Permit	D	-	-	A/PH
Sign Permit	D	-	-	A/PH
Special Exception	R	-	-	D/PH
Variances	R	-	-	D/PH
Amortization (closing a nonconforming use)	R	-	-	D/PH

Sec. 39.4.2-2 Application Submission, Contents, and Fees

1. Applications. Information concerning submittal requirements, contents, and fees are available at the Permit Window in Palestine's City Hall. All applications required by this section shall be submitted to the Development Services Department, unless otherwise specified.

2. Authority to File Applications. The person having legal authority to take action according to the approval sought shall file an application for development review or approval under this ordinance. The person having legal authority is presumed to be the record owner, purchaser under a sale or option to

purchase, or the duly authorized agent of the record owner. Agents may only submit applications where the owner indicates con- sent in writing.

3. Contact Person.

    a. Contact. The applicant shall designate one person on the application as the primary contact person. The City Manager or his/her designee will communicate with the contact person about the application and review procedures. It is the contact person's responsibility to inform the owners or applicant of such information.

    b. Changes. The applicant shall notify the City Manager or his/her designee in writing if there is to be a change in the contact person. The City Manager or his/her designee will continue to communicate with the designated contact person until the notice of change has been received.

4. Application Contents and Fees.

    a. The City Manager or his/her designee is authorized to establish submittal requirements for all development applications required by the Zoning Ordinance and to update and amend such requirements as necessary to ensure effective and efficient review.

    b. Applicants shall refer to the Development Services Department for submittal requirements for each type of development application. The applicant shall provide any additional information, documents, or other material relevant to the application that the City Manager or his/her designee reasonably believes is necessary to evaluate, analyze, and understand the subject matter of the application.

    c. The City Manager or his/her designee may waive, or recommend that certain submittal requirements are waived, to reduce the burden on the applicant and to tailor the requirements to the information necessary to review an application. The City Manager or his/her designee may waive, or recommend waivers, to the application content in cases where the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly justify such waiver.

    d. Non-refundable fees are required at the time of the filing of any development application and are payable to the city in accordance with the fee schedules adopted by City Council. The City Council may re- quire, in addition to the fees above, that the applicant pay all or a portion of the reasonable fees charged by private consultants retained by the city for the purposes of reviewing the application and advising city officials. The City Manager or his/her designee will notify the applicant prior to retaining any such consultant and the necessary required fees.

    e. The city shall adopt and amend from time to-time a fee schedule setting forth an assessment of fees to defray the cost of processing development applications under this section. The fee schedule, as amend- ed, can be found at the Development Services Department. At the time of submittal, all applications shall include required fees.

Sec. 39.4.2-3 Completeness Review

1. All application submissions must be complete prior to any processing by the City Manager or his/her designee. A complete application includes all the submittal information identified on the application

form and any items or exhibits requested by the City Manager or his/her designee that are consistent with the standards and requirements of the Zoning Ordinance. A complete application is also accompanied by the applicable fee.

2. An application shall be considered officially submitted when a hand submitted copy of the application duly signed by the person with legal authority and accompanying fees is presented to the City Manager or his/ her designee at the City of Palestine City Hall on a business day during normal office hours. Under no other circumstances shall an application be considered submitted.

3. An incomplete application shall be denied. The acceptance of an application for completeness review does not bind the city to accept an incomplete application.

4. The City Manager or his/her designee shall determine whether an application is complete no later than 10 calendar days after the official submission of the application. Staff shall make their determination of an incomplete application in writing. An e-mail to the applicant shall be considered a determination in writing.

Sec. 39.4.2-4 Administrative Review

1. In addition to internal review, Development Services staff may distribute the complete application to other departments and to any other appropriate governmental or quasi-governmental agencies and bodies to solicit comments and ensure that the proposal complies with all applicable standards, requirements, and review criteria. The applicant shall be responsible for submitting any additional information or revised plans required by staff or the referral agencies in a timely manner. As applicable, the review and decision-making bodies shall consider the services and facilities provided by the referral agencies as a factor in approval of the complete application. The criteria for evaluating sufficiency of the services that must be satisfied for the approval of the application shall be provided to the review and decision-making bodies as a part of any referral response.

2. Referral agencies shall comment in writing after receiving a complete application. The failure of any agency to respond shall be considered "no comment" on the application by that agency. As applicable, referring agencies will provide the review and decision-making bodies with a summary of any capacity evaluation study that assesses the availability of city-provided facilities or services to the proposed development. The summary will include an explanation of the agency's assumptions regarding available capacity.

3. The City Manager or his/her designee and referral agencies shall use best efforts to identify all major issues and to request additional information, data, or reports from the applicant during the review period described above. This provision shall not be interpreted to preclude the City Manager or his/her designee or referral agencies from requesting revisions or corrections to previously submitted materials if such materials are subsequently found to be inaccurate, incomplete, or if subsequent plan revisions do not comply with this section or other requirements of the zoning ordinance.

4. The City Manager or his/her designee shall prepare a written report summarizing the review process and provide a recommendation on the application, when not serving as the approval authority. When the City Council is the approval authority, a Planning and Zoning Commission recommendation will also be forwarded for consideration.

Sec. 39.4.2-5 Review and Action by City Authorities

1. The proper review authority (City Manager or his/her designee, Planning and Zoning Commission, City Council, or Board of Adjustment) is established for each type of application procedure in outlined in this Article. The review authority shall evaluate the application, referral comments, staff report, and public testimony, if any, and make a recommendation to the decision-making authority to approve, approve with conditions, continue for additional information or for further study, or deny the application.

2. The review authority's recommendation shall be based on the evidence presented and compliance with the general review criteria identified in Section 39.4.2-6 below and the specific review criteria for each process outlined in this Article.

3. The proper decision-making authority (City Manager or his/her designee, Planning and Zoning Commission, City Council, or Board of Adjustment) is established for each type of procedure in the specific review procedures (see Table 39.4.2 – 1a).

4. A decision-making authority may take action on an application or appeal by approving, approving with conditions, continuing, or holding for additional information or for further study, or denying the application or appeal.

5. The review authority's final action shall be based on the evidence presented and compliance with the general review criteria identified in Section 39.4.2-6 below and the specific review criteria for each process outlined in this Article.

6. An applicant shall have the right to withdraw an application, without prejudice, at any time prior to action on the application at a public hearing or meeting. The applicant shall submit in writing the withdrawal request to the City Manager or his/her designee, and after such withdrawal, the city will not take further action on the application. The application shall be considered terminated, and no rights shall vest based on the application. To re-initiate review, the applicant may resubmit the application; in all respects, it shall be treated as a new application for purposes of review, scheduling, and payment of application fees. Withdrawal of an application from a public hearing or meeting agenda is at the review or decision-making authority's discretion.

7. The review or decision-making authority may continue the public hearing for its consideration of the application for a definite time not to exceed 60 days unless a longer period is agreed to by the applicant in writing or at a public hearing. The continuance may be granted by the review or decision-making authority on its own initiative or at the request of the applicant or affected property owners. A review or decision-making body may also deny a request for continuation.

8. As part of its consideration of the application, the review or decision-making authority may, as a group or through a committee appointed for that purpose, inspect the site of the proposed development activity. The site visit may occur at any time prior to the review or decision-making authority's final recommendation or action on the application. Attendance at a site visit by a quorum of the subject review or decision-making authority membership shall be properly noticed according to law.

9. Recommendations or decisions at the conclusion of any required public hearing shall be accompanied by written findings of fact addressing how the application does or does not comply with the general review criteria or specific review criteria stated in the Zoning Ordinance for that type of application.

All findings of fact shall be based on information contained in the application, staff report, or evidence submitted or arising during the public hearing.

10. Conditions may be attached to approvals, subject to the following provisions.

    a. The review or decision-making authority may recommend or impose such conditions upon the subject development as is necessary to carry out the general purpose and intent of the Zoning Ordinance. Conditions and additional information requirements shall be in written form and attached to the approved ordinance, site plan, or permit.

    b. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development and shall be based upon the review criteria specified in each procedure.

    c. The decision-making authority may place specific time limits on the satisfaction of any condition of approval. If a time limit is not specified by Chapter 245 of the Texas Local Government Code, in the approval, or in the specific provisions of the Zoning Ordinance, a one (1) year time limit shall apply.

    d. The decision-making authority may require financial guarantees from the applicant where it finds such guarantees are necessary to ensure compliance with conditions of approval and protect the public health, safety, or welfare. The city shall release such guarantees when the City Manager or his/her designee has determined that all conditions attached to the approval have been or will be satisfied.

    e. Conditions of approval shall be met or financial guarantees provided prior to the issuance of a certificate of occupancy or the appropriate final permit required by the city.

Sec. 39.4.2-6 General Review Criteria

1. Unless otherwise specified in this section or the specific procedure, city review and decision-making bodies shall review all development applications submitted pursuant to this section for compliance with the general review criteria stated below. The application may also be subject to additional review criteria specific to the type of application.

2. In case of conflict between the general review criteria set forth in this section and the specific review criteria, the specific review criteria shall apply.

3. A development application must follow these review criteria prior to the issuance of a certificate of occupancy or the appropriate final permit required by the city unless these are in conflict with specific criteria provided elsewhere in this Article and/or unless otherwise provided for in the development approval. These general review criteria are:

    a. Consistency with Comprehensive Plan. The proposal is consistent with the City of Palestine Comprehensive Plan and any applicable adopted plan. The decision-making authority shall weigh competing plan goals, policies, and strategies and may approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the City of Palestine Comprehensive Plan or other applicable plans.

b. Compliance with Use and Development Standards. The proposal complies with all applicable use standards, site development standards, design standards, subdivision standards, public improvement standards, floodplain management standards, and all other applicable substantive standards stated in the Zoning Ordinance, or other applicable city code. Such compliance shall be applied at the level of detail required for the subject submittal, and those standards which are not otherwise modified, varied, or waived as allowed by the Zoning Ordinance.

c. Compliance with Other Applicable Regulations. As applicable, prior to final approval of the proposed development pursuant to the Zoning Ordinance, the proposed development complies with all other city regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.

d. Minimize Adverse Environmental Impacts. The proposed development meets or exceeds all environmental protection standards of the Zoning Ordinance and other city codes and is designed to minimize negative impacts and does not cause significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, scenic resources, wildlife habitat, soils, native vegetation, and the natural functioning of the environment.

e. Minimize Adverse Impacts on Surrounding Property. The proposed development protects the existing character of neighboring properties and uses and does not cause significant adverse impacts on surrounding properties.

f. Minimize Adverse Fiscal or Economic Impacts. The proposed use will not result in significant adverse fiscal or economic impacts on the city.

g. Compliance with Utility, Service, and Improvement Standards. As applicable, the proposed development complies with federal, state, county, and/or service district standards and design/construction specifications for roads, access, drainage, water, sewer, schools, and emergency/fire protection.

h. Provide Adequate Road Systems. There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

Sec. 39.4.2-7 Public Notice Requirements

1. Unless otherwise stated in the Zoning Ordinance, notice for all public hearings shall be given pursuant to this section. Notice may be written (mailed), and/or published (newspaper), as further described in this section. Agenda notice shall be posted and published on a Board at City Hall and on the City's website a minimum of 72 hours prior to a meeting.

2. Published Notice. When the provisions of the Zoning Ordinance require that notice be published, the city shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation that has been selected by the city. Notice of the public hearing shall be given by publication one time of a legal notice in a newspaper of general circulation in the city at least 16 days prior to the date of the hearing.

3. Written Notices. When the provisions of the Zoning Ordinance require that written or mailed notice be provided, the City Manager or his/her designee shall be responsible for preparing and mailing the written notice, in accordance with the following:

    a. Written notice of a public hearing shall be mailed at least 11 days in advance of the public hearing.

    b. The owner of the property, and all owners of real property, as shown by the most recent tax roll of the city, within 200 feet of the property on which the approval is sought shall be notified of the public hearing by mail.

    c. The written notice shall contain the following information:
        i. The date, time, and place of the hearing.
        ii. A description reasonably calculated to inform a person of the location of the property which is the subject of the hearing.
        iii. The sections of the code pertinent to the hearing procedure.
        iv. A statement that written documents may be examined and written comments accepted during normal business hours in the office of the city secretary at city hall. E-mailed statements to the City will be considered in lieu of written documents mentioned above.

    d. Mailed notice to property owners shall be required only for the initial presentation of the proposed development at a public hearing. Additional mailed notice in the case of a continuance or other situation where the hearing is continued with a specific future date, and/or a decision is deferred to a future date at the initial public hearing shall not be required unless otherwise directed by the City Council.

    e. The applicant shall be responsible for paying any additional fees for the purposes of re-notifying adjacent property owners if the hearing is deferred or continued at the applicant's request. The City Manager or his/her designee shall be responsible for preparing and mailing additional notices.

    f. If an item scheduled for initial presentation at a public hearing is withdrawn by the applicant without having been presented, then the applicant shall pay any additional fees for the purposes of re-notifying adjacent property owners of the future meeting at which the item will be considered in accordance with this section.

Sec. 39.4.2-8 Text and Map Amendments

1. This section shall apply to zoning ordinance amendments on more than one property with different owners. The zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified, or repealed and shall be deemed to amend, supplement, change, modify, or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan.

2. Amendment initiation. Any citizen, City Manager or his/her designee, or members of any Boards or Commission may petition the city council for a change or amendment to the provisions of this ordinance or the planning and zoning commission may on its own motion or on request from the city council, institute a study and proposal for changes and amendments in the public interest.

3. Procedure. All requests for amendments to zoning district boundaries and specific uses shall be submitted to the City Manager or his/her designee which shall cause notices to be sent as required by law and the application placed on the planning and zoning commission agenda. The city council may refer proposed amendments to the planning and zoning commission for recommendation. Before taking any action on any proposed amendment, supplement, or change, the city council shall submit the same to the planning and zoning commission for its recommendation and final report.

4. Application and fees. All applications for amendments under this section shall be accompanied by an application fee for processing amendments which are heard before the planning and zoning commission and the city council. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In the event that the amendments have been initiated by the City Manager or his/her designee, Planning and Zoning Commission, or the City Council there shall be no fee.

5. All applications shall contain the following information:

    a. Accurate legal description of the subject property which is either a lot and block number to a plat of record in the Anderson County deed records or a metes and bounds description which will close and properly identify the property;

    b. Location and street address of subject property;

    c. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;

    d. Current zoning classification;

    e. Current status of development of subject property including general statement of its development and description of all existing improvements;

    f. The desired zoning classification;

    g. Applicant's reasons for desiring zoning change;

    h. Existing deed restrictions, proposed deed restrictions;

    i. Current status of planning and proposed development and time required for proposed development; and

    j. Surveyor's map or plat of the proposed property if deemed necessary by the city building inspector;

6. Notice and Public hearing before the planning and zoning commission. The planning and zoning commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation report to the city council.

a. In the event the change affects less than 1/4th area of the City:

i. Notice of the public hearing before the planning and zoning commission shall be given by posting an agenda in conformance with the Texas Open Records Act.

ii. Written notice of all public hearings before the planning and zoning commission on a proposed amendment or change shall be sent to all owner(s) of real property that will be affected and to the owner(s) of real property lying within 200 feet of the properties on which the change is requested/being considered including the area of any intervening streets. Such notice shall be mailed 11 days before the date set for hearing by posting such notice, properly addressed and postage paid, to each property owner as ownership appears on the last approved city tax roll.

iii. Notice shall also be published in the newspaper of record 16 days before the date set for the hearing.

7. In the event the change affects the overall City and/or more than 1/4th area of the City:

a. Notice of the public hearing by posting an agenda in conformance with the Texas Open Records Act; and

b. Published notice in the newspaper of record 16 days before the date set for the hearing shall be required.

8. Notice and public hearing before the city council. A public hearing shall be held by the city council before adopting a proposed amendment, supplement, or change.

a. In the event the change affects less than 1/4th area of the City:

i. Notice of the public hearing before the city council shall be given by posting an agenda in conformance with the Texas Open Records Act.

ii. Written notice of all public hearings before the city council on a proposed amendment or change shall be sent to all owner(s) of real property that will be affected and to the owner(s) of real property lying within 200 feet of the properties on which the change is requested/being considered including the area of any intervening streets. Such notice shall be mailed 11 days before the date set for hearing by posting such notice, properly addressed and postage paid, to each property owner as ownership appears on the last approved city tax roll.

iii. Notice shall also be published in the newspaper of record 16 days before the date set for the hearing.

b. In the event the change affects the overall City and/or more than 1/4th area of the City:

i. Notice of the public hearing by posting an agenda in conformance with the Texas Open Records Act; and

ii. Published notice in the newspaper of record 16 days before the date set for the hearing shall be required.

9. If a proposed amendment, supplement, or change has been denied by the planning and zoning commission, or if a protest against the proposed amendment, supplement, or change has been filed with the city secretary, duly signed and acknowledged by the owner(s) of 20 percent or more of the area of the lots included in such proposed change, or of the lots of land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the city council. In computing the percentage of land area, the area of streets and alleys shall be included in the computation. No change, however, shall become effective until after the adoption of an ordinance for the same and publication as required by law. Publication of said change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

10. New and unlisted uses. It is recognized that new types of land use will develop, and forms of land use not anticipated may seek to locate in the City of Palestine. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

    a. The city manager or his/her designee shall refer the questions concerning any new or unlisted use to the planning and zoning commission requesting an interpretation as to the zoning classification in which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed, or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer;

    b. Notice of the question of any new and unlisted use before the planning and zoning commission shall be given according to Sec. 39.4.2 — 9. (6);

    c. The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted; and

    d. The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall then hold a public hearing to receive input on any new or unlisted use into the comprehensive zoning ordinance. The public hearing before the city council shall be noticed as provided in Sec. 39.4.2 — 9. (7). The city council may approve the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.

Sec. 39.4.2-9 Building Permits, Development Permits, and Certificates of Occupancy

1. Development or Building Permit required.

a. A property owner shall obtain a development permit from the City prior to developing, redeveloping, or dividing land within the city's extra-territorial jurisdiction (ETJ) or obtain a building permit from the city prior to developing, redeveloping, or dividing land within the city limits. A development permit or a building permit shall be issued to a developer by the city for the actions defined below and upon satisfactory evidence of compliance with the standards contained in this chapter.

b. A development or building permit is required for the following actions:

   i. New construction, alterations, enlargement, or modification of building/structure.

   ii. Change, alteration, enlargement, or modification of Nonconforming uses.

   iii. Construction of public improvements (See Chapter 40)

   iv. Reclamation of land/drainage improvements (reclamation permit) (See Chapter 40)

   v. Sign placement and erection (sign permit) (Article III. Division 6); and/or

   vi. Grading and excavation of land (grading and excavation permit). (See Chapter 40)

c. Application for issuance of a development permit.

   i. The property owner shall submit an application on forms provided by the city for issuance of a development, building, or related permit. Each application shall be accompanied by the payment of a fee in accordance with the duly adopted schedule of fees to cover the costs of processing the application. Each application shall be accompanied by five copies of a site plan as described in subsection (d) of this section.

   ii. The city shall approve, conditionally approve, or disapprove the application within 30 days of filing as to the approval, conditional approval, or disapproval of the application. If disapproved, the city shall cite reasons for denial and, if approved, a development or building permit shall be issued to the property owner. If the application is disapproved or conditionally approved, the property owner may make appropriate alterations or otherwise show evidence of meeting the standards of this chapter. Conditional approval shall be considered disapproval until such time as the stated conditions are met by the property owner. Resubmission or providing additional information to meet conditions within 30 days shall not require payment of fees (unless meeting conditions requires a separate application).

d. Site plans. The property owner shall submit site plans, in accordance with Section 39.4.3-4 of this Chapter 39 for obtaining a development or building permit under this chapter. The property owner shall also provide a certified copy of any instrument which contains a restriction on the use of, or construction of, the lot, together with a certified copy of any amendment, judgment or other document affecting the use of the property.

e. The city shall not issue a building or development permit for the erection, alteration, moving or repair of any building or structure or any other permit authorized by the chapter until a

certificate of compliance has been issued by the city. Issuance of such a certificate shall indicate that the plans for which the building or development permit is requested complies with the official zoning map. The city shall maintain a record of all certificates of compliance in the associated building or development permit file, and such record shall be open for public inspection.

f. A development or building permit shall expire in two (2) years from the time of issuance if no building/ construction occurs on the property per the issued permit.

2. Certificate of occupancy

a. No person shall not occupy, use, or change the use of any building, structure, or land until a certificate of occupancy has been issued by the city stating that the building or proposed use of a building or structure or premises complies with the building code and other development codes of the city.

i. A certificate of occupancy shall be required for any of the following:

1. Occupancy and use of a building or structure hereafter erected, altered or structurally altered;

2. Change in use of an existing building or structure to a use of a different zoning and/or building code classification;

3. Occupancy and use of vacant land except for agricultural purposes;

4. Change in the use of land to a use of a different classification;

5. Any change in the use of a nonconforming use.

b. The certificate of occupancy shall state that at the time of issuance the structure or the proposed use of the land complies with the provisions of this chapter. The city shall maintain a record of all certificates of occupancy, and such record shall be open for public inspection.

c. Where a new building or structure, or an existing building or structure, is proposed to be altered, the application for a building permit shall also be considered an application for a certificate of occupancy.

d. Where the owner proposes to use vacant land, or proposes to change the use of land, or of a building or structure, or for a change in a nonconforming use, a separate application form provided by the city shall be used.

e. Upon determination that the request for a certificate of occupancy meets all standards as contained in this chapter, the city shall issue a certificate of occupancy within ten days.

Division 3. Specific Procedures and Processes

Sec. 39.4.3-1 Rezoning Process

1. Applicability. Any person having a proprietary interest in any property may petition the city council for a change or amendment to the provisions of this ordinance as it pertains to that property or the planning and zoning commission, city council, or city manager or his/her designee may on its own motion or on request from the city council, institute a study and proposal for changes and amendments in the public interest.

2. Procedure. Any property owner wishing to change zoning on the property may make an application to the city manager or his/her designee in the following manner:

    a. All requests for amendments to zoning district boundaries and other regulations applicable to certain zoning districts shall be submitted together with required fees to the city manager or his/her designee which shall cause public notices to be sent as required per Sec. 39.4.2 – 8 and Sec. 39.4.2 – 9 6) i) and the application placed on the planning and zoning commission agenda for a public hearing.

    b. A recommendation from the planning and zoning commission shall cause public notices to be sent as required per Sec. 39.4.2 – 8 and Sec. 39.4.2 – 9 7) i) and the application placed on the city council agenda for a public hearing.

    c. All requests for changes in zoning districts shall include the proposed designation or designations for the area concerned and shall be accompanied by an application fee for processing. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:

        i. Accurate legal description of the subject property which is either a lot and block number to a plat of record in the Anderson County deed records or a metes and bounds description which will close and properly identify the property;

        ii. Location and street address of subject property;

        iii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;

        iv. Current zoning classification;

        v. Current status of development of subject property including general statement of its development and description of all existing improvements;

        vi. The desired zoning classification;

vii. Applicant's reasons for desiring zoning change;

viii. Existing deed restrictions, proposed deed restrictions;

ix. Current status of planning and proposed development and time required for proposed development;

x. Surveyor's map or plat of the proposed property if deemed necessary by the city manager or his/her designee; and

xi. Each application must be signed by the owner(s), or owner(s) agent, giving applicant's mailing address and his proprietary status with reference to the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the owner(s) or agent(s) of the owner(s) of the subject property and therefore authorized to make such application.

d. The application fee will entitle applicant to have his application processed for a change of zoning for a single, contiguous parcel of property. When in the opinion of the city manager or his/her designee, the tract to be rezoned is so large that the expenses of the city will exceed the application fee, the city manager or his/her designee may require a fee to be paid equal to the city's expense in sending out and publishing the notice required by state law for a change of zoning.

3. Standards for Approval. The Planning and Zoning Commission and the City Council shall consider the following when reviewing an application for rezoning of property:

a. Approval of the request is compatible with the comprehensive plan;

b. Approval of the request shall not cause spot zoning to occur;

c. Approval of the request will not allow development of the property in a manner incompatible with neighboring properties; unless the neighboring properties are non-conforming and/or not in compliance with the comprehensive plan and approval of the rezoning will bring the requested property in compliance with this Chapter and the City’s Comprehensive Plan; and

d. Approval of the request will allow all land uses of the requested zoning district on the property.

4. Effect of denial. “Denial with prejudice” of the rezoning request by the City Council will require a two-year wait period before a similar request on that property can be reconsidered by the City. A simple “Denial” of the rezoning request by the City Council will require a six-month wait period before a similar request on that property can be reconsidered by the City.

5. Validity. Approval of a zoning district request is not time or owner specific but stays with the property, until such time that the entire process is repeated to change the zoning district and/or zoning regulations on the property.

Sec. 39.4.3-2 Specific Use Permit (SUP) Process

1. Applicability. When allowed in section 39.2.2-13 land use chart, a person may petition the city council to approve a special use permit for such use on a property that they have a proprietary interest in accordance with the requirements and procedures set forth in this section.

2. Procedure. Any property owner wishing to use their property for a land use that is allowed by special use permit may make an application to the city manager or his/her designee in the following manner:

    a. All requests for a special use permit shall be submitted together with required fees to the city manager or his/her designee which shall cause public notices to be sent as required per Sec. 39.4.2 – 8 and Sec. 39.4.2 – 9 6) i) by law and the application placed on the planning and zoning commission agenda for a public hearing.

    b. A recommendation from the planning and zoning commission shall cause public notices to be sent as required per Sec. 39.4.2 – 8 and Sec. 39.4.2 – 9 7) i) by law and the application placed on the city council agenda for a public hearing.

    c. Before taking any action on a specific use permit (SUP) application, the city council shall receive and review the planning and zoning commission recommendation and final report. All requests for specific use permit (SUP) shall include an application fee for processing the request and hearings before the city planning and zoning commission and the city council. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:

        i. Accurate legal description of the subject property which is either a lot and block number to a plat of record in the Anderson County deed records or a metes and bounds description which will close and properly identify the property;

        ii. Location and street address of subject property;

        iii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;

        iv. Current zoning classification;

        v. Current status of development of subject property including general statement of its development and description of all existing improvements;

        vi. Applicant's reasons for desiring specific use permit (SUP);

        vii. Existing deed restrictions, proposed deed restrictions;

        viii. Current status of planning and proposed development and time required for proposed development;

ix. A site plan as described in Section 39.4.3 – 4 2) d);

x. Surveyor's map or plat of the proposed property if deemed necessary by the city manager or his/her designee; and

xi. Each application must be signed by the owner(s), or owner(s) agent, giving applicant's mailing address and his proprietary status with reference to the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the owner(s) or agent(s) of the owner(s) of the subject property and therefore authorized to make such application.

d. The application fee will entitle applicant to have his/her application processed to allow a specific use for a single, contiguous parcel of property. When in the opinion of the city manager or his/her designee, the property requesting the specific use permit (SUP) is so large that the expenses of the city will exceed the application fee, the city manager or his/her designee may require a fee to be paid equal to the city's expense in sending out and publishing the notice required by state law for a specific use permit (SUP).

3. Standards for Approval. The Planning and Zoning Commission and the City Council shall consider the following when reviewing an application for a specific use permit (SUP) on a property:

a. Conformance with applicable regulations and standards established by this zoning ordinance;

b. Compatibility with the comprehensive plan;

c. Compatibility with existing or permitted uses on neighboring properties in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation capacity; unless the neighboring properties are non-conforming and/or not in compliance with the comprehensive plan and approval of the specific use permit (SUP) will bring the requested property in compliance with this Chapter and the City's Comprehensive Plan;

d. Potentially unfavorable effects or impacts on existing or permitted uses on adjacent sites, to the extent such impacts exceed those that reasonably may result from use of the site by a permitted use, including without limitation:

i. Location, lighting and type of signs, and the relation of signs to adjacent properties;

ii. Noise producing elements;

iii. Glare of vehicular and stationary lights and effect of such lights on the established character of the neighborhood;

iv. Safety from fire hazard, and measures for fire control; and

v. Protection of adjacent property from drainage, floods, erosion, or other water damage.

e. Safety and convenience of vehicular and pedestrian circulation on the premises and in the area immediately surrounding the site, and the effect of traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and proposed land uses in the area and the ability of the city's existing transportation network to handle the traffic.

4. Effect of denial. "Denial with prejudice" of the specific use permit (SUP) request by the City Council will require a two-year wait period before a similar request on that property can be reconsidered by the City. A simple "Denial" of the specific use permit (SUP) request by the City Council will require a six-month wait period before a similar request on that property can be reconsidered by the City.

5. Validity. Approval of a specific use request is not owner specific but stays with the property, until such time that the entire process is repeated to amend/repeal the specific use permit (SUP) from the property. A specific use permit (SUP) shall automatically expire in the following cases:

   a. Time period specified in the specific use permit (SUP) ordinance has expired;

   b. There is a change in use on the property;

   c. The use is relocated; or the use ceases for a period of six (6) consecutive months.

6. Procedures For The Manufactured Home Specific Use Permit:

   a. Complete and submit a Specific Use Permit Application. A Site Plan, a Floor Plan, and pictures of the proposed home must be submitted. A permit fee ~~of 125.00 is paid~~ as stated in Appendix B Fee Schedule at the time of submittal.

   b. The Building Permits Office will send out notifications by certified mail to each taxpayer as ownership appears on the last approved tax roll, located within a 200-foot radius of the proposed property at least 10-days prior to the next regularly scheduled Planning and Zoning Commission meeting. The notifications will request a reply of "In Favor" or "Opposed" from the property owners regarding the placement of the Manufactured Home.

   c. Planning and Zoning Commission and the City Council person from that said Council District will review the submittal documents and the property owners' reply letters. An approval will be given if at least 50 percent of the reply letters received from each taxpayer as ownership appears on the last approved tax roll and have an "In Favor" reply; along with an approval from a majority of the Commission with the Council Person's approval. At this time, the approval is final, and a Building permit is issued by the Building Official.

   d. A City Council approval is required for the Specific Use Permit when it is not approved by the Planning and Zoning Commission. A Public Notice is published in the local newspaper at least 15-days prior to the next regularly scheduled City Council meeting. The City Council may or may not overturn the decision made by the Planning and Zoning Commission.

   e. Manufactured Homes proposed within the Manufactured Home Overlay District do not require the Specific Use Permit.

f. The placement of the Manufactured Home requires the following conditions:

i. The front of the mobile home shall face the street. For purposes of this section, the front of the mobile home will always be on one of the longest sides of the mobile home and shall be the side of the home which is more attractive and designed by the manufacturer with the more attractive "front door".

ii. The lot shall provide all-weather off-street parking spaces for two vehicles.

iii. Only double-wide mobile homes shall be considered for a specific use permit.

iv. No mobile home manufactured over five years from the date of filing for the specific use permit shall be allowed.

v. Non-combustible and solid underpinning shall be installed prior to a certificate of occupancy being issued.

Sec. 39.4.3-3 Planned Unit Development Process

1. Applicability. Any person having a proprietary interest in any property may petition the city for a planned unit development zoning on his/her property anywhere in the City, or the planning and zoning commission, city council, or city manager or his/her designee may on its own motion or on request from the city council, institute a study and proposal for a planned unit development on a particular property/area in the public interest.

2. Procedure. Any property owner wishing to change zoning on the property to a planned unit development may make an application to the city manager or his/her designee in the following manner:

a. All requests for a planned unit development shall be submitted together with required fees to the city manager or his/her designee which shall cause public notices to be sent as required per Sec. 39.4.2 – 8 and Sec. 39.4.2 – 9 6) i) and the application placed on the planning and zoning commission agenda for a public hearing.

b. A recommendation from the planning and zoning commission shall cause public notices to be sent as required per Sec. 39.4.2 – 8 and Sec. 39.4.2 – 9 7) i) and the application placed on the city council agenda for a public hearing.

c. All requests for a planned unit development shall include an application fee for processing. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:

i. Accurate legal description of the subject property which is either a lot and block number to a plat of record in the Anderson County deed records or a metes and bounds description which will close and properly identify the property;

ii. Location and street address of subject property;

iii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;

iv. Current zoning classification;

v. A narrative describing the applicant's reasons for desiring the proposed planned unit development, the proposed time frame of development, the proposed uses, density, and the area, height and placement requirements, all supplemental requirements such as site design, building design, landscaping, parking and loading, screening and fencing etc. shall also be provided or be referred to Article III of this zoning ordinance, and documentation indicating how the qualifying conditions in the standards of Section 39.2.2 – 11 (4) are met;

vi. A concept plan showing a general site layout;

vii. Existing deed restrictions, proposed deed restrictions;

viii. Surveyor's map or plat of the proposed property if deemed necessary by the city manager or his/her designee;

ix. Each application must be signed by the owner(s), or owner(s) agent, giving applicant's mailing address and his proprietary status with reference to the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the owner(s) or agent(s) of the owner(s) of the subject property and therefore authorized to make such application; and

x. Any additional information requested by the Planning and Zoning Commission and/or City Council to better assist in the determination of planned unit development qualification such as, but not limited to market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

d. The application fee will entitle applicant to have his application processed for a change of zoning to a planned unit development for a single, contiguous parcel of property. When in the opinion of the city manager or his/her designee, the tract to be rezoned to planned unit development is so large that the expenses of the city will exceed the application fee, the city manager or his/her designee may require a fee to be paid equal to the city's expense in sending out and publishing the notice required by state law for a change of zoning.

e. Changes to concept plan and/or regulations of an approved planned unit development shall be permitted only under the following circumstances:

i. Minor Changes. A minor change may be approved by the City manager or his/her designee, according to the requirements of this section. A change that would alter any specified conditions imposed by the planning and zoning commission and/or the city

council as part of the original approval shall not be considered as a minor change. Minor changes are as follows:

1. Reduction of the size of any building and/or sign.

2. Movement of buildings or signs by no more than 20 feet, provided setbacks are not reduced.

3. Landscaping that is replaced by similar landscaping to an equal or greater extent.

4. Changes in concept plan that do not alter the character of the use or increase the amount of required parking.

5. Internal rearrangement of a parking lot that does not affect the number of parking spaces, access locations, or design.

6. Changes required or requested by the city, state, or federal regulatory agency to conform to laws or regulations.

ii. Major Changes. A change that the City manager or his/her designee determines is not minor must be submitted as an amendment to the planned unit development and shall be processed in the same manner as the original planned unit development application.

3. Standards for Approval. The Planning and Zoning Commission and the City Council shall consider the following when reviewing an application for rezoning the property to a planned development unit:

a. The proposed planned unit development is needed to create a development of higher quality than the current zoning districts in Article II and supplemental regulations in Article III shall allow;

b. The proposed planned unit development is compatible with the comprehensive plan;

c. The proposed planned unit development is in compliance with Section 39.2.2-11;

d. The proposed planned unit development shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development;

e. The proposed planned unit development shall not change the essential character of the surrounding area.

f. The proposed planned unit development shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare; and

g. The proposed planned unit development shall not place demands on public services and facilities in excess of current or anticipated future capacity.

4. Effect of denial. "Denial with prejudice" of the proposed planned unit development request by the City Council will require a two-year wait period before a similar request on that property can be reconsidered by the City. A simple "Denial" of the proposed planned unit development request by the City Council will require a six-month wait period before a similar request on that property can be reconsidered by the City.

5. Validity. Approval of the planned unit development request is not time or owner specific but stays with the property, until such time that the entire process is repeated to change the zoning district and/or zoning regulations on the property.

Sec. 39.4.3-4 Site Plan Review Process

1. Applicability. A building permit may not be issued in the City of Palestine without a site plan review for multifamily developments, mixed use developments, commercial developments, or a specific use permit, except for very small or accessory structures as exempted by the City manager or his/her designee. A site plan review shall be required for new or expanded structures and any proposed redevelopment that is:

    a. A minimum of 2,500 square feet; or

    b. Meets or exceeds 20 percent increase in existing gross square footage.

2. Procedure.

    a. Site plan review for a specific use permit shall be processed as a part of the specific use permit approval process by the City Council per Section 39.4.3-2 of this Chapter 39.

    b. All other site plan reviews shall be approved administratively by the city manager or his/her designee.

    c. All requests for a site plan review shall be submitted together with required fees to the city manager or his/her designee which shall cause the application to be circulated to the various development related departments in the city to ensure that the site plan meets all city regulations.

    d. All requests for a site plan review shall include an application fee and a site plan, drawn at a recognized engineering scale, not greater than one-inch equals 100 feet, on a minimum 8½ inch by 11-inch sheet, shall provide the following information:

        i. The date, scale, north arrow, zoning district, title, name of owner and name of person preparing the site plan.

        ii. The location and dimensions of boundary lines, easements and required yards and setbacks of all existing and proposed buildings and land improvements.

iii. The location, height and intended use of existing and proposed buildings on the site, and the approximate location of proposed buildings and land improvements.

iv. The location of existing and proposed site improvements, including parking and loading areas, pedestrian and vehicular access, utility, or service areas, fencing and screening and lighting.

v. The centerline of existing watercourses, drainage features and flow patterns, location and size of existing and proposed streets and alleys, and the limits and elevation of the 100-year floodplain.

vi. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.

vii. The approximate location and size of proposed signs, if known.

viii. The location and size of the existing and proposed landscaped areas including approximate locations of trees 18 inches in diameter or greater measured four feet above ground level.

e. Once all applicable departments have reported back to the city manager or his/her designee that the site plan meets the City's regulations, the city manager or his/her designee will sign and stamp the site plan and forward one copy to building inspections department and one copy to the applicant.

3. Standards for Approval. The city manager or his/her designee shall approve the site plan once it meets the regulations of Chapter 39 as well as the requirements in the City's Public Works Manual, City of Palestine's Fire Code and Building Code and any other applicable regulations of the City's Code of Ordinances such as Alcoholic Beverages, Businesses, Aviation, Animals, Cemeteries, Solid Waste and so on.

4. Effect of denial.

a. A "Denial" of the proposed site plan attached with the specific use permit application request by the City Council will require an amendment of the site plan before the request will be reconsidered by the City Council.

b. An administrative denial of the site plan by the city manager or his/her designee maybe appealed to the Board of Adjustments in accordance with Section 39.4.3-8 "Appeal of the Building Official's Decision" of this Chapter 39.

5. Validity. Approval of a site plan shall automatically expire in the following cases:

a. Proposed redevelopment (either land or structure) that is:

i. A minimum of 2,500 square feet; or

ii. Meets or exceeds 20 percent increase in existing gross square footage, as compared to the original approved site plan; or

b. No building permit has been issued for two (2) years since the date of the approval of the site plan.

Sec. 39.4.3-5 Waivers

1. Applicability. Any person having a proprietary interest in any property may petition the city for a waiver to the requirements of Article III, Divisions 1 through 6 of this Chapter 39.

2. Procedure. Any property owner wishing to change requirements contained in Article III, Divisions 1 through 7 of this Chapter 39 on the property may make an application for a waiver to the city manager or his/her designee in the following manner:

    a. All requests for a waiver shall be submitted together with required fees to the city manager or his/her designee which shall cause public notices to be sent as required per Sec. 39.4.2 – 8 and Sec. 39.4.2 – 9 6) i) and the application placed on the planning and zoning commission agenda for a public hearing.

    b. A recommendation from the planning and zoning commission shall cause public notices to be sent as required per Sec. 39.4.2 – 8 and Sec. 39.4.2 – 9 7) i) and the application placed on the city council agenda for a public hearing.

    c. All requests for a waiver shall include an application fee for processing. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:

        i. Location and street address of subject property;

        ii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;

        iii. Current zoning classification;

        iv. A narrative describing the applicant's reasons for desiring the proposed waiver, comparison of the existing requirements proposed to be waived and the new proposed requirements;

        v. Each application must be signed by the owner(s), or owner(s) agent, giving applicant's mailing address and his proprietary status with reference to the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the owner(s) or agent(s) of the owner(s) of the subject property and therefore authorized to make such application; and

vi. Any additional information requested by the Planning and Zoning Commission and/or City Council to better assist in the determination of waiver qualification such as, but not limited to market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

d. The application fee will entitle applicant to have his application processed for a waiver on a single, contiguous parcel of property.

3. Standards for Approval. The Planning and Zoning Commission and the City Council shall consider the following when reviewing an application for a waiver:

a. The proposed waiver is needed to create a development of higher quality than the current requirements of Article III, Divisions 1 through 6 of this Chapter 39 shall allow;

b. The proposed waiver is compatible with the comprehensive plan;

c. The proposed waiver shall not cause a development to be designed, constructed, operated, and maintained in a manner that is not harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development;

d. The proposed waiver shall not change the essential character of the surrounding area.

e. The proposed waiver shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare; and

f. The proposed waiver shall not place demands on public services and facilities in excess of current or anticipated future capacity.

4. Effect of denial. "Denial with prejudice" of the proposed waiver request by the City Council will require a two- year wait period before a similar request on that property can be reconsidered by the City. A simple "Denial" of the proposed waiver request by the City Council will require a six-month wait period before a similar request on that property can be reconsidered by the City.

5. Validity. Approval of the waiver request is not time or owner specific but stays with the property, until such time that the property is redeveloped.

Sec. 39.4.3-6 Special Exception

1. Applicability. Any person having a proprietary interest in any property may petition the city for a special exception to the requirements of Article III, Divisions 1 through 7 of this Chapter 39.

2. Procedure. Any property owner wishing to apply for a special exception to requirements contained in Article III, Divisions 1 through 7 of this Chapter 39 on the property may make an application for a special exception to the city manager or his/her designee in the following manner:

a. All requests for a special exception shall be submitted together with required fees to the city manager or his/her designee which shall cause public notices to be sent as follows:

i. The notice shall follow requirements of Sec. 39.4.2 – 8;

ii. Notice of the public hearing before the Board of Adjustment shall be given by posting an agenda in conformance with the Texas Open Records Act;

iii. Written notice of a public hearing before the Board of Adjustment on a proposed special exception shall be sent to all owner(s) of real property that will be affected and to the owner(s) of real property lying within 200 feet of the properties on which the special exception is requested/ being considered including the area of any intervening streets. Such notice shall be mailed 11 days before the date set for hearing by posting such notice, properly addressed and postage paid, to each property owner, as ownership appears on the last approved city tax roll; and

iv. Notice shall also be published in the newspaper of record 16 days before the date set for the hearing.

b. All requests for a special exception shall include an application fee for processing. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:

i. Location and street address of subject property;

ii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;

iii. Current zoning classification;

iv. A narrative describing the applicant's reasons for desiring the proposed special exception, existing requirements proposed for special exception, and impact of the special exception request on surrounding properties;

v. Each application must be signed by the owner(s), or owner(s) agent, giving applicant's mailing address and his proprietary status with reference to the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the owner(s) or agent(s) of the owner(s) of the subject property and therefore authorized to make such application; and

c. The application fee will entitle applicant to have his application processed for a special exception on a single, contiguous parcel of property.

3. Standards for Approval. The Board of Adjustment shall consider the following when reviewing an application for a special exception:

a. Granting the special exception will not adversely impact neighboring properties.

4. Appeal of the Boards decision. A person aggrieved by a decision of the board; a taxpayer; or an officer, department, board, or bureau of the municipality may only file an appeal of the Board's decision to a district court, county court, or county court at law within 10 days after the date the decision is filed in the Board's office.

5. Validity. Approval of the special exception is not time or owner specific but stays with the property.

Sec. 39.4.3-7 Variance

1. Applicability. Any person having a proprietary interest in any property may petition the city for a variance from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, landscape regulations, or sign regulation requirements in Chapter 39.

2. Procedure. Any property owner wishing to apply for a variance from the regulations describe in Sec. 39.4.3- 7 1) above may make an application for a variance to the city manager or his/her designee in the following manner:

    a. All requests for a variance shall be submitted together with required fees to the city manager or his/her designee which shall cause public notices to be sent as follows:

        i. The notice shall follow requirements of Sec. 39.4.2 – 8;

        ii. Notice of the public hearing before the Board of Adjustment shall be given by posting an agenda in conformance with the Texas Open Records Act;

        iii. Written notice of a public hearing before the Board of Adjustment on a proposed variance shall be sent to all owner(s) of real property that will be affected and to the owner(s) of real property lying within 200 feet of the properties on which the variance is requested/being considered including the area of any intervening streets. Such notice shall be mailed 11 days before the date set for hearing by posting such notice, properly addressed and postage paid, to each property owner, as ownership appears on the last approved city tax roll; and

        iv. Notice shall also be published in the newspaper of record 16 days before the date set for the hearing.

    b. All requests for a variance shall include an application fee for processing. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:

        i. Location and street address of subject property;

        ii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;

iii. Current zoning classification;

iv. A narrative describing the applicant's reasons for desiring the proposed variance, existing requirements proposed for variance, and any other supporting documentation proving the need for a variance;

v. Each application must be signed by the owner(s), or owner(s) agent, giving applicant's mailing address and his proprietary status with reference to the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the owner(s) or agent(s) of the owner(s) of the subject property and therefore authorized to make such application; and

c. The application fee will entitle applicant to have his/her application processed for a variance on a single, contiguous parcel of property.

3. Standards for Approval. The Board of Adjustment shall consider the following when reviewing an application for a variance:

a. Granting the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this Chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done;

b. Granting the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

c. The variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

4. Appeal of the Boards decision. A person aggrieved by a decision of the board; a taxpayer; or an officer, department, board, or bureau of the municipality may only file an appeal of the Board's decision to a district court, county court, or county court at law within 10 days after the date the decision is filed in the Board's office.

5. Validity. Approval of the variance is not time or owner specific but stays with the property.

Sec. 39.4.3-8 Appeal of an Administrative Official's Decision

1. Applicability. Any person having a proprietary interest in any property may appeal an administrative official's decision to the city when that decision concerns issues within the jurisdiction of the Board of Adjustment.

2. Procedure. Any property owner wishing to appeal an administrative official's decision as described in Sec. 39.4.3-8 1) above may make an application to the city manager or his/her designee in the following manner:

a. All requests for appeal to an administrative official's decision shall be submitted together with required fees to the city manager or his/her designee which shall cause public notices to be sent as follows:

   i. The notice shall follow requirements of Sec. 39.4.2 – 8;

   ii. Notice of the public hearing before the Board of Adjustment shall be given by posting an agenda in conformance with the Texas Open Records Act;

   iii. Written notice of a public hearing before the Board of Adjustment on a proposed appeal to an administrative official's decision shall be sent to all owner(s) of real property that will be affected and to the owner(s) of real property lying within 200 feet of the properties on which the variance is requested/being considered including the area of any intervening streets. Such notice shall be mailed 11 days before the date set for hearing by posting such notice, properly addressed and postage paid, to each property owner, as ownership appears on the last approved city tax roll; and

   iv. Notice shall also be published in the newspaper of record 16 days before the date set for the hearing.

b. All requests for appeal to an administrative official's decision shall include an application fee for processing. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:

   i. Location and street address of subject property;

   ii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;

   iii. Current zoning classification;

   iv. A narrative describing the applicant's reasons for appealing an administrative official's decision and any other supporting documentation to prove an alleged error in a decision made by an administrative official;

   v. Each application must be signed by the owner(s), or owner(s) agent, giving applicant's mailing address and his proprietary status regarding the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the owner(s) or agent(s) of the owner(s) of the subject property and therefore authorized to make such application; and

c. The application fee will entitle applicant to have his/her application processed for appeal to an administrative official's decision on a single, contiguous parcel of property.

3. Standards for Approval. The Board of Adjustment shall consider the following when reviewing an application for appeal to an administrative official's decision:

    a. The Board may in whole or in part affirm, reverse, or amend the decision of the person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue, if the Board finds that an administrative official made an error in interpreting the zoning regulations in Chapter 39.

4. Appeal of the Boards decision. A person aggrieved by a decision of the board; a taxpayer; or an officer, department, board, or bureau of the municipality may only file an appeal of the Board's decision to a district court, county court, or county court at law within 10 days after the date the decision is filed in the Board's office.

5. Validity. Board's decision regarding appeal to an administrative official's decision is not time or owner specific but stays with the property.

Sec. 39.4.3-9 Amortization of a Nonconforming Use

1. Application. The Board of Adjustment shall, from time to time, on its own motion, or upon direction of the City Council, inquire into the existence, continuation or maintenance of any nonconforming use or structure within the city. If the Board of Adjustment or the City Council determines that amortization of a nonconforming use is appropriate, the board shall take specific action to abate, remove, limit or terminate any nonconforming use or structure under a reasonable plan whereby the owner's investment in the nonconforming use or structure can be recouped through amortization over a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this Chapter 39.

2. Procedure.

    a. Public Hearing. The Board of Adjustment shall conduct a hearing for the purpose of determining a date certain for termination of the nonconforming use or removal of the nonconforming structure, or both, with respect to the property. A written notice of such hearing shall be given to the affected property owner at least 30 days prior to the hearing.

    b. Effective Date. The Board of Adjustment shall establish a date for termination of the nonconforming use or removal of the nonconforming structure that shall give the property owner a reasonable opportunity to recover its investment in the nonconforming use and/or structure from the time such use or structure became nonconforming.

    c. Recoupment of Investment. The Board of Adjustment shall measure the reasonableness of the opportunity for recoupment of the property owner's investment by conditions existing at the time such use or structure became nonconforming.

    d. The city manager or his/her designee shall provide the Board of Adjustment the following information:

        i. Location and street address of subject property;

        ii. Name, address, and telephone number of the present owner(s) of the property;

iii. Report from a certified professional accountant of the initial investment of the subject property's owner's actual investment in the structure(s) and business/use prior to the time that the use became nonconforming;

iv. Current zoning classification;

v. A narrative describing the applicant's reasons for requesting discontinuation of the nonconforming use; and

vi. Any other supporting documentation to support the reasons for the amortization request.

3. Standards for Amortization. The following factors shall be considered by the Board of Adjustment in determining a reasonable amortization period:

   a. The owner's capital investment in structures, fixed equipment, and other assets that cannot reasonably be used in conformance with the zoning district regulations (excluding inventory and other assets that may be feasibly transferred to another site) made on the property before the time the use, the structure, or both, as applicable, became nonconforming. Costs of replacements, improvements or additions made after the structure or use became nonconforming shall not be included. Costs of the land or structures that reasonably can be used for a conforming use shall not be included.

   b. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses and relocation expenses.

   c. Recovery of investment, including net income and depreciation, and any profit or loss realized on the investment.

   d. General character of the neighborhood in proximity to the nonconforming use or structure and the necessity for all property within the city to conform to the regulations of the zoning ordinance.

4. Appeal of the Boards decision. A person aggrieved by a decision of the board; a taxpayer; or an officer, department, board, or bureau of the municipality may only file an appeal of the Board's decision to a district court, county court, or county court at law within 10 days after the date the decision is filed in the Board's office.

5. Validity. Once the Board of Adjustment establishes a compliance date for a nonconforming use, the use must cease operations on or before that date and it may not operate thereafter except in compliance with the applicable zoning district regulations. If the Board of Adjustment establishes a termination date for a nonconforming structure, the structure must be completely removed from the property by that date, by demolition or otherwise, and such structure may not be reconstructed or relocated in any other location in the city where it would not be in conformance with all provisions of the zoning ordinance.

Article V. Definitions
Division 1. Construction Language

Sec. 39.5.1-1 Words, Terms and Phrases.
The following words, terms, and phrases, when used in this Chapter 39, shall have the meanings assigned to them in Article V Division 2 and 3 below, except where the context clearly indicates a different meaning.

Sec. 39.5.1-2 Rules of Construction.
The following rules of construction apply to Article V Division 2 and 3:

1. The particular shall control the general and the use of a general term shall not be taken to have the same meaning as another specific term. For example, a "recreational facility, commercial indoor" shall not be interpreted to be the same as a "recreational facility, commercial indoor- pool or billiards hall," if each term is listed as a separate and distinct use.

2. In case of any difference of meaning or implication between the text of this article and any caption or illustration, the text shall control.

3. A building or structure includes any and all of its parts.

4. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

5. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

6. The word "person" includes any individual, corporation, partnership, incorporated association, limited liability company, or any other similar entity.

7. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunctions "and," "or" or "either …..or," the conjunction shall be interpreted as follows:

    a. "And" indicates that the connected items, conditions, provisions, or events apply.

    b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

    c. "Either . . . or" indicates that the connected items, conditions, provisions, or events apply singly but not in combination.

8. Terms not defined in Article V Division 2 and 3 shall have the meaning customarily assigned to them.

Division 2. General Definitions

accessory building or structure
a building or structure not exceeding 25% of the area of the principal structure, customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

access easement
a legally established private easement affording a means of vehicular access to abutting property and not intended for general traffic circulation.

acts of nature
an extraordinary interruption by a natural cause (such as a flood or earthquake) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent.

advertising
to seek the attraction, or to direct the attention, of the public to any goods, services, merchandise, purpose, or cause.

advertising sign or structure
any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device, or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure.

advertising sign or structure placement
the term placed shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever.

advertising sign or structure area
the area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public shall be construed as advertising signs for the purpose of this Chapter 39. See Article III. Division 6. Signs for further details.

alley
a minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

alter
to change, rearrange, enlarge, extend, or reduce.

alterations
any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; or any change which may be referred to in this chapter as "altered" or "reconstructed".

alternative antenna support structure
a clock tower, bell tower steeple, man-made tree, light pole, flagpole, or similar alternative design mounting structure that camouflages or conceals the presence of antennas.

antenna support structures
a structure, whether free-standing or mounted on another structure, upon which is mounted one or more antennas.

applicant
any person or entity that submits to the City an application for a permit required by the City for a project. To be qualified as an applicant under this Chapter 39, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this Chapter 39. The term shall be restricted to include only the Property Owner(s), or a duly authorized agent and representative of the Property Owner.

application for a permit
any document filed with the City that clearly indicates that the applicant is seeking consideration for a permit, the type of permit sought and provides the City with fair notice of the project, and when used in this Chapter 39, shall include a plan for development of real property or a plan for development; but excluding applications to establish or amend a zoning district, including but not limited to a request to establish or amend a Planned Development District or to receive or amend a Specific Use Permit.

as-built documents
documents prepared by a registered professional engineer and confirming that the public improvements are constructed as shown.

automobile
a self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, passenger cars, trucks, buses, motor scooters, and motorcycles.

backhaul network
the lines that connect a communications provider's support structure/cell sites to one or more telephone switching offices and/or long-distance providers, or the public switched telephone network.

basement (or cellar)
a story of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (½) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

berm
a man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to screen and/or provide a transition between uses of differing intensity

billboard
an off-premises sign

billboard, electronic
a billboard sign that can change its copy or sign face by changing or altering a fixed display screen composed of electrically illuminated elements; that also directs attention to a business, product, service, conducted, sold, or offered at a location other than on the premise on which the sign is located.

block
a tract or parcel of land designated as such on a subdivision plat surrounded by streets or other physical obstructions

block face
the portion of a block that abuts a street.

block length
the length of the block face between two street intersections.

boundary sewer line
a sewer line installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

boundary water line
a water line, installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

bow banner
A freestanding, lightweight, and usually vertically oriented banner with minimal framing that curves outward at the top to match the curved shape of the fabric, also known as a fin, shark, feather banner or teardrop sign, which by design allows some movement to attract attention whether by pivoting or by movement of the material while still allowing for readability.

buffer
the area, space or physical means which is established to protect or insulate one land use or one building from another. Generally, buffering will be the use of landscaping (other than mere grass on a flat terrain) or the use of landscaping along with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street and adjacent property in a continuous manner, of vehicular use areas, parking lots and their parked cars, and detention ponds.

buffer yard
a strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

build
to construct, convert, enlarge, reconstruct, or alter a building or structure.

buildable area
the allowable area available to construct a building or structure after complying with the City's applicable set back and maximum lot coverage requirements.

building
any structure used or intended for supporting or sheltering any use or occupancy.

building area
ground floor area computed by using the outside dimensions, excluding the floor area of garages, open or screened porches, basements or semi-furnished storage rooms not used for residential purposes.

building height
the vertical distance measured from the established grade to the highest point of the roof surface. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall

building line
a line parallel to the front lot line. A minimum building line is the same as the minimum required front setback line

building official
the inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning
Ordinance and Building Code.

building, main
a building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

building, principal
a building in which the main or principal use of the lot on which such building is located is conducted

build-to-line
a line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected, and marking the building envelope, which is the area in which a building may be erected.

business frontage
the linear measurement from outer wall to outer wall of the side of the building which faces or fronts a street, and which generally contains the primary entrance to the building

canopy tree
any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown which attains a height of at least 30-feet such as oaks, pecans, sweet gum, southern magnolia, slash pine, Loblolly pines, sycamore, bald cypress, winged elm, cedar elm, and Chinese elm

carport
a structure open on a minimum of two sides and consists of a roof, designed, or used to shelter not more than two (2) vehicles and not to exceed twenty-four (24) feet on its longest dimension. Also called "covered parking area."

certificate of appropriateness
a certificate from the historic landmarks commission authorizing plans for alteration, construction, removal, or demolition of a landmark or an improvement within a historic district. The term "certificate of appropriateness" shall be synonymous with "notice to proceed."

certificate of compliance
a certificate issued by the city to a party intending to initiate any work or change any use of property in the city

certificate of occupancy
an official certificate issued by the City through the Building Official that indicates conformance with or approved conditional variations from the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

certified arborist
an individual certified by the International Society of Arboriculture (ISA) as a certified arborist.

certified local government
A local government officially certified to carry out some of the purposes of the National Historic Preservation Act, as amended

city
unless otherwise specifically stated shall mean the City of Palestine acting by and through its elected city council, appointed boards and commissions and city manager

city council
unless otherwise specifically stated shall mean the governing body of the City of Palestine, Texas.

clear-cutting
any indiscriminate cutting, plowing, or grubbing of tree(s) without regard to their type or size for the purpose of clearing an area of land of trees.

collocation
the use of a single-support structure and/or site by more than one communications provider

commercial building
any building or structure used for the retail or wholesale sale of products or services, not involving the manufacture, fabrication, assembly of products, the application of chemical processes, paint and coatings, welding, or other hard processes normally associated with industrial production, or extensive warehousing

commercial message
a message placed or caused to be placed before the public by a person directly involved in the manufacture or sale of the products, property, accommodations, services, attractions or activities or possible substitutes for those things which are the subject of the message; and that refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions or activities that are offered or exist for sale or for hire; or that attracts attention to a business or to products, property, accommodations, services, attractions or activities that are offered or exist for sale or for hire

comprehensive plan

graphic and textual form policies which govern the future development of the City, and which consists of various components governing specific geographic areas and functions and services of the City. Current Comprehensive Plan as it exists or may be amended

construction
The creation of an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property or the result of this process

contributing property/resource
A building, site, structure, or object adding to the historic significance of a property. For example, a building structure, site or object within a "historic district" that adds to the values or qualities of that district, was present during the period of significance and possesses historic integrity or is listed as one of the following: independently listed as a Palestine historic landmark; independently listed on the National Register of Historic Places; listed as a recorded Texas historic landmark; listed as a historic Texas cemetery; designated as a state archaeological landmark.

courts
an open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

coverage
the lot area covered by all structures located thereon. Structures shall include main structures and accessory structures with or without a permeable roof.

CPTED (Crime Prevention Through Environmental Design)
the concept of CPTED is based upon the following theory: the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life.

curb line
an imaginary line drawn along the edge of the pavement on either side of a public street

cutoff
the point at which all light rays emitted by a lamp, light source or luminary are completely eliminated (cutoff) at a specific
angle above the ground.

cutoff angle
the maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

DBH
diameter at breast height

demolition by neglect
Demolition by neglect occurs when a party having ownership, custody, or control of a property allows or causes through a failure to perform routine or minimum maintenance gradual or accelerated deterioration of a designated landmark or significantly contributing property resource in a historical district.

density
the average number of dwelling units per acre for the entire development, including streets

developer
any person who improves or subdivides a tract of land or improves or takes any action preparatory to the erection, improvement or movement of any building or structure on a tract of land

development
any man-made change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

disability or handicap
with respect to an individual:
(A) a physical or mental impairment which substantially limits one or more of such person's major life activities; (B) a record of having such an impairment, or (C) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance

district
any section or sections of the City for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

dripline
the periphery of the area underneath a tree which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the tree

dwelling unit area
dwelling unit area is defined as that area devoted to the living area in a residence or dwelling unit and is exclusive of garage, porches, enclosed or open breezeways, storage area or closets, or other non-living space.

easement
a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

election day
any day or days that are scheduled for city residents to vote in an election at a selected polling place in the city. Such day or days may include, but not be limited to, uniform local, state, and federal election dates, early voting day(s), absentee voting days, general election days, special election days, run-off election days, and other voting days established and defined by federal, state, or local laws.

elevated building (for insurance purposes)
a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns

elevation
an architectural drawing that shows the style, shape, and complexity of a building or structure. It is the view of a building elevation, and its various wall planes, when viewing the entire building straight on – where a horizontal line passing through your shoulders would be parallel to the face of the building.

entertainment venue
A public entertainment facility property, as defined as the building(s) and land that is primarily designed and used for live entertainment events other than sports.

erected
built, constructed, reconstructed, move upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

excavation
any breaking of ground, except common household gardening, general farming, and ground care

exterior architectural feature
The architectural style, design, general arrangement, and components of all of the outer surfaces of an "improvement," as distinguished from the interior surfaces enclosed by said exterior surfaces, including, but not limited to, the kind, color, and texture of the building material and the type and style of all windows, doors, lights, signs, and other fixtures belonging to such "improvement."

FAA
Federal Aviation Administration

façade
the exterior cladding of a building or structure.

face change
the change of the copy or when in order to change copy the sign face must be changed too. Face change shall include converting a traditional billboard to an electronic billboard (including the structure changes needed to allow for the face change).

fair notice
When an applicant, regarding a proposed project, provides the City information sufficient for the City to determine:
(A) the size, number, location and shape of all lots involved in the project; (B) the desired zoning district and the specific uses allowed within the zoning district that will be developed on the property as part of the project; (C) the size, number, location and type of improvements to be made on the property as part of the project; and (D) the streets, alleys, water mains and taps, sanitary sewer mains and taps and storm sewers that will be necessary to adequately serve the property when the project is complete

family
one or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption, or guardianship, occupying a dwelling unit, and living as a single housekeeping unit, including gratuitous guests and domestic servants

farmer's market
an area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, honey, arts, and crafts for sale. This definition does not include the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items without meeting the proper State health guidelines and ordinances.

FCC
Federal Communications Commission

filling
the depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance

filling station
any building or premises used for the dispensing, sale, or offering for sale any automobile fuels or oils, other than a public garage where any dispensing or sale of fuel in incidental to the use of the premises as a public garage

fire lane
a Fire Apparatus Access Road according to the International Fire Code.

firewall
a wall made of fireproof material to prevent the spread of a fire from one part of a building to another

flag lot
a lot which has minimum frontage on a public street, which is reached via a private drive or lane whose width some distance back from the street right-of-way, meets all city regulations
flood or spotlight any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam
in a particular direction.

floodplain
any property within the limits as delineated by FEMA (Federal Emergency Management Agency) of the 100-year floodplain or as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

floodway
see Regulatory floodway

floor area
the total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

floor area ratio (FAR)
the floor area of a main building or buildings on a lot, excluding structured parking garages, divided by the lot area.

foot-candle
a unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle. When metric units are used, lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area. One (1) foot-candle equals 10.76 lux.

freestanding structure
any building for the support, shelter or enclosure of persons, animals, chattels, or moveable property of any kind and surrounded by yards or open space and not containing permanent provisions for living, sleeping, or cooking

full cutoff-type of luminaires or horizontal limited luminaires
luminaires constructed or shielded to direct all light at a cutoff angle of less than ninety (90) degrees.
garage, private an enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

glare
direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility.

grade
a ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

grand opening
the commencement of operation by a business in a new location or the assumption of ownership of an existing business by a new owner or group of owners

groundcover
a spreading plant including sods and grasses with a mature height of less than 18 inches in height

HABS
Historic American Building Survey

hearing authority
the public body authorized to hear and decide a request or an appeal to the regulations established in this chapter.

heavy load vehicle
a self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean “Heavy Load Vehicle" unless specifically stated otherwise.

height
the distance measured from the finished grade of the parcel to the highest point on the support structure or other structure, including the base pad and any antenna

height of luminary
the height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct light emitting part of the luminary.

high-water use zone
a Landscape Zone composed of high-water usage or non-drought tolerant plants.

HD, historic district
Any area designated as a “Palestine Historic District” by ordinance of the city council and/or any area listed on the National Register of Historic Places which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or features which have a special character or special historical interest or value, representing one or more periods or styles of architecture typical of one or more eras in the history of the city, and causes such area, by reason of such factors, to constitute a distinct section of the city. Such historic districts may also be comprised of archaeological properties.

HL
Historic landmark

HLC
Historic landmarks commission

HPO
Historic preservation officer

historic property/resource
A building, structure, object, or site that is at least 50-years old and that is associated with events of significance, or is strongly associated with persons of significance, or embodies the characteristics of an important architectural style, method of construction or plan type, or may yield cultural and/or archaeological information. It may be within a historic district or individually designated.

historic zoning overlay
A set of zoning requirements described in the adopted or approved Palestine Residential Design Guidelines, the Palestine Commercial Design Guidelines or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties, as applicable to officially designated Palestine landmarks or Palestine historic districts, and as recorded by reference on the city zoning map and in the Palestine Register of Historic Places and imposed in addition to those of the underlying zoning district. Development within a historic zoning overlay must conform to the requirements of both the appropriate design

guidelines and city zoning standards, and where conflict between the two arise the more restrictive standards apply.

illumination level
average lighting intensity measured at grade (in foot-candles).

improvement
Any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical improvement of real property, and any part of such improvement.

incandescent light
illumination produced by a filament, which is heated by an electric current, including quartz and halogen lights.

incidental use
any use different from the primary use but which complements and/or supplements the primary use. Incidental shall mean an area that constitutes not more than fifteen (15) percent of the main use. An incidental use is also an accessory use.

infill development
the development of structures within previously developed areas which utilize the existing infrastructure.

institutional use
a use that provides health, social, or community services, including uses such as hospitals, churches, public recreational centers, or rehabilitation care facilities.

integrated business development
commercial development such as a strip center, mall, multi-tenant office, building, commercial center, or industrial complex in which two or more separate businesses occupy a single structure or multiple structures which share on-site parking facilities and common driveways

integrity
A condition of a property occurring when such property is physically unaltered or retains a sufficient amount of its historic character defining elements, appearance, or ambiance to be recognizable to the period when the property achieved significance.

invasive species
an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health. Also, any plant listed on the Prohibited Plant Species list established by the Texas Parks and Wildlife Department

irrigation efficiency (IE)
the measurement of the amount of water beneficially used by plants divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

irrigator
a person who holds a license to practice irrigation in the State of Texas.

iSWM
the integrated Storm Water Management (iSWM) program, a site development design manual developed by the North Central Texas Council of Governments (NCTCOG).

lamp
the component of a luminary that produces the actual light.

landmark
Any "improvement", including archaeological property, which as a special character and/or special historical interest or value, a part of the development of the heritage or cultural characteristics of the city, county, state, or nation and which has been designated as a: Palestine landmark, recorded Texas historic landmark, historic Texas cemetery, Texas subject marker, or state archaeological landmark.

landscape architect
a person who holds a license to practice landscape architecture in the State of Texas.

landscape zone
a portion of the landscape area having plants with similar water requirements, site conditions or functions.

landscaped area
area within the boundaries of a lot which is devoted to, and consists of, plant material, including but not limited to, grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, natural forms, water forms, aggregate and other landscape features; provided, however, that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of organic plant material. Smooth concrete or asphalt are not approved materials within the landscaped area

landscaping
material such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, or fences, but excluding paving.

length of frontage
the length of any primary or secondary frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length clearly unrelated to the frontage criteria. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

levee
a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding

levee system
a flood protection system which consists of levees or associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices

light load vehicles
a self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 11,000 pounds and having no more than two (2) axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

light pollution
the shining of light produced by luminaires above the height of the luminaires and into the sky.

light trespass
the shining of light produced by luminaires beyond the boundaries of the property on which it is located.

loading space
an off-street space or berth used for the delivery and loading or unloading of vehicles.

lot
any plot of land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by Chapter 39, and other laws or ordinances, and having its principal frontage on a public street or officially approved place.

lot depth
the distance on a horizontal plane between the midpoint of the front lot line and the midpoint of the rear lot line

lot frontage
That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

lot line, front
The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not about the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

lot line, rear
The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

lot line, side
Any lot line not the front or rear lot line.

lot lines or property lines
The lines bounding a lot as defined herein.

lot of record
a lot which is part of a platted subdivision, the plat of which is recorded in the office of the county clerk.

lot width
The horizontal distance measured between side lot lines parallel to the front lot line and measured from the point on the building line that is closest to the front lot line.

lot, area
The total area, measured on a horizontal plane, included within lot lines.

lot, corner
A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).

lot, depth
The mean horizontal distance between the front and rear lot lines. Thoroughfare easements shall not be included in lot depth calculations.

lot, double frontage
A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

lot, flag, or panhandle
A lot having access to a street by means of a parcel of land having a depth greater than its frontage and having a width less than the minimum required lot width, but not less than twenty-five (25) feet. The maximum distance of the area less than the required width from the front property line shall be one hundred ten (110) feet.

lot, interior
A lot other than a corner lot.

lot, key
A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley shall be considered a key lot.

lumen
Unit used to express the light output of a lamp or fixture.

luminary
A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

luminous tube lighting
Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used (e.g., neon, argon, etc.).

major thoroughfare
as identified on the Thoroughfare Plan of the Comprehensive Plan.

marquee
a roof-like structure of a permanent nature projecting from the wall of a building

masonry
that form of construction composed of stone, brick, concrete, hollow clay tile, decorative concrete block or tile, glass block or other similar building units or materials or a combination of these materials laid up unit by unit and set in mortar. For the purposes of this definition, true stucco is considered masonry.

masonry construction
(A) primary materials - unless otherwise provided for in this Ordinance, exterior construction materials are fired brick, natural and manufactured stone, granite, marble, architectural concrete block, and 3-step stucco process for all structures
(B) other materials - other exterior construction materials for nonresidential structures are tilt wall concrete panels and sealed and painted concrete block

miscellaneous hazardous industrial use
Any industrial use not specifically defined in this section that is a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

motion
The perceived or actual occurrence of movement generally created by a change in shape, size, color, luminosity,
reflectivity, or animation, not static or fixed.

motor vehicle
Any vehicle designed to carry one or more persons, which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles, and buses.

motorcycle
A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

nameplate
a sign which denotes only the name of the person occupying the premises

NR
National Register of Historic Places

natural landscape zone
A landscape zone composed of native and adapted plants that do not require irrigation after establishment.

net acreage, lot
The acreage within the platted lot.

net acreage, subdivision
The total remaining acres of a subdivision after subtracting land dedicated for rights-of-way greater than sixty (60) feet, floodplains, and erosion hazard setbacks, easements greater than twenty (20) feet, areas for thoroughfare screening, and land provided for City and school district purposes.

new urbanism
The process of reintegrating the components of modern life – housing, workplace, shopping, and recreation – into compact, pedestrian friendly, mixed-use neighborhoods linked by transit and set in a larger regional open space framework. New Urbanism is commonly referred to as "neotraditional planning" or "traditional neighborhood development."

nits
A measure of lamination or luminance that is used to compare the brightness of a digital or LED sign. One nits is equal to one candela per meter squared.

non canopy tree
any self-supporting, woody plant with one or more trunks which attains a height of at least 15 feet such as eastern redbud, southern golden raintree, and flowering pear

noncommercial message
a message that is not a commercial message

nonconforming building (nonconforming structure)
a building or structure (or portion thereof) lawfully existing at the time of adoption or the ordinance from which this chapter derives, or subsequent amendment thereto, that does not conform to the provisions of this chapter relative to height, bulk, area, placement, or yards for the district in which it is located

nonconforming use
A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

noncontributing property
A building, structure, site, or object within a "historic district" that does not add to the values or qualities of that district, was not present during the period of significance, no longer possesses historic integrity due to alterations or is not independently listed as one of the following: a Palestine historic landmark, on the National Register of Historic Places, a recorded Texas historic landmark, a historic Texas cemetery, a Texas subject marker, or state archaeological landmark.

non-historic property
A building, structure, site, or object that is less than 50-years old and is not associated with events, individuals, construction types or styles of historic significance or is not apt to yield cultural and/or archaeological information. It may be within a historic district or associated with a landmarked property.

nonresidential
Property zoned or used for other than residential purposes.

object
A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue or milepost.

occupancy classification
The use or intended use of the land or buildings by proprietors or tenants.

officially approved place of access
Access, other than a dedicated street, to a property, which is approved by the City.

oil well/gas well and mineral extraction
Area used for development and production and all operational activities associated with oil and gas for any well drilled, to be drilled, or used for the intended or actual production of oil or natural gas, or a well classified as an oil or gas well under the laws of the State of Texas. Mineral extraction is the process of extracting sand, gravel, stone, or other minerals/natural resources from the earth.

open ornamental fence
Fencing constructed with wrought iron, tubular steel or similar materials and designed to allow for partial visibility from one side of the fence to the other. Open ornamental fences may have solid masonry foundations, columns, or similar features. Chain link fences are not included in this definition.

outdoor lighting
The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

owner
any owner, authorized agent or contractor of the owner acting for the owner who constructs, enlarges, alters, repairs, moves or changes the occupancy of a building or structure

Palestine Register of Historic Places
A comprehensive list, updated annually, of all historic properties and historic districts within the city limits of Palestine, Texas. The register contains identifying information on historic properties designated under local, state, and national programs, including the name of the property (original owners or business, or another long-time historic period owner), street address, type of property (house, commercial, cemetery, etc.), and date of listing.

parking space
An area reserved exclusively for the parking of a motor vehicle.

pavement width
the portion of the surface of the street available for vehicular traffic; if curbed, it is that portion of the street between the back of the curb and back of the curb

payload capacity
The manufacturer's payload capacity rating for the vehicle or can be determined by the gross vehicle weight rating. The curb weight, typically the payload capacity or weights can be found inside the driver side door jamb of the vehicle.

period of significance
The period of time in which a historic district or property attained historical significance. If the property is important for its architectural merits, the period is the date of construction or span of time when developed. If the property is important for association with an individual, the period typically includes the time span during which that individual was associated with the property. If the property is important for its association with a period in history, the period is the years during which the historical events occurred.

permit
A license, certificate, approval, registration, consent, permit, contract or other agreement for the construction or provision of service from a utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the City, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the application for the permit or information required to be submitted for consideration provides fair notice of the project to the City.
Notwithstanding, an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit, is not considered a permit.

person
an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

photometric plan
A point-by-point plan depicting the intensity and location of lighting on the property.

plan for development of real property or a plan for development
An administratively complete application for a Preliminary Site Plan or Site Plan. An application for a Preliminary Site Plan or Site Plan shall be considered administratively complete when all information required to be submitted by this Chapter 39 for consideration has been received by the City, in addition to any required fees.

planned development district
Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed, or operated or integral land use units either by a single owner or a combination of owners.

planning & zoning commission
A board, appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "Commission."

plant coefficient (PC)
A coefficient that, when multiplied by the reference evapotranspiration rate, estimates the amount of water used by plants.

plot
A single unit or parcel of land that can be identified and referenced to a recorded plat or map.

premise
Land together with any buildings or structures situated thereon.

primary and secondary frontage
The frontage of any building or site shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units. For multi-tenant buildings, the portion of such building that is owned or leased by a single tenant shall be considered a building unit:

1. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
2. The secondary frontage shall include frontages containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage.

primary or principal use
The principal or predominant use of any lot or building and/or the main use to which the premises are devoted and the principal use for which the premises exist

principal improvement or building
The primary built improvement, which is the largest and most architecturally significant building to the site or an individual parcel within the historic district, or other major structure designated as a historic landmark.

private street development
A development of two (2) or more lots sharing private gated vehicular access ways that are not dedicated to the public and are not publicly maintained. Private streets and alleys may be established only under the terms of the City's codes and ordinances. The term "Private Street" shall be inclusive of alleys.

progress toward completion
See Section 245.005(c) of the Texas Local Government Code, as it exists or may be amended, unless another meaning is specified.

project
An endeavor over which the City exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

property owner
Individuals or other entity listed on the title or with the appraisal district or the representative appointed by such.

protected residential property
Any property within the City that meets one of the following requirements:
(A) the property is zoned in a residential district as defined within the Zoning Ordinance or zoned a planned development for residential uses; (B) the property is designated in the Comprehensive Plan as any type of residential; or (C) the property is used or subdivided for use as residential

public improvement
means one or more of the following: water lines and appurtenances, sewer lines and appurtenances, streets and/or drainage facilities

public right-of-way
any part of a right-of-way, not privately owned or controlled, which the city or other governmental agency is responsible for maintaining

public/semi-public uses
Any uses that are educational, governmental, or institutional in nature.

railroad track and right-of-way
The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

reader panel
a permanently constructed changeable copy bulletin board, lighted or unlighted, with detachable precut letters and figures

RTHL
Recorded Texas historic landmark

recreational vehicle
a vehicle which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) design primarily not for use as a permanent dwelling but as temporary living quarters or recreational, camping, travel, or seasonal use

recycling collection point
An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.

redevelopment
Any man-made change or alteration to a design and/or layout of an existing Development(s) including repair, expansion and/or removal and replacement of existing building and/or structure, paving drainage, utilities, storage and/or agricultural uses.

rehabilitation
The process of returning a property to a state of utility through repair or alteration that makes possible a contemporary use while preserving those features of the property significant to its historical, architectural, or cultural values.

removal
Any relocation of a structure on its site or to another site.

reserve
a tract of land created within a plat that is not divided into lots or proposed for development at the time of platting

residential
a tract of land design for or used exclusively to contain a dwelling unit. A primary residential area shall mean a street in which a majority of the total front footage is used for residential purposes

residential care
A facility that provides primarily nonmedical resident services to seven or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed as facility staff, on a 24-hour-a-day basis

residential district
District where the primary purpose is residential use.

restoration
The process of accurately recovering the form and detail of a property and its setting as it appeared at a particular time by the removal of later work or the replacement of missing earlier work.

riparian buffer
An area of permanent vegetation adjacent to a water course and actively managed to maintain the integrity of stream channels and shorelines to reduce the impact of upland sources by trapping, filtering, and converting pollutants and supplying food, cover, and thermal protection to fish and other wildlife. The Director shall establish and maintain a Riparian Buffer/Corridor Map.

roofline
The horizontal line where the wall ends, and the roof begins.

screening
fences, walls, trees, shrubbery, and other landscape elements used to conceal or interfere with the view and reduce noise impact thereof from adjacent properties and public rights-of-way at street level in accordance with the standards set forth in this chapter 39

seasonal, holiday and festive decoration
“Holiday” or “festive” shall mean a calendar date or dates associated with a specific event or season, including, but not limited to, New Year’s Day, Martin Luther King, Jr. Day, Valentine’s Day, Easter, Memorial Day, Independence Day, Labor Day, Halloween, Thanksgiving, and Christmas; “decorations” shall mean ornaments, figures, statues, signs, inflatable characters, seasonal lighting, and related products that are placed on a building or in a yard for a temporary period of time in observance of a holiday or festival.

secondary historic resources
Buildings and structures associated with principle improvements and/or buildings and structures within historic districts and individually designated properties that include, but are not limited to, garages, sheds, wells, barns, carriage houses, foot bridges and other similar auxiliary constructions.

self-supporting lattice support structure
a self-supporting, open steel frame structure used to support telecommunications equipment

setback
the minimum unoccupied distance between the lot line and the principal and accessory buildings, as required in this chapter 39

setback, front
the minimum unoccupied distance, extending the full lot width, between the principal and accessory buildings and the front lot line

setback, rear
the minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line

setback, side
the minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line

sign
Any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, project, service, place, activity, person, institution, organization, or business. A sign includes any or all of the following, the advertisement, copy, face, structure, or any [appurtenances] in erecting or attaching the sign. Except for signs included in the definition of “human signs,” the term does not include words or images depicted on clothing or pickets, posters, signs, or other items that are carried or held by one or more persons that are not attached, placed into, or rested on the ground.

sign, a-frame
a portable sign made of two pieces of wood, metal or other similar material connected at the top by hinges or similar de- vices and may collapse when the connecting devices are overextended, or the two pieces of wood, metal or other similar material are against one another. Also, commonly referred to as a "Sandwich Board Sign."

sign, architectural element
A freestanding sign that is attached to an architectural element (a structure such as a pergola, freestanding canopy, fence, or retaining wall) that is built for the purpose of serving as an architectural enhancement of the site, is architecturally compatible to the main building and the overall site but not including sign structures for other sign types and/or structures for antennas or similar type structures.

sign, area of
The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports becomes enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two-faced (back-to-back) sign carrying the same image and message on both faces. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.

sign, awning
A wall sign attached to an awning structure (a structure made of metal or other material with frames affixed to a building and carried by a frame, but which does not have supports to the ground other than the main building). If the sign projects over the surface of the awning, then it is considered a roof sign.

sign, attached
a flat sign, either of solid face construction or individual letters, symbols, or pictures, erected, installed, or printed, which is placed against the exterior wall of any building or structure, and which does not extend more than eight inches from the exterior wall and does not extend above the wall line.

sign, banner
A sign made of flexible materials (paper, plastic, or fabric), with or without a frame, and supported along one or more sides, or at two or more corners, by one or more fixed, rigid supports such as poles or rods. Banner does not include a flag or a pennant.

sign, base
The footing, foundation, or similar support to support the sign but not including poles

sign, pennant
Any cloth, paper, plastic, or similar non-rigid material used for advertising purposes attached to any structure, staff pole, line, framing, tether, or vehicle

sign, canopy
A sign attached to a canopy structure (a structure made of metal or other material with frames affixed to a building and carried by a frame, which has supports to the ground other than the main building). If the sign projects over the surface of the canopy, then it is considered a roof sign.

sign, changeable message
any on-premises sign or portion of a sign that is capable of changing its message or in text form with or without images, by electronic processes, and shall include, but not be limited to those on-premises signs employing changeable message light emitting diode technology, commonly referred to as LED Signs

sign, channel letter
A wall sign or a freestanding sign that is made of only text, symbols, or logos and the sign may or may not be illuminated.

sign, construction
A temporary sign identifying individuals or companies involved in design, construction, wrecking, or development on the same premises as the sign

sign, detached
Any non-movable sign not attached to a building and that is not a temporary sign

sign, electrical
a sign containing electrical wiring or utilizing electric current, but not a sign illuminated by an exterior light source

sign, exempt
A sign that is not required to follow the regulations included in this Chapter 39.

sign, face of
The entire area of sign that the copy should be attached but is not the copy, itself.

sign, flag
Detached sign which displays a commercial message on a flag

sign, flashing
A sign that creates the perception or actual change in color, brightness, intensity or reflectivity or an illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color when the sign is illuminated. For the purpose of this Code, any moving sign displaying alternating illumination being turned on and off which includes a strobe or pulsing effect shall be deemed to be a flashing sign.

sign, ground
a sign which is a pole sign, a monument sign, a pylon sign, or a nonconforming billboard which exists on the effective date of the ordinance.

sign, height of
The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whoever measurement is the greatest (see section 39.3.6-12, measurement standards, for how to measure height).

sign, homebuilder
A sign that advertises the name of the builder of single-family residential homes who owns one or more lots in a particular subdivision.

sign, human
A person dressed in costume, holding a sign, or having a sign affixed to the person where the sign or costume has a commercial message

significant resource
Any designated property, district, or landmark as defined in this section. This term may be used interchangeably with landmark or significant property.

sign plan, Integrated business development
A plan as defined in Article III, Division 6 and approved per the regulations of chapter 39; showing all signage for a development site that has at least one 75,000-square feet or more single nonresidential user or for a site that is minimum five-acres with at least 100,000 square feet of rentable nonresidential space.

sign, kiosk
A detached sign structure located in or adjacent to public right-of-way that features a city identification panel at the top of each structure and displays directional information according to the requirements of section 39.3.6-9. 4)

sign, light pole
A temporary sign that attaches to the specified dimensions of a light pole designed for the purpose or has been approved for the modified purpose of displaying a vertically oriented banner sign of no less than 24 inches and no more than 30 inches in height and is attached to the light pole

sign, logo
a sign operated and maintained by the state department of highways and public transportation within the public right-of- way which bears the name and trademark design of a business

sign, marquee
a sign on a marquee.

sign, monument
a sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and used to identify tenants in a building or structure. A monument sign shall contain a minimum one-foot masonry with mortar border around all sides.

sign, movable
Any temporary sign, made of vinyl, paper, cloth or fabric, polyboard, coroplast or corrugated plastic, poster board, plastic core, cardboard, lightweight plastic, plywood, or similar material including signs with wood or wire framing, posts, or stakes, supported by the ground but not permanently attached to the ground, which can be regularly moved from a location at periodic intervals. The term includes “A”-frame or sandwich board signs and bow banner or swooper flags. The term does not include residential yard signs. A movable sign is not considered to be a portable sign.

sign, moving/whirling
A sign which has any actual or apparent moving, revolving, flashing or rotating parts activated by electric, electronic, kinetic or mechanical devise, or by wind current, and shall include, but not be limited to, balloons, signs which are constructed of or faced with reflective tape or other similar materials, signs which change color, and signs where the intensity of lighting changes or appears to change, this definition does not include the display of time and/or temperature on a sign face. Certain signs and devices of this type are prohibited as described in Article III Division 6 of Chapter 39.

sign, mural
An attached sign that is a part of a graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to a painting, fresco, or mosaic.

sign, noncommercial
a sign directing attention to a purpose or cause not created or existing for the generation of profit or for the remuneration of individuals including, but not limited to, religious, charitable, civic, or educational purposes of causes

sign, nonconforming
A sign that was a legally permitted sign when installed but does not conform to the existing ordinance due to the amendments made after the permit was issued.

sign, off-premises
a sign which identifies a use, facility or service which is not located on the premises where such sign is displayed; identifies a product which is not produced, sold or manufactured on the premises where such sign is displayed; or advertises or otherwise directs attention to a product, service, activity, person, institution, facility or business which may or may not be identified by a brand name and which occurs or is primarily conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is displayed

sign, on-premises
any sign identifying, advertising, or providing information about the business, person, activity, goods, products, or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes

sign, permanent
A sign that is fixed in the nature that is erected, affixed, or maintained on the premises and is not a temporary sign as defined in this chapter

sign, pole
a sign that is mounted on a freestanding pole or poles

sign, political
A sign pertaining to any national, state, county, or local election involving a candidate for a public office, taxation or bond proposal, legal or legislative amendment, an issue being considered for public referendum, or for a similar purpose or cause

sign, portable
a sign designed or constructed to be easily moved from one location to another, including signs mounted upon, or de- signed to be mounted upon, a trailer, bench, wheeled carrier or other motorized or non-motorized mobile structure or vehicle, whether or not its wheels have been removed. For the purpose of this chapter, trailer signs and signs on benches are portable signs.

sign, poster
A wall sign that is static, not electronic and is mounted flat against and projecting less than 12 inches from, or painted directly on an exterior wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall to which it is attached

sign, premises
A sign which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located.

sign, prohibited
A sign that is not allowed in the city.

sign, projecting
a sign which is affixed to a building wall or structure and which extends beyond the building wall or structure more than 12 inches

sign, pylon
A permanent freestanding sign which has at least 25 percent of the sign structure width in contact with the ground and in which the sign face is separated from ground level by means of one or more supports such as poles, pole covers or columns. Poles and supports shall be concealed.

sign, residential yard
A sign for the purpose of advertising the sale or rent of real estate, and also including signs advertising yard sales, estate sales, garage sales, or children's lemonade or similar stands, and only when the sign is on the same premises as the location of the residential use.

sign, restricted or incidental parking
A temporary or permanent sign in a parking lot, or curbside parking area, which designates restricted parking of any type, including, but not limited to, customer parking only, employees of the month, time-limited parking, emergency parking, and similar restricted designations.

sign, roof
a sign erected or maintained above or on the sloped roof of any building or above the parapet wall or the mansard roof of a flat roof building

sign, structure
The structure or other means whereby the sign face or copy is attached in one or more points. Attachments include, but are not limited to, poles, brackets, concrete footings, framework, uprights, catwalks, etc.

sign, temporary
a sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material. A portable sign shall not be considered a temporary sign.

sign, vehicle
A sign mounted, painted, or otherwise placed on a truck, bus, car, boat, trailer or other vehicle or equipment and used in such a manner that the sign is visible from a public street or right-of-way. Vehicles and equipment engaged in active construction or repair projects, and the on-premises storage of equipment and vehicles offered to the general public for rent or lease, shall not be considered to be vehicle signs. The term does not include bumper stickers, window stickers, or license plate frames.

sign, wayfinding
A directional sign that is part of a sign system for the purpose of directing traffic, both vehicular ad pedestrian, to the public's desired location.

sign, wind
A cloth or plastic or other flexible light material made in strips, triangles, or other shapes, figures, or objects which are fastened together or to ground by wire, rope, cord, string, or other means in such manner as to move by wind pressure

sign, window
A sign attached to, placed upon, or painted on the exterior or interior of a window or door, of a building, which is intended for viewing from the exterior of such building

single-occupant detached commercial or industrial building
a commercial or industrial building which contains a single occupant, and which is not a part of an integrated business development, or which is located in a reserve that is part of, but is physically separated by a distance of more than 50 feet from any other structure in, an integrated business development

site plan
a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this chapter 39

smart controller
Smart controllers estimate or measure depletion of available plant soil moisture in order to operate an irrigation system, replenishing water as needed while minimizing excess water use. A properly programmed smart controller requires initial site-specific set-up and will make irrigation schedule adjustments, including run times and required cycles, throughout the irrigation season without human intervention.

special event
An event or gathering open to the public, with or without ticket purchase, in areas or venues not specifically designated for that purpose and which requires a temporary exception to otherwise applicable rules or requirements.

sports venue
A public entertainment facility property, as defined as the building(s) and land that is primarily designed and used for live sporting events.

SAL
State archaeological landmark

storage building
a structure used as an accessory building which is subordinate to the primary building and is used for storage purposes. This type of building excludes shipping/cargo containers

storm shelter
an underground structure or bunker constructed outside of the primary building which provides refuge from violent weather

story
that part of a building between the surface of a floor and the ceiling immediately above

story, half
A single room within a dwelling unit above the second floor. A half-story will occupy no less than two- thirds (2/3) of the area under the roof and shall have non-operating opaque windows for façades that face adjacent properties. Transparent windows may face the front yard. A half-story containing independent apartment, living quarters, or bedroom shall be counted as a full story.

street
any public or private street or easement used for movement of traffic and access.

street frontage
the length of a lot or tract of land which is adjacent to a public or private street.

Street grade
The average elevation of the projected corners of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the corners being measured at the top of curb, or centerline of street is no curb is present.

street, arterial
streets with a primary purpose of the movement of traffic. Direct access is primarily limited to significant land uses.

street, collector
streets that which provides access to nonresidential land uses and connects local streets to the system's arterial streets

street, half
a vehicular access way created if only a portion of the required right-of-way width or pavement width is dedicated and/ or constructed

street, intersection
Any street that joins another street at an angle, whether or not it crosses the other.

street, local
a street with the primary purpose of providing access to adjacent land; characterized by low volume and low speeds.

street, private
a vehicular access way under private ownership and maintenance providing access to building units in the interior of a lot

street, public
the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, which is open to the public for vehicular traffic and which the city or other governmental agency is responsible for maintaining

street, residential
a street in which a majority of the total front footage is used for residential purposes.

structural alterations
Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

structural soil
A soil medium which is designed to meet or exceed pavement load bearing requirements while remaining root penetrable and supportive of tree growth.

structure
anything constructed or erected, which requires location on the ground or attached to something having a location on the ground including, but not limited to, buildings of all types, advertising signs and billboards, but excluding: (1) fences, boundary and retaining walls in the side or rear yard; and (2) basketball goals, flagpoles, and ornamental yard lights.

subdivision plat
a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the county records and containing accurate and detailed engineering and survey data, dimensions, dedicatory statements and certificates, including:

1. preliminary plat: see chapter 40
2. final plat: see chapter 40

substantial damage
damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

substantial improvement
any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

temporary irrigation
An irrigation system that is used to establish native and adapted plants species and is removed after a one-year establishment period.

temporary outdoor lighting
The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than four (4) calendar days with at least one-hundred and eighty (180) calendar days passing before being used again.

tract
An un-platted area, parcel, site, piece of land, or property that is the subject of a zoning or development application.

trailer rental
The display and offering for rent of trailers designed to be towed by light load vehicles.

trailer, hauling
A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

trailer, travel, or camping
A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants designed to be towed behind another vehicle.

trailer/manufactured home display and sales
The offering for sale, storage, or display of trailers or manufactured homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

tree
a woody plant having one well-defined stem or trunk having a more or less definitely formed crown, and ordinarily
attaining a mature height of not less than six feet.

tree diameter
the diameter of a tree is measured four feet above ground at the time of planting or, if measuring an existing tree, at the time of development.

tree, protected
Any tree six (6) inches or larger in diameter when measured at a point four and one-half feet (4½') above the ground level and which normally attains a height of at least twelve (12) feet at maturity.

tree, replacement or transplanted
(A) Any tree that is listed under Article III Division 4 of this Chapter 39. Zoning Ordinance, as it exists or may be amended, and/or utilized for mitigation of Protected Trees that have been or are required to be removed and replaced or transplanted under the requirements of the Ordinance.
(B) A Replacement Tree is one that has been planted to mitigate the removal of a tree from the property.
(C) A Transplanted Tree is one that exists on the property and is relocated within the property.
(D) Replacement/Transplanted Trees are a minimum size of three (3) inches when measured at a point twelve (12) inches above the natural ground level and will normally attain a height of at least twelve (12) feet at maturity.

tree, street
A street tree is a tree required between the back of the curb and the sidewalk.

truck
A light or heavy load vehicle (see definition for light and heavy load vehicle).

underground shelter
any structure built primarily below ground level.

unified development
the separate ownership of single units or apartments in a multiple unit structure with common elements.

urban mixed use
A development or portion of a development that includes a mixture of residential and nonresidential uses in a configuration where a majority of the buildings are two or more stories tall and pedestrian oriented.

usable open space
(A) Usable Open Space. An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation.
(B) Space Defined. An area of common usable open space:
  i) Shall have a slope not exceeding ten (10) percent;
  ii) Shall have no dimension of less than fifteen (15) feet; and
  iii) May include recreational facilities, water features, required perimeter landscape areas, floodplain areas and decorative objects such as artwork or fountains.
(C) Usable open space shall not include:
  i) Walks,
  ii) Rooftops,
  iii) Accessory buildings, except those portions or any building designed specifically for recreational purposes,
  iv) Parking areas,
  v) Landscaped parking requirements,
  vi) Driveways,
  vii) Turn-arounds, or
  viii) Right-of-way or easement for streets or alleys.

utility easement
a right held by the city or the public to make use of the land of another for the limited purpose of placement of water, wastewater, or other utility lines.

utility easement
a right held by the city or the public to make use of the land of another for the limited purpose of placement of water, wastewater, or other utility lines.

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

village green
A communal usable open space area or park central to a neighborhood.

wall line
the surface that connects the foundation to the roof.

water resource zone

A landscape zone that is designed for the purpose of capturing, filtering, reusing or infiltrating rainwater with the intended purpose of protecting and conserving water resources.

watercourse
a definite channel of a stream in which water flows within a defined bed and banks, originating from a definite source. The water may flow continuously or intermittently, and if the latter, with some degree of regularity, depending on the characteristics of the source.

wind energy conversion systems, farm, or utility
The principal use of the land is the commercial production of energy through one or multiple wind energy conversion systems (WECS).

wind energy conversion systems, small
A small wind energy conversion systems (WECS) shall be defined as any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy and is an incidental use to the primary use of a property.

yard
An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

yard, front
A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

yard, rear
The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

yard, side
the open space between a building and the side lot lines, but not including any part of the front or rear yards

zoning application
A request to consider an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit.

zoning map
The official map upon which the boundaries of the various zoning districts are drawn, and which is an integral part of the Zoning Ordinance.

Division 3. Use Definitions

accessory use of a building
a subordinate use or building customarily incident to and located on the lot occupied by the main use or building

accessory structure
Any structure, either attached or detached from the main dwelling, the use of which is incidental to that of the main structure and located on the same lot. Accessory structures include, but are not limited to patio covers, arbors, gazebos, cabanas, outdoor kitchens and/or recreational fire enclosures, trellis, and structures/sheds or the like. A permit is required for all accessory structures. Also, referred to as accessory buildings.

agricultural use
A use that consist of the growing of crops mainly for food and fiber, or the keeping, grazing, breeding, or feeding of animals for the products they produce or for eventual sale.

agriculture
any land or building used for pasturage, floriculture, dairying, horticulture, forestry and livestock or poultry husbandry

airport/heliport
A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

alcoholic beverage establishment
Any establishment that derives seventy-five (75) percent or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premises consumption.

alcoholic beverage sales
Any establishment, place of business, or person engaged in the selling of alcoholic beverages, as defined in the Texas

Alcoholic Beverage Code, as amended, to the general public for off-premises personal or household consumption.

amenity center
A recreational facility, including, but not limited to, clubhouse, swimming pool, play area, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

antenna
any exterior transmitting or receiving device mounted on a support structure or building and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communication signals

antenna
An instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.

antenna and/or antenna support structure, commercial
An antenna and its support structure used for commercial broadcasting or telecommunication purposes. This definition shall also include a satellite dish exceeding twelve (12) feet in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. Definition includes ancillary ground equipment.

antenna and/or antenna support structure, non-commercial
An instrument or device consisting of wires, poles, rods, or reflecting discs and its support structure not exceeding forty (40) feet in height above the ground elevation at the base of the support structure, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. This definition shall also include a satellite dish antenna not to exceed twelve (12) feet in diameter.

antenna, stealth
A Stealth Antenna is a commercial antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth Antennas include, but are not limited to:
(A) antennas within a building's attic space, (B) antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located, (C) antennas on a public utility structure, such as a water tower or high transmission line support tower, and painted to match the structure, (D) antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and antennas located on an athletic field light pole, (E) example of stealth antennas

antenna support structure
Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/ or reception of electromagnetic, radio, television, or microwave signals.

antique shop and used furniture
A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

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

artisan's workshop
An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

assisted living facility
A facility providing residence, supervision, and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as

dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities. An assisted living facility may include an adult daycare as an accessory use.

athletic stadium or field, private
A private field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

athletic stadium or field, public
A field(s) and structure owned and operated by the City and/or a local independent school district used for sporting events with associated spectator seating, either permanent or temporary.

automobile parking lot/garage
An area or structure where the parking of automobiles serves as the primary use on the lot. This use does not include the storage of gasoline.

auto parts sales, outside
The use of any land area for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

automobile paid parking lot/garage
An area or structure where a fee is charged for parking automobiles and which serves as the primary use on the lot. This use does not include the storage of gasoline.

automobile repair, major
General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses.

automobile repair, minor
An establishment used for the dispensing or sales of automobile fuels, lubricants, and automobile accessories; the minor repair or replacement of parts and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; window tinting, and the sales and installation of automobile radios. Uses listed under "Automobile Repair, Major" or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven (7) calendar days.

automobile sales, used
Sales of used automobiles or light load vehicles.

automobile sales/leasing, new
Sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: Automobile
Sales, Used; Automobile Repair, Major; and Automobile Storage.

automobile storage
The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage.

bank, savings and loan, or credit union
An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

beauty salon/barber shop
Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

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

bicycle rental stand
bike racks belonging to a bike sharing program, where multiple bikes are locked into the dock, and can only be released a computer located in a kiosk at one end. The user enters their payment information, and the computer unlocks one of the available bikes. When the user returns the bike, they place it in the dock, and enter their information into the computer, and it locks the bike into the dock.

big box retail development
Big Box uses are defined as single tenant retail buildings over 70,000 square feet.

boarding or rooming house
A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed eight persons.

body art studio
An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

building material and hardware sales, major
An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

building material and hardware sales, minor
An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

business service

An establishment primarily engaged in providing services not elsewhere classified, to business enterprises on a fee contract basis, including, but not limited to, advertising agencies, computer programming and software services, and office equipment sales, rental, leasing, or repair.

bus terminal
Any premises for the transient parking or storage of motor-driven buses and the loading and unloading of passengers.

cabinet/upholstery shop
An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture.

campground or recreational vehicle park
Any area that is designed for occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes.

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

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

caretaker's/guard residence
A residence located on a premise with a main nonresidential use and occupied only by a caretaker or guard, and his/her family, employed on the premises.

cemetery or mausoleum
Property used for the interring of the dead.

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

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

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

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

church
a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. "Day Care" provided for infants, or pre-school children (or as defined in Texas Admin. Code, Ch. 746, subsection A) is specifically excluded as a use customarily associated with such primary purpose

civic/convention center
A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

church, temple, synagogue, mosque, or other place of worship
A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

club
an organization or persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or similar activities, but not operated for profit and open only to members and not the general public

college, university, trade, or private boarding school
An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation. A boarding school is an educational institution offering primary and secondary level courses. Dormitories for students and employees only are permitted in conjunction with these uses.

commercial amusement, indoor
An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to, bowling alleys, ice- or roller-skating rinks, bingo parlors, amusement arcades, and/or practice areas.

commercial amusement, outdoor
An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

community center
A building or portion of a building owned and/or operated by a government entity or not-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

concrete/asphalt batching plant, permanent
A permanent manufacturing facility for the production of concrete or asphalt.

concrete/asphalt batching plant, temporary
A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

condominium
see Unified development

construction yard and field office, temporary
A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction.

contractor's shop and/or storage yard
A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

convenience store with gas pump
A retail establishment that sells food and other consumable and non-consumable products for off-premises use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

convenience store without gas pumps
A retail establishment that sells food and other consumable and non-consumable products for off-premises use or consumption.

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

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

dry cleaning, minor
A custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

dwelling unit
one or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes

dwelling, multiple-family
a building used or designed as a residence for three or more families living together independently of each other

dwelling, secondary
A smaller dwelling unit on the same lot as the primary single-family dwelling unit that may be used as a separate residence or as an accessory use. The secondary dwelling unit shall adhere to the size requirements of the accessory use in that district. Also known as mother-in-law quarters.

dwelling, single-family
a detached building, designed for or occupied exclusively by one family

dwelling, two-family/duplex
a detached building, designed for or occupied by two families living independently of each other

educational use
a use that provides instruction and training in a wide variety of subjects provided by specialized establishments, such as schools, colleges, universities, and training centers.

electrical power generating plant
All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

equipment and machinery sales and rental, major
A building or open area used for the display, sale, rental, or storage of heavy equipment and machinery.

equipment and machinery sales and rental, minor
A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

fairgrounds/exhibition area
An area where outdoor fairs, circuses, or exhibitions are held.

farm, ranch, stable, garden, or orchard
An area which is used for the cultivation of vegetables, fruits, and grain or for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

feed store
An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes, but not including farm machinery.

flea market, inside
A building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

flea market, outside
An outdoor site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

fortune teller/psychic
A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall include, but is not limited to, uses where the fortune is told through astrology, augury, card, or tea reading, ceromancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, and spiritual reading. Fortune telling does not include forecasting based on historical trends or patterns or religious dogma.

fraternal organization, lodge, civic club, fraternity, or sorority
An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.

furniture restoration
A workshop that specializes in furniture refinishing, including the use of all materials, tools, and chemicals associated with the use.

garage apartment
A dwelling unit erected in conjunction with a garage when the main structure is an owner-occupied detached dwelling unit.

gas pumps
Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels.

general manufacturing/industrial use complying with performance standards
Manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by Health, Fire, and Chief Building Official not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

golf course and/or country club
A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

governmental office
A building used for the provision of governmental executive, management, administrative, and/or postal services. Governmental offices include those facilities owned and/or operated by city, special district, county, state, and federal agencies.

guest house
An accessory building used to house guests of the owner(s) of the main residential structure, and which is never rented or offered for rent.

gymnastics/dance studio
A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

hall, dance
An establishment open to the general public for entertainment, in particular, dancing.

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

health/fitness center
A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weightlifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

helistop
an accessory use where helicopters can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters.

home occupation
An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises by the occupant of the residence. Home occupations shall be subject to the conditions set forth in Article II Division 4.

homebuilder marketing center
A building or structure used for the marketing and sale of lots or homes.

hospital
An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the State of Texas.

hotel
A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for Hotel room units is generally calculated on a nightly basis.

household care facility
A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas.

indoor gun or archery range
Any indoor facility opens to the public and occupying all or a portion of a building where firearms and/or archery are discharged for testing or recreation purposes.

industrial
a business, plant, factory, or enterprise for production of goods, merchandise, or machines

industrial park
A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

kennel
A use primarily engaged in providing pet care services (except veterinary) for four (4) or more animals, such as boarding, grooming, sitting, and training pets.

landfill
A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

laundromat
A facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

limited assembly and manufacturing use complying with performance standards
The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

locksmith/security system company
Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

machine shop
A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

manufactured home (for the purposes of floodplain regulation)
a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

manufactured home (HUD code)
A factory-built, single-family structure, which is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation and is constructed with a permanent chassis and displays a red HUD certification label.

manufactured housing (mobile home)
A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

manufactured housing (mobile home) park
A parcel of land under single ownership, operated as a commercial enterprise, which has been planned and improved for the parking of manufactured housing or mobile homes, for the purpose of occupying such as single-family residences. Such parks provide water, sewer, electric utilities, and access ways, and may provide playgrounds and public use areas. A "trailer park".

manufactured housing (mobile home) sales and service facility
A commercial facility utilized for display, sale and service of manufactured housing, mobile homes, travel trailers and motor homes.

manufactured housing (mobile home) subdivision
A residential area designed and platted for the permanent placement of manufactured housing or mobile homes in a predetermined arrangement, with each mobile home being placed on a separate, platted lot. Not a trailer park.

massage therapy, licensed
Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower, or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

massage therapy, unlicensed
Any place of business in which massage therapy is practiced by an unlicensed massage therapist. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower, or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

mini-warehouse/self-storage
A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

mobile food vendor
Any person or persons who operates or sells food from a stationary cart, or trailer mounted on chassis, but without an engine for period of fifteen (15) calendar days or greater per year. Mobile food vendors who operate for fourteen (14) calendar days or less shall be considered temporary food establishments, as defined by the City Health Ordinance as it exists or may be amended.

mobile home
a movable or portable dwelling structure which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year-round living as a single-family dwelling unit without the necessity of a permanent foundation. The term "mobile home" shall not include pickup campers, travel trailers, motorhomes, converted buses, tent trailers or other transportable structures designed for temporary use

model home
A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

modular home (or industrialized housing)
Per Section 1202 of the Texas Occupations Code or as may be amended:
(A) Modular or Industrialized housing is a residential structure that is:
(1) designed for the occupancy of one or more families, (2) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site, and (3) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system
(B) Modular or Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
(C) Modular or Industrialized housing does not include:
(1) a residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof, (2) housing constructed of a sectional or panelized system that does not use a modular component, or (3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location

modular or factory fabricated home
a dwelling prefabricated off-site and assembled from two or more units or sections as a fixed dwelling unit on a lot or tract and erected on a permanent foundation or slab

mortuary/funeral parlor
A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

motel
A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for Motel room units is generally calculated on a nightly basis.

motorcycle sales/service
The display, sale, repair, and servicing of new or used motorcycles.

multifamily residence
Attached dwelling units designed to be occupied by three or more households living independently of one another, exclusive of hotels, motels, or residence hotels.

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

museum/art gallery
A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

new manufactured home park or subdivision (for purposes of flood hazard regulations)
a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community

nonconforming use
the use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this chapter or subsequent amendment thereto, that does not conform to the regulations of the district in which it is situated

nursery, major
An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

nursery, minor
A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

nursing/convalescent home
An institutional facility licensed by the State of Texas providing in-patient health care, personal care, or rehabilitative services over a long period of time generally exceeding thirty days to persons chronically ill, aged, or disabled who need on-going health supervision but not including hospitals. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.

office and storage area for public/private utility
The pole yard, maintenance yard, or administrative office of public or private utilities. office center
A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, that may include ancillary services for office workers such as a coffee shop, newspaper, or candy stand.

office, administrative, medical, or professional
A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

office/showroom
A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall not exceed fifty (50) percent of the total floor area. This designation does not include contractor's shop and storage yard.

office/warehouse/distribution center
A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

omni antenna
a thin, vertical whip-type antenna that delivers an omni directional signal

outside merchandise display, temporary
This definition does not include temporary outside merchandise display, such as a sidewalk sale.

outside storage and display
A primary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts.

park or playground
A temporary display of merchandise for sale outside of a building for no more than 72 hours.

parking lot
An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

patio home (or zero lot line residence)
A lot which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single-family dwelling with one side of such dwelling placed on the side property line.

pawn shop
An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).

portable building sales
An establishment that displays and sells structures which are capable of being carried and transported to another location, not including manufactured homes

principal use
the main use to which the premises are devoted and the principal use for which the premises exist

print shop, major
An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

print shop, minor
An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services but excludes the on-site storage of heavy load fleet vehicles.

private club
An establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, that derives thirty-five (35) percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premises consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code, as amended. Private Club does not include a fraternal or veteran's organization, as defined in the Texas Alcoholic Beverage Code, as amended, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. A Private Club does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code, as amended. Unless the person owning or operating the use supplies the Chief Building Official with records to prove otherwise, an establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, is presumed to derive thirty-five (35) percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premises consumption.

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

public parking lot(s)
an area, other than street or public way, provided for self-parking by employees, visitors, and/or patrons of any state or local government, any public accommodations, retail or office establishments, or any other business open to the general public.

public utility
any person, firm or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

recreational vehicle (RV) park
an area set aside and offered to the public by any person for the parking and accommodation of two or more recreational vehicles

recreational vehicle (RV)
A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see heavy load vehicle.

recreational vehicle sales and service, new/used
Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

recreational vehicle/truck parking lot or garage
An area or structure designed for the short or long-term parking or storage of recreational vehicles, boats, or heavy load vehicles.

recycling center
A facility in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

recycling plant
A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

rehabilitation care facility
Subject to being licensed to operate by the Texas Department of Aging and Disability Services (DADS), a dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

rehabilitation care institution
Subject to being licensed to operate by the Texas Department of Again and Disability Services (DADS), a facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

research and development center
A facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

residence
Any building or portion thereof, which is designed or used as living quarters for one (1) or more households.

residence hotel (extended stay hotel)
A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided.

Residence Hotel room units are designed to be suitable for long term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical Residence Hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.

restaurant
an eating establishment whose primary function is the sale, dispensing or service of food, refreshments, and beverages to customers. All food must be prepared and cooked in a commercial kitchen on the premises. This may include such eating establishments as dining rooms, drive-in restaurants, fast-food restaurants, cafes, cafeterias, and carryout restaurants, but specifically excludes bars, taverns, saloons, cabarets, or other similar establishments which service 75 percent or more of the establishment's gross revenue from the on-premises sale of alcoholic beverages.

restaurant, drive-in
An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

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

retail/service, incidental
Any use different from the primary use but which complements and/or supplements the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean an area that constitutes not more than fifteen (15) percent of the main use.

retirement housing
Any age restricted development which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semiprivate rooms, and designed to provide meals and nursing care.

riparian corridor
An ecosystem that includes three (3) major components: stream channel, floodplain, and transitional upland fringe. The Director shall establish and maintain a Riparian Buffer/Corridor Map indicating Riparian Corridor locations.

roof-mounted wireless communication antennas
shall not be permitted on buildings with pitched roofs unless they are stealth antennas incorporated into upward-thrusting architectural elements such as a church steeple, spire, or bell tower, smokestack or radio tower. On flat roofs, the height of the antenna and mounting hardware may not be more than 15 feet above the highest point of the roof to which the antenna is attached.

room
A building or portion of a building that is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

salvage yard
Any lot upon which two (2) or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

satellite dish antenna
An oval or round, parabolic apparatus capable of receiving television communications.

school district bus yard
Any premises owned and/or operated by an independent school district used for the parking and storage of motor-driven buses.

school, private
A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

school, public
A school operated by an independent school district and providing elementary or secondary curriculum.

servant's quarters
An accessory dwelling in a residential district for the sole use and occupancy of a person or persons employed on the premises by the occupant on a full-time basis as domestic help.

sewage treatment plant/pumping station
A facility owned and/or operated by a private entity that is designed for the collection, removal, treatment, and/or disposal of water borne sewage.

sexually oriented uses
Sexually oriented establishments and businesses as defined in City Ordinance Nos. 87-05-03, 91-02-05, 97-10-18, and 97-10-19 as they exist or may be amended. Sexually oriented uses include, but are not limited to, adult bookstore, adult video store, adult theater, adult cabaret, sexual encounter center, and nude modeling center.

shipping/cargo container
a portable compartment that is subordinate to the primary building for which freight is placed for the convenience of movement

shipping/cargo container house
Dwelling unit constructed using a portion of or one or more shipping/cargo containers as the main construction material.

Short-term rental
A residential property, including a single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partly for a fee for a period no longer than thirty (30) consecutive days.

shopping center
A group of primarily retail and service commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

single family residence, attached
A building having separate accommodations for, and occupied by not more than, two (2) households, whereby each individual dwelling unit is located on a separate lot of record as a result of the property line being

coincident with the common wall separating each dwelling unit, such that dwelling units may be individually owned.

single family residence, detached
A dwelling designed and constructed for occupancy by one (1) household and having no physical connection to a building located on any other separate lot or tract.

small engine repair shop
A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

stable, commercial
A stable used for the rental of stall space or for the sale or rental of horses or mules.

stealth antenna
see the definition of "Alternative antenna support structure"

storage or wholesale warehouse
A building used primarily for the storage of goods and materials.

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

taxidermist
An establishment whose principal business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

telecommunication tower
a structure designed for the support of one or more antennas and including guyed and self-supporting lattice towers or monopoles but not including disguised support structures or buildings. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular phone towers, alternative tower structures, and the like.

telecommunications facility
any unmanned facility consisting of equipment for the transmission, switching, and/or receiving of wireless communications. Such facility may be elevated (either structure-mounted or ground-mounted) transmitting and receiving antennas, low-power mobile radio service base station equipment, and interconnection equipment. The categories of facility types include both roof and/or structure-mount facilities and telecommunications support structures.

telephone exchange
A central switching hub servicing the public at large in which telephone lines are connected to permit communication.

temporary antenna
an antenna and supporting equipment used on a temporary basis in conjunction with a special event, emergency situation, or in case of equipment failure

temporary building
a building used for a temporary period of time in connection with construction on the premises of which it is located, real estate sales, and educational, municipal, or church functions; or
An industrialized or modular building or structure without a permanent foundation shall be considered a temporary building. Membrane structures shall not be considered a temporary building

theater, drive-in
An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

theater, neighborhood
A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances, with a maximum of ten screens, stages, or combination thereof or a combined seating capacity of 2,500 or less.

theater, regional
A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performance having more than ten screens, stages, or combination thereof or a combined seating capacity greater than 2,500.

tiny house
A dwelling that is 400 square feet (37 sq m) or less in floor area excluding lofts. A tiny House has a conventional foundation and does not have a permanent chassis for transport.

townhome
A structure containing three (3) to eight (8) dwelling units with each unit designed for occupancy by one household and each unit attached to another by a common wall.

townhouse
a structure which is one of a series of dwelling units designed and used for only single-family occupancy, ground to sky, with no entrances or exits to or from the adjoining structures, if any

transit center
Any premises, including train or bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

truck sales, heavy trucks
The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

truck terminal
An area and building where cargo is stored and where trucks, including tractors and trailer units, load, and unload cargo on a regular basis, including facilities for the temporary storage of loads prior to shipment.

truck/bus repair
An establishment providing major and minor repair services to panel trucks, vans, trailers, recreational vehicles, or buses.

two family residence (duplex)
A detached dwelling designed with a common vertical wall between units and to be occupied by two households living independently of each other.

use
the purpose or activity for which any land or building is designed, arranged, or intended, or for which it is so occupied or maintained, and shall include any manner of such activity with respect to the standards of this chapter

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

utility structure
any structure built primarily for the storage of tools, such as garden and lawn equipment, and also means an electrical transmission or distribution tower or an elevated water storage tank.

veterinarian clinic and/or kennel, indoor
An establishment, not including outside pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

veterinarian clinic and/or kennel, outdoor
An establishment with outdoor pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

water treatment plant
A facility owned and/or operated by a private entity that is used to alter the physical, chemical, or biological quality of water.

yagi antenna
a horizontal beam-type, directional antenna with short vertical bars, generally used for micro cells.

zero property line housing
housing commonly known as patio homes containing detached living units constructed so that one side of the unit is placed on the property line without openings.

Agenda Date:	May 28, 2024
To:	City Council
From:	Teresa Herrera, City Manager
Agenda Item:	Resolution Palestine Municipal Airport
Date Submitted:	

SUMMARY:

At this time, the Texas Department of Transportation (TxDOT) is advancing the City's project for the rehabilitation of Runway 18/36. This project includes several key upgrades: the installation of a new Precision Approach Path Indicator (PAPI), the installation of new Medium Intensity Runway Lighting (MIRL), and various miscellaneous items such as a new rotating beacon and updated signage.

TxDOT will present this project to the Texas Transportation Commission for approval on June 27, 2024. For the project to proceed, the City must approve a resolution and sign the Airport Project Participation Agreement. This step is crucial for formalizing the City's commitment and securing necessary funding and support from TxDOT.

Following the Commission's approval, TxDOT plans to issue Requests for Qualifications (RFQs) in July 2024 to solicit proposals from qualified contractors and consultants. The goal is to select the best candidates to carry out the design and construction phases of the project. The construction phase is scheduled to commence in mid-2025, contingent upon the timely completion of the RFQ process and subsequent selection and contracting of service providers.

This project aims to significantly enhance the runway's safety, functionality, and compliance with aviation standards, thereby benefiting the City's airport operations and its users.

Project Implementation Summary

- Total Costs:
  - Total project costs (design + construction): $5,000,000
  - City's share: $500,000
- Engineering/Design Information:
  - A separate grant for engineering design will be offered. Ten percent of estimated engineering design costs, $50,000, are expected to be due by August 2024.
  - Total estimated design costs: $500,000
- Construction Information:
  - Total construction costs are estimated at $4,500,000 (subject to change based on the final design).
  - The sponsor's share of construction costs is $450,000, due before construction advertising (estimated June/July 2025).
  - TxDOT's financial participation beyond this amount is not guaranteed.
  - TxDOT will provide a second grant for construction costs post-Commission approval and bid opening.
  - TxDOT will handle the execution of the construction contract.
- Sponsor Obligation:

- If the sponsor withdraws from the project, they must reimburse the state for 100% of the costs incurred up to the point of withdrawal.

RECOMMENDED ACTION:

Staff recommends approval of the resolution.

CITY MANAGER APPROVAL:

Attachments

Resolution

RESOLUTION NO. R- -24

RESOLUTION AUTHORIZING THE CITY OF PALESTINE, TEXAS TO PARTNER WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO COMMENCE IMPROVEMENTS AT THE PALESTINE MUNICIPAL AIRPORT; ESTABLISHING THE CITY COMMITMENT OF THE 10% FUNDING MATCH; AND DESIGNATING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY FOR THE IMPLEMENTATION OF SAID PROJECT.

WHEREAS, City of Palestine intends to make certain improvements to Palestine Municipal Airport; and

WHEREAS, the general description of the project is described as: rehabilitation of Runway 18/36. This project includes several key upgrades: the installation of a new Precision Approach Path Indicator (PAPI), the installation of new Medium Intensity Runway Lighting (MIRL), and various miscellaneous items such as a new rotating beacon and updated signage; and

WHEREAS, City of Palestine intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project cost are estimated to be $5,000,000, and the City of Palestine will be responsible for 10% of the total project costs currently estimated to be $500,000; and

WHEREAS, City of Palestine names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for selecting the consultant and administration of contracts necessary for the implementation of these improvements.

NOW, THEREFORE, BE IT RESOLVED, that the City of Palestine, Texas hereby directs City Manager to execute on behalf of City of Palestine, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to Palestine Municipal Airport.

Note to Sponsor: This resolution is required to document the governing body's support and acceptance of this project. To meet state requirements, this resolution must provide at a minimum the governing body's agreement to make improvements to the airport in general description form, provide 10% of the total project costs and acknowledge TxDOT as agent for administration of federal and state funds for projects.

DRAFT

PASSED, APPROVED, and ADOPTED by the City Council of the City of Palestine, Texas, on the 28th day of May, 2024.

_____
MITCHELL JORDAN
MAYOR

ATTEST:

_____
APRIL JACKSON
CITY SECRETARY

APPROVED AS TO FORM:

_____
REZZIN PULLUM
CITY ATTORNEY

DRAFT

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

I, _____, _____,
(Name) (Title)

with City of Palestine designates _____
(Name , Title)

as the City of Palestine authorized representative for the 2410PALST project, who shall have the authority to make approvals and disapprovals as required on behalf of City of Palestine.

City of Palestine, Texas
(Sponsor)

By: _____

Title: _____

Date: _____

DESIGNATED REPRESENTATIVE

Mailing Address: _____

_____

_____

_____

Physical/Overnight Address: _____

_____

Telephone Number: _____

E-mail Address: _____

UEI:_____

DRAFT

TXDOT
CONSULTANT SELECTION

The Texas Department of Transportation, Aviation Division will be the agent for selecting the consultant for 2410PALST. The committee is authorized to determine selection criteria, review proposals of candidate firms, conduct interviews, if necessary, and select a firm for the award of the design contract, based on a consensus ranking by the committee members. The decision of the selection committee will be final unless some discrepancy is determined to have occurred in the selection process.

This is optional. The city or county may have only one voting member on the committee.

____ I would like to have _____ also on the committee.
(Name of person and title)

Email Address: _____

City of Palestine, Texas
(Sponsor)

By:_____

Title:_____

DRAFT

CERTIFICATION OF PROJECT FUNDS

I, _____, _____,
(Name) (Title)

do certify that sufficient funds to meet the City of Palestine share of project costs as identified for the project and will be available in accordance with the schedule shown below:

SPONSOR FUNDS

Source	Amount	Date Available

City of Palestine Texas
(Sponsor)

By: _____

Title: _____

Date: _____

DRAFT

Agenda Date:	May 28, 2024
To:	City Council
From:	Lisa Bowman, Economic Development Admin
Agenda Item:	Downtown Grant Performance Agreement between the PEDC and Home Grill Steakhouse, LLC.
Date Submitted:	05/22/2024

SUMMARY:

Consider and take possible action on a Downtown Grant Agreement between the Palestine Economic Development Corporation and Home Grill Steakhouse, LLC. in an amount not to exceed $33,067.50.

RECOMMENDED ACTION:

Staff recommends consideration and approval of a Downtown Grant Agreement between the Palestine Economic Development Corporation and Home Grill Steakhouse, LLC. in an amount not to exceed $33,067.50.

CITY MANAGER APPROVAL:

Attachments

Home Grill DT Grant App

Home Grill Perf. Agreement

APPLICATION TO PALESTINE ECONOMIC DEVELOPMENT CORPORATION
DOWNTOWN GRANT PROGRAM

1. Applicant/Applicants name(s): Alex Aylsworth
2. Type of grant(s) being requested:
   - ☑ First Time Applicant
   - ☐ Recurring Applicant
3. Applicants contact Information.
   a. Phone [redacted]
   b. Fax N/A
   c. Email [redacted]
4. Physical address of property for which grant is being requested.
   223 W. Crawford st Palestine TX 75801
5. Is the property in the Palestine Main Street Overlay District? ☑ Yes ☐ No
   (Properties must be in the Main Street Overlay District to qualify for the PEDC Downtown Grant.)
6. Is the property in the Palestine Historic Overlay District? ☑ Yes ☐ No
   (Historic district overlays can be found on the map at https://downtowntx.org/palestine-texas)
7. What is the Zoning for the property? ☑ CBD ☐ MUN ☐ RC ☐ I
   (Zoning information can be found at cityofpalestinetx.com)
8. Is the property in the National Register's Palestine New Town Commercial Historic District? ☑ Yes ☐ No
   (Historic District information can be found at https://atlas.thc.texas.gov/NR/pdfs/100007058/100007058.pdf)
9. Is it a Contributing property? ☑ Yes ☐ No *(Map on page 86^)*
10. Is the property individually listed on the National Register of Historic Places? ☐ Yes ☐ No
11. Is the property a designated Palestine Historical Landmark? ☐ Yes ☐ No
12. Does this project contribute to the Rehabilitation or Stabilization of a Vacant or Blighted Building?
    ☐ Yes ☑ No
13. Current occupancy type restaurant Occupancy type upon project completion Same
14. Please provide the total square footage of the property: 5,000 sq ft
15. Is this a mixed-use (commercial & residential) property?
    ☐ Yes ☑ No

If so, please provide a breakdown of the square footage of the property based on current use:

Commercial: _____ sq ft

Residential: _____ sq ft

16. No. of Stories: 1
17. Business name, if applicable Home grill Steakhouse
18. Mailing address 223 W Crawford St Palestine TX 75801

19. This business is a

☐ Sole proprietorship

☐ Partnership

☐ Corporation

☑ Other LLC

Please provide applicable business documentation such as DBA, Partnership Agreement, Corporate Charter, etc....

20. Please provide a brief description of business activity.

Restaurant. To serve guest amazing food.

21. Is this property owned or leased by Applicant?

☑ Owned, please provide proof of ownership.

☐ Leased, please provide a copy of the lease agreement.

Name of Lessor _____

Address of Lessor _____

Lessor Contact: phone _____ email _____

22. Date business established in Palestine, TX, if applicable 02/15/2020

23. Number of employees, if applicable 12 Number of new employees, if applicable 3

24. Please provide a description of the proposed project:

To repair roof and trim around window. All area are leeking into the building. Wood around window are rotten. Top window are beyond repair.

25. Proposed scope of work (Check all that apply):

Façade/Exterior Walls:

☐ TOTAL/MAJOR RESTORATION or ☑ PARTIAL RESTORATION OR MAINTENANCE

Including: ☐ Slipcover Removal ☑ Door(s) ☑ Window(s) ☐ Brick/Mortar ☐ Awning

☐ Weatherproofing/Sealing ☐ Power Wash/Cleaning ☑ Trim Paint ☐ Wall Paint*

☐ Other_____

Critical Building Components:

☑ REPLACEMENT OR MAJOR REPAIR or ☐ MINOR REPAIR OR MAINTENANCE

Including: ☐ Foundation ☐ Exterior Wall System ☑ Roof

☐ Plumbing ☐ Gas System ☐ Electrical ☐ Air Conditioning/Heat

☐ Other_____

Other Building Components:

☐ NEW INSTALLATION or ☐ MAJOR REPAIR OR REPLACEMENT

Including: ☐ Awning/Canopy (no signage) ☐ Grease Trap ☐ Dumpster Enclosure

☐ Fire Protection/Suppression ☐ Elevator/Lift (for any use) ☐ Ramp/Stairs

☐ Interior Painting

☐ Other_____

Business/Property Signage:

☐ NEW SIGN/SIGNAGE PACKAGE or ☐ RESTORATION OF A HISTORIC SIGN

Texas Accessibility Standards (TAS) Upgrades:

☐ Removal of Architectural Barriers to provide accessible routes throughout buildings and facilities by replacement or modification to items such as doors, doorways, gates, ramps, curb ramps, elevators, platform lifts, etc.

☐ Provision of Communication and Signage that conveys information or instructions that is accessible and usable by people with disabilities, especially those with visual or hearing impairments. Examples include fire alarm systems with specified visual and tonal signals, signs with Braille and raised letters, assistive listening systems, etc.

☐ Renovation of Facilities and Amenities to include elements and features that provide services or convenience to users or visitors with disabilities, especially those with mobility or dexterity impairments. Examples include kitchens, kitchenettes, sinks, toilet facilities, bathing facilities, washing machines, clothes dryers, drinking fountains, dining surfaces, work surfaces, storage, etc.

☐ Technology and Digital Accessibility Upgrades to elements and features of buildings and facilities that involve the use of electronic devices or systems to access information or services. Examples of technology and digital accessibility include fire alarm systems, telephones, assistive listening systems, automatic teller machines (ATMs), fare machines, two-way communication systems, etc.

☐ Other Modifications to the design, installation, and operation of elements and features to be accessible and usable by people with disabilities, especially those with specific or unique needs or preferences, such as a clear floor or ground space, reach ranges, operable parts, seats, etc.

26. Amount of grant funds requested 33,068

(Total possible funding per grant application is $75,000 maximum)

27. Total projected cost of project 44090 less insurance
28. Estimated start date of project Immediately upon approval
29. Estimated completion date of project 3 day - 5 days
30. Please provide competitive cost estimates (bids) for each different scope of work from a minimum of two (2) licensed and bonded contractors or suppliers. Detailed cost estimates, including material types, paint color samples and finishes are required. If two cost estimates are unable to be obtained, a written declination to bid by a licensed and bonded contractor may be considered as a substitute for one of the required estimates.
31. Please provide any additional information which would further help describe this project, including paint color and chips, photographs, rendering of design, specifications, and other material to describe your project
32. Please attach photos of existing conditions.
33. Please provide any additional information you believe to be important concerning this grant application.
34. I (we) the undersigned do hereby acknowledge, certify, and agree:

A. Prior to the submission of this application, a copy of the Palestine Economic Development Corporation Downtown Grant Program Guidelines has been obtained, reviewed, and clearly understood and is incorporated as part of the Application.

B. The submission of this Application does not create any property, contract or other legal rights in any person or entity that obligates the PEDC to provide grant funding.

C. Applicant certifies that it, the company, its branches, divisions, and departments do not and will not knowingly employ an "undocumented worker" as that term is defined by the Program Guidelines. Applicant will repay the total amount of the grant amounts received with interest if the company is convicted of a violation under 8 U.S.C. Section 1324a. Repayment will be due no later than the 120th day after the date PEDC notifies the Applicant of the violation or as otherwise provided in the Grant Agreement.

D. Improvements will not commence prior to having received written approval for a grant from PEDC, execution of a Grant Agreement and approval of the City of Palestine City Council if necessary. The PEDC Board has the authority to consider grants in amounts of less than $10,000 without requiring final approval from the City of Palestine City Council.

E. Applicant(s) do not currently have outstanding or otherwise delinquent financial obligations to PEDC or the City of Palestine such as liens, court fines, city utility bills, sales tax, or property taxes. Further, applicant is not currently a party to a pending or active lawsuit against PEDC or the City of Palestine.

F. Applicant(s) must obtain all applicable permits related to the improvement project prior to commencement.

G. Applicant(s) certify that all attached estimates have been obtained from independent, qualified contractors, who are in no way affiliated or related to the applicant or competing bidder.

H. This Application and all statements therein are true and correct, and it is executed under penalties of perjury.

Signed this the 15 day of May, 2024

Applicant Alex Agbenta Applicant _____

[TO BE COMPLETED BY DEVELOPMENT SERVICES]

Based on the project information provided with this application and the research documented above, at a minimum the project will require the following from Development Services:

_____ No further municipal approvals

_____ Pre-Development Meeting - Recommended Date Scheduled_____

_____ Certificate of Appropriateness from HLC Date Received_____

_____ Historic Landmark Commission (HLC) Hearing Date Scheduled_____

_____ Sign Permit Application

_____ Main Street Advisory Board Review Date Scheduled_____

_____ Specific Use Permit Application

_____ Zoning Change Application

_____ Planning & Zoning Commission Hearing Date Scheduled_____

_____ City Council Meeting to Approve Specific Use Permit Date Scheduled_____

_____ Procedure for Commercial New Construction and Additions with Building Permit
(Refer to checklist from Development Services for complete list of documents required)

_____ Procedure for Commercial Remodels and Repairs with Building Permit
(Refer to checklist from Development Services for complete list of documents required)

_____ Multi-Trade Subcontractor Permit Application (electrical, plumbing, mechanical)

_____ Water and Sewer Tap Application

_____ Health Department Plan Review and Inspection

_____ Fire Inspection

_____ Public Works & Utilities Inspection

_____ Building Inspection

_____ Clean and Show Application

_____ Certificate of Occupancy Application

Approval of HPO or Interim Director of Development Services:

Susan Davis Date: 5/21/2024

Approval of Mainstreet District Coordinator:

Mary Ann Adams Date: 5-22-2024

Note: Any changes to the project scope after the date indicated above will require review by the HPO or Director of Development Services!

Estimate

Company Logo

Prepared For
Alex Aylsworth
223 West Crawford
Palestine, Texas 75801
[redacted]

Brasso Development
11697 County Road 177
Bullard, Texas 75757
Phone: (903) 780-6999
Email: [redacted]

Estimate # 4699 - Window Trim Replacement

Date 05/09/2024

Window
Going to use

Description	Rate
Storefront Window Trim Replacement - Remove existing rotted window trim and dispose of - Installation of new window trim on interior and exterior of storefront	$13,500.00
Window Replacement - Remove and replace old exisitng top windows with (13) new - insulated glass windows in similar size - Reframe existing top openings for windows to fit new windows	$6,900.00

Subtotal
$20,400.00

Total
$20,400.00

By signing this document, the customer agrees to the services and conditions outlined in this document.

Alex Aylsworth

Under

Handy Andy Handyman S

1025 S Magnolia St
Palestine, TX 75801
(903) 480-1468

Invoice

Work Done: 4/4/24

Invoice for

HOME GRILLE STEAKHOUSE

Description	Qty	Unit price	Total price
WINDOW TRIM REPAIR			$10,000.00
MATERIALS			$6,000.00
AWNING			$2,000.00
			$0.00
			$0.00

Notes:

Subtotal	**$18,000.00**
Adjustments	$0.00

$18,000.00

MUST BE PAID IN FULL UPON COMPLETION OF WORK. ANY PAYMENTS MORE THAT 2 WEEKS LATE WILL HAVE A 15% LATE FEE UNLESS AUTHORIZED BEFORE THE START OF WORK.

Going to use

YOSEMITE ROOFING

roof

Company Address: 13739 HWY 155 S

Tyler, TX, 75703

Billing Address: P.O. BOX 774

Flint, TX, 75762

Phone Number: (903)-326-7255

Website: yoemiteroofing.com

Proposal Submitted To: Alex . **Phone:** [redacted] **Date:** 4/23/2024

Address: 223 West Crawford Street **City:** Palestine **Sate:** TX

ZIP: 75801

At your request, we submit the following:

Repair Proposal

- Remove all layers of roofing down to decking (4 Total layers of built up and one layer of modified bitumen top cap)

- Rebuild decking on both gutter sides of building where needed

- Installation of new 2" insulation board to entire roof surface

- Rebuild scupper holes for greater opening and proper water flow

- Installation of mechanically fastened 60 Mil TPO to entire roof surface

- fully adhere TPO at all walls and vertical surfaces

- Build pads for AC unit stands and set properly

- Detail all penetrations and termination points to manufacturer specifications

- Installation of TPO pitch pans to AC tie ins on roof surface

- Fabricate and install custom coping to cover entire perimeter of building on parapet wall for wall protection and proper termination of membrane

- Ensure jobsite remains free of debris, all trash is hauled off and as disruption free as possible during duration of project

- 20 Year Material warranty will be issued by Mule Hide Roofing Products

We propose hereby to finish material and labor complete in accordance with above specification for the sum of:

$74,080.00

Payment to be made as follows:

BALANCE DUE UPON COMPLETION OF WORK
*****Online/Credit card payments do charge a 3%-3.5% additional fee.***

Acceptance of Proposal --- The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Both parties agree to a three day (3) right to cancel on all signed/dated contracts. Payment will be made as outlined above.

All materials are guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any unsound decking will be replaced at an additional charge. Any alterations or deviations from the above specifications will become an additional charge over and above the estimate. All agreements are contingent upon strikes, accidents, or delays beyond our control.

Alex .

This contract is fully executed upon Yosemite Roofing manager approval.

Deductible Law HB2102 "Texas law requires a person insured under a property insurance policy to pay any deductible applicable to a claim made under the policy. It is a violation of Texas law for a seller of goods or services who reasonably expects to be paid wholly or partly from the proceeds of a property insurance claim to knowingly allow the insured person to fail to pay, or assist the insured person's failure to pay, the applicable insurance deductible."

**If GC-OHP is allowed by the insurance company this amount is reserved for Yosemite Roofing
*Any supplements approved by the insurance provider is also reserved for Yosemite Roofing
Supplements can include anything from updated material prices, or any additional work that was not foreseen or covered in original scope of work.
Yosemite Roofing will maintain a safe and clean working environment during operations. We will clean off your roof, clean out gutters, if applicable, and pick up all trash and nails from the property

EXCLUSIONS:

1. Any structural deficiencies and/or existing conditions.
2. Plumbing, electrical and mechanical work not stated above.
3. Bonds, permits, testing, and submittals.
4. Work not specified inline items above or contract agreed.

Reference Owner Property Address of Binding Contract:

1. Contractor shall carry General Liability Insurance.
2. Contractor shall coordinate all schedules and work hours with the Owner or the designated representative. Standard work hours shall apply to this project.
3. Once work commences, the Contractor shall proceed diligently to final completion.
4. Contractor shall not be responsible for existing building conditions such as but not limited to: trapped moisture in the existing roof, leaking roof, walls, windows, gutters, interior drains, pipes, air conditioning equipment, ducts, vents, fans, parapets, mansards, waterlines, electrical lines, masonry walls, adjacent roofs, skylights, trim, or existing water damage to the interior of the building (walls, ceilings, floors, etc.), hidden conduit within or below the existing roof system, multiple roofs, the existence of mold and/or asbestos-containing materials, results of the placement of new materials on the existing roof, normal construction foot traffic, and spalling from fasteners on concrete decks.
5. Payment Schedule shall be as follows:

A. All invoices due upon receipt or as agreed upon by signed.
6. Price agreed upon is good for delivery of materials for 30 days from the date of this proposal.

ASAP Commercial Roofing

Phone: 903-363-9160

Company Representative
Keegan Cunningham
Phone: (903) 376-1614
[redacted]

roof

04/26/2024

Alex Aylsworth
223 West Crawford Street
Palestine, TX 75801
[redacted]

Job: Alex Aylsworth

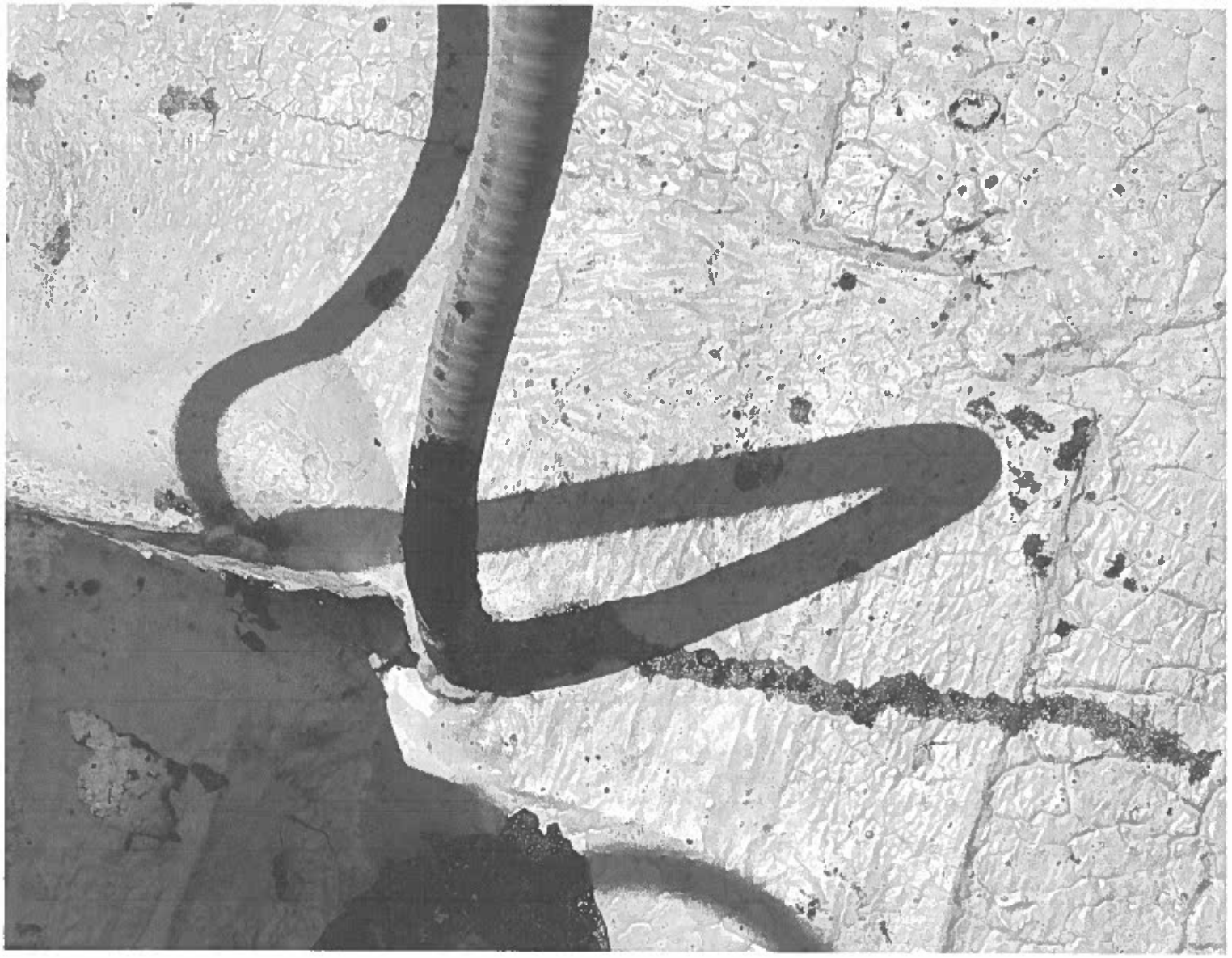
Roofing Section

Provide proof of general liability insurance (for your protection)
Set up safety equipment as needed
Remove 2 layers of existing roofing
Install new TPO flashing as needed to complete re-roof
Install TPO underlayment 4.5" ISO throughout entire roofing system
Install New 0.60 TPO throughout entire roof and mechanically attach to deck
Utilize 4"-8" TPO fasteners and 2" barbed plates throughout installation
Mechanically attach all new flashing and attach to deck
Seal all exposed ventilation, fasteners, and and other components with polyurethane where needed
Utilize TPO tape bonding adhesive where needed
Install 1" termination bar where needed
Install edge metal or parawall cap where needed

[Includes 5- year workmanship warranty]
[Includes 20 year manufacturer defect warranty]

Sub Total	$100,723.94
Tax	$8,309.73
TOTAL	$109,033.67

HOME GRILL
STEAKHOUSE



SMOKEHOUSE
HOME GRILL

DOWNTOWN GRANT PERFORMANCE AGREEMENT

This Downtown Grant Performance Agreement ("GRANT AGREEMENT") is executed by and between the Palestine Economic Development Corporation, a Texas Section 4B Economic Development Corporation ("PEDC"), whose address is 100 Willow Creek Pkwy. Suite A, Palestine, Texas 75801, and Home Grill Steakhouse LLC ("APPLICANT"), whose current address is 223 W. Crawford St. Palestine, TX 75801.

RECITALS

WHEREAS, the PEDC is an Economic Development Corporation, organized under the Texas Development Corporation Act of 1979, Article 5190.6, Section 4B of Vernon's Texas Civil Statutes, now Section 501 et seq. of the Texas Local Government Code (the Act), and authorized by the City of Palestine, Texas (City);

WHEREAS, the PEDC has adopted, and the City approved, a Downtown Grant Program ("GRANT PROGRAM");

WHEREAS, the APPLICANT submitted its Application dated May 15, 2024 for a Downtown Grant ("APPLICATION"); and

WHEREAS, the APPLICANT plans to make real property capital investments of **Forty-four Thousand Ninety Dollars and No Cents ($44,090.00)** for the purpose of full roof replacement, window replacement, & trim replacement at the business property of Home Grill Steakhouse LLC, that being 223 W Crawford St, Palestine, TX 75801 ("PROJECT"). PEDC has found that the proposed improvements of APPLICANT'S property will encourage economic development in the City and will add to the ad valorem tax rolls of the City and other local taxing entities, and the PEDC and City have approved a cash performance grant to APPLICANT that matches funds expended by APPLICANT not to exceed a grant of **Thirty-Three Thousand Sixty-Seven Dollars and Fifty Cents ($33,067.50)** ("GRANT").

NOW, THEREFORE, in consideration of mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. APPLICANT'S OBLIGATIONS

1.1. The GRANT PROGRAM, APPLICATION, and APPLICATION GRANT APPROVAL are incorporated herein by reference as if specifically set forth herein.

1.2. APPLICANT accepts such grant subject to PEDC and City approval.

1.3. APPLICANT recognizes that, pursuant to the terms and provisions of Texas law, this GRANT AGREEMENT will not be valid and binding on PEDC until it is approved by the City Council of the City of Palestine, Texas.

1.4. APPLICANT will secure completion of the improvements in compliance within its APPLICATION, the GRANT APPLICATION APPROVAL, and the GRANT PROGRAM before February 22, 2025.

1.5. APPLICANT will obtain all permits required by the CITY or otherwise required by other government authorities for the improvement project.

1.6. PEDC, by its designated representative, shall have the right to inspect during the construction of the improvements and, following APPLICANT'S notice of completion, to evaluate APPLICANT'S compliance with the APPLICATION, the GRANT APPLICATION APPROVAL, and the GRANT PROGRAM.

2. FUNDING

2.1. APPLICANT will be provided with 50% of the total grant award upon execution of this GRANT AGREEMENT.

2.2. APPLICANT shall provide PEDC with written notification of project completion by certified mail, return receipt requested, stating that all improvements have been completed in accordance with the APPLICATION and GRANT APPLICATION APPROVAL and GRANT PROGRAM, and that full payments have been made for all labor and materials with attached payment receipts for materials and labor, required permits, inspection reports, and project photographs.

2.3. Upon PEDC'S receipt of APPLICANT'S notification of completion, an on-site inspection may be made by a representative or representatives of PEDC. Such inspection shall not be considered in any way as a reflection of PEDC'S approval on the quality, safety, or reliability of the improvements, such being the sole responsibility of APPLICANT.

2.4. Following on-site inspection, PEDC will review the findings and may request additional information if needed and then either notify the APPLICANT of compliance or identify items of non-compliance. APPLICANT shall correct the items of non-compliance within thirty (30) days of notice thereof or this GRANT AGREEMENT shall be immediately cancelled and the APPLICANT shall immediately refund of all grant monies received to date, if any.

2.5. Upon the PEDC board of directors making a finding of completion of the project, as per the terms of the APPLICATION, the GRANT APPLICATION APPROVAL, and the GRANT AGREEMENT, payment of the remaining 50% of the total grant award will be made.

3. REPRESENTATION AND WARRANTIES

APPLICANT represents and warrants to PEDC that:

3.1. APPLICANT has the power and authority, corporate or otherwise, to conduct its business and to perform all of its obligations under this GRANT AGREEMENT.

3.2. APPLICANT'S execution, delivery, and performance of this GRANT AGREEMENT has been duly authorized by all necessary action, corporate or otherwise, and does not and will not violate any provision of any existing law, rule, regulation, contract, or lien by which APPLICANT or its property or assets is bound or affected.

3.3. To the best of APPLICANT'S knowledge neither it, nor any division, branch, subsidiary, or related agency of the APPLICANT, is a party to any administrative or legal proceeding that is active or threatened against the APPLICANT or APPLICANT'S officers which may result in any material adverse change in APPLICANT'S business operations or assets which may be the subject of this GRANT AGREEMENT.

3.4. APPLICANT represents and warrants that they are not engaged in business with Iran, Sudan, or a foreign terrorist organization, as prohibited by Section 2252.152 of the Government Code.

3.5. Information, documentation, and other material in connection with the GRANT AGREEMENT may be subject to public disclosure pursuant to Chapter 552 of the Government Code **(the "Public Information Act")**. To the extent, if any, that any provision of the Agreement is in conflict with the Public Information Act, such provision shall be void and have no force or effect.

In accordance with Section 2252.907 of the Government Code, APPLICANT is required to make any information created or exchanged with the PEDC pursuant to the GRANT AGREEMENT, regardless of contrary provisions contained herein, and not otherwise excepted from disclosure under the Public Information Act, available in a format that is accessible by the public at no additional charge to the PEDC.

3.6. ***No Indemnification by the PEDC.*** APPLICANT and the PEDC expressly acknowledge that the PEDC'S authority to indemnify and hold harmless any third party is governed by Article XI, Section 7, of the Texas Constitution and any provision that purports to require indemnification by the PEDC is invalid. Nothing in this GRANT AGREEMENT requires that the PEDC incur debt, assess or collect funds, or create a sinking fund.

3.7. APPLICANT is aware of the limitations imposed on this GRANT and the use of funds by law and acknowledges that the funds herein granted shall be utilized solely for purposes authorized under law and by the terms of this GRANT AGREEMENT. In the event that an audit determines that the financial incentives granted under this GRANT AGREEMENT were not used for proper purposes, APPLICANT agrees to reimburse PEDC for the sums of money spent for purposes not authorized by law or this GRANT AGREEMENT, with interest at the rate periodically announced by the Wall Street Journal as the prime or base commercial lending rate, or if the Wall Street Journal shall ever cease to exist or cease to announce a prime or base lending rate, then at the annual rate of interest from time to time announced by Citibank, N.A. (or by any other New York money center bank selected by the City) as its prime or base commercial lending rate. The payment of interest shall be from the date that the money was spent for purposes not authorized by law or this GRANT AGREEMENT.

3.8. APPLICANT does not and will not knowingly employ an undocumented worker, as that term is defined by Tex. Gov't. Code Sec. 2264.001, directly or indirectly through a contractor or subcontractor. If, after receiving the funds herein granted, APPLICANT is convicted of a violation under 8 U.S.C. § 1324a(t), APPLICANT shall repay the amount of the grant paid by PEDC to APPLICANT with interest at the rate periodically announced by the Wall Street Journal as the prime or base commercial lending rate, or if the Wall Street Journal shall ever cease to exist or cease to announce a prime or base lending rate, then at the annual rate of interest from time to time announced by Citibank, N.A. (or by any other New York money center bank selected by the City) as its prime or base commercial lending rate. The payment of interest shall be, no later than 120 days after the date that APPLICANT receives notification of such a violation.

3.9. APPLICANT shall fully comply with all local, state and federal laws applicable or otherwise implicated by APPLICANT'S receipt of funds under this GRANT PROGRAM, which includes but is not limited to APPLICANT'S compliance with Title VII, Civil Rights Act of 1964, as amended, the Texas Labor Code, the Drug Free Workplace Act of 1988, and the Americans with Disabilities Act, as well as APPLICANT'S refraining from discrimination of persons based on race, color, religion, sex (including pregnancy, childbirth, and related medical conditions; sexual orientation), national origin, disability, age, citizenship status, genetic information, political affiliation or participation in civil rights activities. Furthermore, while the City of Palestine fully supports the exercise of freedom of speech, the City of Palestine will not financially support or fund projects that incorporate or promote ideas of hate or which are intended to vilify, humiliate, or incite hatred against a group or a class of persons on the basis of race, religion, skin color, sexual identity, gender identity, ethnicity, disability or national origin.

3.10. APPLICANT will use all commercially reasonable efforts to continue operations in Palestine, Anderson County, Texas.

3.11. APPLICANT shall timely pay all ad valorem taxes due and owed by it to the CITY and all other taxing authorities having jurisdiction over the APPLICANT'S property. APPLICANT shall also timely pay any and all water and sewer bills owed to the CITY. In addition, APPLICANT shall timely pay all employment, income, franchise, and other taxes owed by it to all local, state, and federal government entities.

3.12. APPLICANT shall properly notify the Anderson County Appraisal District of all capital improvements, personal property, and equipment and shall list the City of Palestine as the taxable situs of all capital improvements, personal property, and equipment located on the property.

3.13. If APPLICANT'S operations, past or present, cause the CITY or PEDC to be fined by any governmental entity, this AGREEMENT shall terminate immediately and the PEDC will have no further obligations under this GRANT AGREEMENT and APPLICANT shall immediately repay the CITY or PEDC for such fines, penalties, and expenses within thirty (30) days.

3.14. If the business property, that being 223 W Crawford St, Palestine, Texas 75801, is sold, conveyed, or utilized for a purpose not originally intended by the GRANT APPLICATION

within one year of grant funding being awarded to APPLICANT, APPLICANT shall be required to reimburse the PEDC immediately for the full amount of the grant.

4. REMEDIES

4.1. Upon default, the non-defaulting party shall have the right to seek any remedy available in law or equity including, termination of this GRANT AGREEMENT, recovery of GRANT funds, and pre-judgment and post-judgment interest at the rate provided by law or as otherwise provided by this GRANT AGREEMENT (whichever is greater).

4.2 **Attorney's Fees.** Except as otherwise expressly provided herein, each party shall bear its own costs and attorney's fees in connection with this Agreement, including any dispute relating thereto.

5. MISCELLANEOUS PROVISIONS

5.1. All representations, warranties, covenants, and agreements, as well as rights and benefits for the parties to this GRANT AGREEMENT shall survive the payment of grant funds to APPLICANT.

5.2. This GRANT AGREEMENT may not be assigned by APPLICANT without the prior written consent of PEDC. No such assignment shall relieve APPLICANT of any of its obligations under this GRANT AGREEMENT.

5.3. The GRANT AGREEMENT may not be amended, modified, altered, or changed unless in writing, signed by both parties to this GRANT AGREEMENT and approved by the City of Palestine.

5.4. **APPLICANT SHALL INDEMNIFY AND HOLD THE PEDC, ITS EMPLOYEES, AND ITS AGENTS HARMLESS FOR ANY DAMAGES, BOTH PERSONAL AND PROPERTY, WHICH MAY RESULT DIRECTLY OR INDIRECTLY FROM ANY INCIDENT ASSOCIATED WITH PROJECT BOTH DURING AND AFTER CONSTRUCTION, AND THAT PEDC, ITS EMPLOYEES, AND ITS AGENTS SHALL NOT BE LIABLE FOR ANY DEBTS INCURRED IN ASSOCIATION WITH THE EXECUTION AND COMPLETION OF THE SUBJECT PROJECT OF THIS APPLICATION.**

PEDC, ITS EMPLOYEES, AND ITS AGENTS, DO NOT ATTEST TO THE QUALITY, SAFETY, OR CONSTRUCTION OF A PROJECT ELIGIBLE FOR, OR RECEIVING GRANT FUNDING. THEREFORE, PEDC, ITS EMPLOYEES AND AGENTS SHALL BE HELD HARMLESS BY THE APPLICANT FOR ANY PROJECT WHOSE APPLICATION HAS BEEN APPROVED OR HAS RECEIVED ACTUAL GRANT FUNDING.

5.5. **Severability.** In the event of any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporations, or circumstance, shall be held by a court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity, or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the application, validity, or constitutionality of the remaining parts of this Agreement shall not be affected thereby.

5.6. This GRANT AGREEMENT shall be binding upon an inure to the benefit of the parties and their respective heirs, administrators, and assigns.

5.7. No failure or delay on the part of the PEDC in exercising any right, power, or exercise hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any such right, power, or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy hereunder. No notice to or demand on APPLICANT in any case shall entitle APPLICANT to any other or further notice or demand in similar or other circumstances.

5.8. All notices, consents, requests, demands, and other communication hereunder shall be in writing and shall be deemed to have been duly given to the party hereto if mailed by certified mail, prepaid, to the APPLICANT'S address shown above as first written.

5.9. Time is of the essence of this agreement.

5.10. Neither party will be liable for delays or failure in its performance hereunder to the extent that such delay or failure is caused by acts of God, war, terrorism, or threats of terrorism, natural disaster, strike, lockout, labor dispute, work stoppage, fire, third-party criminal act, quarantine restriction, epidemic, pandemic, act of government, or other events outside of the reasonable control of a party (a "Force Majeure Event"); provided that the delayed party took reasonable precaution to prevent the impact of the Force Majeure Event.

5.11. This GRANT AGREEMENT shall be deemed a contract made under the laws of the State of Texas and for all purposes shall be construed in accordance with the Laws of said State. The venue shall be in Anderson County, Texas.

5.12. The providing of this GRANT AGREEMENT by PEDC to APPLICANT by any means of delivery constitutes an offer by PEDC to APPLICANT to accept this GRANT AGREEMENT on the terms and conditions contained therein, subject to approval by the City of Palestine City Council. If APPLICANT has not accepted the offer by ninety (90) days from the date approved by the City Council of the City of Palestine, Texas, the offer will lapse, and the offer and this GRANT AGREEMENT shall become null and void.

6. TERM

6.1. This GRANT AGREEMENT shall be effective on the date of the last signature below. The GRANT AGREEMENT shall terminate one year from the date that the PEDC board of directors

makes a finding of completion of the project pursuant to Section 2.5 of this GRANT AGREEMENT or earlier as otherwise terminated according to the provisions of this GRANT AGREEMENT.

AGREED and **SIGNED** to be effective as of the Effective Date.

For the Applicant(s):
Home Grill Steakhouse LLC

By _____ Date _____
Alex Aylsworth, Owner

For the PEDC:
Palestine Economic Development Corporation

By_____ Date _____
Dan Bochsler, Board President

APPROVED:
City of Palestine, Texas

By _____ Date _____
Mitchell Jordan, Mayor

Agenda Date:	May 28, 2024
To:	City Council
From:	Christophe Trahan, Economic Development Director
Agenda Item:	Resolution Setting a Public Hearing to Consider Adoption of Tax Abatement Guidelines and Criteria
Date Submitted:	05/22/2024

SUMMARY:

Consider and take action regarding a resolution setting a public hearing to consider the adoption of tax abatement guidelines and criteria.

RECOMMENDED ACTION:

Staff recommends approving a resolution setting a public hearing to consider the adoption of tax abatement guidelines and criteria.

CITY MANAGER APPROVAL:

Attachments

Resolution

RESOLUTION NO. R- -24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, SETTING A PUBLIC HEARING TO ESTABLISH AND ADOPT GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN REINVESTMENT ZONES CREATED IN THE CITY OF PALESTINE, TEXAS, IN ACCORDANCE WITH CHAPTER 312 OF THE TEXAS PROPERTY TAX CODE; AND DIRECTING STAFF TO PUBLISH NOTICE OF THE SAME.

WHEREAS, the City of Palestine, Texas (the "City") wishes to continue to promote economic development programs in accordance with the authority granted to municipalities; and

WHEREAS, the City's economic development programs include, but are not limited to the granting of tax abatements in accordance with Chapter 312 of the Texas Tax Code, which is known as the Property Redevelopment and Tax Abatement Act (the "Code"); and

WHEREAS, Section 312.002(a) of the Code requires the City, as a taxing unit, to adopt a resolution establishing guidelines and criteria governing tax abatement agreements; and

WHEREAS, the City previously adopted Resolution R-21-22 establishing guidelines and criteria governing tax abatement agreements, approved on June 13, 2019; and

WHEREAS, pursuant to Section 312.002 of the Code, tax abatement guidelines and criteria are effective for only two (2) years unless amended or repealed by a vote of three- fourths of the City Council; and

WHEREAS, the City Council of the City of Palestine, Texas desires to adopt Tax Abatement Guidelines and Criteria once again; and

WHEREAS, the City Council of the City of Palestine will hold a public hearing pursuant to Section 312.002(c-1) of the Texas Tax Code regarding the proposed guidelines and criteria for granting tax abatement on the 15th day of July, 2024 at a properly noticed meeting, at which the public will be given the opportunity to be heard on the issue.

DRAFT

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

Section 1. The above and foregoing premises and recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. As required by Section 312.002(c-1) of the Texas Tax Code, the City Council hereby sets a public hearing regarding the proposed guidelines and criteria on July 15, 2024, at 5:30 p.m., at its regularly scheduled meeting, the agenda and location for which will be posted no less that seventy-two (72) hours ahead of time on a bulletin board at a place convenient for the public and at www.cityofpalestinetx.com.

Section 3. The City Council hereby authorizes and directs staff to publish public notice of the public hearing to be held in the newspaper of general circulation, that being the Palestine Herald Press.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Palestine, Texas, this the 28th day of May, 2024.

_____

Mitchell Jordan, *Mayor*
City of Palestine, Texas

ATTEST:

_____

April Jackson, *City Secretary*
City of Palestine, Texas

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