

Mitchell 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  
March 24, 2025  
Regular Meeting at 5:30 p.m.  
City Council Chambers  
504 N. Queen Street  
Palestine, Texas**

**Zoom Link:**

<https://us02web.zoom.us/j/85215034795?pwd=QTUyjm28kSBrbyvdEiwJlakstZJPE0a.1>

Meeting ID: 852 1503 4795  
Passcode: 826580

One tap mobile  
+13462487799,,85215034795#,,, \*826580# 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/palestinetc](https://www.facebook.com/palestinetc)

**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.*

**E. CONFLICT OF INTEREST DISCLOSURES**

**F. PUBLIC HEARINGS**

1. Public hearing regarding a request to rezone the property located at 515 McNeil Street from Mixed Residential to Retail Commercial. Susan Davis, Planning Technician
  - a. Open Public Hearing
  - b. Receive Public Comments
  - c. Close Public Hearing
2. Public hearing regarding the request for a Specific Use Permit for a private athletic facility at 201 Salt Works Road. Susan Davis, Planning Technician
  - a. Open Public Hearing
  - b. Receive Public Comments
  - c. Close Public Hearing
3. Public hearing regarding a request for a Specific Use Permit for a wireless communication facility at 2233 West Point Tap Road. Susan Davis, Planning Technician
  - a. Open Public Hearing
  - b. Receive Public Comments
  - c. Close Public Hearing
4. Public hearing regarding amendments to Chapter 39, "Zoning" of the Code of Ordinances by amending Section 39.2.2-13, "Land Use Chart" to amend hotel/motel categories; and Division 4, "Supplementary Use Requirements" to add use requirements for hotels; and Section 39.5.3-1, "Use Definitions" to remove the definition for Hotel and to add definitions for Full-Service Hotel and Limited-Service Hotel. Cassie Ham, Tourism Marketing Manager
  - a. Open Public Hearing
  - b. Receive Public Comments
  - c. Close Public Hearing

**G. CITY MANAGER'S REPORT**

1. February 2025 Parks and Recreation/Facility Maintenance Monthly Report
2. February 2025 Police Monthly Report
3. February/March 2025 Economic Development 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 the minutes of the Work Session and Regular Agenda of March 10, 2025. April Jackson, City Secretary
2. Consider approving a resolution authorizing the Palestine Police Department to apply for a Body-Worn Camera Grant through the Office of the Governor of the State of Texas Public Safety Office. Andrew Sibai, Finance Director
3. Consider authorizing the City Manager to seek sealed requests for proposals for city health insurance and ancillary health benefits. Andrew Sibai, Finance Director
4. Consider authorizing the City Manager to purchase a 2025 JLG T350 towable boom lift from Aerial Titans in the amount of \$29,900.00 for the Parks and Recreation Department. Patsy Smith, Parks and Recreation Director
5. Consider authorizing the City Manager to accept a geotechnical investigation proposal from ETTL Engineers and Consultants, Inc. in the amount of \$19,304.50 for the athletic complex. Patsy Smith, Parks and Recreation Director
6. Consider approval of the revised Mural Services Contract between the City of Palestine, Deanna Pickett, and Richard Farris, Jr. for the creation of a mural at 310 W. Oak Street in an amount not to exceed \$18,000.00. Cassie Ham, Tourism Marketing Manager

I. **REGULAR AGENDA**

1. Discussion and possible action regarding an ordinance amending the Official Zoning Map providing for a change from MR, Mixed Residential, to RC, Retail Commercial at 515 McNeil Street. Susan Davis, Planning Technician
2. Discussion and possible action regarding an ordinance granting a Specific Use Permit for a private athletic facility at 201 Salt Works Road. Susan Davis, Planning Technician
3. Discussion and possible action regarding an ordinance granting a Specific Use Permit for a wireless communication facility at 2233 West Point Tap Road. Susan Davis, Planning Technician
4. Discussion and possible action regarding an ordinance amending Chapter 39, "Zoning" of the Code of Ordinances by amending Section 39.2.2-13, "Land Use Chart" to amend hotel/motel categories; and Division 4, "Supplementary Use Requirements" to add use requirements for hotels; and Section 39.5.3-1, "Use Definitions" to remove the definition for Hotel and to add definitions for Full-Service Hotel and Limited-Service Hotel. Cassie Ham, Tourism Marketing Manager

J. **ITEMS FROM COUNCIL**

K. **MAYOR'S REPORT**

L. **CLOSED SESSION**

Council will go into Closed Session pursuant to Texas Government Code, Chapter 551, Subchapter D.

1. Section 551.071: Consultation with attorney regarding pending or contemplated litigation or a settlement offer involving Laza, Union Pacific Railroad, and Palestine Municipal Airport.

M. **RECONVENE IN REGULAR SESSION**

1. Take any necessary action regarding pending or contemplated litigation, including the settlement offers related to Laza, Union Pacific Railroad, and Palestine Municipal Airport.

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, March 21, 2025, at 5:00 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](mailto:citysecretary@palestine-tx.org) or

903-731-8414.





Agenda Date: March 24, 2025  
To: City Council  
From: Susan Davis, Planning Technician  
Agenda Item: Request for Zoning Change - 515 McNeil Street  
Date Submitted: 03/19/2025

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**SUMMARY:**

Public hearing concerning a request to rezone the property located at 515 McNeil Street, John Arthur Survey, A-4, Block 1215, Tract 19A, 20, and 25, from Mixed Residential to Retail Commercial. The property owner, Jeffrey Bostic, has designated Crystal Cartwright as his agent to submit the application for this rezoning. Crystal Cartwright is seeking a Certificate of Occupancy to open a private club at 515 McNeil Street, which is currently zoned Mixed Residential. It is important to note that a private club is not a permitted use in either Mixed Residential or Industrial zoning (the property's prior zoning before August 12, 2024, was Industrial). The subject property contains a nonconforming structure that has been vacant for over six months. According to Section 39.2.3-17 of the Code of Ordinances, any nonconforming use of land or structure that has ceased by discontinuance or abandonment for a period of six months shall thereafter conform to the provisions of the ordinance (zoning code).

On February 13, 2025, eighteen (18) notices were mailed to property owners within 200 feet of the location of the zoning change application. As of the date of this report, the response rate is as follows: zero (0%) comments in favor of the rezoning request; four (23%) comments in opposition to the rezoning request; and fourteen (77%) property owners have not responded. In addition, fifteen (15) property owners located outside the 200-ft radius of the rezoning application have expressed opposition, bringing the total number of opposition responses to nineteen (19).

On March 6, 2025, the Planning & Zoning Commission voted 5-1 in favor of approving the request to rezone 515 McNeil Street to Retail Commercial.

**RECOMMENDED ACTION:**

City Council will receive input from citizens wishing to comment on the request to rezone the property located at 515 McNeil Street from Mixed Residential to Retail Commercial.

**CITY MANAGER APPROVAL:**

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**Attachments**

Application  
Ordinance



**ZONING CHANGE APPLICATION**  
**Fee: \$225.00 (effective 03/18/2024)**

**PROPERTY DESCRIPTION (LOCATION OF ZONING CHANGE REQUEST)**

Address (if available): 515 McNeil St. Palestine TX 75801  
Subdivision Name, Lot, Block): \_\_\_\_\_  
ACAD Block and Tract #: Block 1215 tracts 19A, 20, 25  
Deed Restrictions: ☐ Yes (Attach a copy with the application) ☒ No  
Current Zoning: MR Proposed Zoning: Retail Commercial  
Current Use of Property: Vacant / Previous Private Club  
Proposed Use of Property: Private Club

**PROPERTY OWNER INFORMATION**

Owner Name: Jeffrey Bostic  
Address: 2100 Salt Works Road  
City: Palestine State: TX Zip: 75803  
Phone: [REDACTED]

Check one of the following:

- ☐ As the owner of the property, I will represent the application; or  
☒ I designate Crystal Cartwright to act as my agent to submit this application.  
*\* see attached email dated 2/4/2025 from Jeffrey Bostic.*

I acknowledge that all of the information provided in the application is true and correct to the best of my knowledge. Furthermore, I am the legal owner of the property described in the application or, alternatively, that I am authorized to represent all of the owners of the property described in this application.

Owner's or Authorized Representative's Signature Crystal Cartwright

State of Texas  
County of Anderson

On this 5<sup>th</sup> day of February, 2025, before me, the undersigned notary public, personally appeared Crystal Cartwright, known to me to be the person whose name (s) is /are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.



Susan P. Davis  
Notary Public

**ORDINANCE NO. O- -25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, AMENDING THE OFFICIAL ZONING MAP PROVIDING FOR A CHANGE FROM MR, MIXED RESIDENTIAL TO RC, RETAIL COMMERCIAL AT 515 MCNEIL STREET KNOWN AS JOHN ARTHUR SURVEY, A-4, BLOCK 1215, TRACT 19A, 20, AND 25, CITY OF PALESTINE, ANDERSON COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** a public hearing was held before the Planning and Zoning Commission of the City of Palestine, Texas, on the 6th day of March, 2025, and a public hearing was held before the City Council of the City of Palestine, Texas, on the 24th day of March, 2024, at 5:30 p.m., where all interested persons were provided with an opportunity to be heard on a proposed application for a zoning change as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, said hearing being held at City Hall, with all notices being given as required by law; and

**WHEREAS,** the City gave written notice of such hearing to all real property owners within 200 feet of the hereinafter described territory as reflected by the last approved tax roll for the City of Palestine, and notice being given more than 10 days prior to the date of said hearing by mailing the same, properly addressed to said owners; and

**WHEREAS,** the Planning and Zoning Commission considered all of the testimony, and all persons present were given an opportunity to be heard, and made its final report in writing to the City Council; and

**WHEREAS,** the City Council considered all of the testimony, and all persons present were given an opportunity to be heard; and

**WHEREAS,** the City Council is of the opinion that the following Ordinance should be passed and that the same is in the public interest and necessary for the promotion of health, safety, morals, and general welfare of the City.

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

**SECTION 1.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2.** A change of zoning is granted from MR, Mixed Residential to RC, Retail Commercial on 515 McNeil Street, known as John Arthur Survey, A-4, Block 1215, Tract 19A, 20, and 25, City of Palestine, Anderson County, Texas, as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, subject to and governed by the terms of the Ordinance. The City Manager is hereby authorized to promptly note the zoning change on the Official Zoning Map of the City of Palestine, Texas.

**SECTION 3.** To the extent this Ordinance represents any deviation from the City of Palestine Comprehensive Plan (the "Comprehensive Plan"), such plan is hereby amended to conform with this Ordinance.

**SECTION 4.** All other laws, ordinances, or resolutions, or parts of the same, that are

inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 5.** In the event any part of this Ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the Ordinance.

**SECTION 6.** This Ordinance shall be effective immediately upon passage and publication.

**SECTION 7.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**PASSED, APPROVED, AND ADOPTED** this the 24th day of March 2025 by the City Council of the City of Palestine, Texas.

\_\_\_\_\_  
MITCHELL JORDAN  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
APRIL JACKSON  
CITY SECRETARY

\_\_\_\_\_  
REZZIN PULLUM  
CITY ATTORNEY

THE STATE OF TEXAS           §  
  §  
COUNTY OF ANDERSON       §

This instrument was acknowledged before me on the **24th** day of **March 2025**, by **MITCHELL JORDAN** in the capacity stated, on behalf of the **CITY OF PALESTINE, TEXAS**.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**AFTER RECORDING RETURN TO:**

April Jackson  
City Secretary  
504 N. Queen Street  
Palestine, TX 75801



Agenda Date: March 24, 2025  
To: City Council  
From: Susan Davis, Planning Technician  
Agenda Item: Specific Use Permit for a Private Athletic Facility  
Date Submitted: 03/19/2025

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**SUMMARY:**

Public hearing concerning a request for a Specific Use Permit for a private athletic facility at 201 Salt Works Road, Jacob Snively Survey, A-63, Block 1242B, Tract 6A and 6B; and Lincoln Heights LDH, Block 1, Lot 39, which is zoned Mixed Residential. The applicant, Fletcher Crimbring, proposes to open an athletic facility for a fitness program to help build strength, agility, and confidence and will include both gymnastic and ninja programs. The location of the use is a vacant commercial structure. On February 14, 2025, twenty-five notices were mailed to property owners within 200 feet of the location of the specific use permit request. Three (12%) have been returned in favor of the request, zero (0%) have been returned in opposition, and twenty-two (88%) have not responded. On March 6, 2025, the Planning and Zoning Commission unanimously approved the Specific Use Permit for a private athletic facility at 201 Salt Works Road.

**RECOMMENDED ACTION:**

City Council will receive input from citizens wishing to comment on the Specific Use Permit request for a private athletic facility at 201 Salt Works Road.

**CITY MANAGER APPROVAL:**

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**Attachments**

Application  
Staff Report  
Ordinance

# 250070



## SPECIFIC USE PERMIT APPLICATION

### APPLICANT INFORMATION

Applicant Name: FLETCHER CRIMBRING

Address:

City:

Phone Number:

### PROPERTY DESCRIPTION

Address (if available): 201 SALT WORKS

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

### PROPOSED USE OF PROPERTY

Describe the proposed use of the property (be specific): INDOOR ATHLETIC

FACILITY WITH PROGRAMS TO INCLUDE:

NINJA YOUTH PROGRAM, GYMNASTICS, PRESCHOOL  
CLASSES, PARENT + TODDLER CLASSES, OTHER  
YOUTH + CHILD MOVEMENT + CONDITIONING  
CLASSES

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



**CITY COUNCIL**  
**AGENDA DATE: March 24, 2025**  
**ITEM XZ-25-02 / STAFF REPORT**

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<b>REQUEST:</b>	A specific use permit to allow a Private Athletic Facility to be placed at 201 Salt Works Road
<b>APPLICANT:</b>	Fletcher Crimbring
<b>EXHIBITS:</b>	Application, Maps and Photos
<b>PREPARED BY:</b>	Susan Davis, Planning Tech

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**PROPERTY INFORMATION**

LOCATION:	201 Salt Works Road
ZONING:	Mixed Residential
OVERLAY ZONES:	None
LAND USE:	Vacant Commercial Structure
ADJACENT ZONING:	Mixed Residential
ACREAGE:	0.4459 acres
PROPERTY DESCRIPTION:	Jacob Snively Survey, A-63, Block 1242B, Tract 6A and 6B; and Lincoln Heights LDH, Block 1, Lot 39

**SUMMARY OF REQUEST**

The applicant, Fletcher Crimbring, applied for a specific use permit to allow a Private Athletic Facility use at 201 Salt Works Road. The focus of the athletic facility is a fitness program to help build strength, agility, and confidence and will include both gymnastic and ninja programs.

**PROPERTY ZONING AND LAND USE**

The property where the private athletic facility use is proposed to be located is zoned Mixed Residential (MR). Adjacent zoning is MR to the north, east, south, and west.



## **PUBLIC NOTICE**

On February 14, 2025, twenty-five notices were mailed to property owners within 200 feet of the location of the specific use permit request. Three (12%) have been returned in favor of the request, zero (0%) have been returned in opposition, and twenty-two (88%) have not responded.

Comments returned include:

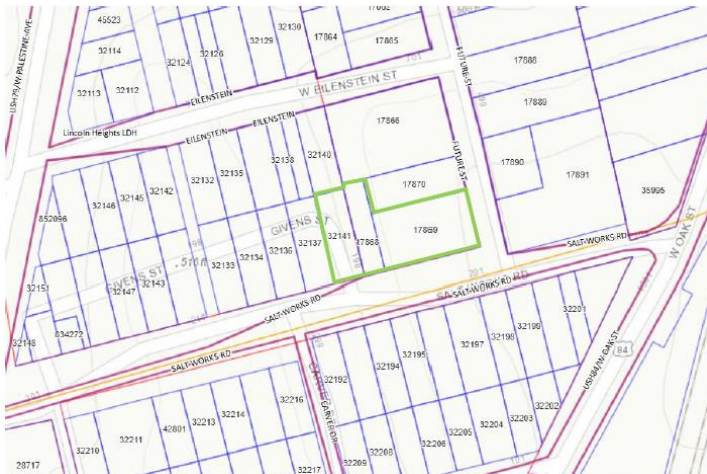
- This athletic center would greatly increase the neighborhood security of property value. It would be great to have a police officer in the neighborhood as well.
- Please do!

In addition, the owner of 121 Salt Works spoke during the public hearing held on March 6<sup>th</sup> about safety

## **ZONING AND DEVELOPMENT REQUIREMENTS**

Chapter 39, Article II, Section 39.2.2-13 of the Code of Ordinances for the City of Palestine requires a Specific Use Permit for a Private Athletic Facility use in the MR zoning district.

## **SPECIFIC USE PERMIT LOCATION MAP**



## **STAFF COMMENTS**

The location of the Specific Use Permit application is the corner of Salt Works Road and Future Street. The currently vacant structure was previously a beer distributing facility.





**PLANNING & ZONING RECOMMENDATION**

On March 6, 2025, the Planning & Zoning Commission unanimously voted to approve the Specific Use Permit for a Private Athletic Facility to be placed at 201 Salt Works Road.

**ORDINANCE NO. O- -25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR A PRIVATE ATHLETIC FACILITY USE AT 201 SALT WORKS ROAD, ZONED MIXED RESIDENTIAL, PERTAINING TO THE PROPERTY BEING APPROXIMATELY +/- 0.4459 ACRES KNOWN AS JACOB SNIVELY SURVEY, A-63, BLOCK 1242B, TRACT 6A AND 6B; AND LINCOLN HEIGHTS LDH, BLOCK 1, LOT 39, CITY OF PALESTINE, ANDERSON COUNTY, TEXAS; AND PROVIDING FOR SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE & MEETING.**

**WHEREAS,** a public hearing was held before the Planning and Zoning Commission of the City of Palestine, Texas, on the 6th day of March, 2025, and a public hearing was before the City Council of the City of Palestine, Texas, on the 24th day of March, 2025, at 5:30 p.m., where all interested persons were provided with an opportunity to be heard on a proposed application for a Specific Use Permit for a private athletic facility use at 201 Salt Works Road as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, said hearing being held at City Hall, with all notices being given as required by law; and

**WHEREAS,** the City gave written notice of such hearing to all real property owners within 200 feet of the hereafter described territory as reflected by the last approved tax roll for the City of Palestine, and notice being more than 10 days prior to the date of said hearing by mailing the same, properly addressed to said owners; and

**WHEREAS,** the Planning and Zoning Commission considered all of the testimony, and all persons present were given an opportunity to be heard, and made its final report in writing to the City Council; and

**WHEREAS,** the City Council considered all of the testimony, and all persons were given an opportunity to be heard; and

**WHEREAS,** the City Council is of the opinion that the following Ordinance should be passed and that the same is in the public interest and necessary for the promotion of health, safety, morals, and general welfare of the City.

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

**SECTION 1.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2.** That a Specific Use Permit to allow a private athletic facility use be granted to Fletcher Crimbring for the property known as Jacob Snively Survey, A-63, Block 1242B, Tract 6A and 6B; and Lincoln Heights LDH, Block 1, Lot 39, City of Palestine, Anderson County, Texas, at 2233 West Point Tap Road as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, subject to and governed by the terms of the Ordinance.

- SECTION 3.** To the extent this Ordinance represents any deviation from the City of Palestine Comprehensive Plan (the “Comprehensive Plan”), such plan is hereby amended to conform with this Ordinance.
- SECTION 4.** All other laws, ordinances, or resolutions, or parts of the same, that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
- SECTION 5.** In the event any part of this Ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the Ordinance.
- SECTION 6.** This Ordinance shall be effective immediately upon passage.
- SECTION 7.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**PASSED, APPROVED, AND ADOPTED** this the 24th day of March 2025, by the City Council of the City of Palestine, Texas.

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MITCHELL JORDAN  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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APRIL JACKSON  
CITY SECRETARY

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REZZIN PULLUM  
CITY ATTORNEY



Agenda Date: March 24, 2025  
To: City Council  
From: Susan Davis, Planning Technician  
Agenda Item: Specific Use Permit for Wireless Communication Facility  
Date Submitted: 03/19/2025

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**SUMMARY:**

Public hearing concerning a request for a Specific Use Permit for a wireless communication facility at 2233 West Point Tap Road, Joseph Jordan Survey, A-33, Block 1199, Tract 6A2, which is zoned Retail Commercial. The applicant, Amentum/Brandt Dozier/Steve Kinley, on behalf of New Cingular Wireless PCS LLC/AT&T Mobility, proposes to add a 146' monopole with a height of 150' within a 100' x 100' tall CMU wall painted a color to suit the City of Palestine. AT&T would mount the antenna at 146' on the monopole, which would be connected to base equipment on the ground by fiber and power cables. The ground cabinets would be mounted on an 87" x 180" steel platform on a 9' x 18' concrete pad. A diesel generator would also be mounted on the steel platform. Applicants have also filed a variance concerning the minimum setback from any single-family residential zoned property line or conforming single-family use of a minimum distance equal to three times the maximum height of the tower has been requested. A hearing will be held before the Zoning Board of Adjustment and Appeals. On February 21, 2025, ten notices were mailed to property owners within 200 feet of the location of the specific use permit request. One (10%) comment has been returned in opposition, and nine property owners (90%) have not responded. On March 6, 2025, the Planning & Zoning Commission unanimously approved the Specific Use Permit for the wireless communication facility at 2233 West Point Tap. Commissioner Castillo reported a conflict of interest and abstained from the vote.

**RECOMMENDED ACTION:**

City Council will receive input from citizens wishing to comment on the request for a Specific Use Permit for a wireless communication facility at 2233 West Point Tap Road.

**CITY MANAGER APPROVAL:**

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**Attachments**

Application  
Staff Report  
Ordinance



## SPECIFIC USE PERMIT APPLICATION

### APPLICANT INFORMATION

Applicant Name: Amentum/Brandt Dozier/Steve Kinley on behalf of New Cingular Wireless PCS LLC/AT&T Mobility  
Address: 11335 Glenforest Drive  
City: Montgomery State: Texas Zip: 77356  
Phone Number: [REDACTED]

### PROPERTY DESCRIPTION

Address (if available): 2233 West Point Tap Road, Palestine  
Subdivision: A0033 Jordan, Joseph Lot: 14032 Block:           
Anderson County Appraisal District Block Map # 1199 Tract #: 6A2  
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: The property is zoned RC-Retail Commercial.  
Currently operating on the property is Thompson Discount Movers, a full service moving company.  
performing both local and long-distance moves, including packing and storage.

### PROPOSED USE OF PROPERTY

Describe the proposed use of the property (be specific):           
To continue with the current use and for AT&T to add a 146' monopole with total height of 150' within  
a 100' x 100' - 8' tall CMU wall painted a color suitable to the City of Palestine. AT&T would mount  
antenna at 146' on the monopole and they would be connected to base equipment on the ground  
by fiber and power cables. The ground cabinets would be mounted on an 87" x 180" steel  
platform on a 9' x 18' concrete pad. A diesel generator would also be mounted on the steel  
platform.

Attach additional sheets if necessary including any surveys or drawings that will show the proposed improvements on the property- Please see attached additional items included with the submittal package.



**CITY COUNCIL**  
**AGENDA DATE: March 24, 2025**  
**ITEM XZ-25-03 / STAFF REPORT**

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<b>REQUEST:</b>	A specific use permit to allow a Wireless Communication Facility at 2233 West Point Tap Road, A-33, Joseph Jordan Survey, Block 1199, Tract 6A2
<b>APPLICANT:</b>	Amentum/Brandt Dozier/ Steve Kinley on behalf of New Cingular Wireless PCS LLC/AT&T Mobility
<b>EXHIBITS:</b>	Application, Maps and Photos
<b>PREPARED BY:</b>	Susan Davis, Planning Tech

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**PROPERTY INFORMATION**

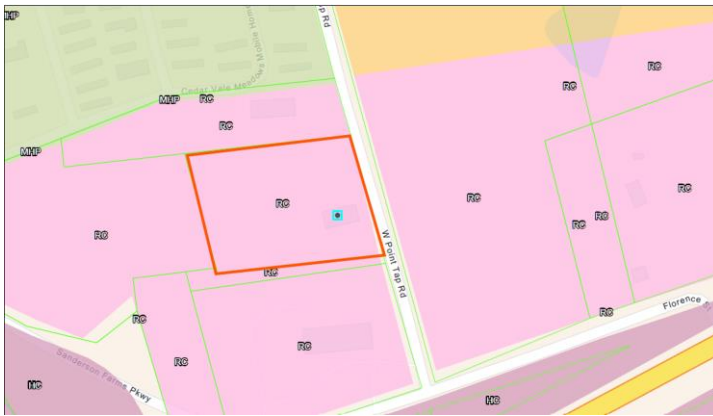
LOCATION:	2233 West Point Tap Road
ZONING:	Retail Commercial
OVERLAY ZONES:	None
LAND USE:	Commercial
ADJACENT ZONING:	Manufactured Home Overlay District and Retail Commercial
ACREAGE:	2.8640 acres
PROPERTY DESCRIPTION:	Joseph Jordan Survey, A-33, Block 1199, Tract 6A2

**SUMMARY OF REQUEST**

The applicant, Amentum/Brandt Dozier/ Steve Kinley on behalf of New Cingular Wireless PCS LLC/AT&T Mobility, applied for a specific use permit to allow a Wireless Communication Facility at 2233 West Point Tap Road. The applicant proposes to add a 146' monopole with a height of 150' within a 100' x 100' tall CMU wall painted a color to suit the City of Palestine. AT&T would mount antenna at 146' on the monopole and the antenna would be connected to base equipment on the ground by fiber and power cables. The ground cabinets would be mounted on a 87" x 180" steel platform on a 9' x 18' concrete pad. A diesel generator would also be mounted on the steel platform.

**PROPERTY ZONING AND LAND USE**

The property where the wireless communication facility use is proposed to be located is zoned Retail Commercial (RC). Adjacent zoning is Manufactured Home Overlay District to the north, and Retail Commercial to the east, south, and west.



### **PUBLIC NOTICE**

On February 21, 2025, ten notices were mailed to property owners within 200 feet of the location of the specific use permit request. No comments have been returned in favor or in opposition, and ten property owners (100%) have not responded.

### **ZONING AND DEVELOPMENT REQUIREMENTS**

Chapter 39, Article II, Section 39.2.2-13 of the Code of Ordinances for the City of Palestine requires a Specific Use Permit for a Wireless Communication Facility use in the RC zoning district.

Chapter 39, Article II, Section 39.2.4-50 of the Code of Ordinances provide Supplemental Use Requirements for Wireless Communication Facilities as follows:

- (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 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 nonconforming 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 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.

#### **SPECIFIC USE PERMIT LOCATION MAP**





**STAFF COMMENTS**

A variance concerning the minimum setback from any single-family residential zoned property line or conforming single-family use of minimum distance equal to three times the maximum height of the tower has been requested. A hearing will be held before the Zoning Board of Adjustment and Appeals on March 27, 2025.

**PLANNING & ZONING RECOMMENDATION**

On March 6, 2025, the Planning & Zoning Commission unanimously voted to approve the specific use permit to allow a Wireless Communication Facility at 2233 West Point Tap Road. Commissioner Castillo reported a conflict of interest and abstained from the vote.

**ORDINANCE NO. O- -25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR A WIRELESS COMMUNICATION FACILITY USE AT 2233 WEST POINT TAP ROAD, ZONED RETAIL COMMERCIAL, PERTAINING TO THE PROPERTY BEING APPROXIMATELY +/- 2.8640 ACRES KNOWN AS JOSEPH JORDAN SURVEY, A-33, BLOCK 1199, TRACT 6A2, CITY OF PALESTINE, ANDERSON COUNTY, TEXAS; AND PROVIDING FOR SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE & MEETING.**

**WHEREAS,** a public hearing was held before the Planning and Zoning Commission of the City of Palestine, Texas, on the 6th day of March, 2025, and a public hearing was before the City Council of the City of Palestine, Texas, on the 24th day of March, 2025, at 5:30 p.m., where all interested persons were provided with an opportunity to be heard on a proposed application for a Specific Use Permit for a wireless communication facility use at 2233 West Point Tap Road as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, said hearing being held at City Hall, with all notices being given as required by law; and

**WHEREAS,** the City gave written notice of such hearing to all real property owners within 200 feet of the hereafter described territory as reflected by the last approved tax roll for the City of Palestine, and notice being more than 10 days prior to the date of said hearing by mailing the same, properly addressed to said owners; and

**WHEREAS,** the Planning and Zoning Commission considered all of the testimony, and all persons present were given an opportunity to be heard, and made its final report in writing to the City Council; and

**WHEREAS,** the City Council considered all of the testimony, and all persons were given an opportunity to be heard; and

**WHEREAS,** the City Council is of the opinion that the following Ordinance should be passed and that the same is in the public interest and necessary for the promotion of health, safety, morals, and general welfare of the City.

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

**SECTION 1.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2.** That a Specific Use Permit to allow a wireless communication facility use be granted to New Cingular Wireless PCS LLC/AT&T Mobility for the property known as Joseph Jordan Survey, A-33, Block 1199, Tract 6A2, City of Palestine, Anderson County, Texas, at 2233 West Point Tap Road as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, subject to and governed by the terms of the Ordinance.

**SECTION 3.** To the extent this Ordinance represents any deviation from the City of Palestine Comprehensive Plan (the "Comprehensive Plan"), such plan is hereby amended to conform with this Ordinance.

**SECTION 4.** All other laws, ordinances, or resolutions, or parts of the same, that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 5.** In the event any part of this Ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the Ordinance.

**SECTION 6.** This Ordinance shall be effective immediately upon passage.

**SECTION 7.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**PASSED, APPROVED, AND ADOPTED** this the 24th day of March 2025, by the City Council of the City of Palestine, Texas.

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MITCHELL JORDAN  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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APRIL JACKSON  
CITY SECRETARY

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REZZIN PULLUM  
CITY ATTORNEY



Agenda Date: March 24, 2025  
To: City Council  
From: Susan Davis, Planning Technician  
Agenda Item: Amendments Chapter 39, "Zoning" Related to Hotels  
Date Submitted: 03/19/2025

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#### **SUMMARY:**

Public hearing regarding amendments to Chapter 39, "Zoning" of the Code of Ordinances by amending Section 39.2.2-13, "Land Use Chart" to amend hotel/motel categories; and Division 4, "Supplementary Use Requirements" to add use requirements for hotels; and Section 39.5.3-1, "Use Definitions" to remove the definition for Hotel and to add definitions for Full-Service Hotel and Limited-Service Hotel.

#### **Section 39.2.2-13 - Land Use Chart Amendments**

On March 6, 2025, the Planning & Zoning Commission unanimously voted to approve amendments to the Land Use Chart to remove the Hotel/Motel and Hotel, Extended Stay categories; and to add Limited-Service Hotel, Full-Service Hotel, and Motel categories as follows:

- (1) Limited-Service Hotel - Permitted by right in CBD, RC, HC, and I; Specific Use Permit required in PD and HP; Prohibited in RE, SR, UR, MR, MUN, MHP
- (2) Full-Service Hotel - Permitted by right in CBD, RC, HC, and I; Specific Use Permit required in PD and HP; Prohibited in RE, SR, UR, MR, MUN, MHP
- (3) Specific Use Permit required in CBD, RC, HC, I, PD; and Prohibited in RE, SR, UR, MR, MUN, MHP, and HP

#### **Division 4, Supplementary Use Requirements Amendments**

On January 2, 2025, the Planning & Zoning Commission unanimously voted to approve the proposed supplementary use requirements to add use requirements for hotels.

#### **Section 39.5.3-1, Use Definitions Amendments**

The Planning & Zoning Commission unanimously voted to approve removing the definition of Hotel on August 1, 2024, and to add definitions for Full-Service Hotel and Limited-Service Hotel on January 2, 2025.

#### **RECOMMENDED ACTION:**

City Council will receive input from citizens wishing to comment on amendments to Chapter 39, "Zoning" related to hotels.

#### **CITY MANAGER APPROVAL:**

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#### **Attachments**

Ordinance  
Exhibit A - Land Use Chart  
Exhibit B -Supplementary Use Requirements

## Exhibit C - Use Definitions

**ORDINANCE NO. O- -25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, AMENDING CHAPTER 39 “ZONING” OF THE CODE OF ORDINANCES BY AMENDING SECTION 39.2.2-13 “LAND USE CHART” TO AMEND HOTEL/MOTEL CATEGORIES, SECTION 39.2.4 “SUPPLEMENTARY USE REQUIREMENTS” TO ADD A SUPPLEMENTARY USE REQUIREMENT FOR A HOTEL, AND SECTION 5.3-1 “USE DEFINITIONS” TO AMEND THE DEFINITION FOR HOTEL; PROVIDING FOR A REPEALING CLAUSE, A PENALTY CLAUSE, A PUBLICATION CLAUSE, A SEVERABILITY CLAUSE, AND PROVIDING 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,** hotel and motel owners or managers have approached City staff expressing concerns regarding the saturation of basic hotels with lack of amenities such as meeting spaces; and

**WHEREAS,** the Planning and Zoning Commission at their January 2, 2025 meeting considered factors such as lack of meeting space abundance of limited service hotels and prospect of several new motel/hotel with lack of other amenities; and

**WHEREAS,** a public hearing was held before the Planning and Zoning Commission of the City of Palestine, Texas, on the 2nd day of January, 2025, and a public hearing was held before the City Council of the City of Palestine, Texas, on the 13th day of January, 2025, where all interested persons were provided with an opportunity to be heard on a proposed amendment to the City Code of Ordinances, said hearing being held at City Hall, with all notices being given as required by law; and

**WHEREAS,** after the public hearing at the Planning and Zoning Commission meeting and support from current hotel/motel owners/managers, the Commission recommended approval of proposed amendments as attached as Exhibit A, Exhibit B, and Exhibit C, which is attached hereto and incorporated herein; and

**WHEREAS,** the City Council is of the opinion that this Ordinance should be passed and that the same is in the public interest and necessary for the promotion of health, safety, morals, and general welfare of the City.

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

**SECTION 1.** The recitals contained in the preamble to the Ordinance are found to be true and correct and are hereby adopted.

**SECTION 2.** Chapter 39 “Zoning,” Article II “Zoning Districts and Use Regulations,” Section 39.2.2-13 “Land Use Chart” 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.** Chapter 39 “Zoning,” Article II “Zoning Districts and Use Regulations,” Section 39.2.4 “Supplementary Use Requirements” of the Code of Ordinances of the City of Palestine, Texas, shall be amended as set forth in Exhibit “B,” attached hereto and incorporated herein for all purposes.
- SECTION 4.** Chapter 39 “Zoning,” Article V “Definitions,” Section 39.5.3-1. “Use Definitions” of the Code of Ordinances of the City of Palestine, Texas, shall be amended as set forth in Exhibit “C,” attached hereto and incorporated herein for all purposes.
- SECTION 3.** All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.
- SECTION 4.** A person who violates this Ordinance is guilty of a separate offense for each day or part of day the violation is committed continued or permitted. Each offense upon conviction is punishable by a fine not to exceed 2,000.00. Every ordinance imposing any penalty, fine, or forfeiture shall become effective only after having been published once in its entirety, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in a newspaper designated as the official newspaper of the City.
- SECTION 5.** 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 52.013 of the Texas Local Government Code.
- SECTION 6.** If any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction such holdings shall not affect the validity of the remaining portions of this Ordinance and the City Council of the City of Palestine, Texas hereby declares it would have enacted such remaining portions despite such invalidity.
- SECTION 7.** This Ordinance shall be in full force and effect from and after the date of passage and publication as required by law.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Palestine, Texas, this the 24th day of March, 2025.

ATTEST:

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APRIL JACKSON  
CITY SECRETARY

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MITCHELL JORDAN  
MAYOR  
APPROVED AS TO FORM:

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REZZIN PULLUM  
CITY ATTORNEY

**Exhibit A**  
**Sec. 39.2.2-13 - Land Use Chart**

DRAFT



**Exhibit B**  
**Division 4 – Supplementary Use Requirements**

DRAFT

**Exhibit C**  
**Sec. 39.5.3-1 – Use Definitions**

DRAFT

**Sec. 39.2.2-13. Land use chart.**

Use Type	Residential						Nonresidential					Special			
P: Indicates uses allowed by right : Indicates prohibited uses S: Indicates specific use permit required A: Indicates accessory use only	<b>RE</b> Residential Estate District	<b>SR</b> Suburban Residential District	<b>UR</b> Urban Residential District	<b>MR</b> Mixed Residential District	<b>MUN</b> Mixed Use Residential	<b>MHP</b> Manufactured Home Park District	<b>CBD</b> Central Business District	<b>RC</b> Retail Commercial District	<b>HC</b> Highway Commercial District	<b>I</b> Industrial	<b>PD</b> Planned Development District	Future District	<b>HP</b> Historic District	Manufactured Home Overlay District	Future Overlay District
<b>Agricultural Uses</b>															
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														
<del>Winder-Winery</del> , with vineyard	P														
<b>Residential</b>															
Accessory building/structure	P	P	P	P	P	P	P	P	P	P	S		P		
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	S	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 residence, detached	P	P	P	P	P	P	P	P	P		S		P		
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		
<b>Nonresidential Uses</b>															
Acid manufacture										S					
Advertising agency				S	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/pet hotel	P						S	S	P	P	S		S		
Animal shelter or rescue								P	P	P	S				
Antenna and/or antenna support structure, <del>commercial</del> commercial	S	S	S	S	P	S	S	S	S	S	S		S		
Antenna and/or antenna support structure, <del>commercial</del> noncommercial	P	P	P	P	P	P	P	P	P	P	S		P		

Antenna, stealth, <del>commercial</del> <u>commercial</u>	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							P	P	P	P	S		P		
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-hour					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- <del>alcoholic</del> <u>alcoholic</u>					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		
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										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					
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				
Construction yard and field office	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				
County 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		P		
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					
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					
<u>Full-Service Hotel</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>		<u>S</u>		
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					
General retail (indoor)					S	S	P	P	P		S		P		



General retail (indoor): Over 50,000 SF of 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 <del>public</del> public	P	S	S	S				S	P	P	S				
Governmental buildings, facility, office, or services	P	P	P	P	P	P	P	P	P	P	S		P		
Grain processing with hoods, dust and odor control										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		
<del>Hotel/motel</del>							<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>S</del>		<del>P</del>		
<del>Hotel, extended stay</del>							<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>S</del>				
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/invest. 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		
<u>Limited-Service Hotel</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>		<u>S</u>		
Liquefied petroleum gas (LPG) 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		
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		
Medical 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				
<u>Motel</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
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		
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 operation	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 and billiards hall, indoor					S		P	P	P	P	S		S		
Portable building sales								P	P	P					
Poultry processing										P					

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 persons	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, cafe, 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				
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				
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							S	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				
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 planing mill with dust and noise control										P					
Wrecking yards or salvage yard										P					

(Ord. No. O-20-20, § 2(Exh. A), 9-14-2020; Ord. No. O-18-21, § 4(Att. A), 1-25-2021; Ord. No. O-13-24, § 2(Exh. A), 5-28-2024)

## ***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.**

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, section 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) *[Additional requirements.]* 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 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 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.**

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 or fewer waivers are required, if all but one 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 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 well covered by the special use permit for oil or gas drilling or production within two 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 or fewer waivers are required, if all but one 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-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-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-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.**

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, section 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.**

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.**

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 percent of the gross floor area, but no larger than 10,000 square feet, be screened from public view by an eight-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 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 ten 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 ten 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.**

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 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 [chapter] shall expire one 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 [chapter] 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 the ordinance codified in this chapter. If any occupation permit shall expire under the provisions of this ordinance within 90 days from the effective date of the ordinance codified in this chapter, 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. Hotels.**

##### **Hotels.**

- (1) Building design.
  - (a) Accessibility. A guest room shall be accessible only from an internal hallway that is accessible from a central lobby area contained within a hotel.
- (2) Site facilities.
  - (a) Number of rooms. All hotels must provide at least 90 rooms. A full-service hotel shall provide at least 120 guest rooms.
  - (b) Meeting rooms. Limited-service hotels must have at least 3,000 square feet and up to a maximum of 7,999 square feet of meeting room space. A full-service hotel must provide at least 8,000 square feet of meeting room space, which may be divisible with modular walls.
  - (c) Amenities. All Full-Service hotels shall offer recreational facilities with a combined area of 1,000 square feet, such as, but not limited to, a swimming pool, exercise rooms, game courts, or spas.
  - (d) Food service. All hotels must provide at least limited food and beverage service. Limited food and beverage service must, at a minimum, include a self-service continental breakfast provided in an on-site dining room suitable for seating at least 30 guests at a time. Full-service hotels shall provide a full-service restaurant with full kitchen cooking and service staff on premises and be open to the general public for breakfast and dinner with seating for at least thirty (30) customers.
- (3) Parking and circulation. All hotels must have an attached, covered drive-through area adjacent to the hotel lobby entrance to accommodate temporary guest parking during check-in and check-out. In addition to the parking required for on-site restaurant and meeting room space, each hotel must provide at least one parking space per guest room.

- (4) Grandfather Clause. Any hotel property that was constructed prior to the date these requirements were established, shall be exempt from the standards therein. Additionally, if the structure should be rebuilt, it may be rebuilt to the standards by which it was originally constructed.

**Sec. 39.2.4-~~289~~. 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-~~2930~~. 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. 39.2.4-301. 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. 39.2.4-312. Manufactured home/mobile home community.**

- (1) The minimum size of any manufactured home community shall be five 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 percent 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

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personnel. Minimum numeral size will be six inches in height. The sign board must be at least ten inches by ten inches in size.

#### **Sec. 39.2.4-3~~23~~4. 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, section 39.2.3-4 and division 4, section 39.4.3-2(6) shall also be complied with.

#### **Sec. 39.2.4-3~~34~~4. 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 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 [chapter] 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 \$2,000.00, 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 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 horizontal feet to one 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. 39.2.4-345. 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.

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- (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. 39.2.4-3~~56~~. Outdoor storage and display.**

- (1) Any land use listed in chapter 39, article II, division 2, section 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 [chapter].
- (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 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 ten-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-~~367~~. 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 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-~~378~~. 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-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-~~389~~. 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 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 time on a parcel in the City of Palestine, except no more than two 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 time on a parcel in the MHP zoning district.

**Sec. 39.2.4-~~3940~~. 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.

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**Sec. 39.2.4-401. 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. 39.2.4-412. 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 meter in diameter in a residential zoning district or two meters in diameter in a nonresidential 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. 39.2.4-423. 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.



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**Sec. 39.2.4-434. 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 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. 39.2.4-445. 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 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 least 500 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. 39.2.4-456. Tiny house.**

All tiny houses must comply with all applicable building codes adopted by the city and any requirements for accessory buildings.

**Sec. 39.2.4-467. 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.

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- (2) Dimensional requirements.
    - (a) Maximum density: 26 units/acre.
    - (b) Minimum lot area: 10,000 square feet.
    - (c) Minimum lot width: 100 feet.
    - (d) Minimum living area: 500 square feet.
    - (e) Minimum yard setback - all buildings and structures excluding fences shall be setback a minimum distance of 25 feet 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-way except for entrance/exit from the site by a minimum six feet solid fence, masonry wall, or evergreen hedge.

#### **Sec. 39.2.4-4~~7~~8. 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 4, section 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 ten 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-~~489~~. 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-~~495~~0. 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-~~501~~. 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 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 nonconforming 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 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.

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### Sec. 39.5.3-1. Use definitions.

*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.

*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.

*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 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.

Also 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 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 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 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;

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- (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, leather-craft, 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.

*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 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.

*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 calendar days.

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*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 bedrooms available for overnight guests. A bed and breakfast inn may provide for guest stays up to 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.

*Bus terminal:* Any premises for the transient parking or storage of motor-driven buses and the loading and unloading of passengers.

*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.

*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.

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*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 premises 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.

*Child care—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.

*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.

*Child care—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.

*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.

*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 [chapter], Bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

*Civic/convention center:* A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

*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



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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 6,000 square feet of floor area, including, but not limited to, dry cleaning plants having no more than 1,500 square feet of floor area for dry cleaning equipment.

*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.

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*Dwelling, two-family/duplex:* A detached building, designed for or occupied by two families living independently of each other.

*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.

*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, art work, 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, art work, 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.

*Full-Service 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 services, and telephone are provided. The property must also provide a minimum of 100 guest rooms and offer a minimum of

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8,000 square feet of meeting space. Additional amenities to which must be provided include a full-service restaurant that is open to the public, and a combined total of at least 1,000 square feet, which may include a swimming pool, fitness facilities, game courts, or spas. Financial consideration for hotel room units is generally calculated on a nightly basis.

*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

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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 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.

~~*Limited-Service 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. The property must also provide a minimum of 3,000 square feet and a maximum of 7,999 square feet of meeting space. Financial consideration for hotel room units is generally calculated on a nightly basis.~~

*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

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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 massage. 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 massage. 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 15 calendar days or greater per year. Mobile food vendors who operate for 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.

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*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

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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 30 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 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.

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*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 V.T.C.A., Alcoholic Beverage Code, chapter 32 or 33, as amended, that derives 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 V.T.C.A., Alcoholic Beverage Code, title 6, local option elections, 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 V.T.C.A., Alcoholic Beverage Code, chapter 32 or 33. 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 V.T.C.A., Alcoholic Beverage Code, chapter 32 or 33, as amended, is presumed to derive 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):* 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 (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.



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*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 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 Aging and Disability Services (DADS), a facility which provides residence and care to ten 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 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,

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or customers of the primary use. Incidental shall mean an area that constitutes not more than 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 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 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 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.

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*Single-family residence, attached:* A building having separate accommodations for, and occupied by not more than, two 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 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 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.

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*Tiny house:* A dwelling that is 400 square feet (37 square meters) 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 to eight 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.

(Ord. No. O-20-20, § 2(Exh. A), 9-14-2020; Ord. No. O-18-21, § 4(Att. A), 1-25-2021; Ord. No. O-13-24, § 4(Exh. C), 5-28-2024)



Agenda Date: March 24, 2025  
To: City Council  
From: Patsy Smith, Parks and Recreation Director  
Agenda Item: February Monthly Report  
Date Submitted: 03/10/2025

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**SUMMARY:**

February 2025 Parks and Recreation/Facility Maintenance Monthly Report

**RECOMMENDED ACTION:**

No action is required.

**CITY MANAGER APPROVAL:**

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**Attachments**

February Monthly 2025

# **Parks and Recreation Department**

## **February 2025**

### **Overview**

The Parks and Recreation Department incorporates the following divisions.

Parks  
Cemeteries  
Lakes  
Facilities Maintenance

The department includes 7 full time employees. The division oversees 38 individual locations totaling approximately 400 acres that are mowed and weedeated. We also clean 12 park restrooms (This includes toilets and sinks in all locations) daily M-F and handle all trash detail in the parks, cemeteries and Lakes including downtown.

### **Administration**

- Prepared timesheets and turned in invoices for month
- Called facilities person to go fix Texas Flag at Phillips park since he put the flag upside down
- Picked up Mardi Gras Beads for council float
- Took 1 parks guy to drug check for accident with trailer
- Did disciplinary on 1 parks guy for accident
- Fixed infant swing at Reagan Park
- Put a temporary fix on light pole at Reagan Park till guys could go repair
- Was called by Visitor Center regarding a dog laying in ditch between VC and FM. Called animal control and assisted with getting dog out of ditch
- Did a bio request for Chamber
- Began doing yearly evaluations on parks guys
- Met with Mike in Streets to discuss how to fix embankment issues around creek bed at City cemetery
- Met with CM on pool contract and moving forward
- Met with Mike Sercey regarding upgrades to Farmers Market
- Began making decorations for Dogwood Parade Float for Council
- Finished Mardi Gras Float for council
- Called Henry AC to fix unit at Fire Station 4 due to wires being burnt
- Met with fleet to have preventative maintenance done on all mowers before mowing season was to begin
- Spray painted each weedeater assigned in parks a different color to prevent folks from grabbing someone's assigned equipment
- Attended council meeting on Monday 2-10-25
- Cut out letters for Dogwood Float for Council
- Spray painted letters for Dogwood float for council

- Glued together small bowls to make lollipops for float
- Attended staff meeting on Tuesday 2-11-25
- Met with TML representative to discuss upcoming safety training for parks
- Began putting new fishing line on poles for upcoming fishing event in May
- Completed Mardi Gras Float with Casey
- Asst. Director took employee to ER and drug check after accident
- Met with Ryan's Tree Service to discuss removal of 4 dead trees and grinding out stumps
- Attended FEMA meeting on 2-19
- Attended Junior Service Meeting on Wednesday 2-10 1 pm
- On Monday a holiday was called regarding a fire in lower restroom at Reagan Park, went and closed and took photos made report with PD
- Called Little Tykes customer service to get better instructions on putting playground equipment together at Green's Park
- Spoke with Linda Dickens several times regarding a person wanting to put a bench at Reagan Park around walkway with plaque
- Completed TML list for HR
- Met with CR to get titles and keys to vehicles for auction
- Reached out to 3 different solar companies to get bid for lighting for Reagan Park
- Attended drawing for election city hall
- Ordered clear bags for parks and black bags for city hall customer service
- Met with Ana from Library to discuss possible grant that could repair doors and windows of library
- Attended Black History Month program at Crockett Road Church of Christ
- Tore down Mardi Gras Float and began preparing for Dogwood
- Met with Mike Sercey at Farmer's Market to discuss asphalt and electrical
- Called Jason to see if could fix 2" water line at Farmer's Market after contractor hit and broke
- Met with Ryan's Tree Service to remove 5 dead trees around playground area Green's Park
- Asst. Director went to Calhoun Park to check lighting and see if working
- Director painted several pieces of playground equipment at Green's Park
- Met with Mary Ann and Mike Sercey at Farmer's Market to discuss plumbing and electrical for food trucks
- Had meeting with L&M Cleaning regarding cleaning person
- Met with Mike Sercey regarding dolphin for Reagan Park
- Met with Ryan's Tree Service at Farmer's Market to remove 8

*Goals: To place ADA equipment in all major parks.*

#### Parks

- **PUT IN FALL SURFACE NEW EQUIPMENT CALHOUN PARK**
- **PUT IN FALL/NEW EQUIPMENT GREEN'S PARK**
- **REPLACE BROKEN BORDERS WILLIE MYERS PARK**
- **PURCHASE NEW ADA SWING REAGAN PARK**
- **INSTALL NEW REPLACEMENT PARTS SWING REAGAN PARK**

#### Lakes

- Clear trail at Upper Lake Rotary Club Project 2023/2024
- Mow and weedeat all areas of dams
- Have dead trees removed from forestry area at Upper and Lower
- Remove excess vegetation from all lakes
- Clear banks along Upper Lake to allow for fishing benches to be installed by Rotary Downtown

#### Cemeteries

- Get brick walls repaired due to damage over years
- Make signs for sections of cemeteries to make it easier for families to find loved ones: **(LONG TERM GOAL)**.
- See about having creek area cleared with large equipment

#### **Parks, Cemeteries, Lakes**

- Future Projects:
- Put up solar powered outdoor lights at Basketball court Greens Park (Will look at 2025)
- Restripe lines on Basketball court Green's Park and Steven Bennett (SHORT TERM GOAL)
- Tear out drive area at Willie Meyers Parks by pavilion and put-up ballers around park area (WINTER 2025)
- Repair fence for Green's Park basketball court



PARKS MONTHLY REPORT FEBRUARY 2025  
LOCATIONS MOWED

Calhoun Park x	Greens Park x
Crestline x	Fitzhugh Park x
Reagan Park x	Gateways x
Farmers Market x	Vaughn @ Crockett x
Spring Street x	Visitor Center x
Library x	Larry Street Park x
Mitchell Campbell x	Willie Myers x
Lorraine x	Phillips Park x
Inwood x	Veterans Park x
City Hall/PD x	TDCJ Monument x
Blue Lake x	Upper Lake x
Wolf Creek Lake x	Lower Lake x
Statue Park x	Memorial Cemetery x
Easthill Cemetery x	City Cemetery x
Athletic Complex x	Steven Bennett x
PD Impound Yard x	City Barn x
Fire Station 4 x	Two Lots Between City/Easthill x

PARKS PROJECTS COMPLETED FEBRUARY 2025

3 parks guys worked Mardi Gras Parade	2 parks guys put out cones and barricades for Mardi Gras Parade
1 parks guy installed toilet paper dispensers in both stalls Green's Park	Parks guys cleaned over ½ of the creek bed to the west at city cemetery
1 parks guy took 20 cones and 8 barricades to Farmer's Market	1 parks guy power washed all restrooms and pavilions in parks
Parks guys cleaned up fallen limbs and pinecones from dog park after complaint	Parks guys began building new playground equipment in Green's Park
2 parks guys installed second climbing equipment in Calhoun Park	3 parks guys installed ballards around playground area Willie Myers Park
Parks guys filled in several washouts around Reagan Park	2 parks guys installed new swing and untangled second Calhoun park
Parks guys spray painted Parks on more trash cans and drilled holes for drainage	Parks guys dismantled old equipment Green's Park

1 parks guy cleaned up lower restroom Reagan Park after fire	Parks guy locked all restrooms due to freezing temps
2 parks guys organized and took down mileage on vehicles for next auction	1 parks guy cleaned warehouse and reorganized
1 parks guy has been making new wooden signs for parks and lakes	2 parks guys took photos of auction items and shrink wrapped them
2 parks guys worked on installing new signage at all lakes	1 parks guy drove float in Mardi Gras parade
1 parks guy folded and placed all old flags in bag to be given to boy scouts	2 parks guys power washed and painted restrooms Mitchell Campbell Park
2 parks guys painted restrooms Willie Myers and had to repaint floors	1 parks guy took down section of old fence PD impound yard
1 parks guy began placing new poles and fencing for expansion of PD impound yard	2 parks guys began painting restrooms Reagan Park
1 parks guy leveled ground area for new equipment to go in at Calhoun	1 parks guy removed all old railroad ties from around Calhoun equipment

#### MAJOR ISSUES WHERE CONTRACTORS USED

Peace of Mind camera issues Public Works	Neches Plumbing to repair leak Larry Street Park
Neches Plumbing to fix sensor on faucet Mitchell Campbell	Neches Plumbing to fix faucet Upper restrooms Reagan Park
J&K Electrical light replace Upper restrooms Reagan Park	

#### SAFETY ISSUES

1 parks guy backing up trailer not locked jumped and hit tail gate	1 parks guy was using knife and sliced thumb requiring sutures
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## Rentals and Special Events

### Rentals:

Facilities	Number of Rentals
Pavilion Rentals	0
Pavilion Non-Payment/Cancelled	
Athletic Fields (Mitchell Campbell/Calhoun)	1
Total Rentals Paid	1
Refunds Given	
Total Revenue Collected	\$30.00

### Activities:

**Special Events:** NONE

### Facility Maintenance Projects Completed FEBRUARY 2025

- Fixed flag at Phillips Park
- Out sick couple days
- Took trash bags to customer service
- Cleaned took room warehouse
- Went to customer service and city hall removed traps from ceilings
- Fixed outside outlet Library
- Fixed drain spout on gutter Library
- Spray painted letters with Director for Dogwood Float
- Cleaned and rearranged supply room warehouse
- Met Chief and CM museum
- Attended safety meeting city hall
- Went to Willie Myers to check door that was damage obtained bids for repair
- Spoke to a contractor about getting bid to replace every screw on top of Farmer's Market
- Took water to visitor center and customer service
- Went and checked flags at all locations
- Met with contractor to fix urinal in PD
- Called Quality Air to find out why they sent a multitude of invoices, found that they had not sent due to problem with their system
- Fixed sliding door city hall customer service
- Disposed of damaged boxes with trash bags and restacking
- Took water to city hall for April
- Picked up paint for restrooms in parks
- Assisted with moving furniture at city hall for Development Services
- Took supplies to library and annex

- Helped Director with painting equipment at Green's Park
- Repaired sink at Reagan in lower restroom
- Met plumber at Calhoun Park to repair broken faucet due to freeze
- Replaced a faucet in both men's and women's restrooms Farmer's Market
- Removed old paper towel dispensers from restrooms in parks

Removal Old Playground Equipment Green's Park



New Playground Green's Park



Before Painting



After Painting





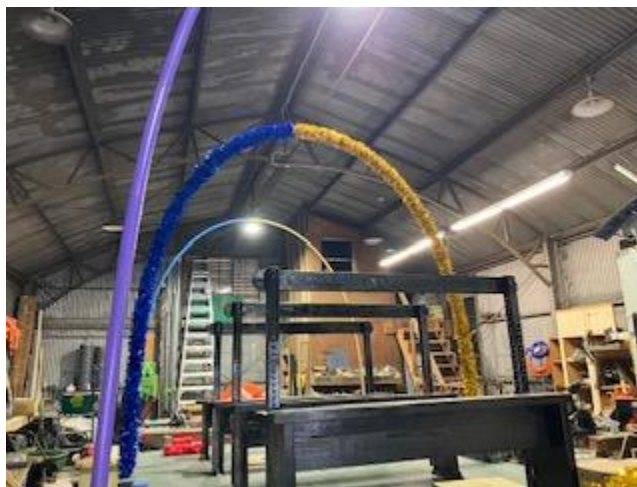
Fire Reagan Park Restroom Lower



Tree's Green's Park



Mardi Gras Float







Creek Bed City Cemetery Cleanout



Graffiti Upper Reagan Restrooms



Hog Damage Memorial Cemetery







Broken Swing Before



Swing After



## Playground Equipment Calhoun





Agenda Date: March 24, 2025  
To: City Council  
From: Mark Harcrow, Chief of Police  
Agenda Item: Police Department Monthly Reports  
Date Submitted: 03/18/2025

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**SUMMARY:**

February 2025 Police Monthly Report

**RECOMMENDED ACTION:**

No action is required.

**CITY MANAGER APPROVAL:**

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**Attachments**

CID Stats Feb 25  
PPD Stats Feb 25  
PLACE Team Stats Feb 25



# PALESTINE POLICE DEPARTMENT

CID Council Report

Printed on March 4, 2025

Offense	Disposition	Disposition Date
<b>Closed</b>		
AGENCY ASSIST	Closed	02/05/25
DECEASED PERSON	Closed	02/18/25
AGENCY ASSIST	Closed	02/27/25
FOUND PROPERTY	Closed	02/27/25
THEFT	Closed	02/27/25
THEFT	Closed	02/27/25
PUBLIC INTOXICATION	Closed	02/19/25
PUBLIC INTOXICATION	Closed	02/19/25

**Closed Total: 8**

## DA Ready

ASSAULT	DA Ready	02/19/25
SEX OFFENSE	DA Ready	02/19/25
DISTURBANCE	DA Ready	02/13/25
DISTURBANCE	DA Ready	02/26/25
UNAUTHORIZED USE OF MOTOR VEHICLE	DA Ready	02/26/25

**DA Ready Total: 5**

## Referred to DA

ASSAULT	Referred to DA	02/06/25
AGGRAVATED ASSAULT	Referred to DA	02/06/25

**Referred to DA Total: 2**

**Total Records: 15**

# Palestine Police Department Monthly Activity Report

Date Reported: 2/1/2025 – 2/28/2025



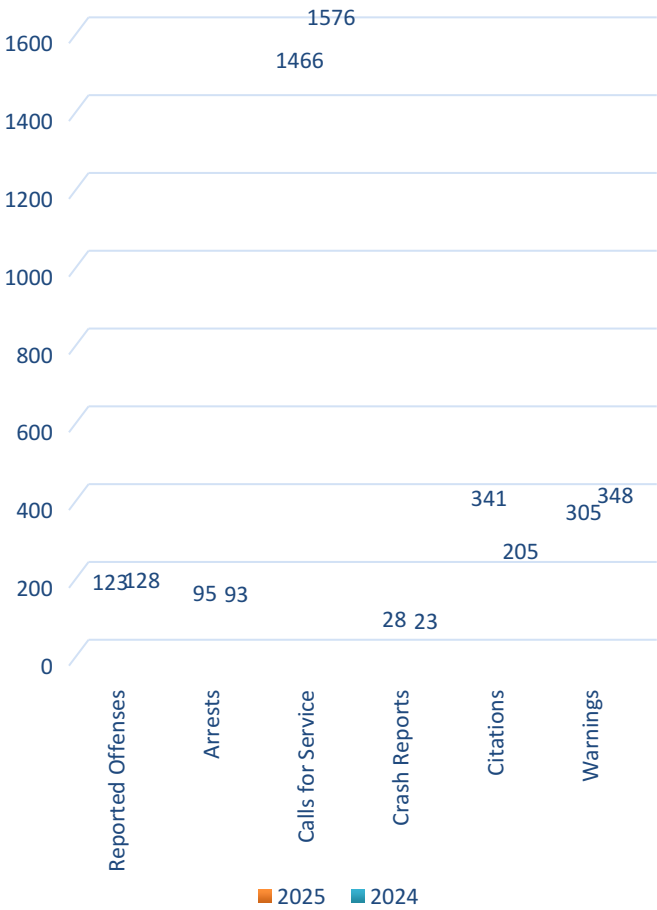
Palestine Police Department  
504 N Queen St  
Palestine, TX 75801  
(903) 729-2254

## MONTH

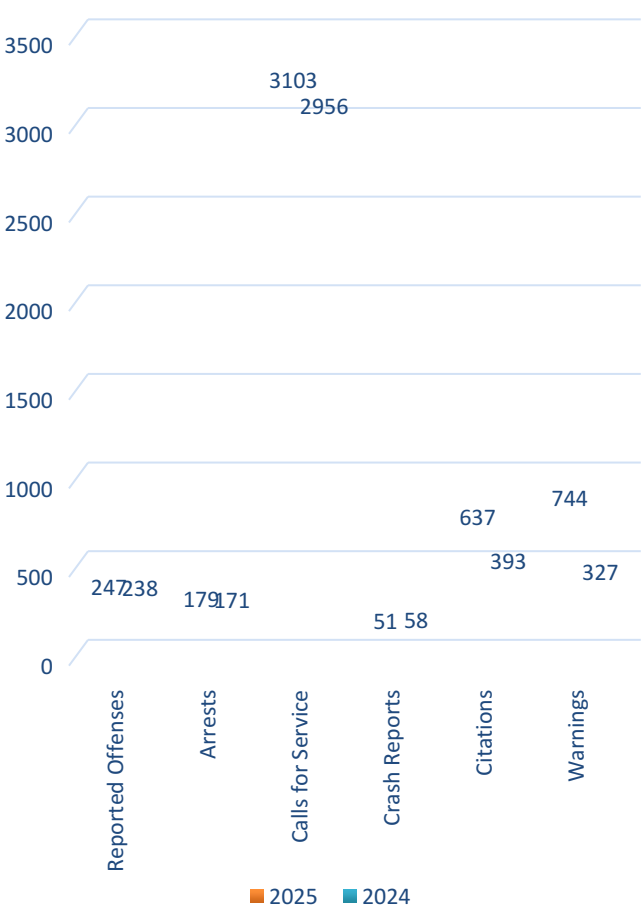
## YEAR TO DATE

Reported Offenses	February 2025	February 2024	% Diff	February 2025	February 2024	% Diff
	123	128	4%	247	238	4%
Arrests	February 2025	February 2024	% Diff	February 2025	February 2024	% Diff
	95	93	2%	179	171	4%
Calls for Service	February 2025	February 2024	% Diff	February 2025	February 2024	% Diff
	1466	1576	8%	3103	2956	5%
Traffic	February 2025	February 2024	% Diff	February 2025	February 2024	% Diff
Crash Reports	28	23	18%	51	58	14%
Citations	341	205	40%	637	393	38%
Warnings	305	348	14%	744	586	21%

Month Comparison



Year Comparison







Palestine Police Department  
P.L.A.C.E. Team Activity Report

504 North Queen Street  
Palestine, Texas 75801

**February 2025**

**Code Violations**

Maintenance of Property	43
Trash / Rubbish	36
Tall Weeds and Grass	14
Vehicles / Trailers	35
Other Violation	38
Animal Control	14
Illegal Dump Sites	18
Estimated Total Weight	375

**Violation Status**

Compliant upon Contact	72
Non-Compliance	128
Citations	0
Municipal Court	1

**Known Expenditures**

Properties Cleaned	0
Property Liens	0
Community Service Persons	2
Total Accumulated Hours	15

**Litter Abatement**

Total # Dump Sites	3
Estimated Total Weight	400 lbs

**Animal Control**

Total Calls for Month	163
Bites / Quarantine	2
Emergency Calls – OT	3
Citations	21
Warnings	0
Animal Intake	45



Agenda Date: March 24, 2025  
To: City Council  
From: Christophe Trahan, Economic Development Director  
Agenda Item: PEDC Monthly Report February/March 2025  
Date Submitted: 03/19/2025

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**SUMMARY:**

Economic Development Monthly Report February/March 2025

**RECOMMENDED ACTION:**

No action is required.

**CITY MANAGER APPROVAL:**

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**Attachments**

PEDC Report Feb-Mar 2025



## Economic Development Activities- February/March 2025

### Business Retention & Expansion

- Conducted a BRE visit with Eagle Rail Car Services in Elkhart on 3/5.
- Conducted a BRE visit with Dead Cat Ranch on 2/13
- Visited TVCC Athens Campus to sit in on a hydraulics engineering course taught by Ronn Herod on 2/13 in preparation for the High Demand Job Training grant project at TVCC Palestine.

### Prospects

PEDC February leads: 0

No. of open leads

14

### New & Small Business Development

- Attended TEDC Winter Conference in Austin from 2/26-2/28.
- Attended a Railroad Heritage Center board meeting on 2/12 to learn about the growth plans of the museum and review financials regarding the PEDC community development grant that was awarded for building improvements.
- Attended site planning meeting for development on North Loop on 5/5.

### Targeted Marketing & Attraction

- Appeared on the Kat Powers Show on 2/18 to promote PEDC and the Chamber Connection event that was hosted on 2/20.
- Attended TSRA board meeting on 2/25 to learn updates on TSRA operations and discuss joint development of the rail park.
- Met with county judge, chamber of commerce director, and tourism director on 3/5 to discuss potential future use of 200 Vista Ridge.
- Attended Commissioners Court on 3/10 to observe the outcome of the sealed bidding process for the Civic Center.

### Incentives/Infrastructure & Quality of Life

- Met with Betty Russo—Community Relations Specialist with the Office of the Governor on 2/19 to discuss the legislative session and updates on State of Texas certifications for film, music, and tourism.

## Strategic Plan – Activity Chart

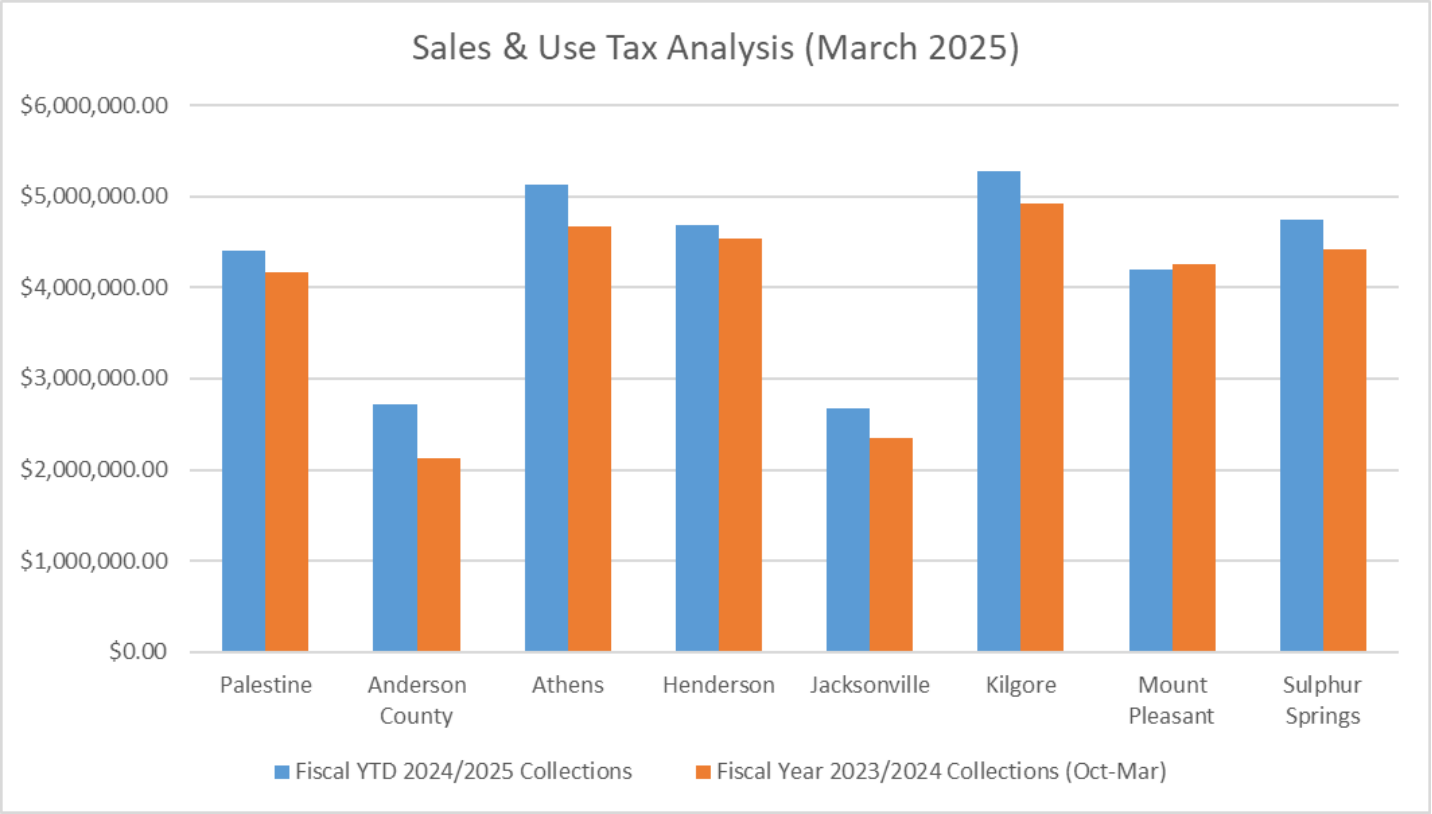
Strategic Plan 2024 - 2027					Palestine EDC													
Project start date:	01-Oct-24																	
	Legend:				Completed Activities													
					New Activities													
						2024			2025									
GOALS					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Design business retention and expansion contact program						2	3		1/2	1								
Create Business Education Advisory Council and Workforce Advisory Board						1	2	3										
Identify emerging high demand career pathways								1	1/1									
Work with TVCC, UT Tyler, the SBDC, Greater Texas Capital Corporation, and SCORE to provide services to new and small businesses					2	2	1	2										
Determine feasibility of creating a Revolving Loan Fund Program (RLF)						2	1	2										
Create incubator/makerspace and co-workspace						1												
Promote Palestine/Anderson County as an SBA HUB Zone						1												
Design marketing materials that create a brand for Palestine as a business/education destination					1	1	1		1									
Update website, community profile, available sites and buildings, workforce/education						1	1		1									
Support the development of a large-scale conference/meeting space within the City of Palestine						1	2		1	2								
Complete the development of the rail-served 333-acre Industrial Park					2	2	5	2	1	1								
Assess the feasibility of an airport/NASA-Columbia business park/Education District																		
Work with NASA-Columbia to attract suppliers and vendors																		
Market Palestine as a retirement and military/veteran friendly community.																		
Determine feasibility of creating a FAME (Federation of Advanced Manufacturing Education) curriculum to support advanced manufacturing.																		
Support UT Tyler/Palestine and TVCC local and regional initiatives.						2	2	3										
Expand/upgrade broadband infrastructure/technology																		
Create incentives to attract skilled workers.																		
Create Promise scholarships for two- and four- year schools																		
Support tourists/visitors, special events, and festivals					2		1											
Secure State of Texas certifications for tourism, film, music, and digital media									1									
Organize local builders to provide affordable apartments/housing and new subdivisions/neighborhoods using local, state, and federal incentives							4		1									
Support incentives to repurpose old, underutilized residential and commercial buildings in Palestine					2	1	2	2	3/1	1								
Expand healthcare services									1									
Support the City of Palestine, Anderson County, and TxDOT to upgrade roads and streets																		
Update/expand local parks and recreational facilities						1	2		2	1								
Extend utility infrastructure to WNW Loop									1	1/1	1							
Support efforts to extend/widen airport runways and upgrade technology									1	2	1							
Preserve and repurpose historic buildings					4	5	5	5	1/1	1								
Promote and capitalize on federal Opportunity Zones located in Palestine and Anderson County									2									

➤ Retail Sector

Local Sales & Use Tax Summary  
Palestine, Anderson County & Index Cities  
Fiscal Year Comparisons

Collection:	Period	Net Payment	Net Payment	Net Change
		Current Year 2024/2025	Prior Year 2023/2024	
Palestine	Mar	\$617,110.64	\$587,662.72	4.8%
	Fiscal YTD	\$4,398,647.39	\$4,164,062.86	5.3%
Anderson County	Mar	\$386,205.17	\$323,797.25	16.2%
	Fiscal YTD	\$2,721,921.38	\$2,121,761.26	22.0%
Athens	Mar	\$721,334.69	\$0.00	100.0%
	Fiscal YTD	\$5,121,318.26	\$4,672,002.86	8.8%
Henderson	Mar	\$600,429.85	\$634,733.04	-5.7%
	Fiscal YTD	\$4,680,839.66	\$4,533,004.06	3.2%
Jacksonville	Mar	\$408,937.01	\$372,923.28	8.8%
	Fiscal YTD	\$2,674,528.13	\$2,347,921.15	12.2%
Kilgore	Mar	\$803,505.71	\$704,427.88	12.3%
	Fiscal YTD	\$5,273,888.13	\$4,917,894.22	6.8%
Mount Pleasant	Mar	\$627,173.53	\$617,183.90	1.6%
	Fiscal YTD	\$4,198,223.51	\$4,250,508.84	-1.2%
Sulphur Springs	Mar	\$700,537.96	\$652,058.77	6.9%
	Fiscal YTD	\$4,741,429.49	\$4,425,125.75	6.7%

\* Source: *Texas Comptroller of Public Accounts*  
\* Note: All Net Payments represent collections conducted approx. 2 months prior



➤ **Workforce Data**

**Unemployment Rates in Anderson & Index Counties – January 2025:**

Anderson County – 4.3%

State of Texas – 4.1%

Henderson County – 4.5%

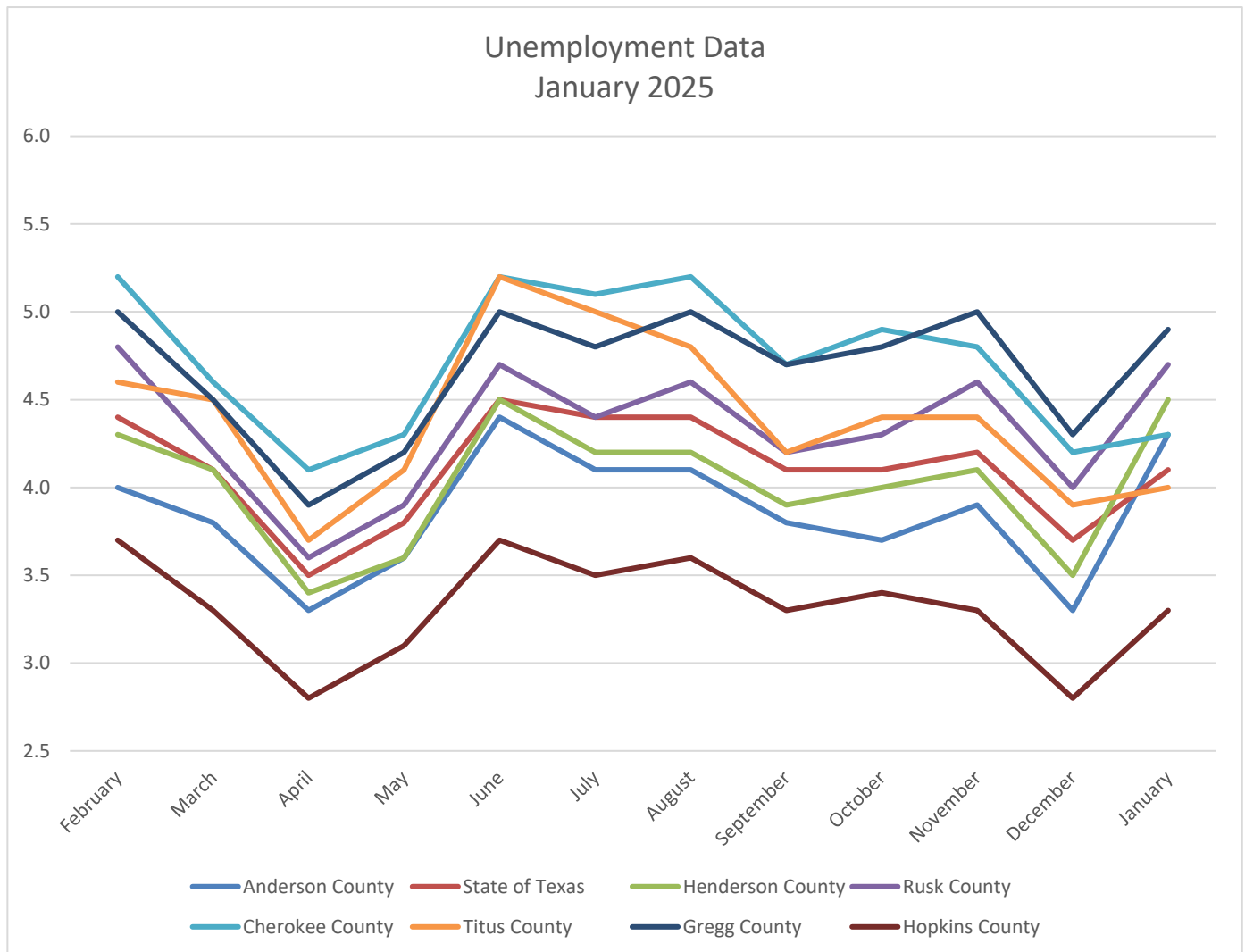
Rusk County – 4.7%

Cherokee County – 4.3%

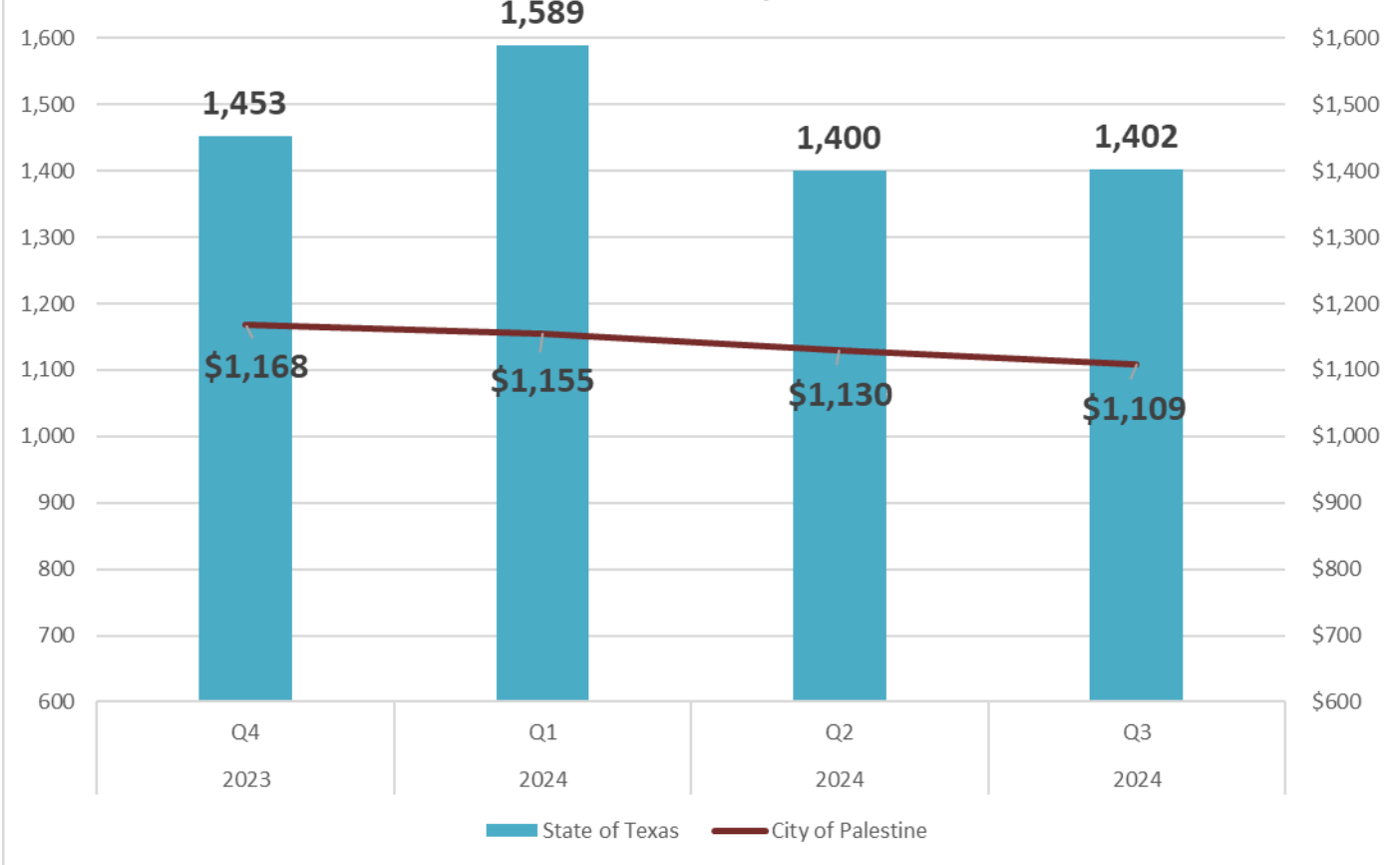
Titus County – 4.0%

Gregg County – 4.9%

Hopkins County – 3.3%



# Average Weekly Private Sector Wage Data State of Texas & City of Palestine



Source: Texas Labor Market Information



Agenda Date: March 24, 2025  
To: City Council  
From: April Jackson, City Secretary  
Agenda Item: Approval of Minutes  
Date Submitted: 03/20/2025

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**SUMMARY:**

Consider approval of the minutes of the Work Session and Regular Agenda of March 10, 2025.

**RECOMMENDED ACTION:**

Staff recommends approval of minutes as presented.

**CITY MANAGER APPROVAL:**

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**Attachments**

March 24, 2025, Minutes



# DRAFT



## MINUTES

The City Council of the City of Palestine convened for a regular meeting on March 10, 2025, at 5:15 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; James Smith, Council Member; Kenneth Davidson, Council Member; Angela Woodard, Council Member; Christopher Gibbs, Council Member

Absent: Sean Conner, Council Member

Also: Teresa Herrera, City Manager; April Jackson, City Secretary; Rezzin Pullum, City

Present: Attorney (Via Zoom); 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 Technician; Mark Harcrow, Police Chief; Jason Shelton, Interim Public Works Director; Cassie Ham, Tourism Marketing Manager

## WORK SESSION

With a quorum present, Mayor Jordan called the Work Session to order at 5:16 p.m.

1. Update and discussion on the Huey Helicopter Project. Mitchell Jordan, Mayor

Mayor Jordan provided an update on the Huey Helicopter Project, reporting that the project is short \$20,000 in funding to be completed. A discussion followed regarding the placement of the helicopter at Veterans Park once it has been refurbished. Staff mentioned potential challenges with placing the helicopter in Veterans Park due to the park's small size. Council Member Gibbs proposed placing the helicopter at the Armory.

With no other business to come before Council, the Work Session was adjourned at 5:29 p.m.

## REGULAR MEETING

### A. CALL TO ORDER

Mayor Jordan called the Regular Meeting to order at 5:37 p.m.

### B. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Johnathan Strange of New Fellowship Christian Church and was followed by the Pledge of Allegiance.

C. **PROPOSED CHANGES OF AGENDA ITEMS**

Mayor Jordan requested that the Mayor's Report be moved after the Items from Council.  
City Manager Herrera requested that Item G8 be pulled from the agenda.

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

David Braun spoke about his years of service with the Palestine Police Department and his campaign for Council Member for District 6.

Russell Hack discussed the criteria for awarding grants to downtown business owners.

Seth Blood also discussed the criteria for awarding grants to downtown business owners.

E. **CONFLICT OF INTEREST DISCLOSURES**

No action was taken.

F. **CITY MANAGER'S REPORT**

City Manager Herrera reported on the following: Spring Citywide Cleanup, the Dogwood Trails Festival and Parade, and the Dogwood Festival Art Event.

1. February 2025 Development Services Monthly Report
2. February 2025 Fire Monthly Report
3. February 2025 Municipal Court Monthly Report
4. February 2025 Library Monthly Report
5. February 2025 Public Works 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 the minutes of the Work Session and Regular Agenda of February 24, 2025. April Jackson, City Secretary
2. Consider approval of a resolution amending Document No. 3.16 - Prohibited Technologies Policy of the City of Palestine Employee Handbook. Lisa Cariker, HR Director  
**(Resolution No. R-10-25)**
3. Consider authorizing the City Manager to accept a quote from Cla-Val Company for High Service #2 Check Valve at the Water Treatment Plant in the amount of \$28,343.75. Jason Shelton, Interim Public Works Director
4. Consider awarding RFP 2025-002 - Asphalt Resurfacing on 16 Streets in District 1 to AAA Paving LLC in the amount of \$1,496,013.60. Jason Shelton, Interim Public Works Director
5. Consider awarding RFP 2025-003 - Asphalt Resurfacing on 16 Streets in District 2 to McGuffey Contracting Inc. in the amount of \$1,009,295.00. Jason Shelton, Interim Public Works Director
6. Consider authorizing the City Manager and the Palestine Public Library to join the Carnegie Libraries of Texas Coalition. Ana Sanchez, Library Director
7. Consider approval of a three-year contract with ETEX Broadband for Internet service at the Palestine Public Library. Andrew Sibai, Finance Director

8. Consider approval of a Mural Services Contract between the City of Palestine, Deanna Pickett, and Richard Farris Jr. for a mural project at 310 W. Oak Street in an amount not to exceed \$18,000.00. Cassie Ham, Tourism Marketing Manager *(Item pulled from agenda)*

Motion by Mayor Pro Tem Ava Harmon, seconded by Council Member James Smith to approve the Consent Agenda as presented, adopting **Resolution No. R-10-25**.

**Vote:** 6 - 0 - Unanimously

H. **REGULAR AGENDA**

I. **ITEMS FROM COUNCIL**

Council Member Gibbs commended the Public Works Department for the number of potholes addressed in February. He also confirmed that staff would contact citizens who spoke during the public comments regarding downtown grants to respond to their concerns. Additionally, Mr. Gibbs mentioned the upcoming City-Wide Cleanup event.

Council Member Woodard also commended the Public Works Department for repaving Glennwood Street. She notified the staff about a request to use outdoor warning sirens in the city. Ms. Woodard shared her experiences from her mission trip to Colombia.

Council Member Davidson reported receiving several complaints about stray animals in the city. He updated the community on the ongoing efforts to address this issue and praised the Police Department for its contributions to the community.

Council Member Smith recognized Women's History Month, Spring Break, and Public Schools Week. He spoke about We Care Palestine's "Love Thy Neighbor" event, a leadership group meeting held at A.M. Story, and congratulated the Palestine Ladycats for winning the invitation and golf tournament. Additionally, he recognized that Tumbleweed Smith interviewed Tourism Marketing Manager Cassie Ham.

Mayor Pro Tem Harmon discussed the recent approval to resurface 32 streets in Districts 1 and 2. She requested the community's patience and provided further information on the process.

J. **MAYOR'S REPORT**

Mayor Jordan spoke about the Women's History Program organized by the Palestine Negro Business and Professional Women's Club. He also explained the purpose of the white rocks placed on city streets. Mr. Jordan invited the community to attend the Dogwood Festival Parade and Festival. Additionally, he acknowledged Women's History Month and the City-Wide Cleanup.

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 6:10 p.m.

1. Section 551.071 consultation with attorney: pending or contemplated litigation or a settlement offer: Tracy Lynn Starr v. City of Palestine, Palestine Municipal Airport; and legal advice on contract negotiations for trash services and City Pool at Steven Bennett Park Operations Agreement.

**L. RECONVENE IN REGULAR SESSION**

Mayor Jordan reconvened Council into Open Session at 7:16 p.m.

1. Take any action necessary regarding Tracy Lynn Starr v. City of Palestine, Palestine Municipal Airport; and legal advice on contract negotiations for trash services and City Pool at Steven Bennett Park Operations Agreement.

Motion by Council Member Christopher Gibbs, seconded by Mayor Pro Tem Ava Harmon to authorize the City Manager to execute the Amended and Restated Solid Waste Collection Contract between the City of Palestine and the Waste Connections Lone Star.

**Vote:** 6 - 0 - Unanimously

Motion by Council Member Christopher Gibbs, seconded by Council Member Angela Woodard to authorize the City Manager to execute a contract regarding the Transfer Station Operating Agreement between the City of Palestine and Waste Connections Lone Star with amendments as discussed.

**Vote:** 6 - 0 - Unanimously

Motion by Council Member Christopher Gibbs, seconded by Council Member James Smith to approve and ratify the hiring of Jill Penn to represent the City of Palestine in the Palestine Jet Center Breach of Contract Lawsuit and authorize and ratify the filing of any claims and counterclaims on behalf of the City of Palestine.

**Vote:** 6 - 0 - Unanimously

**M. ADJOURNMENT**

With no other business to come before Council, the meeting was adjourned at 7:18 p.m.

PASSED AND APPROVED THIS 24TH DAY OF MARCH 2025.

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Mitchell W. Jordan, Mayor

ATTEST:

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April Jackson, City Secretary



Agenda Date: March 24, 2025  
To: City Council  
From: April Jackson, City Secretary  
Agenda Item: Body-Worn Grant Program Fiscal Year 2025-2026  
Date Submitted: 03/20/2025

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**SUMMARY:**

the Palestine Police Department to apply for a Body-Worn Camera Grant through the Office of the Governor of the State of Texas, Public Safety Office. This grant provides funding for the purchase of body-worn cameras, digital video storage and retrieval systems, or cloud-based services. Subscriptions and leasing services that fall within the 12-month performance period are also eligible for funding.

The funding may only be used to equip officers engaged in traffic or highway patrol, or those who regularly detain or stop motor vehicles, as well as primary responders who directly assist calls from the public. The grant will be used to purchase seven Watchguard body-worn cameras, which will replace the police department's current outdated models that are no longer available for purchase.

There is no minimum or maximum funding requirement for this grant. The application amount is \$12,985, with a 25% matching requirement from the City of Palestine, totaling approximately \$3,246.25. Projects must commence on or after September 1, 2025, and may not exceed a 12-month duration.

**RECOMMENDED ACTION:**

Staff recommends that a resolution be approved authorizing the Palestine Police Department to apply for a Body-Worn Camera Grant through the Office of the Governor of the State of Texas Public Safety Office.

**CITY MANAGER APPROVAL:**

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**Attachments**

Resolution

**RESOLUTION NO. R--25**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, AUTHORIZING THE PALESTINE POLICE DEPARTMENT TO APPLY FOR A BODY-WORN CAMERA GRANT THROUGH THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS PUBLIC SAFETY OFFICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City of Palestine City Council finds it in the best interest of the citizens of Palestine, Texas, that the Body-Worn Camera Grant awarded by the Office of the Governor of the State of Texas be operated for the fiscal year of 2025-2026; and

**WHEREAS,** the City of Palestine agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Palestine assures that the funds will be returned to the Office of the Governor in full; and

**WHEREAS,** the City of Palestine designates Teresa Herrera, the City Manager, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

**SECTION 1.** The foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.

**SECTION 2.** The City of Palestine approves the submission of the grant application for the Body-Worn Camera Grant to the Office of the Governor and the City Manager is authorized to execute all necessary documents to comply with this Resolution.

**SECTION 3.** The grant application shall be in the amount of \$12,985 with a 25% match by the City of Palestine of approximately \$3,246.25.

**SECTION 4.** Should any section, paragraph, sentence, clause, phrase, or word of this Resolution be declared unconstitutional or invalid for any purpose, the remainder of the Resolution shall not be affected thereby.

**SECTION 5.** This Resolution shall take effect immediately upon its passage and publication.

**SECTION 6.** It is officially found and determined that the meeting at which this Resolution was passed was open to the public as required by law.

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

**PASSED, APPROVED, and ADOPTED by the City Council of the City of Palestine, Texas, on this the 24th day of March 2025.**

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MITCHELL JORDAN  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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APRIL JACKSON  
CITY SECRETARY

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REZZIN PULLUM  
CITY ATTORNEY



Agenda Date: March 24, 2025

To: City Council

From: April Jackson, City Secretary

Agenda Item: Authorization to Seek Request for Proposals for City Health Insurance and Ancillary Health Benefits

Date Submitted: 03/20/2025

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**SUMMARY:**

Consider authorizing the City Manager to seek request for proposals for city health insurance and ancillary health benefits. The city has maintained its current health insurance provider for the past five years. This authorization is requested to conduct due diligence and explore better rates for the city's health benefits.

**RECOMMENDED ACTION:**

Staff recommends authorizing the City Manager to seek sealed requests for proposals for city health insurance and ancillary health benefits.

**CITY MANAGER APPROVAL:**

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Agenda Date: March 24, 2025  
To: City Council  
From: Patsy Smith, Parks and Recreation Director  
Agenda Item: Towable Boom Lift from Aerial Titans for Parks and Recreation Department  
Date Submitted: 03/13/2025

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**SUMMARY:**

In 2021/2022, City staff developed a Capital Improvement Plan outlining future projects. Among these projects, Project #81 involves the acquisition of a towable boom lift for use by city employees. This lift will be beneficial when completing repairs, painting, tree trimming, and putting up Christmas decorations throughout the city. This project was budgeted for the amount of \$70,950.00.

Fleet Supervisor was able to obtain three bids for a towable boom lift, which are as follows:

1. Aerial Titans - \$29,900.00 (delivery included, lead time: 1–2 weeks)
2. Briggs Industrial - \$54,047.18 (plus an additional charge of \$1800.00 for delivery, lead time: 1-2 months)
3. Shoppa's - \$39,965.00 (delivery included, lead time: 4–6 weeks)

Fleet has recommended accepting the quote from Aerial Titans.

**RECOMMENDED ACTION:**

Staff recommends authorizing the City Manager to purchase a 2025 JLG T350 towable boom lift from Aerial Titans in the amount of \$29,900.00.

**CITY MANAGER APPROVAL:**

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**Attachments**

Lift Bids



Outlook

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**RE: Aerial Titans - NEW 2025 NIFTYLIFT AT34TG - (Honda Gas/Spare Tire/Retractable Axles/Warranty)**

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**From** Taury Dixon <tdixon@aerialtitans.com>**Date** Wed 3/12/2025 3:24 PM**To** C.R. Nicholson <crnicholson@palestine-tx.org>**MACHINERY QUOTE**  
COMMITTED RELIABLE RESPONSIVE**NEW 2025 NIFTYLIFT AT34TG****34' Platform Height / 40' Work Height / 20' Horizontal Reach****Hydraulic Outriggers/Stabilizers, Honda Gas Engine, Spare Tire, 110V Power/Air/Water to Platform, Retractable Axles to 3'7" Wide****\*\*1yr Factory Warranty (Parts & Labor) - 5yr Structural Warranty – Optional 2yr, 3yr and 4yr Extended Factory Warranties\*\***[SPEC SHEET](#)**\$29,900 DELIVERED****Taury Dixon**  
Equipment Sales**P:** 404-655-4217

[https://link.edgepilot.com/s/5cdb37ee/cjQgK4q8\\_UWBZDNA-Elkzw?u=http://www.aerialtitans.com/](https://link.edgepilot.com/s/5cdb37ee/cjQgK4q8_UWBZDNA-Elkzw?u=http://www.aerialtitans.com/)  
[Please click this to view our complete inventory listing](#)



For more details on this machine your sales representative's contact information is listed below.

Please, feel free to browse additional machines by visiting us online

at [https://link.edgepilot.com/s/5cdb37ee/cjQgK4q8\\_UWBZDNA-Elkzw?u=http://www.aerialtitans.com/](https://link.edgepilot.com/s/5cdb37ee/cjQgK4q8_UWBZDNA-Elkzw?u=http://www.aerialtitans.com/)

If you do not see the exact machine that you are looking for do not hesitate to contact us. Due to high demand our inventory changes daily and we would love to show you our latest and most current machines in stock.

# City of Palestine

## JLG T550J



### STANDARD SPECIFICATIONS

#### Performance

Platform Height	50-ft 5-in / 15.2-m
Horizontal Outreach	31-ft 6-in / 9.6-m
Centerline to Platform Edge	31-ft / 9.45-m
Swing	410 Degrees Non-Continuous
Platform Capacity	500-lb / 227 kg
Platform Capacity w/Rotator (Optional)	440-lb / 200-kg
Material Hook Capacity	500-lb / 227-kg
Platform Rotator	90 Degrees Manual
Jib Length	4-ft / 1.22-m
Jib Vertical Motion	130 Degrees (+75, -55)
Weight*	5,200-lb / 2,359-kg
Leveling Capability	11 Degrees
Max. Ground Bearing Pressure	31 psi / 2.18 kg/cm <sup>2</sup>
Towing Speed Rating	65 mph / 105 km/h
Tongue Weight*	450-lb / 204-kg
Max Gradability	20%
Hydraulic Reservoir	6.0 gal / 22.71 L

\*Excludes 60-lb (27-kg) standard turn-out weight

#### Power Source

DC Power	24V DC
Gasoline Engine	Honda GX 270

\$52,247.18 (tax not included)  
\$1800 Freight

**Total: \$54,047.18**  
**Lead time 1-2 months**

Initials \_\_\_\_\_



BRIGGS EQUIPMENT  
2900 EAST PIONEER PKWY STE 100  
ARLINGTON Texas 76010  
Phone: 817-652-4300



**CUSTOMER ADDRESS** City of Palestine  
504 N. Queen St, Palestine TX,  
**SHIP-TO ADDRESS** Same  
**CONTACT NAME** C.R. Nicholson  
crnicholson@palestine-tx.org  
903-394-9020

<b>PROPOSED BY</b>	Tim Gray	<b>TITLE</b>	Sales Representative
<b>PHONE</b>	817-454-9857	<b>EMAIL</b>	Tim.gray@briggsequipment.com
<b>DATE</b>	3/4/25	<b>QUOTE EXPIRATION</b>	

<b>Proposal By:</b>	Tim Gray	<b>Accepted By:</b>	
<b>Signature:</b>	<i>Tim Gray</i>	<b>Signature:</b>	
<b>Date Signed:</b>	3/4/2025	<b>Date Accepted:</b>	
		<b>PO Number:</b>	

Initials\_\_\_\_\_



**BRIGGS INDUSTRIAL**  
**10540 N STEMMONS FRWY**  
**DALLAS, TX 75220**  
**Phone: 817-454-9857**



## Terms and Conditions

### ACCEPTANCE

ALL QUOTATIONS ARE SUBJECT TO PROMPT ACCEPTANCE AND TRANSMITTAL OF ORDER. PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE UNLESS OTHERWISE STATED. CONTRACTS AND AGREEMENTS ARE NOT VALID UNLESS APPROVED AND ACCEPTED IN WRITING IN THE EXECUTIVE OFFICE IN DALLAS, TEXAS OR IN A BRANCH OFFICE LOCATED WITHIN THE STATE OF TEXAS. HOWEVER, ALL CONTRACTS SHALL BE DEEMED TO HAVE BEEN EXECUTED IN DALLAS COUNTY, TEXAS.

### DELAYS

DELIVERIES UNDER ALL CONTRACTS AND AGREEMENTS ARE CONTINGENT UPON ACTS OF PROVIDENCE, STRIKES, ACCIDENTS, GOVERNMENTAL PRIORITY REGULATIONS AND OTHER CAUSES OF DELAY BEYOND THE SELLER'S CONTROL, AND IN NO EVENT WILL THE SELLER BE LIABLE FOR CONSEQUENTIAL DELAYS OR LOSSES.

### CANCELLATIONS

ORDERS CANNOT BE SCHEDULED, CANCELLED, SPECIFICATIONS CHANGED OR GOODS RETURNED WITHOUT SELLER'S PRIOR PERMISSION. ACCEPTANCE IS CONDITIONAL UPON REIMBURSEMENT FOR CONSEQUENTIAL LOSS TO THE SELLER AND APPLICABLE RESTOCKING FEES. SPECIAL OR CUSTOM ORDERS CANNOT BE CANCELLED.

### DELIVERIES

PROMISES OF DELIVERY ARE GIVEN AS ACCURATELY AS CONDITIONS WILL PERMIT, BUT DUE TO SHIPPING AND MANUFACTURING CONTINGENCIES, SELLER CANNOT GUARANTEE TO ACCOMPLISH SHIPMENTS ON DATE OR DATES MENTIONED. NOTWITHSTANDING THE FOREGOING, PURCHASER MUST TAKE DELIVERY OF GOODS WITHIN 30 DAYS OF THE LATER OF (A) THE PROMISED DELIVERY DATE; OR (B) SELLER'S NOTICE TO PURCHASER THAT THE GOODS ARE AVAILABLE FOR DELIVERY. IF PURCHASER THEREAFTER FAILS TO TAKE DELIVERY, PURCHASER WILL BE INVOICED FOR THE GOODS AND APPLICABLE STORAGE CHARGES FOR UP TO 90 DAYS, AFTER WHICH SELLER MAY DEEM THE GOODS ABANDONED OR EXERCISE ANY OTHER RIGHT OR REMEDY AVAILABLE TO IT UNDER LAW.

### WARRANTIES

THE SELLER'S LIABILITY IS LIMITED TO MAKING GOOD DEFECTS IN WORKMANSHIP OR MATERIAL UNDER THE MANUFACTURER'S WARRANTY AND SHALL NOT EXCEED THE PURCHASE PRICE OF THE DEFECTIVE ITEM. THE SELLER IN NO EVENT SHALL BE LIABLE FOR DAMAGES TO PERSONS OR PROPERTY ARISING OUT OF THE USE OF ITEMS SOLD. THIS WARRANTY SUPERSEDES ALL PRIOR ASSURANCES, WRITTEN OR ORAL MADE BY THE SELLER, ITS AGENTS OR REPRESENTATIVES.

### PERFORMANCES

INFORMATION PROVIDED CONCERNING PERFORMANCE OF EQUIPMENT LISTED HEREON ARE ENGINEERING ESTIMATES ONLY AND NO GUARANTEE TO MEET SUCH SPECIFICATIONS IS TO BE IMPLIED.

### CONFIDENTIAL INFORMATION

THIS PROPOSAL AS WELL AS ALL INFORMATION THEREIN, INCLUDING PRINTS, BROCHURES, ETC., ARE CONFIDENTIAL AND INTENDED ONLY FOR THE PURCHASER'S USE AND ARE NOT TO BE USED IN ANY WAY DETRIMENTAL TO THE SELLER.

### TERMS OF SALE

UNLESS OTHERWISE SPECIFICALLY STATED, TERMS ARE NET. 10 DAYS FROM THE DATE OF INVOICE. F.O.B. SHIPPING POINT, SALES OR USE TAXES, ANY TYPE OF PROPERTY TAX OR ANY MANUFACTURER'S OR OTHER EXCISE TAX LEVIED BY FEDERAL, STATE OR MUNICIPAL GOVERNMENT OR ANY SUB-DIVISION THEREOF, ARE THE LIABILITY OF THE PURCHASER AND IF PAID BY THE SELLER ARE RECHARGEABLE TO THE PURCHASER. ALL SALES SUBJECT TO THE



BRIGGS EQUIPMENT  
2900 EAST PIONEER PKWY STE 100  
ARLINGTON Texas 76010  
Phone: 817-652-4300



APPROVAL OF OUR CREDIT DEPARTMENT. THIS AND ALL SUBSEQUENT PURCHASES ARE PAYABLE IN DALLAS, DALLAS COUNTY, TEXAS. THE SELLER RESERVES THE RIGHT TO CANCEL THIS CONTRACT UPON (1) BREACH OF CONTRACT BY THE PURCHASER (2) FAILURE BY PURCHASER TO MAKE PAYMENTS AS REQUIRED AND (3) UPON INSOLVENCY OR BANKRUPTCY OF THE PURCHASE THE SELLER MAY REQUIRE ADVANCE PAYMENT FOR SECURITY OR MAY CANCEL AN ORDER IF THE SELLER, IN GOOD FAITH, DOUBTS THE PURCHASER'S ABILITY TO PAY GENERAL

NO TERMS CONTAINED IN THE PURCHASER'S PURCHASE ORDER, SHIPPING REQUEST, OR OTHER COMMUNICATIONS SHALL VARY. THE TERMS OF THE AGREEMENT, EXPRESSED HEREIN, WHETHER OR NOT SHIPMENT OF THE GOODS FOLLOWED RECEIPT OF SUCH PURCHASE ORDER OF OTHER COMMUNICATIONS.



## EQUIPMENT QUOTATION

15217 Grand River Rd  
Fort Worth, TX 76155

Toll Free (817) 359-1100  
Fax (817) 359-1120

TO: CITY OF PALESTINE

PALESTINE, TX 75801

ATTENTION: CR NICHOLSON

Date: <i>January 16, 2025</i>	Phone Number: 903-731-8453	Fax Number: (XXX) XXX-XXXX
E-mail Address:	<i>crnicholson@palestine-tx.org</i>	

QUANTITY	EQUIPMENT SPECIFICATIONS	PRICE EA.	TOTAL
1 NEW	<p> <b>Make:</b> JLG  <b>Model:</b> T350 – Gas Engine  <b>Capacity:</b> 500 LB Platform  <b>Year:</b> 2025  <b>Platform Height:</b> 34 ft 5 in  <b>Horizontal Outreach:</b> 18 ft 9 in  <b>Weight:</b> 3,600 LBS  <b>Tow Speed Rating:</b> 65 MPH  <b>Auto-Leveling Hydraulic Outriggers</b>  <b>Hourmeter</b>  <b>Dual USB Port in Platform</b>  <b>Hydraulic Surge Brakes</b>  <b>LED Tail lights &amp; mounting Bracket</b>  <b>Lockable Battery Covers</b>  <b>Motion Alarm</b>  <b>Parking brake audible indicator</b>  <b>Standard air and water lines to platform</b>  <b>110V-AC Receptacle in the platform</b>  <b>2-in hitch with adjustable height coupler</b>  <b>Honda GX 270 11.7 hp engine</b> </p> <p> <b>Warranty:</b>            Factory – 1 year full, 5 year specified major structural components.         </p>		
	<b>Total Investment (Before Tax):</b>	<b>\$39,965.00</b>	<b>\$39,965.00</b>

TERMS: NET ON DELIVERY

F.O.B. Delivered

Company Name:

Authorized Purchaser:

Title:

SMH Representative:

*Greg Cholakjs 469-475-6848*





Agenda Date: March 24, 2025  
To: City Council  
From: Patsy Smith, Parks and Recreation Director  
Agenda Item: Soil Sample Testing at the Athletic Complex  
Date Submitted: 03/13/2025

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**SUMMARY:**

The City of Palestine entered into an interlocal agreement with Palestine I.S.D. for the purpose of renovating and improving the Athletic Complex. This agreement was executed in March 2024. Currently, the City has allocated \$1 million to begin the first phase of renovations to the complex.

Palestine I.S.D. Representative Jacob Wheeler has obtained two bids for soil testing at the complex, which is a specialized task. The bids are as follows:

1. Ettl Engineers and Consultants, Inc. - \$19,304.50
2. Terracon Consultants, Inc. - \$32,250.00

Based on Mr. Wheeler's recommendation, staff proposes to accept the proposal from Ettl Engineers and Consultants, Inc. to perform the geotechnical investigation for the Athletic Complex.

**RECOMMENDED ACTION:**

Staff recommends authorizing the City Manager to accept a geotechnical investigation proposal from Ettl Engineers and Consultants, Inc. in the amount of \$19,304.50 for the athletic complex.

**CITY MANAGER APPROVAL:**

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**Attachments**

Soil Bids

## Geotechnical Investigation Proposal

Company Name: Palestine ISD  
Client: Jacob Wheeler  
Address: 1301 South Royall Street  
Palestine, TX 75801  
jwheeler@palestineschools.org

Proposal No.: P-4868-25

Subject: Geotechnical Investigation  
Project Name: Palestine ISD Youth Sports Complex  
Project Location: 128 Armory Road, Palestine, TX 75803  
Date Issued: 2/18/2025

Dear Mr. Jacob Wheeler

The following estimate is in response to your request for a geotechnical proposal for a proposed sports complex in Palestine, Texas. We have proposed 16 borings to a maximum depth of 35' to assess the soil profile across the proposed site. All borings will be back-filled with soil cuttings after final water readings are taken. ETTL will supply an auger drill rig, support truck, and a crew to complete the project. Our mobilization cost assumes the borings will be drilled in soil, asphalt, or grass and that boring locations are easily accessible by our drill rig. Additional charges will be applied for drilling through concrete or difficult site access. The drilling phase will take place 10-15 business days after the acceptance of the terms. Laboratory testing and engineering will take approximately 10 business days following the completion of the drilling phase. The entire project should be completed within 45 days unless unforeseen delays arise. Our findings from the field and laboratory investigation will be summarized in a geotechnical report addressing the following: 1) subgrade preparation, 2) fill placement, 3) foundation and slab design/loading recommendations, 4) immediate and total settlement prediction, 5) general pavement design, and 6) construction considerations that might impact the project.

By executing this agreement, ETTL and CLIENT indicate their acceptance and agreement with its terms listed on pages 2-4.

### ESTIMATE

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE
<u>Drilling and Sampling:</u>			
-6@35', 3@25', & 5@5' (in depth from existing grade)	1	LS	\$ 9,655.00
-Back fill with soil cutting			
-Water Readings taken at completion of drilling			
<u>Geotechnical Laboratory Testing:</u>			
-for field preparation, pavement, and subgrade prep recommendations	1	LS	\$ 4,537.00
<u>Coordination, Engineering and Site Recon:</u>			
Project Coordination, Boring Log Drafting, Report Preparation, and Engineering Review	1	LS	\$ 5,112.50
Total			\$ 19,304.50

### ASSUMPTIONS

We assume that all right-of entry and owner utility locations are provided by the client prior to commencement of work.  
Excludes site clearing to gain access to boring locations.  
Excludes SUE services.  
Borings not staked by others will be located by hand-held GPS (excludes elevation determination).  
Drill sites will be accessible and marked at time of arrival of the drill crew.  
Excludes the obtaining of any permits (other than Dig Permit) that may be required for operations.  
Excludes special procedures for accessing, handling and/or disposing of contaminated spoils generated by our operations.  
Excludes special measures for accessing, evaluating and restoring environmentally sensitive areas  
Excludes traffic control involving lane closure (sign and traffic cones will be provided for off the shoulder work).  
The cost of reflected in this proposal is valid within the same calendar year that it was issued and executed.  
The cost of any proposal executed outside of the year of issuance is subject to change.

Please call if you have any questions or if we have misinterpreted your scope of work.  
We appreciate this opportunity to be of service and look forward to working with you on this project.

Sincerely,  
ETTL Engineers and Consultants, Inc.

Authorized to Proceed:

C. Brandon Quinn, P.E.  
Vice President

Jacob Wheeler

Date Signed: \_\_\_\_\_



13145 Kallan Avenue  
Tyler, Texas 75703  
P (903) 593-7252  
**Terracon.com**

February 20, 2025

City of Palestine  
504 N. Queen Street  
Palestine, Texas 75801

**Attn:** Mr. Jacob Wheeler – Chairman of Parks Board  
P: (903) 948 9886  
E: [jwheeler@palestineschools.org](mailto:jwheeler@palestineschools.org)

**RE:** Proposal for Geotechnical Engineering Services  
Palestine Municipal Sports Complex  
128 Armory Road  
Palestine, Texas  
Terracon Proposal No. PCM255014

Dear Mr. Wheeler:

We appreciate the opportunity to submit this proposal to the City of Palestine to provide Geotechnical Engineering services for the above referenced project. Thank you for choosing our firm based upon our professional qualifications to perform this service. We understand we have been chosen to provide these services for this publicly-funded project. Therefore, by providing cost information we are not in violation of the Texas Professional Services Procurement Act. The following are exhibits to the attached Agreement for Services.

Exhibit A	Project Understanding
Exhibit B	Scope of Services
Exhibit C	Compensation and Project Schedule
Exhibit D	Site Location
Exhibit E	Anticipated Exploration Plan

Our base fee to perform the Scope of Services described in this proposal is \$32,250 with an anticipated delivery date of 6 weeks after signed authorization. **Exhibit C** includes details of our fees and consideration of additional services as well as a general breakdown of our anticipated schedule.

Your authorization for Terracon to proceed in accordance with this proposal can be issued by signing and returning a copy of the attached Agreement for Services to our office.

Sincerely,  
**Terracon Consultants, Inc.**  
(Texas Firm Registration No. F-3272)



Graham M. Welch, P.E.  
Department Manager



William M. Martin, P.E., APMP  
Senior Geotechnical Engineer

## AGREEMENT FOR SERVICES

This **AGREEMENT** is between City of Palestine TX ("Client") and Terracon Consultants, Inc. ("Consultant") for Services to be provided by Consultant for Client on the Palestine Municipal Sports Complex project ("Project"), as described in Consultant's Proposal dated 2/20/2025 ("Proposal"), including but not limited to the Project Information section, unless the Project is otherwise described in Exhibit A to this Agreement (which section or Exhibit is incorporated into this Agreement).

- 1. Scope of Services.** The scope of Consultant's services is described in the Proposal, including but not limited to the Scope of Services section ("Services"), unless Services are otherwise described in Exhibit B to this Agreement (which section or exhibit is incorporated into this Agreement). Portions of the Services may be subcontracted. When Consultant subcontracts to other individuals or companies, then consultant will collect from Client on the Subcontractors' behalf. Consultant's Services do not include the investigation or detection of, nor do recommendations in Consultant's reports address the presence or prevention of biological pollutants (e.g., mold, fungi, bacteria, viruses, or their byproducts) or occupant safety issues, such as vulnerability to natural disasters, terrorism, or violence. If Services include purchase of software, Client will execute a separate software license agreement. Consultant's findings, opinions, and recommendations are based solely upon data and information obtained by and furnished to Consultant at the time of the Services.
- 2. Acceptance/ Termination.** Client agrees that execution of this Agreement is a material element of the consideration Consultant requires to execute the Services, and if Services are initiated by Consultant prior to execution of this Agreement as an accommodation for Client at Client's request, both parties shall consider that commencement of Services constitutes formal acceptance of all terms and conditions of this Agreement. Additional terms and conditions may be added or changed only by written amendment to this Agreement signed by both parties. In the event Client uses a purchase order or other form to administer this Agreement, the use of such form shall be for convenience purposes only and any additional or conflicting terms it contains are stricken. This Agreement shall not be assigned by either party without prior written consent of the other party. Either party may terminate this Agreement or the Services upon written notice to the other. In such case, Consultant shall be paid costs incurred and fees earned to the date of termination plus reasonable costs of closing the Project.
- 3. Change Orders.** Client may request changes to the scope of Services by altering or adding to the Services to be performed. If Client so requests, Consultant will return to Client a statement (or supplemental proposal) of the change setting forth an adjustment to the Services and fees for the requested changes. Following Client's review, Client shall provide written acceptance. If Client does not follow these procedures, but instead directs, authorizes, or permits Consultant to perform changed or additional work, the Services are changed accordingly and Consultant will be paid for this work according to the fees stated or its current fee schedule. If project conditions change materially from those observed at the site or described to Consultant at the time of proposal, Consultant is entitled to a change order equitably adjusting its Services and fee.
- 4. Compensation and Terms of Payment.** Client shall pay compensation for the Services performed at the fees stated in the Proposal, including but not limited to the Compensation section, unless fees are otherwise stated in Exhibit C to this Agreement (which section or Exhibit is incorporated into this Agreement). If not stated in either, fees will be according to Consultant's current fee schedule. Fee schedules are valid for the calendar year in which they are issued. Fees do not include sales tax. Client will pay applicable sales tax as required by law. Consultant may invoice Client at least monthly and payment is due upon receipt of invoice. Client shall notify Consultant in writing, at the address below, within 15 days of the date of the invoice if Client objects to any portion of the charges on the invoice, and shall promptly pay the undisputed portion. Client shall pay a finance fee of 1.5% per month, but not exceeding the maximum rate allowed by law, for all unpaid amounts 30 days or older. Client agrees to pay all collection-related costs that Consultant incurs, including attorney fees. Consultant may suspend Services for lack of timely payment. It is the responsibility of Client to determine whether federal, state, or local prevailing wage requirements apply and to notify Consultant if prevailing wages apply. If it is later determined that prevailing wages apply, and Consultant was not previously notified by Client, Client agrees to pay the prevailing wage from that point forward, as well as a retroactive payment adjustment to bring previously paid amounts in line with prevailing wages. Client also agrees to defend, indemnify, and hold harmless Consultant from any alleged violations made by any governmental agency regulating prevailing wage activity for failing to pay prevailing wages, including the payment of any fines or penalties.
- 5. Third Party Reliance.** This Agreement and the Services provided are for Consultant and Client's sole benefit and exclusive use with no third party beneficiaries intended. Reliance upon the Services and any work product is limited to Client, and is not intended for third parties other than those who have executed Consultant's reliance agreement, subject to the prior approval of Consultant and Client.
- 6. LIMITATION OF LIABILITY. CLIENT AND CONSULTANT HAVE EVALUATED THE RISKS AND REWARDS ASSOCIATED WITH THIS PROJECT, INCLUDING CONSULTANT'S FEE RELATIVE TO THE RISKS ASSUMED, AND AGREE TO ALLOCATE CERTAIN OF THE ASSOCIATED RISKS. TO THE FULLEST EXTENT PERMITTED BY LAW, THE TOTAL AGGREGATE LIABILITY OF CONSULTANT (AND ITS RELATED CORPORATIONS AND EMPLOYEES) TO CLIENT AND THIRD PARTIES GRANTED RELIANCE IS LIMITED TO THE GREATER OF \$50,000 OR CONSULTANT'S FEE, FOR ANY AND ALL INJURIES, DAMAGES, CLAIMS, LOSSES, OR EXPENSES (INCLUDING ATTORNEY AND EXPERT FEES) ARISING OUT OF CONSULTANT'S SERVICES OR THIS AGREEMENT. PRIOR TO ACCEPTANCE OF THIS AGREEMENT AND UPON WRITTEN REQUEST FROM CLIENT, CONSULTANT MAY NEGOTIATE A HIGHER LIMITATION FOR ADDITIONAL CONSIDERATION IN THE FORM OF A SURCHARGE TO BE ADDED TO THE AMOUNT STATED IN THE COMPENSATION SECTION OF THE PROPOSAL. THIS LIMITATION SHALL APPLY REGARDLESS OF AVAILABLE PROFESSIONAL LIABILITY INSURANCE COVERAGE, CAUSE(S), OR THE THEORY OF LIABILITY, INCLUDING NEGLIGENCE, INDEMNITY, OR OTHER RECOVERY. THIS LIMITATION SHALL NOT APPLY TO THE EXTENT THE DAMAGE IS PAID UNDER CONSULTANT'S COMMERCIAL GENERAL LIABILITY POLICY.**
- 7. Indemnity/Statute of Limitations.** Consultant and Client shall indemnify and hold harmless the other and their respective employees from and against legal liability for claims, losses, damages, and expenses to the extent such claims, losses, damages, or expenses are legally determined to be caused by their negligent acts, errors, or omissions. In the event such claims, losses, damages, or expenses are legally determined to be caused by the joint or concurrent negligence of Consultant and Client, they shall be borne by each party in proportion to its own negligence under comparative fault principles. Neither party shall have a duty to defend the other party, and no duty to defend is hereby created by this indemnity provision and such duty is explicitly waived under this Agreement. Causes of action arising out of Consultant's Services or this Agreement regardless of cause(s) or the theory of liability, including negligence, indemnity or other recovery shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of Consultant's substantial completion of Services on the project.
- 8. Warranty.** Consultant will perform the Services in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions in the same locale. **EXCEPT FOR THE STANDARD OF CARE PREVIOUSLY STATED, CONSULTANT MAKES NO WARRANTIES OR GUARANTEES, EXPRESS OR IMPLIED, RELATING TO CONSULTANT'S SERVICES AND CONSULTANT DISCLAIMS ANY IMPLIED WARRANTIES OR WARRANTIES IMPOSED BY LAW, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**
- 9. Insurance.** Consultant represents that it now carries, and will continue to carry: (i) workers' compensation insurance in accordance with the laws of the states having jurisdiction over Consultant's employees who are engaged in the Services, and employer's liability insurance (\$1,000,000); (ii) commercial general liability insurance (\$2,000,000 occ / \$4,000,000 agg); (iii) automobile liability insurance (\$2,000,000 B.I. and P.D. combined single

## Exhibit A – Project Understanding

Our Scope of Services is based on our understanding of the project and the expected subsurface conditions as described below. We have not visited the project site to confirm the information provided. Aspects of the project, undefined or assumed, are **highlighted as shown below**. We request the City of Palestine and/or the design team verify all information prior to our initiation of field exploration activities.

### Planned Construction

Item	Description
<b>Information Provided by the City of Palestine</b>	<ul style="list-style-type: none"> <li>■ Palestine Municipal Sports Complex Existing Site Topographic Survey (Sheet A1.113) dated January 29<sup>th</sup>, 2025 drawn by Barham Architects</li> <li>■ Palestine Municipal Sports Complex Site Plan (Sheet A1.112) dated January 29<sup>th</sup>, 2025 drawn by Barham Architects</li> </ul>
<b>Project Description</b>	The project includes the construction of 4 baseball fields, 4 softball fields, 2 T-ball fields, 2 concessions buildings, bleachers associated with each playing field, and associated parking/driveway areas.
<b>Building Construction</b>	We anticipate the concessions buildings will be slab-on-grade structures, the bleachers will be supported on shallow spread footings, and the playing fields will have a synthetic turf surface.
<b>Finished Floor Elevation</b>	Finished floor elevation for the concessions buildings are anticipated to be within <b>±2 feet</b> of existing site grade.
<b>Maximum Loads</b>	<p>Anticipated structural loads were not provided. We assume the maximum loads will not exceed the values below.</p> <ul style="list-style-type: none"> <li>■ Columns: <b>20</b> kips</li> <li>■ Walls: <b>1</b> kip per linear foot (klf)</li> <li>■ Slabs: <b>100</b> pounds per square foot (psf)</li> </ul>

Item	Description
<b>Grading/Slopes</b>	<p>Based on our review of the existing site topography and proposed playing field layout, we anticipate grading could include up to about <b>35 feet of fill</b> along the western edge of the northern playing field group to achieve final grades. The proposed depths of Borings B-20, B-25, and B-28 are based on this assumption.</p> <p>We assume site grading for the remainder of the site will include cuts and fills of <b>±2 feet</b> or less.</p> <p>Maximum inclination of final slopes is anticipated to be <b>3H:1V</b> (Horizontal: Vertical) or flatter. Slope stability analyses is recommended for steeper slopes. We would be pleased to include slope stability analyses in our scope of services if requested.</p>
<b>Below-Grade Structures</b>	None anticipated
<b>Free-Standing Retaining Walls</b>	None anticipated
<b>Pavements</b>	<p>We anticipate both rigid (concrete) and flexible (asphalt) pavement sections will be considered.</p> <p>Unless information is provided prior to the report, the anticipated ACI traffic categories and daily truck traffic for concrete pavements will be assumed to consist of:</p> <ul style="list-style-type: none"> <li>■ Category A: Car parking areas and access lanes, <b>1</b> truck per day</li> <li>■ Category B: Entrance and truck service lanes, <b>25</b> trucks per day</li> <li>■ Category E: Garbage or fire truck lanes</li> </ul> <p>Unless information is provided prior to the report, we assume that the traffic classification for asphalt pavements will consist of:</p> <ul style="list-style-type: none"> <li>■ Class I: Parking stalls for autos and pickup trucks</li> <li>■ Class II: Traffic consisting of delivery trucks and trash pickup</li> <li>■ Class III: Delivery lanes with up to ten 3-axle trucks per day</li> </ul> <p>The pavement design period is 20 years.</p>





Site Location and Anticipated Conditions

Item	Description
Parcel Information	<p>The project is located at 128 Armory Road in Palestine, Texas. The site encompasses ±38 acres.</p> <p>Latitude/Longitude (approximate): 31.7794°, -95.6621°</p>
Existing Improvements	<p>Existing baseball and softball fields, chain-link fencing, light poles, metal buildings and dugouts, bleachers with concrete slabs, and asphalt and concrete walkways/pavement</p>
Current Ground Cover	<p>Grass, concrete, and asphalt walkways/pavement</p>
Existing Topography	<p>Based on the provided topographic information, the existing site topography varies from Elev. 622 feet to Elev. 583 feet.</p>
Site Access	<p>The majority of the site appears to be accessible with our truck-mounted or track-mounted drilling equipment and support vehicles. However, the deep fill area on the western edge of the proposed northern group of playing fields and the proposed parking/driveway area at the eastern end of the site appears to be heavily wooded. Some degree of lane clearing may be necessary to access our Boring B-20 and Borings P-1 through P-7 with our drilling equipment. If lane clearing falls under our scope of services, we have provided a cost for that service in <a href="#">Exhibit C</a>.</p>
Expected Subsurface Conditions	<p>Our experience near the vicinity of the proposed development indicates subsurface conditions consist of layers of sand and clay.</p>



Exhibit B - Scope of Services

Our proposed Scope of Services consists of field exploration, laboratory testing, and engineering/project delivery. These services are described in the following sections.

Field Exploration

Based on our understanding of the project, we propose the following field exploration program which is anticipated to be completed with 5 days of on-site activities.

Number of Borings	Planned Boring Depth (feet) <sup>1</sup>	Planned Location <sup>2</sup>
17	10	Proposed playing field areas
8	20	Proposed bleacher areas
2	20	Proposed concessions buildings
2	50	Anticipated deep fill area on western edge of northern playing fields
(Borings B-25 & B-28)		
1	35	
(Boring B-20)		
7	6	Proposed parking/driveway areas

1. Although not anticipated based on the geology in the vicinity of the project site, borings would be terminated at shallower depths if refusal is encountered.
2. The planned boring locations are shown on the attached **Anticipated Exploration Plan**.

**Boring Layout and Elevations:** We will use handheld GPS equipment to locate borings with an estimated horizontal accuracy of +/-20 feet. Field measurements from existing site features may be utilized. Approximate elevations will be obtained by interpolation from the provided site specific, surveyed topographic map. We can alternatively coordinate with your Project Surveyor to include locations and surface elevations in project information if so requested.

**Subsurface Exploration Procedures:** We will advance borings with a truck-mounted or track-mounted rotary drill rig using continuous flight augers (solid stem and/or hollow stem, as necessary, depending on soil conditions) and/or rotary wash boring techniques. Five samples will be obtained in the upper 10 feet of each boring and at intervals of 5 feet thereafter. Soil sampling is typically performed using thin-wall tube and/or split-barrel sampling procedures. The split-barrel samplers are driven in accordance with the standard penetration test (SPT). The samples will be placed in appropriate

containers, taken to our soil laboratory for testing, and classified by a Geotechnical Engineer. In addition, we will observe and record groundwater levels during drilling and sampling.

Our exploration team will prepare field boring logs as part of standard drilling operations including sampling depths, penetration distances, and other relevant sampling information. Field logs include visual classifications of materials observed during drilling and our interpretation of subsurface conditions between samples. Final boring logs, prepared from field logs, represent the Geotechnical Engineer's Interpretation and include modifications based on observations and laboratory tests.

**Property Disturbance:** Terracon will take reasonable efforts to reduce damage to the property. However, it should be understood that in the normal course of our work some disturbance could occur including rutting of the ground surface and damage to landscaping.

We will backfill borings with auger cuttings upon completion. Pavements will be patched with cold-mix asphalt and/or ready-mixed concrete, as appropriate. Our services do not include repair of the site beyond backfilling our boreholes and patching existing pavements. Excess auger cuttings will be dispersed in the general vicinity of the borehole. Because backfill material often settles below the surface after a period, we recommend boreholes to be periodically checked and backfilled, if necessary. We can provide this service or grout the boreholes for additional fees at your request.

## Safety

Terracon is not aware of environmental concerns at this project site that would create health or safety hazards associated with our exploration program; thus, our Scope considers standard OSHA Level D Personal Protection Equipment (PPE) appropriate. Our Scope of Services does not include environmental site assessment services, but identification of unusual or unnatural materials observed while drilling will be noted on our logs.

Exploration efforts require borings into the subsurface, therefore Terracon will comply with local regulations to request a utility location service through Texas811. We will consult with the landowner/client regarding potential utilities or other unmarked underground hazards. Based upon the results of this consultation, we will consider the need for alternative subsurface exploration methods as the safety of our field crew is a priority.

**If private underground utilities are known to exist on the site, Terracon should be notified so that we may review utility plans to help avoid the existing lines. Utilities should be marked by the owner/client prior to commencement of field**

**exploration. Terracon will not be responsible for damage to private utilities not disclosed to us or improperly located in the field.**

Terracon's Scope of Services does not include private utility locating services. If the landowner/client is unable to accurately locate private utilities, and it becomes apparent that the risk of private utilities on/near the site exists, then Terracon will initiate these services by forwarding the additional scope and corresponding fee to our client for approval before initiating services.

The detection of underground utilities is dependent upon the composition and construction of the utility line; some utilities are comprised of non-electrically conductive materials and may not be readily detected. The use of a private utility locate service would not relieve the landowner/client of their responsibilities in identifying private underground utilities.

**Site Access:** Terracon must be granted access to the site by the property owner. Without information to the contrary, we consider acceptance of this proposal as authorization to access the property for conducting field exploration in accordance with the Scope of Services. Our proposed fees do not include time to negotiate and coordinate access with landowners or tenants. Terracon will conduct field services during normal business hours (Monday through Friday between 7:00am and 5:00pm). If our exploration must take place over a weekend or at night, please contact us so we can adjust our schedule and fee.

## Laboratory Testing

The project engineer will review field data and assign laboratory tests to understand the engineering properties of various soil strata. Exact types and number of tests cannot be defined until completion of fieldwork, but we anticipate the following laboratory testing may be performed:

- Water content
- Atterberg limits
- Grain size analysis
- Unconfined compressive strength
- One dimensional consolidation

Our laboratory testing program often includes examination of soil samples by an engineer. Based on the results of our field and laboratory programs, we will describe and classify soil samples in accordance with the Unified Soil Classification System (USCS).

## Engineering and Project Delivery

The results of our field and laboratory programs will be evaluated, and a geotechnical engineering report will be prepared under the supervision of a licensed professional engineer. The geotechnical engineering report will provide the following:

- Boring logs with field and laboratory data
- Stratification based on visual soil classification
- Groundwater levels observed during and after the completion of drilling
- Site Location and Exploration Plans
- Subsurface exploration procedures
- Description of subsurface conditions
- Recommended foundation options and engineering design parameters for the concession buildings and bleachers
- Estimated settlement of foundations
- Discussion of settlement potential of deep fill areas
- Recommendations for design and construction of grade-supported floor slabs
- Seismic site classification
- Earthwork recommendations including site/subgrade preparation for the playing fields, grade-supported slabs, and spread/continuous footing foundations
- Recommended pavement options and design parameters

In addition to an emailed report, your project will also be delivered using **Terracon Compass (Compass)**. Upon initiation, we provide you and your design team the necessary link and password to access the website (if not previously registered). Each project includes a calendar to track the schedule, an interactive site map, a listing of team members, access to the project documents as they are uploaded to the site, and a collaboration portal. We welcome the opportunity to have project kickoff conversations with the team to discuss key elements of the project and demonstrate features on Compass. The typical delivery process includes the following:

- Project Planning – Proposal information, schedule and anticipated exploration plan
- Site Characterization – Findings of the site exploration and laboratory results
- Geotechnical Engineering Report

When services are complete, we upload a printable version of our completed Geotechnical Engineering report, including the professional engineer's seal and signature, which documents our services. Previous submittals, collaboration, and the report are maintained in our system. This allows future reference and integration into subsequent aspects of our services as the project goes through final design and construction.

## Additional Services

In addition to the services noted above, the following are often associated with geotechnical engineering services. Fees for services noted above do not include the following:

**Review of Plans and Specifications:** Our geotechnical report and associated verbal and written communications will be used by others in the design team to develop plans and specifications for construction. Review of project plans and specifications is a vital part of our geotechnical engineering services. This consists of review of project plans and specifications related to site preparation, foundation, and pavement construction. Our review will include a written statement conveying our opinions relating to the plans and specifications' consistency with our geotechnical engineering recommendations.

**Observation and Testing of Pertinent Construction Materials:** Development of our geotechnical engineering recommendations and report relies on an interpretation of soil conditions. Our assessment is based on widely spaced exploration locations and the assumption that construction methods will be performed in a manner sufficient to meet our expectations and consistent with recommendations made at the time the geotechnical engineering report is issued. We should be retained to conduct construction observations, and perform/document associated materials testing, for site preparation, foundation, and pavement construction. These services allow a more comprehensive understanding of subsurface conditions and necessary documentation of construction to confirm and/or modify (when necessary) the assumptions and recommendations made by our engineers.

**Perform Environmental Assessments:** Our Scope for this project does not include, either specifically or by implication, an environmental assessment of the site intended to identify or quantify potential site contaminants. If the client/owner is concerned about the potential for such conditions, an environmental site assessment should be conducted. We can provide a proposal for an environmental assessment, if desired.

## Exhibit C - Compensation and Project Schedule

### Compensation

Based upon our understanding of the site, the project as summarized in Exhibit A, and our planned Scope of Services outlined in Exhibit B, our base fee is shown in the following table:

Task	Lump Sum Fee <sup>2</sup>
Subsurface Exploration <sup>1</sup> , Laboratory Testing, Geotechnical Consulting and Reporting	\$32,250

1. The lump sum fee considers one drill rig mobilization and no unexpected onsite delays. If additional drill rig mobilizations are required, an additional fee of \$750 would be invoiced. A drill crew standby rate of \$315 per hour would be invoiced for unexpected delays.
2. Proposed fees noted above are effective for 90 days from the date of the proposal.

Additional services not part of the base fee include the following:

Task	Lump Sum Fee	Initial for Authorization
Limited lane clearing to provide access for drill rig to Borings B-20 and P-1 through P-7	\$2,500	
Private utility locating in vicinity of boring locations	\$4,000	
Estimated settlement potential of compacted fill <sup>1</sup>	\$2,500 per sample	

1. Consolidation settlement of compacted fill could be estimated using one-dimensional consolidation tests on select borrow material proposed as fill. The scope of this additional service would include obtaining 1 bulk sample of the proposed fill, performing laboratory determination of the moisture-density relationship of the material, and one-dimensional consolidation testing on one remolded sample. The estimated total consolidation settlement and time rate of consolidation settlement within the compacted fill section would be provided based on the results of this testing.



Our base Scope of Services does not include services associated with site clearing, wet ground conditions, tree or shrub clearing, or repair of/damage to existing landscape. If such services are desired by the owner/client, we should be notified so we can adjust our Scope of Services.

Unless instructed otherwise, we will submit our invoice(s) to the address shown at the beginning of this proposal. If conditions are encountered that require Scope of Services revisions and/or result in higher fees, we will contact you for approval, prior to initiating services. A supplemental proposal stating the modified Scope of Services as well as its effect on our fee will be prepared. We will not proceed without your authorization.

Project Schedule

We developed a schedule to complete the Scope of Services based upon our existing availability and understanding of your project schedule. However, our schedule does not account for delays in field exploration beyond our control, such as weather conditions, delays resulting from utility clearance, permit delays, or lack of permission to access the boring locations. In the event the schedule provided is inconsistent with your needs, please contact us so we may consider alternatives.

Delivery on Compass	Schedule <sup>1, 2</sup>
Kickoff Call with Client	2 days after notice to proceed
Complete Field Exploration	15 days after notice to proceed
Submit Site Characterization	25 days after completion of field program
Geotechnical Engineering Report	35 days after completion of field program
1. Upon receipt of your notice to proceed we will activate the schedule component on <b>Compass</b> with specific, anticipated dates for the delivery points noted above as well as other pertinent events.	
2. Standard workdays. We will maintain an activities calendar on <b>Compass</b> . The schedule will be updated to maintain a current awareness of our plans for delivery.	



## Exhibit D – Site Location

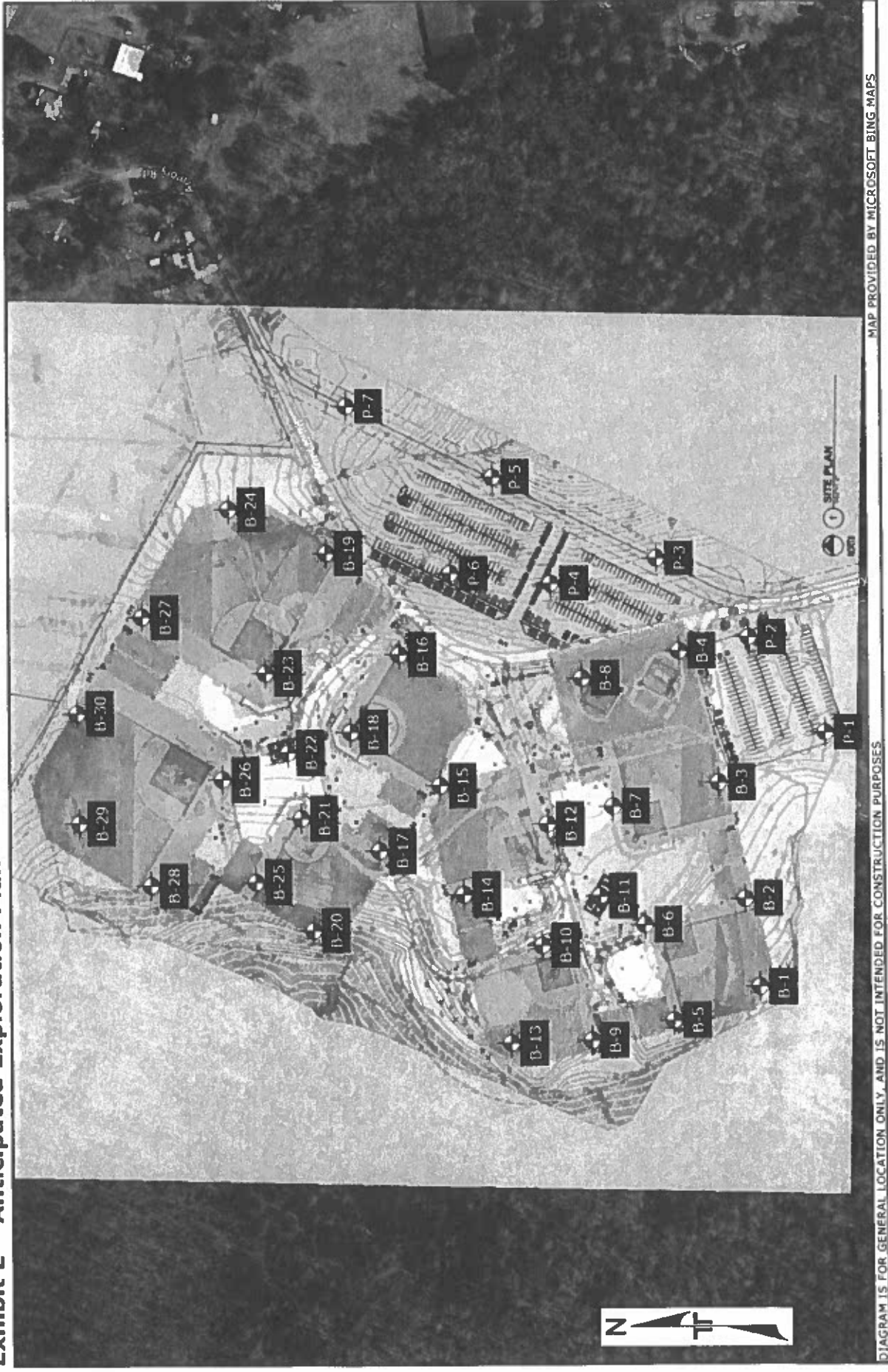


DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

MAP PROVIDED BY MICROSOFT BING MAPS



## Exhibit E -- Anticipated Exploration Plan





Agenda Date: March 24, 2025

To: City Council

From: Cassie Ham, Tourism Marketing Manager

Agenda Item: Mural Arts Project Agreement between the City of Palestine, Deanna Pickett, and Richard Farris, Jr. for Mural at 310 W. Oak St.

Date Submitted: 03/19/2025

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**SUMMARY:**

On January 8, 2025, the Tourism Advisory Board voted to approve a mural project proposed by Deanna Pickett for 310 W. Oak Street in an amount not to exceed \$18,000.00 for RFP 2024-018.

**RECOMMENDED ACTION:**

Staff recommends approving the item as presented.

**CITY MANAGER APPROVAL:**

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**Attachments**

Revised Mural Contract 310 W. Oak Street

STATE OF TEXAS

COUNTY OF ANDERSON

**CITY OF PALESTINE  
MURAL SERVICES CONTRACT**

This Mural Services Contract ("Contract") is made and entered into by and between the City of Palestine, Texas ("City"), Deanna Pickett, ("Artist") and Richard Farris, Jr. ("Sponsor").

**I. RECITALS**

**WHEREAS**, CITY seeks to promote Palestine to residents and visitors; and

**WHEREAS**, the City is promoting public art projects in the form of murals to assist in bringing visitors to Palestine and to promote visitors to the city for extended periods of time; and

**WHEREAS**, the City seeks to enhance the image of the community by promoting public art projects and partnering with public and private property owners to sponsor art projects accessible to the public, specifically, the City encourages the placement of murals in locations visible and accessible to the public; and

**WHEREAS**, such murals can serve to beautify individual buildings and neighborhoods and will discourage graffiti and add to the unique charm and character of the City; and

**WHEREAS**, the goal of this Agreement is to attract visitors to the City, thus directly enhancing and promoting tourism as outlined in Chapter 351 of the Texas Tax Code and the City's Hotel Occupancy Tax Use Policy; and

**WHEREAS**, the City Council of the City of Palestine wish to provide a portion of its Hotel Occupancy Tax revenues fund certain mural projects to enhance and promote tourism within the City.

**NOW, THEREFORE**, it is mutually agreed by the City, the Artist and the Sponsor as follows:

**II. TERMS OF AGREEMENT**

2.1. Creation of Mural. The Artist and the Sponsor shall diligently, expeditiously and satisfactorily perform the activities proposed for the creation of a mural (the "Project") as described in Exhibit A and made a part of this Contract for all purposes. The Artist shall provide services and meet his/her obligations under this Contract in a timely and workmanlike manner, using knowledge and recommendations for performing the services that meet generally accepted standards in the community and region for similar projects.

2.2. Project Location. The Project shall be located in an area determined by the City to be visible from a public street, sidewalk, right-of-way or in a location that attracts, or will attract by virtue of the mural, visitors and tourists, as described in Exhibit A.

2.3. Execution of Project. The Project shall start on or before the Effective Date and shall be completed on or before May 8, 2025. The City Manager of the City may approve extensions of time for delays due to unforeseen circumstances such as, but not limited to, inclement weather, unavailability of materials, illness or disability of the Artist or medical issues involving relatives of the Artist.

2.4. Maintenance after Completion. The Sponsor and the Artist shall be responsible for maintenance, repairs, and restoration of the mural, including graffiti abatement, for a period of **60** months after the date the City issues a Letter of Acceptance to the Artist and the Sponsor. After the end of such **60**-month maintenance period, if Sponsor desires to undertake any activity that would result in the removal or alteration of the mural, or that involves the sale of the Sponsor's property where the mural is installed, the Sponsor shall first notify the City of such proposed undertaking in writing and provide the City an opportunity to make recommendations to the Sponsor concerning such undertaking within 30 days of the City's receipt of the Sponsor's written notice. The Sponsor shall also provide a copy of such written notice to the Artist. After the end of said maintenance period, the Sponsor shall continue to be responsible for compliance with applicable ordinances regarding graffiti abatement and property maintenance.

2.5. Project Cost and Payment. The amount awarded for the Project is \$12,750.00 ("Project Award"). The City will pay the Artist the Project Award in two separate, but equal payments as provided herein. The City will tender the first payment equal to fifty percent (50%) of the Project Award, said amount being \$6,375.00, within 30 days after the effective date of this Contract. The City will tender the second payment equal to fifty percent (50%) of the Project Award, said amount being \$6,375.00, within 30 days after the completion of the Project as evidenced by a Letter of Acceptance issued from the City. The City's payment of the Project Award shall be funded solely from the City's Hotel Occupancy Tax revenue to the extent allowed by law, although the City retains the right but not the obligation to pay the Project Award from any legally available source of funds.

- a. Budget. All Artist expenditures shall be in accordance with the Budget section of the Mural Arts Application Form.
- b. Accounting. The Sponsor and the Artist shall maintain complete and accurate financial records of each expenditure of the funds and, at the request of the City Manager or his designee, shall make the records available for inspection and review during normal business hours.
- c. Unspent Funds. Any funds allocated (and tendered to the Artist) by the City which are unencumbered or unexpended due to Artist's failure to complete the Project in accordance with this Contract shall, upon request of the City (to the Artist), be remitted by the Artist to the City within 30 days from the date of such request.
- d. Supplies. The City will not be responsible for purchasing or otherwise providing any materials or supplies to the Sponsor or the Artist for the completion of the Project.

2.6. Preservation and Access to Project Records. The Sponsor and the Artist shall be responsible for collecting and preserving all records, documents, files, invoices, digital media (i.e., email, text messages, photographs, etc.) and other written or digital material (collectively, the "Project Records") related to the Project and this Contract for 60 months from the date the City issues its Letter of Acceptance. The Sponsor and the Artist agree to allow the City to inspect all Project Records related to this Contract. The Sponsor's or Artist's failure to provide access to the Project Records when requested by the City may be deemed a breach of this Contract by the Sponsor and/or the Artist.

2.7. Subcontracts. The Sponsor and the Artist agree not to subcontract any part of this Contract to any other person or organization without the prior written consent of the City Manager of the City.

2.8. Reproduction of Mural. Notwithstanding any claim of ownership or copyright interest in the mural by either the Sponsor or the Artist, the Sponsor and the Artist hereby grant a permanent license to the City to reproduce or utilize photographs and images of the completed mural with the name of the Artist, and/or the names of the Sponsor and the Artist in any form of publicity, marketing materials, publications, brochures, internet websites, social media or similar fora. The Sponsor and the Artist further agree the completed mural, being supported by public funds, is intended for the enjoyment and benefit of the public and that they shall not charge any fee for viewing or photographing the mural or restrict its visibility. Use of images of the mural shall not be used for any products intended for sale.

2.9. Ownership. By signing this contract, the Artist is waiving his/her right to ownership of the Project. A “work of visual art”, which is a painting, drawing, print, sculpture or still photograph must be signed by the artist.

2.10. Political Activity. The Sponsor and the Artist agrees not to use any of the funds received under this Contract for any political activity, including any activity to further the election or defeat of any candidate for public office or any activity undertaken to influence the passage, defeat or final content of legislation.

2.11. Obscenity. The Project shall not include any material that is obscene as defined by Section 43.21 of the Texas Penal Code.

2.12. Tourism Impact. The Sponsor and the Artist agree to notify the City of any scheduled activity, program or event related to the mural that could enhance or promote tourism.

2.13. Compliance with Laws. In executing the Project, the Sponsor and the Artist agree to comply with all applicable laws, ordinances, codes and regulations of the local, state and federal governments including those pertaining to equal employment opportunity and discrimination against participants.

2.14. Termination.

a. Termination for Cause. If the City Manager of the City determines that the Sponsor and the Artist are not executing their performance duties in accordance with this Contract, or that either has breached any provision of this Contract, the City Manager may provide notice in writing of the deficiency. The Sponsor and the Artist shall have 10 business days from the date of the City's written notice to correct the deficiency. If the deficiency is not appropriately corrected in the opinion of the City Manager of the City within the prescribed time, the City Manager may terminate this Contract by providing written notice of termination to the Sponsor and the Artist.

b. Remedies and Refund. If the Contract is terminated under this subsection (a) of this section, the City may pursue any remedy available at law or in equity against the Sponsor and the Artist, including an action to recover all sums paid by the City to the Sponsor and the Artist. Upon termination of this contract under subsection (a) of this section, the Sponsor and the Artist shall remit all funds allocated to it by the City within 30 days from the date of termination.

c. Termination for Convenience. Either party to this contract shall have the right to terminate this contract for convenience before work on the Project has begun or any funds of the City have been expended by providing written notification to the other party at least 30 days prior to the effective date of termination.

2.15. Independent Contractor. It is understood and agreed between the parties that the Sponsor and the Artist are independent contractors. The City assumes no liability or responsibility to the Sponsor or the Artist or any third parties in connection with this Contract or by virtue of the City's issuance of any permits or approval of any plans, specifications or improvements related to the activities under this Contract.

2.16. Joint and Several Liability. For purposes of this Contract, the Sponsor and the Artist shall be deemed to be a joint venture. Accordingly, with regard to the performance obligations of the Sponsor or the Artist, each is jointly responsible for the failure of the other to comply with the terms of this Contract. Thus, breach of this Contract by either the Sponsor or the Artist may be grounds for termination or pursuit of any other remedies available to the City against the Sponsor, the Artist, or both.

2.17. Indemnification. The Sponsor and the Artist shall indemnify, hold harmless and defend City, its employees, officials, and agents from and against any and all obligations, claims, suits, demands and liability or alleged liability, including costs of suit, attorney's fees, damages, judgments, or settlements and related expenses arising in any manner from the activities under this contract.

2.18. Immunity; No Consent to Suit. Nothing herein shall constitute the City's waiver of its sovereign immunity nor be construed as the City's consent to suit.

**2.19. Assumption of Risk; General Release. The Sponsor and the Artist assume all risks associated with the Project, including but not limited to (i) property damage to the Sponsor's building, facility, structure, or other related improvements where the Project is to be installed, and (ii) bodily harm and injury to the Sponsor and/or the Artist, or their agents, employees, or associates, arising from or relating to the Sponsor's and/or the Artist's performance of the terms of this Contract and the Project. Furthermore, the Sponsor and the Artist expressly waive any claims against the City of Palestine for personal injury or property damage, and expressly release the City of Palestine from any and all liability for damages from any alleged personal injury or property damage arising out of the Sponsor's and/or the Artist's performance of his/her (their) obligations under the terms of this Contract.**

### **III. MISCELLANEOUS.**

3.1. Entire Agreement. This Contract contains the entire agreement between the parties. Any oral understandings or agreements in conflict with the written provisions of this contract shall be of no force or effect.

3.2. Amendments. Any amendments to the terms of this Contract must be made in writing and executed by all parties, subject to the approval by the Palestine City Council.

3.3. Authority. The Sponsor and the Artist each warrant that they possess the legal authority to enter into and perform this Contract.

3.4. Audit. The City may provide for or conduct an independent audit of the funds received under this contract at any time during the effective term of this contract and for twelve months after Project completion. The Sponsor and the Artist agree to maintain all records related to the activities funded by the City under this Contract for at least twelve months after Project completion.

3.5. Advertising. The Sponsor and the Artist agree to include the statement "Funding provided by the City of Palestine" with any advertising of the mural or the Project.

3.6. Applicable Law; Venue. This Contract shall be construed under the laws of the state of Texas. Venue for any disputes arising under this Contract shall be in the state courts in Anderson County, Texas, or, if in federal court, the United States District Court for the Eastern District of Texas, Austin Division.

3.7. Force Majeure. If performance of this Contract or any obligation under this Contract is prevented, restricted, or interfered with by causes beyond any of the parties' reasonable control ("Force Majeure"), and if the party unable to carry out its obligations gives the other parties prompt written notice of such event, then the obligations of the party invoking this provision shall be suspended to the extent necessary by such event. The term "force majeure" shall include, without limitation, acts of God, fire, explosion, vandalism, storm or other similar occurrence, order or acts of

military or civil authority, or by national emergencies, insurrections, riots, wars, strikes, lockouts or work stoppages, epidemic or pandemics. The excused party shall use reasonable efforts under the circumstances to avoid or remove such causes of non-performance and shall proceed to perform with reasonable dispatch whenever such causes are removed or ceased. An act or omission shall be deemed within the reasonable control of a party if committed, omitted, or caused by such party, for its employees, officers, agents, or affiliates.

3.8. Prohibition on Contracts with Companies Boycotting Israel. Pursuant to Chapter 2270 and 808, Texas Government Code, Sponsor and Artist certify they are not ineligible to receive the award of or payments under this Contract and acknowledge that the Agreement may be terminated and payment may be withheld if this certification is inaccurate. Failure to meet or maintain the requirements under this provision will be considered a material breach.

3.9. Section 2252 Compliance. Section 2252 of the Texas Government Code restricts the City from contracting with entities that do business with Iran, Sudan, or a foreign terrorist organization. Sponsor and Artist each hereby certify that they are not ineligible to receive the award of or payments under this Agreement. Failure to meet or maintain the requirements under this provision will be considered a material breach.

EXECUTED to be effective (the "Effective Date") on \_\_\_\_\_, 2025.

**City of Palestine**

By: \_\_\_\_\_

Teresa Herrera, City Manager  
City of Palestine  
504 N. Queen Street (notice address)  
Palestine, Texas 75801  
T: 903-731-8485 (notice telephone)

**Richard Farris, Jr. (Sponsor)**

By: \_\_\_\_\_

Richard Farris, Jr.  
310 W Oak Street (notice address)  
Palestine, Texas 75801  
E:  
T: \_\_\_\_\_ (notice telephone)

**Deanna Frye (Artist)**

By: \_\_\_\_\_

Deanna Frye  
Deanna Pickett Art, LLC  
392 ACR 422  
Palestine, TX 75803 (notice address)  
E: deannapfrye@yahoo.com  
T: 903-724-1671 (notice telephone)

## Exhibit A

The purpose of the project is to create an interactive mural to beautify our downtown/Main Street District. The mural must include the following features:

- Dogwood flowers or trees
- A swing or other interactive theme to encourage people to exit their vehicles and take a photograph with the mural.
- A colorful and/or geometric motif.
- Must include the hashtag #PalestineTX and the Visit Palestine logo
- The artist may include the artist's signature and social media handles

The majority of the subject matter should begin at a minimum height than 3 feet or greater. This mural will be located on a wall with parking spaces directly in front of it, and that should be considered in the design process. All negative space must be finished and included in the mural.



The Canvas measures approximately 850 square feet.

The process by which the artist must complete the project includes:

- Preparing the base of the canvas with primer or appropriate mural material (city will coordinate cleaning the canvas prior to project start.
- Complete design and painting of the mural
- Film the process and provide video of project from start to finish.
- Sealing the mural

The artist stipend for this wall is \$18,000.00. Artists should consider this in their design, materials, and time to be spent on the project. The artist will be responsible for obtaining **ALL** the materials necessary to complete the project. All murals must comply with the City of Palestine Code of Ordinances.

Proposed Concept



Mural will be located at:

310 W. Oak St. (facing The Redlands Hotel parking lot), Palestine, TX 75801





Agenda Date: March 24, 2025  
To: City Council  
From: Susan Davis, Planning Technician  
Agenda Item: Request for Zoning Change - 515 McNeil Street  
Date Submitted: 03/19/2025

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**SUMMARY:**

Discussion and consideration of a request to rezone the property located at 515 McNeil Street, John Arthur Survey, A-4, Block 1215, Tract 19A, 20, and 25, from Mixed Residential to Retail Commercial. The property owner, Jeffrey Bostic, has designated Crystal Cartwright as his agent to submit the application for this rezoning. Crystal Cartwright is seeking a Certificate of Occupancy to open a private club at 515 McNeil Street, which is currently zoned Mixed Residential. It is important to note that a private club is not a permitted use in either Mixed Residential or Industrial zoning (the property's prior zoning before August 12, 2024, was Industrial). The subject property contains a nonconforming structure that has been vacant for over six months. According to Section 39.2.3-17 of the Code of Ordinances, any nonconforming use of land or structure that has ceased by discontinuance or abandonment for a period of six months shall thereafter conform to the provisions of the ordinance (zoning code).

On February 13, 2025, eighteen (18) notices were mailed to property owners within 200 feet of the location of the zoning change application. As of the date of this report, the response rate is as follows: zero (0%) comments in favor of the rezoning request; four (23%) comments in opposition to the rezoning request; and fourteen (77%) property owners have not responded. In addition, fifteen (15) property owners located outside the 200-ft radius of the rezoning application have expressed opposition, bringing the total number of opposition responses to nineteen (19).

On March 6, 2025, the Planning & Zoning Commission voted 5-1 in favor of approving the request to rezone 515 McNeil Street to Retail Commercial.

**RECOMMENDED ACTION:**

For discussion and consideration.

**CITY MANAGER APPROVAL:**

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**Attachments**

Application  
Ordinance



**ZONING CHANGE APPLICATION**  
**Fee: \$225.00 (effective 03/18/2024)**

**PROPERTY DESCRIPTION (LOCATION OF ZONING CHANGE REQUEST)**

Address (if available): 515 McNeil St. Palestine TX 75801  
Subdivision Name, Lot, Block): \_\_\_\_\_  
ACAD Block and Tract #: Block 1215 tracts 19A, 20, 25  
Deed Restrictions: ☐ Yes (Attach a copy with the application) ☒ No  
Current Zoning: MR Proposed Zoning: Retail Commercial  
Current Use of Property: Vacant / Previous Private Club  
Proposed Use of Property: Private Club

**PROPERTY OWNER INFORMATION**

Owner Name: Jeffrey Bostic  
Address: 2100 Salt Works Road  
City: Palestine State: TX Zip: 75803  
Phone: [REDACTED]

Check one of the following:

- ☐ As the owner of the property, I will represent the application; or  
☒ I designate Crystal Cartwright to act as my agent to submit this application.  
*\* see attached email dated 2/4/2025 from Jeffrey Bostic.*

I acknowledge that all of the information provided in the application is true and correct to the best of my knowledge. Furthermore, I am the legal owner of the property described in the application or, alternatively, that I am authorized to represent all of the owners of the property described in this application.

Owner's or Authorized Representative's Signature Crystal Cartwright

State of Texas  
County of Anderson

On this 5<sup>th</sup> day of February, 2025, before me, the undersigned notary public, personally appeared Crystal Cartwright, known to me to be the person whose name (s) is /are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.



Susan P. Davis  
Notary Public

It just needs to state you are okay with us moving forward with the rezoning and then we can get with you when you get back.

Crystal

On Tue, Feb 4, 2025 at 5:51 PM Jeff Bostic <[REDACTED]> wrote:

You can go to the Anderson County Appraisal District ( ACAD ) office there in Palestion and have them provide all of the details needed on this form. A lot of this information is also available on the MLS sheet I sent earlier. However, I will need to be there in person in order to notarize the document. You may be able to provide this email to get things started until I get back there on the 20th in approximately 2 weeks. They can also email me themselves from their official email for confirmation. They can verify my email address from their documents. Please keep me posted.

Regards,

Jeffrey Dean Bostic  
2100 Salt Works Road  
Palestine, TX. 75803  
[REDACTED]

On Tue, Feb 4, 2025, 10:39 PM Crystal Cartwright <crystalcartwright84@gmail.com> wrote:  
Jeff,

I have provided the form that we need.

Do you think this is something you can assist with before the deadline. My apologies as I know this is a critical time for you to spend with your family. I hope all is well.

Crystal

<https://www.cityofpalestinetx.com/DocumentCenter/View/3086/Zoning-Change-Application-PDF>

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Jeff Bostic [REDACTED]  
To: Crystal Cartwright [REDACTED]

Tue, Feb 4, 2025 at 6:07 PM

That sounds good to me.

Yes, I absolutely want you to preceed on my behalf to get the zoning changed back. I apologize for this inconvenience.

On Wed, Feb 5, 2025, 6:57 AM Crystal Cartwright <[REDACTED]> wrote:

Will do, thank you! She (Susan Davis) states we can fill out the form as long as you said it was okay in the email.

It just needs to state you are okay with us moving forward with the rezoning and then we can get with you when you get back.

Crystal

On Tue, Feb 4, 2025 at 5:51 PM Jeff Bostic <[REDACTED]> wrote:

You can go to the Anderson County Appraisal District ( ACAD ) office there in Palestion and have them provide all of the details needed on this form. A lot of this information is also available on the MLS sheet I sent earlier. However, I will need to be there in person in order to notarize the document. You may be able to provide this email to get things started until I get back there on the 20th in approximately 2 weeks. They can also email me themselves from their official email for confirmation. They can verify my email address from their documents. Please keep me posted.

Regards,

Jeffrey Dean Bostic  
2100 Salt Works Road  
Palestine, TX. 75803  
[REDACTED]

**ORDINANCE NO. O- -25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, AMENDING THE OFFICIAL ZONING MAP PROVIDING FOR A CHANGE FROM MR, MIXED RESIDENTIAL TO RC, RETAIL COMMERCIAL AT 515 MCNEIL STREET KNOWN AS JOHN ARTHUR SURVEY, A-4, BLOCK 1215, TRACT 19A, 20, AND 25, CITY OF PALESTINE, ANDERSON COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** a public hearing was held before the Planning and Zoning Commission of the City of Palestine, Texas, on the 6th day of March, 2025, and a public hearing was held before the City Council of the City of Palestine, Texas, on the 24th day of March, 2024, at 5:30 p.m., where all interested persons were provided with an opportunity to be heard on a proposed application for a zoning change as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, said hearing being held at City Hall, with all notices being given as required by law; and

**WHEREAS,** the City gave written notice of such hearing to all real property owners within 200 feet of the hereinafter described territory as reflected by the last approved tax roll for the City of Palestine, and notice being given more than 10 days prior to the date of said hearing by mailing the same, properly addressed to said owners; and

**WHEREAS,** the Planning and Zoning Commission considered all of the testimony, and all persons present were given an opportunity to be heard, and made its final report in writing to the City Council; and

**WHEREAS,** the City Council considered all of the testimony, and all persons present were given an opportunity to be heard; and

**WHEREAS,** the City Council is of the opinion that the following Ordinance should be passed and that the same is in the public interest and necessary for the promotion of health, safety, morals, and general welfare of the City.

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

**SECTION 1.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2.** A change of zoning is granted from MR, Mixed Residential to RC, Retail Commercial on 515 McNeil Street, known as John Arthur Survey, A-4, Block 1215, Tract 19A, 20, and 25, City of Palestine, Anderson County, Texas, as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, subject to and governed by the terms of the Ordinance. The City Manager is hereby authorized to promptly note the zoning change on the Official Zoning Map of the City of Palestine, Texas.

**SECTION 3.** To the extent this Ordinance represents any deviation from the City of Palestine Comprehensive Plan (the "Comprehensive Plan"), such plan is hereby amended to conform with this Ordinance.

**SECTION 4.** All other laws, ordinances, or resolutions, or parts of the same, that are

inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 5.** In the event any part of this Ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the Ordinance.

**SECTION 6.** This Ordinance shall be effective immediately upon passage and publication.

**SECTION 7.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**PASSED, APPROVED, AND ADOPTED** this the 24th day of March 2025 by the City Council of the City of Palestine, Texas.

\_\_\_\_\_  
MITCHELL JORDAN  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
APRIL JACKSON  
CITY SECRETARY

\_\_\_\_\_  
REZZIN PULLUM  
CITY ATTORNEY

THE STATE OF TEXAS           §  
  §  
COUNTY OF ANDERSON       §

This instrument was acknowledged before me on the **24th** day of **March 2025**, by **MITCHELL JORDAN** in the capacity stated, on behalf of the **CITY OF PALESTINE, TEXAS**.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**AFTER RECORDING RETURN TO:**

April Jackson  
City Secretary  
504 N. Queen Street  
Palestine, TX 75801



Agenda Date: March 24, 2025  
To: City Council  
From: Susan Davis, Planning Technician  
Agenda Item: Specific Use Permit for Private Athletic Facility  
Date Submitted: 03/19/2025

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**SUMMARY:**

Discussion and consideration concerning an application for a Specific Use Permit for a private athletic facility at 201 Salt Works Road, Jacob Snively Survey, A-63, Block 1242B, Tract 6A and 6B; and Lincoln Heights LDH, Block 1, Lot 39, which is zoned Mixed Residential. The applicant, Fletcher Crimbring, proposes to open an athletic facility for a fitness program to help build strength, agility, and confidence and will include both gymnastic and ninja programs. The location of the use is a vacant commercial structure. On February 14, 2025, twenty-five notices were mailed to property owners within 200 feet of the location of the specific use permit request. Three (12%) have been returned in favor of the request, zero (0%) have been returned in opposition, and twenty-two (88%) have not responded. On March 6, 2025, the Planning and Zoning Commission unanimously approved the Specific Use Permit for a private athletic facility at 201 Salt Works Road.

**RECOMMENDED ACTION:**

For discussion and consideration.

**CITY MANAGER APPROVAL:**

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**Attachments**

Application  
Staff Report  
Ordinance

# 250070



## SPECIFIC USE PERMIT APPLICATION

### APPLICANT INFORMATION

Applicant Name: FLETCHER CRIMBRING

Address:

City:

Phone Number:

### PROPERTY DESCRIPTION

Address (if available): 201 SALT WORKS

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

### PROPOSED USE OF PROPERTY

Describe the proposed use of the property (be specific): INDOOR ATHLETIC

FACILITY WITH PROGRAMS TO INCLUDE:

NINJA YOUTH PROGRAM, GYMNASTICS, PRESCHOOL  
CLASSES, PARENT + TODDLER CLASSES, OTHER  
YOUTH + CHILD MOVEMENT + CONDITIONING  
CLASSES

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



**CITY COUNCIL**  
**AGENDA DATE: March 24, 2025**  
**ITEM XZ-25-02 / STAFF REPORT**

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<b>REQUEST:</b>	A specific use permit to allow a Private Athletic Facility to be placed at 201 Salt Works Road
<b>APPLICANT:</b>	Fletcher Crimbring
<b>EXHIBITS:</b>	Application, Maps and Photos
<b>PREPARED BY:</b>	Susan Davis, Planning Tech

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**PROPERTY INFORMATION**

LOCATION:	201 Salt Works Road
ZONING:	Mixed Residential
OVERLAY ZONES:	None
LAND USE:	Vacant Commercial Structure
ADJACENT ZONING:	Mixed Residential
ACREAGE:	0.4459 acres
PROPERTY DESCRIPTION:	Jacob Snively Survey, A-63, Block 1242B, Tract 6A and 6B; and Lincoln Heights LDH, Block 1, Lot 39

**SUMMARY OF REQUEST**

The applicant, Fletcher Crimbring, applied for a specific use permit to allow a Private Athletic Facility use at 201 Salt Works Road. The focus of the athletic facility is a fitness program to help build strength, agility, and confidence and will include both gymnastic and ninja programs.

**PROPERTY ZONING AND LAND USE**

The property where the private athletic facility use is proposed to be located is zoned Mixed Residential (MR). Adjacent zoning is MR to the north, east, south, and west.





## **PUBLIC NOTICE**

On February 14, 2025, twenty-five notices were mailed to property owners within 200 feet of the location of the specific use permit request. Three (12%) have been returned in favor of the request, zero (0%) have been returned in opposition, and twenty-two (88%) have not responded.

Comments returned include:

- This athletic center would greatly increase the neighborhood security of property value. It would be great to have a police officer in the neighborhood as well.
- Please do!

In addition, the owner of 121 Salt Works spoke during the public hearing held on March 6<sup>th</sup> about safety

## **ZONING AND DEVELOPMENT REQUIREMENTS**

Chapter 39, Article II, Section 39.2.2-13 of the Code of Ordinances for the City of Palestine requires a Specific Use Permit for a Private Athletic Facility use in the MR zoning district.

## **SPECIFIC USE PERMIT LOCATION MAP**



## **STAFF COMMENTS**

The location of the Specific Use Permit application is the corner of Salt Works Road and Future Street. The currently vacant structure was previously a beer distributing facility.



**PLANNING & ZONING RECOMMENDATION**

On March 6, 2025, the Planning & Zoning Commission unanimously voted to approve the Specific Use Permit for a Private Athletic Facility to be placed at 201 Salt Works Road.

**ORDINANCE NO. O- -25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR A PRIVATE ATHLETIC FACILITY USE AT 201 SALT WORKS ROAD, ZONED MIXED RESIDENTIAL, PERTAINING TO THE PROPERTY BEING APPROXIMATELY +/- 0.4459 ACRES KNOWN AS JACOB SNIVELY SURVEY, A-63, BLOCK 1242B, TRACT 6A AND 6B; AND LINCOLN HEIGHTS LDH, BLOCK 1, LOT 39, CITY OF PALESTINE, ANDERSON COUNTY, TEXAS; AND PROVIDING FOR SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE & MEETING.**

**WHEREAS,** a public hearing was held before the Planning and Zoning Commission of the City of Palestine, Texas, on the 6th day of March, 2025, and a public hearing was before the City Council of the City of Palestine, Texas, on the 24th day of March, 2025, at 5:30 p.m., where all interested persons were provided with an opportunity to be heard on a proposed application for a Specific Use Permit for a private athletic facility use at 201 Salt Works Road as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, said hearing being held at City Hall, with all notices being given as required by law; and

**WHEREAS,** the City gave written notice of such hearing to all real property owners within 200 feet of the hereafter described territory as reflected by the last approved tax roll for the City of Palestine, and notice being more than 10 days prior to the date of said hearing by mailing the same, properly addressed to said owners; and

**WHEREAS,** the Planning and Zoning Commission considered all of the testimony, and all persons present were given an opportunity to be heard, and made its final report in writing to the City Council; and

**WHEREAS,** the City Council considered all of the testimony, and all persons were given an opportunity to be heard; and

**WHEREAS,** the City Council is of the opinion that the following Ordinance should be passed and that the same is in the public interest and necessary for the promotion of health, safety, morals, and general welfare of the City.

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

**SECTION 1.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2.** That a Specific Use Permit to allow a private athletic facility use be granted to Fletcher Crimbring for the property known as Jacob Snively Survey, A-63, Block 1242B, Tract 6A and 6B; and Lincoln Heights LDH, Block 1, Lot 39, City of Palestine, Anderson County, Texas, at 2233 West Point Tap Road as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, subject to and governed by the terms of the Ordinance.

- SECTION 3.** To the extent this Ordinance represents any deviation from the City of Palestine Comprehensive Plan (the “Comprehensive Plan”), such plan is hereby amended to conform with this Ordinance.
- SECTION 4.** All other laws, ordinances, or resolutions, or parts of the same, that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
- SECTION 5.** In the event any part of this Ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the Ordinance.
- SECTION 6.** This Ordinance shall be effective immediately upon passage.
- SECTION 7.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**PASSED, APPROVED, AND ADOPTED** this the 24th day of March 2025, by the City Council of the City of Palestine, Texas.

---

MITCHELL JORDAN  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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APRIL JACKSON  
CITY SECRETARY

---

REZZIN PULLUM  
CITY ATTORNEY



Agenda Date: March 24, 2025  
To: City Council  
From: Susan Davis, Planning Technician  
Agenda Item: Specific Use Permit for Wireless Communication Facility  
Date Submitted: 03/19/2025

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**SUMMARY:**

Discussion and consideration of a Specific Use Permit for a wireless communication facility at 2233 West Point Tap Road, Joseph Jordan Survey, A-33, Block 1199, Tract 6A2, which is zoned Retail Commercial. The applicant, Amentum/Brandt Dozier/Steve Kinley, on behalf of New Cingular Wireless PCS LLC/AT&T Mobility, proposes to add a 146' monopole with a height of 150' within a 100' x 100' tall CMU wall painted a color to suit the City of Palestine. AT&T would mount the antenna at 146' on the monopole, which would be connected to base equipment on the ground by fiber and power cables. The ground cabinets would be mounted on an 87" x 180" steel platform on a 9' x 18' concrete pad. A diesel generator would also be mounted on the steel platform. Applicants have also filed a variance concerning the minimum setback from any single-family residential zoned property line, or conforming single-family use of a minimum distance equal to three times the maximum height of the tower has been requested. A hearing will be held before the Zoning Board of Adjustment and Appeals. On February 21, 2025, ten notices were mailed to property owners within 200 feet of the location of the specific use permit request. One (10%) comment has been returned in opposition, and nine property owners (90%) have not responded. On March 6, 2025, the Planning & Zoning Commission unanimously approved the Specific Use Permit for a wireless communication facility. Commissioner Castillo reported a conflict of interest and abstained from the vote.

**RECOMMENDED ACTION:**

For discussion and consideration.

**CITY MANAGER APPROVAL:**

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**Attachments**

Application  
Staff Report  
Ordinance



## SPECIFIC USE PERMIT APPLICATION

### APPLICANT INFORMATION

Applicant Name: Amentum/Brandt Dozier/Steve Kinley on behalf of New Cingular Wireless PCS LLC/AT&T Mobility  
Address: 11335 Glenforest Drive  
City: Montgomery State: Texas Zip: 77356  
Phone Number: [REDACTED]

### PROPERTY DESCRIPTION

Address (if available): 2233 West Point Tap Road, Palestine  
Subdivision: A0033 Jordan, Joseph Lot: 14032 Block:           
Anderson County Appraisal District Block Map # 1199 Tract #: 6A2  
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: The property is zoned RC-Retail Commercial.  
Currently operating on the property is Thompson Discount Movers, a full service moving company.  
performing both local and long-distance moves, including packing and storage.

### PROPOSED USE OF PROPERTY

Describe the proposed use of the property (be specific):           
To continue with the current use and for AT&T to add a 146' monopole with total height of 150' within  
a 100' x 100' - 8' tall CMU wall painted a color suitable to the City of Palestine. AT&T would mount  
antenna at 146' on the monopole and they would be connected to base equipment on the ground  
by fiber and power cables. The ground cabinets would be mounted on an 87" x 180" steel  
platform on a 9' x 18' concrete pad. A diesel generator would also be mounted on the steel  
platform.

Attach additional sheets if necessary including any surveys or drawings that will show the proposed improvements on the property- Please see attached additional items included with the submittal package.



**CITY COUNCIL**  
**AGENDA DATE: March 24, 2025**  
**ITEM XZ-25-03 / STAFF REPORT**

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<b>REQUEST:</b>	A specific use permit to allow a Wireless Communication Facility at 2233 West Point Tap Road, A-33, Joseph Jordan Survey, Block 1199, Tract 6A2
<b>APPLICANT:</b>	Amentum/Brandt Dozier/ Steve Kinley on behalf of New Cingular Wireless PCS LLC/AT&T Mobility
<b>EXHIBITS:</b>	Application, Maps and Photos
<b>PREPARED BY:</b>	Susan Davis, Planning Tech

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**PROPERTY INFORMATION**

LOCATION:	2233 West Point Tap Road
ZONING:	Retail Commercial
OVERLAY ZONES:	None
LAND USE:	Commercial
ADJACENT ZONING:	Manufactured Home Overlay District and Retail Commercial
ACREAGE:	2.8640 acres
PROPERTY DESCRIPTION:	Joseph Jordan Survey, A-33, Block 1199, Tract 6A2

**SUMMARY OF REQUEST**

The applicant, Amentum/Brandt Dozier/ Steve Kinley on behalf of New Cingular Wireless PCS LLC/AT&T Mobility, applied for a specific use permit to allow a Wireless Communication Facility at 2233 West Point Tap Road. The applicant proposes to add a 146' monopole with a height of 150' within a 100' x 100' tall CMU wall painted a color to suit the City of Palestine. AT&T would mount antenna at 146' on the monopole and the antenna would be connected to base equipment on the ground by fiber and power cables. The ground cabinets would be mounted on a 87" x 180" steel platform on a 9' x 18' concrete pad. A diesel generator would also be mounted on the steel platform.

**PROPERTY ZONING AND LAND USE**

The property where the wireless communication facility use is proposed to be located is zoned Retail Commercial (RC). Adjacent zoning is Manufactured Home Overlay District to the north, and Retail Commercial to the east, south, and west.



### **PUBLIC NOTICE**

On February 21, 2025, ten notices were mailed to property owners within 200 feet of the location of the specific use permit request. No comments have been returned in favor or in opposition, and ten property owners (100%) have not responded.

### **ZONING AND DEVELOPMENT REQUIREMENTS**

Chapter 39, Article II, Section 39.2.2-13 of the Code of Ordinances for the City of Palestine requires a Specific Use Permit for a Wireless Communication Facility use in the RC zoning district.

Chapter 39, Article II, Section 39.2.4-50 of the Code of Ordinances provide Supplemental Use Requirements for Wireless Communication Facilities as follows:

- (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 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 nonconforming 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 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.

#### **SPECIFIC USE PERMIT LOCATION MAP**



**STAFF COMMENTS**

A variance concerning the minimum setback from any single-family residential zoned property line or conforming single-family use of minimum distance equal to three times the maximum height of the tower has been requested. A hearing will be held before the Zoning Board of Adjustment and Appeals on March 27, 2025.

**PLANNING & ZONING RECOMMENDATION**

On March 6, 2025, the Planning & Zoning Commission unanimously voted to approve the specific use permit to allow a Wireless Communication Facility at 2233 West Point Tap Road. Commissioner Castillo reported a conflict of interest and abstained from the vote.

**ORDINANCE NO. O- -25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR A WIRELESS COMMUNICATION FACILITY USE AT 2233 WEST POINT TAP ROAD, ZONED RETAIL COMMERCIAL, PERTAINING TO THE PROPERTY BEING APPROXIMATELY +/- 2.8640 ACRES KNOWN AS JOSEPH JORDAN SURVEY, A-33, BLOCK 1199, TRACT 6A2, CITY OF PALESTINE, ANDERSON COUNTY, TEXAS; AND PROVIDING FOR SEVERABILITY, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE & MEETING.**

**WHEREAS,** a public hearing was held before the Planning and Zoning Commission of the City of Palestine, Texas, on the 6th day of March, 2025, and a public hearing was before the City Council of the City of Palestine, Texas, on the 24th day of March, 2025, at 5:30 p.m., where all interested persons were provided with an opportunity to be heard on a proposed application for a Specific Use Permit for a wireless communication facility use at 2233 West Point Tap Road as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, said hearing being held at City Hall, with all notices being given as required by law; and

**WHEREAS,** the City gave written notice of such hearing to all real property owners within 200 feet of the hereafter described territory as reflected by the last approved tax roll for the City of Palestine, and notice being more than 10 days prior to the date of said hearing by mailing the same, properly addressed to said owners; and

**WHEREAS,** the Planning and Zoning Commission considered all of the testimony, and all persons present were given an opportunity to be heard, and made its final report in writing to the City Council; and

**WHEREAS,** the City Council considered all of the testimony, and all persons were given an opportunity to be heard; and

**WHEREAS,** the City Council is of the opinion that the following Ordinance should be passed and that the same is in the public interest and necessary for the promotion of health, safety, morals, and general welfare of the City.

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

**SECTION 1.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2.** That a Specific Use Permit to allow a wireless communication facility use be granted to New Cingular Wireless PCS LLC/AT&T Mobility for the property known as Joseph Jordan Survey, A-33, Block 1199, Tract 6A2, City of Palestine, Anderson County, Texas, at 2233 West Point Tap Road as provided in the Comprehensive Zoning Ordinance of the City of Palestine, Texas, subject to and governed by the terms of the Ordinance.

**SECTION 3.** To the extent this Ordinance represents any deviation from the City of Palestine Comprehensive Plan (the "Comprehensive Plan"), such plan is hereby amended to conform with this Ordinance.

**SECTION 4.** All other laws, ordinances, or resolutions, or parts of the same, that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 5.** In the event any part of this Ordinance is declared to be invalid or unconstitutional, such declaration shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the Ordinance.

**SECTION 6.** This Ordinance shall be effective immediately upon passage.

**SECTION 7.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**PASSED, APPROVED, AND ADOPTED** this the 24th day of March 2025, by the City Council of the City of Palestine, Texas.

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MITCHELL JORDAN  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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APRIL JACKSON  
CITY SECRETARY

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REZZIN PULLUM  
CITY ATTORNEY



Agenda Date: March 24, 2025  
To: City Council  
From: Susan Davis, Planning Technician  
Agenda Item: Ordinance Amending Chapter 39, Zoning Related to Hotels  
Date Submitted: 03/19/2025

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### **SUMMARY:**

Discussion and possible action regarding an ordinance amending Chapter 39, "Zoning" of the Code of Ordinances by amending Section 39.2.2-13, "Land Use Chart" to amend hotel/motel categories; and Division 4, "Supplementary Use Requirements" to add use requirements for hotels; and Section 39.5.3-1, "Use Definitions" to remove the definition for Hotel and to add definitions for Full-Service Hotel and Limited-Service Hotel.

### **Section 39.2.2-13 - Land Use Chart Amendments**

On March 6, 2025, the Planning & Zoning Commission unanimously voted to approve amendments to the Land Use Chart to remove the Hotel/Motel and Hotel, Extended Stay categories; and to add Limited-Service Hotel, Full-Service Hotel, and Motel categories as follows:

- (1) Limited-Service Hotel - Permitted by right in CBD, RC, HC, and I; Specific Use Permit required in PD and HP; Prohibited in RE, SR, UR, MR, MUN, MHP
- (2) Full-Service Hotel - Permitted by right in CBD, RC, HC, and I; Specific Use Permit required in PD and HP; Prohibited in RE, SR, UR, MR, MUN, MHP
- (3) Specific Use Permit required in CBD, RC, HC, I, PD; and Prohibited in RE, SR, UR, MR, MUN, MHP, and HP

### **Division 4, Supplementary Use Requirements Amendments**

On January 2, 2025, the Planning & Zoning Commission unanimously voted to approve the proposed supplementary use requirements to add use requirements for hotels.

### **Section 39.5.3-1, Use Definitions Amendments**

The Planning & Zoning Commission unanimously voted to approve removing the definition of Hotel on August 1, 2024, and to add definitions for Full-Service Hotel and Limited-Service Hotel on January 2, 2025.

### **RECOMMENDED ACTION:**

For discussion and consideration.

### **CITY MANAGER APPROVAL:**

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### **Attachments**

Ordinance  
Exhibit A - Land Use Chart  
Exhibit B -Supplementary Use Requirements

## Exhibit C - Use Definitions

**ORDINANCE NO. O- -25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS, AMENDING CHAPTER 39 “ZONING” OF THE CODE OF ORDINANCES BY AMENDING SECTION 39.2.2-13 “LAND USE CHART” TO AMEND HOTEL/MOTEL CATEGORIES, SECTION 39.2.4 “SUPPLEMENTARY USE REQUIREMENTS” TO ADD A SUPPLEMENTARY USE REQUIREMENT FOR A HOTEL, AND SECTION 5.3-1 “USE DEFINITIONS” TO AMEND THE DEFINITION FOR HOTEL; PROVIDING FOR A REPEALING CLAUSE, A PENALTY CLAUSE, A PUBLICATION CLAUSE, A SEVERABILITY CLAUSE, AND PROVIDING 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,** hotel and motel owners or managers have approached City staff expressing concerns regarding the saturation of basic hotels with lack of amenities such as meeting spaces; and

**WHEREAS,** the Planning and Zoning Commission at their January 2, 2025 meeting considered factors such as lack of meeting space abundance of limited service hotels and prospect of several new motel/hotel with lack of other amenities; and

**WHEREAS,** a public hearing was held before the Planning and Zoning Commission of the City of Palestine, Texas, on the 2nd day of January, 2025, and a public hearing was held before the City Council of the City of Palestine, Texas, on the 13th day of January, 2025, where all interested persons were provided with an opportunity to be heard on a proposed amendment to the City Code of Ordinances, said hearing being held at City Hall, with all notices being given as required by law; and

**WHEREAS,** after the public hearing at the Planning and Zoning Commission meeting and support from current hotel/motel owners/managers, the Commission recommended approval of proposed amendments as attached as Exhibit A, Exhibit B, and Exhibit C, which is attached hereto and incorporated herein; and

**WHEREAS,** the City Council is of the opinion that this Ordinance should be passed and that the same is in the public interest and necessary for the promotion of health, safety, morals, and general welfare of the City.

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

**SECTION 1.** The recitals contained in the preamble to the Ordinance are found to be true and correct and are hereby adopted.

**SECTION 2.** Chapter 39 “Zoning,” Article II “Zoning Districts and Use Regulations,” Section 39.2.2-13 “Land Use Chart” 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.** Chapter 39 “Zoning,” Article II “Zoning Districts and Use Regulations,” Section 39.2.4 “Supplementary Use Requirements” of the Code of Ordinances of the City of Palestine, Texas, shall be amended as set forth in Exhibit “B,” attached hereto and incorporated herein for all purposes.
- SECTION 4.** Chapter 39 “Zoning,” Article V “Definitions,” Section 39.5.3-1. “Use Definitions” of the Code of Ordinances of the City of Palestine, Texas, shall be amended as set forth in Exhibit “C,” attached hereto and incorporated herein for all purposes.
- SECTION 3.** All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.
- SECTION 4.** A person who violates this Ordinance is guilty of a separate offense for each day or part of day the violation is committed continued or permitted. Each offense upon conviction is punishable by a fine not to exceed 2,000.00. Every ordinance imposing any penalty, fine, or forfeiture shall become effective only after having been published once in its entirety, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in a newspaper designated as the official newspaper of the City.
- SECTION 5.** 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 52.013 of the Texas Local Government Code.
- SECTION 6.** If any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction such holdings shall not affect the validity of the remaining portions of this Ordinance and the City Council of the City of Palestine, Texas hereby declares it would have enacted such remaining portions despite such invalidity.
- SECTION 7.** This Ordinance shall be in full force and effect from and after the date of passage and publication as required by law.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Palestine, Texas, this the 24th day of March, 2025.

ATTEST:

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APRIL JACKSON  
CITY SECRETARY

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MITCHELL JORDAN  
MAYOR  
APPROVED AS TO FORM:

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REZZIN PULLUM  
CITY ATTORNEY



**Exhibit A**  
**Sec. 39.2.2-13 - Land Use Chart**

DRAFT

**Exhibit B**  
**Division 4 – Supplementary Use Requirements**

DRAFT

**Exhibit C**  
**Sec. 39.5.3-1 – Use Definitions**

DRAFT

**Sec. 39.2.2-13. Land use chart.**

Use Type	Residential						Nonresidential					Special			
P: Indicates uses allowed by right : Indicates prohibited uses S: Indicates specific use permit required A: Indicates accessory use only	<b>RE</b> Residential Estate District	<b>SR</b> Suburban Residential District	<b>UR</b> Urban Residential District	<b>MR</b> Mixed Residential District	<b>MUN</b> Mixed Use Residential	<b>MHP</b> Manufactured Home Park District	<b>CBD</b> Central Business District	<b>RC</b> Retail Commercial District	<b>HC</b> Highway Commercial District	<b>I</b> Industrial	<b>PD</b> Planned Development District	Future District	<b>HP</b> Historic District	Manufactured Home Overlay District	Future Overlay District
<b>Agricultural Uses</b>															
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														
<del>Winder-Winery</del> , with vineyard	P														
<b>Residential</b>															
Accessory building/structure	P	P	P	P	P	P	P	P	P	P	S		P		
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	S	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 residence, detached	P	P	P	P	P	P	P	P	P		S		P		
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		
<b>Nonresidential Uses</b>															
Acid manufacture										S					
Advertising agency				S	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/pet hotel	P						S	S	P	P	S		S		
Animal shelter or rescue								P	P	P	S				
Antenna and/or antenna support structure, <del>commercial</del> commercial	S	S	S	S	P	S	S	S	S	S	S		S		
Antenna and/or antenna support structure, <del>commercial</del> noncommercial	P	P	P	P	P	P	P	P	P	P	S		P		

Antenna, stealth, <del>commercial</del> <u>commercial</u>	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							P	P	P	P	S		P		
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-hour					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- <del>alcoholic</del> <u>alcoholic</u>					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		
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										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					
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				
Construction yard and field office	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				
County 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		P		
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					
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					
<u>Full-Service Hotel</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>		<u>S</u>		
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					
General retail (indoor)					S	S	P	P	P		S		P		

General retail (indoor): Over 50,000 SF of 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 <del>public</del> public	P	S	S	S				S	P	P	S				
Governmental buildings, facility, office, or services	P	P	P	P	P	P	P	P	P	P	S		P		
Grain processing with hoods, dust and odor control										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		
<del>Hotel/motel</del>							<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>S</del>		<del>P</del>		
<del>Hotel, extended stay</del>							<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>S</del>				
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/invest. 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		
<u>Limited-Service Hotel</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>		<u>S</u>		
Liquefied petroleum gas (LPG) 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		
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		
Medical 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				
<u>Motel</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
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		
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 operation	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 and billiards hall, indoor					S		P	P	P	P	S		S		
Portable building sales								P	P	P					
Poultry processing										P					

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 persons	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, cafe, 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				
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				
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							S	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				
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 planing mill with dust and noise control										P					
Wrecking yards or salvage yard										P					

(Ord. No. O-20-20, § 2(Exh. A), 9-14-2020; Ord. No. O-18-21, § 4(Att. A), 1-25-2021; Ord. No. O-13-24, § 2(Exh. A), 5-28-2024)

## ***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.**

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, section 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) *[Additional requirements.]* 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 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 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.**

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 or fewer waivers are required, if all but one 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 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 well covered by the special use permit for oil or gas drilling or production within two 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 or fewer waivers are required, if all but one 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-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-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-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.**

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, section 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.**

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.**

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 percent of the gross floor area, but no larger than 10,000 square feet, be screened from public view by an eight-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 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 ten 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 ten 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.**

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 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 [chapter] shall expire one 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 [chapter] 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 the ordinance codified in this chapter. If any occupation permit shall expire under the provisions of this ordinance within 90 days from the effective date of the ordinance codified in this chapter, 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. Hotels.**

### **Hotels.**

- (1) Building design.
  - (a) Accessibility. A guest room shall be accessible only from an internal hallway that is accessible from a central lobby area contained within a hotel.
- (2) Site facilities.
  - (a) Number of rooms. All hotels must provide at least 90 rooms. A full-service hotel shall provide at least 120 guest rooms.
  - (b) Meeting rooms. Limited-service hotels must have at least 3,000 square feet and up to a maximum of 7,999 square feet of meeting room space. A full-service hotel must provide at least 8,000 square feet of meeting room space, which may be divisible with modular walls.
  - (c) Amenities. All Full-Service hotels shall offer recreational facilities with a combined area of 1,000 square feet, such as, but not limited to, a swimming pool, exercise rooms, game courts, or spas.
  - (d) Food service. All hotels must provide at least limited food and beverage service. Limited food and beverage service must, at a minimum, include a self-service continental breakfast provided in an on-site dining room suitable for seating at least 30 guests at a time. Full-service hotels shall provide a full-service restaurant with full kitchen cooking and service staff on premises and be open to the general public for breakfast and dinner with seating for at least thirty (30) customers.
- (3) Parking and circulation. All hotels must have an attached, covered drive-through area adjacent to the hotel lobby entrance to accommodate temporary guest parking during check-in and check-out. In addition to the parking required for on-site restaurant and meeting room space, each hotel must provide at least one parking space per guest room.

- (4) Grandfather Clause. Any hotel property that was constructed prior to the date these requirements were established, shall be exempt from the standards therein. Additionally, if the structure should be rebuilt, it may be rebuilt to the standards by which it was originally constructed.

**Sec. 39.2.4-~~289~~. 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-~~2930~~. 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. 39.2.4-301. 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. 39.2.4-312. Manufactured home/mobile home community.**

- (1) The minimum size of any manufactured home community shall be five 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 percent 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

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personnel. Minimum numeral size will be six inches in height. The sign board must be at least ten inches by ten inches in size.

#### **Sec. 39.2.4-3~~23~~24. 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, section 39.2.3-4 and division 4, section 39.4.3-2(6) shall also be complied with.

#### **Sec. 39.2.4-3~~34~~34. 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 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 [chapter] 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 \$2,000.00, 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 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 horizontal feet to one 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. 39.2.4-345. 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.

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- (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. 39.2.4-3~~56~~. Outdoor storage and display.**

- (1) Any land use listed in chapter 39, article II, division 2, section 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 [chapter].
- (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 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 ten-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-~~367~~. 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 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-~~378~~. 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-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-~~389~~. 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 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 time on a parcel in the City of Palestine, except no more than two 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 time on a parcel in the MHP zoning district.

**Sec. 39.2.4-~~3940~~. 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.



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**Sec. 39.2.4-401. 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. 39.2.4-412. 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 meter in diameter in a residential zoning district or two meters in diameter in a nonresidential 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. 39.2.4-423. 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.

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**Sec. 39.2.4-434. 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 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. 39.2.4-445. 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 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 least 500 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. 39.2.4-456. Tiny house.**

All tiny houses must comply with all applicable building codes adopted by the city and any requirements for accessory buildings.

**Sec. 39.2.4-467. 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.

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- (2) Dimensional requirements.
    - (a) Maximum density: 26 units/acre.
    - (b) Minimum lot area: 10,000 square feet.
    - (c) Minimum lot width: 100 feet.
    - (d) Minimum living area: 500 square feet.
    - (e) Minimum yard setback - all buildings and structures excluding fences shall be setback a minimum distance of 25 feet 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-way except for entrance/exit from the site by a minimum six feet solid fence, masonry wall, or evergreen hedge.

#### **Sec. 39.2.4-478. 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 4, section 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 ten 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-~~489~~. 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-~~495~~0. 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-~~501~~. 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 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 nonconforming 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 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.

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### Sec. 39.5.3-1. Use definitions.

*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.

*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.

*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 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.

Also 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 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 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 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;

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- (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, leather-craft, 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.

*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 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.

*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 calendar days.

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*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 bedrooms available for overnight guests. A bed and breakfast inn may provide for guest stays up to 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.

*Bus terminal:* Any premises for the transient parking or storage of motor-driven buses and the loading and unloading of passengers.

*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.

*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.



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*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 premises 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.

*Child care—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.

*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.

*Child care—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.

*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.

*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 [chapter], Bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

*Civic/convention center:* A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

*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

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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 6,000 square feet of floor area, including, but not limited to, dry cleaning plants having no more than 1,500 square feet of floor area for dry cleaning equipment.

*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.

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*Dwelling, two-family/duplex:* A detached building, designed for or occupied by two families living independently of each other.

*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.

*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, art work, 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, art work, 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.

*Full-Service 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 services, and telephone are provided. The property must also provide a minimum of 100 guest rooms and offer a minimum of

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8,000 square feet of meeting space. Additional amenities to which must be provided include a full-service restaurant that is open to the public, and a combined total of at least 1,000 square feet, which may include a swimming pool, fitness facilities, game courts, or spas. Financial consideration for hotel room units is generally calculated on a nightly basis.

*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

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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 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.

~~*Limited-Service 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. The property must also provide a minimum of 3,000 square feet and a maximum of 7,999 square feet of meeting space. Financial consideration for hotel room units is generally calculated on a nightly basis.~~

*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

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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 massage. 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 massage. 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 15 calendar days or greater per year. Mobile food vendors who operate for 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.

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*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

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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 30 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 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.



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*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 V.T.C.A., Alcoholic Beverage Code, chapter 32 or 33, as amended, that derives 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 V.T.C.A., Alcoholic Beverage Code, title 6, local option elections, 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 V.T.C.A., Alcoholic Beverage Code, chapter 32 or 33. 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 V.T.C.A., Alcoholic Beverage Code, chapter 32 or 33, as amended, is presumed to derive 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):* 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 (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.

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*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 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 Aging and Disability Services (DADS), a facility which provides residence and care to ten 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 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,

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or customers of the primary use. Incidental shall mean an area that constitutes not more than 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 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 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 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.

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*Single-family residence, attached:* A building having separate accommodations for, and occupied by not more than, two 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 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 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.

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*Tiny house:* A dwelling that is 400 square feet (37 square meters) 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 to eight 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.

(Ord. No. O-20-20, § 2(Exh. A), 9-14-2020; Ord. No. O-18-21, § 4(Att. A), 1-25-2021; Ord. No. O-13-24, § 4(Exh. C), 5-28-2024)